



# Strategic Plan 2009 - 2012

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UKELA strategic plan  
2009-2012

Agreed by UKELA Council with effect from 1<sup>st</sup> July 2009

## **1. Executive Summary**

The UK Environmental Law Association (UKELA) is the UK forum which aims to make the law work for a better environment and to improve understanding and awareness of environmental law.

It is a registered charity and limited company and its charitable objects include promoting for the benefit of the public generally the enhancement and conservation of the environment in the UK and to advance the education of the public in all matters relating to the development, teaching, application and practice of law relating to the environment. This work includes encouraging collaboration between those interested in environmental law, collecting and disseminating information and identifying, advising and commenting on relevant issues.

UKELA, in common with other organisations, will be operating in a challenging environment over the next three years. Against the backdrop of the credit crunch and global recession, there are many uncertainties and doubts over the agenda of “making the law work for a better environment” and the resources needed to deliver it. However UKELA enters the new plan period in a strong position – with experience of working to clear targets set out in regular plans, which are kept under review, and with an adequate level of reserves which have been made as secure as practicable. It also has committed and active volunteers, and a high level of engagement by the membership in its work. Trustees want to set ambitious targets which will deliver the organisation’s charitable objects and mission: “to make the law work for a better environment”.

These are UKELA’s strategic aims for 2009 – 2012:

1. Make UKELA’s interventions more influential across the range of its activities
2. Provide relevant and up to date information to the public in a manner that’s accessible and user-friendly
3. Modernise member engagement
4. Broaden the membership base
5. Review whether environmental law is working effectively to deliver a better environment
6. Ensure the management and leadership of UKELA continues to comply with best practice in good governance and is statutorily compliant having regard to the current economic climate

## 2. External scan

In arriving at its strategic priorities for 2009-2012 UKELA looked at what external influences would affect its work: both from legislation and policy on the environment and from trends and changes to the voluntary sector milieu.

### 2.1 Changes in government, legislation and policy that might affect UKELA

A general election would be held during the plan period but it was unclear how this might affect UKELA. The job of influencing environmental law would remain the same and there are few clear differences between the main political parties which might make a substantial difference to environmental law and policy.

A trend seemed to be emerging of environmental protests, not seen since the road protests of the 1980s. Most of these related to climate change related issues and it seemed likely that climate related litigation against companies, the government and regulators might increase.

However the credit crunch/recession did pose challenges and uncertainties:

- Possibility that recession could be used as an excuse for further deregulation and cutting spending on environmental projects.
- On the other hand recession could be seen as evidence of failure of previous anti-regulatory approach, and reaction is towards more regulation and more investment in infrastructure and green projects to kick start the economy.
- Effects of recession in other Member States may result in pressure to drive down compliance with, and new policy on, EU environmental law (eg road building/EIA directive) – this would in turn impact on UK
- Increased litigation in a recession (as during last recession)?

The big themes for the environment were likely to be:

- Climate change, particularly what flowed from the post- Kyoto agreement meeting in Copenhagen in 2009, carbon budgets and the carbon reduction commitment
- Better regulation (rather than deregulation); the expansion of the Environmental Permitting regime and the expansion of the regulatory toolbox following from the Regulatory and Enforcement Act
- Further devolution of powers from Westminster, most notably to Wales in relation to environmental law, and debates over a possible Bill of Rights
- A possible rush to implement the Planning Act; new National Policy Statements coming in; possible watering down of compliance with environmental laws at EU level when it comes to major infrastructure projects
- Access to Justice in Environmental matters – particularly the concerns about implementation of the Aarhus convention and increasing public protest on issues of environmental concern

Possible substantive developments would be:

- Possible Soil Framework Directive (revised proposal)
- Domestic contaminated land system likely to be reviewed.
- At European level, reform possibly of the Common Fisheries Policy
- Marine Bill – adoption and implementation. Likely to be a Scottish Bill (possibly also Northern Ireland legislation?)

