

Paul Mobbs,
Mobbs Environmental Investigations,
3 Grosvenor Road, Banbury, Oxon. OX16 8HN.
Phone/fax 01295 261864.
Email: mobbsey@gn.apc.org
URL <http://www.gn.apc.org/pmhp/meir.htm>

**Mobbs'
Environmental
Investigations**

* Environmental consultancy
* Research
* Campaigns coordination

Response to the '*Opportunities for Change*' Consultation

May, 1998

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1. Introduction

This response to the '*Opportunities for Change*' consultation paper has been compiled on behalf of myself, as an environmental consultant specialising in working with community groups and local authorities, and for a number of my clients who have expressed an interest in this issue.

This report initially examines our interpretation of the principles of sustainable development, and it then considers how those issues have or have not been reflected in the text of the consultation paper. Key points in the report are **highlighted in bold**. Where references are made to specific paragraphs in the consultation document these are given in [square brackets]. To aid your processing of this response, copies have been provided on a floppy disk in Microsoft Word 97 and Adobe Acrobat 3 format.

General overview

We welcome the proposals to revise the *UK Sustainable Development Strategy*¹ and hope that this will result in a more meaningful, clear and implementable programme for delivering sustainable development in the UK. However, we must point out that at this time we have reservations about this since the wording of the new consultation continues to use such discredited terms as '*sustainable growth*', and the whole strategy is clearly one of management of existing 'problems' rather than modifying or eliminating currently unsustainable practices.

In essence, what this report deals with is a difference of opinion on how we must move towards the endpoint of 'sustainability'. We could manage existing systems, but that will not halt the destruction of natural systems and the degradation of our society quickly enough. We would advocate that we accept that current practices are unsustainable, and that the costs of slow change will, over the longer term (say, one or two generations), be greater than the costs of seeking to undertake a much larger scale of modification over the next decade or so. **For this reason we believe that the new strategy must seek to change existing systems, and manage the disruption to society and the economy that causes, rather than seeking to implement change at a rate which does not cause disruption.**

My position

In case you require it for your records, I will briefly outline my qualifications. I am an independent environmental consultant, specialising in working with community groups, NGOs and local authorities. I have been working in this field full time since leaving my previous career in engineering in 1991.

My particular areas of expertise are town and country planning, environmental pollution and pollution control, waste disposal and management, risk assessment, and - sustainable development policy and how it relates to these areas. Additionally I also undertake a large amount of voluntary work, and (according to my service provider) I run the largest independent environmental website in the UK (<http://www.gn.apc.org/pmhp/>).

¹ "*Sustainable Development: The UK Strategy*", Cm2426, January 1994.

2. What are the Issues?

'If you cannot mean what you say, it is very difficult to say what you mean'. This is especially true in terms of defining policy as it involved the translation of abstract concepts into clear and defined policy objectives and action programmes. This is the problem I have with the consultation paper. There are many different definitions of sustainable development around, some of which in their scope are mutually exclusive. If we cannot actually define a fundamental set of principles which we can define our 'meaning' of what sustainable development is, it is very difficult to produce a realistic - but more importantly successful - set of policies to achieve the overall aim.

This issue was quite eloquently summed up by the Town and Country Planning Association:

"...it is a vague concept that, at once, offers a comprehensive, consensual and conservative approach able to weld together quite disparate and conflicting interests in environment and development. But, because it is vague and its implications poorly understood, in practice it offers few clear solutions. Anyone can sign up for sustainable development so long as it requires no specific commitment to do anything that will threaten their material interests."

It is this last point - that *'anyone can sign up for sustainable development so long as it requires no specific commitment to do anything that will threaten their material interests'* - over which we have the greatest concern. **Attaining 'sustainable development' requires that we undertake change - in society, in our business practices and in our own lives - in order to ensure that the impacts of society on the environment, and our own lives within the society we live in, do not cause more damage than can be made good through natural replenishment or degradation. This is the baseline position for sustainability.** However if we take the trouble to change our definition of what sustainable development is, it is possible to achieve policy objectives which do not accord with this 'sustainability baseline'. Instead all that happens is that we seek to ameliorate the worst effects of development or use of resources without actually addressing the key issue - how much damage or resource use can be sustained.

It is also clear from my own experience that in terms of how policies on sustainability are carried out that the emphasis to date has only been on the visible effects of unsustainable practices, or practices which can easily be blamed on consumers while ignoring the larger role business and industry has to play. Two examples immediately spring to mind:

- There has been great emphasis on the need to recycle waste, but the majority of effort on recycling, and the major part of the government's legislation on the issue has been in relation to household waste. This is only 5-8% of the total waste arising in any area - obviously this policy could not be supported on any argument involving sustainability because it would require that we consider all waste.
- Much concern has been raised regarding air pollution, and in particular nitrogen oxides and particulates. Much effort has been made in this area to focus on the part played by road traffic in the production of pollutants in the UK. However in the heavily industrialised urban areas such as the West Midlands, Merseyside or Teeside, it is in fact the emission from industry which make up the greatest proportion of air pollutants.

We must be very careful about how we define what 'sustainable development is because if we chose a definition which does not accord with the 'sustainability baseline' position outlined earlier then any policies implemented will be fundamentally flawed.

The white paper on the environment, "*This Common Inheritance*"², and brief outlines of future policy in the UK Sustainable Development Strategy³ outline where we stand at present with regards to the concept of 'sustainable development'. There are currently many contradictions between the policies advocated in these documents, and practices both at central/local government level, and in society in general. **It is clear from my experience on working on development and pollution issues since 1990 that sustainable development is still not a key issue in decision making processes.** For example:

- Sustainable development issues are still not given high regard in local planning determinations, and in many respects the consideration of 'sustainability' issues is still skewed towards wildlife and recycling, and not to development and resources use in its widest sense;
- Areas such as local 'economic development strategies' are often devoid of any consideration of sustainability issues, and one local authority I am aware of did not even ask its Local Agenda 21 panel to comment on a draft economic strategy because, "*it wasn't anything to do with sustainable development*";
- Central government too has made some very suspect decisions in relation to 'sustainable' developments. For example the UK Roundtable on Sustainable Development praised the urban regeneration strategy of Hertfordshire County Council in their report on housing⁴. However when, after developer pressure, the County Council decided instead to seek housing provision through a number of large greenfield land releases DETR did not object to this clearly unsustainable policy.

It follows then that if the past eight years, since the publication of *This Common Inheritance*, have made no real difference to how development decision are made by government, industry and society then it is clear that much stronger measures are required to ensure that these issues are made a key part of the decision making process.

There has been a number of important mileposts in the evolution of policy on sustainable development:

- The first United Nations Conference on the Human Environment at Stockholm in June 1972
- The Report of the 1987 World Commission on Environment and Development, '*Our Common Future*' (The Brundtland Report) in 1987
- The publication by the government of the White Paper on the Environment, '*This Common Inheritance*', in 1990
- The second United Nations Conference on Environment and Development at Rio de Janeiro (the 'Earth Summit') in June 1992, and the adoption of a number of international conventions on sustainability and environmental protection -
 - The '*Rio Declaration*', which outline the principles of sustainability in an international context.
 - '*Agenda 21*', which outlines an action programme to deliver sustainable development by nation states.
 - The '*Climate Change Convention*', an action programme to combat the cause and

² "*This Common Inheritance. Britain's Environmental Strategy*", Cm 1200, HMSO 1990. ISBN 0-10-112002-8.

³ "*Sustainable Development: The UK Strategy*", Cm2426, HMSO 1994. ISBN 0-10-124262-X.

⁴ "*Housing and Urban Capacity*", UK Round Table on Sustainable Development, February 1997.

- effects of global climate change.
- The '*Biodiversity Convention*', an action programme on species and habitats protection.
 - The '*Forest Principles*', a set of principles for the protection and sustainable use of forests.
- The publication of the 5th EC Environmental Action Programme, '*Towards Sustainability*', at the end of 1992
 - The publication, in January 1994, of the UK government's programme in response to the outcomes of the Rio 'Earth Summit' - '*Sustainable Development - The UK Strategy*', '*Climate Change - The UK Programme*', '*Biodiversity - The UK Action Plan*' and '*Sustainable Forestry - The UK Programme*'
 - The investigation of sustainable development issues by the Lord's Select Committee on Sustainable Development (report published June 1995) and the government's response to that report in October 1995
 - The 'Habitat II' conference in 1996, and the UK's report to that conference, '*Sustainable Settlements and Shelter*'
 - The 'Rio+5' conference in New York, which produced a series of reports on the progress to meeting the targets of Agenda 21.
 - The Kyoto Climate Change conference where for the first time states, including the UK, pledged a cut in damaging emissions to the environment.

(please note, this list only includes the 'main' stages - it does not, for example, include associated issues such as the publication of the 'Sustainable Waste Strategy' in 1995)

The initial step in redrafting any policy on sustainable development must be to assess the steps leading up to the evolution of the old policy, and to decide where there have been significant changes that need to be included, and whether or not the old policy properly implemented these previous policy documents. I think that it is fairly clear that issues have moved on following the publication of the old strategy in January 1994, and I also believe that there are many areas where the 1994 UK policy documents do not adequately reflect their international counterparts.

It is unfortunate that the consultation paper does not recognise the 'pedigree' of the sustainable development debate, and interpret the different stages in the evolution of policy on sustainable development both nationally and internationally. It is also unfortunate that the consultation has not taken the current policy documents as its starting point and examined how effective these policies have been in encouraging sustainable development in the UK. This would be a much more worthwhile starting point than merely inviting comments in isolation from those policy documents that have gone before. I do not believe it is valid to consider what policies on sustainable development should be promoted without first assessing the success of the 1994 policy documents.

