



Chairman: Peter Heard
Tregynon
Gwaun Valley
Fishguard
SA65 9TU

01239 820531

chairman@fjnp.org.uk

26 February 2013

(Your reference: 'WG17030')

Sustainable Development Bill Team
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

WHITE PAPER – A SUSTAINABLE WALES: BETTER CHOICES FOR A BETTER FUTURE

The Friends of the Pembrokeshire National park (FPNP) is an independent voluntary charity committed to help protect, conserve and enhance the Pembrokeshire Coast National Park for all to enjoy. As such we welcome the opportunity to respond to this consultation.

We recognise that the aim of the White Paper is to set out a governance framework for sustainable development. We also recognise that this is not the moment to be considering in detail the place of national parks as crucial national assets in the sustainable development process. We will be looking to both the statutory guidance [referred to in para 2.17] and the forthcoming policy statement on National Parks and AONBs to do this.

Whilst we do not have any particular comments on the framework suggested, we do have concerns about the definition of sustainable development to be included in the Bill. The section [paragraphs 2.16 – 2.18] on the definition seems to suggest that the Brundtland definition is favoured, though it is not entirely clear. Whilst we support the generality of that definition, we consider that it is too general and does not give a sufficiently clear idea of what sustainable development is about. We would, however, favour the use of the Welsh Government's own definition set out in paragraph 1.9, i.e.

“Sustainable development means enhancing the economic, social and environmental well-being of people and communities, achieving a better quality of life for our own and future generations in ways which:

- promote social justice and equality of opportunity; and*
- enhance the natural and cultural environment and respect its limits – using our fair share of the earth's resources and sustaining our cultural legacy.*

Sustainable development is the process by which we reach the goal of sustainability.”

It manages to identify all the key elements of sustainable development in such a way as to give a sufficiently clear message on the face of the Bill as to its scope. It will still need interpretation and the statutory guidance will be crucial in doing that.

Yours faithfully,

Peter Heard
Chairman

The Friends is an independent voluntary charity committed to help
protect, conserve and enhance the Pembrokeshire Coast National
Park for all to enjoy
Registered Charity No 1012091

response to the Welsh Government consultation on proposals for a Sustainable Development Bill

A Sustainable Wales
Better Choices for a Better Future

Consultation on proposals for a Sustainable Development Bill

Date of issue: 3 December 2012

Responses by: 4 March 2013

Consultation Questions

Q.1	What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales?
<p>In principle, Ceredigion County Council welcomes the proposals. A strong case is made for the new duty to be introduced and the emphasis on outcomes and not dictating the detail is welcomed as it makes sense for sufficient flexibility to be accommodated for meeting each organisation's circumstances. However whilst it may only apply to selected organisations in Wales, it would have significant implications for businesses whose HQ may be in England but have establishments in Wales and for the commissioning of Services with the Private Sector/Third Party Sector by Health and Social Care..</p> <p>It is important to recognize that whilst proposals are being tabled, it does not mean that elements are not already being implemented by organisations and partnerships. There remains a need to learn from current good practice and avoid any possible duplication.</p> <p>Welcome the emphasis on outcomes.</p> <p>In terms of the Local Service Board – how will Police and Third Sector be affected as they are not included in the Bill?</p> <p>It will be necessary to clarify how the duty will apply to integrated, collaborative and partnership endeavours involving private sector organisations and the third sector, who may not necessarily be under the same obligations as public sector bodies</p>	

Q.2	What are your views on the proposals for an independent sustainable development body?
<p>There is a role for a new body that can assist in supporting organisations and embed the new requirement which would reduce the burden and duplication of effort so long as it is well resourced and adequately equipped. It is considered that this should be a democratic accountable body.</p> <p>An independent body is essential for providing the objectivity and distance from government necessary to maintain the focus and momentum of an agenda that will inevitably present challenges to government, not least financially.</p> <p>The Sustainable Development (SD) needs to remain independent and provide support to organisations and partnerships. There is a need to ensure that there is a consistent approach taken for all bodies and this support will be required as soon as possible if Local Authorities are to implement this by 2016.</p> <p>Support in relation to Results / Outcomes Based Accountability and forward projections and providing the tools to allow us to embed SD as our central organizing principle. However, will the SD Body have sufficient capacity to support?</p>	
Q.3	What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body?
<p>“It is proposed that the duty will be brought forward in a phased approach to ensure that sufficient guidance and advice is available from the independent sustainable development body and the Welsh Government to support organisations subject to the duty.”</p> <p>A phased approach is sensible and perhaps the timescales could be put further back to allow more time for the new body to become established and this would then allow for organisations to have time to plan better for its implementation and even undertake dry runs or pilots.</p> <p>Whichever approach is adopted, there would need to be a sufficient lead in period to enable local authorities to revise and amend their strategies, policies, management arrangements and processes, including compliance assessments and the scrutiny structures. Relevant staff and elected members would need to receive training and instruction on the adopted arrangements. If SD is to be effectively and consistently embedded within public sector organisations, then central guidance and methodologies (such as screening tools, assessments, evaluation techniques, etc.) will be essential.</p> <p>The timescales outlines 1 year between the establishment of the independent body and the duty on Organisations – this may not be sufficient to enable Organisations to plan for implementation.</p>	

We agree that the Sustainable Development Body should be established as soon as possible and likely needs to be in place by 2014. This will allow sufficient time between the establishment of the Body and the implementation of the duty on organisations.

Important that we learn from those organisations who will be affected from 2015; however, planning needs to commence as soon as possible and early guidance is essential.

Q.4 What are your views on the proposals to improve the accountability framework for sustainable development in Wales?

A concern might be that this would increase compliance costs, both directly and indirectly? Is there a role for the new body to undertake health check assessments on progress made?

It is important that the SD Bill does not create an overly bureaucratic accountability framework and allows for local flexibility and innovation. The messages provided to public sector organisations need to be reflected in those provided to regulators.

The new duty being placed on AGW will mean that they will have to have plans in place in advance, allowing AGW appropriate time to plan.

Q.5 We have asked four specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views.

Further clarity is required in terms of making LSBs and integrated planning statutory as part of the Bill.

Longer term budget setting will be required for this to be effective (i.e. 3 year budget cycles from WG). Also need to take into account various reductions already implemented by the Welsh Government, e.g. Local Transport Services Grant (LTSG).

The aspiration of WG is to secure a greater appreciation of SD, embed the principles of SD within the business of public sector organisations and effect fundamental changes in behaviour so that long term goals and outcomes can be achieved. Unfortunately, most organisations work on short term, or at the best medium term, timescales. These are influenced by funding restrictions (annual budget rounds with limited opportunity for long term budget planning or certainty around available levels of funding), terms of elections (4/5 years), competing priorities, etc.

Guidance will be critical if decision makers at all levels and citizens are to understand what needs to be done and what is required of them. Many people remain sceptical about some of the key issues linked to this agenda (climate change, the role of technological solutions, resource depletion, etc.) and so consistency and uniformity of messages is critical, along with robust and relevant evidence. Embedding the principles of SD within public sector organisations will in many cases require a fundamental cultural shift and a completely different approach to conducting business. Care must be taken to ensure that any outcome objectives for authorities are not subject to perceived league tables in relation to achievements.

Introducing, implementing and refining the SD arrangements within organisations will have direct and incidental costs and, with public bodies already having to deliver services against a backdrop of financial contrition, leadership and direction from WG on service priorities will be essential.

If organisations are to set out their own outcomes, there is a need to ensure that this requirement is not overly bureaucratic.

From: Jim Bradley [jbradley@ckmltd.co.uk]

Sent: 27 February 2013 12:48

To: SD Bill

Cc: 'Judith Toms (tomsg@tiscali.co.uk)'; 'Bourke Le Carpentier'

Subject: Response to consultation.

Good afternoon,

As the Aberdare and district Chamber of Trade and Commerce we would like to confirm our previous oral observations.

To provide a sustainable future it will require planners to think carefully about the results of their actions and for them to realise that they are implicitly involved in social engineering.

There exists an infrastructure through town centres that allows for the transportation of goods and services to be carried out efficiently.

Much of the population lives within walking distance/short bus ride from town centres and therefore to bring these back together again would considerably reduce the carbon impact of delivering goods and services. On the contrary the existing out of town supermarkets/retail parks actively encourage the public to spend on fuel and transport costs generally to gather their goods and services.

Moreover should business return to town centres then employment rates would dramatically increase. One obvious consequence of warehouse shopping (supermarkets etc.) is to reduce employment by making the customer do most of the work!

The physical exercise in using town centre shops would improve general health.

Workers for local authorities should be housed and operate from town centres. Technology now allows for anyone to operate from any site and still be in total contact with co-workers so there is not a need for local authorities to follow supermarkets in having out of town sites?

Procurement processes should wherever possible encourage the consumer in purchasing the commodity required. The generally accepted format of ever larger and larger geographical areas covered by framework agreements should be discouraged as it is forcing participants to purchase that which is best from a prescribed list best suited to the procurement process rather than need. If these systems were as good as they claim they would be utilised by the general public? The only need for procurement departments should be to enable a safe choice being made available to the public sector with a thorough audit control system. In fact procurement departments should serve their customers and provide choice and should not be the false and unneeded empires that they currently are. Most companies do not have procurements departments and survive very well. They are often created by those wishing either to exercise control or out of a lazy approach to responsibility.

We should embark on an education programme to promote that we all think about value for money. The cost of clothing in the supermarkets can only mean that some workers somewhere in the world are living and working in very poor conditions. This should cause us to at least think about the consequences of buying such obviously cheap goods.

The use of horse meat recently serves only to remind us of the effects of supermarkets providing ever cheaper meals. They say that they do this because their customers demand ever cheaper goods. We suspect that the public demand claimed by supermarkets is broadly false. (This should be replaced by market competition at any cost!)

Above all we must be driven to provide a *better world* for our children and in particular our

grandchildren. All those over the age of 40 have seen an unparalleled improvement in living standards at the expense of others. We must realise that this unrelenting rise in consumerism cannot continue and that rising standards of living will/should be measured in other ways and particularly quality of life. This quality of life will need to be specified to have clear meaning.

I hope the above is of help

Jim Bradley

Hon. President Aberdare and district Chamber of Trade and Commerce



WG-17030
Sustainable Development Bill Team
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

27 February 2013

Dear Sir / Madam,

A Sustainable Wales Better Choices for a Better Future Consultation on proposals for a Sustainable Development Bill

Thank you for the opportunity to comment on this White Paper.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

IfA has over 3,000 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors. IfA's Wales / Cymru Group has over 100 members practising in the public, private and voluntary sector in Wales.

Proposals for a Sustainable Development Bill

Question 1 What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales

1.1 IfA welcomes the new duty to embed sustainable development as the central organising principle of selected organisations in Wales. We particularly welcome the reference to the '*cultural environment*' and '*our cultural legacy*' in the Welsh Government's definition of sustainable development at paragraph 1.9. Respect for the historic environment is a key component of sustainable development which has a crucial role to play in the management and protection of heritage assets across Wales.

1.2 However, for the full potential of sustainable development to be realised, it will be necessary for this Bill to be fully integrated and coherent with all other legislation in Wales (including the emerging Heritage, Environment and Planning Bills) as stressed in the White Paper at paragraphs 2.17 and 2.18. Unless this can be achieved in practice, the purpose of the Bill will be undermined.

Question 2 What are your views on the proposals for an independent sustainable development body

2.1 IfA agrees with the overall purpose to provide support for organisations (in the first instance for the public service, but also, where possible, for other organisations in Wales). While we understand the dangers of being overly prescriptive as to the body's role, the body will need clear direction and sufficient resources to allow it provide leadership within and outside the public sector. The body should contain or have clearly defined routes of access to a broad range of expertise, including archaeological and other historic environment expertise. Any advisory panel (as envisaged at paragraph 3.14) should contain such expertise.

Question 3 What are your views on the proposed phasing and implementation of the duty including the timing of the establishment of the independent sustainable development body

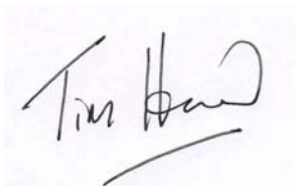
3.1 No comment, save that the White Paper, in dealing with implementation, refers to the Sustainable Development Indicators at paragraph 4.8. The current indicators do not include any specific indicators for the historic environment and we would urge Welsh Government to correct this omission in the forthcoming revision of those indicators. Without meaningful indicators for the historic environment, progress (or, just as importantly, lack of progress) with regard to the management and protection of the historic environment is unlikely to be addressed in any assessment.

Question 4 What are your views on the proposals to improve the accountability framework for sustainable development in Wales

4.1 IfA welcomes any improvement in the accountability framework for sustainable development in Wales.

If there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tim Howard', with a horizontal line underneath.

Tim Howard LLB, Dip Prof Arch
Policy Advisor

SD Bill Team
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Landscapes
for life
.org.uk



27th February 2013

A Sustainable Wales Better Choices for a Better Future - Consultation on proposals for a Sustainable Development Bill

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

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

The NAAONB regards this proposed bill as the foundation for any approach to natural resource management in Wales. Likewise, we consider that this bill will set the direction for any public body vested with stewardship of the natural environment. Our response aims to highlight the value that AONB partnerships can bring to furthering sustainable development thinking, and the role that the AONB designation, and the landscapes to which they relate, can play in helping achieve a more sustainable Wales.

