

Consultation on Proposals for a Sustainable Development Bill

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International Development Hub
Parish Clifford – Private Individual
Glyn Cross – Private Individual
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Wales TUC
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17 July 2012

Dear Zoe

Sustainable Development Bill for Wales – Response to Consultation

I refer to the consultation process for the Sustainable Development Bill for Wales and write to set out my observations in this regard.

By way of background, I work in the industrial and commercial property sector, and operate across Wales. In addition, on behalf of CBI Wales I have recently participated on Welsh Government appointed panels for both Planning Reform and Business Rates Policy Review.

Potential Impact upon Investor Sentiment

I believe it is vital for the future success of the Welsh economy that Wales is seen to have an attractive business environment, where policy is focussed upon removing ‘red-tape’ and incentivising investment, rather than prescribing cost on development. At a time of public sector austerity the challenge for Welsh Government is to tap the bulging balance sheets of multi-national business (UK corporates have £754bn cash on their balance sheets - Ross Walker, RBS) and leverage corporate investment to create growth. Our mantra should be to ‘cut red tape and boost investment’, creating confidence and stability.

If Wales can create a business environment that is 10% more attractive to investors and employers than the major market of our neighbour, England, then we will benefit from significant investment crossing the long porous border into Wales.

Wales has a markedly different geographic border to other devolved administrations in the UK with the majority of our population and businesses in close proximity to the long border. This could create a scenario whereby there is a flight of jobs and capital if we create a business

environment which is materially less attractive than England. It was this thinking that led the Business Rates Policy Review to avoid a punitive 'large retailers' tax as adopted by Scotland or even to adopt a higher Uniform Business Rate for large rateable values (as is the case in England, Scotland & N Ireland).

We must therefore be careful not to introduce new layers of legislation, government or policy which inhibits investment and creates a perception of Wales being 'not open for business'.

It is against this background that I read the proposals for the Sustainable Development Bill and I would ask why we are proposing to create a new body when we could simply continue to interpret our SD obligations internally within Government. If we create such a body then we risk corporate investors and institutional investors mis-interpreting this and simply by-passing Wales for alternative regional UK locations – which are essentially no different in many other regards.

Potential Impact upon the Property Sector

In the property sector, the experience on Wales over the past 6-7 years has been the introduction of extra SD cost prescribed on new development by Welsh Government – for example the move towards low carbon housing, new devolved Building Regulations and projects involving Government to reach certain BREEAM standards. Do we actually need our own Building Regulations – are those in England really not fit for purpose? I don't think so.

In a rising market it is easy for policy makers to prescribe cost on new development however the downturn has shown how these costs have dis-incentivised developers and investors. Indeed, next month it is 5 years since the start of the current downturn (Northern Rock) and, whilst the economy has slumped and property values have declined markedly, there is no evidence of the SD requirements being sharply re-balanced in favour of the economy – yet that is what the SD model demands in these circumstances. Indeed, the property market's view of SD is of a 'line in the sand' which is not re-drawn when the tide goes out – thereby leaving property investors and developers stranded.

Indeed, I would ask whether we are pursuing exemplar SD projects at the expense of schemes that would bring wider benefits to Wales. For example, we have piled costs on new development yet less than 1% of Wales' building stock is renewed every year. Perhaps a less aggressive approach towards new development would bring more schemes forward (and increase construction GDP) whilst the low-carbon agenda would be better served by addressing our existing tired and obsolete stock.

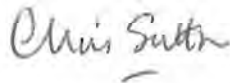
Or in the area of new residential development. We have recently procured an 'exemplar' social housing scheme (albeit with low land receipt to WG) with Principality Building Society at Ely Mill, Cardiff. The alternative scenario could have seen this 40 acre site sold to a mainstream housebuilder for 'standard' family housing ... and a receipt in the region of £50m could have

been re-invested in creating jobs through refurbishing a couple of thousand social houses in some of our more deprived communities.

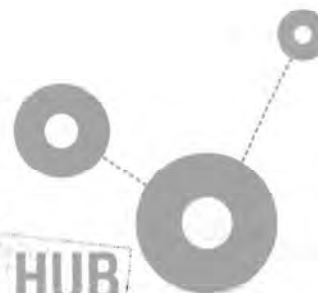
In summary, I ask Wales to think carefully before taking actions that make us 'different for difference sake' and to, instead, focus on how we can make our country and economy more attractive through innovation and best practice rather than prescribing cost on development..

I have been greatly encouraged by the level of engagement by our policy makers with the business community in the past two years and look forward to continuing to work together for the future good of Welsh business and markets.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Chris Sutton". The signature is fluid and cursive, with a horizontal line underneath the name.

Chris Sutton
Lead Director - Cardiff



Simon Bilsborough
Sustainable Development Branch
Welsh Government
Crown Buildings
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22 May 2012

Dear Simon,

On behalf of the International Development Hub, its affiliates, and the Welsh Centre for International Affairs, I would like to thank you for taking part in the Rio+20 event last Friday.

Your presentation 'Consultation on Proposals for a Sustainable Development Bill' gave a good grounding to what the bill was trying to achieve and made the content of the consultation paper more accessible for the audience. Your points about a 'decision making lens' and the need for strategic 'bite' were very well received by the audience and the Hub has received positive comments around the dialogue in the final session. I wanted to be sure the sentiment was passed to you as I am confident that the conversation wouldn't have been such an eye-opener without your contribution and your willingness to listen. Thank you.

I do hope the day was interesting and timely for you during this consultation period and that the points raised can be incorporated into your thinking. In particular, it was interesting to hear the commitment of the Minister to international issues and public procurement regarding the Bill. This was a fantastic boost to the audience of International Development and Sustainable Development organisations in attendance.

Beyond the minister's commitment, Friday's session clearly articulated and demonstrated from a range of individuals and institutions the need for a definition within law; the need to find a process to manage competing priorities; better indicators which could hold public bodies to account; in addition to the importance of investing in ESDGC, and the desire for public procurement to be used to support and further the government's commitment to sustainable development.

In addition, I wanted to formally write to present the point raised in the Q&A session at the end of the day regarding using public procurement more strategically to support sustainable development in Wales. Too often, public procurement is not used strategically as it is aggregated to drive down costs rather than support horizontal and cross-cutting issues. As we discussed on Friday, whole-life assessments are undermined by short term economic arguments for the lowest price, aggregating contracts beyond the reach of more specialist medium and small-scale providers.



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The Hub supports the international development sector in Wales: it is hosted by the WCIA and funded by the Wales for Africa programme.

There has been some break-through work in public procurement in Wales regarding fair trade options for ethically produced footballs, cotton and food and drink products. This scoring for ethical options has now been sanctioned by the latest progressive ruling by the European Court of Justice. As a Fair Trade Nation, it would be fantastic to see a commitment to ethical, environmentally responsible and socially sound products procured with public money, which acknowledges the implications of Wales' trading relationships beyond our borders.

With this regard I have enclosed information from the Fair Trade Advocacy Office regarding the recent ruling which I hope is valuable to you and your colleagues within the SD team. If you need any more information clarifying how public procurement can address social environmental and economic issues which have regard to international implications then please do let me know and I will be happy to assist in whatever way I can.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hannah Sheppard', with a long horizontal line extending from the end of the signature.

Hannah Sheppard
Coordinator

Enclosures

EFTA Press Release
Internal FTAO note regarding North Holland ruling



European Court confirms possibility to demand Fair Trade criteria in public procurement

10 May 2012 (Brussels) – Two days before World Fair Trade Day, the Court of Justice of the European Union provides much-needed legal clarification by confirming that Fair Trade criteria can be included in public procurement. This confirms the practice across the European Union by contracting authorities and cannot be ignored in the current revision of the EU Public Procurement Directive.

This decision puts an end to a dispute between the Dutch Government and the European Commission. In 2008 the Province of North Holland, published a tendering procedure for a public contract for the supply and management of automatic coffee machines, which referred to products bearing the EKO and Max Havelaar labels. The European Commission referred the Netherlands to the Court of Justice of the European Union in 2010 for non-compliance with the EU public procurement rules.

In its ruling today, the Court clearly states that contracting authorities can chose award criteria based on considerations of an environmental or social nature. The Court also explicitly states it is possible to refer in award criteria "to the fact that a product is of fair trade origin". Consequently, public authorities can give preference to a bidder who includes Fair Trade criteria.

The judgment also confirms that contracting authorities can refer to the environmental characteristics of Fair Trade (e.g. no pesticides, no Genetically Modified Organisms) as part of the technical specifications of a call for tenders.

Concerning the reference to labels, the Court considers that, by referring to a label without listing the underlying criteria of this label, the North-Holland Province did not comply with the provisions of the Directive. The Court is of the view that it is necessary to specify the underlying criteria of labels, such as Fair Trade labels. Labels are nevertheless considered by the Court as a valid means of proof of compliance with such criteria, provided that other means of proof are allowed.

Overall, the ruling is good news for the Fair Trade movement as it clarifies the inclusion of Fair Trade considerations all along the tendering process, under the current EU Public Procurement Directive. Sergi Corbalán, Executive Director of the Fair Trade Advocacy Office stated "we welcome the confirmation by the European Court that Fair Trade criteria can be supported through public procurement under the current EU rules".

This clarification is on time as the EU Public Procurement Directive is currently being revised at EU level. An important issue at stake is whether, in the future EU rules, technical specifications can refer to social aspects in production process "The European Parliament and Council of Ministers should ensure the future EU rules permit a distinction to be made in the technical specifications between products produced with or without, for example, forced child labour".

The ruling is also timely as it has been issued two days before World Fair Trade Day, an initiative of the World Fair Trade Organization (WFTO) that takes place every second Saturday of May. In this context, Fair Trade will be celebrated on 12 May 2012 in diverse places and cultures across the globe. Various events are organized in more than 70 countries in Africa, Asia, Europe, Latin America, North America and Pacific Rim.

The Fair Trade Advocacy Office (FTAO) speaks out for Fair Trade and trade justice with the aim to improve trading conditions for marginalised producers and workers in the South. It is a joint initiative of the European Fair Trade Association (EFTA), Fairtrade International (FLO) and the World Fair Trade Organization-Europe (WFTO-Europe). These networks bring together over 2 million Fair Trade producers from more than 60 countries, 24 labelling initiatives, hundreds of specialized Fair Trade importers, over 3000 Worldshops and more than 100,000 volunteers.

Contact: Elba Estrada. Fair Trade Advocacy Office. Rue Fernand Bernierstraat 15 – 1060 Brussels – Belgium. Tel: +32 (0) 4 73 540 741. Email: estrada@fairtrade-advocacy.org

North Holland case ruling 10 May 2012¹

INTERNAL FTAO note 10 May 2012

This internal note aims at providing an assessment of the ruling (from a Fair Trade perspective) and provide you with key speaking points if you are contacted.

FTAO assessment

- Overall: ECJ provides a progressive interpretation of EU rules, by confirming it is legally possible to refer to Fair Trade criteria in public procurement.
- Re: technical specifications: Technical specifications is the phase of a procurement process where you define the type of product you wish to purchase.

The Court confirms that contracting authorities can refer to the environmental characteristics of Fair Trade (e.g. no pesticides, no Genetically Modified Organisms) as part of the technical specifications of a call for tenders. Social aspects would, according to the Court, fit in the contract performance conditions (*this is the same as the current EC interpretation in "buying social guide"*).

- Re: award criteria: Award criteria is the phase of the procurement process where you can give extra points to products meeting certain criteria.

Contracting authorities can choose award criteria based on considerations of environmental or social nature. The Court explicitly states it is possible to refer as award criterion "*to the fact that a product is of fair trade origin*". This allows giving extra points to products meeting Fair Trade criteria (*this is an improvement from current EC interpretation in "buying social" guide*). You need to spell out the underlying criteria.

- Re: use of labels: it is possible to refer to a label (like Max Havelaar) as means of proof, but it must be left open to proof compliance with the criteria in other ways. That is, you need to spell out the underlying criteria not the label. (*this is the same as the current EC interpretation in "buying social guide"*).
- The province of North-Holland failed to comply with the Directive provisions concerning technical and professional ability and also the principle of transparency in the way it phrased the requirement from the bidder to respect the 'criteria of sustainable purchasing and socially responsible business'

Key speaking points in case you are contacted:

- The European Court finally provides much-needed legal clarification by confirming that Fair Trade criteria can be included in public procurement.
- The reasoning of the Court is good news because it goes further than the Commission in confirming that it is legally possible to give extra points to products meeting the Fair Trade criteria.

¹ [Court press release](#) and [ruling of the Court](#) are already available

- The ruling does not challenge the political choice of the North-Holland province to "choose the award criteria based on considerations of a social nature", it challenges some aspects of how it was done.
- The European Court recognises that labels, such as Max Havelaar, remain important tools to proof compliance with Fair Trade criteria.
- Ruling is based on current Directives. On-going revision of Directive is an opportunity to go further, in particular to ensure that all Fair Trade criteria (social and economic criteria, not only environment) can be included in the technical specifications.

For questions, contact Elba Estrada (estrada@fairtrade-advocacy.org).

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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

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

- Over prescriptive Welsh Government (WG) policy and strategies.
- Long term budgetary security and changes in global financial climate.
- Long term political security and legislative policy impacts on future service delivery.
- Lack of industrial growth in Wales which leads to uncertainty of future infrastructure and market availability.
- Lack of flexibility to allow 'blue sky' thinking for future decision making.

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

- Greater assurances of continued or increasing financial provisions to allow long term financial planning by WG.
- Greater flexibility in determining future sustainable service provision, including the removal of short term statutory performance targets and financial by WG.
- Freedom to consider local circumstance which provides sustainable solutions by WG.
- Increased industrial infrastructure and sustainable market provision supporting long term service planning and delivery by WG and Waste Management reprocessing sector.
- The financial support of Welsh Government in geographical regions outside EU convergence areas to remove the existing uneven playing field for financial subsidies to service delivery and third sector service provision.

While the 'paper' states that WG approval is by engagement to enable without a burden of administration and enforcement. This is clearly not the case in respect to environmental change where its strategies and legislation have resulted in significant administration burdens in respect to national performance indicators and waste management reporting within Wastedataflow, where WG's approach is particularly burdensome rather than enabling.

