



Llywodraeth Cymru
Welsh Government

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Welsh Government

Summary of consultation responses

Proposals for a Sustainable Development Bill

Date of issue: May 2012

Date of response: July 2012



Welsh Government

Consultation on Proposals for a Sustainable Development Bill

Introduction

1. The Welsh Government's (WG) consultation on the proposals for a Sustainable Development Bill was launched on 9th May 2012 for a 10 week period, closing on 18th July 2012. As well as the launch event in Swansea, four further open consultation events were held in Bangor, Cardiff, Pembroke Dock and Wrexham. Annex C contains a brief summary of the key themes and responses to each of the questions raised at the events.
2. Overall there were 3927 written responses to the consultation, of which the large majority (3749) were made up of two standard responses sent by members of the public on behalf of WWF and Oxfam, each contributing 3163 and 586 responses respectively. Both of these can be seen in Annex B.
3. The remaining 178 responses came from a range of respondents, the largest group of which can be seen below. A full break down of the categorisation of responses can be seen in Annex A.
 - 52 (29%) were from the Third Sector/NGOs
 - 37 (20%) were from Local Governments, including town & community councils and local government run public services
 - 22 (12%) were from private individuals
 - 20 (11%) were from the private sector and industry groups

Summary of consultation responses

4. Most respondents answered each of the 34 main questions asked in the consultation, and many provided additional supporting information on key issues raised in individual chapters of the consultation, or suggested detailed drafting changes. The Welsh Government would like to thank all those who responded to the consultation. All responses will be considered carefully as we develop the White Paper. The issues raised are summarised below, under each of the questions asked in the consultation.

Q1. What are the principal barriers you face to making more long term, joined-up decisions?

5. Whilst a number of responses to this question were related to specific issues within individual organisations, there were also some noticeable areas in which the vast majority of respondents had some consistent views on.
6. **Budgetary and Strategic planning** – Many respondents felt that one of the biggest barriers they faced was around budgetary requirements, and the constant

need to 'balance the books'. Respondents often made the point that the lack of long term security of financial resources meant it was impossible to plan meaningful long term strategies, although a number of respondents suggested that this problem is being significantly worsened by current economic circumstances. Others argued that any surplus in the budget accumulated during one financial year was rarely able to be 'carried over' into the next, meaning there was little reward in trying to conserve funds in order to take a longer term view.

7. **Lack of practical sustainable development knowledge/training** – A number of respondents argued that sustainable development (SD) is not well understood by most people, particularly in terms of applying it on the ground in a practical way. Many respondents felt that there is still a large proportion of the public who are under the impression SD is just an environmental issue, and that this knowledge gap was preventing many principles from being embedded, particularly in the workplace.
8. **Short term political cycles** – many respondents argued that short term political cycles prevented the implementation of genuine long term policies, with politicians often reluctant to implement changes that won't get quantifiable results within their four year political term.
9. **Working across organisational boundaries** – Many respondents felt that silo working was a big problem, both between different organisations and at a departmental level. It was argued that a lack of communication across departments and organisations working in similar areas meant that successes and failures were not being shared, and often the implementation of policy in one area can slow down and impede development in another area.

Q2. What actions need to be taken, and by who, to reduce or remove these barriers?

10. The majority of respondents who answered this question felt that the most important action that needed to be taken was for training to be introduced on SD, in order to embed a greater level of understanding. Many respondents noted that it was important this was carried out at all organisational levels, in order to fully embed SD as the central organising principle. It was also suggested that knowledge of SD and the ability to successfully apply its principles could be part of core management competency frameworks in the future.
11. A number of respondents agreed that there should be a greater availability of long term funding from government, and the implementation of long term funding strategies should be rewarded and incentivised.
12. Some respondents felt that Welsh Government needs to show it can lead by example, embedding strong principles that other organisations would be more inclined to follow.

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?

13. Whilst there was relatively little consensus on this question, it was generally felt by respondents that there is patchy evidence on progress in relation to the SD agenda. Many respondents felt that data is only partially available, and often out of date.
14. Some respondents felt that progress is generally uneven across Wales, with some areas making significant and innovative progress whilst other areas are making much slower progress.

Q4. Have we identified the most appropriate level of organisational decision making at which the duty should be applied?