Yours sincerely

Howard Davies
CEO

**The National Association for
Areas of Outstanding Natural Beauty**

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

A company limited by guarantee no: 4729800
Registered office as above

1.0 The context

- 1.1 The NAAONB once again welcomes the opportunity to comment on this emerging bill. The NAAONB will not repeat statements and opinions set out in our response to the Welsh Government consultation on proposals for a Sustainable Development Bill, but where we feel it is necessary we will reiterate the fundamental relationship between sustainable development, the landscape approach, and the contribution that AONB partnerships can make towards achieving Welsh Government aims and objectives within the context of the proposals set out in this consultation. The National Association for AONBs welcomes and supports the commitment made to enshrining sustainable development as the central organising principle, not just of the Welsh Government, but of the wider public service in Wales. We also welcome the obvious consideration given to responses to the initial consultation.
- 1.2 Areas of Outstanding Natural Beauty (AONBs) are distinctive landscapes of outstanding quality and value. The landscapes themselves are strategic national assets, and the partnerships that govern the AONB designation are in a prime position to advance sustainable development for the people of Wales in line with the spirit of this bill.

2.0 Landscape and Sustainable Development

- 2.1 AONB partnerships, along with the National Parks Authorities, have a fundamental role to play in testing and achieving a more sustainable way of living, in particular through their functions in relation to delivering ecosystem services across the three threads of sustainable development: social, economic, and environmental
- 2.2 The full scope of social justice issues obviously extend beyond the interests of AONB partnerships, but the issue of environmental justice particularly helping to define the structure of the relationship between which services or environmental goods are distributed, to whom and the principles of this distribution is central to progressive AONB management planning. The AONB designation acts as a framework for systematic, co-operative planning, and actively supports social well-being in ways consistent with the AONB purpose.
- 2.3 The NAAONB supports the principles of embodying values of fairness and social justice in public service delivery, and promoting social justice and equality of opportunity, but asserts that this is not fully achievable without concomitant changes to economic policy and the development of levers that sit outside an SD bill and extend beyond public bodies. Accepting that sustainable development is about inter and intra generational equity the NAAONB is unclear as to how the Welsh Government plan to manage the inherent contradiction between ensuring adequate resources are available for future generations and maintaining fair and equitable access to resources

now, in a free-market place where the value of those resources will rise as a result of policies designed to promote a sustainable future.

- 2.4 Accepting the difficulty outlined above, the NAAONB believes with conviction that the ability of an SD act, and associated SD Body, in furthering sustainable development in Wales is a reality, and supports the Welsh Government's actions to make this happen.
- 2.5 Consistent with our response to Sustaining a Living Wales, the NAAONB asserts that managing the environment parallel to a system that allows the economy to be driven by market forces will not work. Adopting an ecosystem approach is more than managing the environment as an integrated system; it involves managing societal and economic drivers as part of this system. This is fundamental, in our view, to achieving sustainable development and is a key principle behind the landscape approach. AONB partnerships, in their delivery of the AONB purpose, have an exceptionally important role to play in ensuring this bill results in a more sustainable Wales. AONB management plans are an obvious vehicle for articulating how this can happen and engaging people in making it actually happen.

3.0 The SD duty

- 3.1 The NAAONB supports the principle of a sustainable development duty being placed on those public sector organisations that have the greatest impact on the economic, social and environmental wellbeing of Wales.
- 3.2 The NAAONB is particularly supportive of the importance attributed to collaboration to achieve shared outcomes, but is mindful of the investment required to develop systems and processes and embed behaviours that enable effective collaboration, and the significant resource implications of making it happen. The NAAONB is particularly keen to work with the WLGA on this, reflecting the close relationship between AONB partnerships and local authorities.
- 3.3 The NAAONB is currently unclear how the SD duty will affect the work of AONB partnerships as some members will be impacted by the duty, whilst others will not. It is extremely important, therefore, that any emerging protected landscape policy statement gives clear direction to the work of AONB partnerships in relation to the aspirations of this bill.
- 3.4 Likewise, it is essential that any guidance on AONB management planning reflects the need to join up thinking across the Welsh Government, Natural Resources Wales, Local Authorities and AONB partnerships to deliver on this emerging bill to best effect.

4.0 The SD body

- 4.1 The NAAONB supports the proposal to establish an independent Sustainable Development Body. The NAAONB is pleased to see that the roles of this

proposed body include the provision of specific support to other organisations.

- 4.2 Whilst the NAAONB supports all of the proposals for the new body, as set out in the consultation document, we feel that there could be greater emphasis placed on embedding community and network collaboration as a route to achieving a more sustainable Wales.
- 4.3 It is clear that there is no longer a question over whether we should be working towards sustainability, but rather how leaders should face the challenge of making this happen. The SD body must be capable of consensus building across sectors and different organisational cultures to develop joint initiatives that demonstrate how to make it happen. To do this will require exemplary leadership.
- 4.4 The NAAONB welcomes the proposal that there should be a Commissioner to lead the new Body. It is essential that this figurehead is appointed with the above in mind. Additionally, there needs to be an acknowledgement that together we need to reach a balance between collective action and collective learning as a foundation of innovation.
- 4.5 The new Body needs to have the capacity to lead structural change, and develop Wales's capacity for collective leadership.
- 4.6 Appropriate funding must be provided if the Body is to be effective, as is the need to create tangible results and enhance collective responsibility for change.
- 4.7 The NAAONB believes strongly that an approach to procurement must be included within the Bill. AONB partnerships work extremely hard to foster local, sustainable, economic development and the purchasing power of the public sector has a potentially significant role to play in developing a more sustainable rural Welsh economy.

5.0 Final Comments

- 5.1 The NAAONB is delighted to see the role that the Welsh Government is playing in developing the sustainable development agenda, and the courage with which it intends to act. We accept that significant changes will need to be made across Wales, both in relation to operational issues and governance structures, in order for the Welsh Government's aspirations to become a reality.
- 5.2 The NAAONB supports the notion that a healthy, functioning environment underpins the wealth, health and wellbeing of the nation, and consequent to this, recognises the important role Natural Resources Wales will play in ensuring and Sustainable Development Act effects positive change.
- 5.3 Likewise, any emerging Environment and Planning Bills must work to strengthen SD principles. There must be clear integration between the three resultant acts.

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

NAAONB
27.02.13

Torfaen County Borough Council

Consultation response on proposals for a Sustainable Development Bill

Question 1

What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales?

1. We welcome the proposals for the new Sustainable Development Bill. It will enhance the distinctive policy ambitions of Wales within the UK, and promote more engagement in the critical “futures” issues of climate change, energy and food availability – all of which transcend specific service concerns, and all of which will determine the extent to which Wales’ relative prosperity performs.
2. There is some good progress being made by local authorities but – as with the Equalities agenda – a legislative requirement will help to accelerate and widen progress.
3. The proposals will also help to ensure a consistent approach to sustainability across the public sector.
4. Ensuring that clear guidance is developed will be critical to help organisations better understand what is expected of them. It will also be important to be able to define good practice very clearly: perhaps a stepped approach showing how the evidence of specific activity is related to “good/very good” performance could be developed.
5. We agree with the focus on strategic decisions but the duty should also influence other decisions such as procurement to ensure that the most sustainable and not simply the cheapest options are implemented. There are some tensions here to be recognised by WG.
6. The Bill also needs to focus on the expected outcomes as well as the decision making process to ensure that a difference is being made. At a local programme/project level this could be assisted through approaches like prospective impact assessments, using standardised measures, and/or methods such as Social Return on Investment (SROIs).

Question 2

What are your views on the proposals for an independent sustainable development body?

1. The proposed role and functions seem sensible – independent, offering guidance, expertise and advice for bodies subject to the duty, but we have concerns about

capacity to deliver support across the whole of the public sector. The new body may need to focus the early support to where it will have the greatest impact.

2. The new body shouldn't duplicate any existing provision – for Local Authorities the Welsh Local Government Association (WLGA) Sustainability Framework and the SDCC (Sustainable Development Coordinators Cymru) Network are a valued 'enabling' support streams. There is a further debate to be had about the relationships, and funding that will be available to maintaining and enhancing these existing support streams. Are SDCC & the WLGA better placed to understand the requirements of Local Authorities? Would another new, independent body be another level of bureaucracy?

3. Additionally not all public sector organisations will require the same level of support – local authorities and – particularly the NHS organisations in Wales - are largest organisations, so support should be proportionate to size and impact.

4. Consideration will also need to be given to the current variance in sustainability performance across the public sector and capacity and scope to improve. Support for training / professional development will be needed, as most managers currently within the public service in Wales are unlikely to have had sustainability as a substantive part of their academic or professional background – This be an opportunity for a collaborative approach with higher education institutions.

Question 3

What are your views on the proposed phasing and implementation of the duty? Including the timing of the establishment of the independent sustainable development body?

1. There is a concern that proposed phasing for local authorities could result in the current momentum slowing.

2. Ideally phasing should reflect the level of impact that the organisation has, for example, should Sports Wales be subject to the duty a year before the Local Authorities? Additionally, as the majority of the best practice case studies being used are from local authorities and health boards, should they be in the first phase?

There is an opportunity for some organisations (LAs) to learn together in first year with WG, and through the continued support of the WLGA - both could benefit from this supportive approach.

3. Ideally the "Commissioner" body needs to be operational when or before the Act is passed, especially as it will have an important role in the critical activity of developing guidance. We will need statutory guidance before/as soon as Bill is 'live'.

Question 4

What are your views on the proposals to improve the accountability framework for sustainable development in Wales?

1. We should strongly agree with the proposal to report through existing reporting mechanisms, rather than create something separate and parallel, and the benefits of a reflective, self-assessment process (as Estyn, for example, encourage under their Common Inspection Framework) are recognised.

There will be new professional development requirements across a range of provisions.

2. Getting the statutory guidance right will be important as scrutiny and regulation are likely to use this as the benchmark for compliance and comment.

3. Accountability should sit at CEO level within public bodies. WG will need to consider the implications of non-compliance.

Question 5

Do you have any related issues that have not been specifically addressed

We would like to explore what will happen to the Charter once the new duty applies. How far the Bill can be used (alongside existing mechanisms such as the Can Do Toolkit) to help drive performance improvements within public service supply chains: getting the balance right will be a key issue for SMEs (especially in areas like Torfaen where SMEs are an important sector of the local economy).

Sustainable Development Bill White Paper

We want your views on our proposals for a Sustainable Development Bill.

Please submit your comments by 4 March 2012.

If you have any queries on this consultation, please email:
SDBill@wales.gsi.gov.uk or telephone: (02920 82) 1728 or 6541

Data protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

C S LTAT F

Sustainable Development Bill White Paper		
3 December 2012 4 March 2013		
Name	Christopher Long	
Organisation	BRIDGEND COLLEGE	
Address	BRIDGEND CAMPUS COWBRIDGE ROAD BRIDGEND CF31 3DF	
E-mail address	Clong@bridgend.ac.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input checked="" type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

1 What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]

Please provide your views below:

Long-term strategic planning requires a consistent approach and structured framework to ensure that we are able to envision, and move towards a more sustainable Wales. Bridgend College, as a signatory of the Sustainable Development Charter and signatory of the HE sustainability Initiative in response to Rio +20, fully supports this duty taking account of the long-term, preventive, partnership and integrated approach described. The importance of this duty in accounting for social, economic and environmental factors in decision-making cannot be understated and therefore a focus must be maintained on making clear the implications, for organisations, of the term 'the central organising principle'. Embedding sustainable development means that this must be 'the' central organising principle rather than one of a number of organising principles in order to ensure that the true strength of this ground-breaking legislation does not become weakened. We support the proposal for statutory guidance and believe that absolute clarity in defining sustainable development, social, economic and environmental wellbeing is critical to effective implementation of the proposed legislation within organisations where decision-making is outcomes based. Further, we are encouraged to learn that the proposed legislation will integrate future and existing legislation. We support the flexibility offered by the legislation for organisations to determine the most effective ways of achieving outcomes and the need to ensure indicators of progression which reflect high level the strategic decision-making process. We are also pleased to see that existing annual reporting arrangements can be used under the obligations laid out in legislation.

2

What are your views on the proposals for an independent sustainable development body? [Chapter 3]

Please provide your views below:

We support the independent development role in its capacity to support and guide organisations (taking account of statutory guidance and partnership approaches) and think that its responsibility to challenge organisations is a critical role of the body if sustainable development as a central organising principle is to be 'driven' within organisations. We believe that the body itself must provide assurance that public funds are being used in a way that provides value-for-money and provide annual reports on progress and therefore we welcome this aspect of the proposed legislation.

3

What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body? [Chapter 4]

Please provide your views below:

We believe that many educational organisations, including ourselves, are already progressing with sustainable development issues and have well established strategies. We suggest that the phasing timeline for FE/HE should be brought forward to 2015. We support the phasing timeline for the independent body as this clearly needs to be in place as the Bill comes into force.

