

# Landmark Chambers

## Barrister CV

Isabella Buono



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# Isabella Buono

Call: 2017

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Isabella specialises in planning, environmental and public law. Before joining Landmark, she spent nearly two years as the Judicial Assistant to the President of the Supreme Court, Lord Reed of Allermuir.



## Expertise

Planning, Environment, Public and Administrative

## Contact Practice Managers

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## Practice Summary

Isabella specialises in planning, environmental and public law.

She acts for a wide range of public and private sector clients, including housebuilders, land promoters, central government, local authorities and residents' groups.

Isabella is ranked in Planning Resource Magazine's annual survey of top-rated juniors under 35 and top-rated juniors overall.

Her recent planning, environmental and compulsory purchase work includes:

- **High Road West, Tottenham:** Isabella acted (unled) for objectors to the High Road West CPO in Tottenham
- **B&Q, Cricklewood:** Isabella acted for the developer at the call-in inquiry for the B&Q site, Cricklewood (1,049 homes in buildings up to 18 storeys), led by Sasha White KC.
- **R (Llandaff North Residents' Association) v Cardiff Council and others** [2023] EWHC 1731 (Admin): Isabella acted (unled) for a community group challenging the grant of planning permission for a new sewage pumping station on EIA grounds

- ***Mead and Redrow v Secretary of State for Levelling Up, Housing and Communities*** [2024] EWHC 279 (Admin): Isabella acted for Redrow Homes (led by Zack Simons) and Mead Realisations (led by Charles Banner KC) in two linked claims concerning the flood risk sequential test
- ***R (University Hospitals of Leicester NHS Trust) v Harborough District Council***: Isabella acted for Leicestershire County Council in the leading case on section 106 contributions for NHS services, led by Zack Simons.

Isabella's public law work includes:

- ***R (Law Society of England and Wales) v Lord Chancellor*** [2024] EWHC 155 (Admin): Isabella acted for the Lord Chancellor in the Law Society's challenge to the Government's response to the Independent Review of Criminal Legal Aid, led by Sir James Eadie KC, Catherine Dobson and Adam Boukraa
- ***An NHS Trust v ST***: Isabella is acting for the respondent Trust (led by Vikram Sachdeva KC and Catherine Dobson) in an appeal concerning the statutory test for capacity, which is due to be heard by the Court of Appeal in May 2024.

Before joining Landmark, Isabella spent nearly two years as the Judicial Assistant to the President of the UK Supreme Court, Lord Reed of Allermuir. At the Supreme Court, Isabella gained experience of a wide range of issues across her main areas of practice, including in:

- ***Heathrow Airport Ltd v Friends of the Earth*** [2020] UKSC 52 (on the Government's approach to international climate change commitments when designating the Airports National Policy Statement)
- ***R (Begum) v Secretary of State for the Home Department*** [2021] UKSC 7 (on the rights of an individual deprived of British citizenship after traveling to Syria and aligning with ISIS)
- ***R (SC) v Secretary of State for Work and Pensions*** [2021] UKSC 26 (on the compatibility of the two-child benefit cap with articles 8 and 14 of the European Convention on Human Rights).

Alongside her practice, Isabella teaches EU Law at St Edmund's College, Cambridge. She has taught EU Law at Cambridge since 2017 and was elected as a Bye-Fellow of St Edmund's in 2021.

## Planning

Isabella has a broad planning practice, covering a full range of court, inquiry and advisory work. She is included in Planning Magazine's list of top-rated junior planning barristers under-35 (top 10) and its list of top-rated juniors overall.

She has experience of promoting and objecting to complex schemes in sensitive locations, including London tall buildings and residential development in the Green Belt.

Isabella's inquiry experience includes:

- **Greenfield**: Isabella has acted for developers and land promoters in many greenfield planning appeals, including Land off Spruce Close, Exeter (93 homes), Land off Swanstree Avenue, Sittingbourne (135 homes), Drynham Lane, Trowbridge (91 homes), Bishops Lane, Ringmer (68 homes), Kingsnorth Green, Ashford (550 homes) and Long Shoot, Nuneaton (500

