



# e-law

*UKELA Making the law work for a better environment*

## Editorial

We asked you what you felt about the 2012 conference and your answers appear in this edition of e-law. We've also let you know what we plan to change in 2013 by way of our response.

Only last weekend some of our more intrepid members took to the water in kayaks to raise money for the Lord Nathan fund. Thanks so much to David Hart QC for organising the event. You can read an account in e-law. The money raised for the Fund pays to update our Law and Your Environment website which receives over 300,000 visits a year. We've had some positive feedback and thanks from users lately but there are always suggestions about more information we can put on the site. Our next priority is to add Scots law.

In this edition you can read an article on suspension notices.

We have a packed autumn programme of events all around the UK. I do hope you find something of interest and that as many of us as possible will be able to attend the Garner lecture on 29 November.

**Catherine Davey**  
**Editor, e-law**



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## Membership Subscriptions Increase

The Council of Management has agreed that a small across the board increase in subscription rates will be implemented for 2013, with the exception of rates for those in the student, unwaged and graduate categories. You will see this increase reflected in your renewal information which will be sent to you at the beginning of December.

This is the first increase for two years and we hope you agree that our subscription rates continue to offer excellent value for money, as we continue to offer reduced rates for events, in particular the Annual Conference, our free electronic journal and a host of other benefits. Like many organisations in the voluntary sector at the moment, UKELA has a very tight operating budget and the subscription rises are essential to keep the organisation afloat. The new rates are:

Membership Tier	Current	New for 2013
Individual	£60	£65
PB individual/retired	£45	£50
Student/grad/unwaged	£15	£15
Corporate private co	£370	£385
Corporate statutory body	£140	£145
Corporate local authority	£80	£85
Corporate NGO	£60	£65

## 2012 conference feedback and plans for the 2013 UKELA conference

Mark Brumwell – Chair of UKELA

Thank you very much to everyone who sent in feedback from the 2012 conference in Southampton. It is really helpful to know what you think so that we can improve our conferences in future.

Overall 100% of those who replied said the presentations were “useful” or “very useful” and rated some of the speakers as “excellent”. Many people said that hearing from people with a non legal perspective was particularly interesting and helpful, and the legal talks, including hot cases, also received a warm response. You told us that having sessions too focused on England were not acceptable (eg the planning session) and we will aim to provide a focus on the devolved jurisdictions in the UK at the 2013 conference, which will have a strong international theme. You were also concerned about the lack of women plenary speakers, which again has been noted by the 2013 planning committee.



On the whole you were very complimentary about the gala dinner, with both the venue and food highly rated by most people. Many people pointed out that coaches were hardly needed for the short journey and we will avoid this in future (or just provide a limited service for those who need it).

We are sorry that so many of you found the accommodation disappointing and the walk across the park, particularly after dark, was not a welcome new addition to the activities! Some suffered more with the accommodation than others as it appears there was a problem with showers and toiletries, not shared by everyone. If you do have problems like this at a UKELA event please do raise them at the time (thanks to those who did) as we would do our utmost to sort them out. In this case the accommodation was changed at the last minute by the University who promised that it was better than the one viewed on the site visit. This was most certainly not the case. We are already booked in to double check the accommodation for Cambridge next year as this was viewed some time ago. Some people also found Southampton and the weather a let down - but there's not much UKELA can do about that! We really think you'll enjoy Cambridge next year and thanks to those who've made suggestions about it. Some people also found the conference papers difficult to access but for different reasons. Next year we'll provide a simple link to a page on our website (which will be hidden from view to non attendees). We'll also offer the option of having the papers on

paper and charged at cost. You will be able to pre-order and collect them at the event (as so many speakers provide their papers late in the day).

Now there is one area on which people have differing views – that is the format of the conference and whether we should do away with Sunday, start earlier on Friday, not have field visits, have the gala dinner on Friday etc. When we previously surveyed all the members about this there was more or less a 50/50 split on whether to keep things as they are or have a more compressed Friday- Saturday format. The Council has considered your views about this and decided that next year – as the conference is in Cambridge and near to where more of our members live – we'll leave things as they are. But you will have more flexibility about being able to book parts of the conference and dip in and out. This will cost more pro rata than the whole weekend package, but some people would prefer it. You will also be able to bring along your partners more easily, particularly for our spectacular gala dinner in King's College, and benefit from an early bird discount if you book the whole weekend.