Q3. What other evidence is there about the extent of progress in relation to the Development agenda and making sustainable development central organisation principle of public bodies

- Increased partnership working by local authorities in delivering services. examples within my own local authority include:
 - i. Residual Waste Treatment Capacity Procurement.
 - ii. Shared audit service delivery with neighbouring authority.
 - iii. Joint civil parking enforcement service with neighbouring authority.
 - iv. Future recycling treatment capacity procurement.
 - v. Joint long term organic treatment capacity procurement (2015-30)

Q4. Have we identified the most appropriate level of organisation decision-making at which the duty should be applied? Please explain

Yes. WG's proposal to apply any future duty must be at the highest possible level within any public service body to be effective. For local authorities the duty needs to be incorporated within the following council policy documents:

Corporate Plan
Improvement Plan
Corporate Risk Register

Inclusion within the corporate plan should then allow the duty to be cascaded throughout the organisation within service and team plan while also being incorporated into the annual scrutiny work programme of elected members.

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

If sustainable development (SD) is the underlying decision making rationale then it should be applied to all decisions.

However there may be a contention that services such as 'Social Services' and occupational health and safety where the needs of immediate protection of peoples needs would override longer term sustainable thinking.

Q6. Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?

By applying the duty at the higher decision making level it will capture all the local authority decision and Scrutiny progresses.

Q7. Should we include decisions which govern organisations internal operations? If so, which internal operations should we include?

If it is WG intention to change the culture across organisation, including the National Assembly for Wales, then the duty should include all decisions and include all public service organisations.

This needs to be an 'all or nothing' approach as it would be unacceptable for WG to 'cherry pick' specific public bodies whilst exempting others.

Q8. Should budget proposals be subject to the duty? Please explain.

Again it would seem appropriate that the SD duty should be applied to all decision making, including budgets provision, WG Revenue Support Grant (RSG) and sustainable grant settlements. It would also be pertinent for any third party funding decisions to also be subject to the duty.

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

I would agree with the behaviours identified and feel that they are all appropriate. However, I would suggest that in the current climate of efficient savings and 'doing more for less' the requirement for identifying critical early interventions may prove difficult for authorities where resources are now extremely stretched and immersed in delivering day to day services to their customers.

Q10. Are there critical behaviours that we have not identified? Please explain.

Whilst WG may consider it part of the 'Engagement and Involvement' behaviour, clearly promotion, education, public awareness are critical for improving the capacity of people to address environment and SD issues. WG must ensure that in setting this duty, that public sector bodies are resourced to acquire the competencies and knowledge to deliver the challenge of fully adopting the sustainable development principles that the duty will impose on them.

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

Given the complexity, breadth and diversity of SD on behaviours, there is potential that the most appropriate factors now will always be subjective and hence difficult to monitor, evaluate and measure. However, this can only be perceived as both a strength and weakness.

Q12. How much influence should sustainable development behaviours, having 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 the behaviours.
- Broadly reflects the behaviours.
- Is not inconsistent with the behaviours.
- Are the other options.

As stated in Q.11 above SD behaviours will always be subjective. But in broad terms their influence should be as a high 'in-principle' level that must be considered in reaching any formal decision. That they should influence, but where need or they are outweighed by other factors can not be fixed in stone.

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

The objectives identified would appear to cover all aspect of SD as defined presently. Given that we are still some way from fully understanding how the objectives will be measured it may most be appropriate to start off with these core objectives.

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

The advantages of designating 'SD factors' to inform at the higher level decisions is they would provide evidence (examples anyway) of sustainable success in taking forward WG's proposal for change and equally be an important focus on prevention and involvement.

The disadvantages would include WG having to devise a methodology for measuring how these factors were delivered. Given the subjective nature of any proposed long term SD outcomes as identified by WG itself, this may not be easy to achieve.

Q15. How much influence should the objectives have over high level decisions – for example, should those decisions be lawful

Putting aside the fact that any decision as to what constitutes a judgement of what is, or is not, lawful is a matter for the courts and not that of Government. Of the options suggested within the consultation document I would support the option *'even if they detract from some of those objectives, as long as they actively promote others'* But WG must consider when deciding on imposing a duty on public bodies whether, to be legally binding, that duty is reasonable, developable and enforceable.

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

There would appear to be very little, if any, advantages and many disadvantages should WG be unable to support behaviours with achievable guidance and measureable outcomes.

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

It is an overly simplistic concept for a topic of such complexity breadth and diversity.

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

As WG itself states, their proposals are long-term behaviour objectives. So it would only seem proportionate to allow public bodies a considerable period in order to properly restructure their corporate plans and mid to long term financial policies before effecting the change.

Whilst not wanting to specify a set time period. This is not a matter to be forced upon public bodies without full and proper consultation and pre-implementation joint working with them.

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

It is critical that WG issue formal guidance to public bodies at the earliest possible time and allow representation from public bodies in respect to the guidance issued to them.

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

Given that I have already commented that I would not support WG creating a new 'Quango'. I would stress given the time scales and increased bureaucracy of any new body burden Wales that WG needs to issue this guidance as the earliest possible time should it decide to form a new SD body.

Q21. 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?

If the intention is to reduce the burden and complexity on public bodies through introducing a general duty to think sustainably, while encouraging joint planning and innovation. It would appear appropriate to repeal the administrative burden imposed in respect to municipal waste data reporting within the Waste (Wales) Measure 2010, as the overarching duty within the Sustainable Development Bill would make it unnecessary.

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

Yes, as those stated above:

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

It would be appropriate for public bodies to report within their existing annual reporting arrangements, dependant on the extent of the detail that WG would impose on them.

It is however encouraging that WG do not think it would be a good use of public resources to compel public bodies to produce separate annual reports. This view by WG alone should be enough to answer this question.

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

No. The list appears to be appropriate for those bodies listed to be subject to any future SD duty.

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

Yes. Non statutory Quango's or third sector environmental bodies that receive significant amounts of WG funding such as WRAP, Clych and Keep Wales Tidy.

Q26. Are there other advantages or disadvantages to defining 'Sustainable Development' and if so, what are they?

Given that it will ultimately be for the courts to provide any legal definitions. It is still critical that WG provides a definition of SD in statutory terms. Not only will this bring consistency and coherence to Welsh legislation, but also provide a base line understanding to public bodies subject to the proposed SD duty. Without doing so, WG will never achieve their desired consistency of delivery.

I would suggest that WG's existing definition is far too subjective and that a new definition needs to be considered to match the subjective objectives stated within the consultation document.

Q27. If we were to define "Sustainable Development" do you think that the definition above would be suitable and why.

No, it is far too high level and subjective. If public bodies are to deliver sustainable development thinking they need a "SMART" definition that can be measured and therefore managed.

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

As stated previously I would not support the cost or the added bureaucracy burden a new body would place on the Welsh people.

Given the existing bodies financed by WG, there must be an alternative opinion by utilise existing bodies to deliver WG proposed roles and functions and not create another 'Quango'. Wales already has an ombudsman and other appropriate bodies to provide these roles and functions.

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

Other than those expressed previously in respect to the cost and disproportionate need for a new body, no.

I do believe that if WG aims to bring more formality and certainty to the arrangement for independent expertise, advice and advocacy this can be achieved by existing bodies. Although it is always questionable where true independence can be delivered, when the body is funded by those who want it to be independent of them.

Q30. Are there significant disadvantages to establishing a new body on a statutory basis?

Yes, at a time of reducing budgets for front line service delivery bodies, such as local authorities and health boards. It could be comprehended as an absurd waste of public money that could be used to increase community 'well being' now.

There must be the potential for WG's proposals to set up a new SD body to be seen as unsustainable by its stakeholders given the existing pressure on the public purse.

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

Whilst I would not disagree with the functions stated in the consultation paper I can only repeat my previous concerns as to whether a new statutory body is needed.

Q32. Are there other functions which should be considered?

I would consider the functions stated within consultation document to be sufficient for any body who undertakes this role.

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

Irrespective of whether there is a new body as already expressed I have doubt that any body financed by WG can not be truly independent for WG. Hence whatever body is charged with this duty and function it must be totally separate from WG to have any credibility. Failure for WG to demonstrate this would alienate general public and public organisation trust and co-operation.

I would suggest that it is imperious that WG clearly demonstrate that any body with this SD role is autonomous and can operate with sufficient powers to justify its existence.

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

Should there be an unnecessary new body then it needs to be, at least senior management level, accountable to the people of Wales, whether this is by public election or WAG scrutiny committee.

My contact details
on p. 5.

20/7/12.

re: Sustainable Development legislation

I apologise for the hurried nature of this submission - I was reminded about this (Tue 17 July, "Western Mail") - and was ill previously.

My basis is that the ultimate aim of such legislation is to make "happier societies in Wales & Worldwide" the overall method being to apply the principles of sustainability wherever we can.

My background (some). (Summary).

- St. Catherine's College, Oxford, 1963-1968.
Good hon. degree in Chemistry, Diploma in Education
We were taught to think of AIMS, CONTENT, and METHODS (Δ) for lesson planning and this approach might help here!

- Lifelong interests in social problems, transport, especially railways, as well as Chemistry which I taught 'til 1997 being a school head of department from 1970 to '88 (age 26)
I'm now aged 67.

- I have some knowledge of Physics, ~~Chem~~ Biology including human behaviour(!) and have tried to educate myself to be a "good all rounder. Quite knowledgeable on ^{trees &} timber.

- Active, formerly, as an environmentalist and campaigning for a YES vote for the Welsh Assembly 'til 1997.

Legislation - pre-requisites. I believe that legislators need to get a "feel" for the whole

2/
subject before even starting to think about legislation — which should be tailored to our requirements as human beings rather than some ^{legal} structures being set up first!

Meaning of Sustainable, Sus. Dev. etc

I find that most people do not really understand, and cannot articulate, these terms — so ~~there~~ ^{there} will be a need to explain them to the public.

The original meaning of "sustainable" from the French, was "supported from below," the present day meaning in our context, implied even if not articulated, is "able to continue indefinitely" which implies crisis avoidance, ^(crisis potentially) at some time sooner or later.

To many with a scientific background, environmental sustainability is a "no-brainer."

One problem is getting it across to others.

I now think that there is a hierarchy — that social sustainability should be the starting point (together obviously with environmental) and that "economic sus." should serve this.

To try to elaborate, "soc. sus." is all about social harmony, stability, happy communities (geographic — and others?) etc — all obvious, commonsense really — and depends on individuals being "sustainable" in themselves, also has ramifications in relations between communities and in international relations.

"Social" and "environmental" are in some ways inextricably linked — for example if they were applied by mankind there would be no need for wars over resources.

Economics and business have purposes — to serve humanity, provide basic human needs (psychological and spiritual as well as biological). So economic policy should be developed to fit in with social and environmental considerations.

Development. (Please note, I'll have to hurry now to get this in to you).

This word frightens me slightly, reminds of ~~events~~ situations where sustainable principles have not been applied.

As humans, we collectively "shoot ourselves in the foot" by allowing people to practice unsustainable behaviours.

(I'll write to Ian Griffiths, a good person, with examples I've met him)

^{therefore}
I shall think of "sus. devels." as improvements — let's face it Wales and Welsh society needs rebuilding in all sorts of disparate ways (some are interlinked, though)

Sustainable Development Principles need to be at the heart of these rebuilding processes, not as an add-on.

Any proposals should be tested against these principles.

4.

Legislation — some general principles
(there will be more!)

In most cases, legislation should be enabling, not hindering, not punitive! (We didn't have the Assembly set up for us to be bossed around, persecuted, harassed!)

Lawyers must not be given a monopoly here; we must all be involved.

If local authorities, government departments, other organisations, individuals even, have obligations placed upon them, various types of active help must be given.

Only by ~~over~~ all working constructively together can social harmony be engendered even at this level of applying sustainability principles!

Examples where a bill could help. (I'll write to Jan G.)

I do not think everything has to be covered in one bill. But we need to urgently tackle climate change causes and some social aspects, this year.

There will be many people, like myself, who have scores of examples of unsustainability and practical ideas for solving them.

I'll follow this up.

Meanwhile, if you wish to ~~if~~ contact me, my details are on the next sheet.

Glyn Crose

Page 5.

I'm sorry I'm just too tired now
to write down specific examples ^{some of} which
I have in draft form - except to mention
a need for a push for more car sharing
and cheap temporary double glazing for the
coming Winter. Details available!

Any reply to:

Glyn Cross

41 Spring Grove

Thornhill, Cardiff, CF14 9DL

Tel: 02920 761881.

(If I'm away, I can also be contacted
on: 0151-647-0049)

Please leave a message on either no.

I've been too ill for a few years to arrange
to be on the internet. But I would
willingly come in to see yourselves.

Wales Progressive Co-operators

Response to the Sustainable Development Bill consultation

We have focused on one question, rather than fragmenting the potentially significant contribution of Social Co-operatives to Sustainable Development.

Question One - Barriers to sustainable development

Introduction

To achieve tangible results, more detailed focus is required upon a number of specific actions, which can promote and facilitate sustainable human development across a range of devolved functions. These include: civic health, health and social care, culture, models of economic development, human resource management, equalities, education, training, housing and safety, which can also be internationally evidenced

We need to be thinking about models that replicate reciprocity, that make it a much more common currency, not just within democratically accountable Co-operative forms of organisation, but in the space in the communities and in the organisations all around the Co-operative that actually go towards humanising communities, making them more creative and innovative, and less fragmented, less individualistic and less isolated. We therefore welcome the contribution made by Jane Hutt, AM, Leader of the House and Finance Minister in a BBC Radio File on Four programme “A BRIDGE TOO FAR?” on 20th March 2012
TRANSCRIPT OF “FILE ON 4” –

Building upon the visit by the Quebec cooperative elder care specialist Jean-Pierre Girard in February 2012, we recently organised a support ‘Co-operative Solutions for Citizen-Directed Services’ a learning consultation to inform & support the transformation of Social Services in Wales with John Restakis, the Executive Director, British Columbia Co-operative Association, Canada, from Tuesday 26th June – Friday 29th June 2012. John is a Canadian expert who has promoted and commented on citizen centred developments in Canada and internationally over the last 20 years.

