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FADEYEVA V RUSSIA¹ – CAN A STATE BE RESPONSIBLE IN ENVIRONMENTAL CASES FROM A FAILURE TO REGULATE PRIVATE INDUSTRY?

By Martha Grekos, Barrister, No5 Chambers (London-Birmingham-Bristol)²
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The applicant, Mrs Nadezhda Fadeyeva, lives in a council flat, which is situated within a sanitary security zone around the Severstal steel-plant in the town of Cherepovets, north-east of Moscow, in the Russian Federation. In order to delimit areas where pollution caused by steel production may be excessive, the authorities had established 'sanitary security zones'. Although this zone was, in theory, supposed to separate the plant from the town's residential areas, in practice thousands of people lived there. A Decree of the Council of Ministers of the RSFSR, dated 10 September 1974, obliged the Ministry of Black Metallurgy to resettle the inhabitants of the sanitary security zone who lived in certain districts by 1977. However, this has not been done. In the following years the Government adopted several new programs aimed at the improvement of the environmental situation in Cherepovets. According to the program now in force, the industrial emissions of the Severstal plant should attain safe levels by 2010-2015.

In 1993 the steel-plant was privatized and the apartment buildings owned by the steel-plant and situated within the zone were transferred to the local council. In 2000, the authorities confirmed that the concentration of certain hazardous substances in the atmosphere within the zone largely exceeded the maximum permitted limit established by Russian legislation³. According to a letter from the Mayor of Cherepovets dated 3 June 2004, in 1999 the plant was responsible for more than 95 per cent of industrial emissions into the town's air. According to the State Report on the Environment for 1999, the Severstal plant was the largest contributor to air pollution of all metallurgical plants in Russia.

In 1995, the applicant, together with other residents of her apartment block, brought an action to the Cherepovets Town Court, seeking resettlement outside the zone. The Town Court found that, in principle, the applicant had the right to be resettled, but, in practice, the local authorities were only obliged to put her on a 'priority waiting list'. On 31 August 1999, the Town Court dismissed the applicant's further action against the municipality and confirmed that she had been put on a 'general waiting list'.

The applicant then complained under Articles 2, 3 and 8 of the European Convention on Human Rights ("ECHR") that the operation of the Severstal steel-plant in close proximity to her home endangers her life and health and that the failure to resettle her violates these provisions. Under Article 6 of the ECHR, the applicant also complained that the court proceedings concerning her claims for resettlement were unfair. Pollution levels are officially monitored within the security zone. The application was lodged on 11 December 1999.

In its admissibility decision of 16 October 2003, the European Court of Human Rights ("ECtHR") found that the applicant did not face any 'real and immediate risk' either to her physical integrity or her life, and that any issues raised under Article 2 were more appropriately dealt with under Article 8 of the ECHR. The ECtHR also considered that there was no evidence to indicate that the applicant's housing conditions amounted to treatment incompatible with Article 3. The ECtHR therefore rejected the applicant's claims under Articles 2 and 3 at the admissibility stage.

¹ European Court of Human Rights, Application No. 55723/00, 9th June 2005.

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³ The applicant submitted that, from 1990-1999 the average concentration of dust in the air was 1.6 to 1.9 times higher than the maximum permitted limit; the concentration of carbon disulphide, 1.4 to 4 times higher; and, the concentration of formaldehyde, 2 to 4.7 times higher. Atmospheric pollution from 1997-2001 was rated as "high" or "very high". In particular, an excessive concentration of hazardous substances (such as hydrogen sulphide, ammonia and carbolic acid) was registered.

On 9th June 2005, the ECtHR held, unanimously, that there had been a violation of Article 8 (right to respect for private and family life) of the ECHR.

In the light of Article 44 Para. 2 of ECHR, the governments are legally responsible for preventing serious damage to their citizens' health caused by pollution from industrial installations, even when they are privately owned and run. The ECtHR ruled that the Russian Federation was guilty of violating the human rights of Ms. Fadeyeva. The ECtHR said the state had failed to protect Ms. Fadeyeva by either resettling her away from the plant or reducing its pollution levels.

