



The Seven Sisters in the South Downs National Park

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You'll have seen by now that there are changes afoot at UKELA, with Vicki Elcoate leaving her post as Executive Director, and a new post in Wales being created. The Director's post and the Wales co-ordinator roles are open for applications now and we look forward to hearing from anyone who might be interested. Please circulate the job descriptions which you can find on the [website](#).



Mark Brumwell, UKELA's chair, presents Catherine with a thank you cake at the February Council meeting

I have also finished my stint on Council, stepping down after my eight year term, and looking forward to focusing more on my role as one of the Water Working Party Convenors. We hope to announce shortly the new editor for e-law. Watch this space...

In the meantime articles and news for the May e-law should reach me by 6 May.

I hope you enjoy reading the Garner lecture which appears in this edition. Feedback from those who attended the lecture, given by Karl Falkenberg, head of DG Environment in November, was extremely positive. He has some challenging thoughts on the implementation of Environmental Law in the UK and throughout Europe.

We have many events coming up this spring and the 25th anniversary conference in Cambridge in July. If you've never been to a UKELA conference before you can secure a special discounted rate. We hope to see you there. We're also fundraising hard as part of the 25th anniversary celebrations to build a strong future for UKELA. We have sponsored Earthwalks – including one which will be led by Lord Carnwath in the South Downs on May 19th – and a special lunch. We urge you to join in or, if that's impossible, to [donate now](#). If every member donated £16 we would reach our target of £25,000 very quickly!

And for students, now is the time to start writing your moot skeletons and your Andrew Lees essay entries. Closing dates are in April and we would like to see lots of entries this year.

Catherine Davey

Best wishes
Catherine Davey

News

Work in Wales

We're delighted that the Esmée Fairbairn Foundation has granted UKELA just over £44,000 over two years to develop our work in Wales. This is a really important time for environmental law in Wales, with the separation of the regulators for England and Wales, new tailor made laws coming onstream in Wales and an opportunity to influence developments at the start. The Wales convenors, Prof Robert Lee and Haydn Davies, are helping with the process to recruit a Wales co-ordinator, who will work for UKELA two days a week. [Full job details and how to apply here.](#)



Executive Director

Vicki Elcoate is moving on after over ten years with UKELA and will leave after the 25th anniversary conference in July. The aim is to find a successor with some overlap time to ensure a smooth transition. She looks forward to saying goodbye at the conference or at one of the sponsored walk events. The Executive Committee, led by the Chair Mark Brumwell, is leading the recruitment process. Any queries about the role can be directed to Vicki or visit the website as above.



Garner Lecture 2013 – a special anniversary event – 19 November 2013

Lord Carnwath JSC, who is the President of UKELA and PEBA, is giving this year's Garner lecture which will be held on November 19th at 6pm. The lecture is being held as a partnership with the Journal of Environmental Law – which is celebrating its 25th anniversary alongside UKELA – and PEBA. The title is: "The Common Laws of the Environment – at home and abroad." We're very grateful to Freshfields Bruckhaus Deringer which is hosting and sponsoring the event. Videolinks to the regions will also be available. Please note the date in your diary. Bookings will open in September.



James Maurici

Congratulations to long-standing Council member James Maurici for becoming a QC. James has headed up the conference planning team for the last two years and is also a member of the Executive Committee of UKELA. He's speaking on the Habitats Regulations at the Nature Conservation Working Party seminar on April 24th (see the events section).



Peter Harrison QC (1965 – 2013)



Many UKELA members will already be aware of Peter's untimely and sudden death, and their kind tributes and condolences have joined the many that have arrived in Chambers or been sent to his family. But, amongst the sadness, there was so much to celebrate about his life; the toast proposed at the recent PEBA annual dinner was an apt reflection of the high esteem and affection in which his professional colleagues held him.

Peter was one of those people who had already achieved so much. He may have started his career at the Bar as a tenant at a specialist planning and local government set, but he quickly moved to find his natural home at Six Pump Court and the wider work that the common law bar offers. He was made silk in 2006, and did much to build and support chambers and the mix of criminal, civil, planning, environmental and regulatory work. When it came the time in 2011 to consider appointing a Joint Head of Chambers, he was the natural choice. That broad experience meant that he was comfortable appearing in any tribunal, and he was also enjoying the times he spent sitting as a Recorder over the last six years. Peter was a fine lawyer and advocate, and saw advocacy itself as one of Chambers' specialisms. He was heavily involved in advocacy training courses run by the Inner Temple and the South East Circuit. He was also a strong believer in the ethos and spirit of the Bar and its high professional standards, and he even found time to serve as a Bencher, and a QC Church Commissioner.

Of course, UKELA will know him in particular for two things – for his great company and for his work in our field of law. It was always a pleasure to spend time with him. As for his work, this reflected his broad reach. Indeed, at the end of 2012, he was in Exeter Crown Court successfully defending his commercial client against the Environment Agency's waste tyres prosecution, advising Hackney on a large CPO inquiry, puzzling over a section 106 agreement for a major housing development, and also preparing for the forthcoming Supreme Court civil appeal in the case of Lawrence concerning the relationship between noise nuisance and planning permission. We should also not forget that he did much work for the Environment Agency, including the St Leonards Court remediation notice appeal that remains the only major contaminated land inquiry to date. It was also he, as a junior, who spotted the point and persuaded the High Court that Thames Water Utilities Ltd were liable to his client Mr Marcic for acting in contravention of his human rights when they regularly flooded his property with overflows from the sewers – a case that ultimately led to the House of Lords.

He was a good friend and colleague. We will miss him, and our thoughts go out to all his friends and, especially, his family.

William Upton
6 Pump Court

Membership Renewals

Many thanks to all our members who have renewed their membership for 2013. Your continued support is very much appreciated. If you have yet to renew, why not take a moment now to do so. If you can't find your renewal information please contact alisonboyd.ukela@ntlbusiness.com for assistance.

Founder Members

Were you a founder member of UKELA? If so we would love to hear from you in this our 25th year! Can you remember the year you joined and have you been a member ever since? Please share with us any stories from the early days when you joined, for example, were you on Council or did you convene a regional group or working party? Were you at the first ever annual conference? Please send your recollections to alisonboyd.ukela@ntlbusiness.com

Harry Potter, Earthwalks and posh lunches – 25 4 25 fundraising

The pub quiz held in London in February was very hotly contested and ended up with a dispute over the snitch in Harry Potter! 70 people joined in a fun, light-hearted evening of very little environmental law (and many less serious subjects) at our pub quiz in London in February with celebrated quiz master Stephen Tromans QC. Congratulations to the team from Richard Buxton solicitors who carried off the glory and a bottle each of Chapel Down (English) fizz. The quiz was organised by James



Burton of 39 Essex Street who is offering his quiz questions to anyone else who would like to organise a 25th anniversary quiz. You just need a room at a pub – normally provided free of charge in return for beer purchases – and a £10 donation from everyone. James is happy to advise so contact us if you would like to know more. James said afterwards: “Commiserations to Docklands Desperados (the perils of going first on the tie-break), congratulations to Fen Tigers and for all those (Enviro-mentalists?) who saw victory/near victory snatched (snitched?) away from them on the wipeout round, I’m sure that revenge in a re-match will be golden...”