2.1. Definitions of Sustainable Development

As noted above, the origin of the 'sustainable development' concept can be traced back many years. In fact it is possible to trace the general 'sustainability' concept back philosophers of 17th/18th Century Europe (it was not called 'sustainability', but the objectives of the argument were much the same).

Modern definitions begin with the 1972 Stockholm conference. But the most used definition is that given in the World Commission on Environment and Development Report of 1987 (the Brundtland Report). It was this definition which set the standard for the definitions used in the 1990 white paper '*This Common Inheritance*'.

This Common Inheritance sets out the Governments' policy on the environment in terms of the concept of 'stewardship'. Both in terms of stewardship, and sustainable development, the general definition given is that originated in the Brundtland Report⁵. Usually only the abbreviated version of the paragraph is given⁶, but the full text actually states...

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains two key concepts:

- *the concept of needs, in particular the essential needs of the world's poor, to which over-riding priority should be given;*
- *the idea of **limitations** imposed by the state of technology and social organisations on the environment's ability to meet present and future needs."*

I have highlighted the idea of 'limitations' because this is very relevant to this case. The Brundtland Report makes it clear that, although technology is able to perform many tasks, not all of the tasks, and their results, are desirable when considering the well-being of this and future generations.

In practical terms the problem with 'sustainability' is that there is not one concrete definition of the term which can suit all situations. This problem has been outlined by a number of bodies, for example the Town and Country Planning Association:

"...it is a vague concept that, at once, offers a comprehensive, consensual and conservative approach able to weld together quite disparate and conflicting interests in environment and development. But, because it is vague and its implications poorly understood, in practice it offers few clear solutions. Anyone can sign up for sustainable development so long as it requires no specific commitment to do anything that will threaten their material interests."

We consider that, at the moment, the approach of the consultation paper represents more of the latter. In particular, **we are concerned that the paper seeks to implement a policy of developing sustainable systems through more growth, and the improvement of living standards. This is obviously a non-sequitur argument. Not only does the provision of a higher living standard infer higher use of energy and natural resources, but to follow a policy of this nature is in direct opposition to the first point made in the Brundtland definition of sustainable development - "the concept of needs, in particular the essential needs of the world's poor, to which over-riding priority should be given". It is not possible to give higher living standards and to meet the need of the world's poor without accepting that there must be some lowering of the standard of living of individuals in the developed world.**

⁵ "Our Common Future" (The Brundtland Report) – Report of the 1987 World Commission on Environment and Development. Oxford university Press, 1987. ISBN 0-19-282080-X.

⁶ "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs".

We must also recognise that there is an argument regarding 'global equity' which states that the 'developed world' has already had far more than its fair share of resources, and so the developed world should take a proportionately greater burden for meeting future reductions in resource use and pollution emissions than the developing world. If we insist that the developed world can only achieve sustainable development through higher growth, then the global equity argument will never be solved.

This Common Inheritance and the Rio '*Earth Summit*' also introduced two new terms into the definition of sustainable development:

- **Environmental Capacity:** That is, the capacity of natural systems to absorb the 'damage' caused by society without degradation;
- **The Precautionary Principle:** This is a principle that where there is doubt about the effects of any action, and the results of that action would cause serious damage to natural systems which could not be rectified, then that action should not be permitted.

It is difficult to see how the consultation document meaningfully implement either of these two concepts.

The full statement from the Brundtland Report, given earlier, phrases 'sustainable development' in a wider social, political and economic arena. These are three concepts which require precise definition:

- **The first is development** - which is not the same as growth, although the two are often used synonymously. Growth involves the physical expansion of the economic system. Sustainable growth is ultimately contradictory since there are physical limits imposed by the earth and its natural resources. Development, by contrast, implies improvement and progress and includes social and cultural as well as material dimensions. Sustainable development emphasises conservation and the recognition that natural resources are not simply free goods to be pillaged and pilfered at will.
- **The second concept is needs** - defined in the Brundtland Report as 'meeting the basic needs of all and extending to all the opportunity to satisfy their aspirations for a better life'. The environment simply cannot cope with meeting the material standards enjoyed by the rich while, at the same time, supplying basic necessities to the burgeoning populations of the developing world.
- **Thirdly, there is the concept of future generations.** This involves the notion of stewardship. We have a moral duty to look after our planet and to hand it on in good order to future generations; this means improving already degraded areas and avoiding irreversible damage (such as the destruction of species) or imposing risks on the future (from toxic or radioactive wastes, for example).

Looked at in this way the criteria for sustainable development are very tough indeed. First, it will require a review of political and social systems - not just economic ones. Second, it implies a wholesale shift from exploitation to conservation through the accurate costing of resources which are currently considered free (the air, for example, used and polluted by power stations). Third, the **actual** needs of the populations of the 'developed' world need to be assessed, so as to plan a redistribution of resources from rich to poor. Finally, there has to be a withdrawal now from those activities whose effects transcend generations, and which rob or endanger future generations - the generation of radioactive waste for example.

It is curious that the consultation document has not sought to rely on any one

definition of sustainable development. As outlined earlier, this is of particular concern because if we do not agree on a definition, and how that relates to the policies which are necessary to realise the concept that definition defines, then our policies will not solve the problem. In particular, if we take the Brundtland definition as our starting point, then we must keep within the full text of the 1987 World Commission on Environment and Development and stress the scope of that definition - we must include the concept of the world's poor and the need to redistribute resources, and we must include the 'limitations' argument. Although the former of these two points has implications for how we set future targets (in order to attain redistribution), the latter has potentially the greater effect because it is implicit within this that certain types of development or resource use must not be permitted.

The revised strategy must meaningfully set a definition of 'sustainable development' and set the context of that definition and the extent of its meaning. This is particularly relevant with regard to the full quotation of the Brundtland definition.

2.2. Policy Goals

Having defined our concept of what sustainable development is, the next step is to translate the meaning of the definition into a series of policy goals or objective which deliver it. This is not adequately carried out in the consultation paper.

We believe that there are five *primary goals* which need to be implemented in order to achieve true sustainability. These are the goals of conservation, balanced development, environmental quality, political participation and social equity.

- **Conservation:** Sustainable development means the efficient use of non-renewable energy and mineral resources through higher productivity, recycling, development of alternative technology and substitution wherever these are possible and not environmentally harmful. It also means maintenance of biological diversity and potential. It will also require the economic valuation of natural capital assets regarded as free. The conservation goal can be said to be to ensure the environmentally efficient use of land and other resources.
- **Balanced development:** This goal is concerned with the use of physical resources and their impact on the built environment. Resource conservation requires patterns of development that minimise energy consumption, promote the re-use of buildings and prevent the waste of valuable natural resources. The goal here is to achieve an appropriate balance between the built and natural environment.
- **Environmental quality:** At the very least environmental quality means that processes must be avoided which degrade or pollute the environment. But it must also be an aim to improve and enhance environmental quality in those areas already degraded or grossly polluted. This goal is therefore to prevent or reduce processes that are harmful to the environment and human health.
- **Social equality:** A pattern of inequality has developed that intensifies the pressure on the environment from the high per capita demands of the rich and the struggle for survival of the poor. The conflicts that arise are a major obstacle to co-operation. Greater equality will not, in itself achieve sustainability since, under present economic systems, both wealth and poverty degrade the environment. But greater equality will remove the sources of conflict and is a precondition for political co-operation and commitment. The

scale of inequality was first assessed in the Brundtland Report, and was further considered at UNCED through the proposals drawn up in Agenda 21.

- **Political participation:** Commitment will only be achieved through participation. This goal is to change values and attitudes by encouraging the increase of participation in political decision-making at all levels. Change cannot simply be ordained from above - it must also be stimulated from below. Within democratic systems of government, non-governmental organisations (NGO's) are able to promote ideas and mobilise support for them. Dispersal of power from the centre to the local level will encourage innovation, responsibility and support for policies of sustainable development. In this respect, the local planning system fails since it is strictly regulated by 'guidance's' defined at the national level.

The above goals must be acknowledged within the any strategy which aims to institute sustainable development policies - purely economic or environmental goals will not achieve a sustainable system. It just makes the existing economic system 'environmentally friendlier'. We must accept that there are social and political issues within the delivery of sustainable development too.

2.3. Implementation Mechanisms

As noted above, there has been no proper analysis presented of how well the current series of policy documents, produced in 1994, have performed. This is a serious flaw in the consultation process.

From my own experience working with many development proposals over this period, there has been very little meaningful use of these documents to form policy at the local level. For example, in the town and country planning systems local authorities invariably resort to using policy from the Planning Policy Guidance note series, and very rarely, if ever, extract information from other sources on sustainable development - even as part of development plan review procedures.

Town planning is in fact the 'best' area to consider sustainable development. If we consider other areas - such as waste or pollution control decisions under the Environmental Protection Act 1990, it is very rare for regulatory bodies to make any reference to sustainable development as part of everyday work. Even the Environment Agency - whose statutory functions in relation to sustainable development are defined⁷ by the Secretary of State under the Environment Act 1995, very rarely use policies on sustainable development in a practical way. For example, in recent 'Local Environment Agency Plans' (LEAPS), the guidance from the Secretary of State isn't even mentioned.

