



e-law

Better law for the environment

March/April 2020 | Issue 117



Welcome to the March/April edition of e-law.

Firstly, I hope you and your families are all keeping well at this time of national crisis.

This edition includes a copy of the [email update](#) sent to members from our Chair, Kirsty on 30 March 2020 concerning how UKELA is reacting to the current Covid 19 situation.

You will also note that this edition is slightly slimmer than usual in light of the pandemic. However, next edition we hope to bring you a Covid-19 themed special, which will consider some of the impacts of the virus on the environment. This could consider issues such as the positive effects seen relating to air pollution and climate change, the impact on contracts, the overlap with public health and what the extraordinary regulatory response means for the environmental world post Covid-19 – for example how might our attitudes and behaviours change?

The focus of this issue is environmental crime, enforcement and prosecutions.

We are very grateful to Anna Willetts, Simone Aplin and Samantha Riggs for their excellent piece "[The new narcotics](#)" – Enforcement, prosecution and growing trends which looks at trends in waste crime, the increasing use of Enforcement Undertakings in lieu of criminal penalties for environmental offences and the use of technical expert witnesses in court, if criminal enforcement does proceed.

We also include an update from The Chancery Lane Project (TCLP), a pro bono initiative that brings legal professionals together to collaborate and rewrite contracts and laws in order to support communities and businesses in fighting climate change and achieving net zero carbon emissions. See [UKELA news](#) for more details.

In addition, we include the usual [60 second interview](#), this time with our very own Cecily Kingston, Elaw Editorial Assistant and [environmental law headlines](#).

Finally, don't miss Peter Kellett's [book review](#) of Richard Macrory – Irresolute Clay – Shaping the Foundations of Modern Environmental Law.

Best wishes

Sophie Wilkinson

Sophie Wilkinson

In this issue

Words from the Chair	3
UKELA news	4
News from the devolved administrations	6
Working Party news	7
Special Interest Group News	8
Student news	10
UKELA events	11
The e-law 60 second interview	12
Environmental law headlines	13
Environmental crime, enforcement and prosecutions	17
Book review	21
Adverts, jobs and tender opportunities	22
COVID-19 update from UKELA Chair	23
About UKELA & e-law	24

Words from the Chair



Dear all UKELA members

It has only been a couple of weeks since I wrote out to you all on 30th March updating you on the measures UKELA has been taking to adapt to the Covid-19 pandemic, and yet even in those weeks our lives have continued to change by all that is going on

around us. We have reproduced that letter in this edition of e-law for those of you who might have missed it before. As ever, I do hope that you and your loved ones, friends, and colleagues are all well at this unsettling time.

As you are all now aware the main message from me then, as it continues to be now, is that life for UKELA is changing and the staff team and your Council are working hard to ensure that despite challenges and limitations to the services we can offer, your membership of UKELA remains a valuable component in your professional and perhaps even personal lives.

It is unfortunate that this year we are not able to run a physical Annual Conference in Plymouth and I reiterate the message I gave in my earlier update – the conference team led by Sarah Holmes worked exceptionally hard to bring you a successful event and we are very grateful to all that hard work. However, we are now turning our attention to look at how best to deliver for you an online conference (keep Friday 26th June in your diary!) and how best to ensure that the really interesting content is as accessible and engaging as ever. With your support and enthusiasm I am sure we will be able to bring you an informative, thought-provoking, and fun event!

To update you on more specific things relating to Covid-19 and how it is affecting UKELA: UKELA's Council has established a special 'Covid-19 crisis committee' that is meeting once per week to monitor the situation and respond accordingly. As you can all appreciate, the impact of not being able to run events as we have done before is having an impact on our finances and we are having to manage our budget very carefully to ensure we can still deliver a valuable service to you within these new constraints.

In the coming weeks we will be writing out to you all with a survey to find out what you would still like to see from your membership and any ways that you might be able to contribute to our efforts, for example with an innovative technical idea. Now is the time to be creative!

As those of you who have been following the strategy process know we have been consulting with the different groups of UKELA on the draft 2020 strategy. Your comments and feedback have been exceptionally helpful and we thank you for taking the time to engage with us. In light of everything that has happened of late, the strategy team has decided that we will aim to finalise it and publish it in the Autumn this year, rather than the summer conference.

I know that many of you might be finding yourselves in challenging situations at work as the wider economic context continues to shift. Indeed there are many things in the wider external context that are making life for environmental law professionals increasingly complex. With both the climate and biodiversity UN conferences being postponed until next year, the aims of achieving big wins in these global fora are now deferred. However, there are many ways of still engaging with more local environmental issues such as those consultations on important issues outlined in the next sections of this publication. The UKELA working parties and regional groups remain very active and as I mentioned in my prior note, we are looking at ways to invest in technology support to help your efforts to stay connected and arrange remote meetings.

The next edition of e-law, as Sophie has already announced, will be on Covid-19 and if you have some suggestions for articles we welcome those.

In the meantime, it is good to see this edition going out on the theme of environmental crime, enforcement and prosecutions. I hope you also enjoy the update from the Chancery Lane Project and will look at the resources that have been published by them recently.

E-law editorial team

Sophie Wilkinson, Editor – Sophie is an environmental law specialist at LexisPSL with 13 years' experience, including 11 years' experience in private practice. She moved to LexisNexis from Shoosmiths LLP where she was a Senior Associate. Prior to this Sophie trained at Browne Jacobson LLP and spent 6 years at Eversheds LLP.

Cecily Kingston is a trainee solicitor at R&R Urquhart solicitors based in northern Scotland.

Dr Ben Christman – Senior editorial assistant, is an independent environmental law researcher.

Finally, I am especially grateful to the UKELA team, so ably and brilliantly led by Alison Boyd, for all their continued hard work and dedication to UKELA. Alison's leadership at this time has been second to none and we are all extremely grateful to her commitment and willingness to be flexible and adaptable at this time.

I am also especially grateful to those of you who have taken the time to write to me to offer your support and guidance as we steer UKELA through such uncharted waters. Thank you. Your experience and insights have been incredibly valuable and it is so lovely to know that the UKELA family really is looking out for one another. I am sure there are many of you who as colleagues and friends are offering each other support, and it really does highlight how much the UKELA spirit is about being much more than a professional association. The camaraderie and informal aspects of UKELA are, in my view, just as important as the more formal learning and networking that you are able to do.

I do hope you enjoy the material here and look forward to hearing from you about ideas for future contributions.

Wishing you and your loved ones all the very best, from us all on Council.

Kirsty Schneeberger

Kirsty Schneeberger MBE
UKELA Chair

UKELA news

Annual conference and event programme

As you will have read in the Chair's piece, we will not be able to run our annual conference in Plymouth in June as we had planned. However, we are now actively planning to deliver as much of the content as possible via online options, so please do keep **26/27 June** free in your diary! If you were not able to make it to Plymouth, then we hope you will enjoy the opportunity to engage with high quality CPD in this way instead.

