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## Mark O'Brien O'Reilly

Call: 2021

Practice areas:

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



## Practice Profile

Mark was called to the Bar in 2021 and completed pupillage under the supervision of Richard Honey KC, Melissa Murphy KC and Hereward Phillpot KC. He is a graduate of University College Dublin and the University of Cambridge.

Mark's recent experience includes acting as junior counsel to Douglas Edwards KC in a judicial review concerning the scope and power of a local planning authority to impose conditions under the Wheatcroft and Newbury principles. He also represented a local planning authority as junior to Meyric Lewis at a seven day inquiry defending their refusal of planning permission for 289 residential units.

Mark assisted at several planning inquiries throughout his pupillage, including an inquiry concerning inappropriate development (a gypsy/traveller site) in the Green Belt and within an Area of Outstanding Natural Beauty and an inquiry considering the merits of a large residential development in a semi-rural location. He also assisted at a section 247 stopping up and diversion order inquiry.

Mark acted as sole counsel in the High Court on behalf of the Defendant resisting an application for an interim injunction to restrain a breach of planning control. He was instructed as junior counsel to Morag Ellis KC for the hearing of the substantive application. Mark has also acted as sole counsel in the High Court on behalf of National Highways Limited and successfully obtained a possession order against trespassers. Mark also has extensive experience of appearing as sole counsel before the Magistrates' Court and the Crown Court. He is instructed as sole counsel in a forthcoming Definitive Map Modification Order inquiry.

Mark is a member of the Attorney General's 'Junior' Junior Scheme and has been regularly instructed to advise several government departments. He also assisted with defending several judicial reviews concerning the government's policies on climate change, including a complex and high profile three day judicial review before the Divisional Court concerning the Paris Agreement.

During his pupillage, Mark was awarded the Reid Scholarship by Gray's Inn, a Senior Scholarship for Pupillage, which is the Inn's most prestigious scholarship and awarded to a pupil barrister of exceptional merit.

Mark welcomes instructions across all of Chambers' practice areas, with a particular interest in planning, public and environmental law as well as compulsory purchase and compensation matters.

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## Planning

Junior counsel to Douglas Edwards KC in a judicial review concerning the scope and power of a local planning authority to impose conditions under the Wheatcroft and Newbury principles (*R (Suliman) v Bournemouth, Christchurch and Poole Council* [2022] EWHC 1196 (Admin))

Junior counsel for a local planning authority at an appeal against their refusal of planning permission for 289 residential units where the tilted balance was engaged by virtue of a five year housing land supply shortfall. Issues at the inquiry concerned proposed housing tenures and mix and whether or not the proposal achieved high quality design.

Mark assisted at a section 247 stopping up and diversion order inquiry which raised several issues, including parking, highway safety and impact upon heritage assets.

Mark also assisted at a planning inquiry dealing with inappropriate development (a gypsy/traveller site) in the Green Belt and within an Area of Outstanding Natural Beauty. The inquiry was concerned with an appeal against a refusal of planning permission and also with an appeal against an enforcement notice.

Mark has assisted at a planning inquiry considering the merits of a large residential development in a semi-rural location. The inquiry considered the impact upon character and appearance, the impact upon a Grade II\* listed building, highway safety and biodiversity.

Mark assisted with a two day judicial review challenging the decision of the Minister of State for Housing to grant planning permission for the UK Holocaust Memorial and Learning Centre next to the Houses of Parliament.

Mark has written draft Advices on a number of issues, including enforcement notices, appeals

against enforcement notices, immunity from enforcement action, changes of use, prior approval and permitted development rights, the precautionary principle and the scope of amendments under section 73 of the Town and Country Planning Act 1990. He also assisted with preparations for defending a judicial review challenging a Special Development Order.

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## Environment

Mark has gained extensive experience of environmental law and is a frequent contributor to FTB's Environmental Law Blog.

Mark assisted with defending a judicial review brought by Plan B Earth and four claimants challenging the lawfulness of the government's action on climate change as breaching sections 13 and 58 of the Climate Change Act 2008 and section 6 of the Human Rights Act 1998 by way of the ECHR (Articles 2, 8, and 14). The Court was also required to address the status of the Paris Agreement as an unincorporated international treaty.