- Water Framework Directive. 2009-2012 coincides with the first half of the first river basin plan period – initial implementation of programmes of measures and mid-plan review. Wider effects of Water FD may start to become apparent.
- Floods and Water Bill – draft Bill for consultation is expected in Spring 2009; 2009-2012 could see Bill going through Parliament, and initial implementation.
- May see further integration of separate systems into EPP (abstraction licensing possibly using powers sought via the Floods and Water Bill; radioactive substances regulation, groundwater and discharge consenting by means of secondary legislation: consultation just launched).
- General issue – is water the ‘new carbon’? Might we see debates around trading systems, or other new approaches to dealing with water scarcity?
- Implementation of the revised Waste Framework Directive. To be transposed by December 2010. Directive enacts aspects of existing ECJ case law on waste, including definitions on recovery and by-products. Notable challenges facing Member States are recasting of the waste hierarchy, its emphasis on waste prevention (including a requirement to prepare waste prevention programmes), requirements for separate collection of certain waste, and its recycling targets.
- National Policy Statement on hazardous waste (for planning)
- New convention on mercury to be negotiated over next 3 years.
- REACH? Obligations to submit data will bite on new chemicals over next few years.
- 2010 biodiversity targets to be met under Johannesburg? New targets to be put in place?
- Biotechnology – Access and benefit sharing (IP rights in biodiversity) – may be a new international regime under Biosafety Protocol; also new regime on liability and redress under Biosafety Protocol.
- Access to Justice issues: mainly in relation to costs; possibility of an environmental tribunal; access to environmental information; compliance questions

## 2.2 Voluntary sector influences

Three key issues were identified.

### a) Money

The key factor will be the squeeze on voluntary sector funding related to the recession. Voluntary sector finances are always under pressure and the recession can only make this worse. Problems could come from a fall in individual giving, an unwillingness to invest in fundraising and, for UKELA, fewer attendees at events. It will be important not to underestimate these effects. The best plan would be to grind down costs, retain current resources and resist expansion for the moment. UKELA has heavy reliance on its income from member subscriptions (32% in 2008) and sponsorship (11%) but by far the largest proportion is from events income (54%). All events aim to break even, and most make a surplus (although this is hard to measure exactly as so much of the cost of running them is in terms of staff time). UKELA has grown (in income/expenditure terms) about 5/6 times bigger over 7 years but continuing growth at this rate may not be sustainable. However with low overheads (eg no office) UKELA should be in a strong position to manage its costs and operate in an as efficient manner as possible.

### b) Volunteering/human resources

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The Citizenship Survey of 2007 found that volunteering rates had not changed much since 2001. Formal volunteering has increased, whilst informal volunteering has declined. However organising an event or being a committee member have both fallen in popularity. This suggests that whilst people are willing to join in as participants, they are less willing to do so as organisers. As UKELA is so dependent on volunteers this may become a problem. A trend of active volunteers being able to spend less time for UKELA, because of pressures from their employers, was already discernible.

**c) New patterns of participation**

New technologies mean that people increasingly expect ways to have a dialogue with an organisation/cause. In future civil society is likely to include a greater number of groups and networks that are looser, more open and transient. Organisations will have to confront these changing cultures of engagement. Network models may become more common (eg Wild Law), but pose issues around governance and accountability. The main issue was integrating the online and offline presence and ensuring something was provided for everyone, however they choose to interact with the organisation.

### 3. Organisational Analysis

A review of the last strategic plan was carried out, plus a close look at UKELA helped identify the organisation's direction from mid 2009.

UKELA has had two previous strategic plans (2003-2006 and 2006-2009) based on deliberations of Council members and some external consultations. The plans have been implemented via annual work programmes which have been monitored and reviewed. Trustees agree that having plans in place is a useful process in targeting scant resources and knowing when to say "no". Steps had been taken to address problems and rigorous governance systems and risk assessment had helped secure the foundations of UKELA.

