DETAILED CONTENTS

PREFACE TO THE SEVENTH EDITION	xvii
TABLE OF CASES	xxiii
TABLE OF STATUTES	XXXV
TABLE OF STATUTORY INSTRUMENTS	xliii
TABLE OF EUROPEAN LEGISLATION	xlix
TABLE OF CONVENTIONS AND AGREEMENTS	lv
LIST OF ABBREVIATIONS	lix
Part I Introductory themes	1
1 What is environmental law? A brief introduction	3
Why a book on environmental law?	3
What is 'environmental law'?	4
Some themes of the book	10
Policy and environmental law	11
Rights and environmental law	13
CHAPTER SUMMARY	15
QUESTIONS	15
FURTHER READING	16
2 History and challenges	17
Lessons from the past	17
The legacy of early controls	20
The modern age of environmental law	20
Second-generation environmental policy	29
Environmental law—reflections and future prospects	32
CHAPTER SUMMARY	39
QUESTIONS	40
FURTHER READING	40
WEB LINKS	40
3 Values, principles, and environmental law	41
Introduction	41
Values and environmental law	42
The law and balancing environmental values	47
Law and risk	47
Perspectives on environmental issues	49
Environmental principles	53

viii · DETAILED CONTENTS

The Precautionary Principle	63
Human rights and environmental values	71
CHAPTER SUMMARY	73
QUESTIONS	74
FURTHER READING	75
4 Sources of environmental law	79
International environmental law	79
European Community (EC) law	80
Layers of law	82
National law	84
Environmental laws in practice	92
Case law	94
CHAPTER SUMMARY	96
QUESTIONS	96
FURTHER READING	97
5 The administration of environmental law and policy	98
Introduction	98
Scotland, Northern Ireland, Wales, and the regions	99
The 'British' style of administration—centralization and decentralization	101
Central government	103
Regulatory agencies	112
The Environment Agency	115
Other regulatory agencies	120
Local authorities	121
Non-government organizations (NGOs)	123
The courts	126
CHAPTER SUMMARY	127
QUESTIONS	128
FURTHER READING	128
WEB LINKS	129
Part II Integrated themes	131
Tarth megrated themes	151
6 International law and environmental protection	133
Why is international law important for environmental protection?	134
International law and the UK	134
International law and the EC	136
Nation states and global commons	137
Sources of international law—'hard law'	139
Sources of international law—'soft law'	143
International law and policy development	145

DETAILED CONTENTS · ix

Institutional organizations and other actors	149
Dispute settlement and dispute settlement bodies	150
Making agreements more effective	154
International trade and the environment	158
Future directions in international environmental law and policy	164
CHAPTER SUMMARY	166
QUESTIONS	167
FURTHER READING	167
WEB LINKS	169
7 The European Community and the environment	170
Key developments in EC environmental law and policy	171
The EC and UK environmental law and policy	172
An introductory guide to EC law	173
EC environmental law and policy	183
The scope of EC environmental law	188
The range of environmental Directives	192
Environmental law—towards uniformity or flexibility?	194
Compliance by member States with EC law	204
EC environmental law and the UK	213
CHAPTER SUMMARY	218
QUESTIONS	218
FURTHER READING	219
WEB LINKS	221
8 The regulation of environmental protection	222
Introduction	222
Administrative regulation	223
Standards in environmental law	228
Regulatory approaches and tools	237
Market mechanisms, or the use of economic tools	239
The Polluter Pays Principle	244
Self-regulation as a tool for environmental protection	245
The role of criminal and civil law	248
Optimal environmental regulation	249
CHAPTER SUMMARY	249
QUESTIONS	250
FURTHER READING	250
WEB LINKS	252
9 Environmental crime	253
What is 'environmental crime'?	254
The lack of uniformity of environmental crime	258
The moral dimension of environmental crime	258

x · DETAILED CONTENTS

Strict liability	260
Defences	263
Individual and corporate offenders	264
Enforcement agencies	267
The enforcement of environmental law	272
The 'British' approach to environmental enforcement	275
Sanctions for environmental crime	281
Optimal enforcement	287
CHAPTER SUMMARY	288
QUESTIONS	289
FURTHER READING	290
WEB LINKS	292
10 Public participation	293
Introduction	294
Access to environmental information	296
Public participation in environmental decision making	311
Judicial review	313
The ombudsman	322
Other complaints mechanisms	323
An environmental court	323
CHAPTER SUMMARY	326
QUESTIONS	326
FURTHER READING	327
WEB LINKS	328
11 Private law and environmental protection	329
Private law and environmental liability	329
Human rights law	330
The law of tort and environmental protection	332
Other private law mechanisms	349
Civil law remedies	349
The utility of private law for environmental protection	352
The future of private law as an environmental protection mechanism	356
Private law, public regulation, and 'the public interest'	357
Statutory nuisance	360
The way ahead? Civil liability in statutes, compensation funds, and EC developments	360
CHAPTER SUMMARY	365
QUESTIONS	367
FURTHER READING	367
WEB LINKS	369

