



Environmental
Law Foundation

Environmental Law Foundation

Report & Accounts 2021/22

Charity No. 1045918



Report & Accounts
Sponsors

www.elflaw.org

CONTENTS

- 4 Trustees report
- 10 Statement of trustees responsibilities
- 11 Case source: Advice and referral
- 12 Support and membership
- 13 Independent examiner's report
- 14 Income and financial expenditure
- 15 Balance sheet
- 16 Notes to the financial statements
- 22 Martin Polden OBE and Diana Schumacher OBE reflect on ELF's 30th anniversary



Left and front cover image:
The Gwent Levels, Newport, Wales.

Threats to nature are rarely settled permanently. The Gwent Levels are protected by a landmark decision 2019, in which ELF barristers played a key role in preventing the building of a proposed M4 relief road.

Since then, repeated calls by senior Westminster politicians for that decision to be overridden have led Welsh First Minister Mark Drakeford to state publicly to Prime Minister Sunak that “the motorway bypass had failed to win public support” and that the matter had “long been settled here in Wales”.

TRUSTEES REPORT (INCLUDING DIRECTORS' REPORT)

For the year ended 31 March 2022

The trustees present their annual report and financial statements for the year ended 31 March 2022.

The accounts have been prepared in accordance with the accounting policies set out in note 1 to the accounts and comply with the charitable company's Memorandum & Articles of Association, the Companies Act 2006 and "Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102)" (as amended for accounting periods commencing from 1 January 2016)

Objectives and activities

The objects for which the charitable company is established are:-

- To promote the enhancement and conservation of the environment;
- To advance the education of the public about such matters relating to the preservation, conservation and sustainable development of the natural environment and the causes of environmental degradation or concern;
- To protect and preserve the natural and built environment where there is a community or neighbourhood interest by providing advice and information to enable members of the public to secure access to legal and other professional advice and representation in cases concerned with the planning and development of such environment or non-compliance with environmental and administrative law and procedures;
- The promotion of sustainable development for the benefit of the public by:
 - Providing legal and expert guidance and support to those working for and advocating the preservation, conservation and the protection of the environment and the prudent use of natural resources;
 - Conducting or commissioning research and publishing the results of such research;
 - "Sustainable development" means improving

the quality of life while living within the carrying capacity of supporting ecosystems and the natural environment without compromising the ability of future generations to meet their own needs;

- The promotion of the sound administration of environment and human rights law by:
 - Providing specialist legal advice, assistance and representation including representation in the European Court of Human Rights for those unable to obtain such legal advice, assistance and representation as a result of their lack of resources;
 - Providing advice on the institution structures and mechanisms by which such law is enforced; and
 - Training the judiciary, lawyers, public authorities and the public in the relevant law and administrative processes

Public benefit

The Trustees confirm that they have complied with their duty in section 4 of the Charities Act 2006 to have due regard to the Charity Commission's general guidance on public benefit, "Charities and Public Benefit".

The trustees have paid due regard to guidance issued by the Charity Commission in deciding what activities the charitable company should undertake.

Principal activity

ELF's primary purpose is to provide free, initial legal advice and support to grassroots communities facing environmental threats, be they local or national. ELF is often the last (and only) mechanism through which individuals and community groups can gain access to



"YOU ARE MORE THAN A STAR!"

**Sue at the Isleworth Society
and Park Lane Allotments**

justice in environmental law. In doing so, we enable civil society to challenge potentially unlawful behaviour and participate effectively in environmental decision making. This is our Advice and Referral (“A&R”) service, run by ELF’s joint Executive Director, Emma Montlake.

To complement and support our A&R work, in 2013 we established the ELF university pro-bono environmental clinic network, giving undergraduates, post-graduates and PhD students direct experience, under qualified supervision, of handling real legal cases. In 2020, this network expanded to include universities able to operate policy clinics. Now a truly national network, these combined clinics come under our Education and Policy Team, led by ELF’s joint Executive Director, Tom Brennan.

Achievements and performance

ELF University Legal and Policy Clinics:

There are now 16 universities in ELF’s university network and we are continuing discussions with a number of others. Whilst our outreach programme aimed at young adults is currently focused on our university partners, we aim to expand this to encompass people from school age through to newly qualified professionals.

Legal and policy clinic work is a key aspect of our young adult programme and most of our university partners operate both. Of our 16 partners, seven offer both legal and policy clinics, six offer a policy clinic only and three offer a legal clinic only.

Last year, we ran two policy clinic research projects, one on Climate Emergency Declarations and the other on Neighbourhood Plans. We have continued our research for both projects this year, as well as a third, looking into the destruction of Local Wildlife Sites. In addition to enhancing the outreach programme with empirical research opportunities to encourage the next generation of public interest environmental lawyers, these projects provide valuable data to assist ELF’s wider policy and outreach work.

We were able to publish ELF’s report ‘*Local urgency on the climate emergency?*’ in October 2021, immediately prior to COP26. This was the result of the Climate Emergency Declaration policy clinic project which had involved eight universities from ELF’s network and

members of UKELA’s Student Working Party. They provided research reports on action around local authority Climate Emergency Declarations in all 12 regions of the UK. Overall, 376 local authorities were reviewed. These reports were summarised by ELF and used to formulate ELF’s national overview. This indicated that while there is evidence of positive action by local authorities to address the climate emergency, there is a need for greater urgency if the ambitions of their Climate Emergency Declarations are to be achieved. We are delighted to see that this report is being used and cited by legal professionals.

In addition, we held a joint online event with UKELA, Climate Emergency in the UK, in February 2022. Which was based around ELF’s ‘*Local urgency on the Climate Emergency?*’ report. More than 50 attendees heard about the research and the report, perspectives from an international NGO and a local community group, followed by some legal analysis looking forward to COP27. While we were unable to hear from a local authority on the day, we were able to include their presentation alongside the other presentations and a recording of the event which is accessible via the Community Resources page on ELF’s website.

The ELF University Network

Birkbeck, University of London • BPP University
 University of Birmingham • University of Bristol
 Cardiff University • City, University of London
 University of Exeter • King’s College London
 University of Central Lancashire
 The University of Law, London • University of Sussex
 Liverpool John Moores University
 Nottingham Trent University • The Open University
 University of Plymouth • University College London
 Queen Mary University of London
 University College London

Our clinic network creates strong links between environmental legal academia and the legal profession.

Through ELF clinic work, involving real cases, law students are exposed to public interest community work and the crucial role that pro-bono lawyers play in facilitating access to environmental justice.

Advice & Referral (A&R):

2021/22 A&R enquiries from communities remained stable at around 300. This creates a full and busy workload. We receive many enquiries relating to planning and development, loss of green space (including village greens), draft local plans and Green Belt boundary changes to allow for housing development and road developments. We have seen an increase in active travel cases, such as those involving cycle lanes and low traffic neighbourhoods.

Two of the more notable cases this year include:-

- Assisting Better Streets for Kensington and Chelsea to bring a judicial review challenge of the decision by London Borough of Kensington & Chelsea to remove a segregated cycle lane installed on Kensington High Street after only 7 weeks of it being in place. It had been used by thousands of cyclists a day, whilst still in place.
- Assisting the main objectors against the application for de-registration of a large part of the well-loved and locally treasured Woodcock Hill Village Green in Borehamwood. The application was by the landowner who has plans to develop the land for housing. ELF instructed Counsel and played a significant role in the recent Public Inquiry which concluded in March 2022.

Observations that can be drawn from the enquiries received are that they are increasing in complexity. We are seeing more enquiries relating to water pollution, reflecting increased public interest in wild swimming and the natural environment since Covid and media attention on the growing problems around harm from sewage and from farm waste.

In March 2022 we held our community event, *Reviving UK Waterways* in collaboration with Imperial College London. Bringing together water scientists, communities on the front line of water pollution and lawyers. It was a hybrid event with 80 in attendance in person and 100 online – this was a new format for ELF and worked very well.

We are also seeing more enquiries regarding the proposed destruction through housing development of Local Wildlife Sites (non-statutory designated protected

nature sites). This is of great concern as these involve some of our best local nature sites and are afforded too little protection. Indeed, in many instances their nature is being actively downgraded to make them more attractive for planning purposes. ELF acts as a barometer for community environmental enquiries and this is reflected in the work that we have chosen to focus on in our operational plan.

The Executive Directors and the Board of Trustees agreed and signed off both a new Vision and Strategy document and an annual Operational Plan. As we focus on areas of water pollution and the destruction of Local Wildlife Sites in horizon scanning work, it is useful to see how these areas of focus interplay with ELF's day-to-day work. Specifically:

Local Wildlife Sites (LWS):

1. Working with a local NGO interested in challenging their draft local plan where there has been a slew of LWS (part of) allocated in part for housing in the draft local plan. We see that this could be a test case to determine the extent of LWS protections.
2. Working with a local resident to object to a planning application on a LWS where the private owner regularly clears the habitat. ELF filed an objection to the application which was subsequently refused.
3. Land Woodcock Hill Village Green, the subject of the de-registration – as above is also a LWS which is being deliberately downgraded for the purposes of future planning proposals.
4. Instructing Counsel to review a planning application on a LWS for a community in Bristol. There are also



**“THANK YOU VERY, VERY
MUCH EMMA. GREATLY
APPRECIATED.”**

**David Merrett – York Environment Forum (help with
Local Plan issues)**

issues in this matter regarding de-registration of a village green to facilitate development.

Water pollution and Advice and Referral:

1. ELF is part of a consortium of environmental organisations, including the Good Law Project, which has been granted permission to intervene in a case of strategic importance, known as the Manchester Ship Canal case. This case concerns the discharge of sewage by United Utilities into the Manchester Ship Canal and the private law of nuisance. The case is being heard in the Court of Appeal in March 2023 and ELF's evidence will be read out during the case. The intervention represents the voice of the community and the public experience of sewage pollution.

2. ELF and Imperial College London event – *Reviving UK Waterways* – 22nd March 2022. ELF organised an all-day event with academics at Imperial College London. We had 80 people attend in person and 100 online. This is the biggest event ELF has held in years. It was a great success, drawing on communities we work with, ELF professionals and partner NGOs.

