



e-law

UKELA Making the law work for a better environment

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EDITORIAL

Welcome to the spring edition of e-law and to a new Chair and Vice-Chair for UKELA. Long standing Council members Mark Brumwell and Tim Clare have stepped into the roles and you can read more about the changes in the following article.

We are also in the run up to the annual conference in Norwich and I'm delighted to report that Tom Burke has agreed to give the gala dinner speech. We have a great programme of speakers on the hot topic of the day for all of us working in the Environmental Law sector – Austerity and Sustainable Development. So tighten your belts and join us in Norwich in June.

If you fancy getting to Norwich under your own steam (well I did say we have an austerity theme) you can join Stephen Sykes on his sponsored bike ride from London. The aim is to raise lots of money to maintain our Law and Your Environment website – and have fun on the way.

If that's too much, what about kayaking around the tranquil creeks and lagoons of Norfolk with David Hart QC? Last year the event raised over £5,000 for us. Kayaking will take place in September so you could do both the bike and kayak fundraising events with time to recover in between! If you're not up to either then please sponsor our intrepid participants. All the details are in this edition.

This edition includes articles from DEFRA and Alec Samuels.

In the meantime enjoy the spring.

Catherine Davey, Editor



In this issue

Editorial	1
News	2
Contributed articles	4
UKELA member profile ...	11
Events - International	12
UKELA events	13
Non-UKELA events	15
Sponsored events	16
Information resource	19
Book reviews	19
Jobs	20
About us	20



CHANGES ON UKELA'S COUNCIL

UKELA has seen some recent changes on Council ¹.

Mark Brumwell, of Dundas & Wilson, has taken over from Peter Kellett as Chair of UKELA. Tim Clare, of WSP Environment and Energy, is the new Vice-Chair. We're delighted that Mark and Tim have agreed to take on these roles at short notice, although they had hoped to do so in July following the AGM when Peter Kellett was scheduled to stand down.



Peter's early resignation – and that of three other Council members employed by DEFRA - has been caused by a perceived conflict of interest with UKELA's work on reviewing environmental law as set out under Aim 5 of our strategic plan. DEFRA took the view that their staff could not remain as UKELA trustees whilst the organisation was involved in a project which possibly might identify deficiencies in environmental law.

DEFRA continues to be a consultee to the project and will be represented at a workshop in April to discuss it and continues to support UKELA in other ways. Public sector involvement continues on Council with the involvement of Bridget Marshall of SEPA and we hope to attract others to stand for election in June.

Mark Brumwell comments that 'UKELA is enormously grateful to the outgoing trustees – Peter Kellett, Tom Mosedale, Paul Collins and Liz Hattan. They have made a huge contribution to UKELA and in losing them UKELA loses many years of expertise and wisdom. Their skills were many and provided valuable additional resources in a small organisation. We will miss them'.

In June Council will have at least four vacancies to fill and some current members will be up for re-election. UKELA wants to make sure it has a diverse board with people from a variety of backgrounds, geographical locations and skills. In particular we encourage members from the public sector, Wales and Northern Ireland to put their names forward for election. We would welcome applications from solicitors in private practice and environmental consultants. People with a particular interest in financial management and IT, including communications using social media, are encouraged to consider applying.

One of the Council members standing down was Tom Mosedale, who had been UKELA's Treasurer since last June. This role is now effectively vacant. We are therefore looking for someone to fulfil the role of Honorary Treasurer. The role is set out in more detail below. The role is not as onerous as it used to be as UKELA has professional staff and independent accountants to support the role. The new Treasurer will be co-opted onto Council until June and then will stand for election, with a strong recommendation for support from Council. We are also looking for an assistant Treasurer to help with succession planning.

TREASURER WANTED

Do you want to help UKELA manage its finances? Are you looking for a responsible role on Council and to help UKELA in a very important way?

UKELA is looking for a Treasurer, who can work alongside our professional accountants, the staff and other trustees, to make sure UKELA's money is in safe hands and spent on its charitable objects? The treasurer of UKELA is a volunteer and member of Council. We need someone to take over as soon as possible.

The overall role of the Treasurer is to maintain an overview of UKELA's affairs, ensuring its financial viability and ensuring that proper financial records and procedures are maintained.

THE MAIN RESPONSIBILITIES ARE:

Approving payments (online or by email); making regular reports to Council (supported by professional accountants and staff); presenting the annual draft budget to Council and providing regular monitoring reports in relation to the budget including advice if targets are not being met; advising annually on an appropriate reserves policy and an appropriate investment policy for UKELA; ensuring that appropriate accounting procedures and controls are in place; liaising with paid contractors and volunteers about financial matters and ensuring paid contractors are reimbursed promptly for expenses and receive their fees regularly;

¹ Council members are the trustees of the charity and directors of the company.

complying with procedures that Council sets out for preparing and disclosing the accounts in the form required by funders and the relevant statutory bodies' eg the Charity Commission and/or the Registrar of Companies; ensuring information is provided annually to the reporting accountants; keeping the board informed about its financial duties and responsibilities; making a formal presentation of the accounts at the Annual General Meeting and drawing attention to important points in a coherent and easily understandable way.

If you're interested please email Vicki.elcoate@ntlworld.com or ring 01306 501320. Closing date: April 5th.

AIM 5

UKELA's Aim 5 project – reviewing environmental law – is nearly ready to publish its interim report, which will be shared with UKELA members. We're expecting to be able to circulate it at the beginning of May.

UKELA has been working with King's College, which is part funding the project, to carry out this research phase of the project.

In preparing the project our interns – James Corbet-Burcher, Srijanee Bhattacharyya, Rebecca Findlay and Vikki Leitch – have interviewed nearly 30 practising lawyers, members of the judiciary, business, regulators and academics. They've been asking key questions about if or how environmental law could be improved – on topics including coherence, integration and transparency.

It would be too premature to give an indication of their findings – at the beginning of April Sir Francis Jacobs is chairing a workshop for us to discuss the initial thoughts and to hone up the interim report.

There may be some clear conclusions that emerge at this stage, or the project may identify the need for further research. A final report will be published around the start of 2012. Matrix Chambers is kindly funding the final publication but there may need to be approaches for further funding if more research is needed. The final report will assess the extent to which there is a case for law reform (in the areas of environmental law covered by the project), or for a more detailed and extensive study to make such a case. It will also help the UKELA working parties by providing a more strategic framework for their responses and other work of influencing the formulation of environmental law.

By stimulating a broad debate, UKELA aims to make the issue of delivering better environmental laws a priority amongst environmental lawyers in the UK and within the UK Government, including in the devolved administrations. We hope to involve as many UKELA members as possible as the work unfolds. Do look out for the report when we circulate it.

MEMBERSHIP RENEWALS

Last Chance to renew your membership for 2011!

Don't miss out on receiving regular updates via e-law and member mailings, as well as member discounts for events. Renew your annual membership or it will be lapsed at the end of March. Many thanks to those who have renewed already.

