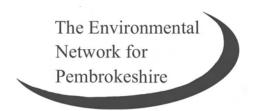
Consultation on Proposals for a Sustainable Development Bill

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Name/Organisation
Trustees of The Environmental Network For Pemborkeshire (TENP)
Llangattock Community Council
Cardiff Metropolitan University
Aneurin Bevan Community Health Council
National Association for Areas of Outstanding Natural Beauty
Campaign for the Protection of Rural Wales
Private Individual – Lesley Pugh
Powys Environment and Development Education Centre
Welsh Centre for International Affairs
National Museum Wales
The TYF Group
The Church in Wales
Pembrokeshire County Council
Coed Cymru Cyf
ESDGC Group in Wales
WDS Green Energy
Woodland Strategy Advisory Panel
Mochdre with Penstrowed Community Council
Evocati Limited
Pencoed Town Council
John Farrar – Private Individual
Vale of Glamorgan Council
Denbighshire County Council
The Draper's Field Centre
Keep Wales Tidy
Llanelli Town Council
Environment Agency Wales
Cwmllynfell Community Council
Corndon Institute & WISERD
Allyson Jenkins – Private Individual
Aberdare Chamber of Trade and Commerce
Royal Society of Architects in Wales
Welsh Local Government Association
Victoria Jenkins – Private Individual
Cwmbran Community Council
Bridgend County Council
Clifford Parish

Friends of Pembrokeshire Coast National Park
Chepstow Town Council
RTPI Cymru
Llais y Goedwig
Penarth Town Council
NFWI Wales
Riverside Community Market Association
Cyfanfyd
Wales Tourism Alliance
Camarthenshire County Council
BSW Timber
Powys County Council
Torfaen Town Council



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Web: www:tenp.org.uk

Date: 1st July 2012.

SUBJECT: Proposal for a Sustainable Development Bill: Consultation Document (WG15440), May 2012.

Dear Sir/Madam.

1) TENP Trustees very much appreciate the opportunity to comment on the 'Proposal for a Sustainable Development Bill' consultation document and have made constructive suggestions where appropriate. We also refer to discussions which took place at the Pembroke consultation event, on the 26th June, where they are relevant and help to clarify our contributions.

We provide, below:

- **Section 1**: A Summary of our comments and concerns, [paragraphs 2 (i) -2(x)],
- **Section 2**: Detailed comments on the Ministerial Foreword and the Executive Summary, [paragraphs 3.1 10.5],
- Section 3: Additional Comments on the main text, [paragraphs 11.1 11.14], and,
- Section 4: Answers to the Consultation Questions 1-35.

In the interest of maximum engagement we would very much appreciate your response to our list of comments in Section 1.

Section 1: Summary of Comments

- 2) We wish to say from the outset that we find the document extremely disappointing, particularly as:
 - i) Both the Minister and the First Minister marginalise environmental objectives and are taking a 'business as usual' approach to growth rather than recognising the need for a transformation of our economy based on sustainability principles. As was mentioned at the Pembroke consultation: "Organisations need to articulate the principles and beliefs that guide decisions" T. Leahy. Unfortunately, no recognised SD principles are referred to by the Ministers, or in this consultation paper, on which policy and action can be based. This is a reversal in WG policy since 2008.
 - ii) There seems to be a reluctance to set clear outcomes and targets. We believe that a duty should make clear to the public bodies what they are required to do in order to achieve outcomes. This consultation paper only considers thinking and behaviour, not actions and outcomes. This is a particular concern as the Pembroke consultation discussions included the recognition that the SD Indicators for Wales have no influence of policy and decisions locally.
 - iii) You focus on organisational thinking (long-term, cause not effect, etc) yet provide no evidence that this 'new' thinking will lead to sustainable outcomes. In fact this approach reflects belief based policy making, i.e. the assumption that change will take place within

- organisations and that the resulting outcomes will inevitably be sustainable. This contradicts all research evidence into public policy implementation.
- iv) By taking a 'systems approach' and emphasising thinking and behaviour WG ignore the critical influence of the substance. For example, a long—term view is only of any consequence to a future sustainable society if the subject of that long-term view is an issue which will help achieve that goal. Rising C02 levels, resource depletion, and biodiversity loss all require action now because, in the long term, our survival depends upon it. However you leave the choice of substance 'open ended', discretionary, and whatever is considered necessary. As a result there is no guarantee that these issues will rise to the top of the policy agenda and, more importantly, that action will be taken. Your failure to adopt action related Sustainable Development (SD) principles is a significant omission in this regard.
- v) Your examples of SD, such as the TV studio development on a brown field site, fail to satisfy evidence based evaluation linked to recognised SD principles.
- vi) You assert that SD is about how we "provide sustainable economic growth and regeneration" but at no point do you explain what you mean by this phrase, nor how to achieve it. There is an argument that not only is this phrase a contradiction in terms but it completely ignores the impact and likely consequences of the current 'age of austerity' on individuals, communities, public bodies and industry across Wales.
- vii) Your approach to transparency, accountability and scrutiny is flawed because you restrict the proposed duty to high level decisions which have to, 'only consider SD factors', rather than apply them, and you rely on an annual report for accountability. Not only is this a 'light touch' approach but it ignores the opportunity to embed SD principles in the day-to-day decisions of public bodies which the public is already entitled to see prior to those decisions being made.
- viii) You fail to adopt establish clear operational SD principles on which public bodies can base decisions and actions. The consultation paper refers to SD as a Central Organising Principle but only provides a definition of SD, ways of thinking (behaviour) and objectives. No principles are presented or explained.
- Your definition of SD fails to recognise the most pressing issue which is resource depletion. We suggest that a more appropriate definition would be:
- "Sustainable Development provides a framework for redefining progress and directing our economies to enable all people to meet their basic needs and improve their quality of life while ensuring that the natural systems, resources and diversity upon which we depend are maintained and enhanced for our benefit and that of future generations"
- x) 'Good Governance', and 'Using Sound Science Responsibly' are missing from your list of SD principles. This is a worrying omission and reflects badly on your understanding of, and approach to, SD.
- xi) Related to governance, there is no reference in this paper to the role of the voluntary sector in the delivery of this new duty. This is odd as many public bodies, depend upon the 3rd sector to deliver public services.
- xii) Two fundamental questions arise from this consultation paper:
- a) Will this consultation paper give people a clear understanding of what SD is (and it's principles) and what WG is asking them to achieve?
- b) Is it clear how tension between economic, environmental and social objectives can be resolved?

In both cases, in our view, the answer is No.

Section 2: Comments on the Ministerial Forward and Executive Summary

Ministerial Foreword

3.1 The Minister conspicuously fails to refer to: resource depletion, the need to dramatically reduce our ecological footprint, the reality of a low /no growth economy in Wales, and public sector funding reductions, as providing the most challenging context for introducing a Sustainable Development Bill. The fact that: child poverty has reached 200K in Wales, that Wales is hugely dependent on public sector funds, in some local economies as high as 65%, and that we are singularly failing to stem the loss of biodiversity and eco-systems due to our addiction to unsustainable development (nutrition, transport and construction account for 80% of bio-diversity loss, ref EU) suggest to us that a fundamental transformation is needed to our society and how it functions. This is not scaremongering. A recent publication has made the case that the UK is a de-developing economy and is weak (because it is):

"dependent on outsiders for finance, skilled workers and energy supplies" adding,

"The genuine worry is that we will endure falling living standards - actually get worse off. To arrest our submerging status we need a development model. There has to be an acceptance that the country has hit rock bottom and needs to change. This has never happened in the UK, and even now the country does not seem ready for the sort of cathartic moment that the defeated Axis powers had at the end of the second world war", (Elliot and Atkinson, 'Going South: Why Britain Will Have A Third World Economy by 2014').

- 3.2 Within the UK, Wales is a relatively depressed with declining GDP, educational achievement dramatically slipping down the international league table, increasing demands for adult care services, and with investment in capital projects strictly limited as the South East of England attracts the bulk of funding for the UK. The result is that social tensions are emerging as a result of increasing inequality and relative poverty and the resources available to respond are diminishing. According to the IMF, social stability in the developed world is at risk (speech at the Rio Conference 2012).
- 3.3 Given this context we feel that this foreword fails to grasp the nature, scale and urgency of the task facing us and also fails to recognise that, paradoxically, these current and emerging conditions mean that Wales is well placed to make the fundamental transformation to a sustainable future which is required and inevitable.
- 3.4 This concern was reinforced at the Pembroke consultation event where the First Minister stated that the priority is the economy and employment and that "we need a distinct Welsh solution". He made no reference to environmental limits, nor the potential for a 'green economy', nor the fact that the biodiversity and ecosystem assets, on which our future depends, are being stripped. This does not appear to us to make Wales distinctive nor live up to the rhetoric for a sustainable future.
- 3.5 The reality is that in 2008 WAG produced an advice note for local authorities: 'Sustainability Appraisal and Community Planning' which incorporated the UKSDC's 5 SD principles. This current consultation paper refers only to behaviour and objectives. In our view this is a case of 'one step forward two steps back'. It is, perhaps, no surprise that Wales, like every other country, has responded to the credit crunch and austerity measures by prioritising short-term political and economic concerns. However this is completely contradicts the exhortation in this consultation paper for public bodies to change behaviour and take a long term view! The only conclusion that can be drawn for this is that policy and action are being driven by short-term concerns and that as a result SD has been pushed down the political agenda. The opportunity and need to transform the economy and society of Wales to a sustainable one is being ignored.

Executive Summary

- 4.1 The terms 'sustainable economic growth' and 'strong economy' are used without any explanation, as though they are a 'good' and a 'given' and in no need of explanation. Our view is that this is not acceptable and that the public deserve greater clarity and responsibility from our policy makers.
- 4.2 We urge you to 'spell out' what you mean by these terms so that we can have a meaningful public discussion.
- 4.3 We wonder how the word 'sustainable' is being used. What is it that will achieve the strong future, well being and quality of life you seek to achieve? Our fear is that this prefix in this context means continuous. The use of the word 'economic' in the context of sustainability is odd as currently no development is economic if one takes into account the cost of externalities. In fact, for decades, growth has be uneconomic as it has led to rising C02 levels, the asset striping of the biodiversity that underpins our existence, and the depletion of key resources, and increasing waste.

 Growth is a contentious word because to reject it is seen as heretical. It is assumed to be a 'good'. However the reality over recent decades is that growth, globally, is limited (hence the intense competition to attract it) and Wales, as a geographically peripheral nation, has consistently experienced economic activity below the EU average. Nevertheless the attempt to attract and generate conventional growth continues with all the associated negative consequences, to the environment and to individual and communities. The benefits of growth do not 'trickle down' to all members of society, hence the massive inequalities we are currently experiencing and which have existed, to a lesser degree, for decades. It is therefore imperative that WG indicates what sort of growth it considers to be congruent with sustainable development principles.
- 4.4 For us this paragraph reflects 'business as usual' and a level of complacency which is astounding given the rapidly deteriorating global and national conditions. We suggest that WG considers strategies that are set against the possibility that the economy will remain stagnant or worse, in conventional economic terms, but that conform to sustainable development principles and will produce a sustainable future. The important thing is to recast the prospect of change and not to see it as a threat but an opportunity for improvement, and to consider the possibility that 'growth', for all the rhetoric and expectations to the contrary, benefited only a few of us. The RSA (Royal Society for the encouragement of Arts, Manufactures and Commerce) has taken this approach and produced a 'Plan C' comprising 6 strategies. (For more information go to, www:thersa.org/projects/time-for-a-plan-c).
- 4.5 We appreciate that WG has been trying to embed SD thinking since 1999 but, by your own admission, with limited success. TENP Trustees have worked in and with the public sector over a number of decades, and we are not surprised by the claim that a long-term thinking is already considered in decision making. What it is critical to recognise is that this has taken place without SD as a COP and led to unsustainable development.
- 4.6 Similarly there is nothing radical or revolutionary about focussing on causes not symptoms or promoting joined up delivery. Both of these ways of thinking have been encouraged and adopted in recent decades not least because they can lead to a cost savings and efficiencies. Again there is no evidence that they have been responsible for SD outcomes
- 4.7 You also ask decision makers to "consider how to integrate and balance economic, social and environmental objectives", which they already do implicitly, if not explicitly. This raises two concerns:
 - a) it is not made clear what 'to integrate and balance' actually means nor what would constitute meaningful consideration and what would constitute an appropriate outcome, and,
 - b) it is not made clear how the, alleged, new thinking will enable this to happen.
- 4.8 Put bluntly, TENP Trustees fail to see how SD will be the outcome of this new thinking. Furthermore the issue of how to resolve competing objectives is unresolved and left to local discretion, with no indication as to how the community and voluntary sectors are expected to contribute, if at all.
- 4.9 We ask you to accept that a Sustainable Society, as envisioned by WG, will only evolve as a result of day-to-day decisions and actions based on the application of a clear set operational principles. Clarity is critical so that the principles cannot be hi-jacked or misinterpreted. We provide more detail below in para 6.3.

Fit for the Future:

- 5.1 Clearly public sector bodies should be thinking beyond the short term and public services should be cost-effective.
- 5.2 Dealing with root causes is logical, however your selection of issues in this paragraph: lack of education (do you mean low attainment?), lack of health (do you mean poor health?), and disengagement from society (who? the poor or the rich or both?) is not accompanied by the causes, what are they? How you define 'the problem' will influence the policy response. Are the causes pathological or structural?
- 5.3 More worrying, the issues you offer have been with us for decades and seem stubbornly entrenched, why is this? Is it really just a matter of fine tuning the 'organisational architecture'? You fail to identify the emerging and pressing ecological and environmental issues which have a profound effect on, and implications for, wellbeing, health and skill needs, such as: global warming, the continuing carbonisation of our economy, our dependence on scarce and depleting resources, the failure to recycle and re-use, over-intensification of agriculture, etc. It seems to us that your selection of issues is conveniently conventional. They require no fundamental rethinking of your current policy agenda, and they reflect the inertia in your organisational thinking and the prevailing 'political agenda'.
- 5.4 You call for a 'balance' and the need for a strong economy, strong Welsh culture and a robust environment. This is fine but meaningless rhetoric. What is this concept of 'balance'? What is the relationship between economy, society and environment and how does it operate in practice (i.e., how does change in one affect the other two? What priority is to be given to the social and environmental components of economic policy, and vice versa?). Without this understanding intervention through public policy will be aimless with both intended and unintended outcomes, possibly disastrous.
- 5.5 What is missing here is an appreciation of context and content. Your preoccupation is with issue selection and delivery processes. However, you fail to appreciate that the purpose of policy determines the success or failure of implementation. Essentially you are discussing policy in the abstract and avoiding any reference to clear outcomes and the principles which need to be applied to achieve them. Your choice of future (or alternative) scenarios is missing, other than in the most general terms. The reality for all public bodies is that there is a tendency to avoid change by assuming a future which is conducive with the prevailing organisational culture and imperatives. The result is that when dramatic change takes place the response in slow, and inadequate.

The heart of everything we do:

- 6.1 We fully appreciate that WG is committed to Sustainable Development, however we are not convinced that clear and appropriate SD principles are sufficiently well understood and adopted across public bodies in Wales. SD is not as simple as selecting a single objective, (eg, well being), or a behaviour, (e.g., a long term thinking), or bland and simplistic distinctions between; economics, social and environmental, as though they are distinct and separate.. 'Cherry picking' avoids difficult decisions and, more importantly, avoids recognising that decisions have to take into account a number of principles. In the case of the 5 UKSDC principles, which you have chosen not to adopt or apply in this consultation paper, they are inter-related and mutually reinforcing. They are also significant because are that they are 'active', i.e. they suggest and invite action, and they adopt a long-term perspective.
- 6.2 We feel the need to present these principles and suggest the sort of actions which public bodies might take. In doing so we are not suggesting that specific actions should be imposed, after all some public bodies may already be carrying them out. This last point raises two other issues for WG:
 - i) How do you ensure that a public body will not simply re-classify existing activity to satisfy WG rather than carry out additional activities, and
 - ii) How do you ensure that the collective effort by public bodies to deliver SD activities is not overwhelmed by existing and additional unsustainable development?

6.3 UKDSC SD principles:

i) **Living Within Environmental Limits**: respecting the limits of the planet's environmental, resources and biodiversity-to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.

It is clear that across the UK and EU there are real concerns that this principle is not being expressed. Bio-diversity targets are being missed and environmental policies and regulations are not being implemented (see EU Bio-diversity strategy 2020). The result is that we are asset stripping and building up long-term resource depletion problems as a result of unsustainable nutrition, transport, and development decisions.

Current trends will result in severe natural resource loss and the dramatic loss of bio-diversity and eco-systems. These are the resources on which our existence depends: food, water, habitat, and which are at risk (ref: Blue Planet synthesis paper).

A long term view would be to take immediate action to:

- *Raise the priority of policies and services that protect bio-diversity by investing more resources in staff and staff development.
- *Overcome the ecological illiteracy across public service providers by a programme of staff development, starting at the most senior levels of officers and politicians.
- * Take the opportunity of the EU's CAP review to embed environmental and eco-system practices in agriculture, and to provide carbon grants to improve the carbon sink value of the soil.
- * De-intensify farming/food production and it's dependence chemical fertilisers in the interest of food quality and human wellbeing, animal welfare and land and water quality.
- *Revise the Welsh Fisheries Strategy to ensure that all commercial fisheries will be exploited only when population levels are at or greater than those required to achieve Maximum Sustainable Yield and to adopt Marine Stewardship Council Principles and Criteria as the guiding principles for fisheries management.
- **ii)** Ensuring a Strong, Healthy and Just Society: meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all.

Inequality has been increasing for decades, and continues to accelerate. Social cohesion has fractured due to increasing economic inequality, but also due to a reduction in respect and empathy in the design and delivery of public policy and services. Notions such as the 'undeserving poor' have become adopted and negative stereotypes abound, partly because of the intense competition for limited resources but also because communities and cultures have become more polarised and detached from each other, hence the view that "the 1%" are detached for the rest of society. Population growth and the possibility of population movements across and within continents as a result of global social, economic and environmental change will test the resilience and commitment of host communities to social justice and equal opportunities.

This 'fracturing' of society has social and economic costs, reduces opportunities, and ignores the latent talent within the community. Scandinavia has a very different post-war social consensus from that of the UK and links a just society to economic success. This has been characterised as:

"a social contract and moral logic which would startle most UK Conservatives, in which the state is viewed more as a friend than a foe, and where there the social compact is based on relations between autonomous and equal individuals. **A central purpose of policy is to invest in human capital** and maximise individual autonomy, that is the key to the vitality of the country's economy" (Lars Tragardh, member of he Swedish Prime Minister's Commission on the 'Future of Sweden').

This Swedish 'model' seems to recognise that increasing economic inequality and social discontent is not conducive to achieving the social cohesion and social justice we need to manage the pending dramatic changes which climate change and resource depletion will initiate. Increasingly we are seeing massive pressure being placed on adult social care and children's services (budget and staff) due to budgets reduction and increasing demand, with a 'knock on' effect on the budgets of other services. A transformation in public service provision: priorities, resource allocation, and delivery mechanisms is inevitable, as some local authorities are already aware: Barnet Council predicts the erosion of all services other than adult social care and children's services and Kent County Council has made its Chief Executive redundant as a cost reduction measure.

The actions to avoid long problems and costs include:

*Establish a Fairness Commissions across Wales to review and amend the growing inequalities in public sector pay and to stop and reverse the increasing trend in the number of town hall staff earning more than £100K and restricting maximum pay to £150K (see 'The New Few' by F

Mount, 'Spirit Level' by Wilkinson and Pickett, The Taxpayers Alliance report on Executive Pay, and www.equalitytrust.org.uk).

*Local government reorganisation to reduce overheads and duplication, (e.g. 3 west London Boroughs have joint service planning and delivery and have reduced staffing levels and overheads).

*Speed up and improve the process of community engagement in service design and delivery, drawing on local 'social capital' and community and voluntary organisations.

ii) Achieving a Sustainable Economy: building a strong stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised.

We have to adopt sustainable production and consumption, that means de-carbonise and become not only resource efficient but use fewer resources, what Prof Wolfe describes as adopting a 'war economy: reuse and re-cycle'. Growth defined as GDP or GVA, has no relevance to a discussion about a sustainable future because growth is in short supply and economic growth fails to take it account the cost of externalities. A sensible perspective would be to focus on low carbon/low resource based prosperity which would require capital, innovation and skills (see T. Jackson 'Prosperity Without Growth').

A long term view would be a concern for our increasing dependence on imported fossil fuels, and the predicted of a doubling of oil prices by 2020, (Ref :IMF working paper, 'The Future of Oil: Geology v Technology, May 2012), which is likely to cause significant difficulties in the longer term, including for public service provision and procurement . The actions to reduce dependence could include:

- Require Carbon Management Plans to be drawn up an acted upon to reduce energy use and reduce costs (eg video and telephone conferencing, reduce mileage payments, procure green energy, invest in renewables, etc)
- Require the Local Development Plans of the Local Planning Authorities to: refuse all new development not on public transport routes and not close to public services, make sustainable development the priority 'material consideration' when determining planning applications, and adopt the 'Merton Rule' so that all development has to incorporate the micro generation of renewable energy.
- -Ensure that a Marine Plan meeting the provisions of the Marine & Coastal Access Act 2009 is prepared and maintained, which looks forward into the long term, is sufficiently detailed to guide and direct decision makers and sea users towards sustainable use of the sea, and which provides for adequate protection of the ecosystem and fish stocks to meet the UK Marine Policy Statement target of "clean, healthy, safe, productive and biologically diverse oceans and seas".
 - iii) **Promoting Good Governance:** Actively promoting effective, participative systems of governance in all levels of society engaging people's creativity, energy and diversity.

In addition to the trends we identify below (in para 9.2), which express concern about increasing centralisation, we wish to point out that a recent WG study of 'policy options for stimulating and supporting community action for climate change' identified: a gap in the language used by policy makers and communities, a lack of evidence on what is effective, and a lack of resources. Yet climate change is a relatively manageable issue compared to sustainable development which aims to transform society. This suggests that WG and other public bodies have failed, to date, to develop effective engagement mechanisms. Best practice includes:

- Oldham District Councils mutual contracts (published agreements) between residents and service providers.
- Barnsley Council's commitment to regular engagement with the public on environmental policy and practice.
- Greater use of the internet to engage with communities (www.TalkAboutLocal.org.uk) and the social media (the Leadership Centre for Local Government has produced a guide and web site for councillors: www.socialmedia.21st.cc). More examples are available in the TENP

'Directory of Sustainable Development Policy and Practice', available in both English and Welsh from our web site.

iv) **Using Sound Science Responsibly:** Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.

There is a distinct impression gained from this consultation paper that WG policy makers have had to consider the 'political limits' to what is considered a tolerable amount of 'policy change'. In other words: how far can the sustainability 'agenda' be pushed? The evidence of climate change, inequality, bio-diversity loss, resource depletion and the current age of austerity, indicates that the conventional approach to development and growth is failing to deliver the 'goods'. Growth, as currently practiced, is not good.

The 'growth dilemma', i.e. that 'growth' has to be promised or offered to the public but that unsustainable growth is simply not achievable (even in the short/medium term) without disastrous consequences, means that symbolism and rhetoric are important if only to declare an appreciation of the issues. But the practice of changing from a conventional and unsustainable growth agenda to a sustainable agenda is fraught with difficulties and almost impossible for Governments to consider. The result, in this consultation paper, is that sustainability has been redefined and it's scope narrowed, and SD as a COP has been based on assumptions and beliefs, which are not supported by evidence. Furthermore: recommended best practice is a based on limited criteria, action is left to a small selection of high level decisions, and it is within the discretion of public bodies what they do or do not consider an SD 'factor'! Compliance will be self assessed and post-hoc.

TENP Trustees recognise that there are constraints facing WG policy makers. However we would appreciate a clear statement as to what they are and the limits to policy change and action. Our view is that to argue that belief based policy such as thinking long term, etc, is a critical precondition for sustainable development simply undermines the credibility of both policy and policy makers. The assumption that high level decisions alone can change organisational behaviour needs to be backed by evidence, particularly as high level decisions within WG in support of SD have had limited impact since 1999!.

We recognise that SD can legitimately be viewed from a governance and process perspective: "SD can be described as a collective social endeavour in which a multitude of stakeholders must be engaged and galvanised" (WAG 2007). However the view that "there is no real consensus as to its implications for policy prescription" (Thomas and Rhisiart, 2004) still holds true. In our view WG needs to move from ambiguity and a lack of clarity, which may be politically functional and desirable in the interest of engagement and discussion, to a new consensus which is based on clarity of understanding, evidence and interpretation which is critical for consistent and practical action.

The impression we get from this consultation paper is that WG is inviting public bodies to adopt the rhetoric of SD but offers too little in how they might convert this rhetoric into practice. The result will be variable and inconsistent application and outcomes.

This concern about the lack of a clear understanding and lack of evidence of SD within WG is reinforced by the examples of SD that you refer to as 'good practice'. You evaluation is partial and limited by your failure to develop clear and comprehensive criteria based on SD principles. For example, in the case of the TV studios design to BREEAM standards and built on a brownfield site with the prospect of providing thousands of jobs, the answer to the question:

"Is this an example of sustainable development?"...is "NO!

The reason is that such a physical development does not, of itself, 'deliver' social justice, equality, well being and reduce C02 emissions. A building can be 'low C02' in construction but a TV production complex, no doubt, uses a huge amount of energy. This sort of 'enlightened 'green' development' would not be out of place in a mainstream regeneration strategy circa 2000..

In assessing whether a development is truly sustainable a number of questions have to be asked:

- does it help reduce national C02 emissions?|,
- how is the energy it uses being produced (Renewable? Fossil fuel? On site? off site?),

- how is the waste managed?,
- who gets the jobs and how?
- does it increase traffic (fossil fuel use) ?
- does is leads to gentrification (increasing rent levels and house prices and pushing the existing households out of the area?), etc

The history of urban planning, economic development and community regeneration, is littered with promises of equality and community benefits attached to major capital projects. The hope is that these outcomes will be achieved but the steps are not taken to make sure that they do!

If WG genuinely feels that examples such as this one reflect sustainable development then there is a fundamental misunderstanding within WG of what constitutes SD. Furthermore it raises important question about how rigorous compliance will be evaluated and enforced.

To put this simply, unless the SD principles are clearly understood and applied **in practice** we are simply 'talking the talk'....moving the deckchairs on the Titanic did not affect the steering!!

What another duty?

- 7.1 First of all there is already a duty on Local Planning Authorities to encourage SD (section 39, 2004 Planning Act). We wonder if you are aware of this and if you have evaluated the implementation of this duty? This would provide you with some useful lessons, not least about the disposition of public bodies and staff to a SD duty. The Pembroke consultation event provided useful insights into how this power has been received:
- a) One participant explained that Local Development Plans have to undergo a sustainability appraisal. However, we are aware that these appraisals are relatively superficial in that they simply require objectives to be considered and boxes ticked. TENP Trustees know of one LDP appraisal where economic objectives were withdrawn as they contradicted with other objectives! In other words resolution was avoided. Essentially planning staff are under no duty to conduct a rigorous evaluation in order to explain how they have resolved competing or contradictory objectives. Adopting clear SD principles, as we have advocated, would help with appraisal and decision making.
- b) Another participant insisted that in the case of planning decisions it would be too onerous, costly, and time consuming to carry out a sustainability appraisal of the form used for LDPs. We agree. In our view if the SD principles were available to the officer they could be taken into account in arriving at a recommendation. Over time, and with staff development, professional staff would develop the ability to embed SD principles in their decision making. Furthermore, this would provide fertile ground for the Single Body to provide support and advice on those policies and decisions having a real impact on the future sustainability of Wales.
- c) A third participant felt that applying SD objectives to land use planning decisions would threaten economic objectives, and that the decision of the planning authority would be challenged by the applicant. The fact is that there are already other objectives competing with economic objectives and the resolution of them often favours the economic (some years ago the RTPI announced that planning officers were frustrated by their inability to ensure that developers took their environmental responsibilities seriously (RTPI press release 2007). Of course applicants would appeal. The point that this issue raises is whether WG and Local Planning Authorities (along with the Planning Inspectorate) are prepared to develop a robust policy, based on sustainability principles, which will be supported at both National and Local level in the event of an appeal. Simply accepting that challenges can never be successfully rebuffed ignores the fact that planning decisions are a matter of policy and the outcome of negotiations. The 'Merton Rule' is an example of a Local Planning Authority using planning policy to encourage renewable energy generation. The applicant accepts this policy as a condition of locating development in Merton Borough. The reality is that if Wales wants a sustainable future then policy has to express sustainable development principles, as a priority, and the prospect of unsustainable development being refused has to be accepted. This would have the potential of making Wales distinctive and attractive, setting high quality standards. To achieve this sustainable development principles would have to be included in the 'material considerations' that Planning decisions have to take into account. However this, alone, would not be sufficient to ensure SD outcomes, for

"The issue is not whether sustainable development principles have been defined and are present, but rather how much weight they are given in the decision making arena, and that stems from Government policy.

If WAG wishes to make sustainable development principles the first and foremost consideration in any decision, it would need to say so in a policy document and effectively relegate other considerations to secondary importance; it would not remove those other considerations, of course, merely guide the decision maker to give appropriate weight to some matters.

The nature of our discretionary process is that there will always be exceptions to the rule and for caveats to be present which may mean sustainable development principles appear to be over-ridden by some judgements.

At the present time, we have an endless list of policy considerations for the decision maker to have regard to. These considerations frequently cancel each other out - pro economic growth/environmental protection eg - even beneath an overarching theme of sustainable development.

I don't think this type of system can go on for much longer if key issues facing the planet and land and land use (including economic growth agendas) are to be addressed in a meaningful way". (View of a Professor of Land Use Planning and UK Government Adviser, 2009)

- 7.2 You are asking public bodies to think and take into account social, economic and environmental impacts. We would be extremely surprised if they don't already do this but the result has been a continuation of unsustainable development! How do you explain this and how does this support your proposed approach to SD?
- 7.3 You are reluctant to specify outcomes which is astonishing as there are already commitments to: C02 reduction, EU bio-diversity strategies with targets, equal opportunities legislation, OWOP, etc. You even mention: "maximising well-being within environmental limits", without indicating how they are measured. If you want public bodies to think but are reluctant to specify desirable outcomes, then what reason will they have to think? On this basis an SD Bill based on your current approach is 'born to fail'! TENP Trustees are convinced that without a clear indication of what you want public bodies to achieve, and how, then SD will be high on symbolism and rhetoric and low on achievement.
- 7.4 We would welcome evidence that confirms that simply placing a duty on public bodies to think in a particular way and change their behaviour will have an effect. Introducing change and overcoming 'inertia' and the 'status quo' and at the same time attempting to introduce a new 'policy agenda' will, in our view, require clarity of policy direction and content, persuasion and encouragement.
- 7.5 We find it odd that you freely admit to being reluctant to specify outcomes, but in this sub-section there is the phrase:
- "we want to embed the thinking and want transparency in decision-making so that we start to build 'better places'"

So one outcome is 'better places', but what does that mean?

Earlier in the document, in the section 'The Heart of Everything We Do', it says

"we currently use clear principles to take decisions which will deliver the outcomes we want to see"

and two outcomes are mentioned: prevent social hardship and use energy more efficiently (but no measurable outcomes provided !?).

SO why are you so reluctant to specify outcomes yet refer to a number of general outcomes in this document?

- 7.6 This suggest that WG are either genuinely unsure of just how prescriptive they need to be to effect change and are seeking reassurance through the consultation, or are genuinely reluctant to impose any specific outcome for some reason.
- 7.7 A related but key point is that **SD** is not just about desirable long-term outcomes, it is about the 'day-to-day' operational decisions upon which these outcomes hinge, including the allocation and use of resources. To focus on outcomes ignores the possibility of achieving them in an unsustainable way. A strong economy could be achieved by rising unemployment and rising inequality (jobless growth), and/or be based on high carbon emitting fossil fuels. Promoting and increasing the generation of renewable energy should not be done at the cost of Social Justice and Equality (e.g. regressive Feed in Tariffs). Decisions should be transparent otherwise you risk

undermining social cohesion and community engagement and increase the difficulty of implementing those decisions

7.8 Simply thinking about outcomes without thinking about the role and implications of operational decisions misses one of the key considerations of sustainable development, which is production and consumption which is less resource intensive. This is not the same as resource efficiency, although both should be objectives. This has implications for how public services operate and public procurement policy.

7.9 We would strongly suggest that you place within the duty a number of requirements which will help to embed SD in the service delivery of public bodies. They could include:

- Adopting specific policy instruments e.g., the Merton rule that requires all development to include and specific and minimum level of renewable energy generation on site.
- Instigating local 'Fairness Commissions' to re-balance public sector pay to achieve greater economic equality.
- Ensuring that existing plans, such as Local Development Plans, Carbon Management plans adopt SD principles.
- Require SD to be the overriding 'material consideration' when determining planning applications.
- Reviewing procurement policy.
- Adopting a commitment to telephone and video-conferencing to save energy and money.
- Require all local authority committee reports to include the SD Implications of the recommendations, alongside financial and equality implications.

7.10 We note with some concern that you don't wish to place too great a 'burden' on public bodies (para 75). This seems to reflect a view that there will be resistance to SD rather than a welcome. You may wish to consider the possibility that this burden would be a sound investment if it helped WG and public bodies to avoid the long term costs (social, economic and environmental) which would be the price of complacency and inaction.

7.11 We would argue that if combined with the freedom to be innovative (localism) and greater engagement with the community and voluntary sectors, this duty would be seen as an opportunity not a threat. No doubt some bodies and services would welcome this change of emphasis others may well be resistant. It is for WG to make a long term commitment to providing support and encouragement, and, if necessary, to 'bend main programmes' to redirect resources.

Not about ticking boxes or bureaucracy:

- 8.1 This section provides the basis of the proposed Bill, clarifying the rationale and logic.
- 8.2 TENP Trustees feel that the assumption that *higher level decisions* (however defined) are the most significant ignores the vast range of decisions taken at the local level as part of the implementation of policy (often where there is a great deal of officer discretion). Good intention at the highest level does not guarantee delivery on the ground. You admit this by recognising that high level decisions only 'guide the way they work '. TENP Trustees feel that this is inadequate to achieve the level of change that is necessary.
- 8.3 You suggest a relationship between 'possible SD factors' based on SD behaviours (the 'organisational architecture' which we have already commented are not confined to SD) and 'other possible factors' based on SD objectives which incorporate desired outcomes, (which you don't specify!) . You then assert that high level decisions that "are consistent with a set of SD factors will promote the sort of SD outcomes we want to see", (in what way consistent?). This is very unsure, confusing and confused thinking, and not very convincing.
- 8.4 To be clear, you have: possible SD factors, behaviours, and other possible factors based on objectives which incorporate outcomes. You then claim that high level decisions are amenable to and can deliver this, claimed, logical relationship.
- 8.5 In simple language you are saying that there are two types of 'factors' (those relate to organisational thinking and practices and those based on objectives linked to outcomes) and that together they will 'deliver' SD and that high level decisions are the most appropriate level to ensure that this happens. TENP Trustees would very much like examples of where this symbiotic relationship

between these two categories of factors has been applied to high level decisions and the intended outcome achieved. What guarantees are there that this will happen?

- 8.6 You seem to be assuming a technocratic, 'value free', environment where there is a mutually supportive relationship between thinking and practice on the one hand, and desired objectives and outcomes on the other. You are claiming, or assuming, that high level decisions that affect organisational behaviour are effective in producing change. In doing so you are reducing policy making and implementation to a mechanical process. This is as far from reality as it is possible to get and devoid of context: political, financial, resources, etc. The reality is that introducing and implementing a new policy agenda is the result of bargaining and negotiation.
- 8.7 Experience shows us that change tends to be driven by either external threats or policy entrepreneurs / 'change agents' within organisations who succeed in promoting and embedding a new policy agenda within an organisation, or quite probably a combination of both. However to bring about change from within a organisation requires a willingness to dispense with outmoded value and assumptions. Sadly this is very difficult to achieve, as the slow acceptance of SD across Wales shows. Our view is that public bodies have not yet accepted SD and the proposal within this consultation: the duty, thinking, behaviour, objectives, and compliance, will be insufficient to effect meaningful change.
- 8.8 You then add that annual reporting is sufficient to ensure compliance. Two concerns arise:
 - i) Annual reporting could degenerate into an exercise in post-hoc rationalisation. Our view is that SD can and should be a consideration in all decisions (particularly in the case of Local Authority Committee papers and reports in which recommendations are made which the public have a right to see 5 days before the Committees meet).
 - ii) What is being "complied with?", after all if the duty is only to think and change behaviour with no reference to what impact these two duties ought to have then it is difficult to imagine how the adherence to the duty can be judged. Furthermore how would WG respond to a perceived failure to respond?
- 8.9 Our impression is that the combination of the proposed duties and the compliance regime will have little impact on policy and decision- making as these requirements are so easy to satisfy and require no specified actions or outcomes.
- 8.10 There is clearly a concern not to add to the 'bureaucratic burden' (avoid tick boxes) but this begs the question: what if more burden in the short –term makes savings and helps achieve targets in the long –term? Would not such long-term thinking conform to your understanding of SD as an investment for the future?!
- 8.11 Your proposal for annual reporting would mean that we would get to know about the decisions that have been taken, but up to a year, or two, **after** they have been made, i.e., post-hoc rationalisation will become a key skill!
- 8.12 What is so frustrating about this section is that it ignores what happens at the moment which offers an easy way of embedding SD thinking. Every local authority report destined for Committee has to give a justification for the recommendation(s) it makes. Furthermore it is not uncommon (in some cases a requirement) for the author to include at the end of the report, under 'Other Considerations':
 - i) Financial Implications, and
 - ii) Equalities Implications.
- 8.13 A report can, and should, also refer to the statutory duties (the powers) that the decision or recommendations needs to use for the recommendation to be implemented (e.g. the Local Authority is required by law to, or, has a duty to...).
- 8.14 It would be very easy for WG to insist that all Local Authorities add to their Committee Report 'structure and content' a section entitled:

Sustainable Development Implications (of the recommendation[s]). This is not a 'tick box', or an appraisal, but a short section explaining what the implications of the recommended decision would be for achieving 'desired' SD objectives. Much of this would already be in the body of the report as the

author has to explain how s/he arrives at the recommended decision. Of course this would require investment in staff development and induction for County Councillors. In this way an annual report would be easier to write (the data would be at hand) and the public would simply have to read a report (which they are entitled to see 5 days) before a Committee meets.

Leadership and Culture Change:

- 9.1 We agree that cultural change can be slow and believe that more rapid change will only take place if SD is championed by the most senior politicians and civil servants at the Central, Regional and Local levels, and with meaningful community engagement. However a light touch approach to scrutiny and support will not be enough. We feel that a major 'management of change' initiative is necessary across the public sector with support from the proposed Single Body, the voluntary and community sector, HE and the private sector. In other words public bodies need to be open to new ways of working and examples of best practice.
- 9.2 There is no doubt that the last 3 decades we have witnessed a strong trend to greater centralisation of public policy making and financial control and that ordinary people's own experience tells them that power has become more remote and therefore they can have little influence. The Cabinet system in local government means that the opinions of those councillors who are not members of the Cabinet are easily sidelined. The Power Commission (set up by the Joseph Rowntree Foundation) reported these trends in 2006 and identified both the 'democratic deficit' and 'consultation fatigue' (consultations which fail to inspire confidence in the public and are no substitute for real decision making power) and how frustrated and dissatisfied people felt. TENP Trustees can endorse these findings and can contrast the passion, concern and innovative activity 'on the ground' within and across communities (and by some staff in some public bodies) and the relatively cautious and constrained approach to SD offered in this consultation paper. The very nature of the consultation document and process inhibits open dialogue by setting questions that reflect the limits that WG wishes to set to discussions with little prospect of detailed written comments (such as this one) receiving a detailed, or any, response!
- 9.3 A relatively autonomous devolved administration such as WG should be seeking to reverse these trends in the interests of community engagement and social cohesion both of which are essential to achieving a sustainable future. Sadly we have to observe that 'good governance', whilst a UKSDC principle of SD, does not appear in this consultation paper!
- 9.4 We would argue that WG should promote 'localism' (giving public bodies the freedom to implement) on the grounds that diversity of approach promotes innovation. However this freedom has to be expressed in the context of a clear duty.
- 9.5 We also feel that community engagement is under-developed, particularly the failure of public bodies to use the internet to engage with communities (see www.TalkAboutLocal.org.uk) and the social media (the Leadership Centre for Local Government has produced a guide and web site for councillors: www.socialmedia.21st.cc

Supporting the Change:

- **10.1** An independent 'critical friend' would appear to be a sensible way forward. Promotion and staff development are very important components of change. The key questions are:
- Why would a public body have to listen to a critical friend?", and,
- Why would a challenge have to be taken seriously?
- It would be useful to know how effective the critical friend' role of the voluntary sector has been in influencing public service delivery over the last 10 years. In other words is this proposal evidence based?
- 10.2 Our feeling is that the proposed single body should be more of a resource that can influence directly rather than simply make recommendations, review and report. From this perspective the SIB would be a provider of short courses, research and evaluation and consultancy services for both WG and public bodies (both politicians and officers) and the voluntary and community sector. This would reflect the reality of public policy making and delivery being a cross–sectoral endeavour.
- 10.3 We have a concern that para 70 seems to assume that the Single Body will be the main, perhaps only, means of establishing SD as a COP. We would like to know what internal actions public bodies will be expected to carry out to embed SD, for example, will a proportion of staff development budgets be ring-fenced for SD 'training', and will a 'management of change programme'

be instigated for both professional staff and politicians? Clearly the details of its role will depend on the outcome of this consultation.

10.4 The document states that:

"we are particularly interested in identifying systems and duties which drive unsustainable decisions within organisations and in any unintended consequences which may result from these proposals". This is both a huge relief and a huge worry, i.e. a relief that there is a recognition that good intentions can be distorted (ie a drive for sustainability can be pushed 'off track'), but a worry that the explanation can be placed at 'systems and duties'. It is astonishing that WG don't seem to understand 'the politics of policy', but believe that outcomes can be controlled by 'mere' systems and duties. Process and structures can be manipulated (they are one component of the context in which decisions are made, often officers 'make decisions', the politicians 'take decisions'). More importantly:

"In order to understand strategic choices we also need to know what are the interests, motives and resources of individual implementers", (Lester and Goggin, 1998).

10.5 Systems are just one resource than can be manipulated. What WG should recognise in this consultation (and we are sure you must do in private) is that there are some purposes of policy that have a higher priority than others e.g. growth, job creation. The reality is that SD is not on the carousel (it's hard to get on one that is moving, but you cling on tight when you are on it so has not to get thrown off!), it is not sufficient priority and the principles of SD threaten 'business as usual' and the status quo. WG seem reluctant to grasp this nettle and so 'reduce' SD to the 'comfortable' debate about organisational issues and adopts a 'light touch' on matters of transparency and scrutiny. This may be all that you feel able to do, that you have low expectations of the amount of change that you can impose on public bodies, or, politically, you may feel that a more interventionist approach will be counterproductive and result in fierce resistance. Either way this Bill, in our view, is not going embed SD in public bodies nor achieve Sustainable Future that you seek to achieve. It is more likely to expose the limitations of WG as a driving force for change! The reality is that to implement SD policy there needs to be a clear statement of principles, a clear set of outcomes and targets, and a 'delivery' mechanism (structures, resources, skills, etc) that is closely monitored to see that distortion or hijacking during implementation does not take place. This would mean far greater scrutiny and transparency than is being suggested. Anyone with experience of attempting to deliver equal opportunity policy, for example, would be aware of this.

Section 3: Additional Comments

- 11.1 In **Section 2**, **para 11** you provide a definition of Sustainable Development. There are a couple of problems with it:
 - a) It fails to adequately accommodate the resource issues with which we are faced and the implications this will have for how we will distribute, wellbeing, social justice and opportunity. It is difficult to see how all people can expect to have well being enhanced!
 - b) Fails to evoke the dramatic changes that will be needed to save let alone enhance our natural environment within self imposed resource limits.
 - c) Promoting social justice and equal opportunity is surprising 'hands off' for a Government and public bodies who have a duty to allocate resources, provide opportunities and meet needs.
 - d) SD is not a process, it is a series of actions/activities. How the decisions are made to arrive at these actions, the process, may be: logical or irrational, ordered or chaotic, transparent or secretive. We may adopt rational planning, 'muddle through', or engage in crisis management!. Far more important than a definition are the SD principles that underpin these actions. However we would strongly suggest that a far better definition would be the one adopted by the SD Forum for Wales in 2003:

11.2 In Section 2, paras 12 and 13, the claim is made that the WG approach is consistent with the 5

[&]quot;Sustainable Development provides a framework for redefining progress and directing our economies to enable all people to meet their basic needs and improve their quality of life while ensuring that the natural systems, resources and diversity upon which we depend are maintained and enhanced for our benefit and that of future generations".

UK framework principles of sustainable development. Our view is that this is not the case and that the consultation paper distorts and simplifies the UKSDC principles (see our comments above in section 6). Firstly, Good Governance and Evidence Based Decision Making, 2 of the 5 UKSDC principles, are not included. This is astonishing given that this whole document is about the role of government! Secondly, these two paras highlight the shortcomings of the current debate by using the prefix 'sustainable' at every opportunity with the effect that it is unclear what it means. It is possible and desirable to avoid using the word sustainable as much as possible. You present those long term outcomes which will lead to a sustainable society. We ask you to make clear what sort of Economy and Society you are trying to achieve. Simply using the word 'sustainable' is not informative.

- 11.3 Similarly what is an attractive society/community? What level of economic inequality would such a society maintain?
- 11.4 It is clear that WG has chosen a 'wellbeing' focus (which could in the definition adopted be replaced with the word 'conditions'), but it is not clear why. Perhaps familiarity is the reason (para 16), or it is a convenient for denoting a distinctive national approach to SD?
- 11.5 Wellbeing is a very subjective and one wonders if WG and the public bodies are simply comfortable with a 'high level' goal which is unachievable and for which they cannot be held accountable. What evidence base would be necessary to prove that this outcome had been achieved? Evidence suggests that wellbeing diminishes with wealth, so what re-distributional policies would be needed to achieve this outcome? Our fear is that WG is falling into the trap of 'promising too much and delivering too little'. Furthermore there is no attempt to explain how this approach will deal with the tensions between wellbeing, growth, equality, resource limits/depletion and governance. Our view is that wellbeing is overcomplicating the sustainability debate and distracting us from the key principles and actions. You may wish to reflect that the UKSDC 5 principles have incorporated well being within a strong healthy and just society
- 11.6 A reference is made (para 47) to enabling rather than being burdensome. Not only does this sound very 'hands off" it also contradicts the very thinking you are advocating namely that a long-term view should be adopted (this para changes the language to 'long term commitment' which is not the same as a long-term view!). Surely the investment in establishing and embedding a sustainable development duty and practices now, while requiring a commitment of time and resources, which may be interpreted as a burden, will pay dividends in the future?
- 11.7 In Section 4 you describe how the approach to SD has matured although with patchy adoption. However you then conclude that continuous improvement is linked to SD as a process yet no evidence is provided. So much for evidence based decision making!.
- 11.8 The assertion in para (63), "We have seen in the previous section that there is evidence that having SD as COP results in different, better policy outcomes", is not convincing as the evidence is weak or completely lacking. It is assumed that better outcomes (if that is what they are!) must be due to SD as COP but other factors and influences are not considered!
- 11.9 What we identify in this document is a simplification of the world so that it is amenable to WG assumptions about 'suitable' behaviour. This is a classic case of problem definition (behaviour) constraining the policy response. The victim is any clear understanding of SD principles.
- 11.10 The consideration of the implications of this duty for public contracts is important Our response to your hesitancy is that we expect contractors to adhere to Health and Safety, Equal Opportunity and Minimum Wage legislation, so what is different about an Sustainable Development duty? We are very concerned that this hesitancy reflects a view within WG that sustainable development is a second order priority when you claim it is intended to be overarching. What public bodies have to develop is the ability to justify and embed sustainable development principles in public contracts across all sectors and partners. We would like to know how WG intend to develop this ability among public servants?
- 11.14 There is no mention of the Voluntary sector, why not? The voluntary sector is critical n the delivery of public services, often contracted by public bodies.

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Section 4: Answers to Consultations Questions 1-35.:

Q1: The questions ignores the reality that some long-term, joined up (coordinated) decisions are already taken. The point is that some decision face barriers such as: uncertainty, lack of information, lack of leadership, poor communication, a silo mentality, and low priority, while others decisions are taken on the basis that the outcome or purpose is a priority and an assumed 'good', e.g. job creation, inward investment, keeping the Council Tax low. The reality is that there is not 'a level playing field' in the sense that some decisions require more justification and information than others. Some decisions galvanise people to collaborate, others do not. A long term decision has to be 'made' ie constructed, which takes time and the bringing together of skills, expertise, information and political commitment. Once the case has been made then the decision can be taken.

Q2: The key actions are a recognition that these barriers exist. This consultation paper ignores the 'politics of policy' and assumes that 'tinkering with systems' will change things, it wont! In fact this paper adds to the symbolic value of SD in Wales , i.e. is yet another reflection of WG's commitment, yet fails to confront the urgent need for dramatic change in priorities and values of decision makers and takers.

Q3 The evidence of progress is patchy, and by your own admission there is not a common and clear understanding of what SD is. WG has persisted with ambiguity and symbolism but has failed to make the next big step which is to achieve a consensus around a common understanding and set of principles. We have advocated, above, that adopting the UKSDC principles in full would be a positive step forward.

Your approach to SD as a COP is founded on belief rather than evidence. The notion that systems and high level decision (which may or may not embrace SD factors) will achieve SD outcomes is simply wishful thinking and ignores the politics of policy and the potential for policy failure. To put this simply, the purpose of policy (the anticipated or claimed outcomes) determines whether a policy is successfully implemented or not. At the moment the lack of clarity and consensus around SD means that we are a long way form embedding SD into organisations. This is not to ignore the possibility that some decisions will make a contribution to achieving SD but it is just as likely that SD will be hi-jacked and used as a justification for unsustainable decisions/outcomes.

A simple example of this failure is the Planning Act 2004. Section 39 places a duty on Local Planning Authorities to encourage sustainable development. This is a high level decision and public policy yet SD is not a material consideration that has to be taken into account when LPAs determine planning applications. In other words after 8 year no progress has been made! Further evidence of the failure of the Land Use Planning function to understand and adopt SD is glaringly obvious in the recent WG consultation on a 'Strategic Monitoring Framework for the Planning' which exposes unrealistic assumptions about what planning can contribute.

Q4: No. Notwithstanding the shortcoming of your approach the idea that high level decisions by their very nature **must affect** all other decisions is a belief or assumption but not based on evidence. The are many duties that are not fulfilled due to a range of factors: ambiguous and unclear policy intentions, inadequate resources, lack of skills and commitment by staff, and, the lack of readiness within public bodies to bargain and negotiate during the implementation phase to make sure the necessary actions take place and have the intended effect. Low level decisions based on the discretion of individuals can either support or undermine a duty. Duties can be well intentioned but the reality is that they have to survive a raft of other priorities and pressures during implementation. In other words public servants have to be confident that the policy is adequately resourced, that it's implications will be supported by their superiors (professional and political), and at that it takes priority over all competing, and possibly contradictory, policies. There is no evidence from our experience that public bodies have taken anything other than symbolic and tentative steps towards embracing and committing themselves to SD.

Q5 This is an odd question. If you think of this duty as having the same significance, priority and importance as Equal Opportunities (which is supported by legislation) then it is difficult to imagine any decision that should not be subject to it. Furthermore you are proposing to give pubic bodies the discretion to decide how the comply with the duty, so there is no risk, they can choose when and how to comply to the duty..

Q6; As we have argued above we feel that sustainable development should be embedded in all decisions taken by public bodies. SD principles need to be understood and 'embraced' at all levels of an organisation. We have also described, above, how decisions can be required to consider sustainable development by simply making a minor addition the contents of local authority committee reports. This would also allow the public to have a preview of the decision rather than wait a year for an annual report!

Q7, Your approach to SD is focussed on organisation thinking and behaviour (SD factors). Policy decisions are implemented through the internal operations of the organisation. The way in which an organisation operates will determine to what extent SD is taken seriously. It is quite possible for a contentious or difficult policy to be impeded by operational considerations. Given this reality it is difficult to imagine how you could exclude internal operations. For some organisations that are already SD 'friendly' this will not be a dramatic and onerous requirement. Other organisations may require support and encouragement.

Q8 Of course, budgets reflect priorities. Without resource allocation reflecting the activities, supporting policies and actions which will 'deliver' SD the whole exercise (this duty) is pointless. Options available to WG are to require public bodies to declare how this duty has led to budget changes, and /or to 'claw back' a proportion of mainstream budgets and make this available on the condition that SD related activities are delivered. We assume that WG is aware that some services which 'deliver' key SD outcomes are under-resourced for the tasks they are expected to perform and outcomes they are expected to deliver. Public bodies will need to review their budgets and business plans and assess how their priorities and resource allocation needs to change.

Q9 The 'Think-Behave-Act' relationship which underpins this duty assumes that one logically leads to the other and that action will lead to SD outcomes. Unfortunately this ignores the possibility of post-hoc rationalisation, and the possibility that well intended behaviour can lead to unintended outcomes. It also ignores the reality that action by a public body is frequently 'distorted' or compromised due to significant and more powerful factors, eg profit motive, or job creation, when market forces come into play. In which case 'acting' is not enough without additional 'bargaining counters' (e.g. regulations, and fiscal inducements such as subsidies). Delivering SD is difficult even when the behaviours are the correct ones because it requires a transformation of our values and priorities.

Sadly none of the behaviours (SD factors) you list in para 90 is 'new' to public service, eg cost-effectiveness working collaboratively/in partnership, early intervention and engagement. In fact those 4 are typical of a value –for- money 'agenda'. As we explained above (para 2 iii)) these behaviours are not related to specific SD issues, such as resource and bio-diversity depletion, and therefore while valid as general ways of thinking are context and issue free'. In other words there is no way that adopting these behaviours, of themselves, will result in SD outcomes..

Furthermore the behaviour of 'integration' singularly fails to confront, or suggest how, the tensions between the economic, social and environmental impacts should be resolved. The first error is that having evidence is not, on its own, going to lead to an SD sensitive decision and outcome. Secondly, who decides what impacts are desirable and undesirable? Thirdly, can we be sure what the long-term impacts are likely to be? Currently we are seeing numerous decisions across Wales that put economic impacts as the priority. In other words any decision that supports greater efficiencies and cost savings and with them greater competitiveness will tend to be supported, even though these decisions might have adverse social and environmental impacts. Put another way, the economic imperative dominates. Social policies (such as equal opportunity) get distorted during implementation in the interest of economic benefits (eg, of the unemployed, the highest skilled or cheapest to retrain or place in jobs get priority in order to maximise value for money). Environmental impacts are either ignored, or not recognised or are not highly valued when compared to economic benefits. Simply requiring public bodies to adopt these behaviours gives not guarantee that SD will be the outcome.

As you will deduce from the answer we have given to Q9, we are not persuaded that the behaviours are the determining factors in 'delivering' SD. There is no doubt that some or all of them could help lead to better decisions, depending on the issue and the urgency, but there could also be tensions between them, eg cost effectiveness and engagement. A good decision making process is no guarantee of a good decision nor of an SD outcome.

The difficulty we have with your approach is that it is, understandably, limited to working within set of assumptions: business as usual. You seem to assume that the organisational behaviours you have selected are fertile ground for a growing awareness and understanding of SD and that this in turn will lead to SD outcomes.

Our view is that there has to be a dramatic change in the values held decision makers and takers and that this change will happen either as a result of crisis (forced to make changes by events outside you control) or by a systematic and concerted effort to understand the nature and the inevitability of change. This may seem dramatic but these trends are already with us and there have been many warnings of their approach. In this context your approach appears to us to be a 'token gesture' and irrelevant. Sadly this is a predictable situation. Vickers observed two absurdities into which human beings often fall when faced with crisis:

"the absurd speed with which we come to accept as normal almost any outrageous condition once we have actually lived with it, and the absurd slowness with which we come to accept as real any impending change which has not yet happened however near and certain it may be" (Vickers, 1970).

Much more recently and in the context of organisations, Senge has made a similar observation:

"the signals of threat are always abundant and recognised by many yet somehow they fail to penetrate the corporate immune system response to reject the unfamiliar" (Senge, 2005)

From our perspective as a volunteer based organisation we feel that 'good governance' is a critical dimension of responding to and managing change yet this is one dimension that has been almost ignored in this consultation paper (see our comments above under 'Good Governance', and 'Leadership and Culture Change') . We are also aware that they are a number of people employed in public bodies, across all levels, who are well disposed to a value change but are frustrated by the inertia in some / most public bodies. This suggests to us that you dependence on high level decisions as the 'motor of change' is misguided and ignores a 'latent' resource.