The ECtHR stated that the very strong combination of indirect evidence and presumptions made it possible to conclude that the applicant's health deteriorated as a result of her prolonged exposure to the industrial emissions from the Severstal steel-plant. Even assuming that the pollution did not cause any quantifiable harm to her health, it inevitably made the applicant more vulnerable to various diseases. Moreover, there could be no doubt that it adversely affected her quality of life at home. Therefore, the ECtHR accepted that the actual detriment to the applicant's health and well-being reached a level sufficient to bring it within the scope of Article 8.

The ECtHR observed that the essential justification offered by the Russian Government for the refusal to resettle the applicant was the protection of the interests of other residents of Cherepovets who were entitled to free housing under domestic legislation. Since the local council had only limited resources to build new housing for social purposes, the applicant's immediate resettlement would inevitably breach the rights of others on the waiting lists. Further, the Government referred, at least in substance, to the economic well-being of the country. The ECtHR agreed that the continuing operation of the steel-plant in question contributed to the economic system of the Vologda region and, to that extent, served a legitimate aim within the meaning of Article 8(2) of the ECHR.

The ECtHR noted that Russia authorised the operation of a polluting enterprise in the middle of a densely populated town. Since the toxic emissions from that enterprise exceeded the safe limits established by domestic legislation and might have endangered the health of those living nearby, the State established that a certain territory around the plant should be free of any dwelling. However, those legislative measures were not implemented in practice.

The ECtHR stated that it would be going too far to state that the State or the polluting enterprise were under an obligation to provide the applicant with free housing, and, in any event, it was not the ECtHR's role to dictate precise measures which should be adopted by the States which had ratified the Convention in order to comply with their positive duties under Article 8. In the applicant's case, however, although the situation around the plant called for a special treatment of those living within the zone, the State did not offer her any effective solution to help her move from the dangerous area. Furthermore, although the polluting enterprise at issue operated in breach of domestic environmental standards, there was no information that the State designed or applied effective measures which would take into account the interests of the local population, affected by the pollution, and which would be capable of reducing the industrial pollution to acceptable levels.

The ECtHR concluded that, despite the wide margin of appreciation left to the respondent State, it had failed to strike a fair balance between the interests of the community and the applicant's effective enjoyment of her right to respect for her home and her private life. The ECtHR therefore held, unanimously, that there had been a violation of Article 8. It ordered the Russian government to pay her €6,000 in compensation and to ensure it resolved her situation.

The case marked the first time the ECtHR had held a state responsible for damage caused by a private company. The only near-precedent was a similar case in 1994 known as *López Ostra*⁴, involving pollution from a partly-public, partly-private waste plant in Spain.

The ECtHR's judgment is significant on a number of levels. The ECtHR recognised that for Mrs Fadeyeva this is a continuing problem. The ECtHR declined her request to order the Russian Government to move her, but it acknowledged that one of the possible solutions would be to move her to a safe area. The judgment is binding as a matter of international law, and so Russia will have help her to move away or taking steps to prevent the pollution⁵. This case also has profound implications for others in a similar position (and thousands live within the immediate vicinity of this steel plant).

The court rightly found that Mrs Fadeyeva did not have to prove that the pollution had damaged her health; it was enough for her to establish that it was a serious risk to the health of people living in the area. There are therefore major implications here for environmental liability. As we are very much aware, the need for proof of scientific evidence which is more or less irrefutable is very difficult. Too much of a causal link is needed which science cannot help; the more we understand the environment, the more complicated it actually becomes. The law of tort is too much concerned with culpability which obstructs the environmental aim - to attack the causes of environmental degradation. We need to bear in mind the 'precautionary principle', as measures should be taken despite scientific uncertainty about the likelihood of harm, even in cases where there is no scientific proof of a causal link.

In conclusion, the main factor in shaping the right to a healthy environment is jurisprudence on both a national and trans-national level. The right is taking the shape of an obligation on the part of authorities to guarantee an objectively high level of environmental protection as one of the necessary conditions for enjoyment of life. In specific cases where authorities do not discharge their responsibilities, individuals may enforce the right.

⁴ The decision of the Court over *Lopez-Ostra v Spain* (1995) 20 EHRR 277 found that environmental harm inflicted on Ms. Lopez Ostra's community constituted a violation of her right to private and family life and the right to enjoy her home. The released fumes from an unlicensed tannery waste treatment plant in an urban area caused immediate health problems and nuisance to Ms. Lopez- Ostra and her family, and to other people living in the area. While taking full account of the economic interest of the community, the Court ruled that the activities of the tannery waste treatment plant had produced severe environmental pollution that affected the enjoyment of basic human rights. In consequence, the Court awarded Ms. Lopez-Ostra compensation.

