

*Law and the Environment 2018*

**16<sup>th</sup> Annual Conference for Environmental Professionals**



*Towards Environmental Responsibility, Accountability and Liability*

Thursday, 26<sup>th</sup> April 2018

Boole Lecture Theatres 3 and 6 and West Wing 6

Conference Website: <https://www.uccconferencing.ie/product/law-and-environment-conference-2018/>



School of Law  
Scoil an Dlí



*Marine Institute*  
Foras na Mara

- 8.30 am**                    **Registration and Tea / Coffee (Boole Basement)**
- 8.50 am                    Opening Remarks: Prof Owen McIntyre, Conference Convener
- Plenary Session 1: Keynote Presentation (Boole 3)**
- 9.00 am                    Mr Tom Flynn B.L.:  
*Alternative / Innovate Methods of Environmental Enforcement in Irish Law.*
- Parallel Session 2: Marine Environmental Law I (Boole 6)**
- Chair:                    Dr Bjorn-Oliver Magsig, School of Law, University College Cork
- 9.30 am:                    Mr Edmund Sweetman, B.L. / Abogado:  
*The “Commune de Mesquer” Case, the Polluter Pays Principle, and Breaking Limits of Liability under the CLC 1992.*
- 10.00 am                    Prof Ronan Long, Director, Global Ocean Institute, World Maritime University, Malmö:  
*Applying the Concept of ‘Due Diligence’ & Rules of Conduct under the Law of the Sea to Improve the Implementation of the Paris Agreement*
- Parallel Session 3: Just Transition to a Low-Carbon Economy (Boole 3)**
- Co-Chairs:                    Prof Raphael Heffron, Centre for Energy, Petroleum and Mineral Law & Policy, University of Dundee; Ms Sinead Mercier, Green Party Oireachtas Researcher:
- 9.30 am:                    Mr Joseph Curtin, Research Fellow, University College Cork / Senior Fellow, Climate Change, Institute of International and European Affairs, Dublin:  
*How Can We Ensure Ireland’s Transition to a Low Carbon Economy is “Just”?*
- 10.00 am:                    Dr Darren McCauley, Director, St. Andrews Sustainability Institute, University of St. Andrews:  
*The Need for an Interdisciplinary Approach to the Just Transition.*
- 10.30 -11.00 am:        Tea / Coffee (Boole Basement)**

**Parallel Session 4: Effective Enforcement of Environment Liabilities (Boole 3)**

Chair: Ms Deborah Spence, Arthur Cox Solicitors, Dublin:

11.00 am: Dr Mary Gurrie, Office of Environmental Enforcement,  
Environmental Protection Agency:  
*EPA National Priority Sites for Enforcement.*

11.30 am: Ms Alison Hough B.L., Faculty of Business, Athlone Institute of  
Technology:  
*The Continuing Refinement of the Aarhus Convention: The  
Developing Role of the Aarhus Convention Compliance Committee  
and the Associated Convention Bodies.*

12.00 pm: Mr Stephen McCarthy, Office of Environmental Enforcement,  
Environmental Protection Agency:  
*Financial Provision for Environmental Liabilities.*

**Parallel Session 5: General Developments in Climate & Energy Law (Boole 6)**

Chair: Dr Ruby Moynihan, School of Law, University College Cork:

11.00 am: Dr Rónán Kennedy, School of Law, National University of Ireland  
Galway:  
*Climate Change Law for the Next Decade: Time to Re-assess  
Commitments, Strategies and Tools?*

11.30 am: Mr Conor Linehan, William Fry Solicitors, Dublin:  
*Future Emissions and Removals of Greenhouse Gases from Land  
Use, Land Use Change and Forestry.*

12.00 pm: Mr Joe Noonan, Noonan Linehan Carroll Coffey Solicitors, Cork:  
*Noise Pollution: Legal Framework - Policy, Prevention, Redress:  
Reconciling Renewables with Communities.*

**Parallel Session 6: 'Brexit' and the Future of Environmental Law (West Wing 6)**

Chair: Dr John Temple Lang, Adjunct Professor, School of Law, Trinity  
College Dublin, Senior Visiting Research Fellow, Oxford  
University:

11.00 am: Dr Mary Dobbs & Dr Brian Jack, School of Law, Queen's  
University Belfast:  
*'Brexit' and Environmental Limbo - Opportunities and Challenges?*

11.30 am: Prof William Howarth, School of Law, University of Kent:  
*'Brexit' and the Future of UK Water Law.*

12.00 pm: Ms Attracta Uí Bhroin, Irish Environmental Network (IEN) and  
Vice President of the European Environmental Bureau (EEB):  
*The Journey from Union - to dis-Union: 'Brexit' and the  
Implications for Environmental Governance.*

**12.30 – 2.00 pm: Lunch (Mini-Restaurant)**

**Parallel Session 7: Marine Environmental Law II (Boole 6)**

Chair: Mr Ciaran McCarthy B.L.