Given the very poor record of implementation of policies on sustainable development we must revisit the implementation mechanisms. Since no proper analysis has taken place it is difficult to provide comprehensive comments - what follows stems my own practical experience.

⁷ 'The Environment Agency and Sustainable Development', Department of the Environment, November 1996.

2.3.1. Regulatory Processes

In general the regulatory process has very little to say about sustainable development. This is particularly true in relation to the areas of planning, pollution control, waste management and energy production. In many of these areas the consideration of sustainable development issues is left to non-statutory processes.

The best example of a statutory process for defining and requiring the implementation of sustainable development is the statutory guidance given to the Environment Agency under the Environment Act 1995. But from practical experience it is clear that the principles contained in the statutory guidance are rarely quoted directly in relation to the Agency's planning/strategic development role, and are seldom, if ever, referred to in the day-to-day work as an environmental regulator.

It is clear to me that we must ensure that sustainable development issues are not discretionary, non-statutory matters which regulators and decision making bodies can pick up or put down as it suits their cause. The use of vague guidance on sustainable development issues has been shown to be ineffective in relation to the Environment Agency's statutory functions. It is essential therefore that the consideration of sustainable development issues, and in particular the use of environmental capacity measures and the precautionary principle must be clearly defined through statute. Such an approach has been taken on issues such as efficiency, costs of regulation and economic issues. I believe that there is no obstacle to defining where, and to what extent, sustainability issues must be considered as part of the statutory functions of regulators, public bodies, and statutory undertakers.

Finally, we must have a 'root and branch' re-evaluation of existing legislative system to take out the contradictions between current practise and 'sustainable' practise. For example, an issue arose in a public inquiry a few weeks ago⁸ where a local authority planning officer stated that there was a contradiction between sustainable development, and in particular the use of the precautionary principle, and the traditional presumption in favour of development. There are many instances like this which must be identified and rectified through revision of current legislation.

2.3.2. Economic Instruments

In the consultation paper 'regulation' is followed by 'best practice'. In reality I do not think this is the case. It is implicit in a 'free market' system that any business, in order to maintain its competitive position, must keep costs down. In the short term changing systems to adopt 'best practice' is not economically viable, particularly in very competitive industries. **In order to ensure that all areas of society take action to make current practises more sustainable it is essential that we create a 'level playing field' to ensure that everyone adopts best practice. This is why I place economic instruments before best practice.**

There are two ways to cause change in existing systems. Regulation is one - but it is a very clumsy way of achieving change since there are often ways to avoid the requirements of particular legislation. The use of regulation also requires that there is adequate enforcement. Experience tells me that this is a forlorn hope because as the need to regulate becomes

⁸ Lancashire Minerals and Waste Local Plan Public Inquiry.

more complex or physically widespread, the effectiveness of a regulatory body decreases. One need only look at the enforcement of planning, environmental pollution, waste or road traffic law to see this.

Where diverse and dispersed industries or practices are involved it is better therefore to introduce some sort of economic measure. There are a number of reasons for this:

- *It is simple to implement since it usually involved fixing a cost at the 'source' of the process rather than with the 'user'.* For example, imagine if the current policy of above-inflation price rises in fuel prices were applied to car drivers rather than petrol vendors - it would be a very cumbersome system to administrate. Taxing other primary resources or products with the vendor rather than the user could have the same effect for other areas of resource use - for example a tax on aggregates, or the development of greenfield sites, or by charging for the emission of pollutants.
- *It does not distort the market to the same extent as requiring 'best practice'.* The reason for this is that it will affect all areas of a particular sector of industry/commerce in the same way. We must also consider the cost incentive that increasing economic costs gives to introducing more efficient or less wasteful practices. In some cases the benefits of introducing new practices are marginal, or sometimes more expensive, than carrying on with existing systems. If we create a greater cost differential between existing practice and more sustainable practices by using economic instruments we reward those who change by giving them a more competitive position in the market, and penalise those who don't by making their costs higher.
- *It can be fairer in the long term.* The key function of an economic instrument is to encourage good practices and punish bad practices. In society as a whole we constantly seek to increase incomes and consumption levels. But at the same time, it is incomes and consumption which we have traditionally taxed. However in terms of sustainability we should seek to prevent the wasteful use of resources, or the emission of pollution, or the carry on of anti-social practices - but these areas are often regarded as 'free', incurring no tax. We have to shift this position to tax what we do not want, and lessen tax on what we do want. That means shifting taxes from income and consumption to resource use.

This last point is very important. **If the government's stated aim of being more sustainable while maintaining or improving the economic wellbeing of people in society is to be achieved it follows that we must move to a system of resource taxation rather than taxing income or consumption. Such a change gives positive rewards to those who by efficiently manufacture or recycled produces, and seek to live and work in more sustainable ways. Such a change would also meet the long-held wish in society to redistribute wealth from the richer to the poorer sections of society since the rich, by virtue of the fact that they consume more products and consume 'more conspicuously' the un-sustainable products, will pay more than the poorer members of society.**

2.3.3. Best Practice

I have a number of problems with best practice.

- **Firstly, who decides what best practice is? I know of a number of industry-led**

best practice schemes which, and an objective scientific analysis, can be demonstrated to have minimal benefits to achieving sustainable development. What many best practice schemes seek to do is 'civilise' unsustainable practices in order to perpetuate their use. For example there are a number of best practice schemes in intensive agriculture in relation to the use of chemicals, or the keeping of livestock. It can be shown that the process itself - intensive agricultural practice - has a damaging effect on the environment even when best practices are rigidly followed. **What sustainable development would require is a review of the whole process to try and find more sustainable alternatives, not just whether or not the effect of existing practices can be mitigated or ameliorated through changing how the fundamentally unsustainable practice is carried out.**

- **Secondly, in very competitive markets there is no financial benefit to following best practice. In some cases there may even be a penalty because the change in how the operation is carried out can require changes of process equipment or raw materials.** Coming back to agriculture again, it is clear that organic agriculture is immensely more sustainable than intensive agricultural systems, but those who change to organic agriculture face a cost penalty as many of the subsidies for agricultural product favour intensive production because they are quantity based.
- **Finally, there is a problem with encouraging a process of change based on adopting best practice because it seeks to raise everyone to a standard which, once achieved, there is little incentive to do better.** For example, BS7750⁹ is a quality standard which industry seeks to achieve, but once attained there is very little encouragement to do any more than is necessary to keep the registration. There is also the issue of enforcement, but more importantly measurement. If we set a standard, and only use the number of organisations meeting that standard as our indicator, it is very difficult to quantify any real change in key environmental indicators since the standard may be significantly exceeded by some, but perhaps few (if any) of the others.

I do not believe that basing the implementation of sustainable development through 'best practice' measures will produce any significant rewards. There are many problems regarding how 'best practice' standards are set, particularly in relation to practices which, by their nature, involve fundamentally unsustainable practices. Nor will it provide incentives for people to achieve significant improvements above the best practice level.

⁹ British Standard 7750 - Environmental Management Systems

3. Content of the Consultation Paper

In the previous section I outlined general issues regarding sustainable development, and issues of implementing sustainable policies. In this section I comment directly upon the content of the consultation paper.

3.1. Introduction

When called upon to review a policy, it is sensible to begin by evaluating the performance of that policy in order that any mistakes or problems in the interpretation or implementation of that policy can be addressed and corrected. That is my starting point for considering the need to review the 1990 and 1994 policy documents on sustainable development. **However there has been no evidence presented as to how any of the policy documents have performed in practice. This is a flaw in this whole process.**

It is my own practical experience that the Governments policy statements on sustainable development have had very little impact of development, commerce and society. I actually had access to the pre-conference drafts of Agenda 21 in early 1992 via the Internet and so I have been using arguments in relation to sustainable development, environmental capacity and the precautionary principle since before Agenda 21 was even formally adopted by the UK.

Another failure of the consultation paper is to adequately reference the national and international policy documents that preceded this review, and how the content of those documents is being implemented through this strategy. Another important issue is to what extent the UK government is seeking to improve or update existing national and international guidance in the light of practical experience or new information. This has particular relevance to the point made above regarding the evaluation of how well these policies have performed in the past.

The fundamental issue is that the guidance on sustainable development is vague, whereas the guidance on the everyday regulation of development, pollution control or the transaction of business is extensive and detailed. In this field of competition sustainable development has little chance of success. Even where guidance is given of what sustainable development means in practice - and the best example is that of the Environment Agency given earlier - it is difficult to see if this guidance has made a real difference to the work of changing existing practices in favour of more sustainable ones.

It is clear to me that as part of this review procedure, and before any new strategy is published:

- There must be a review of how the current sustainable development strategies have been used to date;
- There must be an evaluation as to how successful individual policies have been in encouraging change;
- Specific attention must be given as to why policies were or were not successful, and alternative means of implementing those policies considered;
- Specific reference must be made to the relevant national and international policy documents on sustainable development, how the requirements of those documents

are being met, but more importantly where the new proposals fail to implement previous policies, where they do implement previous policies, and where new policies go beyond or introduce new policy objectives, and the reasons for this.