During his 4 day visit to Wales John will meet Gwenda Thomas AM, the Minister for Social Services, and other Government Ministers and senior officials and Assembly Members. He spoke at the annual Public Service Management Wales Summer School, the conference of the Association of Directors of Social Services on ‘Co-operative solutions for social services - The power of reciprocity’, a joint conference of the Wales Alliance of Citizen Directed Services and Network 3 (Wales Council for Voluntary Action), at a range of events in Cardiff, Neath, Newport, Newtown and Llandudno (see Roberts, E., Smith, D. (2012) attached). The use of international co-operative specialists and a similar inquiry based approach is recommended to the recently announced Welsh Government Co-operative and Mutual Commission.

Reciprocity and Social Co-operatives

Citizen Directed Support and Social Co-operatives share common assumptions about the value of reciprocal human relationships and the need to build democratic user led organisations. What is particularly exciting about establishing Social Co-operatives is that they involve service users/carers, alongside workers and community supporters. In fact they really do embody the characteristics of

sustainability highlighted in the Ministerial introduction by John Griffiths AM that are very applicable to public service reform. This will then provide really strong and resilient communities for us all.

Evidence about social care

'People who receive home care are frequently not satisfied with the way that services are currently provided. Many are very dissatisfied with the '15 minute slot' model of service, which they experience as undignified and unsafe. Many find the task-based approach of the majority of councils insensitive to their needs, requiring particular activities regardless of whether people want them done that day or at all. People tell us that this inflexible approach means that services are more accountable to councils than to them. It is also unsatisfactory for those who provide care and support, as it inhibits the proper relationships that should develop between care workers and the people they care for' (CSCI 2006). This evidence is equally applicable in Wales.

Prescriptive time & task based commissioning, care planning and service delivery result in frontline staff becoming more accountable to commissioners than they are to the people they support. It undermines their ability to be flexible, responsive and outcome focussed (CSCI 2006).

Recent TV programmes like BBC1 Panorama's 'Britain's Homecare Scandal' and BBC2 'Can Gerry Robinson Fix Dementia Care?' along with research evidence (Paterson et al 2011) suggest that poor practice by frontline staff is largely due to systemic failure, organisational culture and poor working conditions.

Services need to recognise and address the importance of reciprocity in caring relationships and the promotion of emotional well-being (Cahn 2004)

This interdependent well-being of service users, carers and frontline staff needs to be recognised and addressed in order to create the 'enriched environment of support' that is prerequisite to outcome based support planning (Nolan et. al 2006)

Staff need to be properly supported and empowered to be more flexible and responsive, person centred and outcome focussed. This requires an organisational culture that values driven, reflective and outcome focussed, not time and task focussed (Flemming and Taylor 2006, Innes 2006).

Evidence about Social Co-operatives

Social Co-operatives are in a strong place to develop models of care and care support that promote the interdependent well-being of service users, carers and frontline staff, which research evidence suggests is an essential prerequisite to outcome focussed and person centred care and support planning (Innes 2006, Nolan et al 2006, Paterson et al 2011)

Social co-operatives do exactly that as part of their mission because of the kinds of organisations they are, and because they embody these principles of community benefit, reciprocity and mutual benefit. These aspects accrue not just to Co-operative members, but also to the neighbours and other citizens in the

broader community that feel the important consequence. John Restakis captures this well in a study of different locations in Northern Italy: ranging from high to very low levels of co-operative organisation (Restakis 2012a).

Evidence demonstrates that Social Co-operatives are best placed to safeguard the question of user control over the design and delivery of social care services (Restakis 2010, Restakis 2008, Girard 2012, Romano 2012, Restakis 2012a). Could the forthcoming Wales Sustainable Development Bill or the regulations attending the Bill, simply require all third party providers of social care under contract to local authorities to have in their organisational structure provisions for control rights by users? Clearly, this goes beyond simple questions of cost benefits and efficiencies.

However there may well be the potential for providing in the Act that in assessing the relative merits of any tenders in respect of providing social services full account will be taken of the degree to which views of the various stakeholders will be taken into account to ensure that standards of care can be monitored by the users and providers as well as the local authority, and that preference may be given to those organisations who intend to use the profits of such activities for the benefit of increased provision of care in the community rather than for the benefit of third party financial investors.

Prescriptive actions

All have been impressed by the human rights vision contained in the recent Social Services Bill (Wales) consultation. However, there is a widespread view that the Bill needs to be more clearly prescriptive of actions, which will deliver this vision. The Sustainable Development Bill may be well placed to assist in this matter and we believe four guiding objectives would be helpful when instructions are given to those drafting the legislation:

- a). To prioritise the recognition of Social Co-operatives and other forms of user controlled delivery models;
- b). To support co-operation and mutual support amongst Social Co-operatives and amongst service providers;
- c). To recognise the affinity of purpose between local authorities and Social Cooperatives and to promote collaboration between them;
- d). To promote the use of the multi-stakeholder Social Co-operative model to strengthen links between key stakeholders including users, carers, support workers and local authorities.

We, and others, can provide more detailed information regarding Citizen Directed Support and Social Co-operatives on request. In Appendix One, extracted from informal comments provided to government officials, we explain the function of central and local government, the importance of language, the historical development of different types of co-operatives and the wider significance of Social Co-operatives to the wider Welsh Public Service reform agenda.

Appendix One – evidence presented to government regarding the Transformation of Social Services
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Q98

- a. Although the government and its institutions have an important and legitimate role to play in encouraging co-operation, the initiative for the formation of independent co-operative businesses will have to come as in the past, from prospective co-operators themselves. People as workers, service users or community supporters cannot be forced to co-operate. The government can encourage and provide appropriate circumstances to grow what is sometimes called 'social capital, but it cannot create community engagement and co-operative enterprise. This must come from people themselves, with the necessary enthusiasm, independence and commitment to do so.
- b. We do not visualize local authorities or municipal enterprise and co-operatives as rivals in the mutual growth of each other. Not one in conflict with the other but both jointly working, to the benefit of the consuming public.
- c. The language we use, and the definition of concepts thought to empower are especially important. This is because the variety of models offered to achieve the reform of the social care system are claimed to achieve 'co-production', but will have varying capacities to enable citizen's voice and control and, let alone increased wellbeing. Clearly, there will be variance depending upon the model adopted. We must therefore be aware of using terms such as 'cooperatives', 'mutuals' and 'social enterprises' as if they are interchangeable concepts. They simply are not.
- d. Historically, co-operatives have at least three roots - consumer co-operatives, producer co-operatives, and worker co-operatives. The consumer model is well understood with retail societies, such as The Co-operative with an annual turnover of £14bn. Members of worker co-ops are employed by the co-op. Although often cited, the John Lewis Partnership is not a worker co-operative. (See appendix one for further explanation of the democratic process).
- e. The society is different from alternatives in the private and voluntary sectors because each member has an equal right to be a member and because of its democratic features and active understanding and participation of members is essential to it. It is accepted that a member's capacity to participate will change over time depending on their circumstances. It is noted that the multi-stakeholder model allows for community members to be involved and they may well be

informal carers and family members.

- f. Producer co-ops comprise a separate model for co-op development reflecting the vital role of co-ops in agriculture. Producers, although they may own their co-op, are not formally employed by it. Their relationship to their co-op is very different, historically and operationally, from the relationship of workers-owners to their worker co-op. A case could also be made for a further distinction recognizing the other key co-op structure as applied to financial services i.e. credit unions.
- g. In our view *the Co-operative Multi-Stakeholder model is a particular form of co-operative which has the greatest possibilities for transforming the relationship between the service user – as an owner and member and the organisation providing care. With the Welsh Governments focusing upon citizen centred service delivery the multi stakeholder model is better placed to sustainably meet the needs of service users thorough involving the service user, worker and wider community interests in service planning and delivery.*
- h. As at page 6, we stress the importance of user-controlled mediating organisations providing vital shared services to service users. This is key if an individualised, direct payment scheme is adopted, but this secondary arrangement should be owned and controlled by the primary care organisation.
- i. However, it is not restricted to local service delivery: it can also be embraced as a tool of government, but its relevance goes much wider than this, to how services are organised and governed within the public sphere, indeed how the principles and practices of co-operation bear on all parts of today's multi faceted economy.
- j. A significant non-devolved factor is the use of tax policy for the support of social co-operatives. This has been crucial for the development of these organisations both in Quebec and in Italy.
- k. Our one principal reservation about this Bill (and the Sustainable Development Bill) is that although it opens up scope for closer integration with other services, especially health functions, the wider opportunities presented by the co-operative Multi-Stakeholder model are left unexplored.

References:

Cahn, E. (2004) *No More Throw Away People – The Co-production Imperative*, Washington, Essential Books

CSCI (2006), *Time to Care? An Overview of Homecare Services in England*, London, Commission for Social Care Inspection

Flemming G and Taylor B (2006) 'Battle on the home care front: perceptions of home care workers of factors influencing staff retention in Northern Ireland'. *Health and Social Care in the Community* 15 (1) 67-76.

Girard, JP, (2012), Restakis J., Co-operative models of care for older people – the Quebec Experience and the wider Canadian experience – a report commissioned by the Wales Progressive Co-operators and presented in evidence to the National Assembly for Wales Health and Social Care Committee, 8th February 2012.

Innes A, Macpherson S and McCabe L (2006) *Promoting person centred care at the frontline*. York: Joseph Rowntree Foundation.

Nolan M, Brown J, Davies S, Nolan J and Keady J (2006) *The Senses Framework: Improving Care for Older People Through a Relationship-Centred Approach*. Getting Research into Practice (GRiP) Report No 2, University of Sheffield.

Paterson, M., Nolan, M., Rick, J., Brown, J., Adams, R. and Musson, G. (2011), *From Metrics to Meaning: Culture Change and Quality of Acute Hospital Care for Older People – Report for National Institute of Health Research Service Delivery and Organisation Programme*, London, HMSO

Romano A, 'Mutualism, social cooperatives and the public sphere: the Italian experience', Italia Futura, Foundation for Progressive European Studies (2102) DRAFT DISCUSSION NOTE

Restakis, J. 2012a, forthcoming publication on 'Social Co-operatives: the Power of Reciprocity, Wales Progressive Co-operators.

Restakis, J., 'Elder Co-operative Care in Canada', (2008) a report commissioned by the Canadian Government and published by the British Columbia Co-operative Association, Canada.

Restakis, J., 'Humanizing the economy – Co-operatives in the Age of Capital', 2010, New Society, Canada.

Roberts, E., Smith, D., 'John Restkis: an Interim report on his visit to Wales, June 26-29th June 2012', Wales Progressive Co-operators.

Consultation on proposals for a Sustainable Development Bill

06/07/2012

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The Wales TUC is the voice of Wales at work. With over 50 affiliated trade unions the Wales TUC represents over 400,000 workers. The Wales TUC is pleased to contribute on the proposals for a Sustainable Development Bill. The sustainability of jobs and the creation of green jobs is a long standing priority for the TUC, and this consultation allows us an opportunity to emphasise this essential area of work to the Welsh Government.

Economic and environmental challenges face societies across Wales. The sustainable society that is needed has not yet been achieved and as a result the global gap between rich and poor has grown as wealth is not redistributed equally. In Wales, the challenges that await us are vast and if we are to meet them in achieving our key objectives of protecting our communities, developing our economy and securing the future for our children then it is important that we start thinking differently about the work that we do and how sustainable it is to our collective futures. The Wales TUC is supportive of this approach in Wales and welcomes any opportunity in which to deliver its objectives on sustainability.

The relationship between trade unions and sustainability is significant and multi faceted. Union research consistently shows that union members are concerned about climate change and want their union to be active on environmental issues. In addition, making workplaces sustainable saves money and jobs and with workplaces accounting for a fifth of UK carbon emissions, efforts to reduce the environmental impact of the workplace are crucial to limiting the impact of climate change. More significantly, the creation of jobs through investment in sustainable green technologies and the provision of more positions in a stable and secure economy is a long term goal for every trade union.

Sustainability is not just about green issues but is more intrinsically linked to fairness, social justice, the gaps between the richest and poorest and equality. All issues that the TUC and trade unions across Wales, campaign on every day and issues which should be reflected in any legislation arising from this consultation. It follows that the Wales TUC should find the provision of [green] jobs, economic growth, regeneration and social justice to be a key indicator of Sustainable Development.

This bill has a wide scope that will cross portfolios and when implemented, cross industries. It will impact primarily on public sector bodies but influence the work carried out in the private sector. It is important therefore that the foundations are laid carefully and that this is a well considered proposal which is relevant not only for today, but for generations to come. It is imperative that the Welsh Government carefully considers a working definition of sustainability and what likely outcomes there would be with any potential conflict between two or more of the 5 UK framework principles of sustainable development outlined in the consultation. For example, there may be projects which create many jobs and create a sustainable future for people, but is resource heavy or damaging to the natural environment. These aims would be conflicting in current definitions of

sustainability and would be highly likely to be contentious to the Welsh Government and although the consultation discusses an integrated approach, this is quite vague and would need further clarification. It is therefore imperative that the Welsh Government has a clear plan set out to mitigate these arguments in the future, and has a clear idea of the priorities that would take precedence in situations with conflicting sustainable framework principles. This is especially important when considering future legislation or when asking public services to adopt this as a central organizing principle.

The principle barrier in taking long term decisions is the issue of funding. Organisations are unable to plan carefully for the future or make long term decisions when funding cycles are short. It would be important that funded projects are more sustainable and allow the opportunity to create more of the benefits that come from a more securely funded role, which allow planning for better economic, social and environmental outputs.

The Wales TUC emphasizes the importance of the creation and retention of jobs in the Welsh economy as a priority for any proposals, the long term sustainability of the economy and the wellbeing of people across Wales is imperative when undertaking any discussion on sustainability and should be the key priority. It is important that any legislation that it set by the Welsh Government does not have the unintended consequence of stifling innovation or making it more difficult for individuals in accessing public funding. Conversely, it is important that as part of the culture shift, there are incentives available to support sustainable development and the creation of jobs in a sustainable way.