The same goes for our wider events programme. We are looking at the best way to deliver the content you have come to expect from us – look out for upcoming online seminars including 'A Climate Positive Economy after Covid 19' and a young UKELA seminar on 'EIA, The Basics'.

New UKELA website and Customer Relationship Management (CRM) system

We hope you have all had the opportunity to log in and familiarise yourselves with your UKELA accounts on our new website. By having a more secure and interactive website we hope that you, as members, enjoy the benefits this will bring. You can amend your personal details and see, at a glance, what events you have signed up for, invoices paid or outstanding, in addition to plenty of other features. If you have a corporate membership, you can update the list of members on the membership. We will be sending out a series of 'how to' emails over the coming months to help you get to grips with how the system works. Don't forget our helpful [FAQs section](#) on the website.

If you have any questions that cannot be answered via the FAQs page regarding the CRM, please contact UKELA's Senior Administrator, [Elly-Mae Gadsby](#).

Membership renewals for 2020

Renewal reminders have now been sent out to all members who have not yet renewed for 2020. Please check you have received your 2020 invoice and get in touch with [Elly-Mae Gadsby](#) if you have any questions or wish to receive another copy. Our new system generates invoices for both UKELA membership and events using the details within your accounts, so do please take a moment to log in and check that the account information we have for you is up-to-date. Thank you for your continued support, which we greatly appreciate.

Tackling climate change one clause at a time

Have you ever thought (as you waded through various data rooms or negotiated a price chip on yet another corporate deal) that being an environmental lawyer has not given you much scope to protect the environment? If yes, then [The Chancery Lane Project](#) (TCLP) is for you!

The brainchild of Matt Gingell (in-house counsel at Oxygen House), TCLP is a pro bono initiative. It brings legal professionals together to collaborate and rewrite contracts and laws, in order to support communities and businesses in fighting climate change and achieving net zero carbon emissions. TCLP is independent of any professional body or practice and is politically neutral.

In November 2019, a pioneering group of solicitors, barristers and academics from 63 organisations attended TCLP's first climate hackathon at Practical Law's Canary Wharf offices. It was a fabulous day with a huge amount of goodwill and collaboration in evidence.

The results of the hackathon were recently published at an event hosted by Airbnb in London. This event was attended by over 60 lawyers including some environmental law stars as well as some newer faces.

TCLP's Climate Contract Playbook, which contains a foreword by Lord Carnworth CVO, includes sixteen precedent clauses which will help lawyers, businesses and communities bring about a positive impact on the climate crisis through environmentally-conscious drafting. The clauses cover a wide variety of issues including:

- Green investment obligations in investment documentation.
- Termination of supply contracts where the supplier cannot match a greener supplier's offering and
- Climate gardening leave and sabbaticals.

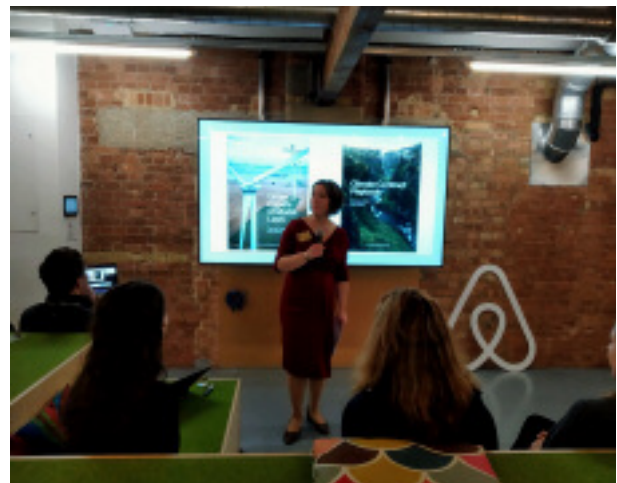
The Green Paper of Model Laws includes seven draft model laws for lawyers and policymakers to consider when advising clients and creating new policy. The Green Paper includes bills:

- Introducing an exemption to data protection rules to allow pooling and processing of personal data where that would help find solutions to existing climate change issues.
- Amending the Landlord and Tenant Act 1954 to require all new business leases to include green lease clauses and
- Introducing a class of environmental crime where parent companies would be liable for environmental damage caused by their overseas subsidiaries unless the directors can show adequate procedures were in place to identify, avoid and mitigate such impacts.

Generosity was in the air at the launch event as Ilmi Granoff from ClimateWorks announced a funding pledge that will allow TCLP to scale up its work this year. Katherine Long from Thomson Reuters also announced that Practical Law would host the 2020 hackathon on 6 November this year. Many attendees made personal pledges ranging from offers to hold mini-hackathons to commitments to add climate wording to their firm's precedents. It looks like they mean business too as the Playbook and Greenbook have been downloaded nearly 5,000 times since they were launched and TCLP have received many more pledges of support.

The legal and environmental press (Legal Week, Legal Futures and BusinessGreen) and even The Times reported the launch of the Playbook and Greenbook. The level of media response shows that they are clearly ideas which are prominent in present times. If you want to save the planet during this year of climate action, why not join us – click [here](#) to start!

Kirsty Schneeberger and Becky Clissmann are members of the TCLP year [11] Steering Group. Photos from the launch event:



News from the devolved administrations

Scotland

On 25 February 2020, the Scottish Government published the [Environment Strategy for Scotland](#). The Strategy aims to use and embed EU environmental principles into law and use them as a guide and framework for future environmental policies and laws.

Using the year 2045 as a target year, the Scottish Government hopes to achieve five outcomes:

- To fulfil its role in tackling the climate emergency and limited temperatures to 1.5°C.
- To have a society that use and reuse resources wisely and be rid of the current throw away culture.
- To achieve a thriving, sustainable net-zero circular economy that values nature.
- To have a healthy environment to achieve a fairer, healthier more inclusive society and
- To step into being responsible global citizens with a sustainable international carbon footprint.

It will look to realise this vision by creating pathways for legislation and policy based on evidence. The Scottish Government will look to publish high level summaries of evidence as knowledge accounts and maintain them as living documents.

Working party news

Nature conservation working party (NCWP)

The January 2020 meeting of NCWP considered the law of restoration. It included a presentation from Roger Proudfoot of the Environment Agency on potential restorations of saltmarsh, seagrass beds and native oyster reefs. Such habitats provide many benefits to mankind including fisheries nursery grounds, improved water quality, flood defences and carbon sequestration, as well as adding to human health and wellbeing. The 25 Year Environment Plan and net gain have helped provide the impetus for a change in approach towards restoration and enhancement. Our next meeting will be held on 2 May 2020, provisionally at the Browne Jacobson offices in Nottingham, but we will advise of any change as soon as possible.