Our view is that a combination of collaboration and engagement across sectors, and not restricted or confined to formal consultations such as this one, is part of the route to both value and consensus change, and the creation of a foundation of a sustainable future. The difficulty for WG is that this idea completely contradicts the approach you are proposing which, while no doubt well intentioned, is nothing more than in-house tinkering of a high symbolic value.

Q11 It should be clear that we feel, from our own experience of working with and for the public sector, that high level decisions are rarely the source of change. We have made clear our view that the behaviours you list are likely to exist in organisations (although it is very difficult to judge to what degree and to what effect). As far as they do exist at the highest level and they are an influence on decisions then they could provide a useful vehicle for SD issues to attach themselves to. However this has not happened to date to any great extent.

High level decision makers have their own 'consensus' about what is acceptable and unacceptable, partly as a result of personal / professional judgement and partly as a result of the political manifesto they are obliged to deliver. Where one stops and the other starts is often difficult to determine, however there is always a resolution and collusion is not unknown.

Evidence from organisational and policy studies makes it clear that new agendas are not the result of behaviours but of the introduction of 'new realities' by individual and forceful 'policy entrepreneurs' which are recognised by receptive senior managers. In other words the argument for change has to be made and heard internally but the creation of the argument and the justification for it can be the result of collaboration across sectors and public bodies. From our experience many public bodies are resistant to considering any 'new reality' or alternative scenarios. Problems that raise uncomfortable issues are 'kicked into the long grass' or redefined and translated into manageable problems, e.g. climate change rather than sustainable development.

So your 'top-down' model is not realistic. A 'bottom-up' model of decision making, as part of a reiterative process, is much more realistic. An alternative to your approach would be to carry out awareness raising events which ignore hierarchies and sectors. This might be a heretical idea, but the assumption that all knowledge, information, wisdom, expertise, in this rapidly changing world, is 'held at the 'top' (or the with most senior officers at highest level), has to be challenged and the way to do this is to empower all levels to contribute to the debate collectively. To maintain 'business as usual' will simply accelerate the legitimacy crisis which democratic public bodies are facing.

Q12 The question here is how would you know if the behaviours had been adopted? With post-hoc annual reporting and a duty that is easily to comply with it is unlikely that an 'unlawful' decision could be proven. The issue here is not how the decision is made but what decision was made. As we said

above the behaviours, even in complied with, do not guarantee an SD outcome. You are tinkering with the engine but not turning the steering wheel!.

Q13, in Para 92 you offer a list of 9 objectives that could be the heart of Sustainable Development.

From the way they are presented we have to make the comment that the language is extremely tentative. Words such as: 'promote', 'respect', 'enable', and 'recognise' do not portray a desire to intervene and make as difference. A Government with powers should be more assertive and recognise that it has the power and resources to effect change. So, for example:

- * greater economic equality could be achieved by WG and public bodies reducing the massive inequality of salaries in the public sector,.
- * healthy functioning eco-systems could be created by those public bodies owning land (such as farms owned by local authorities (including National Park Authorities, and the church) adopting best environmental practice in agricultural.

What is missing from this list is any reference to resource depletion and the need to reduce resource use...and waste. So, where is the reference to sustainable production and consumption, and re-use and recycling?

Furthermore there is no recognition of the tension and conflict between these objectives. In other words how, when resources are in short supply, do you achieve social justice and equality and a vibrant economy? The answer, of course, is that new redistributive policies (such as rationing, and a carbon tax) have to be developed and existing ones effectively implemented. Managing the 'allocation of pain', as the current austerity measures have been described, is an inevitable outcome of resource depletion. This then leads to the inevitable question about whose wellbeing, social justice, life, interests and decisions should take priority? These objectives simply ignore context and the rapidly emerging economic, social, environmental and financial, trends.

Q 14 In the tentative way you have presented the objectives it will be very easy for high level decisions to interpret them in such as way that they can be easily accommodated. In fact, as you have previously mentioned, wellbeing is already a duty and it is difficult to judge whether that duty has been fulfilled, and particularly, if wellbeing has been enhanced, whether that has been due to specific public sector activity. This ambiguity and flexibility is an advantage for decision makers but a disadvantage for those wishing to see practical action that will achieve a sustainable future.

Q15 Our answer to question 14 provides an answer. In other words how will you evaluate and prove that an objective has failed to have any influence on a decision? It is possible that no decision will be made because it would detract from an objective!

The idea that a decision is lawful, ie, will fulfil the duty, if it contributes to a single objective ignores the very nature of sustainable development. The whole point is to understand how objectives can contradict each other and then to resolve them. It is the resolution that is the crucial decision. As we explained above the 'economic imperative' dominates decision making and social and environmental objectives are secondary ('jobless growth' is not uncommon). Delivering sustainable development requires a new way of thinking and a new set of priorities. So rather than suggesting or implying, as you do, that all objectives are of equal value (which they are not at the moment), you have to construct objectives, or principles, which require resolution, and, we would argue, require public bodies to explain how they resolved them. If you consider the UKSDC 5 principles of sustainable development you will see that there is no suggestion that a sustainable economy should increase economic inequality, increase poverty, and destroy bio-diversity. What is says is that the costs have to be met by those who impose them. In other words these 'externalities' have to be built into the costs of production and consumption. There are already signs of this approach in the EU 'Biodiversity Strategy 2020' which encourages Government's to develop regulations and fiscal measures to slow down the pace of bio-diversity loss. More recently the Head of the IMF has advocated green taxes (on carbon fuels and water) and the redistribution wealth through pay restraint as environmental damage and social unrest rise up the international agenda (Guardian, 13th June, p 20).

Q16 Our answers above make it clear that we are of the view that you should change your approach to one which adopts the UKSDC principles on which to base decisions and activities. Such an approach will require a new set of values, new ways of thinking (with sustainable development as the overarching priority) and a new way of formulating and delivering public policy.

Q17 We appreciate your desire to consider all approaches, however odd they may be. A single sustainable development proposition would be reducing it to such simplicity and generality as to make it meaningless. Your choice of the concept of 'wellbeing' characterises this.

Q18 Our view is that the time it will take to embed SD will vary across the public sector bodies. Some will be more receptive than others. At the outset, therefore, some form of audit or baseline position should be required.

We also believe that within 6 months of the legislation being introduced all public bodies should produce a 'Sustainable Development Strategic Statement' which would explain how they intend to interpret and apply the duty and the principles. From this a 'management of change programme' should be drafted and implemented. We feel that this programme could be carried out within a further 6 months. 'Day 1' would therefore start 12 months after enactment.

We would not expect SD as a COP to be applied from 'Day 1' across every Unit, Service or Department in every public body. One approach would be to invite every public body to submit a part of its organisation to the new SD 'regime' in return for which it would be provided with support, advice, etc. Over time the approach could be cascaded within the public body and across the public sector. We also feel that the role of the Single Body, and SD as a COP, should be seen as enhancing public services and providing staff with new skills which are an asset rather than seen as imposing an onerous duty!

As we have suggested above, from 'Day 1' we see no reason why day-to-day decisions taken by local authority committees on the recommendation of officers (eg such as land use planning decisions) should not be required to consider the sustainable development implications of the decision. This would have the benefit of embedding sustainable development and, perhaps, equally important, provide the public, WG, and the Single Body with information on how the duty and principles are being interpreted as well the likely or intended outcomes. Over time this experience would improve the ability of officers and politicians to consider sustainable development and help the Single Body to indentify difficulties and issues.

Of course, even if some departments in some public bodies apply SD principles immediately there is no guarantee that these decisions will survive collaborative or partnership working. Partners who are less receptive could push the SD agenda 'off track'. The compliance arrangements would expose the range of experiences and the importance of negotiation and bargaining in achieving sustainable development outcomes.

Q 19 and 20 Guidance and advice will no doubt be necessary. Whether this should be by WG or the Single body is an odd choice. Why should it be one or the other? In our view providing guidance will require WG and the Single body to collaborate. In fact one would hope that WG would be keen 'pilot' and test guidance as well as provide examples of best practice. Clearly the role of each body, and how they relate, needs to be clarified.

There seems to be an assumption that all public bodies will be receptive to the new duty. Rather than assume this we would want guidance to include how the compliance 'regime will work' and what evidence public bodies will be required to satisfy a positive evaluation. Our concern is that the examples of SD provided in this consultation paper would not achieve compliance as appropriate evidence is not available to indicate that the developments satisfy, or have resolved, all 5 UKSDC principles.

Q21 The consultation paper mentions a number of pieces of legislation that already place a duty with regard to wellbeing (but ignores the duty to encourage SD in section 39, of the 2004 Planning Act). There could be a case for unifying and simplifying the legislation under the SD Act.

Q22 TENP Trustees do not feel sufficiently expert to answer this question.

Q23 As we have commented above, we feel that annual reporting is quite inappropriate particularly as it misses the opportunity to embed sustainable development in 'day-to-day decisions' of local government, and others, which are available to the public for scrutiny.

The assumption that 'high level decisions' determine other decisions is optimistic. It is the day-to day decisions which will indicate whether on not sustainable development is embedded in the thinking and behaviour of all staff, which it needs to be. There are a whole 'raft' of decisions, eg, on procurement, recruitment and selection, planning decisions, business plans, salaries, property and land management, etc, that need to be sustainable development relevant.

At the Pembroke consultation there was a suggestion, or speculation, that a decision on the purchase of photo-copy paper would be subject to scrutiny and compliance. The reality is that it will be the

resources dedicated to the compliance body that will determine the capacity to scrutinise and ensure compliance. Compliance capacity will be limited (as all regulatory capacity is) and a strategic choice will have to be made about which and how many decisions can be scrutinised.

Q24 No. However what is missing from this consultation is the implications of the proposed duty on those voluntary and community sector bodies which are involved in, and are a crucial partner in, the design and delivery of public services and which, in some cases, receive funding from the public purse. 'Governance' and the delivery of public services, extends beyond the statutory sector.

Q25 One obvious and glaring omission is 'trust ports', which are public bodies reporting to the Department of Transport, eg, the Milford Haven Port Authority. The explanation is that the activities of this public body have huge implications for the environment and bio-diversity, as well as the community and the local and national economy.

Q26 If you wish to build a consensus then you have to base that on an agreed understanding of the term 'sustainable development'. As your 4 examples, and our comments above, confirm there is still no consensus and clarity. The word 'sustainable' and the term 'sustainable development' litter this consultation paper but they are not used consistently or clearly. It is for WG to be more disciplined and provide a definition, and we have suggested one which we feel is superior to that suggested in this document, (see para 11.1 d).

The point that you make about the understanding of SD changing over time is slightly misplaced. Our concern is that it is the interpretation of the word/term that is ever-changing, it means everything and anything to everyone. It can be hi-jacked and people can, and do, 'cherry pick' those aspects that they find useful and supportive of the decisions that they wish to make and ignored those aspects which create difficulties for them. The term is chameleon like.

This characteristic can only be overcome a clear definition AND a set of clear principles which give the definition operational relevance, which is why we advocate the 5 UKSDC principles (see paras. 6.3i - 6.3v, above)

Q27. NO!

Q28 We would argue that the Single Body should be to engage with public bodies and the community in raising awareness and understanding of sustainable development as defined in the duty and as expressed in the 5 UKSDC principles of sustainable development.

In addition the Single body should work with public bodies to deliver 'the duty'. As we have suggested above this work should take a number of forms. Models of staff development and public policy research and development centre exist across the UK which WG might wish to consider.

Q29 We agree that the emphasis of the Single Body should be advice and guidance but feel that scrutiny and holding to account could be implicit, if not explicit, in this role. For example, if advice and guidance were offered but ignored, and this was a matter of public record (such as the minutes of Overview and Scrutiny Committees) then such transparency may have a positive and encouraging influence.

A related point on grievances and holding to account, is that numerous policy instruments that help to 'deliver' sustainable development' are currently poorly implemented, perhaps due to lack of priority, staff, expertise or resources. There is no point having as Single Body encouraging public bodies if at the same time existing mechanisms (regulations, designations, permissions, etc) are not adequately resourced and enforced. Therefore, whilst the Single Body may advise and guide WG will need to review and respond to any shortfall or failure in the delivery of policies, and this will include a mechanism for dealing with grievances.

Q30 We are not sufficiently well informed to provide response. However, on the question of funding by WG, we feel that this should not be the only financial support. Firstly, because independent status might be compromised if WG was holding the only 'purse strings'. Secondly, the Single Body should have the freedom and discretion to attract grants, negotiate contracts to carry out work across the public and voluntary sectors, trans-nationally, and to establish a staff development service for staff across all sectors.

Q31 Yes, although why would you not prefer to title a periodic report 'Our Progress to a Sustainable Future'?

Q32 It would be appropriate for a single body providing advice, expertise and support to collaborate with the compliance agency to encourage the adoption and implementation of the duty.

Q33 We agree with the need for independence..

Q34 On accountability, we would expect that in the interests of transparency and good governance the details of the activities and budget of the Single Body would be available to the public. As with local authority Cabinet and Committee minutes, we would expect the Single Body to make similar material available on-line.

Yours Sincerely

Mr C Mason.

Chairman of TENP.

On behalf of the Trustees.

Consultation Document – Proposals for a Sustainable Development Bill

Feed Back Responses - Llangattock Community Council

Promoting Sustainable Development (section 3)

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions?

Linking outcomes for Unitary Authorities with actual benefits in local communities for Community/Town Council which will impact into the future is a difficult science when uncertainty or lack of current understanding are dominant factors. Sustainable development is still confused with 'green thinkers' or just environmental issues. Whilst national political discourse relentlessly focuses on financial services as the only way to stimulate universal or collective benefit it will be difficult to change the cultural force of short term planning.

It is also difficult to know what 'long term' actually means. Twenty years is not a long time in the grand scheme of things but in relation to delivering services it requires imagination to see that far ahead. For specific areas of this document such as health and wellbeing, employment and unemployment it is almost impossible to predict what the public sector will need to do today to ensure sustainable outcomes twenty years hence. It will be even more difficult for the citizen to judge whether this is what they want to happen.

Q.2 What actions need to be taken, and by who, to reduce or remove these barriers?

There is a need for the Welsh Government to be much more confident and strident in the delivering benefits now which will continue to benefit future generations. The need to enhance job opportunities in new sectors which Wales can generate such as renewable energy and micro energy generation will give stability to local communities. This will provide job opportunities for the long term, income generation which can be of local benefit and enable energy security which has been lost from the agenda whilst national rhetoric continues to focus on banking and financial services. Add to this more freedom for the public sector to work alongside social enterprise and not for profit organisations and you can provide trusted (hopefully) local public/private partnerships where growth and jobs can be stimulated and sustainable development can flourish benefitting society now and into the future. The example of BT ICT transport shows imagination, innovation and benefits which need to be shared widely and positively but could be measured locally. Community Councils are close to thier communities and could effectively measure benefits like this which are much more easily understood when seen and supported locally. Give Town/Community Councils a duty to measure the impact of local employment, travel, energy use and other measures and people will see the impact of thier activity in thier community. Can someone develop a local sustainability budget for Town/Community Councils?

Evidence in relation to sustainable development (section 4)

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable

Development agenda and making Sustainable Development the central organising principle of public bodies?

Not in a position to make any valid contribution here but on the whole it seems that these mean little or nothing to most people and have contributed to the 'tick box' syndrome which many people believe to be a nonsense for the public sector. Whilst there is a perception of being a nonsense in fact there is a need to measure and evaluate in order to judge improvements. The very fact that this document is able to assess there has been little improvement indicates a gap which needs to be filled with something. Agree with approach in section5.

A new sustainable development duty (section 6) The level of decision making to which the duty applies

Q.4 Have we identified the most appropriate level of organisational decision-making at which the duty should be applied? Please explain.

Not in a position to comment. I do agree with the approach that vision, values and ways of working will have an impact and probably greatest impact on long term outcomes in line with sustainable development principles. This has to be delivered with confidence and conviction.

Q.5 Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

Not sure but if leadership enhances sustainable development and sustainable principles surely these will not conflict with other legislation if based on sound principles of social justice, inclusion and equality which are embedded in international law.

Q.6 Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

Not in a position to comment.

Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

Yes. All.

Q.8 Should budget proposals be subject to the duty? Please explain.

Yes, so that fiscal decisions can be based on long term benefits for future generations and if not included could miss some of the major benefits of sustainable development.

The behaviours approach

Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.

Becasue behaviour is influenced by many factors for all individuals this will be complex and difficult to measure effectively in a way that can be shared and developed extensively. However, equality impacts also suffer from this complexity and one way of overcoming behaviour barriers is to focus on the organisations behaviour values.

Q.10 Are there critical behaviours that we have not identified? Please explain.

Unable to comment.

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

1. Not universally understood

Stay high level and do not permeate across the organisation Difficult to measure and evaluate change

Complex behaviour values begin to weaken over time unless culture change emerges in line with values Q.12 How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

- is consistent with one, some or all of the behaviours;
- broadly reflects the behaviours;
- · is not inconsistent with the behaviours?
- are there other options?

It is difficult to see how public sector organisations will be held to account as sanctions usually take a long time to implement making the sanction pointless in some cases. By supporting a 'Duty' the government in Wales can be a positive force to support sustainability if legislation is drafted positively. And of course the process by which sanctions are made needs to be effective and meaningful so all can measure effectiveness. It should be designed for the public sector to use to support the approach of achieving sustainable development without needing to resort to the courts.

I like the single proposition in Paragragh 97.

The objectives approach

Q.13 Are there core sustainable development objectives we have not identified above?

Not sure and not in a position to comment.

Q.14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

See earlier comments.

Q.15 How much influence should the objectives have over high level decisions – for example, should those decisions be lawful:

- only if they actively contribute to one or more of those objectives;
- if they do not detract from any of the objectives;

even if they detract from some of those objectives, as long as they actively promote others?

are there other options?

It would seem prudent to assess what other legislation has worked, for example the duties on equality that are in place for the public sector. The second option feels right but is still rather vague as you might find that important sustainable development could be watered down if internal political factors seek to influence less strident outcomes.

The combined approach

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours *and* sustainable development objectives?

Advantage – recognition that behaviour is a key factor in sustainable development which can only be achieved by setting or enabling objectives

Disadvantage – complex and difficult to monitor and evaluate to make improvements and continue to improve performance, behaviour and long term strategy objectives.

A single sustainable development proposition

Q.17 What are your views on basing a duty around a single sustainable development proposition?

This seems more achievable at this stage. This may change in the process of consultation and with implementation of the 'Duty' approach backed by legislation. But it is simple to understand.

The time organisations may need to comply

Q.18 How much time should organisations be given to make these changes?

Not too long. I have seen too much time given in the past to implementation where little activity is undertaken in the first instance leaving all activity late on in the timeframe. Giving tight schedules will focus activity and enable those sectors who are really committed to demonstrate best practice and demonstrate embedded activity more effectively. This will enable the government in Wales to evaluate and energise where needed and leave the committed organisation to lead the way. I have seen this work with equality and gender duties in the past.

The provision of guidance

Q. 19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

Yes. But there are already leading organisations who already demonstrate vision and innovation. Use this as a guidance tool. It has worked well in the past and will work in the future. The private sector is formally guided by good governance but also uses this as a marketing tool for good business too i.e. The Co-op, BT, Marks & Spencer, John Lewis.

Q. 20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?

Both but also see above.

The repeal of duties

Q.21 Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

Maybe, but this should be considered very carefully and not seen as an opportunity for the public sector to lose some very good duties. What should happen is an audit of existing duties and link into something that is more effectively measured through Audit procedures at a local level and statutory obligations at the national level.

Q.22 Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

Not qualified to comment.

Reporting

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

If this works well, then yes. But if it is expanding the existing 'tick box' culture, then probably no.

The organisations that might be subject to the duty

Q.24 Are there organisations on this list that should not be subject to the duty? Please explain.

Q.25 Are there organisations that are not listed above but which should be subject to the duty? Please explain.

The list looks appropriate. Town and Community Councils may find this more difficult. However, I believe they are actually crucial and very important in measuring behavioural impacts. By giving support and enabling these groups of volunteer councillors the obligation to ensure sustainable

development you will empower local solutions too. But it will take support and guidance as well as consideration of the nature of the role of Town or Community Councillor too. Resources will need to support this extensive group of very small organisations across Wales through One Voice Wales, County Councillors and Unitary Authorities.

Defining sustainable development

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

There are advantages to practioners understanding the definition proposed which seems simple and factual but legislation does change over time and has to be flexible to case law etc. The advantage of having a definition however will assist in furthering sustainable development in Wales simply because of the closeness of the Assembly to the people of Wales.

Q.27 If we were to define "sustainable development" do you think that the working definition above would be suitable and why?

It looks suitable and workable across the areas of sustainable development in services whether social or planning.

An independent sustainable development body (section 7) The purpose

of the new body

Q.28 What should be the overall purpose for a new body?

I believe the focus should be on delivering sustainable development. The Ombudsman approach is good but not always the best way of scrutinising and reliant on complaints. Scrutiny is usually after the event and often more effective if undertaken at local level.

The preferred approach for the new body

Q.29 Do you have any views on the preferred approach regarding the main functions of a new body?

I prefer the Expert Advice and Guidance model which would have direct links to the Welsh Government if compliance and guidance was not adhered to or if there is evidence that compliance with legislation would bring an organisation into conflict with legislation or statutory duties. Therefore I support the 'preferred approach'.

A statutory body

Q.30 Are there significant disadvantages to establishing a new body on a statutory basis?

Public perception of another QUANGO. I prefer the Expert Advice & Guidance approach which

could encompass public and private sector organisations in a support role.

Proposed functions for the new body

Q.31 Do you agree with the proposed functions for a new body established on a statutory basis?

Yes

Q. 32 Are there other functions which should be considered?

Independence and accountability

Q.33 Do you have particular views on the independence of a new body?

No. But should be based on Nolan Principles.

Q.34. Do you have particular views on the accountability arrangements for a new body? *As above.*

CARDIFF METROPOLITAN UNIVERSITY

RESPONSE TO THE CONSULTATION ON PROPOSALS FOR A SUSTAINABLE DEVELOPMENT BILL

- Cardiff Metropolitan University understands the context for the proposed Sustainable Development Bill. The University supports approaches to decision making that embrace the long-term, requires integration, reduces complexity, encourages 'joined-up thinking' and encourages active participation. These principles are ones which the University seeks to encourage in leading and managing its own affairs, and they are supported for other organisations and for government.
- The University is also positively disposed towards these principles being encapsulated into a legislative duty, for there to be transparency around decision-making and for the work of public bodies not to have unnecessary bureaucracy.
- The University does not support the setting up of a new agency in the form of an independent sustainable development body. The University believes that the principles of sustainability need to be built in to existing regulatory frameworks and bodies, and that wherever possible, existing reporting structures should be used to affect any new sustainable development duty. In the case of universities the existing regulatory bodies which could be used are quality assurance bodies (QAA) and funding bodies (HEFCW). The University can see similarities to the equalities duty, which is effected by the requirement to produce a published Plan with measurable objectives. The duty should cover both strategic and operational matters. Guidance should be provided, and it is in keeping with our response here, that this should come from the Welsh Government rather than a specially constructed new body.



RESPONSE FROM ANEURIN BEVAN COMMUNITY HEALTH COUNCIL TO THE WELSH GOVERNMENT CONSULTATION ENTITLED 'PROPOSALS FOR A SUSTAINABLE DEVELOPMENT BILL' (May 2012

Aneurin Bevan Community Health Council (ABCHC) welcomes the opportunity to comment on the above Consultation Document.

Responses below relate to the numbering in the consultation questionnaire.

1 What are the principal barriers you face to taking more long-term, joined-up decisions?

A range of ideas were put forward relating to possible barriers to partnership working and integration, as follows:

One of the major barriers would be poor Leadership – Members were unanimous that strong, fair leadership was essential, with good motivational skills.

To remove barriers relating to resourcing services managed in partnership agreements would be necessary, but also a 'body' with the power to challenge to ensure that all parties acted fairly and in accordance with agreements and guidelines when considering major decisions. Members also felt that if organisations were told they should comply, this might lead to barriers with organisations seeing this as a threat. There would need to be room for internal agreement on the more general decisions and only power to challenge to ensure compliance to be used for major decisions.

Being required to work in a different way might be seen as a threat, and takes people out of their immediate comfort zone; there would be a need to break down those initial barriers.

Staff from all organisations, if working together in partnership, should feel equally valued, should be resourced fairly and equitably, and have equal access to training particularly for working as an integrated team.

2. What actions need to be taken, and by who, to reduce or remove these barriers?

Members suggested –

Continuous training and educating staff to ensure everyone works towards the same goals, understanding that sometimes staff will need to be flexible in order to work as a team, knowing that sometimes compromise will be necessary.

Appointments process is important to ensure that new staff understand the need to work together in partnership; training needs should be taken into account immediately on appointment.

All organisations working in partnership/integrated services should comply with national policies. Members suggested the following: "Driven by Government – accepted by the establishment and encompassed by people".

3. What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

Changing the culture of a 'throw-away' society to develop recycling initiatives was considered to be a good example.

One area of work in Gwent, the Gwent Frailty Programme, was considered to provide the opportunity for sustainable development by providing services to either prevent more frail patients from being admitted to hospital or to provide early discharge with a care package to return home. However as 'Frailty' is in its early stages CHC Members do not have evidence yet of the success of this model of care.

4 <u>Have we identified the most appropriate level of organisational decision-making at which the duty should be applied?</u>

All agreed – YES

5. Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

Decisions required to ensure safety should be taken swiftly and not be held back by the proposed duty process.

6. Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

Not that Members are aware of.

7. Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

Members believe that the role of the organisation in society should be adhered to – eg health, and government authorities, all have their policies and guidance/structures. There should be overarching policies and guidance which affect them all, but their core internal decisions would be up to individual organisations.

8. Should budget proposals be subject to the duty? Please explain.

There was a mixed response to this with some members agreeing that they should be subject to the duty, and others undecided. Members added that there should be outcome based accountability.

9. Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking?

All agreed – YES

10. Are there critical behaviours that we have not identified?

All agreed - NO

11. What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

Members suggested that an advantage is that it gives focus for making a decision, but that a disadvantage could be different personalities.

12. How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

- is consistent with one, some or all of the behaviours;
- broadly reflects the behaviours;
- is not inconsistent with the behaviours?
- are there other options?

Members suggested that ALL options should be considered.

13. Are there core sustainable development objectives we have not identified above?

Members were not aware of any.

14. What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

Members considered that this should be a combined approach ie objectives and behaviours.

- 15. How much influence should the objectives have over high level decisions for example, should those decisions be lawful:
 - only if they actively contribute to one or more of those objectives;
 - · if they do not detract from any of the objectives;
 - even if they detract from some of those objectives, as long as they actively promote others?
 - are there other options?

Members suggested that ALL options should be considered.

16. What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?

Members agree with a combined approach.

17. What are your views on basing a duty around a single sustainable development proposition?

All agreed - NO

18. How much time should organisations be given to make these changes?

Members did not feel qualified to suggest an actual time, but suggested that this should be 'sufficient within their limitations'.

19 <u>Would it be helpful to issue formal guidance to organisations subject to the new duty?</u>

All agreed - YES

20. <u>Should any such guidance be issued by the Welsh Government or the new sustainable development body?</u>

All agreed guidance should be issued by both the Welsh Government and the new body.

21. Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

Members are unaware of any.

22. Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

Members were unaware of any.

23. <u>Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?</u>

All agreed - YES

24. Are there organisations on this list that should not be subject to the duty?

Members agreed that all listed should be included, but that in addition the following should be included:

- Children's Commissioner for Wales
- Older People's Commissioner for Wales
- Public Services Ombudsman for Wales

25. Are there organisations that are not listed above but which should be subject to the duty?

Members suggested that the following should also be included:

- Children's Commissioner for Wales
- Older People's Commissioner for Wales
- Public Services Ombudsman for Wales

26. <u>Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?</u>

Members agreed that defining provides a focus and puts sets a limit which avoids the silo effect.

27. If we were to define "sustainable development" do you think that the working definition above would be suitable and why?

Members agreed that the working definition of 'sustainable development' is suitable. Members suggested that the key issues of economic, social and environment (economic and social efficiency) are encompassed in the working definition.

28. What should be the overall purpose for a new body?

Members agreed with point 136 on page 44 of the consultation document which states –

"the overall purpose of the new body must fit sensibly with our overall policy objectives. One approach would be to specify that the new body's

purpose must be to support and foster the delivery of the economic, social and environmental wellbeing of current and future generations".

29. <u>Do you have any views on the preferred approach regarding the main functions of a new body?</u>

Members agreed with the preferred approach.

30. Are there significant disadvantages to establishing a new body on a statutory basis?

Members did not consider that there were significant disadvantages.

31 <u>Do you agree with the proposed functions for a new body established on a statutory basis?</u>

All agreed - YES

32 Are there other functions which should be considered?

All agreed - NO

33. Do you have particular views on the independence of a new body?

Members did not think that the new body should be independent, but that it should be accountable to Welsh Government. It was suggested that the structure of the new body should allow for a mix of organisations including voluntary and a lay person to be included in decision-making discussions to enable a range of views to be considered.

34 <u>Do you have particular views on the accountability arrangements for a new body?</u>

Members believe that accountability should be to the Welsh Government and that there needs to be clear benchmarking.

SD Bill Team Welsh Government Cathays Park Cardiff CF10 3NQ



9th July 2012

Welsh Government consultation - Proposals for a Sustainable Development Bill

The National Association for Areas of Outstanding Natural Beauty (NAAONB) is a voluntary body whose membership includes all but one of the AONB Partnerships in England and Wales, as well as many of the local authorities with statutory responsibility for AONBs, the Trust which manage AONBs in Northern Ireland, as well as a number of voluntary bodies and individuals with an interest in the future of these iconic landscapes.

The work programme and governance structure of the NAAONB fully reflects the devolved nature of government in Wales and works closely with the Areas of Outstanding Natural Beauty (AONB) partnerships of Wales to ensure that they remain well placed to deliver their purpose and statutory duties set out under Sections 85 and 89 of the Countryside and Rights of Way Act 2000.

The NAAONB regards this proposed bill as the foundation for any approach to natural resource management in Wales. Likewise, we consider that this bill will set the direction for any public body vested with stewardship of the natural environment. Our response aims to highlight the value that AONB partnerships can bring to furthering sustainable development thinking, and the role that the AONB designation, and the landscapes to which they relate, can play in helping achieve a more sustainable Wales. We have chosen not to answer all the questions set out in the document, concentrating on those that we consider are an immediate priority.

Yours sincerely

Howard Davies CEO

Howard Downer.

The National Association for Areas of Outstanding Natural Beauty

Fosse Way Northleach Gloucestershire GL54 3JH Tel: 01451 862007 Fax: 01451 862001 Email: jill.smith@naaonb.org.uk

1.0 The context

- 1.1 The NAAONB welcomes this opportunity to comment on this forward thinking document. Our comments are designed to complement, and provide the context for those made earlier in response to consultations on the NEF and the proposed Single Body. The National Association for AONBs welcomes and supports the statement that sustainable development is the principle that helps define the best development path for Wales and welcomes an approach centred on embedding sustainable development as the central organising principle in all actions across Government and public bodies.
- 1.2 Areas of Outstanding Natural Beauty (AONBs) are distinctive landscapes of outstanding quality and value. They are designated in Wales by the Countryside Council for Wales under Section 82(2) ¹in recognition of their national importance and to provide a mechanism to ensure their character and qualities are protected. They are living and working environments which have a special relevance for those who use them and the many to whom they mean so much. The compelling sense of identity associated with Areas of Outstanding Natural Beauty make these areas powerful symbols of our national pride; places of motivation, inheritance, excitement, pleasure and profit. The AONB designation provides a nationally recognised model for protecting these landscapes, achieving important outcomes for society, the economy and the wider environment. AONBs are strategic national assets. There are 5 AONBs in Wales one of which, the Wye Valley AONB, also covers an adjacent area of England. As a consequence of this we need to be mindful of issues surrounding cross-border governance and management.

2.0 Landscape and Sustainable Development

- 2.1 Landscapes are shaped by the inter-relationships between humans and their environment. In turn, landscapes have shaped how people live, their settlement patterns, livelihoods, cultural practices and beliefs indeed their very way of life. Landscapes encompass history and the present, the physical as well as the intangible and can be seen as a meeting ground, between nature and people, between the past and the present, and between tangible and intangible values.
- 2.2 AONBs are nationally important cultural landscapes that have co-evolved with the societies that inhabit them. They are formed by the interactions of people and nature over time, are rich in biological diversity and other natural values because of the presence of people. Their future relies on sustaining people's relationship to the land and its resources.

¹ Where it appears to the Countryside Council for Wales (in this Part referred to as "the Council") that an area which is in Wales but not in a National Park is of such outstanding natural beauty that it is desirable that the provisions of this Part relating to areas designated under this section should apply to it, the Council may, for the purpose of conserving and enhancing the natural beauty of the area, by order designate the area for the purposes of this Part as an area of outstanding natural beauty.

- 2.3 AONBs, along with all protected landscapes, have a fundamental role to play in testing and achieving a more sustainable way of living in particular through their functions in relation to delivering ecosystem services across the three threads of sustainable development: social, economic, and environmental
 - The full scope of social justice issues obviously extend beyond the interests of AONBs, but the issue of environmental justice particularly helping to define the structure of the relationship between which services or environmental goods are distributed, to whom and the principles of this distribution is central to progressive AONB management planning. The AONB designation acts as a framework for systematic, co-operative planning, and actively supports social well-being in ways consistent with the AONB purpose.
 - AONBs also have a significant role to play in valuing the environment, the goods and services it provides, and maintaining and adding value to the environmental resource, itself an economic asset. AONBs foster economic activity in ways that are consistent with achieving their purpose.
 - As an environmental designation AONBs are working to create resilient, sustainable landscapes, taking a precautionary approach to levels of critical natural capital. They value, promote and sustain the environmental benefits they provide, promote a balanced public/ private/ voluntary sector approach to delivery and work to maintain the provision of hard to value cultural services.

3.0 Economic Growth

- 3.1 Consistent with our response to Sustaining a Living Wales A Green Paper on a new approach to natural resource management in Wales the NAAONB asserts that managing the environment parallel to a system that allows the economy to be driven by market forces will not work. Adopting an ecosystem approach is more than managing the environment as an integrated system; it involves managing societal and economic drivers as part of this system. This is fundamental, in our view, to achieving sustainable development.
- 3.2 We are however unclear what is actually meant by sustainable economic growth in the consultation document and would value more detail.
- 3.3 The NAAONB asserts that to continue on the path of sustainable development a different kind of economic model is needed; one that renegotiates a different balance between consumption and investment, the split between public and private sector expenditure, the nature of productivity improvements, and the conditions of profitability.
- 3.4 This approach demands enhanced investment in sustainable technologies and infrastructures, and in the protection and maintenance of the natural environment. These investments are not the same as conventional

investments and they won't necessarily deliver continual consumption growth. This will have to be factored in to future measures of economic resilience.

- 3.5 Reflecting the point made in the consultation document over decreasing public spend running parallel to an increasing need for the services which the public sector provides the NAAONB has already starting working in England with Wessex Community Assets and a number of AONB partnerships to explore various social enterprise approaches to generating interest in and financial support for the delivery of the protection and maintenance of the natural environment. This includes working with Community Foundations to work up mechanisms for throughput and endowment finance linked to AONB Project delivery, working with AONB Friends Groups and High Net Worth Individuals and institutions to develop tax efficient mechanisms for channelling finance to environmental management works, and exploring options for establishing Community Benefit Societies and Community Share Issue as test beds for future share issues across other AONBs, including those in Wales.
- 3.6 The NAAONB is therefore supportive of sustainable economic growth in this sense but is unclear as to whether this is what is meant by the phrase in the consultation document and would value greater clarity.

4.0 A Definition of Sustainable Development

4.1 The NAAONB does not feel that a legal definition of sustainable development is appropriate. We consider that it would be more appropriate to ask the question "How might continuous improvement in the sustainability of x, y, or z be secured?" In this way, definitions of what sustainable development would look like, in certain situations under certain conditions, could be articulated without limiting the scope of possibility, or indeed failing to respond to the diversity of situations and opportunities.

5.0 A Sustainable Development Duty

- 5.1 The NAAONB supports the principle of a sustainable development duty being placed on 'organisations delivering public services in Wales' but would like clarity over whether this is actually what the Welsh Government means. There are many organisations delivering public services in Wales that do not operate within the public sector. Many charities, social enterprises, CICs etc. deliver public services and the impact of this proposed duty on them, if only through the acceptance of grant aid from public sector bodies, could have significant unintended consequences in relation to their ability to deliver in competition with the private sector. Additionally, we are unclear whether the public utilities would also have to comply with the Act. This would need clearly stating if the case.
- 5.2 The NAAONB is also mindful of the impact on Wales of English public bodies in relation to cross-border issues. We have a particular interest in this in

- relation to the Wye Valley AONB; a protected landscapes that straddles the border between England and Wales. We are interested in how far the duty might extend in these circumstances.
- 5.3 The NAAONB supports the statement that a sustainable development duty should not increase levels of bureaucracy; however, we are concerned that this has been conflated with an apparent opportunity to remove existing obligations. We would be extremely concerned if this was used to remove any obligations currently underpinning the AONB designation. Our concern, consistent with our response to the consultation document *Natural Resources Wales A consultation on the proposed arrangements for establishing and directing a new body for the management of Wales' natural resource,* is rooted in the misleading portrayal of AONBs as restrictive or regulatory instruments rather than enabling designations.

6.0 Compliance with the Duty

- 6.1 The NAAONB does not agree that a duty *to have regard* would fail to produce the sort of tangible change needed in the short to medium term as long as it is supported by a workable framework. There is clear evidence that a duty to have regard is working both within the sphere of disability rights and equality.
- 6.2 The NAAONB asserts that 'having regard' comprises two linked elements: proportionality and relevance. In relation to a sustainable development duty this would mean any public body (or any organisation captured by the duty) in performing any functions in relation to, or so as to affect sustainable development should give due weight to the sustainability factors in proportion to their relevance. This requires more than simply giving consideration to the need to further sustainable development.
- 6.3 Proportionality requires greater consideration to be given to decision making in relation to functions or policies that have the most effect on the purpose of furthering sustainable development. Where changing a proposed policy would lead to significant benefits to the purpose of furthering sustainable development, the need for such a change will carry added weight when balanced against other considerations.
- 6.4 With the above points in mind the NAAONB asserts that a *duty to have regard* to sustainable development would be the most suitable approach to furthering the attainment of any sustainable development objectives.
- 6.5 In legislating for sustainable development, the NAAONB asserts that there must be complete clarity over what the government is actually making illegal, rather than solely focusing on the scope of what must be done in order to comply with the act. It is our view that a duty to have regard, supported by a workable framework based on the principles of proportionality and relevance, would help define what constitutes a contravention of the act. A failure to accurately assess the relevance of a decision or action in relation to achieving sustainability objectives would constitute a contravention. Likewise, a failure to respond proportionately to any assessment of relevance would also

constitute a contravention. This approach would provide a useful framework for not only those bodies subject to the duty, but also private bodies looking to ensure their development proposals are compliant.

7.0 Behaviours and Factors

- 7.1 The NAAONB supports an approach that promotes a set of sustainable development behaviours and equally supports the sustainable development factors designed to inform higher level decisions. We are, however, slightly concerned that there appears to be no objective designed to stimulate technological advance.
- 7.2 The NAAONB broadly supports the encouragement of the key behaviours identified in the consultation document, but asserts that public policy has a tendency to place too much emphasis on deliberative decision-making, leading to an assumption that behaviour change can only be achieved by appealing to knowledge and values. The NAAONB recognises that behaviours are influenced by less tangible social factors in addition to deliberate decision-making and the role of positive leadership and role models, both on an individual and organisational level is essential in this respect.
- 7.3 The NAAONB believes it is vital that the sustainable development factors are embedded within a policy framework designed to support the expression of the desired behaviours. This will only happen if there is a transparent join-up between policy areas across government. The NAAONB is concerned that there is no specific cross referencing in this consultation to either the Environment or Planning Bills, nor an indication as to how the eventual sustainable development bill will act as the foundation for all others. It is our view that these and other areas of emerging of legislation must support one another, and the mechanism for doing so should be made obvious.

8.0 Final Comments

- 8.1 The principle barriers faced by the NAAONB to taking more long-term, joined up decisions are
 - a lack of any coherent strategy that integrates the needs of the private sector with those of the public and third sector in any meaningful way,
 - a lack of policy join-up across sectors,
 - a lack of confidence in the current system in relation to its ability to accurately value all relevant environmental goods and services,
 - a lack of longer-term funding security.
- 8.2 Government must show some leadership in relation to taking action to remove these barriers. There is also a particular role for the emerging Natural Resources Body for Wales to take forward the last two points above.

- 8.3 The NAAONB supports the proposal to establish an independent Sustainable Development Body and agrees with the functions outlined. In addition to these functions, the NAAONB would like to see specific support provided by this body to further independent thinking on sustainable development.
- The NAAONB asserts that sustainable development is at the heart of decision making within AONBs, recognising the vital role that AONB management plays in relation to the management of our natural capital, ecosystem service delivery, and environmental justice, itself an important component of social justice. Since 2001 the Sustainable Development Fund has allowed AONB partnerships to explore ways of implementing the principles of sustainability, remove obstacles to sustainable development, and develop models for the sustainable management of the countryside that could be applied more widely in Wales. Additionally, AONB partnerships have, through this fund, been successful at generating greater awareness and understanding of sustainability. The investment of the Welsh Government in developing this body of work has resulted in a valuable resource that can help improve the quality of our approach to sustainable development in Wales.
- 8.5 AONB partnerships, and the NAAONB, would be happy to continue to work with the Welsh Government in furthering the principles of sustainable development in Wales.

NAAONB 09.07.12

Ymgyrch Diogelu Cymru Wledig Campaign for the Protection of Rural Wales



Cadeirydd Cyfarwyddwr Chairman Director Dr Jean Rosenfeld Peter Ogden

SD Bill Team, Welsh Government, Cathays Park, CF10 3NQ, July 5th 2012

Dear Sir or Madam,

Proposal for a Sustainable Development Bill.

Response by the Campaign for the Protection of Rural Wales (CPRW)

1. General comments

- 1.1 CPRW welcomes the opportunity to comment on this important consultation, the outcomes of which will have fundamental implications on the direction of travel for the nation's sustainable agenda and ambitions. As importantly the manner in which any legislative proposals are framed are also of direct relevance to CPRW's objectives and in particular our aims to ensure that the quality and diversity of all Wales's landscapes and life in rural communities are safeguarded and enhanced in a responsible and sustainable manner.
- 1.2 CPRW's interests in the sustainable planning and stewardship of Wales's rural environment and the landscapes of Wales are long standing, wide ranging and are closely aligned with the realisation of a more holistic use of all the nation's physical resources and human capital. We anticipate and look forward in particular to this new chapter of sustainability thinking resulting in a step change in attitudes and behaviour towards the value and importance of protecting Wales's range of landscapes and the rural communities which depend on them. We also believe that the proposed Bill if framed appropriately would provide a much clearer demonstration of the Welsh Government commitment to embed the principles of the European Landscape Convention into the heart of its sustainability rationale and approaches.
- 1.3 Given our long standing advocacy for greater recognition to be given to the importance of Wales's natural and cultural assets in decision making processes and the opportunities their integrated management offer in adding value to society's well being and the Welsh economy viability, we welcome and support the overarching intentions of the document. In particular we believe that placing a greater legal focus on the need for

the sustainability responsibilities of public bodies to be more clearly defined and thereafter discharged in an open and accountable manner is highly desirable.

1.4 However we believe in order to achieve this, a succinct and less ambiguous definition of both the term Sustainability and Sustainable Development must be agreed and feature in the proposed Bill. We also agree that the obligations associated with both these approaches should form a fundamental part of the statutory responsibilities for all public bodies not only in fulfilling their own functions but also and as importantly in terms of how they ensure that others with whom they work or fund, undertake their activities.

2. CPRW's interpretation of the term Sustainable Development

- 2.1 CPRW believes it is essential that the forthcoming Sustainable Development Bill includes a succinct and unambiguous definition of the term "Sustainable development".
- 2.2 Whilst recognising the commitment the Welsh Government has repeatedly made through its Sustainable Development Scheme and various other statements, in articulating Sustainability and Sustainable Development as its central organising principle, we are concerned that there is still as yet no single precise or accepted definition of this latter term. In the absence of this, there remains considerable ambiguity in terms of its interpretation and inconsistency so far as the manner in which it is used in the many and varying decision making processes.
- 2.3 We agree that the proposed Sustainable Development Bill provides the timely opportunity to resolve this situation and to clarify both the SD definition and its practical intentions so far as public sector responsibilities and activities are concerned. This is especially important in the context of the proposed new Natural Resources Body given that it will be primary organisation responsible for and champion of the responsible stewardship of the Welsh environment and charged with the role of challenging those who propose developments which are environmentally damaging.
- 2.4 Notwithstanding this, we believe however that the role of all public bodies in promoting and delivering the Welsh Government's sustainable ambition must be clearly differentiated from their function in promoting and actively contributing to the process of delivering Sustainable Development.
- 2.5 For any public body to promote (or help achieve) Sustainable development, we believe it must be able to demonstrate how its activities have resulted in sustainability

benefits be achieved. This will effectively mean that it must be able to show that when change (which is within its control or for which it is responsible) occurs, there is no nett loss and hopefully a positive or beneficial improvement in the functional value of any environmental asset being used or affected by the change.

- 2.6 If the outcome of any such change (development) is to be considered sustainable, the body responsible for that change must therefore be able to demonstrate that it has
 - Been undertaken within those limits which enable the environment and natural resources of Wales to continue to perform their current range of functional services and public well being role i.e. the change has taken place within defined and accepted environmental tolerances and standards.
 - Not diminished but preferably enhanced the status of the natural resources or assets being used, thereby enabling them to continue to perform their inherent or an enhanced public service function i.e. Maintain their Integrity and retain their Resilience.
 - Enabled existing resources to continue to perform their natural functions in a synchronised way with other resources. **Safeguard their cohesion.**
 - Created and maintained **diversity of status, choice and opportunity** for the continued use of that resource in the future.
- 2.7 The processes which govern sustainable development approaches should therefore not aim to simply balance the three characteristic attributes of sustainability namely their environmental, social and economic characteristics with an outcome where the "winner takes all", but seek to achieve an acceptable state of **integration** between each of them, so that all benefit.
- 2.8 Given these preconditions, we believe that all public bodies should therefore be required to operate and be accountable for the outcomes of their activities in a manner which ensures that

the existing condition or functional status of any two of the characteristic components of sustainability are not significantly impaired by actions which promote or enhance the status of the third.

2.9 Sustainable Development in this context would then be defined as

"the outcome of any process or conscious decision which maintains or enhances a resource's sustainability credentials and functional qualities, for the benefit of the continued provision or improvement of public well being."

- 2.10 We also suggest that where the outcome of any proposed change is unpredictable or uncertain and could be detrimental to fulfilling this aim, the interpretation of the term Sustainable development must also incorporate the conditions with underpin and are acknowledged in the "**Precautionary principle**" approach
- 2.11 Given the above and whilst therefore supporting in principle the definition of Sustainable Development as stated on Page 9 para 11, we believe it needs to be refined in the manner suggested. Without a clearer and more practical definition, decisions and actions are likely to continue to be driven by short term expediency rather than long term future proofing. Similarly, any definition which remains vague and open to interpretation will make it vulnerable to legal challenge and its meaning ultimately decided by the courts rather than Welsh Government.
- 2.12 Notwithstanding the fact that the Sustaining Living Wales agenda is still developing, we further believe there should be an explicit cross reference to this approach and the principles it is promoting, embedded in any final guidance which accompanies or interprets the term Sustainable development. We therefore urge Welsh Government to ensure that the natural and cultural environments are given highest regard in all decisions making processes aimed at promoting sustainable development.

3. The need for a realistic spatially interpretation of Sustainable development

- 3.1 Notwithstanding our belief that the term sustainable development should be clearly defined, we also contend that it needs to be similarly understood that the term must be properly interpreted and applied in an appropriate manner in a spatial context. Whilst we recognise that a single generic definition is important, it is also the case that needs to be adapted to the circumstances in which it is applied both in terms of an individual development and across a given area. The achievement of sustainable development in central Cardiff will inevitably be different to that in Crickhowell or Carno.
- 3.2 The need for the processes of Sustainability to have a geographical and a spatial dimension to their interpretation and focus must therefore be recognised in the Bill. CPRW is particularly concerned for instance that the concept of what "Rural sustainability" means in 21st century Wales has not yet been properly explored and is hence not fully understood. Without this basic understanding of the sustainability status and character of a "place", it is therefore difficult to know if change or development is helping achieve improved sustainability or detracting from it. This ground truthing must therefore be undertaken first, if a clear sustainability pathway for the each of the many circumstances throughout Wales is to be achieved.

- 3.3 With this in mind, we therefore believe that the concept of sustainable development must always be first benchmarked against the prevailing circumstances associated with the place or area in which it is being applied. In this way the implications of any change can be tracked against existing environmental, social and economic point of references to ensure that change is favourable.
- 3.4 We contend this principle is particularly important within any areas which are already recognised as having a recognised environmental or heritage status e.g. any designated Protected area or Protected Landscape. Within such area any sustainable development principles should always be applied in a manner which does not dilute or undermine status of this area or the reasons why it was designated.
- 3.5 In the case of Protected Landscapes, the statutory Purposes and Duties and policy presumptions which exist in National Parks and AONBs should not be overridden by any generic approach aimed at promoting Sustainable Development across these areas. To the contrary, in these areas sustainable development should always be achieved in a manner which fully recognises and is in full conformity with the responsible stewardship of the special qualities and existing environmental policy approaches which exist in these areas. Equally when all public bodies seek to promote sustainable development in these areas their existing s62 and s84 responsibilities should similarly prevail.
- 3.6 In relation to them fulfilling their sustainable development duties this would therefore mean that any public body or relevant organisation in performing its functions should give due weight to the sustainability factors in a manner which is both proportionate to their relevance but also in a manner which reflects the specific spatial context in which they occur.
- 3.7 We seek clear reassurance that this latter point is recognised and the challenges of interpreting the promotion of sustainable development in an appropriate spatial context are adequately reflected in the logic of the forthcoming Bill. In this latter context we see the combination of the Welsh Government's proposed National Resource Management Plan (and its local interpretations) cross referenced in a refreshed and more integrated Wales Spatial Plan, as being particularly important.

4. Detailed comments

4.1 Given our support in principle for the aims of the document, the remainder of this submission focuses on a number of the key questions posed in the report, which are relevant to our interests.

Section 4 / 5

Strengthening sustainable approaches through strong leadership

Page 24 Para 55.

- 4.2 Whilst we whole heartedly agree that management leadership is a primary requisite to mainstreaming sustainable development, we suggest that organisational commitment alone is not enough.
- 4.3 No matter how progressive or embedded an approach to sustainable development is in an organisation, its outcomes will not be achieved until there is a clear acknowledgement that the stewardship of the environment and the retention of its quality and diversity are the primary focus of the nation's collective sustainability efforts.
- 4.4 We therefore believe that any legal and practical promotion of sustainable development approaches must be directly underpinned by the agenda being developed through the forthcoming National Resources Management Plan and its local equivalents. Without this strong environmental reference point and fulcrum, all the enthusiasm and leadership efforts in the world aimed at promoting sustainable development, could be misdirected if the integrity and resilience of our environmental and landscape assets are continually being fragmented or compromised.

Section 6

A new Sustainable development duty

- 4.5 As mentioned in the introductory section of this submission, CPRW believes that a combination of a clearly defined legal duty along and a more robust and accountable operational regime for its implementation, are the only practical ways in which an integrated and consistent approach to the promotion of sustainable development will be achieved by the public sector and hopefully thereafter others.
- 4.6 We would therefore suggest that any duty proposed by Welsh Government must be substantially stronger than merely one based on the premise of "having regard to" something, or labelling sustainable development simply as a "central organising principle". We would indeed question whether the current proposals in the document adequately constitute a legal duty.
- 4.7 Similarly we suggest it does not necessarily follow that "considering" sustainable development in decision-making equals delivering sustainable development in a practical sense so far as a public body is concerned and as a means of fulfilling that specific duty. The wording of any legal duty must therefore be strong enough to provide a robust

framework for consistent decision-making and the practical delivery of the necessary action.

4.8 Equally we believe that if this approach is to succeed, it must extend to all levels and activities within the relevant organisations and not be confined simply to the high-level policy approaches as suggested. This requirement should also include and relate to the manner in which the Welsh Government determines and uses its budgets, themselves major drivers of potentially significant and unsustainable infrastructure decisions and change. It is therefore vitally important that any "enabling budgets" and the duty to achieve integrated sustainable outcomes are inextricably linked.

Sustainable Development factors

- 4.9 Whilst recognising and commending the logic of this approach, clearly further work is needed to understand how these two approaches could be synchronised in an operational sense. At the moment it is difficult to appreciate how the combined proposition will be converted into a single measurable and accountable methodology.
- 4.10 Equally so far as the Sustainable Development objectives listed are concerned we suggest that further thought will be needed to decide how any internal conflicts arising as a result of the promotion of one objective which results in an outcome which is detriment to another, would be resolved so that the outcome itself is not regarded as unsustainable.

Question 13: Sustainable Objectives

4.11 So far as the completeness of the list of Sustainable Objectives is concerned, we would strongly recommend the inclusion of a further factor which recognises

"the need to maintain and enhance the quality, distinctiveness and heritage value of the environment i.e. the "Sense of Place" of any particular location."

The Single SD proposition

4.12 CPRW does not favour the suggested Single SD proposition outlined in paragraph 97-99. This proposal and its associated approach are too vague, open ended and would still remain open to various different interpretations. Effectively the proposition does not improve or provide any greater clarity to the meaning of sustainable development than exists at present.

Question 25: Organisations which should be subject to the duty

- 4.13 CPRW agrees that the bodies included on the list represent a laudable starting point for those who should be subject to the provisions of the duty. We would however also include
 - any private or commercial organisation or other body o organisation which is in receipt of funding either directly or indirectly from these bodies.
 - any private or commercial organisation or body which is in receipt of funds from the Westminster Government, European sources or the National Lottery.
- 4.14 In all instances, the actions of these external bodies should collectively contribute to the sustainability ambitions of the Welsh nation. If this is not the case, then public funding would effectively be promoting unsustainable activities and hence contrary to the aim of achieving acceptable sustainable development outcomes.
- 4.15 The initial suggested list should likewise not be viewed as definitive and provision should be made in the wording of the Bill for other bodies or organisations to be added in the future should circumstances require or dictate.

Question 26/27: The definition of Sustainable Development

- 4.16 As mentioned previously, CPRW believes it is essential that the term "Sustainable Development" is clearly defined in the proposed Bill rather than left to interpretation in other circles or circumstances.
- 4.17 Whatever its final definition, the term must be defined in a meaningful, robust and understandable way and sufficiently clearly to be interpreted consistently and in a manner which achieves actions and outcomes which will make Wales a less unsustainable place.
- 4.18 We are not convinced that the existing definition of Sustainable development is therefore sufficiently refined to enable it to be used in this manner or applied consistently in the decision making processes and arenas as currently anticipated. It is for this reason that we commend the definition we suggest earlier in this submission.

Section 7: The creation of an independent Sustainable Development body

- 4.19 CPRW supports the establishment of an independent Sustainable Development body with a clearly defined statutory role, has an independent status and the capacity and resources to fulfil its role in a meaningful and unencumbered manner. We suggest its initial focus should be as an advocate for sustainable development in all its forms.
- 4.20 In achieving this however, we believe that the body must at some point also assume a more formal monitoring and reporting role which enables it to work alongside the Auditor General for Wales, but without assuming that body's entire "sustainable" scrutiny role.

- 4.21 We believe the SD body should report and highlight good and poor practice to the Government and make recommendations to it when or where remedial actions or sanctions should be taken against bodies which fail to fulfil their legal duties or statutory responsibilities in the manner required of them.
- 4.22 If the new SD body is to achieve its role effectively, we therefore believe its functions should include a responsibility to advice the Auditor General for Wales or the Welsh Government of any public bodies or organisations whose approaches or delivery of the agreed sustainable behaviour criteria or objectives, fall short of expected standards.

5. Conclusion

- 5.1 CPRW recognises that the key to the success of any enhanced approaches by the Welsh Government to promote sustainable development lie in the inclusion of a clear, robust and practical definition of sustainable development in the proposed Bill. High level intentions and a duty on public bodies to further the Government's sustainability ambitions will not achieve the desired outcomes whilst there is a lack of clarity in the meaning of the term and a continuing inconsistency in the manner in which it is interpreted and applied.
- 5.2 CPRW therefore believes that the principle barriers to achieving sustainable development at the moment are
 - A lack of long-term integrated policy thinking and joined up decision making processes across all organisational sectors.
 - The lack of any coherent integration of the needs of the private sector with those of the public and third sector in any meaningful way,
 - a lack of recognition of the current role and true value of all of Wales's relevant landscapes and natural resources and the direct and indirect environmental goods and services they provide.
 - a lack of recognition that whilst sustainable development is a generic concept it cannot be delivered in a uniform manner but must be achieved in a manner which reflect the spatial circumstances and sense of place of a location or area
 - The lack of any national spatial expression of the Welsh Government's Sustainability ambition.
- 5.3 Regardless of what any proposed Bill may or may not contain, significant leadership on the part of the Welsh Government is therefore needed to remove and overcome these hurdles and to ensure that the nation's collective sustainability effort is well focussed and achieves the intended outcomes. We believe the production of the

proposed National Resource Management Plan and a refreshed version of the Wales Spatial Plan with a focus on interpreting Sustainable development in a resource context will have a major contribution to make in this respect.

