

Cambridge University Press

978-0-521-69026-3 - Environmental Protection, Law and Policy: Text and Materials, Second Edition

Jane Holder and Maria Lee

Frontmatter

[More information](#)

---

## Environmental Protection, Law and Policy

Environmental law is shaped by the results of research in many different fields. Legal regulation and legal activities are supported and legitimated by the work of biologists, chemists, economists, engineers, geneticists and physicists, but also underpinned by cultural assumptions, the sources of which – philosophies, popular culture, ecological theories – are diverse and sometimes obscure, but arguably no less influential than those from the more traditional scientific domains. A full understanding of environmental problems requires students, practitioners and academics working within the discipline of environmental law, at whatever level, to engage with the concepts and methods employed by disciplines other than law.

This book explores environmental law from a range of perspectives, emphasising the policy world from which environmental law is drawn and nourished. It seeks to introduce students to a wide variety of non-legal material, whilst placing that material firmly in a legal context. A range of regulatory techniques is explored, through a close examination of both pollution control and land use. The highly complex nature of current environmental problems, demanding sophisticated and responsive legal controls, is illustrated by several in-depth case studies, including legal and policy analysis of the highly contested issues of genetically modified organisms and renewable energy projects.

**Jane Holder** is Reader at University College London.

**Maria Lee** is Senior Lecturer at King's College London. Both have published widely in environmental law.

Cambridge University Press

978-0-521-69026-3 - Environmental Protection, Law and Policy: Text and Materials, Second Edition

Jane Holder and Maria Lee

Frontmatter

[More information](#)

# Environmental Protection, Law and Policy

---

Text and Materials

Second Edition

JANE HOLDER AND MARIA LEE



CAMBRIDGE  
UNIVERSITY PRESS

Cambridge University Press

978-0-521-69026-3 - Environmental Protection, Law and Policy: Text and Materials, Second Edition

Jane Holder and Maria Lee

Frontmatter

[More information](#)

---

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press

The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9780521690263](http://www.cambridge.org/9780521690263)

© Cambridge University Press 2007

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2007

Printed in the United Kingdom at the University Press, Cambridge

*A catalogue record for this publication is available from the British Library*

ISBN 978-0-521-69026-3 paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Cambridge University Press

978-0-521-69026-3 - Environmental Protection, Law and Policy: Text and Materials, Second Edition

Jane Holder and Maria Lee

Frontmatter

[More information](#)

---

**For Sue Elworthy**

## Contents

	<i>page</i>
Table of EU legislation	xiv
Table of international conventions	xviii
Table of legislation	xxi
Table of cases	xxiii
Acknowledgements	xxix
Preface	xli
<b>Part I Introduction: Law in Context</b>	<b>1</b>
Preface to Part I	1
<b>1 Environmental law in context</b>	<b>9</b>
1 Introduction	9
2 The scientific paradigm	12
(a) The role of science	12
(b) Risk assessment and the environment	15
(c) Scientific uncertainty and the precautionary principle	18
(d) Accounting for the authority of science	31
3 Environment and economics	34
(a) Cost benefit analysis	37
4 Beyond expertise: the political (and popular) dimension of environmental protection	40
5 'Alternative' ways of viewing the world: ecological theories	47
(a) Deep ecology	48
(b) Social ecology	50
(c) Ecofeminism	51
(d) Gaia theory	54
(e) Ecological law?	55
6 Conclusions	57
7 Further reading	59
<b>2 Genetically modified organisms: introducing a dilemma</b>	<b>61</b>
1 Introduction	61
2 Environmental concerns	64
3 Human health concerns	64

4	'Other' issues	65
5	The benefits of GM technology	72
6	Consultation and beyond in the UK	76
	(a) Science and GMOs	77
	(b) Economics and GMOs	79
	(c) The public debate	79
	(d) The public dialogue on GMOs: the response	81
7	Conclusions	83
8	Further reading	84
<b>3</b>	<b>Public participation in environmental decision making</b>	<b>85</b>
1	Introduction	85
2	The attractions of public participation	87
	(a) The process rationale for public participation	87
	(b) The substantive rationale for public participation	93
	(c) The Aarhus Convention	97
	(d) Why participation?	100
3	Access to environmental information	101
4	Public participation in environmental decision making	110
5	Access to justice in environmental matters	114
6	The challenges of public participation	128
7	Conclusions	132
8	Further reading	134
	<b>Part II The EU Context</b>	<b>135</b>
	Preface to Part II	135
<b>4</b>	<b>The development and state of EU environmental law and policy</b>	<b>143</b>
1	Introduction	143
2	Current EU environmental law and policy	145
	(a) Environmental policy	145
	(b) Legislative framework	151
3	An evolutionary framework: four phases	155
	(a) First phase: recognising the need for action	156
	(b) Second phase: establishing a firm legal base	158
	(c) Third phase: 'new' environmental governance and 'integration'	164
	(d) Fourth phase: constitutionalism	170
4	'Free and fair trade'? Trade/environment dilemmas and the EU	171
	(a) Internal trade	176
	(b) External trade	182
5	Conclusions	184
6	Further reading	184

<b>5</b>	<b>Multi-level decision making: the EU and GMOs</b>	<b>186</b>
1	Introduction	186
2	Risk regulation and GMOs: the authorisation process	189
	(a) The judiciary and science	198
	(b) Politics and science	199
	(c) The purposes of the legislation	200
	(d) The authorisation process	201
3	Co-existence and the EU's 'market citizen'	202
4	Conclusions	208
5	Further reading	209
	<b>Part III The International Context</b>	<b>211</b>
	Preface to Part III	211
<b>6</b>	<b>Sustainable development: quality of life and the future</b>	<b>217</b>
1	Introduction	217
2	The evolution of sustainable development in international law	219
3	The elements of sustainable development	231
	(a) The future and sustainable development	231
	(b) The 'three pillars' and global poverty	237
4	The implementation of sustainable development: the UK	243
5	Sustainable development and environmental limits	250
6	Sustainable development as a normative objective	256
7	Conclusions	262
8	Further reading	263
<b>7</b>	<b>'Globalisation' and international trade</b>	<b>264</b>
1	Introduction: the international trading system	264
2	The promise of trade: Johannesburg and sustainable development	266
3	Trade and the environment	270
	(a) The main issues	270
	(b) The legal regime: domestic measures	272
	(i) The basic provisions	272
	(ii) Science and risk in the WTO	283
	(c) The legal regime: multi-lateral environmental agreements	303
4	Reconstructing world trade?	306
	(a) Participation in decision making	307
	(b) Environmental integration	310
	(c) Environmental standards: domestic or international?	311
5	Conclusions	316
6	Further reading	318

<b>Part IV Mechanisms of Regulation I: Pollution Control</b>	<b>319</b>
Preface to Part IV	319
<b>8 The institutional architecture of pollution control</b>	<b>323</b>
1 Introduction	323
2 The historical context of pollution control	325
3 The modern machinery of government	331
4 The Environment Agency	334
5 Advisory bodies	339
6 An environmental court?	340
7 The role of the modern common law	341
8 Conclusions	350
9 Further reading	351
<b>9 Licensing as a regulatory technique: the example of integrated pollution prevention and control</b>	<b>352</b>
1 Introduction	352
2 The integration of pollution control	354
3 Flexibility and decentralisation in the IPPC Directive	358
4 Standard setting in environmental regulation	362
5 Soft harmonisation and flexibility	369
6 Proceduralisation	373
(a) Reflexive law?	374
(b) Public participation	375
7 Conclusions	380
8 Further reading	380
<b>10 Enforcement and implementation of direct regulation</b>	<b>381</b>
1 Introduction	381
2 National enforcement of environmental law	382
(a) The criminal law: the principal water pollution offence	382
(b) Discretion in enforcement	387
(c) Sanctions: fines and beyond	394
(d) Alternatives to the criminal law	400
3 Implementation of EC environmental law	403
(a) The Commission as guardian of the treaties	403
(b) Reform	411
(i) EU-level reform: enforcement	411
(ii) National reform: implementation	412
4 Conclusions	415
5 Further reading	415
<b>11 Regulatory techniques: beyond licensing</b>	<b>417</b>
1 Introduction: 'Command and control'?	417
2 Economic instruments	421