Wildlife law bursary 2020

The wildlife law course arranged every November by NCWP generates a small surplus due to the generosity of the tutors and Browne Jacobson solicitors. This is used to fund an annual bursary to support a post graduate research project which addresses wildlife law. This year NCWP is delighted to offer the bursary to Shehana Gomez who will be addressing the question 'Is giving rights to nature desirable and effective in law?'. Shehana is currently undertaking her PhD at Cardiff University. Her project will focus on ecocentrism and laws which give rights to nature. Whilst there are extensive nature protection laws at both a national and international level, they have failed to halt a massive and widespread loss of nature, which continues at an alarming rate. The argument to be considered is whether we need a radically different approach in order to address this, such as rights of nature laws.

Special interest group news

Wild law and activism conference held at Sussex



The University of Sussex hosted the [UK Environmental Law Association Wild Law conference](#) on 9 November 2019. The event was co-sponsored by [Sussex Sustainability Research Programme](#) and the [Arts and Humanities Research Council](#).

The conference theme of wild law and activism brought together legal practitioners, activists, NGO professionals, academics, students and the general public to explore the connections between ecocentric perspectives on law and the wave of environmental activism globally. It asked what can activists, wild lawyers and the wider public learn from each other in developing our thinking and actions in ways that better support the planet?

Ecocentrism in law

Whereas law as it is known in the Western world, including environmental law, has grown from an anthropocentric starting-point of how and who may exploit the Earth's resources, ecocentric approaches, including wild law, ask: what does nature need, do other species have rights, and what would a healthy system look like? The conference speakers explored the nature of wild law, the rights of nature, ecocentric legal ethics and indigenous world views in the context of environmental activism. What unites these legal philosophies and cosmologies is an Earth-centred view of the world and the relationship between people and planet.

Highlights from the panels

Jojo Mehta, co-founder of the [Stop Ecocide](#) campaign spoke passionately about the power of an international law of ecocide to extend our moral sense of what is 'criminal' to include damage done to the natural world. She called on participants to become 'Earth Protectors' and support the movement to make ecocide a crime. [Extinction Rebellion](#) (XR) activist, Mothiur Rahman explored the relationship between XR's social ecology vision for climate justice and wild law, concluding that wild law theories that were grounded in deep ecology needed to evolve to hear the activist call.

For many the highlight of the conference was a presentation and live video call with indigenous Waorani activist, Manuela Ima in Ecuador who, with Natalia Green of [Global Alliance for the Rights of Nature](#), gave a moving account of Waorani women's



Photo: Wild Law and Activism conference presenters and chairs, UKELA

concern for the environment, looking after the forest in the same way as their family. She spoke of how the community had defended their land against the threat of oil drilling through a landmark case in the Ecuadorian courts and through the spear:

Now and always, always, we will defend, like our grandparents did. We will defend – today and in future – buen vivir.



Photo: Waorani activist, Manuela Ima, UKELA

In the second half of the conference, legal practitioners discussed ways in which current English law has been used to defend nature through litigation. Barrister, Paul Powlesland and founder of [Lawyers for Nature](#) shared his experience of providing legal advice to the Sheffield tree campaigners who were arrested for the 'crime' of peacefully standing under trees. Their actions led to many hundreds of trees being saved. Tom West reflected on the work undertaken by environmental law NGO [Client Earth](#), and what it means to be an environmentalist first and a lawyer second (rather than an 'environmental lawyer'). Renewable energy lawyer, Sandy Abrahams of [Lux Nova Partners](#) set out a new 'law with ethics' vision for a voluntary ethical code for the legal profession, to initiate a step change towards engagement with the climate and ecological emergency at every level.

In the final panel Helen Dancer and Bonnie Holligan of Sussex Law School launched the [UK Earth Law Judgments Project](#) with an interactive session on reimagining legal decisions and ways of judging from an ecocentric perspective. The project aims to inspire ecocentric ways of thinking about the practice of law, and further critical debates around Earth law and the development of an ecocentric jurisprudence in the UK.

Key lessons

A common theme throughout the discussions was how to align values, goals and actions in our professional and personal lives to address the global environmental crisis. For activists, this means campaigning for social justice as an integral part of the fight for climate justice. For lawyers, this means recognition of the crime of ecocide, codes of professional ethics that align with society's goals for a sustainable future, and legal frameworks and ways of judging that prioritise healthy human-Earth relationships. For each of us, this requires placing the interests of the planet and human wellbeing (or *buen vivir*) at the centre of our decision-making and way of life.

Author: Dr Helen Dancer is AHRC Leadership Fellow and Lecturer in Law at Sussex Law School and member of the UKELA wild law special interest group



Photo: Audience discussions during the launch of the UK Earth Law Judgments Project, UKELA

Students news

UKELA moot competition 2020

Whilst we were not able to run the moot competition semi-finals and finals day at King's College London on 31 March 2020, we are actively pursuing a plan to hold the event online. If you are a semi-finalist, stand by for further details!

Andrews Lees Prize article competition 2020

Due to COVID-19 the article competition will no longer be running in 2020. Please stand by for details about the 2021 competition!

UKELA student members' Facebook group

Want to link up with fellow UKELA student members to share your views and have discussions during this time of social distancing? If so, please join our [UKELA Student members' Facebook group](#)!

Free membership

Our student advisers are happy to announce that the free student membership offer for environmental law students was a success, with over 70 students signing up to UKELA membership. If you are interested, or if you know an environmental law student who would be interested, in this 2020 exclusive offer please email [Beatrice Petrescu](#) or [Sophie Tremlin](#).

Student publication opportunity

Interested in co-authoring a hot topic article with an environmental professional? UKELA provides an opportunity for students to publish their work in e-law, our members' journal which is circulated to over 1400 practitioners. Students are invited to email a short abstract of up to 500 words to [Sophie Tremlin](#) or [Beatrice Petrescu](#), our student advisers. If selected, the Editorial Board will endeavour to pair students with a supervising practitioner in that field. Articles can be on the e-law issue theme or on any topic related to environmental law. The theme of the next issue is Covid-19 and the Environment, expected to be published in May 2020.

UKELA events

In light of the current government advice regarding the Covid-19 pandemic, we have taken the decision to move as many of our events online as possible. Where they cannot run online, they will be cancelled or postponed. The health and welfare of our members, event organisers, speakers and staff are of the utmost importance.

Please check our [events page](#) for news on our events programme. Thank you for your understanding in this matter.

The e-law 60 second interview



Cecily Kingston is a trainee solicitor at R&R Urquhart Solicitors based in Northern Scotland

What is your current role?

I am a trainee solicitor at R&R Urquhart solicitors, based in Forres, in Northern Scotland. The main area of focus in my traineeship is on rural land, renewables and a range of environmental cases. I am also an Assistant Editor for the e-law newsletter and assist a charity called The Cairngorms Campaign with marketing and publicity.

How did you get into environmental law?

In 2010, my final year of the LLB, I took a Renewable Energy course and this really motivated my interest. I relocated from Edinburgh to Northern Scotland to take the traineeship with R&R Urquhart to allow me to pursue my interest in environmental law. Moving to the North has also allowed me to go surfing on the North East coast which is a great way to stay connected to the outdoors.