In 2014 (the year due for the Scottish independence referendum) the conference is in Edinburgh and we plan to try a Friday early afternoon start for that, finishing with the overnight stay after the gala dinner on Saturday. This means you can still arrive on time if you leave London on Friday morning and get away home early on Sunday. We would still provide all the CPD points, networking and sessions that you enjoy. We will be inviting feedback on how you feel about these changes and continue to try to deliver what members want.

89% of people agreed that the conference lived up to their expectations. Here are some of your highlights:

- “The general tenor of it is relaxed and yet the discourse is stimulating and exciting. Winning combination”.
- “Opportunity to catch up with fellow environmental lawyers and professionals in a social setting”.
- “The energy challenge talks/discussion. Saturday evening gala. Freebies from the sponsors.”
- “The chance to hear good quality speakers on a range of topics”.
- “I enjoyed the Quiz a lot more this year (nothing to do with the fact that my team won it!)”.
- “As a newly qualified lawyer it was a good opportunity to meet consultants that I had worked with and to meet other solicitors at my stage in the field”.
- “Origin Events are great”.

### Booking for Events

Our online events booking system has changed! For all events booked via the online system you will notice some changes as UKELA has moved to a new provider – Symphony Events Management. We are confident that this change will enhance your booking experience, although we do ask you to be patient while the new system beds in and staff become thoroughly familiar with the new options. The booking site will look and feel different from what you have been used to, but you will still be able to book and pay for your chosen event in minutes as now. A welcome new addition to the service we offer is that invoices will automatically be generated for each booking. If you have any queries about booking an event, please contact [events.ukela@ntlbusiness.com](mailto:events.ukela@ntlbusiness.com)

## Working Party News

### Star Member

The star member for September/October is Julie Adshead, who has just stepped down as convenor of the Water Working Party. Now Julie isn't a convenor she qualifies for nomination and received strong support for all her hard work.

Julie's co-convenor on the Water Working Party, Sarah Merritt says: “Julie has been nominated for her unparalleled commitment to the Water Working Party. She has been a stellar and committed convenor for several years and her leadership, good humour and in-depth knowledge will be missed. She will no doubt be a very active member going forwards!”



Julie is a longstanding member of UKELA and has been a convenor of the Water Working Party since 2007, having recently stood down from the role in order to concentrate on her research outputs in the lead-up to the Higher Education Research Excellence Framework exercise. Julie joined the University of Salford in 2002 to lead the distance learning postgraduate programmes in Health and Safety and Environmental Law. More recently she took up the Law School lead for the Construction Law and Practice LLM programme. Her administrative posts include Associate Head International of Salford Law School and Chair of the University's Disciplinary Panel. Julie is one of the co-authors of a student text book and has published in the areas of water law, contaminated land, waste law and green buildings amongst others.

Catherine Davey is the new co-convenor of the Water Working Party. Catherine says that “Julie will be a hard act to follow. The Water Working Party would like to thank Julie for all the very hard work and commitment that she put into it over the years”.

### New Working Party first meeting announced!

The new Transactional Issues and Insurance Working Party has its first meeting at 6pm on October 23<sup>rd</sup> at ERM’s London city office. Do come along to help shape the future work of the working party.



Paul Jackson of ERM, Chris Miller-Jones of WSP and Ben Stansfield of Clifford Chance are the convenors of the new working party and would like to invite anyone interested to the first meeting. They say: “we will set out what we think the direction of the group should take, but we really want to get your feedback too. To kick things off, Duncan Spencer of Edia Environmental Insurance has kindly agreed to give a short presentation “all you need to know about environmental insurance”. After the meeting comes to a close, we’ll find a nearby bar to catch-up in a more relaxed style. The convenors have a mini survey for people interested to complete in advance of the meeting.

If you’re interested in attending please email [paul.jackson@erm.com](mailto:paul.jackson@erm.com)



### Recent working party activities

The working parties held a lively programme of speaker session at the Southampton conference on topics such as climate change and water scarcity, the Defra review of implementation of the Habitats Directive, and how to challenge-proof a waste to energy project. Autumn meetings already announced include one on the newly published legal definition of waste, a Belfast seminar on Habitats Protection, and a Round Up of Climate Change Regulation. Check the website for details of all events - <http://www.ukela.org/workingparties>

The new Wales Working Party convened by Professor Robert Lee and Haydn Davies held its first meeting in Cardiff in July. It has now submitted its first consultation response, on the proposed Sustainable Development Bill. The Scottish Law Working Party has also been busy over the summer, responding to the consultation on the proposed Integrated Framework of Environmental Regulation and submitting evidence to the Parliamentary Committee inquiry into the Water Resources Bill.

We’re expecting lots more consultations this autumn. Contact the relevant working party convenors to get involved.

The Nature Conservation Working Party is running a wildlife law training course on November 13-15 in Nottingham (thanks to Graham Machin of Ropewalk Chambers for hosting). Thanks also to Browne Jacobson solicitors who will continue to provide the administrative support for the course. The 3 day course will cost £150. Bookings will be on a first come first served basis. To book please contact Lisa McGill [Lisa.McGill@brownejacobson.com](mailto:Lisa.McGill@brownejacobson.com). Accommodation is not included in the cost but there are plenty of hotels nearby.

## 60 Second Interview

### Sir Crispin Agnew of Lochnaw Bt QC (UKELA Patron)

What is your current role?

QC in practice in Scotland specialising in rural property law, which includes all aspects of environmental law affecting rural property.

How did you get into environmental law?

I was a keen mountaineer, and went on a number of expeditions to remote parts of the world and hence was very conscious of the environment. In 1982 I was asked to become a trustee of the John Muir Trust an environmental charity seeking to protect wild land. This interest naturally spilled over into my legal work.



## 60 Second Interview

What are the main challenges in your work?

The main challenge is trying to get justice for charities and individuals who cannot afford the legal process, when trying to protect the environment from decisions by decision makers who pay lip service to environmental issues. Things are improving with the Aarhus Convention and Protective Costs Orders.

What environmental issue keeps you awake at night?

Climate change and the long term impact this is likely to have on my children's generation and their children.

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

I consider that every decision made by a decision maker ought to have an environmental audit and costing before it is implemented, so that the environmental costs are fully taken into account in the decision.

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

Wild law group. I consider that the rights of nature for their own importance is fundamental to protecting the environment and feeds into what needs to be done about climate change and all the other issues that are required to achieve sustainable development on earth.

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

Meeting other environmental lawyers and other environmentalists engaged in environmental issues.

## Fundraising

### **Paddling triumph**

All but a tiny proportion of the UKELA membership were foolish enough to miss perfect weather conditions on 15 September for David Hart QC's 3rd kayaking event in support of the Lord Nathan fund - sun, completely still conditions, a fine spring tide, and warm water (as Norfolk sea goes). Still, 15+ participants floated and swam around the salt marshes of North Norfolk, and then caroused late into the night. Huge thanks to those who came, particularly to those whose cars underwent an involuntary immersion on the quay, to our Cumbrian representative, and to our intrepid Australian cyclists. Over £500 raised or promised: further contributions welcome [here](#).



So far this year nearly £6,000 has been raised for the Lord Nathan Fund. A big thank you to all of you who have cycled, paddled, contributed to the raffle and quiz, and sponsored others.

## **The adequacy of the Permitting Regulations and their enforcement provisions: the Environment Agency, scrap yards and other facilities** By Gordon Wignall, a barrister at No5 Chambers, London

One of the many suggestions not likely to be made to you in a careers discussion, if you are an embryonic lawyer, is to become a scrap-yard owner.

The English (and Welsh) legal system is still redolent of the Victorian hunt. This is of course most obviously true of the criminal trial, but the Environment Agency, as huntsman, finds it difficult to bring either the small-scale scrap yard or the respectable operator to ground. This was demonstrated recently by the decision of the High Court in *EMR (R) v. The Environment Agency* [2012] EWHC 2361 (Admin) (Manchester, 31 August), of which more later, since it concerns a suspension notice served at the up-market end of the business and the EA only had itself to blame for not following the proper rules of engagement. Moreover the lessons to be learnt apply to all permitted facilities.

First, then, some comments on small scale scrap yards and their regulation by the EA.

In this arena, which is that of an exemption to the permitting regime, it is the EA's prey which has the better of the EA because the EA has not sufficiently thought through how regulation is to be undertaken.

If a scrap yard is sufficiently small then it has the benefit of an exemption under the Permitting Regulations and is outside the operation of the enforcement provisions of the Regulations. The exemption must be registered and the general requirements which apply to all exempt facilities under paragraph 3 of Schedule 2, Environmental Permitting Regulations 2010 (SI 2010/675) (as amended) must be satisfied, in particular there should be no nuisance by odours or dust – an objective required to be attained by the application of the Waste Framework Directive.

What happens when there is a report of nuisance by odours or dust by locals?

In such circumstances the EA's response is to decide administratively that the general requirements of the exemption system are satisfied and withdraw the exemption. When the exemption is withdrawn, this will result in the criminal offence of operating a facility without a permit.

Since the enforcement provisions of the Permitting Regulations under Part 4 have no application to an exempt facility, there can necessarily be no right of appeal under reg.31. In other words the operator has no forum in which to contest the factual allegations said to amount to a nuisance. On the face of it this is breach of Article 6 of the European Convention or an interference with Article 1 of the Protocol. It is also a breach of the equivalent provisions of the Charter of Fundamental Rights.

Insofar as it is possible to tell from the EA's opaque and cumbersome website the EA is still consulting – or deliberating – how to rectify this anomalous position. The EA suggests that the aggrieved operator should either make use of its internal complaint procedure or launch an application for judicial review. This has been the position now for some years.

To date the complaint process has proved rather successful for the operator. At the very least, and after a lot of huffing and puffing, a realistic date for removal of the exemption may be obtained. Most yards want to expand but there are very few sites set aside for this industrial activity: a complaint which can be used to good effect in obtaining planning permission at a difficult site.

One particularly resourceful operator is said to have solved the problem about having its exemption removed by telephoning another EA office on the same day that the removal took effect and obtaining an exemption by return.

Another difficulty faced by a scrap yard operator in such circumstances was to face prosecution for a non-existent criminal offence. This was an occasion of the regulator not being able to interpret the relevant rules, and the EA



promptly backed down.

It was a failure properly to apply the rules which was behind *EMR (R) v. Environment Agency* (above). EMR is an operator at the opposite end of the scale from the small site owner struggling to make sense of the regulatory regime. EMR is one of a number of large-scale operators with sufficient resources as well as the determination to want to observe the full permitting regime and to work with the regulator according to the written rules in order to minimise pollution.

The case concerns the service of a suspension notice, a form of enforcement of which the law-giver Draco would have been rightly proud and which can be served when the EA considers that there is a “risk of serious pollution”.

The effect of a suspension notice is to prohibit activities at a permitted facility and to ensure their prohibition even unto the conclusion of a statutory appeal to the planning inspectorate. Unlike other forms of enforcement (including a revocation notice) a suspension notice cannot itself be suspended pending the outcome of an appeal. If an operator operates its site in breach of the suspension notice this also amounts to the offence of operating a facility without a permit: the penalties are considerable (and can include imprisonment).

After a lengthy period of trying to agree a noise management plan the EA served its suspension notice on EMR on a Tuesday to take effect on the Sunday. The notice prohibited the movement of any waste on to or off or even about the site. It also required the operator to “design and implement measures” which would ensure that there was no risk of serious pollution.

EMR obtained an interim injunction on a prompt paper application to the Administrative Court in Birmingham to prevent the EA from relying on the suspension notice.

Regulation 37 of the 2010 Regulations governs suspension notices. Regulation 37(4)(a)(ii) requires the EA to “specify the steps that must be taken to remove [the risk of serious pollution]”. Regulation 37(8)(b) requires the EA to withdraw the notice when satisfied that those steps have been taken. The two regulations therefore act together to provide the operator with some comfort that the EA will not act in an arbitrary manner. The requirement to specify the steps requires the EA (as its guidance halting suggests) to form a view and to set out what has to be done. The resulting shopping list (which need not be extensive), once it has been satisfactorily performed by the operator, should oblige the EA to withdraw the notice.

A notice which requires an operator to “design and implement measures” (as in the instant case) can be a trap, and does not achieve what the regulations requires, namely some active engagement with what was in fact needed to resolve the noise (or other) problems coming from the facility. Indeed the evidence publicly available showed that the measures which EMR thought were necessary would simply not get planning approval from the local planning authority.

The judge’s decision, that the notice as framed (a) did not set out the end or requirements which Parliament considered needed to be specified in order to avoid the risk of serious pollution and (b) unreasonably demanded a ban on the movement of any waste (since this went beyond what may have been required to remove the risk of serious pollution), now clearly requires the EA as a result to observe the proper rules of engagement when drafting a suspension notice. The EA must, in short, be specific and not leave the question, ‘what needs to be done to deal with the risk of serious pollution?’, up to the operator. A suspension notice is not like an abatement notice, the statutory provisions governing which do allow the regulator to leave the means of dealing with emissions entirely up to the operator.

However, this decision does leave open the question what degree of specification is required by a properly drawn notice? It also leaves open other questions which the judge was invited to touch on but did not tackle, in particular: (1) what should a notice say if a suspension notice is served as an emergency and the EA cannot engage with the operator or determine the cause of pollution, and (2) what is the end result if there is still serious pollution after a proper notice has been correctly withdrawn?

This case is not limited to scrap yards, but applies to all regulated facilities. It should also cause operators to examine

any enforcement notice which lands on their doorstep, since the relevant Regulations contain similar wording to that which applies to suspension notices, as indeed the EA's Guidance demonstrates.