	(a) Green taxes	422
	(b) Emissions allowance trading: greenhouse gases	428
	(c) Criticisms of economic instruments	432
3	'Reflexive' law	435
	(a) The EU's Environmental Management and Audit Scheme (EMAS)	437
4	Green consumers?	446
5	The example of waste: diversity in regulation	451
	(a) Waste management licensing	454
	(b) Reducing landfill: taxing and trading	454
	(c) Recycling obligations	456
6	Conclusions	458
7	Further reading	459
	<b>Part V Mechanisms of Regulation II: Controls Over Land Use and Development</b>	<b>461</b>
	Preface to Part V	461
<b>12</b>	<b>Historical context of land use and development controls</b>	<b>469</b>
	1 Introduction	469
	2 Origins	470
	(a) Public health and 'amenity'	470
	(b) Utopianism and the garden city movement	471
	3 Phases of development of controls over land	475
	(a) Early planning law	475
	(b) The post-war land settlement and the great divide between urban planning and countryside controls	479
	(c) Enhancing participation	487
	(d) Entrepreneurial planning	489
	(e) Planning and sustainable development	494
	4 Conclusions	502
	5 Further reading	503
<b>13</b>	<b>Planning and environmental protection</b>	<b>505</b>
	1 Introduction	505
	2 Elements of the planning system	510
	(a) Planning policy	511
	(b) Scope of town and country planning	513
	(c) Applications for planning permission	515
	(d) Inter-relationship between planning and pollution controls	516
	(e) The decision: reasons, appeals and enforcement	518
	(f) Major infrastructure projects	521
	3 Integrated spatial planning	522
	(a) Origins: European spatial planning and other influences	523
	(b) 'Bringing in' space: reform of the planning system	526

4	Public participation in planning	530
	(a) The argument for enhanced public participation	530
	(b) Procedural safeguards	536
	(c) Participation in practice	538
	(d) Public perceptions of risk as material considerations	542
5	Conclusions	545
6	Further reading	547
<b>14</b>	<b>Environmental assessment</b>	<b>548</b>
1	Introduction	548
2	The positive idea of environmental assessment: changing the conditions and nature of decision making	550
	(a) Environmental assessment as a regulatory technique	551
	(i) Procedure/self-regulation	551
	(ii) Anticipation/integration	556
	(iii) Participatory democracy and protest	557
	(b) Operationalising sustainable development via environmental assessment	560
	(c) The 'power to seduce': the Kentish Flats wind farm	563
3	Environmental impact assessment	567
	(a) EIA Directive	568
	(b) Assessment procedure under the EIA Directive	572
	(i) Screening: the selection of projects for environmental assessment	573
	(ii) Scoping and the gathering of information	580
	(iii) Consultation and participation	583
	(iv) Problems of implementation: the case of 'revived' mining permissions	587
	(v) The decision: what difference does environmental assessment make?	590
4	Extending EIA: Strategic Environmental Assessment	597
	(a) SEA Directive	599
	(b) Sustainability analysis	601
5	Future evolutionary paths	604
	(a) Post-assessment monitoring: 'living assessments'	604
	(b) Digitalisation and freedom of access to information	607
6	Conclusions	608
7	Further reading	609
<b>15</b>	<b>Nature conservation and biodiversity: the technique of designation</b>	<b>611</b>
1	Introduction	611
2	Designation	614
	(a) Sites of Special Scientific Interest	618
	(b) The demise of voluntary controls	625

3	European sites	627
	(a) Special protection areas	627
	(b) Special areas of conservation	634
	(i) The designation process	636
	(ii) Economic and political influences	639
	(iii) The protection regime	647
	(iv) Threats: an 'appropriate assessment' and general prohibition on development	649
	(v) Walland Marsh wind farm: an 'inappropriate assessment'?	655
	(vi) The general prohibition on development and derogations	661
	(c) Natura 2000: the inter-relation of the Birds and Habitats Directives	665
4	Conclusions	668
5	Further reading	669
<b>16</b>	<b>Nature conservation and biodiversity: beyond designation</b>	<b>670</b>
1	Introduction	670
2	Biodiversity action plans	671
3	Integrating conservation in planning	673
	(a) Environmental 'compensation'	677
4	Changing agricultural practices	680
	(a) The 'reform' of the CAP	682
	(b) An ethic of stewardship?	685
	(c) The story of field margins	687
	(d) Protecting hedgerows	689
5	Conclusions	691
6	Further reading	692
<b>17</b>	<b>Wind farm development and environmental conflicts</b>	<b>694</b>
1	Introduction	694
2	Planning policy conflicts	698
	(a) Central government policy	699
	(b) Overcoming local resistance	709
3	Offshore wind farm development	719
	(a) The new licensing regime	721
	(b) Invoking environmental assessment	723
	(c) Robin Rigg in the Solway Firth	730
4	Conservation objections	735
5	Conclusions	742
6	Further reading	743
	Index	745

## Table of EU legislation

### Treaties

EC Treaty (Treaty of Rome 1957) 156

Art. 2 141, 143, 157, 158, 163, 164, 561, 642

Art. 3 144, 156, 167, 642

Art. 5(2) 151

Art. 6 144, 151, 167, 171, 181, 245, 357

Art. 23 176, 197

Arts. 23–31 173

Art. 28 177, 178, 181

Art. 29 177

Art. 30 177, 180, 181, 182

Art. 36 180, 181

Arts. 39–60 173

Art. 95 164, 188, 196

Art. 95(3) 193

Art. 95(4) 173, 206

Art. 95(5) 173, 206, 207

Art. 95(6) 206

Art. 100 158, 159, 160, 161

Art. 100a 162

Art. 119 171

Art. 130r 162

Art. 130r(2) 163, 643

Art. 130r(4) 163

Art. 130s 162, 164

Art. 130t 163

Art. 174 141, 152, 153, 154, 164

Art. 174(2) 182, 652

Art. 174(4) 151

Art. 175 24, 37, 141, 153

Art. 175(2) 170

Art. 175(2)(b) 525

Art. 176 141, 153, 154, 155, 164

Art. 211 403, 407

Art. 226 178, 403, 404, 406, 409, 411, 740

Art. 227 411

Art. 228 408, 409, 411

Art. 228(2) 409

Art. 230 120, 121, 122, 123, 124, 125, 127, 128, 644

Art. 231 644

Art. 234 121, 122, 124

Art. 235 159, 160

Art. 241 127

Art. 242 122

Art. 243 122

Art. 255 107

Art. 308 627

Single European Act 1986 146, 155, 163

Art. 25 162

Treaty of the European Union (Maastricht Treaty 1992) 146–7, 155, 163

Art. 2 561

Amsterdam Treaty (1997) 147, 163–4

Charter of Fundamental Rights 170

Art. 47 121

Art. 97 171

Constitutional Treaty (unratified)

Art. 1-3(3) 171

Art. 1-3(4) 170, 171

### Regulations

2092/1991 On organic production of agricultural products [1991] OJ L 198/1 206

258/97 Concerning novel foods and novel food ingredients [1997] OJ L 43/1 187

2821/98 Banning the use of certain antibiotics as additives in feedingstuffs [1998] OJ L 351/4 23

