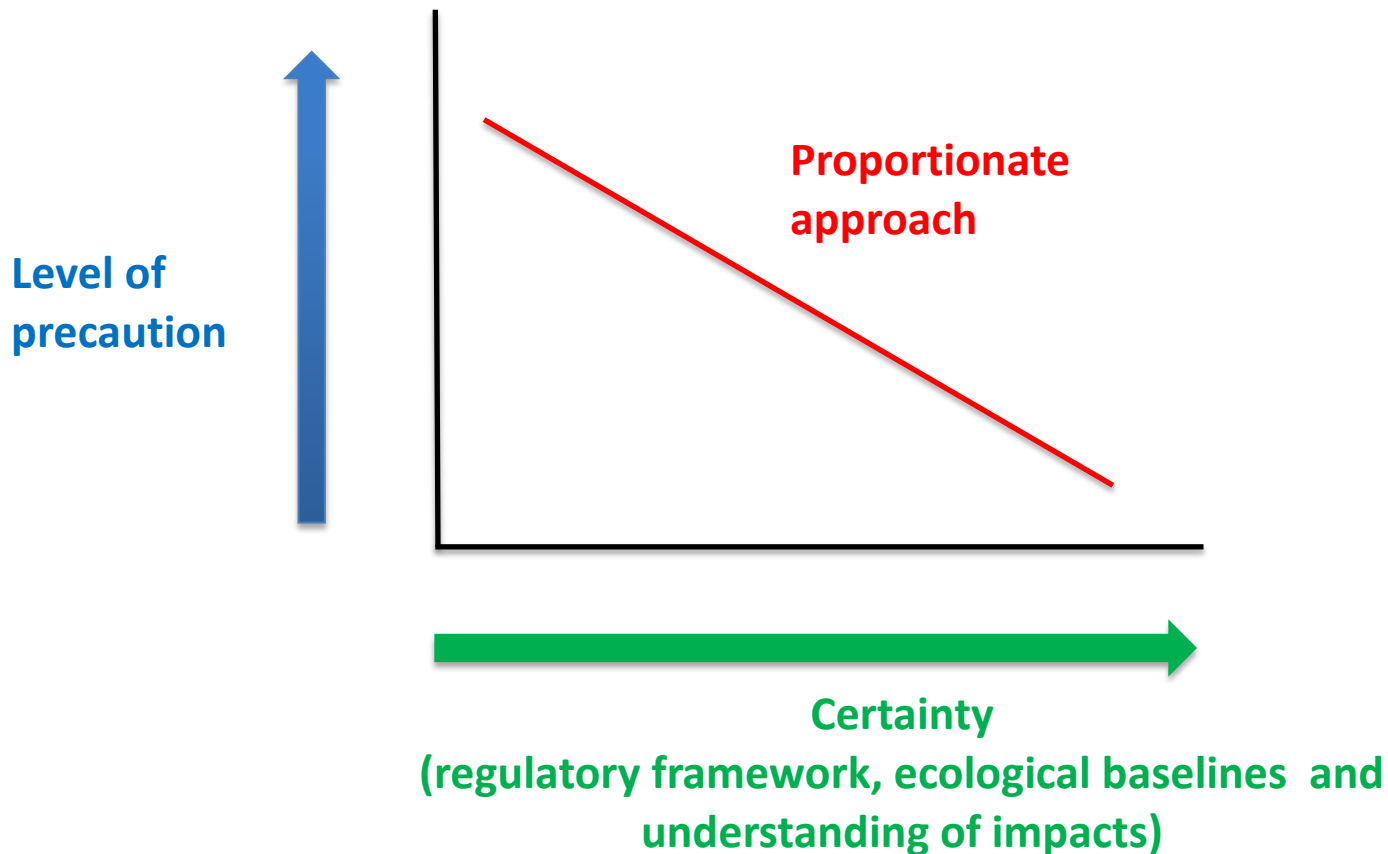


SUDG thinking on Precautionary versus Proportionate thinking. January 2015



NB: This image is a conceptual illustration of the relationship between ‘precaution’ and ‘proportion’ – it does not represent any numerical analysis of the relationship between the two.

Explanation:

Much of the discussion around ‘better’ or ‘smarter regulation’ is entrenched in a perceived conflict between those calling for a ‘proportionate’ or ‘risk-based’ approach and those calling for a ‘precautionary’ approach. In their presentation to the Coastal Futures Conference in January 2015¹, Kate Jennings and Peter Barham (representing the RSPB and the Seabed User & Developer Group) argued that this is an artificial distinction.

A proportionate (or risk-based) approach should – by definition - entail being precautionary where there is a high level of risk and uncertainty; for example when ecological baselines are unknown, impacts are uncertain (or are suspected but poorly understood) and/or where the efficacy of avoidance or mitigation measures are uncertain. Equally, where there is a high degree of certainty (e.g. where ecological baselines, the nature and scale of likely impacts

¹ "Smarter" Regulation – An NGO and Industry Perspective

and the efficacy of avoidance or mitigation measures are well understood) there should be little if any need for precaution to account for residual risks.

Investment in filling key data gaps and developing, testing and agreeing good practice (for example in impact avoidance and mitigation methodologies) facilitates transition from the need for high to low/no precaution.