



Department
for Environment
Food & Rural Affairs

Environmental Governance

Consultation on the draft policy statement on
environmental principles

Date: 10 March 2021

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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environmental.principles@defra.gov.uk

www.gov.uk/defra



Foreword

The landmark Environment Bill is a once in a generation opportunity to put the wellbeing of our natural environment at the heart of government. Tackling the environmental challenges ahead requires sustained focus on delivering measurable improvements, a task which depends upon joined up thinking across every part of the policy-making process. In recognition of this need we are introducing new environmental principles that will help embed environmental considerations in the design, development and delivery of policy work.

The case for an effective, integrated approach to help meet our goals is already apparent. As we rebuild in response to the coronavirus pandemic, the Prime Minister has been clear that we must base our recovery on solid foundations, including a fairer, greener and more resilient global economy. This is essential to our ambition of leaving our environment in a better state than we found it and an example of working together to address shared priorities. In some areas the environmental connections are clear: for example, ambitious legislative measures to tackle pressing challenges on biodiversity, air quality, water and resource and waste efficiency. But we recognise that environmental impacts should be assessed even where they may seem less immediately relevant, which is why the principles will apply in all areas.

The Bill requires the preparation of a statutory policy statement on five internationally recognised environmental principles. The policy statement will integrate these five principles into policy-making across all government departments, contributing to the improvement of environmental protection and sustainable development. It will ensure that Ministers understand how to interpret and proportionately apply these principles in relation to a wide range of policy areas. This reflects this government's intention to deliver the most ambitious environmental programme of any country on earth.

Policies can affect the environment in a variety of ways and to different degrees, whether directly or indirectly, and positively or negatively. It is vital that any potentially damaging impacts, or opportunities for environmental benefit, are considered and addressed in the early stages of policy development, where possible. The application of these principles, through this policy statement, aims to achieve that.

We are publishing this draft policy statement on environmental principles for consultation in order to gather input from you on this important matter. We would value your time in providing your opinions, evidence and feedback so that we can finalise the policy statement taking account of all relevant information.

I thank you in advance for your contribution to this consultation.

George Eustice

Secretary of State for Environment, Food & Rural Affairs

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About this consultation

Confidentiality and data protection

A summary of responses to this consultation will be published on the Government website at: www.gov.uk/defra. An annex to the consultation summary will list all organisations that responded but will not include personal names, addresses or other contact details.

Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (e.g. home address, email address, etc).

If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data with external analysts. This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.

This consultation is being conducted in line with the Cabinet Office "Consultation Principles" and be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

If you have any comments or complaints about the consultation process, please address them to:

Consultation Coordinator, Defra
2nd Floor, Foss House, Kings Pool,
1-2 Peasholme Green, York, YO1 7PX

Or email: consultation.coordinator@defra.gov.uk

Overview

The government has committed to leaving the environment in a better state than that in which we inherited it. To make this happen, we need to ensure that environmental protection forms an integral part of policy development across government. The Environment Bill does this through the integration of internationally recognised environmental principles.

The Environment Bill sets out five internationally recognised environmental principles to be considered in policy-making to protect the environment from damage. These principles are:

The **integration principle** is the principle that policy-makers should look for opportunities to embed environmental protection in other fields of policy that have impacts on the environment.

The **prevention principle** means that government policy should aim to prevent, reduce or mitigate harm.

The **rectification at source principle** means that if damage to the environment cannot be prevented it should be tackled at its origin.

The **polluter pays principle** is the principle that those who cause pollution or damage to the environment should be responsible for mitigation or compensation.

The **precautionary principle** states that where there are threats of serious or irreversible environmental damage, a lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

The Environment Bill¹ requires the Secretary of State for the Department of Environment, Food and Rural Affairs to publish a policy statement on environmental principles, setting out how these principles are to be interpreted and proportionately applied by Ministers when making policy. Once in effect, the statement will contribute to the improvement of environmental protection and sustainable development.

