



Rose Grogan practises environmental and planning law, public law (with a focus on health and social care) and construction law and energy law. In 2014, Rose was named as “highly recommended” in Legal Week’s Stars at the Bar profile of the most promising junior barristers under 10 years call and is currently ranked 6th in Planning Magazine’s top juniors under 35.

PRACTICE AREAS

- Planning, Environment & Property
- Construction
- Public and Administrative Law

SECTORS

- Energy

PRACTICE AREAS

PLANNING, ENVIRONMENT & PROPERTY

Rose is ranked 6th in Planning Magazine’s top rated juniors under 35 (2015).

Rose’s experience in planning, environment and property law includes:

- All aspects of the planning process for local planning authorities and developers. Rose appeared for the rule 6 party in the Redhill Aerodrome Inquiry which gave rise to the Court of Appeal decision on the meaning of “any other harm” in the green belt test. She has particular experience of noise issues, including cases concerning night clubs and music festivals.

- Rose recently acted for the University of Sussex in a successful appeal against the refusal of permission for its Masterplan (led by James Strachan QC) which raised issues of heritage, landscape and student housing. Rose has particular experience in advising and acting for university clients in planning issues and in 2013 appeared in *R (on the application of Save Britain's Heritage and the Victorian Society) v Sheffield City Council* [2013] EWCH 2456.
- Planning Enforcement including inquiries and criminal proceedings.
- Planning Appeals to the High Court and Judicial Review.
- Criminal prosecutions under the Environmental Protection Act 1990, including acting as junior counsel in multi-party criminal proceedings.
- Public and Private Nuisance Claims.
- Village Green Inquiries.

CONSTRUCTION

Commercial and Construction Law

Rose is currently instructed as a junior by the Ministry of Defence two arbitrations, instructed by the Ministry of Defence, concerning two multi-million pound construction projects. The cases concern payment issues, defective workmanship and delay and disruption claims.

Rose's experience in commercial and construction law includes:

- Construction Law, adjudication and professional negligence of construction professionals. She is familiar with the standard form contracts, with particular experience in FIDIC contracts. Rose also represents clients from the construction industry in planning and environmental disputes. In 2015 she successfully resisted an application for summary judgment in respect of an adjudication award.
- In 2014, Rose spent 6 months working with a leading international law firm in Singapore, assisting on oil & gas, energy and infrastructure dispute and arbitrations. She was later instructed as counsel in a multi-million dollar arbitration relating to a hydropower project in South East Asia.
- Intellectual Property issues as they arise in the construction industry.
- PFI disputes
- Energy disputes including wind farms, geothermal energy, oil and gas, mining, hydropower and nuclear.
- International and domestic arbitration. Rose is currently a junior in a multi-million pound construction arbitration, instructed by the Ministry of Defence. Recent cases include two applications under the Arbitration Act 1996, *Secretary of State for Defence v Turner Estate Solutions Ltd* [2015] EWCH 1150 (TCC) (under s.45) and *Secretary of State for Defence v Turner Estate Solutions Ltd* [2014] EWHC 244 (TCC) (under s.68).

Rose has worked with electronic case databases (in lieu of paper bundles) when instructed on high value litigation with substantial documentation. She is happy to accept instructions on litigation conducted in this manner.

PUBLIC AND ADMINISTRATIVE LAW

Rose is interested in all areas of public law and has taught public law at Queen Mary University. In 2013 she spent

a month on attachment to the Attorney General's Chambers in Singapore where she assisted with judicial review claims and other public law matters as well as delivering a 3 day Public Law Masterclass to civil servants and lawyers within the Singapore Government. In 2015, Rose was seconded to Buckinghamshire Law Plus, assisting with adult social care, mental health and court of protection matters.