Turning back specifically to scrap yards, further battle grounds exist. In particular what is the Best Available Technology which is to apply to shredders? These are found at a few larger yards and bring cars and other items to their ultimate pulverised fate. They have an inevitable tendency to cause explosions, to emit projectiles and cause noise and vibration. Then there is the scrap merchants' ultimate fear: is the EA working towards the total enclosure of sites?

The scrap yard cases provide a number of lessons for those acting for operators running either permitted or exempted sites. Too often the EA does not seem to understand the rules laid down by Parliament. Sometimes the rules are deficient and encourage the EA (unwittingly) to make them up. Too often the EA has prepared elaborate Guidance in too many different sources which may be either contradictory or unclear. But advisors should always ensure that once the EA has put up its quarry the chase is a fair one. A careful scrutiny of an enforcement notice may reveal some surprises.

## UKELA Events

### **Scottish Waste topic group meeting AND meeting to discuss the future of UKELA's work in Scotland: Wednesday 19 September 2012**

Waste meeting at 5.30pm followed by future planning meeting at 6.30pm. Registration with tea/coffee from 5pm. Business expected to conclude by 7.30pm

Venue: Anderson Strathern, 1 Rutland Court, Edinburgh, EH3 8EY

The Scottish Waste topic group is pleased to welcome Cecilia O'Connell of Anderson Strathern who will give a waste law update.

The aims of the meeting to discuss the future of UKELA's work in Scotland are to discuss how UKELA can work more effectively in Scotland in terms of:

- Influencing legislation and other key environmental law developments
- Meeting the needs of members in Scotland
- Ensuring all the topic groups are working effectively (so it is very important that all the topic groups are represented at the meeting)
- What changes UKELA needs to make to its structure in Scotland to make best use of volunteer effort and staff resources
- What changes UKELA might want to consider in the run up to the 2014 referendum

A paper providing background information and possible points for discussion at the meeting can be accessed [here](#). If you would like to attend either or both meetings, please let [alisonboyd.ukela@ntlbusiness.com](mailto:alisonboyd.ukela@ntlbusiness.com) know indicating which meeting(s) you are planning to attend.

### **Nature Conservation Working Party: 29 September**

The next meeting of the Nature Conservation Working Party will be held at 11am on September 29<sup>th</sup> at the offices of Browne Jacobson in Nottingham.

Full details are on the [working party page](#).

### **Scottish Annual Conference: 4 October**

This year's Scottish annual conference will look at the theme of "Environmental Issues in the Planning Regime" and takes place this year at The George Hotel, Edinburgh. The Conference concentrates on Environmental Issues in the Planning Regime with specialist talks from well qualified speakers. There are presentations on Strategic Environmental Assessments and Environmental Impact Assessment; Appropriate Assessments under the Habitats Directive and Environmental Human Rights for planners. Further there are talks on Sustainable Development, the Scottish Government's "Hydro Nation". Access to Environmental Justice particularly in challenging planning and energy decisions is a key issue at present with recent pronouncements by the Supreme Court. Marine issues for Offshore Wind Farms are also considered.

Booking details [here](#)

## Climate Change and Energy Working Party seminar: 10 October

### Are you new to climate change and energy law? Or do you simply need to get up to speed with recent developments?

If the answer to either of these questions is yes, then you should attend the Round-up of Climate Change Regulation that the Climate Change and Energy Working Party (CCEWP) will be holding on Wednesday 10 October 2012 at 5.30pm at the chambers of Stephen Hockman QC ([6 Pump Court](#)).

Tom Bainbridge, Partner at Nabarro LLP and Becky Clissmann, Editor at the Practical Law Company (PLC) will be giving an overview of the following topics:

- CRC Energy Efficiency Scheme (CRC)
- Feed-in Tariffs (FITs)
- Renewable Heat Incentive (RHI)
- Renewables Obligation (RO)
- Electricity Market Reform (EMR)

Nigel Cornwall, founder of Cornwall Energy and expert in electricity and gas regulation, will then give an overview of how the Government's climate change and energy policies fit within the electricity market and tell us whether he thinks they're heading in the right direction or indeed anywhere at all. The event will end with questions/ an open discussion followed by a drinks and networking opportunity.