3. Working with two high profile communities on sewage related matters. One in the North East, Tyne and Wear and one on the south coast, Chichester and Langstone Harbours. We have sent a pre-action letter to the Environment Agency regarding a decision to withdraw a review of a new unauthorised discharge point onto an interceptor tunnel. We have met with a KC to discuss possible personal injury claims for water related illness around the south coast.

4. Working with marine campaigning organisation Marinett on amendments to the Environment Bill whilst it was going through the House of Lords, improving sewage undertaker's accountability as championed by the Duke of Wellington.

Executive team and staffing

In 2021 Emma Montlake and Tom Brenan were made joint Executive Directors of ELF and this is reflected on our website. This addresses visibility of leadership issues that had been commented on by our grant funders and creates strength in leadership for ELF.

Claire Ward left ELF in May 2021 and the search for her replacement is ongoing. In the meantime her



**Joint Executive Directors,
Emma Montlake and Tom Brenan**

duties have been taken up by Tom and Emma. We are now contemplating a replacement to incorporate a development person to assist ELF to more effectively get our message out and to assist us with funding.

ELF has continued to employ a paralegal to work within A&R under the supervision of Emma Montlake. In February 2022, ELF took on a trainee solicitor secondment from Richard Buxton Environmental Law to assist Emma and Tom. This was a six week placement extended to two months. Richard Buxton is a leading environmental law firm and ELF member. ELF has been wanting to try such an arrangement for some time and it proved to be a positive experience for both ELF and the trainee.



“EMMA, YOUR HELP THROUGH A DIFFICULT PUBLIC INQUIRY, IS MUCH APPRECIATED. IT IS HEARTENING TO RECEIVE SUCH SUPPORT, GIVING US GREAT HOPE OF SUCCESS IN THE JUDICIAL REVIEW, FOR FUTURE GENERATIONS.”

Councillor Pat Strack, Chair of the Woodcock Hill Village Green Committee

We have had a law student, Kezia Saunders, from the University of Law, London, who assists us with social media for two hours a week. We currently have some 2,500 Twitter followers. This is an increase in approximately 1,000 since Kezia started and a credit to the hard work she has contributed to raising ELF's social media profile. We post at least twice a week. We have also started an Instagram Nature Table and regularly post nature pictures recorded by ELF staff.

Trustees

During the 2021- 2022 year, ELF has made a series of changes from a position of strength.

In late 2021, David Hart KC, who had been our chair for seven years, decided it was time to step down. During his tenure, David provided tremendous support to some of our most high profile legal cases and student events, whilst also bringing on board new trustees who have proved central to our growing financial strength and legal effectiveness. We are most grateful to David and delighted that he has agreed to stay on as a trustee. We are also fortunate to have had trustees Richard Wald KC and Carol Day waiting in the wings, both of whom were willing to serve if asked. This prompted Michael Taite to volunteer to step down from his position as Vice Chair - held for over a decade - enabling Richard to serve a two year term as Chair, with Carol as Vice Chair and for Carol to take over when Richard has completed his two years as chair. Michael continues as a trustee and acting treasurer.

After founding ELF 30 years ago and having been deeply involved ever since, Diana Schumacher OBE and Martin Polden OBE both decided to step down from the Board of Trustees early in 2022. Their enormous contribution to ELF and their fight for environmental justice in the UK is widely recognised and greatly appreciated. They are now both Honorary Vice Presidents.

Kirsty Schneeberger also stepped down as a Trustee after five years at ELF. Kirsty assisted ELF with funding initiatives, bringing energy and unique experience in the environmental funding world. We thank Kirsty for her highly significant contribution to our charity and welcome her willingness to retain links with ELF.

Finally, whilst no new trustee appointments were

made during the year, several excellent potential appointments were identified and scheduled to be confirmed in 2022.

Funding

In 2021 ELF was delighted to secure Tudor Trust continuous funding for a further three years. Tudor Trust have been grant supporters of ELF for the previous three years and as our grant period came to an end, they permitted us to apply for continuous funding. We asked for two further years of funding of £30,000 per year. The Tudor Trust generously agreed to a further three years. The continued, enthusiastic support of Tudor Trust is hugely appreciated, especially as their support commands significant respect amongst other supporters of all kinds.

We received a final payment from the Treebeard Trust in 2021 of £15,000. Treebeard have been great supporters of ELF over recent years and, along with the Tudor Trust, have been central to our reinvigoration.

The kindness of our friend and advisor Roger de Freitas continued in 2021. Generous with his time throughout the year, his family trust also donated funds to pay for the catering at the Reviving UK Waterways event. Thank you Roger, for your continuing generosity and support.

Membership

ELF has three types of membership: public, professional and university, each paying an annual fee to support ELF's work.

Public membership is for members of the general public, including community groups, many of which continue to support us long after their particular issue has been addressed by us. We have over 60 public and community members, a number which has remained steady in recent years. Although it's not a requirement to be an ELF public member to be able to receive ELF assistance, all ELF enquirers are asked to join. ELF also receives donations from members, those it has assisted, and other supporters.

Professional members are the solicitors, barristers and technical consultants who agree to provide pro bono assistance on ELF enquirers. Professional membership numbers currently also stand at a little over 60 and are growing.