4

What are your views on the proposals to improve the accountability framework for sustainable development in Wales? [Chapter 5]

Please provide your views below:

Ensuring accountability via existing compliance audits and frameworks for sustainable development is welcomed.

5

We have asked five specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views.

Please provide your views below:

Educational organisations have a unique opportunity to help students become the change-makers of the future in addition to ensuring that students are not simply 'work-ready' but 'future-ready'. Indeed, we believe that this is a right of students. ESDGC has a fundamental role in this respect and we believe that, in addition to the arrangements within the ESTYN framework, ESDGC requires a specific legislative entry.

Confidentiality

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

o to respond

Please submit your comments by 4 March 2013, in any of the following ways:

mail	ost
<p>Please complete the consultation form and send it to: SDBill@wales.gsi.gov.uk Please include 'WG17030' in the subject line.</p>	<p>Please complete the consultation form and send it to: Sustainable Development Bill Team Welsh Government Cathays Park Cardiff CF10 3NQ</p>

Additional information
<p>If you have any queries on this consultation, please contact us by email or telephone: Email: SDBill@wales.gsi.gov.uk Telephone: (02920 82) 1728 or 6541</p>

From: James, Lynda (Councillor) [Lynda.James@swansea.gov.uk]

Sent: 28 February 2013 12:22

To: SD Bill

Subject: SUSTAINABILITY BILL

I agree that sustainability should be incorporated into all the work of the Assembly, councils and other organisations. But why another body, wasting more paper and public money?

Cllr Lynda James

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error, please notify the administrator on the following address:

administrator@swansea.gov.uk

All communications sent to or from the Council may be subject to recording and/or monitoring in accordance with relevant legislation

Mae'r e-bost hwn ac unrhyw ffeiliau a drosglwyddir gydag ef yn gyfrinachol ac at ddefnydd yr unigolyn neu'r corff y cyfeiriwyd hwy atynt yn unig. Os ydych wedi derbyn yr e-bost hwn drwy gamgymeriad, dylech hysbysu'r gweinyddydd yn y cyfeiriad canlynol:

administrator@swansea.gov.uk

Bydd yr holl ohebiaeth a anfonir at y Cyngor neu ganddo yn destun cofnodi a/neu fonitro yn unol Æ'r ddeddfwriaeth berthnasol

Ymddiriedolaeth Cadwraeth Ystlumod (Cymru)
Bat Conservation Trust (Wales)



c/o Swansea Environment Centre, Pier Street, Swansea, SA1 1RY

Sustainable Development Bill Team
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

28 February 2013

Sustainable Development Bill – White Paper

Thank you for the opportunity to comment on the above consultation. Regrettably we are unable to make use of the electronic consultation response form that was supplied as each text box did not appear to accommodate more than about 400 words and therefore we are providing our response by letter.

The Bat Conservation Trust (BCT) is pleased to note the Welsh Government's (WG) stated intention to strengthen the current sustainable development (SD) duty in the Government of Wales Act, and its commitment to legislate to embed SD as "the central organising principle (CoP) in all our actions across government and all public bodies"¹. This is arguably the most important opportunity for Wales to demonstrate itself as a world leader for SD legislation and the Welsh Government must ensure that SD is delivered and it does not simply become a process in the expectation that SD will follow.

The following bulleted points are a summary of our more detailed response:

- This is the WG's most significant opportunity to become a world leader for SD legislation. Regrettably we believe that the proposals contained in this White Paper do not adequately reflect the Programme for Government and previous Ministerial statements about the commitments to SD. BCT is particularly concerned about environmental protection and replacement of the recognised concept of 'living within environmental limits' with the vague and interpretable term of environmental 'wellbeing'. Unless these issues are properly addressed in the Bill, then the Welsh Government is unlikely to achieve its vision of a One Wales One Planet Nation, and it will not be able to demonstrate on the international stage its commitment to SD.

¹ Welsh Labour Manifesto 2011, Chapter 11, P92 <http://www.welshlabour.org.uk/uploads/welsh-labour-manifesto.pdf>

- The duty will need to, and should require, the Welsh Government, its sponsored bodies, and relevant public bodies to exercise their duties and powers, as far as possible, so as to achieve sustainable development within Wales, and to have proper and full regard for the principles of sustainable development outside Wales. The wording must be meaningful and substantially stronger than the current suite of phrases. The proposal, to ensure decisions are informed by consideration on SD is weak, ineffective and a retrograde step. The term 'consideration of' does not mean delivering or achieving and it is unlikely to adequately achieve SD.
- The duty must apply to all aspects of public service including budgets and procurement. Failure to include this will further weaken the ability of the WG's vision to achieve SD and could result in decision-making conflicts at a later stage.
- The definition of SD must be contained within the legislation and it must be clear, unambiguous and it must not be left open to interpretation by individuals or the courts.
- BCT welcomes the principle to establish an independent body but it must be independent and free of interference or influence, and it must have powers to challenge and be required to investigate as well as have the necessary resources to provide support and advice. The proposals go some way to achieving this but we consider that they are not strong enough to help the WG achieve its SD aims.
- Given the urgency there is to start delivering sustainable development and to meeting international and EU targets, we would suggest that a fully functioning and capable Body should be formed by 2014.
- Overall, BCT considers that the proposals are inadequate for the purposes of ensuring delivery of SD. There will need to be an appropriate suite of indicators against which to measure SD. We note the eight activities that the Welsh Government considers as a measure of actions towards living within environmental limits and protecting healthy ecosystems. We are not convinced that these are appropriate measures and they will not give the Welsh Government any useful information on progress to environmental well being.

Q1 What are your views on the proposals for a new duty to be embed sustainable development as the central organising principle of selected organisations in Wales?

BCT can see no good reason to argue against the ideology of the central organising principle (COP) but the Welsh Government must ensure that SD is delivered and is not simply an aspiration.

The internationally accepted principle is that SD is about defining the way we live without causing adverse impacts to our environment (land/sea and air) and using only our fair share of the environmental resource ie living within environmental limits, whilst delivering social equity and justice as well as economic progress. Environmental limits are central to SD without which SD cannot and will not be achieved. The Royal Commission on Environmental Protection in Environmental Planning (2002) stated that *"Protecting and enhancing the environment must be firmly and unambiguously accepted as the foundation for sustainable development. The statements*

of priority objectives should be prepared on the basis that sustainable development is achievable only if the environment is safeguarded and enhanced.”

Ignorance is no longer an excuse. The continued environmental degradation in the name of social and economic need is no longer acceptable when we know better. Where there is no certainty then Precautionary Principle should predominate. Failure to protect the natural environment and ensure we live within environmental limits will mean we fail to fully safeguard our wellbeing and will compromise future generations.

BCT therefore remains deeply worried and sceptical about the use of the term ‘well being’ almost as a surrogate of SD and we believe that applying the term well-being, whether that be to the environment, or even to the social and economic elements is not an appropriate or helpful way to move forward. Whilst well being is a worthy and desired outcome of SD, it is not germane to delivering Sustainable Development. It is a highly subjective and social construct that has different meanings to different people and it changes with time. It is difficult to scientifically measure and rigorously quantify.

We must therefore remind the Welsh Government that the Environment Minister, John Griffiths AM, on 14 May 2012, in WG news has clearly said:

*Our Programme for Government is committed to living within our **environmental limits**, tackling poverty and improving health and educational outcomes. However during difficult economic times it can be tempting for governments and local authorities to focus on economic priorities and forget about environmental or social commitments. We must remember that it is the **environment and society that underpin and enable our economic success** and that is what our commitment to sustainable development means. The natural environment not only provides us with our life support system but also brings a sense of place, feelings of wellbeing; of better health, more social cohesion, increased job opportunities and long-term success. It even costs little or nothing to enjoy it when times are hard. Our challenge is to ensure that the ways we shape and support the environment, economy and society work together to ensure the long-term benefits for Wales.* Furthermore, the Ministerial Foreword to the previous consultation on Proposals for a Sustainable Development Bill also re-iterated that the environment is central to SD.

We note a number of serious issues that are presented in the White Paper that gives us cause for concern:

1. We see little in the White Paper that reflects the statement of the 14 May. The White Paper makes mention of the best outcomes for Wales and difficult decisions. In 2.4 you say that *decisions will be fully informed by consideration of the effect on economic, social and environmental well being*. If this is to be a strong and effective Bill, and the WG are determined that Wales should become a One Nation Planet², then the language must be clearer and transparent. Our concern is that because there is no clear direct message about environmental protection and living within environmental limits, this leaves the door open for interpretation and the likelihood that environmental considerations will or could be over-ridden for economic and social gains especially in the current economic climate. Environmental ‘wellbeing’ is not synonymous with living within environmental limits’.

² Welsh Government Programme for Government Chapter 11 Environment and Sustainability

2. We repeat that the ideology of COP is arguably a good one however it will be the definition of SD and the wording of the duty that will be crucial.

(a) the definition of SD must be contained within the legislation and it must be clear and unambiguous in what it is aiming to achieve. It must not be left open to interpretation by individuals or the courts. Clear and unambiguous statutory guidance will be needed.

(b) The new duty must be meaningful and substantially stronger than the present duty.

On the 22 June 2012, The Environment Minister, John Griffiths AM, said, in WG news:

"It is clear that it is now up to regional governments to lead the way and set examples in how to set create sustainable places and practises. Despite the text lacking ambition, I am pleased that Wales now has an opportunity to lead the way. The world is set on an unsustainable course and the window for action is closing. It is clear that progress can happen quickest at regional level with regional governments being the true leaders in sustainability."

Again, in a written statement on 29 June 2012 the Minister stated:

*I will be reviewing the learning from this event (Rio 20+) with officials so that the information gathered can be added to our thinking on the bill which will **place a duty on the Welsh Government and devolved public bodies to embed sustainable development principles within their strategic decision making**, and to establish an independent body to provide an expert source of advice and support.*

*..... **In Wales, we now have the opportunity to further demonstrate this by creating our own ground breaking legislation on Sustainable Development.***

The duty should require the Welsh Government, its sponsored bodies, and the devolved public bodies to exercise their duties and powers so as to achieve sustainable development within Wales. Wording such as making sustainable development a 'consideration of' or 'balance' are weak and ineffective in delivering the outcomes that are needed. Furthermore, in the context of the various Ministerial statements on Wales leading the way forward on SD then anything less than a duty to achieve SD by an appropriately phrased term will be retrogressive and weaken Wales' international aspirations and position. It would not be ground breaking. At the very least the duty should require bodies to 'favour the principles of SD' that is based on the internationally agreed principles that include environmental limits.

To this end, BCT could not support the WG's proposal to amend the Government of Wales Act if it was to simply require the WG to consider the impacts.

(c) We agree that there should be long-term thinking and resource protection for future generations but this must not be at the expense of avoiding difficult decisions and short-term actions.

(d) The duty should apply not just at a high strategic level but to all implementation processes further down the chain where this is appropriate. This is where flexibility can be built in so that a body can decide when and where the principles of SD do not apply. This includes aspects of budget and procurement which we note you propose to exclude despite the commitment to make SD the COP of the Welsh Government as stated in Chapter 11 of the Programme for Government. It would indeed seem invidious to exclude budget and procurement which can have profound impact for SD – procurement of food for example by import from other countries when there is already a locally

available source would seem an example that does not fit with the principles of a One Wales One Planet nation.

Furthermore, 'Sustainable development and business decision making in the Welsh Assembly Government', 21st January 2010, Welsh Audit Office report, has questioned the lack of integration of financial planning and procurement as a significant gap in helping the Welsh Government in achieving its integrated aims of a sustainable Wales.

(e) If Wales is to fulfil the ambition to become a One Planet Nation then the duty must also take into account the international impacts of its decisions. We acknowledge that it will be difficult for actions taken here in Wales to achieve SD outside its own boundaries, but we believe that it should be possible for bodies to have regard for their international impacts and thereby to exert influence and to be seen as an exemplar. To this end we note again that there is intention to exclude budget and procurement from the process which we believe could be instrumental in driving progress on SD in other countries.

(f) The duty must apply to all aspects of government and public bodies whose remit or function has, either directly or indirectly, an impact on SD and can therefore assist the Welsh Government in its aim to achieve a One Wales One Planet nation.

The Environment Minister, John Griffiths AM, on 29 August 2012, in WG news said:

"The Welsh Government is committed to putting sustainable development at the heart of everything it does. That means making decisions that are based on what is best for the long term future of Wales rather than short term fixes. We are currently working to strengthen our commitment to a more sustainable way of living. Legislation is one part of this process and for that reason we intend to introduce a Sustainable Development Bill. We believe this will set a clear direction for helping us build a Wales, and a public service that is more sustainable, in social, economic and environmental terms both now and for and future generations."

We note the proposal to exclude Inspectorates however the Planning Inspectorate is a clear and obvious body whose decisions should be guided by SD principles. Again we would remind you that there is a clear and unqualified commitment in the Programme for Government (Chapter 11) to make SD the COP within the Welsh Government. We take this to mean all of the Welsh Government and not selected parts of it.

Q2. What are your views on the proposals for an independent sustainable development body?

BCT welcomes the principle to establish an independent body but it must be fully balanced and an independent body that is free of interference or influence. It must have powers to challenge and investigate as well as have the necessary resources to provide support and advice.