Admission is £10 for UKELA members and £20 for non-members. There are 10 free spaces for student members of UKELA that will be allocated on a first-come-first-served basis. You can book your place by contacting Alison Boyd at [alisonboyd.ukela@ntlbusiness.com](mailto:alisonboyd.ukela@ntlbusiness.com) and by sending your payment to UKELA, PO Box 487, Dorking, RH4 9BH in advance (payment on the door is not accepted). Cheques should be made payable to UKELA. Please note that your place is not secured until payment has been received. If you book but do not let us know that you cannot attend at least 48 hours in advance, we will still require payment as each booking incurs costs. Thank you.

## Waste Working Party – the new Defra and European Commission guidance on the definition of waste - seminar on 10 October

**Jenny Scott** of the **Environment Agency** follows up her very popular and practical session in April 2012 on “Waste as a resource” by considering the new and important Defra and European Commission guidance on the definition of waste.

**Eleanor Reeves** of **SNR Denton** will explain some of the practical issues that businesses are facing in interpreting the definition.

All members are welcome, but seating is limited so please contact the Convenors, Peter Harvey [peter.harvey@practicallaw.com](mailto:peter.harvey@practicallaw.com) or Angus Evers [angus.evers@sjberwin.com](mailto:angus.evers@sjberwin.com) to reserve a place asap. Time and Venue: 4-6pm at SNR Denton, One Fleet Place London EC4M 7WS.

## Northern Ireland half day seminar on Habitats Protection: 15 October

Fourth in the annual series of half day seminars run by the UK Environmental Law Association, in partnership with EPLANI, in Northern Ireland. This special event focusing on Habitats Protection is for environmental lawyers, government advisers, NGOs, academics, local authorities, business and students.

Registration is from 1.30pm with speakers from 2pm. There will be a tea break at the half way point.

Finish with drinks and nibbles at 5.15pm.

**Booking details** [here](#).

## East Midlands regional group meeting: 16 October

The AGM of the group will be followed by speaker, Neil Horsley on “The Green Economy”.

Neil is Chief Executive of the Nottingham Development Enterprise. To book please contact the convenor, details on the group's [webpage](#).

## London meeting on Hydrocarbon Fracking: 25 October

The Emerging Environmental Regulatory and Liability Landscape Facing Hydraulic Fracturing in the U.S.: Lessons Learned.

Speakers:

- Karl Bourdeau - Director, Beveridge & Diamond, P.C., Washington, D.C., USA
- John Romano – Unconventional Gas Sector Lead, WSP Environment & Energy, Washington, D.C., USA
- Louise Moore - Partner, Herbert Smith LLP

Booking details [here](#).

## Wales Seminar: 25 October

You are cordially invited to come along to this early evening seminar on UKELA's State of Environmental Law report and the changing face of environmental governance and regulation in Wales.

Organised by Gweithgor UKELA ar gyfer Cymru (the Welsh Working Party) it will be held at Eversheds in Cardiff, starting at 4.30pm.

Speakers:

Sarah Thomas of the Environment Agency will provide an update on the Single Environmental Body and the changes being made to the existing regulatory and governance framework.

Begonia Filgueira, of ERIC Ltd and UKELA's Council will update attendees on UKELA's State of Environmental Law 2011-2012 report and its recommendations on how the working parties can help secure better environmental law.

Booking Details [here](#).

Before the speaker meeting we're also seeking the advice of Welsh members on a fundraising proposal we're developing to secure a paid officer in Wales for two years. This will start at 3.30pm (also at Eversheds) and the Executive Director, Vicki Elcoate, will be there to discuss the proposal and record your views. If you can attend this please email [alisonboyd.ukela@ntlbusiness.com](mailto:alisonboyd.ukela@ntlbusiness.com).

## Environment shorts: 300 second explorations of the environment: 2 November

The deadline is imminent for this competition. UKELA and the Institution of Environmental Sciences invite you to choose a piece of work or an aspect of the environment, no matter how big or small, and condense it down to just 300 seconds.

Could you excite, enthral and entertain total strangers with your work, and get them to understand it in just 5 minutes? The IES and UKELA are giving members the opportunity to take part in a public event, where environmental scientists and practitioners like you, can communicate the work you do, or an aspect of environmental science which excites you, to an audience of over 100 people.

How to enter and more information [here](#).

## Seminar on “The New System of Environmental Enforcement and Sanctions: From Principle into Practice”: Thursday 8 November 2012

To be held at UCL's Centre for Law and the Environment and in association with UKELA.

This main purpose of this one day conference is to consider the impact on the enforcement of environmental regulation following the introduction of a greater range of sanctions under Part III of the Regulatory Enforcement and Sanctions Act.

