



Department  
for Environment  
Food & Rural Affairs

# Draft Environmental Principles Policy Statement

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# Introduction: Our new approach to environmental protection

The government has committed to be the first generation to leave the environment in a better state than that in which we found it. To make this happen, it is vital that environmental protection is factored into policy across government through consideration of the five environmental principles in this statement. The economic benefits that flow from the natural world and our natural heritage have rightly begun to take a greater prominence in policy-making – and we want this trend to continue. We need a system that places environmental considerations at the heart of policy-making, so that we can protect and enhance our environment and preserve England’s unique natural assets, all within the context of building resilience to biodiversity loss and the effects of our changing climate.

Leaving the European Union (EU) opens the door to new opportunity; the chance to strengthen environmental protection and enhancement and to ensure that environmental principles are used consistently across government to guide policy-making whilst supporting innovation and economic growth. This statement will assist in realising this opportunity. It is not prescriptive in dictating the outcome of any application of the environmental principles but instead aims to provide Ministers, and those developing policy on their behalf, the space to use the principles to enable and encourage innovation.

As we rebuild Britain and fuel economic recovery across the UK, this approach will ensure that nature and the environment are not an afterthought, but proactively designed into the policy-making process.

Leaving the EU is also an opportunity for better regulation – reviewing historic EU rules and processes to ensure our regulations work for us. The Government’s Agricultural Transition Plan and the new Environmental Land Management schemes are an example of the benefits this can bring<sup>1</sup>.

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<sup>1</sup> [Agricultural transition plan 2021 to 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/agricultural-transition-plan-2021-to-2024)

# Environmental Principles: An overview

## What are environmental principles?

The five principles in this draft policy statement are internationally recognised as successful benchmarks for environmental protection and enhancement. When making policy, and where relevant, Ministers will need to consider:

- An integration principle
- A prevention principle
- Rectification at source
- The polluter pays principle
- The precautionary principle

These five principles have already been committed to by the UK Government through international instruments and processes.<sup>2</sup>

The purpose of these principles is to guide Ministers and policy-makers towards opportunities to prevent environmental damage and enhance the environment, where relevant and appropriate. However, the principles are not rules and they cannot dictate policy decisions by Ministers.

## What is the intended impact of the policy statement?

This policy statement does not seek to dictate a set formula for how environmental principles should be applied to policy-making; instead, it aims to empower Ministers and those working on their behalf to think creatively and use environmental principles in an innovative and forward-thinking way to protect and enhance the environment whilst supporting innovation and economic growth.

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<sup>2</sup> One prominent example is the Rio Declaration on Environment and Development 1992 which includes commitments on the principles. Environmental principles are also featured in a number of environmental agreements to which the UK is party. For example, the precautionary principle is referred to in the Montreal Protocol on Substances that Deplete the Ozone Layer and the Convention on Biological Diversity.

## How will the policy statement contribute to the improvement of environmental protection and sustainable development?

Clause 16(4) of the Environment Bill requires the Secretary of State to be satisfied that this policy statement will contribute to the improvement of environmental protection and sustainable development. For the purpose of this policy statement (and as defined in the Environment Bill clause 44), “environmental protection” means:

- a) protection of the natural environment from the effects of human activity;
- b) protection of people from the effects of human activity on the natural environment;
- c) maintenance, restoration or enhancement of the natural environment;
- d) monitoring, assessing, considering or reporting on anything in paragraphs (a) to (c).

Sustainable development is development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

This policy statement will contribute to the improvement of environmental protection by setting out how the principles should be interpreted and proportionately applied by Ministers so that they are used effectively and embedded in policy to protect the environment. By considering ways to avoid, minimise or remedy environmental damage, as well as opportunities to enhance the environment, policies will be more likely to have better environmental outcomes.

## How to use this policy statement

This policy statement is a statutory document. The Environment Bill requires a Minister of the Crown to have ‘due regard’ to this policy statement when making policy. The duty applies to all policy across government (not just environmental policy) subject to limited exemptions laid out in clause 18(3) of the Environment Bill; relating to—

- the armed forces, defence or national security;

- taxation, spending or the allocation of resources within government.