Earthwalks

Our main Earthwalk event will be on 19th May with Lord Carnwath leading a group over the South Downs between Amberley and Arundel. We do hope you can join us in the beautiful National Park countryside for a 10 mile ramble and the tea shops and pubs of Arundel at the end (both ends accessible by direct train from London). We hope that some of the regional groups will also organise sponsored walks on the same day so we can exchange photos, tweets and stories of fortitude and hardship (or hopefully sunshine and picnics).

As a warm up, Richard Burnett-Hall is offering to lead a Nordic walking session in Hyde Park on 20th April. One circuit of the Park is 4.5 miles and participants can do as many or as few as they wish. Nordic walking is billed as more far more effective than jogging (twice as many calories burned) and great for toning without putting strain on your joints. You don’t have to be superfit to join in – it’s particularly suitable for people wanting to regain their fitness. So if you want to give it a try and help raise funds for UKELA, this is a great opportunity.



The last main Earthwalk event is on September 14th with a 16 mile stroll down the Thames from Chelsea Bridge to the Thames Barrier. The walk is being led by UKELA’s Working Party Support Officer, Rosie Oliver, who has expertise in leading walks and talks, with a special focus on points of environmental and cultural interest long the way. It should be a fascinating day out. [Rosie’s Tours](#).

[You can register to join in or sponsor these events here.](#)

It’s £10 to register (for earning adults – families very welcome to join in) and we hope you can also raise some sponsorship. If you register please also email Alison Boyd, particularly if you’re not paying so we know you’re attending, alisonboyd.ukela@ntlbusiness.com.

Any questions also to Alison who will put you in touch with the organisers.

One Year Only Lunch Club

As part of the UK Environmental Law Association's 25th anniversary celebrations, our inaugural 'One Year Only Lunch Club' event is being held on Friday 26th April 2013. Lord Carnwath, UKELA's President, will be speaking on international environmental law, including the Rio Earth Summit. The venue is the offices of Travers Smith (10 Snow Hill, London).

Those attending the talk will also enjoy a three course lunch. The event starts at 12:30pm and should finish by 2.15pm. UKELA members are very welcome to bring colleagues and clients. Numbers are limited for this prestigious event so we do encourage you to reserve your place as soon as possible. The cost of attending is £95 per person, most of which will be eligible for Gift Aid if you are able to sign up for it.

We are grateful to: Travers Smith for hosting the first lunch; Argyll Environmental for sponsorship; and to Sykes Environmental LLP and Talisman Environmental for organising the lunches (we are aiming for two more this year).

[Please book here.](#)

Recyclists

The Recyclists are inviting cyclists to join in their annual bike ride to the conference. This year it will start in London on the morning of July 12th, arriving in Cambridge in time for the first plenary session (60-70 miles). They are aiming to stick to cycle routes and to arrange transport for luggage. If you would like to join in – and meet up for some training beforehand – please email james.burton@39essex.com. The Recyclists organisers are Ben Stansfield of Clifford Chance, Tim Clare of Environ, Richard Wald and James Burton of 39 Essex Street.

The Recyclists are raising money for the Lord Nathan Fund, which looks after UKELA's Law and Your Environment website, providing information to over 300,000 a year. www.environmentlaw.org.uk



Students

An update from Ben Du Feu and Nicola Peart – student advisers to Council

The Student competitions

The moots are open for entries until April 15th – be sure to get your entry in on time. Lots of people have signed up for the moot training in Birmingham, Bristol, London and Edinburgh, which is great news. Thank you to No 5 Chambers and the Faculty of Advocates for organising this. It should stand you in good stead for taking part in the moot as well for any other advocacy you may do.



The deadline for the Andrew Lees prize is April 30th and there are some fantastic prizes and a choice of topics for the essay. Again, be sure not to miss the deadline.

Details of all of the student competitions can be found [here](#).

The Simon Ball Prize for Achievement is also [open for entries](#) until the end of June. Do think about nominating yourself, or nominating someone who deserves it.

Trip to the Supreme Court and Client Earth Briefing

13 students (myself – Ben – included) joined a trip organised by UKELA to the Supreme Court in January. We had a tour of the Court and, had the opportunity to have a question and answer session with Lord Carnwath. All in all it was a very interesting afternoon!

Following on from this a briefing by Alan Andrews at Client Earth was arranged on the air quality case being heard on 7 March by the Supreme Court.

We had some very appreciative feedback:

“It was very useful and pitched right – actually a very good job done because we were a fair range, one not even a law student, and everyone could follow”.

“Alan was particularly welcoming of questions and discussions associated with or stemming from the issues raised; the event was more akin to a seminar (with wine!) and less like a lecture”.

“All in all I would like to thank Client Earth for the hospitality they showed us, and Alan in particular for taking the time to patiently discuss the case with us”.

We hope to arrange more of these events this year and if you have any ideas of what events you would like to see, do get in touch! Also – any senior members of UKELA who can offer a briefing for students, particularly on a case or project you’re involved with – please let Alison Boyd know.

Students

PIEL

UKELA will be attending the annual Public Interest Environmental Law conference. The topic of the conference for this year is 'Development or Land Grabbing? Legal Challenges of the Global Land Rush'. The conference is organised by students, and some of our student volunteers are helping to run an information desk about UKELA and the opportunities we offer for students at the conference. If you would like to be involved do let me know, and although not a UKELA event, I can thoroughly recommend the PIEL conference.

The date of the conference is 15 March 2013. It is taking place at the Institute of Advanced Legal Studies on Russell Square and [details of how to book can be found here](#).

International Graduate Legal Research Conference

This conference is being held at King's College London on 8-9 April. It has a reputation for being a unique platform to meet other researchers and academics from across the world. It will also give delegates a fantastic opportunity to listen to a wide variety of selected presentations from legal researchers working in highly topical areas of contemporary legal scholarship. The panels include one on Environmental Law. [More details can be found here](#).