Confirmed speakers and panelists include

- Rt Hon Oliver Letwin MP, Minister Cabinet Office
- Michelle Crotty, Chief Executive, Sentencing Council for England and Wales
- Jonathan Robinson, Director of Legal Services, Environment Agency
- Anne Brosnan, Chief Prosecutor, Environment Agency
- James Maurici, Barrister, Landmark Chambers
- Andrew Bryce, Solicitor
- Nick Warren, President General Regulatory Chamber, First-Tier Tribunal
- Caroline Connell, DEFRA Legal, Dept of Environment Food and Rural Affairs
- Dr Ludwig Kramer, Client Earth
- Richard Kimblin, Barrister, Chair UKELA Regulatory Working Party
- Josephine Armstrong and Claire Dupont, Milieu, Belgium

Participants are also invited to attend at no extra cost the early evening lecture in the Current Legal Problems Series to be given on November 8th by Professor Richard Macrory and chaired by Lord Carnwath of the Supreme Court. Professor Macrory led the 2006 Cabinet Office Review which gave rise to Part III Regulatory Enforcement and Sanctions Act, and his lecture ‘Sanctions and Safeguards – The Brave New World of Regulatory Enforcement’ will consider the principles behind the Review and the extent to which they have and have not been translated into practice.

CPD Points available for both events

[Register](#) to receive further information.

### **Student Careers and Social Evening: 15 November**

Our annual careers and social evening is being held this year at the chambers of 39 Essex St, London and will run from 6 to 9pm. Light refreshments will be available. This is your opportunity to meet professionals in an informal environment to discuss career paths and opportunities. A wide range of organisations will be represented including private practice solicitors, barristers chambers, NGOs, environmental consultants and government lawyers. Attendance is free but all places must be booked. If you would like to come please email [alisonboyd.ukela@ntlbusiness.com](mailto:alisonboyd.ukela@ntlbusiness.com)

### **East Midlands regional group meeting: 20 November**

Jo Briggs speaking on the “Localism Act – experiences of its implementation”

Please contact the convenor if you would like to attend, by clicking [here](#).

### **Annual Garner Lecture: 29 November**

Karl Falkenberg is the Director General of DG Environment in the EU. His lecture is titled: “Better EU regulation for a greener environment and sustainable economic activity in Europe”.

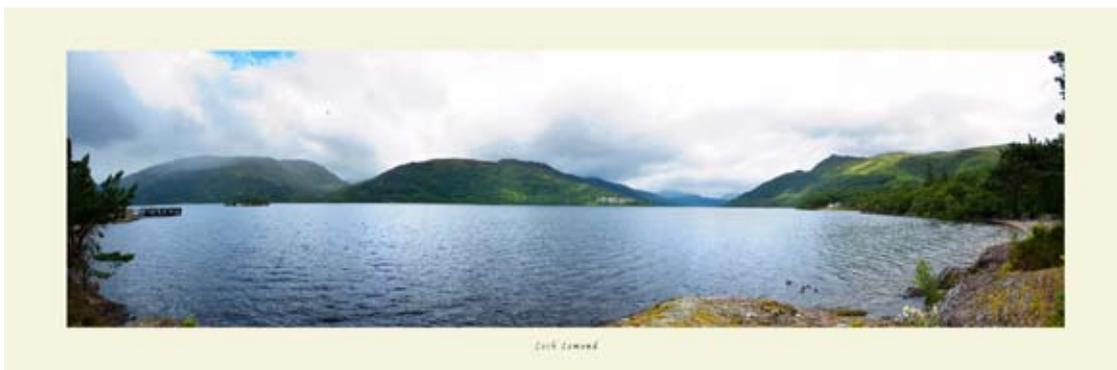
As a former trade commissioner with a background in negotiations he will throw a spotlight onto the inter-relationship between business and the environment, and how it is regulated at the EU level. We hope to involve our regional groups and sister organisations in Europe, and possibly further afield, by videolink. We’re grateful to Clifford Chance for hosting this event.

**Booking details** [here](#).

### **Diary dates for 2013:**

**Wildlife, Wilderness and Wild Law:** a UKELA workshop weekend in Loch Lomond and the Trossachs National Park, May 24-27

**Environmental Law 25 years on:** the UKELA annual conference at Cambridge University, July 12-14



### **Environmental Law: Regulation, Compliance and Litigation: 23 October**

**15% discount for UKELA members (quote UKELA when booking)**

*Practical analysis of the latest developments in environmental law and regulation to enable you to minimize the risks of non-compliance*

Chaired by Stephen Tromans QC of Thirty Nine Essex Street and featuring a stellar list of the most senior names in the area, Butterworths' Environmental Law conference will provide you with analysis of the latest legislation and case law and practical solutions for negotiating this dynamic area of the law. 6.5 CPD points.

