

ENDS Special Reports

Environmental Law 2015

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This editorial synopsis must not be amended by anyone other than the Editor.

The following feature articles are planned (this list is provisional):

1) Introduction – Highlights 2015

2015 will be a busy year for new environmental legislation, with a raft of new or amended laws due to enter force, including the Landfill Tax (Scotland) Act 2014, the Mines Regulations 2014, the Construction (Design & Management) Regulations 2015; and the still draft but wide-ranging Infrastructure Bill 2014-15.

2) UK: Rainbow nation

Within the UK, environmental politics, law making and regulation is diverging as the UK's four nations take on more powers. Scotland, in particular, has already expanded its remit and is set to increase it further. The process can lead to more locally attuned legal frameworks, but also to more complex compliance requirements.

3) Net benefit or net drag

The linkages between environmental regulations and economic growth continue to be hotly contested. Some [warn](#) of the burdens they impose. Others [conclude](#) that their benefits significantly outweigh costs. Building a greener economy will require a reconciliation.

4) Tougher sentences ahoy!

New sentencing guidelines for environmental offences that took effect in England & Wales in 2014 and are expected to have led to increased fines, particularly for waste crimes. A consultation into sentencing for health and safety offences is underway. The key question will be whether emerging penalty levels provide stronger deterrence.

5) Enforcement undertakings

Enforcement undertakings have transformed the Environment Agency's ability to seek effective redress for environmental transgressions, including real behaviour change. In 2015 powers to

impose enforcement undertakings will be [expanded](#) to include breaches of the environmental permitting regulations.

6) The trouble with fracking

The UK's nascent onshore "tight" oil and gas industry has been testing legal limits. Several law changes have already had to be introduced, including, most controversially, an ending of landowners' legal rights to challenge developments far beneath their land. On the other hand, an environmental regulatory regime has emerged with speed and won some plaudits.

7) Testing the legal climate

World governments are committed to agreeing a new global deal on climate change that will be "a protocol, another legal instrument, or 'an agreed outcome with legal force'". In other words the specifically legal implications of what should be agreed in Paris are far from clear. But the stakes could not be higher.