



FCC Environment response to Defra consultation on the draft policy statement on environmental principles

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

FCC Environment promotes higher standards of resource efficiency, waste management, health & safety, and environmental protection. FCC therefore strongly supports having key environmental principles embedded in the Environment Bill and set out in a policy statement.

We would like the policy statement to be clear and practicable so that it can provide greater confidence that Ministerial decision-making will encourage the necessary private sector investment in raising environmental standards across the UK.

We are concerned that as it stands, the Environment Bill would only require Ministers to have “due regard” to the policy statement when making policy, and that this wording may be too weak to influence the way Ministers across government factor environmental considerations into policy-making.

We are also concerned that the overview section states that the policy statement does not place any obligation on policy-makers to commission detailed research to inform an environmental assessment. See our comments under Question 6.

Finally, we are concerned that this section of the policy statement states that the duty on Ministers is not designed to capture individual regulatory, planning or licensing decisions made by Ministers or authorities acting on their behalf. We believe that the duty to have regard to the policy statement on environmental principles should also apply to such individual decisions in cases where they have more than local importance and carry significant environmental implications.

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

FCC is concerned that this section states that policy makers are not expected “to replicate the environmental impact assessment process”. It is not clear to us how policy-makers can correctly assess the potential environmental effects of their policy without carrying out some form of environmental impact assessment. Step one should therefore be clarified to require that a (proportionate) environmental impact assessment should always be carried out, unless a policy self-evidently has no environmental effects.

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

NO

FCC is concerned that this section of the policy statement defines “environment” as referring only to the natural environment. This means step one overlooks the potential impact of Ministerial decision-making on people (for example, on air quality in towns) and on the quality of urban environments (for example, on fly-tipping). Step one should be rewritten so that the impact of policy-making on all parts of the environment is covered.

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 two simply repeats brief definitions of each of the five principles. It could be made more useful to policy-makers by expanding the definitions to include examples or scenarios. Alternatively step two could be subsumed into step three – see comments on Question 9 below.

Question 9. Do you think step three provide a robust and sufficient framework for the application of each individual environmental principle? (Please provide your reasons where you have answered No or Other)

a. Integration No

The explanation of this principle is too brief to be of much assistance to policy-makers. FCC suggests that it could be strengthened by giving examples of government objectives that need to be considered when applying this principle. For example, how would the policy contribute towards the government’s commitment to achieving net zero carbon emissions by 2050? Is the policy compatible with the definition of sustainable development – meeting the needs of the present generation without compromising the ability of future generations to meet their needs?

b. Prevention Other

This principle is more fully explained, but we suggest it could be illustrated by use of the example of the “waste hierarchy”, by which waste prevention and reuse of products are preferred to recycling and recovery, which in turn are preferable to disposal, on the basis of better resource efficiency and reduced environmental impacts including carbon emissions.

c. Rectification No

The explanation of this principle is not clear and is too brief to be useful to policy makers. FCC suggests it should be expanded to include actual examples of where this approach has been used appropriately and with success in the past.

d. Polluter pays Other

This principle is more fully explained, but FCC suggests it could be illustrated by reference to the practice of “extended producer responsibility” (EPR) in the resources and waste sector. Under EPR the producer retains responsibility for the costs of the product at all stages of its lifecycle, including the end of life costs of recycling, treatment and disposal. In this way producers are incentivised to design and market products which are durable, repairable and capable of being recycled for future use.

e. Precautionary **Other**

FCC supports application of the precautionary principle where it is appropriate to deal with uncertainty, but emphasises the need to apply it with care and in a proportionate way. We support regulation that is based on evidence of risk to people and to the environment, and is tailored to site specific circumstances. The precautionary principle should not be used to stifle innovation or to block the deployment of safe and proven technologies, including environmental technologies, where they represent the best practicable environmental option (BPEO).

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

As explained in our answers to the previous questions, FCC believes that the policy statement needs to be strengthened in a number of respects if it is to be useful to Ministers and policy-makers, and if it is to help government achieve its environmental ambitions, including net zero carbon emissions by 2050.

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)

YES

FCC suggests that Defra should ask government departments to report annually on how the policy statement has been applied to policy-making by their respective Ministers and officials, so that the impact and effectiveness of the policy statement can be assessed. The collated results would be made available to the House of Commons Environmental Audit Committee (EAC) and the Office of Environmental Protection (OEP).