15. In general, it was felt that the appropriate level of decision making had been identified. Many respondents agreed that a duty on key decisions would have the most effect at a high level, but in order to have the most impact it would be important that the effects of the duty would filter through organisations, rather than just remaining as high level issues.
16. Furthermore, many respondents agreed that organisations needed to retain flexibility at lower levels to respond to varying situations without being constrained by a duty, but that operations should still aim to reflect the principles of SD at all levels.
17. A small number of respondents who disagreed with this approach argued that there was insufficient evidence that decisions made at high levels in line with SD principles would influence sustainable actions on the ground. There were also concerns that in order for a decision to be made at a high level, there could be other potentially more sustainable options that would be dismissed at lower levels without the influence of the duty.
18. A small number of respondents felt that more clarification was needed on exactly what 'high level' means when being applied to such a wide range of organisations.

Q5. Would this approach risk capturing some decisions which should not be subject to the duty?

19. There was a low response rate for this question, but of those that gave an answer, it was generally felt that whilst there was potential for some unsuitable decisions to be caught in the duty, it should be a responsibility of the SD body to facilitate a level of flexibility to allow for some decisions to be excluded from the duty.

20. Other respondents argued that there should be no exceptions in the execution of the duty, maintaining that SD should be at the core of high level decision making. Further to this, respondents also made the point that if the duty is implemented properly then it would be unlikely to cause problems.

Q6. Are there any decisions not captured by this approach which should be subject to the duty?

21. This question also had relatively low rates of response, but there was general consensus from those that did respond that it would be important to include procurement decisions in the duty. A number of respondents argued that procurement is very important in dictating whether or not money and resources are used in a sustainable way.
22. Other suggested decisions that should be subject to the bill included disposal of assets and the consideration of 'whole life costings', and also projects that are subject to planning permission.

Q7. Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?

23. Most respondents showed strong support for this proposition, with many agreeing that this would be key to embedding SD at the heart of organisational change. A number of respondents also noted that it would be important for this not to become another source of bureaucracy when making decisions in relation to internal operations. The point was made on a number of occasions that the main focus for the duty when applying to internal operations should be on outcomes, not on creating another layer of operational 'red tape'.
24. Many of the respondents suggested that procurement should be one of the internal operations to be included as part of the duty, for similar reasons to those stated in Q6. Estates management was also a common suggestion amongst a number of respondents, although it was noted that complications could arise here as much of the work is often contracted out.
25. Human Resources and specifically recruitment was another area that many respondents suggested should be part of the duty, as this would allow SD to be embedded more effectively long term, through ensuring new employees within an organisation are assessed with SD as a key consideration. The inclusion of HR within the duty would also ensure consistent levels of staff training in SD, ensuring the principles would then be applied across an organisation.

Q8. Should budget proposals be subject to the duty?

26. There was very strong support from the vast majority of respondents that budget proposals should be subject to the duty. Many respondents felt that budgetary

decisions are an integral part of SD, as they represent how organisations deal with one of the key ‘pillars’ of sustainable development.

27. Budgetary decisions were seen by a number of respondents as being very important for influencing the long term direction of an organisation, although it was also made clear by a small minority of respondents that decisions of this nature should be phased in gradually rather than being under the duty from day one, so as to avoid the major upheaval that these kind of changes could be associated with.

Q9. Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking?

28. There was general support and approval of the SD behaviours set out in the consultation, with the majority of respondents agreeing that they are sound sustainable principles.
29. Despite the support for the principles, many of the respondents also felt that not all of the behaviours were necessarily ‘critical’, as was suggested in the question. A number of respondents suggested that there were too many behaviours, and that some could be combined with each other to produce a more succinct list.
30. It was also pointed out by some respondents that many organisations already have behaviours similar to those stated as part of their own corporate sustainability guidelines, so it was questioned how much effect they would have.
31. A number of respondents also pointed out that it will be the execution of the behaviours, rather than the behaviours themselves, which would have the biggest bearing on the long term success of the duty.

Q10. Are there critical behaviours we have not identified?

32. There was a relatively low level of response to this question, with a low level of consensus. Some of the suggested behaviours that were not included were as follows:
- Consideration of implications for global issues
 - Innovation / risk taking
 - Social justice / equality
 - Consideration of the precautionary principle

Q11. What are the advantages and disadvantages of designating sustainable behaviours as the sustainable development factors that must influence high level decisions?