3.2. What is sustainable development?

I am intrigued to know where the definition of sustainable development used in the consultation document [6] - "*it is about ensuring a better quality of life for everyone, now and for generations to come*" - has come from. This is a significantly different concept from the 'full' Brundtland definition of sustainable development given earlier because it considers neither '*need*', the '*world's poor*', or the '*limitations*' which must be placed on development. **I do not believe that, when examining Agenda 21 and the Rio Declaration, the definition of sustainable development adopted in the consultation document is valid. The starting point for policy should be the generally accepted Brundtland definition. I would also argue that the Brundtland definition must be given in full, with its qualifying points, and not abbreviated in any way.**

The consultation document then goes on to further define the objectives of sustainable development in four terms. Considering each of these:

- *Social progress which recognises the needs of everyone.* The term 'need' must be properly qualified. One could argue that certain harmful substances - for example mercury, nuclear medicines or chlorine - are needed by society and so it is necessary for individuals to have their lives subject to greater risks and potential harm than others '*for the common good*'. In fact, within the chosen definition [6] of the consultation paper, one could argue that 'need' would include consumption and use of resources which were potentially unsustainable. In terms of the Brundtland report, need is classed as the human needs for life, which is a very different scope from the possible interpretations of the policy given here.
- *Effective protection of the environment.* Protecting the environment is not enough - we must ensure that human systems operate within properly assessed and quantified limits based upon the capacity of the environment to absorb pollution, or to replenish natural resources. Any other interpretation of policies on sustainable development would not give appropriate protection to natural and social systems.
- *Prudent use of natural resources.* Once again, a word which has many possible connotations - 'prudent' - is used where we should be using much clearer and unambiguous language. Resource management is key to any system of sustainable development not only from the point of view of damage to the environment and society, but also from the point of view of future generations.
- *Maintenance of high and stable levels of economic growth and employment.* This last point, in terms of the practical global implications of sustainable development, is a completely erroneous argument. If the developing world is to improve its standard of living, it is not possible for the developed world to improve its standard of living as well. There are many studies which demonstrate that the global environmental capacity for resource use is already exceeded many times over by the developed world alone. Increasing the efficiency of use will help this situation, but it is not possible for societies in the developed world to further improve their position. As noted earlier, since the global problems have been caused by the developed world over the past 200 years, it is also clear that the developed world have a debt to pay back to the developing world by

accepting a significant cut in their current lifestyle. This is not a sound political reality since leaders for centuries have always promised 'more' - but it is a practical necessity if the globe is to achieve sustainability.

It is my considered opinion that the definition of what sustainable development is not only departs markedly from previous national and international policy documents on sustainable development, but the use of certain terms and words would weaken existing policies on sustainable development. The approach chosen does not accord with the Rio Declaration, and it certainly is a worse position than the existing UK Strategy. There is no reasonable argument advanced to depart from the internationally adopted Brundtland definition on sustainable development, not to abandon the three key considerations in that definition - need, the world's poor and the limitations to development - which are the core of its meaning.

3.3. Setting a framework

I am concerned that, in the same manner as the current consultations of 'modernising local government', the consultation on the new strategy is going to be fragmented into a number of smaller consultations [10]. The policy document must hang together as a single entity - I do not believe it is a valid approach to split away different areas for separate consideration.

I also believe that this consultation paper has cherry picked the 'easy' issues - such as 'goods and services' or 'sustainable communities', while ignoring the difficult detailed areas such as reforming current legislative systems, or changing the current system of assessing and permitting developments. These issues are considered in a fashion, but without a detailed text to comment upon the minimal nature of the policy given in this consultation paper makes it difficult to give meaningful responses on these problem areas. We only need to consider the proportions of this consultation paper to the existing Sustainable Development Strategy - 25 pages to 268 pages (a ratio of over of 1:10). **I do not believe it is possible to have a valid debate on the issues involved with such a minimal amount of information on what specific measures the Government intends to adopt in the new strategy.**

3.4. Achieving sustainable development

I agree with the four bullet points given in the consultation document [12], but in the absence of any specific policy proposals the 'process' defined in the paragraph is completely meaningless. For example, how do we consider 'risk' in this system, and what level of risk is acceptable? More importantly, where practices can be shown to be unsustainable in terms of the four sets of criteria outlined, can we infer that the Government will seek to implement change by absolute legal prohibition. The system of evaluation given in the text, while valid in itself, is of little value without any guidance as to how the results will be acted upon.

The consultation paper poses a question [15] - "*We invite your views on what the objectives and targets should be, and the policies to achieve them. We ask you to suggest ways in which everyone can play their part in sustainable development, and what the Government can do to help them*". We can evaluate this in three parts:

- Objectives and targets: It is not possible to set objectives and targets when there are no real policy proposals to apply them to. In any case, Agenda 21 already sets objectives and targets across a wide spectrum of issues which the UK government have still not adequately addresses through policy guidance.
- Policies to achieve them: this again begs the question as to which issues we are being asked to address ourselves to. Given the scope of issues in Agenda 21, and the UK Sustainable Development Strategy, I do not think it is a realistic expectation for the Government to expect respondents to give an exhaustive live of policies, and reasoned targets with them. This is the job of the Government as the originator of policy.
- Suggest ways in which everyone can play their part: This is a curious position to take. As was made clear earlier in the discussion on regulation vs. economic instruments, it is foolish to expect that people will voluntarily change their lives or their business where it does not suit their personal interest. But more importantly, it is clear from the wording of this statement that the Government are seeking to transfer the responsibility for implementation from the societal level to the individual level. This is the position which has been taken in the past on issues from recycling to drink-driving, and it has plainly failed.

It is true that sustainable development is all about making choices, but it important that we segregate the personal choice from the choice which society must collectively make. There are choices the individual can make, where choice exists, which will help us move towards sustainable development. It is also true that there are some decisions, in particular relating to resource use (for example, the use of energy), or the overall level of resource use which we must attain to ensure global sustainability, where it will be necessary for the Government to take a central role as the 'protector of the public's interests' and implement change against undoubtedly strong public opposition. There are also decision which, because of the operation of the market, cannot be made by individuals because the market will always dictate the form or content of the goods or services concerned. This is where the government must act in the 'public interest' to force change, and ensure that either the goods that are offered are sustainable, or that sufficient choice exists within a reasonable and affordable cost for the public to make that choice.

3.5. Keeping track of progress

There needs to be a wide range of sustainability indicators, working at a variety of levels in society. But this issue needs to be redefined to put it within a meaningful context. How do we assess policies on sustainable development, in order to quantify the outcomes of different 'choices', in turn to plan how we maintain human systems within quantified environmental capacities?

The beginning of this process is the assessment of policy options. It is this assessment procedure, and the development of baseline information on existing systems as part of this procedure, which will determine the form and subject of the environmental indicators used. There is really only one process for doing this - ***strategic environmental assessment***.

Strategic Environmental Assessment (SEA) has been developed from the process of 'environmental assessment' which has been practised for many years. However rather than

look as a single development, the purpose of SEA is to provide an overview of impacts and the capacity of the environment to handle the impact over a large geographical area.

SEA has been defined¹⁰ as:

"The formalised systematic and comprehensive process of evaluating the environmental impacts of a policy, plan or programme and its alternatives, the preparation of a written report on the findings, and the use of the findings in publicly-accountable decision-making".

SEA involves a measurement system of key indicators of environmental quality designed to provide a comprehensive assessment of past trends and the current status of the environment to support planning and management decisions. The basic SEA process involves the following steps:

- identify the critical environmental/sustainable development issues with which the decision maker must deal with;
- assemble and consolidate the best available scientific information concerning these issues;
- applies a process that considers this scientific information in combination with the judgements of the best available technical experts to produce the best possible assessment of the risk that each issue poses to ecology, human health, and the quality of life;
- establishes, based on these assessments of risk, relative rankings of the issues with regard to their separate risk impacts on ecology, human health, and the quality of life, and confirms these rankings with the public by a participative public process that culminates in the development of a single integrated ranking of environmental risks.

The principal assumption behind SEA is that sustainable development considerations and policy, as reflected in policy and planning documents, is not an accurate representation of the true environmental risks to human health or ecology. Instead the issues that are addressed through policy and planning guidelines tend to reflect concerns which have high political content, that have high public visibility, and that are particularly abhorrent. Other issues that are not as obvious to decision makers and the general public, but which may represent relatively high risk to human health and the ecology, may receive little or no attention. **The result is the potential for a serious misallocation of public resources and the distortion of sustainable development and environmental policy.** For example, in response to the need to recycle local authorities may develop 'bring banks' for glass, often served by cars. But if someone drives in a car for one mile and only takes a few kilos of glass the energy and pollution benefits of recycling are negated. It is not therefore sound to base recycling policy solely on a network of bring banks.

In some respects, this process has begun with Government initiatives on 'environmental appraisal. However the most widespread form of policy appraisal carried out at the moment is the environmental appraisal of development plans. This has been developed over recent years as a means of gaining more information about the potential effects the policy in the development plan will have. **However there are a number of criticisms with regard to how this process is carried out:**

- There is no sense of objectivity in appraisals – almost every appraisal of a plan I

¹⁰ Therivel, et al 1992

have seen over the past few years has been based on the value judgements of the officer writing it.

- The categorisation of risks into a number of categories adds to the uncertainty and inaccuracy of the results. In many appraisals I have reviewed the “*don't know*” or “*uncertain effect*” is often used even though, if a little research were carried out, the results are readily quantifiable.
- Often the appraisal of plans involves the consideration of other policy documents, and not the consideration of actual effects. Hence the justification of a good effect can be related to other government policy statements which themselves have not been subject to appraisal, or which were not intended for that purpose.
- The greatest drawback is that environmental appraisal does not give a realistic comparison between strategy options, and it is nearly always applied when the decisions over strategy has been taken. This makes it useless as a decision making tool.