Click here to renew: <http://guest.cvent.com/d/2dqvp9>

London meeting on Protection of the Deep Sea Environment

The presentations from this seminar are on our website here:

<http://www.ukela.org/rte.asp?id=94>

UPDATE ON DEVELOPMENTS IN INTERNATIONAL ENVIRONMENTAL LAW

Update by Carla Pike, DEFRA lawyer and member of the GLS Environment Group.

Welcome to the sixth update on developments in international environmental law. You may recall from previous editions of E-law that we aim to publish regular updates on recent developments in international environmental law and to highlight future meetings and expected outcomes. It's a short update this time, but there are plenty of meetings coming up which will mean a jam-packed seventh update!

Any comments, please contact Elizabeth Hattan, DEFRA: elizabeth.hattan@defra.gsi.gov.uk.

A look back over recent developments...

Mercury

The **Second Session of the Intergovernmental Negotiating Committee for the Global Agreement on Mercury** took place from 24th – 28th January 2011 in Chiba, Japan. The meeting, which is the second of a planned five, completed a first reading of the draft elements paper that had been prepared by the UNEP Secretariat on request by INC1 and a preliminary discussion was had on each of the elements of the future treaty. Contact groups were set up on storage, waste and contaminated sites; artisanal and small scale gold mining (ASM); and air emissions, where delegations were given the opportunity to engage in further technical discussions on these issues. The EU Commission and/or the EU Presidency (currently Hungary) made statements on all items on the agenda and seven detailed conference room papers were tabled by the EU/Member States on the following substantive issues: mercury supply sources, environmentally sound storage of mercury, manufacturing processes in which mercury is used, atmospheric emissions, mercury wastes, financial resources and mechanisms and the set-up of an implementation committee. These papers will be taken into account by the UNEP Secretariat when drafting a revised session document for INC-3. Further proposals are also planned to be submitted by the deadline determined by the UNEP Secretariat. Given the overall constructive debate in INC-2, the meeting can be considered as a success, although many substantive provisions still need to be negotiated in significantly more depth. The issue of financial and technical assistance will be of crucial importance for developing countries. INC-3 will take place in the week of 31 October 2011 in Nairobi (Kenya) or Ouagadougou (Burkina Faso).

Sustainable Development

The **UN Conference on Sustainable Development 2012 (Rio+20) Intersessional 1 and PrepCom2 meetings** took place from 9-10 January and 7-8 March 2011 respectively. Brazil is hosting a high level conference in June 2012 to mark the twentieth anniversary of the original Rio Earth Summit, the two key themes being the green economy (for an explanation see UNEP report of 21 February 2011) and institutional framework for sustainable development. Preparations began last May and UN member states are still at the stage of exchanging ideas on the two topics. On green economy, countries (both developed and developing) have identified examples of good practice and an ultimate outcome may be a “road map” for moving towards a green economy, together with a “toolkit” of best practice. On institutional reform, most agree that improvements to the system are needed at both national (through SD councils or by mainstreaming SD into government policy) and international levels. On the latter, the debate centres on strengthening the environmental pillar of SD governance (the EU wishes to upgrade UNEP into a UN specialised agency) and a broader review of the Commission on Sustainable Development and ECOSOC. A zero draft text for UNCSD will be prepared for January 2012, with negotiations continuing over spring 2012.

Looking Forward..

4th Governing Body to the International Treaty on Plant Genetic Resources for Food and Agriculture, March 2011 – the meeting will aim to conclude negotiations on the financial rules and compliance procedures and mechanisms, as well as taking decisions on issues including farmers' rights, the operation of the multilateral system and use of the standard material transfer agreement.

Forest Europe Expert Level Meeting, March 2011 – the meeting will finalise preparations for the Forest Europe Ministerial meeting which will take place in June 2011. The focus of discussions is likely to be the possible launch of negotiations on a new legally binding forestry agreement.

28th meeting of the Working Group on Strategies and Review under the Convention on Long Range Transboundary Air Pollution, April 2011 – negotiating session on amendments to the Protocol to abate acidification, eutrophication and ground level ozone.

5th Conference of the Parties to the Stockholm Convention on persistent organic pollutants, 25 – 29 April 2011 - the COP will have before it a number of issues concerning implementation of the Convention which concerns the protection of human health and the environment from persistent organic pollutants. On the technical side these including on the continued need for DDT for disease vector control, guidelines on BAT/BEP, and the possible listing of endosulfan as a new POP in the annexes of the Convention. There will also be a stock-take on implementation issues given the entry into force of the amendments to the Convention (i.e. the listing of nine new POPs in the annexes of the Convention) that were agreed at COP4. On the more policy/horizontal side the COP will be considering financial resources and the ongoing UNEP consultative process relating to this in the context of the chemicals and waste cluster, synergies and further negotiations on a compliance mechanism, COP4 not having been able to reach agreement on the content of any such mechanism.

Commission on Sustainable Development 19, May 2011 – negotiation and potential adoption of a ten year framework of programmes on sustainable consumption and production, as required by WSSD in 2002.

1st Inter-Governmental Negotiating Committee under the Protocol on Access and Benefit Sharing, June 2011 – this first meeting of the committee will consider issues including capacity building, compliance and the modalities and operations of the ABS Clearing House Mechanism.

Meeting of the Ocean Fertilisation Working Group under the London Convention on the Prevention of Marine Pollution by dumping of wastes and other matters and its Protocol, June 2011 – the working group will discuss, evaluate and develop options for the regulation of ocean fertilisation activities in preparation for the Conference of the Parties in October 2011.

5th Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 20 – 24 June 2011 - like Stockholm COP5, Rotterdam COP 5 will be considering a number of matters relating to implementation of the Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade. The main technical issue is the possible listing of four new chemicals in the annexes in order to make them subject to the PIC procedure. The COP will be considering very similar horizontal issues as those under Stockholm, those being financial resources, synergies and a compliance mechanism.

4th Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), 29 June – 1 July 2011 - the fourth MOP of the Aarhus Convention which concerns access to information, public participation and access to justice in environmental matters will consider draft decision which have been prepared by the MOP's main subsidiary body, the Working Group of the Parties, on a number of matters including access to the Convention by non UNECE States (and the procedures for doing so), the mandates for the various taskforces under the three pillars of the Convention mentioned above, the findings of the compliance committee since the last MOP, some of which relate to the UK, and a new strategic plan for the Convention after 2014.

BATS, BADGERS, CRESTED NEWTS AND SIMILAR WILDLIFE: CAN THEY STOP DEVELOPMENT?

Alec Samuels

The main if not virtually the only road between towns A and B was heavily and increasingly congested, so the local planning authority (LPA) resolved to construct a rapid bus route along the line of an old disused railway line, a Beeching victim some 40 years before. During that time the line had become rather overgrown with vegetation, and the badgers and bats had moved in. This is a very common scenario. Objection was made by way of judicial review on environmental and ecological grounds, namely the damage to the wildlife to be caused by the interference caused by the construction of the surface and the attendant drainage R (Morge) v Hampshire County Council [2011] UKSC2, majority judgements by Justices Brown, Hale and Mance. Natural England did not object. The relevant law is to be found in the European Directive 92/43 EEC of 21 May 1992, OJ L206/7, and the UK implementing Conservation of Habitats and Species Regulations 2010 SI 490. Articles 3-11 of the Directive are concerned to protect habitats and articles 12-16 to protect species; and article 16 allows for derogation. The Commission has issued Guidance on the Directive February 2007.