33. **Advantages** – many respondents felt that the most significant advantage to using behaviours would be their flexibility and practicality in application, allowing them

to be adopted by organisations without a restrictive framework to follow. Some respondents also felt that the behaviours are influenced by current common organisational behaviours, so would be implemented more easily, as they are not a completely alien concept.

34. **Disadvantages** – respondents generally appeared to show less favour towards the behaviours approach, giving much stronger opinions with regards to the disadvantages.
35. Many respondents argued that the biggest problem with the behaviours approach is the difficulties that would be associated with the measurement and auditing of performance, and the subsequent enforcement. It was also felt that it could be too easy for organisations to manipulate the behaviours to show compliance, without changing a huge amount in the way they make their decisions.
36. A number of respondents said that the behaviours stated would be too vague to prescribe in law, and that they would be inviting frequent legal challenges as a result of their subjective nature.
37. A smaller number of respondents also felt that the behaviours were quite negative, as they implied a minimum level of performance that needed to be attained. Once it was reached, respondents felt there would be little motivation for organisations to continue working towards an aspiration of sustainability.

Q12. How much influence should sustainable development behaviours have over high level decisions? For example, should 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?**

38. Whilst there was a mixed level of understanding for this question, uptake was generally quite high. The majority of respondents felt that in order for decisions to be lawful they need to be consistent with 'one, some or all' of the behaviours. It was often argued that decisions would have to meet all of the behaviours in order to be considered fully sustainable, but a number of respondents agreed that perhaps the behaviours would need to be redrafted to avoid potential contradictions.
39. Many respondents felt that if the behaviours were going to be used to assess the lawfulness of decisions then they would need to provide much more clarity in what is required, as they are currently not objective enough. Respondents pointed out that in their current draft, many organisations would be able to show compliance with the duty without having to make any significant changes towards sustainability.

Q13. Are there core sustainable objectives we have not identified above?

- 40. Whilst there was a very mixed response to this question, there was a small trend with respondents who suggested that there should be an objective reflecting the need for Wales to consider international progress in SD, and the impacts and contributions that can be made beyond its borders.
- 41. There were also calls from some respondents to refer more specifically to the needs of the Welsh language, seeing this as a vital part of the 'cultural legacy' of Wales that is already a part of the objectives.

Q14. What are the advantages and disadvantages of designating sustainable development objectives as the factors that must influence high level decision making?

- 42. **Advantages** – Many respondents agreed that the main advantage of using objectives in high level decision making would be that they provide a set of clear and tangible outcomes to aim at, providing more clarity than perhaps a behaviours approach may have done. Respondents generally appeared to welcome the more 'black and white' approach, as many felt it would reduce the potential for confusion when planning strategically and making decisions, particularly as they are already written in a way that could form the basis of strategy.
- 43. Some respondents also identified that an objectives approach would enable more measurability when assessing compliance, which would be of benefit in the auditing process, ensuring all organisations under the duty are on a level playing field.
- 44. **Disadvantages** – A number of the respondents felt that the objectives were overly prescriptive, allowing for little flexibility in how organisations would go about their decision making.
- 45. Many respondents argued that organisations would see the objectives as a 'tick-box' exercise, providing little motivation, or legal basis, to fully embed SD principles into their decision making. There were also concerns from respondents that decision makers would adopt certain objectives they would attain whilst ignoring others.
- 46. An issue that was picked up quite regularly by respondents was that objectives are difficult to apply in the short term, and may not facilitate the desired step change in organisational approaches to decision making.
- 47. Some respondents felt that the objectives would lead to frequent legal challenges over issues with compliance, and were unsure of how they would be possible to effectively monitor.

Q15. 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 the 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?**

48. There was little overall consensus for this question, although there was a small majority that felt decisions should be considered lawful as long as they don't detract from any objectives. It was also suggested on a number of occasions that decisions should meet all of the objectives, with some respondents arguing that the duty would have little effect without this approach.

49. Some respondents felt that the objectives were too vague to use as a means by which the lawfulness of decisions should be decided, and that there would often be conflicts between objectives, with compliance with one detracting from another. It was suggested there would need to be detailed advice in the statutory guidance explaining how these conflicts would be overcome.

Q16. What are the advantages and disadvantages of basing a duty on sustainable development behaviours and sustainable development objectives?