University membership, currently 16 universities, is also growing. Given the reach of each university member, this is especially exciting.

Financial review

This year there was a surplus of £4,290 (2021 - deficit of £1,857). The total funds of the charity at the year end were £40,504 (2021 - £36,214) which is made up of an unrestricted fund surplus of £38,504 (2021 - £13,914) and restricted funds of £2,000 (2021 - £22,300).

The Trustees have set their minimum level of reserves at three months typical expenditure and the current level of unrestricted reserves represents approximately seven months of typical expenditure.

The trustees assess on a regular basis the major risks to which the charity is exposed, in particular those related to the operations and finances of the Foundation, and are satisfied that systems are in place to mitigate its exposure to major risks.

Structure, governance and management

Environmental Law Foundation (ELF) is a registered charity number 1045918. It is established as a company limited by guarantee.

The trustees, who are also the directors for the purpose of company law, and who served during the year were:

N J Flynn

D Hart

M A Polden OBE
(Resigned 10 March 2022)

D C B Schumacher OBE
(Resigned 10 March 2022)

J C Tabone

M R Taite

Dr J Woods

R D Wald

K Schneeberger
(Resigned 10 March 2022)

C Day

The trustees of the charitable company form its Committee of Management and Governing Body, and are empowered to act as necessary in order for the

charitable company to fulfil its objectives. The members of the charitable company or fellow trustees may appoint trustees at any time and appropriate induction and training is given on appointment of new trustees.

None of the trustees has any beneficial interest in the company. All of the trustees are members of the company and guarantee to contribute £1 in the event of a winding up.

Concluding note

The Environmental Law Foundation retains the good fortune to be working with the most wonderful and diverse range of communities which come to ELF because they care about their environment. We are also blessed with a professional community who will consider pro-bono assistance for those we refer to them. And last but not least, we are immensely grateful to our academic friends through the university network who enable the vital link between ELF and the law students and environmental lawyers of the future.

This report has been prepared having taken advantage of the small companies exemption in the Companies Act 2006.



**“EXTREMELY ENCOURAGING
ADVICE WHICH WE SHALL
FOLLOW TO THE LETTER. WHAT
TERRIFIC WORK ELF IS DOING.”**

**Kate Pryke, enquirer on great crested newts for
the Maids Moreton and Forscote Action Group,
Buckinghamshire**

STATEMENT OF TRUSTEES RESPONSIBILITIES

For the year ended 31 March 2022

The trustees, who are also the directors of Environmental Law Foundation for the purpose of company law, are responsible for preparing the Trustees Report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

Company Law requires the trustees to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the charitable company and of the incoming resources and application of resources, including the income and expenditure, of the charitable company for that year.

In preparing these financial statements, the trustees are required to:

- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the Charities SORP;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable UK Accounting Standards have been followed, subject to any material departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charitable company will continue in operation.

The trustees are responsible for keeping adequate accounting records that disclose with reasonable accuracy at any time the financial position of the charitable company and enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the charitable company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

CASE SOURCE: ADVICE AND REFERRAL

Total enquiries 2021/2022: 294

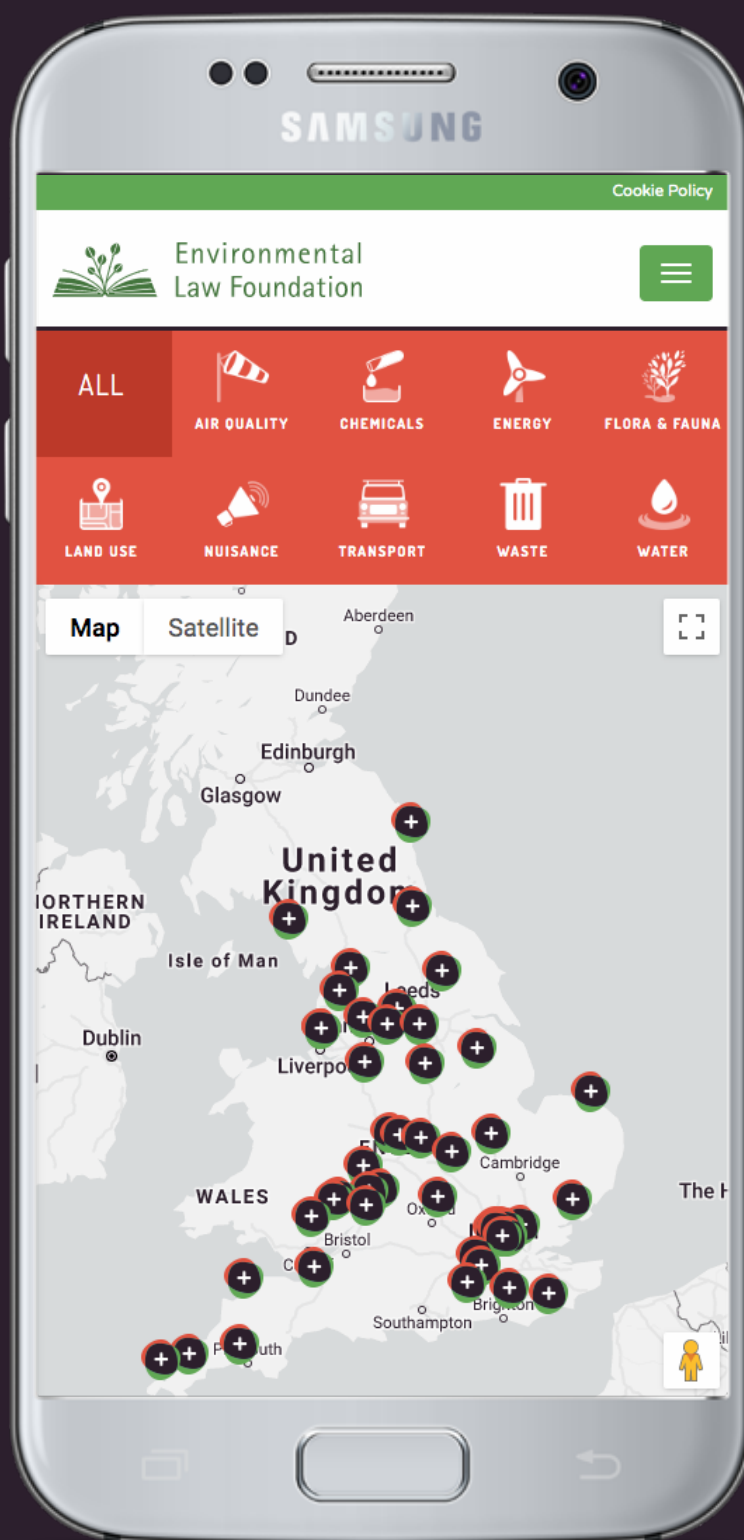
Every month, via email and via the call centre service generously hosted by solicitors Irwin Mitchell, our advice and referral service receives twenty or more new, valid enquiries. Some of these require just a 'light touch', directing the enquirer to a particular department or ruling. Others demand tens, sometimes hundreds, of hours of work.

Land development always dominates these enquiries, though that encompasses loss of habitat, pollution, quarrying and more. Those which have shown a marked increase on the previous year include air pollution in cities and inland and marine water pollution.

We are seeking funding to create an online hub to log and link all of our cases and encourage others to share the threats they face and support each other.

If you think you can help with this, please contact emma@elflaw.org

81	development/land use
75	biodiversity
32	air pollution
11	other
8	transport
26	noise
13	waste
4	village green
5	incinerator/waste plant
4	contaminated land
4	flooding risk
2	public rights of way
3	telecommunications mast
23	water pollution
2	light



SUPPORT AND MEMBERSHIP

THE ENVIRONMENTAL LAW FOUNDATION WOULD LIKE TO THANK ALL THOSE WHO HAVE SUPPORTED US OVER THE YEARS AND THOSE WHO CONTINUE TO DO SO.

As a unique national environmental charity, we have enjoyed the patronage of HM The King who, as Prince Charles, has been our President for many years. We are grateful for his enthusiastic, long-term commitment.

Operating on a budget of under £70,000 per year, ELF handles hundreds of cases at any one time. We rely entirely on donations from private individuals, communities and grant funders, plus subscriptions and often astonishing amounts of pro bono time from our professional members and university law school clinics.

We could not operate without generous pro bono support from Irwin Mitchell solicitors, whose call centre handles initial enquiries to our A&R service, or the creative agency Real Branding, which provides all design and website services. Our 2021/22 grant funders are the Tudor Trust, the Treebeard Trust and the de Freitas Family Trust. We benefit greatly from the advice of Roger de Freitas, whose breadth of experience is matched only by the generosity of his spirit.

Our current 'gold contribution' member law firms, all of whom pay higher subscriptions and give more time pro bono, include No5 Chambers, 1 Crown Office Row, Cornerstone, 39 Essex Chambers, Landmark and Francis Taylor Building.

We are grateful, too, for the support of Achill Management who have kindly covered the costs of printing this report and to University College London for providing a venue and refreshments for the event at which it is being introduced.



Draft Financial Statements
ENVIRONMENTAL LAW FOUNDATION

INDEPENDENT EXAMINER'S REPORT
TO THE TRUSTEES OF ENVIRONMENTAL LAW FOUNDATION

I report to the trustees on my examination of the financial statements of Environmental Law Foundation (the charitable company) for the year ended 31 March 2022.

Responsibilities and basis of report

As the trustees of the charitable company (and also its directors for the purposes of company law) you are responsible for the preparation of the financial statements in accordance with the requirements of the Companies Act 2006 (the 2006 Act).

Having satisfied myself that the financial statements of the charitable company are not required to be audited under Part 16 of the 2006 Act and are eligible for independent examination, I report in respect of my examination of the charitable company's financial statements carried out under section 145 of the Charities Act 2011 (the 2011 Act). In carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the 2011 Act.

Independent examiner's statement

I have completed my examination. I confirm that no matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

- 1 accounting records were not kept in respect of the charitable company as required by section 386 of the 2006 Act; or
- 2 the financial statements do not accord with those records; or
- 3 the financial statements do not comply with the accounting requirements of section 396 of the 2006 Act other than any requirement that the accounts give a true and fair view which is not a matter considered as part of an independent examination; or
- 4 the financial statements have not been prepared in accordance with the methods and principles of the Statement of Recommended Practice for accounting and reporting by charities applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102).

