



Flora Curtis

Call: 2019

Practice areas:

Planning, Environment, Public Law, Local Government, Licensing, Highways, Commons and Open Spaces, Rating, Local Government, Major Infrastructure Projects



Practice Profile

Flora is ranked as one of the top planning barristers under the age of 35. She acts for a wide range of clients including NGOs, central and local government, developers and landowners, and local residents. She regularly appears in court, inquiries and hearings, both in her own right and as junior counsel. She also has a busy advisory practice.

Flora welcomes instructions across all of Chambers' practice areas. She has particular experience in cases involving complex environmental matters, and has been involved in high profile climate change litigation.

In appropriate cases, Flora is happy to work on a pro-bono basis.

Flora's main areas of experience include:

- Environmental law;
- Planning;
- Public and human rights law;
- EU law;
- Local government;
- Licensing;
- Rights of way and highways;
- Village greens and commons; and
- Infrastructure.

Flora is a member of the editorial board for FTB's Environmental Law Blog, for which she writes frequently.

In appropriate cases, Flora is happy to work on a pro-bono basis.

Planning

Flora has a busy planning practice. She acts for a range of clients including local government, landowners, developers, and local authorities.

Flora has experience appearing at and assisting during planning inquiries:

- Acting as sole counsel representing a Rule 6 party seeking to prevent the development of agricultural land to provide a 49.9MW Solar Photovoltaic Farm;
- Acting as junior counsel to Morag Ellis QC in an appeal brought by a developer against the refusal of planning permission for the provision of a health centre and 233 housing units within a flood zone;
- Assisting Alexander Greaves and Gregory Jones KC at a four-week inquiry relating to a called-in planning application for the development of a metallurgical coal mine in West Cumbria.

Recent judicial review experience includes:

- Acting as junior counsel to Richard Honey KC at the representing the Secretary of State for Levelling Up, Housing and Communities in an application for permission to challenge to an EIA screening decision related to the use of Wethersfield Airfield as temporary asylum seeker accommodation;
- Acting as junior counsel to Gregory Jones KC responding to judicial review proceedings relating to a supplementary planning document prepared by a local authority;
- Acting as junior counsel to George Mackenzie in judicial review proceedings related to the designation of a conservation area.

Flora is also experienced in planning enforcement, and has acted for both residents and local authorities in enforcement proceedings. Recent experience includes:

- Representing LB Barnet to successfully defend an appeal brought against a notice issued under s.215 of the Town and Country Planning Act 1990.
- Acting for a homeowner in criminal proceedings brought for non-compliance with a planning enforcement notice.

Flora is frequently asked to advise on a variety of planning matters, including:

- Judicial review and statutory challenges;
- Renewable energy development;
- Local plan policies related to climate change and energy efficiency;
- Challenges to officers' reports;
- Objections to planning applications;
- The content of development plan documents and supplementary planning documents;
- Pre-adoption challenges to draft local plans;
- The scope of permitted development rights;
- Spatial development strategies prepared under the Greater London Authority Act 1999;
- Lawful development certificates;
- The interpretation of planning conditions;
- Marine planning and the Marine and Coastal Access Act 2009;
- The meaning of "previously developed land" in the Green Belt;
- The lawfulness of planning obligations requiring car-free development;
- The meaning of "development" under s.55 of the Town and Country Planning Act 1990;

- The interpretation of national policy statements and the Planning Act 2008.
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Environment

Flora has developed a particular expertise in environmental law, acting both for NGOs, local interest groups, and central Government. Many of her cases have involved novel and complex environmental issues. Flora also frequently advises on both domestic and international environmental law.

Until recently Flora was on secondment to the Office for Environmental protection, where she gained experience across the range of the OEP's work, including complaints and investigations into serious breaches of environmental law, the monitoring of environmental law and progress, and interventions in judicial and statutory review proceedings.

Flora is experienced in environmental litigation and judicial review. Recent experience includes:

- Acting as junior counsel to Richard Honey KC and Ned Westaway responding to a challenge brought against the Prime Minister, the Secretary of State for Business, Energy and Industrial Strategy, and the Chancellor of the Exchequer by Plan B Earth and four individual claimants. The claim raised questions concerning the Government's overall compliance with the Climate Change Act 2008, the Paris Agreement, and Articles 2, 8 and 14 of the European Convention on Human Rights (*R (Plan B Earth) v Prime Minister* [2021] EWHC 3469 (Admin)).
- Acting as junior counsel to Richard Honey KC and Ned Westaway responding to three challenges to the Net Zero Strategy, published by the Secretary of State for Business, Energy and Industrial Strategy. The case was the first to interpret ss.13-14 of the Climate Change Act (*R (Friends of the Earth Ltd) v Secretary of State for Business, Energy and Industrial Strategy* [2022] EWHC 1841 (Admin)).
- Acting as junior counsel to Richard Honey KC and Ned Westaway in judicial review proceedings challenging the Secretary of State for Business, Energy and Industrial Strategy's compliance with Articles 2 and 8, and Article 1 of the First Protocol to the European Convention on Human Rights.