Part III Sectoral coverage	371
12 Town and country planning	373
The main features of town and country planning	373
Town and country planning as a tool of environmental policy	374
The scope of planning law	375
Town and country planning, and some themes of this book	376
The planning legislation	377
What is 'town and country planning'?	378
The objectives of planning and the environment	382
Planning authorities	384
Forward planning—development plans	385
Development control—the meaning of 'development'	393
Exemption from the need to apply for planning permission	396
'Development' activities for which planning permission is granted by statute	398
Special cases	400
Is planning permission required?	401
Applying for planning permission	401
Determining the planning application	403
Environmental considerations as material considerations	409
Planning conditions	411
Planning obligations and contributions	414
Planning appeals	420
Enforcing planning law	421
Powers in cases in which there is no breach of planning law	425
Planning, the environment, and risk	425
Future developments	426
CHAPTER SUMMARY	427
QUESTIONS	428
FURTHER READING	429
WEB LINKS	430
13 Environmental assessment	431
What is 'environmental assessment'?	431
Environmental assessment in international law and practice	433
Environmental impact assessment in the EC	439
Is the project subject to EIA?	441
Exemptions from EIA	455
The environmental statement	456
Determining EIA applications—considering environmental information	461
What if environmental effects have been considered without EIA?	464
FIA and national procedural rules	466

xii · DETAILED CONTENTS

EIA—its impact on decision making	46
The Strategic Environmental Assessment Directive	468
Developing environmental assessment	477
CHAPTER SUMMARY	477
QUESTIONS	473
FURTHER READING	474
WEB LINKS	47
44.5.1	
14 Environmental permitting and IPPC	476
Introduction—the development of integrated controls	47
Moves towards administrative integration—the environmental permitting regime	478
The scope of environmental permitting	479
Analysing the environmental permitting regime	496
Applying the environmental permitting requirements in practice—the IPPC Directive	49
How integrated is environmental permitting and IPPC?	503
Is IPPC a better way of approaching pollution?	504
CHAPTER SUMMARY	506
QUESTIONS	507
FURTHER READING	507
WEB LINKS	508
15 Climate shange and six quality	F0(
15 Climate change and air quality	509
Air and atmospheric pollution	509
International law, and air and atmospheric pollution	516
Climate change	519
Climate change compensation	532
Europe and air pollution policy	532
European law on air quality	533
Domestic air pollution and air quality law and policy	538
CHAPTER SUMMARY	54
QUESTIONS	543
FURTHER READING	543
WEB LINKS	545
16 Contaminated land	547
Introduction	548
Contaminated land and environmental liability	548
Current contamination vs historical contamination	549
What is 'contaminated land'?	554
The regulation of historically contaminated land	554
The statutory definition of contaminated land	555
The identification of contaminated land	558
Special sites	558

Remediation standards	559
The nature of remediation works	561
The duty to serve a remediation notice	561
Remediation notices	562
The allocation of liability—who is liable?	563
Allocation of liability—other stages	568
Registers	574
Contaminated land and the market	574
Part 2A in practice	575
CHAPTER SUMMARY	576
QUESTIONS	576
FURTHER READING	577
WEB LINKS	578
17 Water pollution and water quality	579
Water pollutants and their sources	579
The state of the water environment	581
The regulatory challenges	581
History of the water sector and controls on water quality	583
International law and water quality	586
The EC and water quality	589
Water Framework Directive	593
Water and sewerage financing	596
Drinking water quality	597
Standard setting, water quality, and consents for the discharge of trade or sewage effluent	598
Water quality objectives	605
Groundwater pollution	606
Water pollution offences	607
Sampling and enforcement powers	613
Enforcement policy and penalties	614
Access to information	615
Preventative and remedial powers, and diffuse pollution	616
Overlapping controls	621
Water pollution and private law controls	623
CHAPTER SUMMARY	626
QUESTIONS	627
FURTHER READING	627
WEB LINKS	629
18 Waste management	630
The nature and scale of the problem	631
The challenge of regulating waste management	632

xiv · DETAILED CONTENTS

The history of domestic waste law and policy	633
International law and waste management	635
European waste management law and policy	637
Domestic waste policy	642
What is 'waste'?	644
Waste authorities	654
Environmental permitting	656
Offences	657
Landfills	662
The duty of care	664
Economic instruments and waste management	667
Waste disposal, and town and country planning	671
Other overlapping controls	672
Civil liability for the unlawful disposal of waste	673
Future directions—integrated product policy	675
CHAPTER SUMMARY	675
QUESTIONS	677
FURTHER READING	677
WEB LINKS	679
19 The conservation of nature	680
Why conserve?	681
The history and development of controls	682
Types of legal protection and the conservation law toolbox	685
The nature conservation agencies	686
General biodiversity duties	688
Habitat conservation—national law	688
Habitat conservation—EC law	704
The protection of individual animals and plants	719
Integrative approaches	726
Future developments	727
CHAPTER SUMMARY	727
QUESTIONS	728
FURTHER READING	729
WEB LINKS	730
20 Landscape management	731
Introduction	731
Regulatory mechanisms	732
The international and EC dimensions	733
Town and country planning	734
Natural England	737
Landscape designations	737

DETAILED CONTENTS · xv

Agriculture, landscape, and nature conservation	745
Agriculture, landscape, and environmental impact assessment	747
Trees, woodland, and hedgerows	748
CHAPTER SUMMARY	760
QUESTIONS	760
FURTHER READING	761
WEB LINKS	761
INDEX	763