When working across organisational boundaries, the Welsh Government must ensure that amalgamation of working roles is managed carefully and that compulsory redundancies are not considered part of the proposals. It is important that the Sustainable Development bill is seen as an enabler in the creation of jobs, and not an opportunity to implement measures which have a negative impact on the workforce, people and their communities.

Finally, in the creation of a new Sustainability body, it is important that this does not become a body solely concerned with environmental issues to the detriment of all other sustainability factors. Any scrutiny or arbitration must be transparent and not to the detriment of job creation in Wales. The creation of green jobs is a key priority for the Wales TUC and it is important that any future body enables this key objective to be realised.

The Wales TUC welcomes the opportunity to discuss any proposals in further detail and looks forward to further proposals in due course.

For Further information please contact Rhianydd Williams, Wales TUC Policy & Campaigns Officer

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Submitted via email to: sdbill@wales.gsi.gov.uk

www.nationalgrid.com

24 July 2012

Dear Sirs

Re: Welsh Government Consultation Document: Proposals for a Sustainable Development Bill

I am writing in response to the consultation on the above document. National Grid welcomes the opportunity to comment and wishes to submit the following representations appended to this letter which, following some introductory remarks, broadly follow the structure of the consultation document and of the consultation questions.

We are, of course, happy to answer any questions that may arise out of our submission and would be grateful to be kept informed of developments.

Should you have any queries or wish to discuss any of the issues raised in our response, please do not hesitate to contact me.

Yours sincerely



Hector Pearson
External Affairs Manager, Land and Development

Encs.

National Grid submission to the Welsh Government Consultation: Proposals for a Sustainable Development Bill, July 2012

1. Introduction

- 1.1. National Grid owns and manages the grids to which many different energy sources are connected. In Britain we run systems that deliver gas and electricity across the entire country. In the North East US, we provide power directly to millions of customers. We hold a vital position at the centre of the energy system. We join everything up.
- 1.2. That puts National Grid at the heart of one of the greatest challenges facing our society - supporting the creation of new sustainable energy solutions for the future and developing an energy system that can underpin our economic prosperity in the 21st century. First and foremost this is a scientific and engineering challenge. Decisions around the future of our energy infrastructure – its cost, local impacts, objectives and risks – will of course involve most of society.
- 1.3. Our primary duties are to operate, maintain and develop our networks in an economic, efficient and co-ordinated way and to facilitate competition in the supply and generation of electricity and in the supply of gas respectively. Our licences require us to provide connection to, and use of, our transmission networks in a non-discriminatory and transparent way.
- 1.4. As an electricity transmission system licence holder National Grid also has a duty under Section 38 and Schedule 9 of the Electricity Act 1989 relating to the preservation of amenity. How National Grid meets this duty is set out in "National Grid's amenity policy"¹. This statement, which is applicable to works on both our electricity transmission system and gas transmission system, also incorporates commitments to stakeholder and community engagement.
- 1.5. When considering new transmission network extension or reinforcement, we have to balance a number of key issues. Our approach is always to work with all of our stakeholders and local communities to find the right balance between keeping costs down for consumers with the need to minimise the impact of our infrastructure. Each assessment is done on a case by case basis to ensure that local considerations are fully understood and accounted for.

2. The energy challenge and the need for infrastructure investment

- 2.1. Given the changing face of energy markets, the commitment to address climate change and the age of National Grid's assets, we need to undertake a substantial amount of new energy infrastructure investment and development. We are therefore a major contributor to UK economic growth and a major 'consumer' of the planning and consents regime.
- 2.2. The Climate Change Act 2008 commits the UK to reduce greenhouse gas emissions by 80% by 2050, and the EU Renewable Energy Directive requires 15% of all energy to be from renewable sources by 2020. The level of investment needed to achieve this is estimated to be around £200 billion by 2020 in all forms of sustainable energy generation, transmission and distribution technologies – large and small, onshore and offshore, and across the UK. Indeed, the scale of investment proposed by National Grid for both gas and electricity transmission entities alone is £30.3 billion for the period 2012/14 – 2020/21². Meeting this challenge will require a streamlined and prompt consenting and permitting framework.

¹ <http://www.nationalgrid.com/uk/LandandDevelopment/SC/Responsibilities/>

² From our RIIO T1 updated business plan submission to OFGEM in March 2012; total expenditure (nominal) National Grid Electricity Transmission £21.3bn, National Grid Gas Transmission £9.0bn.
<http://www.talkingnetworkstx.com/>

3. The proposed sustainable development duty

- 3.1. We agree to the proposal that a key role of the public sector should be to contribute to sustainable development and support the view that the agencies and bodies across the public sector should take account of the long term implications of their actions and also be held responsible for their performance in this regard.
- 3.2. We also agree that the new duty should not lead to significant resource requirements; however, the duty should be constructed in such a way that it is sufficiently robust to ensure that it is taken seriously and implemented in practice. We consider that, for it to be effective, the duty should apply to, and be implemented at, all levels of organisational decision making, from strategic plans to operational activities. Otherwise there is a risk that, despite being embedded in high level strategies and plans (such as an annual plan), sustainable development principles may not be sufficiently applied to, and implemented in, operational activities and decision making (such as individual environmental permitting decisions).
- 3.3. Whilst sustainable development clearly has a long-term dimension, it should be borne in mind that the future can only be achieved via the present. Therefore, as well as ensuring that the duty is embedded in long term plans and strategies, the duty should also be applied from the present onwards in day-to-day activities and decisions.

4. Creation of an Independent Sustainable Development Body

- 4.1. Whilst National Grid broadly supports the creation of a sustainable development duty for public bodies, we are not convinced of the need to set up the proposed Independent Sustainable Development Body (ISB) as the formation of another body may not be necessary or appropriate. For instance, the creation of the ISB may require resource to be drawn away from the other public bodies, which, in turn, may then encounter difficulties in carrying out their functions (such as environmental bodies, which may impact on their ability to provide advice to developers and to undertake environmental permitting).
- 4.2. As set out in our recent submission to the Welsh Government, National Grid is generally supportive of the creation of a single environmental body for Wales (see our submission of 2 May 2012). We are not clear how/where the ISB would “sit” within these proposed arrangements and there may be a risk of duplication or lack of clarity.
- 4.3. An alternative to setting up the ISB would be to make the sustainable development duty itself stronger, so that it holds greater weight in the strategy and decision making of public bodies “by default”, rather than relying on another body to monitor the implementation of the duty. This could be supplemented by guidance issued by the Welsh Government to those bodies on how the duty should be applied. Organisations could then be required to report back on compliance with the duty through their existing reporting arrangements. National Grid considers that this would be preferable to setting up a separate ISB.

5. Defining sustainable development

- 5.1. As our understanding of the factors which constitute sustainable development may change and evolve over time, it may be prudent to define sustainable development in policy rather than to enshrine it in law which may quickly become out-dated and require review.
- 5.2. Energy infrastructure plays an important role in securing sustainable development, for both current and future generations. As highlighted in National Policy Statement (NPS) EN-1, the development of our energy infrastructure is vital to ensure climate change objectives are met, to promote economic prosperity and to underpin social well-being. EN-1 explains at paragraph 2.2.27 that “Sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the wellbeing of society and the economy. For example, the availability of appropriate infrastructure supports the efficient working of the market so as to ensure competitive prices for consumers”.

- 5.3. Against this background, EN-1 sets out that more investment is needed in low-carbon technologies and in more diverse sources of energy supply to meet Britain's future energy needs. Some of that will be remote from the existing electricity transmission network or will require network reinforcement to carry the amount of power that will be generated. Less predictable renewable energy sources will need to be balanced with more flexible gas-fired power stations and more stable nuclear sources. More of the natural gas used in the UK will be imported. Some of those energy developments will be onshore and some offshore. Meeting those challenges will also require changes to the electricity and gas transmission networks and the development of carbon capture and storage transportation networks.
- 5.4. Given the important role of energy infrastructure, this should be reflected in the definition of sustainable development.

6. Conclusion

- 6.1. In conclusion we believe that a key role of the public sector is to contribute to sustainable development and support the view that the agencies and bodies across the public sector should be held responsible for their actions and the consequences for sustainable development. Facilitating the move to a low carbon economy and security of affordable energy supplies are a key part of this and should constitute key objectives under the proposed duty.

John Griffiths

To: Welsh Minister for Environment and Sustainable Development

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.

At: Gweinidog yr Amgylchedd a Datblygu Cynaliadwy.

Annwyl Weinidog,

Efallai mai gwlad fach yw Cymru ond gallai arwain y byd fel cenedl gynaliadwy.

Gobeithio eich bod wedi cael eich ysbrydoli gan Rio+20 ac y byddwch, ynghyd â'ch cyd-aelodau o'r cabinet, yn sicrhau cynaliadwyedd ym mhopeth mae Llywodraeth Cymru'n ei wneud.

Mae Llywodraeth Cymru wedi dweud pethau gwych am gynaliadwyedd ond bellach mae angen troi'r geiriau hyn yn weithred er mwyn sicrhau y byddwn yn gwarchod buddiannau cenedlaethau'r dyfodol.

Rydw i'n cefnogi galwad WWF Cymru am Fil Datblygu Cynaliadwy Llywodraeth Cymru osod dyletswydd gryfach ar y llywodraeth a'r sector cyhoeddus i sicrhau bod eu gweithgareddau'n gweithio i gyflawni datblygu cynaliadwy ac wrth wneud hynny eu bod yn parchu terfynau amgylcheddol.

Yours sincerely / Yn gywir,

Mr Tim Dyke
12 Clover Close
Wokingham
RG40 5YX
England

cc:
WWF Wales

cc:
SDB consultation Welsh Government

Consultation on proposals for a Sustainable Development Bill



A response from Participation Cymru

July 2012

Participation Cymru
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Cardiff
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awilliams@wcva.org.uk

02920431725

An introduction to Participation Cymru

Participation Cymru is a partnership of public and third sector organisations that is managed by Wales Council for Voluntary Action and supported by an Advisory Panel that provides advice and guidance on strategic development. The panel comprises of:

- Association of Chief Police Officers in Wales
- Countryside Council for Wales
- HM Courts Service
- National Leadership and Innovation Agency for Healthcare
- National Museum Wales
- One Voice Wales
- Wales Co-op Centre
- Participation Unit, Save the Children Wales
- Tenants Participation Advisory Service Cymru
- Wales Association of County Voluntary Councils
- Wales Audit Office
- Wales Council for Voluntary Action
- Welsh Government
- Welsh Local Government Association
- Welsh NHS Confederation

Participation Cymru aims to support public service providers in their commitment to participation thus ensuring excellent public services that are vital to a prosperous, sustainable, healthier and better-educated Wales. We provide innovative training, support, information and policy directions in participatory approaches to citizen engagement.

Response to consultation on proposals for a Sustainable Development Bill

Section 2.35 Engagement and Involvement

Participation Cymru welcomes the section on 'Engagement and Involvement' within the proposals and the recognition that 'Giving people likely to be affected by decisions the opportunity to have their say is a fundamental principle of sustainable development'. Public engagement, more active participation and the mutuality of co-production need to be central to ensuring services meet current and future needs. This cannot be delivered effectively without the full buy and involvement of the people of Wales. This is also needed in order to bring about the behaviour change noted in the proposals.

This needs commitment from public bodies and effectively skilled staff and volunteers to ensure engagement in this work.

The National Principles for Public Engagement in Wales, endorsed by Welsh Government are key to this and should be incorporated into any bill that is proposed.

The National Principles for Public Engagement in Wales were developed by the Participation Cymru partnership on behalf of Welsh Government following extensive informal engagement and formal consultation in 2010/11. Subsequently, the Welsh Government endorsed the Principles in March 2011.

Since then extensive work has been carried out by the Participation Cymru partnership to promote the endorsement of the Principles by public service organisations in Wales. To date many local authorities and Local Service Boards have endorsed them with a commitment to ensure that the ways in which they engage with the public are effective and in accordance with the Principles.

Participation Cymru supports the need for greater collaboration and partnership working to ensure that this 'central organising principle' will be embedded within organisations and would welcome the opportunity to work with Welsh Government to ensure that this happens.

We want to ensure that the Principles are put into practice when engaging with the public and stakeholders.

For more information please see our website
www.participationcymru.org.uk/principles

Accessibility: As this is such a fundamentally important issue for all the people of Wales, Participation Cymru want to highlight the fact that this

consultation document should have been produced, as a matter of course, in certain accessible formats (Easy Read and child friendly) so that all the people of Wales have equality of access to the materials produced and that any other format be available on demand. It is hoped that the proposed bill be will available more widely and accessibly.



The Big Lottery Fund's response to the Sustainable Development Bill Consultation

1. About the Big Lottery Fund

- 1.1 The Big Lottery Fund (BIG) is responsible for distributing 40 percent of the money for good causes from the National Lottery and supports projects in the fields of health, education, environment and the community. In Wales, BIG is rolling out close to £100,000 a day in Lottery good cause money, which together with other Lottery distributors means that across Wales most people are within a few miles of a Lottery-funded project. Our programmes reflect Welsh strategic priorities and have been developed in consultation with stakeholders in the voluntary and public sectors. Furthermore, BIG has undertaken to direct a minimum of 80% of its funding towards the Third Sector. In recognition of the need for cross-sector funding to address the challenges faced by communities, we also support projects led by the public and private sectors.
- 1.2 Our mission is to bring real improvements to communities and the lives of people in need. All our programmes are based on the outcomes that will be achieved for the people and communities that they are intended to benefit. We expect all applicants to:
- demonstrate that they involve the people who benefit from their project in its development and delivery
 - consult other relevant organisations on the need for the project and show how it meets strategic priorities
 - work in partnership in order to deliver joined up and effective services and activities.
- 1.3 BIG aspires to be an 'Intelligent Funder' which is about making the most of our resources to bring about lasting change. We seek to use our connections, expertise and ability, as well as our money, to achieve significant outcomes. What we fund, how we fund and who we fund is informed by the best possible evidence. We will only take decisions about our programmes and individual projects from a basis of understanding – of places, problems and organisations.