The environmental principles and this policy statement should be considered in the early stages of policy-making. However, this statement does not place any obligation on policy-makers to commission detailed research to inform an assessment.

This policy statement should be read alongside other relevant government documents, such as National Policy Statements, and any relevant international commitments. It does not supersede other relevant statutory obligations.

## Process for applying the policy statement

### Policy

The legal duty to have due regard to this policy statement applies to Ministers when making policy. Policy can be broadly understood as an intended course of action adopted to achieve an objective. Making policy means making a new policy or making a substantial change to an existing policy.<sup>3</sup>

Examples of policy include the process of making, developing, revising<sup>4</sup> or repealing:

- proposals or activities that lead to legislation;
- national policy statements, strategies and frameworks;<sup>5</sup>
- Ministerial statements marking substantial changes in policy;
- policies, strategies and frameworks prepared by public bodies that Ministers are required by statute to approve;
- any other document that sets out a substantial change in approach to an established policy position.

### Policy vs individual decisions

The duty is not designed to capture individual regulatory, planning or licensing decisions made by Ministers or authorities acting on their behalf.

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<sup>3</sup> A substantial change to an existing policy could include strengthening or weakening legislation that could impact the environment, removing provisions that could impact on the environment or changing the direction of a policy to allow or prohibit certain activities.

<sup>4</sup> Revising a policy to include factual updates would not count as 'making policy'.

<sup>5</sup> This includes framework documents that set out the responsibilities of government departments, public bodies and partnerships.

For example, the duty would apply to a Minister when making policy that involved developing a funding scheme framework, but when making the individual decision as to which organisation would receive the funding, Ministers or officials working on their behalf would not need to have due regard to the statement.

Similarly, with reference to planning, the duty would apply to any policy which outlines the policy intent (e.g. a National Policy Statement or Planning Practice Guidance), but would not apply where Ministers are making an individual decision as a result of that National Policy Statement or deciding on individual planning applications.

## **Step One: Understanding environmental impact**

Step one of the statement provides policy-makers information on identifying environmental impact. It is the responsibility of Ministers, or those acting on their behalf, to assess whether a policy will have an environmental impact.

### **Meaning of ‘environment’**

In the context of this policy statement, references to the environment mean the natural environment.

As defined in clause 43 of the Environment Bill, the natural environment means:

- a) plants, wild animals and other living organisms;
- b) their habitats;
- c) land (except buildings or other structures), air and water;

and the natural systems, cycles and processes through which they interact.

### **Meaning of ‘environmental impact’**

An environmental impact means a change to the environment which can be:

- a primary effect (i.e. intended) or secondary;
- occurring once, repeatedly, or cumulative;
- local, regional, national or transboundary;
- short, medium or long-term;



- permanent or temporary;
- positive or negative.

## **Assessing whether a policy will have an environmental impact**

Policies can affect the environment in a variety of ways, for example through pollution, CO<sub>2</sub> or other emissions and physical changes. When thinking about the environmental impact of a policy, policy-makers should consider the primary and secondary impacts of the policy on the environment which, among other issues, includes the extent to which it will contribute to climate change.

The environmental impact of a policy should be considered regardless of where the impact occurs, whether that be in England or overseas. If it is relevant to consider the overseas impact of a policy, this must be done proportionately and within reason. For example, foreign policy should consider the environmental principles in relation to where the policy focus is (i.e. overseas). However, for the majority of domestic policy it would unlikely to be appropriate to consider the environmental impact overseas, unless there is strong rationale for doing so.

## **Proportionality**

When considering the environmental impact of a policy, policy-makers also need to take a proportionate approach; the environmental effects that should be considered are those which are both a) likely to occur, and b) likely to have a substantial impact. Environmental impacts will be different for each policy, and these will need to be assessed on a case-by-case basis.