- 5.4 CPRW trusts that the above comments prove helpful and confirms that they can be made available to others if so required. Likewise should there be any matters which require further clarification, CPRW will gladly do so upon your request.
- 5.5 In the meantime, I would be grateful for your acknowledgement of the safe receipt of this submission and in due course welcome sight of the Government's responses to the representations it receives on this important document.

Thanking you in anticipation.

Yours Sincerely,

Peter Ogden

Director

Page used to send this email: /consultations/forms/sdbillresponse/

Responses to consultations may be made public - on the internet or in a report. If you would prefer your response to be kept confidential,

(Unchecked)

please tick here:

Address:

Your name: Mrs. Lesley Pugh

Organisation (if applicable): Overton Community Council Email Address: pughatmayfield@supanet.com

Mayfield Cottage Lightwood Green Overton on Dee

Wrexham

Postcode: LL13 0HT

What are the principal barriers you face to taking more long-term, joined-up decisions?:

What actions need to be taken, and by who, to reduce or remove these barriers?:

What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies? :

Have we identified the most appropriate level of organisational decision making at which the duty should be applied? Please explain:

Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?:

Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?:

Should we include decisions which govern an organisation's internal

operations? If so, which internal operations should we include?:

Should budget proposals be subject to the duty? Please explain:

Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain:

Are there critical behaviours that we have not identified? Please explain:

What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?:

is consistent with one, some or all of the behaviours:

broadly reflects the behaviours:

is not inconsistent with the behaviours?:

are there other options?:

Are there core sustainable development objectives we have not identified above?:

What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?:

only if they actively contribute to one or more of those objectives:

if they do not detract from any of the objectives:

even if they detract from some of those objectives, as long as they actively promote others?:

are there other options?:

What are the advantages and

disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?:

What are your views on basing a duty around a single sustainable development proposition?:

How much time should organisations be given to make these changes?:

Would it be helpful to issue formal guidance to organisations subject to the new duty?:

Should any such guidance be issued by the Welsh Government or the new sustainable development body?:

Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?:

Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?:

Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?:

Are there organisations on this list that should not be subject to the duty? Please explain:

Are there organisations that are not listed above but which should be subject to the duty? Please explain:

Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?:

If we were to define "sustainable development" do you think that the working definition above would be suitable and why?:

What should be the overall purpose for a new body?:

Do you have any views on the preferred approach regarding the main functions of a new body?:

Are there significant disadvantages to establishing a new body on a statutory basis?:

Do you agree with the proposed functions for a new body established on a statutory basis?:

Are there other functions which should be considered?:

Do you have particular views on the independence of a new body?:

Do you have particular views on the accountability arrangements for a new body?:

Para 120 The Police should be included in this

Do you have any other related queries or comments?:

11 to/including 20. Consideration should be given to RHS scheme It's Your Neighbourhood, which embraces all the sustainable development within this catagory. www.rhs.org.uk/britaininbloom. Didn't know quite where to put this comment as your document in extremely long and I wanted to be precise.

Hello

I am writing on behalf of the Powys Environment and Development Education Centre, located in Llanidloes, Powys, regarding the Sustainable Development Bill.

PEDEC has worked for 22 years with schools in Powys, helping them to incorporate Education for Sustainable Development and Global Citizenship into their curriculum and whole-school practices.

We are proud to work in a country which values this work, by the focus placed on ESDGC. We are concerned however, that the proposed Sustainable Development Bill for Wales does not currently emphasise the importance of education and ESDGC for achieving the aims of the Bill.

In the light of Welsh Government's ongoing commitment to education for sustainable development and global citizenship we feel that it is imperative that the Sustainable Development Bill states the importance of ESDGC in ensuring that future generations understand and are equipped to deal with the 'crucial issues facing the planet and know how they can personally play a part in helping shape the future'. (Jane Davidson, 2002)

We strongly recommend that the Sustainability Bill needs to include an explicit statement as to how its aims and purposes will relate to and further advance ESDGC in Wales. Without a clear acknowledgement of the role that education and, in particular ESDGC, has to play in raising awareness of sustainable development and supporting behaviour change we feel that the Bill would be lacking a vital component.

Regards, Jacinta Jolly PEDEC The **Welsh Centre for International Affairs (WCIA)** would like to submit the following in relation to the Welsh Government's consultation on proposals for a **Sustainable Development Bill**. The WCIA is a registered charity which incorporates the Council for Education in World Citizenship and the United Nations Association Wales.

As an organisation which encourages discussion, action and cooperation on global issues, we fully support the introduction of a law that would make sustainable development the "central organising principle" for the government and public bodies in Wales. However, Wales cannot be sustainable in isolation, or by undermining sustainability elsewhere in the world.

We believe this to be a vital opportunity to put global social justice, interdependence and environmental protection at the heart of Government. We therefore urge the Welsh Government to ensure that the Sustainable Development Bill is sufficiently international in outlook in order to achieve such a vision.

We wish to see a Bill which:

Contains a definition of sustainable development which recognises Wales' impact overseas, not just at home;

Puts a strong duty on Welsh Ministers and public bodies to take action to achieve sustainable development;

Establishes a strong independent Commissioner to be a powerful champion for future generations, for people in developing countries and those living in poverty in Wales; Gives due regard to the importance of Education for Sustainable Development and Global Citizenship.

Definition of sustainable development

The Bill must clearly define sustainable development, rather than leaving its interpretation to further guidance, officials or the courts. The definition must be meaningful and accessible enough to drive effective action.

The definition must make it clear that the implications of Welsh sustainable development policy do not end in Wales, but rather extend globally, and that the wellbeing of people in Wales is an aim but not the sole aim of the legislation. In other words, the commitment to sustainable development should be articulated through its international implications.

Duty on Welsh Ministers and public bodies

The new duty must be substantially stronger than the present duty, as set out in the Government of Wales Act 2006. It should go beyond producing a scheme or making sustainable development merely a "central organising principle".

The Bill should require Welsh Government Ministers and the devolved public sector (including local authorities and Welsh Government sponsored bodies) to exercise their duties and powers in order to achieve sustainable development, both within Wales and with regard to the impacts internationally. This should be a cross-cutting duty for all government departments and their agencies, including those engaged in health, education, business, transport and the environment.

The duty should be supplemented by a statutory strategy (or strategies) which would become the main mechanism for achieving sustainable development. We expect the duty to lead to clear actions by the Welsh Government and devolved public sector in Wales, which would, amongst other things:

- o clearly drive down carbon and other greenhouse gas emissions
- o create and sustain 'green jobs'
- o promote ethical, sustainable procurement and use of Fair Trade by the public sector

- drive sustainable and ethical action by businesses that are supported by the Welsh Government in relation to their activities domestically and internationally
- protect vulnerable resources and ecosystems

The duty should explicitly recognise and give regard to the international impacts of Wales, e.g. the supply chains of the Welsh public and private sectors (in terms of carbon intensity, food security etc.); the activities of Welsh businesses abroad; and the carbon emissions produced in Wales.

Independent Commissioner

We support the principle of having a Commissioner for Sustainable Development who should become a powerful champion for future generations, people in developing countries and those living in poverty in Wales – who are all impacted by unsustainable development.

The Commissioner should be independent of the Welsh Government and able to hold the Government and public sector in Wales to account.

The Commissioner should be both empowered and required to investigate and take action on failures by government both to comply with the provisions of the Bill, and more widely.

The Commissioner must also be adequately resourced, with a staff able to support a significant programme of work including, research, policy development, support for the wider public sector in developing effective sustainable development schemes and investigative capacity to hold the devolved public sector to account.

Education for Sustainable Development and Global Citizenship

In the light of Welsh Government's ongoing commitment to Education for Sustainable Development and Global Citizenship (ESDGC), we feel that it is imperative that the Bill acknowledges the importance of education in ensuring that future generations understand and are equipped to deal with the implications of sustainability and global responsibility. We strongly recommend that the Bill includes an explicit statement as to how it will relate to and further advance ESDGC in Wales.

Regards,

Martin Pollard
Chief Executive

Welsh Centre for International Affairs

+44 (0)29 2022 8549 www.wcia.org.uk

The WCIA is a registered charity that enables the people of Wales to understand and act on global issues

Amgueddfa Cymru - National Museum Wales welcomes the opportunity to respond to the consultation on the Sustainable Development Bill

Background to Amqueddfa Cymru

Amgueddfa Cymru is Wales' National Museum and both a charity and Welsh Government Sponsored Body. Governed by a Royal Charter our core purpose is the 'advancement of the education of the public' and our Vision is to be a 'world-class museum of learning'.

Amgueddfa Cymru has a long history of providing specialist advice on issues that impact on Sustainable Development through its departments of Biodiversity & Systematic Biology and Geology. Amgueddfa Cymru has a close working relationship with scientific research centres and environmental organisations across Wales and beyond and it is a core element of our Vision to undertake scientific work on taxonomy, and both bio- and geo-diversity that informs key decisions relating to Sustainable Development in Wales and to deliver programmes on education for sustainable development in a range of accessible and engaging ways to both the formal education sector (as the largest provider of education outside the classroom in Wales) and informally to our general visitors. We seek to explain sustainability issues to the 1.7m visitors that we welcome each year and the £1.6m who use our website annually and recently developed the travelling exhibition "Climate change - what's occurring" which has now been shown at many venues around Wales and seeks to encourage communities to understand the impact that residents have on the environment.

Amgueddfa Cymru, like all museums can play an important role in relation to community cohesion and the well-being of citizens which is a key element of sustainable development. All of the Amgueddfa Cymru museums interpret and work with the communities in which they are located and with various communities across Wales linked to specific collections. Furthermore, in addition to projects which bring together geographical communities, the Museum also engages in projects with groups who are at particular risk of social exclusion, including asylum seekers, refugees and people with mental health problems.

Furthermore, as an organisation, Amgueddfa Cymru has invested significantly in its own sustainability credentials, working closely with the Carbon Trust and the Welsh Government. A DVD has recently been made by the Carbon Trust that focuses on the work the Museum has undertaken to reduce its carbon footprint.

We have the following responses to make to selected questions:

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions?

The main limitation on decision making is the uncertainty of the Museum's annual budgets. While these are set within a 3 year context, the planning period for major projects, particularly those where there is a considerable invest-to-save lead time, are significantly longer than this timescale.

Q.2 What actions need to be taken, and by who, to reduce or remove these barriers?

It is recognised that it is unlikely that longer term budgeting will be set by the Westminster Parliament and without this it is unreasonable to expect that the Welsh Government will be in a position to give longer term commitments to WGSB's in relation to their budgets. However, it would be helpful for major projects if a longer term budget planning framework could be put into place.

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

Amgueddfa Cymru spends in excess of £1m per annum on utility costs, and this alone requires the Museum to closely manage this area. The Museum's management team has a meeting focusing on Sustainability issues quarterly and an advisory forum to look at these issues on an operational basis. Sustainability is high on our agenda and it is part of our Vision for this to continue going forward. Sustainability reporting will now form part of the annual accounts process so this will enable comparisons to be made between organisations. The introduction of D.E.C's for larger buildings provides the public with information on the relative carbon footprint of a particular public building.

Q.4 Have we identified the most appropriate level of organisational decisionmaking at which the duty should be applied? Please explain.

Yes the application of a statutory duty to higher level decisions whilst allowing organisations discretion as to how they respond to the duty would seem to provide the appropriate focus.

Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

An organisation should be given the flexibility to manage its internal operations as it requires, there are already sustainability factors built into such operational issues as outlined in relation to reporting requirements for accounts and for the labelling of public buildings.

Q.8 Should budget proposals be subject to the duty? Please explain.

High level budgets in particular those of a capital nature should be subject to the duty, but revenue budgets need to be allocated by the organisation in the way that it feels is best to support its wider work whilst supporting the sustainable development agenda.

Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.

We favour the focus being on objectives rather than a combined approach which considers objectives and behaviours. Behaviours are difficult to measure and there is a risk that we will create a system which is overly complex.

Q.10 Are there critical behaviours that we have not identified? Please explain. No they seem to be all encompassing.

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

Behaviours are very difficult to measure and it will therefore be difficult to measure how effective an organisation is compared to others in delivering against this duty.

Q.13 Are there core sustainable development objectives we have not identified above?

No - we feel that these are comprehensive.

Q.14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making? Objectives are readily measurable and hopefully time dependent.

Q.15 How much influence should the objectives have over high level decisions? They should actively contribute to one or more of the agreed decisions.

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours *and* sustainable development objectives?

This would yield a system that is complex and potentially difficult to manage.

Q.17 What are your views on basing a duty around a single sustainable development proposition?

This is so broad that it will be difficult to measure success or failure as to whether the duty has been met.

Q.18 How much time should organisations be given to make these changes? Depending on the complexity of the proposals, organisations will require 3 years to respond to the new duty. It would be helpful if the Welsh Government took a lead in producing its response initially so that could be a model for other organisations to follow.

Q. 19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

Definitely - this would be most helpful.

Q. 20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?

Guidance would need to be issued by the Welsh Government so that there is a clear linkage between the legislation and the way that it is then implemented.

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

Yes, Amgueddfa Cymru feels that this should be as part of the normal business planning process.

Q.24 Are there organisations on this list that should not be subject to the duty? Please explain.

There will be a significant workload in addressing these issues, it is questionable whether smaller organisations such as Community Councils will have the expertise or capacity to respond positively to these requirements.

Q.25 Are there organisations that are not listed above but which should be subject to the duty? Please explain.

There should be a discussion as to whether the duty should also apply to other UK Government bodies based in Wales - Patent office, Royal Mint, DVLA, Companies House etc.

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

There are benefits of having a single accepted definition.

Q.27 If we were to define "sustainable development" do you think that the working definition above would be suitable and why?

Yes it appears to encompass what the general public would expect sustainable development to be.

YMWADIAD

Mae pob neges ebost a anfonir i neu gan Amgueddfa Cymru yn cael ei sganio gan systemau diogelwch awtomatig er mwyn rheoli negeseuon digymell a dileu cynnwys amhriodol neu beryglus. Cafodd y neges hon ei sganio am firysau cyn ei hanfon, ond dylech hefyd fodloni'ch hun bod y neges, a phob atodiad ynddi, yn rhydd o firysau cyn ei defnyddio gan nad yw'r Amgueddfa'n derbyn cyfrifoldeb am unrhyw golled neu ddifrod o ganlyniad i agor y neges neu unrhyw atodiadau. Gall y neges hon ac unrhyw ffeiliau a atodir ynddi gynnwys gwybodaeth gyfrinachol a fwriadwyd ar gyfer y derbynnydd yn unig. Os ydych chi wedi derbyn y neges trwy gamgymeriad, rhowch wybod i ni a chofiwch ddileu'r neges. Safbwyntiau personol yr awdur yw'r safbwyntiau a fynegir yn y neges hon, ac nid ydynt o reidrwydd yn cynrychioli safbwyntiau'r Amgueddfa. Nid yw'r Amgueddfa'n atebol am unrhyw wallau, llygredd neu esgeulustod a allai godi wrth drosglwyddo'r neges hon, felly na ddibynnwch ar y cynnwys heb geisio cadarnhad ysgrifenedig yn gyntaf .

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Your name:

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Address:

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Postcode: **SA62 6SA**

What are the principal barriers you face to taking

more long-term, joined-up

decisions?:

1. There's still a dramatic lack of understanding of the risks ahead by the majority of those employed in both private and public sector. 2. Public Sector procurement is actively driving things in the wrong direction by not mandating carbon and social justice targets 3. Few people in community groups or government have had to learn the skills of objective setting or managing change before, so often get stuck in the status quo 4. Fear and suspicion, and a NIMBY approach to business change stop many change initiatives in their tracks 5. There's

1. Up-skill the entire public sector workforce with a combination of online and face to face workshops to ensure that no employee can say that they don't taken, and by who, to reduce understand. Government action, by end March 2015 2. Embed progressive, target related carbon and biodiversity targets into all public sector procurement

still a lack of integrated commitment to SD across WG

contracts from April 2015

What actions need to be or remove these barriers?:

What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?:

Have we identified the most appropriate level of organisational decision making at which the duty should be applied? Please explain:

Would this approach risk

The level of change and leadership by WG would have been unthinkable before devolution, and is to be congratulated. Currently, very few public servants would be able to describe what a central organising principle, applied to their jobs, would look like if genuine progress towards 2 degree and biodiversity restoration targets were taken into account

Yes, and there needs to be an appropriate process in place to track and report progress

capturing some decisions which should not be subject to the duty? What would these be?:

Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?:

Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?:

Should budget proposals be subject to the duty? Please explain:

Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain:

Are there critical behaviours that we have not identified? Please explain:

What are the advantages and behaviours as the sustainable development factors that must influence high level decisions?:

or all of the behaviours:

broadly reflects the behaviours:

is not inconsistent with the behaviours?:

HR - ensure an equivalent comparison in knowledge to what would be expected for bullying or social justice. Finance - to encourage running draft 'full cost accounting' reporting. Procurement - as above

Yes. Carbon reduction targets or offsetting should be budgeted, as should any additional cost of buying only from organisations who themselves are reducing carbon and footprint in line with UN targets.

Long term thinking, integration, working across boundaries, focus on prevention, and involvement are all key, and it would be very dangerous to assume that there is much competence in public sector, particularly government and local government, where officers are used to short horizons and not challenging upwards. When silo-based thinking has been rewarded for generations, much will need to be done to demonstrate what is needed, and enable targets, reporting and responsibility to be shared.

Innovation, imagination, creativity and collaboration will be key to making any change happen. I'd argue that it is every employee's job to use these behaviours on a regular basis, and not say 'it's not my job to think'

disadvantages of designating There's an advantage in describing the verbs that will enable change, that's balanced with a downside that if they're the focus to the exclusion of ambition or targets, then little may happen.

It would be risky to make them lawful if they only is consistent with one, some match one of the behaviours - could easily give rise to tokenism, that could be more damaging than nothing at all as it would give legal cover for poor practice.

> Policy, strategy and operational plans could be matched against both behaviours and the speed and scale at which change must happen - anything below this would

be deemed inconsistent.

are there other options?:

Are there core sustainable development objectives we have not identified above?:

Yes. It's important to set objectives against an 'R10' target frame, measuring ambition against the Resilience 10/10 rather than purely improve a broken system. The question that must be asked here is 'if we were successful in reaching our objectives and others followed us, would it be enough to catalyse a shift to sustainable practice?' The answer to this has to be yes.

What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?:

symptoms - equal collaboration etc.

only if they actively contribute to one or more of those objectives:

if they do not detract from any of the objectives:

even if they detract from some of those objectives, as long as they actively promote others?:

are there other options?:

What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?:

What are your views on basing a duty around a single sustainable development proposition?:

How much time should organisations be given to make these changes?:

Would it be helpful to issue formal guidance to organisations subject to the new duty?:

Should any such guidance be issued by the Welsh Government or the new sustainable development It would be a retrograde step to place too much emphasis on 'doorstep' issues, and focus instead on the factors that would treat the root causes not the symptoms - equality, compassion, cooperation,

'The wellbeing of present and future generations should be enhanced' is MUCH too narrow. Any proposition must fully take into account the total dependence that human wellbeing has on the healthy, balanced ecosystems that support us.

2-3 years. If you were looking at private sector comparisons, large scale change would be rolled out in less than 12 months.

Yes, organisations will need as much help as they can

A bit of both. Government needs to own at least the headline guidance, and strongly support the recommendations of the new body.

body?:

Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?:

Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?:

Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?:

Are there organisations on this list that should not be subject to the duty? Please explain:

Are there organisations that are not listed above but which should be subject to the duty? Please explain:

Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?:

If we were to define "sustainable development" do you think that the working definition above would be suitable and why?:

What should be the overall purpose for a new body?:

Do you have any views on the preferred approach regarding the main functions of a new body?:

Are there significant disadvantages to establishing a new body on a statutory basis?:

Yes. Ideally, move some key indicators to real time reporting. Include reporting on human factors such as % employees able to explain how they've integrated SD transformation into their role in the last year.

I'm concerned about the Stiglitz reference to material wealth as an indicator. In a society moving towards cooperation and collaboration, this is much less relevant than it was when Sarkozy commissioned the work

Do you agree with the proposed functions for a new body established on a statutory basis?:

Are there other functions which should be considered?:

Do you have particular views on the independence of a new body?:

Do you have particular views on the accountability arrangements for a new body?:

Do you have any other related queries or comments?:

One of the most important 'Futures' elements will be the ability to deal with the unexpected; few of the modelled scenarios will appear when we want them. Preparation for the unknown is an emotional, and psychological perspective as well as an engineering one.

The Church in Wales

Response to Welsh Government Consultation Document WGI5440:

PROPOSALS FOR A SUSTAINABLE DEVELOPMENT BILL

I. Status of Response

This response has been compiled by the CHASE (Church Action on Sustaining the Environment) group within the Church in Wales. CHASE members comprise laity and clergy from all parts of Wales, who have particular interests and expertise in a variety of environmental issues. The Bishops of the Church in Wales have also been consulted in the preparation of this response.

2. The Church in Wales and the Environment

CHASE's Terms of Reference state that the Church in Wales' concern for the environment stems from our belief in the God of Creation, and humanity's role as responsible stewards of that creation.

The purpose of the CHASE group is to:

Glorify God through our concern for the environment.

Bring a Christian perspective to discussion on environmental issues.

Be a resource for the Church in Wales on environmental issues.

Provide a voice for the Church in Wales on environmental issues.

Work towards the truth, informed by data and expert opinion – whether this is popular or unpopular, inside or outside the church.

Provide comment in the public domain on environmental issues.

Be a positive force to encourage sound environmental principles and action.

The Church in Wales is part of the worldwide Anglican communion. Through the parish system, we have a presence in every community, with more than 1400 churches and over 600 local clergy working at grass-roots level.

Because of our ministry in areas of industrial decline as well as thriving town centres and rural communities, we are aware of the many factors – social, economic and environmental – impact of people and communities, and on the natural environment. 80% of our parishes are in rural areas, and the Church is closely involved with the farming community. With networks extending across the whole country, we have an interest in transport and communications. Two-thirds of our church buildings are listed, making the Church in Wales

responsible for 29% of the listed buildings in Wales. In many places these buildings serve as community meeting places as well as worship centres. The Church supports approximately 170 church schools, and many community projects ranging from family centres to community gardens and local food co-ops. We are responsible for more than 1200 churchyards.

As part of the worldwide Anglican communion, we have links with churches and organisations all over the world, including with aid and development agencies such as Christian Aid, the Anglican Alliance, the Mothers' Union; and twinning links with parishes and dioceses in other countries. We are members of the international ACEN (Anglican Communion Environmental Network), from which observers attended the Rio Summit this year. We are therefore aware at close hand of the environmental impact of various developments on communities across the world, and especially of those affecting the poorest communities.

3. The Sustainable Development Bill: summary comments

Our belief that all people are made in the image and likeness of God, and live within God's good creation, leads us to place a high regard on human dignity, creativity, community, and relationships with one another and with the natural world. As stewards, not owners, of God's creation, we are aware of our responsibility to both future generations and to the rest of the created order, throughout all time to come.

We are pleased to note that the Government's sustainability principles are in complete accord with Christian principles, especially as articulated in paragraphs 92 and 97:

- the wellbeing of people and communities should be enhanced;
- social justice and equality for all should be promoted;
- the vibrancy of the economy should be promoted;
- environmental limits should be respected;
- healthy, functioning ecosystems should be promoted;
- cultural legacy should be strengthened;
- healthy living should be enabled;
- the interests of future generations' should be recognised;
- people should be involved in the decisions that affect their lives.
- The wellbeing of present and future generations should be enhanced.

We believe that organisations should try to embed these principles in decision-making processes at all levels.

We believe that an environmental advisory body would be a positive and helpful development, but we recognise the resource implications and suggest some ways this might

be achieved more cost-effectively (including the possibility of commissioning work from existing organizations).

4. Response to Consultation Questionnaire

Promoting sustainable development (section 3)

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions?

- ➤ The Church in Wales (CiW) is a large, complex and essentially voluntary organisation in which different parts of the organisation (ie parishes, dioceses and Province [national level]) have high degrees of autonomy. It cannot be guaranteed from the centre that all levels will give the same priority to any single issue.
- > Communication within a large and disparate organisation can be challenging.
- Lengthy decision-making processes.
- Staff shortages, insufficient volunteers, and competing priorities. Whilst sustainable development (SD) is completely in tune with Christian principles, the mission and purpose of the Church in Wales embraces wider issues including its core purpose (see introductory note).

Q.2 What actions need to be taken, and by who, to reduce or remove these barriers?

(These are some actions that could be taken, rather than absolute requirements.)

- ➢ It is hoped that the CiW will sign up to the Sustainable Development Charter, and that this will give impetus to the SD process.
- Decision about the priority of SD at all levels, through a resolution of the Governing Body, if possible to sign up to the Charter.
- Staff and clergy training.
- Ensuring the inclusion of SD issues in the curriculum of church schools, and influencing FE and HE education providers where possible.
- > Smarter Travel initiatives for all staff, especially at Provincial and Diocesan level.
- ➤ All Parishes to be encouraged to have Parish Green Plans and to review these annually. (A Parish Green Guide is available on the CiW website, and a small grants scheme has been available for small-scale SD initiatives.)
- Opportunities to share Best Practice. (The annual conference on historic places of worship, run by the CiW, this year focussed on SD.)

- Introduce Sustainable Development Indicators for other levels for the Church in Wales (eg Diocesan, Provincial and project-level).
- Relate SD factors to auditing procedures.
- There should also be an opportunity to influence other denominations in Wales, and to work within wider sustainability networks (eg the worldwide Anglican Communion, which has an Environmental Network) to adopt a similar approach.

Evidence in relation to sustainable development (section 4)

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

Nothing to add here

A new sustainable development duty (section 6) The level of decision making to which the duty applies

Q.4 Have we identified the most appropriate level of organisational decision-making at which the duty should be applied? Please explain.

In relation to the CiW, it would be appropriate to have an automatic requirement to subject all projects over (say) £50,000 to SD procedures (Para 88 relates).

Q.5 Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

No. In relation to the CiW, expenditure over £50k would capture all major proposals, whether relating to capital or revenue expenditure. Building works or community projects (for example) should be expected to accord with SD principles.

Q.6 Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

- There are many smaller-scale decisions which across the CiW as a whole have a large impact, and SD principles should be encouraged here too.
- ➤ The CiW's Governing Body recently voted to become a Fair Trade Province. Local purchasing policies are being encouraged alongside this initiative.
- Smaller-scale decisions can be influenced by information-sharing and awareness-raising.

Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

All levels of operation, whether internal or external, should be included where it is permissible and practicable (see Q4 and Q6). Estate Management is particularly important and applicable to the CiW, which is responsible for considerable holdings of land and buildings.

Q.8 Should budget proposals be subject to the duty? Please explain.

Yes. Where is permissible and practicable (see Q4 and Q6), this should apply to all expenditure under the control of the Church in Wales. Embedding SD principles in budgeting is an important way of ensuring they are followed.

The behaviours approach

Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.

- Yes. Cooperation amongst church leaders of all denominations within Wales, and on a wider basis within worldwide networks, is desirable (see Q2).
- Q.10 Are there critical behaviours that we have not identified? Please explain.
 - > These all look very good. The checklists at para 90 and 92 are very much in line with Christian principles.
 - Perhaps aesthetic considerations could be included alongside those given at para 92.

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

This is a very useful checklist for reaching decisions. A checklist aids clarity, especially when decisions are taken by non-experts.

Q.12 How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

- is consistent with one, some or all of the behaviours;
- broadly reflects the behaviours;
- is not inconsistent with the behaviours?
- are there other options?

They should be of paramount importance and take precedence over economic development considerations. However, it is difficult to mandate non-statutory organisations and enforcement is costly. Legal sanctions would not be appropriate at this stage.

The objectives approach

Q.13 Are there core sustainable development objectives we have not identified above?

All look very good and accord with Christian principles. (See Q10.)

Q.14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

The main advantage is that they focus decision taking. The disadvantages are that they might prove unduly cumbersome and become a brake on economic development.

- Q.15 How much influence should the objectives have over high level decisions for example, should those decisions be lawful:
 - only if they actively contribute to one or more of those objectives;

Yes

if they do not detract from any of the objectives;

Yes

• even if they detract from some of those objectives, as long as they actively promote others?

Yes

are there other options?

Audit controls

The combined approach

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours *and* sustainable development objectives?

Enables decisions to be taken in the round. However it could be unduly cumbersome (see Q14).

A single sustainable development proposition

- Q.17 What are your views on basing a duty around a single sustainable development proposition?
 - Keeps it more simple: as per para's 97, 98, 99.
 - > It may be vague and would need explaining more fully.
 - > Organisations may need considerable time to comply.
- Q.18 How much time should organisations be given to make these changes?

Two years (minimum – from the experience of decision-making processes in the CiW).

The provision of guidance

Q. 19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

Yes, provided this is clear and simple.

Q. 20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?

Best prepared initially by the new Sustainability Development Body but issued formally by WG.

The repeal of duties

Q.21 Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

SD principles need to be embedded in other legislation and government functions, especially alongside the current review of the Planning system in Wales and the Active Travel (Wales) White Paper.

Q.22 Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

No comment

Reporting

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

- > Organisations subject to the duty should be required to report.
- Reporting could be included alongside the audit process, annual reports or (in the case of the CiW) Archdeacons' Visitations (regular visits to parishes to check on working practices and compliance issues).

Q.24 Are there organisations on this list that should not be subject to the duty? Please explain.

NO

Q.25 Are there organisations that are not listed above but which should be subject to the duty? Please explain.

No more to add.

Defining sustainable development

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

Here are some advantages in flexibility, but this might make enforcement difficult. The definition accords with Christian principles (see also Q1 and introductory note).

Q.27 If we were to define "sustainable development" do you think that the working definition above would be suitable and why?

Yes. It improves clarity and aids compliance (but see also Q26).

An independent sustainable development body (section 7) The

purpose of the new body

Q.28 What should be the overall purpose for a new body?

- This has a clear synergy with the role of the Church in Wales.
- Agree purpose of new body should be to support and foster the delivery of the economic, social and environmental well-being of current and future generations.
- There should be explicit encouragement of appropriate economic development
 for example, clean technology, power generation, etc.
- (It would be helpful to know how this works for governments in other countries of the world eg Canada.)

The preferred approach for the new body

Q.29 Do you have any views on the preferred approach regarding the main functions of a new body?

- > There should be a melding of both the Scrutiny and Expert Advice and Guidance Model.
- > It should build on the excellent work of the now disbanded UK wide Sustainable Development Commission (SDC).
- > It is essential for it to be staffed up to a sufficient level to replicate the SDC.
- > There are considerable resource implications but this is an important development tool and should have positive economic advantages (see Q28).
- There could be opportunities to commission aspects of the work from existing organisations in Wales, thus strengthening them and improving their sustainability. (Eg universities, centres of excellence, research bodies, experimental projects, think tanks, local organisations.
- > The CiW has useful links in this respect, such as with developments and agencies overseas, as well as its presence in every community in Wales.

A statutory body

Q.30 Are there significant disadvantages to establishing a new body on a statutory basis?

Yes. There are significant advantages to avoid the problems created by the abolition by the Westminster Government of the SDC.

Proposed functions for the new body

Q.31 Do you agree with the proposed functions for a new body established on a statutory basis?

Yes

Q. 32 Are there other functions which should be considered?

No comment

Independence and accountability

Q.33 Do you have particular views on the independence of a new body? **Agree as per para 167**

Q.34. Do you have particular views on the accountability arrangements for a new body?

No

Response from Pembrokeshire County Council

Please find our response to your consultation. This was considered by our Corporate Management Team on 11 July 2012-07-12

Dan

General comments

We do not think that it is critical that sustainable development has a precise definition (the consultation returns to this question several times). Instead we consider that public bodies should focus on the essence of the Brundtland definition ("Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs") and concentrate on long term challenges that are relevant to them.

Sustainable development is necessarily something that cannot be confined to national boundaries. Concentrating on a smaller number of pressing priorities in collaboration with other governments will deliver a greater benefit than a more general approach concentrated on a small area.

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions?

The principal barriers we face to taking longer term and more joined up decisions are largely the same that Welsh Government faces. Anticipating the future is necessarily more difficult than responding to current challenges as needs, costs and technologies all change. Anticipating the future requires a more deliberative approach to decision making. However, this can lead considerable uncertainty over decisions and this has a cost.

Information and frameworks to take long term decisions are often absent or very expensive to construct. Using such complex information leads to challenges in terms of accountability to citizens.

Financial and electoral cycles are short to medium term and elected leaders are necessarily under pressure to deliver within a short or medium term timescales. It is important that public organisations deliver within these timescales as well as over the longer term.

There are also examples where Welsh Government has created mechanisms that discourage public bodies from considering long term planning. We are often incentivised to make short term improvements in which the only realistic way forward is through outputs and activity, monitored through performance indicators. Welsh Government is sponsoring greater quantities of legislation and this has led to examples of micro-management and a complex over-layered pattern of duties and powers.

Q.2 What actions need to be taken, and by whom, to reduce or remove these barriers?

For the principal barriers, the costs of trying to remove these barriers often outweigh the benefits that better information brings.

We welcome Welsh Government's consultation on removing powers and duties as part of this exercise and urge Welsh Government to avoid micro-managing other public bodies through legislation.

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

From our perspective, it is not always obvious that sustainable development is the single organising principle of Welsh Government. Whilst we agree that there has been progress in reducing silo working it is obvious to us that some of the initiatives to bring policy areas together (such as the single integrated plan) have not had the necessary support across all departments of Welsh Government.

Paragraph 62 of the consultation document shows an inconsistency in Welsh Government's approach. If 40% of indicators show little change, it is probably because for at least 40% of indicators, it is not realistic to see any real change over a three year time period. Forcing changes in policy to drive changes in indicators (rather than changes in the population that the indicators are measuring) may well be counter-productive.

- Q.4 Have we identified the most appropriate level of organisational decision-making at which the duty should be applied? Please explain.
- Q.5 Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?
- Q.6 Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?
- Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

The framework suggested is a little too detailed and we do not think that the third bullet point, general or subject specific policies should be included. In the interests of clarity we have listed our understanding of the framework of plans that you are promoting. This is: a single plan (incorporating child poverty strategy) and its review, Welsh Language Scheme and its review, Strategic Equality Plan and its review, Improvement Plan and Improvement Review. In addition, the health board and ourselves have a joint duty to produce a carers' strategy.

We do not consider that the Local Development Plan needs to be considered in the list above as the need for it to promote sustainable development is already built into its guidance and process. In a similar way, the sustainable development implications of regional plans such as Shoreline Management Plan, Waste and Transport are covered.

Our local bio-diversity plan should not be covered as this is largely subject to the Habitats Regulations. These do not permit the interests of certain species of habitats to be balanced against wider environmental issues and neither do they allow environmental issues to be balanced against social or economic interests in the way that a sustainability appraisal does.

We do not think that internal plans need to be included as these should flow from the more general plans.

Q.8 Should budget proposals be subject to the duty? Please explain.

Public expenditure levels are under significant strain and we can see no prospect of this improving in the short or medium term. Against this backdrop we can foresee taking some short term decisions in order to balance our budget. Whilst making the budget subject to the duty may be laudable in the longer term, it is not practical in the current financial climate.

Aside from pragmatic considerations, there are arguments in principle against including the budget in the framework. In one sense, the budget is an expression of the Council's policies put into numbers. The Budget is about inputs not outputs or outcomes and is largely concerned with a single year's expenditure which does not sit easily with sustainable development approaches.

We would see any duty working in a similar way to existing equality impact assessments. The assessment itself does not preclude certain decisions being taken; instead it makes the decision making process more transparent.

Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.

Q.10 Are there critical behaviours that we have not identified? Please explain.

Of the behaviours outlined, by far and away the most important is longer term thinking. The other behaviours can be seen as sub-sets of this. Within the remaining behaviours, focussing on prevention is probably the most important.

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

The key advantage of using the behaviours approach is that it is focussed on sustainable development itself. One of the disadvantages is that it will require time to be fully understood by decision makers.

Q.12 How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

is consistent with one, some or all of the behaviours;

broadly reflects the behaviours;

is not inconsistent with the behaviours?

The duty should **only** apply to long term thinking.

Q.13 Are there core sustainable development objectives we have not identified above?

Q.14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

Q.15 How much influence should the objectives have over high level decisions – for example, should those decisions be lawful:

only if they actively contribute to one or more of those objectives;

if they do not detract from any of the objectives;

even if they detract from some of those objectives, as long as they actively promote others?

are there other options?

We do not favour an approach based on the outcomes listed in section two. Success for each of the five outcomes is capable of being interpreted in different ways. The five outcomes are also in tension with each other and success in one may be at the expense of cost in another.

The approach is also over prescriptive and, if put into practice, is likely to result in authorities monitoring outputs and box ticking rather than outcomes. An example might be a new building's environmental performance rather than considering whether it was necessary to construct the building in the first place.

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?

We cannot see any advantages in a combined approach. There is a real risk that the shortcomings of both compound each other to create something that it unworkable.

Q.17 What are your views on basing a duty around a single sustainable development proposition?

We consider that there is a lack of clarity about what is being proposed for the single proposition. The proposition cited, "The wellbeing of present and future generations should be enhanced", is very similar to the Brundtland definition and we would support using the exact text of the Brundtland definition.

We note the text in paragraph 99. This implies that a single definition could only be used if further explanation was given which negates the purpose of having a single definition as the factors/objectives/behaviours debate would be re-opened.

Q.18 How much time should organisations be given to make these changes?

Local authorities have a long track record of implementing sustainable development. We do not anticipate that a great deal of time will be needed, given that Royal Assent may not be until 2014 but this is entirely dependent on the nature of the duties created. The more prescriptive the approach, the longer it will take to implement.

Implementation of the Sustainable Development Bill must be dovetailed with the implementation of the Environment Bill. It is clear that the Social Services Bill will tie up organisational capacity for its implementation and the cumulative impact of legislative change could have an impact.

The onus is on Welsh Government to work through this and to consult with public bodies with considered, costed proposals. It cannot expect public bodies to second guess these matters based on limited information.

Q. 19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

Yes.

Q. 20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?

We are strongly in favour of any guidance being issued by Welsh Government.

Q.21 Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

There is potential to consider the broad ranging statutory duties of that may overlap with the SD Bill however these may be outside of Welsh Government's devolved powers.

Q.22 Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

We doubt whether there are any barriers other than these that are within Welsh Government control that could be removed.

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

We consider that the reporting arrangements in place to show how we are meeting our duty to improve under the Local Government (Wales) Measure 2009 are appropriate for the purpose of reporting back on sustainable development

Q.24 Are there organisations on this list that should not be subject to the duty? Please explain.

We doubt whether Town and Community Councils can discharge this duty in a consistent way. We have raised similar points in a number of previous consultations (eg Local Democracy White Paper). We note that the public sector equality duty does not apply to town and community councils and consider that this is a practical and pragmatic response to the significant variation in the size and capacity of Town and Community Councils.

Q.25 Are there organisations that are not listed above but which should be subject to the duty? Please explain.

No.

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

We consider that the precise definition of sustainable development should be a matter for local discretion, provided it is consistent with the Brundtland definition (see general comments).

Q.27 If we were to define "sustainable development" do you think that the working definition above would be suitable and why?

No. If sustainable development really is to be defined, this should be the Brundtland definition. "development that meets the needs of the present without compromising the ability of future generations to meet their own needs".

The Brundtland Commission definition is well respected internationally recognised and elegant. It is also unlikely to be challenged as a statement of principle because it taps into people's idea of what is fair. The Welsh Government definition tries to develop this further but we consider that this creates more problems than it solves. For instance the question of what is our fair share of the earth's resources is extremely difficult to resolve. Your definition uses shorthand such as the notion of

environmental limits which can be misinterpreted or used in a simplistic way. On a practical point, it is also rather lengthy.

Q.28 What should be the overall purpose for a new body?

We broadly agree with Welsh government that the purpose of any new body should be to "support and foster the delivery of the economic, social and environmental wellbeing of current and future generations". We are not entirely convinced that it is necessary to change current arrangements and create a new body in order to do this.

Q.29 Do you have any views on the preferred approach regarding the main functions of a new body?

We consider that the role of the new SD body should be exclusively focused on providing expert advice in relation to sustainable development and wellbeing. It should not have any scrutiny role. That role should be the sole preserve of the Wales Audit Office.

Q.30 Are there significant disadvantages to establishing a new body on a statutory basis?

We would need to see costs of the current arrangements alongside model of costs of a new statutory body to come to a view. The argument that creating a body by statute is spurious as a subsequent National Assembly could change legislation to abolish the new body in much the same way the UK Government has done with the Sustainable Development Commission.

Q.31 Do you agree with the proposed functions for a new body established on a statutory basis?

It is important that any new body does not duplicate existing reporting arrangements. Any power to request information from public bodies must be subject to a test which limits this to requests whose resource implications is below a certain level in much the same way as freedom of information legislation operates.

It is important the new body is subject to scrutiny by the Wales Audit Office who should be charged with assessing its effectiveness and value for money.

Q. 32 Are there other functions which should be considered?

No.

Q.33 Do you have particular views on the independence of a new body?

Q.34. Do you have particular views on the accountability arrangements for a new body?

The new body will succeed or fail based on the perception of its expertise and independence.

Welsh Government will need to balance establishing a board which is broad based enough to represent different views and interests at the same time as being small enough to work effectively.

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Mae'r llofnod hwn hefyd yn cadarnhau bod y neges e-bost hon wedi cael ei harchwilio am fodolaeth firysau cyfrifiadurol a chod maleisus.

Coed Cymru Cyf is the charity established in 1989 to support the work of the Coed Cymru Partnership. The views expressed here are those of the Members of Coed Cymru Cyf. They should not be attributed to the Partnership.

Thank you for the invitation to comment on this consultation. Coed Cymru has championed the cause of sustainable development through its approach to woodland management and timber use and the role that these two sectors can play in promoting social well —being. The idea that Sustainable Development should be the "Central Organising Principle" of Welsh Government we would strongly support but apart from this well-chosen phrase the proposals set out in this consultation lack clarity. The law works best when applied to restrict or prohibit; it is seldom effective in promoting and encouraging. That is the role of Ministers. The present legal framework does nothing to prevent WG taking a very progressive approach to sustainable development by using its funding to promote good practice and its legal powers to restrict or modify unsustainable practices.

Wales cannot unilaterally change the world or even the way we live in Wales because so many facets of our daily lives are determined by forces beyond our influence. However, there are some areas where we do have significant control and here we can aspire to excel and to lead others by example.

If we take stock of our present situation:-

We are 3 million people occupying 2 million hectares of land with 1,000 km of coastline.

We produce food that we don't eat, water that we don't drink, wood and wool that we don't use.

The renewable energy we produce is lost into the grid and our mineral wealth is exhausted or beyond reach

Our manufacturing companies tend to be subsidiaries of bigger enterprises.

In many respects and for most of us, our lives have improved in recent decades.

We have come to expect :-

Good health care

Good housing

Good education for our children

Leisure time and wealth to enjoy it

A sense of security

The economic model which delivers this today relies on continued growth in the UK economy and the unsustainable use of the World's reserves of fossil fuel. Can we develop an alternative model for Wales which will enable us to retain a modern, civilised lifestyle and inspire others to follow us? Or should we wait for the technological fix that breaks the link between energy and CO² production?

Our opinion is that we should accept that the "big view" expressed in this document is worthy but beyond our reach. We should, instead, identify those things we really can change and focus our energy and ingenuity there. There is no need to wait for legislation.

A simple analysis reveals that, we as a nation, we have a high degree of autonomy in some areas, examples being:-

Housing
Health
Public Transport
Education
Forestry
Research

At the other end of the spectrum we have little influence over:-

Food and farming Energy Financial services Retail The approach which we recommend is best illustrated by a specific and achievable example which falls within the remit and expertise of our group. Over the last twenty five years we have pioneered products and processes which enable and encourage the sustainable use of local timber and in that time forged strong links with suppliers and manufacturers in the timber trade as well as academics and professionals in architecture and engineering. Wales has 300,000 hectares of woods and forests which produce around 1 million cubic metres of timber every year. Nearly all of this is destined to leave Wales with little value added to it. 70% of production is from WG forests and the net cost to the taxpayer is circa £25 million per annum.

Wales has a legacy of high unemployment, particularly in areas formerly dependant on heavy industry.

Our housing stock is typically old and inefficient. In most areas there are long waiting lists for social housing as the cost of housing has outstripped local income levels.

Training programmes have not been effective in providing access to skilled and well paid jobs.

The timber processing industry in Wales is based mainly on a large number of small enterprises with a highly skilled workforce, reasonably modern equipment and a strong dependence on imported timber.

All of the manufacturers of timber famed houses in Wales use almost exclusively imported timber. By accessing research funding from disparate and disjointed sources Coed Cymru and its commercial and academic partners have developed Ty Unnos. This is a system of construction which allows buildings of excellent thermal performance to use home grown softwood for the first time. Ty Unnos houses are far more efficient than our existing housing stock requiring less fuel to heat them. They can be built from local materials by local labour using existing equipment. The only investment required is in training. The system is specifically designed to accommodate difficult ground conditions such as former industrial sites.

We have:-

The wood in large quantities
The processing capacity
The existing skills
A significant pool of additional labour
The land
The knowledge of Ty Unnos

Comment [U1]:

The need for better houses and schools

The money to pay unemployment benefit, housing benefit, training initiatives and to tackle specific local priorities including forestry. All that is required is for Welsh Government to act.

We believe that this very specific action would also impact positively in areas such as health, energy, education and biodiversity. We also believe that a similar approach applied in other areas would produce significant benefit for little risk. We would be happy to discuss our approach and our specific ideas with Ministers and Welsh Government at any time.

David G Jenkins Director, Coed Cymru Cyf 12th July 2012

Comments on the proposal for a Sustainable Development Bill

The following comments were as a result of a meeting of some members of the HEA-led ESDGC Group in Wales which met at Newport on 29 June. Whilst we recognise that the following is not a sector-endorsed response we feel that the issues raised are worthy of inclusion in the consultation exercise. The Higher Education Academy will submit a separate response to the consultation.

We recognised a series of challenges to introducing such a Bill at this time:

The post-devolution mixture of responsibilities with Westminster having responsibility for non-devolved areas and the Welsh government the rest. This will affect consistency of approach. Economic growth and sustainable development are linked and interdependent. The drive for continued economic growth is unsustainable unless we use more innovative thinking and explore new types of markets. We need to ensure that the finite resources of the planet are acknowledged in economic policy.

The considerable progress made in Wales to embedding sustainable development into policies and practices was recognised particularly from members with more connection to the rest of the UK, particularly England. It was felt important to highlight this progress internationally. Wales is seen as different in terms of SD policy and practice and we need to build on this.

The general intention of the Bill in terms of making SD the central organising principle of the Government and public bodies was welcomed by group members. The most glaring omission we felt was the lack of reference to education in the consultation document. In recent years we have worked closely with government to embed ESDGC into practices in education at all levels including in work-based learning. More work needs to be done on awareness-raising and on the public understanding of SD generally. We are disappointed that with the demise of the infrastructure to support ESDGC at government level, the need to maintain the momentum developed in recent years (and widely commended internationally) is not recognised in the consultation document. We feel that this is a serious omission and are not convinced that ESDGC has been sufficiently embedded and mainstreamed in the non-compulsory education sectors to guarantee the continued emphasis of the work in strategic planning and operational areas. However, we welcome the ongoing work of the Higher Education Funding Council in this regard and government support for the Council's continued emphasis of the need for SD and GC in the life of higher education is deemed to be vital. We urge the Welsh government to take this opportunity to reaffirm its commitment to ESDGC as a means of driving forward the SD agenda in Wales.

Higher education in particular has four main ways in which it can engage with SD. Firstly as publically-funded bodies where exemplification of SD behaviours and practices can take place in a visible and national context. Secondly as an engine for the teaching of SD principles and practices and promoting social justice and equality of opportunity to learners who will become the leaders and managers of the future. Thirdly as providers of research and development linked to SD, and finally as organisations that can support sustainable economic activity through sharing of knowledge and expertise. We don't feel that these aspects have been fully recognised in the consultation thus far. It might be possible to include education in the sustainable development factors; e.g. "education should support the development of sustainable development behaviour" and education should feature strongly in any guidance documents.

The need to build SD into the Welsh legal framework was deemed vital to prevent any future governments reversing this requirement without recourse to significant legal and public discussion.

The group felt that the range of options available to make SD the central organising principle in the public sector had not been fully articulated or evaluated. A mixture of some of the following could be adopted, the creation of a regulatory body being only one option:

Self regulation following the issue of a set of recommendations, ask people what they have done, what they intend to do, use peer pressure and social networks. Some contributors were sceptical of the approach in being able to deliver fast enough progress in the business sector; Fiscal measures – use of taxes, incentives;

Legal requirements with the powers to monitor spread around a number of existing bodies; or Creation of a new regulatory body.

On the issue of the creation of a new body with powers to scrutinise the actions of public bodies and hold them to account with regards to SD there were differing views with some members suggesting a need for a specific body with an SD focus to oversee other departments, (the slow progress made by the Westminster government which has delegated responsibility to departments was given as a counter argument to any delegated model), whilst others suggest that the compliance should fall under the aegis of the range of bodies which already exist and which have compliance remits. Scrutiny of SD should, in this case, it was felt, be built into the remit of existing regulatory bodies. There was general consensus that something much stronger than a guidance note approach is needed but there was no strong feeling that a new 'command and control' regulatory body for SD was needed. There was a strong view that a requirement to adhere to SD principles should be seen in the same way as equality and diversity legislation without the need to create any new 'quango'. Some members argued that the current approach to corporate social responsibility might be a useful model for some aspects of SD behaviours and objectives.

In terms of setting objectives or expectations around behaviour it was felt that the former are more likely to be measurable but that embedding SD does require behaviour change and thus measures of behaviour are legitimate. The group felt that whether using objectives or behaviour measures there was a need for a long time horizon for some measures given the time needed for embedded, long term behaviour change and t o alter the unsustainable historical practices prevalent in institutions and sectors.

On the type of SD duty that might be applied we noted that the message should be short and simple with supplementary aspirational statements around: taking a longer term view; working better together; and making decisions that are value for money but mindful of resources. A duty which is over complicated and too intrusive or over-regulated may not work. We explored how the duty might apply to higher education in terms of our core business of education and felt we needed to incorporate the embedding of SD principles into the curriculum and creating graduates with sustainable development values and practices.

Focusing on and debating definitions of sustainable development were felt to be a distraction and that more value would be gained from unpacking the concepts and turning these into meaningful

actions and behaviours. We identified a problem in asking people to respect resource limits or even not working beyond resource limits as many of our current activities do not meet these criteria at present and there is little chance of any speedy change. Such requirements may undermine the credibility of the proposals. Tangible proposals should be developed so that people appreciate that the type of sustainable development we are attempting is achievable in the long term rather than setting out a journey to nirvana' which will never be achieved.

Further discussion around education and SD suggested that Wales is still seen as a world leader in embedding SD in the compulsory curriculum in schools and that this needs to be reinforced and supported including in teacher training and professional development for educators. The importance of having 'learning organisations' in the public sector was emphasised with an aim of developing all staff with SD values to support the organisation overall as well as bridging the divide between work and home life.

We wanted the consultation team to note that higher education has a role in conducting research into SD and supporting the government and organisations to develop and apply SD values and practices. At present SD research is not well recognised in funding priorities or criteria, partly due to being an interdisciplinary research area. Raising the profile of SD as a policy theme will help this focus and as such the general proposal is welcomed.

Dr Carl Peters, July 2012 for the HEA ESDGC Group in Wales

<u>Carl.peters@newport.ac.uk</u>

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email:

/consultations/forms/sdbillresponse/

Responses to consultations may be made public - on the internet or in a report. If you would prefer your response to be kept confidential, please tick here:

(Unchecked)

Your name:

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What are the principal

barriers you face to taking more long-term, joined-up

dialogue

decisions?:

What actions need to be or remove these barriers?:

initiatives must lead the way

about the extent of progress Development agenda and making Sustainable Development the central organising principle of public bodies? :

Have we identified the most appropriate level of organisational decision making at which the duty should be applied? Please explain:

Would this approach risk capturing some decisions to the duty? What would these be?:

Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?:

which govern an organisation's internal

Implement capital projects Promote a culture of trust taken, and by who, to reduce between public and private interests Welsh government

Confidence in the wider economy Proper public private

What other evidence is there There has been procrastination by public bodies over issues of sustainable development over the last decade. in relation to the Sustainable We are still talking about the same issues now as we were ten years ago. Some progress has been made in soft marginal concerns but central significant changes remain mired in the bureaucratic quicksands because decision makers do not fully understand some of the technology involved and do not trust those that do.

> There should be both strategic decision making at the highest government level and delegated decision making at the individual project level to ensure proper application of the policy.

which should not be subject. There would be no risk if the process is properly applied

No

Should we include decisions Yes. Internal operations should be subject to audit and review in the normal way and further justified in the context of sustainable development.

operations? If so, which internal operations should we include?:

Should budget proposals be subject to the duty? Please explain:

Yes. All sustainable development programmes should by their nature contribute positively to budgetary proposals and pass prescribed tests.

Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain:

Not critical but informative - there are many other ways to reflect sd thinking

Are there critical behaviours that we have not identified? Please explain:

Within the public sector there is little effective mechanisms for dialogue

What are the advantages and development factors that must influence high level decisions?:

disadvantages of designating Advantages are that they give guidance and are a behaviours as the sustainable reference against which development can be tested. The disadvantages lie in that they imply a minimum level of compliance rather than promote aspiration.

is consistent with one, some or all of the behaviours:

Yes

broadly reflects the behaviours:

Yes

is not inconsistent with the

behaviours?:

No

are there other options?:

They can be shown to lead to or promote future sustainable development

Are there core sustainable development objectives we have not identified above?:

Promote broad popular consensus

What are the advantages and disadvantages of designating Sustainable development requires a long term and sustainable objectives as the integrated approach which requires strategic decision factors that must influence higher level decision

making?: only if they actively contribute to one or more of

those objectives:

if they do not detract from any of the objectives: even if they detract from some of those objectives, as long as they actively promote others?:

are there other options?:

making. The long term cost benefits may be sacrificed in the short political cycle

There cannot be one answer fits all as each decision

muust be accountable to the broad responsibility of government.

What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?:

The delivery of sustainable development as described is for the greater good - however, outcome must be the measure rather than the process.

What are your views on basing a duty around a single sustainable development proposition?:

Every single issue proposition must be placed in context.

How much time should organisations be given to make these changes?:

Dependent on resources

Would it be helpful to issue formal guidance to organisations subject to the new duty?:

Yes

Yes

Should any such guidance be issued by the Welsh Government or the new sustainable development body?:

Development body subject to review.

Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?:

Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?:

Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?:

Are there organisations on this list that should not be subject to the duty? Please explain:

Are there organisations that

are not listed above but which should be subject to the duty? Please explain:

Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?:

If we were to define "sustainable development" do you think that the working definition above would be suitable and why?:

What should be the overall purpose for a new body?:

Provide guidance and police compliance

Do you have any views on the preferred approach regarding the main functions of a new body?:

Are there significant disadvantages to establishing a new body on a statutory basis?:

Do you agree with the proposed functions for a new body established on a statutory basis?:

Are there other functions which should be considered?:

Do you have particular views on the independence of a new body?:

Do you have particular views on the accountability arrangements for a new body?:

Do you have any other related queries or comments?:

Response by Woodland Strategy Advisory Panel to Consultation on Proposals for a Sustainable Development Bill

Background

The Woodland Strategy Advisory Panel's remit is to advise Forestry Commission Wales and the Welsh government on the nation's strategy for its Woodlands .The panel has 23 members from across Wales and all of us are actively involved in a wide range of activities associated with the country's woodlands. Our expertise spans commercial, environmental, social and scientific aspects of forestry and our working experience includes private industry, woodland management, farming, voluntary organisations, public sector agencies, educational institutions and social enterprises. Both Forestry Commissioners for Wales attend our meetings. The panel's members are given in the appendix.

Over the past five years we have been an integral part of the team drawing up the government's 50 year woodland strategy - *Woodlands for Wales* - the follow-up 5-year *Action Plan* and the set of *Indicators* for monitoring progress. We have also responded to the government's recent consultations on "Natural Resources Wales" and "Sustaining a Living Wales".

We welcome the opportunity to comment on the government's proposals for a Sustainable Development Bill. We discussed the document at our meeting on June 21st and this response is supported by members of the Panel. Before addressing the questions we wish to make the following general comments.