What are the main challenges in your work?

A lot of the environmental cases we are involved with require assistance with planning objections, though they vary massively. Environmental cases are never straight forward. Environmental and planning law and policy is an extensive and complex area. It is critical that you can accurately and effectively put across arguments on behalf of a client that will best help them reach their objective, and often you only have one chance to make an impact.

What environmental issue keeps you awake at night?

Issues such as nitrate pollution in water that decrease oceanic oxygen levels and the long-term effects of air pollution on human and animal health are issues I find particularly worrying.

What's the biggest single thing that would make a difference to environmental protection and well-being?

A notoriously difficult question to answer. The future solutions that will act to mitigate problems associated with air pollution, food consumption and urban planning are critical going forward. All environmental issues are connected, and the solutions we find for one problem can potentially be problematic on the connected environment. How we solve the huge issues we face will require a change in cultural practices, and we really are seeing huge cultural shifts and attitudes towards the importance of protecting the environment.

What's your UKELA working party of choice and why?

I have not, as yet, engaged with the UKELA working parties, though the environmental litigation working party would be my choice. As we have seen with the Court of Appeal's decision on the Heathrow extension, the decisions resulting from litigation will be critical to set the precedent for better environmental health and well-being.

What's the biggest benefit to you of UKELA membership?

Environmental law as a subject is complex and wide ranging. I am always so impressed with the different perspectives on environmental issues offered by the contributing authors to e-law.

Environmental law headlines

A selection of recent environmental law news and updates prepared by the teams at [Lexis®PSL Environment](#) and [Practical Law Environment](#).

The European Climate Law

[LexisPSL Environment](#)

On 4 March 2020, the European Commission launched the [European Climate Law](#), which proposes enshrining into law the EU's pledge to become climate neutral by 2050. This pledge is at the heart of the [European Green Deal](#) adopted in December 2019.

The newly introduced legislation aims to provide predictability for public authorities, business and citizens through its long-term greenhouse gas emissions strategy. The proposed law also features a system for monitoring progress towards this goal.

If approved by Member States and the European Parliament, the European Climate Law would make net-zero emissions by 2050 a legally binding target thus requiring EU institutions and Member States to take the measures necessary to achieve this goal.

The drive for a climate-neutral Europe further ensures that the EU and its Member States adhere to the objective laid out in the Paris Agreement, to keep increases in global temperature to 'well below 2°C' while pursuing efforts to keep it to 1.5°C.

The European Council endorsed the objective of a climate neutral EU by 2050 in December 2019 and on 5 March 2020 [presented](#) the EU's long-term greenhouse gas emissions strategy to the Secretariat of the United Nations Framework Convention on Climate Change in accordance with its obligations under the Paris Agreement.

Alongside the new European Climate Law, on 4 March 2020 the Commission also opened a public consultation on a new [European Climate Pact](#) to gather stakeholder views on how to most effectively achieve the initiative's purpose of engaging the wider public by 'designing new climate actions, sharing information, launching grassroots activities and showcasing solutions that others can follow'.

The Climate Pact is set to be launched before COP 26 which was set to take place in Glasgow in November 2020 but has now been delayed in light of Covid-19. The consultation closes on 27 May 2020.

For more information, see [LNB News 05/03/2020 88](#) and [LNB News 06/03/2020 21](#). For more information on the European Green Deal, see: [The European Green Deal—a clear vision for EU climate change action?](#)

Heathrow expansion: Plan B and Friends of the Earth judicial review challenges to Airports NPS succeed (Court of Appeal)

[Practical Law Environment](#)

There have been many years of controversy over the expansion of Heathrow Airport by a third runway to the north-west. Some of the most significant issues are environmental, including climate change, air pollution and noise.

In June 2018, the government designated the Airports National Policy Statement (NPS), which sets out the planning policy framework that an applicant for the third runway at Heathrow would have to comply with for the Secretary of State to grant development consent. Environmental NGOs sought judicial review (JR) to challenge the Heathrow expansion proposals and to the government's Airports NPS. The High Court rejected the JR challenges and confirmed that its designation as an NPS under the Planning Act 2008 was lawful (see [Legal update, Plan B and Friends of the Earth judicial review challenges to Airports NPS and Heathrow expansion rejected \(High Court\)](#)). The claimants subsequently appealed against the High Court's decision and were given leave to appeal.

In February 2020, the Court of Appeal allowed the JR challenge against the Airports NPS. The court considered four main issues.

- **Habitats Directive (92/43/EEC)**. The court agreed with the High Court's conclusions and held that the challenges to the Airports NPS must fail on the issues relating to the operation of the Habitats Directive.
- **Strategic Environmental Assessment (SEA) Directive (2001/42/EC)**. The issues concerning the operation of the SEA Directive failed on all but one of the grounds, which related to climate change.
- **UK's commitments on climate change**. The court concluded that the JR challenges should succeed in one respect, which related to the government's policy and commitments on climate change set out in the Airports NPS. It found that the government had not fully complied with the statutory regime for the formulation of an NPS, which Parliament put in place in the Planning Act 2008.
- **Relief**. The court explained that, in a successful claim for JR, it will not permit unlawful action by a public body to stand. It therefore had to grant appropriate relief, given that it established that there had been unlawful conduct by the executive.

The court declared that the Secretary of State had acted unlawfully in failing to consider the UK's commitments under the UN Framework Convention on Climate Change (UNFCCC) Paris Agreement on Climate Change when it designated the Airports NPS in support of the expansion of Heathrow Airport. As a result, the Airports NPS no longer has legal effect until the Secretary of State has reviewed it in accordance with the Planning Act 2008.

The government stated that it will not appeal the decision, perhaps because this might be a convenient result for the Prime Minister, Boris Johnson, a long-time opponent of Heathrow expansion. Heathrow Airport has said it will challenge the court's decision at the Supreme Court, and that it was confident it will be successful.

For full details of the case, see [Legal update, Heathrow expansion: Plan B and Friends of the Earth judicial review challenges to Airports NPS succeed \(Court of Appeal\)](#).

Government to seek comment on ending sales of petrol, diesel and hybrid vehicles

[LexisPSL Environment](#)

On 20 February 2020, the Department of Transport opened a [consultation](#) on bringing forward the end to the sale of new petrol, diesel and hybrid cars and vans from 2040 to 2035, or even earlier if a faster transition appears possible.

The decision to potentially expediate the prohibition on sales of new petrol and diesel cars vans, and to include hybrid models for the first time, follows a May 2019 [report](#) by the Committee on Climate Change (CCC). In the report the CCC criticized the government's plans to phase-out the sale of new petrol and diesel cars and vans by 2040 as 'vague' and inconsistent with the report's recommended target of net zero emissions by 2050. This net zero target was adopted by the government in June 2019, see: [LNB News 12/06/2019 39](#).