We are pleased to note that you are proposing for the body to be independent but we have to question the degree of independence that the Body will have. The proposal is for a Body that, although it will identify its own work programme and strategic priorities independently of the Minister, these will need to be approved by the Minister and therefore it will be taking direction and

policy from the Welsh Minister. Its independence will thus be severely limited to the way in which it will discharge its core functions and work programme.

In the early stages of the Body's work, we would expect that to focus on support and advice and therefore the Body must be properly and adequately resourced. Whilst cross-sector collaboration is an admirable approach, the ability of the Body to deliver its work must not rely on other organisations and individuals external to the Body to assist that process.

Notwithstanding the degree of independence the Body will have, there must be a mechanism by which the Body can challenge (constructively or otherwise) and take action on organisations that fail to deliver SD. The Welsh Government must not be excluded from this. This should also include the ability to receive complaints and be required to investigate where the Body considers an investigation is warranted. The ability to challenge must be timely and a key element of delivering SD is the Planning Process. There will therefore need to be close relationships between the Body, the Planning Inspectorate and other relevant organisations especially Natural Resource Wales. In exceptional cases, the Body may need to be able to challenge land-use decisions that are considered not to be delivering SD.

Q3. What are your views on the proposed phasing and implementation of the duty, including timing of the establishment of the independent sustainable development body?

It would seem sensible and appropriate to adopt a phased approach as this would allow public bodies time to prepare even though the duty will not come into force for them until 2016.

With regards to the timetable for the Welsh Government and its Sponsored Bodies, we are unclear as to how the Body can come in to force in 2015 and be ready and able to discharge its functions to the Welsh Government and its Sponsored Bodies at that time. Given the urgency there is to start delivering sustainable development and to meeting international and EU targets, we would suggest that a fully functioning and capable Body should be formed by 2014.

Q4. What are your views on the proposals to improve the accountability framework for sustainable development?

BCT considers that the proposals are inadequate for the purposes of ensuring delivery of SD and they fall short of what we would expect a Government wishing to take a lead on SD. Whilst we see the logic of requiring the Auditor General Wales (AGW) to audit public bodies to ensure that they have put in place the appropriate processes, this does not in itself ensure that public bodies are compliant with the principles of SD, and whether SD is itself being delivered irrespective of compliance.

We would suggest that the AGW should, as is being proposed, ensure that public bodies have in place, the necessary policies and frameworks as their COP. The SD Body should be required to ensure that public bodies are compliant in their duties and there should be a proper range of SD indicators to identify where there might be weaknesses and short comings.

The Programme for Government (Chapter 11) identifies eight activities that the Welsh Government consider as a measure of actions towards living within environmental limits and protecting healthy ecosystems. We do not believe that these are not appropriate measures and they will not give the Welsh Government any useful information on progress towards environmental well being.


Q5 Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals?

No.

This is the WG's most significant opportunity to become a world leader for SD legislation. We would therefore urge the WG to grasp this opportunity and to show the way forward by commitment and demonstration. We firmly believe that this can be achieved but it will require some substantial changes from what is currently being proposed.

We look forward to working with our environmental colleagues through the Wales Environment Link to work with the Welsh Government in formulating and developing the legislation that will be required.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Steve Lucas', with a long horizontal flourish extending to the right.

Steve Lucas

Swyddog Cymru / Wales Officer

Ymddiriedolaeth Cadwraeth Ystlumod (Cymru) / Bat Conservation Trust (Wales)

slucas@bats.org.uk

Sustainable Development Bill White Paper

We want your views on our proposals for a Sustainable Development Bill.

Please submit your comments by 4 March 2012.

If you have any queries on this consultation, please email:
SDBill@wales.gsi.gov.uk or telephone: (02920 82) 1728 or 6541

Data protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

C S LTAT F

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
Name	Mark Blackmore	
Organisation	Bridgend Environmental Working Group	
Address	reach Unit 3 Castleview Bridgend CF31 1NJ	
E-mail address	mark.blackmore@bridgend.gov.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

1

What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]

- In principle, legislating towards Sustainable Development is a good idea in aiming to maximise social, economic, and environmental gains and there was a general consensus amongst consultee's that there appears to be more weight behind the White Paper and its' aims and objectives than there has been previously. However, some attendees felt that more ambition is needed to further the aims of sustainable development on a national level.
 - Whilst the idea is good in principle, there are concerns about measuring an organisations commitment to sustainability and as such there needs to be a strong level of accountability.
 - Furthermore, it was felt that the proposals contained within the paper are vague there is a lack of specificity as to what the duties will actually be.
 - It was felt that the legislation may provide an encouragement for organisations to increase their sustainable development outputs; however, there may be a variety of interpretations of the meaning of central organising principle.
 - The White Paper seems to be lacking in measurable indicators i.e. how to measure an organisations sustainability using monitoring and evaluation frameworks.
 - In recent years the private sector appears to have overtaken the public sector in regards to their sustainable development measures.
 - It was felt that it may be more challenging for some organisations to commit to a legislative prescription of sustainable development e.g. NHS and town and community councils, than it would be for others.
 - Recent changes in legislation such as statutory obligations upon recycling initiatives and the 5 pence carrier bag charges have been effective, thus proving that people CAN do it when obligations are afoot.
 - Overall the White Paper signifies a sense of pride and ambition for Wales in relation to the field of sustainable development; however, it is particularly contentious given the fact that it is an area that the Assembly lack the scope to legislate on at present.
 - In terms of further promoting and raising awareness of sustainable development, it may be wise to first present the economic benefits of increased sustainability and pool current resources into altering the perception of sustainable development.
 - The paper seems to lack a sense of engagement with business leaders, universities etc and as such more research is necessary in order to overcome the barriers that sustainable development currently encounters.
 - Legislating on sustainable development may be a difficult objective due to the fact that different organisations/areas have different aims and priorities, dependent on the needs of the locality and the resources of the sustainable development teams.
 - Often within certain areas, there are conflicting priorities e.g. economic development v conservation.
 - On a Bridgend level, the Local Authority has an Environmental Management system in place that is rated extremely highly, but needs to be seen in practice on a daily basis with increased pro-activeness from employees across all departments.
 - o Questions were raised as to the type of support that would be offered to organisations for adapting and implementing the legislation and whether it really would have a tangible impact.
-

What are your views on the proposals for an independent sustainable development body? [Chapter 3]

- The principles contained in the paper are already enshrined within the Natural Resources Body, thus questions were raised over the need to establish an independent sustainable development body and its' difference to the Cynnal Cymru organisation.
 - o It was also questioned as to why the legislation implementation and monitoring cannot be driven by the LSB?
 - o Further questions were raised as to the scope of the sustainable development body's powers, along with a lack of conviction as to the need for it and whether it may in fact act as a smoke screen for Welsh Government.
 - o Will the body allow for politics to be taken out of sustainable development?
 - o Additionally, given previous discussions relating to different needs for different areas, it was queried how this information would be utilised by the body.
 - o Concerns were raised that the establishment of the body may lead to increased workloads for sustainable development teams and it was queried whether the planning system would be altered by legislative proposals.
 - It was felt that, if established, the body would need to be closely allied to other sustainable development companies, in providing additional support to other organisations.
 - One of the key concerns was the fact that the body will be formed from secondary legislation, thus allowing amendments to be made to its' scope in a much easier fashion than if it was governed from primary legislation instead.
-

3

What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body? [Chapter 4]

- It was felt that the phasing of the implementation of legislation would allow for a gradual understanding of changes to current measures however, it was proposed that 18 months would be a better gap between implementations although this may not be politically viable.
 - Moreover, the fact that the implementation will be phased will allow later organisations to learn from best practice examples and case studies from the organisations subject to the duty in 2015.
 - In terms of identifying how the implementation will work in practice, further clarification is needed as to what the legislative objectives will in fact be.
 - The sustainable development body ideally should be set up at least 1 year in advance of the phasing coming into place, along with a series of data research being completed within this timeframe.
 - Additionally, there was a general consensus that resources will be needed for the independent sustainable development body to drive schemes, resulting from the legislation, forward.
-

4

What are your views on the proposals to improve the accountability framework for sustainable development in Wales? [Chapter 5]

- It was questioned whether all organisations included in the proposals will have to adhere to the same framework, as there will undoubtedly be different scales of efficiency based on size and resource availability.
 - Consultee's felt that the sustainable development body should set the outcomes to be adhered to.
 - With regards to complying with accountability protocols, statutory guidance will be needed prior to 2015.
 - o Questions were raised over how it can be measured whether a difference is in fact being made from the statutory obligations, and what the rating system will be for organisations involved.
 - o Additionally, it was queried as to what the consequences will be if an organisation fails to comply with the legislation.
 - o Attendees asked whether the scrutiny and framework structures should be separated, however, this would in turn lead to scrutiny of ministers, which may prove too difficult and contentious.
 - o Queries were also raised over whether the SIP would be deposited within the independent sustainable development body.
 - There was a general consensus that the framework will lead to a larger workload for the AGW and it was queried how often it is proposed that audits will take place.
 - Furthermore, there are frameworks already in place for accountability and compliance such as the Strategic Environmental Assessment.
-

5

We have asked five specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views.

Confidentiality
Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential please indicate here: <input type="checkbox"/>

o to respond

Please submit your comments by 4 March 2013, in any of the following ways:

mail	ost
Please complete the consultation form and send it to: SDBill@wales.gsi.gov.uk Please include 'WG17030' in the subject line.	Please complete the consultation form and send it to: Sustainable Development Bill Team Welsh Government Cathays Park Cardiff CF10 3NQ

Additional information
If you have any queries on this consultation, please contact us by email or telephone: Email: SDBill@wales.gsi.gov.uk Telephone: (02920 82) 1728 or 6541

Sustainable Development Bill White Paper

We want your views on our proposals for a Sustainable Development Bill.

Please submit your comments by 4 March 2012.

If you have any queries on this consultation, please email:
SDBill@wales.gsi.gov.uk or telephone: (02920 82) 1728 or 6541

Data protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

C S LTAT F

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
Name	Nathan Jones	
Organisation	Public Health Wales	
Address	Public Health Wales 14 Cathedral Road Cardiff CF11 9LJ	
E-mail address	Nathan.Jones2@wales.nhs.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

1	What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]
Please provide your views below: Public Health Wales fully supports proposals to embed sustainable development as the central organising principle of selected public sector bodies in Wales through ensuring a clear focus on outcomes and that strategic decisions are informed by consideration of the wider determinants of health and wellbeing. As stated in our previous consultation response, the Bill has the potential to provide the catalyst and driving force to stimulate a quantum shift within organisations by placing a greater focus upon long term wellbeing through the consideration of economic, social and environmental factors. Public Health Wales recognises that sustainable development and public health are intrinsically linked (see response to question five) and that complementary actions are necessary to address the key challenges facing Wales in relation to both. Therefore, the commitment within the document to integrated cross boundary working, long term thinking, focusing on prevention and outcomes are strongly supported and welcomed.	

2

What are your views on the proposals for an independent sustainable development body? [Chapter 3]

Please provide your views below:

Public Health Wales strongly supports the need for independent advice and guidance in relation to sustainable development, which is identified within the consultation document as a key function of the new independent body. While some public sector organisations are already a long way towards embedding sustainable development as a central organising principle, the process will pose a number of strategic and operational challenges for many bodies in Wales. However, the opportunity for a relatively small body to support the large number of organisations covered by the new duty will pose a significant challenge. Therefore, it is essential that the new body focuses on the added value that it can bring to the sustainable development agenda in Wales and how it can support the step change needed to truly embed sustainability within the strategic thinking of public sector bodies. Key to taking this agenda forward across the public sector, particularly within the current financial climate, is the need for better sharing and dissemination of best practice, learning and joint working. The new body has a vital role to play in relation to this through supporting integration, collaboration and innovation, which is in line with the wider direction of travel within the public sector in Wales. Public Health Wales would welcome the opportunity to discuss the links between sustainable development and public health with the new body and to see how both organisations could support each other through collaboration in relation to areas of work that are complementary. Public Health Wales manages and operates a number of small national advice services and would also welcome the opportunity to share experiences with representatives of the new body.

3

What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body? [Chapter 4]

Please provide your views below:

Public Health Wales supports proposals to phase the introduction and implementation of the new sustainable development duty on organisations identified within the consultation. As stated in response to question two, support and guidance from the newly established independent body will be vital in ensuring sustainable development is appropriately embedded and will require a long term commitment and focus. The phased approach will allow organisations to make an informed decision, through appropriate guidance and sharing of learning, on how they will appropriately embed sustainable development within their organisation. Consideration will need to be given to the support that will be provided to those organisations that will be subject to the duty in 2015.

4

What are your views on the proposals to improve the accountability framework for sustainable development in Wales? [Chapter 5]

Please provide your views below:

Public Health Wales supports proposals to incorporate accountability for embedding sustainability into the Auditor General Wales' existing responsibilities, rather than creating separate and additional mechanisms under the remit of the new body. The embedding of meaningful and relevant outcomes and appropriate performance monitoring as part of these arrangements is essential to ensure that these proposals are implemented in the spirit in which they are intended, rather than resulting in a 'box ticking' exercise. Public Health Wales is currently working with partners to develop a Public Health Outcomes Framework for Wales, which will be underpinned by a series of organisational performance measures, and will form the basis of our accountability framework. As identified within the consultation document, action to improve the outcomes identified within the Framework will require the contribution of a number of partners working across sectors.