2. Our response

- 2.1 Our response draws on the learning gathered from our experience of planning and delivering grant programmes and the individual programme evaluations that we commission to assess their effectiveness.
- 2.2 Our response addresses only those questions where we feel we can add value.

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

BIG is interested in the barriers faced by its stakeholders in the wider sense and has sought to understand such barriers to enable it to provide the most appropriate support.

2.3.1 Support for collaboration

Collaboration and joined up decision making can help to promote efficiency and bring a range of wider benefits, but planning and running collaborative ventures also takes time, attention and resources. So in January 2011, BIG commissioned a study that would both review the wider external context and identify areas where BIG's policies and practice might be sustained or improved in order to allow us to provide better support for collaboration.

You can read the full report here:

http://www.biglotteryfund.org.uk/er_supporting_collaboration.pdf

The main findings include the following:

While 'collaboration' can cover many things, one of the simplest approaches is for organisations to learn from each other. This type of peer learning is popular, (however as outlined under section 2.3.2 below there are sensitivities around sharing what is felt to be commercially sensitive information). Funders like BIG could make better use of online technology and internal communication to promote it.

'Forced' collaborations often prioritise the form of partnership over the purpose. VCS organisations may often be more interested in promoting efficiency through sharing back office functions.

To ensure more effective collaboration win-win relationships have to be identified, BIG (and other funders) should therefore ensure that they give themselves and organisations enough time to think first about what they want to achieve. Only then should they decide what form collaborative working should take.

Funders should be willing to support the cost of that process, especially where they require collaboration.

There are opportunities to learn more from the collaborative experience of international aid organisations.

2.3.2 Partnership working

BIG has worked together with other funders to take a joined-up approach and this brings many benefits. However it is important to bear in mind that joined up working and/or decision making can take longer as a range of people are consulted each with potentially differing governance arrangements for decision-making.

Where organisations work in partnership to enable joined up decision making, problems can arise if roles and responsibilities have not been defined at the outset or where partners are looking to achieve different goals.

During external reference groups where partnership options were explored, it became clear that organisations do not necessarily want to share what could be commercially sensitive information with too many partners, but just those that have been carefully selected. This is because in differing circumstances those organisations could be bidding against each other for a contract.

2.3.3 Early intervention

Joined up decision making over time is particularly important and preventative or early intervention assistance can play a vital role. However, it may be difficult to secure support in some sectors when the success rate is unknown, largely untested and the full benefits will not be realised until several years later. BIG has recently let a support contract to provide its grant holder with expert advice to help them improve how they evidence their impact.

- 2.3.4 At an internal level and with limited financial resources BIG needs to carefully consider what it funds and over how long. We strive hard to ensure our investments are complementary and add value to other initiatives by undertaking comprehensive consultations to inform our spending plans. We consider the longer term sustainability of projects at application stage and throughout grant management. We require applicants to evidence both need and how their proposals fit within the local context, specifically referring them to the need to work with local strategic partnerships such as local service boards. This transient nature of some of these partnerships, and the ability and willingness of both parties to interact can at times be a barrier to joined up decisions, as can difference of opinions that exist between both partners. During stakeholder consultations we sometimes hear that the third sector in particular does not feel it has an equal voice to those of statutory partners.

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

It is important that organisations learn from, share and act upon their experiences, research and evaluations.

2.4.1 Intelligent Funding

BIG is striving to be an intelligent funder. This means that we are an outcomes funder and alongside this approach run the key themes of capacity building, engagement, working together and innovation.

Our working together commitment states that we will:

make sure that when we plan a funding programme it fits well with other programmes and activities that have similar objectives to us

help applicants and recipients to work with others where there is clear benefit.

2.4.2 Working in Partnership

BIG provides information on working in partnership and in some cases it will be necessary and beneficial to work in partnership to enable joined up decision-making. This information is contained in the 'working in partnership sourcebook' which can be found here:
http://www.biglotteryfund.org.uk/er_eval_working_in_partnership_sourcebook_uk.pdf.

In addition, BIG has produced a Working in partnership good practice guide which can be found here:
http://www.biglotteryfund.org.uk/pub_good_practice_guide.pdf

BIG encourages organisations to work together where it is appropriate to do so. An example of this is the Mentro Allan programme where a national partnership was formed in 2005 to lead the development and direction of the programme. Collectively the partnership organisations have experience and expertise in the development of informal and formal sport and physical activity, community development, public health, countryside management, research and evaluation. Further information can be found here:

<http://www.mentroallan.co.uk/index.php>

A briefing paper on the experience of a partnership approach to helping sedentary people become and stay physically active was produced based on the learning arising from this programme. A copy of the paper is available by contacting Sally Thomas at Big Lottery Fund (02920 678270).

2.4.3 Early intervention

The benefits of certain types of early intervention or preventative measures are widely acknowledged and evidenced such as health screening. However, in order to secure support for early intervention in other areas, it may be necessary to explore a range of funding options such as social impact bonds. This type of bond can provide up front funding for prevention and early intervention services based on an outcomes based contract that brings long term benefits and savings for individuals and communities.

- 2.4.4 Strategic partnerships referred to paragraph 2.3.4 need to ensure they engage with a wide cross section of relevant stakeholder in a manner that provides smaller but important partners with a voice. Consultees inform us that the most effective partnerships are those which are perceived as inclusive.

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

- 2.5.1 It is important to ensure additional reporting and subsequent procedural costs are balanced, so that organisations do not see these as burdensome. Sustainable development should be at the heart of organisational development, but should not be a hindrance in terms of system and administrative cost.
- 2.5.2 BIG's early research in the area of climate change suggests that 'top-down' communication does not work as effectively. For local interventions to work, communities need to:

understand the problem in their own way
decide for themselves how to take action
be able to notice the difference they are making receive recognition for their actions.

These learning points may be relevant when considering how best to gain buy in to implementation of the duty.

2.6 **Question Ten: Are there critical behaviours that we have not identified? Please explain.**

- 2.6.1 Learning and continuous improvement is also important. BIG is considering the potential for funding a future UK programme that will help

organisations achieve greater impact for beneficiaries by sharing and learning from each other's effective practice.

Example: Working together Herefordshire Voluntary Action and its REACH project helped Marches Access Point to produce a booklet of all voluntary groups in their area. They then held an event called 'join in' with over 40 stands and the groups and organisations showcasing what they do. Groups attracted more volunteers and networked between themselves, providing a much better understanding of each other's work and how they could learn from each other.

2.7 Question 11: What are the advantages and disadvantages of designated behaviours as the sustainable development factors that must influence high level decisions?

2.7.1 Longer term thinking/ early intervention:- The advantages of both of these approaches are in their ability to making a step change in performance. They will require close monitoring to ensure that any longer term or early interventions provide indications that they are beginning to achieve the desired outcome, so must be supported by robust evaluation.

2.7.2 Significant challenges to both these approaches will be the need to continue to address immediate needs, as well as making changes that have a longer term impact. This could mean increased costs in the short term, or a reduction in the availability/standard of services.

2.7.3 Working across organisational boundaries:- Clearly this approach should ensure that policy/service development integrates seamlessly. A key challenge will be integrating differing and sometimes opposing views, and the ability of those perspectives to but in to the subsequent approach.

2.8 Question 16 What are the advantages and disadvantages of basing a duty on sustainable development barriers and sustainable development objectives?

2.8.1 The principle should be that organisations should consider both the behaviours and objectives as a framework to inform decision making. The Challenge is that in many circumstances the objectives may conflict with one another. Decision makers would therefore be required to "weight" the objectives acknowledging that this "weighting" will vary dependent on the context.

2.9 Question 19: Would it be helpful to issue formal guidance to organisations subject to the new duty?

2.9.1 Yes. BIG has proactively encouraged organisations to consider and take action on sustainable development including the provision of



guidance e.g. applicants to the People and Places programme are provided with general guidance, asked to work through a sustainable development checklist and complete a question. Further information can be found here:

http://www.biglotteryfund.org.uk/sustainable_development_web_resource.pdf

General guidance is also provided (see below):

Sustainable development

We want the organisations we fund to help people enjoy a better quality of life now, without compromising the quality of life of future generations. We call this idea sustainable development and it covers three linked key areas.

Environmental – for example, a project running activities for young people could promote recycling in a youth club.

Economic – for example, rural projects that employ local people could help to keep alive local services such as a village shop.

Social – for example, a project that links older and younger people in a community might run more traditional activities such as knitting.

We want to ensure that the projects we fund in Wales are working toward sustainable development. We advise you to work through the guidance as you plan your project.

In addition, the end of year grant report asks projects to address the following question:

Tell us how the project is addressing sustainable development and how this is leading to a positive social, economic and environmental impact?

2.10 Question 26: Are there other advantages or disadvantages to defining “sustainable development” and if so, what are they?

2.10.1 Our experience indicates that people can struggle to understand what is meant by sustainable development and often associate it solely with environmental or ‘green’ issues. Therefore, we would support a clear definition that links the environmental, social and economic elements and illustrates that sustainable development can be about taking difficult decisions that take into account the long term impacts.

2.11 Question 28: What should be the overall purpose for a new body?



The new body should play an important role in bringing together organisations that support the economic, social and environmental aspects of sustainable development.

July 2012

A Sustainable Development Bill

CBI Wales response

Leighton Jenkins | Assistant Director Policy | CBI Cymru/Wales
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With the Welsh economy in a recession, there is an urgent need to create a supportive business environment that places private sector growth and job creation at the forefront of Welsh Government priorities. To be a success, the proposed sustainable development duty must result in a genuine balance between economic, social and environmental choices while retaining the Welsh Government's flexibility to move quickly and innovatively to support Welsh growth and jobs.

Introduction

CBI Wales welcomes this opportunity to respond to the consultation on a Sustainable Development Bill for Wales. The CBI is the UK's leading business organisation, representing some 240,000 businesses that together employ about a third of the private sector workforce.

In Wales we represent the country's biggest employers, including 75% of anchor companies and a range of growth SMEs. The CBI is the main business organisation working with the Welsh Government to deliver a more competitive business environment.

It is worth reflecting on the macroeconomic context to this consultation. The global economy continues to struggle and the UK economy is in recession. Wales' GVA per head remains the lowest in the UK at 74% of the UK average and Wales continues to have high levels of public sector employment.

For the private sector to drive economic recovery in the wake of a shrinking public sector, Wales must be an attractive place to build a business and create jobs. Therefore all Welsh Government policies must be measured against their capacity to support private sector growth and jobs.

As the Sustainable Development Bill is developed the Welsh Government should ensure:

- A clear and balanced definition of sustainable development is developed and applied to all devolved public bodies.
- A clear and transparent decision making process is developed that enables public bodies to fulfil the new duty efficiently and effectively.
- The new duty focuses on process only, allowing the final decision to remain a matter for the public body in question.
- The new duty does not impede quick/innovative decision making.
- The new duty requires the Welsh Government andpublic bodies to demonstrate that all decisionssubject to the duty have achieved a balancebetween social, economic and environmentalprinciples.

A new sustainable development duty

CBI Wales has long supported the Welsh Government's original sustainable development duty, we believe the statutory duty has added value to the quality of decision making within government.

Like the Welsh Government, CBI Wales is keen to ensure government decisions reach a fair balance between economic, social and environmental choices. Sustainable development is still considered by some to be solely focused on the environment. As the World Bank says "a goal of sustainable development is to improve living standards and the quality of people's lives, both now and for future generations" and economic growth- as well as environmental protection- is a critical part of that process.

The CBI and its members take sustainable business practices very seriously. Many businesses have long recognised the need to balance economic, social and environmental goals to ensure the long-term viability of their business. Within our Welsh membership, we have companies that are at the cutting edge of sustainable business practices within their sector. The 2010 CBI Wales report "Gwyrddio 'r ddraig: blueprint for a green economy" (attached) provides detailed case studies of some of these companies such as Toyota and UPM-Shotton.

A central organising principle

At this stage, it is not possible for CBI Wales to take a position on plans to make sustainable development the central organising principle of the Welsh Government and devolved public bodies. Too little information is available on how this will work in practice for us to take a view at this stage.

CBI Wales accepts many of the "sustainable development principles" outlined in the consultation document will need to be considered as part of this new decision making process. Principles such as longer term thinking, cross-boundary working, prevention and involvement are ones many businesses would recognise. We look forward to working with the Welsh Government as the details of the proposal are developed.

CBI Wales would welcome a requirement to be added to the Bill, namely, that the Welsh Government and devolved public bodies be required to demonstrate that all decisions subject to the duty have achieved a balance between social, economic and environmental principles. We believe this additional obligation will help to ensure no single aspect of sustainable development will be able to dominate deliberations.

Complex decision making

When carrying out their obligations under the new duty, we believe devolved public bodies must not be required to reach any specified outcome. Requiring government departments and public bodies to 'take into account social, economic and environmental impacts before taking a decision' will be sufficient to change how decisions are made.

As outlined below, fulfilling this new obligation will introduce a more complex decision making process where the impact of recommendations need to be carefully measured against recognised sustainable development principles. We recommend appropriate training is provided to enable officials to implement the duty in an efficient manner.

Outcomes

The "Five UK Framework Principles" for sustainable development are suitable long-term outcomes for the Welsh Government.

The framework's definition of a sustainable economy is as comprehensive: "a more prosperous, vibrant and innovative resource-efficient economy, resilient to global changes, through Wales building on its strengths and being an excellent place for business to locate, grow and prosper". However, we foresee challenges in using the definition to fulfil a public body's obligations under the duty.

Identifying what policy proposals fall within the definition of a sustainable economy will be a challenge. The Welsh Government should ensure it works closely with Welsh business when it is deliberating on these issues.

We recommend the vital role of a healthy private sector is not lost when the Welsh Government comes to developing the guidance to support the implementation of the new duty. Strong economic factors underpin the other four UK Framework principles, for example:

- The fifth principle (wellbeing of Wales) defines a key long-term outcome of the new duty as achieving "healthy living and quality of life for all". As the Stiglitz Commission rightly states, material living standards, employment and economic security play a vital role in achieving this principle and all of these factors are predominantly delivered by a healthy private sector.
- The second principle (a sustainable society) defines the duty's long-term outcome as "safer, fairer, attractive and more cohesive communities, with lower levels of poverty and greater equality of opportunity all, where people can achieve their full potential..." The private sector will play a dominant role in achieving this principle. Supporting a strong and growing private sector, therefore, will be of fundamental importance to achieving this principle.