Better EU regulation for a greener environment and sustainable economic activity in Europe

The United Kingdom Environmental Association annual Garner lecture 2012¹



Karl Falkenberg *Director General of DG Environment at the European Commission, Brussels*

Thank you very much for inviting me to give the 2012 Garner lecture. When I boarded the Eurostar there was an announcement that the UK was cut off from the continent. But no, it was not a consequence of the EU budget negotiations, it was just a freight train that had broken down in the tunnel, and I am delighted to be here tonight.

When I accepted this invitation, I had no idea of the significance of the date, which is that the Commission has today approved its 7th Environment Action Plan (EAP).² This is a considerable achievement, since even a week ago I would not have been confident that we would achieve the completion of the Plan on time. When considering better EU regulation clearly the action plan that the Commission has put together for the next six–seven years is going to be of key importance, and that is why it is now a good opportunity to talk about environmental legislation.

2012 is also – coincidentally – the 20th anniversary of EU nature legislation, and throughout the year we have been celebrating in different EU Member States two of the most important regulations, the Birds Directive,³ and the Habitats Directive,⁴ which have together really started to make a difference throughout the 27 Member States. A difference is discernible, but is not so great that nature's well being is in the state that we would want to see. On the negative side, Europe is still losing biodiversity every year throughout the Member States, and this despite the fact that 10 years ago it was decided that the loss of biodiversity would be checked by 2012. So we have to renew our commitment to stop the loss of biodiversity and restore it, wherever it is possible, across Europe. In the light of increasing knowledge about nature protection, wildlife and all the species that we want to

survive across Europe, it is clear that the protection of the environment is an international, interconnected concern. Nature protection cannot be achieved in isolation, Europe cannot be an island of biodiverse happiness surrounded by a sea of biodiverse drama and problems and loss; we need increasingly to look outside the European Union.

A good place to start is to look ahead to the future particularly as the 7th EAP also starts with a forward plan. The question is: what is the situation, from an environmental point of view, that we would want to achieve by 2050? We know that by 2050 this planet will carry something in the region of nine billion people, roughly triple the number in the 1950s, and that this growth is essentially taking place in developing countries, increasing consumption and the demand for goods and for quality of life. To offer nine billion people in 2050 a similar quality of life to that we enjoy here in Europe at the moment would require the natural resources of about two and a half planets. This is of course not possible, and so we will have to change the ways in which we produce and consume, and do so rapidly, and substantially.

We need to become a great deal more resource aware, not only of the mineral resources that are dug out of the ground, but also the resources of water and soil. Mineral resources will most probably become a scarce resource; 60 billion tonnes of minerals every year are taken out of the ground, and it does not take much imagination to realise the extent of the scars that remain on the surface of this planet as a result.⁵ And if we simply follow business as usual, in excess of 100 billion tonnes of minerals will have been taken out of the ground by 2030.⁶

With regard to other resources, we know that by 2030 there will be a freshwater shortfall of about 40 per cent.⁷ This will be a huge problem, unless we find ways of looking after the freshwater resources on this planet in a much more careful manner.

We are losing soil to desertification and also to sealing, due to the growth of large cities and the continued

¹ Professor Jack Garner was a leading environmental lawyer and one of the founders of the UK Environmental Law Association. He gave one of two introductory addresses (with the late Andrew Lees) at the opening conference of UKELA in September 1986. He is remembered every year at UKELA's Garner Lecture. The 2012 lecture was held on 29 November at the offices of Clifford Chance, London.

² Brussels, 29.11.2012 COM(2012) 710 final; 2012/0337 (COD). http://ec.europa.eu/environment/newprg/pdf/7EAP_Proposal/en.pdf; http://europa.eu/rapid/press-release_IP-12-1271_en.htm.

³ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the Conservation of Wild Birds (2010) OJ L 20/7.

⁴ Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of wild Fauna and Flora (1992) OJ L 206.

⁵ Resource Productivity in the G8 and the OECD Report in the Framework of the Kobe 3R Action Plan <http://www.oecd.org/env/resourceproductivityandwaste/47944428.pdf> p 10.

⁶ *ibid.*

⁷ 2030 Water Resources Group 'Charting Our Water Future: Economic frameworks to inform decision-making' §16 March 2010 McKinsey & Company, <http://www.oecd.org/environment/biodiversitywaterandnaturalresourcecemanagement/44864100.pdf>.

investment in infrastructure that seals off the soil needed to grow food. With the demographic development and the loss of useful fertile soil we are moving forward to a situation where per capita there will be less than half the soil there is at the present time. Air pollution is another degrading of a natural resource. Efficient use of these resources is going to be of vital importance if we want to be successful in addressing the environmental limitations of this planet.

Thinking about resource efficiency leads back to the currently unsustainable production of energy which is recognised by the public here in the UK as creating serious problems of global warming. (If anyone still doubts whether climate change is really happening, I would suggest they talk to the large insurance companies who are the first to have direct evidence on their books of how many and what kind of disasters are likely in the future.) However, this does not necessarily answer the question of whether some, or all climate change is man-made, or whether it is natural. This planet has known changing cycles in the past, but the vast majority of scientists believe, and the vast majority of scientific evidence points to the fact, that this planet has never seen a period where the change has been so dramatic. We are now beginning to have a scientific understanding of how greenhouse gases lead to global warming, of what processes are taking place in our atmosphere, and how these can be related to human activity, and in particular, to the burning of fossil fuels in order to produce energy.

At this very moment, appropriately, my colleagues are sitting in Qatar⁸ trying one more time to come to an international understanding of how we should be dealing with climate change and how we can at least limit the damage, because we cannot avoid it all – climate change is taking place. What we have collectively put into the atmosphere will remain there for a long period to come, and therefore some of the processes are already irreversible; we can only hope that we can reduce the amount of greenhouse gases put into the atmosphere sufficiently to avoid some very dramatic tipping points that would accelerate substantially the processes that are taking place.

The more prominent difficulties with water balance in Sub-Saharan Africa, or in parts of Asia or elsewhere may attract attention, but Europe has to examine its own position in the face of evidence of over-abstraction from many of our own surface water systems together with insufficient water regeneration. Our own accounts for water in Europe are not in balance, despite the existing legislation, such as the Water Framework Directive,⁹ which called for Member States to ensure that by 2015 waters would have good status. We know today in 2012 that we will not reach this goal; we hope that just above 50 per cent of our surface waters will qualify, but that still

leaves Europe, while taking a leading role on protecting the environment, with a considerable challenge.

There are policies in place to ensure good air quality and in Europe this has generally improved, but in almost every Member State there are 'hot spots' where the air quality would not meet the standards set by the World Health Organization 25 years ago to stop serious numbers of premature deaths of the very young, the very old, or other vulnerable people.

These hot spots are essentially found in large cities, and the causes of the lack of appropriate air quality are largely related to the way we live in and heat our houses, and the way we travel in vehicles, trains and aeroplanes.