Consideration should be given as to how the monitoring of organisations' compliance can be built into existing audit plans and arrangements, as whilst proposals for the additional responsibilities to be taken on by the Auditor General Wales are supported due to the financial pressures facing public sector bodies, they should not result in a significant increase in the audit fees currently being paid.

5

We have asked five specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views.

Please provide your views below:

The Welsh Government has recently concluded a formal consultation on the introduction of a Public Health Bill in Wales. Public Health Wales supported the introduction of the Bill as a 'once in a generation' opportunity to create a legislative framework to support Wales in creating healthy environments and empower people and communities to improve health. Significant overlap exists between the proposals within the Public Health and Sustainable Development Bills, particularly in relation to the focus placed on the wider social determinants of health, long term planning, collaboration and prevention. As stated earlier in this consultation response, complementary action is required to support improvements in relation to each of these areas. Therefore, a real opportunity exists to make significant improvements in the long term health and wellbeing of the people of Wales through presenting a clear and coherent legislative framework for Wales, which could include the Public Health, Sustainable Development and Social Services Bills. This would provide a framework to support organisations to focus and direct their efforts and resources to achieve the best possible long term outcomes for Wales.

Confidentiality

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

o to respond

Please submit your comments by 4 March 2013, in any of the following ways:

mail	ost
Please complete the consultation form and send it to: SDBill@wales.gsi.gov.uk Please include 'WG17030' in the subject line.	Please complete the consultation form and send it to: Sustainable Development Bill Team Welsh Government Cathays Park Cardiff CF10 3NQ

Additional information
If you have any queries on this consultation, please contact us by email or telephone: Email: SDBill@wales.gsi.gov.uk Telephone: (02920 82) 1728 or 6541

Sustainable Development Bill White Paper

February 2013

The Vincent Wildlife Trust (VWT) is a UK and Ireland based charity specialising in mammal conservation and research. We have five members of staff in Wales where our focus is on the conservation of horseshoe bats (their roosts and use of the landscape) and the mustelids, in particular, the distribution and conservation needs of the pine marten, polecat, stoat and weasel. We work with hundreds of volunteers and own or manage 13 bat roosts located throughout the Principality. We value the opportunity to take part in this important Sustainable Development (SD) Bill White paper consultation.

Question 1 - What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]

Strengthen the existing SD duty

VWT agrees with Welsh Government's stated intention to strengthen the current sustainable development (SD) duty in the Government of Wales Act, and its commitment to legislate to embed SD as "the central organising principle in all [its] actions across government and all public bodies". However, we do not believe that the changes proposed in the White Paper, i.e. 'to consider' economic, social and environmental wellbeing in decision making, serve to sufficiently strengthen the duty. To effectively strengthen the governance framework in Wales in relation to SD, legislation must go further than the existing duty .

We support WEL's recommendations to strengthen the proposals:

- A stronger, clearly worded, substantive SD duty should be included in the SD Bill, which requires Welsh Government and public bodies to exercise their powers and functions to achieve sustainable development in Wales.
- Legislation should make it clear to all of the public sector what their duty is for current and future generations, in relation to SD. What is meant by SD

should not be in question post-legislation; it should be stated within the legislation via a definition.

- The proposed duty should instruct the Welsh Government to lay out a route map at the start of every new Government, detailing how SD will be promoted and how key outcomes will be delivered. Public bodies should also be required to use their corporate plans to demonstrate how they will deliver body-specific or local SD objectives, and be required to report on their progress against SD outcomes/indicators.
- The new duty should contain more effective proposals for independent scrutiny of progress on SD.

Based on the information in the White Paper, VWT is not confident that the proposed duty will be sufficient to achieve SD in Wales. Therefore, until we can be confident that the proposed duty will strengthen SD, VWT cannot support any amendment of the current Government of Wales Act duty as described in the White Paper.

Keep 'living within environmental limits' at the core of SD

VWT is alarmed by the replacement of the recognised concept of 'living within environmental limits' with environmental 'wellbeing' in the White Paper.

Government's reasonable concern to ensure that people understand that SD is not only an environmental issue seems to be leading towards the removal of any reference to the vital concept of environmental limits. Since the idea of SD was first espoused in 1987, the importance of 'environmental' or 'ecological limits', as constraints on growth and development has been fundamental to the concept of SD and its policy. Analysis repeatedly shows that trends in growth and consumption, based as they are currently on finite resources, are unsustainable and that there is a limit to this type of growth.

If the SD Bill fails to protect and enhance the natural environment, and ensure we live within environmental limits, it will fail to fully safeguard our wellbeing and will compromise future generations. The Royal Commission on Environmental Protection in Environmental Planning (2002) stated that "Protecting and enhancing the environment must be firmly and unambiguously accepted as the foundation for sustainable development. The statements of priority objectives should be prepared on the basis that sustainable development is achievable only if the environment is safeguarded and enhanced." The previous Welsh Government demonstrated, thanks to its SD scheme One Wales One Planet, that it clearly understood this, by making specific reference to the need to enhance Wales' natural and cultural environment in order to achieve sustainability; this recognises that we start from a depleted base, and restoring nature is a deliverable of sustainable development. This Government's vision "for a sustainable Wales to become a 'one planet' nation by

putting sustainable development at the heart of government; creating a resilient and sustainable economy that lives within its environmental limits and only using our fair share of the earth's resources to sustain our lifestyles" continues to build on this sound political foresight. VWT, therefore, believes that the goal of 'living within environmental limits' should be the overarching principle within which all proposed mechanisms for delivering SD are set.

In this White Paper however, there is only one specific reference to environmental or ecological limits (para 1.6). The replacement of this key principle of SD by the much woollier concept of environmental wellbeing - which Welsh Government proposes to define later in other guidance or legislation - is unacceptable. VWT acknowledges that the outcome of SD, and in particular the outcome of 'living within environmental limits', may be wellbeing, both for people, in terms of a better quality of life, and the environment. However, in our view this concept has no place supplanting the key principles and goals of SD.

Define clear outcomes to achieve SD

The E&SD Minister has made clear that he wants this Bill to have practical effect; an aim which VWT supports. Consequently, we find it deeply worrying that most of the White Paper is concerned with the process of decision making and factors to be considered, rather than with achieving key SD outcomes.

We support the point in para 2.4 where Welsh Government states a key element of SD as a central organising principle is "a clear focus on what the organisation is seeking to deliver in support of the future wellbeing of Wales - the 'Outcomes'". VWT believes that SD as a central organising principle will not be achieved unless these outcomes are explicitly developed to reflect the goal of a sustainable Wales, which in itself needs to be clearly outlined by Welsh Government. The proposals in the White Paper fall short of this.

VWT suggests that the SD Bill should include a clear definition of SD, and that statutory guidance for public bodies on the setting of appropriate outcomes and associated performance indicators (as alluded to in para 2.22) should be produced. This will enable public bodies to contribute at sufficient scale and pace to the development of a sustainable Wales. International commitments relating to climate change, water quality and biodiversity, for example, must be reflected in SD objectives/outcomes - they provide an important reference point as to whether environmental limits are being respected. The current provisions (para 2.21) seem to allow public sector bodies to set their own outcomes, with no explanation of how these will be evaluated for sufficiency and appropriateness. It is a further concern in para 2.22 that outcomes are again focused on the wellbeing of Wales, rather than specifically meeting or exceeding key environmental, social and economic targets. VWT would caution strongly that replacing the usual terminology of SD is unlikely to improve understanding.

Welsh Government states that SD is the process of achieving sustainability. From this, VWT understands that the ultimate aim is that every Programme for Government, piece of legislation, strategy and corporate plan will be a method of achieving sustainability. This is a noble aim, but it is important that Welsh Government is very clear in what it means by a sustainable Wales in order that organisations understand the goals in question, and the scale and pace of change required to meet them. Welsh Government should reclaim, with pride, its original goal of a sustainable Wales. They should define this clearly and explain why it is vital for the people and wildlife in Wales and around the globe.

Equip decision makers with the tools to think with environmental limits in mind

The following principles for good decision making are suggested by Welsh Government in para 2.12:

- Long term thinking
- Focus on prevention
- Impact on future generations
- Consideration of long-term wellbeing of Wales

The UK's shared SD Strategy set the twin goals of living within environmental limits and providing a just society, by means of good governance, responsible use of sound science and a sustainable economy. The replacement of these goals (which also underpin Welsh Government's SD strategy One Wales: One Planet) with the concepts in para 2.12, is of some concern. Although long term thinking is to be encouraged, as is consideration of the needs of future generations, the way this is expressed in the White Paper is not the same as 'ensuring that we do not compromise the ability of future generations to meet their needs'. Welsh Government uses the phrase 'consideration of the long term wellbeing of Wales' which, although it may appear to be more user-friendly language, in application lacks the clarity required for legislation.

VWT sees some benefit in the assertion in para 2.10 that strategic decisions must be informed by consideration of the effect on economic, social and environmental factors. However, to ensure that this is more than a tick box exercise, VWT urges that the Bill provides some provision or power for the Commissioner to intervene when adverse impacts have not been adequately considered.

The economic, social and environmental effects of policy decisions must be fully assessed and understood, and their consequences fully considered in making decisions. It is important that the SD Bill ensures not only that impacts (e.g. of policies, plans, or specific activities) are assessed, but that consideration is given to

how to change, mitigate for, or prevent policies, plans or activities that are found to be unsustainable from taking effect. Where it is considered to be essential to allow an activity to take place that has a negative impact on the environment, this must be compensated for. Legal tools already exist to support this kind of decision making, such as Strategic Environmental Assessment, but there are many examples where the identification of impacts through SEA has not led to amendment of plans or strategies, or to measures being put in place to ameliorate those impacts. For example, the SEA of the previous Government's Transport Strategy showed that plans would produce an 18% increase in greenhouse gas emissions, which is contrary to legal requirements and commitments to overall reductions. If the full impact of this had been assessed, one would have expected to see changes to the proposals. If this were ultimately considered impossible, changes could have been made elsewhere to compensate - e.g. in housing - to ensure government policy overall did not have a negative impact on emissions. This encapsulates a key challenge for Government and other public bodies in achieving sustainable development, and illustrates the critical importance of robust decision making tools and their meaningful application.

To enable public bodies to assess the likely impact of their decisions, we repeat that desired outcomes must be clear, and should also link with key national and international commitments, such as those on biodiversity, climate change and water quality. It is the responsibility of Welsh Government to clearly set out with sufficient detail what these outcomes should be, so that meaningful assessment can be made. Currently, organisations could be assessing their impacts towards the vision and outcomes laid out in One Wales: One Planet. However, as Welsh Government has not made clear that this is its overarching aim, no practical steps have been taken to deliver this vision. VWT considers that, had SD been effectively embedded as Welsh Government's 'central organising principle', a logical progression would have been for the Programme for Government to be the delivery programme for SD. The fact that this is not currently the case has, in part, led to a lack of clarity in decision-making.

Include budgets in the scope of the duty

VWT believes that the SD duty should apply to all levels of decision-making necessary to secure sustainable outcomes: we consider this would include decisions on budgets and procurement. Welsh Government's proposal to exclude budgetary decisions from the duty is likely to seriously undermine progress towards a sustainable Wales and is a decision opposed by VWT. The assumption in the White Paper is that budgets are set in accordance with strategy and, therefore, there is no need to include procurement in the duty. In practice, on a year by year basis, budgets are not comprehensively reviewed with a view to their alignment with strategy, as the Welsh Audit Office's 2010 report on the embedding of SD within Government concludes.

“If sustainable development is to adequately shape the Assembly Government’s business decision making, key decisions should effectively integrate social, economic and environmental considerations, to improve wellbeing now and in the future. Sustainable development principles have not been consistently embedded in the Assembly Government’s strategic and operational decision making. The Government of Wales Act 2006 commits the Assembly Government to ensuring that all its funding works for sustainable development. However, sustainable development is not driving resource allocation nor is it integrated into all financial and business planning processes. The Assembly Government has not ensured that all its grant giving underpins its vision of a sustainable future”

We need legislation to be grounded in real world experience if we wish to exact change. The Welsh Audit Office recommended that Government should “Embed sustainable development in the Assembly Government’s governance procedures, financial planning, core business planning processes, change programmes and human resources processes” ; a recommendation which VWT supports. VWT would also like to highlight that the Scottish Government is already assessing its budgets for impacts. Furthermore, EU procurement legislation currently provides scope for social and environmental criteria during the tendering process, and further clarity is anticipated through the EU procurement directive in spring 2013. VWT would therefore urge Welsh Government to include public sector budgeting and procurement processes in the scope of the SD duty, thereby ensuring that both financial and strategic processes align with SD expectations.