- 1. We agree with the government's aim of placing sustainable development at the heart of its decision making.
- 2. We support the broad long-term outcomes the government seeks to achieve: i.e.

a sustainable economy a sustainable society sustaining the natural environment sustainable resource use the wellbeing of Wales

- 3. We question the need for there to be a **legal** obligation on an organisation to follow the principles of sustainability
- 4. We consider that large infrastructure projects may offer the government the greatest scope for demonstrating sustainability, but this is also the area in which expediency and traditional business principles will probably prevail. If the government is serious about its sustainability agenda, it might consider putting more emphasis on auditing these bigger projects.
- 5. We would emphasise that the forestry sector is an exemplar of the principles outlined in this consultation. Long-term planning is central to forest management which in turn is firmly rooted in the principles of sustainability. This is exemplified by the WG's long-term strategy for the country's woodlands (*Woodlands for Wales*) which embodies many of the principles outlined in the consultation.

List of consultation questions

Responses to the following questions are mainly given in the context of our experience in the forestry sector.

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions?

We identified the following barriers:

The necessity of having to work within short-term (annual) budgets The lack of long-term funding for long-term SD management The gaps in the evidence needed for making long-term decisions

Q.2 What actions need to be taken, and by who, to reduce or remove these barriers?

These mainly relate to the barriers mentioned above i.e.:

Longer running budgets

Support for long-term research projects

Flexibility to react to changes in desired outcomes

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

We think there is substantial evidence of progress in the forestry sector: viz:

Woodlands for Wales is an excellent example of a 50 year strategy based around the principles of sustainability

The requirement for public and private sector forestry to comply with the UK Forestry Standard

The growing use of voluntary mechanisms by the sector e.g. ISO 14001, forest and timber certification, Green Dragon and other "green" initiatives demonstrates its commitment to sustainability Sector-wide support for the general principles behind the "Read" Report which gives a detailed account of forestry's current and potential SD role in the context of climate change. Combating Climate Change – A Role for UK Forests. An Assessment of The Potential of The UK's Trees and Woodlands to Mitigate and Adapt to Climate Change. 2009

Q.4 Have we identified the most appropriate level of organisational decision-making at which the duty should be applied? Please explain.

We support the proposals that the duties of sustainability should apply to higher-level decisions. The duty to follow SD principles must then pass down the organisation through clear guidelines for implementing high-level decisions.

All businesses in Wales should be encouraged to adopt SD principles. One way of fostering this would be by incorporating relevant SD principles in contracts with the private sector.

Q.5 Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

Yes this is a risk. All regulations should be examined to identify possible areas of conflict with SD principles. It is essential for organisations whose work is affected by regulations e.g. woodland owners, that there is no ambiguity in understanding and following the regulations within the overarching requirement for sustainability.

Q.6 Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

Members considered there was insufficient information to offer a clear answer.

Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

Yes these should be included. Examples are: transport, energy use, procurement. This would/could encourage a wider set of organisations to adopt SD principles through the supply chain requiring services delivered to SD standards.

Q.8 Should budget proposals be subject to the duty? Please explain.

In general we consider that budget proposals should not explicitly be subject to the duty of SD. If all high-level decisions are based on SD principles these should flow through to annual budget proposals.

Budget practices must not encourage unsustainable expenditure e.g. extraordinary end of year spending to use budget surpluses if this expenditure runs counter to SD principles.

General comments on questions 9-17 - behaviours and objectives approaches

These were the most difficult questions to answer because we do not fully understand the differences in the approaches the document discusses.

We think that an organisation should first define its primary purpose and duties. The principles of sustainability should then underpin the ways in which the organisation decides to implement its overarching purpose. For example the WG's purpose (vision) for our woodlands is stated at the beginning of *Woodlands for Wales* and the strategy describes how this purpose will be met based largely on the principles of sustainability as described in consultation.

http://www.forestry.gov.uk/pdf/EnglishWfWstrategy.pdf/\$FILE/EnglishWfWstrategy.pdf

Good behaviours and objectives are both required for successful SD – but both are prescriptive and difficult to monitor and run the risk of perverse outcomes as organisations struggle to interpret what this means for their activities. The key to this is the decision-making itself. If decisions (and hence plans) are required to consider evidence for social, environmental and economic impacts of a proposed action and to trade these off in a transparent manner then this should be easily monitored. Getting decision-making right will require good behaviours and result in SD outcomes without prescribing how to think or what to do which is the risk with the behaviours and objectives approaches.

Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.

Having defined an organisation's primary purpose (see above) all its activities should be driven by decisions made by people and institutions exhibiting these behaviours but not in a prescriptive, box-ticking manner. Depending on the organisation some behaviours will be more important than others though all have a role to play in achieving SD.

Q.10 Are there critical behaviours that we have not identified? Please explain.

The precautionary principle is an important omission

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

An advantage of this approach is that it encourages thinking "outside the box" A disadvantage is that the concepts are vague and this may well distract managers from making decisions. It is also difficult to determine whether a behaviour has been exhibited or not.

Q.12 How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

is consistent with one, some or all of the behaviours; broadly reflects the behaviours; is not inconsistent with the behaviours?

Are there other options?

We think the objectives approach is a clearer guide to high-level decision making than the behaviours approach. This question and Q 15 refers to

"lawfulness" implying some kind of enforcement and penalty system. Presumably it is not the intention to go that far?

Our comments on Q 15 are also relevant to this question.

Q.13 Are there core sustainable development objectives we have not identified above?

We broadly concur with the objectives but point out that the significance of each will differ from one organisation to another. The verbs "promoted", "respected" and "recognised" are rather weak and may make monitoring and enforcement difficult.

Q.14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

One advantage is that the objectives approach is easier to understand than the behaviours approach.

A disadvantage is that it is unclear how these will be monitored, a point that applies even more to the behaviours approach. Some members are also very concerned about who determines what these objectives are and how achievement of them is judged and traded off.

Q.15 How much influence should the objectives have over high level decisions – for example, should those decisions be lawful:

only if they actively contribute to one or more of those objectives; if they do not detract from any of the objectives; even if they detract from some of those objectives, as long as they actively promote others?

Are there other options?

We question the need for there to be a legal obligation. We consider it would be wasteful and unworkable for an organisation to have a legal obligation to meet these objectives. This point applies equally to the behaviours approach. (See question 12) Again we are unclear how these objectives would be monitored.

We would prefer an approach where organisations choose to adopt an SD approach because they are convinced of the advantages it provides to their business - both financially and reputationally. Moreover not all behaviours or objectives will be relevant to every body on every decision. Some will be more relevant than others.

When considering whether the duty has been delivered, bodies should only be required to outline/justify briefly why a particular behaviour/objective was not considered fully in the decision making process, so that focus can be given to those which are more relevant.

Whatever system is put in place, it needs to be light touch in order to avoid becoming overbearing.

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours *and* sustainable development objectives?

Basing any duty on both behaviours and objectives would be even more complex to apply and to monitor.

We consider a light touch overview of progress of both behaviour change and meeting objectives would be necessary to ensure that communications and policy were correctly aligned and implemented. This overview could then direct any changes that were necessary to bring any deviation of the approach back into line.

Q.17 What are your views on basing a duty around a single sustainable development proposition?

Basing any duty on a single SD proposition is likely to be too general and too open to interpretation. Combining a general statement on sustainability with the objectives approach might be workable.

The duty could be that decision-making is transparent, site and evidence based, allows for innovation, and trade-offs are made in accordance with SD principles.

Q.18 How much time should organisations be given to make these changes?

We believe that there has to be a staged timetable. We would expect the public bodies to sign up and develop their own response or interpretation of the sustainable duty within the first year. This duty will then influence the way that the public body works with and through the private sector and it might be 5 years before real progress by those stakeholders and contractors is evident. in forestry. The outcome of some of the changes may not be seen for decades.

Q. 19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

There needs to be a consistent interpretation of the duty, across Wales and to that end clear guidance is required. It must be guidance and not be too restrictive or it will be difficult to get stakeholder involvement.

For example we believe that ISO 14001 may be appropriate for some industries but a lighter touch approach may well be needed for the smaller end of industry which does not have the resources to develop this scheme. If such a light touch approach were adopted then procurement would need to reflect this to allow smaller companies to bid for work. One member of the Panel mentioned that when buyers insist on FSC timber this can result in supplying imported softwood rather than a cheaper local hardwood from a non-certified supplier. This clearly undermines an SD approach in all but the paper chase audit.

Q. 20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?

We believe that the guidance must come from Government. It is our view that this is the only way to ensure that the machinery and Departments of Government fully support public bodies and stakeholders across Wales.

Q.21 Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

We are not in a position to identify which statutory duties could or should be repealed but we agree that they should be looked at. We suggest that there should be a programme looking at this over time rather than a rushed exercise.

Q.22 Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

As above, we are not in a position to identify legal barriers. We recommend that the Sustainable Development Bill is worded so that it is possible to amend and / or develop the Bill as Welsh bodies and stakeholders develop their understanding of the opportunities.

Reporting

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

Yes

Q.24 Are there organisations on this list that should not be subject to the duty? Please explain.

The current list looks deliverable; the challenge is to encourage others to sign up to the duty in the short to medium-term and this should be through encouragement rather than direction.

We think other organisations will be pulled into the approach if a sensible procurement approach is adopted by the key organisations.

Q.25 Are there organisations that are not listed above but which should be subject to the duty? Please explain.

As above the list looks OK; the challenge is to roll out the duty to NGO's and others. It is our view that there are already sufficient agreed forest practices aligned to sustainable forest management for the forestry sector to sign up to the duty, recognising that the visible outputs may not be evident for a number of years.

Sensible procurement approaches and good communications that demonstrate the advantages to business of the SD approach would help promulgate these principles

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

The forestry sector already has a well developed suite of definitions describing sustainable forest management and practices.

There is a need for a degree of flexibility to allow for future innovation and change.

Q.27 If we were to define "sustainable development" do you think that the working definition above would be suitable and why?

There should be a single legal definition of sustainable development and it should be the long recognised, Brundtland definition. It is for public bodies and others to then interpret how this is applied to their sector / activity. There also needs to be a process across Wales to ensure that these interpretations complement each other and are not divisive.

For the forestry sector [woodlands, trees and timber] we suggest that the *Woodlands for Wales* strategy" is a good starting point.

Q.28 What should be the overall purpose for a new body?

There was no disagreement with the definition.

We want the organisation to be effective in delivering SD whilst at the same time avoiding implementation through legal processes.

We consider that organisations which have a strong mandate for SD would be more likely to take action to deliver it – e.g. the balancing duty given to the Forestry Commissioners.

The group also felt that the forest industry (in its widest sense) could be regarded as an exemplar of how sustainable development can be delivered, The woodland strategy *Woodlands for Wales*, which the Welsh government has reaffirmed recently as its forestry and woodland policy, demonstrates the application of sustainable development within this sector. We feel that this could have wider application – for example that a similar strategy for agriculture would be helpful. This also has relevance for Question 29.

Q.29 Do you have any views on the preferred approach regarding the main functions of a new body?

We consider the "expert advice" model is the best option.

Q.30 Are there significant disadvantages to establishing a new body on a statutory basis?

No disadvantages were noted.

Q.31 Do you agree with the proposed functions for a new body established on a statutory basis?

Yes, but we emphasise that funding should be sufficient to ensure the body can exercise any powers effectively.

Q. 32 Are there other functions which should be considered?

No other functions were proposed but we consider that a periodic review of functions should be made explicit under the body's assigned functions.

Q.33 Do you have particular views on the independence of a new body?

There should be an independent sustainable body; it would be the "keeper of the principles". It should be a small body and be able to "speak truth to power". Its role should be to:

develop and maintain the guidance identified in question 19 [It would do so on behalf of the Government which owns the guidance]

act as an advisor / regulator of Government and Public Bodies

We note that the order laid before the Assembly to create the Single Body gives the minister powers of direction over the SB which would be likely to prevent it from functioning independently and would inhibit it from speaking "truth to power" (since the minister would be able to order it to be silent). We also note the fact that Natural England has been restrained from speaking out on policy matters and has been restricted entirely to delivery and that this is unhelpful in delivering environment objectives.

Q.34. Do you have particular views on the accountability arrangements for a new body?

We believe that the SD body should report directly to the National Assembly for Wales via its Environment and Sustainability Committee

Additional comments on membership and objectives of the SD body.

Membership of the body should be sufficiently broad so that it includes expertise from science, business and wider expertise. We note that the Forestry Act specifies sectorial expertise that must be represented within the board of Forestry Commissioners.

The body should focus on the possible rather than aspirational goals and on local application rather than the international scene. We consider that the body could act as a champion for some larger exemplar projects of SD which bring sectors together and bridge organisational divides.

Roger Cooper Chair, Woodland Strategy Advisory Panel

14th July 2012

Appendix

WSAP Members

Nigel Ajax Lewis MBE Senior Conservation Officer for Wildlife

Trust for South and South East Wales

Roger Cooper (Chair) Bangor University (retired)

Dr John Edington Tutor on environmental issues, Cardiff

University

David Edwards District Manager, Tilhill Forestry

Helena Fox Consultant in Education and Sustainable

Development

Rory Francis Woodland Trust, Wales

Dr Alun Gee Executive Manager, Environment Agency

(Retired)

Sue Gittins Deputy Director, Ramblers' Association

Wales (retired)

David Jenkins OBE Director, Coed Cymru

John Lloyd Jones OBE Farmer/land owner. Member of FCW

National Committee

Tim Kirk Chairman, CONFOR, Wales

Bernard Llewellyn Farmer and chairman of NFU Cymru Rural

Affairs Board

Kath McNulty Manager, CONFOR, Wales Philippe Morgan Forest Manager and Consultant

Prof Colin Price Free-lance academic

Harry Stevens BSW Ltd

Celia Thomas Farmer and Woodlands Officer,

Pembrokeshire National Park

Dr Bob Vaughan Environment Agency Wales

Dr Jenny Wong Director, Wild Resources Ltd, Honorary

Lecturer Bangor University

Mike Wood Policy Officer, RSPB

Dear Sir,

I have read the above document and think I understand the basic underlying principles behind it. Decisions made now should not be made in isolation, but thought should also be given to their ramifications in the future. However I feel that, as we are a small Community Council acting in an advisory capacity to various public bodies who then decide whether to take our comments/advice into consideration when making their decisions, it does not really apply to us.

Yours sincerely, Kath Wigley Clerk to Mochdre with Penstrowed Community Council

Proposals for a Sustainable Development Bill for Wales (WG15440)

Response to list of consultation questions from:

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Promoting sustainable development (section 3)

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions?

A1. Principle Barriers

- 1. The approach to this consultation and lack of transparency of the process
- 2. A perceived built-in ideological bias within the Welsh Government to comply with global/EU environmental policies without considering the valid economic, social and even environmental needs of this sovereign state Wales.
- 3. Personalities within the process who have perceived power/employment needs beyond the requirements of Sustainable Development.
- 4. Local Authorities and public bodies including Welsh Government Departments paralysed because of 1-3.
- 5. Lack of definition and guidance to local authorities in respect of the nature of true Sustainable Development and the misdirection of the current SD Plan and Strategic Monitoring Framework (see post).
- 6. Lack of structure and cohesion within existing systems

Q.2 What actions need to be taken, and by who, to reduce or remove these barriers?

A2A Actions to remove barriers

- 1. Remove current advisors who may be perceived to have a vested interest in outcomes having been probably instrumental in the current seemingly defective Consultation.
- 2. Independent advisors to be appointed for this Consultation as was the case with the Planning Bill consultation.
- 3. Allow an open consultation rather than the perceptions of bias in the current one that appears challengeable in terms of independence and openness.
 - 1. The list of the invitees / attendees at the stakeholder meeting/event on the 1st December 2011 shows a distinct lack of contribution from business and commerce.
 - 2. How were the stakeholders identified and/or how was the event marketed?
 - 3. Who wrote the proposals contained in the consultation document?
 - 4. Who is driving the Agenda?
 - 5. Will the writers of the proposals be the same people who assess the responses which will not enter the public domain?
 - 6. How challengeable are the SD proposals provided in view of a questionable process?
 - 7. The SD proposal seems to be directing towards a new SD body. In view of the lack of openness in the process this arouses suspicions of a fait accompli.
 - 8. Specifically, who will assess the responses?
 - 9. An internal summary of comments is to be provided by the unidentified assessors and only selective responses made public makes me suspicious of in-built tokenism to anything the public may say.
 - 10. In other words the process for the Sustainable Development Bill lacks transparency and integrity and is unsustainable and challengeable.
- 4. Create buy-in confidence in the system. This has to be restored by reorganising the existing systems and processes. A new SD quango will only come into conflict with sustainable governance of Local Authorities and even sustainable governance of Welsh Government itself. Expensive self serving quangos eventually become rejected by the governing elected politicians. Why waste money from the outset?
- 5. In England there has been perceived no need for such a costly body. The **Planning Inspectorate** working to specific guidance plus the ability of High Court challenge in respect of EIAs seems to work adequately.
- 6. Remove any vestige of the hint of vested interest from current players whose perceived intent is to exert undemocratic power and influence .
- 7. Educate those required to demonstrate SD as to exactly what is required instead of some ethereal ideological concepts from above (as was shown in the diagram in the proposal taken from a pro-environmental document).
- 8. Create supplementary law to align and balance the well-being factors.

A2B

BEHAVIOURS & OBJECTIVES The 4 E's approach

The Welsh Government have ill-advisedly adopted the 4Es approach to behavioural change. Attempting to change behavioural attitudes to sustainable development through policy and legislation is dangerous, indoctrinating, paternalism. Actually the 4Es approach is found in the Defra document:

"A framework for pro environmental behaviours." Defra 2008

Notice that this is to do with changing behaviours and attitudes towards the environment agenda and is nothing to do with Sustainable Development at all except that environmental well-being is part of sustainable development. For SD we would require a **framework for each of social and economic behaviours** to balance it up. The current system and proposal shows that Welsh Government is bankrupt of ideas in terms of promoting true SD.

A₂C

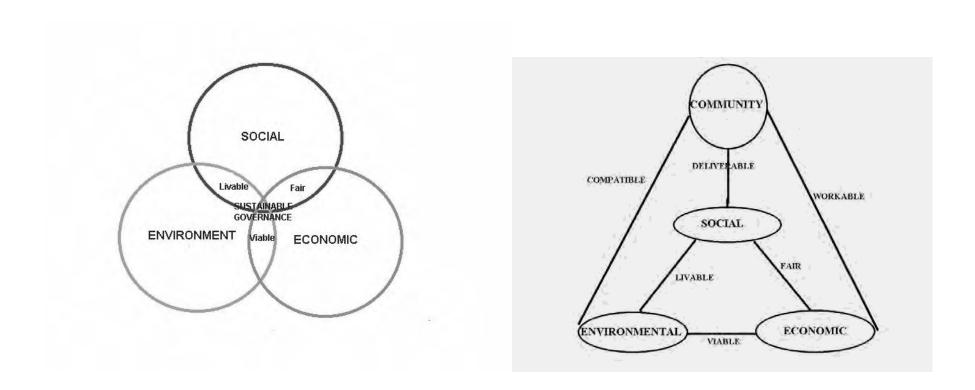
WELL-BEING

The definitions provided in the consultation document in respect of well-being are not appropriate. More appropriate are:

- 1. Economic well-being a positive state of the economy as found in all its facets including sectors, segments, levels, types organisations, human resources and systems
- 2. Social well-being a positive state of society in general as well as groups and individuals covering shelter, welfare, food, health and all of its basic needs.
- 3. Environmental well-being a positive state of the environment reflecting all the facets, impacts and influences from the local, through national to a global level.

The Local Government Act 2000 relating to promoting well-being is the closest to the requirement of Sustainable Development. The approach to assessing SD well-being currently exists. The following diagram shows the interactions and considerations:

The correct view for sustainable development is:



This has not been applied.

When considering sustainable development COMMUNITY has also to be factored-in. When assessing SD the authority need only utilise mechanisms that consider:

ENVIRONMENT

**Livable

SOCIAL<Deliverable

SOCIAL<COMMUNITY

SOCIAL<Fair

**SECONOMIC

**Workable

**SCOMMUNITY

**ECONOMIC

**Viable

**SECONOMIC

**Compatible
**COMMUNITY

So, for example, a scheme required to demonstrate just **economic** well-being would be considered in relation to it being:

Fair - SOCIAL

Viable - ENVIRONMENT

Workable - COMMUNITY

In all cases the **Community** assessment would be based upon: SOCIAL – is it *Deliverable* ECONOMIC – is it *Workable* ENVIRONMENT – is it *Compatible*

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This is apart from considering any cross-impacts within the factors especially those of economic v economic which is highly relevant in assessing impacts of retail development on existing operations in town centres. There are other cross-impacts such as environment v environment. At Rodney Parade, Newport (a WDA now WG EB&T project) this was the case in assessing flood risk against ecology.

Positive mechanisms are needed are for authorities to be able to assess Sustainable Development. This has to flow from the definitions themselves so that the approach is logical and uncluttered. A way forward is a simple adaptation of the cross-impact assessment of well-being used in the consideration of the economic, social and environmental (ESE) factors in assessing the public interest for promoting compulsory purchase orders.

St ATHAN

True sustainable development has been applied to many schemes before it was known as Sustainable Development. St Athan in its concept stage considered in broad outline the economic, social, and environmental factors that were then further investigated in much greater detail. More than twenty events of community engagement took place prior to Master Planning was completed in the early noughties. Obviously an EIA and other statutory assessments had to be undertaken but the decisions were made on full Sustainable Development well-being principles. They were undertaken without a SD policing authority being in place knowing that ultimately it would go nowhere unless it could be demonstrated at an Inquiry that the Public Interest was being safeguarded.

Essentially the authorities need a tool to derive SD strategies, programmes and projects. Cross-impact is achieved through a matrix.

The well-being matrix

		1	2	3	4	5	6
		ECONOMIC	SOCIAL	ENVIRONMENTAL/ NAT.RESOURCES	POLITICAL	TECHNOLOGICAL	LEGAL
A	ECONOMIC	ECON/ECON	ECON/SOC	ECON/ENV	ECON/POL	ECON/TECH	ECON/LEG
В	SOCIAL	SOC/ECON	SOC/SOC	SOC/ENV	SOC/POL	SOC/TECH	SOC/LEG
C	ENVIRONMENTAL/NAT. RESOURCES	ENV/ECON	ENV/SOC	ENV/ENV	ENV/POL	ENV/TECH	ENV/LEG
D	POLITICAL	pol/ECON	pol/ SOC	pol/ ENV	POL/POL	POL/TECH	POL/LEG
Е	TECHNOLOGICAL	tech/ECON	tech/SOC	tech/ENV	TECH/POL	ТЕСН/ТЕСН	TECH/LEG
F	LEGAL	leg/ECON	leg/SOC	leg/ ENV	LEG/POL	LEG/TECH	LEG/LEG

ECONOMIC	
	Well-Being
SOCIAL	DDIVEDO
ENVIRONMENTAL	DRIVERS
ENVIRONMENTAL	

POLITICAL	
	Well-Being
TECHNOLOGICAL	C
	INFLUENCERS
LEGAL	

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The matrix then produces cross-impact categories

Well-being cross-impact categories

	FACTOR	IMPACT	COMMENT – CROSS IMPACT
A1	ECONOMIC	ECONOMIC	Micro/ Macro. Transport. Sectors. National / Local . Finance, budgets
A2	ECONOMIC	SOCIAL	Economic circumstances impacting Society/ Community
A3	ECONOMIC	ENVIRONMENTAL	Economy driving and impacting on Environment
B 1	SOCIAL	ECONOMIC	Society/Community providing input into economy
B2	SOCIAL	SOCIAL	Society/Community. Levels. Geography
B3	SOCIAL	ENVIRONMENTAL	Social impact on the environment.
C1	ENVIRONMENTAL	ECONOMIC	Environmental impact on economics
C2	ENVIRONMENTAL	SOCIAL	Pollution contamination. Environment impact on society
C3	ENVIRONMENTAL	ENVIRONMENTAL	Cross impact. Eg flooding measures v ecology

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This is a simple, shortened version focusing on the Economic, Social, Environment (ESE) well-being factors. The expanded version shown in Appendix A is used for deriving issues for wider situational analysis. For this purpose COMMUNITY may be considered as a Social facet. Each category generates many issues that can be specifically utilised in report writing or in deriving strategy and qualitative analysis.

Each issue is given a new number, for example:

A is economic

A11 First issue. Say impact of a new shopping scheme on the economy of the existing traders.

C is Environment

C3 1 First issue. Rodney Parade, Newport (a WDA now WG EB&T project) flood prevention works versus the ecology

C2 1 First issue Flooding impacting on peoples lives

Adapted tools from business management in classifying the issues provides criteria for the decision makers not only identifying and resolving well-being/ sustainability issues but a strategy for project delivery plus producing details for a required risk analysis. A framework for a 'triple bottom line' (economic, social, environment) cost / benefit approach that allows sentient AMs and Councils to govern effectively. Such is used in Australia. A built-in bias towards ANY of the three elements is unhelpful.

Birmingham City Council – New Street Station

The Council utilised the process of cross-impacting well-being in successfully promoting the CPO for New Street Station. BCC planning department then utilised the concept in considering its LDP

Evidence in relation to sustainable development (section 4)

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

A3

1. GLOBAL

At what level is SD applied? To date Wales and other economies have failed through an unrealistic imposition of global parameters and targets that do not sit well with the well-being of individual States. In fact the climate change agenda through carbon emissions targets and 'cap-in-trade' purchase of quotas is more to do with global redistribution of wealth than environmentally saving the planet.

2. NATIONAL & LOCAL

Sustainable Development can be realistically understood and applied 'bottom-up'. It is within the Assembly and Local Government departments themselves where hearts and minds can be won. This can only be where the process can be demonstrated as logical and without any political bias attached to the well-being factors.

PUBLIC INTEREST

Actually Sustainable Development is not, and should not be, the central organising principle of public bodies. In British law PUBLIC INTEREST is the central organising principle. Adding more than one focus will lead to confusion. What is not understood is the position of Public Interest which is defined by UK government as:

"The 'public interest' refers to considerations affecting the good order and functioning of community and governmental affairs, for the well-being of citizens. In general, a public interest consideration is one which is common to all members of the community (or a substantial segment of them), and for their benefit".

Aligned with that is the effective part of the Welsh definition of sustainable development:

"enhancing the economic, social and environmental well-being of people and communities, achieving a better quality of life for our own and future generations,"

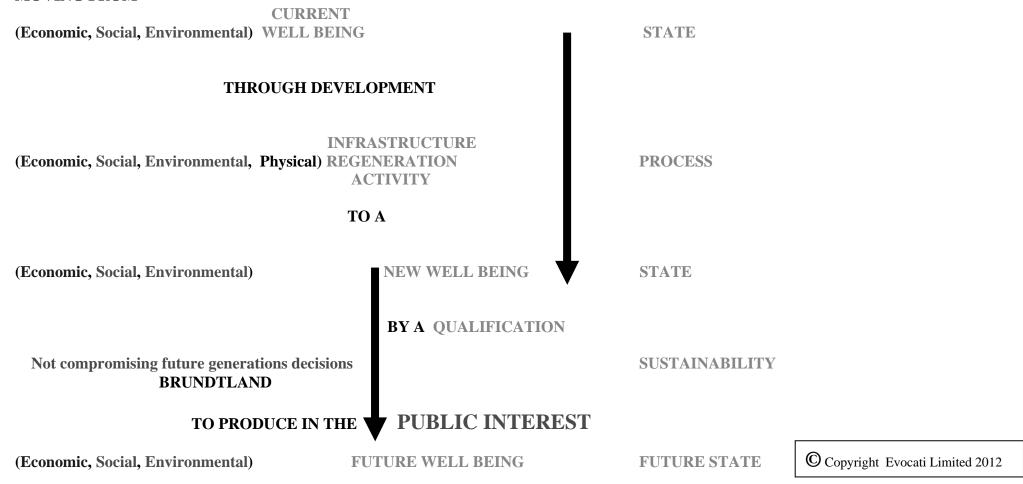
Well-being is therefore the main component of sustainable development and is the main objective for promoting the optimal PUBLIC INTEREST /BENEFIT.

Consider the following diagram that demonstrates the linkages:

OFFICE OF THE INFORMATION COMMISSIONER (QLD) Information Sheet - Public Interest Balancing Tests in the Freedom of Information Act Issue Date: 5 February 2003

SUSTAINABLE DEVELOPMENT/ PUBLIC INTEREST LINK

MOVING FROM



This is in terms of a project but note that **Sustainable Development is but a qualification** in producing the PUBLIC INTEREST/ BENEFIT in what ever form it takes.

A new sustainable development duty (section 6) The level of decision making to which the duty applies

Q.4 Have we identified the most appropriate level of organisational decision-making at which the duty should be applied? Please explain.

A4

No That suggested is too complex and sets the scene for policing of Sustainable Development unacceptable to good governance.

The whole process suggested would rob local authorities including Welsh Government of flexibility in the duties of the decision making process they were elected for. It is perceived as merely a vehicle for an insidious environmental agenda which is not Sustainable Development at all.

The duty for SD should be placed on the decision making bodies in the same way that the EIA is at present. The only exception would be if there was a hidden agenda for imposing green policies on decision making bodies (as there would be with a Sustainable Development quango).

Consider England

England with its Localism Act 2011 and the NPPF (National Planning Policy Framework – the 'Framework') operates a policy of a presumption in favour of Sustainable Development focusing on growth.

Two things are wrong with the English policy in that:

- 1. 'Well-being' has been removed its definition and replaced by mutually dependant ESE 'roles'.
- 2. Sustainable Development has been focused on growth (Economic).

Sustainable Development focusing on growth is the other side of the coin from Wales which at the moment erroneously focuses on social and global environmental factors. Both are wrong. Sustainable Development should allow sustainable governance on the part of the decision makers.

Planning Inspectorate and the Courts

Currently in England and Wales the 'Duties' are enforced in the Courts. Policies and guidelines are followed by the Planning Inspectorate who consider the decisions of the various authorities

Plans and appeals are heard by the Planning Inspectorate. England, rightly, sees no reason to change and has actually increased the numbers of Planning Inspectors to cope. Planning Inspectors are the only people who have the training to assess evidence of economic, social and economic well-being which they do on a regular basis when considering compulsory purchase schemes. The mechanisms exist to report to Ministers.

High Court Challenge

Consider the imposed EU duty to undertake an Environmental Impact Assessment (EIA) and similar assessments. There is no overseeing body making sure that they do but the Authorities in exercising governance carry out the procedures as required by the protocols of their empowering statutes and their standing orders.

In fact the important part is that the process is followed.

Seaport Investments

The judgment in the Seaport Investments case² was to do with the EIA in respect of the Visitor's Centre in Antrim Northern Ireland. The challenge in this respect was that the consultation processes had not been followed. The important consideration from the Case is that:

- 1. The Process is the substance
- 2. Consultations should be early and effective. Early enough to influence and effective enough to demonstrate that influence
- 3. Consultations should take place in an appropriate time period.

Sustainable Development Wales

The importance is providing the duty to undertake an assessment of Sustainable Development based on the three well-being factors. The important part is that these three factors are assessed. The approach to SD could easily be like the EIA and so, to provide that these assessments do not become too onerous, a **scoping/screening exercise** is undertaken first. This is not as difficult as it first seems. This is only putting into a formal framework what authorities do with any strategy or project that comes across their path. At least the should be doing it. The duty to undertake a Sustainable Development Well-Being Assessment (SDWBA) will make sure that they do.

Level of decision making

Various Departments within national and local government currently assess projects in line with government frameworks albeit that the current Welsh Monitoring Framework is not 'fit for purpose' and causes distortions in the understanding and presentation of Sustainable Development data.

Alignment with existing systems

The opportunity exists for cost reduction through aligning well-being with existing systems. Welsh Government already have to promote ESE well being to undertake schemes under the **Government of Wales Act 2006 60 Promotion etc. of well-being**. Local authorities have to assess economic, social and environmental well-being to exercise their powers under **Sec. 226 of the Town & Country Planning Act 1990 (as amended)** to promote development, redevelopment and improvement projects that will require CPO power. The point is that the concept already exist within the system

² SEAPORT INVESTMENTS LIMITED IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND, QUEEN'S BENCH DIVISION (JUDICIAL REVIEW) Neutral Citation No. [2007] NIQB 62 WEAC5799 delivered 07/09/2007

Q.5 Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

A5 If true sustainability development then, to be effective, ALL decisions should be captured. The level of capture is the problem. It is only a problem if 'sustainability' has an unacceptable bias from the outset. A simple **screening** requirement as stated in A7 (below) may be the simple answer.

Q.6 Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

A6 A structured approach, together with guidance, to sustainable development in all its forms including strategy, analysis and operational project decisions is achievable. Environmental Impact Assessment's are subject to an EU duty and are not onerous except that without the other two impact assessments (ECONOMIC and SOCIAL) they create a non-sustainable bias within the system.

Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

A7 The simplest requirement is for there to be a Sustainable Development impact assessment that covers Economic, Social and Environmental well-being. Currently authorities planning and decision making are skewed by the EIA directive which, in the absence of effective SD guidance forces everything to be put in terms of the environment and even then sustainability in terms of the flimsy strategic monitoring framework mentioned above. An example is that of Newport City Council. The confused approach to sustainability in its plan stems from the defects in the Strategic Monitoring Framework (see Appendices B& C in respect of Newport CC)

The decisions of the organisation should not be fettered. The importance of **Screening** is an important factor. The established principle has been tested in the Courts³ in terms of EIAs. A screening opinion was not intended to involve a detailed assessment of factors relevant to the grant of planning permission; that came later and would ordinarily include an assessment of environmental factors, among others. Also it did not involve a full assessment of any identifiable environmental effects. It involved only a decision, almost inevitably on the basis of less than complete information, whether an EIA needed to be undertaken at all. The court should not impose too high a burden on planning authorities in relation to what was no more than a procedure intended to identify the relatively small number of cases in which the development was likely to have significant effects on the environment, hence the term "**screening opinion**".

³ R (Friends of Basildon Golf Course) v Basildon District Council [2010] EWCA Civ, 1432 R. (on the application of Bateman) v South Cambridgeshire DC [2011] EWCA Civ 157 SOURCE: Kings Chambers Planning Seminar Cardiff 2012

So, authorities make their decisions in respect of an EIA and could obviously make similar screening decisions in respect of a full Sustainable Development Well-Being Assessment. There is nothing to stop the assessment being challenged as long as it was empowered by the new SD Act.

These mechanisms need to be discussed with the local and public authorities, including WG Departments who would be impacted by them.

- Q.8 Should budget proposals be subject to the duty? Please explain.
- A8 Budget proposals are part of sustainable governance. What has to be remembered that sustainability is not a bolt-on but a way of governing. Budget is part of the finances of the organisation and therefore form a component of Economic Well Being Assessment in respect of delivering a project, strategy or process. (See the comment on screening A7)

The behaviours approach

- Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.
- A9 The Defra behaviours approach contained within this Consultation have been derived from a proposal that is just environmentally orientated. The thinking that produced this Consultation is biased and reflects environmental well being thinking NOT sustainable development thinking. Activities (not behaviours) and objective (public interest) require a simple approach and would provide authorities with a mechanism they can effectively use and for comparing with other bodies or within WG itself

This why the responses to this Consultation even at this late stage should be considered by other named independent advisors and published.

- Q.10 Are there critical behaviours that we have not identified? Please explain.
- **A10** At the moment over prescription of socio/environmental well-being is a problem.

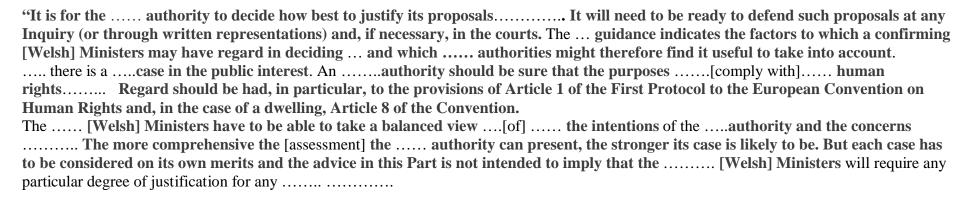
Behaviours is not an appropriate term. It leads to thinking of methods of forced re-education and cultural realignment of dissidents. Critical factors and activities are more appropriate.

Economic /commercial/ finance factors in all their detail have to be part of the education required to consider and balance ALL the ESE well-being factors,

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

A11 As previously stated behaviours is not an appropriate description. It smacks of 'big brother' telling us how to live and behave and align with environment. What are required are user-friendly activities and processes which capture buy-in once true SD is understood.

The following is a selective extract from the guidance to Authorities in the preparation of Compulsory Purchase Orders. (The Welsh Ministers may or may not have the benefit of an Inspectors Report following an Inquiry.)



This could easily be part of the guidance for SD. If this was part of SD the guidance to also apply to Local Authorities then they are the ones in the first instance to make decisions based on an adequate full assessment of the issues.

Q.12 How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

- is consistent with one, some or all of the behaviours;
- broadly reflects the behaviours;
- is not inconsistent with the behaviours?
- are there other options?

All the SD activities and processes are important. The weight attached to them is for the decision making body. As long as sustainable development activities are credible and not seen as a political platform for any of the well-being factors then a lawful duty may be attached to them. Consider the approach of Adam Smith in his cannons of taxation when considering how SD is to be legislated on and applied.

The objectives approach

Q.13 Are there core sustainable development objectives we have not identified above?

A13 The objectives in the consultation document are currently over prescribed and biased. As stated above PUBLIC INTEREST / BENEFIT is the only objective to be described in terms of ESE well-being'

Q.14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

A14 The question is what is done at the moment? Are the decisions unsustainable? The answer is 'yes'. Overall organisations should act in away to derive the objective of OPTIMUM PUBLIC INTEREST in terms of ESE well-being. Higher level decision making (sustainable governance) depends on them being presented with the results of an effective ESE well-being analysis (see above) and then with a recommendation that can be accepted, modified or rejected.

Q.15 How much influence should the objectives have over high level decisions – for example, should those decisions be lawful:

- only if they actively contribute to one or more of those objectives;
- if they do not detract from any of the objectives;
- even if they detract from some of those objectives, as long as they actively promote others?
- are there other options?

A15 The problem is attempting to consider SD in its present unacceptable form. The proper objective is PUBLIC INTEREST / BENEFIT. All decisions by public bodies have work towards that. SD is but a qualification in the process

The combined approach

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours *and* sustainable development objectives?

A16 The problem is basing SD on behaviours and objectives when it should based on lawful activities and mechanisms so that SD ultimately delivers PUBLIC BENEFIT (see ante). The behaviours and objectives stated in the consultation are based on a pro environment, not Sustainable Development approach and therefore lack validity.

A single sustainable development proposition

Q.17 What are your views on basing a duty around a single sustainable development proposition?

A17 It depends on the proposition. It is certainly not the biased one in this consultation.

In simple terms a duty based upon an unbiased proposition to operate a policy of a presumption in favour of Sustainable Development (defined as above-unfettered) with a focus of optimising public benefit. This allows governments the freedom to govern.

The time organisations may need to comply

Q.18 How much time should organisations be given to make these changes?

A18 It depends upon what is being asked of them. At the moment they are geared to only EIA /EU considerations. What is required of them to demonstrate sustainability? If the changes are as contained in the proposal you may have a fight to get buy-in. If it means truly assessing ESE well-being then six months provided that the guidance is straightforward. Birmingham City Council understood the concept straight away and applied it hitting the ground running. It depends on what assistance is given to understand what is being asked of them.

The 'KISS' principle applies

The provision of guidance

- Q. 19 Would it be helpful to issue formal guidance to organisations subject to the new duty?
- A19 It will have to be provided but not by those who have prepared the proposal in this Consultation
- Q. 20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?
- **A20** It will have to be Welsh Government rather than an undemocratic self serving quango perceived as a vehicle for vested interests pursuing a particular environmental agenda.

The repeal of duties

- Q.21 Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?
- A21 None spring immediately to mind but it may be more a case of augmenting the additional duty to carry out a Sustainable Development Well-Being Appraisal (SDWBA) to include Economic and Social aligning with an EIA etc.. What do the legal departments in the subject organisations say?

Q.22 Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

A22 The SD factors you set out are confused and biased. These would provide legal barriers in themselves.

Reporting

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

A23 Yes but it should be a simple statement with simple evidence if required.

The reporting should be to the appropriate WG department and not a new sustainable development quango

Organisations report on the Strategic Monitoring Framework for the planning system: Measuring progress towards a sustainable Wales. This demonstrates flaws in SD and its monitoring

The Approach

The approach is only of limited use given the nature of the bias and irregularities in the policy it was measuring. Sustainability is supposed to be the long-term maintenance of **well being**, which has environmental, economic, and social dimensions. The current approach reflects an unnecessary bias towards the environment that is not in the true spirit of sustainability.

The Statement

The Welsh Government's scheme for Sustainable Development, One Wales: One Planet, defines sustainable development as "enhancing the economic, social and environmental well being of people and communities, achieving a better quality of life for our own and future generations, in ways which:

- promote social justice and equality of opportunity, and;
- enhance the natural and cultural environment and respect its limits using only our fair share of the earth's resources and sustaining our cultural legacy".

Comment.

- 1. Well-being is supposed to apply to the economy, environment and social factors and yet in the published indicators it is only highlighted in respect of physical, mental health and life satisfaction of people. The well being of the economy should be covered here as part of sustainable governance but has been discarded.
- 2. The sustainable governance of Wales has been fettered by a deliberate bias of a previous administration towards social and particularly environmental sustainability. The economic and therefore social well-being of Wales is being put at risk by the misdirected ideological policies of the past.

Consider the Government of Wales Act 2006 60 Promotion etc. of well-being

- (1) The Welsh Ministers may do anything which they consider appropriate to achieve any one or more of the following objects—
- (a) the promotion or improvement of the economic well-being of Wales,
- (b) the promotion or improvement of the social well-being of Wales, and
- (c) the promotion or improvement of the environmental well-being of Wales.

This is a mechanism of achieving any of the well-being objects but not meant to be a fetter on the others. Well-being is the object of sustainability but in Wales environmental well-being has been given an undeserved priority over the other two.

Sustainable Development Indicators for Wales

Has been measured in terms of:

- 1. Economic output Gross Value Added (GVA) and GVA per head
- 2. Social justice percentage of the population in low-income households
- 3. Biodiversity conservation status of priority habitats and species
- 4. Ecological Footprint Wales' global ecological footprint.
- 5. Wellbeing physical and mental health life satisfaction

NOTE

- 1. **Economic well-being has not been mentioned** and the only headline measurement is in terms of GVA. Economic well-being is located in another Assembly department silo and so little input is seen here
- 2. **Social well-being is not mentioned -** social justice should be part of it but only physical and mental health is highlighted. Measured headlines:
 - Wieasured neadlines.
 - a. Social justice percentage of the population in low-income households
 - **b.** physical and mental health life satisfaction
 - N.B. Community factors are part of social well-being.
- 3. **Environmental well-being is not mentioned** but an ecological bias is pervasive throughout the Welsh approach to sustainable development.
 - Measured headlines only in terms of:
 - a. . Biodiversity conservation status of priority habitats and species
 - b. . Ecological footprint Wales' global ecological footprint
- 4. **Community.** Is a feature of sustainable development but because it is located in another Assembly department silo it is not addressed here.

GENERAL COMMENT

If the whole of the Welsh Government planning policy flowed logically from the statement in 'One Wales: One Planet' defining sustainable development as "enhancing the economic, social and environmental well being of people and communities, , achieving a better quality of life for our own and future generations," there would be no problem. However mostly everything is contrived towards environmental sustainability and as such all indicators and outcomes will be out of kilter with the requirements of good governance. Most of all is the perception of an unsustainable ideological bias towards social and environmental factors embedded within the administration itself and therefore provides poor building blocks because of an unstable foundation.

If only the Welsh Government would give itself the flexibility to operating within true environmental, social and economic sustainability instead of being confronted with an environmental 'stacked-deck' there would be a confidence to invest.

The organisations that might be subject to the duty

Q.24 Are there organisations on this list that should not be subject to the duty? Please explain.

A24 They all seem relevant but see A25.

Q.25 Are there organisations that are not listed above but which should be subject to the duty? Please explain.

A25 See A.24 The list (Para 120) provides no explicit organisation representing economy or commerce. This produces distortions to achieving Sustainable Development. Without a duty to provide input from bodies such as

CBI

Institute of Directors

Professional Institutions

Business organisations

Chambers of Commerce

Departments of Universities and higher education

Anything to do with economics, finance and commerce and factors of production

Sector organisations

the proposal, as with the current policy, is socio/environmentally skewed.

Defining sustainable development

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

A26 It has to be clearly and simply defined.

Q.27 If we were to define "sustainable development" do you think that the working definition above would be suitable and why?

A27

"A system, project or process to enhance the economic, social and environmental well being of people and communities, achieving a better quality of life for our own and future generations with the public interest / benefit as its objective. (see above)

People need a simple uncluttered definition to work to. It should not be qualified by over specification as it is at present.

An independent sustainable development body (section 7) The purpose of the new body

Q.28 What should be the overall purpose for a new body?

A28 The preference stated in the Consultation is for an unelected policing quango. The promotion of such a body would be supported by people who wanted employment in, or in association with, it who desire unelected power. It provides a dangerous platform for those who drafted this environment orientated consultation. See the 4Es

"A framework for pro environmental behaviours." Defra 2008

If there were to be such a body it should only be an 'Expert Advice and Guidance Model'.

The preferred approach for the new body

Q.29 Do you have any views on the preferred approach regarding the main functions of a new body?

A29 Monitoring and advice

Knowing of some of the players who would seek to put it in place and be part of it then it should have the function of monitoring and advice only.

Internal organisational approach

It would be much more beneficial to have buy-in internally to sustainable development and have the flexibility to govern rather than authorities have a policing quango looking over their shoulder.

The following diagram (next page) shows authorities and their reporting under an internal Sustainable Development regime

Local Government

In reviewing how Birmingham City Council accepted on an informal basis how cross-impacting of ESE well-being and utilised it specifically on New Street Station and generally for Local Plan purposes demonstrates that Councils could easily set up inter departmental teams to assess Sustainable Development (ESE well-being) for a wide range of purposes. The reporting to the Council Committee/ Cabinet could be relatively easy. Sustainable Development would be assessed by the Planning Inspectorate as it is now and reported to the appropriate Welsh Government department. Monitoring and advice could be available through an internal Welsh Government Sustainable Development Facility.

Welsh Government – internal Sustainable Development Facility.

It is important that Welsh Government retain firm control over this potential over-burden on the people of Wales.

The facility

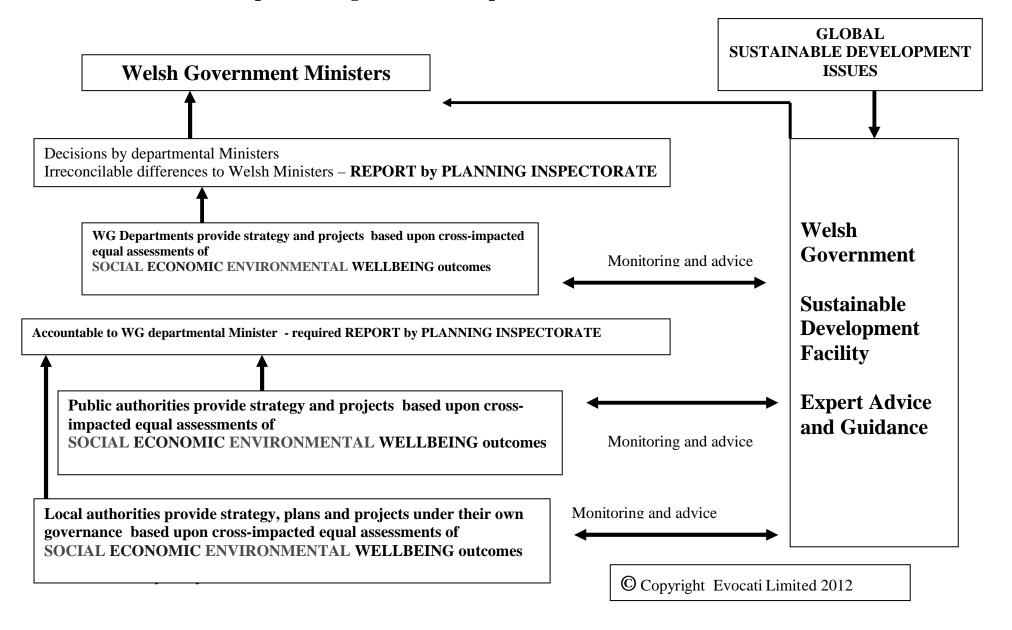
National In order to ensure a joined-up SD for WG it should be headed up by the lead Directors (or their representatives) from Economics, Social and Environment departments plus Community. It is realised that Assembly is not organised strictly on these lines and so input would be required from other departments in respect of such a team dedicated to ensuring that cross-impacting of well-being in sustainable development occurs. Reporting from the Chair of such a group would be to Welsh Ministers. The Chair would pass from department to department on a regular basis. Detailed SD assessment would called for internally within the group with use of the Planning Inspectorate to give Minister an independent report if necessary.

Local Local authorities will be able to request advice from the support staff of the internal facility.

Global – interact with the global perspective of SD and an appointed representative on global SD within the facility would provide advice to the Chair.

General Welsh Government may wish to consider its departmental structure in that Environment / SD historically is attached to Planning when Planning is equally important in respect of Social and Economic matters

Sustainable Development Organisation and process – Wales (National & Local level)



Q.30 Are there significant disadvantages to establishing a new body on a statutory basis?

A30 Yes. It would be a wasteful, self-serving, powerful quango not even be geared to 'added value' as was the WDA and Land Authority for Wales. It may be of advantage to those wishing to re-establish a global environmental agenda including a political power base and influence but sustainable national and local social and economic as well as environmental priorities have to be heard.

Proposed functions for the new body

Q.31 Do you agree with the proposed functions for a new body established on a statutory basis?

A31 NO It is flawed - see above

Q. 32 Are there other functions which should be considered?

A32 NO It is on a flawed basis

Independence and accountability

Q.33 Do you have particular views on the independence of a new body?

A33 Any advisory body for this purpose should not be independent of the elected bodies of Wales. The WDA and LAW were sponsored bodies and therefore dependant. A maverick body comprising the current usual players with an exclusively green track record, would merely lead to conflict. Operating Sustainable Development requires the ability and vision to gauge the optimum public interest.

Q.34. Do you have particular views on the accountability arrangements for a new body?

A34 If it were to come into existence it would be accountable to Welsh Ministers. It should not, however, see birth. See A29

APPENDIX A
CPO CROSS SUSTAINABILITY IMPACT ESE-PTL (PESTEL)

	INFLUENCE	IMPACT	COMMENT
A1	ECONOMIC	ECONOMIC	Micro/ Macro. Transport. Sectors National / Local
A2	ECONOMIC	SOCIAL	Economic circumstances impacting Society/ Community
A3	ECONOMIC	ENVIRONMENT	Economy driving and impacting on Environment
A4	ECONOMIC	POLITICAL	Economic drivers impacting on politics
A5	ECONOMIC	TECHNOLOGY	Economy drivers, impacting on Technology
A6	ECONOMIC	LEGAL	Economy driving changes in law.
B1	SOCIAL	ECONOMIC	Society/Community impacting on Economy
B2	SOCIAL	SOCIAL	Society/Community. Levels. Geography
В3	SOCIAL	ENVIRONMENT	Social impact on the environment.
B4	SOCIAL	POLITICAL	Society/Community causing political impact and change
B5	SOCIAL	TECHNOLOGY	Social impact-technology. Requirement for technical sol.
B6	SOCIAL	LEGAL	Social drivers on legislation and responses to legislation
C1	ENVIRONMENT	ECONOMIC	Environmental impact on economics
C2	ENVIRONMENT	SOCIAL	Pollution contamination. Environment impact on society
C3	ENVIRONMENT	ENVIRONMENT	Cross impact. Eg flooding measures v ecology
C4	ENVIRONMENT	POLITICAL	Environment generating policy
C5	ENVIRONMENT	TECHNOLOGY	Environment requiring technological solutions
C6	ENVIRONMENT	LEGAL	Environment impact on law.
D 1	POLITICAL	ECONOMIC	Policies impacting on the Economy
D2	POLITICAL	SOCIAL	Policies impacting on Society and the Community
D3	POLITICAL	ENVIRONMENT	Policies impacting on the Environment
E 1	TECHNOLOGY	ECONOMIC	Technology impacts on economics
E2	TECHNOLOGY	SOCIAL	Technology influencing society
E3	TECHNOLOGY	ENVIRONMENT	Technology impact on environment. Problems/Solutions
F 1	LEGAL	ECONOMIC	The legal framework impacting on economics
F2	LEGAL	SOCIAL	The legal framework impacting on society
F3	LEGAL	ENVIRONMENT	The legal framework impacting on the environment.

Sullivan, Patrick (Sustainable Futures)

From: Pencoed Town Clerk [pencoedtownclerk@btconnect.com]

Sent: 13 July 2012 16:46

To: SD Bill

Subject: Response

Follow Up Flag: Follow up

Flag Status: Green

Please note the response from Pencoed Town Council to the consultation document outlining the proposals for Sustainable Development Bill.

Members expressed general observations on the consultation regarding the bill. It was felt that the proposed new body was a replacement quango. Its commissioner should co-ordinate activities through the universities in Wales, who could share reports on the issues and matters. Advice should be available to all public sector bodies on the sustainable development in all their duties.

It was suggested that a 25 year Strategy should be developed to promote sustainable development by introducing initiatives and policies which are monitored and reviewed every 5 years.

David Prosser Town Clerk

Tel: 01656 869031

A document outlining Wales' path to a sustainable future is to be welcomed. Apart from the constitutional commitment, sustainability is the only rational goal for nations to aspire to. Wales could lead the way.

Unfortunately the first paragraph of the executive summary, having taken a reasonable view of what sustainable development (SD) is ('the maximisation of wellbeing or quality of life in Wales over the longer term, within environmental limits'), commits Wales to pursuing 'sustainable economic growth'. Sustainable economic growth is impossible; it is growth (in both population and individual consumption) that takes the environment beyond sustainable limits. We know that climate change, caused by the fossil fuel burning that has permitted economic growth, is already on course to have unacceptably large effects on both climate means and extreme weather events. Thus the fine sentiments in this first paragraph are sadly not matched by a realistic assessment of where the environmental limits are and how we need to respond.

Further into the document there is the rather contrived '4 Es'; I would suggest there are just two Es of real relevance – environment and education. Of environment I will say more below; education in both the school/university sector, and of those (especially decision makers) in the workplace, needs to deliver an understanding of the core issues of a sustainable future. The price of democracy is not so much eternal vigilance as relevant education.

To give the environment precedence in our thinking is not to downplay the importance of all people in our society having a good quality of life. Rather it is to accept the fact that all human existence is completely dependent on our environment, mostly in ways we take for granted. Whilst the NEF makes full reference to ecosystem services, clearly we have some way to go before they are seen as not just one part of a sustainable Wales, but the irreplaceable foundation of it. You cannot 'integrate and balance' a strong economy and society with a robust environment. Rather we must define environmental boundaries that must not be crossed, and deliver an equitable and vibrant society and culture within those boundaries. (Such an approach is hardly new; see for example the books *Beyond Growth* by Herman Daly, once an economist with the World Bank, and *Prosperity Without Growth* by Tim Jackson. Nor is it utopian; it is just realistic).

The bulk of the consultation paper deals in a very reasonable way with what one might term a light touch model for embedding SD thinking in organisations. This is of course to be welcomed, but it needs to be married to a much more rigorous look at our environment *per se*, and to real mechanisms, such as internalising the environmental externalities into our economics. Will Wales acquire tax-raising powers that can be used to rebalance the economy in favour of sustainability? You ask for unintended consequences: if this document is followed, an unintended consequence will be further environmental degradation followed by economic and social costs.

You ask some specific questions. Yes, SD should be a central organising principle, and your definition of SD is appropriate. Naturally it should apply to organisations delivering public services; this is necessary but not of course sufficient. Yes, there should be a governmentfunded but arms-length and robustly independent SD body. Naturally its composition needs to be considered with care; it will need to be radical but practical, forward looking, and politically unbiased. Evidence on progress to SD, as shown by the SD indicators, exemplifies a fundamental problem with a light touch approach – whether an indicator shows improvement or deterioration is of interest, but not of the importance of whether it has crossed or is approaching an unacceptable threshold. Climate change, water quality and pollution are examples of issues which need to be truly quantified and for which thresholds can be defined. (Equally, social outcomes can and should be quantified and both limits and targets agreed; the Gini coefficient and IMD are examples). Nor is it clear how movement of an indicator is coupled to a political response. Wales' approach must be objectives-focused, and those objectives must be properly quantified. A major barrier to wise long-term decision making is as follows. Wales as a whole needs quantified SD goals, but the document does not describe a mechanism for integrating the actions and consequences of even public sector bodies as components of those goals.