Mark assisted with defending a complex and high profile three day judicial review before the Divisional Court in which Friends of the Earth challenged the decision of UK Export Finance, along with the prior approval of the Secretary of State for International Trade and the Chancellor of the Exchequer, to provide up to US\$1.15bn in export finance and support for a US\$20bn liquified natural gas field in Northern Mozambique. The judicial review was primarily concerned with the Paris Agreement.

Mark assisted with preparations for defending several judicial review challenges brought by NGOs to the government's Net Zero Strategy.

Mark has also gained experience of dealing with the SEA and EIA Directives and Regulations and the Aarhus Convention.

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## Public Law

Junior counsel in a judicial review concerning whether, on the facts of the case, a legitimate expectation had arisen (*R (Suliman) v Bournemouth, Christchurch and Poole Council* [2022] EWHC 1196 (Admin)).

Mark has gained experience across a wide range of public law areas and has assisted with judicial reviews raising both substantive and procedural public law issues, including the public sector equality duty and the doctrine of legitimate expectation. Mark is a member of the Attorney General's 'Junior' Junior Scheme and is happy to accept instructions through the scheme.

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## Compulsory Purchase and Compensation

Mark has assisted with a wide range of compulsory purchase and compensation matters. During

the course of his pupillage, he has attended several conferences dealing with compulsory purchase and compensation cases. He has gained experience of a number of complex issues, including transfer of trade, compensation for disturbance, the compulsory acquisition of open space, potential exchange land sites and the applicability of *Bishopgate*.

Mark assisted with a mediation in respect of a multi-million claim for compensation.

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## Highways, Commons and Open Spaces

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## Local Government

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## Major Infrastructure Projects

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## Community Infrastructure Levy

Mark assisted with a two day judicial review concerning social housing relief under the Community Infrastructure Levy Regulations 2010 and the consequences of a failure to submit a commencement notice.

Mark also assisted with a Court of Appeal hearing concerning the self-build housing exemption under the Regulations.

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## Public Order, Police and Anti-social Behaviour Law

Mark advises police authorities on numerous civil orders and regularly appears before the Magistrates' Court. He has experience of successfully obtaining closure orders, stalking prevention orders and orders under the Sexual Offences Act 2003 including sexual harm prevention orders for the Metropolitan Police. He has particular experience of dealing with high profile and sensitive situations on behalf of the police.

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## Other Work

Mark assisted with a claim for compensation pursuant to the powers conferred upon the Environment Agency by the Water Resources Act 1991. The claim was subject to Early Neutral Evaluation.

Mark successfully obtained a possession order against trespassers on behalf of National Highways Limited. The case concerned a protest against the upgrading of a major trunk road.

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## Education

- BCL Law with History 2019, University College Dublin, First Class Honours
  - LLM (Master of Law), University of Cambridge, October 2020 – June 2021, First Class Honours. Papers included International Environmental Law
  - Bar Professional Training Course, September 2019 – August 2020, BPP University Law School, Outstanding
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## Awards and Accomplishments

- Awarded the Reid Scholarship by Gray's Inn, a Senior Scholarship for Pupillage which is the Inn's most prestigious scholarship and awarded to a pupil barrister of exceptional merit
  - Elected by the Governing Body of Queen's College, Cambridge to a Foundation Scholarship
  - Awarded a full scholarship plus maintenance (the Snowdon Cambridge Scholarship 2020) by the Cambridge Trust to undertake an LLM (Master of Law) at the University of Cambridge
  - The Baroness Hale of Richmond BPTC Scholarship 2019, awarded by The Honourable Society of Gray's Inn, is the Inn's newest and most prestigious scholarship. It is awarded to candidates of exceptional merit
  - The BPTC Advocacy Scholarship 2019 is awarded by BPP University Law School to those who demonstrate an outstanding aptitude for advocacy
  - The Career Commitment Scholarship 2019 is awarded by BPP University Law School to those who are considered to be the most promising future legal professionals
  - The Jomati Foundation Bursary 2019, awarded by the Jomati Foundation, assists students of high academic ability with the costs of qualifying as a barrister
  - The Hebe Plunkett Award 2019, awarded by The Honourable Society of Gray's Inn
  - Irish Law Student of the Year 2019 awarded at the Irish National Law Awards in recognition of academic, professional and personal achievements
  - The Gold Medal for Mooting 2017 which is awarded by the University College Dublin Law Society to the student most successful in mooting in the previous academic year
  - Certificate in Work Related Learning (Commercial Law in the City of London) 2017 awarded by the University College Dublin Career Development Centre
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## Mooting, Debating and Other Advocacy Experience