As this policy statement should be considered and applied in the early stages of policy development, it is not expected that policy-makers carry out a “deep-dive” assessment into all environmental impacts as these may not be known. Nor is it expected that policy-makers will need to replicate the environmental impact assessment process. Instead, the level of research into the environmental impact should be proportionate to the likely impact of the policy on the environment.

Proportionate in this sense also allows for policy-makers to apply the policy statement in a lighter-touch way, where appropriate and where the environmental

impact is limited. In rare circumstances, particularly in response to a national emergency where imminent action is needed, the duty should be applied in a way and extent that is proportionate to the context and the need for a rapid response.

Policy-makers should take a holistic, common sense approach when thinking through the impact of a policy, to consider how adjusting the design in the early stages could result in greater environmental protection. There may be some cases where alternative policy options have different, but equally significant, environmental impacts. In these cases, the issues should be recorded, and policy teams should consider the issues in the round, bringing in relevant economic, social and legal considerations and expertise, to assist Ministers in making decisions.

## Step Two: Understanding which principles are relevant

The environmental principles listed in this policy statement operate as a set of overarching principles in the development of all relevant policy with an impact on the environment. This policy statement does not replace other objectives that are used in individual policy development but should work alongside them.

Not all environmental principles are of the same nature or function; they serve different purposes and will focus the policy in different ways. Some of the environmental principles will be appropriate for all relevant policy areas, whereas other principles will only be relevant in circumstances where there are specific factors for their use.

- 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. It is an overarching objective which is relevant in all circumstances where the legal duty to have due regard to the policy statement applies.
- The **prevention principle** means that government policy should aim to prevent, reduce or mitigate environmental 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.

## Step Three: Applying the principles

### Criteria for taking action

Clause 18 of the Environment Bill states that a Minister of the Crown must have due regard to the policy statement, and apply the environmental principles when policy-making, unless any application would have no significant environmental benefit or would be disproportionate to the environmental benefit. This means that if the policy has no environmental impact, or the environmental impact is negligible (i.e. so small or unimportant that it would be insignificant), policy-makers do not need to take action.

The principles must be applied proportionately. This means that Ministers should balance social, economic, and environmental considerations in making policy. They should consider the environmental impact of a policy – and the value of any mitigating actions – in the context of the associated costs and benefits to society of the policy's primary objectives, as well as the financial and economic costs and benefits. Having done so, Ministers may decide that the public interest is best served by taking forward a policy option that includes associated environmental impacts.

Where there is a substantial risk to the environment, the weight given by Ministers to this policy statement increases. Equally, if the potential environmental impact is limited, then a lighter-touch action may be appropriate.

Application of the environmental principles will look different for each policy area and in some cases no change to the policy will be appropriate. This will depend on the principle under consideration itself and the opportunities in that context.

## The integration principle

**Description:** The integration principle is the principle that policy-makers should look for opportunities to embed environmental protection in fields of policy that have impacts on the environment. Historically, this principle has involved the consideration of environmental protection in the making of policy not itself concerned with the environment.

**When to use the integration principle:** The integration principle applies to all policy in scope of the legal duty, where the policy has an environmental impact.

**Application of the integration principle:** Application of the integration principle requires proportionate consideration of whether the policy has the potential to cause an environmental impact which could be avoided, minimised or reduced through alterations to the policy.

In applying the integration principle, policy-makers should have a holistic view about how best to deliver policy objectives and should be mindful of unintended consequences, such as adopting inappropriate or ineffective policies just for the sake of demonstrating integration.

## The prevention principle

**Description:** The prevention principle means that government policy should aim to prevent, reduce or mitigate environmental harm. This principle underpins many aspects of environmental policy to ensure that environmental damage, such as CO<sub>2</sub> emissions, pollution or biodiversity loss,<sup>6</sup> is avoided.

The prevention principle should promote policy design options that prevent environmental damage either before it has occurred (through policy design), or to

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<sup>6</sup> The terms environmental pollution, damage and environmental harm are used interchangeably in this document to refer to a negative environmental impact.

contain existing damage. This can have economic benefits as it prevents additional costs and complexities that arise when environmental damage occurs.