The consultation is open until 29 May 2020, and seeks views on the following:

- The phase out date.
- The definition of what should be phased out.
- Barriers to achieving the proposed phase-out.
- The impact of these ambitions on different sectors of industry and society.
- What measures are required by government and others to achieve the earlier phase out date.

For more information, see [LNB News 21/02/2020 31](#). [Electric cars and ultra-low emission vehicles](#) has more information on transport emissions in the context of the UK's emissions reduction targets.

Government to introduce ban on the sale of wet wood and coal for domestic use

[LexisPSL Environment](#)

On 21 February 2020, the Department for Environment, Food and Rural Affairs (Defra) [outlined](#) its plans to phase out the sale of coal and wet wood for domestic burning and encourage the use of cleaner fuels in order to improve air quality.

It has published its response to a [public consultation](#) which ran from 17 August 2018 to 12 October 2018 and sought views on the government's proposed sale restrictions on coal and wet wood, being the most polluting sources of domestic fuel. This is due to heavy emissions of the pollutant PM2.5 caused by coal fires and wood burning stoves. Defra's response to the consultation identifies dry wood and manufactured solid fuels as cleaner, and more efficient, alternatives.

The consultation was proposed as part of the government's [Clean Air Strategy 2018](#), which promised 'action to reduce air emissions at home'. Along with the restriction on dirtier fuel sources, the strategy involves tougher emissions standards to ensure cleaner domestic stoves from 2022, the granting of powers to local governments to enforce laws in the area of air pollution, appropriate test standards for new fuels entering the market and consumer education campaigns.

The sale of bagged traditional house coal will be phased out by February 2021, and the sale of loose coal direct to customers via approved coal merchants is to be phased out by February 2023. Additionally, sales of wet wood in units of under 2m³ will be restricted from February 2021, and wet wood sold in greater volumes will need to be sold with advice on how to dry it before burning.

For more information see: [LNB News 21/02/2020 36](#).

Viewing platform not a nuisance or Article 8 ECHR breach of privacy (Court of Appeal)

[Practical Law Environment](#)

In *Fearn and others v The Board of Trustees of the Tate Gallery* [2020] EWCA Civ 104, the Court of Appeal dismissed the appeals by owners of flats overlooked by the Tate Modern art gallery in a private nuisance claim. The flats had a distinctive appearance, with winter gardens that had floor-to-ceiling windows and other living areas extensively glassed. Consequently, visitors using the gallery had an uninterrupted view of the living areas of the flats. The claimants brought a claim seeking an injunction requiring the Tate Modern to close the relevant part of the gallery.

The High Court previously dismissed the claims, concluding that, in appropriate cases, the tort of nuisance is capable of protecting privacy rights infringed by a deliberate act of overlooking a claimant's home. However, the High Court found no actionable nuisance in this case. By choosing to buy the flats with a distinctive appearance, the owners had created or submitted themselves to an increased sensitivity to privacy. A claim for breach by a public authority of a right to respect for privacy under Article 8 of the European Convention on Human Rights (ECHR), brought under the Human Rights Act 1998, was also dismissed because the Tate Gallery was not a public authority. For more information on the High Court decision, see [Legal update, Viewing platform not a nuisance or Article 8 ECHR breach of privacy \(High Court\)](#). The claimants appealed against the High Court's decision.

The Court of Appeal affirmed the decision of the High Court and dismissed the appeal, but for different reasons. In particular, the Court of Appeal said that the High Court should not have concluded that, in appropriate cases, the tort of nuisance is capable of protecting privacy rights infringed by a deliberate act of overlooking a claimant's home. The common law tort of private nuisance does not extend to overlooking. Instead, it was preferable to leave it to Parliament to formulate any laws to deal with overlooking.

Furthermore, the Court of Appeal said that the High Court had not approached the question of the relevance of a right to respect for privacy under Article 8 of the ECHR correctly. The correct approach should have been to consider whether there was an infringement of Article 8, and, if there was, whether it is appropriate to extend the common law to provide a remedy for the claimants and avoid a breach of the Human Rights Act 1998 on the part of the courts as a public authority. The Court of Appeal considered that there was no reason to extend the common law tort of private nuisance to overlooking in light of Article 8.

For a detailed analysis of the Court of Appeal's decision, see [Legal update, Viewing platform not a nuisance or Article 8 ECHR breach of privacy \(Court of Appeal\)](#).

Legislation to ban single-use plastic items put before Parliament

[LexisPSL Environment](#)

On 3 March 2020, the draft '[Environmental Protection \(Plastic Straws, Cotton Buds and Stirrers\) \(England\) Regulations 2020](#)' were laid before Parliament. As the name implies, this legislation is intended to ban the supply of certain single-use plastic items, namely plastic straws, stirrers and cotton buds.

According to Defra, 4.7 billion plastic straws, 316 million plastic stirrers and 1.8 billion cotton buds with plastic stems are used in England annually. A Defra [report](#) assessing the economic impacts of such a ban was published in May 2018. The report also identifies reducing single-use plastics as one aspect of the government's [25 year plan to improve the environment](#).

This legislation follows a [public consultation](#) on the subject which was run by Defra at the end of 2018. In May 2019, the government published their response to the consultation, revealing that the vast majority of public respondents supported the proposed ban.

In order to 'strike the right balance between reducing environmental impact while protecting the rights of people with medical conditions and disabilities', exceptions have been written into the draft regulations to allow registered pharmacies to sell plastic straws over the counter or online. The ban on plastic stemmed cotton buds also features exceptions for medical, scientific and forensic use.

The ban is expected to come into force in April 2020.

For more information, see: [Waste types and controls-plastics](#) and [LNB News 03/03/2020 35. 25 Year Environment Plan Tracker](#) contains further information on the government's 25-year plan to improve the environment.

Aarhus Convention costs liability of interested party clarified (High Court)

[Practical Law Environment](#)

The UN Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) requires signatory states to ensure access to justice in environmental matters. The UK is a signatory to the Aarhus Convention. Rules 45.41 to 45.45 of the Civil Procedure Rules (CPR) are intended to implement those access to justice requirements in England and Wales by providing costs protection, through protective costs orders and costs capping orders, for Aarhus Convention claims.

R (Kent) v Teesside Magistrates Court and another [2020] EWHC 304 (Admin) related to liability for costs in an Aarhus Convention claim by the claimant seeking judicial review (JR) of a decision of the defendant, Teesside Magistrates Court, in a criminal prosecution of a wildlife offence. Although the defendant ticked the box in its acknowledgment of service of the JR application that it considered the Aarhus Convention did not apply, it was subsequently neutral as to the issue. In contrast, the interested party, HJ Banks and Company Limited, persistently objected to the claimant having Aarhus costs protection.

The claimant succeeded in arguing that a JR claim was an Aarhus Convention claim, and so had costs protection under Civil Procedure Rules (CPR) 45.41-45. This was despite an earlier direction it was not an Aarhus Convention claim and the defendant initially stating that in its acknowledgment of service.