¹ <https://services.parliament.uk/bills/2019-21/environment.html>

In addition, the Bill places a legal duty on Ministers of the Crown to have due regard to the policy statement. In practice this means that Ministers across government will need to consider the five environmental principles when making new policy or revising existing policy. They will need to assess whether or not the policy has an environmental impact and work through the steps in the policy statement to consider if any of the principles are relevant to their policy, whether and how they should be applied.

The government is keen to obtain stakeholders' views on this draft policy statement on environmental principles and so has ensured that the Environment Bill requires the draft statement to be scrutinised through two main means; firstly through a public consultation and secondly by Parliament once the Environment Bill has received Royal Assent.

Aim of this consultation

This consultation builds on a previous consultation, completed in 2018 that sought views on Environmental Principles and Governance after the United Kingdom leaves the European Union². That consultation indicated strong support for the inclusion of environmental principles in the Environment Bill, and for a statutory policy statement to be used when applying the principles.

These two proposals were incorporated in clauses 16, 17 & 18 of the Environment Bill. The clauses are drafted to place several duties on the Secretary of State for the Environment, Food & Rural Affairs, including; the preparation of a draft policy statement, for members of the public to be consulted on the draft, and for the draft to undergo parliamentary scrutiny.

This consultation meets the requirement for public consultation, seeking views on the draft policy statement, and whether it;

- provides an adequate explanation of terminology, definitions, and scope
- provides enough process guidance to ensure its consistent application
- excludes, as far as possible, the possibility for unintended outcomes in its application

Your responses will play an important role in developing the final policy statement. The first section requests some details about you and the capacity you are responding in.

The further sections track the two parts of the draft Policy Statement. Each section summarises the Policy Statement's aims followed by our questions.

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767284/env-principles-consult-sum-resp.pdf

You and your organisation

Questions in this section provide us with important information on your relationship to the consultation. Whether your interest is as a member of the public, an academic or as the representative of an organisation. Understanding this information allows us to understand how different sectors of society view our proposals.

About you

Question 1. Would you like your response to be confidential? (If you answered Yes to this question please give your reason)

Question 2. What is your name?

Question 3. Are you responding:

- As an individual
- As an academic
- On behalf of an organisation

About your organisation

[Please note this section only applies if responding on behalf of an organisation]

Question 4. What type of organisation are you responding on behalf of?

- A government body
- Non-governmental organisation
- Small or micro business (Less than 50 employees)
- Medium business (50 – 249 employees)
- Large business (250 or more employees)
- Industry association
- Responding on behalf of another type of organisation

Please provide your organisation's name.

Policy Statement on Environmental Principles

Environmental Principles - An overview

The overview section of the draft policy statement introduces important aspects of the statement to policy-makers. It begins by listing the five environmental principles, included in the Environment Bill, whose application is covered in the later Process section. Following paragraphs explain the intended outcome of the draft statement and an explanation of how the draft statement will contribute to environmental protection and sustainable development, including the definition of important terms.

The final part of the section includes outline information on the application of the statement during policy-making, the duty, and the relevance of other documents.

**Question 5. Do you think the overview section provides an adequate foundation for policy makers to apply the environmental principles in policy-making?
(Yes/No/Other – Please provide any additional information in support of your answer)**

Process for applying the policy statement

This section of the draft policy statement builds on the overview provided in the preceding section and begins with an explanation of policy. This explanation is intended to provide policy-makers with enough information to ensure that the environmental principles are applied throughout appropriate activities, and at appropriate points. It continues by clarifying the difference between policy and individual decisions through the use of two examples.

Step 1: Understanding environmental impact

Step one begins the section of the policy statement detailing the application of the environmental principles. It builds on the previous section's discussion of policy by introducing the issue of environmental impact.

The purpose of the first two sections is to ensure that policy-makers understand what is meant by the term environment, in line with the relevant Environment Bill definition, and what may be considered an environmental impact. In adequately describing these terms, these sections should ensure that policy-makers can meet the requirements of the third section and apply these concepts to accurately assess the environmental impact of their policy.

The fourth section describes how the policy statement should be proportionately applied to address environmental impacts which result from their policy-making. This section aims to

ensure that mitigation is developed and applied to areas most at risk of environmental impact, and where the greatest positive outcomes can be achieved.