The prevention principle should generally be used in preference to the use of the rectification at source principle or polluter pays principle, as these principles are used in instances when prevention cannot be achieved.

When applying the prevention principle, policy-makers should have particular regard for habitats/species that are endangered or vulnerable, and national environmental priorities. Equally, the proportionality requirement means that where the impacts can be successfully mitigated, this may be an appropriate tool.

**When to use the prevention principle:** The prevention principle is applicable where a policy will cause environmental harm.

The principle is most effective when considered at an early stage, ideally before any environmental harm has occurred. The policy-maker should therefore attempt to apply the prevention principle as early as possible. In circumstances where damage has already occurred, the principle should be used to prevent further damage from occurring and ensure that damage does not spread.

In its application, prevention requires reasonable certainty that an action will cause harm to the environment and understanding of the risks and their cause. There may be situations in which the risk of environmental damage has to be accepted because it would be disproportionate to prevent all possible damage. Where this is the case the policy-maker should consider applying the rectification at source or polluter pays principles.

**Application of the prevention principle:** The prevention principle aims to prevent environmental damage and therefore its application involves:

1. Understanding the potential environmental harm of the policy. The policy-maker must consider the potential harm identified in the policy through Step One (Understanding Environmental Impact). There may be more than one

aspect of the environment which could be harmed through the policy (e.g. land and water).<sup>7</sup>

2. Consideration of the extent to which environmental harm can be prevented based on the scale of this harm. Policy-makers should consider:
  - whether the damage is temporary or permanent;
  - how widespread the damage is likely to be, remembering that a small level of damage multiplied across different areas can become significant.
3. The ways in which this harm could be prevented and the costs and benefits of either preventing or not preventing the damage. The policy-maker should consider options to modify the policy to avoid environmental harm. This must be balanced against the original policy objectives and other relevant costs and benefits. A natural capital approach which considers the value of the natural environment for people and the economy could be used to support this analysis.<sup>8</sup>

## The rectification at source principle

**Description:** The rectification at source principle states that environmental damage should, as a priority, be addressed at its origin to avoid remedying its effects at a later date or location. Rectification at source should result in approaches that are more cost-effective, efficient, and equitable in the long-run.

**When to use the rectification at source principle:** The principle is relevant when a policy is likely to cause environmental damage. The principle should be used to guide the design of policy that addresses or manages environmental damage, or potential environmental damage. It may not always be possible to identify or address all environmental damage at its origin. Where it is not possible to address it at source, there should be consideration of trying to contain or limit the environmental harm as much as possible.

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<sup>7</sup> It is not expected that every single piece of environmental harm is prevented through this approach but is instead an overall driver towards preventing environmental harm.

<sup>8</sup> Defra has produced tools to assist departments in understanding natural capital and how to take it into account. Enabling a Natural Capital Approach (ENCA) resources can be found on the following page: <https://www.gov.uk/guidance/enabling-a-natural-capital-approach-enca>

**Application of the rectification at source principle:** The rectification at source principle requires environmental damage and its source to be identified and therefore policy-makers should:

1. Understand what the environmental damage (or potential environmental damage) is. This damage could relate to any aspect of harm to the natural environment.
2. Understand where the damage originates from.
3. Consider the feasibility of rectifying the issue at source versus other options, and the costs and benefits of doing so. Efforts should be made to pursue solutions at source, where proportionate.

## The polluter pays principle

**Description:** The polluter pays principle means that, where possible, the costs of pollution<sup>9</sup> should be borne by those causing it, rather than the person who suffers the effects of the resulting environmental damage, or the wider community.

The polluter pays principle serves several functions and may be used through different phases of policy-making. It can be used in the design of a policy (before the damage has occurred) to prevent or deter environmental damage. In cases where pollution cannot be avoided or is caused due to an accident, the polluter pays principle can be used to restore or redistribute the costs of environmental damage. Applying this principle helps to incentivise individuals or groups to avoid causing environmental damage and encourage sustainable practices.

