

# Landmark Chambers

## Barrister CV

Hannah Gibbs



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# Hannah Gibbs

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## Expertise

Planning, Public and Administrative



## Practice Summary

Hannah specialises in public law, planning and environmental law, local government law and human rights. Her broad experience in public law makes her a strong choice for any judicial review or statutory challenge.

Hannah has acted as sole or junior counsel in litigation in the High Court, Court of Appeal, Supreme Court, County Court and various tribunals, including the First-tier Tribunal (Special Educational Needs and Disability).

She regularly acts for clients in planning appeal hearings and inquiries, some of which have concerned major residential, regeneration and infrastructure projects. Her recent inquiries (as junior counsel) include the Howbury Park Strategic Rail Freight Interchange, the Whitechapel Estate, and the Sainsbury's Foodstore in Whitechapel.

Hannah's public law practice has a particular emphasis on medical law and law of the NHS. She is currently instructed as junior counsel to David Lock KC to represent a large group of core participants in the upcoming Infected Blood Inquiry into the contaminated blood scandal of the 1970s and 80s.

She is the author and editor, along with David Lock KC, of ***NHS Law and Practice***, published by Legal Action Group. It is the first comprehensive guide to the structures and frameworks of the NHS and has been described by Sir James Munby as "*truly a ground-breaking book*" which "*no one who needs to understand NHS law could afford to be without*".

NHS Law and Practice explains the legal relationships between NHS commissioners and primary care, community and acute providers of NHS services, as well as explaining the structure of NHS regulation. It provides a detailed guide to enforcing patients' legal rights around NHS continuing healthcare, patient choice and personal budgets.

Hannah also teaches medical law to undergraduates at the London School of Economics, dealing with various legal and ethical matters such as medical malpractice, health resource allocation, mental capacity, mental health, informed consent, organ donation, abortion, assisted dying, fertility treatment and genome editing.

## Planning

Hannah practises in all areas of planning and environmental law. She advises and acts for developers, individuals, local authorities, local residents' groups, NGOs and other interested parties. She has substantial experience in High Court proceedings, informal appeal hearings, inquiries and magistrates' court enforcement proceedings. Her broad public law and local government practice gives her a strong foundation in all aspects of judicial review. As such, Hannah is well placed to deal with planning judicial reviews and statutory challenges (including section 288 challenges) as sole counsel or led.

She also is able to advise clients about their public law and statutory duties in matters such as: conduct of meetings, conflicts of interest, the public sector equality duty and equality impact assessments, advertisement and notification requirements, and consultation.

Hannah brings a solid commercial and practical perspective to every case, having spent time working for a planning consultancy prior to entering the Bar.

Hannah's **planning appeal work** includes acting on inquiries for some major residential, regeneration and infrastructure projects. Notable examples are:

- Howbury Park Strategic Rail Freight Interchange (2018): recently appeared with Tim Mould KC for Dartford Borough Council in five week inquiry (Rupert Warren KC representing the Appellant and Dan Kolinsky KC representing the Mayor of London). Key issues included air quality, transport impacts and application of the "very special circumstances" Green Belt test. Hannah welcomes infrastructure instructions.
- Sainsbury's Superstore, Cambridge Heath Road (2018): recently appeared with Reuben Taylor KC for the London Borough of Tower Hamlets in three week inquiry concerning major retail-led mixed use development in Whitechapel. Key issues included heritage, viability, design, tall buildings policy, amenity and technical daylight/sunlight matters.
- The Whitechapel Estate (2017): appeared with Reuben Taylor KC for the London Borough of Tower Hamlets at a 10-day inquiry concerning a major mixed-use development at the Whitechapel Estate in Tower Hamlets, a strategically important site in the borough. Key issues included heritage, tall buildings policy, design quality, amenity and technical daylight/sunlight matters.
- Oak Farm, Chepstow (2018): successfully obtained permission following an informal appeal hearing for the siting of a temporary mobile home for a period of three years for use as a rural worker's dwelling to serve the appellant's proposed calf-rearing business.
- 86 Victoria Road, Crouch Hill (2017): represented Stroud Green Residents' Group at a planning appeal by the developer against the refusal of the London Borough of Haringey to grant permission for nine residential units on a backland site. The appeal was dismissed. Raised issues such as privacy and amenity, character and appearance, harm to conservation area and other heritage assets.

Hannah's planning court work includes:

- ***Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC*** [2018] EWCA Civ 489: Hannah was instructed as junior to Nathalie Lieven KC (Blackstone Chambers) to represent North Yorkshire County Council in both the High Court and Court of Appeal proceedings. Important case on the meaning of "openness" of the Green Belt in the NPPF.
- ***East Bergholt Parish Council v Babergh District Council*** [2018] EWHC 340: recently appeared with Sasha Blackmore for East Bergholt Parish Council in planning judicial review concerning the five year housing land supply and the implications of

the *St Modwen* Court of Appeal judgment.

- ***Selby District Council v SSCLG* [2017]**: successfully acted for Selby District Council in section 288 challenge to a Planning Inspector's decision concerning five-year housing land supply.
- ***Riniker v Haringey LBC and Tottenham Hotspur* [2017]**: resisted permission with Nathalie Lieven KC (Blackstone Chambers) in relation to judicial review of grant of planning permission for mixed use development by Tottenham Hotspur football club.
- Planning enforcement: criminal proceedings in the Crown Court and magistrates' court, POCA matters and civil planning enforcement order proceedings in the magistrates' court.

Hannah's advisory and other work includes:

- Local plan preparation: Acting as part of a team with Paul Brown KC and Robert Walton KC advising a major local authority at each stage of their emerging local plan, including on key HRA issues.
- Preparation of officer's reports: Hannah regularly advises local authorities on the preparation of their planning officer's reports.
- Advising clients on a broad and comprehensive range of planning matters, recent examples include:
  - minerals permissions and reviews of minerals permissions (ROMPs)
  - material change of use
  - use classes
  - lawful development certificates
  - flat amalgamations
  - student housing
  - affordable housing
  - viability
  - section 73 variation of condition applications
  - powers to enter land under the Planning Act 2008 in connection with nationally significant infrastructure projects
  - the powers under section 203 of the Housing and Planning Act to override easements
  - contractual claims arising from conditional purchase agreements
  - traveller planning policy (the PPTS).
  - Working on the disclosure exercise for the Department for Communities and Local Government for the *Grenfell Tower Inquiry*, operating "Recommind Axcelerate" software.

## Public and Administrative

Public law forms a core part of Hannah's practice and she welcomes instructions in all areas.

She regularly appears in the High Court in judicial review cases as sole counsel and led and is happy to act for claimants, defendants and interested parties.

Hannah acts for clients in a broad range of public law matters, including healthcare and the NHS, community care, education, public services ombudsmen, local government, immigration and asylum, unlawful detention and social security.

She accepts instructions in all areas but please click on the links to see Hannah's particular expertise in the following sectors: health and social care, regulatory and ombudsmen, education, local government and immigration.

## Education

Hannah has a particular interest in education law and has undertaken a substantial amount of pro bono work in this area. She is happy to accept appropriate instructions to act pro bono. She has advised and acted for both parents and local authorities in the SENDIST and on education law matters more broadly.

Examples include:

- Representing a local authority at an *EHC Plan appeal* in the SENDIST.
- Advising schools on their *duties under the Education Act 1996*.
- As pupil to Galina Ward, she assisted in cases concerning *academy conversion* and *school admissions*.
- *School exclusions including disability discrimination*: prior to coming to the Bar, Hannah regularly provided oral and written representation pro bono to parents whose children had been permanently excluded from school as part of the award-winning "School Exclusion Project", coordinated by Matrix Chambers and City Law School. Hannah successfully represented parents at Governing Body, Independent Review Panel and SENDIST level. These cases raised public and discrimination law issues. She has also advised schools on their duties when excluding pupils.

## Immigration

Hannah represents clients in immigration and asylum cases in the FTT and Upper Tribunal and advises on immigration-related matters.

She is regularly instructed in immigration-related judicial review applications.

She also acts for clients in unlawful detention claims.

Hannah has experience acting for clients in appeals under the Immigration and Asylum Act 1999 against penalties for carrying clandestine entrants.

## Local Government including Local Government Finance

Hannah is able to advise local authority clients about their duties in matters such as: consultation, conduct of meetings, conflicts of interest, the public sector equality duty and equality impact assessments, advertisement and notification requirements.

Recent work includes:

- Advising a local authority as to the meaning of section 249 of the Local Governments Act 1972 and whether the title of honorary alderman can be bestowed posthumously.
- Advising on the scope of section 111 of the Local Government Act 1972.
- As a pupil, research for Dan Kolinsky KC on the power to close a park to the public under section 145 of the Local Government Act 1972.

## ADR

In 2017 Hannah completed an intensive course in international arbitration at the Peace Palace in The Hague. This training was coordinated by the Permanent Court of Arbitration, Leiden University and the Grotius Centre.

She welcomes instructions in arbitration matters, international or domestic.

Hannah has a foundational knowledge of public international law, having represented the UK as part of an Inner Temple team at the international final of the Telders Public International Law Moot in The Hague.

## Qualifications

- Durham University (University College), BA French and History (First Class) (2013)
- Institut d'Etudes Politiques de Paris (Sciences Po), Bilingual Exchange Programme Diploma (cum laude) (2012)
- City University, GDL (2014)
- City University, BPTC (Outstanding) (2015)

Hannah is a proficient French speaker and is currently working towards a qualification in legal French from King's College London. She also has basic Spanish.