VWT However there is no detail of how this would be recognised and embedded within high-level decision making. VWT believes that procurement is the key way that this should be implemented, as the supply chains which provide our catering products, clothing and ICT equipment can undermine established SD principles. Without the inclusion of procurement in the scope of the duty, there is no clear link between the intended international aspect of the duty and the procurement mechanisms which are vital to deliver international elements within Wales’ SD duty.

Question 2 - What are your views on the proposals for an independent sustainable development body? [Chapter 3]

VWT has concerns over a number of elements associated with proposals for an independent SD Commissioner and Body, including the proposed role, independence, composition, powers, and resourcing.

SD Body should have the capacity to advise, monitor and challenge

VWT agrees with proposals that the initial role for the SD Body should be to support and encourage collaboration between public sector organisations in the change process, and enhance their understanding of the new requirements of the SD Bill. To

do this effectively however, the Commissioner should have an advisory role, and the Bill should ensure the status of this advice by requiring public sector organisations to provide information to the Commissioner and have a duty to take account of the Commissioner's advice. If they choose not to take this advice, the organisations should be required to explain why they have made this decision. This is particularly important in respect of Government itself but also on behalf of future generations. It is also crucial that the Body is properly and adequately resourced.

However, although the role of the body will initially be focused on advising organisations that are subject to the duty, we believe that the role of the body needs to evolve to that of challenging Government and public sector organisations on their performance against the terms of the SD Bill. We suggest that the Body is therefore established with both advisory and monitoring roles, and develops its monitoring role after the initial phase, whilst retaining its advisory role. In light of this important development of a monitoring role for the Body and Commissioner, we believe that duties to collaborate with auditing bodies (including Auditor General Wales) and vice versa should be included in the SD Bill. This is also where consideration needs to be given to the current duty for independent assessment of Welsh Government's progress on SD. VWT believes this function should sit with the Assembly or the Commissioner.

Appoint and remunerate appropriately qualified experts

VWT agrees that the Commissioner will need to appoint support staff who are skilled in a variety of disciplines. However, experience tells us that voluntary advisory bodies are far less inclusive and much less effective than publicly appointed expert boards. Many people with relevant expertise and perspectives will be excluded from applying if they do not have the means to devote their time on a voluntary basis. Members who serve on a voluntary basis have to fit their advisory duties into their other roles/jobs, and can be perceived as being biased towards their ongoing roles/jobs. We note that the approach of the Sustainable Development Commission (SDC), which Welsh Government has used in modelling its proposals for the SD Body, was to appoint and remunerate appropriately qualified experts. We also note that knowledge of biodiversity was one aspect that was missing from the SDC, and we believe it is important for biodiversity expertise to be included in the new SD Body.

Ensure the SD Body's independence from Government

VWT would urge Welsh Government to ensure that the SD Body and Commissioner is a totally independent advisor to Government. Scrutiny and effectiveness would be strengthened if the SD Body was a wholly independent organisation where there could be no suggestion of Government exerting undue influence over its findings.

The independent Commissioner should seek outcomes which safeguard the sustainable development of Wales. To do this effectively, scrutiny should not simply

be confined to public sector organisations; it must apply equally to Government. For example, if the Commissioner concludes that current outcomes in the Programme for Government are not consistent with SD, then he/she should have the power to challenge Government on this. Under the current proposals, much of this would happen in a non-transparent way directly between Government and Commissioner. VWT observes that this situation is not consistent with good governance, which is itself acknowledged as a required element of SD.

Clarify powers and reporting arrangements

We welcome the Commissioner's power to make representations, described in para 3.21. VWT asks for clarification however, that this includes the ability to make representations to Assembly Members and Committees, Ministers and senior civil servants (across Government) including heads of public bodies. VWT believes that the Commissioner should also have the power to commission opinion from other expert bodies, such as the Committee on Climate Change. Currently the Climate Change Commission for Wales has a representative of the Committee in attendance at its meetings.

The reporting arrangements outlined in para 3.26 are welcome, and VWT strongly supports the requirement for independent assessment of progress on SD. For the Commissioner to report effectively, would require the collaboration of the Auditor General Wales and other audit bodies. It may also require collaboration of statutory advisers, e.g. Natural Resources Wales. It is also important to clarify the different elements of assessment and reporting that will be required. VWT identifies the following areas for assessment:

- Operational performance: the progress made by Government and public bodies towards embedding the requirements of the SD duty, for example, changes in decision-making processes to facilitate delivery of SD outcomes.
- Performance in meeting both overarching and body-specific or local SD outcomes and targets.

VWT believes it is vital that both these aspects are monitored and reported on, and it is important to clarify who will carry out each of these functions (the Commissioner/SD Body or Auditor General Wales and other audit bodies) and how they will assess this progress.

The relationship of the SD Body and Commissioner to other Welsh Commissioners is very important. However, VWT is concerned at the proposals in para 3.31 regarding ex officio members. It is important that the Body is balanced in its representation of the composite elements of SD. We note that the existing Commissioners have roles predominantly focused on social justice, so equal participation from representatives of the other areas of interest would be needed.

Question 3 - What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body? [Chapter 4]

VWT agrees that it would seem sensible and appropriate to adopt a phased approach to implementation, as this would allow public bodies time to prepare, and for experience and good practice to be gathered and shared before they reach the phase where their progress is scrutinised. We would suggest however, that the duty should apply to all public bodies at the same time, so that they can start working towards SD before their specified deadlines.

With regards to the timetable for the Welsh Government and its sponsored bodies, we are unclear as to how the SD Body can come in to force in 2015 and be ready and able to discharge its functions at that time. Given the urgency to start delivering SD and meeting international and EU targets, we would recommend that a fully functioning and capable SD Body should be formed as soon as possible, but certainly by Autumn 2014, to ensure maximum preparedness and effectiveness, and its ability to support the other public bodies.

Question 4 - What are your views on the proposals to improve the accountability framework for sustainable development in Wales? [Chapter 5]

VWT considers that the proposals outlined in Chapter 5 are inadequate for the purposes of ensuring the delivery of SD. Whilst we see the logic of requiring the Auditor General Wales (AGW) to audit public bodies to ensure that they have put in place the appropriate processes, this does not in itself ensure that public bodies are compliant with the principles of SD or measure whether SD is being delivered.

We believe the content of para 5.8 is unnecessarily restrictive in its audit role. For the SD Commissioner to be sure that the legislation is being complied with, and establish whether it is sufficient for its purpose, particularly in regard to the interests of future generations, there must be an assessment of the outcomes of SD processes. To address this, VWT recommends that the assessment of SD outcomes is included in the role and powers of the AGW, which would inquire into the performance of public bodies and ensure compliance in their duties. This would include audit against a full range of SD indicators designed to identify where there might be weaknesses or short comings. Public bodies would be required to provide information as directed by the SD Commissioner/Body.

If the SD Commissioner/Body is not afforded this power, and the AGW is also restricted from this purpose as currently proposed in para 5.8, then there is a real danger that the current Government of Wales Act SD duty will be seriously weakened

by this process, rather than strengthened as the Welsh Government intends. The proposals for an accountability framework therefore falls short of what we would expect from a Government wishing to strengthen SD in Wales.

Question 5 - We have asked four specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views.

VWT is in agreement with the stated political intentions of Welsh Government to “legislate to make sustainable development the central organising principle of Welsh Government and public bodies in Wales” . We welcome the reiteration of this intention in the ministerial foreword and introduction of the White Paper, and we believe that legislation is necessary to drive the changes required for Wales to become a more sustainable nation.

Opportunity to create world leading SD legislation

In a written statement on 29 June 2012 following his participation in the Rio +20 United National Conference on Sustainable Development, Environment & Sustainable Development (E&SD) Minister John Griffiths, AM stated: “It is clear that smaller countries, like Wales, can show a lead and set examples in how to create sustainable places and practises. In Wales, we now have the opportunity to further demonstrate this by creating our own ground breaking legislation on Sustainable Development.” (emphasis added).

VWT supports this vision, as pronounced by the E&SD Minister (above), that Wales has the chance, and should aim, to lead the way with ground breaking legislation in SD. However, it is VWT’s strong opinion that the current proposals are not ground breaking or world leading. Although the intention to extend the SD duty to the public sector is to be lauded, the replacement of the internationally recognised language of SD by a much less understood concept of ‘wellbeing’ is a cause for much concern, for reasons which we have already elaborated.

VWT believes that, to be truly ground breaking, the SD Bill must, as a minimum, meet the requirements below.

Proposed SD Duty must be strengthened

VWT does not feel the current proposals are sufficient to meet Welsh Government intentions to make SD the central organising principle of all their actions. We are concerned that a duty applying only to certain decisions on high level strategies, and which does not specify the desired outcomes of such decisions, will not lead to the scale and pace of change desired.

SD must be clearly defined in legislation to provide continuity

VWT is pleased that Welsh Government listened to stakeholders in the previous consultation and has decided to put a clear definition of SD in the Bill. However, we are extremely concerned that wording for such a definition is absent from the White Paper. VWT repeats the view that a definition of SD must be contained within the legislation and it must be clear and unambiguous. It must not be left open to interpretation by individuals or the courts; it must be clear in what it aims to achieve, and it must include the requirement to live within environmental limits.

Recognised principles of SD must be used

To compound our fears further we note that some of the language used in the White Paper is less clear than that in present policy documents such as One Wales: One Planet, particularly the replacement of established SD principles such as environmental limits with more ambiguous concepts of 'wellbeing'.

Independent, well-resourced SD Body and Commissioner free from politics

VWT welcomes the principle to establish an independent SD Body and Commissioner, but notes that these must be independent and free of political interference or influence. They must have the powers to challenge and the mandate to investigate, as well as necessary resources to provide support and advice.

We urge Welsh Government in the preparation of the SD Bill to ensure it corrects the deficiencies and omissions we have identified in our response. If it fails to do so, Welsh Government is unlikely to achieve its vision of a sustainable Wales and it will be unable to demonstrate its commitment to SD on the international stage. Welsh Government now has the opportunity to create truly ground breaking SD legislation in Wales. VWT believes this can be achieved, and looks forward to working with Government to ensure that this legislation reaches its full potential.

I hope you find these comments useful.

Yours sincerely



Natalie Buttriss
Chief Executive

The Vincent Wildlife Trust

Amgueddfa Cymru's response to 'A Sustainable Wales: Better Choices for a Better Future' – consultation on proposals for a Sustainable Development Bill

Amgueddfa Cymru has welcomed the opportunity to send representatives to consultations days and events and now welcomes the opportunity to submit this response on proposals for a Sustainable Development Bill.

Background on Amgueddfa Cymru

Amgueddfa Cymru – National Museum Wales was established by Royal Charter in 1907. The Museum receives its core funding through grant-in-aid from the Welsh Government as a Welsh Government Sponsored Body. Amgueddfa Cymru's Charter objective is *'the advancement of the education of the public'* involving developing, caring for, studying and sustaining access to Wales's national museum collections for the benefit of society in perpetuity. Amgueddfa Cymru's Vision, published following significant internal and external discussion and consultation, is to be 'a world class museum of learning'.

Amgueddfa Cymru – National Museum Wales operates seven national museums across Wales: National Museum Cardiff, St Fagans: National History Museum, National Roman Legion Museum, Caerleon, Big Pit: National Coal Museum, Blaenafon, National Wool Museum, Dre-fach Felindre, National Slate Museum, Llanberis and National Waterfront Museum, Swansea.

Response to Question 1: Amgueddfa Cymru's views on the proposals for a new duty to embed Sustainable Development as the central organising principle of selected organisations in Wales.

Amgueddfa Cymru supports the principle of 'Better Choices for a Better Future', focussing on the social, economic and environmental well-being for the people of Wales and their communities. Amgueddfa Cymru already has a strong commitment to sustainable development in its broadest sense and it is embedded within our current Vision of being a 'world-class museum of learning'.

As Wales' national museum, we hold vast natural sciences collections that underpin understanding of the world's biological and geological diversity and this work has international scope and significance. Our formal education programme, which reaches some 240,000 young people and children at national museum sites every year, and our informal education activities which reach in excess of a further 240,000 individuals, include a wide range of activities focussing on education for sustainable development. As a public body we aim to operate in as sustainable manner and are accredited to Green Dragon Level 3, and we work in collaboration and partnership with other individuals, bodies and organisations to deliver many outcomes. We are committed to engaging with our stakeholders and have endorsed the National Principles for Public Engagement and are ultimately guided by the principle that we are delivering the vision of being 'a world-class museum of learning' for the people of Wales, for whom we hold the national collections in trust.

We recognise the importance of governance which embodies the values of fairness and social justice, and have in place a range of corporate strategies and plans to enable that this happens. Our Vision Map, for example, sets out four perspectives (Financial Success, Improving Performance, Presenting Wales and the People of Wales) across which we strive to work sustainably to achieve our vision of being a 'world-class museum of learning'.

Amgueddfa Cymru agrees with the broad definition of Sustainable Development in Wales, which is about enhancing the economic, social and environmental well-being of people and communities, achieving a better quality of life for our own and future generations in ways which promote social justice, equality of opportunity and enhance the natural environment and cultural environment, respecting its limits. We particularly welcome the inclusion of the cultural environment, which we would view in its widest sense including language, as an element of the definition. We feel that it will be extremely important for the Welsh Government to promote the definition as widely as possible to improve public understanding about this bill and what it is designed to achieve so that Sustainable Development in Wales will become a way of being which reflects Wales's culture. We would also like to note that the Welsh Government uses a number of different definitions of Sustainable Development in various documents and clarity on a single definition would be helpful.