homes), led by Zack Simons

- **Green Belt:** Isabella has experience of promoting residential development in the Green Belt at inquiry, including Maitland Lodge, Billeracy (47 homes), Little Bushey Lane, Bushey (310 homes) and Barnet Lane, Elstree (74 homes), led by Zack Simons
- **London tall buildings:** Isabella acted for the developer at the call-in inquiry for the B&Q site, Cricklewood (1,049 homes in buildings up to 18 storeys), led by Sasha White KC. She acted for Hounslow LBC at the call-in inquiry for the Citroen site, Brentford (441 homes in buildings up to 18 storeys), led by Ed Grant
- **Compulsory purchase:** Isabella recently acted (unled) for objectors to the High Road West CPO in Tottenham. She acted for the promoters of the CPO for The Green, Southall, led by Zack Simons
- **Infrastructure:** Isabella acted (unled) for the owner of an industrial site in Derbyshire, resisting the grant of a necessary wayleave at a two-day hearing
- **Commercial:** Isabella acted for a landowner seeking permission for a B2/B8 warehousing scheme (in excess of 40,000 sqm) in Kettering, Northamptonshire, led by Zack Simons.
- Isabella also acted for successful appellants in the BioPark, Welwyn Garden City (289 homes), Rustington Golf Course, Angmering (linked appeals for 191 and 167 homes), and 51-53 Bow Road, London (an 100% affordable scheme) inquiries, led by Zack Simons. She acted (unled) for the developer of a 144-unit scheme at Tapton Business Park, Chesterfield.

Isabella has appeared as a junior and as sole counsel in High Court planning challenges, including:

- **Section 106 contributions for NHS trusts:** Isabella acted for Leicestershire County Council in the first and leading case on section 106 contributions sought by NHS trusts for the provision of NHS services (*R (University Hospitals of Leicester NHS Trust) v Harborough District Council* [2023] EWHC 263 (Admin)), led by Zack Simons.
- **Flood risk:** Isabella acted for Redrow Homes (led by Zack Simons) and Mead Realisations (led by Charles Banner KC) in a claim concerning the proper approach to the flood risk sequential test (*Mead and Redrow v Secretary of State for Levelling Up, Housing and Communities* [2024] EWHC 279 (Admin)). She also acted for the developer in a case concerning the treatment of offsite flood risk at the reserved matters stage (*R (Soilleux) v Secretary of State* [2023] EWHC 204 (Admin)), led by Richard Turney.
- **EIA:** Isabella represented the claimant (unled) in a challenge to the discharge of a drainage condition attached to a grant of planning permission for a 6,000-home scheme in Cardiff, and to a grant of planning permission for a new sewage pumping station required to accommodate that residential scheme on the sewerage network (*R (Llandaff North Residents' Association) v Cardiff Council and others* [2023] EWHC 1731 (Admin)). The case raised issues relating to the identification of the "project" to be assessed under the EIA Regulations.
- **Policy interpretation:** Isabella acted for Lidl in a challenge to a grant of permission for a new Lidl store in Cumbria (led by Sasha White KC), which raised issues relating to the interpretation of local plan policies (*R (Tesco Stores Ltd) v Allerdale BC* [2022] EWHC 2827 (Admin)).

Isabella provides advice to clients at all stages of the planning process, from pre-app through to court challenge. Her recent instructions have covered a wide range of issues, including Lawful Development Certificates, Environmental Impact Assessments, Permitted Development Rights, Neighbourhood Plans, and Enforcement Notices.

## Environment

Isabella is building a broad environmental practice.

She recently acted (unled) for a community group challenging the grant of planning permission for a sewage pumping station on EIA grounds (***R (Llandaff North Residents' Association) v Cardiff Council and others*** [2023] EWHC 1731 (Admin)) and is currently acting for agricultural businesses objecting to the revocation of their groundwater abstraction licences by the Environment Agency (led by David Forsdick KC).

Isabella gained experience of a range of environmental law matters during her time as a Judicial Assistant at the Supreme Court, including in:

- ***Heathrow Airport Ltd v Friends of the Earth*** [2020] UKSC 52 (on the Government's approach to international climate change commitments when designating the Airports National Policy Statement)
- ***CPRE Kent v Secretary of State for Communities and Local Government*** [2021] UKSC [2021] UKSC 36 (on the application of the Aarhus costs cap when permission to bring an environmental challenge is refused).

Isabella has a particular interest in environmental cases with a retained EU law dimension, having taught the undergraduate course in EU law at various colleges of the University of Cambridge over the last five years. Before coming to the Bar, Isabella also spent a year as a Research Assistant at the Bingham Centre for the Rule of Law, where her work focused on the principal legislation which now governs the relationship between UK and EU law: the EU (Withdrawal) Act 2018.

## Public and Administrative

Isabella is building a broad public law practice, acting for claimants, defendants and interested parties.