So, despite existing legislation, there is a long way to go before climate change mitigation is going to be effective, and in the preparations for the 7th EAP the principle question was: do we need more legislation, do we need different legislation, or do we have a problem of implementation? The assessment in my Directorate-General and in the Commission generally is, that with the legislation already in place – water, air, nature and chemicals legislation, and the wide range of other European legislation that now defines almost all of the 27 Member States' environmental national policies – the environment should be adequately protected and the standards and the means of implementation that the legislation is providing should give adequate results. The fact that the measurable results of air, water and soil quality do not come up to expectation points very strongly to a lack of implementation. That is why the 7th EAP emphasises the importance of implementation, rather than advocating new legislation at EU level.

Why is implementation a problem? When three years ago I took on this post as Director General for environment, I inherited the Directorate-General with the largest number of infringement actions taken out against Member States. I am an economist, but in Brussels I am the 'king of lawsuits' against Member States. It was not really what I anticipated, or what I had been looking forward to. There were 1,500 cases per year on average. We have reduced this to 500, but I believe that this is still 500 too many, because rather than litigation in Luxembourg, I would want to see legislative requirements properly implemented, and nature and people benefiting from the result of good solid environmental legislation.

In trying to understand why this is the case, I compared environmental policy in the EU with trade policy which was one of the first common policies to be developed, leading to trade regulation that is immediately applicable in all Member States. Regulations fulfill the legislative requirements in the trade area, rather than the directives imposed for environmental matters. It has become apparent that the environment community holds the belief that a) environment is not in reality a common policy, and b) because it is not a common policy, there is freedom for individual Member States to apply higher standards of environmental protection than the Brussels bargaining processes could achieve: there has to be room to protect the environment more effectively than the lowest common denominator that Member States are expected

8 UNFCCC COP-18 on climate change, Doha 28 November–8 December 2012 http://unfccc.int/meetings/doha_nov_2012/meeting/6815.php.

9 Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy OJ L 327.

to agree in Brussels. It is felt that an instrument such as a directive allows more freedom, and therefore it might be more acceptable; directives agreed at EU level can then be translated into national legislation, plus a 'top up', with the result that the environment should be more effectively protected.

However, I have come to the view that exactly the opposite is true. The use of directives as the main tool for environmental legislation is one of the main causes of inadequate implementation throughout Europe. A good example is to look at the way we address a problem – say ship dismantling, something which we are looking at currently. There is a policy in place – an export ban for ships outside the OECD area, to avoid beaching practices, which are really objectionable both for the natural environment and for the humans that are involved. Not a single decent job is created, but rather every kind of problem that one would want to prevent. We will probably after about a year and a half of internal reflection in the Commission, put forward a proposal, and then engage in the normal co-decision process with the European Parliament and the European Council to come up with a directive that is not too complicated. After two or three years, a directive that we have all approved will be finalised and then Member States have up to two to three more years to transpose that directive into their national legislation which is the point at which it effectively begins to be binding.

Then 40 lawyers on my team examine 27 pieces of national legislation to determine whether the transposition is effectively what was decided at EU level. And during this review we are greatly surprised by the reappearance of 'old friends' – all those arguments that we heard in the internal discussions in Council and in Parliament, and that eventually were resolved by majority decision-making, and sometimes even by unanimity – have returned in the national legislation. For example, a UK position that was not retained in an EU directive, by some miracle, will be back in the UK transposition. And then I have no choice but to ask legislators in the UK what has gone wrong and whether it is necessary to repeat why it was that the solution that has now been put into UK legislation was not what was decided collectively at EU level. There follows a fierce defence of the UK legislative process, that the UK is a democracy and the UK parliament cannot just rubber-stamp what is decided in Brussels. So the fact that directives are transposed by national legislatures actually creates a problem; there is less continuity and uniformity for something that is decided collectively, and then individually transposed into national legislation, because different actors take part and want to have their say. Governments find it frustrating to be expected to approve in parliament a text that was negotiated in Brussels, particularly those of the 27 Member States who view Brussels as being very remote and unaware of the realities in a national legislative system and, therefore, not entitled to have the last word. Accordingly, we need to consider how to adopt a standard regulation more regularly instead of a directive. We need to make the effort to bring everyone together in

a co-decision process with the European Parliament, including those who link into the European Parliament – businesses, lobbies, NGOs and scientists – so that the 27 Member States are equally involved and informed by the collective knowledge, and with the goal of reaching a common position in a two to three year-long process. I strongly believe that given the problems that this planet is facing in the next two or three decades, we can no longer work on the basis of a process that will, even if it works well, provide first answers 10 years after an environmental problem has been identified.

So, we need to change our attitudes. Environment in the past was the 'poor relation' of economic growth. Here in Europe, and elsewhere, it was taken for granted that natural resources existed to be exploited, to create a good living for people. We are beginning to understand that growth at the expense of our natural resources is not sustainable and that we have to maintain a balance, but we cannot in adjusting the imbalance of the past now put protection of the environment in front of the economy. We need to marry the two policies; we need to find solutions that allow growth, but that growth must be sustainable growth. And when developing legislation at EU level, we try to achieve this through an impact assessment. I cannot make any proposal to the Council and the European Parliament that has not been solidly examined with regard to its economic, social, and environmental feasibility and efficiency, and this is not something that is done in-house, but is discussed with the different services within the Commission, always taking account of studies that are conducted outside the Commission. So I am quite convinced that the regulations and directives that we in the Commission put out to Council and Parliament in this regard are sound, have been tested, and are the right choices.

A problem that then may arise is linked to the fact that the co-decision depends on two other institutions, the Council and the Parliament, which have for a decade struggled with their impact assessment commitments¹⁰ and who take a proposal from the Commission and make of it what they want. Sometimes it is hard to recognise a Commission proposal when it finally emerges from Council and Parliament; sometimes even the scope of directives has changed, and has changed substantively, without any examination or assessment of the economic or social impact of those changes, not to mention their practical feasibility. Therefore we need to push Parliament and Council to take on board impact assessment processes as per the inter-institutional common approach to impact assessment;¹¹ and while they retain the right to modify Commission proposals, when they do so they should have to put forward evidence that their proposals are equally efficient. On that basis, better regulation would result.

10 Inter-institutional agreement on better law-making (2003) and inter-institutional common approach to impact assessment (2005) <http://ec.europa.eu/governance/impact/key.docs/key.docs.en.htm>.

11 'EU Regulatory Fitness' COM (2012) 746, 12 December 2012.

