



## Sustainable Development Bill White Paper

February 2013

**Wales Environment Link (WEL)** is a network of environmental and countryside Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially designated the intermediary body between the government and the environmental NGO sector in Wales. Its vision is to increase the effectiveness of the environmental sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

Wales Environment Link values the opportunity to take part in this important consultation.

In our previous response to Government consultation on SD proposals, we laid out some key objectives that we believe will serve to ensure the SD Bill represents the effective, ground-breaking legislation that Welsh Government desires.

WEL's recommendations for the SD Bill are:

- To strengthen the current SD duty
- To define SD (which must include 'living within environmental limits')
- To define the outcome that Welsh Government wishes to see
- To establish an independent SD Body to advise, support and scrutinise compliance, whilst advocating the needs of future generations
- To ensure the SD duty applies to all levels of decision making

However, we have not found the proposals in the White Paper to be clear or to sufficiently address the key recommendations listed above.

### **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**

WEL 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"<sup>1</sup>. 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<sup>2</sup>.

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

<sup>2</sup> As specified in section 79 of Government of Wales Act this is "to promote sustainable development (through a scheme)."

WEL recommends the following in order to strengthen the proposals:

1. 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.
2. 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.
3. 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.
4. The new duty should contain more effective proposals for independent scrutiny of progress on SD – we will provide more detail on this in our response to questions 2 and 4.

Based on the information in the White Paper, WEL 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, WEL 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**

WEL 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”*<sup>3</sup> continues to build on this sound political foresight. WEL, 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. WEL acknowledges that the outcome of SD, and in particular the outcome of ‘living within environmental limits’, may be wellbeing, both for

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<sup>3</sup> Welsh Labour Manifesto 2011, Chapter 11, P91 <http://www.welshlabour.org.uk/uploads/welsh-labour-manifesto.pdf>

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 WEL 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’”. WEL 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.

WEL 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. WEL 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, WEL 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<sup>4</sup>. 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<sup>5</sup> 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,

<sup>4</sup> Welsh Labour Manifesto 2011, Chapter 11, P91 <http://www.welshlabour.org.uk/uploads/welsh-labour-manifesto.pdf>

<sup>5</sup> Securing the Future, 2005, P16 <http://www.defra.gov.uk/publications/files/pb10589-securing-the-future-050307.pdf>

although it may appear to be more user-friendly language, in application lacks the clarity required for legislation.

WEL 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, WEL 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. WEL 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**

WEL 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 WEL. 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*<sup>6</sup>

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*”<sup>7</sup>; a recommendation which WEL supports. WEL 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. WEL 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.

WEL also welcomes the recognition of the international scope (2.15) within the duty. However there is no detail of how this would be recognised and embedded within high-level decision making. WEL 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]**

WEL 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**

WEL 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. WEL believes this function should sit with the Assembly or the Commissioner.

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<sup>6</sup> Welsh Audit Office (WAO), 21<sup>st</sup> January 2010, ‘Sustainable development and business decision making in the Welsh Assembly Government’, page 11

<sup>7</sup> WAO 2010, page 13

### **Appoint and remunerate appropriately qualified experts**

WEL 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**

WEL 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. WEL 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. WEL 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. WEL 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 WEL 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. WEL identifies the following areas for assessment:

1. 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.
2. Performance in meeting both overarching and body-specific or local SD outcomes and targets.

WEL 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, WEL 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]**

WEL 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]**

WEL 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, WEL 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.**

WEL 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”<sup>8</sup>. 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.

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<sup>8</sup> Programme for Government, Chapter 11, P.43 <http://wales.gov.uk/docs/strategies/110929chap11en.pdf>

### **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).

WEL 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 WEL'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.

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

### **Proposed SD Duty must be strengthened**

WEL 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**

WEL 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. WEL 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**

WEL 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. WEL believes this can be achieved, and looks forward to working with Government to ensure that this legislation reaches its full potential.