Article 12(1)(a) of the Directive prohibits the deliberate capture or killing of creatures or specimens, unless there is a derogation for reasons of public health and safety, and deliberate action of this sort is highly unlikely to apply in the case of a responsible LPA.

Article 12(1)(b) of the Directive requires Member States to take the requisite measures to establish a system of strict protection for the protected species, prohibiting deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration. The competent authority, e.g. the local planning authority LPA, must have regard to the requirements of the Habitats Directive.

The Supreme Court, to their credit, have cut through the semantic jungle of the Directive and the Guidance and the Regulations and taken a common sense attitude to the duty of the local planning committee, a committee of local democratically elected lay councillors, albeit presented with expert evidence and advised by professional officers, to have regard to the wildlife requirements.

The committee must consider the likely or probable negative impact of the proposals upon the various species involved, species by species. There may be a likelihood of pollution by noise or vibration or light or fumes or whatever. The decision on the merits will be a matter of fact and degree. What will be the nature of the disturbance, and what will be the adverse effect? There is likely to be a multiplicity of relevant factors. How sensitive or fragile or robust is the species? Is the species rare or in abundance? Are the seasons or the times of the year likely to be significant, having regard to the reproductive, roosting, breeding, nurturing, rearing, foraging, hibernation and migration habits? What of the future survival and conservation of the species? What are the proposed measures for mitigation or restoration or compensation? Is there still to be a habitat available, e.g. a neighbouring accessible foraging and roosting area, such as the land remaining on both sides of the proposed road?

Article 16 provides for derogation from the Directive if there is no satisfactory alternative to the proposal, and the proposal would not be detrimental to the species, for reasons of health and safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

In *Morge* Natural England did not object to the proposal and Natural England is the licensing and enforcing authority. So having given due regard to the wildlife requirements, in those circumstances the planning committee were entitled to find that there was no reason to refuse to grant planning permission, in the reasonable belief that the Directive was being complied with and Natural England would in due course grant the licence.

EIA

In the case the planning committee had decided that an environmental impact assessment EIA was not necessary and this was not in issue. Where an EIA is statutorily required Natural England may by licence grant a derogation to the LPA where such derogation would be justified on economic, social and cultural grounds, having regard to national and local characteristics, provided that the wildlife population will not suffer detriment and will be maintained and conserved in the long term. There may be no alternative to the proposal, which may be of overriding public importance. These days it is often possible sensitively to translocate butterflies, glow-worms, bats, otters, newts, flora and fauna, and suchlike to satisfactory new habitats. For an ECJ decision see *Commission v Spain C-227/01*, [2004] ECR I - 8253, [2005] Env LR 20, ECJ, new railway line, albeit part only a widening of the track. Under the Regulatory Enforcement and Sanctions Act 2008 ss 36-73 the Environment Agency and Natural England are given extensive powers to impose civil sanctions *Abraham v Wallonia C-2/07*, [2008] Env LR 32, airport modifications.

Conclusion

Thus the Supreme Court have taken a lot of the fear and concern out of the Habitat Directive. Certainly full and careful surveys and expert reports and appraisals will be needed, and appropriate mitigating and compensating measures, but an overall more balanced and proportionate approach may be taken. The challenge in our times is to promote economic advance whilst protecting the environment, finding the right balance for contemporary society. In *Morge*, the Supreme Court have provided useful criteria and guidelines for achieving that balance.

WHAT TO EXPECT IN 2011: ENVIRONMENT

PLC Environment team

For more information about PLC Environment, please e-mail environmentfeedback@practicallaw.com.

Duty on companies to report on environmental matters

The Climate Change Act 2008 requires the government:

- By 1 December 2010, to review and report to Parliament on the contribution that reporting by companies on their greenhouse gas (GHG) emissions is making to the achievement of the UK's climate change objectives.
- By 6 April 2012, either to make regulations under section 416(4) of the Companies Act 2006, requiring directors' reports to contain certain specified information about GHG emissions, or to lay a report before Parliament explaining why no such regulations have been made.

On 30 November 2010, the Department for Environment, Food and Rural Affairs (Defra) published a review on the contribution that corporate reporting of GHG emissions is making to the UK meeting its climate change objectives. The review does not give a clear recommendation in favour of mandatory reporting. It says that the government will announce how it intends to proceed with promoting more widespread and consistent reporting of GHG emissions in early 2011.

In addition, the two following initiatives are relevant to how companies have to report on environmental matters more widely, not just on their GHG emissions:

- In August-October 2010, the Department for Business, Innovation and Skills (BIS) consulted on the future of narrative reporting. The consultation was part of the government's commitment in the Coalition Agreement to "reinstate an operating and financial review to ensure that directors' social and environmental duties have to be covered in company reporting and investigate further ways of improving corporate accountability and transparency". BIS published a summary of responses to the consultation on 23 December 2010, in which it said that it considers there is a need for a more thorough examination of narrative reporting with a view to streamlining the framework and achieving a significant change in disclosure practice and that it plans to develop policy proposals on the corporate governance agenda by the Budget 2011 in March 2011.

- The European Commission is consulting on ways to improve company disclosure of non-financial information, such as that relating to employees and the environment. The consultation closed on 24 January 2011.



Contaminated Land

On 21 December 2010, Defra and the Welsh Assembly Government (WAG) published a consultation on:

- Revisions to the statutory guidance on the contaminated land regime.
- Minor amendments to the Contaminated Land (England) Regulations 2006 (*SI 2006/1380*) and the Contaminated Land (Wales) Regulations 2006 (*SI 2006/2989 (W. 278)*).

The consultation closed on 15 March 2011. The consultation applies to England and Wales only. A similar consultation is expected to be held in Scotland.

It will also be interesting to see whether allegations of negligent remediation of a residential site in Motherwell, Scotland (which had been used by the Ministry of Defence and heavy industry) will turn into the next *Corby* case.

Energy and climate change

International climate change agreement: COP 17

Parties to the United Nations Framework Convention on Climate Change and the Kyoto Protocol met in Cancun, Mexico from 29 November to 10 December 2010, to discuss the future of the Kyoto Protocol post-2012. The meeting is also known as COP 16/ CMP6.

Agreement was reached on a number of issues, including:

- An objective that GHG emissions should peak and a goal should be set to limit average global temperature rises to 2 degrees Celsius.
- Deforestation/forest degradation.
- Technology transfer/adaptation.
- Long-term financing for adaptation measures.
- Monitoring, reporting and verification of emissions reductions.

However, there is still considerable work to be done before the parties can agree a new international agreement on climate change at COP 17/CMP 7, which will be held in South Africa from 28 November to 9 December 2011.

Energy Bill

The Energy Bill 2010-11 (formerly known as the Energy Security and Green Economy Bill) was introduced in Parliament on 8 December 2010 and received its second reading on 22 December 2010.

The Bill implements some of the key elements of the coalition government's energy policy, in particular:

- Setting up the Green Deal for "pay-as-you-save" energy efficiency improvements to domestic and non-domestic properties,

including the private rented sector.

- Introducing measures to enhance security of energy supplies.
- Creating a new Energy Company Obligation (ECO), which will replace the existing obligation on energy suppliers to reduce carbon emissions under the Carbon Emissions Reduction Target (CERT) when this expires at the end of 2012.
- Giving powers to encourage investment in low carbon generation (for example, through an offshore electricity grid).
- Clarifying how new nuclear power station operators' funded decommissioning programmes may be modified.

Electricity Market Reform and carbon pricing consultation

On 16 December 2010, the Department of Energy and Climate Change (DECC) published a consultation on its proposals to reform the UK electricity market, including:

- Support for low-carbon generation through feed-in tariffs (FITs) for larger scale projects (see also *Renewable Heat Incentive, feed-in tariffs and Renewables Obligation* below).
- An emissions performance standard, to limit how much carbon new coal-fired power stations can emit and reinforce current requirements that new coal-fired power stations cannot be built without carbon capture and storage (CCS) technology (see also *Carbon capture and storage* below).
- Capacity payments, which would reward the provision of capacity as opposed to only rewarding the provision of electricity generation.

Also on 16 December 2010, HM Treasury and HM Revenue & Customs published a related consultation on carbon price support through reform of the climate change levy (CCL) and fuel duty. The government is proposing to introduce a carbon price support mechanism from 1 April 2013.

The Electricity Market Reform (EMR) consultation closes on 10 March 2011 and the government has said it will publish a White Paper in late spring 2011, which will include a response to the EMR consultation and set out detailed legislative and administrative proposals to introduce the reforms. The carbon floor price consultation closes on 11 February 2011 and the government is aiming to include the necessary legislation in the Finance Bill 2011.

The proposals in these two consultations have been described by some as the biggest upheaval in the sector since the electricity industry was privatised 20 years ago.

CRC Energy Efficiency Scheme

In October 2010, the government announced in its Spending Review 2010 (SR 2010) that:

- The first sale of allowances under the CRC Energy Efficiency Scheme (CRC) will now take place in 2012, rather than in 2011. However, the first league table will still be published in October 2011 and the first footprint report and annual report will still need to be submitted in July 2011.
- Revenue raised from the sale of CRC allowances will not be recycled to participants in the scheme but instead will be used to support public finances. This highly controversial announcement led to criticism that the scheme is now essentially a stealth carbon tax.

Some commentators have suggested that the abolition of the revenue recycling payments means that the CRC is no longer revenue neutral to the government and that the cost of allowances is now akin to a tax. As a consequence, they believe that CRC costs will be much easier to recharge to tenants under existing lease clauses, since these generally make tenants responsible for the taxes charged on their premises. PLC believes this may be an oversimplification and has produced a detailed legal update examining the various issues.

In November 2010, the government issued its first consultation on amendments to the CRC Energy Efficiency Scheme Order 2010 (*SI 2010/768*), which are aimed at:

- Extending the introductory phase from 31 March 2013 to 31 March 2014.
- Postponing the first sale of allowances in Phase 2 until 2013/14.

These changes will be made by the CRC Energy Efficiency Scheme (Amendment) Order 2011, which is currently in draft form.

The government has also said it will consult again in the second half of 2011 on wider changes to simplify the CRC, including on recommendations made by the Committee on Climate Change (CCC) in September 2010.

Renewable Heat Incentive, feed-in tariffs and Renewables Obligation Renewable Heat Incentive and feed-in tariffs

In October 2010, the government announced in the Spending Review (SR 2010) that the Renewable Heat Incentive (RHI) will be introduced in 2011-12 but that it will not be taking forward the previous government's plans to fund the RHI through "an overly complex" renewable heat levy. Instead, the RHI will be funded (£860 million) from Annually Managed Expenditure (that is, general, non-cyclical government expenditure). The government says it wants to shift renewable heat "from a fringe industry firmly into the mainstream".

The government also announced in the SR 2010 that the efficiency of the feed-in tariffs (FITs) will be improved in the next formal review (in 2012, with any changes coming into effect in April 2013) to rebalance FITs in favour of more cost-effective carbon abatement technologies. However, it said that the review could be brought forward if there is higher than expected deployment of the relevant technologies.

Renewables Obligation

On 8 December 2010, DECC announced that the banding review under the Renewables Obligation (RO), which was scheduled to take place in 2012, will now take place in 2011.

DECC did not say whether FITs will be reviewed at the same time. Speculation is rife as to whether the government is planning to reduce support for FITs for solar power due to larger than expected take-up of this technology by the commercial sector.

Microgeneration

The government launched a consultation on 22 December 2010 on a new microgeneration strategy for England to 2020. The consultation closes on 16 March 2011 and the government has said it is aiming to publish the final strategy in spring 2011.

National Policy Statements and the Localism Bill

On 18 October 2010, DECC launched a consultation on revised National Policy Statements (NPSs) for energy infrastructure. These supersede the draft energy infrastructure NPSs that the previous Labour government had consulted on from November 2009 to February 2010.

The consultation closed on 24 January 2011. Subject to the outcome of the consultation and parliamentary scrutiny, the government expects that the final version of the NPSs will be ratified by Parliament in spring 2011.

The ratified NPSs will then be used by the Infrastructure Planning Commission (IPC) (and its successor, the Major Planning Infrastructure Unit (MPIU)) when deciding on applications for development consent for nationally significant energy infrastructure (such as new nuclear power plants and large wind farms).

The government is also consulting on a draft NPS on waste water infrastructure. The consultation, which closed on 22 February 2011, covers two particular projects, the Thames Tideway Project and Deephams Sewerage Treatment Works.

The Localism Bill 2010-11 (formerly known as the Decentralism and Localism Bill) was introduced in Parliament on 13 December 2010 and received its second reading on 17 January 2011. One of the key elements of the Bill is the reform of the planning system. Proposed changes include:

- The abolition of the IPC, which will be replaced by the MPIU, which will be based in the Planning Inspectorate, with the final decisions taken by ministers.
- The need for parliamentary approval of NPSs.
- The abolition of Regional Strategies.

Nuclear power

The coalition government has said it will go ahead with plans for new nuclear power stations although recent events in Japan may alter this. The Liberal Democrats, despite initial opposition, now appear to be on board with these plans, as evidenced by a statement made to Parliament by Chris Huhne, the Secretary of State for Energy and Climate Change, in October 2010:

"I'm fed up with the stand-off between advocates of renewables and of nuclear which means we have neither. We urgently need investment in new and diverse energy sources to power the UK. We'll need renewables, new nuclear, fossil fuels with CCS, and the cables to hook them all up to the Grid as a large slice of our current generating capacity shuts down. The market needs certainty to make this investment happen, and we are determined to clear every obstacle in the way of this programme."