Better regulation also involves review; after a regulation has become law and been implemented it should be reviewed, which is what D-G Environment does regularly. Here again there may be problems with the stakeholders involved. A stakeholder may have been critical during the consultation process of a piece of legislation, but once that law is approved, its reflex reaction will be to regard it as 'the devil we know', and the basis on which it will make investment decisions. Changes made six months later may mean that investments will have been made on the wrong assumptions. Thus the timing of the review is important; on the one hand enough time should elapse after the law is in place to give stability for stakeholders to be able to adapt, develop new answers and innovate in the light of new regulatory requirements; on the other hand, the review should be soon enough to ensure that we have feedback, and be able to adjust legislation accordingly should the desired result not be achieved.

This review process is known as a 'fitness check'. We tend to spend a lot of time in talking very broadly with all types of stakeholders throughout Europe and understand their assessment of existing legislation. The water policy is the most recent legislation to have passed through a fitness check, which has led to a blueprint defining direction needed to develop water legislation in Europe over the next 10 years. Significantly, 75 per cent of stakeholders who replied when asked if the legislation sets appropriate standards, or whether the administrative burdens are too great, compared to the objectives that we want to reach, said that the legislation is basically at the right level, while 25 per cent thought that the regulations have gone too far. That is not a perfect outcome, but it is an outcome that is a good starting point. We now need to try to understand the reasons that 25 per cent think the requirements are too burdensome, and research different solutions.

It is also important that the relationship between regulation and innovation is properly understood. In the water sector an innovation partnership has been created at EU level, which will mobilise EU research money into developing new ideas and processes to address water issues more efficiently. I learnt recently that in the view of the private sector, the right way to go about this is not to start a call for innovation and then see what regulation would be required, but rather that society should set, through regulation, the targets it wants the private sector to achieve, and then the private sector will develop its innovative strength to come up with the right processes and answers, in order to reach the targets set. This is very interesting, because we are confronted with environmental problems on a daily basis and have to decide what instrument to use to solve them. There is not much choice, probably only three.

First, we can legislate so, for example, cars are not allowed to emit more than, say, 100 gms of CO₂ per mile travelled. Enforcement mechanisms must also be in place to ensure that the industry only produces cars that emit no more than the legal limit. However, industry may well rest on its laurels when it achieves that limit, as there is no

real innovative incentive to invest in further research. Despite this, situations exist where regulation is probably the only way forward.

Secondly, we can create a market by requiring, for example, that all CO₂-producing industries will be required to purchase a certificate for every tonne of CO₂ emitted into the atmosphere. There is no market for CO₂ emissions; no one in the marketplace is going to be interested in buying CO₂, unless a regulated market is created by legislation. We can regulate, or we can try to create a market using market indicators to set prices. We can penalise, or we can subsidise and both systems are used in environmental legislation; it is always a fascinating debate as to which is the most appropriate.

The third element is the part played by the consumer. We can raise awareness and hope that the consumer will demand products which are produced in the most environmentally friendly manner. Should this policy be successful it creates the most powerful tool of all because no enterprise, no company, is going to manufacture a product that the consumer will not buy. If there is very strong, market-led indication that consumers want goods and services produced in a certain way, or not produced in an environmentally damaging way, then we can be fairly sure that industry will change its methods.

The problem with this third alternative is that there is plenty of evidence to show that although roughly 75 per cent of European consumers will probably say that they would be prepared to pay a little more for an environmentally sound product, when they come to actually buy the product they will likely choose the cheaper alternative. Environmentally friendly products have at best a market share of 10 per cent, very often even lower. So far, the attempt to raise awareness has not delivered real outcomes.

There could be a fourth option, although from experience it is the one I believe in least, and that is self-commitment by the industry. There have been so many promises not kept in the last 20 years, from the cars that would consume so little petrol, the chemical substances that the industry would readily have tested and would no longer use if there was any evidence of damaging health, to the climate change decision of 2008 when the European Union decided the famous '2020 by 2020', meaning that Member States should reduce CO₂ emissions by 20 per cent from 1990, use 20 per cent of renewable energy and become 20 per cent more energy efficient by 2020. On two of the '20s' legislation was passed; the renewable energy target is embedded in legislation and we are well on our way to achieving that target. On CO₂ emissions, I am confident that by 2020 we will have reduced emissions by more than 20 per cent from 1990. The third was not embedded in legislation, and the third is where we will fail. The current figures show that a 20 per cent improvement in energy efficiency by 2020 is highly unlikely. This is a curious situation, because a competitive market encourages efficiency, which should surely appeal to industry given that using less energy to produce goods will make them cheaper and so more competitive in the marketplace.

Therefore we will continue to draft legislation, we will have to create markets, and we will continue to develop awareness campaigns for consumers. A further problem is that at the moment there is no real definition of, or means of monitoring an environmentally sound product. Energy efficiency is relatively easy to measure due to labelling and colour coding, but in the wider environmental context, an energy efficient product may emit less CO₂, but may use enormous amounts of water, or have a negative effect on the soil, or pollute the air. Diesel engines were considered to be so much more efficient than petrol engines that the entire European car fleet started to move towards diesel. However, this now means that the air quality is very poor, because diesel continues to emit fine particles that cause serious health problems for the European population. This is really a European speciality; in the United States they do not have this problem because Americans continued to drive their petrol-fuelled 'gas guzzlers' and petrol engines do not produce those fine particles that pollute the air.

Accordingly we need instruments that allow us to look beyond our respective 'specialist silos', where the water specialist only looks at water usage and water pollution, and the soil specialist only look at effects on soil, and similarly for the CO₂ specialist, or the chemical specialist – we need to understand that all these areas are inter-related, and that they need to be properly measured. A policy with parameters that cannot be measured properly, and cannot be monitored, is not going to be the basis for good regulation. And we are lacking the measurement tools. An overall economic measure that would be different from the current measure of GDP would be much needed. Any international economic success story usually reflects growth in GDP – two per cent annual GDP growth in Europe is seen as quite good, whereas eight per cent growth in GDP in China is seen as too little.

However, neither of these numbers gives any indication of the environmental damage that occurs in achieving this growth due to the externalities of the production process and the accepted market values. Europe may claim two per cent annual growth in GDP, millions of its bees may have been killed, or soil surface equal to the surface area of Berlin – approximately 1000 square kilometres polluted or sealed off. These statistics need to be read together, so that politicians understand that it is not just GDP that should define the way in which we want to develop.

Even if this overall perspective is established, there is still no monitoring capacity in place to assess how European measures are implemented in the Member States. It is not hard to imagine that a Member State may not be particularly keen about inspecting and monitoring the implementation of legislation that it did not want in the first place. The 7th EAP also suggests developing complementary inspection capacity at EU level to address areas of serious concern regarding implementation of environmental legislation.