These were the highlights, and lowlights, of the 2006-2009 plan.

#### 1. Main achievements:

- Development of the e-library up to the point of launch
- Wild Law work and network – production of research report and events growing in popularity
- Events programme (some very high quality with many attendees) – number and diversity of events and better UK coverage
- Improving member services via better administration
- Influencing (if only slightly on occasion) major legislation on climate change; regulatory reform; planning; environmental liability; marine
- Working party activity: waste; planning; climate change; environmental litigation (particularly access to justice work); northern Ireland; nature conservation; water
- Major overhaul of [www.ukela.org](http://www.ukela.org) (with positive feedback)
- Securing the President and Patrons and all their support
- Increasing number of student members, particularly active volunteers
- Organisational growth and financial stability
- Improved governance especially introducing shared systems information
- Huge support from volunteers at all levels
- 20<sup>th</sup> anniversary celebrated in style at Bath conference
- Securing a reliable system for publishing the conference papers
- Partnerships with other organisations, particularly IEMA, have added to UKELA's profile.

#### 2. Disappointments:

- Lack of external funding for e-library
- No independent Environment Agency in Northern Ireland despite strong consensus to support one being established
- Lack of interest from media in UKELA's work and lack of time/resources to address this
- Lack of action by some working parties and regional groups

The organisation's strengths, weaknesses, opportunities and threats, were identified.

<b>Strengths</b>	<b>Weaknesses</b>
Public/private sector mix Great contractors Breadth of experience Financial control – reserves Willingness of volunteers Strong brand Expanding membership base Events/activities Student volunteers Value for money Networks Patrons Apolitical Good governance Low cost base Committed trustees Geographical spread	Reliance on a few people Lack of diversity eg for students, consultants, regions, academics Accessibility to events Volunteers in regions Critical mass in region/rural areas Failing to influence in Europe/EELA Too centralised in Westminster ie little local government Failure to punch our weight Lack of clarity for student involvement Contractor base too small Membership base is just lawyers Focus on lawyers, not law
<b>Opportunities</b>	<b>Threats</b>
To make a difference in key areas – climate change, environmental threats New media e-library making a difference to ordinary people using increased environmental profile to our advantage CPE – commercial ops Expanded diverse members Lawyers need to know more law Credit crunch-risk management Networking Partnership working – EELA Wild Law Attracting members from competitors by offering better product Student advisor (Kirsten) WP contractor (Rosie) Different thinking about regions given greater awareness because of devolution issues	Law could be left behind Credit crunch – loss of members, volunteer time Competitor orgs – take our funding, events, members Lack of relevance to certain areas of membership Reversal of Govt Policy (relates in part to general election, see as a threat and opportunity) Economic manifesto to trump environment We go ahead at a different pace from what our membership wants Reputation of trustees if e-lib fundraising is unsuccessful Broad church getting too broad Failure of conference to deliver healthy surplus Maverick destroys ukela reputation

In drawing up the strategic aims the following issues were considered:

**Influencing Environmental Law**

The last strategic planning process identified the need for UKELA to have clearer priorities in relation to the legislative issues it will work on and a more consistent and directed approach. It recognised the important role of the working parties and Council in ensuring delivery across three key cross-cutting themes:

1. Climate Change
2. Better Regulation
3. Other jurisdictions: devolution and international issues

There were some successes in terms of the steady, day to day work on some working parties in influencing government. UKELA made a significant contribution to the work on access to justice, by helping launch the Sullivan report which had UKELA member involvement. It also helped influence the better regulation debate via a seminar, smaller meetings and

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consultation responses. It became better at pulling together the broad church of UKELA member views and shaping them into coherent responses. UKELA made a significant contribution to the debate in Northern Ireland about improving environmental governance, although the region's politics thwarted the objective of setting up an independent Environment Agency in the end. There was some significant contribution to the development of the climate bill, although lack of activity in 2008 hindered the delivery of work on climate change. Two thinktanks were held – on climate change and better regulation – which gathered opinion formers and decision makers together, but the results were not widely communicated and follow ups could have been more effective.