50. There was general consensus from most respondents that a combined approach would be the preferred option.

51. **Advantages** – Many respondents felt that a combined approach would allow for the short term flexibility of the behaviours, whilst still giving the long term direction and targets through the objectives. Respondents felt that the consideration of both processes and outcomes in this way would be most likely to affect widespread organisational change.

52. **Disadvantages** – Despite general favour for this option, a number of respondents still identified that this would be very complex to design and implement in practice. It was also felt that it would lead to increasing volumes of bureaucracy and administration, going against the principles of SD that the duty aims to embed.

Q17. What are your views around basing a duty on a single sustainable development proposition?

53. In general, respondents had strong views against the suggestions for a single sustainable development proposition. It was widely felt that this approach was much too vague and generic, open to a high level of interpretation. Respondents agreed that further guidance would need to be distributed in support of a single proposition before it could be properly assessed as a potential option.

54. Many respondents felt that this option would be legally unworkable as a result of the potential for interpretation, and that the auditing process would be hugely difficult.
55. Despite the high levels of opposition to the single proposition, a number of respondents did identify that this would be the most permissive option, giving organisations the flexibility to set up their own framework for decision making, as long as it was in line with the core proposition.

Q18. How much time should organisations be given to make these changes?

56. There was a general feeling from most respondents that it would be unrealistic to expect organisations to be able to embed real change in less than a year, as there is likely to be a significant process of training and development for staff at all levels, to learn the principles of SD and how they can be applied.
57. Many respondents suggesting that organisations should be given around 2-3 years to fully embed the necessary changes into all strategic and budgetary planning, although it was noted that this is likely to depend heavily on the size and remit of an organisation. It was suggested by a number of respondents that a phased approach to making the required organisational changes would be suitable, with the largest and most significant financial and business plans coming under the duty last, when the organisation is fully set up to deal with the new requirements.
58. Some respondents pointed out that it was still unclear exactly what it was organisations would be complying with, so it would be difficult to take a view on the issue until there was more precise information with regards to the exact nature of the duty.

Q19. Would it be helpful to issue formal guidance to organisations subject to the new duty?

59. Respondents were completely unified in favour of the need for guidance being given to organisations subject to the duty. It was seen by many respondents as essential to the success of the duty, providing more clarity on exactly what would be expected of organisations. It was felt that the guidance would be most effective with a number of area specific examples to illustrate what the duty means in practice. Respondents also emphasised that it would be important the guidance allows for a degree of flexibility, and shouldn't be too prescriptive in detailing how organisations should go about complying with the duty.

Q20. Should any such guidance be issued by the Welsh Government or the new sustainable development body?

60. There was an obvious split in opinion on this question, with no real consensus either way but a clear identification of the issues concerned with both the Welsh Government and the SD Body issuing guidance.
61. Respondents in favour of the guidance being issued by the SD Body argued that this would be a clear message of independence and authority from the body. It was felt that information coming from different sources would lead to an inconsistency in messages, and that the SD Body should remain the focal point for information. The point was also made that if the Welsh Government is subject to the duty then it could appear questionable for it to be responsible for producing guidance.
62. An equally high number of respondents felt that the guidance would be most effective if issued by the Welsh Government, arguing that this would give more weight and credibility to the duty. They felt that if the duty and wider SD was to become an embedded principle then guidance would need to be taken notice of, and the best organisation to make this happen would be the government itself.
63. A smaller group of respondents argued that the guidance could be produced jointly between the new SD body and Welsh Government. Respondents suggested that guidance could be issued by the Welsh Government, but with advice and expertise coming from the SD body. This was suggested as many respondents held the view that the Welsh Government didn't have the current capacity of expertise to produce guidance completely independently.

Q21. Are there any particular statutory duties that it would be appropriate to repeal in light of the approach we are proposing under the Sustainable Development Bill?

64. Many respondents chose not to give an answer for this question, perhaps suggesting that there may not be a significant issue with the repeal of existing duties. Some respondents pointed out that there may be issues if duties that are currently UK wide need to be repealed. It was also felt that in order to avoid wasted time and bureaucracy after the bill has been introduced, there should be a detailed assessment of current duties to ensure none will need to be repealed retrospectively.

Q22. Are there any legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?

65. Similarly low levels of response to this question as Q.21 could suggest that there may not be many major legal barriers that the respondents are aware of. A small number of respondents suggested that European procurement rules could pose a legal barrier to delivering in line with the sustainable development factors.

Q23. Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?

