

DEPARTMENT FOR ENVIRONMENT, FOOD, AND RURAL AFFAIRS: DRAFT POLICY STATEMENT ON ENVIRONMENTAL PRINCIPLES



Response from Humanist Climate Action, June 2021

ABOUT HUMANIST CLIMATE ACTION

Humanist Climate Action is a volunteer-led network of Humanists UK members and supporters committed to redefining lifestyles and campaigning for policies that promote low-carbon, ethical, and sustainable living in the light of the degeneration of the Earth's climate and biodiversity. We bring humanists together to facilitate individual and collective action on these issues.

Humanists are guided by reason and science and recognise a moral duty towards the welfare of our fellow beings and the natural world. Humanists seek to engage in dialogue and debate rationally, intelligently, and with evidence, and promote the belief that humans are part of a wider natural world which must be treated sustainably for the sake of current and future generations.

Humanists UK wants a tolerant world where rational thinking and kindness prevail. It works to support lasting change for a better society, championing ideas for the one life we have. Its work helps people be happier and more fulfilled, and by bringing non-religious people together it helps them develop their own views and an understanding of the world around them. Founded in 1896, it is trusted to promote humanism by 100,000 members and supporters and over 100 members of the All-Party Parliamentary Humanist Group.

EXECUTIVE SUMMARY

We welcome the commitment to the five environmental principles, and the aim of using them in an innovative and forward-thinking way to protect and enhance the environment. However, we have two main reservations about the proposed framework:

1. The policy statement envisages too limited a scope for the application of the principles. They would not be legally binding, they would not apply to important policy areas including the armed forces, taxation, and resource allocation, they would apply only to government policy-makers and not to other public bodies, and they would not be applied to specific regulatory or planning decisions but only to general policies.
2. The proposed three steps for applying the principles would in practice have the effect of limiting them to the negative function of preventing environmental harm, rather than using them proactively for positive action to address climate change and enhance the natural environment.

RESPONSE TO CONSULTATION QUESTIONS

Question 1. Would you like your response to be confidential?

No

Question 2. What is your name?

Richard Norman (Secretary, Humanist Climate Action)



Question 3. Are you responding: As an individual / As an academic / On behalf of an organisation?

On behalf of an organisation

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

A non-governmental organisation

Please provide your organisation's name.

Humanist Climate Action

Question 5. Do you think the overview section provides an adequate foundation for policy makers to apply the environmental principles in policy-making?

No. Now that the UK has left the European Union, we believe that the Government must retain its commitment to the five principles outlined in this consultation. We support the stated aim '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'. But the consultation does not make it clear how this will be achieved in practice.¹ The aspirations to 'think creatively', to be 'innovative and forward-thinking', and to 'enhance' the natural environment' rather than merely prevent further harm, become lost within the remainder of the overview section and in the following three steps.

We believe that the following provisions severely limit the scope of these powers:

- The principles would not be legally binding; they would serve only to 'guide' Ministers and policy-makers² who would be required merely to have 'due regard' to them.³
- Major areas of policy would be exempt from the application of the principles, including 'the armed forces, defence or national security' and 'taxation, spending or the allocation of resources within government'.⁴
- The principles would apply only to Ministers and other government policy-makers, and not to other public bodies.⁵
- They would be limited to general policies and would not apply to 'individual regulatory or planning decisions'⁶ despite the fact that some planning decisions, especially those made at a national level, can have a major environmental impact.

We believe that the policy statement and the role of the principles should be substantially strengthened in these respects in order to match the stated aims. The requirement to pay due regard to enhancing the natural environment should apply to all public bodies, not just central government, and there should be no areas of policy-making that are exempt from this duty.

Question 6. Do you think step one allows policy-makers to correctly assess the potential environmental effects of their policy?

¹ Department for Environment, Food and Rural Affairs, *Environmental Principles and Governance after the United Kingdom leaves the European Union: Consultation on environmental principles and accountability for the environment* May 2018, p5.

<https://consult.defra.gov.uk/environmental-principles/draft-policy-statement/>

² *Ibid*, p5.

³ *Ibid*, p6.

⁴ *Ibid*, p6-7.

⁵ *Ibid*, p5.

⁶ *Ibid*, p7.



No. We believe that the starting point when making policies in any area should be to consider proactively whether there are opportunities for positive action to address climate change and enhance the natural environment. The requirement to begin by 'assessing whether a policy will have an environmental impact'⁷ suggests that consideration will only be given to whether proposed policies will cause further environmental harm and not whether there is an opportunity for creating positive environmental impacts. The implication is that the environmental principles will be applied to policies which have already been formulated, and will function simply as a post-hoc tick-box screening of the policies.

Question 7. Do you think step one ensures that policy-making will address the most important environmental impacts?

No. The examples listed in this consultation of ways in which policies can affect the environment all focus on preventing negative impacts, thereby reinforcing the impression that the aim in applying the principles should be simply to prevent harm.

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

Not sufficiently. We support the proposal for the integration principle as an overarching objective relevant in all circumstances. This will require policy-makers to look for opportunities to embed environmental protection in other policy fields. However, the policy statement should define more clearly how the integration principle is to be used proactively in this way and given priority. As it stands, it is at odds with the requirement to apply the principles only to policies that would otherwise have a harmful impact on the environment.

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

No. We support the principle of proportionality, but we are concerned that without further guidance the requirement to prevent environmental damage might too easily be overridden. We recognise that it is not possible to come up with an algorithm for weighing competing considerations. We suggest, however, that the framework could be made more robust if examples were included to provide some indication of when it would be acceptable and when it would be unacceptable for environmental considerations to be overridden by social or economic considerations.

We support the statement that the prevention principle should generally be used in preference to the rectification at source principle and the polluter pays principle, and should take priority over them.

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?

No. The framework is not sufficient, because it implies that the principles are to be applied only in cases where policies would otherwise have a harmful impact, and it focuses almost entirely on the prevention of environmental damage rather than on the proactive search for opportunities to address climate change and enhance the environment.

Question 11. Do you have any other comments on the draft policy statement which are not covered by the previous questions?

⁷ *Ibid*, p8.



After stating at the outset that the purpose of the principles is to prevent environmental damage and enhance the environment,⁸ the policy statement focuses almost entirely on prevention and says nothing substantial about enhancement. The commitment to be 'the first generation to leave the environment in a better state than that in which we found it' is an admirable one, but, as drafted, this statement of principles will do nothing to implement that commitment. We urge that it be amended with this point in mind.

For more details, information, and evidence, contact Humanist Climate Action:

Richard Norman

Secretary

020 7324 3065

campaigns@humanists.uk

humanists.uk/humanist-climate-action/

⁸ *Ibid*, p5.