⁵ The Times did state on 12th July 2005 the following: "How will Russia respond? There have been worrying responses to the Council of Europe to date. In reply to the human rights court's judgment in *Ilascu v Moldova and Russia* in July last year, concerning unlawful detention, the Ministry of Foreign Affairs stated that there was "bewilderment in Moscow at the inconsistency, contradictoriness, subjectivity and clear political engagement" of the court. The Russian Government also tried to get the hearing of the Chechen cases in Strasbourg postponed and to have the press and the public excluded. A further worrying development is that the Government has started recently to issue blanket refusals in response to requests from the court for disclosure of the domestic case files relating to alleged gross violations in Chechnya. Most seriously, civilians in Chechnya who are seeking redress from the court are being intimidated by the security forces. In some cases, those with cases pending in Strasbourg have been killed. These indications of Russia's apparent unwillingness to co-operate with the court suggest that matters are coming to a head. The Council of Europe may have to consider stronger measures to bring Russia into line. Certainly the extent to which these judgments can be enforced is a significant test not only for the Russian Government, but also for the Council of Europe. It can only be hoped that Mrs Fadeyeva, and others like her, will not have to wait too long for an answer."

£16,500 FINE FOR DAMAGING PROTECTED MOORLAND EN/05/35

A landowner has been fined £16,500 and ordered to pay £17,026.44 costs after causing damage to moorland habitat in the South Pennine Moors Site⁶ of Special Scientific Interest (SSSI).⁷

On Monday (August 22) Walshaw Moor Estate Limited pleaded guilty at Keighley Magistrates' Court, Bingley, to three offences relating to track building and dumping material on a grouse moor in West Yorkshire.⁸

The partially completed track is 2.3km long and cuts through blanket bog and wet and dry heath habitats on Wadsworth Moor, north of Hebden Bridge.

On a separate part of the estate, rock and soil was dumped on around 1,225 square metres of moorland habitat.

The site is internationally protected for its blanket bog, heather moorland and breeding bird populations including merlin, golden plover and short-eared owl.

Magistrates also made orders that restoration works⁹ be carried out at the estate's expense, under the supervision of English Nature.¹⁰

Dr Andy Clements, English Nature's Director Protected Areas, said: *"We are always saddened by having to bring prosecutions as it means that some of England's most important wildlife has already been lost or damaged. The dumping and construction of tracks in this manner and without English Nature's consent has caused significant damage to this nationally and internationally important site. We will always try to maintain positive partnerships with owners and occupiers, but we will prosecute when necessary."*

⁶ The South Pennine Moors are designated under European law as a Special Area of Conservation for habitats and a Special Protection Area for their breeding birds. On a global scale, peat moorlands are largely confined to North England, Scotland and Ireland.

⁷ Sites of Special Scientific Interest (SSSI) are notified and afforded protection under the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000. This places legal obligations on owners and occupiers of land within SSSIs and on public bodies. It also creates an offence of damage and disturbance caused by third parties.

⁸ The legislation prohibits owners or occupiers of land notified as a SSSI from carrying out, causing or permitting to be carried out, any operations specified in the SSSI notification unless they have given prior written notice to English Nature. These operations can then only be carried out with English Nature's written consent, or within the terms of an existing management agreement, management scheme or management notice with English Nature. Any contravention of this legal obligation is a criminal offence.

⁹ Section 31 of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 enables the Court to make a Restoration Order specifying operations for the purpose of restoring the SSSI to its former condition prior to the damage occurring. If the terms of the Restoration Order are not complied with, English Nature may enter the land and carry out those operations, recovering expenses from the person against whom the Restoration Order was made. It is an offence, without reasonable excuse, not to comply with the terms of the Restoration Order.

¹⁰ English Nature is the independent Government agency that champions the conservation of wildlife and geology throughout England. Following publication of the draft Natural Environment and Rural Communities Bill in February, English Nature, the Rural Development Service and the Countryside Agency's Landscape, Access and Recreation division are working towards integration as a single body: Natural England. It will work for people, places and nature with responsibility for enhancing biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas; promoting access, recreation and public wellbeing, and contributing to the way natural resources are managed.

