



Joint CIWM and IOM3 response to the Environmental Principles Draft Policy Statement Consultation

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)

No

While the overview section provides an adequate summary of the purpose of the principles, it also sets a tone and approach to the application of the principles that CIWM and IOM3 believe to be fundamentally weak and at odds with the Government's stated goal to be a world leader on environmental protection and the ambitions set out in the Government's 25-year Environment Plan.

The overview should:

- Clearly and positively set out the importance of the environmental principles, detailing how they underpin the ambitions and targets in the Environment Bill, as well as supporting wider goals including sustainable development and net zero.
- Emphasise the role of the environmental principles in enhancing the policy process so that environmental protection and enhancement sit at the heart of decision making across Whitehall. Instead, it seeks to constrain their importance at the first opportunity in the statement: *"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."*
- Provide further detail on the 'due regard' requirement and the role of the Office for Environmental Protection in holding ministers to account on their legal obligation to consider the Policy Statement and the principles therein in all policy development where it impacts the environment.

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)

No, there is not enough detail to reflect the complexity of assessing environmental impact. In addition, for example in the sub-section entitled 'Assessing whether a policy will have an environmental impact', the focus is only on potential negative impacts and offers no guidance or examples on how the environmental principles might be used to develop policy that can make a

positive contribution to environmental protection. Again, it misses the opportunity to embed a policy-making approach that embraces the concept of **improvement and enhancement** of the environment and supports key concepts in the Government's 25-year Environment Plan e.g. biodiversity and environmental net gain, Nature Recovery Networks, etc

The sub-section entitled 'Proportionality' does not provide enough detail with regard to the approach to assessing potential environmental impacts. The suggestion that the "level of research into the environmental impact should be proportionate to the likely impact of the policy on the environment" is potentially self-contradictory. Greater clarity and explanation are required.

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)

Environmental impacts are often complex, interdependent and subject to a number of variables. Step One does not, in our opinion, provide a sufficiently robust assessment framework. Additional detail, examples or supplementary guidance should be considered.

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)

No.

Step 2 provides a very basic description of a set of principles that are rich, complex and frequently inter-related and does not provide sufficient detail for policy-makers, particularly those that are unfamiliar with the concepts that underpin 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 - No. In the context of embedding environmental considerations into all relevant policy areas, the integration principle is key and there is insufficient detail and emphasis on this in the statement. The inadequacy of this approach is particularly evident under the sub-section entitled 'Interaction between the principles', where it states: "The integration principle is overarching, and simply requires that policy-makers should look for opportunities to embed environmental protection into policy." Once again, the opportunity is missed to emphasise the potential to use the principles to **shape** policies that deliver environmental improvement and enhancement, as opposed to just protection. In addition, far from championing this key principle, the Policy Statement appears to openly express caution about its application, stating that "*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*". As with the other principles, we believe additional detail or examples are needed.
- b. Prevention - No. This section states that "prevention requires reasonable certainty that an action will cause harm to the environment and understanding of the risks and their cause", however as noted in the answer to Q7, Step One of the statement does not provide a

sufficiently robust assessment framework. As with the other principles, we believe additional detail or examples are needed.

- c. Rectification - No. As with the other principles, we believe additional detail or examples are needed.
- d. Polluter pays - No. As with the other principles, we believe additional detail or examples are needed.
- e. Precautionary - No. The definition of the precautionary principle is too simplistic and ignores important nuances that result from it being well established and tested in international environmental law. As with the other principles, we believe additional detail or examples are needed.

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)

No. Insufficient detail and explanation at every stage, coupled with repeated caveats and provisos around proportionality that leave environmental considerations openly hostage to economic, social and innovation considerations, have the combined effect of diminishing and undermining the importance of the principles and result in it falling far short of being a 'robust and efficient framework'.

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).

CIWM and IOM3 believe that the draft Policy Statement does not fulfil the objectives outlined for it by the Secretary of State for Environment, Food & Rural Affairs in the consultation foreword. In its current form it is not sufficiently robust to:

- *“integrate these five principles into policy-making across all government departments, contributing to the improvement of environmental protection and sustainable development...”*
- *“ensure that Ministers understand how to interpret and proportionately apply these principles in relation to a wide range of policy areas...”*
- *“reflect[s] this government’s intention to deliver the most ambitious environmental programme of any country on earth”*

In addition, there is no reference to, or alignment with, the 15-year Environmental Improvement Plans (EIP) required under the Environment Bill or the Government’s 25-year Environment Plan, the current EIP, and the key outcomes and long-term, legally binding targets for environmental protection and improvement in four priority areas (air quality, biodiversity, water, and resource efficiency and waste) that it sets out. We believe that an explicit link between the Policy Statement and the 25-year Environment Plan is needed, given that the Plan states: “Critical to delivering the outcomes we want to see is an effective governance structure underpinned by environmental principles”.