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the financial statements to be reached.

Kendall Wadley LLP

Granta Lodge
71 Graham Road
Malvern
Worcestershire
WR14 2JS

Draft Financial Statements
ENVIRONMENTAL LAW FOUNDATION

**STATEMENT OF FINANCIAL ACTIVITIES
INCLUDING INCOME AND EXPENDITURE ACCOUNT**

FOR THE YEAR ENDED 31 MARCH 2022

	Notes	Unrestricted funds 2022 £	Restricted funds 2022 £	Total 2022 £	Unrestricted funds 2021 £	Restricted funds 2021 £	Total 2021 £
Income from:							
Donations and memberships	3	68,753	-	68,753	47,079	-	47,079
Investments	4	6	-	6	17	-	17
Total income		68,759	-	68,759	47,096	-	47,096
Expenditure on:							
Charitable activities	5	64,469	-	64,469	48,953	-	48,953
Net incoming/(outgoing) resources before transfers		4,290	-	4,290	(1,857)	-	(1,857)
Gross transfers between funds		20,300	(20,300)	-	-	-	-
Net income/(expenditure) for the year/ Net movement in funds		24,590	(20,300)	4,290	(1,857)	-	(1,857)
Fund balances at 1 April 2021		13,914	22,300	36,214	15,771	22,300	38,071
Fund balances at 31 March 2022		38,504	2,000	40,504	13,914	22,300	36,214

The statement of financial activities includes all gains and losses recognised in the year.

All income and expenditure derive from continuing activities.

The statement of financial activities also complies with the requirements for an income and expenditure account under the Companies Act 2006.

Draft Financial Statements
ENVIRONMENTAL LAW FOUNDATION

BALANCE SHEET

AS AT 31 MARCH 2022

	Notes	2022 £	£	2021 £	£
Current assets					
Cash at bank and in hand		43,222		37,564	
Creditors: amounts falling due within one year					
	10	(2,718)		(1,350)	
Net current assets			40,504		36,214
Income funds					
Restricted funds	11		2,000		22,300
Unrestricted funds			38,504		13,914
			40,504		36,214

The company is entitled to the exemption from the audit requirement contained in section 477 of the Companies Act 2006, for the year ended 31 March 2022.

The trustees acknowledge their responsibilities for ensuring that the charity keeps accounting records which comply with section 386 of the Act and for preparing financial statements which give a true and fair view of the state of affairs of the company as at the end of the financial year and of its incoming resources and application of resources, including its income and expenditure, for the financial year in accordance with the requirements of sections 394 and 395 and which otherwise comply with the requirements of the Companies Act 2006 relating to financial statements, so far as applicable to the company.

The members have not required the company to obtain an audit of its financial statements for the year in question in accordance with section 476.

These financial statements have been prepared in accordance with the provisions applicable to companies subject to the small companies regime.

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 MARCH 2022

1 Accounting policies

Charity information

Environmental Law Foundation is a private company limited by guarantee incorporated in England and Wales. The registered office is The Barn, 36 High Street, Pershore, Worcestershire, WR10 1DP.

1.1 Accounting convention

The accounts have been prepared in accordance with the charitable company's Memorandum and Articles of Association, the Companies Act 2006 and "Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102)" (as amended for accounting periods commencing from 1 January 2016). The charitable company is a Public Benefit Entity as defined by FRS 102.

The charitable company has taken advantage of the provisions in the SORP for charities applying FRS 102 Update Bulletin 1 not to prepare a Statement of Cash Flows.

The financial statements are prepared in sterling, which is the functional currency of the charitable company. Monetary amounts in these financial statements are rounded to the nearest £.

The financial statements have been prepared under the historical cost convention. The principal accounting policies adopted are set out below.

1.2 Going concern

At the time of approving the accounts, the trustees have a reasonable expectation that the charitable company has adequate resources to continue in operational existence for the foreseeable future. Thus the trustees continue to adopt the going concern basis of accounting in preparing the accounts.

1.3 Charitable funds

Unrestricted funds are available for use at the discretion of the trustees in furtherance of their charitable objectives.

Restricted funds are subject to specific conditions by donors as to how they may be used. The purposes and uses of the restricted funds are set out in the notes to the financial statements.

1.4 Incoming resources

Income is recognised when the charitable company is legally entitled to it after any performance conditions have been met, the amounts can be measured reliably, and it is probable that income will be received.

Cash donations are recognised on receipt. Other donations are recognised once the charitable company has been notified of the donation, unless performance conditions require deferral of the amount.

1.5 Resources expended

Expenditure is recognised on an accruals basis.

1.6 Tangible fixed assets

Tangible fixed assets are initially measured at cost and subsequently measured at cost or valuation, net of depreciation and any impairment losses.

Depreciation is recognised so as to write off the cost or valuation of assets less their residual values over their useful lives on the following bases:

Computers	3 years on cost
-----------	-----------------

Draft Financial Statements
ENVIRONMENTAL LAW FOUNDATION

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
FOR THE YEAR ENDED 31 MARCH 2022

1 Accounting policies **(Continued)**

The gain or loss arising on the disposal of an asset is determined as the difference between the sale proceeds and the carrying value of the asset, and is recognised in the statement of financial activities.