The next key hurdles are:

- Ratification by Parliament of the final version of the NPS on nuclear power
- Finishing the Generic Design Assessment process

The government's aim is to have the first new nuclear power stations generating electricity from around 2018. In the meantime, EDF Energy has already started the bidding process for selection of contractors for a new nuclear power station at its Hinkley Point site (see [EDF to name Hinkley Point team next month, Building, 26 November 2010](#)).

Carbon capture and storage

The government is still committed to funding a commercial-scale carbon capture and storage (CCS) demonstration project, which will now be open to projects involving gas-fired power plants as well as coal-fired power plants.

Green Investment Bank

The government has said it will confirm the structure of the Green Investment Bank (GIB) by May 2011 and that it is aiming to launch the GIB in December 2011. However, there has been speculation in the press as to how the GIB will be financed, with DECC and HM Treasury allegedly at loggerheads.

Environmental permitting regime

DEFRA is planning to extend the Environmental Permitting (EP) regime to a number of other activities, including:

- Waste carriers and brokers (see *Waste* below).
- Water abstraction and impoundment (see *Water, marine regime and flooding* below).

DEFRA was also consulted on proposals to amend the Environmental Permitting (England and Wales) Regulations 2010 (*SI 2010/675*), to give (among other things) the relevant regulators the power to impose civil sanctions in respect of breaches of the EP regime. The consultation closed on 24 September 2010. The amendments will be made by the Environmental Permitting (England and Wales) (Amendment) Regulations 2011, which remain in draft form pending agreement of a class government position on any civil sanctions for England.

Civil sanctions and environment agency enforcement policy

Civil sanctions

On 13 October 2010, the Environment Agency (EA) announced that it will start using civil sanctions from 4 January 2011 (delayed from September 2010). From that date, it will consider using civil sanctions for certain offences (mainly in the hazardous waste, water resources, and packaging waste sectors) committed in England after 6 April 2010 and in Wales after 15 July 2010.

Note also that the government is consulting on proposals to give the EA the power to impose civil sanctions in respect of breaches to the EP regime

Environment Agency enforcement policy

From 4 January 2011, the EA will use a new enforcement and sanctions policy to guide it in its enforcement and prosecution decisions. The new policy documents consist of:

- An Enforcement and Sanctions Statement, which sets out a high-level view of the EA's approach to enforcement.
- Enforcement and Sanctions Guidance, which explains how the EA will make decisions about enforcement.
- Enforcement and Sanctions Offence Response Options, which lists the sanctions (including civil sanctions where appropriate) and responses available for offences regulated by the EA.

These replace the EA's previous enforcement and prosecution policy and related guidance.

Waste

DEFRA is carrying out a full review of waste policy in England. The overarching aim of the review is to achieve a zero waste economy and to set new goals for 2014, 2020 and beyond (in particular for waste reduction and recycling). The terms of reference of the review also set out a non-exhaustive list of 18 waste policy areas to be considered, which include the role waste has in meeting UK and EU targets for renewable energy and carbon dioxide emission reductions, and how to achieve increased energy from waste (in particular, a step change in anaerobic digestion). DEFRA is aiming to publish its preliminary findings by spring 2011.

Wales launched its new waste strategy in June 2010, which sets out how Wales intends to become a “high recycling nation” by 2025 and a “zero waste nation” by 2050.

On 8 July 2010, DEFRA and the WAG consulted on a draft of the Waste (England and Wales) Regulations 2010, which will implement the new (revised) Waste Framework Directive (2008/98/EC) in England and Wales. The draft Regulations were meant to have come into force on 12 December 2010 but have been delayed till some time in 2011.

Water, marine regime and flooding

The government is planning to publish a White Paper on Water in summer 2011, which will focus on the future challenges facing the water industry in England and Wales. The White Paper is also expected to set out proposals on how to incorporate the existing regimes for the regulation of water abstraction and impoundment into the EP regime.

Biodiversity and habitats

2010 was the international year of biodiversity, culminating with the:

- Publication of The Economics of Ecosystems and Biodiversity (TEEB) final report in October 2010, which is expected to do for biodiversity what the Stern Report did for climate change.
- Adoption of the Nagoya Protocol and Aichi Target, which creates an international framework for managing the world's genetic resources and sets out important international targets for preserving and reducing the loss of biodiversity.
- Creation of the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), which will play a similar role to the Intergovernmental Panel on Climate Change (IPCC).

We can expect the following in 2011:

- The UK government is planning to publish a White Paper on the Natural Environment.
- The EU is expected to publish a new biodiversity strategy.
- The IPBES will hold its first meeting in summer 2011.

ROHS and WEEE

The European Parliament and the Council are expected to adopt two draft Directives that will revise and replace (recast) the existing Restriction on the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Directive (2002/95/EC) (RoHS Directive) and the Waste Electrical and Electronic Equipment Directive (2002/96/EC) (WEEE Directive). The draft Directives have been held up in the EU legislative process since December 2008.

PLC subscribers can find more information on the matters highlighted in this article at <http://environment.practicallaw.com/>

UKELA member profile – James Taylor

Background

I am passionate about green issues and in particular the decarbonisation of energy supply but I also try and adopt a pragmatic and scientific approach in considering man's relationship with the environment. I enjoy many outdoor activities such as skiing, scuba diving and hiking/wild camping in remote locations (subject to having banked enough credit with my wife and children!)

What is your current role?

Senior associate at Simmons & Simmons specialising in environmental, health and safety and climate change law.



How did you get into environmental law?

I graduated from St Andrews in 1995 with an Honours Degree in Marine and Environmental Biology. While there, I had decided that environmental law was a good career that would keep me involved in the environmental field and during my time at St

UKELA member profile – James Taylor

Andrews I attended several summer placements with London law firms. Prior to graduation, I was offered a training contract by Simmons & Simmons which had a very respected environmental law department. On qualification, I was offered a position in the environmental law group where I have remained to date.

What are the main challenges in your work?

I advise on almost all aspects of EHS law and the varied nature of the work that comes in results in a constant challenge to maintain expertise in detailed and bespoke areas.

What environmental issue keeps you awake at night?

Sadly, the issues we face seem to grow and change on a regular basis. Right now I am frustrated at our seeming inability to construct a fail safe nuclear reactor. If a major incident occurs in Japan this will result in a huge loss of public confidence in the nuclear industry and I am concerned what effect this will have on the UK Government's plans for bulk energy supply

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

Despite the environmental community's best efforts, I believe that the rising price of oil will do more to change commercial and household behaviour than many of the schemes and incentives currently in place and planned. Ultimately, people are most likely to change and become more resource efficient when they see a direct and significant impact on their bottom line as opposed to exposure to green messaging that can risk alienating them.

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

I am involved in contamination, water and energy as these represent the areas I am most interested in and often result in the large potential liabilities for commercial clients.

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

It helps me meet and stay in touch with colleagues and allows for early intelligence on forthcoming initiatives and the opportunity to get involved with policy. I also very much enjoy being part of an organisation that seeks to improve the effectiveness of environmental law and its access to the public.