**The following WEL members support this document:**

**Bat Conservation Trust**

**Butterfly Conservation Wales**

**Campaign for National Parks**

**Campaign for the Protection of Rural Wales**

**Cymdeithas Eryri / Snowdonia Society**

**Keep Wales Tidy**

**Ramblers Cymru**

**RSPB Cymru**

**The Conservation Volunteers**

**Vincent Wildlife Trust**

**Wildlife Trusts Wales**

**WWF Cymru**

**Ymddiriedolaeth Genedlaethol / National Trust**



**Cymdeithas Parc Bannau Brycheiniog**  
**Brecon Beacons Park Society**  
[www.breconbeaconsparkociety.org](http://www.breconbeaconsparkociety.org)

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1<sup>st</sup> March 2013

WHITE PAPER – A Sustainable Wales: Better Choices for a Better Future

The Brecon Beacons Park Society (BBPS) is an independent charity whose aims are -

- To advance the enhancement, protection and conservation of the countryside and other amenities of the Brecon Beacons National Park for the benefit of the public.
- To advance the education of the public in the ways in which to achieve the above including the provision of opportunities for healthy recreation and in particular walking.

We welcome the opportunity to respond to this consultation.

The BBPS recognise that the aim of the White Paper is to set out a governance framework for sustainable development.

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,

James Wilson  
Chair, Brecon Beacons Park Society  
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Welsh Government

**White paper**

## **A Sustainable Wales**

### **Better Choices for a Better Future**

Consultation on proposals for a Sustainable Development Bill

Response from **Association of Welsh RIGS Groups (AWRG)**

AWRG was set up in 1999 to support Regionally Important Geodiversity Sites (RIGS) Groups. The aims of the RIGS Groups: to identify, survey, document and conserve RIGS in Wales; to promote the establishment and protection of RIGS for future generations; to promote interest and raise awareness in geological conservation.

Over the last 10 years, Welsh RIGS groups have undertaken an All-Wales RIGS audit funded by the Welsh Assembly Government. This was completed in April 2012 and there is now an All-Wales database of RIGS to complement the geological SSSIs.

These sites are a unique record of the important geological sites in Wales and are of inestimable importance to the people of Wales. They contribute to the greater understanding and enjoyment of geology, the landscape and heritage of Wales and its underpinning geodiversity. The conservation of these sites and their context within the wider landscape is of vital importance.

#### **Consultation Response**

The AWRG welcomes the opportunity to comment on the Welsh Government Consultation on proposals for a Sustainable Development Bill and has outlined more specific comments below.

**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?

Sustainable development was first defined in 1987 by the UN Brundtland report as: 'sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs'. The UN Sustainable Development, definition, is not universally accepted and has undergone various interpretations.

What sustainability is, what its goals should be, and how these goals are to be achieved are all subject to interpretation. For many environmentalists 'sustainable development' is an oxymoron - as development seems to entail environmental degradation. This is particularly relevant to the extractive industries upon which Wales depends.

Sustainable development in the extractive industry requires the quarrying and mining of resources including coal and limestone. Extraction is, by definition, unsustainable, as the resource cannot be replaced and the landscape is commonly left at the end of the process with a large hole in the ground. The only way to minimize this is to increase efficiencies and the reuse of recycled material e.g. reusing concrete as aggregate. It is then important that the community benefits from the disadvantages of the extractive industry and that the hole in the ground is reused imaginatively. Thus development that cannot be sustainable must be considered within this white paper.

Proposing a 'duty to embed sustainable development' requires that there is, across the organization, a clear understanding of the issues together with the associated tasks including ascertaining those that are desirable and undesirable, implementation and the review and policing processes.

Wales has a unique position in the science of geology. The geology of Wales has great historic significance in the development of AWRG's response to A Sustainable Wales: Better Choices for a Better Future  
Consultation on proposals for a Sustainable Development Bill



of geology as a science. All the geological periods from the late Precambrian, about 600 million years ago, to the Jurassic, 145 million years ago, are present at the surface whilst younger rocks occur beneath the seas immediately off the Welsh coast. These rocks are quarried and mined for coal, limestone, slate and other minerals. The overlying deposits and landforms were formed during the period since the last Ice Age, the last 20,000 years by ice and water; contribute to a remarkably diverse landscape of mountains, hills and coastal plains.

