

Response ID ANON-JVC4-2ZTM-4

Submitted to **Consultation on the Draft Policy Statement on Environmental Principles**

Submitted on **2021-05-28 16:51:23**

Foreword

You and Your Organisation

1 Would you like your response to be confidential?

No

If you answered Yes to this question please give your reason:

2 What is your name?

What is your name?:

Dr Vince Holyoak

3 Are you responding:

On behalf of an organisation

4 What type of organisation are you responding on behalf of? [Please note this question only applies if you are responding on behalf of an organisation]

A government body

If responding on behalf of an organisation, please provide the name here. :

Historic England

Background

Policy Statement on Environmental Principles

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

No

Please provide any additional information in support of your answer:

Noting that "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" and that "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;"

We consider therefore that – for the avoidance of doubt - it would be helpful to amend the title to refer to "Natural Environment Principles".

Process for Applying the Policy Statement

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

No

Please provide any additional information in support of your answer:

As we noted in our responses to earlier consultations on the Environment Bill, the Bill adopts a much narrower definition of what – in terms of internationally recognised principles and both international and domestic legislation – the term "environment" is understood to mean, focusing entirely upon the natural environment. While the Bill and the draft Statement of Environmental Principles are explicit in doing so, given that other legislation, principally (but not exclusively) that relating to Environmental Impact Assessment takes a broader, more holistic approach, we are concerned that the effect of this statement will be to afford greater weighting to some elements of the environment than to others, or to introduce greater confusion where previously the definitions and the relationships were well understood.

We feel it important therefore – in the interests of transparency, consistency and simplicity - that there is alignment in the definitions employed across the

respective areas of legislation.

As a specific example, we do not think it is clear whether – under clause 43 “c) land (except buildings or other structures), air and water” – archaeological landscape features fall within the meaning of “the natural environment”. We presume that – where they coincide with the natural environment – then they do. If this is the case, then these principles imply (eg. “When applying the prevention principle, policy-makers should have particular regard for habitats/species that are endangered or vulnerable, and national environmental priorities.”) that in any assessment, the natural environment should automatically take precedence. That appears contrary to the way in which – currently – those principles are routinely applied.

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

No

Please provide any additional information in support of your answer:

We feel it introduces some confusion, particularly in light of the statement:

“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.”

On the one hand, it is therefore difficult to understand the necessity this statement, or where it sits in relation to the SEA/EIA process (which facilitates a similar but more detailed assessment, using the same principles). On the other, in practical terms it will be difficult to gauge the likely impact of policies or projects on the environment without first following the SEA/EIA process.

Step 2: Understanding Which Principles are Relevant

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

Other

Please provide any additional information in support of your answer:

In broad terms, yes - we support the integration, prevention, rectification at source, polluter pays and precautionary principles, but we would argue that the interpretations offered here are too narrow and restrictive.

Step 3: Applying The Principles

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

Q10 - Integration:

Yes

Q10 - Prevention:

No

Q10 - Rectification:

Yes

Q10 - Polluter pays:

Yes

Q10 - Precautionary:

Yes

Integration Principle - Please provide any additional information in support of your answer:

Prevention Principle - Please provide any additional information in support of your answer:

As for question 8, we believe that the interpretation of and commentary upon the application of this principle offered in the statement is too narrow, and therefore unhelpful eg.

"When applying the prevention principle, policy-makers should have particular regard for habitats/species that are endangered or vulnerable, and national environmental priorities."

Rectification Principle - Please provide any additional information in support of your answer:

Polluter Pays - Please provide any additional information in support of your answer:

Precautionary Principle - Please provide any additional information in support of your answer:

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?

Other

Please provide any additional information in support of your answer:

The three steps are logical in themselves, but we do not think (for the reasons we have set out in our earlier answers) that the interpretations offered are robust or as holistic as we feel they need to be in order to be invoked effectively.

Final Thoughts on the Policy Statement on Environmental Principles

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

Yes

Please provide any additional information in support of your answer:

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Digital, Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Historic England welcomes the opportunity to comment on the current consultation.

Consultee Feedback on the Online Survey

12 Overall, how satisfied are you with our online consultation tool?

Very satisfied

Please give us any comments you have on the tool, including suggestions on how we could improve it.: