

## CONSTANZE BELL

Year of call: 2013

Clerked by: Gary Smith Mark Ronson

AREAS OF EXPERTISE:

Administrative & Public Law Licensing Local Government  
Planning & Environment



## Administrative & Public Law

Constanze was appointed to the Attorney General's Regional Panel (Junior Counsel to the Crown, C Panel) in April 2018 and to the Panel of Special Advocates for Health & Safety and Environmental Law (C Panel) in March 2019. As Panel Counsel, Constanze is regularly instructed to appear in the administrative court in immigration and prison law judicial reviews. Constanze's broader public law practice includes advising local authorities on consultation, fairness and legitimate expectation (often in the context of advising on preparing and submitting local development plans for examination).

Constanze is the Assistant Editor of *Patterson and Karim on Judicial Review* and is also a member of the Kings Chambers author team who contribute to and produce the quarterly Bulletin for the Encyclopaedia of Local Government Law.

In 2019 Constanze completed a secondment with the IOPC (Independent Office for Police Conduct), the statutory body overseeing the police complaints system in England and Wales. She advised on a wide variety of public law matters and was the lawyer assigned to several high-profile investigations. She is security cleared to 'SC' level. Constanze appears in the administrative court defending challenges to decisions made under the Police Reform Act 2002.

Before coming to the bar Constanze worked in the NGO sector. She was part of the legal team for 'Control Arms', a coalition of NGOs working to secure a human-rights orientated Arms Trade Treaty and attended the July 2012 Arms Trade Treaty Diplomatic Conference and negotiations at the UN in New York. Constanze retains an active interest in human rights law and, in particular, in planning, regulatory and environmental cases involving human rights issues.

### Significant Reported Cases

*R (Preston) v Cumbria County Council [2019] EWHC 1362*

Appearing for the Claimant (junior to John Hunter) in a successful judicial review claim. The High Court held that the Council's decision to grant planning permission was unlawful because: there had not been a "screening opinion" for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the "EIA Regs"); and, there had not been an "appropriate assessment" for the purposes of the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations").

*R (LOGS) v Liverpool CC & Redrow Homes Ltd [2019] EWHC 55 (Admin)*

Appearing for Liverpool City Council (junior to Paul Tucker QC) in a challenge brought by a local action group concerning the interpretation of Liverpool's 'green wedge' policies.

*Sykes v Cheshire West and Chester BC [2018] EWHC 3655 (Admin)*

Appearing for Chester Borough Council in a case concerning the legal principles of consultation and the adequacy of consultation in a planning context.

*R (Save Britain's Heritage) v Liverpool City Council and another [2016] EWCA*

Successfully resisted an application for an urgent injunction brought by Save Britain's Heritage in the Court of Appeal to prevent deconstruction of the Futurist Cinema in Liverpool.

*R (Save Britain's Heritage) v Liverpool City Council and another [2016] EWCA Civ 806*

Instructed (as a junior to Anthony Crean QC) on behalf of a Local Authority in an important heritage case. The question before the Court of Appeal was whether paragraph 18a-036 of the Planning Practice Guidance required a local authority to consult the Department for Culture, Media and Sport separately on development proposals for Lime Street, Liverpool which was within the buffer zone of a World Heritage Site. The appeal was

dismissed and permission to appeal to the Supreme Court was refused.

## Profile

Constanze has a varied public law, planning and environmental law practice. She is 'up and coming' in the field of planning law (Chambers & Partners 2020) and a 'leading junior' in regulatory and licensing law (Legal 500 2020). Constanze is one of the 'Highest Rated Planning Juniors under 35' (2020 & 2019 Planning Resource Planning Law survey).

During the Covid-19 Pandemic Lockdown Constanze has been involved with efforts to trial videoconferencing technology (Zoom and MS Teams) to hold committee meetings and conduct public inquiries. She writes for the Kings Chambers' 'Law in the Time of Corona' website (<https://lawinthetimeofcorona.wordpress.com/about/>), edited by Gordon Exall, set up to provide practical assistance to the legal and business community during the pandemic.

Constanze was appointed to the Attorney General's Regional Panel in April 2018 and to the Panel of Special Advocates for Health & Safety and Environmental Law in March 2019.

Constanze is the Assistant Editor of the third edition of *Patterson and Karim on Judicial Review*. She is also a member of the Kings Chambers author team who write for and produce the quarterly bulletin for the Encyclopaedia of Local Government Law.

Constanze is a committee member of the Women in Planning network's Yorkshire branch and was recognised as a 'Woman of Influence' in *The Planner* magazine's 2019 survey.