1.7 Cash and cash equivalents

Cash and cash equivalents include cash in hand, deposits held at call with banks, and other short-term liquid investments with original maturities of three months or less.

1.8 Financial instruments

The charitable company has elected to apply the provisions of Section 11 'Basic Financial Instruments' and Section 12 'Other Financial Instruments Issues' of FRS 102 to all of its financial instruments.

Financial instruments are recognised in the charitable company's balance sheet when the charitable company becomes party to the contractual provisions of the instrument.

Financial assets and liabilities are offset, with the net amounts presented in the financial statements, when there is a legally enforceable right to set off the recognised amounts and there is an intention to settle on a net basis or to realise the asset and settle the liability simultaneously.

Basic financial assets

Basic financial assets, which include debtors and cash and bank balances, are initially measured at transaction price including transaction costs and are subsequently carried at amortised cost using the effective interest method. Financial assets classified as receivable within one year are not amortised.

Basic financial liabilities

Basic financial liabilities, including creditors are initially recognised at transaction price. Financial liabilities classified as payable within one year are not amortised.

Trade creditors are obligations to pay for goods or services that have been acquired in the ordinary course of operations from suppliers. Amounts payable are classified as current liabilities if payment is due within one year or less. If not, they are presented as non-current liabilities. Trade creditors are recognised initially at transaction price and subsequently measured at amortised cost using the effective interest method.

Derecognition of financial liabilities

Financial liabilities are derecognised when the charitable company's contractual obligations expire or are discharged or cancelled.

1.9 Retirement benefits

Payments to defined contribution retirement benefit schemes are charged as an expense as they fall due.

2 Critical accounting estimates and judgements

In the application of the charitable company's accounting policies, the trustees are required to make judgements, estimates and assumptions about the carrying amount of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised where the revision affects only that period, or in the period of the revision and future periods where the revision affects both current and future periods.

Draft Financial Statements
ENVIRONMENTAL LAW FOUNDATION

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
FOR THE YEAR ENDED 31 MARCH 2022

3 Donations and memberships

	Unrestricted funds	Unrestricted funds
	2022	2021
	£	£
Donations, gifts and memberships	21,133	25,079
Grants received	47,620	22,000
	<u>68,753</u>	<u>47,079</u>

4 Investments

	Unrestricted funds	Unrestricted funds
	2022	2021
	£	£
Interest receivable	6	17
	<u>6</u>	<u>17</u>

5 Charitable activities

	Charitable activities	Charitable activities
	2022	2021
	£	£
Staff costs	56,691	39,282
Consultancy fees	2,638	7,562
	<u>59,329</u>	<u>46,844</u>
Share of support costs (see note 6)	4,190	1,709
Share of governance costs (see note 6)	950	400
	<u>64,469</u>	<u>48,953</u>

Draft Financial Statements
ENVIRONMENTAL LAW FOUNDATION

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
FOR THE YEAR ENDED 31 MARCH 2022

6 Support costs	Support costs	Governance costs	2022	2021	Basis of allocation
	£	£	£	£	
Depreciation	-	-	-	379	By activity
Printing and stationery	-	-	-	659	By activity
Computer running costs	935	-	935	-	By activity
Insurance	716	-	716	593	By activity
Bank charges	216	-	216	54	By activity
Professional charges	1,606	-	1,606	-	By activity
Sundry expenses	-	-	-	24	By activity
Travel and subsistence	717	-	717	-	By activity
Accountancy/ Independent Examination Fees	-	950	950	400	Governance
	<u>4,190</u>	<u>950</u>	<u>5,140</u>	<u>2,109</u>	
Analysed between Charitable activities	<u>4,190</u>	<u>950</u>	<u>5,140</u>	<u>2,109</u>	

Governance costs includes payments to the accountants of £1,240 (2021- £1,000) for independent examination fees).

7 Trustees

None of the trustees (or any persons connected with them) received any remuneration during the year, and no travel expenses were reimbursed (2021 £nil).

Draft Financial Statements
ENVIRONMENTAL LAW FOUNDATION

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
FOR THE YEAR ENDED 31 MARCH 2022

8 Employees

Number of employees

The average monthly number of employees during the year was:

	2022	2021
	Number	Number
Salaried staff	4	3
	<u> </u>	<u> </u>
Time costs	2022	2021
	£	£
Salaries and consultants fees	57,373	45,558
Other pension costs	1,956	1,286
	<u> </u>	<u> </u>
	<u>59,329</u>	<u>46,844</u>

Included in salaries and consultants fees is £55,998 (2021- £38,639) paid through the payroll and £2,638 (2021- £7,562) invoiced direct on an hourly basis by 1 (2021 - 1) consultant.

There were no employees whose annual remuneration was £60,000 or more.