66. There was a generally high level of response for this question, with respondents almost entirely in support of reporting on compliance being conducted through existing arrangements, where possible, in order to reduce unnecessary levels of bureaucracy.
67. The point was made on a number of occasions that it needed to be part of existing arrangements, it was important SD reporting wasn't seen as simply a mandatory add-on at the end of reports, but rather it should be embedded and 'woven in' across existing reports, in line with the aim of SD being integrated as the central organising principle. Some respondents also felt that some smaller organisations may need additional support in their resources if they are to meet the extra reporting demand.

Q24. Are there organisations on this list that should not be subject to the duty?

68. There was general agreement that almost all of the organisations on the list should be subject to the duty, with many respondents feeling this should be a bare minimum number. A small exception came from a number of respondents, who felt that Town & Community councils shouldn't be subject to the duty. The main reason for this was that respondents felt many councils of this size are too small to have the capacity for this kind of duty. If they were to come under the bill, then it was suggested they should be provided with additional support and resources in order to adjust to the requirements of the duty. Some respondents also argued that Town & Community councils don't make decisions at the high level that the duty bites on, so there would be potential for confusion as to what the expectations would be of them.
69. Many respondents felt that whilst Town & Community Councils shouldn't be subject to the duty, they should still be engaged with regularly in order to encourage and support them in embedding the principles that the Bill will promote.

Q25. Are there organisations that are not listed above but which should be subject to the duty?

70. Many respondents tended to hold the view that the current list didn't cover enough organisations, with the argument often being raised that real change in Wales' SD performance wouldn't occur unless significantly more organisations and sectors were covered. It was suggested that organisations not able to be subject to the duty should be encouraged or incentivised in some way to embed similar SD principles into their operations.
71. The most common opinion to this question was that the duty should cover not just the public sector, but all organisations that contract with the government to

deliver some form of public service. It was felt that a large part of local services are already carried out by private and third sector bodies in this way, and respondents pointed out that it would be important to 'future proof' the Bill to ensure it continues to be effective in years to come, as more and more services become subject to separate contracts as a result of the squeeze in public sector funding.

72. A number of respondents suggested police forces as organisations that should be subject to the bill, although it was recognised there would be complications with UK wide organisations such as this.

Q26. Are there any other advantages or disadvantages to defining “sustainable development” and if so, what are they?

73. **Advantages** – The majority of respondents were strongly in favour of defining sustainable development. It was seen as of high importance to many people that SD should be defined in order to provide a greater level of understanding and clarity to organisations and the wider public regarding the duty and wider SD. Many respondents expressed their concern at the continuing preconception amongst the wider public that SD is just an environmental issue; a strong and meaningful definition is seen as an important way to show how wide ranging sustainable development is, outlining the three 'pillars' and explaining the core principles.

74. For organisations subject to the duty, it was felt by many respondents that a definition would be important for ensuring a consistent level of delivery and compliance, with a focal point that all organisations would be aspiring to, and a yard stick to work against.

75. There were numerous calls in the consultation for the definition to be written into guidance, or secondary legislation rather than being on the face of the Bill. It was felt that this would give the definition the flexibility to react to future demands, preventing it from becoming out dated and old fashioned in years to come.

76. **Disadvantages** – whilst most respondents agreed that defining SD would be advantageous, there were some concerns raised that including a definition in legislation could become too prescriptive and inflexible for some organisations, with respondents arguing that they would have to be constantly considering the needs of the definition rather than concentrating on the primary purpose of the organisation.

Q27. If we were to define “sustainable development” do you think the working definition above would be suitable and why?

77. Whilst opinion was often quite mixed, many of the respondents who answered this question were generally in favour of the definition proposed in the consultation, and were happy that it covered all of the broad points and summarised the three main areas well.

78. A number of respondents suggested that the 1987 Brundtland definition of SD was still just as relevant to today's attitudes on SD, and that the proposed definition should reflect it more closely. It was also argued that this would enable it to align more closely with international definitions of SD, creating a greater level of consistency in understanding around the world.

79. Some respondents were of the opinion that some of the terms used should be revised, as phrases such as 'fair share of the world's resources' and 'social justice' are difficult to apply and relate to in practice. Further to this, it was also felt that it would be difficult for the definition to stand up to legal scrutiny as it lacks clear and more objective explanations. Other respondents noted that the use of 'wellbeing' should be avoided, as it is too subjective to be used as part of a legal definition.