**Booking details [here](#).**

### **Climate Change Governance Conference convened by Kingston Law School (TEEL Research Group): 2 November**

At this crucial time, uncertainty relating to the future of climate change governance, at both national and international levels, creates not only much debate but a challenge to the legal community to develop frameworks and legal mechanisms that are equal to the task ahead.

This conference brings together a range of academics and practitioners to consider certain key components of climate change governance. It will focus on climate change litigation, climate change and forestry, pensions and climate change as well as possible future directions. In considering these challenges, the conference will consider the viability of existing legal mechanisms and the potential of emerging approaches.

**Booking details [here](#).**

### **Castle Environmental Symposium: Depletion of our Finite Resources: 20 November** **The Law Society, Chancery Lane, London 1.30pm- 6.30pm**

**CPD hours:** 3 hours

**Price:** From £125 + VAT (Bookings taken before 31 October will receive a £50 discount)

#### **Depletion of our finite resources**

The scarcity and price of natural resources, such as energy, water and food are escalating due to the effects of climate change, population growth, increasing expectations, wasteful methods of use and restrictions imposed by resource-exporting nations.

The recent 'Resource Efficiency Roadmap' produced by the European Commission sets out a series of milestones with a call to move taxation from labour to resources and to provide incentives for resource-efficient products.

Pamela Castle OBE has assembled a distinguished panel of experts from the world of government, business and academia who will provide an insight into the management and efficient use of our natural resources as well as facilitating a lively discussion.

#### **Speakers**

- **Chair:** Pamela Castle OBE, Solicitor, Chair, National Bio renewables Centre
- **Keynote Speaker:** Sir John Beddington, CMG, FRS, UK Chief Scientific Adviser to the Government
- **Renewable energy and heat:** Sarah Rhodes, Head of Land-based Renewables, DECC
- **UK water security:** Professor Alan Jenkins, Centre for Ecology & Hydrology, Wallingford
- **Waste as a resource:** Peter Jones OBE, former Director, Biffa Waste Services Ltd
- **Food security:** Professor Tim Lang, Centre for Food Policy, City University, London

#### **Book your place**

With such a panel of experts assembled and with environmental concerns and impact at the forefront of our business and personal lives, this is bound to be a popular event so early booking is highly recommended. And, remember, if you book before 31 October you will save £50 on the normal price of this event! For more details and to book your place at this event, please [register online](#).

### **The Journal of Environmental Law 2012 Annual Lecture**

**6pm 10<sup>th</sup> December**

**UCL Gustave Tuck Lecture Theatre, London**

The lecture will be delivered by Professor Ellen Vos, Faculty of Law, Maastricht University, on the topic ‘Law and Science in the EU Courtrooms.’ The lecture will be followed by a drinks reception starting at 7pm at the South Cloisters.

The lecture is free to attend. Please contact [jel-lecture@reading.ac.uk](mailto:jel-lecture@reading.ac.uk) for enquiries and registration.

For more information about the event, view the flyer [here](#).

Also, visit the *Journal of Environmental Law* [online](#).

### **NELA Annual Conference: 7-9 March 2013**

The 2013 NELA National Conference is being held in Melbourne, 7—9 March 2013 at the Sebel Albert Park. With the conference theme “Delivering a low carbon future”, the 2013 NELA National Conference will focus on legal aspects of Australia’s pathway to a low carbon economy in the 21<sup>st</sup> century. The conference will examine state, national and global developments in environment and climate change litigation and review emerging regulations and programs with a focus on facilitating clean energy. The conference will attract an audience of over 350 lawyers, policy makers, academics and regulators, as well as business leaders, NGOs, environment practitioners, scientists and students.

**For more information go to [www.nelaconference.com.au](http://www.nelaconference.com.au)**

### **American Bar Association**

The ABA have posted the podcasts of their Spring Conference (“Reframing the Conversation”). The podcasts and selected program materials are online, [here](#).

## Design News and Thank You



Our thanks to Kim Elcoate May for her help designing e-law and the UKELA flyers over the last six years. This is her last e-law as she starts pupillage shortly.

Our new designer is Simon Parkin, of the Ethical Graphic Design Company, who will bring you a new look e-law in November.

## 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:  
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### E – LAW

The editorial team wants articles, news and views from you for the next edition due to go out in November 2012. All contributions should be dispatched to **Catherine Davey** as soon as possible by email at: [catherine.davey@stevens-bolton.com](mailto:catherine.davey@stevens-bolton.com) by 12 November 2012.

**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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