



Gabriel Nelson

Call: 2023

Practice areas:

Planning, Environment, Highways, Commons and Open Spaces, Rating, Licensing, Public Law



Practice Profile

Gabriel is building a busy practice across all of Chambers' practice areas, including public, planning and environmental law. He has appeared (successfully) as sole counsel at a planning inquiry and will appear as sole counsel in the High Court in October.

Gabriel has experience acting for local communities and public bodies, as well as advising a range of clients including local government, public bodies, local residents and NGOs.

He welcomes instructions across all of Chambers' practice areas and has a particular interest in environmental law, having both studied and worked in the area prior to joining Chambers. Gabriel is happy to work on a pro-bono basis.

Planning

Gabriel's practice covers all areas of planning law, including judicial and statutory reviews, as well as planning appeals.

Some of Gabriel's recent planning work includes:

- Successfully represented a Rule 6 Party at a three-day enforcement inquiry.
- Representing a Claimant in a judicial review concerning permitted development rights and electronic communications apparatus. The hearing is to be heard in October.
- Advising on permitted development rights and temporary installations.
- Advising on permitted developments rights, conditions and prior approval applications for electronic communications apparatus
- Advising on the prospects of a judicial review involving the meaning of "development," legitimate

expectations and biodiversity net gain.

- Drafting an advice on the powers of appropriation available to local authorities.
- Drafting an advice on the severability of planning conditions from a permission.
- Drafting an advice on outline planning permissions and reserved matter approvals.
- Drafting a skeleton argument and assisting in the preparation for the hearing of a case concerning flood risk and the sequential test.
- Drafting a skeleton argument and assisting in the preparation of a hearing concerning para 85 NPPF (significant weight to be applied to economic benefits).
- Drafting a skeleton argument and assisting in the preparation of hearing concerning a challenge to a local authority's mineral and waste plan.

Gabriel also has experience of the development consent order process, following completion of pupillage under the supervision of Hugh Flanagan and Isabella Tafur. In particular:

- The statutory review of Sizewell C Nuclear Power Station in the Court of Appeal.
 - The statutory review of East Anglia One and Two in the Court of Appeal.
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Environment

Gabriel has assisted in several areas of environmental law, including:

- A statutory review of a gas-fired power station with carbon capture storage.
- Nutrient neutrality in depleted special areas of conservation.
- Sewage storm overflows.
- Agricultural pollution of water bodies.
- Local authority waste plans.
- Habitats regulation assessment and environmental impact assessment.

Gabriel has a broad knowledge of environmental law from his studies and would like to continue to develop his practice in this area. He built on his knowledge while working as a paralegal at Leigh Day in their international department and recently co-wrote a chapter with Gregory Jones KC in the upcoming book "The Aarhus Convention: Coming of Age?"

Highways, Commons and Open Spaces

Gabriel has a keen interest in the law relating to highways, commons and open spaces, having covered the area in depth as part of his pupillage under the supervision of Ned Westaway. Gabriel has assisted in:

- Drafting an advice on the powers of improvement of highways available to local authorities under the Highways Act 1980.
- Drafting an advice on highways, tortious liability, the building regulations and lawful development certificates.
- Drafting an advice on tortious liability, sewage overflows and highways.
- A judicial review challenge to a local authority's definitive map modification order under Sch 15, para 12 of the Wildlife and Countryside Act 1981.

- A judicial review challenge concerning the interpretation of “neighbourhood” in the deregistration of Town and Village Greens under s.16 Commons Act 2006.
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Rating

Gabriel already has experience of rating matters, including recently drafting a skeleton argument and preparing the evidence for a council tax liability appeal.

Further, during pupillage under the supervision of Hugh Flanagan, Gabriel covered several areas of rating law, including:

- Drafting an advice concerning The Valuation for Rating (Plant and Machinery) (England) Regulations 2000.
 - The scope of the public religious worship exemption for rating.
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Licensing

Gabriel has a busy licensing practice and is frequently instructed to represent parties at review hearings for a range of premises, including nightclubs, bars and off-licenses.

Public Law

In addition to statutory and judicial reviews concerning planning and environmental matters, Gabriel also has experience of broader public law cases. This includes:

- The challenge to the Government’s decision to ban XL Bully dogs.
 - A judicial review of the Government’s Cycling and Walking Strategy.
 - A challenge concerning the Government’s policy on the insulation of homes.
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Qualifications

- BPTC – Bar Course (very competent).
 - University College London (LLM) – Environmental Law and Policy (Distinction).
 - Durham University (LLB) – Law (First Class Honours).
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Scholarships and Awards

- Reader's Scholarship awarded by the Honourable Society of Middle Temple.
 - The McFarlane's Award for Trusts and Equity.
 - The Lord Hughes of Ombersley Prize.
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Memberships

- UKELA
 - ALBA
 - PEBA
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Relevant experience

Prior to being called to the Bar, Gabriel worked as a paralegal on large, environmental law group claims, including those related to the diesel emissions scandal. He has experience of the full breadth of the litigation process and is therefore comfortable advising on procedural matters.