Where there is not one clear outcome, CBI Wales do not support moves to require the use of the “precautionary principle”. The proposed sustainable development duty, as currently drafted, should be introduced and monitored by the independent Sustainable development body and it should be for the body to decide, at some future date, if more detailed guidance is needed.

As a result of the above observations, CBI Wales recommends the Welsh Government establish a clear definition of sustainable development and apply it to all government departments and public bodies. In addition, a clear and simple decision making process should be developed that allows officials to fulfil the duty in an effective and efficient manner.

Preserving innovation and risk taking

CBI Wales shares the Welsh Government’s ‘sustainable development principles’. We also wish to see longer-term thinking, a stronger emphasis on prevention and greater cross-boundary working in the devolved public sector. Many of these principles are recognised and supported by business.

In implementing these principles, the new duty, however, must not remove the ability of the Welsh Government and devolved public bodies to move flexibly and respond quickly to emerging events. Removing this ability would be to take away a key benefit of devolution. For example, the Welsh Government prevented hundreds of job losses by being able to introduce ProAct in response to calls from the CBI/TUC in 2008 for emergency support for the economy. While the scheme was short-term in nature it prevented many workers from experiencing a period of unemployment and was highly valued by Welsh businesses.

Given the many challenges the Welsh public sector is set to face in the years ahead, the new duty must not prevent innovative solutions or calculated risk taking in the public sector. This is especially so when it comes to the Welsh Government’s partnerships with the private sector. Indeed, applying the new principles of ‘longer-term thinking’ or ‘preventative action’ will require the development of more innovative policy making.....

An Independent Sustainable Development Body

CBI Wales value the provision of independent expert advice and guidance on sustainable development matters both to Welsh Government and business. As a result, we can see the value in creating an Independent Sustainable Development body that fulfils this function.

Conclusion

CBI Wales support Wales’ existing sustainable development duty, we believe it has made a valuable contribution to decision making in Wales. If the Welsh Government pursues the development of an SD Bill then we recommend that a clear and balanced definition of sustainable development is developed and applied to all public bodies.

A clear and transparent decision making process will also be needed which enables public bodies and private sector partners to fulfil the new duty efficiently and effectively. The new duty should also focus on process- not outcomes- allowing Welsh Government to make the final decision.

Nor should the duty impede the ability of public bodies to make quick or innovative decisions, this is a key benefit of devolution and it should be preserved. Finally, the new duty should require the Welsh Government and devolved public bodies to demonstrate that all decisions subject to the duty have been informed by a balanced approach between social, economic and environmental principles.

We look forward to playing an active role in developing the bill as more detailed proposals are brought forward.



For further information or a copy
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INVESTOR IN PEOPLE

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CBI

The CBI helps create and sustain the conditions in
which businesses in the United Kingdom can compete
and prosper for the benefit of all.

We are the premier lobbying organisation for UK business
on national and international issues. We work with the UK
government, international legislators and policymakers to
help UK businesses compete effectively.

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of expertise, business services and events.

www.cbi.org.uk/Wales

Together for Mental Health

A Cross-Government Strategy for Mental Health and Wellbeing in Wales

Response from Wales Progressive Co-operators

Introduction

The Wales Progressive Co-operators

1. The Wales Progressive Co-operators (WPC) is a membership association that seeks to promote co-operative activity in Wales based on:
 - i. Clear adherence to the internationally approved Principles and Values of co-operation
 - ii. Grass-roots engagement at individual and community levels
 - iii. International collaboration and shared learning between co-operators

It is a new association with a small membership, which is growing rapidly as a result of a continuous programme of learning events and engagement with public and citizen service developments.

2. WPC is currently working in close partnership with Cartrefi Cymru, the national third sector social care agency, on a long-term strategic programme of activities aimed particularly at identifying and promoting co-operative solutions to the challenges of social care in Wales. Activities to date include:

A Study Day in Caerphilly in 2010 (under the auspices of WCVA's Network 3) which brought together the co-operative movement and the social care third sector for the first time, resulting in the report "Shaping the Future of Care".

A seminar in Cardiff in 2011 (in partnership with PSMW) in which the international co-operative specialist Robin Murray spoke about research commissioned by Co-operatives UK and the ideas in his book "Co-operation in the Age of Google".

A seminar in Abercwmboui in 2011 (in partnership with Interlink RCT and VAMT) which brought together a range of speakers about co-operation and social care, leading to an application for funding for a disability employment co-operative in RCT which is still proceeding. Commissioning a report and arranging a two day visit to Wales in February 2012 by Jean-Pierre Girard to share knowledge of the home care co-operatives in Quebec with Welsh Ministers, the H&SC Committee, grassroots activities and meeting the general public

A seminar in May 2012 which brought together members of the co-operative movement, central and local government, the third sector and citizens, to identify a way forward for the nurturing of co-operative care options in Wales. This seminar has particularly

informed the WPC response to the Social Services Bill.

Detailed planning for a visit in June 2012 of the leading Canadian co-operative expert and global social co-operative specialist John Restakis to speak to Ministers and AMs, the PSMW summer school, the joint conference of WACDS and WCVA's Network 3, the ADSS Cymru conference, and grassroots meetings in Newport, Cardiff, Neath/Port Talbot and Conwy.

Web site development.

Organised a public workshop and presented evidence to the National Assembly for Wales, Health and Social Care committee on Community Pharmacy: focusing upon co-production, accessible services, public safety and public protection issues.

3. This response was partly prompted by Wales Alliance for Mental Health. The headline messages provided appeared limited and disconnected from recent WG consultations, for example, the Social Services (Wales) Bill, and the Sustainable Development Bill consultation – all of which have a central theme of wellbeing, human rights and sustainability. Please find attached our response to each Bill, evidence commissioned and represented to the 8th February session of the Health and Social Care Committee, a summary of ten presentations – involving 630 people – during a four day visit to Wales. In particular our response to the Sustainable Development Bill consultation focused upon ‘What are the principal barriers you face to taking more long-term, joined-up decisions?’ In addition we have made substantial comments to officials on the Direct Payments system, which are available on request; and recent correspondence with the Deputy Minister. A positive response to our 4/7/12 letter is due shortly.

4. With finite resources we have focused our comments upon each priority outcome. That our contribution maybe seen as an outlier could indicate the extent to which progress is required to achieve the sustainable cross government approach to public service delivery articulated by the Health Minister.

Priority Outcome 1

Population wide physical and mental wellbeing is improved

Wales Progressive Co-operators

In procurement policy and when government provides grant aid to voluntary organisations we recommend a more proactive approach through the measurement of the quality of participation and membership of organizations and thereby recognizing the contribution people themselves can make to improved physical health and mental wellbeing. For example, Section 64 grant application forms should require applicants to state whether their governance arrangements comply with an authentic multi stakeholder model, for example, Social Co-operatives.

Priority Outcome 2

People and communities are more resilient and better able to deal with the stresses in everyday life and at times of crisis.

Wales Progressive Co-operators

Yes help is required at times of crisis, but early intervention will be key to managing growing demand and finite resources.

Could it be that co-operative methods and values represented in Social Co-operatives help ensure that their members are now better able to deal with the stresses in everyday life with an emphasis upon early intervention

Also measurement's offered appear to exclude people over 25 years!

Priority Outcome 3

Child welfare, educational attainment, lifelong learning and workplace productivity are improved.

Wales Progressive Co-operators

Measurement of life long learning appears far to formal. What consideration has been given to participation in membership and governance in third sector organisations? Even better if the Welsh Government could collect data in terms of public procurement and health and social care grant aid of participation in the membership and governance of organizations providing mental health and other services?

Priority Outcome 4

People in Wales are better informed about mental health, mental ill health and about available options to sustain good mental health and self manage mental health problems.

Wales Progressive Co-operators

Information is only the first and limited stage of empowerment. See the observations about the need to move beyond this, in the attached summary of the John Restakis Wales Tour 26/29 June 2012.

Rather than the number of adult service users receiving direct payments, a more significant measurement would be new models of service delivery which enable a growing number of participants to work collectively and co-operatively in the achievement of a range of priority outcomes.

We were amazed to see no reference to access to food and nutrition anywhere in the outcomes offered. This is a serious omission given the impact of poor nutrition on a rapid increase in mental health challenges. Why should this be? What ever happened to the Food and Wellbeing Strategy when this was transferred to Welsh Government from the Food Standards Agency in 2008?

Priority Outcome 5

The stigma and discrimination associated with mental ill health is being tackled and reduced.

Wales Progressive Co-operators

See comments at 5 above, and the importance of the multi stakeholder model as a practical form of positive discrimination.

Priority Outcome 6

People are partners in making decisions about their treatment and the manner in which it is delivered.

Wales Progressive Co-operators

Yes people should be partners. But, we need to move beyond consultations and service user surveys. For example, Social Co-operatives in Emilia Romagna demonstrate both empowerment as well as multiple funding streams supporting sustainable social services.

Priority Outcome 7

Families and carers of all ages are assessed for support to undertake their caring roles.

Wales Progressive Co-operators

Yes, but what does this practically mean in the context of finite resources and growing need? How do service users become more than passive recipients of services provided? How does the Government promote and support the key concept of **Reciprocity**? See the keynote lecture by John Restakis to the ADSS Annual Conference, 29th June 2012.

Priority Outcome 8

Individuals and communities in Wales are effectively engaged in the planning and delivery of their local mental health services.

Wales Progressive Co-operators

Is the measurement much more than capturing unmet need? How are service users and carers to be effectively engaged? How is this provided for in the forthcoming 'Social Enterprise – Social Care Action Plan'? What role will Social Co-operatives have, as distinct from social enterprise per se?

Priority Outcome 9

Evidence based interventions are delivered as early as possible and access to psychological therapies is improved across the care pathway.

Wales Progressive Co-operators

What is the therapeutic value of Social Co-operatives? What can international experience evidence?

Priority Outcome 10

Patient experience is improved, safety and dignity are ensured in sustainable services.

Wales Progressive Co-operators

The question is HOW? Would multiple funding streams be more sustainable than traditional models of service delivery? In this respect, what can the Social Co-operative model offer?

Priority Outcome 11

Providers positively manage risk and enable people to realise their full potential through the recovery and reablement approaches.

Wales Progressive Co-operators

How are service users and carers to be engaged in managing risk? In this regard, what can the Social Co-operative model offer?

Priority Outcome 12

Inequalities in access are reduced and poorer outcomes experienced by vulnerable groups including those with protected characteristics are addressed. Services are more responsive to the needs of a diverse Welsh population.

Wales Progressive Co-operators

This will be a considerable challenge in the present economic climate. How can Social Co-operatives contribute in helping to ensure that inequalities in access are reduced and poorer outcomes (are) experienced by vulnerable groups? What does international experience tell us?

Priority Outcome 13

Service providers are working together to ensure an integrated approach to service delivery.

Wales Progressive Co-operators

Is an assumption being made that service providers are necessarily disconnected from service users, carers and community supporters? Does the Social Co-operative model provide greater opportunity to ensure integrated approaches? If so, where will 'mental health' fit within the forthcoming WG Social Enterprise – Social Care Action Plan?

Priority Outcome 14

People with a mental illness experience fewer disadvantages including

reduced health inequalities and enjoy greater opportunities to live an independent and fulfilling life.

Wales Progressive Co-operators

How will the Wales Alliance for Mental Health consider opportunities presented by the Social Enterprise Social Care Action Plan? Could supporting a limited number of Social Care Co-operative pilots be a good starting point?

Priority Outcome 15

The Welsh Government is working together across sectors to achieve sustained improvement in mental health and wellbeing.

Wales Progressive Co-operators

Where do Social Co-operatives fit into the proposed Action Plan and proposed measurements?

Priority Outcome 16

Health and Local Authority professionals are appropriately trained to address safeguarding issues for children and adults and to recognise and respond to signs and symptoms of mental illness and dementia.

Wales Progressive Co-operators

Are health and social care professionals supported in achieving relevant competencies, which enable them to understand, value and contribute towards co-operative development, e.g., Social Co-operatives?

Priority Outcome 17

Inspirational leadership within mental health services ensures a culture, which is safe, therapeutic, creative and empowering.

Wales Progressive Co-operators

Can we possibly move beyond surveys, so that a range of stakeholders are empowered to deliver sustainable services and thereby unlock the full potential of human resources available?

Priority Outcome 18

Investment in mental health ensures equity of access to evidence based, safe and effective high quality services.

Wales Progressive Co-operators

How can investment in Social Co-operatives help ensure equity of access to evidence based, safe and effective high quality services, whilst making the best use of international recognized best practice? E.g., Emilia Romagna?

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Consultation on the Proposals for a Sustainable Development Bill Response of the Countryside Council for Wales

The Countryside Council for Wales (CCW) champions the environment and landscapes of Wales and its coastal waters as sources of natural and cultural riches, as a foundation for economic and social activity, and as a place for leisure and learning opportunities. We aim to make the environment a valued part of everyone's life in Wales.

General comments

CCW welcomes the proposals set out in the consultation to further develop and strengthen the achievement of sustainable development in Wales. We believe that the two central proposals, to legislate to make sustainable development the central organising principle and to establish an independent sustainable development body, are essential, next steps in taking forward the Welsh Government's commitment to sustainable development. The overall goal should be to provide a new sense of common purpose around sustainable development across the public sector in Wales and beyond, engaging with both the private and third sectors.

In summary CCW believes:

- that it is necessary to define sustainable development in the Bill, or in secondary legislation
- that a new, independent sustainable development body is needed
- that clarification of the relationship between the new sustainable development body and other bodies would be useful
- that the behaviours approach to sustainable development factors, backed up by consideration of objectives is the best approach
- that a whole system approach to governance, reflecting the ecosystem approach to sustainable development, is key to developing both legislation and the roles of institutions.

Specific answers to the consultation questions are set out in annex 1.