It is for these reasons that I do not believe that we should continue to rely on non-quantitative processes of environmental appraisal since, in my professional experience over the past few years, they are nearly always flawed, contain incorrect assumptions and statements, do not fairly relate to the impacts they are intended to assess and do not enable comparative assessment to be considered. Their use to appraise a prepared policy document is also completely inappropriate because they should be used at the beginning of the strategy process to assess and rank the impact of different options rather than to assess the effects of an agreed strategy in an attempt to mitigate impacts.

If we are to give a realistic appraisal to strategic policies at all levels we must have a meaningful, quantified and scientifically sound assessment of the development options. The decision as to which proposals to incorporate into the final strategy can then be based on the results of this analysis. The starting point for an SEA of a and draft policy document must be an assessment of more than one realistic development option. In a similar way to the current practice of environmental appraisal we set a number of key indicators which provide a system of quantifiable impacts for use in comparison. These need not be arbitrary – they could also be taken from the policy targets from other national policy documents. The process itself is not difficult, and there are an increasing number of studies and tools available to undertake this work. The use of clear criteria, readily understood scientific concepts and agree standard also make the whole process more transparent then the current system of environmental appraisal.

It must also be considered that the output from the SEAs of higher level policy documents can form the input to subsequent SEAs for lower level strategy documents such as development strategies, economic strategies or social programmes, so improving the quality of regional/local impact appraisals. Also, by collating SEA results across the UK we can produce a better dataset from which to base national decisions on environmental and sustainable development policy. This is not possible with current appraisal systems because the classification of impacts is so value laden.

But in order to make this whole process work effective within a sustainable development framework it requires that we also undertake studies to assess 'environmental capacity'. Environmental capacity is an issue that is readily understood, but seldom considered in policy decision in any meaningful way. The use of SEA in a decision making process does

not itself become fully relevant until we can also set environmental capacity limits to set as a *'threshold indicator'* in the decision making process.

The assessment of environmental capacity is dependent on the existence of baseline data on environmental media. There are some very poor areas which need more work, but the information held by pollution control and land management agencies is sufficient to undertake meaningful studies to determine what the effects of particular development strategies will be.

In parallel with the assessment procedure, it is important that any strategy has a system of measuring progress towards this goal. For this reason the sustainable development strategy must set *'sustainability indicators'*. There are a number of reports¹¹ on how to set and monitor sustainability indicators. But as noted above, the consideration of the effects of policy through the SEA will provide not only a range of indicators, but also the measuring system and the baseline data as part of the process.

The consideration of indicators in the strategy should also have regard to the need to have regional indicators. It is not enough that we set national policies without giving some direction to them. It is implicit in any sustainable approach that we consider the delivery of the strategy as close to the level of implementation as possible, otherwise policies will have little meaning, and there will be disputes regarding who has what slice of the national apportionment of the UK's 'global footprint'.

In short - to answer the original question - there should be a defined assessment procedure based on quantifiable criteria to assess national and lower level strategy documents. The outputs from this assessment procedure will define the necessary range and scope of sustainability indicators.

3.6. Sustainable goods and services

It is very difficult to give any meaningful comment on the information in this section because of the lack of any meaningful policy options, or data to back up the preferred options chosen. For example, in terms of the information given on 'producers' and 'consumers' the emphasis is, once again, on the process, and not on the policy or the targets. In relation to energy use, without any meaningful data on current emissions from different sectors of industry (the 'energy consumption' graph on its own is pretty meaningless) and how we will match national, regional and subregional environmental capacity with current and future demand, it is not possible to give any opinion and what should be done. It is also indicative of the simplistic nature of the approach chosen that the second graph only considers 'household waste' - this is in fact only a few percent all controlled waste arisings in the UK.

The text of the consultation document seems to be making the same mistake. The important issue is not *'what do we want'* or *'how do we do it'*, but *'what must we achieve'*. In considering any policy on production and consumption of resources our first consideration must be what level of consumption is sustainable, and how do we move from the current position to the sustainable position, and over what timescale. It is this information which will form the basis of how we undertake change. If the analysis

¹¹ For example, "*Indicators of Sustainable Development for the United Kingdom*", DETR, 1997

indicated that we had many years to achieve change then some of the 'partnership' and voluntary approaches in the text might be credible. But if we have to achieve significant cuts in consumption or emissions over a short period of time it is obvious that only regulation of the processes involved, backed up by economic interments, will achieve change over the required period.

For example, the stabilisation of carbon dioxide emissions at 1990 levels has been brought about primarily by the restructuring of the energy industry to favour gas generation, which is inherently more efficient, and the improved output of nuclear stations. Achieving a cut in carbon dioxide emissions over the next 15 to 20 years will not be that simple however because it will require we move beyond changes in production systems to look at demand side management.

Regarding the two questions [31] posed in the consultation paper:

- In relation to dialogue, it is true that a negotiated change is more welcome than an imposed one. But there are some changes, particularly in relation to resource use and pollution control, where society and industry will not voluntarily accept the cuts necessary to achieve sustainable levels of consumption and polluting emissions. For this reason there will have to be a range of options related to the urgency of the need to achieve change.
- In relation to influencing consumers, there are three key factors which will influence decisions - price, reliability and performance. For example, if we can extend the product life and reliability of a purchase at a negligible cost then that will be more attractive. Likewise, if we can improve the 'performance' of the product in sustainability terms, without a significant increase in price, then that may also be attractive to consumers. But we have to recognise that there are some products which, by their nature, are unsustainable and must be phased out. This will of course require the use of legislation or economic instruments. As noted earlier - if we were to reform the tax system to place the burden on resources rather than on income and expenditure, many of the goals we seek would be reflected in the resultant restructuring of the market.

3.7. Building sustainable communities

This is potentially the most controversial aspect of the achieving sustainable development since it will be one of the most public, and it is an issue over which there is significant vested interests between land holders, developers, and the public.

First and foremost, we have to restructure the current system of development, and the regulation of it. For example, there is a fundamental conflict between the 'presumption in favour of development' which operates through the Town and Country Planning system, and the need to limit development in certain instances. More significantly, there is a conflict between the presumption in favour of development and the precautionary principle.

As with the points made on taxation earlier, we must consider what it is we want from the development system, and what it is we want to restrict. For example, we want affordable housing - but the current system does not deliver it. It is also a stated aim that we regenerate urban areas - but that cannot be effectively achieved with some sort of land assembly process which local authorities are often reluctant to undertake.

3.7.1. Where we live and work

The consultation paper poses a number of questions [41]. Considering each of these in turn:

- ***how best to incorporate the broader objectives of sustainable development within the planning system, in particular how best to integrate the social dimension;***

As noted above, we need to review the regulation of the development system to remove the inconsistencies between sustainability objectives and current practice.

It will not be possible to properly target investment in the urban areas while considerable greenfield land releases are being permitted. The UK Round Table on Sustainable Development in their report on housing suggest a number of options for changing the current system. Most significantly, they praised the regeneration strategy of Hertfordshire County Council, which by the time of publication of the Round Table's report had been abandoned in response to developer pressures in favour of releases of land from the green belt.

This last point I believe demonstrates that even with the best will in the world, the development system is still subject to unsustainable pressures from the development industry. The only way to stop this will be to provide absolute protection to greenfield site - only releasing them when there are absolutely no other alternatives for development.

It is also important that we provide for the needs of the community rather than developers. That means providing for actual local need, based upon the demographics of the area. Land must be made available for the development of low cost and rented housing - recent studies¹² show that half of all housing development needs to be of this type. We must also build the types of housing required by different groups in society. Currently this does not happen because one 'unit' can be of any description. We need to ensure that an appropriate range of housing is provided for local people.

Regarding the projected need for housing - 4.4 million units by 2016 - there are a number of factors which we need to addressed. Many of the problems with the methodology have been solved over the past few years, but there are some very volatile variables in the calculation procedure. For example - the vacancy rate. There are currently over 1 million vacant or uninhabitable properties in the UK which, if tax systems were changed, could be brought back into circulation. This would significantly change the requirement for 'new build' - particularly with regard to the regeneration of housing since this often involves sub-division or multiple occupation. **But in order to do this three things need to occur:**

- The exemption for paying council tax on empty properties must be removed;
- There must be a zero VAT rating of building materials for the renovation of buildings, or VAT must be imposed on new build sales (currently new build is not subject to VAT, while the purchase of materials for the renovation of properties is);
- Finally, we have to streamline the procedures for land assembly and compulsory purchase to enable effective regeneration of our urban centres. Current procedures are

¹² For example the work by Oldfield-King on behalf of the housing Associations which is currently being presented to development plan inquiries around the UK.

complicated and drawn out.

I note with interest the proposals for the two '*good practice guides*' [39] on sustainability issues in development plans and urban design. I am concerned that these publications would appear to pre-empt the consultation on the revised UK Sustainable Development Strategy. I am also concerned that, to my knowledge, neither of these guides has been subject to public consultation.

- *practical examples from local authorities and local communities for implementing sustainable development principles at the local level;*

There are a number of example of involving communities in planning - for example '*Planning for Real*'. There has also been DoE research on how the public can be involved in the local development process¹³. However it has been my experience that while communities can be effectively involved in proposals for the development of small local areas, particularly in relation to the development of development briefs or the scoping of sites for future development. However, they are rarely included in the overarching policy framework for development plans, or in considering major non-housing issues such as waste developments, minerals development or transportation.

