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Esther Drabkin-Reiter

Call: 2017

Practice areas:

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



Practice Profile

Esther has a busy practice across all of Chambers' areas of specialism. She joined Chambers in October 2019, having successfully completed pupillage under the supervision of Suzanne Ornsby KC, John Jolliffe and Ned Westaway. She is a member of the Attorney General's Junior Junior scheme and a Commissioning Editor of FTB's Environmental Law Blog.

Esther read Jurisprudence at Merton College, Oxford, and has a master's degree in EU Law from the European University Institute, Florence. Prior to coming to the Bar she spent a year as Judicial Assistant to Lord Justice Lloyd Jones (as he then was) at the Court of Appeal, working on cases involving issues of public and EU law.

Esther's main areas of interest include:

- planning and environment;
- public law and human rights;
- retained EU law;
- local government;
- information law, including freedom of information and data protection;
- compulsory purchase and compensation;
- rating and valuation;
- infrastructure;
- rights of way and highways;
- licensing; and
- anti-social behaviour law.

Recent and current work includes:

Acting for CPRE Kent (led by Ned Westaway) in the Supreme Court in a case concerning the principle of whether multiple awards of costs in statutory and judicial review cases should be awarded where a claim is refused permission to proceed on the papers (reported at [2021] 1 WLR 4168).

Acting for Newcastle City Council (led by Isabella Tafur) in a 6 day planning inquiry into an appeal against a refusal of planning permission for a Burger King drive-through and takeaway and a mixed use residential and commercial scheme. Esther conducted examination-in-chief and cross-examination of the planning witnesses and presented closing submissions on behalf of the LPA.

Acting for local residents in a 7 day planning inquiry into a decision by the London Borough of Camden to refuse planning permission for the conversion of the Former Hampstead Police Station into a school. The refusal was upheld on appeal on grounds of noise, air quality and heritage.

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

Planning

Esther regularly advises and represents local planning authorities, residents, developers and

planning authorities on all aspects of planning law and in all forums. She has considerable experience as an inquiry advocate, both in her own right and as a junior, including lengthy, high-profile, called-in and recovered appeals. She has also advised and represented objectors and local planning authorities in judicial review claims challenging a grant of planning permission.

Esther is currently seconded to the Department for Levelling Up, Housing and Communities to provide advice on the implementation of the Government's Planning for the future white paper. She is also a contributor to Butterworths' Planning Service, responsible for Division C "Obtaining planning permission".

Esther was previously seconded to the Legal Department at the London Borough of Tower Hamlets, where she advised on a broad range of legal issues involving planning, regeneration and local government law, as well as gaining a close insight into the workings of a local planning authority.

Compulsory Purchase and Compensation

Esther has advised clients and assisted members on various issues to do with compulsory acquisition, including powers of compulsory purchase and the compensation code. She is keen to broaden her experience.

Major Infrastructure Projects

Esther has attended and assisted on a number of infrastructure inquiries, including inquiries into development consent orders for new rail and road links as well as orders under the Transport and Works Act. She provided initial advice to the Claimant in *Pearce v SSBEIS* [2021] EWHC 326 (Admin), the first challenge under s.118 of the Planning Act 2008 that was successful after oral argument.

Esther is currently seconded to the Department for Transport, where she undertakes advisory work for the Roads Team on matters including the public sector equality duty, special development orders, the legislative framework for non-road mobile machinery and delegation and contracting out of functions.

Environment

Esther is regularly instructed to advise on environmental law issues, both in planning cases and more broadly. Recent issues on which she has advised include:

- private and statutory nuisance;
- SEA and EIA Directives and Regulations;
- Aarhus Convention claim, in particular the costs capping regime; and
- Habitats Directive and Regulations.

- Esther's in-depth knowledge of EU law gained during her LL.M. at the European University Institute is a particular asset in this field, and has enabled her swiftly to develop a strong grasp of the legal framework governing retained EU law post-Brexit.

During pupillage, Esther assisted in the production of the 4th Edition of McCracken, Jones and Pereira on Statutory Nuisance.

Public Law

Esther has a keen interest in public law, and regularly advises clients on a range of public law issues, including:

- adequacy of consultation;
- procedural fairness;
- duty to give reasons;
- legitimate expectations;
- public sector equality duty;
- freedom of information and data protection;
- Human Rights Act 1998.

Under the Attorney General's Junior Junior scheme, Esther has drafted Summary Grounds of Defence on behalf of the Secretary of State for the Home Department in immigration matters.

Highways, Commons and Open Spaces

Esther is developing a busy rights of way and highways practice, and has recently been instructed in a number of cases in both England and Wales relating to Traffic Regulation Orders and the duty to maintain the highway. She has also assisted on a two-day inquiry into a proposed modification to the Definitive Map and Statement.

Local Government

Rating

Police and Anti-Social Behaviour

Esther frequently appears before the magistrates' courts in relation to applications under the Anti-Social Behaviour, Crime and Policing Act 2014 and the Sexual Offences Act 2003, including closure orders, sexual risk orders and sexual harm prevention orders. She has also represented

the Metropolitan Police at licensing committee hearings.

Qualifications

- City Law School, Bar Professional Training Course (Outstanding) (2015-2016)
 - European University Institute, LLM in Comparative, European and International Laws (2014-2015)
 - Merton College, University of Oxford, MA in Jurisprudence with European Legal Studies (German Law) (2.i) (2008-2012)
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Professional Memberships

- UKELA
 - ALBA
 - Bar European Group
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Scholarships and Awards

Bar Awards & Scholarships

- Buchanan Prize (Lincoln's Inn) (2016)
- Lord Denning Scholarship (Lincoln's Inn) (2015-2016)
- Hardwicke Award (Lincoln's Inn) (2014)

University Scholarships & Prizes

- Academic Scholarship (Merton College) (2009-2012)
 - Norton Rose Prize (Merton College) (2009)
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Previous Experience

Before coming to the Bar, Esther spent two years working as a Research Assistant at the Law Commission on a project to reform electoral laws across the UK. She was subsequently Judicial Assistant to Lord Justice Lloyd Jones in the Court of Appeal. Most recently, Esther spent a year as Planning Caseworker at Southwark Law Centre, advising and assisting local residents and businesses on how to engage with planning applications for major developments, the local plan process and other planning-relating matters.

Esther has undertaken pro bono work on immigration and social security claims for Oxford Legal Assistance and the Free Representation Unit, and worked as an Advice and Information Volunteer at Liberty advising on a broad range of human rights issues.

Publications

[Does the SRA Treat Sexual Misconduct Cases Seriously?](#) (with Jeremy Phillips KC). Solicitors Journal, April 2020

Languages

Esther is fluent in German.

Privacy Notice

Quotes

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

"Esther is sharp, informed, and very able. She is a genuine team player who is open, honest, and generous with her time."
The Legal 500, 2023
