

Environmental Principles Assessment Guide

Background

The Environment Act 2021 introduces a new legal duty to consider environmental effects of policies throughout their development, known as the Environmental Principles.

For full information and resources on the five Principles, please visit [this page on the Policy Profession Hub](#).

Purpose of this document:

- This document is to guide policymakers in their thinking and their assessment of environmental considerations in line with our legal duty to give due regard to the Policy Statement on Environmental Principles (meaning that the duty must be exercised with rigour and with an open mind).
- The Environmental Principles Policy Statement is a statutory document that explains how to interpret and proportionally apply the five environmental principles. It helps policymakers to assess the environmental impact of the policy and understand which principles are relevant, before then considering what action is taken as a result.
- The principles are not rules and do not dictate policy outcomes. This document is therefore to be used to make it as easy as possible for policymakers to evidence how they have given the right considerations on the environment when developing policy, in order to then inform the relevant Minister accordingly.
- Policymakers are not expected to carry out a “deep-dive” assessment into all environmental effects, as these may not be known. Nor are policymakers required to replicate the environmental impact assessment process. Instead, the level of research into the environmental effect should be relative to the likely effect of the policy on the environment.
- This guide is not mandatory but is strongly recommended as best practice.
- **Once the duty is in force in 2023, it will be mandatory to demonstrate to Ministers that appropriate thought has been given to the Policy Statement [see Section 6: Informing Ministers].**

How to use this document:

- This document should be used for all policies which fall under the duty (all new or revised policies, but not individual decisions e.g. individual planning determinations). A useful way of thinking of it is if a Minister of the Crown is responsible for final agreement on a policy, then it is in scope of the policy statement.
 - Policy can be broadly understood as an intended course of action adopted to achieve an objective. Examples of policy include: proposals that lead to legislation; national policy statements, strategies and frameworks; Ministerial statements setting out the Government’s formal position on an issue; documents, 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 areas exempt from this duty are the armed forces, defence or national security and taxation, spending or the allocation of resources within government.

- This document **should be considered in conjunction with the Policy Statement** (found at the above link to the Hub).
- This consideration must take place at an **early stage in the policymaking process, and throughout as appropriate**, not as an afterthought at the end. If changes are made to a policy at a later stage, then the principles should be reconsidered. The initial application should make reconsidering at a later point easier. The document is divided into three phases. Policymakers should take an iterative approach by regularly reviewing opportunities to shape the policy and its effects as the policy develops. You might therefore want to revisit each phase and go back to previous questions as your policy develops and changes.
- The questions are to guide your thinking, so you can work through as many sections as is relevant and proportionate to your policy.
- Once you have completed this document, **please keep it as a record for future reference**. You should retain your thinking and refer to it as your policy develops.

PHASE 1
ENVIRONMENTAL CONSIDERATIONS

SECTION 1: Policy/Service

Provide a brief outline of (the changes to) the policy or service being considered, including the main rationale and aim(s), and any indicative timeframes for policy development.

The policy under review proposes the removal of the national classification system (BS476) from Approved Document B (ADB), which provides statutory guidance for fire safety in new building work. Currently, ADB operates a dual system, including both the National Classes (BS 476) and the European Standard (BS EN 13501 series). The policy aims to transition entirely to the European Standard (BS EN), deemed more current and robust than the National Classes, which hasn't been updated in two decades.

SECTION 2: Assessing Environmental Effects

1. Does your policy have an environmental effect? Please consider the example effects and metrics listed in **ANNEX A** to detail the type of effect.

If yes, please complete Qs 2-6 in this section.

If no, please skip to Q7 in this section.

Yes

It is assumed there will be some short term transition penalties arising from increased testing, but these are expected to be minimal in the context of the overall construction sector.

2. Is the environmental effect positive or negative?

There is a positive environmental effect.

There is a negative environmental effect.

It is assumed there will be some short term negative effects while industry adapts to the new standard and these are expected to be minimal in the context of the overall construction sector

3. Are there primary effects (an intended result or an effect directly attributed to the proposed action) or secondary effects (indirect or induced changes)?


Yes, there are primary effects.

Yes, there are secondary effects.