1980/2000 On a revised Community eco-label award scheme [2000] OJ L 237/1

Art. 1 448

Art. 2(1) 448

Art. 3 449

Art. 6 449

Art. 15 450

- 761/2001 Allowing voluntary participation by organisations in a community eco-management and audit scheme (EMAS) [2001] OJ L 114/1
- Art. 1 437–8  
 Art. 2(b) 438  
 Art. 3 438–9  
 Art. 3(2)(a) 439  
 Art. 3(2)(b) 439  
 Art. 3(2)(c) 439  
 Art. 4 439  
 Art. 6(1) 439–40  
 Art. 6(3)(4) 440  
 Art. 10 443  
 Art. 10(2) 443  
 Art. 11 445  
 Annex I 440  
 Annex III para 3(1) 441  
 Annex III para 3(2) 441  
 Annex VI 440  
 Annex VI para 6(4) 441
- 1049/2001/EC Regarding public access to European Parliament, Council and Commission documents [2001] OJ L 145/43 107
- Art. 4 108  
 Art. 4(2) 405  
 Art. 4(5) 109
- 178/2002 Laying down the general principles and requirements of food law [2002] OJ L 31/1 199
- Art. 7 193
- 1782/2003 Establishing common rules for direct support schemes under the common agricultural policy [2003] OJ L 270/1
- Preamble 684  
 Art. 54(4) 688
- 1829/2003 On genetically modified food and feed [2003] OJ L 268/1 187
- recital 16 202  
 recital 19 197  
 recital 32 197
- Art. 1 188  
 Art. 3(1) 189  
 Art. 4 188  
 Art. 4(1)(a) 192  
 Art. 5 189  
 Art. 6 189–90  
 Art. 6(3) 191  
 Art. 6(4) 191  
 Art. 6(6) 191
- Art. 6(7) 192  
 Art. 7 193, 197, 198  
 Art. 12 201, 205  
 Art. 12(1)(b) 203  
 Art. 34 204
- 1830/2003 Concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms [2003] OJ L 268/74 187, 203
- 1946/2003 On Transboundary movements of genetically modified organisms [2003] OJ L 287 187
- 1367/20006/EC On the application of the Aarhus Convention [2006] OJ L 264/13 109
- Art. 2(1)(e) 114  
 Art. 9(1) 114  
 Art. 9(5) 114  
 Art. 10 127–8  
 Art. 11 127  
 Art. 12 127
- Directives**
- 67/548 On the classification, packaging and labelling of dangerous substances [1967] OJ L 196/1 158
- 75/439 On the disposal of waste oils [1975] OJ L 194/23
- Art. 2 161, 162  
 Art. 3 161, 162  
 Art. 4 161, 162  
 Art. 5 161, 162  
 Art. 6 161
- 75/442 Waste Directive [1975] OJ L 194/39
- Art. 3 451
- On dangerous substances discharged into the aquatic environment [1976] OJ L 129/23
- Art. 3 365  
 Art. 6 365
- 79/404 Wild Birds Directive [1979] OJ L 103/1 613, 627–34, 665–7, 705, 723, 724
- Preamble 159, 628  
 Recital 3 654  
 Art. 1 628  
 Art. 2 627, 628, 630, 631, 632, 635  
 Art. 3 627, 628, 630, 631  
 Art. 4 627, 629, 630, 631, 651  
 Art. 4(1) 630, 631, 632, 633, 657, 666  
 Art. 4(2) 629, 630, 631, 657, 666

79/404 Wild Birds Directive [1979] OJ L 103/1 ( <i>cont.</i> )	91/676 Concerning the protection of waters against pollution caused by nitrates from agricultural sources [1991] OJ L 375/1 36
Art. 4(3) 654	Art. 5 37
Art. 4(4) 633	91/692 Standardizing and rationalizing report on the implementation of certain directives relating to the environment [1992] OJ L 377/48 404
Art. 5 627	92/43 Habitats Directive [1992] OJ L 206/7 590, 595, 613, 614–15, 634–65, 681, 705, 723, 741
Art. 6 627	Preamble 635, 653
Art. 6(4) 666	Recital 3 653
Art. 7 627	Art. 1 636, 637
Art. 8 627	Art. 1(e) 641
Art. 9 627	Art. 1(i) 641
Art. 10 627	Art. 2 635
Annex I 629, 630, 633, 634, 657, 658	Art. 2(1) 641, 653
80/778 Drinking Water Directive [1980] OJ L 229/11 159, 408	Art. 2(3) 639, 640, 642
85/337 Environmental Impact Assessment Directive [1985] OJ L 175/40 159, 374, 493, 548–9, 556, 557–8, 567, 568–97, 601, 649, 661, 728	Art. 3 635, 654
Preamble 571–2	Art. 3(1) 636, 641
Art. 1 572	Art. 3(2) 641
Art. 2 573, 574, 587	Art. 4 635, 641, 654
Art. 2(1) 576, 577, 578, 579, 580, 582, 583, 652	Art. 4(1) 637, 639, 640, 641, 642
Art. 2(2) 584	Art. 4(2) 636, 641
Art. 3 557, 572, 578, 650	Art. 4(4) 638, 644
Art. 4 573	Art. 5 638
Art. 4(1) 574	Art. 6 595, 629, 635, 647–8, 662, 665, 666
Art. 4(2) 574, 576, 577, 578, 579, 580, 582, 583	Art. 6(1) 648
Art. 5 590	Art. 6(2) 648, 654, 666
Art. 5(2) 580	Art. 6(3) 649, 650, 652, 653, 654, 655, 656, 660, 661, 666, 674
Art. 5(3) 581	Art. 6(4) 653, 654, 655, 661, 664, 665, 675, 729, 735, 740
Art. 6 590	Art. 7 629, 633, 647, 665
Art. 6(1) 586	Art. 10 637
Art. 6(2) 586	Art. 11 638
Art. 6(4) 584	Art. 17 638
Art. 6(5) 584	Art. 19 638
Art. 7 584, 590	Art. 21 638
Art. 8 590	Annex I 637, 638, 640, 675
Art. 9 590	Annex II 636, 637, 640
Art. 9(1) 591	Annex III 636, 637, 640, 641, 645
Art. 10a 591–2	92/2078 On agricultural production methods compatible with the requirements of the protection of the environment [1992] OJ L 215/85 683
Annex I 573–4	96/61 IPPC Directive [1996] OJ L 257/26 352–80
Annex II 574, 576, 579, 580, 681	recital 7 355
Annex III 574–5	
Annex IV 581, 734	
85/797 On improving the efficiency of agricultural structures [1985] OJ L 93/3	
Art. 19 683	
91/414/EC	
Annex 1 126	