Our inspectors for the moment are you, the European people. Any of you can pick up the telephone, or write a letter to the Commission in Brussels, reporting a problem

with air quality in greater London, (we receive plenty of such letters every day), with waste handling in Naples, or with an incinerator that is to be built in the middle of a residential area in a small German town. All this is on top of the many hundreds of infringement cases that are brought, and it would be preferable if there were national inspection systems, national legislative systems and national courts that would interpret and enforce what has become national legislation. It is curious that some European citizens prefer to ask Brussels to look at their local problem, rather than to go to their local court. It is a question of raising awareness again, and recently networks of attorneys general have been established at EU level as well as networks of judges and of ombudsmen.

Accordingly there is much to do. The principle of subsidiarity is frequently invoked, but subsidiarity can only work if there is common legislation in place. We can only decide locally how we achieve a goal if that goal is set. If the goal is not set collectively, but left to subsidiarity decisions, it will be an individual, national goal. We all go in the direction we want, but we do not go in the same direction of trying to achieve a commonly-defined goal.

We continue to need European legislation; we need a better understanding of how we define and implement this legislation, and how in the 27 Member States the principle of subsidiarity should lead to developing the most appropriate way to achieve the targets that are set.

And we have seen, there is environmental legislation in place for almost all the major issues, with one exception – soil. Ten years ago a proposal at European level for a soil framework directive was blocked by a small minority of Member States, the UK amongst them, who decided that soil is not for Brussels to fiddle with, because soil does not cross borders. Soil is local and is national, and each nation knows best what to do with its own soil. The fact that any soil contamination immediately leads to water contamination, air contamination, and all sorts of other problems; the fact that desertification, water scarcity and soil erosion by weather and deforestation all point to the importance of collective action seems not to have dawned on the blocking minority. This is the major loophole in what I would otherwise call a pretty well-established defence of the European environment.

To repeat, nature protection cannot be achieved in isolation and must be promoted in the international context beyond Europe. We need to export what we have accomplished here, because the degradation of the environment in most other parts of the world is worse than it is here in Europe, and is increasing rapidly to a point where the sustainability of the whole system is put in question. Our technical and logistic solutions to many environmental challenges are much in demand. Europe is already exporting more environmentally friendly goods than it is exporting cars. A few years ago many people would not believe this; they assumed that cars were still our best product and most valuable export, and that the green economy was, at best, a marginal activity for eccentrics. Well, those eccentrics have now taken over a large share of the economy, and we need to showcase

and explain this to those developing countries that are trying to lift people out of poverty.

When in Rio for the 'Rio plus 20' conference,¹² I took part in discussions with representatives from China, Brazil, and India to explain it is only through green growth that they are now effectively going to solve the problem of poverty. It is not by cutting down their trees, abusing their soils, or burning as much fossil fuel as they possibly

can that people will be lifted out of poverty; not there, not in the developing world and not here. That is why the work beyond EU regulation, the work of trying to create sustainable, international development goals is absolutely essential, and one in which I hope that Europe can play a constructive role, by sharing the experience we have gained in trying to defend the environment here on the European continent.

The lecture will also appear in the March edition of *Environmental Law and Management*. We acknowledge their assistance in preparing it for publication.

¹² United Nations Conference on Sustainable Development held at Rio de Janeiro, Brazil in June 2012.

60 Second interview

Featuring Ben Du Feu

What is your current role?

I am one of the two Student Advisers to the UKELA Council. We attend Council meetings and help with events aimed at UKELA's student members. We make suggestions to Council as to how UKELA can improve the student experience of UKELA and always welcome any thoughts anyone has on that.

How did you get into environmental law?

I did an LLM specialising in Environmental Law and Policy and University College London. This was my first proper exposure to environmental law and my interests have developed from there.

What are the main challenges in your work?

I am currently studying for the BPTC so my biggest challenge is trying to find a pupillage! I hope to find work that, to some degree, allows me to continue to pursue my interests in environmental law.

What environmental issue keeps you awake at night?

There are a few. A lot of my LLM was spent looking at law and policy on climate change; this is obviously a massive issue with potential impacts on a whole range of environmental issues. However, perhaps naively, I find issues such as the hunting and trading of endangered species the most distressing.

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

Both of these issues require robust action from the international community. In this regard, stricter regulation and sanctions, and better enforcement measures are needed. In certain instances, there is the potential for a body, such as the EU, to play a leadership role in pursuit of those goals. However, as the recent attempts regarding the inclusion of aviation emissions into the EU ETS demonstrate, such measures are likely to face significant backlash from the wider international community. I suppose that leaves us with effective cooperation between states as the biggest single thing that would make a difference to environmental protection and well-being.

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

I have been to a couple of UKELA working party meetings, but I can't say I am a regular at any of them. That is something I should probably change!

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

As with many things, the more you put into it, the more you get out of it. UKELA has opened, and continues to open many doors for me. Through my participation in the Andrew Lees Prize last year, I was able to do an internship at LexisNexis – that was a really good experience and if I had to pick one benefit, that would probably be it.

Articles

Seaport Revised

A sustainability appraisal and SEA Directive challenge made to Core Strategy housing policies of Rochford District Council has been dismissed by Singh J in Cogent LLP v Rochford District Council [2012] EWHC 2542 (Admin).

Rochford's preparatory work on the Core Strategy had been carried out before the judgment in *Save Historic Newmarket v. Forest Heath District Council* which was handed down after the Examination in Public into the Rochford Strategy had closed. Rochford asked the Inspector to defer her report to allow the Council to prepare an Addendum SEA Report which addressed the conclusions in Forest Heath. The Inspector agreed. The Addendum produced by independent consultants supported the policies in the Core Strategy was made public. All parties were given the opportunity to respond to it, but the Inspector declined to reopen the EiP. When the Inspector concluded that the Core Strategy was sound and the document was subsequently adopted a challenge was brought on the grounds that, in favouring development in the area known as West of Rochford, the council had failed to carry out a proper Strategic Environmental Assessment. The Claimant had land in East Rochford argued that there had not been any proper consideration of, or explanation for the rejection of, alternative locations and in particular attacked:

- the selection of alternatives for potential general housing locations;
- the reasons given for preferring reasonable alternatives as part of a comparative assessment of alternatives;
- reliance on a sustainability appraisal Addendum produced at post-Submission stage, both in terms of the principle of a post-submission document, and of its adequacy in curing any defects in the submission document; and
- whether a failure of the CS Examination Inspector to re-open the Examination had given rise to a breach of natural justice.

In dismissing all grounds of claim Singh J made observations on a number of key questions relevant to sustainability appraisals, environmental reports and decision-making on the basis of the SEA Directive.