The policy will yield short-term primary effects during the transition period and may also have secondary consequences. For instance, the production of new materials to comply with the British Standard (BS) version of the European standard could lead to environmental implications, such as heightened energy consumption and emissions. These effects may be mitigated by strategic government initiatives on embedded carbon and net zero.

4. Will the proposed policy cause environmental effects that occur once, repeatedly or cumulatively (a combined impact of various past, present and future activities/processes)?
- The environmental effects will occur once.
 - The environmental effects will occur repeatedly.
 - The environmental effects will occur cumulatively.

There will be some short term transition penalties arising from increased testing, but these are expected to be minimal in the context of the overall construction sector

5. Is the effect permanent or temporary? Is it short, medium, or long term?
- The effect is permanent.
 - The effect is temporary.
 - The effect is short-term.
 - The effect is medium-term. 
 - The effect is long-term.

There will be some short term transition penalties arising from increased testing, but these are expected to be minimal in the context of the overall construction sector

6. Is the effect local, regional, national or transboundary?
- The effect is local.
 - The effect is regional.
 - The effect is transboundary.

The policy will affect areas across the country where retesting will take place. The environmental impact will be localised to these sites in England.

7. If you answered 'no' to Q1, please state why there is no environmental effect, either positive or negative.

You can now go straight to sections 6 and 7 in phase 3 without completing sections 3, 4, and 5.

N/A

SECTION 3: Understanding which principles are relevant

This section only needs to be filled out if the policy has an environmental effect, positive or negative.

These questions explore which of the five Principles are relevant, and why this is/isn't the case. See 'The Five Environmental Principles' within the Policy Statement for more details.

1. Is there an opportunity to embed environmental protection in your policy? (Integration)

Yes

No

There is an opportunity to embed environmental protection in the policy, indirectly. Transition from the national classification system (BS476) to the BS version of the European standard (BS EN 13501) will be completed along with other initiatives to decarbonise the energy network and also the assessment of construction products whole life embedded carbon.

2. If it is likely for environmental harm to result from your policy, is there an opportunity to prevent this environmental damage, either before it has occurred, or to contain existing damage? (Prevention)

If yes, see 4.1

Yes

No

There will be some short term harm arising from increased testing, but these are expected to be minimal during an appropriate transitional phase and limited in the context of the overall construction sector.

3. If prevention of environmental harm is not possible or proportionate, can you address this damage at its origin to avoid remedying its effects at a later date or location? (Rectification at Source)

If yes, see 4.2

Yes

No

There will be some short term harm arising from increased testing, but these are expected to be minimal during an appropriate transitional phase and limited in the context of the overall construction sector.

4. If prevention of environmental harm is not possible or proportionate, can the costs be borne by those causing it, rather than the person who suffers the effects of the resulting environmental damage? (Polluter Pays)

If yes, see 4.3

Yes

No

Additional costs for materials and any associated green taxation on construction products will be borne by the developers, who may choose the option to pass on the cost to the purchasers of the items they sell.

5. If none of the above mitigating measures are relevant, is there plausible evidence that your policy could cause serious damage to the environment (even if there is a lack of full scientific certainty)? (Precautionary)

If yes, see 4.4.

Yes

No

The policy should not cause serious damage to the environment. Negative environmental impacts are most likely to occur during the transition period if existing products need to be re-tested.

PHASE 2
FURTHER ANALYSIS

SECTION 4: Applying the principles

This section provides some further prompts for you to consider as part of your policy development based on the principle(s) in Section 3 found to be relevant to your policy.

General application options:

- *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.*
- *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.*
- *Embedding a principle in law or guidance. If policymakers 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.*
- *Postponing a policy until further evidence is gained. If a policymaker is unsure on whether action is appropriate, they should gather further evidence. Applying the precautionary principle may encourage policymakers to explore the potential environmental damage before moving forwards. Or, where the risk is serious, they may amend, postpone or discontinue the policy in rare cases.*

1. If the prevention principle applies:

- a. What is the scale of the likely damage: How widespread is the damage likely to be?
- b. What are the costs / benefits of preventing or not preventing the damage?