**When to use the polluter pays principle:** The polluter pays principle is applicable where there is evidence of, or potential for, environmental harm or a negative environmental impact; and prevention of that harm is not possible or proportionate.

**Application of the polluter pays principle:** Policy-makers should consider:

1. Who the polluter is: the polluter could be an individual, group or sector.  
Considerations for making this assessment include:

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<sup>9</sup> In this situation 'pollution' is synonymous with environmental damage, and the 'polluter' refers to those causing the environmental damage.

- What is the driver for the pollution being caused and who is responsible for this? It may be difficult to identify or define the polluter, the source of pollution and the associated cost over time. Policy-makers must use judgement to identify who the polluter is and the extent to which the polluter ought to and is able to pay.
  - How does the allocation of responsibility for the pollution cause the most environmental benefit? For example, in order to bring about, or address, a change in behaviour it may be more effective to charge the consumer of a product associated with environmental harm, rather than the producer. This has been illustrated by the introduction of the plastic bag charge, which has successfully incentivised changes in consumer behaviour and a reduction in consumption. It also allowed retailers to take further actions – such as reducing the availability of plastic bags at tills or for home delivery – as a result of consumer charges, to further drive down use of plastic bags.
  - Who is it fair to expect to pay for the pollution? It may be more effective to distribute the cost across a particular sector responsible for the pollution, rather than place it on an individual or group.
2. How much the polluter should pay: the polluter pays principle should be applied proportionately, and this means that the amount the polluter pays should be proportionate to the environmental damage and the wider costs and benefits to society of the activity in question. When deciding how much polluters should pay, policy-makers must consider the value of the environmental damage caused by the polluter or the potential polluter, along with the costs and benefits associated with the polluter paying (fully or partially) for this damage. In some cases, full cost recovery may not be possible or proportionate and in these cases it may be reasonable that the cost is covered through other means.
  3. How the polluter should pay: the polluter can pay in a variety of different ways depending on what is appropriate, and how this can act as an incentive or



disincentive for action.<sup>10</sup> It may be most appropriate for the polluter to pay directly through fees or charges, or indirectly through regulatory or contractual requirements (which in turn require additional investment to fulfil) to ensure the outcome minimises the environmental damage. In the latter instance, fines or penalties for breaching these obligations may also be appropriate.

However, the duty to have due regard to the policy statement does not create an obligation on Ministers to create a tax in response to the polluter pays principle. Where it is decided it is appropriate for the consumer to pay, the costs of environmental damage (such as pollution control and remediation) would be reflected in the cost of goods and services. Each policy area should consider how the costs of environmental damage could be recovered as well as how polluters could be disincentivised from causing further environmental damage.

## The precautionary principle <sup>11</sup>

**Description:** The precautionary principle assists the decision-making process in the face of a lack of scientific certainty. The principle helps policy-makers deal with risks which may not be precisely calculable in advance.

The UK Government is a signatory to the 1992 Rio Declaration. Its definition of 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’.

**When to use the precautionary principle:** The precautionary principle is applicable where there is plausible evidence of a risk that a particular policy could cause serious or irreversible damage to the environment, alongside a lack of scientific

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<sup>10</sup> [The Farm Inspection and Regulation Review](#) (2018) conducted by Dame Glenys Stacey provides further information on how this principle should be used in the context of developing regulations on farming and when it may and may not be appropriate to make the polluter pay.

<sup>11</sup> While the precautionary principle has been applied to a diverse range of areas, for the purposes of this policy statement, it is applied only to the environment. This does not mean that the precautionary principle does not apply in other circumstances as required by other law where there is scientific uncertainty and potential harm. For example to human health, food and safety.

certainty about the likelihood and severity of this damage. The precautionary principle supports policy-makers in their management of that risk.

In applying the principle, the policy-maker needs to make a reasonable assessment, using the best available scientific evidence, of the risk. Risk in this case should be understood as a combination of the likelihood of the environmental damage occurring and its severity.