Events - International

UKELA PARTNERSHIP EVENTS WITH INTERNATIONAL ORGANISATIONS

UKELA is partnering in two international events this year – both on a climate change theme.

UKELA's Climate Change and Energy Working Party (CCEWP) has been forging links with our European and US colleagues. We are working with our partners on two interesting climate change conferences.

Tom Bainbridge, Stephen Hockman QC and Becky Clissmann (the co-convenors of the CCEWP) have been assisting the Flemish Environmental Law Association (www.omgevingsrecht.be) with a climate change conference that they are organising in Brussels on 27-28 October 2011. The conference is entitled 'Will national climate change legislation cool down global warming'. The aim of the conference is to draw comparisons between the ways that various member states' legislation deals with climate change mitigation and adaptation. As the United Kingdom has been particularly active in this area, CCEWP is helping the Flemish Environmental Law Association find speakers who can talk knowledgeably about UK legislation. The conference should be of interest to those with pan-European practices and who may struggle to keep up-to-date with the legislation and policy in this fast moving area. Further details about the conference will be posted on the CCEWP page of the UKELA website in due course.

CCEWP have also been working with the Standing Committee on Environmental Law of the American Bar Association (<http://www.americanbar.org/aba.html>) on a very prestigious conference they are holding at the LSE on 23-24 May 2011. The conference, which coincides with the Obama administration's UK state visit, has the theme 'Navigating the new green economy: The Challenge of Climate Change and the Opportunities for Clean Energy'. The conference promises to have some very exciting speakers and to be a very good opportunity for professionals of all disciplines working in the climate change arena to network. Further details about the conference will be posted on the CCEWP page of the UKELA website in due course. You can read full details, provided

by the American Bar Association, at the bottom of the Events section. They would be delighted to meet UKELA members at the conference.

THE 2011 STUDENTS COMPETITIONS FINALS DAY 30 MARCH

Please join us for this day to be held at UCL. In the morning there will be the finals of the Andrew Lees Prize with the Moot semi-finals and finals in the afternoon. It's a great opportunity to learn more about Environmental Law, mooting and meet fellow students, academics and practitioners. If you would like to attend please email alisonboyd.ukela@ntlbusiness.com – limited places now remain.

NORTH EAST REGIONAL GROUP SEMINAR AND AGM 7 APRIL

Speaker: Ben Mitchell of Peter Brett Associates -
“An update on flood risk and flood plain development for environmental lawyers”

It is free to attend but all places must be booked. To book, please email gillian.whyte@pinsentmasons.com
Time: 4.30pm registration for 5pm start; evening concludes at 7.30pm with drinks, nibbles and networking

The presentation will be followed by the AGM of the North East region at which a committee will be established.

WILD LAW WEEKEND SCOTLAND 29 APRIL – 2 MAY

There are now limited places left on this weekend at the Broadmeadows Youth Hostel on the Scottish Borders. A great opportunity to get some fresh air and meet Wild Law and forestry experts. For more information and to book, go to <http://guest.cvent.com/d/7dq5xq>

LONDON MEETING 5 MAY

Details are currently being finalised for this early evening seminar on Renewable Energy Initiatives including solar and the feed in tariffs. The seminar at Herbert Smith will be chaired by Tim Clare, of WSP Environment and Energy and UKELA's Vice-Chair. Please note the date in your diary and look out for more information.

SEMINAR ON DEVELOPING THE NEW ENVIRONMENTAL TRIBUNAL 16 MAY

This joint UKELA/PEBA seminar on the development of the tribunal work in environmental law at First-tier and Upper levels will be held at Simmons and Simmons in London starting at 5.45pm (with registration from 5.15pm) and will conclude at approximately 7.30pm with drinks and nibbles. Chair: Lord Justice Sullivan. Speakers include Lord Justice Carnwath and Prof Richard Macrory. To book please go to <http://guest.cvent.com/d/ddq6z7>
2 CPD TBC

HOT TOPICS ENVIRONMENTAL LAW UPDATE: AN EVENING SEMINAR IN CARDIFF 18 MAY

Your opportunity to find out what's going on in Environmental Law in Wales, chaired by Prof Lynda Warren. Kindly sponsored by Hugh James solicitors and Landmark Chambers.

Registrations from 4.30 for 5pm start. Speakers finish by 7pm. Drinks and nibbles to follow.

Venue: Hugh James solicitors, Hodge House, 114 - 116 St. Mary Street, Cardiff, CF10 1DY

Topics include the Natural Environment Framework, solar power and hot cases. To book please go to <http://guest.cvent.com/d/8dq6wy>.



Coinciding with President Obama's state visit to London, this conference, offered by three premier organizations, will provide a unique international forum to discuss the new economy emerging from the intersection of climate change policy, clean energy development, economics and finance. The program will allow participants to interact with government and industry leaders, academic scholars, and finance and legal experts to discuss the latest developments and how to confront the challenges and capture the opportunities.

Topics will include:

- * Financing a sustainable reduced-carbon future
- * Regulations and incentives in emerging green technologies
- * Energy efficiency
- * Carbon marketplaces
- * Renewable energy subsidies and trade
- * Green technology transfers
- * REDD – Reduced Emissions from Deforestation and Degradation

The conference fee is £595 for general attendance, with a discounted rate of £495 for UKELA members, and £295 for government, non-profit and academic participants. A limited number of reduced rate and scholarship positions are available for students.

We cordially invite you to save the date and plan to join us for this important event. Additional speaker information and a program brochure will be available soon. Space is limited and early registration is advisable. To register or for further information, please contact Elissa Lichtenstein at the American Bar Association, elissa.lichtenstein@americanbar.org, (001) 202-662-1695.

UKELA ANNUAL CONFERENCE

Sustainable Development in an Age of Austerity 24-26 JUNE

University of East Anglia, Norwich

Topics covered include localism, contaminated land and biodiversity. Tom Burke now confirmed as the gala dinner speaker.

With thanks to our main sponsors 39 Essex Street, Landmark Information Group and WSP Environment and Energy. Comment from one of last year's delegates: "Last year's was easily the best professional event I have ever gone to".

To book: <http://www.ukela.org/rte.asp?id=12>

WILD LAW WORKSHOP HAMPSHIRE 23-25 SEPTEMBER

The programme has just been announced for this year's Wild Law workshop which takes place at the Sustainability Centre at East Meon in Hampshire. There are some great speakers, an opportunity to develop your thoughts on Environmental Law and the opportunity to enjoy the new South Downs National Park. You can book here

<http://guest.cvent.com/d/ddqbbm>

ANNUAL SCOTTISH CONFERENCE 6 OCTOBER

Please note in your diaries pending circulation of full details. Likely Topics at the conference include the Zero Waste Policy, SEPA & Regulation, Recycling, water pollution, contaminated land and a case law update.