recital 8	355–6	Art. 6	599
recital 9	356	Art. 7	599
Art. 2(5)	363	Art. 8	599
Art. 2(6)	363	Art. 9	599
Art. 2(7)	363	Art. 10	601
Art. 2(11)	359	Annex I	599
Art. 3	357	Annex I(b)	741
Art. 6	374	Annex II	599
Art. 7	357	Appendix III	549
Art. 9(1)	354	2001/77 Renewable Energy Directive [2001]	
Art. 9(3)	367	OJ L 283/33	664, 699
Art. 9(4)	367, 368	2002/96 On waste electrical and electronic	
Art. 9(8)	369	equipment (WEE Directive) [2002] OJ L	
Art. 10	368	37/24	163, 458
Art. 11	367	2003/04 On public access to environmental	
Art. 13	367, 374	information [2003] OJ L 41/26	
Art. 15(2)	375	102, 107	
Art. 15a	379	Art. 2(2)	106
Art. 16	370	Art. 6	119
Art. 16(3)	374	2003/35 Providing for public participation in	
Art. 18	368	respect of the drawing up of certain plans	
Art. 26	432	and programmes relating to the	
Annex I	354	environment and amending with regard	
Annex III	367	to public participation and access to	
Annex IV	360, 370	justice Council Directive 85/337 and	
Annex V	376	96/61 [2003] OJ L 156/17	374, 375, 569,
99/31 Landfill Directive [1999] OJ L 182/1		583, 591, 650	
154, 380, 451, 457		2003/87 Emissions Trading Directive [2003]	
2000/53 On end-of-life vehicles [2000] OJ L		OJ L 275/32	415
269/32		Art. 1	429
Art. 7(2)	457	Art. 3	429
2000/60 Water Framework Directive [2000] OJ		Art. 6	429
L 327/1	56, 113, 527, 595	Art. 6(2)(e)	429
2001/18 On the deliberate release into the		Art. 9	430
environment of genetically modified		Art. 10	431
organisms [2001] OJ L 106/1	193, 296	Art. 12	429
Art. 1	187, 189	Art. 30(3)	433
Art. 2(2)	62	Annex I Art. 24	429
Art. 4	188	Annex I Art. 30	429
Art. 26(a)	203, 207	Annex III	431–2
2001/42 Strategic Environmental Assessment		Annex III Art. 1	430
Directive [2001] OJ L 197/30	113, 527,	Annex III Art. 3	430
567, 599–604, 609, 723, 726, 727		2003/96 Restructuring the Community	
Preamble	599–600	framework for the taxation of energy	
Art. 1	600	products and electricity [2003] OJ L	
Art. 3	599, 600	283/51	428
Art. 4	599	2004/35 Environmental Liability Directive	
Art. 5	599	[2004] OJ L 143/56	414–15

## Table of international conventions

Aarhus Convention 1998 (Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters) 86–7, 133–4, 519, 535, 569	Art. 8 105, 110, 114
preamble 97–8	Art. 9(1) 119
Art. 1 98, 99	Art. 9(2) 119, 378–9
Art. 2(1)(e) 108	Art. 9(3) 119
Art. 2(2) 106	Art. 9(4) 116
Art. 2(2)(d) 107	Art. 9(5) 118
Art. 2(3) 102	Annex I 110, 111
Art. 2(4) 99	Agenda 21 (Rio, 1992) 220
Art. 2(5) 99	Ch. 33 para. 13 243
Art. 3(3) 105	Biodiversity Convention (Rio, 1992) 31 ILM
Art. 4 105, 109	822 3, 220, 635
Art. 4(1) 101	Art. 2 672
Art. 4(2) 101, 104	Art. 3 672
Art. 4(3) 103	Art. 6 672
Art. 4(4) 103, 104	Art. 8 673
Art. 4(4)(d) 104	Art. 14 672
Art. 4(4)(h) 109	Art. 169 672
Art. 4(5) 103	Cartagena Protocol on Biosafety 303, 318
Art. 4(6) 103	Art. 1 303–4
Art. 4(7) 103–4	Art. 7 304
Art. 4(8) 105	Art. 10 304
Art. 5 105, 109, 446	Art. 11 304
Art. 5(1)(c) 110	Art. 11(4) 305
Art. 5(3)(a) 110	Art. 15 304
Art. 5(7) 110, 131	Art. 23(2) 305
Art. 5(9) 110	Art. 26 305
Art. 6 110–12, 119	CITES (Convention on International Trade in Endangered Species 1973) 993 UNTS 243
Art. 6(1) 109	672
Art. 6(2) 109	Appendix 1 275
Art. 6(4) 113	Climate Change Convention (Rio, 1992) 31 ILM 849 220, 699
Art. 6(6) 112	European Convention on Human Rights 1950
Art. 6(7) 112	Art. 6 121, 126, 127
Art. 6(9) 519	Art. 6(2) 126
Art. 6(11) 114	Art. 8 343
Art. 7 110, 113, 114, 537–8	Art. 13 121, 126, 127



GATT. <i>See</i> WTO	Rio Declaration on Environment and Development 1992 31 ILM 874 3, 51, 221–4
Johannesburg Declaration on Sustainable Development 2002 51, 217, 225–9, 237–8	Principle 1 221
Art. 1 226	Principle 2 221
Art. 2 226	Principle 3 221
Art. 3 226, 238	Principle 4 221
Art. 4 226, 238	Principle 5 221
Art. 5 226	Principle 6 222
Art. 6 226, 238	Principle 7 222, 241
Art. 7 226	Principle 8 222
Art. 8 226	Principle 9 222
Art. 9 226	Principle 10 97, 222, 538
Art. 10 226	Principle 11 222
Art. 11 227	Principle 12 222, 266
Art. 12 227	Principle 13 223
Art. 13 227	Principle 14 223
Art. 14 227	Principle 15 21, 29, 223, 304
Art. 15 227	Principle 16 36, 221, 223
Art. 16 227	Principle 17 221, 223, 560
Art. 17 227	Principle 18 223
Art. 18 227	Principle 19 223
Art. 19 227	Principle 20 223
Art. 20 228	Principle 21 223
Art. 21 228	Principle 22 224
Art. 22 228	Principle 23 224
Art. 23 228	Principle 24 224
Art. 24 228	Principle 25 224
Art. 25 228	Principle 26 224
Art. 26 228, 238	Principle 27 224
Art. 27 228	Stockholm Declaration 1972
Art. 28 228	Principle 1 97
Art. 29 228	WTO
Art. 30 228	General Agreement on Tariffs and Trade
Art. 31 228	1994 (GATT) 264, 265
Art. 32 228	Preamble 311
Art. 33 229	Art. I 272
Art. 34 229	Art. III 272
Art. 35 229	Art. III(4) 281
Art. 36 229	Art. XX 272–3, 275–6, 278, 280
Art. 37 229	Art. XX(b) 273, 281
Kyoto Protocol to the UN Framework Convention on Climate Change 1997, 37 ILM 22 (1998) 230, 429, 432, 702, 708	Art. XX(g) 274, 275, 278
Ramsar Convention 1971 (Convention on Wetlands of International Importance especially as Waterfowl Habitat) (1971) 11 ILM 963 627, 656, 674, 735	Marrakesh Agreement 267
	Preamble 274–5
	Sanitary and Phyto-Sanitary Agreement 1994 (SPS Agreement) 265–6, 283, 284
	Art. 2 286
	Art. 2(2) 288, 290
	Art. 3 312–13

Cambridge University Press

978-0-521-69026-3 - Environmental Protection, Law and Policy: Text and Materials, Second Edition

Jane Holder and Maria Lee

Frontmatter

[More information](#)

xx

## Table of international conventions

WTO ( <i>cont.</i> )	Annex A(4) 297, 298, 300
Sanitary and Phyto-Sanitary Agreement	Annex C(1)(a) 285, 286
( <i>cont.</i> )	Technical Barriers to Trade Agreement
Art. 5 286–7	(TBT) 283–4, 312
Art. 5(1) 288, 289, 290, 291, 294, 296, 297, 299, 300, 301	Annex 1 284
Art. 5(2) 289, 290, 291	Understanding on Rules and Procedures Governing the Settlement of Disputes
Art. 5(7) 292, 293, 294, 295, 300	1994
Art. 8 290	Art. 21 265
Annex A 288, 313	Art. 22 265
Annex A(1)(b) 297	

## Table of legislation

Agriculture Act 1947	s. 7(2) 356
s. 1 484	s. 7(7) 356
Alkali Act 1863 330, 354, 355, 557	s. 13 400
Alkali Act 1874 331, 354, 557	s. 14 400
Alkali Works etc. Regulation Act 1906 351	s. 26 400
Artizans and Labourers Dwellings Act 1868	s. 33 454
476	s. 34 454
Artizans and Labourers Dwellings Act 1875	s. 36(3) 454
476	s. 45 456
	s. 45A 456
	s. 51 455
Coast Protection Act 1949	s. 106(1) 84
s. 34 719	s. 130 618
Countryside Act 1968	
s. 15 620, 625	
Countryside and Rights of Way Act 2000	Food and Environmental Protection Act
380, 461, 485, 612, 614, 625, 648, 673, 674	1985
s. 74 673	s. 5 719
s. 75 625	Freedom of Information Act 2000 101
sch. 9 625	
Crime and Disorder Act 1998	Household Waste Recycling Act 2003 456
s. 80(2) 397	Housing, Town Planning, Etc. Act 1909 475,
	476, 477, 481, 503, 523
Electricity Act 1989	Housing, Town Planning Act 1919 477
s. 36 656, 697, 698, 719, 721, 736	
s. 37 698, 731, 740	Local Management Act 1855
sch. 8 659, 698	s. 76 470, 471
Energy Act 2004 720, 721, 723, 728, 742–3	London Building Act 1894 476
s. 84 721	
s. 85 722	National Parks and Access to the Countryside
s. 93 721	Act 1949 618, 621
s. 99 722	s. 15 485, 486
ss. 105–13 722	s. 16 486, 625
Environment Act 1995 243, 334	s. 16(3) 620
s. 4 335, 337	s. 16(3)(a) 613, 621
s. 5 337	s. 18 486
s. 7 337	s. 19 486
s. 39 40, 337	s. 20 486–7
s. 95 690	s. 23 485, 487
Environmental Protection Act 1990 356, 517,	Natural Environment and Rural Communities
618	Act 2006 618–19, 673

Nature Conservation (Scotland) Act 2004 743 s. 1 673	Town and Country Planning Act 1971 481, 488
Nuclear Installations Act 1965 345	Town and Country Planning Act 1990 481, 501, 510, 522, 523 s. 12(3A) 491, 500 s. 31(3) 491, 500 s. 36(3) 491, 500 s. 51(3) 491 s. 54A 490, 491, 499, 500, 515, 524, 530 s. 55 484, 494, 513–14 s. 55(2)(e) 514 s. 55(e) 484 s. 57 719, 731 s. 70 491, 530 s. 70(1) 515, 516 s. 70(2) 515, 543, 623 s. 78 519 s. 78A(8) 522 s. 172 519 s. 288 519
Planning and Compensation Act 1991 523 s. 22 587 s. 26 490 sch. 2 587 sch. 2 para. 2(6)(b) 588	Transport and Works Act 1992 s. 3 722
Planning and Compulsory Purchase Act 2004 505, 506, 521, 522, 523, 526, 534, 546, 604, 674, 705, 728 s. 1(1) 526 s. 5(3) 527 s. 5(3)(a) 528 s. 6 530, 536, 537, 709 s. 8 530 s. 18 530, 536, 709 s. 19 527 s. 19(3) 537 s. 19(4) 537 s. 20 537 s. 21 537 s. 24(1) 528 s. 38 704 s. 38(6) 515 s. 39 527 s. 44 521 s. 46 511, 679	Water Act 2003 s. 35 243
Pollution Prevention and Control Act 1999 357	Water Resources Act 1991 s. 85 454 s. 85(1) 382–5, 396 s. 85(6) 382 s. 95 482 s. 190 392 s. 217 386
Private Legislation Procedures (Scotland) Act 1936 731	Wildlife and Countryside Act 1981 612, 648, 691 s. 28 482, 618, 619, 620, 622, 674 s. 28(7) 622 ss. 28A–R 625 s. 28B 614 s. 28E 625, 649 s. 28J(2) 625 s. 28K 626 s. 28P 626 s. 28P(4) 622, 626, 677 s. 28P(6) 625 s. 29 482, 648, 652 s. 281 674
Prosecution of Offenders Act 1985 400	
Public Health Act 1848 328, 470	
Public Health Act 1875 476	
Rivers (Pollution Prevention) Act 1876 355	
Rivers (Pollution Prevention) Act 1951 557	
Robin Rigg Windfarm (Navigation and Fishing) (Scotland) Act 2003 731	
Scotland Act 1998 s. 28 731 s. 29 731	
Town and Country Planning Act 1932 477	<b>United States</b>
Town and Country Planning Act 1947 480, 481, 484, 485, 487, 498, 503, 510, 611, 621	Administrative Procedure Act 1946 89
Town and Country Planning Act 1968 481, 487–8, 523	National Environmental Policy Act 1969 90, 331, 343, 562, 567, 599, 606, 609

Cambridge University Press

978-0-521-69026-3 - Environmental Protection, Law and Policy: Text and Materials, Second Edition

Jane Holder and Maria Lee

Frontmatter

[More information](#)

## Table of cases

- Aanemersebrijf PK Kraajeveld BV *v.* Gedeputeerde Staten van Zuid-Holland, Case C-72/95 [1996] ECR I-5403 414, 576–7, 579, 589
- Aher-Waggon GmbH *v.* Germany, Case C-389/96 [1998] ECR I-4473 181
- Allen *v.* Jambo Holdings Ltd [1980] 1 WLR 1252 117
- Alphacell Ltd *v.* Woodward [1972] AC 824 383, 384, 385
- Alpharma Inc. *v.* Council, Case T-70/99 [2002] ECR II-3495 22, 47
- APAS *v.* Préfets de Maine-et-Loire et Loire-Atlantique, Case C-435/92 [1994] ECR I-67631
- Artegodan and Others *v.* Commission, Cases T-74/00, T-76/00 and T-141/00 [2003] ECR II-4555 22, 24, 26, 31
- Associazione agricoltori della provincia di Rovigo and Others *v.* Commission, Case C-142/95P [1996] ECR I-6669 150
- Austria *v.* Commission [2005] ECR II-4005 206
- Belize Alliance of Conservation Non-Governmental Organisations *v.* Department of the Environment and the Belize Electric Company Ltd [2004] Env LR 38 592–3
- Belize Alliance of Conservation Non-Governmental Organisations *v.* Department of the Environment (Interim Injunction) [2003] 1 WLR 2839 116–18
- Berkeley *v.* Secretary of State for the Environment and Fulham Football Ground (Berkeley No. 1) [1998] PLR 39 584, 585
- Berkeley *v.* Secretary of State for the Environment and Fulham Football Ground (Berkeley No. 1) [2001] AC 603, HL 585–6
- Burns *v.* Fleming (1880) 8 R 226 479
- Cambridge Water Co. Ltd *v.* Eastern Counties Leather plc [1994] 2 AC 264 344–7
- Cameron *v.* NCC (1991) SLT 85 621
- Campaign for the Protection of Rural Wales *v.* Secretary of State for Wales [2002] JPL 1304 700
- Cassis de Dijon. *See* Rewe-Zentrale
- Chemische Afvalstoffen Dusseldorp BV *v.* Minister van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer Case C-203/96 [1998] ECR I-4075 181
- Cinéthèque SA *v.* Fédération Nationale des Cinémas Français, Cases 60/84 and 61/84 [1985] ECR 2605 180
- Cooper *v.* Wandsworth Board of Works (1863) 143 ER 414 470–1
- Criminal Proceedings against Bluhme (Danish Bees), Case C-67/97 [1998] ECR I-8033 180

Cambridge University Press

978-0-521-69026-3 - Environmental Protection, Law and Policy: Text and Materials, Second Edition