While in general there have been many positive attempts to involve communities around the country in defining development strategy, these consultation invariable ignore the 'big' and 'strategic' development issues. The fact that most development is determined through regional guidance or structure plans also means that a lot of the decisions on development have already been made before communities are able to have effective input to the system. In my experience in working with community groups for many years, and training individuals to work in the planning system, the only true way to engage local people is to educate them in how the system works, and then allow them to interface with the system independently. This also means that the process is more open since the local authority or the facilitator of the group session is not able to set the agenda.

- *what indicators are likely to be most suitable for assessing the performance of planning policies in meeting sustainable development objectives; and*

As noted earlier, all policies should be subject to strategic environmental assessment, and sustainability indicators are produced as an integral part of this.

- *what patterns of development are likely to prove most sustainable.*

Whatever patterns a designed to suit local need, local environmental capacity, and local social and environmental systems. There is not one definition of sustainable housing. It means different things in metropolitan areas, other urban areas and rural areas. **The form of any development should be decided on the basis of a local assessment, not on any arbitrary national standards.**

¹³ '*Community Involvement in Planning and Development Processes*', DoE Planning Research Programme 1994

3.7.1. Buildings and infrastructure

Regarding this issue, this is the subject of a current consultation¹⁴ and I will respond in detail there.

3.7.2. Communities for people

3.7.2.1. Regeneration

As noted above, the only way we are going to encourage the proper redevelopment of urban areas is to:

- Restrict the availability of greenfield sites;
- Change the taxation system for empty properties - both commercial and residential - and the VAT rating of building materials for regeneration vs. new-build housing;
- Change the current system of land assembly and compulsory purchase to simplify the system for planned regeneration of urban areas.

In rural areas we can consider similar changes, but we must also consider the needs of rural communities, not only for housing, but also for employment - the two work in a symbiotic manner.

There are two problems regarding housing in rural areas. Firstly, price. This is primarily due to the demand for retirement housing and housing for commuters/second homes. However in some areas price increases can be due to demand for tourism development. The second issue is the maintenance of a 'community' to support improvements in housing provision. That means reversing the trend for the closure of rural services such as shops, schools and community centres.

To address these issues requires changing current policies regarding development in the countryside to allow more development or redevelopment in rural communities where it can be demonstrated that there is the demand from local people, or where it can be shown that a sustainable community could be generated through a small expansion of housing and/or employment provision. However there needs to be methods available to control the sale or lease of new rural housing to ensure that they are not later sold on to people from outside the area.

3.7.2.2. Tourism

The term 'sustainable tourism' is not properly defined. There have been a number of publications¹⁵ which have tried to define what sustainable tourism is, but very few of them take the truly sustainable approach of considering 'environmental capacity' before the provision of tourism developments.

There have been some attempts to tackle 'pressure points' in tourist areas. For example in 1995/6 Cumbria County Council and the Lake District National Park proposed a

¹⁴ 'Sustainable Development: Opportunities for Change - Sustainable Construction', DETR May 1988

¹⁵ For example, 'Sustainable tourism Development - Guide for Local Planners', World Tourism Organisation 1993

reclassification of roads within the national park in order to restrict the use of cars, and to encourage the use of other modes of transport. That proposal - well planned though it was - failed because of pressure from the tourist industry who objected to the exclusion of cars from large areas of the National Park. But this is precisely the sort of measure that is necessary if we are to control the effects of tourist development on our most popular tourist destinations.

The government should set specific requirements for tourist development to work within local environmental capacity limits. Where there is already a high level of tourist use no further development should be permitted unless steps are taken to improve capacity by other means first - for example the Lake District proposal outlined above. It should also set minimum standards, to be applied as part of planning conditions, covering things such as septic waste disposal, waste disposal and recycling, landscaping and design. But the important issue to tackle is transport and access since much tourism is car based. In much the same way that current research suggests there should be maximum car parking levels for urban areas, maximum limits should be set for popular tourist destination, and if necessary, existing parking should be removed in order to reduce capacity and hopefully reduce demand. Additionally, there should be a general requirement for all tourist facilities to, wherever possible, be served by public transport, and in the case of large developments cycleways, bus stops and bus priority should be provided. Where the development is near to a railway station, consideration should be given to funding improvements to the station and links to it. All tourist developments should cater for cyclists.

3.7.2.3. Health

I am particularly sceptical about health issues in the revised Sustainable Development Strategy. It has been my experience that those areas with the worst health problems have structurally unsustainable local development systems.

For example, areas of Sandwell Metropolitan Borough Council were recently declared a 'health action zone' (HAZ). A key player in the plans for the HAZ are Sandwell Metropolitan Borough Council. However, it is the Council who have, by their error and omission in controlling local development and policing environmental pollution helped create the health problem. I have conducted a number of studies on this area for clients and my findings consistently show that Sandwell Council have failed in their roles as regulator of local industrial process under Local Air Pollution Control, as the regulator of local environmental pollution through the Environmental Health Department, and in the regulation of polluting development through the planning system. Furthermore, officers and members of Sandwell Council have obstructed efforts by local residents to obtain information and seek improvements on local pollution issues. None of the plans Sandwell Council have as part of their proposals for the HAZ address these issues.

Health and the environment are closely linked. But in order to achieve changes in the environment and hence health it requires that we fundamentally change current systems of development, but more particularly current systems of industrial development, pollution control and transportation infrastructure. This issue has been highlighted in a number of reports¹⁶ in the UK and internationally.

¹⁶ For example, '*Prescription for Change - Health and the Environment*', Friends of the Earth discussion Paper No.2, July 1995.

I do not believe that, in an area like Sandwell, general comments on sustainable development and a healthy environment will have much effect on the Council. For this reason **the new sustainable development strategy must have the force of law in order to allow local people to be able to force their local authority to adopt minimum standards. If an authority fails to adopt such standards then there must be a complaint and review procedure - but not via judicial review as this is unavailable to most people - in order to make sure that the local authority carry out their obligations.**

3.7.2.4. Employment

In many ways there is a relationship between how government proposes to achieve sustainable development through the draft strategy, and how they are seeking to solve economic and unemployment problems. Both require that we create economic growth in order to solve society's problems. However, as recently noted in economic studies¹⁷, over the past decade we have had economic growth, but for the first time in history, because of the growth of new technologies, this has not resulted in a proportionate decrease in unemployment.

As has been clearly demonstrated by recent reports¹⁸, that changing to more sustainable patterns of development, improving the efficiency on industry, switching to sustainable systems of energy generation, improving the standard of dwellings and adopting sustainable transport policies actually creates jobs. **Studies demonstrate that the UK economy could generate 33,000-78,000 jobs directly from such changes, with up to another 600,000 jobs indirectly. But in order to do this there must be change. That means the use of economic instruments to encourage a shift to more sustainable systems, and where people are reluctant to make such changes, regulation.**

3.7.2.5. Participation and decision making

As noted earlier, participation in decision making is an essential part of sustainable development. But so far, the Government's proposals for reforming local government through the 'modernising local government' consultation papers have, in my opinion, fallen far short of what it required.

Local Agenda 21 is not an adequate process for achieving change locally. From my experience these groups can be of variable quality, and many are often dominated by one interest - particularly conservation groups. **My main criticism of many Local Agenda 21 plans is that the local authority will often promise actions which it is beyond their power to deliver.** Also, as many local authority fail to adequately discharge their statutory duties we have to question the sincerity of these authorities in promising action in areas where they have no statutory power to act, or even where they have the power it is clear that they will never have sufficient finance to carry out the plan. In my opinion it is not worth compiling documents which, for all their good intentions, will never work. **Local authorities should, first and foremost, make sure that they adequately discharge their sustainability related statutory obligations to the satisfaction of the local population.**

¹⁷ For example, Will Hutton's, *'The State We're In'*.

¹⁸ For example, *'Working Future - Jobs and the Environment'*, Friends of the Earth discussion Paper No.1, November 1994.

Any activities beyond that should be based fairly on the powers of the local authority to act, and the availability of funds to ensure that the actions take place.

The only way, in my practical experience, to properly engage local people in the running of their communities is to teach them how the system works, and how they can take part in it. Facilitated or moderated groups do not work because the agenda is often closely controlled by the dominant interest, or by the local authority. I have been working with community groups for fifteen years and I can consistently show that where you can involve groups of people around a particular issues, and give them targeted help in understanding how they can address the issue and what their legal rights are, the people are quite capable of dealing with the problem themselves. **What we should be doing then is not seeking to involve community groups in abstract dialogue, but instead we should be teaching in our schools, from infant level onwards, lessons on how our communities work, how our political structure work, and what the law permits and does not permit.**

In response to the questions posed in the consultation document [59]:

It is my belief that the only way to guarantee that local decision makers take action to implement sustainable is if:

- The public have free access to council documents. By 'free' I mean free. The Government's proposals for a Freedom of Information Act are not satisfactory since there is a £10 charge for each request. In many of the most deprived areas of the country that charge will effectively prevent the public having access to information.
- Allied to the above, we must cap the charges made by local authorities for policy documents and for photocopying. I have discovered some councils across the country who deliberately structure their photocopying charges to prevent the public taking away copies of information.
- Additionally, the Government must take steps to reduce the charges of legal and Government information from the Stationary Office. It is not acceptable that copies of public information should be charged at such high rates. The alternative would be to ensure that all libraries had a good collection of the important policy documents relating to law, planning, pollution control and other local issues.
- The public must have the right to address council meetings. Not all local authorities allow this, and standards vary widely.
- There must be a more effective and enforceable means of complaint than the Ombudsman. The current system is slow, and there are a large number of issues, particularly relating to environmental pollution and access to information which the Ombudsman routinely refuses to consider.
- Finally, to ensure that councillors do represent their electorate, there should be two fundamental changes to current systems. Firstly, on receipt of a petition of a set size, the electorate should be able to 'recall' their councillor because they are dissatisfied with them, and force a by-election. Secondly, we must dissolve the 'group' system in local authorities. There is nothing wrong with having political or interest alliances on a local authority, but the 'group' should not be able to deselect a local member if they vote against the party line because they are, in their consideration, acting in the interests of their electorate.