The policy is part of a programme of changes which will improve the safety of people in event of a significant fire in a proportionate way. Damage to the environment is limited in relative terms especially when compared to construction industry.



2. If rectification at source applies:
 - a. Where does the environmental damage originate from?
 - b. What is the feasibility of rectifying the issue at source versus other options, and the costs and benefits of doing so?

Damage is caused by the need to re-test products for re-classification. The products once tested will remain in building for many years. Lower carbon products are being investigated however these have not currently been verified as replacements and not in general use.

3. If the polluter pays principle applies:
 - a. Who is the polluter: what is the driver for the pollution being caused and who is responsible for this?
 - b. *It may be more efficient/fair to distribute the cost across a particular sector rather than an individual or a group. Also consider how the allocation of responsibility can cause the most environmental benefit. For example, it may be more effective to charge the consumer of a product associated with environmental harm 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.*
 - c. How much should the polluter pay?
This should be proportionate to the environmental damage and wider costs and benefits to society of the activity in question. 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.
 - d. How should the polluter pay?
Consider how the costs of environmental damage could be recovered as well as how polluters could be disincentivised from causing further environmental damage. The polluter can pay in a variety of different ways e.g. directly through fees or charges, or indirectly through regulatory or contractual requirements (which in turn require additional investment to fulfil). In the latter instance, fines or penalties for breaching these obligations may also be appropriate.

The manufacturer of the construction products is regarded as the polluter. Pollution is driven by the manufacturing processes, which could involve the use of energy and resources, as well as the generation of waste and emissions. Environmental protection is also incumbent on providers of testing services.

Environmental protection costs, borne by testing houses are built into testing costs borne by product manufacturers. These costs are part of normal product development in a sophisticated market and become part of business overheads, recovered through retail sales to end customers.

The Government has recognised the importance of assessing and controlling embodied carbon emissions in the build environment and is working with industry to introduce an agreed methodology.

4. If the precautionary principle applies:
- What levels of evidence exist which indicate that there is a severe or irreversible risk to the environment as a result of this policy?
 - What is the likelihood that inaction would increase the risk of the damage occurring, or would cause/worsen the potential damage?

If there is a lack of scientific certainty or gaps in the evidence base, this should not be used as a reason for inaction. Policymakers must take a holistic approach in applying this 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 policymaker 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 policymaker might judge that they should exercise caution, preventing or limiting the activity until sufficient evidence to support a decision becomes available.

The policy proposals negative environmental impact will be short lived and small through the transition period, if re-testing is undertaken which could lead to increased use of resources and generation of waste and emissions

Inaction, or maintaining the current dual system of classification, would lead to continued use of outdated standards and less robust testing procedures. This policy is a relatively small change compared to the construction sector as a whole, while this will result in an increase in some greenhouse gases it is unlikely to cause severe or irreversible risk to the environment and individual building construction and relevant supply chains will be integrated into the national Net Zero initiative with the implementation of The Industrial Decarbonisation Strategy and the Transport Decarbonisation Plan.

SECTION 5: Other Considerations

1. Are there other legal commitments or relevant international commitments to which your policy must adhere?
- Yes
- No

This policy is part of a programme of changes designed to improve the safety of people living in residential buildings nationally and will align building safety standards with other countries internationally.

2. Are there other specific social or economic considerations required of this policy that may conflict with environmental considerations, such as education, health or a financial cost-benefit analysis that outweighs environmental gains.? If yes, please outline your proposed approach to any such trade-offs.

Yes

No

Transition to the BS version of the European standard could have significant economic impacts on some businesses in the construction products sector, due to the need for re-testing of product ranges and potential impacts on scheme feasibility if product availability is affected. The industries most affected are bespoke wooden fire doors, cavity barriers, smoke vents, and roofs. An appropriate transition period has been put in place to mitigate this risk and was agreed with industry input. The standard being implemented is not new and with its use offers the companies impacted the opportunity to sell into new international markets.