No5 Chambers' Planning & Environment Group present their Annual Planning Seminar 2011 **Monday 28th March, The ICC**

4.5 CPD Hours

The seminar is taking place on Monday 28th March 2011 at The International Convention Centre in Birmingham and will highlight current and future issues of planning law and practice. The material covered will provide essential updates for planning professionals including both consultants and planning officers; planning, property and environment lawyers; developers; surveyors and architects.

Topics covered will include:-

- Planning in the Big Society: How to Make 'localism' Work in Practice – [Martin Kingston QC](#) & [Hugh Richards](#)
- Planning in the Big Society: Delivering Infrastructure – [Ian Dove QC](#) & [Peter Goatley](#)
- Planning in the Big Society: Generating and Saving Energy - [Jeremy Cahill QC](#) & [Richard Kimblin](#)
- Lessons from Recent Housing Appeal Decisions and Case Law – [Christopher Young](#) & [Satnam Choongh](#)
- Planning Law Update – [Timothy Jones](#) & [Jack Smyth](#)

Our guest speaker this year is [Steve Quartermain](#) from the Department for Communities and Local Government who will deliver their Keynote Address titled Planning in the Big Society: The Vision.

You can book online for this seminar by [clicking here](#) or by visiting www.no5.com/seminars.

- Cost = £175.00 + VAT (£210)

If you have any further queries about this event, please contact Marketing on + 44 (0) 845 210 5555 or email marketing@no5.com.

THE CASTLE DEBATE: SUSTAINABLE BUILDINGS 29 MARCH AND UK WATER SECURITY 19 APRIL

The purpose of the Castle Debates on 'Environmental Aspects: science, law and policy' is to be factual and objective with three experts to address the scientific, legal and policy aspects of specific topics. The debates are being organised in association with the Law Society and Sykes Environmental. The debates are free to attend. More details and booking information can be found here http://services.lawsociety.org.uk/events/event/53099/events_multi_results

REACH UPDATE SEMINAR 31 MARCH

This seminar, organised by the Law Society, will provide the latest updates on the practical and legal issues relating to the phased implementation of REACH regulations – the most recent milestone of which has been the 30 November, 2010 registration deadline for the highest volume chemicals. It will review all of the key features of REACH, as well as categorisation guidelines for various substances, and the impacts of compliance (or non-compliance) for upstream and downstream actors in the supply chain. For further information and to book, go to: <http://www.ukela.org/rte.asp?id=12&task=View&itemid=187>

PUBLIC INTEREST ENVIRONMENTAL LAW (PIEL) CONFERENCE 1 APRIL

This year's conference is on the subject of "Revisiting the Tragedy: Common Goods in the 21st Century". It is at the Institute of Advanced Studies, Russell Square, London. If you would like to attend the conference you can find out more details including how to book here: <http://www.piel.org.uk/>

EUROPEAN ENVIRONMENTAL LAW ASSOCIATION

Waste Conference - 1st-2nd July 2011 - Oriel College, Oxford

EELA is organising a conference on the Waste Framework Directive and its transposition/implementation in the EU member states.

Non-UKELA Events

Please let us know if you would be able to attend.

If you are interested in presenting a paper on this subject including any interesting aspects of waste law in your country please state the subject matter of your proposed talk and we will try to include you in the programme.

The cost will be £300 to cover the college's charges for accommodation and all meals but the cost will be reduced for those who only stay for part of the time or do not wish to stay in college accommodation. Unfortunately EELA will not be able to pay for travelling expenses. However, we hope that you will be able to join us and find it a worthwhile occasion.

Please contact Andrew Waite tel: 020 3400 4198 email: andrew.waite@blplaw.com or Katie Jones, tel: 020 3400 2685 email: katie.jones@blplaw.com.

ENVIRONMENTAL FORENSIC CONFERENCE & WORKSHOP, ST JOHN'S COLLEGE, CAMBRIDGE 25 – 27 JULY

The **International Network of Environmental Forensics** (INEF) was founded in 2008 for the express purpose of providing a forum for scientists, environmental consultants, regulators and lawyers to share information regarding the use of environmental forensics. Environmental forensics is the use of scientific techniques to identify and apportion the source(s), age and timing of a contaminant release into the environment. INEF is a non-profit, interest group within the Royal Society of Chemistry (RSC). Following the success of the INEF Calgary conference in 2009 we are seeking papers for the 2011 Cambridge conference. The combination of plenary presentations, technical sessions and workshops will provide an opportunity for people of all experiences to learn from environmental forensic experts practicing and/or studying in this field. Presentations from speakers with “real world experience” are encouraged along with example case studies. For more details, please visit: www.rsc.org/inef

Sponsored events

There are two sponsored events which we'd encourage you to support – either by cycling or kayaking – or by making a donation. Both go to support the Lord Nathan Memorial Fund for the Environment which helps maintain UKELA's public information website, www.environmentlaw.org.uk. In the last month this has helped 22,500 people find out information about environmental law and the Memorial Fund pays to keep the site up to date. Further information on how you can become involved in either or both events is below, including how you can make a donation for the kayak paddle. We'll be letting you know shortly how you can donate to the cycle ride – in the meantime please do consider joining Stephen Sykes or David Hart at their events.

UKELA CONFERENCE - TO NORWICH BY BIKE 22-24 JUNE

Would you like to raise funds for UKELA, ride in the countryside, lose a few pounds and get a real sense of achievement?

This sponsored bike ride organised by Stephen Sykes is along National Cycle Routes from the edge of London to the beautiful city of Norwich, arriving in time for the start of our Annual Conference at the University of East Anglia on June 24th 2011.



- ❖ The sponsorship we raise will go towards UKELA's Lord Nathan Memorial Fund to pay for the upkeep of our public information website – Law and Your Environment;
- ❖ The ride is designed for people with an average level of fitness;
- ❖ The distance is approximately 100 miles, and we will need to be capable of cycling 45 miles a day;;
- ❖ We will be cycling in small teams (approximately 4 riders per team) to accommodate different levels of ability (and speed!);

Sponsored events

- ❖ We will be cycling along National Cycle Routes and minor roads, passing through some picturesque places;
- ❖ We will be carrying our own water, spare tyres, and other necessities – e.g. in panniers / backpacks;
- ❖ We will leave on the morning of Wednesday June 22nd, arriving in Norwich on the Friday afternoon of June 24th in good time and shape for Conference;
- ❖ We will be staying in youth hostels / hotels en route;
- ❖ We will need to arrange return transport to home – unless anyone wishes to cycle back.....

To register your interest / request more information, please email the coordinator: stephen@sykesenvironmental.com

KAYAK PADDLE IN AID OF LORD NATHAN MEMORIAL FUND FOR THE ENVIRONMENT 10-11 SEPTEMBER

David Hart QC invites you to join him on a sponsored kayak over the weekend of 10/11th September 2011, in aid of the Lord Nathan Fund. A similar event in May 2010 raised over £5,000, and my objective is to meet or beat that target. I think the 30-odd people who joined me also had a very good time. A number of them were first-timers in kayaks, so don't worry about that. However, all entrants must be reasonable swimmers.



I will provide the kayaks etc. The plan is to paddle from Burnham Overy Staithe quay very near my house (in North Norfolk), to a buoy in Brancaster harbour, and then return, a distance of about 6 miles.