Concerning liability for the costs of that hearing, the interested party argued that the reference to 'the defendant' in CPR 45.45(3)(b) means that in the event the court holds that it is an Aarhus Convention claim, the starting point is that the costs should be paid by the defendant. This was partly because there is no reference in CPR 45 to the interested party. However, the court disagreed and relied on the judgment of Coulson LJ in the Court of Appeal in *R (Campaign for the Protection of the Rural Environment Kent Branch) v Secretary of State for Communities and Local Government [2019] EWCA Civ 1230* (CPRE case), which decided that the reference only to a defendant in CPR 45.41-45.44 was not material. The fact that the CPRE case concerned the opposite scenario, of the claimant being liable for the interested party's costs, was not relevant.

The court also considered whether costs should be awarded, and, if so, to what extent. The court concluded in this case that the interested party has been the unsuccessful party in that whereas the defendant has been neutral, the interested party has been the active party, and its case about the non-application of the Aarhus Convention has been rejected.

For more information, see [Legal update, Aarhus Convention costs liability of interested party clarified \(High Court\)](#).

Environmental crime, enforcement and prosecutions

“The new narcotics” – Enforcement, prosecution and growing trends



Anna Willetts, Simone Aplin and Samantha Riggs

At a glance

Anna, Simone and Samantha look at:

- Trends in waste crime.
- The increasing use of Enforcement Undertakings in lieu of criminal penalties for environmental offences and
- The use of technical expert witnesses in Court, if criminal enforcement does proceed.

Sir James Bevan, head of the Environment Agency (EA), has said waste crime is the new narcotics, offering huge profits to criminals whilst costing England £1bn per year. 16 January 2020 saw the launch of the Waste Crime Taskforce (WCT) which brings together environmental regulators, HMRC and the National Crime Agency. Joint units will conduct site inspections, make arrests, prosecute and upon conviction push for heavy fines and custodial sentences. In recent years, in our experience there has already been a more proactive approach to tackling waste crime with an increased number of dawn raids, restraint orders, prosecution of directors, directors disqualifications, confiscation orders, HMRC Landfill Tax Orders and tougher custodial sentences. At the same time, we have also seen increased use of Enforcement Undertakings (EU).

EUs in practice

Permitting offences under the Environmental Permitting (England and Wales) Regulations 2016 are now suitable to be dealt with via means of an EU – a civil rather than criminal sanction. This is an alternative means of disposing with an offence outside of the criminal regime, and means that valuable criminal court time and resources can be saved: the EA can spend their time and resources concentrating on the more serious and harmful environmental offences and operators can focus on their business and ongoing compliance.

EUs appear to be more widely encouraged and used these days, and notably the EA has been accepting offers made after the decision to prosecute has been taken, rather than solely prior to that decision in accordance with its guidance. Of course, they are more likely to be accepted the earlier they are made, but EA lawyers have indicated that this rather strict mandate has relaxed in recent times in order to allow more offers to be made.

The EU offer generally comprises an admission of the wrongdoing by the company or individual, an explanation of what went wrong, what the offeror accepts to be the level of culpability and harm (guided by the Environmental Offences Definitive Guidelines (the Guidelines¹)),^[i] a suggested financial offer to a local environmental charity, for example a wildlife trust, a forestry body, or a water preservation charity and an offer to pay the EA's costs.

The route to a civil sanction is not always paved with gold (or money for a wildlife trust) however. Whilst the above procedure seems like a straightforward and easy option for many operators and indeed it should be, as these were what EUs were designed for, it often takes many weeks or months of negotiating the nuts and bolts of the offer with the prosecutor, and there is no guarantee ultimately it will be accepted by the mystery panel who consider EUs (yes, we have asked but alas it remains a mystery!).

Our experiences have been both positive and negative and varied in the length of time to negotiate and wait for an answer from the panel. One offer was made a few weeks before trial and was readily accepted by the prosecutor and decided by the panel in less than one week. This thereby avoided hours of over-stretched court time and the director having to be away from his business for a number of weeks, a criminal conviction for a well-established reputable director who was a man of good character, saved

public funds and a local charity benefitted from thousands of pounds in a donation to assist it with a project to benefit the local environment. This was local to the site where the offence had taken place and 'local' in terms of similarity to the alleged offence. It was a good outcome for all parties, and is exactly how we feel the sanctions should be used and is the purpose for which they were designed. In contrast another case took over 6 months to get a response from the panel.

Conversely, on another matter, an operator was approached by the prosecuting lawyer after charges had been laid and encouraged to make an offer, as he felt it was suitable for a civil sanction. The matter was very low down the list of severity of environmental offences and the material in place was not considered to be causing any harm and was not required to be removed. The offer was duly drafted in close negotiation with the prosecuting lawyer, fine-tuned, the offer amount was increased slightly at their request, some wording was amended to their satisfaction to take account of perceived financial benefit in committing the offence, and was submitted to the EU panel.

Somewhat surprisingly, the offer was rejected by the panel and the case was returned to the Magistrates' Court. The Court took a dim view of what the District Judge perceived as unnecessary Court time wastage, and the operator was given a conditional discharge. This was very disappointing all round as the charity did not receive the funds, the EA did not receive all the costs which would have been paid via the EU, and the Court wasted two hours of time hearing the case.

The authors' view of EUs is that they are a very sensible and proportionate way to deal with the lower categories of environmental offences and given the visible tangible benefit to the environment should be encouraged and used more often to secure long

lasting positive outcomes for the environment, which ultimately is what UKELA and its members are all here to do.

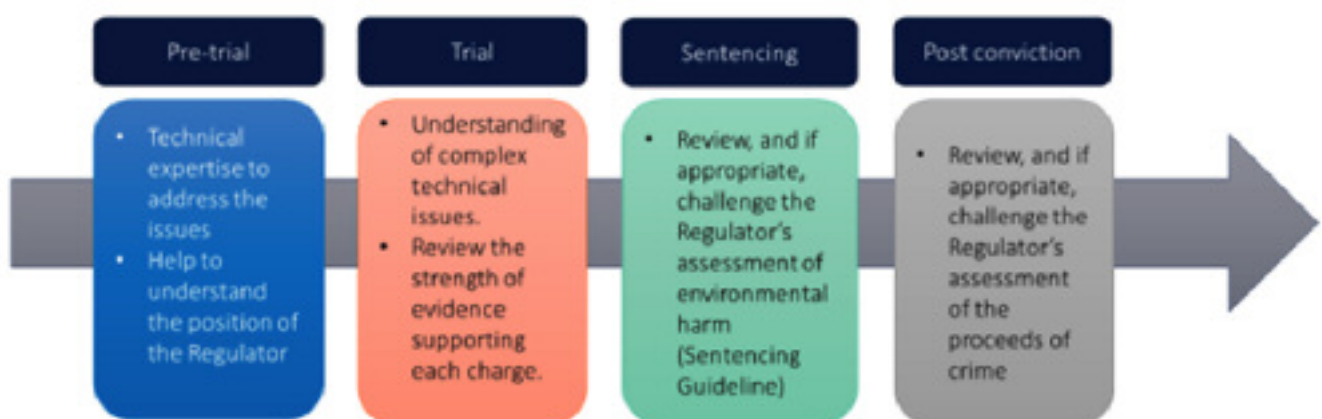
When might an expert witness be useful?