- Rose has gained experience in the following areas
- Commercial Public Law and Procurement;
- Commissioning, including advising NHS bodies on commissioning policy;
- Disputes under NHS Contracts;
- Human Rights: Rose has acted for NHS England in two cases concerning the duty to investigate under article 2 ECHR in the case of self-inflicted deaths of informal patients and those in mental health detention (R. (on the application of Antoniou) v Central and North West London NHS Foundation Trust [2013] EWHC 3055 (Admin) and R (on the application of Brennan) v South London and Maudsley NHS Trust and others, where the substantive judicial review is to be heard in the Court of Appeal in 2016).
- Community Care including ordinary residence disputes, funding issues (direct payments, deferred payments) and judicial review claims. In 2015 Rose appeared (led by Fenella Morris QC) in the case of R. (on the application of Whapples) v Birmingham CrossCity Clinical Commissioning Group [2015] EWCA Civ 435 which concerned the interpretation and application of s.3 NHS Act 2006 and the meaning of "other accommodation".
- Court of Protection, including property and affairs, health and welfare and DoLS issues. In 2014 Rose appeared in Sandwell and West Birmingham Hospitals NHS Trust v CD [2014] EWCOP 23 where the Court gave guidance on urgent medical treatment applications.
- Regulatory and disciplinary law, including advising regulators and representing registrants before fitness to practice panels. Rose has a particular interest in fertility law and regulation and was involved in the high profile case of Warren v Care Fertility (Northampton) Ltd [2014] EWHC 602. Since then she has been instructed by individuals and fertility clinics on issues of the storage and use of gametes, parenthood and 8 ECHR.

SECTORS

ENERGY

Rose has a broad range of experience in Energy Law, complemented by her expertise in the fields of Construction, Planning & Environmental and Public/Regulatory law. Her experience in Energy Law includes:

- Natural resources including hydropower and geothermal energy. Rose has experience of international disputes as well as litigation and arbitration in the United Kingdom. She is currently involved in two multi-million dollar disputes arising out of renewable energy projects in South East Asia (hydropower and geothermal energy).
- Oil & Gas. In addition to her experience in Singapore, Rose has advised a number of clients on the legal issues arising out of natural gas fracking in the UK.

- Nuclear Energy. Rose is currently instructed as a junior on a construction project at a nuclear site raising issues of nuclear design and health and safety. As a pupil (with Richard Wald) Rose assisted with *R (Rory Walker) v Secretary of State for Climate Change*, a judicial review claim concerning the Secretary of State's regulatory justification of nuclear reactors.

CASES

Secretary of State for Defence v Turner Estate Solutions Ltd [2015] EWHC 1150 (TCC)

R (on the application of Whapples) v Birmingham CrossCity Clinical Commissioning Group [2015] EWCA Civ 435

Sandwell and West Birmingham Hospitals NHS Trust v CD [2014] EWCOP 23

Warren v Care Fertility (Northampton) Ltd [2014] EWHC 602

Secretary of State for Defence v Turner Estate Solutions Ltd [2014] EWHC 244 (TCC)

R (Antoniou) v Central & North West London NHS Foundation Trust and Others [2013] EWHC 2055 (Admin)

R (on the application of SAVE Britain's Heritage and the Victorian Society) v Sheffield City Council and the University of Sheffield [2013] EWHC 2456

QUALIFICATIONS

2009/2010 BVC, Outstanding, City University

2008/2009 LLM Comparative Law, McGill University

2005-2008 BA, First Class, Oxford University, Lincoln College

Scholarships & Prizes

2010 Hubert Greenland Scholarship, Lincolns Inn

2009 Buchanan Prize, Lincolns Inn

2009 Cassel Scholarship and Hardwicke Entrance Award, Lincolns Inn

2008 Provost's Fellowship, McGill University

2008 College Prize, Lincoln College

ADDITIONAL INFORMATION

2009-2010 Teaching Associate, Public Law, Queen Mary University

Free Representation Unit, Social Security Representative

Before coming to the Bar, Rose led a team of students who advised the bench of the Special Court for Sierra Leone on matters of international humanitarian law and criminal law. She is now a member of the Bar Council Working Group for Sierra Leone

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