Editorial

It is with great pleasure that we introduce the second of the Journal's launch issues. Once again, members of our editorial advisory board (old and new) have contributed to this issue, and my particular thanks goes to them. The papers in this issue span the areas of property, planning and environmental law and reflect both the international remit of the journal and its commitment to publish scholarly work of both a theoretical and a practical nature.

The palm oil industry is one that traditional legal frameworks has failed to regulate effectively at both national and international levels. Yet, this controversial global industry supplies a commodity used in 40 to 50 per cent of household goods. Professor Owen McIntyre cited two recent case studies relating to the palm oil industry where governance arrangements outwith the formal authority of "law" have proved effective. His article explores the development of novel informal norms and standards and considers their true normative character and relationship with formal law. The author sees this form of normative governance as "supplemental and complimentary" to formal legal frameworks and advocates that legal scholars reflect on the normative nature of such arrangements alongside their relationship with established governance mechanisms. This, he argued, is necessary for us to gain a fuller appreciation of the changing landscape of environmental regulation.

It is more than a quarter of a century since the European Union (EU) Habitats Directive was published, and over the years this piece of EU legislation has generated its fair share of decisions from the Court of Justice. The bar is set high, with the mere probability of effects on a protected area triggering the requirement for an appropriate assessment. Where there are negative consequences identified in the assessment, the restriction on development is also of a higher order than with EU measures on impact assessment. Professor Agustin Garcia Ureta examined some of the thorny issues around impact assessment and compensation under the Habitats Directive, examining (amongst others) conservation objectives, territorial scope and timely implementation of conservation measures. He concluded that measures in the Directive do serve to prevent the fragmentation of the Natura 2000 network but raised concerns with regard to the Commission's monitoring role.

Staying with the EU, but moving to planning, Franziska Sielker's paper explores the hidden and partially hidden influences which the EU policy has on planning governance, looking in particular at the role of sectoral policies, funding initiatives, and spatial governance tools. Although not always directly regulatory in approach, these influences, Sielker demonstrated, are having a significant impact on the landscape of European land use and planning, notwithstanding the lack of legal competence. In exploring these effects, Sielker highlighted quite how much of European policy can have such impacts upon the planning landscape. Many of us will be familiar with these effects deriving from European environmental law (the Habitats Directive being one such example), but it is clear that the shaping influence which the EU has extends far beyond this.

European and domestic perspectives on the housing crisis, and the consequent impact on rental relationships, are presented as the property content for this issue. Both papers consider the implementation of regulatory regimes to improve tenant rights and the impact these reforms have on existing tenant protective mechanisms and the landlord–tenant relationship.

The Spanish government has had to take steps to acknowledge barriers to housing stock availability caused by the economic crisis: Although tenant protective regulation ensures

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that property must be of a certain standard for habitation, many houses are unavailable to the rental market due to their poor standard of repair. Dr. Rosa Maria Garcia-Teruel considered the legislative response to this dilemma in her paper on the new provision to allow for "renovations in lieu of rent". Garcia-Teruel evaluated this provision, which has the opportunity to provide relief for both tenant and landlord alike, and considered its ability to synthesize with the existing legislative schema for landlord–tenant relationships. The paper provides some solutions to the inherent potential legislative incompatibilities and emphasises the importance of contract drafting in such relationships.

From a domestic perspective, Dr. Tola Amodu's paper takes a view on UK approaches to the increasing regulation of the private rental sector, which she stated has led to a form of "new landlordism". The article contextualises the historical creep towards a more regulated legal relationship, which arguably erodes the "private" nature of the private rental sector, as the landlord takes on more responsibilities in relation to tenant deposit protection, building safety, and right to rent checks, etc. on behalf of the State. Although these regulations could appear to increase protective mechanisms for tenants, Amodu proffered that it also tilts the legal responsibilities for landlords more towards the State, rather those they have a direct relationship with and responsibility to; the tenant.

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