First, in approaching the selection of alternatives for potential general housing locations, the Inspector had essentially posed the correct question, namely: are the broad locations identified for the supply of housing most appropriate when considered against all reasonable alternatives? In light of this appropriate question, the reasons which had been advanced by the local authority for preferring reasonable alternatives as part of a comparative assessment, when taking into account the Addendum, were evidence-based and had been sound as a whole.

Second, the sustainability appraisal Addendum had been produced in knowledge that post-Submission work must not be undertaken to justify a predetermined strategy.

Third, the integrity of the Addendum could not be properly criticised. This was not least where independent consultants had been engaged by the local authority to undertake the sustainability appraisal work. Having regard to the composition of the Addendum, read together with the submission document, it could not be said that the Addendum was an "*ex post facto justification*" or a "*bolt-on consideration of an already chosen preference*" to justify a decision already made.

Fourth, in applying and distinguishing *Seaport* Singh J held the Environmental Assessment of Plans and Programmes Regulations 2004 (and in particular, Regulation 13) do not exclude the opportunity for post-Submission sustainability appraisal work from being undertaken and in order to cure earlier defects or omissions in the sustainability process. Insofar as Regulation 13 requires "*every draft plan and its accompanying environmental report*" (prepared in accordance with the Regulations) to be made available for public consultation "*as soon as reasonably practicable*" this could be achieved through post-Submission sustainability appraisal work. The particular circumstances of the staged consultation undertaken in respect of additional sustainability appraisal, would determine whether that additional work in fact 'accompanied' the plan and had been made available satisfactorily early.



Articles

In substance, Regulation 13 required that the draft plan, and any accompanying environmental report, must be available for public consultation as soon as reasonably practicable. This was a timing provision only which did not prescribe for adequacy of content or preclude additional sustainability appraisal work undertaken at later stage.

Further to ruling that the identification, comparison and selection of reasonable alternatives for general housing locations by the local authority has been appropriate, timely and properly reasoned.

Further, whilst the transposing 2004 Regulations require the production of an “*environmental report*” and the Strategic Environmental Assessment Directive 2001/42/EC (Articles 4 and 8) notably contemplate an “*environmental assessment*” to be considered “*during the preparation of the plan*”. Neither Article stipulates the timing of this process other than “*before adoption*”. Similarly, whilst Article 6(2) requires that an “*early and effective opportunity*” must be given for public consultation on the draft plan and accompanying environmental report, this Article (and similarly, Regulation 8) does not prescribe what is meant by “*early*”, other than to stipulate that this must predate adoption of the plan. No such complaint could be made in the context of the developer’s challenge.

The judgment is then perhaps the most significant in furthering the discussion on the scope for permissibly remedying inadequate sustainability appraisal through addendum work under the Directive 2001/42/EC and the 2004 Regulations, when undertaken at post-submission but pre-adoption stage. In addressing specifically the challenge made to the Addendum, Singh J’s approach underscores that strategic environmental assessment is not comprised in a single document and is not to be equated with an environmental report. Fundamentally, that assessment has again been shown to be an ongoing, iterative, process.

Gregory Jones QC and Juan Lopez, barristers at Francis Taylor Building, appeared on behalf of the successful local authority.

UKELA Events

Young UKELA seminar – Environmental Law: The Basics – Contaminated Land 26 March 2013

Join us for the second in our Environmental Law: The Basics programme for a talk on Contaminated Land. Held at 39 Essex St Chambers this seminar will explore the current issues surrounding contaminated land, led by Andrew Wiseman of Stephenson Harwood and convenor of UKELA's Contaminated Land and Insurance working party together with speakers from Argyll Environmental and 39 Essex St.

[Book now](#)

Thanks to Argyll Environmental for sponsoring Young UKELA for 2013.

Wales Working Party Seminar on Waste – 27 March 2013

Organised by Gweithgor UKELA ar gyfer Cymru (the Wales Working Party), this topical seminar on waste will be held at Eversheds in Cardiff.

Speakers Bob Lee – co-convenor of the Wales Working Party and Professor of Environmental Law at Exeter University: Bob will provide an update on recent waste cases and address the fly tipping proposals and the Natural Resources Wales enforcement protocol.

Lori Frater – Cardiff University: Lori will speak about the recent proposals on waste law in Wales including Construction and Demolition Waste and Site Waste Management planning.

[Book now](#)

The Habitats Regulations – all that glitters is not gold plated – seminar 24 April 2013

A UKELA Nature Conservation Working Party early evening seminar at Landmark Chambers in London. This session will look at the Habitats Regulations in action, from the perspective of experienced counsel, James Maurici, Head of Legal at Natural England, Julie Lunt, and an experienced environmental consultant, Andrew Baker of Baker Consultants Ltd. The seminar will be chaired by Richard Barlow, of Browne Jacobson LLP and the Nature Conservation Working Party.

Given the recent allegations that the Regulations “gold plate” the European Directive which they originate from, and that they are hard to comprehend, this promises to be a lively debate about the legal constraints of the Directive, the approach of the regulator and the views and experiences of developers.

[Book now](#)



Wildlife, Wilderness and Wild Law weekend workshop – 24-27 May 2013

Join us for an outdoors weekend focusing on wildlife and nature conservation law in Scotland and the challenges of wild land management in and around Scotland's first national park. There will also be a Wild Law update. We are aiming to include talks from the National Park Authority, the John Muir Trust and a Scottish lawyer. The weekend is being organised by John Hunt who has attended the last two UKELA weekends in Scotland, and has worked professionally in nature conservation north of the border. Accommodation is in the Balmaha House bunkhouse on the banks of Loch Lomond. Book now and also secure your train travel – bookings now open – (minibus pick up at Glasgow).

[Book now](#)

Moot Semi-finals and finals – 18 June 2013

The moot semi-finals and finals will be held before Lord Carnwath, UKELA's President. Semi-finalists will be invited to arrive at around 3pm for their competition. This will be judged by the moot sponsor, No5 Chambers, and a leading Environmental Law academic. There will be a short break before the finals, which will start at 6pm. The Andrew Lees essay finalists also have the option of presenting their papers so it will be an interesting evening, whether or not you're a mooter. Drinks and nibbles to follow. If you want to learn more about Environmental Law or mooting, or want to support the mooters, do come along.

[Book now](#)

London meeting on Nanotechnology – 24 June 2013

This early evening seminar will focus on current legal issues relating to Nanotechnology, which is now part of all our daily lives. Speakers include Professor Robert Lee, of Cardiff University, and Andy Cundy of Brighton University. The London meeting series is kindly hosted by Herbert Smith Freehills LLP. More details will be circulated when available.