Q28. What should be the overall purpose for a new body?

80. Most respondents agreed that the overall purpose of the new SD body should be to offer guidance, support and expert advice, ensuring that SD is embedded as a well understood and well practiced principle by all organisations subject to the duty primarily.

81. A number of respondents questioned the necessity for a new and completely separate body to be set up, arguing that it could cause additional bureaucracy and wouldn't represent the best use of money in a time of tightening budgets in the public sector. Some respondents even questioned whether the creation of a new body went against the very SD principles that it would be trying to promote.

Q29. Do you have any views on the preferred approach regarding the main functions of a new body?

82. There was general agreement from respondents that the suggested preferred approach for the new body would largely be appropriate. However some respondents voiced concerns that the body may need to have more than just a sole advisory function, as this wouldn't warrant the formation of a new SD body.

Q30. Are there significant disadvantages to the establishment of a new body established on a statutory basis?

83. Despite general support, a number of respondents identified that a disadvantage of the new body being set up on a statutory basis is the potential for high costs in setting it up initially, as well as the additional bureaucracy associated with statutory bodies. Other respondents were also concerned that it could gradually swell in size, taking on more functions and becoming increasingly costly to operate.

84. As previously mentioned in Q.28, a small proportion of respondents argued that it isn't cost effective to introduce an entirely new body, and it could be more suitable to create a smaller unit from within the Welsh Government.

Q31. Do you agree with the proposed functions for a new body to be established on a statutory basis?

85. There was overall support and agreement with the proposed functions for the new body to be established on a statutory basis. Many respondents felt that this would give greater immunity from the political cycle, and would protect it from being constantly altered by successive governments.

86. Respondents also agreed that SD would be given more weight and importance if the body was established on statutory basis, pointing out that the advice and support given from the body would bear a greater level of authority. A number of respondents felt that this was important if SD was to gain the recognition and attention it needed to become the central organising principle.

Q32. Are there other functions which should be considered?

87. Many respondents felt that most of the necessary functions were already present in the proposals, and there relatively few new suggestions. Some respondents felt that the body should have a function to promote SD outside of Wales, acting as an external advocate for SD and the work being done in Wales. It was also put forward that the body could have some form of influence in political negotiations at a UK/EU level.

Q33. Do you have particular views on the independence of a new body?

88. There was a consensus from all respondents that the new body would need to be fully independent from the Welsh Government, particularly due to the fact that the Welsh Government would be subject to the duty. To ensure this was the case, it was felt by a number of respondents that the members of the body should be elected by the National Assembly.

Q34. Do you have particular views on the accountability arrangements for a new body?

89. Respondents agreed that the new body would need to be fully accountable, just as any publicly funded body is. Many respondents felt that the body should be accountable to both the Auditor General for Wales and the National Assembly, rather than individual ministers. Respondents also suggested that this would be important for underlining the independence and statutory nature of the body.

Annex A

Substantive responses to the Sustainable Development Bill Consultation

Sector	Name
Academic/Research (4%)	Bangor University Cardiff Metropolitan University Cardiff University Corndon Institute & WISERD ESDGC Group in Wales Greenhouse Thinktank University of Dundee School of Law
Advisory Body/Inspectorate (>1%)	Ofwat
Business/Industry (11%)	BSW Timber CBI Wales CLT Envirolaw Consumer Council for Wales Cotyledon CIC Dwr Cymru Welsh Water Evocati Limited Ecodesign Centre Ecostudio Farmers Union of Wales Jones Lang LaSalle National Grid Scottish Power Renewables The TYF Group Wales TUC WDS Green Energy Willmott Dixon WPC
Consultancy (>1%)	Gwentian Consultancy Limited
Culture & Welsh Language (2%)	The Church in Wales Cymdeithas yr Iaith Gymraeg National Library of Wales National Museum Wales Welsh Language Commissioner
Education (2%)	HEA Wales NUS Wales Powys Environment and Development Education Centre UK National Commission for UNESCO