Before coming to the bar Constanze worked in the NGO sector. She was part of the legal team for 'Control Arms', a coalition of NGOs working to secure a human-rights orientated Arms Trade Treaty and attended the July 2012 Arms Trade Treaty Diplomatic Conference and negotiations at the UN in New York. Constanze retains an active interest in human rights law and, in particular, in planning, regulatory and environmental cases involving human rights issues.

**Year of Call:** 2013

## Areas of Expertise

Administrative & Public Law

Licensing

Local Government

Planning & Environment

## Significant Reported Cases

### ***Regina v Roderick Bloor [2020] EWCA Crim 402, 2020 WL 01290364***

Acted for Doncaster Metropolitan Borough Council and successfully resisted an appeal against sentence in the Court of Appeal. The appeal concerned the amount of a fine imposed for failing to comply with an enforcement notice. The Court of Appeal held that the fine was not wrong in principle or manifestly excessive and dismissed the appeal.

### ***R (Preston) v Cumbria County Council [2019] EWHC 1362***

Appeared for the Claimant (junior to John Hunter) in a successful judicial review claim. The High Court held that the Council's decision to grant planning permission was unlawful because: there had not been a "screening opinion" for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the "EIA Regs"); and, there had not been an "appropriate assessment" for the purposes of the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations").

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## **Memberships**

PEBA (Planning & Environmental Bar Association)

ELF (Environmental Law Foundation)

Women in Planning

## **Appointments**

Panel of Special Advocates for Health & Safety and Environmental Law, C Panel (March 2019-)

Attorney General's Regional Panel, Junior Counsel to the Crown, C Panel (April 2018- )

## **Qualifications**

Bar Professional Training Course, Kaplan London, Very Competent

Graduate Diploma in Law, City University, London, Commendation

History & Philosophy of Science BSc (hons), UCL, First Class. First class in all three years, final year dissertation graded first class.

## **Recommendations -**

### **Chambers UK, 2021**

"Extremely thorough and clear in her advice. She is very good at explaining what are sometimes difficult legal matters to clients." "She is a very capable barrister who is flexible in her approach and very clear and decisive on points of strategy."

### **Legal 500, 2021**

"She is highly intelligent and capable, with the ability to convey the most complicated of legal issues in the simplest manner. She is very approachable and personable, which makes instructing her a real pleasure - she has a real team-mentality of approach which recognises everyone's contribution. She is able to lead and give direction to other team members in an authoritative, assertive manner."

### **Legal 500, 2020**

"Relates well to clients and has excellent advocacy skills."

### **Chambers UK, 2020**

"Always thoroughly well prepared, which provides real authority to her advice."

"She has a knack of establishing a great rapport with the tribunal she's in front of."

## **Awards**

2020: Awarded a Pegasus Scholarship by the Pegasus Trust

2019: Recognised as a "Woman of Influence" by *The Planner Magazine*

2018: Awarded an International Professional & Legal Development Grant by the Bar Council to present a paper at a paper at the 10<sup>th</sup> International Conference on Sustainable Development & Planning at the University of Siena, Italy

Middle Temple Harmsworth Scholarship (major award) for BPTC & GDL

UCLU Centenary Colours and UCLU Debating Society Honorary Life Membership.

## **Publications**

Lowrison Bell, C. Practice and Procedure. In: Karim QC, S. and Lowrison Bell, C. eds. *Patterson & Karim on Judicial Review*. Third Edition, London:

Jordan Publishing.

'Local Authorities' Investigative Powers in Trading Standards', (November 2019) *Encyclopaedia of Local Government Law Bulletin*, Sweet & Maxwell

'Civil Restraint Orders in Law and Practice', (August 2019) *Encyclopaedia of Local Government Law Bulletin*, Sweet & Maxwell

'R. (oao Hollow) v Surrey CC [2019] EWHC 618 (Admin): Case Comment', (March 2019) *Encyclopaedia of Local Government Law Bulletin*, Sweet & Maxwell

Legal Landscape, 'Communities & Decision Making', (May 2019), *The Planner* magazine, (republished by *The Consultation Institute* in their digital newsletter, June 2019)

Bell, C., Sustainable Development in English Planning Policy: A Lawyer's Perspective, *WIT Transactions on Ecology and the Environment*, Volume 217, WIT Press, 2018, ISSN 1743-3541

(presented as a paper at the 10<sup>th</sup> International Conference on Sustainable Development & Planning at the University of Siena, Italy)

'Case Comment: R. (on the application of Mason) v Winchester Crown Court & CC of Hampshire [2018] EWHC 1182 (Admin), (August 2018) *Encyclopaedia of Local Government Law Bulletin*, Sweet & Maxwell

'It's not fair! Is it?', (April 2018) *Encyclopaedia of Local Government Law Bulletin*, Sweet & Maxwell