The purpose of these changes is to enable the public to have free and open access to local government in order to discover what is happening on their behalf, and to effectively lobby

when issues arise which they object to.

Regarding giving sustainable development and Agenda 21 a higher profile in local communities, if the Sustainable Development Strategy is given real force by making sustainable development issues a statutory obligation on local authorities then people will use the statutory guidance to local authorities when they lobby local government. It is not widely used at present because it has very little meaning in most local authorities, particularly alongside the 'core' guidance such as development plans, planning guidance and environmental guidance (for example, process guidance notes).

3.8. Managing the environment and resources

3.8.1. Energy and climate change

The main objective with regard to energy should be switching to more sustainable forms of energy production and improving efficiency of use.

Recent Energy Technology Support Unit report now quote the price of tidal power as being mid way between coal and gas. Wind, active and passive solar and some biomass (for example the digestion of sewage sludge and organic agricultural wastes) also have an important role to play.

However the key area in relation to energy is energy conservation. Modernising industry to 'clean production' systems saves energy and raw materials, and reduces waste production. We also need to institute a programme of energy conservation in the housing stock to ensure that dwellings are warm, and that energy bills, and thus costs, are kept to a minimum.

Regarding the questions [67] in the consultation document:

- The short term actions to encourage change should be directed at the energy generators, not consumers. The Government should introduce minimum plant efficiency standards in order to ensure that generation takes place efficiently. Part of this process should also include setting targets for the setting up of combined heat and power systems, and in particular the retrofitting of CHP technology to existing plants. There should also be a requirement on the regional distribution companies, and the other new companies taking part in the new liberalised electricity market to purchase a fixed quantity of renewable energy. There should also be an obligation on electricity and gas supply companies to give free advice to households on energy efficiency measures, and to conduct a minimum standard of energy audit on each property.
- The environmental impacts of the energy supply industry will increase for two main reasons over the next 15 years. Firstly, as some of the older nuclear stations close this will be replaced by fossil fuels. To avoid this we should seek to replace nuclear capacity with renewable sources to avoid increasing emissions. Secondly, energy consumption is forecast to grow, particularly in the transport sector. For this reason we should seek to implement energy efficiency measures, and to speedily implement integrated transport policies. It would be advisable to set a target for cutting transport emissions in order to focus policy. In the longer term the main

concern will be the run down of gas stations. We should seek to begin the development of alternative renewable sources as soon as possible in order to ensure that in 30 years time and cut in gas generating capacity will not have to be supplemented with other fossil fuel sources.

3.8.2. Air and atmosphere

Emissions to air can be put into two classes. There are the voluminous emissions, mainly from combustion processes, but also from refineries and furnaces, which are of concern because of the global implications or because of their health implications. For example, carbon dioxide, nitrogen oxides, particulates or acid gases such as hydrogen chloride. **These can be tackled by installing new plant, improving abatement systems, and improving generating efficiency.**

The other class of pollutants are the toxic pollutants, such as lead, cadmium, mercury and other heavy metals, benzene, hydrocarbons, aromatic hydrocarbons, dioxins and PCBs. These are emitted in small quantities, but are extremely toxic, bioaccumulative, or which create 'secondary pollutants' which are hazardous (for example, ozone). **We should set a target of achieving 'zero emission' of such substances through more stringent controls and the tightening of standards to ensure that processes emitting these substances have the cost-incentive to install new plant to eliminate emissions.**

In parallel with measures to lower emissions, we must increase sampling frequencies and locations to establish a good set of data to set local air quality standards. When standards are breached local authorities should have the power to close roads to traffic in polluted areas, or require a lowering of emissions from industries in the area.

3.8.3. Freshwater and coastal waters

Water is not something which can be easily transported like other substances. Its weight makes it extremely energy intensive to move around. For this reason **I do not believe that long-distance water transfers or a national grid are a realistic option.**

Instead we should look at ways of conserving water. I believe that one use of water which has not been properly considered to date are the losses due to power generation. A large water cooled power station evaporates over 10 million gallons of water a day. Retrofitting these stations with direct water cooling, or other close circuit cooling systems would significantly reduce this loss to minimal levels.

Another significant use of water is in agriculture and industry. **We should require farms and large industrial users to produce water management plans, encouraging them where possible to develop their own water storage systems to collect water during Winter months for use over the Summer.** There have been a number of proposals across the country submitted to local planning authorities with varying degrees of success. **The government, as a priority, should produce new guidance for planning authorities on assessing and permitting water storage facilities.**

Leakage from water main is also an important issue. But the other points could have an equally significant effect on water resources as tackling leakage for a much smaller cost, and

over a much short timescale. **I do not believe that, in the absence of measure to tackle system leakage as well as consumption by power generation, agricultural and industrial uses, water companies should be allowed to develop large reservoirs. The main reason for this is that most lowland reservoirs require the pumping of water into the reservoir which is incredibly energy intensive.**

3.8.4. Seas and oceans

Britain should set a target for ceasing all discharges of toxic and bioaccumulative substances to rivers and seas - certainly within the next ten to fifteen years. Efforts should also be made to stop the discharge of radioactive substances over the same period. Special attention should be given to stopping the discharge of all untreated effluents to seas and rivers - including the 'storm overflows' from sewage works which are currently unregulated. Where bathing waters are affected - both on the coasts and inland, ultraviolet sterilisation of effluent should be introduced as a matter of urgency.

Special attention needs to be paid to the control of pollution from offshore oil and gas extraction. Companies should be required to meet, as near as possible, zero discharge of hydrocarbons and other toxic substances (for drilling muds and from plant operation) to the sea. We must also improve the standard of shipping entering UK ports, in particular we must control the venting in bilge's/ballast to the sea.

Regarding fishing, if we accept that there are too many fishermen and too few fish, and it is in the interests of fish conservation to reduce fishing catches, then **rather than introducing quota systems to restrict catches we should decommission vessels, and give adequate compensation and retraining to the crews. The quota system is not sustainable** since it leads to many fish being thrown away and wasted because once a quota on one type of fish is reached fishermen will throw it away rather than incurring penalties. Instead we should seek to limit catches to overall catches for different types of fish, but allow a minimal level to be caught on each trip once the quota is met.

3.8.5. Countryside, land and wildlife

It is a fallacy to suggest that Britain has an effective system of wildlife protection. While Sites of Special Scientific Interests are being damaged or destroyed every week Britains most important biodiversity is not being protected. **Absolute protection should be given to Sites of Special Scientific Interests in the same manner as that currently given to 'European' wildlife sites under the Habitats Directive.**

But it is not enough to manage biodiversity on the basis of a network of small sites. We have to improve the quality of the environment as a whole. The most effective way to do that is to tackle agriculture. In particular, we must seek to eliminate intensive agricultural practices and encourage low-input or organic farming.

It is not a sustainable use of land to pay farmers to leave it uncultivated under the set aside scheme. It will never regenerate as valuable habitats because the rules of set-aside require that it be ploughed or sprayed in order to control weeds. **Rather than take land out of production we should seek to lower yields per unit area. CAP reform should be targeted at valuing the production of low-input or organic produce - intensive**

agriculture should receive no subsidy. The set aside scheme should be scrapped and instead, if land still needs to be taken out of production, it should be transferred to 'low intensity' production such as rough grazing or hay production so that it can regenerate as a more valuable habitat, or it should be turned over to forestry - primarily mixed broadleaf woodland so that Britain can be more self-sufficient in hardwoods as well as softwoods.

3.8.6. Minerals

We must seek to limit the use of primary aggregates. There are three elements to this:

- Firstly, we must restrict the landbank policy in order to control not just the provision of future aggregates, but also the rate of release. This is a very hap-hazard affair at the moment using phasing condition on planning permissions, and not all mineral planning authorities bother to do it.
- Secondly, we have to maximise the use of secondary and recycled materials. That means not just reclaiming as much material as possible, it also means revising current standards for sand and aggregates to ensure that the quality of material needed is sufficient for the use intended, and that high quality materials is not used where lower grade materials would do.
- Finally, we have to introduce economic instruments, banded according to the quality of the aggregate being extracted, to ensure that there are economic incentives to use other materials, and to use aggregates more efficiently.

The restoration of minerals sites should be handled through the review of minerals working permission under the Environment Act 1995, and for older permissions the Planning and Compensation Act 1991. However the procedures under both of these Acts need to be reviewed as many local authorities are afraid to impose stricter conditions for fear of a costs claim. Steps should be taken to limit costs to realistic figures, based on how the site would have been worked at the time permission was granted, and not the extent to which it could be worked using today's technology.

The key issue is how we should restore sites. It is not advisable to landfill degradable wastes or materials which leach pollutants in a porous geology. Current lining and engineering systems do not prevent the leakage of pollutants - they only reduce it and spread it out over a longer time period. The recreational use of sites can also have a damaging impact, particularly where motor sports are involved. Some sites import materials prior to restoration as 'habitats'. It is my view that sites do not need waste importing in order to undertake restoration. If you look at old gravel pits and quarries that have not been restored nature often does a better task unaided than that achieved at 'restored' sites.