Recent advisory work includes:

- Licensing decisions under the Wildlife and Countryside Act 1981;
- Reforms to the Government's National Policy Statements for Energy;
- The Marine and Coastal Access Act 2009 and the UN Convention on the Law of the Sea;
- Environmental impact assessment and cumulative environmental impacts;
- EIA screening and scoping decisions;
- Strategic environmental assessment and the definition of "plans" and "programmes";
- Proposals for reform to the EIA and SEA processes;
- Proposals for reform to domestic law on the protection of habitats and species;
- The Conservation of Habitats and Species Regulations and the HRA process;
- Marine conservation and the Marine and Coastal Access Act 2009;
- The UK's international obligations related to the protection of habitats and species;
- International climate change agreements.

Public Law

Flora has gained experience in a wide range of public and human rights law matters. She has acted in both the High Court and the County Court in public law claims brought by or against individuals, local government, and central government.

Flora was recently instructed by the Secretary of State for Justice to respond to an application for permission to apply for judicial review brought by a prisoner who alleged that the Secretary of State's decision to depart from Parole Board recommendations was unreasonable.

Alongside the judicial review experience listed above, Flora's recent work in this area has included the following matters:

- Unlawful detention claims in the immigration context;
- Judicial and statutory review claims;
- Appeals against Magistrates' Courts' decisions to the High Court;
- Human rights;
- The scope of Articles 2, 6, 8 and 14 of the ECHR;
- Article 1 of the First Protocol to the ECHR;
- Sections 3 and 4 of the Human Rights Act 1998;
- Victim status for the purposes of the Human Rights Act 1998 and the ECHR;
- Statutory interpretation;
- Crown indivisibility;
- The Interpretation Act 1978;
- Statutory drafting.

Local Government

Flora is frequently asked to advise on local government law and act for and against local authorities. Recent experience includes:

- Planning decisions and local plans;
 - Tree preservation orders;
 - Conservation areas;
 - Traffic regulation orders;
 - Education law;
 - Bias, conflicts of interest, and allegations of corruption;
 - Local elections.
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Licensing

Flora has acted for and advised a variety of clients in licensing matters including licensees, licensing authorities and the police. She has particular experience in alcohol licensing, taxi licensing, reviews and summary reviews of premises licences, and licensing appeals.

Flora's recent experience includes:

- Acting as a legal adviser to a local authority during a premises licence application hearing;
 - Representing the Metropolitan Police at two summary review hearings made under s.53A of the Licensing Act 2003;
 - Advising a London Borough Council in relation to two licensing appeals;
 - Advising a local resident on an appeal against the grant of a premises licence to a grocery delivery company;
 - Acting for Bridgend Borough Council to successfully obtain the dismissal of appeal against the revocation of a hackney carriage licence and a private hire vehicle driver's licence;
 - Acting for the Metropolitan Police in summary review proceedings brought against an off licence following a stabbing at the premises;
 - Acting for the Metropolitan Police in review proceedings brought against a nightclub following repeated incidents of GBH and sexual assault at the premises;
 - Advising the Metropolitan Police on an objection to a premises licence in circumstance where the proposed DPS was associated with fraud and money laundering.
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Highways, Commons and Open Spaces

Flora has experience in a wide range of matters relating to highways law and public rights of way. She has advised on matters relating to the Highways Act 1980, the Countryside Rights of Way Act 2000, and the promotion of long-distance National Trails.

Rating

Flora has gained experience in a range of rating and council tax matters, including in relation to the following matters:

- The definition of "hereditaments";
- The service of invalidity notices;
- The rateable value of properties.

She has acted for both individuals and local authorities in non-domestic rating and council tax proceedings, including:

- Successfully obtaining four council tax liability orders that had been contested by a "Common Law Society", which claimed that its members were not required to pay council tax;
- Applications to set-aside liability orders.

Local Government

Major Infrastructure Projects

Qualifications

- City, University of London, Bar Professional Training Course (Very Competent) (2019)
 - City, University of London, Graduate Diploma in Law (Distinction) (2018)
 - St Catharine's College, University of Cambridge, MPhil in Early Modern History (Distinction) (2017)
 - University of Edinburgh, MA in History (First) (2016)
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Scholarships and Awards

- EFTA Court Scholarship (Lincoln's Inn) (2019)
 - Thomas More Scholarship (Lincoln's Inn) (2018)
 - Lady Katherine Barnardiston Scholarship (St Catharine's College) (2018)
 - College Award (St Catharine's College) (2018)
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Previous Experience

Before coming to the Bar, Flora spent four months as a trainee in the cabinet of Judge Bernd Hammermann at the Court of Justice of the European Free Trade Association (EFTA). She gained experience in the application of EEA law in a wide range of fields.

Flora spent three months volunteering as a research assistant to Professor Meg Russell, Director of the UCL Constitution Unit, conducting research into Brexit, parliament, and parliamentary sovereignty.

Flora volunteered with the School Exclusion Project for two years, during which time she represented the parents of permanently excluded schoolchildren at school disciplinary hearings and local authority review panels. She volunteered as a caseworker with Advocate, and continues to volunteer with Advocate as a barrister.

Memberships

- UKELA
- ALBA
- PEBA
- HRLA

Quotes

One of the top-rated planning barristers under the age of 35
Planning magazine, Planning Law Survey 2022