The route is inshore, along a creek dividing Scolt Head Island from the mainland. It is a birdwatcher's paradise, protected by every conceivable European and domestic designation. It is also beautiful in a muddy, sandy, saltmarshy, peaceful sort of way.

The event is not intended to be a race, indeed far from it, though be warned that a certain pace will be required otherwise you will find yourself paddling for much longer periods against a fast-flowing ebb tide. You will also have to carry or drag your kayaks over a short distance (50m at most) of marshland, a manoeuvre which will save you over a mile of paddling against the tide.

Provisional programme

16.00 Saturday 10th September Assemble at Burnham Overy Staithe quay for briefing and issue of kayaks

16.30 start (conditions permitting)

18.00 high tide

19.00-20.00 repair for supper to my house (Lapwing House, Glebe Lane, Burnham Overy Staithe PE31 8JQ)

I will underwrite kayaks, lifejacket and wetsuit hire, food and wine.

The kayaks are a mixture of single/double/triple kayaks. All are easy to paddle: no prior experience required.

However, I would be greatly assisted if those who have some kayaking/canoeing experience could say this when booking. My ceiling on numbers will depend upon having a sufficient number of experienced kayakers amongst us.

Landlubbers

For those who do not fancy getting wet bottoms, there will be a number of spaces either in rescue craft or you can follow our

Sponsored events

Numbers

Ceiling on kayak numbers is about 40 people, and we can feed and “water” a further 10 people who wish to stay on dry land. **So book fast.**

Burnham Overy Staithe quay can be reached by public transport from London – train to King’s Lynn, then Coasthopper bus. I would also hope that some car-sharing clearing-house be set up closer to the time.

Cost

Cost per head **£50 or £25** if trainee/pupil/equivalent – you will pay this by contributing directly to the Fund. Please visit <http://www.charitygiving.co.uk/kayakpaddle2011> to make this donation online.

Participants are invited to seek individual sponsorship on top of this. I would hope that everybody would aim at least to match their individual contribution with contributions from others. Last year, we raised over 3 times the entry fees from generous friends and relations.

Accommodation: I can provide between 10 and 20 beds in or near the village – under dormitory conditions. First come, first served.

Dossing in the house also welcome, and there is a reasonable sized garden in which Wildlaw-ites can pitch their tents – popular last year.

Alternatively, within 2 miles there are (a) two elegant hotels (the Victoria, Holkham or the Hoste, Burnham Market) or (b) a backpacker’s hostel in Burnham Deepdale. There are also some B&Bs nearby.

Booking:

Please contact louise.brown@lcor.com who will be helping with the organisation

Please tell her

- (i) whether you would like to kayak or stay on dry land
- (ii) if a dry-lander, would you be happy to be aboard a rescue craft
- (iii) whether you would like me to see whether I can find accommodation (no promises);
- (iv) whether you have some experience of kayaking/canoeing;
- (v) which kind of craft you would prefer (single/double/treble). I will do my best to provide this, though there will also be an element of 1st come, 1st served on the day.

Your side of the deal

- (i) you must agree to donate to the Fund at or before booking;
- (ii) you must be able to swim,
- (iii) you must agree to wear the lifejacket,
- (iv) you must agree to wear the wetsuit if I so direct (September evenings can be cold).
- (v) you must agree not to do anything daft.

You must also turn up at 4pm on the Saturday if you wish to kayak. I will then give you a detailed briefing on where we are to go, and set the ground rules for the event.

Prompt arrival will also enable you to choose the kayak/canoe combination which suits you best.



ECOLEX

ECOLEX combines the environmental law information holdings of the three partner organizations FAO, IUCN and UNEP. The pool of ECOLEX data contains comprehensive bibliographic and analytical information as well as full text links to more than 1 100 multilateral and bilateral agreements, 62 000 on national legislation, 420 court decisions and 28 000 records on literature on law and policy.

Searching ECOLEX is easy. The portal offers a user-friendly Google-kind feature by which the user can find information in all or selected datasets. For the more advanced user ECOLEX includes specially tailored search forms for each of the datasets.

ECOLEX covers all aspects of environmental and natural resources conservation, including subjects such as fresh and marine water, air and atmosphere, soil and land use, species and ecosystems, fisheries and forestry, hazardous substances and waste, as well as food and agriculture.

All information has been analyzed and indexed in a standardized way, descriptors such as country name, territory, region, keywords etc. were harmonized.

The global access free of charge and the trilingual user interface of ECOLEX attracts users in English, French and Spanish speaking countries and especially those in developing countries and countries with economies in transition. ECOLEX can be found at www.ecolex.org

Book Reviews

WORLD ON THE EDGE – HOW TO PREVENT ENVIRONMENTAL AND ECONOMIC COLLAPSE

Lester Brown

Earth Scan/Earth Policy Institute, 2011

Reviewed by Richard Kimblin

No. 5 Chambers

The author of this book is Lester R Brown. He was born in 1934 and by the 1960s was pioneering the concept of environmentally sustainable development. He is now the President of the Earth Policy Institute in Washington DC and was formerly the Founder and President of the World Watch Institute.

He has produced this book with the assistance of the research team and the Earth Policy Institute and others. It has clearly been a significant and highly worthwhile effort.

This paperback comprises 240 pages, split into four main parts, leading to a happy concluding chapter, entitled “Saving Civilisation”.

Brown provides a wealth of up to date and often startling data on the effects of climate change on food security and related questions, such as water supply. He then proposes a response to the intertwined issues of global warming and economic growth. In five closely argued chapters he sets out his “Plan B”. By reference to up to date measures of progress towards installation of renewable energy technologies and the actual and potential effects of policies to promote energy efficiency, Brown identifies a means of change to a stable climate and economy.

Whatever your position on climate change and its effects, this is both a valuable and well reasoned argument, and a very useful resource. Moreover, the book and all of the Earth Policy Institute’s research is available to be downloaded free of charge at www.earth.policy.org

INTERN REQUIRED

The Environmental Regulation and Information Center (Eric) Ltd www.eric-group.co.uk is looking for a French-English bilingual intern to carry out occasional translations from English into French. The translations will pertain to work we do for UNEP on the Convention of Migratory Species, so an interest and understanding of international environmental law and institutions is desirable.

To apply please email begonia@eric-group.co.uk.

About us

UK ENVIRONMENTAL LAW ASSOCIATION

Registered Charity number: 299498 (Registered in England and Wales), Company limited by guarantee: 2133283 (Registered in England and Wales)

For information about working parties and events, including copies of all recent submissions contact: UKELA, PO Box 487, Dorking, Surrey RH4 9BH

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01306 501320

E - LAW

The editorial team wants articles, news and views from you for the next edition due to go out in May 2011. All contributions should be dispatched to Catherine Davey as soon as possible by email at:

catherine.davey@stevens-bolton.co.uk by 11 May 2011

Please use Arial font 11pt. Single space. Ensure headings are in bold capitals.

Letters to the editor will be published, space permitting

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