### Mooting

- Winner of the 2021 Cambridge University Human Rights Law Moot
- Winner of the 2018 Irish National Moot Court Competition which was judged by a Supreme Court and High Court judge

- Winner of the 2017 Silken Thomas National Moot Court and the 2016 Vivian Lavan Moot Court Competition, which were judged by a District and Circuit Court Judge respectively
- Best Advocate of the 2017 Cecil Lavery Moot Court
- Runner-up of the 2016 University College Dublin Pro-Am Moot Court
- Semi-finalist of the 2017 National Moot Court Competition, the 2016 University College Cork Moot Court Open and the 2017 Cecil Lavery Moot Court
- Attended a Stetson Law School advocacy training course on the art of mastering cross examination in July 2017
- Invited to judge several moot competitions at the University of New South Wales

#### Debating and public speaking

- Addressed the launch of the University College Dublin Sutherland Opportunity in December 2019, a new scholarship opportunity providing financial support to enable students from under-represented groups to pursue a career in law
- Winner of the 2016 National De Valera Cup for Debating
- Finalist of the 2015 University College Dublin Intervarsity Novice Debating Competition
- Semi-finalist of the 2016 Irish Times National Debating Competition
- Semi-finalist of the 2015 James Joyce Maidens' Debating Competition
- Represented the University College Dublin Law Society as a judge at the European Universities Debating Championships in August 2016
- Participated in various international debating competitions
- Spoke in several house debates at university
- Captain of the St Patrick's Classical School debating team
- Chosen to act as valedictorian at school graduation ceremony due to public speaking ability and academic achievements

#### Negotiation

- Winner of the European Law Students' Association Maynooth International Negotiation Competition in March 2019. As part of team of two, defeated a team from Georgetown University, Washington D.C. in the final
- Finalist of the University College Dublin Student Legal Service McCann FitzGerald Commercial Negotiation Competition in November 2017, having previously been a semi-finalist in November 2016

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#### Publications

- [Legal Professional Privilege: Reporting AML suspicions is “not black and white”](#)
- [The Case for the Recognition of the Right to a Healthy Environment at the International Level](#), FTB Environmental Law Blog
- M O'Brien O'Reilly, 'Divorce and the Constitution: An Unhappy Union?', University College Dublin Student Legal Service Journal: Challenging the Status Quo: Student Perspectives on Law Reform (2019)
- M O'Brien O'Reilly, 'The Election, and Constitutional Role, of the President of Ireland', University College Dublin Student Legal Service Journal: 80 Years of Bunreacht na hÉireann (2018)
- M O'Brien O'Reilly, 'The Rule of Law in the EU and the Polish question', University College

Dublin Student Legal Service Journal: Legal Effects of the European Union (2017)

- M O'Brien O'Reilly, 'Challenging a Referendum', University College Dublin Student Legal Service Journal: Public Interest Law in Ireland (2016)
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## Memberships

- Constitutional & Administrative Law Bar Association (ALBA)
  - UK Environmental Law Association (UKELA)
  - London Irish Lawyers Association
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## Other Relevant Work Experience

- Occasional Lecturer at Maynooth University, September 2021
- Executive Assistant to the Director of Summer at UCD, University College Dublin Estates Services (summer 2019)
- Mark spent time working as a vacation scheme student at leading law firms including Freshfields Bruckhaus Deringer, Mason Hayes & Curran LLP and Herbert Smith Freehills where he worked on large-scale, long-term infrastructure and energy projects

## Privacy Notice

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