Jane Holder and Maria Lee

Frontmatter

[More information](#)

xxiv

## Table of cases

- Criminal Proceedings against Gourmetterie van den Burg (Red Grouse) Case 169/89 [1990] ECR I-2143 180, 631
- Deponiezweckverband Eiterköpfe v. Land Rheinland-Pfalz, Case C-6/03 [2005] ECR I-2753 154–5
- Donoghue v. Stephenson [1932] AC 562 342
- EC Commission v. Belgium (Wallonian Waste), Case C-2/90 [1992] ECR I-4431 180, 181
- EC Commission v. Belgium, Case C-133/94 [1996] ECR I 2323 577
- EC Commission v. Council (Titanium Dioxide), Case C-300/89 [1991] ECR 2867 163
- EC Commission v. Council (Waste Framework Directive), Case C-155/91 [1993] ECR I-936 163
- EC Commission v. Council (Energy Star Agreement), Case C-281/01 [2001] ECR II-2049 163
- EC Commission v. Council, Case C-176/03 414
- EC Commission v. Denmark (Danish Bottles), Case C-302/86 [1988] ECR 4607 177–9, 180
- EC Commission v. Denmark, Case C-192/01 [2003] ECR I-9693 25
- EC Commission v. France (Basses-Corbières), Case C-374/98 [2000] ECR I-10799 666
- EC Commission v. France, Case C-1/00 [2001] ECR I-9989 22
- EC Commission v. France, Case C-304/02 [2005] ECR I-6263 408
- EC Commission v. Germany (Leybucht Dykes), Case C-57/89 [1991] ECR I-883 634, 654, 665, 666
- EC Commission v. Germany, Case 431/92 [1995] ECR I-2189 586
- EC Commission v. Germany, Case C-217/97 [1999] ECR I-5087 105
- EC Commission v. Greece, Case C-387/97 [2000] ECR I-5047 409, 410
- EC Commission v. Ireland, Case C-392/96 [1996] ECR I-5901 578–80
- EC Commission v. Ireland, Case C-494/01 [2005] ECR I-3331 404
- EC Commission v. Italy, Case 91/79 [1980] ECR 1099 160
- EC Commission v. Netherlands, Case 3/96 [1998] ECR I-3031 632–3
- EC Commission v. Netherlands (Dutch Vitamins), Case C-41/02 [2004] ECR II-1375 180
- EC Commission v. Spain (Santona Marshes), Case C-355/90 [1993] ECR I-422 630, 631, 632
- EC Commission v. Spain, Case C-278/01 [2004] Env LR 03 409–10
- EC Commission v. United Kingdom, Case C-337/89 [1992] ECR I-6103 404, 408
- EC Commission v. United Kingdom, Case C-180/96 [1998] ECR I-2265 653
- EC Commission v. United Kingdom, Case C-340/96 [1999] ECR I-2023 408
- EC Commission v. United Kingdom, Case C-434/01 [2003] ECR I-3239 662
- EC Commission v. United Kingdom, Case C-508/3 582, 583
- EC Commission v. United Kingdom, Case C-6/04 730
- Environment Agency v. Empress Car Co. (Abertillery) Ltd [1994] Env LR 396 383–5
- Environment Agency v. Express Dairies [2005] Env LR 7 383, 386
- European Environmental Bureau v. Commission, Case T-94/04, 28 November 2005 126–7

Cambridge University Press

978-0-521-69026-3 - Environmental Protection, Law and Policy: Text and Materials, Second Edition

Jane Holder and Maria Lee

Frontmatter

[More information](#)

xxv

## Table of cases

European Parliament *v.* Council (transfrontier movement of hazardous wastes) Case C-187/93 [1997] ECR I-2857 163

European Parliament *v.* Council (forest regulations) Cases C-164/97 and C-165/97 [1999] ECR I-1139 163

Fairchild *v.* Glenhaven Funeral Services [2003] 3 WLR 89 342

Gateshead MBC *v.* Secretary of State for the Environment and Northumbrian Water Group [1995] Env LR 36 516, 517, 518, 543–4

Glawischnig *v.* Bundeskanzler [2003] ECR I-5995 102

Greenpeace *v.* Ministère de l'Agriculture et de la Pêche, Case C-6/99 [2000] ECR I-1651 31, 204

Guerra *v.* Italy (1998) 26 EHRR 357 100

Hahn, Case C-121/00 [2001] ECR I-9193 25

Hunter *v.* Canary Wharf [1997] AC 655 329, 343

Hunter *v.* Canary Wharf [2003] 3 WLR 1467 492

International Wind Development UK Ltd *v.* Secretary of State for the Environment [1997] JPL B153 700

Jégo-Quèrè et Cie SA *v.* Commission, Case T-177/01 [2002] ECR II-2365 120, 125

Jones *v.* Mansfield DC [2004] Env LR 21 586

Kuijer *v.* Council, Case T-211/00 [2002] ECR II-485 109

Landelijke Vereniging tot Behoud van de Waddenzee *v.* Staatssecretaris van Landbouw, Natuurbeheer en Visserij (Cockle Fishers), Case C-127/02 [2005] 2 CMLR 31 25, 31, 135, 180, 638, 651–3, 675

Lopez Ostra *v.* Spain (1995) 20 EHRR 277 343

McKenna *v.* British Aluminium Ltd [2002] Env LR 30 343

Mecklenburg *v.* Kreiss Pinneberg der Landrat, Case C-321/96 [1998] ECR I-3809 102

Monsanto *v.* Tilly [2000] Env LR 313 350

Monsanto Agricoltura Italia *v.* Presidenza del Consiglio dei Ministri, Case C-235/01 [2003] ECR I-8105 31, 204

National Farmers Union *v.* Secrétariat Général du Gouvernement, Case C-241/01 [2002] ECR I-907 22

National Wind Power Ltd *v.* Secretary of State for the Environment, Transport and the Regions [1999] NPC 128 700

Netherlands *v.* Council, Case C-58/94 [1996] ECR I-2169 107

Netherlands and Van der Wal *v.* Commission, Cases C-74/98 and C-189/98P [2000] ECR I-1 109

Network Rail Infrastructure *v.* Morris (Soundstar) [2004] Env LR 41 349

New Zealand *v.* France [1995] ICJ Rep 288 561

Newport CBC *v.* Secretary of State for Wales [1998] JPL 377 544

- Newsom v. Welsh Assembly* (Newsom No 1) [2004] EWHC 50 (Admin); [2005] Env LR 16, CA 643, 662, 680
- North Uist Fisheries Ltd v. Secretary of State for Scotland* (1992) JEL 24 652
- Officier van Justitie v. De Peijper*, Case 104/75 [1976] ECR 613 180
- Öneryildiz v. Turkey* (2005) 41 EHRR 20 100
- Petrie v. Commission*, Case T-191/99 [2001] ECR II-3677 405
- Pfizer Animal Health v. Council*, Case T-13/99 [2002] ECR II-3305 22–6, 47, 83–4, 135, 180, 192, 198, 199, 201, 653
- Plaumann v. Commission*, Case 25/62 [1962] ECR 207 120
- PreussenElektra AG v. Schleswag AG*, Case C-379/98 [2001] ECR I-2099 180, 181
- Price v. Cromack* [1975] 1 WLR 988 385
- Pride of Derby v. British Celanese* [1952] Ch 149 422
- Procureur de la République v. Association des Brûleurs d’Huiles Usagées (ADBHU)*, Case 248/83 [1985] ECR 531 161–2, 171, 178, 632
- R v. Bolton MBC, ex p. Kirkman* [1998] Env LR 719 518
- R v. Dovermoss Ltd* [1995] Env LR 258 383
- R v. Durham CC, ex p. Huddleston* [2000] 1 WLR 1484 586
- R v. Garrett* [1997] 1 Cr App R 109 395
- R v. Inspectorate of Pollution, ex p. Greenpeace Ltd* [1994] 1 WLR 570 117
- R v. Leicester City Council and Others, ex p. Blackfordby and Boothorpe Action Group Ltd* [2000] JPL 1266 30
- R v. London Borough of Hammersmith and Fulham, ex p. CPRE London Branch* [2000] Env LR 532 581
- R v. MAFF, ex p. Compassion in World Farming* [1998] ECR I-1251 176
- R v. Milford Haven Port Authority* [2000] Env LR 632, CA 396–7
- R v. North Yorkshire CC, ex p. Brown and Cartwright* [1999] 2 WLR 452 586
- R v. O’Brien and Enkel* [2000] Env LR 653 395
- R v. Poole Borough Council, ex p. Beebee* (1991) 3 JEL 293 584, 622, 623–4
- R v. Rochdale MBC, ex p. Milne (Tew II)* [2001] Env LR 22 581
- R v. Rochdale MBC, ex p. Tew (Tew I)* [2000] Env LR 1 581
- R v. Secretary of State for the Environment, ex p. RSPB (Lappel Bank)*, Case C-44/95 [1996] ECR I-3805 116, 614, 630–2, 634
- R v. Secretary of State for the Environment, ex p. RSPB (Lappel Bank)* [1997] Env LR 431 117, 665–6
- R v. Secretary of State for the Environment, Transport and the Regions, ex p. First Corporate Shipping Ltd*, Case C-371/98 [2000] ECR I-9235 636, 637, 639–43, 644–5
- R v. Secretary of State for the Environment, Transport and the Regions, ex p. Standley*, Case C-293/97 [1999] ECR I-2603 31, 36–7, 135
- R v. Secretary of State for the Environment and MAFF, ex p. Watson* [1999] Env LR 310 84, 349
- R v. Secretary of State for Trade and Industry, ex p. Duddridge* [1996] Env LR 325 (CA); [1995] Env LR 151 (HC) 31
- R v. Secretary of State for Trade and Industry, ex p. Greenpeace* [2000] 2 CMLR 94 729