With tougher sentences on the rise (including the risk of imprisonment) coupled with the increased use of restraint and confiscation orders, a legal advisor may wish to consider using an expert witness such as a hydrogeologist, a chemist, a geologist or an engineer who can give an independent opinion on the issues based on their proven track record and experience. These individuals give expert evidence in court proceedings based on the specialist knowledge they have gained over time, taking account of their education, training, qualifications and experience, which must be such that their opinion about a particular fact or issue within the scope of their expertise, can be relied on. It is important to remember that an expert must give an unbiased opinion as their duty is to help the court on matters within their area of expertise, overriding any obligation to the party who instructed/paid the expert. As such, an expert witness must have a strong sense of honesty and integrity, giving their opinion based on factual observations and must not deliberately favour any party.

An expert can add value at all stages of proceedings as shown in the diagram below.

The use of an expert witness if matters come to trial is more common. In our experience, a constructive review of the evidence for each charge can be extremely useful. One client who operated a small waste transfer station in a residential area faced a large number of charges that related to non-compliance with permit conditions and alleged dust nuisance from the site. Many of the charges seemed relatively minor such as those relating to keeping the site diary

When could an expert be useful?



maintained and the deposit of a drum containing waste on site without it being immediately checked to ensure the deposit was permitted by the conditions of the permit.

After undertaking a detailed review of the evidence for each charge, a muddled picture emerged with a permit that had not been updated since being issued by the local authority (in the days when they acted as the competent authority), a working plan from the same era and numerous modifications, some of which had been lost by both the operator and the EA. After submission of the expert report, a number of the charges were dropped.

If there is a conviction, the services of an expert witness at the sentencing stage can be used to review the regulator's assessment of the environmental harm that has been caused by the offence. The Guidelines issued set four categories of harm, Category 1 being the most harmful and applicable to offences involving particularly hazardous material and/or resulting in widespread pollution with major impacts on the environment and/or human health. In our experience, the regulator often assesses harm to be high up this scale. In one instance involving a transfer station that had suffered a number of fires, they had assessed the impact to have been Category 1 harm. Looking at each aspect of the harm classification, applying the 'source, pathway, receptor' model to identify evidence of the harm caused and its scale relative to other incidents of environmental harm caused by similar offences, the appropriate category was assessed to be Category 2. The court agreed and this was reflected in sentencing.

There is also a demand for expert opinion on the weight of waste on a site after an offence, often to determine the avoided cost of disposal in proceeds of crime hearings. The regulators often use aerial surveys to measure the volume of waste which often produces accurate measurements. However, the density of the material, needed to calculate weight, is often hard to assess, particularly when waste has been removed and photographs are the only evidence available. With the price of landfill being around £125 per tonne (including landfill tax), the density factor (a measure of mass per volume) used to convert volume to weight can have a significant impact on the value of the judgment. In one case involving a transfer station in the south west, the EA was seeking a total amount of £4.6M and had applied a density factor of 1.5T/m³ to the volume of waste on site, over and above the permitted limit (approx. 7,300T). By looking at each waste type on the site individually and applying more accurate density factors, this was reduced to an excess 317T. The final judgement was for £200,000.

The types of waste on site are also crucial to determining the avoided cost of disposal. In another case, at a transfer station that had been operating

without a permit (it had been suspended) and having ceased some time ago, a large pile of approximately 10kt of trommel fines (a by-product of screening during the recycling process consisting of small particles of materials such as soil, wood, aggregate, glass, ceramics and organics) remained on site.

The EA determined that the cost of disposing of this waste would be over £1M as it had to go to landfill at the standard rate of landfill tax. After a visit to the site, it seemed that most of the waste appeared to be inert and that it may be able to be recycled or go to landfill at the lower rate of tax. If this was the case, the cost of removal would fall to approximately £125,000. In the absence of any evidence classifying the waste, the Court commissioned the experts to obtain quotes for removing the waste from local companies and this identified that although the waste was inert, there was a very small amount of asbestos throughout. This increased the cost of disposal to approximately £750,000 which remained lower than the EA's initial assessment.

Of course, the most desirable outcome for operators is to avoid enforcement action altogether and early support from an expert can help to achieve this if compliance issues are starting to become a concern on a site. The nature of the issue will determine the type of expert you need but there is a wide range of skills that can be accessed to assist with specialist technical issues and general operational advice. Engaging an expert at this stage indicates to the regulator that the business is committed to addressing the problem and can provide an insight for the operator into the regulator's approach in addition to expert advice to solve the technical issues that are leading to the non-compliances.

Conclusion

With the WCT now operational and regulators sharing information, we could see a surge in enforcement action. Obtaining compliance advice at an early stage is recommended as is offering an EU for any known wrongdoing. Even if faced with charges, it still merits exploring. In the event of a conviction, it is always worth challenging the regulator's assessment of harm and clear up costs. Although our best advice is of course to stay compliant!

Dr Anna Willetts is dual-qualified, having completed a PhD in geochemistry and working as an environmental consultant for 5 years, before qualifying as an environmental defence lawyer. Anna is a Fellow and Trustee of the Chartered Institution of Wastes Management (CIWM) and the Junior Vice President, as well a Co-Convenor of UKELA's waste working party.

Simone Aplin is a Chartered Waste Manager with over 20 years' experience in waste management in the industry, as a regulator and now as a consultant. She acts as an

expert witness in criminal and civil disputes, preparing expert evidence and giving verbal evidence in cases involving waste offences and their impact on the environment.

Samantha Riggs is recommended in Chambers and Partners and Legal 500 as a leading defence barrister specialising in defending companies and directors in serious and complex fraud and regulatory matters. She has expertise in environmental law, focusing particularly on waste management and environmental permitting and is a chartered member of CIWM.

Endnotes

[i] See

<https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/environmental-offences/>.

Book review

Richard Macrory – Irresolute Clay – Shaping the Foundations of Modern Environmental Law, Hart

2020, 174 pages ISBN 978-1-5099-2811-8

In 1974 shortly after being called to the Bar the person we now know as Professor Richard Macrory CBE Emeritus Professor of Environmental Law at University College London found himself quite innocently on a bed in a Californian hotel room with Raquel Welsh. It was our gain, and Hollywood's loss, that Richard chose to devote himself to environmental law. This book tells from Richard's unique perspective through first hand accounts the history of modern environmental law as it grew to become a respected discipline. Few if any people have had quite such a lasting influence on environmental law. Politicians come and go but Richard has remained as a resilient shaping influence. Richard's hundreds of publications over 45 years chart the development of environmental law from 'Polluters Pay: the Control of Pollution Act 1974 Explained' FOE 1974 through to 'The Office for Environmental Protection in 2020 – Environmental Fig-Leaf or Game Changer' Environmental Law and Management 2019 and the learning from this vast catalogue of publications are woven into the fabric of this book.