9 Tangible fixed assets

	Computers
	£
Cost	
At 1 April 2021	1,139
	<u> </u>
At 31 March 2022	1,139
	<u> </u>
Depreciation and impairment	
At 1 April 2021	1,139
	<u> </u>
At 31 March 2022	1,139
	<u> </u>
Carrying amount	
At 31 March 2022	nil
	<u> </u>
At 31 March 2021	nil
	<u> </u>

Draft Financial Statements
ENVIRONMENTAL LAW FOUNDATION

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
FOR THE YEAR ENDED 31 MARCH 2022

10 Creditors: amounts falling due within one year

	2022	2021
	£	£
Other taxation and social security	1,600	-
Trade creditors	-	800
Other creditors	218	550
Accruals and deferred income	900	-
	<u>2,718</u>	<u>1,350</u>

11 Restricted funds

The income funds of the charity include restricted funds comprising the following unexpended balances of donations and grants held on trust for specific purposes:

	Movement in funds			
	Incoming resources	Balance at 1 April 2021	Transfers	Balance at 31 March 2022
	£	£	£	£
Tudor Trust Grant	-	22,300	(22,300)	-
Tudor Trust Wellbeing Grant	-	-	2,000	2,000
	<u>-</u>	<u>22,300</u>	<u>(20,300)</u>	<u>2,000</u>

Tudor Trust Grant - this fund represents amounts received to cover specific staffing costs. The expenditure was incurred in 2021 but incorrectly allocated to unrestricted funds and so the funds have been transferred.
Tudor Trust Wellbeing Grant - this fund represents amounts received to support the wellbeing of the staff, volunteers and Trustees and was incorrectly allocated to unrestricted funds in 2021.

12 Analysis of net assets between funds

	Unrestricted funds	Restricted funds	Total	Unrestricted funds	Restricted funds	Total
	2022	2022	2022	2021	2021	2021
	£	£	£	£	£	£
Fund balances at 31 March 2022 are represented by:						
Current assets/(liabilities)	38,504	2,000	40,504	13,914	22,300	36,214
	<u>38,504</u>	<u>2,000</u>	<u>40,504</u>	<u>13,914</u>	<u>22,300</u>	<u>36,214</u>

13 Related party transactions

There were no disclosable related party transactions during the year (2021 - none).

MARTIN POLDEN OBE AND DIANA SCHUMACHER OBE REFLECT ON ELF'S 30TH ANNIVERSARY

This article first appeared in the September/October 2022 issue of *Resurgence & Ecologist* magazine.

There is a happy coincidence of anniversaries in that the 30th year of Schumacher College coincides with that of the Environmental Law Foundation (ELF). The concept and creation of ELF emerged in part from the ethos expressed by E. F. Schumacher that local activities and local stimulus are likely to be more effective than those dependent upon central government.

A wide range of matters are brought to ELF: issues concerned with the built environment as well as rural concerns; assistance to parish councils; protection of village greens and wildlife habitats; nuisance concerns of pollution, whether from noise or smell, sewage or chemical release. In an important case supported by the charity, the Supreme Court laid down by way of binding precedent what an Environmental Impact Assessment should comprise as to content and form. This decision is likely to have far-ranging consequences for future generations. Another example in setting of an important precedent is that parish councils can apply for Aarhus Convention Costs Protection in pursuing environmental casework. In short, ELF tackles issues and challenges stemming from the rough and tumble of modern-day living.

The beginnings of the charity emerged from discussions in the late 1980s. Diana made the point that, whereas developers, industrialists and other vested concerns could call upon their network of experienced and expensive professionals to progress their interests, the people and local communities at the receiving end had no such access to affordable professional help in defending their neighbourhood environments. There was a real gap in 'the system'.

So it was, in the spirit of Schumacher's fundamental principle '...as if People Mattered', and after withstanding a degree of scepticism about our prospects, that ELF was launched in January 1992. That was itself an unusual occasion, with bankers, lawyers, leading environmentalists and scientists sharing a public platform. We emphasise this aspect because conditions and attitudes were very different then from what is recognised and in place today: professional attitudes were highly compartmentalised at the time and ELF was in the vanguard of change!

Today ELF runs an outreach programme through which it has established connections with a significant number of universities, eager to assist in setting up dedicated law clinics for law students. This university activity has recently been augmented by the creation of Young ELF, which engages with schools, colleges, universities and young professionals. It is also collaborating with Forum for the Future's campaign that engages 14–19-year-old students in debate and action.

A project at an early stage is in association with Imperial College, London, directed at monitoring, with a view to restricting, the increasing pollution of rivers and inland waterways as well the coastal shoreline. Such pollution in turn impacts on public health and wildlife habitats, on the lines of the huge issues relating to the world's oceans, albeit on a smaller level. This follows a well-supported initial event – more are being planned – and all interested are welcome to contribute. (Please see the ELF website for updates.)

ELF's trustees are a mix of lawyers, environmentalists, academics and those with associated expertise. Its articles provide for a balance between legal and non-legal experts, the chair always a lawyer, but with recognition of the manifold needs presented. Importantly, the charity is most fortunate in having His Royal Highness The Prince of Wales as its president.

Through its membership network of senior environmental lawyers, scientists and other experienced professionals, ELF provides pro bono representation and advice, thus giving local communities an authoritative voice in protecting their quality of life and that of generations to come.



Martin Polden OBE and Diana Schumacher OBE are co-founders and now Honorary Vice Presidents of ELF.



Environmental
Law Foundation