The patchy delivery of the working parties continued to give cause for concern and Council's decision to appoint a paid contractor to support them, towards the end of the plan period, should bear fruit in due course.

**Issues for next plan:**

*An early decision (by October 2009) will need to be made on continuing the working party support contractor role; more resources need to be found for Northern Ireland; working party priorities need to be kept under close review; whether more patrons would be helpful; how to improve the system of screening and filtering EL upcoming developments; whether the right working parties are in place (do some need to go or new ones added?); the question of how UKELA operates in Scotland will need to be reviewed to ensure effectiveness*

**Membership growth and diversification**

UKELA grew substantially during the last plan period as a membership organisation and in the opportunities it offers to members. The last plan said that over the plan period UKELA will take a more targeted approach to member recruitment and will monitor better how it is doing. The Membership Development Working Group carried out this work and there have been some gains in membership, notably amongst students which was one of the key target groups:

Members Oct 2006: Individuals 492; Corporate 102 (with 321 named corporate individual contacts); Retired 13; Student/unwaged 63 income £46,175  
Members Oct 2007: Individuals 490; Corporate 99 (with 466 named corporate individual contacts); Retired 12; Student/unwaged 91 income £55,200  
Members Oct 2008: Individuals 566; Corporate 104 (with 538 named corporate individual contacts); Retired 10; Student/unwaged 114 income £57,500

The lively events programme and the decision to allow free places to students has made a big difference to the perception of the value of UKELA membership.

The last plan said it would encourage greater diversity on Council – this has been achieved with membership from outside London, a student adviser appointment, environmental consultants and academics.

**Issues for next plan:**

*Need to maintain the events programme in a sustainable way and communicate better to organisers re need to make a surplus where possible; need to plan for a diversity of events which appeal to all types of member; need to continue to price competitively and have carefully targeted price bands; need to make sure that event organisation doesn't divert so much staff/volunteer energy that the influencing environmental law agenda is under-resourced; consider recommendations of student adviser for new competitions/events and activities.*

**Networking and Communications:**

e-law has been redesigned and produced on average 6 times a year; regular events updates provide further information for members; [www.ukela.org](http://www.ukela.org) was subject to a major overhaul and reviews have been positive; use has been made of online discussion groups, a blog and Facebook to communicate within the Wild Law network; the Garner lecture has been held annually and member feedback has proved important in the selection of speakers; work with an international flavour has mainly happened via the Wild Law work, also a joint event was

held with EELA and another planned with the UKAEL; most of the regional groups have held events at the target level of two per year and members welcome this.

*How to secure the future of the e-library (who will look after it/what to do about updating in the absence of the full endowment/how to get regional information onto it); consider changes to website including introducing podcasts; make both ukela.org and Law and Your Environment earn income; generate more income from e-law; investigate other ways of communicating using new technologies (could commission a paper from a volunteer on the possibilities); whether there is more scope in international work or focus should remain UK; what to do about regional groups that find it hard to deliver (eg Wales and Northern Ireland); how to encourage active succession planning for convenors (limited terms of office with elections?); how to ensure a diversity of events is held to suit all members and attract new ones*

### **Governance**

All organisational policies, procedures, guidance etc had now been written down and contained within the operational guidelines; advice had been taken about the status of two of the contractors who will move to an employed basis before the end of the plan period; steps had been taken to reduce financial risk during the banking crisis; early steps had been taken to plan for Treasurer succession; costs (eg fundraising) had been kept under rigorous review; move to online booking system for events had brought new challenges and benefits.