PHASE 3

EVIDENCING COMPLIANCE

SECTION 6: Informing Ministers

Sections 2-5 are designed to guide a robust assessment of environmental factors within policymaking. Following this consideration, in order to comply with the duty, policymakers **must** provide an explanatory overview to Ministers, demonstrating that appropriate thought has been given to the Policy Statement, and to set out the outcome of such consideration in terms of how the policy is shaped i.e. What action has been taken in applying the principle(s)? What action has been taken as a consequence of the principle(s)? This is likely to be done in **the latter stages** of policy making, when the proposal is more fully developed.

Structure of the explanatory overview, **to be included in relevant submissions when seeking a policy decision**:

When developing this policy proposal, environmental considerations were taken into account in line with the Environmental Principles Policy Statement. Our assessment of environmental effects found that the policy is likely to result in a relatively small and temporary increase in resource consumption and waste generation as products are discarded and replaced during the transitional arrangements of the policy. The impact can be mitigated with the use of new materials and a more robust product standard and the continued progress toward the Governments Net Zero targets.

Based on this, the following principles were found to be relevant; integration, rectification and polluter pays

On this basis, we are proposing to implement the policy as intended to safeguard lives and improve the standards used in construction of residential buildings which will integrate with the other interventions designed to improve building safety on an evolving basis.

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 effects of a policy and the value of any mitigating actions. They should consider this 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. This includes the potential costs of effects on the environment, and any related ecosystem services

Where there is a substantial risk to the environment, the weight given by Ministers to the policy statement increases. If this is the case, you may wish to annex relevant pieces of your assessment in order to support your explanatory overview. Equally, if the potential environmental impact is limited, then a lighter-touch action may be appropriate and in some cases no change to the policy will be appropriate.

SECTION 7: Support & Sign-off

1. Have you consulted with your work area's Environmental Principles Policy Champion, or the Climate Change and Net Zero Team?

Contact the Climate Change and Net Zero Team on ClimateChangeNZ@levellingup.gov.uk

DLUHC policy champions:

- *Guy Skelton (Planning Infrastructure)*
- *Ashley Nye & Matt Spencer (Planning Reform)*
- *Sirdeep Singh (Planning Design Quality)*
- *Lewis Sullivan (Housing Markets & Strategy)*
- *Jonny Fitzpatrick (Housing Delivery)*
- *Polly Lord (Local Government Communities)*
- *Kirsti Johnson & Jacob Hull (CLGU Policy)*
- *Luke Spanton (PRS)*
- *Isobel Ames (SRS)*
- *Mark Sykes (Building Remediation)*

DLUHC coordination leads:

- *Emma Simpson*
- *Nele De Doncker (nele.dedoncker@levellingup.gov.uk)*



ANNEX A: Example environmental effects and metrics

	Indicator	Metric/measurement
Energy efficiency	Reduction / increase in CO ₂ emissions	Ton CO ₂ per year
	Reduction / increase in energy consumption	kWh per year
	Production of renewable energy	kWh per year
	Impact on EPC rating	# of dwellings
Adaptation	Higher / lower climate resilience	e.g. impacts of flooding, coastal erosion, drought
	Reduction / improvement of summer thermal comfort	# of residential units or non-residential floor area that do / do not suffer from overheating in summer
	Reduction / improvement of winter thermal comfort	# of residential units or non-residential floor area that are / are not underheated and draughty in winter
	Reduction / improvement of (indoor) air quality	# of residential units or non-residential floor area, signs of damp or mould, Concentrations of fine particulate matter
Natural environment	Enhancing more / less the beauty, heritage and engagement with the natural environment	people having access to and caring for the natural environment, landscapes, waterscapes
	Reduction / improvement of water quality	Quality from water tests
	More / less efficient and sustainable use of natural resources	farming productivity, soil health
	Enhancing / damaging biosecurity / biodiversity	Impacts of exotic pets, diseases and invasive non-native species / Abatement of the number of invasive non-native species entering and establishing against a baseline / Distribution and spread of non-native invasive species and plant pests and diseases
	Waste production / reduction	raw material consumption
	Exposure to chemicals	Emissions of nationally significant substances to the environment / Exposure of wildlife to chemicals in the environment, including marine
Socio-economic	Support for green jobs	# Jobs created
	Reduction / increase of risk of energy poverty	% of households
	Reduction / increase in energy bills	£