25th anniversary conference: The next 25 years: what does the future hold for Environmental Law? 12-14 July 2013

As the UK Environmental Law Association celebrates 25 years, the anniversary conference at Cambridge University looks forward to ask where Environmental Law is going? UKELA is very grateful to its main sponsors, Exponent, Landmark Chambers and Thirty Nine Essex St Chambers. The focus of the conference will be international with speakers from Europe and further afield, and practical, with sessions aimed at practitioners who need to know what will influence their work in future. The gala dinner will be extra special – in the beautiful surroundings of King's College. We are also planning some great field visits.

[Book now](#)

Non UKELA Events

UKELA members Discount – Butterworths Environmental Law

We are delighted to inform you that UKELA has arranged a 20% discount for all their members to attend Butterworths Environmental Law conference chaired by Stephen Tromans QC of Thirty Nine Essex Street. The conference will take place on Tuesday 23rd April 2013 in Central London. You can download the brochure here. The programme features a stellar panel of speakers including:

- Vanessa Havard Williams, Partner, Linklaters
- Dan Wiley, Senior Legal Advisor, Enforcement, Sanctions and Prosecution, Environment Agency
- Andrew Bryce, Environmental and Health and Safety Lawyer, Andrew Bryce & Co
- Paul Davies, Partner, Macfarlanes
- Matthew Townsend, Partner, Allen & Overy
- Felix Oku, Environmental Protection Team, London Borough of Tower Hamlets

To claim your 20% discount as a member of UKELA, all you have to do is email LexisNexis and quote code: LN:UKELA. * To email and register now, [you can book your place here](#). If you have any questions in relation to the conference, please contact LexisNexis directly. You may email LexisNexis on: registrations@lexisnexis.co.uk or call on 0845 520 5500. We look forward to welcoming you to the conference.

Yours sincerely,

Tim Clare, Principal Consultant, ENVIRON & Vice Chair, UKELA

Vanessa Havard-Williams, Linklaters, Global Head of Environmental and Climate

*This offer applies to new bookings only and cannot be used in conjunction with any other offer.

Castle Debates (all morning seminars free of charge at the Law Society)

Nuclear Power: 20 March

In July 2011 the British Government designated 8 sites in England and Wales suitable for development for new nuclear; the Scottish Government has stated that no new nuclear power stations will be constructed in Scotland. Attracting investment through to an active build programme remains very challenging as was seen in March 2012 when E.ON UK and RWE npower announced they would both be pulling out of developing new nuclear power plants.

Issues: Professor Gordon MacKerron, Sussex University

Law and regulation: Paul Bowden, Partner, Freshfields

Policy: Hergen Haye, Head of Nuclear New Build, DECC

[Reserve your place](#)



Non UKELA Events

23 April: The Environmental Impact of Aviation

The environmental impact of aviation involves the emission of noise, particulates and gases which contribute to climate change. The rapid growth of air travel in recent years has contributed to an adverse environmental impact with aviation greenhouse gas emissions increasing by 97% between 1990 and 2006. There is ongoing debate about taxation of air travel and the inclusion of aviation in the European Emissions Trading Scheme.

Issues: Michele Dix, Managing Director, Planning, Transport for London
Law and regulation: Matthew Townsend, Partner, Allen & Overy
Policy: Speaker not confirmed

[Reserve your place](#)

“Information and Communications Technology for Environmental Regulation: Developing a Research Agenda” Workshop, National University of Ireland Galway, 20 – 21 June 2013

Keynote Speaker: Professor Bradley C. Karkkainen, University of Minnesota School of Law

As society considers how to alter individual, social and economic choices in order to better deal with the challenges of climate change, loss of biodiversity and environmental pollution, the continuing refinement of more effective means of environmental regulation requires urgent attention. Information and communications technology (ICT) can play an important role in this process. While there is some research on how ICT can be used for environmental regulation, we have not yet developed a full understanding of the issues.

The aim of this workshop is to build a network of researchers dealing with these issues in order to prepare joint projects, funding applications and work towards an international conference dealing with this topic.

Papers are invited from scholars and practitioners across all disciplines for a workshop on the application of information and communications technology for environmental regulation. Abstracts (maximum 500 words) to be submitted by Friday 15 March 2013. [For more information, please see here.](#)

Enquiries to: ronan.m.kennedy@nuigalway.ie or to Rónán Kennedy at +353-91-495626.



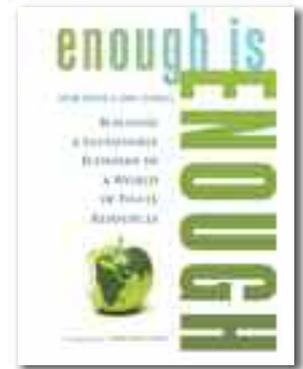
Book reviews

Enough is Enough by Rob Dietz and Dan O'Neill

Earthscan from Routledge.

As Herman Daly, Professor Emeritus at the School of Public Policy University of Maryland, says in the introduction to this book:

“Enough should be the central concept in economics. Enough means “sufficient for a good life.” This raises the perennial philosophical question, “What is a good life?” That is not easy to answer, but at a minimum we can say that the current answer of “having ever more” is wrong. It is worth working hard and sacrificing some things to have enough; but it is stupid to work even harder to have more than enough. And to get more than enough not by hard work, but by exploitation of others, is immoral”.



The book's premise is that we're overusing the earth's finite resources, and yet excessive consumption is failing to improve our lives. This book asks "when is enough actually enough" and seeks to demonstrate that more than enough is too much. Milton Friedman is quoted as saying "Only a crisis – actual or perceived – produces real change. When that crisis occurs, the actions that are taken depend on the ideas that are lying around. That, I believe, is our basic function: to develop alternatives to existing policies, to keep them alive and available until the politically impossible becomes the politically inevitable." The authors lay out an alternative to the perpetual pursuit of economic growth – an economy where the goal is enough, not more. They explore strategies to conserve natural resources, stabilise population, reduce inequality, fix the financial system, create jobs etc – with the aim of maximising long-term well-being rather than short-term profits.

You will not agree with everything they say but I would recommend it as a lively take on why current economic policies are failing, and how we might make the transition to an economy that works for people and the planet.

UK Environmental Law Association

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

Vicki Elcoate
Executive Director
The Brambles
Cliftonville
Dorking RH4 2JF
vicki.elcoate@ntlworld.com
01306 501320

e-law

The editorial team wants articles, news and views from you for the next edition due to go out in March 2013. All contributions should be dispatched to Catherine Davey as soon as possible by email at: catherine.davey@stevens-bolton.com by 6th May 2013

Letters to the editor will be published, space permitting

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