WILD LAW: A DEBATE FOR OUR TIMES

By Simon Boyle, of Argyll Environmental and UKELA's Council, and Begonia Filgueira, of Gaia Law

We are all becoming increasingly aware of the destruction mankind is causing to our planet. Some of us try hard to recycle, consume less, eat organic food, take public transport and do things we think will help the environment. This is because we are starting to learn about how we as human beings are dependant for our survival on the very species and ecosystems we are destroying. Take climate change, which has for the first time has made many people realise just how near we may be getting to extinguishing life as we know it.

Still, awareness of the damage humans cause to the Earth has not elicited the response you would imagine it should. Although we do have environmental laws encouraging better environmental practice and management, these laws and the practices they promote are still part of the model of unsustainable economic growth; at best they will act as a slight brake to the destruction of the planet's life support systems.

Cormac Cullinan, the author of "Wild Law" (published in 2003 by Green Books) argues that what we need is not to manage the environment more but to change the way we think about the cosmos and the environment and then create a new form of Jurisprudence to govern ourselves and live in harmony with the Earth. Wild Law is important because it explores real tools, which, with the right will, could achieve real change.

In "Wild Law" Cullinan states that mass destruction of the planet has been allowed to happen because our modern society, fuelled by development and economic growth, has gone on unchecked at the expense of the environment and in ignorance of the laws of nature that govern the planet. Our laws have protected whatever humans required over and above the most basic needs of Earth.

Wild Law proposes that humans need a paradigm shift from views and laws that are focused solely on humans, to laws and governance systems based on the principles of nature. Mankind is suffering from a mechanistic, reductionist view, believing that humans, through science and technology, somehow have or will have the answers to all their problems. In the main we only recognise that humans have rights, have become detached from nature and our world view has become ever more anthropocentric.

Cullinan wants us to think about where we all come from, how different we are from other beings on the planet and how interdependent we are with what surrounds us; for example would we last long without the water we constantly waste unnecessarily? If we are members of what he calls the "earth community" we need to recapture some balance between human rights and the rights of the other life on the planet. But before that we need to grant rights to animals, plants and even rivers. Once all members of this earth have rights then we can start to prioritise these and decide whose rights need to be limited by law. Wild Law would always give priority to the rights of the one thing we all need to survive: the Earth.

A vital first step that each of us can take is to reconnect with nature. This could involve simple things such as taking more walks in the countryside and organic gardening or permaculture. At the same time we can start to learn from indigenous peoples whose cultures invariably provide strong connections between individuals, their community, waste and the environment. By starting to do these things we can start to build a closer affinity with the natural world we live in.

Then we can all start to re-evaluate our human centred governance systems, appreciating that we do need a paradigm shift to human laws that are based upon the laws of nature, that have real respect for all forms of life and that promote harmony and respect for the earth community.

To explore some of the ideas behind Wild Law, UKELA is holding a half day conference at Brighton University on 18 November. A booking form will be found at the end of this issue.

NORTH WEST REGIONAL GROUP ENVIRONMENTAL LAW UPDATE

The UKELA North West Regional Group is relaunching its activities on Thursday, November 3rd 2005. Barrister Stephen Tromans, of 39 Essex Street, will give an "Environmental Law Update". Please come along and meet UKELA's chair, Andrew Wiseman, and help plan future UKELA events in the North West.

There will be an opportunity for questions and discussion and a networking opportunity with drinks afterwards.

Date: Thursday November 3rd 2005

Time: 4pm – 6.30pm (speaker at 4.30pm)

Venue: Cobbetts, Ship Canal House, King Street, Manchester, M2 4WB.
Thanks to Keith Davidson, of UKELA's Council, for hosting the meeting.

Phone on the day: 0845 404 2404 (reception)
07788 974197 (Keith Davidson mobile)

CPD points accredited: 1

Coffee/tea available from 4pm. Please stay for drinks and nibbles afterwards.

Cost (to cover refreshments): UKELA members £5. Non-members £10. Students free of charge although places are limited. All places must be booked.

Booking:

Please book your place by sending the attached form and cheque payable to UK Environmental Law Association to Vicki Elcoate, UKELA Executive Director, The Brambles, Cliftonville, Dorking, RH4 2JF.