**Innovation:** The precautionary principle should incentivise innovation by encouraging development of alternative policy options that reduce risk and uncertainty. New or innovative technologies should not be held to a higher standard of safety than existing ones where the level of risk is comparable, otherwise their potential to deliver benefits will be lost. The principle should not unnecessarily hinder innovation due to novelty, without plausible evidence of a risk of serious or irreversible harm, and it should only prevent or defer an innovative development where that risk outweighs the benefits.

**Application of the precautionary principle:** The application of the precautionary principle manages risk where there is a lack of scientific certainty of the severity and likelihood of plausible environmental damage. It therefore requires:

1. **Identification of the risk of serious or irreversible environmental harm:** The focus of the principle is on managing the risk of serious or irreversible damage to the environment. Where there are gaps in the scientific evidence base, this should not be relied on as a reason for inaction if there is a plausible risk of severe or irreversible harm. Achieving scientific certainty may take considerable time and, where the environmental threat is severe or irreversible, inaction could increase the risk of the damage occurring or could cause or worsen the potential damage. It is fundamental to the principle that the level of uncertainty determines the acceptable level of risk. As the risk of serious damage increases, the level of certainty required before action is taken reduces. However, in all cases for the precautionary principle to apply there must be sufficient evidence that the risk of severe or irreversible damage is plausible and real, and where choices are considered to prevent or reduce the environmental degradation in question they should be cost-effective. This means the precautionary principle should not be

applied speculatively and policy-makers are not required to prove that a policy is without risk in order to proceed as planned.

## **2. Management of the risk of serious or irreversible environmental harm:**

Policy-makers must take a holistic approach in applying the precautionary principle. In some cases, it may be that an alternative technology offers significant potential to reduce the risk associated with established practices. In that case, a policy-maker might judge that the likely environmental, economic, or social harm or the opportunity cost of the established practices is greater than the risk of facilitating a cautious deployment of new technology and new innovations. Equally, it may be that there is inconclusive scientific evidence surrounding a particular activity, and a policy-maker might judge that they should exercise caution, preventing or limiting the activity until sufficient evidence to support a decision becomes available.

## **Interaction between the principles**

The integration principle is overarching, and simply requires that policy-makers should look for opportunities to embed environmental protection into policy.

In order for the principles to be most cost-effective and lead to better environmental outcomes, it is preferable for environmental damage to be prevented under the prevention principle. If it is to be addressed after it has occurred, then the rectification at source and polluter pays principles should be considered to limit or disincentivise damage.

This order of consideration is not fixed and may be adjusted where a different order more appropriately addresses a policy's impact. Where a significant environmental impact is likely as a result of a policy, it may be necessary to consider all principles in determining the best policy.

## **General application options**

There are many actions that can be taken based on applying the principles, either alone or in combination with others. There is a duty on Ministers to 'have due regard' to this Policy Statement. Policy-makers should consider all applicable matters,

including environmental, social and economic considerations, as part of developing policy options, as outlined in the proportionality section, above. Having done so, Ministers may decide that the public interest is best served by taking forward a policy option that includes associated environmental impacts.

Possible actions that could be taken as a result of having considered the principles may include:

1. **Amending policy options or including an additional policy option** in the initial design of a policy, which reflects consideration of the environmental principles. In some cases, considering a principle may introduce a new option as a different solution to the policy problem, for example one where the polluter may pay. This option would then be subject to the same policy evaluation as the existing options.
2. **Reframing the policy** to accommodate the principles. In some cases, the policy design may need to be amended to ensure that a specific principle is applied. This could include the framing of the problem, the detail of how the policy option may work, or how it may be implemented.
3. **Embedding a principle in law or guidance:** If policy-makers want the principles to be used in decision-making or the implementation of a policy, this approach may be appropriate. This could be relevant where proposed legislation might include associated powers, duties or obligations that may have a significant effect on the environment.
4. **Postponing a policy** until further evidence is gained. If a policy-maker is unsure on whether action is appropriate, they should gather further evidence. Applying the precautionary principle may encourage policy-makers to explore the potential environmental damage before moving forwards, or where the risk is serious, amending, postponing or discontinuing the policy in rare cases.