- R (Aggregates Industries) v. English Nature [2002] EWHC 908 626
- R (on the application of Amvac Chemical UK Ltd) v. Secretary of State for the Environment, Food and Rural Affairs [2001] EWHC Admin 1011 29–30
- R (Barker) v. London Borough of Bromley, Case C-290/03, 4 May 2006 582–3
- R (on the application of Murray) v. Derbyshire County Council, 6 October 2000 30
- R (on the application of Newsum and Others) v. Welsh Assembly (No 2) [2005] EWHC 538 (Admin) 637, 643–6, 662
- R (Wells) v. Secretary of State for Transport, Local Government and the Regions, Case C-201/02 [2004] ECR I-723, [2004] Env LR 27 414, 582, 588–90
- Read v. Lyons & Co. Ltd [1947] AC 156 329
- Rewe-Zentrale AG v. Bundesmonopolverwaltung für Branntwein (Cassis de Dijon), Case 120/78 [1979] ECR 649 177, 180
- Richardson v. North Yorkshire CC and Secretary of State [2003] EWCA Civ 1860 (CA) 609
- Robinson v. Kilvert (1888) 41 ChD 88 349
- Royal Society for the Protection of Birds v. Secretary of State for Scotland [2001] Env LR 19 654–5, 666
- Rylands v. Fletcher [1866] LR 1 Exch 265; [1868] LR 3 HL 330 328, 329, 342, 344–7, 348
- St Helen's Smelting Co. v. Tipping (1865) 11 ER 1483 329
- Secretary of State for Transport v. Fillingham [1997] Env LR 73 560
- Secretary of State for Transport v. Goillon, 12 February 1996, unreported 560
- Secretary of State for Transport v. Haughian, CA, 27 February 1996, unreported 560
- Solway Pharmaceuticals BV v. Council, Case T-392/02 [2003] ECR II 3305 22, 25
- Southern Water Authority v. Nature Conservancy Council [1992] 1 WLR 775 620, 622
- Stewart v. Stewart's Exrs (1761) Mor 5436 479
- Stichting Greenpeace Council v. Commission, Case T-585/93 [1995] ECR II-2205 120
- Stichting Greenpeace Council v. Commission, Case C-321/95P [1998] ECR I-1651 120
- Street v. Secretary of State for the Environment and Nature Conservancy Council [1989] JPEL 927 614
- Stukeley v. Butler (1615) Hob 168 479
- T Mobile (UK) Ltd v. First Secretary of State [2004] EWHC Admin 1713 544
- Transco plc v. Stockport MBC [2003] 1 WLR 1467 343, 346
- Trevett v. Secretary of State for Transport, Local Government and the Regions and Others [2002] EWHC Admin 2696 544, 545
- Twyford Parish Council v. Secretary of State for Transport (1992) 4 JEL 273 560, 584
- Unión de Pequeños Agricultores v. Council, Case C-50/00P [2002] ECR I-6677 120, 121–6, 127
- United Kingdom v. Commission, Case C-180/96 [1996] ECR I-3903 22
- United Kingdom v. Commission, Case T-178/05 [2006] Env LR 43 430
- Van Gend en Loos v. Nederlandse Tariefcommissie, Case 26/62 [1963] ECR I 100

Cambridge University Press

978-0-521-69026-3 - Environmental Protection, Law and Policy: Text and Materials, Second Edition

Jane Holder and Maria Lee

Frontmatter

[More information](#)

xxviii

Table of cases

West Coast Wind Farms Ltd v. Secretary of State and North Devon DC [1996] JPL 767  
700, 701, 704

WWF-UK and RSPB v. Secretary of State for Scotland [1999] Env LR 632 614, 646,  
651

Wychavon DC v. Secretary of State for the Environment, ex p. Velcourt Ltd (1994) 6  
JEL 352 584

**WTO/GATT Cases**

Australia-Salmon WT/DS18/AB/R, 20 October 1998 292, 297

EC – Asbestos, WT/DS135/AB/R, 12 March 2001 25, 273–4, 278, 281–2, 283, 292,  
310

EC – Beef Hormones WT/DS26/AB/R, 16 January 1998 282, 287–93, 296, 300, 313,  
315

EC – Biotech WT/DS291 266, 272, 280, 282–3, 284–6, 293, 295, 296–300, 305, 306,  
315

EC – Sardines WT/DS231/AB/R, 26 September 2002 284

Japan – Agricultural Products WT/DS76/AB/R, 27 February 1999 294, 295

Japan – Apples WT/DS245/AB/R, 26 November 2003 292, 293–5, 300

US – Shrimp/Turtle WT/DS558/AB/R, 12 October 1998 274–80, 303, 307

US – Tuna Dolphin I (1992) 30 ILM 1598 280, 282

US – Tuna Dolphin II (1994) 33 ILM 839 280

## Acknowledgements

Every attempt has been made to secure permission to reproduce copyright material in this title and grateful acknowledgement is made to the authors and publishers of all reproduced material. In particular, the publishers would like to acknowledge the following for granting permission to reproduce material from the sources set out below:

Carolyn Abbot, 'The Enforcement of Pollution Control Laws in England and Wales: A Case for Reform?' 22 *Environmental and Planning Law Journal* 68 (2005) pp. 70–3. Reprinted with permission by Sweet and Maxwell.

Carolyn Abbot, 'Environmental Command Regulation and its Enforcement' in Benjamin Richardson and Stepan Wood, *Environmental Law for Sustainability* (2006) pp. 61–4. Reprinted with permission by Hart Publishing.

William M. Adams, *Against Extinction: the Story of Conservation* (2004), p. 240. Reprinted with permission by Earthscan.

William M. Adams, *Future Nature: A Vision for Conservation* (2003) pp. 116–17, 117–18. Reprinted with permission by Earthscan.

John Alder, 'Environmental Assessment – the Inadequacies of Law' © J. Holder and Pauline Lane *et al.* (eds.), *Perspectives on the Environment: Interdisciplinary Research in Action* (1993) p. 61. Reprinted with permission by Ashgate.

Alexandra Aragao, 'The Impact of EC Environmental Law on Portuguese Law' in Richard Macrory (ed.), *Reflections on Thirty Years of EU Environmental Law: A High Level of Protection?* (2006) p. 507. Reprinted with the permission of Europa Law Publishing.