The section also aims to provide the policy maker with brief guidance on assessment requirements, the approach in cases where there is limited environmental impact, and national emergencies. It concludes by focussing on what actions may be appropriate in addressing alternative policy options, each with their own impact.

Question 6. Do you think step one allows policy-makers to correctly assess the potential environmental effects of their policy? (Yes/No/Other - Please provide any additional information in support of your answer)

Question 7. Do you think step one ensures that policy-making will address the most important environmental effects? (Yes/No/Other - Please provide any additional information in support of your answer)

Step 2: Understanding which principles are relevant

Step two is designed to assist Ministers of the Crown, and those making policy on their behalf, in their understanding of the environmental principles. It provides a summary of the Secretary of State's interpretation of the environmental principles, included on the face of the Environment Bill, to which following sections of the policy statement provide further detail on their application.

The step explains how the five principles address different aspects of environmental impacts and how they should be considered along with other objectives in policy-making. This is intended to aid policy-makers use of their own judgement in selecting, and applying in line with the remainder of the statement, those environmental principles appropriate to their particular policy.

Question 8. Will step two assist policy-makers in selecting the appropriate environmental principles? (Yes/No/Other - Please provide any additional information in support of your answer)

Step 3: Applying the principles

Step three aims to provide strong guidance to policy-makers on the application of the five principles. To achieve that aim, step three addresses several areas. It begins by defining the criteria for taking action before continuing to detail the application of each of the five environmental principles in its own section.

Each of those sections starts by describing the principle and when it should be applied; what it aims to achieve and what its use affords the policy-making process. Where relevant, it places the principle in relation to the application of others and specifies any additional considerations specific to their application. The prevention principle, for example, promotes policy design options that preclude environmental damage from the outset or contain existing damage.

Each section continues with advice for the policy-maker explaining the requirements of the principle's application and details what actions are required. These actions are specific to each principle, given their focus on different aspects of environmental protection, but should not be considered an exhaustive list.

The section covering the precautionary principle includes further information for policy-makers on the relationship between the principle and innovation. This additional information aims to secure the opportunities afforded by a consistent and thorough application of the principle's risk-based approach.

Step three concludes with two further short sections. The first, providing a brief note on the interaction between the principles and environmental outcomes, is intended to reinforce prevention over mitigation. The second provides some limited examples of policy action that could be taken as a result of the application of the principles.

Question 9. Do you think step three provide a robust and sufficient framework for the application of each individual environmental principle?

- a. Integration (Yes/No/Other)
- b. Prevention (Yes/No/Other)
- c. Rectification (Yes/No/Other)
- d. Polluter pays (Yes/No/Other)
- e. Precautionary (Yes/No/Other)

(Please provide your reasons where you have answered No or Other)

Question 10. Do you think the process for applying the policy statement (the three steps) provides a robust and sufficient framework for the application of the environmental principles as a whole? (Yes/No/Other - Please provide any additional information in support of your answer)

Final thoughts

Question 11. Do you have any other comments on the draft policy statement which are not covered by the previous questions? (Yes/No - Please provide any additional information in support of your answer)

How to respond

This consultation will run for 12 weeks, opening on the 10th March 2021 and closing at 23:59 on the 2nd June 2021.

Please respond via Citizenspace, by email to environmental.principles@defra.gov.uk or by post to:

Environmental Principles Team
Defra
2nd Floor, Horizon House,
Deanery Road, Bristol, BS1 5AH

Please note that replies sent by post may be delayed due to the ongoing Covid restrictions.

Any queries may be directed to environmental.principles@defra.gov.uk

What we will do with your responses

When the consultation has closed, we will analyse your responses and publish a summary along with the Government's response within twelve weeks.

Annex A – List of questions

Question 1. Would you like your response to be confidential? (If you answered Yes to this question please give your reason)

Question 2. What is your name?

Question 3. Are you responding:

- As an individual
- As an academic
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[Please note this section only applies if responding on behalf of an organisation]

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Please provide your organisation's name.

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Question 8. Will step two assist policy-makers in selecting the appropriate environmental principles?

Question 9. Do you think step three provide a robust and sufficient framework for the application of each individual environmental principle?

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- b. Prevention
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