However, your questions, and the tenor of the document as a whole, are rooted in what might be termed safe political terrain – people first and last. It focuses on processes and structures, not on quantified environmental limits and what can be achieved within them. It is decidedly unambitious. It is not rigorous enough or radical enough. Sadly an approach such as this, which structurally denies and diminishes the role of the environment, will not deliver sustainability. Wales needs to be both bolder and more realistic.

In summary, the consultation document is a missed opportunity. The essential nature of sustainability rooted in environmental limits is missed; the need for clear and quantified objectives is missed; the need for truly integrated thinking is missed. Wales derives better.

Professor John Farrar, July 2012

Response to Welsh Government Consultation on the Proposed Sustainable Development Bill

The Vale of Glamorgan Council welcomes the proposals for a Sustainable Development bill and as a signatory to the Sustainable Development Charter is keen that the sustainable development agenda is strengthened and is a key principle of how our organisations operate. However there is concern that any new requirements do not lead to an overly bureaucratic process and that legislation is not too prescriptive. The outcome must be a framework which supports and encourages organisations to genuinely embed sustainable development. Legislation should not create a compliance culture which stifles innovation and directs resources away from delivering real outcomes.

The response is structured around the six points which Welsh Government are seeking views on and addresses a number of the questions raised throughout the consultation document.

The barriers that are currently faced to taking more long-term, joined up decisions and what actions need to be taken to remove these barriers – section 3.

There are a number of barriers which prevent decisions being more long-term and joined up. These include short term funding streams which often lead to short term planning and changes in guidance and policy which can be out of step with each other and reduce the ability of organisations to forward plan both internally and with partners. Another barrier is often the lack of a sense of responsibility both within organisations and for individuals which can hamper efforts.

If we are to successfully shift our focus to prevention and intervention and develop more sustainable working practices then we need support to make the right decisions for the long term rather than pressures to respond and react in the short term regardless of the long term impacts.

If we are to successfully address some of these barriers and put sustainable development at the heart of everything we do then this will require a significant culture change across the public sector, including Welsh Government to ensure that there are shared expectations.

Other evidence that exists about progress in promoting sustainable development – section 4

We would agree that the process of embedding sustainable development as the central organising principle needs to be viewed as a journey and not an event. That does not mean that progress should be slow but it will be incremental. One of the key tasks is making sure that everyone in an organisation recognises that sustainable development is relevant to them and how they undertake their work and provide services. Strong leadership will be vital in this area to continually emphasise what sustainable development means and that it is not a niche area of work but a central principle of the

organisation. It is also imperative that this message is consistent across Welsh Government, regulators and Inspectorates.

The preferred approach to a sustainable development duty that applies to organisations delivering public services – section 6

We agree that the proposal to focus on higher level decisions is a pragmatic approach as these will have the greatest influence over organisational behaviour. We also support an approach that allows organisations the discretion and flexibility needed to respond positively to the duty in a way that meets the needs of the people and communities we serve. If sustainable development is to be the central organising principle, it follows that budget proposals will need to be subject to the duty.

The suggested list of behaviours and objectives reflects what many organisations will already have in place, and the concern is that whichever list or combination is decided upon, it may result in a tick box exercise. The suggested factors whether behaviours or objectives are appropriate but guidance and examples of how these can be integrated into the decision making process without merely resorting to a checklist would be useful for organisations struggling to put in place meaningful procedures.

Opportunities for reviewing existing legal duties and simplifying the legal landscape, in light of the proposed SD bill – section 6

We would welcome any simplification of the legal landscape in light of the proposed SD bill. We also agree that organisations should not be compelled to produce separate sustainable development annual reports. If sustainable development has been successfully embedded within the organisation then it would be a natural progression for it to be included within existing annual reporting requirements.

Similarly we would not wish to see sustainable development as part of a separate and distinct inspection or audit regime. If it is to be successfully integrated into how we work it must be integrated into the existing inspection and audit framework and not be viewed as a separate exercise.

The merits of having a single definition of 'sustainable development' that applies across the Welsh statute book – section 6

A rigid definition of sustainable development could limit what organisations aim to achieve and could be used inflexibly within any audit or inspection regime. The current definition of sustainable development is broad and encompasses the relevant areas. However further guidance would probably be of use to help organisations interpret it for use within their own organisations. The suggested factors are also broad and the difficulty is in how this is applied in a meaningful way to decision making e.g. what would not be included by the suggested factors.

The preferred approach to the role and functions of a new independent sustainable development body – section 7

We agree that the focus for the work of such a body should be about providing advice and guidance and 'expert know-how'. The body should be there to encourage organisations and work with them in a constructive way - it should not be about creating unnecessary work for organisations but about adding value. The costs of such a body should be carefully appraised, and regular evaluation should be done to assess whether it is adding any value.

The scrutiny function is much more problematic and a potential minefield. If the function is to sit with the Auditor General for Wales, considerable thought will need to be given to what a sustainable development audit means in practice. Over-elaboration and excessive bureaucracy could have the opposite effect to the one intended, and auditors will need to be fully apprised of and sympathetic to a wider agenda than traditional audit.

We understand that work is under way within the Wales Audit Office to draw up a suitable approach, and would welcome an opportunity for further involvement in that work.

Helen Moses
Strategy and Sustainability Manager
Vale of Glamorgan Council

Denbighshire County Council Consultation Response

Wales Sustainable Development Bill (18th July 2012)

Promoting sustainable development

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions?

Political terms can produce short sighted priorities and decisions

Short-term financial savings vs long-term higher costs

Conflicting priorities and budgets across organisations

1year/short term grants generate short-term thinking

Stability of core funding

Hypothecation of grants in local authorities and other public sector bodies Barnett formula

Wales programme for Improvement annual reporting also encourages short-termism

Q.2 What actions need to be taken, and by who, to reduce or remove these barriers?

Alignment or combining of grant streams, as per the Scottish system, would reduce bureaucracy and support more joined up thinking.

Extending the life of the grants for 5 years would facilitate more long-term thinking

Evidence in relation to sustainable development (section 4)

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

In Denbighshire we received additional resource to develop thinking and processes around community resilience, through the Local Service Board. This led to a workshop which reviewed the long-term issues facing the county in terms of climate change, fuel shortages, energy costs, local and global crop failure etc. Potential mechanisms suggested for developing this long-term thinking was through a risk-based approach to service planning which considered both impact and likelihood of specific events and could be referred to through the introduction of a 'long-term risk register' when making decisions.

A new sustainable development duty (section 6) The level of decision making to which the duty applies

Q.4 Have we identified the most appropriate level of organisational decision-making at which the duty should be applied? Please explain.

Yes, higher level plans, for example Corporate Plans, will enable the known longer term issues to be considered and addressed through a series of actions.

Q.5 Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

As a central organising principle everything should be considered from a sustainable development perspective, though it may not be possible/appropriate to always change the way things are done, providing the legislation takes account of this there should be no negative consequences.

Q.6 Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

See above

Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

See above

Q.8 Should budget proposals be subject to the duty? Please explain.

Budget proposals should support operational activity, therefore there would be no need to add another layer of bureaucracy around budgets if planning was monitored appropriately.

The behaviours approach

Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.

The behaviours and objectives approach both outline mechanisms for developing sustainable development thinking in an organisation, but neither represent a good framework for legislation or monitoring, when there is already an "outcomes" layer in place which captures the key areas of sustainable development in a more concise and relevant way, which is line with current planning practices. There are serious concerns with both the objectives and behaviours approaches as a model for developing and monitoring the Bill. The objectives would potentially create unreasonable/unattainable expectations and open the door to reviews of essential decisions. For example, closing a rural primary school would not be viewed as enhancing the well-being of people and communities, but is essential to meet budget constraints and to ensure the quality of education and facilities are maintained by focussing the money in fewer, better quality schools. In addition, the behaviours approach doesn't really outline any expectation for what it is that organisations should be aiming to achieve, but it does provide an outline about how sustainable development can be developed as a principle.

We suggest that the framework centre on the five outcomes. This could then be progressed by carrying out local analysis under each outcome to establish a reference point for key issues likely to affect the local area. Establishing a "break point", beyond which there is a negative local impact and behaviour is "unsustainable", can be identified through testing a null hypothesis i.e. "what would an unsustainable economy look like locally?" or "what is it we don't want to happen". This information would then be a reference for service and organisational planning and decision making.

Q.10 Are there critical behaviours that we have not identified? Please explain.

See Q9

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

See Q9

Q.12 How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

- is consistent with one, some or all of the behaviours;
- broadly reflects the behaviours:
- is not inconsistent with the behaviours?
- are there other options?

See Q9

The objectives approach

Q.13 Are there core sustainable development objectives we have not identified above?

See Q9

Q.14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

See Q9

Q.15 How much influence should the objectives have over high level decisions – for example, should those decisions be lawful:

- only if they actively contribute to one or more of those objectives;
- if they do not detract from any of the objectives;

- even if they detract from some of those objectives, as long as they actively promote others?
- are there other options?

See Q9

The combined approach

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours *and* sustainable development objectives?

See Q9

A single sustainable development proposition

Q.17 What are your views on basing a duty around a single sustainable development proposition?

This looks like a definition of sustainable development, in order for organisations to understand what this means in practice it is necessary to develop a framework underneath it. This would become easily confused with the definition of Sustainable Development and would only cause more confusion in this area.

The time organisations may need to comply

Q.18 How much time should organisations be given to make these changes?

Depends on what the requirements of legislation are and whether this requires extensive development, resources or establishment of new practices/processes to implement.

The provision of guidance

Q. 19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

Yes, but this should be done through working with other bodies with a responsibility for monitoring sustainable development i.e. Wales Audit Office to ensure the definitions and requirements of other monitoring frameworks compliment each other and don't create additional reporting burdens i.e. one of the seven improvement objectives is "sustainable" in the Wales Programme for Improvement,

Q. 20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?

The Welsh Government so as to ensure consistency in understanding of the Bill.

The repeal of duties

Q.21 Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

See Q 19.

Q.22 Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

Reporting

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

Light touch annual monitoring could be conducted through annual Improvement reports, with the Audit Office carrying out in depth monitoring specifically on sustainable development every 3-5years. A regulatory approach to monitoring would be more effective in embedding Sustainable Development as a way of working rather than setting quantitative targets, and result in more meaningful changes to processes.

The organisations that might be subject to the duty

Q.24 Are there organisations on this list that should not be subject to the duty? Please explain.

Depends what the duty contains, but it would seem sensible to limit the number of organisations initially, until Government is clearer on what it expects organisations to do and what is the best method to monitor.

Q.25 Are there organisations that are not listed above but which should be subject to the duty? Please explain.

This would depend on what the duty contains.

Defining sustainable development

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

It is essential to develop a consistent understanding of its' meaning, to facilitate embedding the approach across all areas of service delivery and improve understanding throughout all organisations.

Q.27 If we were to define "sustainable development" do you think that the working definition above would be suitable and why?

Any definition of sustainable development should align with other definitions to remove the current confusion about its meaning resulting from different definitions which currently exist in different areas of work. The example given is too complex

and unclear, and would make monitoring against it difficult. We would suggest referring to the Wales Audit Office definition 'development which meets the needs of the present without compromising the ability of future generations to meet their own needs' which is clear and incorporates the elements in the proposed definition in the consultation document, without creating further confusion. The inclusion of terms such as "sustaining our cultural legacy" do not provide any clarity about what "sustaining our cultural legacy" would look like or what it is implying, should Welsh culture remain the same for the next 100 years? And how would doing this ensure we didn't negatively impact Wales for future generations? A definition should be simple to understand, the implications of the definition should be set out within the outcomes underneath it, clearly identifying what it is the legislation aims to achieve for Wales. How the outcomes are then delivered should be determined locally.

An independent sustainable development body (section 7)

The purpose of the new body

Q.28 What should be the overall purpose for a new body? A new body should have an advisory role and should not be involved in the monitoring of the Bill.

The preferred approach for the new body

Q.29 Do you have any views on the preferred approach regarding the main functions of a new body?

It shouldn't be involved in Scrutiny of organisations, the most useful function would be the provision of advice and best practice.

A statutory body

Q.30 Are there significant disadvantages to establishing a new body on a statutory basis?

Proposed functions for the new body

Q.31 Do you agree with the proposed functions for a new body established on a statutory basis?

Yes.

Q. 32 Are there other functions which should be considered?

Until the remit of the Bill is known it is difficult to comment.

Independence and accountability

Q.33 Do you have particular views on the independence of a new body?

Q.34. Do you have particular views on the accountability arrangements for a new body?

A new body should be accountable to the Welsh Government, as the organisations expected to implement the Bill will be.

WG Consultation: Proposals for a Sustainable Development Bill

The Geographical Association's Special Interest Group (SIG) for Wales* welcomes the Sustainability Bill and endorse the responses to the consultation by the Real World Learning Cymru Partnership and Cyfanfyd.

We would echo the view that Education for Sustainable Development and Global Citizenship (ESDGC) should be listed in the core objectives of the bill. Geographical teachers and educators have spearheaded the development of innovative approaches to ESDGC in Wales, and pockets of good practice exist within Welsh educational institutions. However, ESDGC is not embedded throughout the sector.

Effective teaching and learning is essential if young Welsh citizens are to acquire the knowledge and understanding that will underpin sustainable living and contribute to sustainable policy making into the future. The good practice which has been developed by geography teachers and other colleagues within educational institutions could be built upon by:

ESDGC should be the clear responsibility of one post in DfES and the provision of adequate funding for the development of it should be restored.

Ensuring Estyn inspections incorporate mandatory inspections of ESDGC that follow specific quality criteria for real world learning.

The teaching of ESDGC should be embedded and budgeted for in all publicly-funded education sectors.

*The Geographical Association's Special Interest Group (SIG) for Wales aims to promote teaching and learning in primary and secondary geography; and to contribute to the enhancement of geographical education throughout the country.

I just wondered whether the bit that goes: ... area is essential if Wales is to become more Sustainable. might be more carefully phrased. That is, '.' Or some such - you get my point probably. Geography education has a *particular* role to play.



Keep Wales Tidy's response to:

Welsh Government's Consultation Document - Proposals for a Sustainable Development Bill.

Keep Wales Tidy's mission is to encourage local action to protect and enhance our environment, contributing towards a sustainable future. We are an independent national voluntary organisation with charity status and support communities, groups, schools and individuals throughout Wales. We deliver:

Programmes which improve the quality and sustainability of the environment; Advice and technical expertise to Government and partners; A means of translating strategic policy into effective local action; Campaigns on a range of environmental issues.

We operate at international, national, regional and local levels. We aim to influence behaviour change through policy development and campaigns, environmental education and community engagement.

Keep Wales Tidy (KWT) reaches in to the heart of communities throughout Wales. We deliver programmes which are specifically tailored to support the people of Wales and improve the quality and sustainability of the environment in which we live and work. The local environment is central to our wellbeing and has implications for everything from our health, through to our economy and our cultural values.

Keep Wales Tidy welcomes the opportunity to comment on this consultation document. Below are our responses to the questions in the document, which we feel are appropriate to our organisation's area of work and expertise.

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions?

Keep Wales Tidy (KWT) has a Sustainable Development policy which we use to guide and inform our decision making and actions with regard to current and future generations. We also work with future generations with regard to Eco schools and climate change champions. Therefore to quote the document decisions are considered through "the lens" of sustainable development. However that "lens" can become distorted if short term funding makes it difficult to plan long term and outcomes/ cost benefits may not then always reflect all aspects of sustainable development — economically, socially and environmentally or the needs of other generations in the way we like them to. For

example, if business plans have to be amended to meet funding shortfalls or funders specific requirements.

Indeed, current funding practices may limit an organisation's abilities to take risks with regard to sustainable development solutions. We would suggest that similar issues could affect public bodies and other third sector organisations working in the public sector.

There are also legislative changes that are made outside the remit of National Assembly for Wales that can impact on organisational long term decision making and joined up decisions. For example, Welfare Reform, which is going to have a significant impact on "Wellbeing". The Welfare Reform Act unlike the Social Services Bill does not have sustainability as a core element. EU procurement regulations have also been mentioned by organisations as preventing/ limiting the procurement of locally sourced products.

Q. 2 What actions need to be taken, and by who, to reduce or remove these barriers?

Wales leading by example will hopefully influence the UK government to take sustainable development more seriously and include it in more of its legislation, guidance, etc.

Other options include; 3 to 5 year funding for projects rather than one year, and the removal/ reduction in barriers that could inhibit risk taking such as, investing in new technology like solar energy in schools where some local authorities were concerned about the return on the investment. Solar has an important role in fuel poverty, energy security and climate change and can therefore is relevant to all aspects of sustainable development.

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

We agree that the process of embedding sustainable develop should be viewed as a journey not an event and we are aware that some public sector and third sector organisations have been on that journey for longer than others . Rather than just looking at the indicators it may, be useful to look at other sources of information and outcomes. For example, it would be interesting to know if WG has any information on what impact signing the Sustainable Development Charter has had on organisations? What difference has it made to their approach to sustainable development? What difference is there in public sector bodies that employ Sustainable Development Champions compared with those that don't? A short questionnaire/ telephone interviews may be one way of collecting some information. There is certainly anecdotal evidence in the WWF report:

"What Can an Earth Summit do for Wales – by Dr Alan Netherwood and Dr Andrew Flynn.

Also with reference to page 24, paragraph 52 there must be opportunities to learn from the organisations that already have to set themselves continuous improvement objectives which are designed to contribute towards the achievement of sustainable development.

Q.4 Have we identified the most appropriate level of organisational decision-making at which the duty should be applied? Please explain.

Yes, it is important that leaders and senior managers are involved, but there will be need for buy in at other levels in the organisation. It should be recognised that the further "down the chain"/ organisation the decision is made from the original strategic document, the greater the risk that the decisions will not be sustainable development compliant. Indeed, the duty as an organising principle adds to confusion and public bodies will need to clearly understand what is required by the duty and what the implementation of sustainable development involves.

It would be interesting to know how the government will win hearts and minds to influence the leaders.

Keep Wales Tidy would suggest that if the duty is to be implemented at the suggested level a number of requirements will need to be met – for example:

Some way of ensuring thinking from the top is cascaded throughout the organisation and implemented by the organisation.

Something at the intermediate level for the organisation to test itself against.

A champion within the organisation to monitor what is happening, keeping things on track and reminding people what they need to do. This person could liaise with or even be part of the new Body suggested in Section 7 of the document.

Q.5 Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

The short answer is no, as everything is part of sustainable development, but practically some decisions may need to be exempt. However, we would question whether the requirement that those decisions that have the greatest influence over organisational behaviour are "informed in some way by sustainable development factors", is strong enough to bring about the changes required and how the wording would be used in court in the case of a judicial review.

Q.6 Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

We accept that some decisions may need to be exempt from the duty, but there should be more clarity why, rather than "independence of mind could be disturbed". In addition, when a decision could indirectly affect the private sector e.g. procurement they will also need to know and be clear about what is expected.

Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

Yes. Procurement needs to be considered, even though EU law may reduce the scope. During the 1990s and in the early 2000s, methods of dealing with these constraints where considered and some solutions put forward and at the very least public bodies can ask those supplying goods and services if they have adopted a sustainable development approach to their business, thereby encouraging good practice.

Internal practices/ guidance that govern how staff operate/ perform their duties, also needs to be part of process. For example, are staff encouraged to use public transport where appropriate when they carry out their duties? How is sustainable development considered in staff canteens? How is waste produced by the public body dealt with – i.e. reduced, reused, recycled, use of energy in buildings owned by the body. Indeed, Estate Management is given as an example in the document. It is essential that sustainable development is considered as part of this process as public bodies own / manage large areas of land and numerous buildings. If the management of this land and buildings is excluded then significant detrimental impacts on social and environmental aspects could result as decisions are made in favour of cost saving economic benefits.

Q.8 Should budget proposals be subject to the duty? Please explain.

Yes. How money is spent will have a major influence on the achievement of the process. It will influence how an organisation allocates resources. Please see the example below:

"Need a new way of budget planning – example below from E"B pulse newsletter Rio+20 – a special birthday treat **DFID Senior Economist Hannah Ryder10/05/2012**.

When governments have looked at their economies holistically, they've had great results. Since the 1980s, Botswana has used environmental values to guide its spending. The government estimates how far its natural resources are being depleted due to mining, makes sure the revenues from mining are large enough to match this depletion, and reinvested the revenues in long-term development, so as to build up other kinds of resources. It has paid off – between 1990 and 2010 Botswana's per capita GDP rose by almost 60 per cent, alongside strong gains in education and health."

Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.

Yes, but KWT would suggest that point 4 paragraph 90 should be reworded to include reduce detrimental effects, as cost savings and efficiencies suggest an economic bias.

Point 5 in the same paragraph also needs some adjustment as it is difficult to involve all stakeholders e.g. international and future generations. KWT would therefore suggest that

this point could be re worded, for example, involve or consider all stakeholders affected by decisions.

Q.10 Are there critical behaviours that we have not identified? Please explain.

Consideration should be given to:

- enabling others to take action / precautionary principle
- risk taking
- links with and across organisational boundaries
- the International dimension

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

With reference to page 35 factors are going to be in conflict so there will have to be a way of dealing with these issues, for example, using the approach of minimising adverse effects. The perfect sustainable development solution isn't achievable – as explained earlier in the document it is a process – and therefore it must be a process that is moving us in the right direction.

Q.12 How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

- is consistent with one, some or all of the behaviours;
- broadly reflects the behaviours;
- is not inconsistent with the behaviours?
- are there other options?

KWT would suggest that there is a need for consistency. It wouldn't be sensible to have systems where organisations can pick and choose behaviours. Although their ability to comply may vary with regard to all aspects of sustainable development, at a minimum they should be mitigating worst effects.

Q.13 Are there core sustainable development objectives we have not identified above?

No, but it may be better if eco systems are protected as well as promoted. These objectives should be in accord with the philosophy outlined in a Living Wales.

Q.14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

It is difficult to involve everyone so the same issues apply as those attributed to using behaviours.

Is it possible to meet every factor listed? The emphasis may have to be around showing effective mitigation for those factors that cannot be met or are not fully understood at present.

With regard to reference in paragraph 103 that factors are going to conflict there will need to be a way of dealing with that conflict. This may not be included in the Act, but should be in any supplementary guidance.

Q.15 How much influence should the objectives have over high level decisions – for example, should those decisions be lawful:

- only if they actively contribute to one or more of those objectives;
- if they do not detract from any of the objectives;
- even if they detract from some of those objectives, as long as they actively promote others?
- are there other options?

Please see the answers to Questions 11 and 14 with regard to the suggestion that it is inevitable that factors will conflict. KWT does not agree with paragraph 104 that organisations must have sufficient flexibility to give greater weight to some sustainable development factors over others. If this scenario /case were to be developed – what criteria would be used? Indeed, if it was deemed necessary – could economic requirements be given priority over everything else? These actions would not lead to a sustainable development approach or solution.

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours *and* sustainable development objectives?

The use of behaviours and objectives seems to be a more comprehensive approach, which should lead to better results. However, reading the consultation document, the use of factors, behaviours or objectives seems to be making it more complex rather than easier to apply sustainable development to decision making. Paragraph 105 also shows how important the definition of the duty will be.

Q.17 What are your views on basing a duty around a single sustainable development proposition?

If the proposition is too broadly defined it may be too difficult for organisations to comply with in the way it is intended and a single aspect i.e. social rather than social, economic and environmental may be considered. KWT agree with the statement in paragraphs 99 and 100 and yes, definition of the factors will be key as is suggested in paragraph 101.

With regard to the model proposition suggested in the document, there would need to be clarification of "well being" and the assessment of whether it had been achieved or not would probably lead to some form of matrix being developed. Indeed having recently

attended a meeting where Estyn explained how they interpreted well-being, which would indicate that the use of the term in an education and possibly a health context would have a different meaning and would not cover all aspects of sustainable development. This could lead to confusion for people working in those sectors.

Q.18 How much time should organisations be given to make these changes?

We have insufficient knowledge technical expertise to answer this question. We would, however, point out that different public sector bodies are already at different stages so it may be better not to have a one size fits all timescale.

Q. 19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

Yes- Guidance will be required from WG and the new Sustainable Development Body. How much detail, for example, how to deal with conflicting factors and help with identifying effects and how to mitigate for them? We would question how much information can be put into guidance, so there will be a need for support and training as well as guidance.

In this context please see the response to Questions 4 and 23.

Q. 20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?

Yes. Guidance will probably need to come from WG and the new Sustainable Development Body.

Q.21 Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

KWT doesn't have the technical expertise to answer this question.

Q.22 Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

KWT doesn't have the technical expertise to answer this question.

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

Yes, organisations should be required to report back using existing channels- i.e. annual reports, but guidance will be required on the level of detail to ensure the information is

robust enough to monitor change, etc. The suggested "Global Reporting Initiative" seems to be very complex and it may be more appropriate in the way it is designed for the private sector rather than the public sector.

Q.24 Are there organisations on this list that should not be subject to the duty? Please explain.

No.

Q.25 Are there organisations that are not listed above but which should be subject to the duty? Please explain.

The third sector delivering publically funded services, as in some instances more and more public services are being transferred to the third sector, so this needs to be taken into account. Other organisations such as, "BIG", which distribute lottery funding in Wales, because they can influence behavioural change through their funding and are public bodies.

Estyn, because of their role in inspecting schools, colleges and Children and Young Peoples' Partnerships. They have a link with young people and impact on future generations.

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

We agree with advantages as described. For example, that it could be used in other legislation and guidance developed by government. We do not, however, understand the reference to the possibility that the definition may change. Our view is that our understanding of how to achieve sustainable development may change, but not the underlying philosophy of what we are trying to achieve.

Q.27 If we were to define "sustainable development" do you think that the definition above would be suitable and why?

KWT does not have the legal expertise to say what type of definition should be in an Act, or whether definition can be part of the guidance.

Q.28. What should be the overall purpose for a new body?

KWT feels that some level of detail is required about the purpose of the body and this might need to be very specific about certain aspects of the role, but we do not have the

legal expertise to know what level of detail would go in an Act. We would suggest that it would need to fit in with definition and duty finally decided upon.

The new body will need to have expertise in sustainable development, but also the services delivered by the public bodies covered by the Act. Therefore a "distributed or disburse body" may be more appropriate as it could have sustainable development experts in a range of organisation, who are also experts in the fields of e.g. health, education, highways, planning, so that these people can talk to the people working in these fields in their own "language"/ with technical expertise. This idea was suggested at a consultation event attended by KWT and would seem to fit with our suggestion about in house guidance being necessary in response to Question 4. As these people could be based in the relevant organisations, the body could be a virtual organisation, which would therefore reduce some of the costs of setting up a separate body and use the range of expertise that already exists in the public sector as a whole.

Finally we would suggest that the roles of encouraging and enabling should be with the new body not the Auditor General.

Q.29 Do you have any views on the preferred approach regarding the main functions of a new body?

It would be better if the Ombudsman role was added / implemented at a later date as in the early years it would provide a difficult mix of guidance and scrutiny. The Body would need to build trust with public bodies if it is to become a true critical friend as suggested in paragraph 156, and we therefore agree with proposals in paragraphs 142 and 147.

We would suggest that with regard to the issues outlined in paragraph 143, that the option should be left open for a bespoke mechanism to deal with grievances should it be shown to be necessary in the future. We do not have the technical knowledge to know if this needs to be included in the Act or the guidance.

We also agree that:

the scrutiny role in paragraph 145 and that reporting on what has been achieved should be with the Auditor General as outlined in paragraph 146.

There should be a wider remit for the Body. Sustainable development cannot be put into a silo in one sector and encouraging partnership working would be good.

Q 30 Are there significant disadvantages to establishing a new body on a statutory basis?

Keep Wales Tidy does not have the specific expertise in this area and would suggest that models in other countries are examined.

Q 31 Do you agree with the proposed functions for a new body established on a statutory basis ?

Do not agree with the reference to wellbeing in the duty – to produce a wellbeing report. As explained in answer to Question 17 wellbeing already has a specific definitions and requirements for some bodies. These don't encompass all aspects of sustainable development which could again lead to confusion and misunderstandings.

Would the requirement on other bodies to provide information on how they are implementing the duty conflict with the guidance role and other aspects, which will be covered by the Auditor General?

How would some of the functions relate to / overlap with the role of the Children's Commissioner re future generations?

Q32 Are there other functions which should be considered?

See response to Questions 4 and 28 about specific guidance to different sectors.

Q 33 Do you have particular views on the independence of a new body

Agree with ethos in paragraph 167 that it should be independent from government. It should not be in a position that its existence can be affected by changes in government as was the SD Commission in the UK context. Although the reference to sustainable development and wellbeing in paragraph 167 could again lead to confusion. Isn't well being part of sustainable development?

Q34 Do you have particular views on the accountability arrangements for a new body?

There should be some mechanism to check its accountability; that it is delivering what it was set up to achieve and we would question whether an annual report would be sufficient to check all aspects of delivery?

Dear Sir/Madam,

This consultation document has been circulated to members of Llanelli Town Council's Planning, Licensing and Consultation committee and a response was considered at the Committee's recent meeting.

Members did not feel that they were in a position to answer the specific questions included in the document but wanted to express support for the general direction laid out in the document and the proposals referred to in the Executive Summary.

Yours faithfully,

Mel Edwards

Clerc y Dref / Town Clerk

Cyngor Tref Llanelli / Llanelli Town Council

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SD Bill Team Welsh Government Cathays Park Cardiff CF10 3NQ

Proposals for a Sustainable Development Bill consultation – WG15440

1.0 Introduction

The Environment Agency is the principal environmental regulator in Wales and England, with a range of responsibilities including the protection of soil, air and water. Within the context of sustainable development, the Environment Agency has a lead role in the integrated protection and enhancement of natural resources, the management of waste, the management of flood risk, water related conservation and recreation, fisheries and navigation. We share the common vision of contributing to sustainable development and achieving a better quality of life.

The Environment Agency welcomes the opportunity to respond to the consultation on the proposals for a sustainable development Bill. We have not responded directly to each question. We have responded to individual questions where we have something specific to say, otherwise we have responded to a collection of questions. Our key messages are summarised in section 2.0 and more detail is provided in section 3.0.

2.0 Key Messages

We support the proposal for a Sustainable Development (SD) Bill. We believe the Bill must avoid over burdening organisations in the public sector with complex processes and procedures which stifle creativity and innovative approaches.

We support placing a duty on devolved public bodies in Wales to have SD as their central organising principle. We believe this could be better articulated as their "central governing principle".

We support defining SD in law. We believe however that the definition would be better placed in the secondary legislation.

We don't believe it's necessary to have protracted debate over the SD definition. We believe the definition in "One Wales: One Planet" (2009), when including the two core principles of integration and involvement, is suitable.

We support the Duty applying to higher level decisions including subject specific and generic policies. This will ensure it links from strategy through to delivery.

The legislation needs to enable the public sector to cascade the requirements of the SD Duty to others who deliver services on their behalf. This may be through contracts or procurement.

We believe a combination of SD behaviours and objectives is required in the duty.

We agree that reporting on the duty should not be an additional exercise. If SD is embedded in decision making, the reporting on it should be embedded in the organisations existing reporting process.

We support the recommendation that the Auditor General be given a duty to assess public sector bodies in Wales against this SD Duty.

We agree with the bodies listed being subject to the duty. Clarity is required over application of the duty to utilities, their regulators and UK bodies where decisions could impact on the sustainable development of Wales and contracted out public service provision.

We agree that where appropriate, existing legislation should be repealed where this Bill takes precedence.

We support the development of an Independent SD body. This should act as a critical friend.

We believe that an Independent SD body should be aligned centrally to the WG or appointed by the National Assembly for Wales.

Clarity will need to be provided on the respective roles and responsibilities of the new Single Body for the Welsh environment and the proposed SD body.

We do not believe a post-Bill transition period is required. We believe the process for developing and enacting the Bill should be considered as the transition period

We recognise that the ecosystem approach supports the principle of sustainable decision making. We welcome working with WG in developing these proposals for an SD Bill alongside development of proposals for the Single Body and the Environment Bill.

3.0 Detailed response:

3.1 General Comments

We support the proposal to legislate for sustainable development to be the central organising principle of governance in the public sector in Wales. We believe the governance element of this statement is important. We suggest that you may wish to consider using "SD as the central governing principle", to emphasise this point. This would ensure the principle of SD cascade into all Welsh public sector decision making.

We believe that legislating for SD will help provide clarity, consistency and pace in delivering the sustainable development of Wales. We believe it will provide greater transparency and accountability in the decision making of the public sector in Wales, which will be evident to the private and third sectors, as well as the communities affected by such decisions.

We believe legislating for sustainable development will clarify that it is not simply an environmental agenda, but includes economic and social dimensions. It will clarify that integrated consideration and involvement across all three sectors is required to deliver sustainable development outcomes for Wales.

We agree that bringing in the duty should not be about increased process, but about speeding up the pace of change to sustainable development decision making and delivery. We believe that it is vital that the legislation does not stifle creative and innovative approaches to securing sustainable outcomes.

We would not want a prolonged discussion and debate on the SD definition to delay the progress of the Bill. We believe the WG already has a clear definition of sustainable development and the principles for applying it to

decision making in Wales, in the current SD Scheme "One Wales: One Planet".

The set up of the Single Body and move to an ecosystem approach will support sustainable decision making. We look forward to continuing to work with WG in developing these proposals for an SD Bill, as well as the Environment and Planning Bills.

3.2 Specific comments:

3.2.1 The SD Duty (Q4-25)

We agree with need for the SD Bill and duty on public bodies in Wales.

The duty will need to ensure SD decision making carries through to delivery of SD Outcomes. As discussed above, we suggest SD should be the central 'governing' principle of the Welsh public sector.

High level decisions (Q4-8)

We agree that the duty should apply to high level decision making, including general and subject specific policy. The later will help ensure that SD principles don't just remain embedded in high level plans, but are cascaded through to delivery. It would also be beneficial for the Welsh public sector to work to common generic SD principled policy, for example procurement. This would help ensure consistency and transparency.

We also support the suggestion that the duty should apply to policies "that govern others to deliver services" on behalf of the public sector (81.p31). It will therefore be important that other sectors and not just the public sector are fully aware of the implications of the Bill and are engaged in its development.

SD Factors (Q9-17)

We agree with the SD Factors as described and believe that these should be set in legislation. We believe a combination of the objectives and behaviours will be required to ensure SD decision making.

The 'factors' should be linked to reporting requirements. Reporting organisations should provide evidence around these 'factors' to demonstrate that they are complying with the duty.

We do not support the single proposition suggestion. Wellbeing is an outcome of sustainable development, but does not convey the breadth of issues that should be considered in decision making for SD outcomes.

Whilst we believe that through the Bill there needs to be clarity around what is required and what the end goal is, i.e. that their outcomes must demonstrably be SD principled, we agree that there should be organisational discretion and flexibility within these set parameters.

We do not agree with the statement 104, p35, that the flexibility afforded organisations within the proposals allows them "to give greater weight to some sustainable development factors over others". Weighting the elements at the start of integrated decision making will not deliver SD outcomes. The point of the SD approach is that the integrated decision making approach enables the relative weights to be determined through the process. Allowing 'flexibility' in this regard, may lead to a general softening in the application of the duty. We would argue strongly that this statement and ethos should not be cascaded through the Bill.

Provision of guidance (Q19, 20)

We believe it will be necessary to produce guidance to support implementation of the Bill. Guidance may be needed around the ethos and interpretation of key concepts and aspects of the Bill.

Legal issues or repeal (Q1- 2 & 21-22)

With reference to legal barriers to delivering in line with the outlined sustainable development 'factors', there may be existing legislation that does not enable the holistic SD approach to decision making.

For example environmental regulation legislation can focus primarily on the environmental limits SD 'Factor'. This may be acceptable if an environmental regulatory activity sits within a wider decision making process, such as the Planning process, which has already assessed the sustainability of that activity. Any formal approval would then set the limits in which the activity should operate, in line with that SD Factor. This does not mean however that it will support the other Factors, including other environmental ones.

Conversely, there may be environmental regulatory activity that does not sit within a joined up SD approach. Additionally not all current environmental legislation supports an ecosystems approach, so would not necessarily support that SD 'factor' in the Bill. We believe however that such statutory or legislative issues, with respect to the environment, would be best tackled through the proposed Environment Bill and not the SD Bill.

Reporting (Q23)

We support the proposal that reporting should not be a separate exercise but should be embedded within existing annual reporting mechanisms. This will not only assist in reducing the cost of implementation and administration on public bodies, but supports the integrated ethos of SD. It would in itself be compliant with the duty to have SD as the central organising principle.

As discussed in "SD Factors" above, we suggest that organisations provide evidence in respect of their application of the SD Factors in their annual reporting. This would demonstrate whether an SD principled process of decision making had occurred and whether the SD outcomes sought for Wales are being delivered. We suggest however that after a period of 3-4 years a full review is undertaken to allow the cumulative impacts and success of the Bill to be assessed.

WG may want to consider requiring public sector body Chief Executives to self certify, as part of their annual reports, that they have met the Bill requirements.

Guidance may be required with respect to reporting. This would help ensure consistency and comparability across different organisations in the public sector.

We suggest the Bill could be an opportunity to require the public sector to undertake sustainability accounting, unless this is already being brought in prior to the Bill.

Audit (Q23 and Chapter 7)

We support the recommendation that the Auditor General be given a duty to assess public sector bodies in Wales against this SD Duty. There may be a training need to ensure they can assess against the SD principles the Bill will imply through the duty, particularly around the principles of integration and involvement, the more qualitative elements.

It would be useful if the role of the NAW's Sustainability Committee is clarified in respect of the Bill.

Bodies subject to the duty (Q24-25)

Whilst we support the duty being applied to the bodies listed, we believe that it would be more appropriate to have a general statement in the Bill setting out the types of body to be covered, rather than listing individual organisations. If listed in the Bill, where organisational change occurs, it might lead to new bodies falling outside of the Bill or bodies being inappropriately captured in future.

Clarification is needed on the application of the Bill to utilities operating in Wales, and their regulators. These bodies could have huge implications for the sustainable development of Wales, but currently do not appear to be subject to the duty. Such bodies could include the Police.

The UK government can also have huge potential for impacting on the sustainable development of Wales, for example when deciding on significant infrastructure development such as energy. It would be helpful if Welsh

government were clear on how they are going to ensure the actions of bodies outside of Wales comply with Welsh Government legislation and policy.

The line between public and private sectors has become blurred in recent times, with many services of the public sector being provided by third sector or private sector bodies. We welcome the suggestion that through procurement and contract the SD principles required of this duty, should apply to such sectors. We suggest that this is made clear in the Bill. It would also be helpful if the Bill clarified what would happen if a public service is privatised in future; would the duty transfer to the private body?

3.2.2 Defining Sustainable Development (Q26, 27)

SD definition

We believe that SD should be defined in Law.

We do not however think the Bill should be delayed by protracted debate and discussion on a definition.

We think WG should define SD for Wales and believe that the definition and core principles as set out in the WG SD Scheme are suitable. If tightened for the Bill, we believe the principle of *integrated* consideration of the social, economic and environmental issues needs to be clearly articulated alongside the outcome of enhancing the wellbeing of current and future generations.

We believe that it would be beneficial to have SD defined in the Bill, but if this is not appropriate (as discussed above), then it should be defined in the secondary legislation. The Bill should then set out clearly the ethos and principles of SD, even if it does not go as far as to define it. The Bill could include the example that taking an ecosystem approach and adapting and mitigating for climate change would contribute to SD. We support getting the Bill enacted.

We suggest that guidance would then be required to provide further detail about the definition and what is expected of bodies applying the duty.

Simplifying statutory burden

We agree that where the Bill takes precedence, existing legislation should be repealed.

3.2.3 Independent SD Body (Q29-34)

We support the development of an Independent SD Body for Wales. To avoid confusion, we believe the roles and responsibilities of the independent SD

Body are separate from the new Single Body for the environment. These separate roles need to be clearly articulated to avoid confusion.

We agree that the SD body should not have a formal scrutiny role, but that it should provide a critical friend role to those bodies subject to the Bill. It should be an independent SD advisor and critical friend to the Welsh public sector including WG. We believe that to be independent and effective, it should be aligned to either the centre of Welsh Government, or to the National Assembly for Wales, not to a particular directorate of Welsh Government (Economic, Social, or Environmental).

We believe this body should help the Welsh public sector maximise the innovative and creative potential that sustainable development principled thinking and delivery offers. For example, linking to the WG innovation strategy, supporting the development of the green economy, innovative financing and procurement solutions and maximising SD opportunities of European funding programmes.

We see value in it making commentary on the impacts of the Bill to Wales. We see it having a role in the cumulative impact reporting across the public sector, both annually and following more in depth assessments every 3-4 years. This would supplement the less frequent but more formal Auditor General scrutiny. We believe this could be the body that pulls together those more comprehensive 3-4 yearly reviews of implementation and success, making recommendations to Government on any legislative or policy changes that are needed.

3.2.4 <u>Timeframe (Q18)</u>

We do not think a transition period needs to be built into the Bill. If the purpose of the legislation is to speed up the pace of change with respect to SD principled decision making and delivery across the public sector in Wales, then a transition period would only cause delay. The process of developing the Bill should be considered as the transition period.

We look forward to continuing to work with you in developing this and the other associated Bills, to ensure that collectively these help deliver a sustainable Wales.

If you have any queries regarding the response, please contact Ruth Tipping ruth.tipping@environment-agency.gov.uk in the first instance.

Regards

Chris Mills
Director Environment Agency Wales

Cwmllynfell Community Council has considered the consultation in respect of the proposed Sustainable Development Bill and wishes to respond as follows:

"The Welsh Government be informed that the ethos of "thinking differently" conveyed in their consultation document should be applied more `realistically to what they expect from community and town councils both as regard the depth of consultation in respect of such matters and the resources that small councils should be expected to commit to idealistic changes."

Regards,

E Peter Lloyd Jones Clerk of the Council Cwmllynfell Community Council Brynderwen Coronation Road Brynaman Ammanford Carms SA18 1BB

Email: cwmllynfellcc @ aol.com

Tel No: 01269 825308

<u>Submission to Consultation on Proposals for a Sustainable</u> <u>Development Bill</u>

Q1 Uncertainty about predicting economic climate. Unwillingness to invest in technologies which are evolving rapidly. Bunker mentality about preserving quality of life in declining material circumstances.

Q2 Radical epistemological change in macro-economic theory - by economists. Reregulation of financial services - by academic auditors and legislative bodies such as the Assembly. democratisation of decision making (eg planning) by county, town and community councils.

Q4 yes

Q5 no

Q7 yes: supply of capital and materials between divisions or departments.

Q8 certainly. SD cannot be assessed merely locally as export of funds to other organisations will always involve uncontrollable consequences.

Q12 "is not inconsistent with the behaviours"

Q15 "if they do not detract from any of the objectives"

Q16 a possible disadvantage of combining behaviours and objectives is that , unless the options I have selected for questions 12 and 15 are chosen, the attempt to fulfill criteria not previously deployed can constitute a kind of drive for novelty. Novelty is always in conflict with resilience and genuine sustainability.

Q17 too woolly and likely to encourage the development of circumlocutions and the rise of consultancy services to advise on something akin to tax- avoidance.

Q18 one year

Q19 a TEDtalk-type video freely downloadable.

Q20 the video-talk to be devised and created by the new body and then issued by the Assembly govt on a website maintained by the new body and dedicated to SD ideas debates and info.

Q23 yes

Q25 NFU, FUW (Farmers Union of Wales), IWA, Local Education Authorities, Youth Organisations, charities holding funds above 100,000.

Q26 the term has been used by spokespeople for Westminster govt, and US and European govts in a very poorly bounded way which has come to seem to mean sustainable economic growth. The spirit of the Brundtland definition needs to be manifest in an unambiguous form of words. There are no advantages in leaving the term undefined.

Q27 I feel very strongly that the word "enhance" at the beginning of the second bullet point is a Trojan horse for short term, carpet-bagging, so-called green entrepreneurs. This word is constantly being used by a network of professional grant-seekers and private consultancies who present themselves as community organisations and whose activities result in the degradation of the natural environment and the acceleration of homogenisation and suburbanisation. Every nook and cranny is being penetrated to be exploited under the guise of "enhancement". Taking a step back: what could the word possibly mean - how do you "enhance" a mountain, a wood, a stream? The greatest threat to biodiversity is change of land use. By what hubris do these grubby traders try to garden our wild places, spray herbicide from helicopters, cut down ancient trees (for so-called carbon-neutral fuel) and drive out the wildlife. "The principle role of government is to ensure that long-term public goods are not undermined by short-term private interests." (Jackson, T.: *Prosperity without Growth*, Earthscan 2009).

I would replace the word enhance by the simple term "protect".

I also feel that the last sentence of the first paragraph of the Executive Summary on page 3 preempts satisfactory definition of Sustainable Development. It is clear from a huge literature, going back over 40 years, that aggregate "economic growth" (globally or nationally) can <u>never</u> be sustainable. However growth of more sustainable sectors and practices relative to other economic activity is a legitimate, indeed essential objective.

Q28. the second model in para 138, p 45

Q29 I accept paras 157-159

Q30 No

Q31 yes

Q32 Add: a power to organise conferences and workshops on specific topics.

Q33 The body must be independent of political parties and must be able to oppose any policy of the Welsh government which contradicts its objectives.

Q34 A proforma for auditing performance should be developed by an independent academic committee (including some international members). A report shaped by this should be presented annually to the Assembly with time allotted for Assembly

Members to debate it. The structure (though not the content) of the IKEA auditing framework called IWAY seems useful.

Contributed by Prof. Julienne Ford of Corndon Institute and WISERD.

404 Robin Square, Newtown. Powys. SY16 1HP

Proposal for a Sustainable Development Bill

Sustainable Development is the difference that a Welsh Government is proposing as a foundation to a vibrant and strong country – this bill is a welcomed move in the right direction and I wholly support it

The overall purpose and to have it as central organising principle is laudable and the approach is good. I particularly like the 4-E approach very much and the 4+2 model

I know, from my work, that most people do not understand what sustainable development is and culture change means involving people – informed people who are actively participating in some way. However most people do not feel like citizens let alone global ones or ecological/environmental ones!

I have worked in Education for Sustainable Development for many years and latterly am involved in research with adults. I have concluded that education and in particular Global Citizenship education is a foundation for sustainable development that cannot be ignored. Without the educational element – and in a Lifelong Learning sense– the aims of Sustainable Development will not be realised. We are talking about sticking plasters and too late too little

The Consultation document often repeats – Sustainable Development Behaviour and Sustainable Development Thinking – its emphasis on organisations. Organisations and institutions are composed of individuals who have been in learning/education and I think it is the crucial element missing from the bill – there can be no awareness or behaviour change without knowledge, without collective and individual learning.

This is not an education bill – but links should be made.

Sustainable development thinking and sustainable development behaviour - need to be supported and reinforced – learning (page 12)

Organisations must be able to support individuals to develop and embrace the changes demanded fro Sustainable Development. Change must be sustainable and this has to come from a new approach in education – an education that brings in new values and new and useful learning. I can quote many academic works, research studies from across the world to support this Sustainability Awareness in Work based learning - with adults, in FE, HE, Schools and all other informal and formal education provision is essential

Citizenship Education - Ecological and Global Citizenship will support and promote your objectives – and it is nowhere to be found in the bill. Sustainability is not just about Wales – we are so interdependent and nowhere was this mentioned

There is a need for Culture Change – this does not happen without leaning – supported and appropriate learning (page 5)

If organisations are being asked to take a systems approach when the education systems does nothing of the kind – how can we be expected to change – now – just because?

Education for Sustainable Development and Global Citizenship (ESDGC) - where is the support for this – the commitment to it?

Engagement and involvement – needs citizenship education if sustainable development behaviours are to actively inform decision making (page 17) And . . . The significant shift in attitudes, behaviours and capabilities" page 19 is not going to happen on its own

Consultation questions

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions?

The way we think – which is influenced to great extent by our education and by the learning and socialisation that takes place in the home – therefore adults and children who will work in the public sector and who are or will become decision makers are well informed, understand and care enough to make the changes for sustainable development are vital.

Non-understanding of the purpose and importance and relevance to their own lives is a major barrier I think

Q.2 What actions need to be taken, and by who, to reduce or remove these barriers?

As well as awareness raising – more concerted effort on lifelong learning – and support for it at all levels

You want to engage and enable people to act as appropriate in their circumstances

Getting teachers - from infant to HE and Adult education on board ASAP!

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

Peoples awareness levels and how much they care and feel they can do something/contribute

"Raising public and organisational awareness of sustainable development" Page 27 – HOW ?

Q.4 Have we identified the most appropriate level of organisational decision-making at which the duty should be applied? Please explain.

Yes They cover all levels – strategic operational - and the approach – between regard for and heavy duty legislation is sensible

Not all decision must be judged - common sense must prevail -

Q.5 Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

I cannot think of any

Q.6 Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

Food – catering Energy Transport

Curriculum

Well being

Equality and diversity economic and social justice – as outlined in any number of documents, text books and treatise on sustainable development

Q.8 Should budget proposals be subject to the duty? Please explain

Yes

It is possibly a cop out to talk of cheaper options weighed up against sustainable options

Sustainable Development and well being must be paramount

WG must support this and encourage it somehow

Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.

Yes - and not only for cost effectiveness - but well being and sustainable, positive changes in all areas

Q.10 Are there critical behaviours that we have not identified? Please explain.

- A global perspective! This is crucial to sustained and sustainable development in an interdependent world where globalisation processes are affecting us all individuals and organisations
- Positive a vision for a better future more equitable and just etc

- Learning – critical thinking – promoting active citizenship / global and ecological citizenship

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

How will you evaluate and judge them – what benchmarks?

Q.12 How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

- is consistent with one, some or all of the behaviours;
- broadly reflects the behaviours;
- is not inconsistent with the behaviours?
- are there other options?

Consistent with one, some or all of the behaviours AND broadly reflects the behaviours; - this must influence high level decision making

Transparency and considered, critical thinking – balanced approach

The combined approach

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?

I would favour this - it has more integrity - more difficult to realise at first - but as stated able the behaviours and thinking will influence objectives and realising these - I don't see how you can separate - the results will be longer term and more sustainable - embedded

Q.17 What are your views on basing a duty around a single sustainable development proposition?

I am unsure

Q. 19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

YES – definitely – but making it clear it is guidance and not IT

Examples are best

Q. 20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?

Not the Welsh government – a more independent body

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

YES

Q.25 Are there organisations that are not listed above but which should be subject to the duty? Please explain.

This would become apparent in time -

Defining sustainable development

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

A definition is essential – i have always found a broad definition best – speaking of future generations and the Earths Resources

Disadvantages – people will find their own! Just look on line – everyone and everything is sustainable!!!!!

Q.27 If we were to define "sustainable development" do you think that the working definition above would be suitable and why?

Yes it is a good - broad definition

Q.28 What should be the overall purpose for a new body?

Advice, information, guidance, support, research (benchmarking and later on possibly monitoring and evaluation) creating networks

Q.29 Do you have any views on the preferred approach regarding the main functions of a new body?

It would have to be responsive, flexible, reflexive and critical!

Q.30 Are there significant disadvantages to establishing a new body on a statutory basis?

I think so – people will be less supportive and open - they could resent imposition – seeing it as such!

- it will be less able to be critical and reflexive

Q.31 Do you agree with the proposed functions for a new body established on a statutory basis?

Broadly

Q. 32 Are there other functions which should be considered?

these could be explored after preliminary work

Q.33 Do you have particular views on the independence of a new body?

I think it is essential that it is independent – see above

Q.34. Do you have particular views on the accountability arrangements for a new body?

Publically accountable?

ABERDARE AND DISTRICT CHAMBER OF TRADE AND COMMERCE

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Dear SD Bill Team,

Thank you for the opportunity to comment on the proposals for a Sustainable Development Bill.

The notion of ensuring that ongoing decision making in Wales should be Sustainable is not, of course, new. The Wales Spatial Plan (now defunct) was littered with references to sustainability – then, as now, it seems, there is a dilemma over how we interpret Sustainability.

Naturally we applaud the notion that Wales cannot work in isolation and very particularly in times of extreme economic stress we need to try to ensure that we think globally..

Our particular area of interest is the sustainability of Town Centres across Wales. At present the Planning Policy dealing with retail appears to be carefully thought through to ensure sustainability (with a particular note that the vitality and viability of existing Town Centres should be protected) but the state of Town Centres across Wales demonstrates that this Planning Policy is not being followed meticulously. Planning Meetings demonstrate that flaws in the impact material flagged up by concerned retailers and members of the public are so dramatically edited that Councillors are not getting the full picture.

is the best and most lucrative place to trade. Accountability to the public purse is being ignored.

Page 20. Point 44. All planning proposals for retail should be measured for sustainability against the current and projected World financial situation and then against the financial state in Wales. If there is no more money coming into the system

Any new development is bound to weaken the existing retail situation – often the cumulative affect does not feature in impact material

Page 27 First Box in Point 67. Maybe the idea of the Auditor General for Wales providing scrutiny could help.

Page 132 We endorse the idea that the Auditor General for Wales could have a scrutiny function.

Page 45. Point 142 This appears to be washing hands of all accountable responsibility

Page 45 Point 143 We already have some laxity within the official complaints system it took our organization over two years of persistence to get the Ombudsman to agree that a planning application for Asda in Cynon Valley had not allowed for proper representation to be made by our organization. Two years after Asda had gone ahead with their plans it only gave us the moral high ground – Asda had the customer base.

Page 48. Question 29. As there are already organizations in place to advise on individual issues unless this Sustainability Bill is given teeth we cannot see a need for it.

We trust that you will find this helpful.

Yours Faithfully

J. R. Bradley Judith Toms

Honorary President Honorary Secretary





Proposals for a Sustainable Development Bill

Consultation response: July 2012

Background information

The Royal Society of Architects in Wales (RSAW) is the voice of the Royal Institute of British Architects (RIBA) in Wales.

The Royal Institute of British Architects champions better buildings, communities and the environment through architecture and our members. We provide the standards, training, support and recognition that put our members – in the UK and overseas – at the peak of their profession.

With the UK and Welsh Governments, we work to improve the design quality of public buildings, new homes and new communities.

Consultation Questions

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions? (pg 20)

Members of RSAW have noted that planning policy in particular, can present barriers for sustainable development. Planning policy is organised around themes, many of which were developed at different times and subsequently reflect different economic pressures. Some of these policies are significantly outdated and no longer fit for purpose i.e. TAN 3 and TAN 4. Although we would note that Planning Policy Wales 2011 is a marked improvement, and that it is heartening that this overarching policy is up to date, the lack of consistency can present significant challenges to achieving positive outcomes.

It is apparent that as long as all policies do not consistently support sustainable development in its broadest sense there is the potential that decision makers, including planners, will not have the policy support to fully embrace the ethos of sustainable development.

In order to achieve sustainable development of the built environment it is essential that decisions being made across the broader public sector, including highways and procurement, are founded upon principles of sustainable development. We perceive there to be a need for significant culture shift for this to be achievable in the medium term.

It is evident that currently, public bodies continue to work in silos with little overlap between departments. For example RSAW members have reported that in local authorities although the spirit of sustainable development is embraced in certain fora,



such as Regeneration Boards, little of this has filtered through the tiers of management to the officers that are making decisions. In this instance members report little evidence to show that high level agreement results in practical or procedural change.

Q.2 What actions need to be taken, and by who, to reduce or remove these barriers? (pg 20)

Although we consider it essential for sustainable development to form a central organising principle it is evident that clear understanding of what 'sustainable' development is has hampered its effectiveness in practice. This has led to instances in which economic, social and environmental concerns have not been given equal weighting.

Despite policy documents offering clear guidance as to what constitutes sustainable development it is our experience that economic, environmental and social factors are not currently given the same weighting.

We believe that significant work is needed to educate and support local authorities with regard to sustainable development. It is of concern that the imposition of a duty on local authorities could be perceived negatively and have little positive impact without significant input from the Welsh Government to support local authorities to engage their staff in a considered move towards prioritising sustainable development. It is essential that the Welsh Government sets the example through their actions as well as policy.

It is important for the Welsh Government to lead by example, ensuring clear duties are placed on Ministers to comply with and promote the importance of sustainable development aims. The Government has a role in ensuring that barriers created by ignorance and disengagement are challenged by a clear information and engagement programme and that the Government's actions clearly illustrate the benefit of working in a way that places value on sustainable outcomes.

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies? (pg 26)

As cited above we remain concerned about the understanding of the definition of sustainability in practice.

Q4 Have we identified the most appropriate level of organisational decisionmaking at which the duty should be applied? Please explain. (pg 32)

It is our view that the proposed level at which the duty would be applicable is too high. The duty should apply to every board member and those in managerial roles not just to higher level decisions.



We agree that a level of compulsion is needed to ensure public bodies act consistently with sustainable development as the central organising principle. However, we question whether the level at which the duty is set will limit the priority it is given and the extent to which compliance is taken seriously.

Focusing the duty on decisions that have the greatest influence over organisational behaviour should, in theory, maximise impact. However, we would urge caution in presuming that values and behaviours will automatically change throughout the organisation as a result of decisions at the highest level being subject to the sustainable development duty.