UKELA NORTH WEST GROUP ENVIRONMENTAL LAW UPDATE
Booking form

November 3rd 2005

All places must be booked

I enclose a cheque for £ _____ payable to the UK Environmental Law Association

Fees:
UKELA members £5
Others £10
Students free of charge

Name

Address

Firm/Organisation/Academic Institution

Email address

Phone number/mobile

UKELA member

Student

Other

Please return this form with your payment (cheques payable to UK Environmental Law Association) to:

Vicki Elcoate
Executive Director UKELA
The Brambles
Cliftonville
Dorking RH 4 2JF

DEFRA REVIEWS ENFORCEMENT OF ENVIRONMENTAL REGULATION

The Environment Minister, Elliot Morley MP, has announced a wide-ranging review of the enforcement of environmental regulation. This follows complaints, as part of the Government-commissioned Access to Justice research, that punishments often did not fit environmental crimes and were not acting as a deterrent; also that the system deterred individuals and communities from getting involved. UKELA helped contribute to the debate and welcomes the review announcement.

The aim of the review will be to develop an effective and flexible system of environmental enforcement that more closely involves the community. Defra proposes to improve the efficiency, proportionality and effectiveness of enforcer action and court sanctions aimed at curtailing or remedying breaches of environmental requirements; and of facilitating community or individual action which would assist more effective enforcement.

The review will focus on examining the following processes in particular:

- the means by which the wider community, including business, can assist the enforcement process. This would include the processes by which people can access information which would allow them to alert enforcers to significant breaches;
- means by which the views of the community are taken into account in the way enforcement or court decisions are made;
- the range of enforcement measures and court sanctions available to assist in securing compliance or remedying damage to the environment;
- the way these measures are currently used; and
- the way in which these measures interact in practical enforcement.

The review will look for any gaps in policy coverage, and for opportunities for a more coherent approach. Defra says this may ultimately have benefits for enforcers in efficiencies, and for business in easier to understand patterns of enforcement and sanctions.

The review is in three stages: a scoping phase which is happening now; stage 1 of identifying and prioritising problems and running some practical trials; stage 3 examining the range of options available and what works best. The conclusions should be published in June 2006.

A steering group of government departments, Environment Agency and local authority representatives will ensure that the review takes account of wider government policy. A Project Board will be asked to oversee the running of the review and in particular help make connections with other work, encourage external support and assistance, and help direct supporting research and the proposed practical trials.

UKELA, and others, will be contributing to this programme of work with the objective of securing the objective of better environmental protection through the regulatory system and giving ordinary people the tools they need to protect their environment. If you want to contribute please contact UKELA's Environmental Litigation Working Party which will be leading UKELA's work on this: Justine.Thornton@AllenOvery.com; james.kennedy@freshfields.com. The initial phase involves passing onto Defra views on the problems with the current system.

Defra has a webpage dedicated to environmental justice, on which you can also read notes from the Access to Justice conference held in November last year: <http://www.defra.gov.uk/environment/justice/index.htm>.

BRUSSELS WINS RIGHT TO FORCE EU COUNTRIES TO JAIL POLLUTERS

Brussels was given greater powers over the EU's 25 members earlier this month, when the European Court of Justice (ECJ) declared that EU rules can be enforced through criminal sanctions.

The court have upheld an attempt by the European Commission (EC) to allow it to force EU countries to jail polluters.

The court delivered its ruling after a disagreement between the EC and the Council of Ministers(CoM) over the punishment of polluters. Both sides agreed that polluters should face criminal penalties, but they disagreed on how these should be enforced: CoM argued that under the "Third Pillar" of the Maastricht treaty, the matter should be left in the hands of governments who would have the power of veto. EU countries originally voted in favour of the original plan to allow governments to decide the matter by 11 votes out of 15 in 2003.

The EC argued that it should be enforced through the "First Pillar", also known as the "Community Pillar". This waters down the power of member states by involving all three of the EU centres of power - EC, CoM , and the European parliament. Countries also lose their national veto. This view was endorsed by the Luxembourg-based court.

The ruling means the EC would have the right to tell EU countries to impose criminal penalties on polluters. This would be carried out in national courts, although the EC would like to extend its powers by recommending the level of punishment.