Barry Barton, 'Underlying Concepts and Theoretical Issues in Public Participation in Resources Development' in Donald Zillman, Alastair Lucas and George (Rock) Pring (eds.), *Human Rights in Natural Resource Development: Public Participation in the Sustainable Development of Mining and Energy*

Cambridge University Press

978-0-521-69026-3 - Environmental Protection, Law and Policy: Text and Materials, Second Edition

Jane Holder and Maria Lee

Frontmatter

[More information](#)

xxx

## Acknowledgements

---

*Resources* (2002), pp. 92–6. Reprinted with permission by Oxford University Press.

Wilfred Beckerman, ‘“Sustainable Development”: Is it a Useful Concept?’ (1994) 3 *Environmental Values* 191, pp. 191–206. Reprinted with permission from White Horse Press.

Derek Bell and Tim Gray, ‘The Ambiguous Role of the Environment Agency in England and Wales’ (2002) 11 *Environmental Politics* 76, pp. 83–4, 87–9. Routledge. Reprinted with permission of the publisher Taylor and Francis Ltd, <http://tandf.co.uk/journals>).

Derek Bell, Tim Gray and Claire Haggett, ‘The “Social Gap” in Wind Farm Siting Decisions: Explanations and Policy Responses’ (2005) 14(4) *Environmental Politics* pp. 460–74. Routledge. Reprinted with permission of the publisher Taylor and Francis Ltd, <http://tandf.co.uk/journals>).

Stuart Bell and Donald McGillivray, *Environmental Law* 6th edition (2005), p. 449. Reprinted with permission by Oxford University Press.

Thomas Bernauer, *Genes, Trade, and Regulation*. Princeton University Press. Reprinted by permission of Princeton University Press.

Julia Black, ‘Decentring Regulation: Understanding the role of Regulation and Self-Regulation in a “Post-Regulatory” World’ (2001) 54 *Current Legal Problems* 103, pp. 106–11, 125–7. Reprinted with permission by Oxford University Press.

Eric Bregman and Arthur Jacobson, ‘Environmental Performance Review: Self-Regulation in Environmental Law’ in Gunther Teubner, Lindsay Farmer and Declan Murphy (eds.), *Environmental Law and Ecological Responsibility: The Concept and Practice of Ecological Self-Organisation* (1994) p. 222. Reproduced by permission of John Wiley & Sons Limited.

Roger Brownsword, ‘What the World Needs Now: Techno-Regulation, Human Rights and Human Dignity’ in Roger Brownsword (ed.), *Global Governance and the Quest for Justice, Volume IV: Human Rights* (2004), pp. 208–9. Reprinted with permission by Hart Publishing.

Sir Robert Carnwath, ‘Environmental Litigation – A Way Through the Maze?’ (1999) 11 *Journal of Environmental Law* 3, p. 13. Reprinted with permission by Oxford University Press.

Liam Cashman, ‘Environmental Impact Assessment: A Major Instrument for Achieving Integration’ in Marco Onida (ed.), *Europe and the Environment: Legal*

---

*Essays in Honour of Ludwig Kramer* (2004), pp. 86–90. Reprinted with the permission of Europa Law Publishing.

Damian Chalmers, 'Inhabitants in the Field of EC Environmental Law' in Paul Craig and Grainne de Burca (eds.), *The Evolution of EU Law* (1999), pp. 672–84. Reprinted with permission by Oxford University Press.

Damian Chalmers, "'Food for Thought": Reconciling European Risks and Traditional Ways of Life' (2003) 66 *Modern Law Review* 532, pp. 538–9, 540–2. Reprinted with permission by Blackwell Publishing.

Aaron Cosbey, *Lessons Learned on Trade and Sustainable Development* (2004), p. 1. International Institute for Sustainable Development and International Centre for Trade and Sustainable Development. Reprinted with the permission of IISD and ICTSD.

Richard Cowell, 'Stretching the Limits: Environmental Compensation, Habitat Creation and Sustainable Development' (1997) 22 *Transactions of the Institute of British Geographers*, pp. 292–3. Reprinted with permission by Blackwell Publishing.

Sean Coyle and Karen Morrow, *The Philosophical Foundations of Environmental Law* (2004), pp. 167–8, 108–9. Reprinted with permission by Hart Publishing.

Cormac Cullinan, *Wild Law: A Manifesto for Earth Justice* (2003), pp. 32–3. Reprinted with permission by Green Books.

Barry Cullingworth and Vincent Nadin, *Town and Country Planning in Britain* 13th edition (2003), pp. 15, 77–8. Routledge. Reproduced by permission of Taylor and Francis Books UK.

D. Curtin, 'Women's Knowledge as Expert Knowledge: Indian Women and Ecodevelopment' in K. J. Warren (ed.), *Eco-feminism: Women, Nature and Culture* (1997), pp. 84 and 88. Reprinted with permission by Indiana University Press.

Herman E. Daly, 'On Wilfred Beckerman's Critique of Sustainable Development' (1995), *Environmental Values* 49, pp. 49–52. Reprinted with permission from White Horse Press.

Sara Dillon, *International Trade and Economic Law and the European Union* (2002), pp. 4–5, 11. Reprinted with permission by Hart Publishing.

Cambridge University Press

978-0-521-69026-3 - Environmental Protection, Law and Policy: Text and Materials, Second Edition

Jane Holder and Maria Lee

Frontmatter

[More information](#)

xxxii

## Acknowledgements

Andrew Dobson, 'Biocentrism and Genetic Engineering' (1995) 4 *Environmental Values* 3, pp. 231–6. Reprinted with permission from White Horse Press.

Andrew Dobson, *Green Political Thought* (2000), pp. 62–8, 205. Routledge. Reproduced by permission of Taylor and Francis Books UK.

Andrew Dobson, *Citizenship and the Environment* (2003) pp. 1–8, 12–15, 146–56. Reprinted with permission by Oxford University Press.

John S. Dryzek, *The Politics of the Earth: Environmental Discourses* (1997), pp. 79–95, 117–18, 118–19. Reprinted with permission by Oxford University Press.

Paul Durman, 'Tract: Locke, Heidegger and Scruffy Hippies in Trees' in Allen Abramson and Dimitrios Theodossopoulos (eds.), *Land, Law and Environment: Mythical Land, Legal Boundaries* (2000) pp. 87–90. Reprinted with permission by Pluto Press.

Klaus Eder, 'Rationality in Environmental Discourse: A Cultural Approach', in W. Rudig (ed.), *Green Politics Three* (1995), p. 9. Reprinted with permission by Edinburgh University Press, [www.eup.ed.ac.uk](http://www.eup.ed.ac.uk).

Susan Emmenegger and Axel Tschentscher, 'Taking Rights Seriously: The Long Way to Biocentrism in Environmental Law' (1994) 6 *Georgetown International Environmental Law* 545, pp. 545 and 552–68. © Georgetown International Environmental Law Review. Reprinted with the permission.

Neil Evernden, *The Social Creation of Nature* (Baltimore, John Hopkins, 1993) pp. 4–9. Reprinted with permission of The Johns Hopkins University Press.

Sanford E. Gaines, 'International Trade, Environmental Protection and Development as a Sustainable Development Triangle' (2002) 11 *Review of European Community & International Environmental Law* 259, pp. 263, 272–4. Reprinted with permission by Blackwell Publishing.

Sanford E. Gaines and Clóna Kimber, 'Redirecting Self-Regulation' (2001) 13 *Journal of Environmental Law* 157, p. 169. Reprinted with permission by Oxford University Press.

Kevin Gray, 'Equitable Property' (1994) 47 *Current Legal Problems* 157, pp. 194–8. Reprinted with permission by Oxford University Press.

David Hall, Michael Hebbert and Helmut Lusser, 'The Planning Background', in A. Blowers (ed.), *Planning for a Sustainable Environment* (1993) pp. 20–1. Reprinted with permission by Earthscan.