It is our concern that although this method may achieve an uplift in sustainable development outcomes in the short term, as these changes are resultant of a high level decision process which may not be shared with middle managers and broader staff, it will not ensure that all agents are engaged in and feel responsible for contributing to positive change in the long term.

Although it would be impractical for the duty to apply to all employees, we feel that more needs to be done to ensure that the proposed system does not give the impression that all responsibility for sustainable development can be taken care of at a stage that is very removed from practical application. It would be a shame if this opportunity was not fully utilised to ensure that a general mindfulness of what sustainable development is and why acting in a way that contributes positively to sustainability, is something that public bodies are responsible for communicating to all staff in a meaningful way.

We would suggest that placing a duty on individuals, for example board members, to ensure that decisions comply with sustainable development objectives would encourage a sense of personal responsibility for meeting sustainable development objectives. This would go some way towards mitigating the risk of it becoming a tick box exercise achieved during business planning processes, which inevitably can be removed from operational realities.

If the duty places responsibility on specific individuals it seems likely that they would ensure that it is suitably embedded in all managerial processes and that buy in is achieved across the organisation.

Formalising an individual's responsibility would also give the law a more clear effect.

Q.5 Would this approach risk capturing some decisions which should not be subject to the duty? What would these be? (pg 32)

At present our concern would be that this approach risks not capturing some decisions that should be subject to the duty rather than vice versa.



Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include? (pg 32)

Yes. It is essential that there is an individual responsibility and that high level decision makers are included under the duty – regardless of the types of decisions they are making.

Whilst it is important to respect the structure of individual organisations, and to remain mindful that organisations themselves are usually best placed to ensure decisions are made at an appropriate level, it is important that the duty should be applied in such a way as to mainstream sustainable development considerations and therefore should be considered relevant when making any significant decisions.

Although organisations need sufficient flexibility to decide which types of decision count as 'higher level' decisions we would urge that when organisations decide what counts as 'higher level' the broadest definition is used.

Applying the duty to internal operations would demand a clear assessment of whether it would be reasonable to expect a high level decision maker's involvement so as to ensure that in practical terms individuals are given sufficient independence so as not to impede their ability to carry out their role.

Q.8 Should budget proposals be subject to the duty? Please explain (pg 33)

It is our view that there is no reason for budget decisions to be any less subject to the duty than other decisions. In fact, we would be concerned that without the inclusion of budget decisions under the duty good intentions could be watered down or lost entirely.

Again, the level at which applicable decisions are made will vary between organisations. Routine decisions would not need to be captured by the duty – this should be limited to decisions that it would be reasonable to expect managerial involvement in.

Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? (pg 36)

Yes. We feel that all of the behaviours identified are relevant.

But we would note that all of these behaviours would need to be given equal consideration and be applied concurrently. There would be no benefit in one being considered more important than another.

We also question whether the behaviours would be best captured within guidance rather than within the Bill itself. Given that the sustainable development agenda is in its infancy, and is evolving at a significant rate, it seems reasonable to presume that other behaviours may be identified in the near future. It is our view that capturing



these in guidance would allow them to be updated with sufficient ease to reflect changing circumstances.

As per paragraph 109 we would suggest that the new sustainable development body could potentially have a significant role in developing and updating sector specific guidance.

It is essential that the role of this independent body does not detract from the role of the Auditor General in assessing compliance with the duty.

Q.10 Are there critical behaviours that we have not identified? Please explain

As outlined above, we anticipate that as the agenda develops more relevant behaviours will become apparent. This would indicate that they are best captured in guidance.

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

We are concerned that this approach might result in organisations complying with the duty in a 'tick box' way.

Using the behaviours as sustainable development factors does not have sufficient focus on delivering sustainable outcomes and could therefore lead to organisations failing to make headway in actively contributing to sustainability.

As outlined above, we are also concerned that the behaviours will date quickly and are best captured in guidance.

Q. 12 How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

- Is consistent with one, some or all of the behaviours;
- Broadly reflects the behaviours;
- Is not inconsistent with the behaviours?
- Are there other options?

It would be our view that decisions should be lawful if they broadly reflect the behaviours, with no single behaviour being given priority over another.

We remain concerned that the behaviours approach could encourage a tick box system of compliance which is not made relevant to each organisation.

The framework of the behaviours based system is not organisation specific enough. We would suggest that if the behaviour based system is taken forward sector specific guidance or even organisation specific guidance would be a better tool to utilise as



guidance can be updated and made relevant to each organisation. This is a role that could best be undertaken by the new sustainable development body.

Our view would be that the Sustainable Development Bill would be an opportunity to enshrine a broad overarching definition of sustainable development, our preference being the Brundtland definition, which is fleshed out by sector specific guidance.

Q. 13 Are there core sustainable development objectives we have not identified above?

In line with DEFRA's 5 pillars of sustainable development we would suggest incorporating using sound science responsibly as an objective:

"Using Sound Science Responsibly: Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the Precautionary Principle) as well as public attitudes and values."

These pillars are referenced in England's National Planning Policy Framework and we would advocate their inclusion in emergent planning and sustainable development policy in Wales.

We would also like to note that any trade-offs between objective should be explicit and transparent.

Q. 14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

An objectives based approach would allow a more substantial focus on outcomes rather than processes. In this regard we would consider this approach gives greater clarity of expectation.

However, we question whether these objectives are best captured in guidance to allow room for them to evolve with greater ease.

Q.15 How much influence should the objectives have over high level decisions – for example, should those decisions be lawful:

- Only if they actively contribute to one or more of those objectives;
- If they do not detract from any of the objectives;
- Even if they detract from some of those objectives, as long as they actively promote others?
- Are there other options?

Given the white paper's reference to tying the duty to enhancing the lives of future generations it would seem most appropriate for decisions to be considered lawful only if they actively contribute to one or more of the objectives. However, we would note



that it is important to achieve the right balance between the three core objectives for sustainability and guard against achievements within one objective being used to off set unsustainable practices in others. For example the vibrancy of the economy should not be promoted to the detriment of the wellbeing of people and communities.

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?

Much as we have outlined above, it is our view that the behaviours and objectives are best captured in guidance.

It is our concern that including them within the Bill will not achieve the best outcomes in terms of sustainable development and a rigid application could constrict Welsh companies operating in other countries.

Q.17 What are your views on basing a duty around a single sustainable development proposition?

We would consider basing the duty around a single development proposition to be a positive way forward. However, further though needs to be given to the wording of this proposition.

We are concerned that the proposed statement's focus on the wellbeing of future generations being enhanced is misguided. This does not seem to be a measurable proposition or one whose effect could be suitably defined, let alone measured.

Although we have the means to measure carbon, nitrogen and water cycles it is difficult to identify degraded or enhanced well being.

We are also mindful that this approach does not guard against the potential for social, economic or environmental considerations to be given more weight than the other.

If a duty was to be based on a single sustainable development position we would suggest it follows the Brundtland formula. Whilst enhancement should be an aim, making this a strict legal duty is likely to prove highly problematic. The strict legal duty should be about ensuring that development does not compromise the economy, society or the environment, whilst simultaneously aiming to achieve their enhancement. We suggest the following single sustainable development proposition:

 "The needs of the present should be met without compromising the economy, society or the environment, nor the ability of future generations to meet their own needs. Wherever practicable, decisions should be made with a view to enhancing the economy, society and/or the environment."





Q.18 How much time should organisatons be given to make these changes?

This ought to be undertaken immediately following the establishment of the body. We would suggest no more than 2 years ought to be given to implement change simultaneously across all bodies subject to this duty and also with full sign up from the private and third sectors.

Q.19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

As outlined above it is our view that sector specific guidance should be issued by the new sustainable development body.

Q.20 Should such guidance be issued by the Welsh Government or the new sustainable development body?

We would suggest that it is issued by the new sustainable development body with close cooperation with the Welsh Government, most specifically departments with responsibility for particular pubic services.

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

Yes. It is important that sustainable development considerations are mainstreamed and that no special steps are needed. To issue a separate report would miss the point, and represent a retrograde step. Sustainability considerations should be embedded as should the reporting mechanism.

We feel that inclusion in the annual report will aid transparency and should make it easier to audit compliance with the duty as standard.

Q. 25 Are there organisations that are not listed above but which should be subject to the duty? Please explain

Although the emphasis of this white paper is on the public sector it is our view that there should be a commitment from the private and third sectors. Collaborative working is at the heart of sustainable development and the public sector cannot work towards this objective without the support and input of stakeholders from the two other sectors.

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

A sustainable development proposition along the lines that we have suggested above, which is aligned with Brundtland and the three commonly understood pillars of sustainability (economic, social, environmental) is likely to provide a useful and suitably



broad framework for guiding decision makers as to what sustainable development is. As with any guiding principle, however, this is likely to need to be reappraised in time.

The suggested definition of 'sustainable development' introduces narrower aspects that would sit much better in guidance if the desire is to ensure these feature prominently. These are likely to entail the legal definition needing to be reappraised considerably earlier.

We have not added a geographical boundary to our suggested proposition wording above. However, as the Brundtland definition identifies, economic, social and environmental concerns outside a country's borders are often relevant to decisions made within them, particularly in a global economy. We would therefore recommend that guidance notes e.g. that decisions that enhance the economy, society or environment of Wales, but compromise these elements elsewhere, would not be sustainable.

Q.27 If we were to define "sustainable development" do you think that definition would be suitable and why?

See above.

Q.28 What should be the overall purpose for the new body?

Alongside responsibility for profile raising and issuing of sector specific guidance (which would need regular updating) we would envisage that the body would ensure efficient governance and to some extent policing of implementation. It is essential that the new body has some form of enforcement powers and a commensurate budget to support an ambitious programme of work.

As an example, the majority of LPAs in Wales do not have LDPs in place. Some do not even have them under consideration even though they have a legal obligation to do so. There are policies in place to penalise LPAs for this but they have yet to be employed. In this instance, the system on paper does not match the reality. We would hope that the new body would be in place to ensure that the duty is applied in the way in which it is intended and we hope that it will have the teeth to address effectively any instances where this is not the case.

There seems to be an increasing weight being placed in the hands of community and town councils. Members experience is that such councils are not aware of sustainable development commitments. Without efficient communication between the layers of councils in Wales then we stand little chance of sustainable development working. Assumption that sustainable development is being practiced across the country will not work. The Welsh Government needs to win the hearts and minds of the layers beneath the County Councils and ensure that not only are directives being complied with, but there is also significant buy-in to the intrinsic value of prioritising sustainable

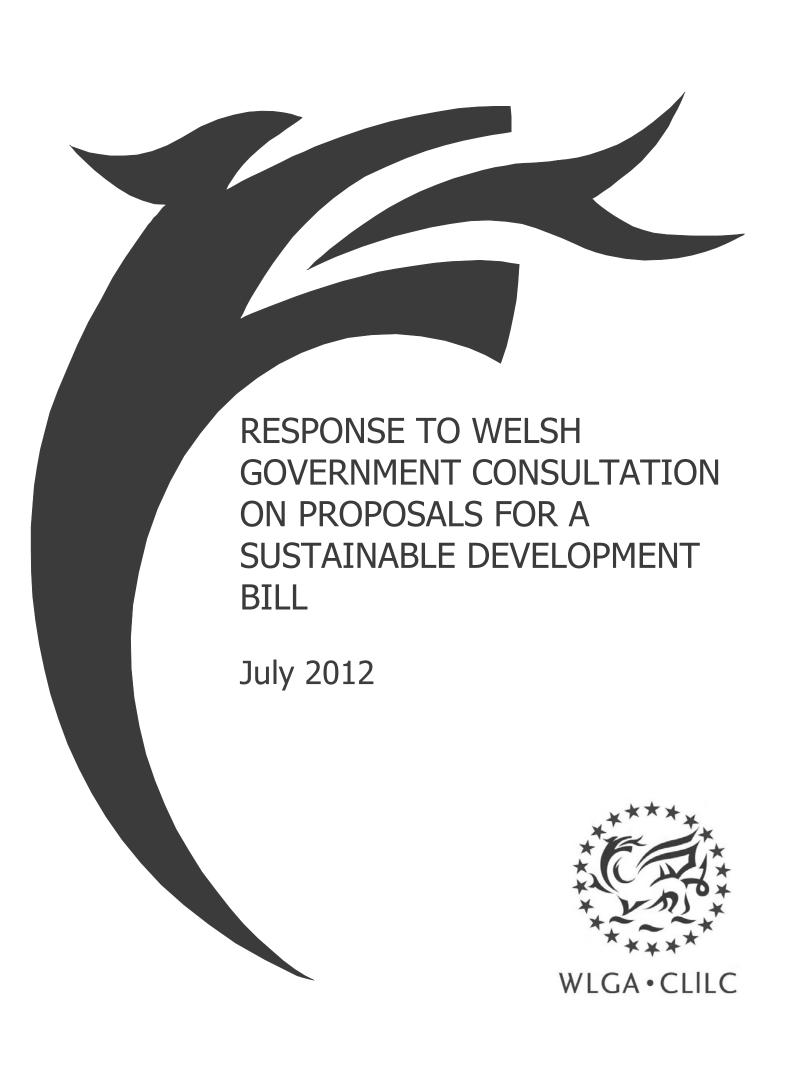


development. We feel that the new body has a clear role in working to achieve this outcome.

We would anticipate that the new body ought to work closely with the Wales Low/Zero Carbon Hub.

Q.33 Do you have particular views on the independence of a new body?

It is essential that the new body is totally impartial along the lines of an ombudsman.



INTRODUCTION

- 1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.
- 2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh local government and the communities they serve.
- 3. The WLGA welcomes this opportunity to comment on this Welsh Government (WG) WG consultation on its proposals for a Sustainable Development Bill.
- 4. With WG financial support WLGA has developed a Framework of material and support over the last five years to assist local authorities (LAs) in understanding the practical implications of the concept of sustainable development (SD). This has involved a mixture of research, reports and briefings, customised consultancy advice, events, videos, small scale funding to enable innovative projects to be undertaken and a sharing of good practice. An assortment of material based on these activities can be viewed on the WLGA website at the following link: <u>Sustainable Development Framework: Environment and Regeneration: Our work: Welsh Local Government Association.</u>
- 5. It follows that the WLGA welcomes any initiative that can help LAs to achieve more sustainable ways of working. However, it is important that major interventions claiming to further SD are examined carefully to obtain reassurance that they will, in fact, deliver in the way intended. This response undertakes that critical examination of the proposals for the SD Bill and offers some general comments before providing answers to the specific questions posed in the consultation document.

General comments

6. When any legislation is passed it generally signifies that there is an important issue to be addressed. It usually calls for some action(s) or stops an activity from taking place because such responses will lead to an improvement in our well-being. This tends to works best where:

the requirements of the legislation are specific and easily understood clear evidence has been assembled identifying the need for what the legislation will require

there is an emerging consensus that the legislation will be beneficial.

- 7. Development of legislation on SD is going to be problematic because there is not a firm base in relation to any of these three. SD is an all-embracing concept. There is a high level definition in the consultation document which is fine at that level. However, because of the inherent, multi-dimensional nature of SD, it is open to a range of different interpretations at an operational level. Therefore trying to legislate on 'what is sustainable' would be impossible. On any subject there will be at least two different views of the most sustainable solution. For example, the Severn Barrage, wind farms, anti-social behaviour and the best approach to economic development of an area all evoke a range of views, each claiming to be in the interests of our long term well-being. Similar disagreements are likely with any significant development/decision.
- 8. SD is also a much misunderstood concept. For example, it is frequently seen as an environmental or 'green' issue; the term 'sustainable' is commonly used (incorrectly from an SD perspective) to mean 'financially viable'; SD is often thought about too late to make a difference, after a direction of travel has already been established.
- 9. As a result, the legislation needs to focus on specifics. The consultation recognises this point and sets out how it proposes to do so. Comments on these proposals are contained in response to the specific questions below.
- 10. However, in a general sense, if there is to be legislation it should focus on things that are unambiguous and measurable. SD thinking needs to be applied from the outset to any **process** leading up to a decision. This process is auditable. It requires that the social, economic and environmental implications of a potential course of action are researched and evidenced so that when a democratic decision is taken it is in full light of all relevant information and intelligence. That should include meaningful consultation with stakeholders as part of the process.
- 11. 'Improvement' from an SD viewpoint should be evaluated ex ante and ex post in terms of whether the following are *also* achieved:
 - waste of resources (natural and human as well as financial) is averted inequalities in society are reduced

the capacity of the natural and cultural environment to accommodate change has been investigated and respected, both for today's and for future generations.

- 12. All of the steps in paras 10 and 11 can be documented and used to justify why a decision has been taken. This is not to say that the steps will be non-contentious there will always be scope for disagreement e.g. over the *validity* of the evidence that has been assembled, over the *quality* of any consultation that has taken place. However, it does introduce a rigour into decision making that would assist in terms of SD.
- 13. The immediate concern of LAs in relation to this and the specific proposals in the consultation is that it will develop into a bureaucratic 'paper chase', notwithstanding the comments in the consultation document that this is 'not about ticking boxes and bureaucracy'.
- 14. The proposal to focus on 'higher level decisions' is therefore welcome. If any new requirements are brought in first only for 'the really big issues' it will enable top decision makers in public bodies to work through the process, develop their understanding and weigh up the advantages. Over time and as appropriate, the 'net' can be dropped to successively lower level decisions, in light of experience. This suggests an approach whereby the broad principles are included on the face of the Bill but the detail is left to supporting guidance. That will retain the flexibility to evolve as we learn from practice.
- 15. This should not be seen as a ploy to minimise the impact of the Bill. The urgent need to make progress in this area is fully understood in light of 'Futures' work undertaken by the WLGA. However, it is important that use of legislation generates a positive response. This is most likely to occur if it is introduced in a way that public bodies see as stretching but deliverable. If the requirements for implementation run ahead of capacity to assimilate and process them, especially at a time of cutbacks, there is a risk the legislation will prove unworkable and fall into disrepute.
- 16. The remainder of this response focuses on the specific questions in the consultation document.

Q1: What are the principal barriers you face to taking more long-term, joined-up decisions?

17. The principal barriers are as follow:

The relatively **short term political cycle** places a premium on dividends in the next four to five years, with long term benefits tending to be heavily discounted **Financial accounting practices**, with a focus on annual 'balancing of the books' leads to unsustainable decisions – doing what can be done rather than what needs to be done and encouraging full spend (even on non-priority projects) to 'protect' future year's budgets

Lack of awareness or incomplete understanding of SD needs to be addressed so that the relevance of SD to *all* decisions is more widely appreciated **Institutional/organisational considerations** can override what is actually in the best interests of the community. It will tend to be seen as more important by an organisation to balance its own books and present 'a good state of accounts' than to incur an overspend if the benefits from additional activity would accrue to another organisation (e.g. increased youth service work resulting in reduced call outs for the police; improvements to housing stock resulting in medium and long term health gains).

How we are assessed has a major impact on our behaviour. If an employee is seen to be spending too much time working with a partner organisation their value to the host organisation may be questioned; if a manager looks at how well their employees have managed their annual budget as part of their appraisal, they are less likely to engage in high risk activities with a potential long pay off, and even less so if the primary benefits will be realised by another organisation.

Q2: What actions need to be taken, and by who, to reduce or remove these?

- 18. Some of the barriers identified above are entrenched, difficult to remove and in some cases are not devolved issues (e.g. in terms of fiscal accounting).
- 19. However, there are cases that demonstrate it *is* possible for local government to work successfully with WG to achieve more sustainable outcomes backed by **long term financial agreements**. The procurement of waste treatment facilities and the Local Government Borrowing Initiative for highways are two of the best current examples of this. WG and LAs need to explore how this approach can be applied in other areas.

- 20. In relation to accounting practices, there is a growing body of work within the profession ('A4SD' **Accounting for Sustainable Development**) that is looking at more rounded ways of accounting for performance than simply a set of financial accounts. WLGA has been working with Price Waterhouse Coopers to explore possibilities for local government and a pilot project with the City and County of Swansea is producing some encouraging results. WLGA is also involved in a working group with the Wale Audit Office, which itself recognises the need to change its approach to auditing 'improvement'.
- 21. Work has been undertaken in parts of Wales to look at **pooling or joint determination of public budgets** (the 'total place' approach). This shows that less
 'organisation-centric' approaches to delivery of public services, whilst still in their
 infancy, are possible.
- 22. Staff training in SD is of fundamental importance. Indeed if SD becomes a legal requirement on public bodies, a staff training exercise will be needed in the same way as has occurred in relation to health and safety, equalities and other areas. It will be important that this is properly resourced, although WLGA is in discussions with a range of bodies as to how a mass of freely available information might best be marshalled and made available to local government employees via IT. Linked to this, appraisals that include assessment of an individual's understanding of SD could help to develop corporate awareness and capacity over time.

Q3: What other evidence is there about the extent of progress in relation to the SD agenda and making SD the central organising principle?

- 23. The WLGA's SD Framework has provided consultancy support to the majority of local authorities in Wales. This has involved sessions with Corporate Management Teams and Cabinets as well as work with a range of other officers and members. In particular, there have been session looking at 'Futures' issues, helping LAs to consider longer term trends that they need to start preparing for today. Following the recent elections LAs have seen significant changes in their elected membership and another round of meetings is currently being arranged in response to requests from LAs.
- 24. Whilst it is difficult to point at this stage to concrete signs of progress as a result of this work, the knowledge base of the leadership in local government is a fundamental foundation stone for enabling SD to become the central organising principle. Whilst it is a qualitative assessment, it is safe to say that SD has moved from being a specialist

and minority subject in local government to being an issue that has at least partial recognition and awareness across all service areas, with some examples of excellent practice. WLGA is working with City and County of Swansea to see if SD best practice can be brought together across all service areas to achieve a critical mass. The learning from this work is being shared with all LAs, with one open learning session already organised on sustainability accounting.

Q4: Have we identified the most appropriate level of organisational decision-making at which the duty should be applied?

Q5: Would this approach risk capturing some decisions which should not be subject to the duty?

Q6: Are there any decisions that are not captured by this approach which should be subject to the duty?

Q7: Should we include decisions which govern an organisation's internal operations?

Q8: Should budget proposals be subject to the duty?

- 25. As indicated in para 14 above, the proposal to focus on higher level decisions is welcome. The definition of 'higher level decision' is, however, critical. An attempt is made in the consultation document to define them as 'longer term strategies, annual plans and general or subject-specific polices'. This is too vague and would catch too many plans that LAs currently have to produce. The **Single Integrated Plan** (SIP) is intended to bring together the main strategies of local government and this, along with the Local Development Plan (where sustainability already features prominently) are the two most fundamental documents an LA has to produce.
- 26. In Shared Purpose Shared Delivery WG stated that: "Your single integrated plan should set out at the start the overarching long vision for the sustainable development of your communities over the next 10-15 years". Whilst the time period is questionable (there arguably should be a longer term perspective too) this document and its links to the LDP would appear to be a sensible starting point for ensuring the central organising principle is embedded. That would require a comprehensive evidence base being assembled as part of the process of developing the SIP and LDP tasks which LAs need to do in any case.
- 27. This could be complemented by requiring a similar, clear and documented process leading up to decisions over a certain size threshold. This threshold could be best determined at the local level to ensure that, in the first instance, it captures less than

- a handful of the most significant developments/initiatives being undertaken by an LA.
- 28. This approach would catch those 'internal operations' of significant enough scale to warrant it at this stage of the roll out of the legislation (e.g. a plan for a new headquarters might fall into the category).
- 29. If these suggestions were to be adopted, it would follow logically that budget proposals would not be subject to the duty from day 1. However, over time as more decisions are dealt with in this way then the budget would increasingly be set in accordance with SD principles. In the meantime, there is a case for looking at the work with Swansea to see if there are lessons from sustainability accounting that could be more widely applied.

BEHAVIOURS

Q9: Are all of the behaviours we identify critical to acting in way that reflect SD thinking?

Q10: Are there critical behaviours that we have not identified?

Q11: What are the advantages and disadvantages of designating behaviours as the SD factors that must influence high level decisions?

Q12: How much influence should SD behaviours have over high level decisions?

- 30. The behaviours identified (long term thinking, integration, working across organisational boundaries, focusing on prevention and engagement and involvement) are all well established elements of SD. It is important to note that there is an <u>existing</u> momentum towards these ways of working in local government and all of these behaviours can make a contribution, individually and (preferably) collectively.
- 31. What *is* critical is that the momentum continues and accelerates over time. It is important to ensure that other pressures e.g. financial; the drive for collaboration between LAs do not knock us off course. For example, levels of engagement and involvement could be cut back in a short sighted attempt to save money. Collaboration might encourage centralisation without due consideration of long term resilience. Rising oil prices and the difficulties of delivering services to an ageing population over longer distances need to be factored into decisions (especially given the likelihood of more frequent disruption from extreme weather conditions).

- 32. Perhaps, then one of the 'behaviours' that should be added relates to **respecting the principle of subsidiarity** whereby decisions are taken at the lowest possible level. Some issues clearly need to be tackled at an international level whilst others can be dealt with at national, regional, local and community levels. This has implications for WG <u>and</u> LAs. WG needs to allow LAs, as sovereign bodies, to take decisions they believe to be in the best interests of the sustainable development and resilience of their areas, *informed by* national strategies developed by WG. That means determining what SD means in the local context and delivering services that suit its local needs. In turn, though, LAs need to ensure they engage with local communities so that the decisions they take are *informed by* residents' views. The representative system of local elected membership is deigned to achieve this and many LAs have introduced additional, extensive measures to ensure this communication happens effectively (e.g. liaison with community councils, establishment of community level partnerships, business fora).
- 33. One of the advantages of designating behaviours is that evidence can be gathered to show the extent to which they have occurred. A disadvantage is that even if behaviours have been observed during the process, it will not always guarantee that the ultimate outcomes are sustainable. A wide ranging investigation may have been undertaken involving a range of partners and extensive consultation and preventative measures might have been identified and debated. However, for various reasons (e.g. affordability, political, grant constraints) a decision might still be taken that flies in the face of the evidence resulting in compromises on a number of fronts. Worse still, it could encourage 'game playing' whereby a façade of 'the right behaviour' is created as a smokescreen. If this is not detected it could encourage similar conduct elsewhere in the organisation.
- 34. Adopting the approach suggested in paras 26-29 above would help to avoid some of these issues. Focusing attention on a limited number of strategically important areas in the first instance will help to set the tone for corporate decision making, with a spotlight on how each public body deals with the biggest issues it faces. This focus will encourage a more considered approach, especially as the likelihood of these key documents and decisions being audited will be much higher. Behaviour could possibly be rewarded through the use of financial incentives. Once behaviour in relation to major issues is established it will be easier to impose this across the rest of the organisation in a consistent way.

35. Provided this focused method is followed, then there should be a requirement to evidence <u>all</u> of the behaviours in the areas under review. SD depends vitally on behaviour change and, in those cases where change is needed, this would be an effective 'nudge'. (Such an evidence based approach would be too bureaucratic, though, if a less focused approach were to be adopted).

OBJECTIVES

Q13: Are there core sustainable objectives we have not identified? Q14: What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

Q15: How much influence should the objectives have over high level decisions?

- 36. The 'objectives' identified in the consultation document (such as the well being of people; vibrancy of the economy, strengthened cultural legacy) actually read more like the 'outcomes' we are seeking. A clear advantage of using these, then, is that it is outcomes that we are really interested in, rather than the behaviours. If all the objectives listed have to be considered it will lead to more holistic developments/initiatives. It would be necessary to be able to demonstrate that resources are being allocated in proportion to the identified objectives/outcomes.
- 37. One of the disadvantages, though, of trying to assess decisions on the basis of objectives/outcomes is that these invariably are long term. It will not be possible to determine at the point a decision is being made whether or not the stated objectives/outcomes will be delivered. Even if it were possible, it is very complex to separate out the impact a particular intervention has compared to other factors that will also have a bearing. It is therefore difficult to see how an approach based on 'objectives' could be applied in any meaningful way.
- 38. The possibility of a façade / perverse incentives would seem to be even greater if this path is followed (i.e. all the 'right' objectives could be shown to have informed a decision with no satisfactory way of identifying the extent or the timing of the impact). Consequently, despite its deceptive appeal, WLGA would not favour this approach.

Q16: What are the advantages and disadvantages of basing a duty on SD behaviours <u>and</u> SD objectives?

39. Taking the best of both approaches would seem to be a sensible option. Thus the 'behaviour approach' could be complemented by looking for evidence that the behaviour has led to objectives being set that demonstrate an understanding of SD, with resources allocated accordingly.

Q17: What are your views on basing a duty around a single SD proposition?

40. The single SD proposition is too vague a device and suffers from the disadvantages of both the behaviours and the objectives models: simply making a proposition offers no guarantee that it will happen and it will be very difficult to prove or disprove in the future, given the wide range of other factors that have an influence. Moreover, it does not allow for different perceptions of change: one person's view on whether well-being has been enhanced, for example, is not the same as others'.

Q18: How much time should organisations be given to make these changes?

- 41. WLGA believes that the changes should not be introduced in one 'big bang'. That would be destined to failure. Rather, this should be an incremental approach. If that is accepted, then the first round could be introduced fairly quickly, provided appropriate advice is available, and that this is undertaken in a supportive and experimental manner that encourages innovation and accepts a level of risk.
- 42. Successive rounds could then follow as and when the LA feels comfortable with rolling it out and so long as there is a clear commitment to doing so (in line with the subsidiarity principle). The timetables established should show a level of understanding that the issues to be addressed cannot be put off indefinitely and a degree of urgency is needed).
- 43. This is an area where the Sustainable Development body could make a useful contribution, providing WG with an overview of how every public body is approaching its duty, offering encouragement and support where necessary and helping to adjudicate where disagreements emerge over the interpretation of SD (see also paras. 59 to 69 to below).

Q 19: Would it be helpful to issue formal guidance to organisations subject to the new duty?

44. WLGA believes that quality guidance is absolutely essential to the success of any legislation on SD. Indeed, it believes that the amount of information on the face of the Bill should be kept to a minimum and that guidance should evolve over time as we learn lessons and as external circumstances, technology etc change. Local government (and other public bodies) should be fully consulted on any guidance.

Q20: Should any such guidance be issued by the Welsh Government or the new SD body?

45. Realistically, initially guidance will need to come from WG. However, once the SD Body is established it should have an input into future iterations, in light of experience and evidence it picks up in the course of its activities.

Q21: Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the SD Bill?

- 46. A review of duties undertaken by Department for Communities and Local Government in 2011 identified some 1,294 duties on local government (see http://www.communities.gov.uk/documents/localgovernment/pdf/1934356.pdf). Whilst this exercise does not take account of the impact of devolution, it does give an indication of the scale of duties that exists. The prospects of any
- 47. The balance of the responses received by DCLG from a range of pressure groups and the public is interesting. They stressed the importance of duties that they wanted to see maintained as protections rather than identifying duties that could be regarded as unhelpful and unnecessary. Equally, there is very limited discretion to change duties that derive from European and non-devolved UK legislation. This suggests there are limits on the ability to repeal duties which generally will have been introduced for good reasons at some point.
- 48. However, there may be scope to set duties in a clearer framework. No individual, or even whole team, is going to have a full understanding of all the duties that exist. Therefore a high level guide to the duties, possibly categorised broadly as social,

economic and environmental, would be helpful, providing headlines as to key requirements and where further details can be found. This would help in assessing different courses of action in a more holistic way. It might also identify and resolve any potential conflict between duties.

Q 22: Are there legal barriers to delivering in line with the SD factors we have set out, which the SD Bill could remove?

- 49. There are legal barriers to some of the behaviours but there are limits on the ability of the SD Bill to deal with these effectively. For example, fiscal management is a non-devolved activity where the rules are set by the Treasury. It is these rules which place constraints on our ability to take long term funding decisions. However, as noted in para. 19, progress has been made in some areas and there may be ways (not necessarily legislative) of taking a similar approach in other service areas.
- 50. Many of the legal barriers to inter organisational work have been removed. However, financial constraints can be more of an issue here. It can be virtually impossible to break out of a 'vicious circle' to shift resources from treatment into prevention in a situation where budgets for treatment are already inadequate. Whilst this relates directly to the interface between the health service and public health services in local government it also applies in many other areas (e.g. dealing with the immediate demands of social care cases when increased early intervention might reduce future demand; spend on assistance for the unemployed versus spend on new job formation).

Q23: Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

51. In a staged roll out as suggested above there probably is a case for reporting separately on how each organisation has responded. This would be a focused report that should not be too demanding. Indeed, it may well be possible to collate such a report from other work that would be undertaken anyway – e.g. a progress report on the SIP, reports on progress with the LDP and reports that would inevitably have to be prepared on major developments/initiatives caught in the first round of the new duty. This requirement would introduce a good discipline in terms of consistent reporting against SD criteria. Good practice could be shared and evolve into a standard format across Wales.

52. Over time, as more projects are caught by the duty then it would make sense at some point to combine this reporting with within existing annual reports. If progress is being made in terms of sustainability accounting this should, in fact, seem like a natural process.

Q24: Are there organisations on this list that should not be subject to the duty?

53. Local authorities work with all the bodies listed in the consultation document. It makes sense in terms of the 'working across organisational barriers' behaviour that they are all subject to the duty. That would facilitate discussions on the SIP, for example, and ensure that any reporting requirements that are agreed are applied consistently across organisations. Each organisation would know what is expected of it and why.

Q25: Are there any organisations that are not listed above but which should be subject to the duty?

- 54. Utility companies have a vital role to play in terms of place development. Whilst they are not public bodies they perform a role that helps to deliver public services and it would be helpful if there was a way to tie them into the new duty.
- 55. Whilst the police are non devolved they are integral to the work of local partnerships. Ways should be investigated of engaging police in the process. It might be possible to make a link in relation to local government's council tax raising precept for the police, and/or cases where funding has been provided by WG e.g. for Police Community Support Officers.

Q26: Are there other advantages or disadvantages to defining 'SD' and if so, what are they?

Q27: If we were to define SD do you think that the above definition would be suitable and why?

56. A single definition of SD for Wales is definitely needed to provide clarity and consistency. At present there are various different definitions in use, which adds to confusion over the concept. However, it is debatable whether the definition should be on the face of the Bill or in supporting guidance. There are distinct advantages in the definition being included in supporting guidance as it would be easier to amend in

future if felt necessary. If defined by Act this flexibility will be lost.

- 57. The definition proposed in the consultation document is broadly suitable but only as a <a href="https://document.ni.nlm.ni.n
- 58. All of these points suggest that any attempt to encapsulate everything in legislation will be flawed in some way and therefore the use of guidance is seen as a preferable route. The best way to understand what SD means will be from practical examples. The way the Bill is taken forward needs to allow this understanding to develop over time.

Q28: What should be the overall purpose for a new SD body?

- 59. A number of LAs have questioned what appears to be a decision to establish a new SD body before the case for it has been made. In particular, at a time of financial austerity some have questioned the need for an SD body when a Single (Environment) Body is already in the process of being established.
- 60. However, WLGA recognises that if SD is to become the 'central organising principle' for public bodies in a meaningful way, the existence of an <u>independent</u> source of expertise on this subject will be necessary. WLGA also recognises the risk of giving this role to a Single Body focused on environmental issues. It would reinforce the misconception that SD is 'all about the environment'. Provided the resources allocated to an SD body are proportionate to its task then WLGA supports its formation. That means striking a balance between being too small to offer a service to all that need it and being so big that it absorbs resources that could be better spent on service delivery.

- 61. There is, over the long term, an 'invest to save' argument in favour of a body that can help to justify a shift of resources into preventative action. However, the payback will be a long term (intergenerational) issue and will not accrue to the body itself. Its advice will effectively be a 'public good' which justifies it being funded from the public purse. Legal protection will give it the confidence to make difficult assessments without fear of future abolition.
- 62. The quality of the personnel attracted to the body will be vitally important. It must command the respect of decision makers if it is to have the impact required. This is something that will need to be given careful consideration and monitored closely over time.

Q29: Do you have any views on the preferred approach regarding the main functions of the new body?

- 63. There is little or no support for the concept of an Ombudsman role. There are already a number of established procedures in place and an additional ombudsman would be seen as duplication. Indeed, there are concerns that an SD Act could become a 'complainants' charter' used by those who disagree with a decision made by an LA using it to pursue their case. This adds to the argument to introduce this in a phased way so that any such instances can be handled in a manageable way.
- 64. On the scrutiny issue, the consultation suggests this might be a more appropriate role for the Auditor General for Wales/Wales Audit Office. That would avoid the need for the SD body to have a separate field force of its own. However, the SD Body could have an important role in providing guidance to the Wales Audit Office to inform the way they undertake inspections. This could go some way to meeting local authorities' views that a measured and proportionate approach is needed and help to alleviate concerns that this would end up as an 'add on' to existing inspections, requiring a massive audit trail for every decision.
- 65. This would fit well with the preferred role set out in the consultation, which is one of expert advice and guidance. The 'critical friend' role suggested would also be supported, to help public bodies make *their own* decisions. It is important that the SD Body is not perceived as a body that is 'called in' when there are problems.

Q30: Are there significant disadvantages to establishing a new body on a statutory basis?

66. Generally, the arguments in favour of having a statutory basis are supported (see para 61 above). However, concerns would arise if the body were not to establish itself as a source of recognised, <u>independent</u> expertise, offering sound practical advice and/or if the body started to absorb a disproportionate level of resources.

Q31: Do you agree with the proposed functions for a new body established on a statutory basis?

Q32: Are there any other functions which should be considered?

67. The functions listed are broadly supported. However, it would be helpful to include a duty on the body to consult with public bodies so that its work is informed by feedback from those it is intended to support. To assist in terms of accountability its annual report should include a summary of the feedback received. Positive feedback will help to spread good practice whilst any negative feedback (provided it is substantiated) can help to drive performance.

Q33. Do you have any particular views on the independence of a new body?

68. WLGA agrees with the views expressed in the consultation that the body should be independent from Government, should operate transparently and be accountable for its actions. We look forward to the further consultation in the Autumn White Paper where the form of the new body will be considered.

Q34: Do you have particular views on the accountability arrangements for a new body?

69. See comments in para 67 above. Also, in terms of any board overseeing the operation of the new body it will be important for there to be an elected Member presence from local government. Whilst they would need to represent the body on the board, direct local government knowledge and experience would be important and would introduce an element of democratic accountability. Representatives from other stakeholder groups (including the community sector) would also be needed.

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Response to the Consultation on a Sustainable Development Bill for Wales

Individual Response: Dr Victoria Jenkins, Lecturer in Law, Swansea University

Introduction

The creation of a central legal duty for public bodies in Wales is to be broadly welcomed and, indeed, a development that I argued for some years ago (Jenkins, 2002). However, there is a plethora of pre-existing ineffective duties relating to sustainable development on the statute books; thus, careful attention should be paid to the legal framework created by this Bill. The introduction of a new body for sustainable development is also a positive development, but further thought should be given to its role.

The legal framework should provide a clear indication of the recognition by the Welsh Government that the transition to sustainable development is vital to the well-being of the people of Wales. The key to its success will be in creating a framework based on the principle of transparency and facilitating public engagement and scrutiny.

A New Sustainable Development Duty for Public Bodies

The legal framework should combine both a general duty and procedural duties to ensure its effectiveness.

The General Duty

A general duty is necessary as a symbol of high level political leadership on this issue. To ensure its centrality to the work of public bodies it must not be made subject to/or placed alongside any other pre-existing duties for these organisations under the law. It should be based on a clear definition of sustainable development that emphasises the significance of environmental limits as follows:

 Public bodies in Wales must exercise their functions in order to contribute to sustainable development i.e., "development that provides a balance between the economic, social and environmental concerns of the people of Wales, now and in the future, whilst respecting environmental limits."

This definition makes it clear that a balance of economic, social and environmental considerations is important to sustainable development, but also subject to environmental limits; and provides an intergenerational perspective that is central to sustainable development. The definition proposed deliberately avoids any reference to well being. It is clear that the Welsh Government has paid considerable attention to identifying the relationship between well-being and sustainable development. In essence this replaces the focus on 'need' in the Brundtland definition of sustainable development - "Development that meets the needs of the current generation without jeopardising the ability of future generations to meet their own needs" – which is problematic in the context of a developed country. However, simplicity is central to

the success of this general duty which should communicate the aims of the organisation clearly and concisely to all involved in the organisation and outside of it. Most of these people will be unaware of the complexities of the relationship between well-being and sustainable development; and simply associate the term with physical health. The focus on well-being also detracts from the need to ensure that development remains within environmental limits.

The Procedural Duties

A Duty to Carry out Sustainability Appraisal of High Level Plans

The general duty should be supported by two procedural duties which would be enforceable via judicial review. The first relates to the sustainability appraisal of the high level plans of the organisation as follows:

Public bodies in Wales must carry out an assessment, on an annual basis, of their high level plans with the aim of establishing how the organisation may contribute to sustainable development. These bodies must have regard to guidance produced by the Welsh Ministers regarding this obligation. This assessment must be published in a written form and made available to the public.

The consultation document suggests that the legislation should be specific about the type of behaviours or outcomes this appraisal should consider. There is little to disagree with any of the behaviours or outcomes discussed in the document, but listing them in primary legislation would not be helpful. The definition of sustainable development provided in the general duty suggested here is sufficiently clear to provide the basis of the assessment. This approach would also be in line with the Welsh Government's concern to ensure that the legislation is enabling and not overly prescriptive. In the model suggested here, further detail as to how to carry out this appraisal can be included in guidance to which the public bodies would have a statutory duty to refer. This guidance should be provided by the Welsh Government in order to carry the necessary weight.

The duty to carry out sustainability appraisal of high level plans will be key to operationalising the general duty. The definition of high level plans will be crucial and an obvious area for legal challenge. The possibility for legal challenge may be circumscribed by providing a specific list of plans that should be assessed; making provision for organisations themselves to nominate appropriate plans; or providing a reference to statutory guidance. Whichever approach is chosen it is essential that the definition of high level plans includes both plans governing the organisation's internal operations and those relating to budgeting. The suggested duty also requires public bodies to make their assessments publicly available to ensure transparency in the new framework.

The Duty to Report on the Progress of the Organisation in Contributing to Sustainable Development

The second procedural duty relates to the reporting requirements for public bodies. There should be two aspects to the reporting process as follows:

Public bodies in Wales must report on their activities with respect to the new duty as part of their annual report. They must also publish an annual written statement to the new sustainable development body on their progress in contributing to sustainable development according to the indicators currently provided by the Welsh Government, particularly the headline indicators. These bodies must have regard to guidance produced by the Welsh Ministers on this obligation and the statement must be made publicly available.

The consultation document states that the Welsh Government does not support a duty on public bodies to produce a separate report on the sustainable development duty, but proposes to rely on the normal reporting process and scrutiny by the Wales Audit Office. Scrutiny as part of the performance management system for government is important in establishing whether the organisation is adopting the necessary 'behaviours' to contribute to sustainable development. However, it is should also be necessary for these organisations to report on their progress in terms of 'outcomes' and this information should gain a higher public profile. This can be achieved by feeding into an annual report on progress by the new sustainable development body, as outlined below. The duty refers to a statement rather than a report in this regard which suggests a less detailed assessment. The provision includes a duty to have regard to statutory guidance which could be crafted to ensure that this requirement would not be too labour intensive.

A New Sustainable Development Body for Wales

The consultation document describes the preferred role for the new body as predominantly in providing expert advice and guidance, but also in providing a level of challenge to these organisations. The role is thus described as a 'critical friend.' One suggested function of the new body is to report on 'well-being' in Wales and that it would have a power to require public bodies to provide information on how they are implementing the duty for this purpose. There seems to be some confusion here in the role of the new body. It is presented essentially as an advisory body, but will also provide some form of public scrutiny. The consultation document suggests that the new sustainable development body will produce a report on progress by the public bodies as it considers appropriate and on the basis of the information that it considers appropriate. However, given the importance of public education and scrutiny to the achievement of sustainable development it is essential to have a means of scrutiny of the work of public bodies in Wales by the new sustainable development body that focuses on 'outcomes' and is linked to indicators of sustainable development. To ensure clear and consistent message on sustainable development, the annual report on progress provided by the sustainable development body should be referred to as such and not a "Well-being report" as suggested in the consultation. The duty proposed would make the role of the sustainable development body in scrutinising the work of

public bodies more explicit and this function would help to raise the profile of this work.

There is a clear distinction between a body that provides <u>expert</u> advice and guidance and one that 'encourages' action on sustainable development. The new body could combine a role in providing expert advice and public scrutiny, but trying to also combine a role in 'encouraging' action would be problematic. Responsibility for the latter might therefore more usefully be addressed by the work of *Cynnal Cymru* and sustainable development advocates within these organisations. Finally, the work of the new body in providing expert advice and guidance should not be restricted to the Welsh Government and public bodies in Wales. The new body should also have a duty to seek the engagement of the voluntary sector and business organisations in Wales; and support those already signed up to the Sustainable Development Charter.

Proposals for a Sustainable Development Bill

Welsh Government Consultation Document

Response of Cwmbran Community Council

Background

- i. Sustainable development can be defined as a means of enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own and future generations in ways which:
 - promote social justice and equality of opportunity; and
 - enhance the natural and cultural environment and respect its limits using only our fair share of the earth's resources and sustaining our cultural legacy.
- ii. The Welsh Government (WG) has identified certain organisations which contribute to people's economic, social and environmental wellbeing, WG considers that the decisions and activities of such organisations should be informed by sustainable development factors. The list of organisations includes Town and Community Councils. WG has drafted proposals to develop and strengthen it's approach to sustainable development in Wales. The Council has an opportunity to comment on the proposals, which have been set out in a consultation document. This paper sets out the Community Council's response to this consultation.
- iii. A full copy of the consultation document can be viewed <u>here.</u> The consultation will inform the development of detailed proposals to be included in a White Paper consultation on the Sustainable Development Bill. This second consultation will be launched in autumn 2012.

The Council's Response

Introduction

The consultation document describes the role of public sector across Wales, as a community leader, service provider and as a regulator, setting the framework for local and regional development. The document explains how WG wishes to embed sustainability into decision making and behaviour.

The Council recognises the importance of a sustainable approach to the way in which it carries out its functions. In relation to the proposals, the most relevant part of the Council's role is that of community leader. The Council can act as a voice for the community, through consideration of matters of planning & environmental interest. The Council also engages with the community, promoting responsible and environmentally friendly practices. The response below reflects this.

However the Council also provides services which impact on sustainability, such as delivering local environmental projects and providing a Community Task Force service. The Council can also encourage sustainability through its procurement of goods and services.

The Council's regulatory role is limited, but the impact of regulatory services in relation to areas such as planning, licensing and environmental health will be felt in the communities which the Community Council serves.

In order to illicit responses to its proposals, WG has invited responses around a series of questions. These questions, together with the Council's response, are set out in the table below

Consultation Question

Response

1. What are the principal barriers you face to taking more longterm, joined-up decisions? The Council has only limited resources and capacity to meet new challenges such as delivering sustainability.

Other barriers could include the expertise available to Community Councils (particularly smaller Councils)

Effective forward planning will help the Council take more joined up decisions but time constraints may be a factor where decisions have to be taken quickly.

What actions need to be taken, and by who, to reduce or remove these barriers? Establishing a shared understanding of the ways in which the Council can impact on sustainability Council will be critical to success. Training for staff and members in understanding the principles of sustainable development and reporting methodology will also help overcome barriers. There may be merit in commissioning specialist

Cwmbran Community Council

or dedicated training to undertake this new role. The publication of guidance to organisations will also be helpful.

In time there may be a case for providing specific grant funding to enable Community Councils to meet this, and other challenges.

There may be a need to examine the scheduling of council meetings to allow for new reporting obligations.

In setting new priorities for the Council, it will also assist to focus outcomes and include indicators to measure the success of the Council's behaviours and objectives

3. What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

The Council's existing decision making processes will help the transition towards sustainable development, subject to the barriers described above.

4. Have we identified the most appropriate level of organisational decision making at which the duty should be applied? Yes

'higher level decisions we mean decisions that are adopted by an organisation with the intent that they should influence the way an organisation delivers services, allocates resources, procures services, provides financial assistance and manages its estate'

Would this approach risk capturing some decisions which should not be subject to the duty? What would these be As the proposals do not appear over prescriptive, this risk is reduced.

6. Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be? Whilst the focus of the proposals is rightly on high level decisions, in time, the organisations listed can help embed sustainability into day to day activities.

7. Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include? As 8 above

8. Should budget proposals be subject to the duty? Please explain

This would seem consistent with the proposals

 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain The focus on cost effectiveness and an emphasis on outcomes are welcome. The behaviours demonstrate the joined up nature of sustainable development thinking.

 Are there critical behaviours that we have not identified? Please explain. The list appears comprehensive

11. What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions See 26 below

12. How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

Sustainability should inform all high level decisions and cut across all major policy issues. It is reasonable that tests of sustainability should be applied to such areas.

is consistent with one, some or all of the behaviours;

broadly reflects the behaviours;

is not inconsistent with the behaviours?

are there other options?

13. Are there core sustainable development objectives we have not identified above?

No comment

14. What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making? See 26 below.

15. How much influence should the objectives have over high level decisions – for example, should those decisions be lawful:

See 12 above

only if they actively contribute to one or more of those objectives;

if they do not detract from any of the

objectives; even if they detract from some of those objectives, as long as they actively promote others? are there other options?

16. What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives

See 26 below

17. What are your views on basing a duty around a single sustainable development proposition?

Whilst the simplicity of this proposition is welcome, it is very broad. Almost any proposal could be made to fit this proposition.

The Local Government (Wales) Measure 2011 already gives Community Councils a promote well-being though detailed guidance on this part of the measure remains awaited.

 How much time should organisations be given to make these changes Whatever time period is chosen, it is more important that the changes are properly thought through before any discussion around timing. The preparation of timely guidance will be crucial rather than a long delay between legislation and guidance.

19. Would it be helpful to issue formal guidance to organisations subject to the new duty?

Whilst there appears to be a clear view as to what constitutes sustainable development, the preparation of timely guidance is vital to help to organisations subject to the new duty.

20. Should any such guidance be issued by the Welsh Government or the new sustainable development body?

If the new body develops along the lines described in paragraph 158 ("focussed on providing expert advice and guidance") then it is appropriate that the new body should have the task of issuing guidance.

21. Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

The Community Council is not in a position on this proposal.

22. Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

The Community Council is not in a position on this proposal.

23. Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

This would seem an appropriate vehicle for reporting.

24. Are there organisations on this list that should not be subject to the duty? Please explain.

No

25. Are there organisations that are not listed above but which should be subject to the duty? Please explain.

There may be there scope for commending these principles to the voluntary sector.

It may be appropriate to require organisations and enterprises who receive grant funding from the public sector to also illustrate how they will respond to the challenge of sustainable development. This could be a means of taking the key messages of sustainability beyond the public sector and into society as a whole.

26. Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

There are clearly advantages in establishing a shared understanding of what is meant by sustainable development and the rights and obligations of key agencies. A clear understanding will help organisations set desired outcomes, measure performance, allocate resources and plan forward work programmes. Training and development initiatives can be planned from a common base line.

Disadvantages could include a perceived loss of flexibility for organisations that are bound by the proposals and fears. If a prescriptive approach is ultimately not supported, the proposals may work better as the foundation of a learning programme than a statutory requirement

It is important to avoid presenting an overly simplistic model of sustainability

Resource constraints may mean that programmes are curtailed to meet available resources.

27. If we were to define "sustainable development"

The definition appears to capture the wide breadth of what we mean by sustainability.

Cwmbran Community Council

do you think that the working definition above would be suitable and why?

28. What should be the overall purpose for a new body?

Key roles would include offering expertise & guidance, bringing together stakeholders and disseminating best practice. The new body could provide a research function and help develop and deliver training and development programmes.

The "critical friend" role highlighted in the proposals could be delivered via an audit process. As organisations demonstrate their success in promoting and delivering sustainable development principles then there may be a case for this audit role to develop a lighter touch.

29. Do you have any views on the preferred approach regarding the main functions of a new body?

It is important that the new body establishes an All Wales identity and works in partnership with other regulatory and inspection bodies, such as the Wales Audit Office

30. Are there significant disadvantages to establishing a new body on a statutory basis?

The creation of a new statutory body should not exclude opportunities for non statutory stakeholders and partners at all levels, national, regional and local, to play a full part in processes and policy development.

31. Do you agree with the proposed functions for a new body established on a statutory basis?

Yes, it is important that the body is established on a firm legislative basis with powers and resources to match.

32. Do you agree with the proposed functions for a new body established on a statutory basis?

Yes

33. Do you have views on the independence of the body?

It is important that the new body has sufficient independence, resources and "teeth" to exert influence.

34. Do you have particular views on the accountability arrangements for the new body?

There should be arrangements to ensure the accountability of the new body such as audit arrangements and a performance management framework.

David Collins

Clerk to Cwmbran Community Council

17 July 2012

SD Bill Consultation

Principal Barriers to SD

Significant progress has been made in recent years in furthering the SD agenda within Wales and BCBC offers good examples of this with our Green Dragon and Eco-Schools. Recognition does however have to be given to a number of points that are barriers to the further integration of the SD agenda within local authorities, some of which are beyond their scope to address. Arguably the three biggest barriers are firstly the nature of local government which is governed by four year political cycles with many SD initiatives operating over considerably longer timescales. Secondly accounting procedures which focus upon annual budget cycles rather than the longer term financial planning required to fully integrate SD and thirdly misunderstanding of what SD really is both in terms of it being wider than merely environmental issues and is relevant to all areas of a Council's operations and not merely the obvious areas (e.g. energy management).

Decision Making

An obvious and natural concern is that the SD Bill will increase the burden upon local authorities at a time of extreme pressure. The WG decision to limit the scope of the Bill to high level decisions is sensible. The definition of a high level decision is the cornerstone of the legislation and needs to be carefully defined. The definition contained within the consultation document is far too vague and open to misinterpretation.

The definition of a high level decision needs to be fully explained within the statutory guidance accompanying the Bill and this will allow for the definition to change overtime as the Bill matures. Initially the Single Integrated Plan and the Local Development Plan are the two documents that need to fully incorporate SD into their construction. Beginning the process with these two documents would allow local authorities to become familiar with the requirements of the Bill, making decisions in line with what the legislation is trying to achieve and undergoing a scrutiny process of those decisions.

In line with a phased approach it would be natural for the Bill to extend its influence downwards to capture lower level decisions. The value of extending the scope of the Bill on a step by step approach means that local authorities will see that whilst the Bill's requirements are demanding, they are not unobtainable and this will assist in the process of seeing SD as not another burdensome tier of government. If this principle is adopted budget proposals should not be included under the SD Duty initially but rather will come into scope later. If SD is to become the central organising principle of local government then budgets will need to be set in line with the principles of SD.

Behaviours

The behaviours listed within the consultation document are recognised as sound principles of SD and evidence exists to show that BCBC is using each of them currently, the advantage of incorporating them into the SD Bill is that their use becomes accepted standard practice and they cannot be discarded or overridden due to financial or resource constraints.

A cautionary point to note however is that legislating behaviours is extremely difficult and even if the behaviours listed within the consultation document are strictly adhered to this will not always result in a sustainable outcome. For this reason it is important that behaviours are closely linked to decision making and by focusing the SD Duty upon high level decisions initially it will allow organisations to consider each of the behaviours in its decisions and given the likelihood of these decisions being audited will ensure that the behaviours are properly considered and documented and reasons for decisions clearly evidenced.

Objectives

The objectives listed within the consultation document already form the basis of a number of local authority strategies and plans and bringing these together under the SD Bill would appear to make sense, indeed this integrated approach would appear to be what the ethos of the SD Bill is. The danger of listing objectives that must be met is that they can become a "tick list" and are not properly considered within the decision making process.

Many of the objectives are long term and it will be difficult to demonstrate that they have been properly considered and that the decisions taken are having a demonstrable impact and for this reason care should be taken if objectives are to form a component of the Bill as they may cause difficulties for public bodies who need to present auditable evidence as to how they have been addressed.

Implementation of the Bill

Given that the SD Bill is a new piece of legislation that does not build on any previous legislation any attempts to introduce changes immediately could potentially be disastrous. A phased approach to implementation would offer the most viable option for implementing the Bill which would allow all parties (this would include WG) to gain a good insight into how the Bill is working in practice. Overtime the Bill could then extend its influence over the policies and operations within local authorities without proving to be unduly burdensome in the short-term.

Statutory Guidance

The issuing of guidance to accompany the SD Bill will be vital to ensure that the legislation is successful. Given the nature of SD the guidance issued to accompany the legislation should contain the bulk of the detail relating to the Bill in terms of the legal definition of SD, explanation of key terms, reporting mechanisms and extent of the duty. The guidance should be prepared and issued by the WG.

SD Reporting Arrangements

If the SD Bill is to achieve real success in changing the way that SD is prioritised by the public sector within Wales annual performance reporting is vital. The danger of incorporating SD into existing reporting schedules is that it will be seen as a "bolt on" and not a separate feature. How the Bill should be reported on will be very much dependant upon the level of operations/decisions to which the SD duty applies. If the requirements of the SD Bill are phased in over a period of several years then a requirement to report separately upon SD need not be seen as an onerous requirement (BCBC already reports annually on its environmental performance as part of its Green Dragon Level 5 commitment).