Environment/conservation (6%)	Clwydian Range and Dee Valley AONB Countryside Council for Wales Environment Agency Wales Monmouthshire Environmental Partnership Board National Association for AONBs National Parks Wales Sustainable Gwynedd Wales Landscape Partnership Woodland Strategy Advisory Panel Wye Valley AONB
Government / political Entities (2%)	Auditor General For Wales Plaidd Werdd Cymru / Wales Green Party Welsh Centre for International Affairs
Housing (1%)	Bron Afon Community Housing Community Housing Cymru
Local Government (20%)	Aberdare Chamber of Trade & Commerce Bridgend County Council Carmarthenshire County Council Cardiff Council Chepstow Town Council City and County of Swansea Council Clifford Parish Cwmbran Community School Cwmllynfell Community School Dale Community School Denbighshire County Council Flintshire County Council Gwynedd Council Llanelli Town Council Llangattock Community School Llangollen Town Council Merthyr Tydfil County Borough Council Mid and West Wales Fire and Rescue Service Mochdre with Penstrowed Community Council Monmouthshire County Council Neath Port Talbot County Borough Council Newport City Council One Voice Wales Pembrokeshire County Council Penarth Town Council Pencoed Town Council Powys County Council Sustainable Development Co-ordinators Cymru Torfaen Town Council Usk Town Council Vale of Glamorgan Council Wales Probation

	Welsh Local Government Association
Professional Bodies (5%)	ACCA Wales Federation of Small Businesses Institution of Civil Engineers Wales Law Society – Planning & Environmental Law Committee Royal Society of Architects Wales Royal Society of Chemistry RTPI Cymru Town and Country Planning Association Wales Tourism Alliance UK Environmental Law Association – Wales Working Party
Private Individuals (12%)	22 Private Individuals
Public Health (2%)	Aneurin Bevan Community Health Council NHS Wales – Procurement Public Health Wales
Third Sector – Economic (4%)	Chwarae Teg Fair Trade Wales International Development Hub Riverside Community Market Association South East Wales Economic Forum Wales Co-operative Centre
Third Sector – Environmental (13%)	A4SW Bat Conservation Trust Campaign for National Parks Campaign for the Protection of Rural Wales Canal & River Trust Coed Cymru Cyf Cymdeithas Eryri / Snowdonia Society Design Commission for Wales Ecodyfi Friends of Pembrokeshire Coast National Park Friends of the Earth Cymru Gwynedd Environmental Partnership Keep Wales Tidy Llais y Goedwig Powys Environmental Partnership RSPB Cymru Stop Climate Change Chaos Cymru The Draper's Field Centre Trustees of The Environmental Network For Pembrokeshire (TENP) Wales Environment Link Wildlife Trusts Wales WWF

	WWF Cymru
Third Sector – Social (10%)	Big Lottery Fund Cardiff & The Vale Parents Association Cathays Community Centre Christian Aid Cyfanyd Equality & Human Rights Commission in Wales Foundation for Democracy & Sustainable Development Leonard Cheshire Disability Neath Port Talbot Council for Voluntary Service NFWI Wales Oxfam Oxfam Cymru Participation Cymru PLANED Transition Bro Gwaun Wales Food Alliance WCVA
Transport (1%)	Public Transport Users Committee of Wales / Chartered Institute of Logistics and Transport in Wales (Joint) Sustrans

Annex B

Campaign responses from WWF and Oxfam

WWF – 3163 responses

Dear Minister,

Wales may be a small country but it could lead the world as a sustainable nation.

I hope you have been inspired by Rio+20 and together with your cabinet colleagues, will deliver on sustainability in everything the Welsh Government does.

The Welsh Government has said some great things on sustainability but these words now need to be turned into action to ensure we protect the interests of future generations.

I support WWF Cymru's call for the Welsh Government's Sustainable Development Bill to place a stronger duty on the government and the public sector, to ensure their activities work to achieve sustainable development and in doing so respect environmental limits.

Oxfam – 586 responses

Dear John Griffiths, Minister for the Environment and Sustainable Development,

I am pleased to see that the Welsh Government is consulting on plans to introduce a sustainable development bill. I would like to see a bill that:

- * Contains a definition of sustainable development which recognises Wales' impact overseas, not just at home; for example through greenhouse gas emissions or fair trade
- * 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.

**Disclaimer – Welsh Government is unable to disclose any names of those who responded on behalf of WWF and Oxfam without a specific statement of permission from the individuals*

Annex C

Summary of responses from consultation events

Q1. What advantages are there to measuring high-level plans and strategies against SD behaviours?