We support the 2 key elements of Sustainable Development as a core operating principle

- Focus on what we are seeking to deliver in support of future well-being of Wales (the outcomes)
- Ensuring that decisions taken on how the outcomes are achieved are informed by considering the effect on economic, social, environmental and long-term well-being.

Response to Question 2: Amgueddfa Cymru's views on the proposals for an independent Sustainable Development body

Amgueddfa Cymru would both value and welcome the support, advice and guidance that such an independent body could give.

Response to Question 3: Amgueddfa Cymru's views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent Sustainable Development Body.

- i) Amgueddfa Cymru is listed in Phase 1 of the duty. Late in 2013/14, following on from the implementation of the structural elements of a Change Programme, Amgueddfa Cymru will begin the process of re-visioning, so that approaching a decade on from implementing our current vision, we can start the process of planning for the next decade and beyond. It is envisaged that this process, which will involve extensive internal and external consultation, will take up to 18 months to complete, with the publication of the new Vision late in 2015/16. We are therefore suggesting that we should be included in Phase 2 of the duty, rather than Phase 1, which would enable us to ensure that our new Vision and the Corporate and Operational Plans, and the cultural and organisational development, that are an integral part of the process, are aligned and reflective of the duty and responsive to its requirements.
- ii) It would be very helpful to have the Sustainable Development Body in place (or at least a shadow of the body in place) by 2014/15 to provide support, advice and guidance to bodies to enable them to develop and begin the process of implementing the most

appropriate and relevant governance, strategic, planning and policy mechanisms in place during the run up to the duty being imposed.

Response to Question 4: Amgueddfa Cymru's views on the proposals to improve the accountability framework for Sustainable Development in Wales

Amgueddfa Cymru welcomes the proposals to improve the accountability framework for Sustainable Development in Wales and agrees with the Welsh Government's assertion that 'the most effective way to deliver accountability and robust scrutiny is to embed it with the frameworks already in place for public service organisations'.

Response to Question 5: Amgueddfa Cymru's comments on related issues (outside the 4 specific questions)

While we understand the need to ensure consistent application of Sustainable Development principles across the Welsh Public Service, it is vitally important that the systems and mechanisms applied **respect the diversity of the sector** and the organisations within it. Only by ensuring that this **distinctiveness** is part of the solution, will implementation be successful. We particularly welcome the fact that the white paper states the Welsh Government is aware that it must allow for 'flexibility and innovative Welsh solutions, whilst avoiding the creation of additional bureaucracy' and we fully endorse that point of view.

From: Hartley, Simon [simon.hartley@aecom.com]
Sent: 28 February 2013 15:41
To: SD Bill
Subject: FW: Comments on the Sustainable Development Bill

To Whom It May Concern:

Following my recent meeting with David Fitzpatrick Cannal Cymru and group discussion, I am writing to express my own views (not those of my company) on the proposals for an SD Bill for Wales.

I particularly agree with the comments that Cannal Cymru included in their recent e-mail shot – as below in italics with what I particularly agree with in bold:

Final commentary

The following is a series of comments and observations written as a result of the recent engagement process. One notes that many are quite radical.

These views are not the views of Cynnal Cymru but are presented for information.

There is a danger that the WG will fall under the spell of the overall rhetoric of being a leader on sustainability, without having a clear understanding of sustainability to deliver.

This approach has tried and tested merit for making legislation, but it **doesn't represent the step change to behaviour that sustainable development demands.** The Welsh Government has rightly received kudos and praise for taking the bold step to introduce legislation that is so far advanced in the UK jurisdictions that it goes beyond what even the most optimistic backbencher would be expected to bring forward. Amongst the back slapping and congratulations, there is a range of problems that remain unresolved. The draft Sustainable Development Bill needs to legislate for the principles of strong sustainability: an economy and society supported by a strong environment, **within the constraints of environmental limits.** It must **not be an attempt to balance the competing priorities of each.** In reality, this means **explicit duties to assess environmental impacts across projects and organisations, a specific duty not to individually or collectively breach environmental limits, and to create a duty always to act through the precautionary principle.** Strong sustainability models are clear. Environmental degradation to support the economy is not sustainability, however pressing are the problems facing the standard economy.


I am tempted to go further (even more radical) than above. A definition is needed to be able to understand what is required, to enforce and to evaluate progress. The definitions of “sustainability” and “sustainable development” [that came about starting with Brundtland and ever since] have diluted original meanings which related to natural/environmental issues. I do not believe in the model of interlinking circles of economy, environment, society, etc which muddle the issues, but rather that all circles are subsets of our natural environment/planet – without which the others would not exist. There are 2 very clear and imminent threats to environment: habitat/species loss (bio-diversity) and climate change – both of which are difficult to address due to our dependency on exploiting natural resources

and oil and coal based energy supplies. Having very complex and multi-faceted models of *sustainability* allows claims that a holistic approach is being adopted. However, it is also very obvious that some aspects of sustainability are rather easier to achieve than others and by demonstrating progress on the numerous 'easy-to-achieve' indicators often allows claims of success which over-shadow the fact that no progress is made on these 2 critical issues (biodiversity / carbon emissions).

Please confine definition and duty to unwavering and inescapable absolute targets for reducing carbon from energy and preserving natural habitat/species. This will require some legislative change (e.g. Wales responsibility for energy policy, etc), however, the commitment will be understandable, measurable and enforceable, will tackle imminent threats and impact upon other problems e.g. waste, investment and jobs that accompany successful innovation, etc, and will have the significant and positive impacts that is required rather than just the rhetoric about the positives such transition would bring (e.g. "green jobs"; "green economy"; "innovation", etc)

Regards
Simon

Simon Hartley BA Hons PgC PgDip CEnv MIEMA MEI
Associate Director - Sustainability
D +44 (0)29 2035 3422
M +44 (0)79 2164 6144
simon.hartley@aecom.com


Churchill House
Churchill Way
Cardiff, CF10 2HH
T +44 (0)29 2035 3400 F +44 (0)29 2035 3499
www.aecom.com

P Consider the environment. Please don't print this e-mail unless you really need to.
Ystyriwch yr amgylchedd - Oes rhaid i chi brintio'r e-bost hwn

This email is confidential and is for the intended recipient only. If you are not the intended recipient, please contact the author and you must not disclose or use the contents in any way. The author bears responsibility for any legal action or disputes arising from views or professional advice expressed which do not relate to the business of AECOM Ltd.

AECOM Limited Registered in England No: 1846493

Registered Office: AECOM House, 63-77 Victoria Street, St Albans, Herts, AL1 3ER

Please consider the environment before printing this e-mail

Find out more about [ONE](#), AECOM's global e-magazine

Sustainable Development Bill White Paper

We want your views on our proposals for a Sustainable Development Bill.

Please submit your comments by 4 March 2012.

If you have any queries on this consultation, please email:
SDBill@wales.gsi.gov.uk or telephone: (02920 82) 1728 or 6541

Data protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

C S LTAT F

Sustainable Development Bill White Paper		
3 December 2012 4 March 2013		
Name		
Organisation		
Address		
E-mail address		
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

1	<p>What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]</p>
<p>*Considering the direction of travel that is being undertaken by local authorities it is surprising not to see a more coherent outline of how partner agencies (Third Sector and Voluntary Organisations and the Police) are expected to deliver sustainability outcomes in a partnership setting.</p> <p>*At this point in the consultation process we would have expected a clearer iteration of the Central Organising Principle and how the comprehensive delivery of Sustainability in Rhondda Cynon Taf can be replicated elsewhere. As an organisation that is measuring its Sustainability Actions through a Corporate Sustainability Action Plan, based on existing monitoring arrangements, we were expecting more concrete proposals on what shall be contained in the legislation.</p> <p>*There needs to be a clearer definition of non-compliance.</p> <p>*Clear pathways to the guidance that will be issued alongside the legislation, would have been appropriate.</p> <p>*The scope of the duty could be made clearer so as to avoid the perception, that being sustainable means not being innovative.</p> <p>*A review of Sustainability indicators, as proposed prior to the Bill becoming law, would be most welcome, as this would allow RCTCBC to ensure that it is monitoring the most relevant and proportionate indicators that reflect how sustainable communities are in our area, and reflect an interpretation of sustainability that most reflects the unique challenges of RCTCBC and it's communities.</p> <p>*This Bill should reflect the existing legislative frameworks (LG Measure 2009/WPI etc) containing the same or similar requirements.</p>	

2

What are your views on the proposals for an independent sustainable development body? [Chapter 3]

- *We welcome the setting up of the new body and the role of Commissioner as this sets the tone for the overarching nature of sustainability.
- *We are concerned that the Body will have enough capacity to provide support to those who need to move on to the next level in the delivery of Sustainable Development, such as RCTCBC, those that will need encouragement to attain a more sustainable standard and those who are coming to an understanding of what a sustainable community looks like.
- *How will the new body hold others to account and be accountable itself? Its not clear on what the influence or direct powers of the Body will be.
- *In what way will the AGW and the new body interact in terms of judgement of performance and assistance in continuous sustainable improvement?
- *The body should have a central role in developing and reviewing the indicators that are due to be published during 2013.
- *The White Paper remains unclear as to how the new body will execute its statutory responsibility.
- *How does this 'statutory responsibility' balance will the overwhelming burden of statute and instrument that bears down on local government? Has a mapping of contradictory guidance been carried out - to ensure that the Bill when it becomes law, does not conflict with current service delivery?
- *We would welcome an encouragement of added-value to the process of public service delivery by the body.

3

What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body? [Chapter 4]

- *We agree with the principle of the phased timing, although we are happy to be part of a 'shadow implementation' - if that is required.
- *It must be noted that Local Government provides many examples of what sustainable behaviour and sustainability as the central organising principle looks like.
- *It's positive that the Welsh Government is an exemplar of sustainability being the Central Organising Principle; however, it would be useful for the lessons learnt from the process to be shared more widely so that reflection elsewhere can be informed.
- *Should the White Paper not ensure that Sustainability is base-lined across Local Government to ensure everyone is attaining a minimum by an expected date.

4

What are your views on the proposals to improve the accountability framework for sustainable development in Wales? [Chapter 5]

- *Within RCTCBC our ongoing 'Mainstreaming Sustainability' Corporate Action Plan is a proportionate reflection of what Sustainable Development means to us and our communities.
- *We believe that this format and structure of accountability and monitoring is challenging yet places no additional burden on the services we deliver, particularly in this challenging financial environment.
- *RCTCBC would welcome working with the AGW and the WAO to ensure that the external scrutiny of Sustainability in a Local Government setting is proportionate.
- *Capacity for internal Scrutiny and Audit would need to be assessed at a local Committee level.
- * The White Paper does not indicate if there is a difference between external Scrutiny and Audit.
- * Will the scrutiny focus on the process or the outcomes or both?
- * Where does accountability rest within an organisation - currently for Welsh Language and Equalities there is a named senior officer - this needs to be clearly defined in the Bill.
- *The White Paper does not set out how the consistency of assessment across the public sector will be established.
- *External Audit functions already have a wealth of knowledge as they are structured to ensure a consistent approach.

5

We have asked five specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views.

Please provide your views below:

- *RCTCBC sincerely hopes that 'league-tables' of sustainability will not be established or encouraged.
- *Sustainability in Local Government needs to reflect the needs of each area and be proportionate - therefore any 'table of achievements' would be unfair.
- * More robust and permanent indicators are required - local government (and RCTCBC in particular) is well placed to assist in this process.
- * A more thorough White Paper would have been welcomed at this stage.

Confidentiality

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

o to respond

Please submit your comments by 4 March 2013, in any of the following ways:

mail	ost
Please complete the consultation form and send it to: SDBill@wales.gsi.gov.uk Please include 'WG17030' in the subject line.	Please complete the consultation form and send it to: Sustainable Development Bill Team Welsh Government Cathays Park Cardiff CF10 3NQ

Additional information
If you have any queries on this consultation, please contact us by email or telephone: Email: SDBill@wales.gsi.gov.uk Telephone: (02920 82) 1728 or 6541

Sustainable Development Bill White Paper

We want your views on our proposals for a Sustainable Development Bill.

Please submit your comments by 4 March 2012.

If you have any queries on this consultation, please email:
SDBill@wales.gsi.gov.uk or telephone: (02920 82) 1728 or 6541

Data protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

C S LTAT F

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
Name	David Williams	
Organisation	University of Glamorgan	
Address	Llantwit Road, Treforest, CF37 1DL	
E-mail address	djwillia@glam.ac.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input checked="" type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

1	<p>What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]</p>
<p>Please provide your views below:</p> <p>The scope of the duty needs to be as a proposed requirement rather than voluntary otherwise it will not be taken on board by organisations.</p> <p>Good idea to use existing reporting arrangements rather than adding additional bureaucracy.</p>	

2

What are your views on the proposals for an independent sustainable development body? [Chapter 3]

Please provide your views below:

Details of what 'constructively challenge' will involve.

