

## **United Kingdom**

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### **INTRODUCTION**

The UK Government recognises that the World Summit on Sustainable Development in 2002 will “provide an opportunity to give fresh impetus to the international sustainable development process, setting out a forward looking agenda to identify areas for further action as well as overcoming obstacles to the implementation of Agenda 21”. Tony Blair, the UK Prime Minister, in announcing his intention to attend the Summit in his speech on 6 March 2001 set out a broad vision of sustainable development and the environment:

*“I am committed to going personally to the Rio+10 Conference in South Africa. Of course, it is about the environment : the issues of climate change, sustainable industrial growth, preservation of forests, fishing, stocks and a range of other familiar issues. But it is not just about the environment. It is about not just about the environment. It is about sustainable development as a whole. It is about the reduction of poverty, relief from debt, widening educational opportunity, tackling disease and linking these goals to those of conserving the natural resources upon which the poorest depend for clean water, food, fresh air and their living.”*

### **Progress since Rio**

The Government’s own assessment of progress in the last 10 years is as follows:

“A major achievement of the United National Conference on Environment and Development (UNCED) was Agenda 21 - a thorough and broad ranging programme of actions to be taken globally, nationally and locally, stipulating

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new ways of investing in our future to move towards sustainable development in the 21st century. UNCED also established the UN Commission on Sustainable Development in 1992 to ensure its effective follow-up, and to monitor and report on implementation of the agreements at local, national, regional and international levels.

A special UN Conference - Rio + 5 - was held in 1997 to take stock of progress. Much of the focus in the run up to the Johannesburg Summit will be on how we have done in implementing Agenda 21 and following up the commitments made at Rio. The CSD has met every year since Rio and its 10th session, in May 2002, will review progress in implementing Agenda 21.

The UK has already made significant progress on Agenda 21.

The Rio + 5 meeting in 1997 agreed a new international development target: that all countries should have a sustainable development strategy by 2002.

The UK has already met this target.

In May 1999, the Government published a sustainable development strategy for the UK - "A Better Quality of Life" - which set out four objectives and ten guiding principles. The strategy also included a core set of around 150 indicators of sustainable development, with a sub-set of 15 headline indicators, and a commitment to reporting against them on an annual basis.

In January 2001, the Government published its first annual report reviewing progress towards sustainable development - "Achieving a Better Quality of Life" -. At the same time, the Government Sustainable Development website was launched to ensure that monitoring and reporting of progress is continuous. The next annual report will focus on progress in the context of the Summit.

In 2000, the Government established the Sustainable Development Commission, chaired by Jonathan Porritt, to advocate sustainable development across all sectors in the UK, review progress towards it and build agreement on achieving further progress. The Commission's challenge is to move the sustainable development agenda away from analysis towards implementation.

The Government established a cross-Whitehall group of "Green Ministers" to promote the principles of sustainable development across all government policy and operations.

The Deputy Prime Minister chairs the Cabinet Committee on the Environment, which brings together Ministers from all key Departments to consider environmental and sustainable development policies.

The Parliamentary Environmental Audit Committee looks at the effects of policies and actions across all departments on sustainable development and the environment, and monitors the work of the Green Ministers.

At regional level, Sustainable Development Regional Frameworks have been launched in almost every English region, and the remainder are due to publish shortly.

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At local level, well over 90% of local authorities had met the Prime Minister's challenge to have a Local Agenda 21 strategy in place by the end of 2000.

Finally, in April 2001, the Government launched a new Sustainable Development Research (SDR) Network to strengthen the delivery of high quality cross-cutting research relevant to those in the UK who make decisions in the context of sustainable development.

The 1999 Sustainable Development Strategy (paragraph 10.14) announced the Government's intention to sponsor a seminar on the United Kingdom's "sustainable development footprint". A successful seminar was hosted by the Royal Institute for International Affairs at Chatham House in November 1999, which considered methodologies for assessing the social, economic and environmental consequences of UK activities, particularly trade and development, in other countries. It is intended to take the results of this work forward between now and The World Summit on Sustainable Development through a number of pilot studies using different methodologies in relation to different aspects of trade, development and environmental activity.