- Questions about how this would be measured – thought to be difficult to do
- Could be an incremental approach – but takes time and money to do
- Some organisations are already on the SD journey – commitment at senior levels but commitment at lower levels patch. Drive a bottom up approach
- Questionable whether law can incentives behaviour change

Q2. What disadvantages are there to measuring high-level plans and strategies against SD behaviours?

- Could become a tick box exercise
- Bureaucratic and burdensome
- Difficult to measure; but this shouldn't put us off. Its about the granularity of measuring
- Call for SMART objectives set out in the Bill
- There are lots of SD behaviours – how will these be prioritised?

Q3. What advantages are there to measuring high level plans and strategies against SD outcomes?

- Provides a good basis for audit; evidence, criteria and targets
- Intelligible and measurable
- Encourages achievement
- A good approach when combined with a consequential law
- What data already exists and what indicators are needed?
- Prefer a mix of behaviours and outcomes
- Discourages silo thinking

Q4. What disadvantages are there to measuring high-level plans and strategies against SD outcomes?

- Dependant on levels of decision making
- Political & budget cycle promotes short term thinking and planning – need to challenge this
- It should be an evolving process that changes over time
- Use existing reporting mechanisms
- Learn from elsewhere
- Look at existing duties and change them to capture SD
- Inflexible

Q5. What advantages are there to measuring high-level plans and strategies against an overarching definition of SD vs. using the more prescriptive behaviours and outcomes factors?

- Being prescriptive is easier to measure and deliver – targets are needed
- It is too woolly
- The proposition should be the direction of travel and all encompassing
- There is no legal definition of SD
- Adopting practical principles is more relevant and effective
- Too many behaviours and outcomes allows for wriggle room
- There is a conflict between SD and delivery of goods and services and procurement on *best value*
- Call for clear and understandable terminology

Q6. What disadvantages are there to measuring high level plans and strategies against an overarching definition of SD vs. using the more prescriptive behaviours and outcome factors?

- The definition could be woolly
- There is no legal definition of SD
- Change of government/ change of definition
- Cannot measure a vision/ difficult to quantify
- Open to misinterpretation
- Constant cycle of measuring
- Impact and read across to other legislation

Q7. Which bodies should be subject to the duty? How can the duty be applied to public services provided by non-public organisations?

- All bodies listed in the Equalities Act
- All bodies receiving and spending public funds – voluntary and statutory
- All public sector bodies
- Apply an phased approach with larger bodies at the forefront
- Public Bodies employing more than 5 staff
- **Not** town and community councils
- Utility companies
- Non-devolved sector – Courts, MoD, BBC
- The Audit Commission
- All bodies that have impact on Environment, Social well-being and Economy
- Non-public bodies that provide public service
- Apply through funding mechanisms & partnership agreements
- Apply in similar way to H&S compliance
- Via planning conditions
- Contractual obligations – procurement etc
- Companies – should produce an SD statement with financial statement

- Big corporate companies based on percentage of business carried out in Wales
- Ministerial power to add and remove bodies

Q8. To what types of plans or strategies should the Duty apply?

- Corporate plans
- Forward strategic plans & business plan
- Planning
- Procurement
- Annual operating plans
- Development plans
- Corporate improvement plans
- single integrated community plans
- Local Development Plans
- Transport Policies
- Flexible working and working hours policies
- LSB plans
- Management plans
- Housing strategies
- Education plans
- All plans and strategies
- Strategic Partnership plans
- Building regulations
- Financial plans & budgets
- Risk registers
- Audit plans
- Waste management plans
- Tourism plans
- Enterprise zones
- Top level strategies and plans

Q9. From the point of view of your organisation(s), where do you see the main challenges of adopting an SD approach?

- Becomes a tick box exercise and is not mainstreamed nor meaningful
- Lack of leadership/direction and definition to avoid being woolly
- Challenge to short term thinking
- Cost/funding/time
- Culture change and champions needed
- Need targets to focus and get things done
- Body being just another Quango
- Need guidance/training and more staff

Q10. What kinds of support will you / your organisation need in order to implement SD or comply with the Bill?

- Financial support
- Enforced compliance / a stick
- Collaboration & co-operation
- Longer-term funding mechanisms
- Phased roll-out
- Guidance
- Reward & recognition
- Definition
- Join up/ merge existing bodies into the SD Body– Design Commission Wales & CREW
- An action plan – short/sharp/pithy
- Better procurement/tender procedures

- Leadership from WG & LA CEOs
- Start SD learning in schools
- Critical friend