Need to think about the different organisations and how the challenges will fit in with the organisation.

3

What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body? [Chapter 4]

Please provide your views below:

Phased approach would work best, but need to think carefully about what targets will be used to measure progress - are the targets realistic?

4

What are your views on the proposals to improve the accountability framework for sustainable development in Wales? [Chapter 5]

Please provide your views below:

More detail on the audit is required. What elements will be audited and what will they be audited against?

5

We have asked five specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views.

Please provide your views below:

Confidentiality

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

o to respond

Please submit your comments by 4 March 2013, in any of the following ways:

mail	ost
Please complete the consultation form and send it to: SDBill@wales.gsi.gov.uk Please include 'WG17030' in the subject line.	Please complete the consultation form and send it to: Sustainable Development Bill Team Welsh Government Cathays Park Cardiff CF10 3NQ

Additional information
If you have any queries on this consultation, please contact us by email or telephone: Email: SDBill@wales.gsi.gov.uk Telephone: (02920 82) 1728 or 6541

Sustainable Development Bill White Paper

We want your views on our proposals for a Sustainable Development Bill.

Please submit your comments by 4 March 2012.

If you have any queries on this consultation, please email:
SDBill@wales.gsi.gov.uk or telephone: (02920 82) 1728 or 6541

Data protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

C S LTAT F

Sustainable Development Bill White Paper		
3 December 2012 4 March 2013		
Name		
Organisation		
Address		
E-mail address		
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input checked="" type="checkbox"/>

1	What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]
Please provide your views below: We support sustainable development being embedded as the central organising principle of selected organisations for Wales. However, the Government will need to keep in mind that organisations within the public sector are of a variety of size and smaller organisations may not be able to embed sustainable development to the same standard as that of a larger organisation. How will the Government bear this in mind? How will the Government ensure that individual organisations are in line with the requirements. As a new duty what enforceable powers will the Welsh Government have? Will the public sector organisations funding be affected if they do not embed sustainable development? How will the Government measure performance?	

2

What are your views on the proposals for an independent sustainable development body? [Chapter 3]

Please provide your views below:

I am of the opinion that an independent sustainable development body can only be a good thing. It will be extremely useful to have a contact, someone to provide advice and guidance as to the way forward.

How will the Government fund this body and how long will they be in post for? I believe sustainable development is a long term issue and if the body is only in place for three years, helping certain organisations implement sustainable development over a three year period then what happens after this period? Where do parties turn to after this time for guidance. How will the body get round the different organisations within the year? There is a need to be proactive.

How will the sustainable development body enforce the bill and how can they hold organisation providing public services to account on sustainable development.

3

What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body? [Chapter 4]

Please provide your views below:

My only concern with regards to the phasing and implementation is I'm not sure how it will work. The FE sector is generally smaller than Local Authorities and NHS which also falls under the 2016 phasing. How can the Government ensure that the smaller organisation have the same level of support as the larger organisations?

I am happy with the proposed phasing but feel more should be done prior to the implementation before April 2016. How will the Government monitor progress? Through the sustainable development indicators? What will the Government do to help organisations embed sustainable development prior to the implementation deadline?

How will this independent sustainable development body be funded? What will happen to the support and monitoring after 2017?

How will the new body assess sustainability within the organisation? How will they measure performance? I do believe the Sustainable Procurement Assessment Framework was a great tool to assess sustainable development within procurement, but the Welsh Assembly are no longer implementing this so how will the new body assess sustainable development within each section of an organisation? What will they use to benchmark organisations?

4

What are your views on the proposals to improve the accountability framework for sustainable development in Wales? [Chapter 5]

Please provide your views below:

I know that everyone will be accountable but how will this be impleted and monitored? What powers will the body have ? How will you determine accountability?

5

We have asked five specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views.

Please provide your views below:

There are specific issues already addressed within my above response, but just to reiterate. The government need to bear in mind the size of the organisations, what powers will the new body have and what are the implications of not embedding sustainability to the governments requirements?

Confidentiality

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

o to respond

Please submit your comments by 4 March 2013, in any of the following ways:

mail	ost
Please complete the consultation form and send it to: SDBill@wales.gsi.gov.uk Please include 'WG17030' in the subject line.	Please complete the consultation form and send it to: Sustainable Development Bill Team Welsh Government Cathays Park Cardiff CF10 3NQ

Additional information
If you have any queries on this consultation, please contact us by email or telephone: Email: SDBill@wales.gsi.gov.uk Telephone: (02920 82) 1728 or 6541

W LS T

A Sustainable Wales Better Choices for a Better Future
Consultation on proposals for a Sustainable Development Bill

CA D FF T L TA ST S S S

C S LTAT ST S

Question 1 Chapter 2
What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? Agree
Question 2 Chapter 3
What are your views on the proposals for an independent sustainable development body? Would prefer it to have been an existing body but hope it can provide useful leadership and guidance.
Question 3 Chapter 4
What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body? No opinion
Question 4 Chapter 5
What are your views on the proposal to improve the accountability framework for sustainable development in Wales? Agree but need to move quickly
Question 5
We have asked four specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views

Sustainable Development Bill White Paper

We want your views on our proposals for a Sustainable Development Bill.

Please submit your comments by 4 March 2012.

If you have any queries on this consultation, please email:
SDBill@wales.gsi.gov.uk or telephone: (02920 82) 1728 or 6541

Data protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

C S LTAT F

Sustainable Development Bill White Paper		
3 December 2012 4 March 2013		
Name	Iwan Evans	
Organisation	Snowdonia National Park Authority	
Address	National Park Office, Penrhyndeudraeth, Gwynedd. LL 48 6LF.	
E-mail address	iwan.evans@eryri-npa.gov.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

1	<p>What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]</p>
<p>Please provide your views below:</p> <p>The new duty is supported in principle by the Snowdonia National Park Authority (SNPA). There will however be a need for all organisations to fully understand the concept and apply it consistently in their decision making otherwise the system will be flawed from the start. For example it must be acknowledged that organisations will give a different weighting to economic, social and environmental considerations which will produce different "outcomes" to the roles and functions they perform. Clear guidance will therefore be required to ensure consistency and future scrutiny.</p> <p>It is understood that the concept should be applied at the strategic level. However there should be some encouragement to cascade the duty to other decision making levels otherwise "coal face " decisions may become unsustainable or remote. Any guidance in this regard however should avoid adding additional bureaucracy as mentioned in paragraph 2.25.</p>	

2

What are your views on the proposals for an independent sustainable development body? [Chapter 3]

Please provide your views below:

The principle of this Body as an advisory and supporting organisation is endorsed, but its role needs to be more clearly defined and how it should interact with other relevant organisations. Whilst supporting the emphasis on collaborative working between organisations, this will not always be possible if the strategic objectives or functioning purposes of organisations are not compatible. There is also a danger that amalgamated decision making will not be locally accountable, relevant or even sustainable for smaller communities.

The role of the new Body should be to support and facilitate good practice. Evidence will be crucial to deliver meaningful SD delivery on the ground. The new Body must facilitate and coordinate the evidence base on a strategic, regional and national basis.

3

What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body? [Chapter 4]

Please provide your views below:

The SNPA already applies the principles of sustainable development in its statutory functions. SD has been a central plank of the National Park Management Plan (adopted 2009) and the Eryri Local Development Plan (adopted 2011). Both these plans were subject to a Sustainability Appraisal (SA) and the results published. It would appear therefore that the implications for the Authority would not be too onerous in applying the new duty. In this regard the implementing timetable for all National Parks could be brought forward by a year from 2016 to 2015.

4

What are your views on the proposals to improve the accountability framework for sustainable development in Wales? [Chapter 5]

Please provide your views below:

As stated in paragraph 5.9 any additional audit by the AGW should build on existing arrangements and not create any additional burden. There may be existing indicators or data which could be used. It is agreed that the scrutiny should be restricted to processes and strategic decisions otherwise the audit is likely to become too cumbersome and overly complicated.

It is imperative that the accountability framework is light touch using existing frameworks. We need clarity regarding how accountability will work where decisions have long term impacts.

5

We have asked five specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views.

Please provide your views below:

The new framework and duty should not stifle innovation and risk taking. Organisations should be encouraged and supported to take risks and to try out new ways of working. The scrutiny and accountability framework should be supportive in this regard.

It is imperative that SD should focus on practical outcomes empowering organisations to drive positive change.

Although there is a definition in the consultation of sustainable development (para 1.9) which originates from the document “One Wales ; One Planet” we feel there is scope for organisations to interpret the terminology differently which will cause inconsistency and confusion. For example what is exactly the meaning of “ enhance the natural and cultural environment and respect its limits” There is also the opportunity here to promote some matters more positively in order to secure, for example, the future of the Welsh language and to arrest the decline indicated by the 2011 census. The social well being of Wales will not improve, and the principles of sustainable development will not be upheld, if in ten years time there is a further deterioration in the numbers able to speak and write in Welsh. We would therefore like to see a reference to the objective of promoting the use of Welsh as an important and integral element to creating a “sustainable” Wales for the future. .

Confidentiality

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

o to respond

Please submit your comments by 4 March 2013, in any of the following ways:

mail	ost
Please complete the consultation form and send it to: SDBill@wales.gsi.gov.uk Please include 'WG17030' in the subject line.	Please complete the consultation form and send it to: Sustainable Development Bill Team Welsh Government Cathays Park Cardiff CF10 3NQ

Additional information
If you have any queries on this consultation, please contact us by email or telephone: Email: SDBill@wales.gsi.gov.uk Telephone: (02920 82) 1728 or 6541

**CLWYDIAN RANGE AND DEE VALLEY AONB
INTERIM JOINT ADVISORY COMMITTEE**

CONSULTATION SUB COMMITTEE

8 MARCH 2013

AGENDA ITEM NO. 4

**WELSH GOVERNMENT WHITE PAPER CONSULTATION:
A SUSTAINABLE WALES - BETTER CHOICES FOR A BETTER
FUTURE**

Background

1. The Welsh Government (WG) has published a White Paper which sets out the Welsh Government's proposals to bring forward legislation to make sustainable development the central organising principle of the Welsh Government and Welsh public service organisations in Wales; and to create an independent sustainable development body for Wales.

2. The fundamental elements on which WG is proposing to bring forward legislation to strengthen the governance framework for sustainable development are summarised as:

- *A new duty* - a stronger duty that requires specified public service organisations to embed sustainable development as their central organising principle;
- *Support* - establishing an independent body on a statutory basis to support organisations to embed sustainable development and join up in working towards the improved wellbeing of Wales;
- *Implementation* - through a range of actions which both strengthen the governance for sustainable development and support the change to deliver the outcomes needed; and
- *Accountability* - reporting and scrutiny arrangements to ensure that sustainable development is fully embedded within organisations.

Members who wish to view the consultation paper can access the document at:

<http://wales.gov.uk/docs/desh/consultation/121203asusdevwhitepaperen.pdf>

3. The closing date for receipt of comments is 4 March 2013. Given that the deadline is before your meeting, the recommended response set out in this report has been forwarded to WG with the proviso that the JAC's comments may be amended following today's meeting.

4. In July 2012 the JAC responded to an earlier WG consultation on their initial proposals for a Sustainable Development Bill. Your response at this time was as follows:

“The JAC supports the overall aim to facilitate and promote sustainable development by embedding the principle into the way organisations work, along with encouraging more longer term, integrated thinking.

In taking forward the sustainable development agenda the JAC would ask the Welsh Government to recognise the role played by Wales' protected landscapes, including the Clwydian Range and Dee Valley AONB, in securing a sustainable future. The very high quality of the Welsh landscape is one of the country's defining features and it has a vital part to play in maintaining and enhancing our quality of life in many ways, including health and wellbeing, biodiversity, conservation of our culture and heritage together with economic prosperity. Conservation and enhancement of Wales' best landscapes must be recognised as a sustainable development objective.

The JAC would also recommend that implementation of the proposed sustainable development duty in respect of 'higher level decisions' such as longer term strategies should include AONB Management Plans prepared in line with the Countryside and Rights of Way Act 2000.”

5. The proposals for the bill are deliberately set at a high level, and subsequent consultation on details surrounding implementation of the bill and related matters are likely to be areas where the JAC can make a more substantive contribution. This will include such matters as revised sustainable development indicators (with a view to including meaningful indicators/outcomes associated with Wales' protected landscapes), detailed guidance documents which are to be prepared, and to ensure that the proposed new Sustainable Development Body properly reflects the importance of protected

landscapes in securing sustainable development and has relevant expertise in this area. In addition, when the draft bill is published the JAC may have further observations on the detailed wording. However, at this stage it is recommended that you lend your support to the broad approach proposed by WG. The recommended response to the consultation is set out below.

6. Following consideration of responses to the White Paper, WG propose to place a Sustainable Development Bill before the National Assembly for Wales in autumn 2013.

Recommendation

7. To submit the following response to WG:

“The JAC supports a new duty which aims to embed sustainable development as the central organising principle for public bodies in Wales, and welcomes the proposal for an independent sustainable development body. The intention to phase in implementation of the new duty to allow the new body to develop its capacity, guidance and support for other public organisations prior to them being subject to the new duty is a sensible and realistic approach.”