Detailed Comments

Sustainable Development Duty

CCW welcomes the intention to legislate to establish a duty on public bodies for sustainable development. Recognising the problems caused in implementing sustainable development so far in Wales, we believe a definition is needed in legislation. We suggest that the definition and operational principles from *One Wales: One Planet* are reflected in either the sustainable development Bill itself or in secondary legislation. Enshrining a definition in secondary law, would enable

changes to be more easily made, as our understanding of sustainable development evolves. Having a definition and principles set out in legislation would give a clear steer to what is required in applying sustainable development across all policy areas and decision making processes.

It is important that the One Wales: One Planet definition and UK Principles build on the ecosystem approach to sustainable development. This would mean adding to the text on objectives in paragraph 92, which states that ‘healthy functioning ecosystems should be promoted’, to include consideration of improving and restoring ecosystems. A Commons Committee report into the English planning system¹ recommended that the definition of sustainable development be expanded and clarified to include an emphasis on environmental value and environmental improvement. Seeing the environment as a key component in improving value goes some way to embedding an ecosystem approach, as recognised by the Welsh Government Green paper, *Sustaining a Living Wales* through Natural Resource Management.

Challenges to Sustainable Development

Although there are measures in place to take a strategic look at development and assess its environmental impact, such as the Strategic Environmental Assessment Directive, we believe that these are underused in practice. This can lead to situations where organisations, like CCW, are faced with offering advice on development in a piece meal fashion, at a late stage in the project, with no longer term, joined up governance approach to set the context and gauge the sustainability of individual developments or often to look at realistic alternatives. More use of SEA procedures, together with a renewed approach to spatial planning, incorporating the Natural Resource Planning approach being explored through the Living Wales Programme, would be a good first step to addressing this issue.

Similarly Local Service Boards are asked to develop their own outcomes as part of Single Integrated Plan preparation and delivery, without reference to a sustainable development context, outcomes or indicators. If we are to use sustainable development as the central organising principle of the public sector, we clearly need a common understanding of what this means in practice.

In the current financial climate it is important that initiatives for sustainable development are seen as part of organisations’ core business and not extras that can be dropped when resources are under pressure. An example is the lack of progress on Education for Sustainable Development and Global Citizenship in the form of a current Action Plan, an area which is central to building a more sustainable society.

Factors affecting Sustainable Behaviours

CCW suggests that the best form for the legislation is to take a combined approach, where behaviours are designated as the sustainable development factors that must inform higher level decisions, while requiring attention also to be paid to the sustainable development objectives. The first two behaviours, long term thinking and integration, are central to embedding sustainable development in decision making. The promotion of sustainable development calls for long term policies, often on an

¹ The National Planning Framework. HC 1526. Eighth Report of Session 2010-12. HoC Communities and Local Government Committee. TSO, Dec. 2012.
www.publications.parliament.uk/pa/cm201012/cmselect/cmcomloc/1526/1526.pdf

inter-generational time scale, balancing the needs of current and future generations. This requirement, together with the need to integrate social, economic and environmental objectives are central to the achievement of sustainable development and are reflected in the Brundtland² definition of sustainable development.

The alternative, of using a single sustainable development proposition, we do not believe to be an adequate solution. The example given, of wellbeing, is only one outcome of sustainable development and does not cover the wide range of issues which need to be fed into decision making to achieve sustainable development. It is unlikely that any alternative, single proposition would be able to do so.

We agree that in order to accelerate sustainable development behaviours in the short term, higher level decisions should be required to go beyond 'having regard' to sustainable development principles. Requiring high level decisions to be reached in a way that is consistent with the behaviours, in a combined approach to sustainable development factors, would seem to be the most practical way of enshrining the duty in law. Funding also needs to be provided in a way that supports the delivery of long term outcomes. It makes sense therefore that budget and funding decisions should be based on sustainable development principles and should be subject to the new duty.

As stated, organisations will need some flexibility in applying sustainable development factors in their own areas and may need to give greater weight to some factors over others. However, such weighting should arise from the consideration of all the factors and not result in behaviours or objectives being set aside from the outset. We agree that reporting should be built into existing corporate processes, rather than being seen as a new 'bolt on' exercise. The aim should be to implement the new duty without requiring that additional resources are spent on reporting.

Independent Sustainable Development Body

CCW welcomes the proposed establishment of an independent sustainable development body and the rationalisation of existing arrangements. As noted in the OECD *Sustainable Development: Critical Issues* report³ promoting sustainable development depends not only on the high level political commitment, which we have had in Wales, but on well functioning government institutions. Similarly the Brundtland Report, *op cit*, noted that many of the key issues around sustainable development are managed by institutions which tend to be 'independent, fragmented and working to relatively narrow mandates with closed decision-making processes'⁴.

The new sustainable development body should set out to bridge the separate remits of different organisations, providing a new, unified direction across the public sector in Wales. We support the new body being an independent, critical friend to the public sector and for it to give an independent report to the Welsh Government on the performance of the sector. Taking a whole systems analysis of the functions and roles of the new body will be a fundamental first step in establishing its form.

The body needs to take forward horizontal integration of policy across the public sector, on social, economic and environmental objectives. Steering development to

² <http://www.un-documents.net/wced-ocf.htm>

³ OECD, Paris, 2001

⁴ WCED 1987, 310

work within environmental limits is a key part of achieving sustainable development, but it is important that we avoid sustainable development being seen to only be about environmental concerns, or to be the concern of only one part of government. That will not lead to appropriate integration of the environment in decision making. We therefore suggest that it would be appropriate for the new body to report to the First Minister, or to all Welsh Ministers. The new body could, for example, hold a discussion at cabinet on its annual report.

CCW has previously stated that we support the AGW taking on a new scrutiny role for sustainable development. In order to ensure a clear, common understanding of this new role we believe it would be helpful if it were specified in the Sustainable Development Bill itself.

Governance for Sustainable Development

Public Sector

CCW are working with the Welsh Government on the development of the Living Wales Programme which aims to implement an ecosystems approach to sustainable development. We are therefore pleased to see the reference in the consultation to taking a ‘whole systems approach’ to tackling issues and promoting social, economic and environmental wellbeing. In line with this the White Paper consultation document would be enhanced if it set out the elements of the governance system important to the aims of the Bill and how these relate to each other. Where does the Green Paper, *Sustaining a Living Wales*, changes to Planning Policy or the proposed Planning Act fit in? Setting out the hierarchy and interdependencies between the three proposed Welsh Government Bills, in particular, is important in this regard. They need to share a common understanding of sustainable development and how they contribute to the ‘whole system’ needed to embed governance for sustainable development within the Welsh public sector.

Outside of the planned legislative programme, how does the Innovation Strategy for Wales, or the Infrastructure Investment Plan fit into making sustainable development the central organising principle? CCW believes we need a change, across the public sector, in how we view education, health and business and to understand that good economic growth is built on innovation and sustainability. As mentioned in the section below on private and third sectors, there are very important roles here for other sectors, with the public sector providing the right framework for them to more easily achieve actions to promote sustainable development.

The Bill could usefully clarify the proposed new role of the Welsh Audit Office. To take a whole system approach the White Paper consultation document should also set out the relationship between the new sustainable development body and the Climate Change Commission and the new Single Body being developed by the Living Wales Programme. The relationship between such bodies and how they can contribute to a new culture, around governance for sustainable development, is essential to framing the role of the new sustainable development body. Central to this will be the relationship between the sustainable development body and the single body for the environment, which need to have clear, complementary roles.

Private and Third Sectors

In moving from government action for sustainable development to developing the wider concerns of governance, it will be essential to build alliances across different sectors. In this regard we welcome the suggestions of using sustainable development principles in public sector procurement and contracts. These processes will provide opportunities for the private and third sectors to show how their contribution to the goals of sustainable development can link up to public sector policy objectives.

Rather than being seen to be increasing the transaction costs of other sectors, we need to communicate the message that Wales is open for business and the aim should be to support best practice and innovation which could lead to new business opportunities. As part of implementing the ecosystem approach to sustainable development, the Living Wales Programme is exploring new, non regulatory instruments, which have been successful in incorporating environmental considerations into private sector decision making. Such voluntary agreements are likely to be increasingly useful in developing cross sector governance for sustainable development. The Sustainable Development Charter is a good example of such a voluntary measure.

Cyngor Cefn Gwlad
Gorffennaf 2012
Countryside Council for Wales
July 2012

Annex 1

Specific Answers Set Out Under the Consultation Questions

Promoting sustainable development (section 3)

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

Although there are measures in place to take a strategic look at development and assess its environmental impact, such as the Strategic Environmental Assessment Directive, we believe that these are underused in practice. This can lead to situations where organisations, like CCW, are faced with offering advice on development in a piece meal fashion, at a late stage in the project, with no longer term, joined up governance approach to set the context and gauge the sustainability of individual developments or often to look at realistic alternatives.

Similarly Local Service Boards are asked to develop their own outcomes as part of Single Integrated Plan preparation and delivery, without reference to a sustainable development context, outcomes or indicators. If we are to use sustainable development as the central organising principle of the public sector, we clearly need a common understanding of what this means in practice.

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

More use of SEA procedures, together with a renewed approach to spatial planning, incorporating the Natural Resource Planning approach being explored through the Living Wales Programme, would be a good first step to addressing this issue.

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?

The WG sustainable development indicators show the lack of progress being made.

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.

We agree that special attention should be paid to high level decision making.

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

We are not clear how the examples given, of clinical judgements or academic freedom, would fall fowl of the new SD duty.

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?

Internal decisions should be included in the duty.

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

We believe that budget proposals should be subject to the duty in the same way as other strategic decision making within organisations.

The behaviours approach

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

All the behaviours are critical, although we would highlight the first two, long term thinking and integration, in line with the UN Brundtland Report. The first two behaviours, long term thinking and integration, are central to embedding sustainable development in decision making. The promotion of sustainable development calls for long term policies, often on an inter-generational time scale, balancing the needs of current and future generations. This requirement, together with the need to integrate social, economic and environmental objectives are central to the achievement of sustainable development and are reflected in the Brundtland⁵ definition of sustainable development.

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

No

⁵ <http://www.un-documents.net/wced-ocf.htm>

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

We believe that the behaviours approach should be the main focus, but backed up by objectives.

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 believe that the text should be ‘broadly reflects the behaviours’

The objectives approach

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

The objectives should be expanded to include consideration of improving and restoring ecosystems. A Commons Committee report into the English planning system⁶ recommended that the definition of sustainable development be expanded and clarified to include an emphasis on environmental value and environmental improvement

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

We believe that the objectives should be used in combination with the behaviours, but the latter should take precedence.

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 believe that the first statement is most applicable

⁶ The National Planning Framework. HC 1526. Eighth Report of Session 2010-12. HoC Communities and Local Government Committee. TSO, Dec. 2012.
www.publications.parliament.uk/pa/cm201012/cmselect/cmcomloc/1526/1526.pdf

The combined approach

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

We believe that this is the correct approach with the behaviours taking precedence. CCW suggests that the best form for the legislation is to take a combined approach, where behaviours are designated as the sustainable development factors that must inform higher level decisions, while requiring attention also to be paid to the sustainable development objectives.

A single sustainable development proposition

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

The alternative, of using a single sustainable development proposition, we do not believe to be an adequate solution. The example given, of wellbeing, is only one outcome of sustainable development and does not cover the wide range of issues which need to be fed into decision making to achieve sustainable development. It is unlikely that any alternative, single proposition would be able to so.

The time organisations may need to comply

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

If these changes are brought in as part of normal reporting and adequate guidance is given, we do not believe that there is a reason to delay the implementation

The provision of guidance

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

It would be helpful and would ensure more coherent implementation

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

We believe that there are different roles for each and that guidance covering these will be needed

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?

We are not aware of any. We would like to have the repeal of duties carefully considered and would wish to avoid the misunderstanding that some environmental duties would not be needed due to sustainable development duties being introduced. Duties specific to the environment will still be needed even with the new SD duty in place.

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 are not aware of any

Reporting

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

Yes

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.

No

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

Consideration should be given to the practicality of dealing with bodies not based in Wales but which have a remit which covers Wales

Defining sustainable development

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

CCW welcomes the intention to legislate to establish a duty on public bodies for sustainable development. Recognising the problems caused in implementing sustainable development so far in Wales, we believe a definition is needed in legislation. Having a definition and principles set out in legislation would give a clear steer to what is required in applying sustainable development across all policy areas and decision making processes. We suggest that the definition and operational principles from One Wales: One Planet are reflected in either the sustainable development Bill itself or in secondary legislation. Enshrining a definition in secondary law, would enable changes to be more easily made, as our understanding of sustainable development evolves.

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

It is important that the One Wales: One Planet definition and UK Principles build on the ecosystem approach to sustainable development. This would mean adding to the text on objectives in paragraph 92, which states that 'healthy functioning ecosystems should be promoted', to include consideration of improving and restoring ecosystems. A Commons Committee report into the English planning system⁷ recommended that the definition of sustainable development be expanded and clarified to include an emphasis on environmental value and environmental improvement. Seeing the environment as a key component in improving value goes some way to embedding an ecosystem approach, as recognised by the Welsh Government Green paper, *Sustaining a Living Wales through Natural Resource Management*.

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?

The new sustainable development body should set out to bridge the separate remits of different organisations, providing a new, unified direction across the public sector in Wales. We support the new body being an independent, critical friend to the public sector and for it to give an independent report to the Welsh Government on the performance of the sector. Taking a whole systems analysis of the functions and roles of the new body will be a fundamental first step in establishing its form.

The body needs to take forward horizontal integration of policy across the public sector, on social, economic and environmental objectives. Steering development to work within environmental limits is a key part of achieving sustainable development, but it is important that we avoid sustainable development being seen to only be about environmental concerns, or to be the concern of only one part of government. That will not lead to appropriate integration of the environment in decision making. We therefore suggest that it would be appropriate for the new body to report to the First Minister, or to all Welsh Ministers. The new body could, for example, hold a discussion at cabinet on its annual report. CCW has previously stated that we support the AGW taking on a new scrutiny role for sustainable development. In order to ensure a clear, common understanding of this new role we believe it would be helpful if it were specified in the Sustainable Development Bill itself.

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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?

See previous answer

A statutory body

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

No. The body needs to be established in law

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?