Michel Petite, head of the EC's legal service, said: "I suppose that for a directive to be complied with, we might want to say it has to be a criminal penalty, we may want to say it has at least to be at this level. That could be viewed as a necessary condition for the directive to be complied with properly. But that was not contemplated in the ruling."

The ruling which could mean the right to impose criminal penalties in a series of other areas, including the internal market, intellectual property rights and data protection was hailed by José Manuel Barroso, the EC President, as "break[ing] new ground, it strengthens democracy and efficiency in the EU".

UKELA has long been in favour of bringing forward criminal sanctions for environmental polluters. But the objection was (and remains) that we shouldn't be using the EC to harmonise member states' criminal sanctions. Whilst Eurosceptics see the ruling as marking a loss of sovereignty pro- Europeans have welcomed the ECJ ruling Chris Davies, the Liberal Democrat leader in the European Parliament, said: "Europe needs an umpire to ensure fair play between member states and to dismiss the cheats. The commission is the only body that comes close to fitting that role and this court ruling gives it more teeth with which to bite"

WELCOME FOR REVIEW OF ENVIRONMENTAL GOVERNANCE IN NORTHERN IRELAND

The government has announced a review of environmental governance in Northern Ireland. This is at least in part thanks to the efforts of NGOs in Northern Ireland, and UKELA, which have been pressing for the establishment of an independent environment agency.

The Environment Minister, Jeff Rooker, said: "For some time now, the public and local environmental organisations have highlighted concerns about how government protects the environment.

“I am responding to these concerns by establishing an independent review to address the structure, management and resourcing of the publicly funded elements of environmental governance”.

The current system has been much criticised. For example, Friends of the Earth has been just been given leave for a Judicial Review of a Government policy that results in tonnes of raw and poorly treated sewage being dumped in Northern Ireland’s seas, rivers and lakes. They are arguing that the policy of allowing new housing developments to connect to the public sewer where sewage treatment is inadequate or non-existent, known as sewage 'hotspots', is unlawful.

UKELA members in Northern Ireland have identified failures throughout the system in protecting the environment and delivering an effective system of environmental governance (see paper on www.ukela.org). The announcement of a review is therefore warmly welcomed.

The next step is for a three person panel to be appointed which will make recommendations to improve the performance, responsiveness and accountability of the environmental governance system.

Mr Rooker said: “The review will be participative in approach and the panel will conduct its work in an open and transparent fashion, consulting widely with experts, stakeholders and the general public.”

UKELA, a coalition of environmental NGOs in Northern Ireland and Queen’s University Belfast, will be holding a roundtable at the end of October to discuss the key issues for the review. The roundtable, under Chatham House Rules, will involve decision-makers and experts from regulators outside Northern Ireland and on environmental governance. UKELA’s Chair, Andrew Wiseman, has helped organise the event and will be attending.

The key issues that have been identified for the review are:

- How much independence is needed for effective regulation?
- How to integrate functions at a regional level?
- What steps should be taken to deliver a robust environmental justice agenda?
- How to resource an effective environmental governance system?
- How to engage better the environmental policy community?
- How to engage the public in delivering a better environment in line with the UK Sustainable Development Strategy and the Åarhus Convention?

UKELA’s Northern Ireland working party is developing ideas on these issues and welcomes input. It has a meeting planned in Belfast on Wednesday October 26th, which is just before the roundtable meets. Contact Brian Jack, the working party chairman, for details: b.jack@qub.ac.uk

UKELA LONDON MEETING

"SEA and EIA - key conundrums and issues, with some possible solutions"

Thursday 20th October 2005 at 6pm
At Eversheds
Senator House
85 Queen Victoria Street
London

Members are cordially invited to this early evening session where the subject will be "SEA and EIA - key conundrums and issues, with some possible solutions" and will address many of the "difficult questions of interpretation" and practical issues which are arising in the implementation of this momentous legislation. The speakers will be:

Paul Winter (Eversheds) - who has extensive experience in the field of EIA, including representing English Partnerships and the North West Development Agency in their response to the Tew decision and in their successful defence of the Rochdale Kingsway permissions in the Milne case, as well as assisting the London Development Agency in connection with the planning applications for the London Olympic Bid (involving some considerable EIA challenges). Paul and his colleagues have also been advising authorities and developers on the implementation and effect of the SEA directive.