*Having employees increases work for trustee managers; increasing number of contracts need to be kept under review (mainly working party support; CIWM; Cvent); need to keep driving down costs where possible (is an exercise needed to review all UKELA's costs?); review reserves level (by carrying out review of core costs with professional financial help); settle in professional financial arrangement and new Treasurer; keep issue of online payments under review; how can Council members best be supported?*

#### **4. Strategic aims 2009-2012 in detail**

##### **Aim 1: Make UKELA's interventions more influential across the range of its activities**

This focuses on the day to day delivery of existing and new Environmental Laws within the plan period. The key topics for focus are: planning, climate change, regulatory enforcement, access to justice, possible Bill of Rights.

Key to ensuring all these deliver a better environment are:

the working parties and their paid support; the patrons; targeted events, responses to key consultations; and proactive engagement with decision makers.

Targets:

- Regular review of whether UKELA has the right working parties initially within 3 months
- Strengthen links with decision makers in the UK and EU through regular contacts and developing personal relations
- Ensure paid support delivered to the key priorities
- Ensure working party co-ordinator support offered to all working parties
- Event for convenors attached to Garner lecture in November 2009
- Review continuation of paid support by October 2009
- Review UKELA performance in Scotland, Northern Ireland and Wales and make recommendations for improvement by July 2010
- Review Patrons list within 12 months
- Ensure events are held which meet the aims for the topic area

##### **Aim 2: Provide relevant and up to date information to the public in a manner that's accessible and user-friendly**

One of UKELA's charitable objects is to provide information to the public about environmental law and a lot of work has been carried out to deliver this over the last 2 plan periods. Now is the time to consolidate this work and move to the next stage, finalising Law and Your Environment and entering into outreach work with targeted communities (particularly in deprived areas).

Specific targets are:

- Promote and support Law & Your Environment including:
  1. maintaining it for the next 3 years (with both paid staff, volunteers and cash)
  2. resourcing it in the long term by setting up an endowment with adequate funds and designating surplus funds if possible
  3. extending it to Scotland, Northern Ireland and Wales within 18 months (dedicated funding will be needed to do this)
  4. ensuring the communities who would most benefit are given the means to access the information in a way they will find most useful
- Keep [www.ukela.org](http://www.ukela.org) up to date and undertake a fundamental review by the end of 2011
  1. review substantive environmental law content of the website as Law & Your Environment develops – by end 2009
  2. review need for podcasts etc and investigate technological underpinning of the website to enable this – by end 2009
  3. improve student pages by AGM 2009

For both websites the possibility of funded links will be investigated (by end October 2009) and introduced (by end March 2010) if found to be potentially net income generators.

##### **Aim 3: Modernise member engagement**

This aim is to make sure that all members can access UKELA's member services in a way that suits them. This will range from paper communications for older members, to mobile phone communications for younger members and providing events attractive to everyone.

And it includes improving payment systems and events. Current ways of servicing the membership are included within this aim: the annual conference; the Garner lecture; e-law; members' information on [www.ukela.org](http://www.ukela.org).

There are also some new targets:

- Investigate putting event podcasts on [www.ukela.org](http://www.ukela.org) by end 2009
- Set up a members' only section of the website by end 2009
- Offer online chatrooms for specific topics by end 2009
- Offer video-conferencing of meetings when possible
- Develop a student/Young UKELA mentoring programme – scheme in place by March 2010
- Co-ordinate student involvement with UKELA by supporting a student advisor on Council throughout the plan period
- Maintain and strengthen nationwide networking
- Review all communications annually – next in October 2009
- Investigate having a rolling membership year (rather than calendar year membership) – report to Council Oct 2009

#### **Aim 4: Broaden the membership base**

This aims to make sure UKELA has a diverse and growing membership base. Specific groups have been prioritised for the plan period:

- Review the purpose and resources for the Membership Development Working Group by September 2009
- Ensure corporate membership is maintained and expanded. Council group to investigate the offer to corporate members and whether this can be improved, in consultation with corporate members. Initial report: July 2009
- Set up student group to support student adviser, to consider current offer to students and how to attract more, with recommendations to October Council 2009
- Target Scottish organisations (eg Scottish Executive) to join
- Ensure all members in all parts of the UK get value for money and that awareness of regional diversity issues is high
- Appoint a Welsh champion
- Commission a student volunteer to identify gaps in corporate membership (law firms, consultants, chambers)
- Identify local authority/NGO/public sector organisations for targeted approach
- Identify commercial organisations with in house environmental lawyers
- Ensure UKELA has a strong offer to a diversity of members including opportunities for participating as internal volunteers, eg as student helpers with research or IT, or external initiatives like Wild Law and Leapfrog

#### **Aim 5: Review whether environmental law is working effectively to deliver a better environment**

It is arguable that Environmental Law is not working effectively and so is failing to deliver policy objectives and a good quality environment in some areas. Issues might include the Environmental Liability Directive and Part IIA, and issues which require international effort and agreement, like climate change and sustainable fisheries. This review will focus on the law's effectiveness in delivering desired environmental and policy outcomes.

Work would be carried out to:

- Review environmental and procedural laws and perceived gaps that do not achieve desired outcomes
- Identify why they are failing
- Suggest alternative ways of using the law to achieve the outcomes
- Focus onto what is practical and deliverable by UKELA (eg EU derived law or laws of the UK or part of the UK) and explore international links with other Environmental Law associations which may be helpful
- Agree relevant partners to help take the review forward

Targets:

- Gather a group of volunteers and identify staff resources to support this work within 2 months
- Carry out a scoping exercise to identify which areas of environmental law will be the focus of further work (by 3 months)
- Agree main targets and programme for the review (by 4 months)
- Identify any potential partners for the work and/or volunteer resources needed by 4 months
- Draw up a funding proposal by 5 months with strategy for progressing the work without external funding if necessary
- Carry out or facilitate the review of where environmental and procedural laws in the UK and elsewhere (linking the work with the international work on Wild Law) appear to be failing to work effectively, identify why and suggest solutions using the Working Parties and Council to review and steer within 2 years
- Produce 1<sup>st</sup> draft of the report by 2.25 years
- Publish the results by the end of the plan period: July 2012

**Aim 6: Ensure the management and leadership of UKELA continues to comply with best practice in good governance and is statutorily compliant having regard to the current economic climate**

Council will enter the plan period with a group set up to consider the risks of the credit crunch on UKELA. It has a comprehensive set of written guidance in the operational guidelines which will be kept up to date and accessible to all who need it.

In addition the targets are to:

- Review the function of the annual report and consider if it has a marketing role (before March 2010)
- Keep the risk plan up to date (review at July Council annually)
- Introduce risk assessment for all events, using a standard template where possible (by July 2009)
- Keep diversity on Council (work to attract under-represented groups – review for every AGM/election)
- Attract and keep hard working volunteer officers
- Review the reserves annually with a major review once the paid accountants are in place
- During this difficult time the Executive Committee to be tasked with active financial management and risk assessment relating to financial matters
- Be a good employer (hold 6 monthly reviews for staff and WP contractor)
- Monitor the activities of the regional groups and working parties – reputational and financial (relevant co-ordinators to take a lead on this and report regularly to Council)
- Ensure all events held by UKELA are as sustainable/environmentally friendly as possible

Critical success factors – things we need to do to make sure the aims are achieved

- Review working party contractor role by October 2009
- Because of small paid team ensure that activities are planned and spread over time, don't be bounced into events at short notice
- Improve IT/new technology – knowledge, hardware and software
- Ensure a Treasurer/accountant are in place and that financial modelling, budgeting and review is maintained
- Online payments introduced for all activities
- Don't be diverted from the aims
- Strong regional group co-ordination volunteer for all of plan period
- Diverse Council

- Dynamic and committed officers
- Fundraising investment kept under review
- Volunteers secured to support student initiatives