Where possible then I believe that sites should be allowed to restore naturally. The only work that should take place is the regrading of slopes or quarry faces to reduce the risk to the public.

3.9. Sending the right signals

Much of this discussion was outlined at the end of section 2.

3.9.1. Economic Instruments

I agree that the 'external costs' of goods and materials should be included in their price, and taxes should be levied to ensure that this cost is paid by the end user. However, this is not enough. We also have to recognise that there are certain practices we wish to encourage, and certain practice we wish to restrict. Therefore, over and above the external cost, there should also be an additional surcharge on unsustainable products or practices. In balance to this, there should also be a reduction on the charges for sustainable products and processes.

The setting of economic instruments should be considered wherever there need to be a 'correction' to market forces. However, as outlined earlier, the use of strategic environmental assessment will clearly outline systems of sustainability indicators. **The information sustainability indicators and SEA provide will also make it possible to consider a much wider range of economic instruments because we will have the sort of quality data necessary to project the economic impacts of such changes readily available.**

3.9.2. Regulation

The idea that regulation imposes unnecessary burdens is a fallacy. It is the purpose of regulation to impose a burden. If we contrast the approach of the Nordic states with the UK, the difference is clear to see. They have a successful economy, but they also have strong environmental regulations. The same goes for the USA. Britain on the over hand has very patchy regulations that are poorly enforced - consequently we have a poor environment.

Regulation is essential to ensure that change takes places, in the interests of society as a whole, where groups or individuals are unwilling to take action voluntarily. It is not good to precipitately create and impose regulations - but it is essential that any negotiating process initiated by the Government brings with it the certainty that if the key players fail to take the necessary steps to begin the transition towards sustainable development then laws will be made and they will be properly enforced.

3.9.3. Better information and education

There is a role for better education, but it must be balanced and realistic. Too much environmental education is based upon making the individual feel guilt for living. We must change that to a positive system where rights and opportunities are balanced by responsibilities. In modern society the average person has no power - changes in the role of government has disenfranchised them from the political process while at the same time the growth of global markets and large corporations has taken away their economic power.

It is not just a matter of teaching people the facts. We must educate people to take control over their lives again. In their workplace, in the food they consume, and in the products they buy, we have to appreciate the value of "things" once again. Then, when we realise the value of society, and our role in it, we will have the ability to value our own roles too.

This of course requires that Government take action to give the individual the ability to make those choices. That requires strengthening consumer protection laws to give

the individual power to get more information about the products they purchase from the manufacturer and the vendor. It also requires that social and political systems are changes to give people a greater role to play in deciding how to run their own lives - not in the Libertarian sense of '*every one for themselves*' - but in the social sense of having the opportunity to learn and develop skills to attain you own personal goals in life.

3.9.4. Setting an example: decision making by Government and public bodies

in terms of government and public bodies, it is essential that those in power realise that '*the age of the vote is dead*'. Voting as part of a democratic mandate to representative leaders has been in existence for nearly three thousand years. In that time **we have all grown more well educated, sophisticated, and more able to take responsibility for our well-being. However, the vote still has not changed, except to the extent that more people now vote than ever before.**

Voting is not enough. We must evolve systems of governance which engage people in the process of running their communities. The principle of subsidiarity does not stop with the national government or the regional chamber - it stops with the smallest unit able to take responsibility for it's area. Currently that would be a parish council or a residents association. It is these types of bodies which we should seek to give more influence to in the running of society by local government and regulatory bodies.

We must also strengthen the role of the individual by giving greater rights to see information and to have access to policy reports and statements, as well as national laws and guidelines. As noted earlier, current proposals for a Freedom of Information Act will not achieve this because of the high charges involved. There is also a problem with the charges made for the photocopying of documents by local authorities, and the costs of central government laws, reports and guidelines published by the Stationary Office.

3.10. International co-operation and development

The question is posed in the text [96] as to how we can ensure that the text of the strategy concurs with international agreements. My simple response to this would be to at least give meaningful reference to it. That is something that this draft has clearly failed to do - for example by adopting a qualitatively different definition of sustainable development to the internationally accepted Brundtland definition.

In terms of how the UK could best encourage the adoption of sustainable products in the UK and abroad, it is first necessary to tackle the global market. **The current draft '*Multilateral Agreement on Investment*' is an example of the sort of thing that the UK should seek to stop because that will give transnational corporations powers over the nation state to delay or hold up national measures to improve social, economic and environmental systems to make them more sustainable.** The UK should seek to stop the progress of this agreement forthwith.

Finally, it must be realised that the most secure economy is a locally based and decentralised economy. Like any distributed system there must be a widespread level of damage before you prevent the majority of the system functioning normally. However the past 20 years have seen just the opposite. We have evolved a global market place where nation states find it very difficult to control standards and practices to any one level.

If we are truly going to implement sustainable development we must dismantle the global economy, and focus our attention on meeting our own needs from as close to our own areas as possible. It is not sustainable to fly each day fresh flowers from Colombia, or lettuce from Israel, or potatoes from Egypt. We must return to local systems of trading, in an effort to reduce our 'global footprint' the smallest possible area.

3.11. Seeking your views: the consultation process

I welcome the opportunity to comment, but I must give my deep reservations regarding the following issues:

- The fact that this consultation will be segregated and staggered rather than seeking to produce one coherent draft document [10];
- The fact that the government will be publishing 'good practice guides' for local authorities in advance of the publication of the strategy itself [39];
- I am most unhappy that the document as a whole does not advocate any real policy options, and instead seeks to extract essentially 'wish lists' from respondents.

I am also very concerned that this consultation paper ignores key issues from Agenda 21 and the UK Sustainable Development Strategy:

- Combating Poverty;
 - Women And Sustainable Development;
 - Children, Youth And Sustainable Development;
 - Strengthening The Role Of Communities;
- Science And Technology
- Sustainable Agriculture And The Protection Of Soil;
 - Management Of Biotechnology;
- Waste Management
 - Management Of Toxic Chemicals And The Trafficking Of Hazardous Wastes;
 - Environmentally Sound Management Of Sewage
 - The Management Of Radioactive Wastes
- Information For Decision Making

I sincerely hope that these omissions will be the subject of further consultation papers.

4. Conclusions and Recommendations

It is not possible to give any in-depth commentary on the proposals for the revision of the UK sustainable Development strategy because the information given in the consultation document is insufficient. What the consultation document is seeking to do is to illicit responses to general issues rather than suggesting any details set of policies which the Government wish to adopt.

For this reason I believe that it is essential that the 'final draft' is circulated widely for public consultation, and that comments on the detaile dpolicies are taken into account before the final strategy is published.

Likewise, I am unhappy that DETR have chosen to segregate and stagger the consideration of issues by issuing a number of different consultations. I am also unhappy that a number of key issues such as poverty, agriculture and biotechnology, waste management and the role of science and technology have been omitted from this draft.

I take particular issue with the failure to identify a clear definition of sustainable development. Although the Brundtland definition id given a brief mention, the main emphasis is on the delivery of higher standards of living through high levels of economic growth. This is an absurd proposal, and it is completely at odds with the full Brundtland definition given in the World Commission on Environment and Development report.

I agree that an important part of achieving is the ability to make choices. However it must be clearly stated that there are some choices which it is possible for members of society to make individually, and some choices which it is only possible for local and central government to make. It is not correct therefore to continually suggest through the document that members of the public can be empowered to make the necessary choices. The development of global markets and the large corporations which operate within then have effectively removed the power to chose from the individual.

If we are to give power back to people it will be necessary for the government to tackle the 'democracy deficit' inherent in the current system by giving the individual rights to know about the content of products and how they were made through improved consumer protection laws. It will also be necessary to give individuals much greater access to the machinery of government at the local and national level.

It is important that to monitor our progress that sustainability indicators are set. However this should not be done arbitrarily. Instead all policy should be subject to 'strategic environmental assessment' in order to identify the best options for development, and to identify the important limits to environmental capacity. Sustainability indicators will naturally evolve as part of this process.

With regard to the specific details on goods and services, building sustainable communities, and managing the environment and resources I have made a number of recommendations for action in these areas.

In terms of 'sending the right signals', I must contrast the role of best practice, economic instruments and regulations. Best practice should be be a key part of delivering the strategy. This is because there are problems of how we set best practice, the 'threshold' nature of how attainment is measured, and there are problems in terms of how we measure progress

overall. I believe that economic instruments have an important role to play in correcting unsustainable trends in the market, ensuring that the external costs are brought into the equation, and making sure that we have a means of applying some measure of 'carrot and stick' to create change. However, we must always ensure that regulation is available as an option where groups or individuals are unwilling to undertake change to more sustainable systems. I also believe that the ability to make regulations, and to properly enforce them, is an essential part of the government's negotiating role with different groups in society.

Finally, in terms of international issues, I do not believe that the current draft accords or gives enough consideration to international conventions on sustainable development and environmental protection.

With regards to how we encourage global sustainability, I also believe that Britain must take steps to curtail and push back the growth of the global economy - it is a fundamentally unsustainable system which weakens the powers of governments to tackle sustainable development issues. As a matter of urgency the British Government should seek to prevent the adoption of the Multilateral Agreement on Investment.

Finally, to reinforce the point made at the beginning, I do not believe that the consultation, as it currently stands, is a reasoned and clear enough statement of government policy to be approved without further public consultation. We must be able to comment on the final draft of the full strategy documents.

Paul Mobbs
27/5/98