Irresolute Clay charts that 45 year career using a thematic approach from his early activism to becoming a slightly rebellious part of the establishment. Those themes are used to explore the growth of environmental law through Richard's early work and insight from being in house lawyer at Friends of the Earth, to being a founder member and first Chair of UKELA, to choosing an academic rather than a full time career at the Bar where he observes that 'I doubt whether full-time practice [at the Bar] would have given me so many opportunities to try to influence the wider development of environmental law and policy'. Richard brings those times to life describing, for example, a ceasefire at weekends during the vast Windscale public inquiry when both sides played football.

Throughout the book he places the reader alongside him from his appointment as an academic and then the first Professor of Environmental Law leading ultimately, after a brief period at Oxford University, to developing the leading centre of Environmental Law at UCL. Richard explains how he advised Select Committees to best scrutinise officials and Ministers and used his time in the European Commission infraction unit led by Ludwig Kramer to scrutinise the implementation and enforcement of environmental law. He describes rather accurately the existence of

and possible solutions to the many operational subsurface tensions, which exist within environmental bodies, from UKELA to Environmental Select Committees to the European Commission to the Royal Commission on Environmental Pollution to the decision making of environment agencies.

The chapter on the work of the Royal Commission on Environmental Pollution should have readers reaching back to its many influential reports. The learning from those reports will help the proposed Office for Environmental Protection. The stories surrounding the creation of the Journal of Environmental Law, the remarkable alignment that led to the creation of an environmental tribunal and the history of the reform of regulatory sanctions are also told.

Today we imagine our future UK environmental law framework as an independent state and signatory to international environmental conventions and trade agreements. We also seek urgent answers to the decarbonisation of our economy and wrestle to reverse the decline in nature (despite much of our attention being fixed upon the current Covid19 crisis). Richard observes that: '[L]aw does not have all the answers but will continue to be one of the essential components of any effective policy response'. Richard says that luck shaped his varied career. He was at a party when Friends of the Earth needed a new in-house lawyer and in the audience at a Royal Commission on Environmental Pollution report launch which led to his appointment to that Commission. Yet Richard himself perfectly illustrates the idea that the best future for environmental law is the one that we should optimistically create. In doing that we should carefully reflect on the lessons and wisdom that Richard has gifted us in this rather splendid history of contemporary environmental law.

Peter Kellett, Director of Legal Services Environment Agency for England

The book can be pre-ordered via the usual suppliers in advance of its 30 April release.

UCL are holding a [launch event](#) early evening 23 June – a discussion with Richard and Lord Carnwath followed by an informal reception. There is no charge but you must register with the Faculty of Laws, UCL.

Adverts, jobs and tender opportunities

Book reviews

The e-law editors are regularly sent book lists by various publishing houses which may appeal to UKELA members keen to write a review. If you are interested in contributing a book review to a future edition of e-law, but would first like some guidance or suggestions, please drop [us](#) a line.

Covid-19 email update from UKELA Chair to members – 30 March 2020

I am getting in touch today to give you a short update on how UKELA is reacting to the current Covid 19 situation. Firstly, I do hope that you and your family and loved ones are all well and are managing to adapt to the changes to our lives that have been brought on by the outbreak.

We are all living in extraordinary and unprecedented times, and no doubt in your professional lives too there have been disruptions. As you can imagine, the UKELA staff team and Council have been working hard to adjust and adapt to ensure that we can continue to support you – our wonderful membership – during these challenging times. Our staff team are already well set up to work from home, working from a ‘virtual office’, which is something UKELA has been rather ahead of the times on!

As you might imagine, our events programme is looking rather different for the next few months. Some of you will already have experienced the unfortunate cancelling of events, and those of you looking ahead in the calendar will see that for the foreseeable we will not be running any events ‘in person’; but instead look at alternatives to offering virtual events or webinars.

I am sorry to say, that after careful deliberation, based on the latest information and guidance on events and in the context of an ever and rapidly changing landscape, we have also taken the decision to not hold our 2020 Annual Conference in Plymouth; but instead look at putting on a virtual event that will enable hopefully even more of you to participate on. So please do keep the date in your diary for now! It is very disappointing to not be holding a physical conference, in particular for the Conference team, led so ably and energetically by Sarah Holmes. They had worked hard to put on a brilliant weekend of plenary sessions and entertainment in the Mayflower city of Plymouth at the end of June. However, the trustees and UKELA’s Director, Alison Boyd, felt that this is the best and right decision to take.

We are actively looking at how we can continue to deliver sparkling and informative content to you in other ways. Our team is looking right now into some of the best online options for not only the Annual Conference, but also the range of events UKELA puts on, so do look out for more information coming your way via member mailings and our website and social media. Stand by for further announcements on this exciting initiative!

More generally, this change of emphasis will almost certainly have an impact on UKELA’s income and finances. Fortunately, and thanks to the strong events programme from the previous couple of years, UKELA has built up a healthy store of reserves, which we will be able to draw on to help shield us during such a difficult time. But we do also welcome your continued support, because as you know the membership income is vital to the continued success of the organisation.

You have all been so extremely supportive in the ways you have continued to stand by UKELA over many years, either as members or volunteers, and we are immensely grateful. As a charity we are reliant on your involvement to keep up the good work. As we look to invest in the more virtual aspect of what UKELA can deliver we hope that this will also support the continued good work of the regional groups, working parties, networks, and devolved administrations. Thank you for your continued involvement and creative adaptability during these changing times.

Do stay in touch with our plans – we will keep our website, e-law and social media up to date, as well as sending regular messages by email. We are also hoping to bring you news in different ways such as blogs and podcasts. You can find us here: [website](#), [Facebook](#), [Twitter](#), [LinkedIn](#).

If you have any thoughts on how UKELA can meet the challenges ahead, please contact me or Alison Boyd. You can also contact the rest of the team – Paul Stookes is leading on our responses to the Environment Bill and establishment of the OEP, whilst Louise Hotchkiss can assist and signpost with general queries. If you have any questions about renewing your membership please contact Elly-Mae Gadsby. Please also remember we have our [FAQs](#) section on the website which is helpful for any of your website and membership questions. Please note that the team may be working slightly different hours during this period to accommodate family commitments, so they might not be able to respond straight away to any queries.

Finally, thank you for being a member of UKELA. On behalf of all of us at UKELA, I would like to wish you and your families safe and well.

With very best wishes,



Kirsty Schneeberger MBE

UK Environmental Law Association

elaw

The editorial team is looking for quality articles, news and views for the next edition due out in June 2020. If you would like to make a contribution, please email elaw@ukela.org by 13 May 2020.

Letters to the editor will be published, space permitting.

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