2.00 pm: Mr Darren Lehane B.L.:  
*Enforcing the Common Fisheries Policy in Ireland: Penalty Points  
post O'Sullivan.*

2.30 pm: Mr Alan Doyle, Barry Doyle & Co. Solicitors, Dublin:  
*Kelp Harvesting: The Applicable Regulatory Regime.*

3.00 pm: Mr Padraic Dempsey, Department of Housing, Planning and Local  
Government:  
*Towards a Marine Spatial Plan for Ireland – a Roadmap for the  
Development of Ireland's First Marine Spatial Plan.*

**Parallel Session 8: Developments in Climate Litigation I (Boole 3)**

Chair: Dr Áine Ryall, School of Law, University College Cork

2.00 pm: Ms Gillian Lobo, Climate Accountability Lawyer, ClientEarth:  
*Climate Change Litigation – A Global Phenomenon.*

2.30 pm: Dr Andrew Jackson, Sutherland School of Law, University College  
Dublin:  
*Climate Litigation and the Frontiers of Justice.*

3.00 pm: Dr Fred Logue, Principal, FP Logue Solicitors, Dublin:  
*The Constitution and Climate Change.*

**Parallel Session 9: Technology and Environmental Responsibility (West Wing 6)**

Chair: Rachel Minch, Philip Lee Solicitors, Dublin:

2.00 pm: Dr Leonie Reins, Tilburg Law School, Tilburg University:  
*Assessing the Legal Framework for Liability and Compensation for Damages Occurring as a result of Natural Gas Extraction in Groningen (The Netherlands).*

2.30 pm: Dr Elena Tsalaporta, Department of Process and Chemical Engineering, University College Cork:  
*Environmental Law and Engineering Ethics: Complimentary Drivers Towards a Sustainable Future.*

3.00 pm: Dr Bjorn-Oliver Magsig, School of Law, University College Cork:  
*State Responsibility in the Age of Geo-engineering: Can International Law Control Pandora's Box?*

**3.30 – 4.00 pm: Tea / Coffee (Boole Basement)**

**Parallel Session 10: Fisheries Law - 'Brexit' and the Future of Fisheries and Biodiversity (Boole 6)**

Chair: Dr Anne Marie O'Hagan, Marine and Renewable Energy Centre (MaREI), University College Cork

4.00 pm: Mr Eoin Fannon B.L.:  
*Brexit and Fisheries Law.*

4.30 pm: Dr Tim O'Higgins, Marine and Renewable Energy Centre (MaREI), University College Cork:  
*UK and Irish Fisheries: Brave New World or Return to the Tragedy of the Commons?*

5.00 pm: Ms Karin Dubsy, Coastwatch Europe:  
*'Brexit': Managing the Loughs' Biodiversity Assets and Stakeholders*

**Parallel Session 11: Developments in Climate Litigation II (Boole 3)**

Chair: Ms Finola McCarthy, Ronan Daly Jermyn Solicitors, Cork:

4.00 pm: Dr Thomas Muinzer, Stirling Law School, University of Stirling:  
*An Assessment of the UK's Climate Change Act 2008 as a Potential Driver of Innovative Climate Litigation, in the Framework's 10th Anniversary Year.*

4.30 pm: Prof Patrick Parenteau, Vermont Law School, University of Vermont:  
*Climate Litigation Heats Up: A Review of Landmark Rulings From Around the World.*

5.00 pm: Dr Simon Behrman, School of Law, Royal Holloway, University of London:  
*Developing Environmental Law Principles into a Protection Regime for Climate Refugees.*

**Parallel Session 12: Contemporary Developments in Planning Law (West Wing 6)**

Chair: Mr Alan Roberts, A&L Goodbody Solicitors, Dublin:

4.00 pm: Mr Gregory Jones Q.C., Francis Taylor Building, Inner Temple:  
*ABP and Reasoning: Connelly v An Bord Pleanala* [2017].

4.30 pm: Dr Berna Grist B.L., School of Planning and Environmental Policy, University College Dublin:  
*Strategic Housing Development under the Planning and Development (Housing and Residential Tenancies) Act 2016.*

5.00 pm: Mr Niall Handy, B.L.:  
*The New EIA Regulations.*

**Plenary Session 13: Keynote Presentation (Boole 3)**

5.30 pm: Prof Yvonne Scannell, Consultant, Arthur Cox Solicitors, Dublin:  
*Issues with Environmental Liability in Ireland.*

6.00 pm: Closing Remarks

**6.15 pm: Conference Reception and Official Launch:**  
*UCC Centre for Law and the Environment (CLE)*

Generously sponsored by **Ronan Daly Jermyn**



Speaker: Vice-Admiral Mark Mellett, Chief of Staff, Irish Defence Forces; Adjunct Professor, School of Law, University College Cork.