A separate annual SD report needs to be focused around the key issues, stating what has been achieved, how and why. An annual report would enable consistent reporting against set SD criteria to be established which in the long term may enable a local government standardized approach to be created.

SD Definition

A standard definition for SD that applies to Wales is most certainly needed as it will bring a level of consistency that is presently not available. Sustainability is an often overused term to describe a number of issues (e.g. long term financial viability) that do not resemble the definition of sustainability within its SD setting.

Given the fluid nature of SD there would be little value in placing the definition within the Bill as there would be difficulty in changing this definition at a later point if, or when it was required. The definition should be sited within the statutory guidance that should accompany the Bill as this gives far greater flexibility to amend it in the future.

The SD definition proposed within the Bill is satisfactory, but given the broad nature of the subject, will require clear explanation within the statutory guidance in order to be of real value at ground level. The terms "social justice, "equality of opportunity", "enhance natural and cultural environment" and "fair share of the Earth's resources" will all require detailed and careful definition within the statutory guidance.

An independent SD body

For the SD Bill to be fully effective a source of information, guidance and support needs to exist that sits outside of the resources that currently exist. With the imminent creation of the Single (Environment) Body this would appear to be the ideal time to integrate the SD function into this body. If handled sensibly this is an option however there is a danger of further fostering the belief that SD is only an environmental consideration and the importance of the social and economic elements are lost.

Any decision based around the creation of a new body needs to be taken in the light of what exactly the role of that body will be. If the body is only in existence to purvey advice, guidance and training then WG would be far better advised to base their support for the Bill

around a model similar to the WLGA SD Framework of support which allows local authorities to access specialist consultancy support to address specific issues such as energy security and climate change adaptation.

For the SD Body to be viable it would need to be able to fulfil a role that is not currently being addressed. The SD Body will need to:

Act as a conduit for SD within Wales which represents both what WG wants to achieve and what the wider public sector in Wales can achieve.

Organise meaningful peer review programmes which can act as a "soft" audit and facilitate far better inter-organisation working and the sharing of good and bad practice.

Offer training and expert advice upon the key SD issues.

A key consultee upon regional and sub-regional strategy.

Organise events that are attended by all public sector bodies in Wales to garner opinions and promote networking.

Prepare annual reports upon progress and highlight and promote good practice where it is happening.

Closely monitor public sector performance regarding SD and provide meaningful feedback.

Elements of the above are already undertaken by the WLGA on behalf of local authorities and therefore careful consideration needs to be given to avoid duplication. If a new SD Body is created it is only appropriate that it be given statutory powers in order to ensure full co-operation from the public sector.

Scrutiny of the SD Bill

In order for the SD Bill to affect any significant changes to the way that SD is addressed by the public sector within Wales it will need to be effectively "policed". The obvious candidate for this role would be the new SD Body which could be modelled upon the Environment Agency which combines an advice and guidance, as well as enforcement role. It is recognised that if the new body is to develop a solid working relationship with public sector organisations based on trust and respect, then this may not be possible to achieve if the "policing" of the new Bill is a duty of the new SD Body.

In light of the above statement the idea proposed in the consultation for the scrutiny function of the Bill to be performed by the Auditor General for Wales and his Office would appear to be a sound one. The Auditor General /WAO offers a better model than the Ombudsman approach which could potentially be wrought with problems.

In order for the Scrutiny role to be affectively performed by the Auditor General for Wales and the WAO changes points will need to be addressed in terms of:

Greater knowledge of the auditors regarding SD.

Frequency and structure of the audits, SD should not be an add-on to existing audits. Clear guidelines regarding what will be audited to satisfy the demands of the Bill.

 Date/Dyddiad
 16 June 2012

 Ask for/Gofynwch am
 Mr. C. S. Parish

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Dear Sir

Re: Consultation Document – Proposal for a Sustainable Development Bill

I welcome the opportunity to provide the Welsh Government (WG), comments and observation in respect to your proposals for taking forward sustainable development (SD) across all public services.

The comments made herein are my views and do not reflect those of the Council's senior officers or its elected members. Indeed the Vale of Glamorgan Council will make its formal corporate respond following approval of its Corporate Resources Scrutiny Committee and Executive Meeting on the 9 July 2012.

From my viewpoint SD is a concept that we have used and hopefully adopted for many years, there is still considerable diversity of understanding and interpretation as to its meaning and mechanism for delivery so whilst I would applaud the consultation documents attempt to define and clarify the meaning of SD. I feel that there is still a need to further ensure that all stakeholders, particularly public sector bodies, know what is required of them following the introduction of the sustainable development bill.

The WG's definition of 'wellbeing' is welcomed and should provide a valuable tool in considering this one aspect of the sustainable outcomes sought by WG. However, given the complexity of the SD ideology within the consultation document the One Wales One Planet definition is not sufficient considering the wider non environmental pressures, current economic and social equalities climate in Wales

Continued overleaf

Given the clear understanding of all aspects and actions that WG required securing within their proposals, it is essential that a wider and more all encompassing definition be included in the future stakeholder consultation.

If WG is to introduce a single definition of SD across the Welsh statute book, then that definition must be appropriate to all aspects of public service delivery. Failure to do so will be a massive dereliction of WG's responsibility and could have grave consequences for future public services and the 'duty of care' that public bodies all have to their customers and electorate.

I support the consultation documents proposals to move away from increased bureaucracy and tick box compliance within environmental service delivery. There have been far too many unnecessary burdens of bureaucracy in respect to data control and it is refreshing that these obligations could be removed in light of the proposed SD duty.

Whilst agreeing, in principle, that higher level decision making by public service bodies based on key SD factors would provide better long term policies to meet customer needs. The proposal for these bodies to report compliance seems to be exactly opposite to what WG propose to remove tick box bureaucracy.

The consultation documents proposal of establishing a new statutory body to provide expert advice, regulation and guidance would also appear to be contradictory to its proposal to reduce and hopefully eliminate public sector bureaucracy.

I believe that there are already sufficient service delivery bodies that could be used to fulfil this role without the considerable additional cost and bureaucracy of setting up an additional free standing body. I would suggest that should WG feel that there is a need for such a role as outlined within the consultation document, it would be more sustainable to use existing bodies such as the Welsh Audit Office, the Waste Resources and Action Programme, the proposed single environmental body or existing WG Departments. This is an aspect of WG's proposal that actually goes against the principal of SD decision making.

I would further maintain that, should WG be serious in allowing bodies to effectively apply SD in delivering public services then they will need to allow them flexibility in carrying out WG preferred approach to the role and functions required under their new SD duty.

There has been, what many would consider micro management of public waste management services historically and it would be a concern should the prescriptive policies of 'Waste about Waste' and to a lesser degree 'One Wales One Planet' be adopted within the SD Bill that this, in itself, will result in floundering public bodies ability to grasp the challenge of SD thinking from inception to elocution.

Continued overleaf

I would support the long term outcomes that WG are seeking to achieve, but would suggest that to achieve 'wellbeing' for Welsh society, the outcomes of employment, low criminality, industrial growth and social care also needs to be included to secure long term social, economic and environmental wellbeing of Welsh people and communities.

Whilst also supporting WG's intention to extend existing local authority powers to promote or improve the economic social or environmental wellbeing to primary and secondary authorities Town and Community Councils in Wales. I would caution WG that unless these powers are properly resourced, extending them to secondary authorities will prove ineffective in itself.

Support is also given to WG's proposals on tackling any problems at source as clearly prevention is better and usually significantly less costly than cure. However, for organisations like local authorities to be able to focus on preventing problems by early intervention they need sufficient resources or support to allow them to monitor, examine and scrutinise existing services. This can not be ensured, no matter how fervent they are where there is a continued Government Policy of 'more for less'. It is my concern that existing, cost savings and efficiencies will prevent long term future savings and true efficiencies and again this in itself cannot be SD thinking.

However, it is pleasing that WG also acknowledges that the consultation document proposes a difficult and long term challenge. Hopefully, it will also acknowledge that this needs clear simplistic guidance with WG accepting ultimate responsibility for the approach that public sector organisation will need to adopt. WG will need to be able to identify the barriers and key drivers and take the necessary measures to ensure that those charged with implementing their approach do have the tools and resources to deliver true sustainable development actions.

I would caution WG that if they are serious about encouraging the public sector to use a SD approach they act as an enabling rather than burdensome manner in order to avoid the similar administrative and enforcement burdens as local authorities have experienced reporting to WasteDataFlow over the last few years. This legal commitment to report municipal waste information as increasing tied up officer time in meeting WG and the Environment Agency Wales (EAW) requirements and mensuration enquiries to the extent of reduced service delivery.

I would agree with WG that unless resourced effectively, public bodies cannot comply with any duty, if they lack a common understanding of its purpose. However, as previously stated, I can't agree that creating a new stand alone SD body for Wales is the most appropriate way forward to address WG's strengthening approach. At a time of reducing public service's resources, I simply can't understand how introducing a new layer of bureaucracy with additional cost to the public purse will promote or be considered to be sustainable thinking by Welsh stakeholders.

Continued overleaf

Given that it is stated within the consultation document that the Environment Act 1994 already requires the Environmental Agency (EA) to make a contribution towards, attaining the objectives of achieving SD. They or their function within the new single environmental body would be a far more sustainable option for Wales than a new body. As I have already commented, if not the EAW there are other existing bodies that could also be reasonably considered without going to the expense of creating a new body.

Whilst understanding WG wish to hold organisations accountable for their performance. I would not support any prescriptive approach, as this will stifle innovation and local solutions to satisfy local circumstances. It is important that WG avoids the 'one size fits all' approach that as been previously been adopted in relation to its approach to municipal waste management service delivery.

WG also need to realise that the public sector is also compelled to comply with European and UK legislation for procurement and Health & Safety together with a multiple of other legislative drivers. These can impact significantly on their ability to deliver their services and use of public money. WG needs to recognise that these also influence their decisions and overall delivery services to their Council tax payers. Some allowance must be given within the proposed SD Bill to ensure that any new duty does not conflict with other public service legal requirements to meet non Welsh legislation such as UK or EU law.

WG clearly do not want the, almost ludicrous, situation of defining and redefining what is municipal waste that has been experienced over the last few years.

Hopefully, my comments are of some help to you in determining the appropriate white paper consultation on the SD Bill next autumn.

If I can provide you with any further comment or clarification of any observation made herein. I would be happy for you to contact me.

Finally having now made my general comments in respect to the overall consultation document, attached as Appendix 1 to this letter are my responses to the specific consultation questions contained within the consultation document.

Yours faithfully

Clifford Parish

Operational Manager Waste Management and Cleansing Rheolwr Gwaith Rheoli Gwastraff a Glanhau

Ilifford Parish



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17 July 2012

Consultation on proposed Bill on Sustainable Development

- 1. The Friends of the Pembrokeshire National park (FPNP) is an independent voluntary charity committed to help protect, conserve and enhance the Pembrokeshire Coast National Park for all to enjoy. We welcome the opportunity to respond to this consultation.
- 2. As a charitable organisation dedicated to the preservation and enhancement and enjoyment of the only national park in the UK where National Park status has been conferred because of the coastline, FPNP are concerned to see that the Welsh Government's legislative programme and policies apply the 'organising principle' of Sustainable Development in a way which fully reflects the importance and value to Wales of its protected landscapes and, in the case of those on the coast, their associated seascapes.
- 3. In making our comments we have focussed on the implications of the proposals on the long-term future of the protected landscapes [National Parks and AONBs] and associated seascapes of Wales, which cover some 25% of its land area, in particular the extent to which they are:
- recognised as key resources
- reflected in the definition of SD
- enabled to continue and enhance their current role in delivering SD
- 4. Our comments should be seen in the light of the role that they already play in achieving sustainable development in Wales. They are living and working landscapes within which a wide range of social and economic activities can and should be encouraged without detriment to their special qualities [environmental limits]. They underpin the tourism industry of Wales. Further they provide "feel-good factors, social well-being and healthy living". Inspiration and refreshment cannot easily be quantified but are to be found in good measure in our National Parks and AONBs.
- 5. In the Executive Summary on page 3 the consultation document states that Sustainable Development "can be summarised as the maximisation of well-being or quality of life over the longer term, within environmental limits". This is expanded on (paragraph 13) in the list of outcomes which the

Sustainable Development programme seeks to achieve including (under the label, the well-being of Wales) "healthy living and quality of life for all, a society with a vital sense of its own culture, its language and heritage, where cultural diversity, a sense of place and distinctiveness is valued and celebrated". The protected landscapes of Wales already make a significant contribution to the delivery of this outcome and much of that success is attributable to the high quality of the landscape itself.

- 6. The Friends regard it as essential that the success[this was recognised in the consultation document on A Living Wales] referred to in the previous paragraphs should not be put at risk in the world of Sustainable Development but should be maintained and built upon. The consultation paper emphasises the importance of the long-term in meeting Sustainable Development outcomes; and in this context the protected landscapes of Wales should be regarded and treated as vital long term aides to achieving the 'Well-being' outcome for all the people of Wales and beyond not merely for those who live and work within their boundaries now and in the future.
- 7. To ensure that the existing major contributions of protected landscapes to 'sustainability' are maintained and built upon it is important that:
- their significance as such is specifically emphasised in the proposed Bill as a key Sustainable Development factor
- the statutory framework within which they operate is maintained..

Overall Comments

- 8. FPNP welcomes the broad framework that is set out in the consultation paper, in particular the proposal for definition of sustainable development and a duty towards it and the creation of a new organisation to carry the torch for it. We have some particular comments to make in answer to the questions posed in the consultation. These are set out below. Overall, however, we are concerned that
- there is inadequate recognition of landscapes and seascapes, especially those that are nationally protected, both in the definition and the objectives of sustainable development
- there might be a call to weaken the statutory framework for protected landscapes because the current arrangements are often, erroneously in our view, seen to be restrictive and regulatory of rather than enabling sustainable development
- the proposals do not seem to provide any framework for any subsidiary strategies or plans, such as the proposed national resource plan and any spatial strategy for Wales. This is a serious omission since sustainable development must have a spatial dimension. In this context the protected landscape management plans are already providing that essential dimension

Replies to Individual Questions

A new Sustainable Development Duty

- Q.4 We believe that organisations subject to Sustainable Development principles will best be able to discharge that duty if it is considered potentially applicable to the whole of their work. Any question arising here might be a matter on which the new independent body could advise.
- Q. 7 Our reply is the same as to Q.4.
- Q.8. Our reply is the same as to Q.4., since budgets are a crucial part of the way an organisation operates, have a great influence and could lead to unsustainable development if not fully integrated with an organisations strategies and plans.

- Q. 12 For a decision to be lawful it should in our view broadly reflect all the critical behaviours and, of course, also comply with other relevant statutory duties, such as those pertaining to protected landscapes.
- Q. 13. The list of core sustainable development objectives does not include any reference to the benefits of protected landscapes. As will be clear from paragraphs 3 and 4 above FPNP regard such benefits as essential contributors to 'The well-being of Wales', the fifth of those objectives. We would regard the Bill as seriously deficient if it did not include such reference. We would support the suggestion made by CPRW in their submission:

"the need to maintain and enhance the quality, distinctiveness and heritage value of the environment i.e. "sense of place" of any particular location".

But adding our own words "especially in protected landscapes" at the end.

Q. 15 For a decision to be lawful it should not detract from any of the objectives [see also our response to question 27 blow in relation to the definition of SD].

Q16 It will be important to include both the behaviours [the how] and the objectives [the what] in the duty. The one without the other would seem to leave a curious vacuum, unless the objectives are to be set out in some form of statutory plan for sustainable development – but as pointed out in paragraph 8 above there does not seem to be any framework for any subsidiary plans and strategies within the proposed Bill.

Simplifying the statutory burden on organisations delivering public services

Qs 21/22 – for the reasons indicated in paragraphs 2 to 8 above we do not consider it appropriate to repeal the statutory duties relating to protected landscapes as they already enable them to pursue sustainable development and they add clarity to the particular circumstances found within them

The organisations that might be subject to the duty

Qs 24/25 – whilst FPNP agrees with the list in paragraph 120, we consider that there are omissions:

- The privatised utilities
- Port authorities
- Any organisation [public or private] in receipt of financial support from the public purse [Local Authority, WG, UK, Europe]
- Any organisation which is a contractor to the public sector

Defining Sustainable development

Q27 - FPNP supports in principle the definition of SD set out in paragraph 127. However, we believe that it could be strengthened by

- Making it clear that SD is about achieving an acceptable state of integration between its three elements so that all of them benefit and is not a matter of balancing its three elements with an outcome that "the winner takes all"
- Making it clear that environmental limits includes full recognition of the special qualities of protected landscapes
- Introducing the precautionary principle.

Independent sustainable development body

Q28 - FPNP supports the preferred approach in paragraphs 157-159

Qs 31/2 – FPNP agrees with the functions set out in paragraphs 165 & 166

Q. 33 FPNP support the concept of an independent but accountable body.

Please note, that this response also has the full support of the Brecon Beacons Park Society.

Yours faithfully,

Peter Heard Chairman

Consultation Document "Proposals for a Sustainable Development Bill"

The Consultative Committee of Chepstow Town Council on 11th July 2012 considered the Consultation Document "Proposals for a Sustainable Development Bill" which had been prepared by the Welsh Government. The Town Council RESOLVED to submit the following response:-

"Chepstow Town Council acknowledges the achievements of the Welsh Government in developing sustainability, which are internationally recognised.

The Town Council welcomes the proposals for a Sustainability Bill and, in particular, the proposal to create a new Body. However, the Town Council has concerns for the size and cost of such a Body and considers that the new Body should itself be sustainable and not a drain on resources. Furthermore, Chepstow Town Council requests that if created, the new Body should have regard for the impact of measures on small organisations such as community and town councils with limited resources and capacity to respond."

Sandra Bushell



Welsh Government – Proposals for a Sustainable Development Bill Response submitted by RTPI Cymru

Background

The Royal Town Planning Institute (RTPI) is a membership organisation representing over 22,000 spatial planners; RTPI Cymru represents the interests of almost 1,100 members in Wales. It exists to advance the science and art of town planning for the benefit of the public.

This response has been formed drawing on the expertise of the RTPI Cymru Policy & Research Forum which includes a cross section of planning practitioners from the private and public sectors and academics from different parts of Wales.

RTPI Cymru welcomes the opportunity to submit views to inform the early stages of the Sustainable Development Bill. RTPI Cymru is concerned with spatial planning and town and country planning aspects of the proposals. It is important to ensure that the issues dealt with by the Sustainable Development and Planning Bills do not conflict or duplicate each other, but instead complement and reinforce each Bill's aims.

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions?

The availability of current information on long term trends, including spatial and their impact analysis is limited. There is a requirement for a nationally coordinated resource base, particularly for spatial planning. An all-Wales Spatial Plan, combining information on natural resource planning, would ensure we have the right infrastructure to support and facilitate growth, in a sustainable way. Having the right transport, housing, water, social infrastructure (such as health, education and community facilities), IT, energy infrastructure, and flood risk management in place, cannot be done without long-term strategic planning.

Q.2 What actions need to be taken, and by who, to reduce or remove these barriers?

Greater information sharing between organisations /bodies and businesses is essential. A duty to co-operate similar to Floods and Water Management Act 2010 would also assist.

RTPI Cymru considers that a comprehensive independent evaluation of the Wales Spatial Plan would enable the initiative to come back on track and serve a constructive purpose in Wales. The evaluation should not just be of its content but also its operation across Wales and the benefits it has achieved and recommendations for its future status and operation.

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

We suggest the following provide evidence of progress relating to the Sustainable Development agenda:

- Floods and Water Management Act 2010 s27 places specific duty on sustainable development;
- Sustainable Development is a core principle of Planning Policy Wales (2011), which provides the national planning policies for Wales;
- Adaption to Climate Change Strategy requirements for Local Authorities;

Q.4 Have we identified the most appropriate level of organisational decision making at which the duty should be applied? Please explain

Partly, although identification is limited. There is no reference to strategic projects or high level behaviours.

Q.5 Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

Annual plans could include asset management plans and we would therefore recommend that it should relate to higher level asset management strategies to which this would be more applicable.

Q.6 Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

Projects or significant development proposals subject to planning permission. However, having a comprehensive strategic Wales Spatial Planning approach would help overcome this.

Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

Yes, core principles should be internal and external, given the relationships between different organisations and collaborative groups.

Q.8 Should budget proposals be subject to the duty? Please explain

Yes, because financial priorities should be set against long term objectives.

Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain

Behaviours should be focused on three main areas: Point 5 (Engagement and Involvement) could be merged with 3 (Working across organisational boundaries) and point 4 (Focusing on prevention) merged with 1 (Long-term thinking). We would also add that the term 'resilience' is not included in 1.

Q.10 Are there critical behaviours that we have not identified? Please explain

We believe the significant critical behaviours have been captured.

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

There is an advantage of looking at issues within a changed approach to whole system / long term thinking. Disadvantages would be associated with it forming a new concept and involving a 'cultural change' which will be difficult to achieve on past evidence.

Q.12 How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

- is consistent with one, some or all of the behaviours- this would require judgment assessment on the level of consistency to behaviours
- broadly reflects the behaviours No but assessment of options could be considered as above where?
- is not inconsistent with the behaviours?:
- are there other options?:

From a town and country planning perspective, this particular aspect where the Sustainable Development Bill and the Planning Bill need to ensure they are complimentary. Planning law and policy should be the primary influence on any requirements of the system. There have been situations where different requirements have been bolted on to the planning system; this can lead to a difficulty in applying it effectively, without being burdensome on the planning system.

Q.13 Are there core sustainable development objectives we have not identified above?

No further objectives to add.

Q.14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

RTPI Cymru regards this as offering huge advantages because sustainable development has been a term which has often been miss-understood and misused. The objectives will help set out what the principle is trying to achieve in a clear and strategic manner;

Disadvantages relate to the need for higher level decisions to inform decisions across and to lower levels.

Q.15 How much influence should the objectives have over high level decisions – for example, should those decisions be lawful?

- only if they actively contribute to one or more of those objectives: this would require judgement assessment on the level of consistency to behaviours?
- if they do not detract from any of the objectives: no but assessment of options could be considered as above

- even if they detract from some of those objectives, as long as they actively promote others?: No
- are there other options?: No

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?

It reflects the whole system approach to sustainable development

Q.17 .What are your views on basing a duty around a single sustainable development proposition?

RTPI Cymru does not believe that this is supportive.

Q.18 How much time should organisations be given to make these changes

Organisations should be given limited amount of time, and behavioural changes should be embedded into current transformation programmes within local authorities.

We would also suggest that there should be incentives.

Q.19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

This is essential; particularly given the experience that 'sustainable development' as a term is often misunderstood and frequently misused.

Q.20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?

This should be issued by the Welsh Government.

Q.21 Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

Possibly, but a complete list is required to cross reference with. A further consultation would be required on this, as the implications of repeal on other policies would need to be assessed.

Q.22 Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

As already highlighted under Q.12, we would recommend taking advice on the implications for the planning system and the need to ensure the Planning Bill leads on town and country planning matters.

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

Yes and the Welsh Government should be prescriptive and consistent with the requirements of organisations. We would also recommend that such reports are integrated into other annual reporting requirements.

Q.24 Are there organisations on this list that should not be subject to the duty? Please explain

No.

Q.25 Are there organisations that are not listed above but which should be subject to the duty? Please explain

Lead Local Flood Authorities (LLFA), Local Highway Authorities, National and Local Resilience Forums, Cadw, and the Planning Inspectorate. We would recommend that any organisations funded wholly, or receiving funding over a set threshold, be subject to the duty. We would also recommend that any major Government decisions on projects taking place in Wales should be subject to the duty, not already covered by the proposed list.

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

There are clear advantages for defining sustainable development as it is a term which is often misunderstood.

There are no significant disadvantages; however we believe that there are already strong definitions, for example in Planning Policy Wales (2011), and that effort should be directed to developing the mechanisms for applying the definition, for example to projects and policy and plan development.

Q.27 If we were to define "sustainable development" do you think that the working definition above would be suitable and why

The definition in paragraph 127 is supported. But we are unsure of the link to the extended version of this definition in paragraph 11, which also includes the statement "Sustainable development is the process by which we reach the goal of sustainability" This reflects the whole system and journey approach described in the definition notes.

Q.28 What should be the overall purpose for a new body?

RTPI Cymru is unsure that the case for a separate sustainable development body is sufficient and principle of a separate body contradicts itself to some extent because the Bill is directing sustainable development as a central organising principal and this should be directed centrally by Welsh Government.

Q.29 Do you have any views on the preferred approach regarding the main functions of a new body?

We would seek further information on the Expert advice and Ombudsman approaches and the link with the Single Environmental Body.

Q.30 Are there significant disadvantages to establishing a new body on a statutory basis?

Yes. It would add another body separate to scrutiny or audit body and could affect the fundamentals of the behaviour approach advocated by the Bill.

Q.31 Do you agree with the proposed functions for a new body established on a statutory basis?

No, these functions are the responsibilities of Welsh Government. Existing organisations, including the scrutiny committees of the National Assembly for Wales, could provide the independent scrutiny and audit needs.

Q.32 Are there other functions which should be considered?

We would recommend that there is a need for the integration of research and practice across subject areas. There is also a need for a duty to co-operate between organisations.

Q.33 Do you have particular views on the independence of a new body? See comments above.

Q.34 Do you have particular views on the accountability arrangements for a new body?

See comments above.

Q.35 Do you have any other related queries or comments?

- The 'focusing on prevention' section (para. 33) provides a good example but a further example of designing out crime and the role of Crime Prevention Design Advisors could be used;
- The diagram in para. 41 seems too overcomplicated and should be revised;
- No details of the engagement approach referred to in para. 48 are provided;
- Section 4: 'Learning from our approach to sustainable development' should explain the issues before one planet one Wales and the limited progress since 1989;
- The Floods and Water Management Act 2010 has started to change the way we look at flooding and water, for example across Wrexham Lead Local Flood Authority (LLFA) and departments via a strategic flood group led by Emergency Planning. The (Floods and Water Management) Act places a specific duty on lead local flood authorities to put sustainable development as a central principle applicable to plans, programmes, projects and local flood risk management strategy. The progress of the LLFA in regards to this legislation could form principal indicators in assessment of sustainable development and partnership working;
- The statement made in para. 59 does not provide sufficient information because it is important for organisations to understand the links between policies and programmes;
- It would be helpful to provide more information on indicators; and
- The table in para. 67 'Engage' also should also refer to research and training.

Roisin Willmott
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17th July 2012



Unit 6, Dyfi Eco Park Machynlleth Powys SY20 8AX

17 July 2012

SD Bill Team Welsh Government Cathays Park Cardiff CF10 3NQ

Llais y Goedwig response to Welsh Government consultation on proposals for a Sustainable Development Bill

Preamble

Llais y Goedwig (LlyG) is a national voluntary association of grassroots community groups with an interest in the management and use of local woodlands. Current membership stands at 113 with the majority being groups which together represent over 2500 volunteers actively engaged in the sustainable management and use of Welsh woodlands in both urban and rural landscapes. Together we deliver a wide range of ecosystem services, support personal and social well-being and provide for economic growth and employment. All of our members are familiar with the application of SD principles to woodland management and many are exemplars of community-centric locally-relevant sustainable development.

As a focus for the future development of the relationship between people and woodlands LlyG has recently published a Manifesto for the Forests of Wales. This clearly lays out our vision and has sustainable development as its guiding principle and seeks to balance the social, environmental and economic benefits to communities of woodland management and use.

Opening comments

The current WG definition of SD is not robust enough for the Bill, it is too 'motherhood and apple pie' with no real application on the ground. WG should draft something that provides a level playing field for integrating economy, environment and social aspects with hooks for measures/indicators.

Consultation questions

Q.1 What are the principal barriers you face to taking more long-term, joined-up decisions?

The best platform on which to attempt long-term, joined-up decision making is at the local scale (be this a woodland, community or enterprise level). The decisions themselves have to made to suit local circumstances and resources and decision-makers should be able to innovate i.e. create synergy from the 'joining-up' not just cost savings. Making decisions on this basis is the ambition of LlyG members but this is most often thwarted by the strictures of WG mediated funding. These present two considerable barriers to SD-based decision making:

Funding to support woodland management, social service delivery and enterprise development are always very short term. Even woodland creation contracts where the outcome is supposed to be a benefit in perpetuity are only for 15 years and only make payments for the first 5 of these. The short term cycles of funding render it difficult to maintain long term decisions as the ability to undertake the actions arising from them limps from one hiatus in funding to the next.

Exacerbating this is the way in which activities have to be modified to fit the 'outcomes' dictated by funding schemes. It is very difficult to join-up decisions across sectoral boundaries when the different funding schemes pull in opposite directions and it is not possible to negotiate synergy between them.

It takes a very talented and committed manager to have the resolve to create long-term, joined up plans and to successfully fund them from the range of short-term, single outcome based available at any one time.

Q.2 What actions need to be taken, and by who, to reduce or remove these barriers?

WG to re-define SD, maybe consult widely on it before enshrined in the Bill.

WG needs to allow actions to be led by local decisions rather than trying to dictate what everyone should do. An example of such an approach is the use of 'Challenge schemes' where bodies are allowed to propose how they will deliver a specified outcome. There have been some poor experiences with this in the past and this needs to be used to learn rather than throwing the baby out with the bathwater.

The suggestion made by the Minister than the new Natural Resources Body will use an outcomefocussed contract-based mechanism to procure ecosystem services would appear to exacerbate current difficulties and is not likely to reduce or remove barriers to better decision-making at community level.

Commissioning work – where SD works are to be commissioned, all efforts need to be made to include (and weight) proposals from community organisations and SMEs in Wales. Sell to Wales is a barrier to effective contracting that will benefit Wales and local economies. WG/WEFO to look at EU commissioning regulations and find ways to encourage community organisations and SMEs to participate on an equal footing with large private sector organisations and NGOs.

Q.3 What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

There is none because there is no agreement on the definition of SD or how outputs and behaviours are measured.

From a community perspective there has been little progress in the application of SD by public bodies including the WG itself. Trade-offs are rarely publically justified and decisions are apparently governed by institutional predisposition to make decisions of a certain type depending on the issues under consideration. Decisions appear to be made to favour private sector job creation over any other consideration. Compliance with extreme protection of biodiversity is forced on public amenities (e.g. Welsh water) without regard for costs which are borne by us all. Raising social issues

is dismissed as nimbyism and social justice plays little or no part in the design of large infrastructure projects. Most decisions are apparently driven by cost-saving and there is progressive erosion of local decision making, small-scale services and increasing centralisation of resources and power. There is little or no innovation to improve the design or delivery of public services – it is all about cost-saving. None of this is compatible with the principles of SD.

Q.4 Have we identified the most appropriate level of organisational decision-making at which the duty should be applied? Please explain.

This is a difficult question. Obviously higher level decisions (especially those which result in strategic and *action plans*) need to be informed by SD but so also do all the little decisions down to whether to fly, take the train or ask for a video conference to attend a meeting in Cardiff.

The duty should not apply equally to all levels of public body, i.e. Community Councils/Town Councils should have no/very light legal duty as compared with Local Authorities and NGOs.

Q.5 Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

Decisions affecting commissioning or grant provisions to community groups and SMEs in Wales.

A focus on the top may also risk making decisions which should more appropriately be made at other levels. There is a real risk that the Glastir approach which seeks to dictate to individuals what they should do to achieve outcomes decided at national level will be augmented by even more top level decision making which will disempower local communities and prevent them from taking charge of their own destinies and undermine the grass roots achievement of SD.

Q.6 Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

The duty should not apply equally to all levels of public body, ie Community Councils/Town Councils should have no/very light legal duty as compared with Local Authorities and NGOs.

The decisions on how to make trade-offs is apparently missing. Who will decide on this? Will it be within the purview of each public body, the SD Commission or WG? How can we be sure this framework will be designed to reflect SD principles?

Q.7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

Absolutely – they are key to the credibility of the SD commitment by the organisation.

Q.8 Should budget proposals be subject to the duty? Please explain.

Of course – how else can WG be held to account?

The first one being—how are WG going to pay for the new body? Is there evidence that we need another body, can we not look to existing organisations within government or contracted by government and audit these against SD behaviours.

Q.9 Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.

Yes they are all part of what is needed to achieve SD.

Q.10 Are there critical behaviours that we have not identified? Please explain.

Transparency, accountability, honesty, integrity...

Q.11 What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

Behaviours and behind these motivations are difficult to observe so this is likely to lead to the use of simplistic indicators which people can easily accommodate (e.g. environmental benefit is often equated with recycling in a rather simplistic manner). This approach equates to a real risk of promoting political correctness and result in SD being a gloss over business as usual.

Q.12 How much influence should sustainable development behaviours have over high level decisions – for example, should those decisions be lawful if they have been reached in a way that:

is consistent with one, some or all of the behaviours; broadly reflects the behaviours; is not inconsistent with the behaviours?

Are there other options?

Can't see how this would work given the reservations expressed in Q11. There are other options e.g. make the decisions, the evidence used to support them and the justification for any trade-offs completely transparent and conform to SD principles. This should be easy to monitor – did this decision consider environmental issues in an appropriate manner? Is the evidence for this aspect appropriate and verifiable? Is this trade-off justified? Etc. The behaviours needed to support good decisions will therefore to be developed to meet requirements for better decision-making rather than the other way round.

Q.13 Are there core sustainable development objectives we have not identified above?

Not obviously so.

Q.14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

Again it runs the risk of being rather vague and there is huge scope for interpretation of what is meant by 'vibrancy of the economy should be promoted' which leaves plenty of opportunities for perverse outcomes.

More clarity is needed to enable understanding of the intent of terms such as 'enabled', 'promoted', 'respected'. What is mean by 'influence higher level decision making'.

Q.15 How much influence should the objectives have over high level decisions – for example, should those decisions be lawful:

only if they actively contribute to one or more of those objectives; if they do not detract from any of the objectives; even if they detract from some of those objectives, as long as they actively promote others?

Are there other options?

'Lawful' seems too strong for such vague outcomes. It would take a lot of precedent to establish when 'social justice and equality for all should be promoted' had been violated.

Another way of applying the law to this problem might be to make decisions lawful only if they conform to an established procedure which includes consideration of all elements of SD. This would pave the way for civil society to mount a legal challenge to decisions which do not foster SD. Without this power, there is no real accountability which would itself run counter to SD principles.

Q.16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours *and* sustainable development objectives?

Both miss the crux of the matter which is the way decisions are made and the balance of decisions for and against trade-offs between the different pillars of SD (environment, people, economy).

Q.17 What are your views on basing a duty around a single sustainable development proposition?

This might work if that duty is to make better decisions and to give credence to 'people should be involved in the decisions that affect their lives'.

Q.18 How much time should organisations be given to make these changes?

Change should be phased in over a number of years and the opportunity taken to pilot different approaches and to ensure that procedures are fit for purpose before applying them wholesale.

Any new organisation e.g. the NRB should enshrine SD principles from the outset.

Q. 19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

Yes – especially with regard to decision-making and procedures for development of strategic and operational plans. But guidance shouldn't be restrictive or prescriptive.

Q. 20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?

The new Body if there is to be one. It would have the staff and mandate to properly research and develop guidelines. It should also be able to provide guidance to WG itself.

Q.21 Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

We don't have any competence to comment on this.

Q.22 Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

No competence to properly respond to this question.

Reporting

Q.23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

Yes – they should be able to evidence that they have used SD principles in major decision making and that the planed actions are being undertaken. Checking compliance on decision-making could potentially be straightforward – the body would need to provide evidence that social, environmental and economic issues were considered and present a record of how these were traded-off or accommodated.

Q.24 Are there organisations on this list that should not be subject to the duty? Please explain.

Community/Town Councils because they are too small, operated by volunteers, and have too little funding to operate with, therefore making the costs of SD implementation difficult/not possible.

Q.25 Are there organisations that are not listed above but which should be subject to the duty? Please explain.

CADW, WEFO

Q.26 Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

The concept of 'sustainable development' is already slippery and is open to interpretation in several ways. Any definition phrased to suit the current interpretation by WG is likely to need revision in the future as ideas progress and is also likely to diverge from international interpretations.

A definition may improve clarity but it also needs to conform to international interpretations. See www.tematea.org for an overview of international conventions related to the CBD to which the UK is a signatory.

Q.27 If we were to define "sustainable development" do you think that the working definition above would be suitable and why?

No – it could do with further iteration to make it clear that 'sustainability' is about modest consumption and 'development' means the attainment of responsible livelihoods based, as far as possible on local sources and ethical sourcing of what we need from outside our borders. If 'development' is to be used as a term needs to be decoupled from increasing affluence and higher consumption which is often how it is interpreted.

Care needs to be taken to make the definition strong and not simply provide a gloss to business as usual i.e. to allow everyone to continue to expect increased consumption and enhanced well-being and a better quality of life. In this regard the introduction of the phrasing 'using our fair share of the earth's resources' is laudable and very brave. Wales is presently living beyond its fair share of the earth's resources (oneplanetliving.org suggests the average person in the UK requires 3 planets to support their consumption) and using only our fair share is likely to mean a reduction in consumption.

Q.28 What should be the overall purpose for a new body?

Almost there... but needs some qualification of the limits to consumption – maybe phrase as "support and foster the economic, social and environmental wellbeing of current and future generations within ecological limits and respecting global equity"

At a more mundane level the SD Body should serve as Wales' environmental conscience (though is presumably also a potential function of the NRB – so overlaps will need to be negotiated) which will mean it should be able to ensure that all WG departments have programmes and plans developed according to SD compliant decision-making. The new body should be mandated to hold WG departments and Ministers to account for all SD outcomes, and the electorate should make their voting decisions based on this.

Q.29 Do you have any views on the preferred approach regarding the main functions of a new body?

If SD is to be mainstreamed and become a 'central organising principle' then this can be scrutinised by existing institutions such as the Public Service Ombusman and the Wales Audit Office. Creating a new body to treat SD as separate from other scrutiny will undermine the credibility of mainstreaming.

The preferred approach is one that seems sensible.

It may be useful to consider where advocacy fits in. Say there is an organisation on which a SD duty has been imposed and it has a primary responsibility for delivering a social agenda. Now it needs to consider environmental and economic impacts of its programmes. It does not have staff who are competent at this so could easily fall into the trap of equating 'environmental benefits' with a waste recycling target and think that 'economic benefits' means cost savings (both common misunderstandings). This will tick boxes for behaviour and even perhaps for outcomes but is not in fact good SD decision-making. So the new Body could provide advocates for the environment and economy to assist the organisation think outside its usual boxes. As the organisation learns and its staff develop competency in these areas, advocates could withdraw and take on a mentoring/advisory role. The advocates shouldn't impose outcomes or seek to subvert decisions by

the organisation but help to support the integration of SD principles. The advocates need not be employed by the SD body but be 'loaned' from other local organisations with the missing expertise and experience – perhaps in the form of an enhanced consultation process which could segue into multi-disciplinary/ multi-agency co-design of local services.

It will be important for the Body to act as an advocate for civil society and to secure opportunities for local engagement in decision-making.

Q.30 Are there significant disadvantages to establishing a new body on a statutory basis?

Yes – how can you enshrine behaviours in law?

Q.31 Do you agree with the proposed functions for a new body established on a statutory basis?

Yes – nothing too controversial in the list and it seems fairly comprehensive.

Duty to review WG is important.

Role as a statutory consultee is an interesting one – when might it be consulted? What type of decisions would this cover? Would this mean oversight on all WG decisions? How would this interact with Environmental impact assessment?

Q. 32 Are there other functions which should be considered?

Something on engagement with civil society.

Duty to provide advice to third sector and private bodies? – charge for this?

Q.33 Do you have particular views on the independence of a new body?

Independence from WG is desirable – what relationship would it have to WG? Would it be a sponsored Body or wholly independent?

How would the Commissioner for Sustainable Futures relate to the proposed Commissioner for Sustainable Development?

What would be its relationship to NRB?

Q.34. Do you have particular views on the accountability arrangements for a new body?

The Welsh Audit Office should not be responsible for ensuring SD behaviours/outcomes are achieved as their role is to impartially report on the status of any agreed SD indicators. It should be the SD body (or similar independent third party body) must assess progress and hold WG and Ministers to account. The SD body should therefore have a strong public engagement function so it can take into account grass roots experience of SD.

Additional comments

It is not clear where this Bill sits in relation to the NRB Orders, Living Wales Bill and Health Frameworks, economic growth and job creation. Neither is it clear how it will work with WLGA and local authorities in a way that promotes behavioural change, in a defined and clearly understood way, rather than just blindly legislate for SD implementation. The former promoting co-design and partnership working, the latter a dictatorship.

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here:

Your name: Shan Bowden, Town Clerk

Organisation (if

Penarth Town Council applicable):

Email Address: enquiries@penarthtowncouncil.gov.uk Address: West House Stanwell Road Penarth

(Unchecked)

Postcode: **CF64 2YG**

> There is plenty of enthusiasm for sustainability at the Town Council level but there is a serious lack of guidance as to appropriate roles. General guidance was promised a decade ago (Aberystwyth Report) - despite it's absence town and community councils are being asked in a series of consultations to comment on approaches to issues including transparency, competance, sustainability etc. Given the grassroots function often ascribed to town and community councils it might have been appropriate to involve them a little earlier in the process and prepare them for what is a long and abstract document. In relation to the role that town and community councils can play what must be remembered is that town and community councils range in size from a part time clerk working from home with no responsibility for other members of staff to a full time office with a number of staff both in the office and working at various locations within their communities. Plus of course precepts vary from as little as a couple of thousand pounds to substantial amounts in excess of £700,000. What town and community councils do not have is dedicated resources that can be used to address Sustainable Development but the proposal would need to be absorbed within existing capacity. Guidance must be less conceptual with more clarity of purpose, better examples across the range of situations, plain English and less specialist jargon. With regard to larger town councils often faced with poorly performing town centres, they will have their own sense of what sustainability means in practice where trade and business are as important as environmental issues but where various initiatives to shop locally or attract more visitors are directly relevant but not seen through the lens of sustainability.

What are the principal barriers you face to taking more long-term, joined-up decisions?:

What actions need to be taken, and by who, to reduce or remove these barriers?:

What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

Have we identified the most appropriate level of organisational decision making at which the duty should be applied? Please explain:

Would this approach risk capturing some decisions to the duty? What would these be?:

For community and town councils guidance as described above from the Welsh Government following the Local Government Wales Measure (2011) Generally -Peer Review/Indepenent advisers reviewing the approach described here (who should also be involved in the Regulatory Impact Assessment described in Section 8; similar to the independent work that is being attempted through the Planning Bill consultation. A much better approach to the holistic nature of sustainable development - much less repitition of the term sustainable devlopment (which is invariably linked to environmental imperatives only) and more development of the concept of well being. The examples especially P12 Emphasis on Making Social Services sustainable are particularly pertinent and help in this regard and needs bolstering in further advice and guidance with small project examples to make people believe in idea.

Engagement in Sustainable Development can be better understood and applied 'bottom up' and it is with everyday practices that engagement starts. There is plenty of 'place' and local resilience related guidance and awareness and voluntary schemes to choose from -Transition Towns, CREW Small Towns Network, Cittaslow Movement- which capture many aspects of sustainability of places but where the democratic aspectthe role of elected representative are seldom mentioned. What is required as noted is a bit more guidance and analysis which locates the community council as a legitimate focus and specific advice about what a town council might consider in developing the notion of democratic localism and its relation to sustainability. A new sustainable development duty (section 6) the level of decision making to which the duty applies.

The Town Council has a simple structure in relative terms so this is not an issue providing the Town Council has the capability to produce a sustainable plan. However any duty if it is to apply across all town and community councils must not be onerous and any new body must have regard to the varying size of the hundreds of councils in Wales. That said it is the town and community councils who are the grass roots and this Council is probably better able to contribute towards sustainable development given the size of its precept and staffing structure.

From a town and community council perspective the reference to 'duty' is off putting and any consequent which should not be subject secondary legislation will have to make clear community councils will need a lighter approach. However it would provide a framework tp shape discussions on for example planning applications and observations to the Unitary Authority. Similarly it could guide our approach to procurement(paragraph 83)

Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?:

Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?:

Should budget proposals be subject to the duty? Please explain:

Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain:

Are there critical behaviours that we have not identified? Please explain:

What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?:

is consistent with one, some or all of the behaviours: broadly reflects the behaviours:

The consultation goes some way to dispelling the suspicion that despite the holistic definitions environmental issues will continue to dominate. However we believe the discussion needs to be amplified and whilst all the identified behaviours are necessary others might be considered - See Q10

Behaviou related to Social Justice (fairness and reciprocity) is cursorily treated under either behaviour or development factors. This is suprising as it is part of the Sustainable Definition on Page 9. Much of the UK sustainability framework was established before the current economic climate (credit crunch) was apparent and is overly influenced by a similar Defra Model. There should in future be much more discussion on the implications of the public outcry in relation to financial mismanagement and excesses which play into some of the crucial questions raised by sustainability how much is enough and the interest in institutions which embody fairness (Hutton Review on Pay)

is not inconsistent with the behaviours?:

are there other options?:

A process which exposes each to a test of consistent and at least not inconsistent with would be sufficient.

Are there core sustainable development objectives we have not identified above?:

What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?:

only if they actively contribute to one or more of those objectives:

if they do not detract from any of the objectives:

even if they detract from some of those objectives, as long as they actively promote others?:

are there other options?:

What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?:

What are your views on basing a duty around a single sustainable development proposition?:

How much time should organisations be given to make these changes?:

Would it be helpful to issue formal guidance to organisations subject to the new duty?:

Should any such guidance be issued by the Welsh Government or the new sustainable development body?:

Are there any particular

The combined approach

A single sustainable development proposition

The time organisations may need to comply

The provision of guidance

From a community councils point of view guidance on a method to call attention to idea in every agenda item or a Committees agenda More generally tools or tool kit to calculate how sustainability can be measured in relation to projects or policies

There should be a protocal governing partnership working proper consultation. Guidance could be a joint publication The repeal of duties

statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?:

Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?:

Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?:

Are there organisations on this list that should not be subject to the duty? Please explain:

Are there organisations that are not listed above but which should be subject to the duty? Please explain:

Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?:

If we were to define "sustainable development" do you think that the working definition above would be suitable and why?:

What should be the overall purpose for a new body?:

see response to Question 4

As noted in the consultation (para 125) times change and our views of possibilities is considerably changed since the credit crunch. It would have been useful to have some discussion of the implications -positive and negative. Whilst we would like to think there is a fool proof definition we doubt it but it would be much better couched in classical old fashioned notions of justice and fairness. So there is good reason to revisit our approach to the holistic nature of sustainable development much less repetition of the term sustainable development (which is invariably linked to environmental imperatives only) and more development of the concept of well being and social justice.

Whilst we do not think a fool proof definition can be arrived at that provided in the first paragraph of the Executive Summary "Maximisation of well being over the longer term within environmental limits is better and provides less legal hostages to fortune.

Whilst we support the Expert Advice and Guidance Model and the critical friend its advice should be stringent and practical

Do you have any views on the preferred approach regarding the main functions of a new body?:

Are there significant disadvantages to establishing a new body on a statutory basis?:

Do you agree with the proposed functions for a new body established on a statutory basis?:

Are there other functions which should be considered?:

Do you have particular views on the independence of a new body?:

Do you have particular views on the accountability arrangements for a new body?:

Do you have any other related queries or comments?:

It could be argued that given the role of the Auditor General there is no need for a statutory body

To have the statutory body would emphasise the importance of sustainable development. But this would depend on what it did and the resource implications

They should not require onerous reporting by town and community councils but the Body should have a specific role in supporting town and community councils which are often the grass roots of sustainable behaviour proposals.

See Q31

National Federation of Women's Institutes-Wales

Response to the Proposals for a Sustainable Development Bill

Background

The National Federation of Women's Institutes is the largest voluntary women's organisation in the UK with more than 210,000 members in over 6,500 WIs, and over 21,000 new members joining in 2011. It plays a unique role in enabling women to develop new skills, giving them opportunities to campaign on issues that matter to them and their communities, and provides wide-ranging activities for members to get involved in.

Since its inception, the WI has been at the forefront of sustainable development and a commitment to sustainable development is a cross-cutting theme that underpins all its work. For over ninety years WI members have both conserved resources and educated others about sustainability issues.

In 2005 the WI celebrated its 90th Anniversary and to mark the occasion launched 90@90, a major report which showcased members' views on food, waste, energy, transport and climate change. As a result of the report, a range of sustainability projects were developed to engage members in practical means of promoting behavioural change in favour of sustainable lifestyles, both within the membership and its wider communities.

The NFWI will also be using the recent Rio+20 United Nations Conference on Sustainable Development to undertake further sustainability work with the membership during the year ahead.

In addition to the comments provided below, NFWI-Wales supports the position paper submitted by Stop Climate Chaos Cymru in response to the Proposals for a Sustainable Development Bill.

The role of women in sustainable development

Women have a unique role in leading the way to achieving sustainable development as guardians of natural resources, primary decision-makers in household consumption, educators of the next generation and key voices within communities.

The Rio Declaration on Environment and Development, unanimously adopted by 178 governments at the June 1992 Earth Summit in Brazil, specifically recognised that "women have a vital role in environmental management and development." Principle 20 of the Declaration was emphatic that sustainable development can be achieved only with the "full participation" of women. At the same time, chapter 24 of Agenda 21, the action plan for a sustainable future, contained 11 different commitments with specific recommendations to national governments to strengthen the role of women in sustainable development and the elimination of all obstacles to their equal participation.

Despite these commitments, women's contribution to sustainable development continues to be undervalued and goes largely unrecognised and all over the world women continue to be under-represented and their potential continues to be untapped. It is essential that women are involved in decision-making at all levels in order to achieve sustainable development and the power of women as consumers and influencers in their communities should not be underestimated. British women

control £400 million more expenditure than men every week. In many a household it is the women who are the driving force behind household consumption. Women remain influential consumers of domestic products and utilities, providing them with the opportunity to choose greener and less polluting energy suppliers and appliances. Women consider the impacts of their food choices and are the key decision-makers on waste disposal such as recycling and home composting and on travel choices.

General comments on the Bill

NFWI-Wales believes that the Bill should not apply uniquely to the public sector but should be wider to include the private sector. The private sector in Wales has a huge influence and plays an instrumental role in driving this agenda forward. As the BT case study highlights, there are already examples of best practice within the private sector.

The third sector is also very strong in Wales and the sector has a big impact on influencing individuals and groups to change behaviours and lead sustainable lifestyles. The third sector also has a critical part in engaging with hard to reach communities / groups and are currently involved in the successful delivery of sustainable development at a local level. We feel that their role should be acknowledged within the Bill.

In 1998 NFWI-Wales established the *Pathway to the 21st Century – Celebrating our Communities* project which encouraged WIs in Wales to develop sustainable projects to improve the quality of life in their local communities. Over 500 projects were established. The depth, range and quality of projects was tremendous, ranging from clearing and maintaining public footpaths and the formation of a drama group to recording local war memorials and producing wall hangings depicting local communities. The projects showed women at the heart of their communities and highlighted the invaluable contribution they make towards achieving sustainable development.

There is no mention in the document of communities and the part they will play in getting their voices heard and holding public bodies and others to account for their actions. Support from the local level will be imperative, if public bodies and others are going to succeed in changing attitudes and behaviours. Again, the role of communities should be recognised within the Bill.

Very little reference is made in the document to the equalities and social dimension of sustainable development. It is encouraging to note that the recently launched *Tackling Poverty Action Plan 2012 – 2016* highlights sustainable development in its Foreword. Strategies at Welsh Government and Local Authority level must all support and connect with each other however there need to be mechanisms in place to ensure that this strategy is truly cross-departmental collaborating with all government departments.

There is a need for clarification on how the Bill will link with the delivery of *One Wales: One Planet*, the Sustainable Development Charter and the vision for Wales presented in the Climate Change Strategy.

There is no detail within the document regarding the outcomes that organisations delivering public services will be expected to meet. Robust targets need to be set. Tackling climate change is crucial to achieving sustainable development; the Bill must include targets for reducing carbon emissions and other greenhouse gas emissions.

The international dimension is lacking in the Bill. The Bill must recognise and give regard to the impacts of actions in Wales on a global level. Climate Change is already having a disproportionate impact on people in developing countries and is hitting women the hardest. Worldwide, women face unequal access to and control over resources, technology, services, land rights, credit and insurance systems, and decision-making power, making them more vulnerable to a changing climate.

An example of another global challenge ahead is food security. The global food system is consuming the world's natural resources at an unsustainable rate. Food price rises create challenges for the UK consumer as well as wide social and political unrest worldwide. Welsh food security must be considered in a global context.

SECTION 2 – Background – sustainable development

Promoting sustainable development thinking

NFWI-Wales welcomes the key issues outlined with the aim of developing "sustainable development thinking". In particular, there is a great deal of work to do in the areas of 'working across organisational boundaries' and 'focusing on prevention' both at Welsh Government and local authority levels.

One example where the above focus could make a difference is in addressing violence against women. Violence Against Women is a barrier to creating sustainable communities and has high social, health and economic costs to women and society. It is estimated that the human and emotional cost of domestic abuse in England and Wales alone is £23 billion a year and violence against women costs £40 billion a year. The Welsh Government has found that women seeking refuge from domestic abuse costs £8.2 million annually.

By focusing on education and prevention initiatives from primary school level to challenge the attitudes that exist and through the development of sustainable support services for victims, the cost to society and the economy could be reduced and wellbeing and quality of life of women improved.

If the Sustainable Development Bill has 'teeth' and succeeds in getting local authorities to use the sustainable development factors in their decision-making processes in collaboration with the duties that will be required of them under the Violence Against Women Bill, we feel that these would be steps in the right direction.

SECTION 3 – Our approach to promoting sustainable development

Any duty placed on public bodies must 'have teeth' and have more power than simply asking organisations to pay due regard to the principles of sustainable development. It must do more than <u>encourage</u> all organisations that deliver public services to put sustainable development at the heart of their activities.

Q1 What are the principal barriers you face to taking more long-term, joined-up thinking?

Government departments continue to work in silos and there is evidence in some areas of a lack of cross-departmental policy development. For example, when NFWI-Wales represented the former Wales Women's National Coalition at the Rural Affairs Ministerial meetings in 2009, the Rural Affairs department did not deem it appropriate to discuss violence against women within the portofolio of the then

Minister for Rural Affairs. NFWI-Wales questions what mechanisms are there in place for the Welsh Government's Sustainable Development Department to work alongside the Equality, Diversion and Inclusion Division and for the Welsh Government's Community Safety Division work in collaboration with the Sustainable Development Department. The Welsh Government launched its integrated strategy to tackle violence against women in March 2010. In order to be truly integrated, this strategy needs to involve all Welsh Government departments however a number of departments have not considered the matter.

In terms of encouraging behaviour change, organisations are often preaching to the converted and need to engage more widely to target the groups / individuals that need to make the lifestyle changes to live more sustainably.

Q2 What actions need to be taken, and by whom, to reduce or remove these barriers?

The Welsh Government must show leadership and government departments must establish an ethos of working cross-departmentally.

Civil servants need to be trained with the skills and knowledge to embed sustainable development principles into their work. This would result in a huge step in the way that Welsh Government departments operate as they do not always understand sustainable development or how to implement it. Training in sustainable development should be central to the Bill and it could also, for example, provide a duty on the Welsh Government and public bodies to appoint a sustainable development champion in each department.

Lessons can also be learnt from the private sector as the BT case study illustrates. In order for the Bill to result in powerful change, NFWI-Wales believes that the Bill should not be limited to the public sector and should also incorporate the private sector in the scope of the Bill.

Education should be at the heart of the Bill from nursery education to lifelong learning.

In terms of community engagement, mechanisms need to be put in place to enable grassroots women to participate in local, national and international dialogues. Public bodies must be expected to demonstrate that they have engaged with all sectors of the community and with those groups that are currently under-represented in decision-making processes – women, disabled people and black and ethnic minority groups.

Chapter 28 of Agenda 21 sets out the key role that Local Authorities play in delivering on SD and in particular the role that women can play stating that "all local authorities in each country should be encouraged to implement and monitor programmes which aim at ensuring that women and youth are represented in decision-making, planning and implementation processes".

Equality should be at the forefront and form the basis of all sustainable development decisions made by public bodies. The Bill should include a duty for government and public bodies at all levels to mainstream gender into its decision-making processes. Women play a crucial role in reducing unsustainable patterns of consumption and production.

It is also crucial that women's voices are heard in decision-making processes. Women, for example, have different transport needs to men, have different work patterns to men and it is women who are the key decision-makers in the home and responsible for the shopping, recycling and choosing energy suppliers. Women in rural communities encounter poverty of opportunity in all areas of life – labour market exclusion, low pay, lack of affordable quality childcare and limited access to services. All these factors contribute to women's social exclusion and their inability to participate in the running of their communities.