The new body needs to be established in law as being independent

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

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Although there are measures in place to take a strategic look at development and assess its environmental impact, such as the Strategic Environmental Assessment Directive, we believe that these are underused in practice. This can lead to situations where organisations, like CCW, are faced with offering advice on development in a piece meal fashion, at a late stage in the project, with no longer term, joined up governance approach to set the context and gauge the sustainability of individual developments or often to look at realistic alternatives. More use of SEA procedures, together with a renewed approach to spatial planning, incorporating the Natural Resource Planning approach being explored through the Living Wales Programme, would be a good first step to addressing this issue.

Similarly Local Service Boards are asked to develop their own outcomes as part of Single Integrated Plan preparation and delivery, without reference to a sustainable development context, outcomes or indicators. If we are to use sustainable development as the central organising principle of the public sector, we clearly need a common understanding of what this means in practice.

In the current financial climate it is important that initiatives for sustainable development are seen as part of organisations’ core business and not extras that can be dropped when resources are under pressure. An example is the lack of progress on Education for Sustainable Development and Global Citizenship in the form of a current Action Plan, an area which is central to building a more sustainable society.

Factors affecting Sustainable Behaviours

CCW suggests that the best form for the legislation is to take a combined approach, where behaviours are designated as the sustainable development factors that must inform higher level decisions, while requiring attention also to be paid to the sustainable development objectives. The first two behaviours, long term thinking and integration, are central to embedding sustainable development in decision making. The promotion of sustainable development calls for long term policies, often on an

¹ The National Planning Framework. HC 1526. Eighth Report of Session 2010-12. HoC Communities and Local Government Committee. TSO, Dec. 2012.
www.publications.parliament.uk/pa/cm201012/cmselect/cmcomloc/1526/1526.pdf

inter-generational time scale, balancing the needs of current and future generations. This requirement, together with the need to integrate social, economic and environmental objectives are central to the achievement of sustainable development and are reflected in the Brundtland² definition of sustainable development.

The alternative, of using a single sustainable development proposition, we do not believe to be an adequate solution. The example given, of wellbeing, is only one outcome of sustainable development and does not cover the wide range of issues which need to be fed into decision making to achieve sustainable development. It is unlikely that any alternative, single proposition would be able to do so.

We agree that in order to accelerate sustainable development behaviours in the short term, higher level decisions should be required to go beyond 'having regard' to sustainable development principles. Requiring high level decisions to be reached in a way that is consistent with the behaviours, in a combined approach to sustainable development factors, would seem to be the most practical way of enshrining the duty in law. Funding also needs to be provided in a way that supports the delivery of long term outcomes. It makes sense therefore that budget and funding decisions should be based on sustainable development principles and should be subject to the new duty.

As stated, organisations will need some flexibility in applying sustainable development factors in their own areas and may need to give greater weight to some factors over others. However, such weighting should arise from the consideration of all the factors and not result in behaviours or objectives being set aside from the outset. We agree that reporting should be built into existing corporate processes, rather than being seen as a new 'bolt on' exercise. The aim should be to implement the new duty without requiring that additional resources are spent on reporting.

Independent Sustainable Development Body

CCW welcomes the proposed establishment of an independent sustainable development body and the rationalisation of existing arrangements. As noted in the OECD *Sustainable Development: Critical Issues* report³ promoting sustainable development depends not only on the high level political commitment, which we have had in Wales, but on well functioning government institutions. Similarly the Brundtland Report, *op cit*, noted that many of the key issues around sustainable development are managed by institutions which tend to be 'independent, fragmented and working to relatively narrow mandates with closed decision-making processes'⁴.

The new sustainable development body should set out to bridge the separate remits of different organisations, providing a new, unified direction across the public sector in Wales. We support the new body being an independent, critical friend to the public sector and for it to give an independent report to the Welsh Government on the performance of the sector. Taking a whole systems analysis of the functions and roles of the new body will be a fundamental first step in establishing its form.

The body needs to take forward horizontal integration of policy across the public sector, on social, economic and environmental objectives. Steering development to

² <http://www.un-documents.net/wced-ocf.htm>

³ OECD, Paris, 2001

⁴ WCED 1987, 310

work within environmental limits is a key part of achieving sustainable development, but it is important that we avoid sustainable development being seen to only be about environmental concerns, or to be the concern of only one part of government. That will not lead to appropriate integration of the environment in decision making. We therefore suggest that it would be appropriate for the new body to report to the First Minister, or to all Welsh Ministers. The new body could, for example, hold a discussion at cabinet on its annual report.

CCW has previously stated that we support the AGW taking on a new scrutiny role for sustainable development. In order to ensure a clear, common understanding of this new role we believe it would be helpful if it were specified in the Sustainable Development Bill itself.

Governance for Sustainable Development

Public Sector

CCW are working with the Welsh Government on the development of the Living Wales Programme which aims to implement an ecosystems approach to sustainable development. We are therefore pleased to see the reference in the consultation to taking a ‘whole systems approach’ to tackling issues and promoting social, economic and environmental wellbeing. In line with this the White Paper consultation document would be enhanced if it set out the elements of the governance system important to the aims of the Bill and how these relate to each other. Where does the Green Paper, *Sustaining a Living Wales*, changes to Planning Policy or the proposed Planning Act fit in? Setting out the hierarchy and interdependencies between the three proposed Welsh Government Bills, in particular, is important in this regard. They need to share a common understanding of sustainable development and how they contribute to the ‘whole system’ needed to embed governance for sustainable development within the Welsh public sector.

Outside of the planned legislative programme, how does the Innovation Strategy for Wales, or the Infrastructure Investment Plan fit into making sustainable development the central organising principle? CCW believes we need a change, across the public sector, in how we view education, health and business and to understand that good economic growth is built on innovation and sustainability. As mentioned in the section below on private and third sectors, there are very important roles here for other sectors, with the public sector providing the right framework for them to more easily achieve actions to promote sustainable development.

The Bill could usefully clarify the proposed new role of the Welsh Audit Office. To take a whole system approach the White Paper consultation document should also set out the relationship between the new sustainable development body and the Climate Change Commission and the new Single Body being developed by the Living Wales Programme. The relationship between such bodies and how they can contribute to a new culture, around governance for sustainable development, is essential to framing the role of the new sustainable development body. Central to this will be the relationship between the sustainable development body and the single body for the environment, which need to have clear, complementary roles.

Private and Third Sectors

In moving from government action for sustainable development to developing the wider concerns of governance, it will be essential to build alliances across different sectors. In this regard we welcome the suggestions of using sustainable development principles in public sector procurement and contracts. These processes will provide opportunities for the private and third sectors to show how their contribution to the goals of sustainable development can link up to public sector policy objectives.

Rather than being seen to be increasing the transaction costs of other sectors, we need to communicate the message that Wales is open for business and the aim should be to support best practice and innovation which could lead to new business opportunities. As part of implementing the ecosystem approach to sustainable development, the Living Wales Programme is exploring new, non regulatory instruments, which have been successful in incorporating environmental considerations into private sector decision making. Such voluntary agreements are likely to be increasingly useful in developing cross sector governance for sustainable development. The Sustainable Development Charter is a good example of such a voluntary measure.

Cyngor Cefn Gwlad
Gorffennaf 2012
Countryside Council for Wales
July 2012

Annex 1

Specific Answers Set Out Under the Consultation Questions

Promoting sustainable development (section 3)

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

Although there are measures in place to take a strategic look at development and assess its environmental impact, such as the Strategic Environmental Assessment Directive, we believe that these are underused in practice. This can lead to situations where organisations, like CCW, are faced with offering advice on development in a piece meal fashion, at a late stage in the project, with no longer term, joined up governance approach to set the context and gauge the sustainability of individual developments or often to look at realistic alternatives.

Similarly Local Service Boards are asked to develop their own outcomes as part of Single Integrated Plan preparation and delivery, without reference to a sustainable development context, outcomes or indicators. If we are to use sustainable development as the central organising principle of the public sector, we clearly need a common understanding of what this means in practice.

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

More use of SEA procedures, together with a renewed approach to spatial planning, incorporating the Natural Resource Planning approach being explored through the Living Wales Programme, would be a good first step to addressing this issue.

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?

The WG sustainable development indicators show the lack of progress being made.

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.

We agree that special attention should be paid to high level decision making.

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

We are not clear how the examples given, of clinical judgements or academic freedom, would fall fowl of the new SD duty.

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?

Internal decisions should be included in the duty.

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

We believe that budget proposals should be subject to the duty in the same way as other strategic decision making within organisations.

The behaviours approach

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

All the behaviours are critical, although we would highlight the first two, long term thinking and integration, in line with the UN Brundtland Report. The first two behaviours, long term thinking and integration, are central to embedding sustainable development in decision making. The promotion of sustainable development calls for long term policies, often on an inter-generational time scale, balancing the needs of current and future generations. This requirement, together with the need to integrate social, economic and environmental objectives are central to the achievement of sustainable development and are reflected in the Brundtland⁵ definition of sustainable development.

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

No

⁵ <http://www.un-documents.net/wced-ocf.htm>

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

We believe that the behaviours approach should be the main focus, but backed up by objectives.

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 believe that the text should be ‘broadly reflects the behaviours’

The objectives approach

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

The objectives should be expanded to include consideration of improving and restoring ecosystems. A Commons Committee report into the English planning system⁶ recommended that the definition of sustainable development be expanded and clarified to include an emphasis on environmental value and environmental improvement

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

We believe that the objectives should be used in combination with the behaviours, but the latter should take precedence.

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 believe that the first statement is most applicable

⁶ The National Planning Framework. HC 1526. Eighth Report of Session 2010-12. HoC Communities and Local Government Committee. TSO, Dec. 2012.
www.publications.parliament.uk/pa/cm201012/cmselect/cmcomloc/1526/1526.pdf

The combined approach

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

We believe that this is the correct approach with the behaviours taking precedence. CCW suggests that the best form for the legislation is to take a combined approach, where behaviours are designated as the sustainable development factors that must inform higher level decisions, while requiring attention also to be paid to the sustainable development objectives.

A single sustainable development proposition

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

The alternative, of using a single sustainable development proposition, we do not believe to be an adequate solution. The example given, of wellbeing, is only one outcome of sustainable development and does not cover the wide range of issues which need to be fed into decision making to achieve sustainable development. It is unlikely that any alternative, single proposition would be able to so.

The time organisations may need to comply

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

If these changes are brought in as part of normal reporting and adequate guidance is given, we do not believe that there is a reason to delay the implementation

The provision of guidance

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

It would be helpful and would ensure more coherent implementation

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

We believe that there are different roles for each and that guidance covering these will be needed

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?

We are not aware of any. We would like to have the repeal of duties carefully considered and would wish to avoid the misunderstanding that some environmental duties would not be needed due to sustainable development duties being introduced. Duties specific to the environment will still be needed even with the new SD duty in place.

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 are not aware of any

Reporting

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

Yes

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.

No

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

Consideration should be given to the practicality of dealing with bodies not based in Wales but which have a remit which covers Wales

Defining sustainable development

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

CCW welcomes the intention to legislate to establish a duty on public bodies for sustainable development. Recognising the problems caused in implementing sustainable development so far in Wales, we believe a definition is needed in legislation. Having a definition and principles set out in legislation would give a clear steer to what is required in applying sustainable development across all policy areas and decision making processes. We suggest that the definition and operational principles from One Wales: One Planet are reflected in either the sustainable development Bill itself or in secondary legislation. Enshrining a definition in secondary law, would enable changes to be more easily made, as our understanding of sustainable development evolves.

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

It is important that the One Wales: One Planet definition and UK Principles build on the ecosystem approach to sustainable development. This would mean adding to the text on objectives in paragraph 92, which states that 'healthy functioning ecosystems should be promoted', to include consideration of improving and restoring ecosystems. A Commons Committee report into the English planning system⁷ recommended that the definition of sustainable development be expanded and clarified to include an emphasis on environmental value and environmental improvement. Seeing the environment as a key component in improving value goes some way to embedding an ecosystem approach, as recognised by the Welsh Government Green paper, *Sustaining a Living Wales through Natural Resource Management*.

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?

The new sustainable development body should set out to bridge the separate remits of different organisations, providing a new, unified direction across the public sector in Wales. We support the new body being an independent, critical friend to the public sector and for it to give an independent report to the Welsh Government on the performance of the sector. Taking a whole systems analysis of the functions and roles of the new body will be a fundamental first step in establishing its form.

The body needs to take forward horizontal integration of policy across the public sector, on social, economic and environmental objectives. Steering development to work within environmental limits is a key part of achieving sustainable development, but it is important that we avoid sustainable development being seen to only be about environmental concerns, or to be the concern of only one part of government. That will not lead to appropriate integration of the environment in decision making. We therefore suggest that it would be appropriate for the new body to report to the First Minister, or to all Welsh Ministers. The new body could, for example, hold a discussion at cabinet on its annual report. CCW has previously stated that we support the AGW taking on a new scrutiny role for sustainable development. In order to ensure a clear, common understanding of this new role we believe it would be helpful if it were specified in the Sustainable Development Bill itself.

⁷ The National Planning Framework. HC 1526. Eighth Report of Session 2010-12. HoC Communities and Local Government Committee. TSO, Dec. 2012.
www.publications.parliament.uk/pa/cm201012/cmselect/cmcomloc/1526/1526.pdf

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?

See previous answer

A statutory body

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

No. The body needs to be established in law

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?

The new body needs to be established in law as being independent

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

The body needs to take forward horizontal integration of policy across the public sector, on social, economic and environmental objectives. Steering development to work within environmental limits is a key part of achieving sustainable development, but it is important that we avoid sustainable development being seen to only be about environmental concerns, or to be the concern of only one part of government. That will not lead to appropriate integration of the environment in decision making. We therefore suggest that it would be appropriate for the new body to report to the First Minister, or to all Welsh Ministers. The new body could, for example, hold a discussion at cabinet on its annual report.

Subject: Sustainable Development Bill
Date: Thursday, July 19, 2012 09:41
From: john.sayce@ntlworld.com
To: SD Bill <SDBill@Wales.GSI.Gov.UK>
Conversation: Sustainable Development Bill

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.

Yours sincerely,