She recently acted for the Lord Chancellor in the Law Society's challenge to the Government's response to the Independent Review of Criminal Legal Aid (***R (Law Society of England and Wales) v Lord Chancellor*** [2024] EWHC 155 (Admin)), led by Sir James Eadie KC, Catherine Dobson and Adam Boukraa.

Isabella welcomes instructions in the Court of Protection. She is currently instructed as a junior (to Vikram Sachdeva KC and Catherine Dobson) in a case concerning the statutory test for capacity, which is due to be heard by the Court of Appeal in May 2024 (***An NHS Trust v ST*** [2023] EWCOP 40).

Before joining Landmark, Isabella spent nearly two years as the Judicial Assistant to the President of the Supreme Court, Lord Reed. She gained experience of a wide range of public law and human rights issues during that time, including in:

- ***Heathrow Airport Ltd v Friends of the Earth*** [2020] UKSC 52 (on the Government's approach to international climate change commitments when designating the Airports National Policy Statement);
- ***R (Begum) v Secretary of State for the Home Department*** [2021] UKSC 7 (on the rights of an individual deprived of British citizenship after traveling to Syria and aligning with ISIS);

- ***R (SC) v Secretary of State for Work and Pensions*** [2021] UKSC 26 (on the compatibility of the two-child benefit cap with articles 8 and 14 of the ECHR);
- ***R (AB) v Secretary of State for Justice*** [2021] UKSC 28 (on the compatibility of the solitary confinement of a child in custody with article 3 of the ECHR);
- ***Reference by the Attorney General and the Advocate General for Scotland – United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill*** [2021] UKSC 41 (on whether the UNCRC Bill was within the competence of the Scottish Parliament);
- ***R (Majera) v Secretary of State for the Home Department*** [2021] UJSC 46 (on the obligation of Government to comply with court orders, even if invalid on their face); and
- ***R (Elan-Cane) v Secretary of State for the Home Department*** [2021] UKSC 56 (on the compatibility of the Secretary of State’s policy not to grant gender-neutral passports with articles 8 and 14 of the ECHR).

Isabella has a particular interest in public law claims with a retained EU law dimension, having taught the undergraduate course in EU law at various colleges of the University of Cambridge over the last six years. Before coming to the Bar, Isabella also spent a year as a Research Assistant at the Bingham Centre for the Rule of Law, where her work focused on the principal legislation which now governs the relationship between UK and EU law: the EU (Withdrawal) Act 2018.

## Qualifications

- Magdalene College, University of Cambridge (BA Law) (double first class; starred first in Part 1B)
- St John’s College, University of Oxford (BCL)
- BPP, London (BPTC)

## Cases and inquiries

28 06 24	Court of Appeal clarifies requirement for appropriate assessment in multi-stage consents
25 03 24	Housing appeal allowed in Hertfordshire Green Belt
07 12 23	High Court dismisses challenges to government’s use of former airfields to accommodate asylum seekers

## Publications

‘The Northern Ireland Protocol: Choppy Waters Lie Ahead’ (2022) 27(3) *Judicial Review* 271

'Enforcing Tribunal Decisions: Where there's bark there's bite?' (2021) 17(6) Freedom of Information 4

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'"All cards are on the table": disclosure obligations and the Independent Review of Administrative Law' (2021) 17(5) Freedom of Information 4

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From the stroke of midnight: EU judgments on access to environmental information – still relevant in a post-Brexit UK?' (2021) 17(4) Freedom of Information 4

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'Fine words butter no parsnips' – how is open justice delivered?' (2021) 17(3) Freedom of Information 4

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'What remains of the public/private divide? Mixed messages on the meaning of 'public authority'' (2020) 17(2) Freedom of Information 4

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'FOIA: the terminus of information rights?' (2020) 17(1) Freedom of Information 4

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Contributing author to P. Coppel, *Information Rights: A Practitioner's Guide to Data Protection, Freedom of Information and other Information Rights* (5th ed, Hart, 2020) (five chapters dealing with exemptions to rights of access to information and data protection post-Brexit)

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Atkin's Court Forms, Volume 40(1), *Trespass to the Person* (LexisNexis, 2019)

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'Costs in Judicial Review Proceedings: Determining Success' (2018) 23(3) Judicial Review 145

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'Mass Surveillance in the CJEU: Forging a European Consensus' (2017) 76(2) Cambridge Law Journal 250 (co-authored with A. Taylor)

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