The Welsh Government's Equality Impacts Assessment process is going some way towards looking at the impact of policy decisions on the six equality strands. However there is inconsistency in terms of the approaches being taken by local authorities and other public bodies to equality impact assess and this can impact on the delivery of services.

A gender budget approach could be a tool that public bodies could use to identify the impact and compare the implication of budgets and policies on men and women. It does not aim to produce a separate budget for men and women, but to analyse expenditure, or resource allocation from a gender perspective.

Q3. What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

Point 61 of the consultation document states that 'our latest effectiveness review shows that having sustainable development as the central organising principle results in different, better policy outcome'. Despite this statement, a number of areas continue to need to be addressed including child poverty, the rise in unemployment amongst women, the gender pay gap and violence against women.

One in four women in Wales will experience violence at the hands of a partner during their lives and 150,000 women in Wales will suffer some form of gender-based violence each year. The Welsh Government is committed to eradicating child poverty by 2020 yet recent figures published by the Department of Works and Pensions estimate that 23% children in Wales are living in poverty. The pay gap between men and women persists and the number of women in unemployment is rising. Data published by the Office for National Statistics in May 2012 showed that female unemployment in Wales has risen by 34.4% from last year with 57,000 women unemployed in Wales. These issues are all examples of challenges that the Sustainable Development Bill will need to address.

SECTION 6 – A new sustainable development duty

Q4 Have we identified the most appropriate level of organisational decision-making at which the duty should be applied?

NFWI-Wales agrees that the Bill needs to focus on the higher level decisions and ensure that Chief Executives and other senior members of staff are committed to sustainable decision-making.

However the Bill must apply to all levels of organisations and change mindsets at all levels of organisations as well as amongst communities. Unless all levels of organisations are signed up/involved, staff will not be empowered to embed sustainable development thinking within their area of work.

Leadership from the Welsh Government is crucial in ensuring consistency in the approach by public bodies to implementing sustainable development principles.

We believe that there should be sustainable development champions appointed in each local authority and Welsh Government departments to drive the vision of the Bill forward. Training should be delivered at all levels of organisations.

As previously highlighted, there is no reference to the role of community-led decision-making within the process.

The Bill should ensure the full and equal participation of women in sustainable development decision making. Across the world, a lack of recognition is given to the role that women play in achieving sustainable development. Women also continue to be under-represented in decision-making processes and we are concerned that higher level decision-making may result in the implementation of decisions excluding representation from women. Only 2 council leaders and 5 chief executives in Wales are female. A gender-balance strategy for decision-making on sustainable development at all levels will ensure that women and men are equally represented. Gender disaggregated data would allow for an adequate assessment of women's participation.

Q7 Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

Yes, public bodies must lead and set an example by having sustainable development as a core of their internal operations. NFWI is committed to reviewing and continually improving its internal practices. Since 1999, NFWI has had a green housekeeping policy to make sure that its office practices support its commitment to sustainable development. A number of Federations have also developed their own policies to green their offices.

NFWI-Wales has also incorporated sustainable development to its Get Cooking project and provides hints and tips to the project participants on issues such as reducing food waste and supporting local shops.

Q8 Should budget proposals be subject to the duty?

Yes

The behaviours approach

We agree with the sustainable development behaviours outlined in the document. These are behaviours that we feel that organisations delivering public services should already have in place. By incorporating these into legislation, we feel they will go some way to ensuring that all the factors are taken into account in decision-making processes while also allowing room for innovation by being non-prescriptive.

Working across organisational boundaries – We welcome the 'whole system approach to decisions'. This does not always happen and will require a huge shift in the way that organisations make decisions including in the Welsh Government.

Prevention – We strongly agree that prevention should be central to all decision-making. As demonstrated by the earlier example we provide in relation to violence against women, a prevention approach could result in large savings in the long-term

by tackling the source of a problem rather than tackling the consequences at a later date.

In terms of engagement and involvement of stakeholders, there will be a need for organisations to support stakeholders to get involved. Community members don't always have the skills and confidence to get involved in local consultations and decision-making processes. Organisations will have to ensure that there are mechanisms in place to ensure that they involve all sectors of the community in engagement events including those groups that are generally under-represented in decision-making such as women, disabled and black and ethnic minority communities. Overcoming barriers to engagement should be addressed.

The objectives approach

We feel that a stand-alone objectives approach could result in no more than a tick box exercise.

The combined approach

This approach would be too complex.

Q17 What are your views on basing a duty around a single sustainable development proposition?

This is too open-ended and interpretation of this proposition could vary significantly from one organisation to another. We are concerned a single sustainable development proposition could be open to misinterpretation. We also do not feel that the suggested wording provided for the proposition is appropriate.

Q19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

Yes, it will be essential that strong guidance is issued to accompany the Bill. It is not enough to ask public bodies to produce a sustainable development scheme. Standards must be set for public bodies to meet and they must be scrutinised against these standards.

Q20 Should any such guidance be issued by the Welsh Government or the new sustainable development body?

Guidance should be issued by the new body and should include guidance targeted at the Welsh Government also.

Q26 Defining Sustainable Development

We agree that there is a need for the Bill to include a strong definition of sustainable development that everyone can work towards and also to ensure consistency. We are concerned that the Bill will be diluted without a strong definition.

The original Bruntland definition continues to prove relevent and appropriate and is not too prescriptive.

Q27 If we were to define "sustainable development" do you think that the definition above would be suitable and why?

We believe that the current definition is suitable as it is consistent with One Wales; One Planet. It is a definition that everyone can aspire towards encompassing the 3 elements of sustainable development as well as the vision to improve quality of life.

SECTION 7: An independent Sustainable Development Body

Q29 Do you have any views on the preferred approach regarding the main fuctions of a new body?

The role of the Sustainable Development Body should include providing expert advice and guidance. Its remit should be to interact with all levels of society including the public sector, private and third sector in order to achieve the necessary step change. We also support the appointment of a Commissioner for Sustainable Development as a champion for sustainable development.

In addition to the above, the Body must have the power to scrutinise and hold the Welsh Government and other public bodies to account. The Body should be able to investigate and take action against organisations who fail to comply. It must have teeth and have the power to challenge non-compliance with the Bill.

We agree that the new body should be established on a statutory basis.

Q31 Do you agree with the proposed functions for a new body established on a statutory basis? / Q32 Are there other fuctions which should be considered?

We agree with the proposed fuctions. In addition to the proposed functions the Body should have the power to hold the Government and other public bodies to account and to sanction those who do not comply with the Bill. We feel that the power to solely require organisations to 'provide information on how they are implementing the duty' is too weak.

In relation to the suggested role of the Auditor General for Wales in scrutinising sustainable development, NFWI-Wales would like to see clarity around the role that the AGW and clarification on how the relationship between the AGW and the Sustainable Development body will operate.

Q33 Do you have particular views on the independence of a new body? / Q34 Do you have particular views on the accountability arrangements for a new body?

We agree that the Body should be independent from Government and accountable for its actions. We believe that the Body should present an annual report of its activities to the National Assembly for Wales for scrutiny.

Conclusion

NFWI-Wales hopes that the above comments will be considered and that the White Paper will provide proposals for a strong Bill that will have the power to truly drive sustainable development forward in Wales. Although we in the UK may escape the worst of the effects of environmental changes in our generation, it is future generations which will be hit – our children and grandchildren – as well as those living in more vulnerable nations around the world. We must ensure that this one-off opportunity to make a difference is a success.

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email:

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Responses to consultations may be made public - on the internet or in a report. If you would prefer your response to be kept confidential, please tick here:

(Unchecked)

Your name:

Steve Garrett

Organisation (if

RCMA Social Enterprise (Riverside Community Market

applicable):

Association)

Email Address:

rcma@riversidmarket.org.uk 46 Ninian Park Road, Cardiff

Address: Postcode:

CF11 6JA

What are the principal barriers you face to taking more long-term, joined-up

What actions need to be

The Welsh Government and many of Wales' Local Authorities have not made a firm commitment in practice to procuring locally and sustainably produced food. Many procurement officers seem to lack the knowledge and skills to be able to source more local/sustainable food and at the same time complying

decisions?:

with relevant EU legislation. It CAN be done, and there

are many examples of HOW it can be done if the

political will and motivation is there.

The Welsh Government needs to require all public bodies and institutions to procure a significant and realistic proportion of their food from local producers by a fixed date, and take whatever measures it can to ensure taken, and by who, to reduce compliance. Training needs top be provided to public procurement professionals so that they are aware of WHY this approach is important, and HOW to achieve

or remove these barriers?:

the desired results - including learning from other places where this is achieved.

What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?:

Making Wales a Sustainable Food Nation will bring benefits to the Welsh economy, to the Welsh environment, and to the health and quality of life of our citizens. This will be a win, win, win. Why is progress in this area so slow?

Have we identified the most appropriate level of organisational decision making at which the duty should be applied? Please explain:

To date there have been too many strategies and not enough action i.e. commitment of resources to making real change 'from plough to plate'

Would this approach risk

I can't see why. Increased sourcing of fresh, locally and

capturing some decisions sustainable prowhich should not be subject EVERYONE! to the duty? What would these be?:

sustainable produced food delivers benefits to EVERYONE!

Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?:

Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?:

Should budget proposals be subject to the duty? Please explain:

Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain:

Are there critical behaviours that we have not identified? Please explain:

What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?:

is consistent with one, some or all of the behaviours:

broadly reflects the behaviours:

is not inconsistent with the behaviours?:

are there other options?:

Are there core sustainable development objectives we have not identified above?:

What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision

making?:

only if they actively contribute to one or more of those objectives:

if they do not detract from any of the objectives:

even if they detract from some of those objectives, as long as they actively promote others?:

are there other options?:

What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?:

What are your views on basing a duty around a single sustainable development proposition?:

How much time should organisations be given to make these changes?:

Would it be helpful to issue formal guidance to organisations subject to the new duty?:

Should any such guidance be issued by the Welsh Government or the new sustainable development body?:

Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?:

Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?:

Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?:

Are there organisations on this list that should not be subject to the duty? Please explain:

Are there organisations that are not listed above but which should be subject to the duty? Please explain:

Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?:

If we were to define "sustainable development" do you think that the working definition above would be suitable and why?:

What should be the overall purpose for a new body?:

Do you have any views on the preferred approach regarding the main functions of a new body?:

Are there significant disadvantages to establishing a new body on a statutory basis?:

Do you agree with the proposed functions for a new body established on a statutory basis?:

Are there other functions which should be considered?:

Do you have particular views on the independence of a new body?:

Do you have particular views on the accountability arrangements for a new body?:

Do you have any other related queries or comments?:



CONSULTATION ON THE SUSTAINABLE DEVELOPMENT BILL FOR WALES – RESPONSE FROM CYFANFYD

The Role of Education for Sustainable Development and Global Citizenship

Without a clear commitment to the education of future generations about sustainable development and global citizenship the aims of the Sustainable Development Bill cannot be achieved.

"Children and young adults deserve to know that their fate is inextricably linked to and affected by, the lives and decisions of others across the world. They have a right to understand the crucial issues facing the planet and know how they can personally play a part in helping shape the future"

Jane Davidson, 2002

Wales has a unique and envied position amongst educators across Europe in having an education strategy that reflects the Government's policy on sustainable development in both a local and global context. The Welsh Government's ESDGC strategy seeks to build awareness and commitment of future generations to One Planet living. ESDGC is a statutory requirement at all levels of the curriculum and is part of the Estyn Common Inspection Framework and this needs to be acknowledged within the new Bill.

"ESDGC seeks to find ways to raise awareness and action to address the consequences of our lifestyle choices"

Jane Hutt, 2008

In the light of Welsh Government's ongoing commitment to education for sustainable development and global citizenship we feel that it is imperative that the Sustainable Development Bill, currently under consultation, states the importance of ESDGC in ensuring that future generations understand and are equipped to deal with the 'crucial issues facing the planet and know how they can personally play a part in helping shape the future'.

We strongly recommend that the Sustainability Bill needs to include an explicit statement as to how its aims and purposes will relate to and further advance ESDGC in Wales. Without a

clear acknowledgement of the role that education and, in particular ESDGC, has to play in raising awareness of sustainable development and supporting behaviour change we feel that the Bill would be lacking a vital component.

This response has been submitted by Cyfanfyd on behalf of the organisation's Executive Committee and its members. It has been formally endorsed by the following Cyfanfyd partners and stakeholders:

Alison Holland - St Madoc Centre

Alun Morgan - Educational Consultant

Alyson Jenkins - Educational Consultant

Asylum and Refugee Women's Project

Ben Ballin - Educational Consultant

CAFOD

Council for Education and World Citizenship

Christian Aid

Community Justice Cymru

Council for Wales of Voluntary Youth Services

Countryside Council for Wales

Esther Foster, ESDGC Coordinator, Bridgend CBC

Fair Trade Wales

Lisa Fowler ESDGC Co-ordinator Caerleon Comprehensive School

Marina Carter PSE Healthy Schools Coordinator Flintshire C.C.

Mathew Maidment PSE Co-ordinator at Bryn Celynnog Comprehensive School

One World Week

Powys Environment and Development Education Centre

Peri Thomas Mess Up The Mess Theatre Company

Phil Vickery ESDGC Officer Lifelong Learning & Employment Training Service, Swansea CC

Dr Syed Abdul Latif

Real World Learning Cymru Partnership

Safer Wales

Siwan Ellis Ysgol Gyfun Bryn Tawe

The Institute for Outdoor Learning Cymru

Vicky Leech Education Advisor Oxfam Cymru

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Consultation Response from the Wales Tourism Alliance on the Sustainable Development Bill Consultation

The Wales Tourism Alliance is grateful for your request for submissions to this consultation. We would like to place on record our interest in the subject matter and, while we are not submitting a detailed response at this point, we remain the representative body of one of Wales' most significant industries and would very much appreciate continued inclusion in the development of the proposed bill as we may wish to intervene or offer advice at a later date.

The WTA recognises that sustainability is key to ensuring our long term environmental, social as well as economic well being. However we do believe that caution needs to be exercised to ensure that when a decision is being made with serious short term implications which relates to the use of finite resources that all variables in the equation are weighted correctly and a decision is made based on common sense, good practise and business or organisational management as well as legal implications. We do not wish to see a prescriptive piece of legislation that abdicates or even arrests decision making due to the resulting legislation being too difficult to navigate or because it simply acts as a block barrier to undertaking any form of activity that falls outside its basic scope.

In the current economic climate it is difficult to plan long term joined up decisions when you have to maintain the flexibility required for business survival in the short term. There is no silver bullet solution. Circumstances change daily, charging an individual or body to undertake this role produces significant challenges and again removes the ability to move fast in the face of a sudden need. Realistic thresholds will need to be set so that in times where a difficult situation the sustainability legislation does not remove the ability to act. As a general principle sustainability should be the rule, but it will be extremely challenging to tie or apply a complex concept through legislation. Is legislation the best approach to getting buy in to the improving sustainability? To make something which we should all naturally aspire to a legislative requirement seems counter intuitive.

If you wish to discuss further then please contact me direct as follows:

Adrian D. Greason-Walker - Executive Director

Wales Tourism Alliance Seven Stars, Nantmel, Llandrindod Wells, Powys. LD1 6EN

Tel: 07749 785147

The Wales Tourism Alliance

The Wales Tourism Alliance (WTA) is the recognised over-arching representative organisation for the tourism industry in Wales, liaising with and coordinating the views of all concerned and informing and working with Government at Westminster, Cardiff and at Local Authority levels. The WTA also acts as an intermediary between Government and all involved in tourism, disseminating information to the industry via our member organisations and we work with colleagues in organisations in other parts of the UK.

The membership of the WTA includes sectoral, national, regional and local representative bodies comprising accommodation (hotels, guest houses, bed and breakfast establishments, holiday home parks, touring caravan and camping sites, hostels and self-catering cottages), attractions, activities, training and skills, tourism guides and transport. The Wales Tourism Alliance is a pan-Wales umbrella group

with member organisations resting within its general membership. This amounts to around 7,000 working operators and means WTA contacts and representatives are now found in every part of Wales. Our members are:

British Home & Holiday Park Assoc **British Hospitality Association** Brecon Beacons Tourism The Camping & Caravanning Club The Caravan Club Carmarthenshire Tourism Cardiff & Co Federation of Small Businesses Farmstay UK Institute of Hospitality (Wales) Mid Wales Tourism National Caravan Council North Wales Tourism Pembrokeshire Tourism Small serviced sector Forum SE Wales Tourism Forum Snowdonia Active Tourism Swansea Bay Visit Wales Wales Official Tourist Guides Association Wales Activity Tourism Operators Wales Association of Self Catering Operators Wales Association of Visitor Attractions

The WTA therefore works with and on behalf of operators ranging from major players to the numerous micro-businesses that make up so much of the tourism industry.

To achieve this the Wales Tourism Alliance brings together the most powerful private and public sector partnership of tourism industry interests in Wales, including some of the biggest players in the United Kingdom who add their voice to ours in Westminster as well as in Cardiff. In that capacity the WTA remains committed to 'working together' with partners on an honest broker basis, only possible due to our trusted status and unique way in which we are supported by both our private and public sector membership. The tourism sector in Wales will not achieve its potential if Government, Local Authorities and the private sector are all working independently with a low level of communication and understanding of each other. The Wales Tourism Alliance provides the mechanism to make a reality of the partnership concept.

I would be grateful if you could acknowledge are response.

Many thanks,

Adrian D. Greason-Walker

Executive Director - Wales Tourism Alliance www.wta.org.uk

Response from Carmarthenshire County Council 12th July, 2012

Welsh Government Consultation: Proposals for a Sustainable Development Bill

We welcome the Welsh Government's overall aim - to provide consistency of approach, enabling organisations to demonstrate how they are integrating social, economic and environmental issues into their decision making and service delivery.

We strongly agree that is should not become a "tick-box" compliance, or add unnecessarily to the burden of bureaucracy.

We are concerned at the imposition of another 'duty' on local government, if this were to become yet another 'audit and inspection' led burden with no real outcomes. Monitoring should be through existing mechanisms rather than requiring yet more plans and strategies, reports and inspections.

A Local Service Board approach?

The duty applies to Local Authorities and other public sector bodies. We have already agreed an Integrated Community Strategy (ICS) for Carmarthenshire with LSB partners – this has a vision to deliver a sustainable county and seeks to deliver a range of long-term outcomes. Although the consultation does not specifically refer to the role of LSBs we have already made considerable progress with partnership working and would welcome the option of addressing the duty across all public sector partners in the county. Indeed the ICS Annual Report could, in future, seek to demonstrate how all partners are delivering the SD duty.

Local Service Boards are well placed to share good practice amongst the various public services at a local level and to monitor progress, as a conduit from national policy into local action, and we think this should be reflected in the proposals.

Q1 & 2: Promoting sustainable development – barriers to taking more long term joined up decisions

The key barriers to long-term joined-up decisions are:

Short-term political cycles

Financial pressures (and lack of consideration of whole-life costing)

Annual business and financial planning – these do not encourage us to take a long-term approach, and departmental budgeting encourages further silo-approaches (discouraging joined-up thinking).

We have to start working towards 5 year plans (at least) if SD is to become a reality Also senior leaders and managers across the public sector need to have a much greater understanding of the importance of sustainable development to their organisations and how it can be used to deliver better services and outcomes.

Q3: Learning from our approach to sustainable development – evidence about the extent of progress

Annual reports for local authority Improvement Plans WAO Audits?
Evaluation of SD Charter organisations
WLGA SD Framework – website provides projects and case-studies
Cynnal Cymru website?

Whatever there is available needs to be shared much more widely to encourage information sharing, learning from best practice, to make the sustainable approach the 'norm' or default for public sector bodies.

Q4-8: A new sustainable development duty: the level of decision-making to which the duty should apply

We agree that the duty should focus on higher-level decisions that have the greatest influence over organisational behaviour – e.g. long-term strategies (Single Integrated Plan, Local Development Plan being the key ones for LAs) and annual plans (e.g. business and financial plans).

Partnership strategies such as the Single Integrated Plans are the key documents in terms of determining our long-term vision and direction. The Local Development Plan is another key long-term document in terms of land-use planning and enabling/supporting sustainable communities.

The duty should also be considered within the strategic and financial plans of organisations, although it may be necessary to **prioritise** in the first instance, as asking organisations to mainstream SD through all of these may be overwhelming. If the duty was introduced in a gradual or stepped manner, then this would allow organisations to ensure they had appropriate capacity/resource – e.g. that SIPs and LDPs are "assessed" in the first instance, with guidance being introduced for integrating SD into business and financial plans at a later date. The minimum time-frame for any key strategies should be 5 years with a view to extending these to 10-20 years in time.

If the duty is to be applied to general or subject-specific policies, with the aim of ensuring greater consistency across the public sector, then further guidance will need to be given as to which 'individual' policies and/or decisions are included by the duty.

It is unclear from the proposals how Procurement decisions will be affected – these are subject to European legislation (and often barriers) and there is a need to clarify how the SD duty would impact on local procurement.

Q9-17: A new sustainable development duty: the Approach

We strongly agree that the legislation must be the 'right' duty to create the effect of organisational culture change and lead to the delivery of more sustainable outcomes. To encourage a more SD-approach within the public sector there will be a need to ensure that key decisions have been informed by key sustainable development behaviours and/or objectives – to influence both process (the "how") and delivery of outcomes (the "what"). Using a combination of behaviours and outcomes would seem sensible, to make sure that both process and outcomes are being considered, however greater clarity may be required in

relation to how exactly it will be expected that these are to be used as part of decision-making.

With the 'behaviours' suggested it would seem very difficult to measure or audit how these are being considered through decision-making.

With the 'objectives' – there would need to be recognition of local priorities (e.g. through SIP), although emphasis should be on considering all of these (integration) rather than to pick and chose from the list.

It would also help if they were not too prescriptive e.g. the outcomes would need to reflect those already agreed in our Integrated Community Strategy.

We feel that the single proposition is too vague and would need further guidance and explanation around how this could be delivered – this goes against trying to simply and demystify delivery of sustainable development!

Q18-20: A new sustainable development duty: Timing and Guidance

As suggested above, a stepped approach would seem sensible and fair, recognising that organisations are currently at different stages and have varied capacity / resource - sustainable development is a journey and some organisations are further ahead than others. It should not be seen as a 'race' but rather as a long-term journey of change.

The Bill should seek to encourage organisations to develop 5 year plans, with evidence of how annual business and financial planning will develop to deliver more sustainable services and outcomes, with the aim of moving towards 5-year business and financial planning. Formal guidance should be issued by Welsh Government, developed by the new SD Body in partnership with the WAO/AGW – this should be published as soon as the legislation is in place to allow organisations time to understand the new requirements. It should take into account best practice from across Wales and wider, including the WLGA SD Framework, NHS Toolkit etc.

Q23: Reporting

Reporting and monitoring will be key to the success of the SD Bill. Public sector organisations already have a number of mechanisms in place – such as Improvement Plans, Outcome Agreements, Annual Reports, and also internal scrutiny functions. It is essential that reporting is integrated with these existing mechanisms and procedures e.g. annual reporting arrangements – these should be used to report on progress with mainstreaming sustainable development to ensure that SD is not seen as an 'add-on' but is central to the way organisations work.

It would also be better if we report on achievements or successes rather than 'compliance' which could be seen in a more negative light. The role of the Auditor General Wales is to be welcomed – however WG would need to make sure they have sufficient capacity and capability to undertake SD 'examinations'.

The SD Body will have to work closely with the AGW/WAO to ensure that any reporting or examinations will be positive and beneficial and promote continuous improvement. Greater transparency e.g. to the public is to be encouraged as is peer-review (e.g. via LSBs).

In relation to arrangements for **impact assessment** - there is a suggestion in the consultation about ensuring that SD is considered at a "strategic decision-making level". There are new requirements on organisations to assess for equalities impacts, and that there is currently a consultation by the Welsh Language Commissioner which refers to assessing for the impact of

decisions on the Welsh language. We (as the Welsh Government) have previously developed a **Policy Integration Tool** that encourages staff to consider the impact of their plans and projects on our key priorities and cross-cutting principles such as equalities, Welsh language and sustainable development. We are currently considering how this can be updated in line with our new Integrated Community Strategy, to ensure that we are considering all issues together. Will there be provision in the Bill for these issues to be considered and joined-up at the national level?

Q24-25: Organisations subject to the duty

A fairly comprehensive list of organisations that would be covered by this duty has been provided – inclusion of the Welsh Government provides a significant opportunity for them to demonstrate leadership across all areas and departments on this issue. If this leadership is provided then organisations such as Local Authorities, Local Health Boards and Health Service Trusts, Higher and Further Education organisations will be encouraged and enabled to make progress.

WG need to be mindful that some organisations e.g. Town & Community Councils would have limited capacity to deliver the duty and it may be better for them initially to work in partnership (either with each other or with their local authority) to develop a more flexible response. Organisations (e.g. third sector) and businesses which contract with public bodies should be expected to contribute to sustainability principles.

As mentioned previously there is no mention of Local Service Boards within the Proposals, and it may be worth considering whether some areas would prefer to develop a LSB-approach to the duty as this would tie-in with the WG's collaboration and partnership agenda. A number of LSB areas (including ourselves) are already doing this for Climate Change Adaptation.

Q26-27: Defining sustainable development

The misuse of the term 'sustainable' and 'sustainability' to mean financial sustainability / continuity has been increasing in the last few years. Further the focus on environmental sustainability is an ongoing issue. To clearly define sustainable development in law may address this issue however you would need to ensure that people have a clear understanding of the term.

The definition used in WG's SD Scheme "One Wales: One Planet" is clear and would be suitable for use in the new duty – it would need to be widely used and communicated at all levels of the public sector so that people gain a greater understanding of what sustainable development really means.

As well as a lack of clarity and understanding around the term, there is also a lack of understanding about what SD as a central organising principle for organisations actually means. Again this needs to be clarified and communicated so that there is greater awareness and understanding of what everyone needs to be working towards.

Q28-34: An independent SD Body

The purpose and function of the new body should be to provide advice, guidance and support to all bodies on implementing the new duty and delivering sustainable outcomes. They need to support the 'step-change' required in the public sector in Wales – how large will this

organisation need to be if they are to have the capacity to provide support for all organisations across Wales?

The body needs to be **independent**, not bound by political cycles, and be able to take the long-term view.

WG needs to look at the progress made by previous arrangements e.g. SD Commission and Cynnal Cymru have both been in existence for the last decade - it's important to look at their achievements / impact and learn from what's worked (and not worked) in terms of the advice and support they have been able to provide, and also whether it has resulted in any tangible change.

The new Body will also need a close relationship with the AGW/WAO to ensure that there is sufficient capacity and expertise here to deliver their new role. They will also need to make sure that any reporting and auditing is done in a positive way, to avoid any potential duplication, and to take any learning from current practice.

The new Body will also need to be able to pull together evidence (best practice), increase awareness and understanding of SD across Wales, and provide training for different sectors. Again depending on the size of the Body, care will be needed to ensure that the resource available is focussed and not 'spread too thinly'.

The new Body will need to link in with the various other organisations and networks active across Wales to ensure best use of resources available and promote a more collaborative approach. They could also look to having a presence across Wales e.g. through regional offices and/or linking in with regional networks, to make sure that all stakeholders are aware of the support available.

BSW Timber Response to the Consultation on Proposals for a Sustainable Development Bill

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Company: BSW Timber Group

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- 1. What are the principal barriers you face to taking more long-term, joined-up decisions?:
- 2. What actions need to be taken, and by who, to reduce or remove these barriers?:

BSW Timber is the UK's largest domestic sawmilling group, processing around fifteen per cent of the UK timber harvest. The group has an annual turnover in excess of £175m, directly employing over 900 people; indirect employment in timber harvesting and haulage accounts for another 2,500 jobs. The company has six mills in the UK (and one in Latvia), including one in Newbridge-on-Wye. It has been involved in sawmilling since 1848.

BSW is currently implementing a five-year capital investment programme across the Group, worth £52m, in modernising the mills and expanding capacity to produce more than 1.3 million m3. As such it is one of the largest buyers of timber in the UK. BSW has invested £6m in the Newbridge mill over the past five years. This has allowed for an extension of working hours and the creation of 29 full-time jobs in addition to the 140 full-time staff already employed at the mill.

The Group welcomes the Welsh Government's commitment to Sustainable Development. BSW works hard to ensure sustainability is a consistent feature of its operations and the company is a strong proponent of the importance of sustainability in the forestry sector. In order to ensure that the company is able to make long-term, joined-up decisions it is important that the Welsh Government continues to support sustainable forestry. This will allow the company to feel confident in continuing to invest in Wales.

It is important therefore that the new Natural Environment Body for Wales is able to fully support sustainable forestry and incorporate the relevant aspects of the "Four E's" approach. A crucial focus for BSW and other forest industries is good access to sustainable, productive forestry. Therefore it is essential that the new body is able to encourage forestry planting. Current efforts by the Welsh Government to increase woodland planting have not been as successful as hoped. Woodland expansion under Glastir has been limited and Wales is currently well behind its target of increasing

planting by 100,000 hectares by 2030. In the past two years only 897ha have been approved under the Glastir Woodland Grant Scheme and only 299ha have actually been planted. It is important to address these current problems with Glastir's woodland creation scheme and to encourage land managers to use their land for sustainable, productive woodland creation and management.

Commercial forestry is a vital component of a sustainable Welsh economy. The forestry sector provides continued investment opportunities as well as providing essential jobs in rural areas. Woodland covers a significant proportion of Wales' land and it is important that one of the Welsh Government's sustainable development aims is the sustainable use and development of this valuable resource. This will give the Welsh forestry sector the confidence to continue to invest and create jobs in Wales. Therefore it is important that the new body is able to work to support increased woodland planting in a sustainable and productive manner.

In addition, it is also important that the new body and the Welsh Government consistently engage with forestry industry stakeholders in order to ensure the interests of commercial forestry are included in forestry management decisions. BSW is fully supportive of the Welsh Government's sustainable development aims and such engagement will ensure that the company is able to continue to work sustainably with Welsh forestry.

- 3. What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies? :
- 4. Have we identified the most appropriate level of organisational decision making at which the duty should be applied? Please explain:
- 5. Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?:
- 6. Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?:
- 7. Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?:
- 8. Should budget proposals be subject to the duty? Please explain:

¹ Written Questions WAQ59704 and WAQ59704 (Aled Roberts AM), 10 February 2012, http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-written-questions.htm?act=dis&id=230460&ds=2/2012.

9. Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain:

These behaviours are critical to acting in ways that reflect sustainable development and it is important that public organisations that work on issues related to forestry work to exhibit these behaviours. Engagement and involvement with stakeholders is particularly important, in order to ensure that commercial forestry interests are given proper consideration and are able to work sustainably and in an integrated manner with other forestry stakeholders.

- 10. Are there critical behaviours that we have not identified? Please explain:
- 11. What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions? :
- 12. How much influence should sustainable development behaviours have over high level decisions for example, should those decisions be lawful if they have been reached in a way that:

is consistent with one, some or all of the behaviours broadly reflects the behaviours is not inconsistent with the behaviours? are there other options?

- 13. Are there core sustainable development objectives we have not identified above?:
- 14. What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?:
- 15. How much influence should the objectives have over high level decisions for example, should those decisions be lawful:

only if they actively contribute to one or more of those objectives : if they do not detract from any of the objectives : even if they detract from some of those objectives, as long as they actively promote others? : are there other options? :

- 16. What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives? :
- 17. What are your views on basing a duty around a single sustainable development proposition?:
- 18. How much time should organisations be given to make these changes? :
- 19. Would it be helpful to issue formal guidance to organisations subject to the new duty?:

- 20. Should any such guidance be issued by the Welsh Government or the new sustainable development body? :
- 21. Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?:
- 22. Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?:
- 23. Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?:
- 24. Are there organisations on this list that should not be subject to the duty? Please explain:
- 25. Are there organisations that are not listed above but which should be subject to the duty? Please explain:
- 26. Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?:
- 27. If we were to define "sustainable development" do you think that the working definition above would be suitable and why? :

Introducing a legal definition of 'sustainable development' would provide organisations and stakeholders with a clear and broad understanding of what sustainable development encompasses and provide consistency for future legislation. However, as noted in the consultation document, difficulties may arise as understanding of sustainable development evolves over time.

The current definition provides a sufficient understanding of the features of sustainable development but by making it the final legal definition there is a risk that more nuanced aspects may be excluded or not given due consideration by the relevant bodies. Although the economic side of sustainable development is mentioned in the current definition the social and environmental aspects are given more weight. Although suitable as a general, guideline definition, BSW is concerned that if this definition is given legal weight the Welsh Government and affected organisations will not give the economic side of sustainable development necessary attention. It is important that companies like BSW, who are actively working to support the Welsh Government's sustainable agenda, feel confident that their sustainable economic aims are supported to the same extent as the social and environmental aspects of sustainable development.

Therefore, BSW suggests that rather than becoming a strict, legal definition, that the current definition of sustainable development is used, alongside the sustainable development behaviours and objectives, as the Welsh Government's recommended definition. This will clarify what is meant

by sustainable development but will allow for future flexibility and ensure that sustainable development interests are catered for.

28. What should be the overall purpose for a new body?:

The purpose of the new body should be to act as an advisory and scrutiny body, ensuring that organisations are complying, and are given the appropriate tools to comply with, Wales' sustainable development agenda. It should therefore also be an organisation that stakeholders can approach if they feel that a body they work with is not providing sufficient action on sustainable development. This will be particularly important during the inaugural years of the new Natural Environment Body where it is possible that certain functions of the three merger bodies may be given less focus due to merger constraints. This will provide assurance for stakeholders that the public organisations they work with will work to give all sustainable development interests, including commercial forestry interests, due consideration.

29. Do you have any views on the preferred approach regarding the main functions of a new body?:

All three options have important features and therefore a combination of these approaches should be considered. The expert advice and guidance model is important as the body will need to provide support to those organisations affected by the sustainable development duty. However, the body should not only exist to support those affected by the new duty. There should be support available for stakeholders who do not feel that that their sustainable development interests are being met by the public bodies that they work with. The proposed scrutiny role for the Auditor General for Wales will support this but it is important that those with an expert understanding of sustainable development are also able to provide some form of scrutiny and advocacy role.

- 30. Are there significant disadvantages to establishing a new body on a statutory basis?:
- 31. Do you agree with the proposed functions for a new body established on a statutory basis? :
- 32. Are there other functions which should be considered?:
- 33. Do you have particular views on the independence of a new body? :
- 34. Do you have particular views on the accountability arrangements for a new body? :
- 35. Do you have any other related queries or comments?:

Powys County Council's response to the Proposals for an SD Bill Consultation

Powys County Council welcomes the opportunity to contribute to the development of the Sustainable Development Bill White Paper. We hope that our contribution proves useful in informing the Bill.

Promoting sustainable development

1) What are the principal barriers you face to taking more long-term, joined-up decisions?

- Political cycles and corporate priorities can affect these types of decisions. Politicians are less likely to support a decision which they are unlikely to see the outcome of, even more so if the current decision is likely to be unpopular or create immediate efficiencies.
- Financial constraints, from annual budgets to the current economic climate, make it
 more difficult to work together and to fund longer term projects. The need to set a
 balanced budget makes it difficult to pump-prime prevention projects. The current
 economic situation means that the case for acting sustainably has to be made anew
 for each decision.
- Short term funding scales where extra funding needs to be spent within a few weeks makes it difficult to make sustainable discussions about this spend. It is usually used for any project or programme which is ready to go.
- SD is seen as one of a number of conflicting priorities. The need to address immediate issues which have an immediate impact now overrides any longer term considerations.
- Lack of understanding of what sustainable development and sustainability mean to the organisation means that at times it is overlooked or understood to have happened without any clarity of how.
- European procurement legislation makes it harder to support indigenous businesses and SMEs, which in turn would support the wider local economy. Public sector spend could do more to benefit their communities if it were made easier to use local SMEs.
- Confused, disjointed messages from Welsh Government about what is needed, together with a lack of cohesion between WG departments. Regulations and requirements do not always support the sustainable development agenda leaving public bodies confused, forcing them to revert to business as usual. For example the LA Outcome Agreements could have promoted SD as a central organising principle in a far more proactive way than they did.
- o The implementation gap between policy and operation.
- Clear, agreed targets and indicators.
- Current public sector reporting methods which can make reporting on social and environmental issues difficult, especially in relation to finance and each other.

2) What actions need to be taken, and by who, to reduce or remove these barriers?

- Awareness raising and training for elected members and senior officers to explain and clarify what Welsh Government's position is in relation to sustainable development. The message needs to be clear and consistent from all parts of the Welsh Government so that sustainability is seen to be the central organising principle/ overarching principle by which bodies, including the Welsh Government are dong business.
- Welsh Government needs to act as leaders and spell out what is needed more clearly and consistently.
- Better cohesion between departments to enable better decision making.
- A clear, consistent articulation (by all of the Welsh Government) of what sustainable development means to and in Wales. This is needed to ensure that all public bodies are aiming for the same outcome and would make it easier to understand and deliver.
- A way of recognising that organisations are on a journey and so may make mistakes rather than a clear black and white decision over finance. Is it better to aim small and succeed or aim big and fall short? The current financial arrangements make it very difficult to agree to try for better rather than succeed at mediocrity.
- Using Welsh Government funding to incentivise progress. It's hard to innovate when trying to deliver services to meet current targets in budget.
- Replacing other reporting requirements with SD reporting to reduce the bureaucratic burden and so reduce opposition to the duty. This would also help to integrate sustainability thinking.
- O Better scrutiny, allowing Sustainable Development to be seen as an important part of the way organisations should operate. This could be a new standard, similar to Green Dragon, which would be inspected annually and improvements being reported. This would also help to raise the profile helping to make SD the central organising principle. Or it could be evidencing that an organisation has policies, procedures and indicators which support sustainability principles.
- Different structures, management and governance systems and financial procedures could make collaboration across borders and organisations harder.
- The possible weakness of this legislation could mean that the objectives are not met as there is insufficient direction allowing other issues to be considered over sustainable development. However, there is also a need for recognition that, while making sustainable development the central organising principle, organisations have a service to deliver. Delivery of front line services is the priority but sustainable development could support this delivery.

Evidence in relation to sustainable development

3) What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies?

- The SD Charter network has the potential of showing how sustainable development can work.
- The use of whole life costings by Welsh Government as part of their waste modelling work.
- Powys County Council has developed an Integration Toolkit for considering and assessing the sustainable development credentials of programmes, while they are being developed. It was piloted on the LPD and was able to show the impacts of different options on a range of issues.
- Powys County Council is trying to demonstrate how sustainable development can be delivered by collating a register of sustainability projects.
- The Local Government Measure has not been very effective in progressing sustainable development across the public sector. Sustainable development has been seen as one of several principles which need to be considered.

A new sustainable development duty Level of decision making to which the duty applies

4) Have we identified the most appropriate level of organisational decision-making at which the duty should be applied? Please explain.

- The level to which the duty will apply appears appropriate and reasonable if the aim of making sustainable development the central organising principle is to be achieved. However, care needs to be taken to ensure that 'discretion' and 'flexibility' are not used to dilute the principle aim.
- The responsibility for ensuring organisations have an appropriate vision and supporting strategies and policies, which ensure the organisation complies with the terms of the duty, needs to rest with named individuals, such as the Leader and Chief Executive. Responsibility for ensuring that those strategies and policies are implemented through procedures should rest with operational heads. All staff would then have a responsibility for carrying out those policies and procedures in line with the duty. While everyone in the organisation should be mindful of the duty and act in a way which promotes its aims.

5) Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

 No, as previously stated if sustainable development is to be the central organising principle then all high level decisions should be subject to the terms of the duty.

6) Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

- Internal and external audit and scrutiny need to be identified in the terms of the duty to ensure that organisations are meeting the requirements.
- The Single Integrated Plans should be included in the scope due to their potential impacts on localities.
- The cumulative impacts of smaller decisions, such as refurbishments which individually could be quite small but as a whole project could be quite a significant cost, could be missed depending on how the duty is framed.

7) Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

- Human resources, so that sustainable development is part of job descriptions, competencies and staff review and development. This would raise awareness across organisations and allow sustainable development to be more about the way organisations work rather than an 'add on'.
- There may be others, but if high level decisions are made with sustainable development at their centre these should influence all the activities of the organisation.

8) Should budget proposals be subject to the duty? Please explain.

 Yes. The way the public sector procures goods and services has the potential to have a significant impact on this agenda. Financial and budget processes need to be included in the duty if sustainability is to become the way organisations operate.

The behaviours approach

9) Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.

Yes, however it would be difficult to argue with any of the behaviours identified.

10) Are there critical behaviours that we have not identified? Please explain

No, see above.

11) What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?

- The advantage of using this approach is that the desired behaviours are clearly identified.
- The disadvantage is that organisations could reference these behaviours in any decisions taken, whether or not sustainability had be central to the decision making process. For example 'long term' as defined in this consultation as more than a year (page 31). In terms of sustainable development outcomes it would be more like 20 25 years, a period more difficult to plan for.
- This approach could become a tick box exercise concerned more with compliance that embedding sustainability
- 12) How much influence should sustainable development behaviours have over high level decisions for example, should those decisions be lawful if they have been reached in a way that:

is consistent with one, some or all of the behaviours; broadly reflects the behaviours; is not inconsistent with the behaviours?

are there other options?

 If the behaviours approach is used then high level decisions should evidence how they reflect, or have considered all of the behaviours in order to be lawful.

The objectives approach

13) Are there core sustainable development objectives we have not identified above?

o No

14) What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

- The advantage of using this approach is that the desired objectives are clearly identified.
- The disadvantage is similar to that identified with the behaviours approach; decisions could reference actions under each objective without fundamental change being made.
- This approach could become a tick box exercise concerned more with compliance that embedding sustainability.

15) How much influence should the objectives have over high level decisions – for example, should those decisions be lawful:

only if they actively contribute to one or more of those objectives; if they do not detract from any of the objectives;

even if they detract from some of those objectives, as long as they actively promote others?

are there other options?

 If the objectives approach is used then high level decisions should evidence how they reflect or have considered all of the behaviours in order to be lawful.

The combined approach

16) What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?

- The more individual elements are used to 'evidence' how sustainable development has been considered the more likely that reporting them will become a tick-box compliance issue. For decisions to be truly influenced by sustainability principles there needs to be an integrated approach.
- Powys would advocate an approach which embodied the principles in the combined approach with bodies being able to use local systems to report on this.
- Powys County Council has developed a Sustainability Integration Toolkit which evidences how sustainability has been considered in project planning and developed in a consistent way. We feel that this holistic approach allows for better decision making while embedding sustainability. We would advocate such an approach in how bodies report on their sustainable development duty.

A single sustainable development proposition

17) What are your views on basing a duty around a single sustainable development proposition?

- The single proposition has some merit, in that everyone would be working towards the same outcome. However it is so broad as to be meaningless as a reporting and auditing mechanism.
- A better proposal may be to have a Welsh definition of sustainability supplemented by a local version, modified for local circumstances. This would then be agreed by either the Welsh Assembly or the statutory body, to ensure that it meets requirements. This local version would be the basis for the annual report and any audit/scrutiny process.
- o Perhaps an approach similar to that used for Equalities, where decisions need to be

impact assessed in order to evidence that the issues were considered, would be most appropriate. The Sustainability Integration Toolkit uses a comparable assessment process to ensure that sustainable development issues have been considered. This could be a model for the public sector reporting requirement.

The time organisations may need to comply

18) How much time should organisations be given to make these changes?

- We would advocate a phased approach; starting with Welsh Government, Local Unitary Authorities and National Health Service Trusts and Local Health Boards. This would allow for any support to be targeted at these organisations. As further organisations become subject to the duty the support available would be able to target toward them.
- Organisations should be expected to prepare to comply with the new duty during the first year following its introduction, or when they become subject to the duty if a phased approach is taken, modifying or setting up monitoring systems and mechanisms as necessary. Full evidence gathering and monitoring would take place during year two allowing for a full annual report to be prepared and published during year three. This timetable may need to be flexible to account for the different resources available to the bodies which are subject to the duty.

The provision of guidance

19) Would it be helpful to issue formal guidance to organisations subject to the new duty?

- Yes. As sustainable development is such an over-arching all encompassing issue the provision of guidance can only help organisation to understand how they can meet their new legislative requirements. There needs to be clarity and guidance around the message to enable cultural change, before use of the ultimate sanction that legal regulation can deliver.
- The guidance needs to be clear and unequivocal and used throughout the Welsh Government. For example the recently published guidance for the production of single integrated plans uses a definition of sustainable development which is different from that in One Wales One Planet and makes no reference to the environment, a key tenant of sustainable development.
- This guidance should be statutory and be published as soon after the Act as possible to provide direction when implementation and monitoring systems are being established.
- Outline key examples in key service areas which exemplify how sustainable development could be the central organising

20) Should any such guidance be issued by the Welsh Government or the new sustainable development body?

o It should be issued by the Welsh Government, in order to give it sufficient weight, but be produced in conjunction with the new body, if it is decided to set up such a body.

Repeal of duties

21) Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

- The Local Government Measure as this legislation would supersede the requirements of that, at least in respect of sustainable development.
- These may become clearer as the proposals are implemented and embedded.

22) Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

o Not sure. This will depend, in part, on the final terms of the Bill.

Reporting

23) Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

Reporting through existing mechanisms would lessen the burden on organisations and mean that sustainable development is part of the regular reporting systems. However, care needs to be taken that sustainability reporting is a real part of the reporting system rather than something which is assumed to have taken place. A Golden Thread approach rather than a 'so integrated its invisible' approach.

The organisations subject to the duty

24) Are there organisations on this list that should not be subject to the duty? Please explain.

- A phased approach to becoming subject to the duty may work best as expertise in the subject is still fairly limited both within those organisations that will be subject to the duty, and those scrutinising them. As previously mentioned Welsh Government, Local Unitary Authorities and the Local Health Boards may become subject to the duty before others.
- The inclusion of Town and Community Councils would appear to be placing

requirements at too low a level. It may be that some organisations do not have the legal duty but are made aware of the overall aims in this area, or opt in. Alternatively they could be required if they have property holdings, assets above a certain value, or are undertaking a project above a certain value. One Voice Wales may provide a vehicle for engaging with Town and Community Councils on this agenda.

- Any new duty should be subject to the principle of proportionality.
- Organisations and businesses which contract with public bodies that are subject to the duty should be expected to contribute to overall sustainability principles.

25) Are there organisations that are not listed above but which should be subject to the duty? Please explain.

- The Local Service Boards, while not statutory bodies, have a great influence over the delivery of sustainability in a location, through the partners' operations and through the priorities in the single integrated plans. If LSBs themselves can not be subject to the duty then a report on how the single integrated plans has delivered on the requirements of the duty needs to be produced.
- The Wales Audit Office, as the proposed chief scrutineer of the duty, ought to be subject to the same duty.
- CADW
- Police Authorities

Defining sustainable development

26) Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?

- The advantage of having an agreed definition allows all bodies to know what the desired outcome is and how they should be contributing to this.
- The definition does not need to be in the legislation as it needs to be kept under review to allow for changes in knowledge and expectations. Perhaps the responsibility for keeping the definition could be given to the statutory body.
- Any agreed definition needs to be used in its entirety in further publications and legislation, rather than just the pertinent bits to any subject – i.e. economic wellbeing being used in regeneration activities without the complementary social and environmental aspects.
- The definition needs to be used in all future documents coming from Welsh Government, including guidance. As previously mentioned the guidance for producing Single Integrated Plans uses a definition which does not mention the environment.
- The disadvantage may be that arriving at an agreed definition significantly delays the legislation.

27) If we were to define "sustainable development" do you think that the working definition above would be suitable and why?

- Yes. It is a well established definition grounded in the agreed understanding of sustainable development.
- Any definition should highlight the outcomes to be achieved

An independent sustainable development body The purpose of the new body

28) What should be the overall purpose for a new body?

- Holding, and if necessary reviewing, the definition of sustainable development in Wales in terms of the duty.
- Providing advice and guidance to the Welsh Government and its Ministers in relation to the duty.
- Holding the Welsh Government to account in respect of the sustainable development duty.
- Supporting organisations to comply with their legislative requirements. Although this
 may produce liability issues if organisations are later found to be failing short of the
 duty.
- Providing advice and guidance to public sector organisations in relation to the duty.
- Possibly developing a Welsh Sustainability Standard and auditing bodies on their progress.
- Researching and collating examples of best practise or forefront thinking that exemplifies good sustainability practice.
- Scrutiny, depending on the outcome of the Public Audit (Wales) Bill consultation. If the Auditor General for Wales is not responsible for the scrutiny of organisations this should rest with the statutory body.
- Welsh Government should set the standard which public bodies, including it, would need to meet. The statutory body would then monitor and report on progress.

The preferred approach for the new body

29) Do you have any views on the preferred approach regarding the main functions of a new body?

- The ombudsman role would allow decisions to be examined before the judicial review process. This independent review could provide guidance about how the duty should be implemented.
- o If Welsh Government is committed to making sustainable development fundamental

there seems little point in having a purely advisory independent body.

Without this function there seems little need for an independent statutory body as the other functions could be provided by other bodies. For example the WLGA could collate service strategies from local authorities and report on how well sustainable development has been implemented.

A statutory body

30) Are there significant disadvantages to establishing a new body on a statutory basis?

- See above.
- If the body is expected to provide support for too many organisations too soon it has the potential to become too large and disjointed, meaning that the advice is not consistent.
- There is a danger of a body with too narrow a focus, competing with other similar single issue bodies with conflicting demands. If sustainable development is to be the central organising principle is there an opportunity to consolidate the current ombudsmen/commissioner functions for a more holistic approach?
- Depending on the remit of the body, the resources used to support it may produce better outcomes if utilised elsewhere.

Proposed function for the new body

31) Do you agree with the proposed functions for a new body established on a statutory basis?

 Yes. The independent body would be in the best position to fulfil the roles outlined in paragraph 166 of the proposals.

32) Are there other functions which should be considered?

Yes – see above.

Independence and accountability

33) Do you have particular views on the independence of a new body?

Any new statutory body needs to be independent of the Welsh Government in order to maintain an objective challenge function and a consistent approach to sustainable development regardless of political changes.

34) Do you have particular views on the accountability arrangements for a new body?

Any new body should be accountable for its actions. This could be through an independent audit process, an annual report or through an advisory board drawn from a number of sectors.

OBSERVATIONS ON THE SD BILL CONSULTATION

Q1 What are the principle barriers you face to taking more long-term, joined-up decisions?

Agree that long-term impacts are not considered in decision making as often as they should be (Section 22.). Also agree with the difficulties that have been identified – uncertainty and lack of knowledge about the future, short-term financial or political cycles and the focus on short-term performance targets. Also would add in the short term nature of current risk management processes – we need to be horizon scanning much more than we do, systematically.

Additionally the current economic climate could be a barrier and the pressure on budgets—especially where immediate cost savings need to be made or revenue generated – it makes it harder to take a whole-life costing approach and to plan for the future. However having to think more careful about budget allocation is an opportunity to avoid unexpected costs – to be proactive rather that reactive (agree with Section 25).

Having an acceptance that some places within an organisation will be harder to reach than others is important - there will however be some quick wins.

Q2 What actions need to be taken, and by who, to reduce or remove these barriers?

Leadership has a key role to promoting Sustainable Development - what has enabled us to make an early commitment is having a supportive organisational culture and climate – and some supporting processes. This needs much wider ownership.

Some of the barriers can be reduced through engagement and support. Having good guidance issued by WG / WLGA / new body would also be very useful. Need to ensure high levels of understanding across organisations.

Support for longer term financial planning, service planning and risk management would be useful. In this context, the level —and lateness - of funding that is provided as specific grant is an issue that mitigates against a sustainable approach locally.

It will be important that reporting authorities see the new bill as a 'force for good' and an opportunity to do things in a better way - rather that an extra duty that they have to comply with - so marketing the new bill in a positive way will be important and hopeful will help remove the barriers that negativity can cause.

What other evidence is there about the extent of progress in relation to the sustainable development agenda and making sustainable development the central organising principle in public bodies?

Some evidence will be available from those public bodies that have signed up to the Sustainability Charter. We would be happy to share our experiences of being a charter signatory.

WLGA sustainability framework may also be able to provide some evidence – the WLGA have been working intensely with Swansea Council for the past year.

WG also need to lead by example.

Q4 Have we identified the most appropriate level of organisational decision-making at which the duty should be applied? Please explain.

Agree that duty should target those decisions that have the greatest influence over organisational behaviour.

Agree with giving organisations the flexibility to find appropriate ways to positively respond (as set out in the consultations preferred approach).

Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?

Not that we are aware of.

Q6. Are there any decisions that are not captured by this approach which should be subject to the duty? Again what should these be?

No, if "high level "decisions are subject to the approach, most will be -appropriately - caught.

Q7 Should we include decisions that govern an organisation's internal operations? If so, which internal operations should we include?

Need to make sure that there are no gaps between implementation and policy – making sure that anything not covered in high level decisions and that influences business performance is included is important. Agree with including estate management.

Q8 Should budget proposals be subject to the duty?

Yes - these are currently subject to EIA, but extension to a more rounded PIA process would be useful to phase in but should (initially) be limited to proposals of a certain financial value (the larger projects).

Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain.

Yes.

Q10 Are there critical behaviours that we have not identified? Please explain.

No.

Could include innovation in the description of one of the behaviours already identified - perhaps under long-term thinking.

Q11 What are the advantages and disadvantage of designating behaviours as the sustainable development factors that must influence high level decisions?

Advantage – designating behaviours can help organisations to nurture those behaviours. Also the behaviours can be measured under hard measures.

Disadvantage – could be more complex to embed and requires a high level of understanding

throughout the organisation.....this could also be an advantage.

- Q12 How much influence should sustainable development behaviours have over high level decisions for example, should those decisions be lawful if they have been reached in a way that:
 - Is consistent with one, some or all of the behaviours;
 - Broadly reflects the behaviours;
 - Is not consistent with the behaviours?
 - Are there other options?

High level decisions should always strive to be consistent with all of the behaviours.

Q13 Are there core sustainable development objectives we have not identified above?

Nο

Q14 What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?

Having clear objectives to work towards would be an advantage.

A disadvantage could be that compliance turns into a tick-box exercise without good understanding.

Individual objectives can be focused on in isolation and some could be ignored.

Q15 How much influence should the objectives have over high level decisions – for example, should these decisions be lawful:

Only if they actively contribute to one or more of those objectives; If they do not detract from any of the objectives;

Even if they detract from some of those objectives, as long as they actively promote others?

Are there other options?

High level decisions should contribute to all the objectives.

Q16 What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?

An approach that is a mixture of both objectives and behaviours could work well.

Q17 What are your views on basing a duty around a single sustainable development proposition?

Could be too broad to make meaningful. Could be difficult to audit too.

Q18 How much time should organisations be given to make these changes?

The new SD Bill will represent a step change in the way organisations consider sustainable development. A phased approach to implementation would be welcome. We know from our own experiences that organisational change takes time. We recommend that the first phase of activity should be concentrate on those activities which will have the greatest level of impact – rather than just the low-hanging fruit.

Q19 Would it be helpful to issue formal guidance to organisations subject to the new duty?

Yes, especially if theme / service area specific.

Q20 Should any such guidance be issued by the Welsh Government or the new sustainability body?

Either - as long as there is guidance - and should be rolled out with the bill.

Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?

Some rationalisation of duties could take place under the new SD Bill – to avoid any duplication / confusion and to make duties relating to SD easier for all to understand.

Part 4 of Climate Change Act – greater responsibility to be placed on reporting authorities.

Q22 Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

Not barriers as such but legal / financial guidance would be useful for new areas of activity such as Green Deal or Feed in Tariff's..... Or setting up community energy companies etc. Some local authorities may be able to share their experiences.

Q23 Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangement?

Using existing reporting arrangements would seem sensible. If there was a separate SD reporting mechanism there is a danger that it's not seen as a central organising principle.

Existing reporting mechanisms currently don't feature sustainability enough though.

Also having a separate reporting mechanism could create more work for the organisations involved.

Q24 Are there organisations on the list that should not be subject to the duty? Please explain

Might be resource intensive for some of the smaller organisations such as Town and Community Councils. Additional support may be required.....

Q25 Are there organisations that are not listed above but which should be subject to

LSB's will have an important role in this agenda -although not constitutionally separate organisations Could include Housing Associations created under stock transfer? Q26 Are there other advantages or disadvantages to defining sustainable development and if so, what are they? All organisations can work with the same definition – avoids room for any confusion. Organisations can still have their own local sustainability vision though Q27 If we were to define sustainable development do you think that the working definition above would be suitable and why? Yes the definition used in One Wales: One Planet would be suitable – it is a clear definition. Q28 What should be the purpose of the new body? To give independent challenge, standard setting, enabling positive change to happen Q29 Do you have any views on the preferred approach regarding the main functions of a new body? No Q30 Are there significant disadvantages to establishing a new body on a statutory basis? Being statutory would indicate the important role that it would have. Q31 Do you agree with the proposed functions for a new body established on a statutory basis? Q32 Are there other functions which should be considered? Q33 Do you have particular views on the independence of a new body? It should be able to give independent challenge. Q34 Do you have any particular views on the accountability arrangements for a new body? No		the duty?
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