#### **Legislative Progress**

Over the last 10 years, there has been a constant stream of new legislation, some of which results from obligations and international treaties, some as a result of EC legislation and some is a purely UK initiative.

One of the highlights is the Environment Act 1995 which:

- Establishes the Environment Agency which began operating in 1996. The Environment Agency is an attempt to create a "one stop shop" environmental regulatory authority and although that objective has not been fully achieved, the Agency does have a much wider remit than its predecessors and despite insufficient resources has achieved progress over the last 5 years,
- Introduces new contaminated land legislation which applies risk based criteria and imposes liability on those who "caused" or "knowingly permitted" the contaminating substances to be present. The legislation is complex and it is still too early to evaluate its effectiveness,
- Establishes a duty on the Government to publish a National Air Quality Strategy and imposes duties on local authorities to designate air quality management areas in those areas in which air quality standards are or not likely to be achieved,
- Gives extensive powers of investigation and enforcement to environmental regulatory authorities.

The Noise Act 1996 makes new provision for dealing with noise at night which applies if the local authority so resolves or if an order to that effect is made by the Secretary of State. In those areas where the Act applies:

- The local authority must take reasonable steps to investigate complaints of excessive noise at night from another dwelling,

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- An offence is committed by any person responsible for noise from a dwelling exceeding the level permitted in a warning notice served by a local authority officer on the person who appears to be responsible,
- Powers of entry of premises and seizure of noise making equipment is available to local authority officers in the event of noise emitted from a dwelling, which exceeds the permitted level after service of a warning notice.

The Human Rights Act 1998 renders the European Convention on Human Rights part of English Law and requires all other legislation to be interpreted “in a way which is compatible with the Convention rights” insofar as it is possible to do so.

The Pollution Prevention and Control Act 1999 was passed amongst other things to provide for the implementation of the IPPC directive (96/61/EC). However, there is a very broad power for the Government to enact Regulations for a wide range of purposes including establishing standards, objectives or requirements in relation to emissions. The Pollution Prevention and Control (England and Wales) Regulations 2000 made under the 1999 Act implement the IPPC Directive.

Section 74 of the Freedom of Information Act 2000 empowers the Government to implement the environmental information provisions of the Aarhus Convention, which the UK Government prefers to the recent EU proposals to revise the EC Directive on the Freedom of Access to Information on the Environment (90/313/EEC).

The Countryside and Rights of Way Act 2000:

- Improves the effectiveness of the protection provided to sites designated as sites of special scientific interest,
- Increases the enforcement powers available in relation to wildlife legislation,
- Provides an important new duty on government ministers and departments and the National Assembly for Wales “in carrying out his or its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biological diversity in accordance with the UNEP Convention on Biological Diversity of 1992.”

Finally, increased use has been made of fiscal measures to induce environmental improvements. These include:

- Landfill tax under the Finance Act 1996. An exemption is made in respect of contaminated soil under certain conditions,
- Climate change levy under the Finance Act 2000 is charged on the supply of energy but this is subject to exemptions including domestic supplies. A reduced rate of tax is payable by energy-intensive installations (i.e. those regulated as Part A installations under the Pollution Prevention and Control (England and Wales) Regulations 2000) if they enter into and comply with a climate change agreement,

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- improved tax allowances for the remediation of contaminated land under the Finance Act 2001.

**Obstacles to Environmental Law**

A number of obstacles continue to impede the effective operation of environmental law although some of these are being addressed. These include:

- Ignorance and inadequate resources of industrial operators,
- Inadequate resources of the regulatory authorities,
- Over strict interpretation of environmental law by the regulatory authorities in a manner which discourages environmental improvement. For example, contaminated soil is considered to be waste, so that remediation of that soil generally requires a waste management licence. This has adverse effects on the timescale of projects and therefore the cost of projects. Some schemes may become economically unviable,
- An apparent low priority given by the Government to environmental issues much of the time despite the rhetoric used by the Government in its public relations material.

**CONCLUSION**

Although progress in environmental improvement sometimes seems slow and even elusive, there has been substantial progress. Two encouraging signs are the increased awareness by industry of environmental issues which is marked by growing numbers of companies with environmental management systems and also the growing number of practising environmental lawyers whose work bears witness to greater activity in this area by regulators, non-Governmental groups and industry.