**Cost:** Conference (including lunch, tea / coffee and conference materials):

Single delegate: €195

Two delegates: €300 (Further reductions available for multiple delegates)

Academics: €150

NGOs: €95

Newly qualified solicitors / barristers of less than five years standing €150

### **Continuing Professional Development:**

8 Hours Group Study CPD

If you require a CPD Certificate please tick here  or e-mail [lawevents@ucc.ie](mailto:lawevents@ucc.ie)

All CPD Certificates will be posted the week following the Conference.

### **Registration:**

Delegates may register online at:

<https://www.uccconferencing.ie/product/law-and-environment-conference-2018/>

#### **Conference Convenor**

Prof Owen McIntyre  
School of Law, UCC  
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#### **Conference Secretary**

Deirdre Kelleher  
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021-4903642

For further information contact [deirdrekelleher@ucc.ie](mailto:deirdrekelleher@ucc.ie)

*This conference is supported by funding from the EPA and the Marine Institute; the reception is generously sponsored by Ronan Daly Jermyn*



*Law and the Environment 2018*

**Conference Programme Overview**

<b>9.00 – 9.30</b>		
<b>Keynote Presentation (Boole 3) Mr Tom Flynn BL</b>		
<b>9.30 – 10.30</b>	<b>Marine Environmental Law I (Boole 6)</b> Chair: Dr Bjorn-Oliver Magsig Speakers: Mr Edmund Sweetman BL Prof Ronan Long	<b>Just Transition to a Low-Carbon Economy (Boole 3)</b> Co-Chairs: Prof Raphael Heffron & Ms Sinead Mercier Speakers: Mr Joseph Curtin Dr Darren McCauley
<b>10.30 – 11.00</b>		
<b>Tea / Coffee (Boole Basement)</b>		
<b>11.00–12.30</b>	<b>Climate &amp; Energy Law (Boole 6)</b> Chair: Dr Ruby Moynihan Speakers: Dr Rónán Kennedy Mr Conor Linehan Mr Joe Noonan	<b>‘Brexit’ and the Future of Environmental Law (West Wing 6)</b> Chair: Dr John Temple Lang Speakers: Dr Mary Dobbs & Dr Brian Jack Prof William Howarth Ms. Attracta Uí Bhroin
<b>11.00–12.30</b>	<b>Effective Enforcement of Environmental Liabilities (Boole 3)</b> Chair: Ms Deborah Spence Speakers: Dr Mary Gurrie Ms Alison Hough BL Mr Stephen McCarthy	
<b>12.30 – 2.00</b>		
<b>Lunch (Mini-Restaurant)</b>		
<b>2.00–3.30</b>	<b>Climate Litigation I (Boole 3)</b> Chair: Dr Áine Ryall, School of Law, University College Cork Speakers: Ms Gillian Lobo Dr Andrew Jackson Dr Fred Logue	<b>Technology and Environmental Responsibility (West Wing 6)</b> Chair: Ms Rachel Minch Speakers: Dr Leonie Reins Dr Elena Tsalaporta Dr Bjorn-Oliver Magsig
<b>2.00–3.30</b>	<b>Marine Environmental Law II (Boole 6)</b> Chair: Mr Ciaran McCarthy BL Speakers: Mr Darren Lehane BL Mr Alan Doyle Mr Padraic Dempsey	
<b>3.30 – 4.00</b>		
<b>Tea / Coffee (Boole Basement)</b>		
<b>4.00-5.30</b>	<b>Climate Litigation II (Boole 3)</b> Chair: Ms Finola McCarthy Speakers: Dr Thomas Muinzer Prof Patrick Parenteau Dr Simon Behrman	<b>Contemporary Developments in Planning Law (West Wing 6)</b> Chair: Mr Alan Roberts Speakers: Mr Gregory Jones QC Mr Niall Handy BL Dr Berna Grist BL
<b>4.00-5.30</b>	<b>Fisheries Law ‘Brexit’ and the Future of Fisheries and Biodiversity (Boole 6)</b> Chair: Dr Anne Marie O’Hagan Speakers: Mr Eoin Fannon BL Dr Tim O’Higgins Ms Karin Dubsy	
<b>5.30 – 6.00</b>		
<b>Keynote Presentation (Boole 3) Prof Yvonne Scannell</b>		
<b>6.15 – 8.00</b>		
<b>Conference Reception and Official Launch: UCC Centre for Law and the Environment (CLE) Vice-Admial Mark Mellett, Chief of Staff, Irish Defence Forces</b>		