Ian Gilder (Environmental Resources Management) - Ian and his team have been involved in some of the leading EIA projects including the Rochdale cases (see above), the London Olympics applications as well as numerous major infrastructure projects. They have been involved in Government research on both EIA and SEA issues as well as providing detailed advice on SEA and Sustainability Appraisal to wide range of public sector bodies, including RDAs, the DTI, local authorities and PTEs. Ian and his team are also involved in the first public inquiry into a Marine Minerals Production Licence in England and Wales.

The Meeting will last for approximately 90 minutes after which refreshments will be provided to enable those attending to discuss the issues informally.

CPD points will be available for all attending.

There will be a small contribution to cover costs at £10 for Members and £20 for Non-members. Students and Unwaged members are free.

If you wish to accept please contact by e-mail Claire Robertson at Herbert Smith:
claire.robertson@herbertsmith.com

All cheques should be made payable to UKELA and sent to:

UKELA
c/o Claire Robertson
Exchange House
Primrose Street
London EC2A 2HS
(DX 28 London)
Tel 020 7466 3650



making the law work
for a better environment

Environmental law competitions –

Entries now open

Moot:

Lord Slynn of Hadley Mooting Trophy (for seniors) and UKELA student moot.

Sweet & Maxwell/Thomson books and cash prizes

Skeleton arguments by December 5th 2005.

Sponsored by No 5 Chambers

Andrew Lees essay competition:

“Public opinion is a fickle creature and the right to environmental information will only be exercised by a few”. Can access to environmental information be seen as an environmental protection tool?

Cash Prizes and free conference places

1,000 words. Deadline: 27th January 2006

FOR FURTHER INFORMATION PLEASE VISIT www.ukela.org

UK Environmental Law Association: Registered Charity 299498, company limited by guarantee 2133283, registered office Honeycroft House, Pangbourne Road, Upper Basildon, RG8 8LP

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PAST CONFERENCE PAPERS

The publication of the papers for the 2003 - 2004 conferences has been delayed because of a hold-up at the publishers. Hopefully they will be out before Christmas! All members will receive a copy as soon as possible.

The 2005 papers from the Edinburgh conference will soon appear on the ukela website www.ukela.org. We are currently improving the website to give it more visibility on search engines and providing extra support for the hard-working volunteer web-master Peter Kellett. This has meant some delays as we switch to a new web hosting company and you may have noticed that it is looking slightly out of date. You should see improvements by the middle of October.

UKELA LONDON MEETINGS PROGRAMME 2005/2006

Date: Thursday 20 October 2005
Topic: **EIA/SEA**
Speakers: Paul Winter, Ian Gilder
Venue: Eversheds

Date: Wednesday 16 November 2005
Topic: **US Environmental Law**
Speakers: Cliff Petriella, Greg Battista
Venue: Herbert Smith LLP

Date: Wednesday 18 January 2006
Topic: **Penalties for Environmental Offences**
Speakers: Richard Kimblin, tbc
Venue: Herbert Smith LLP

Date: Wednesday 8 February 2006
Topic: **Environmental Insurance**
Speakers: Stephen Sykes, Valerie Fogleman
Venue: Herbert Smith LLP

Date: Wednesday 12 April 2006
Topic: **Ecological assessments**
Speakers: Simon Colenutt, Jason Weeks
Venue: Herbert Smith LLP

Date: Thursday 25 May 2006
Topic: **Waste and Van de Walle case**
Speakers: Stephen Shergold, Stephen Tromans
Venue: Herbert Smith LLP

Date: Wednesday 19 July 2006
Topic: **WEEE/RoHS**
Speakers: Paul Rice, Jeff Cooper
Venue: Herbert Smith LLP

UKELA WILD LAW CONFERENCE
Booking form

November 18th 2005

All places must be booked

I enclose a cheque for £ _____ payable to the UK Environmental Law Association

Fees:

UKELA/ELF members	£20
Others	£30
Students/unwaged	£3

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E - LAW

The editorial team want articles, news and views from you for the next edition due to go out at end November 2005. All contributions should be dispatched to Catherine Davey as soon as possible by email at: Catherine.Davey@stevens-bolton.co.uk by 19 November 2005. Please use Arial font 11pt. Single space.

Letters to the editor will be published, space permitting

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