The geology of Wales is a huge and significant resource and its use and conservation is of great importance to Wales. This ranges from tourism, many visitors to Wales come for the landscapes and seascapes, to the extraction of coal, limestone, slate, shale gas and the use of water for power all of which will have an effect on 'environmental wellbeing'.

The geology of Wales is also of great significance to the teaching of geology in the UK. There are a significant number of groups to come to Wales to study its unique geology and this contributes the sum of human knowledge of how this planet formed and how the Earth responds to change. This is of particular importance during these times of climate change. Evidence of previous climate change is present in the geology of Wales and its understanding is vital how Wales responds to this change. Conservation of this resource is vital.

The table (Table 1) of organizations proposed to be subject to the duty does not include British Geological Survey; the partly publicly funded body which aims to advance geoscientific knowledge of the UK, including Wales, and its continental shelf by means of systematic surveying, monitoring and research. This is a serious omission.

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

AWRG considers that an Independent Sustainable Development Body would not be advantageous to the 'sustainable development' of Wales. An extra level of bureaucracy would be introduced that would be detached for the day-to-day issues.

Sustainable Development should be lead by an organization that has responsibility for the conservation of the landscape of Wales, Countryside Council for Wales and its successor Natural Resources Wales but also has substantial knowledge and understanding of the economic value of the resource.

CCW and (hopefully its successor NRW) are champions of the environment and landscapes of Wales and its coastal waters, as sources of natural and cultural riches, as a foundation for economic and social activity, and as a place for leisure and learning opportunities. CCW aims to make the environment a valued part of everyone's life in Wales. This statement makes NRW the ideal organization to take on this role.

To complement NRW's role each of the organization in Table 1 should have a senior member of staff, enabled to manage and monitor the 'sustainable development' of the organization.

**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?**

AWRG considers that it is important that 'sustainable development', dependent on an agreed definition, should be integrated within organizations as soon as is practical. If NRW is to lead on this duty, then it should be integral to its aims and objectives. Although a phased approach has its advantages in terms of pilots and studying the most effective processes, it can lead to a 'piecemeal' approach with some sectors have a 'duty and other not. This could undermine the 'duty' and lead to less effective implementation.

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

Accountability is of vital importance if this 'duty is to succeed. Compliance should be obligatory and scrutiny of compliance

audited by a public body with the necessary statutory authority. This should also be transparent.

**Question 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?

- What is meant by 'environmental wellbeing'? There are considerable conflicts of interest that can arise. For example, a quarry may be vital for the economic wellbeing of a community, which will have a positive impact on the environmental wellbeing of those affected in terms of jobs, exposure of geology, but an adverse effect on wildlife.
- AWRG has considerable concerns about the absence of organisations with regard to the geology, geomorphology, geodiversity especially geoconservation within the scope of a duty of sustainable development. Geoconservation is vital to the 'environmental wellbeing' of Wales.
- The 'sustainable development' of Wales cannot be managed without a sound and extensive understanding of those resources, which fundamentally must include geology and geomorphology, the minerals, rock, stone, landscape and coast. Geodiversity underpins biodiversity

This response has been written following consultation with, and the agreement of, the AWRG executive committee.




Jacqui Malpas, BSc, PhD, FGS  
Chair, Association of Welsh RIGS Groups (AWRG)

8064

*Alliance of Welsh  
National Park Societies*

*Cynghrair Cymdeithasau  
Parciau Cenedlaethol Cymru*

  
Brecon Beacons Park Society  
Cymdeithas Parc  
Bannau Brycheiniog



  
Cymdeithas Eryri  
Snowdonia Society

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

1<sup>st</sup> March 2013

WHITE PAPER – A Sustainable Wales: Better Choices for a Better Future

The Alliance of Welsh National Park Societies is a partnership of the three Welsh National Park Societies and promotes and supports the National Park concept in Wales. The AWNPS provides the Societies with the means of identifying issues of common interest and developing joint positions and actions on behalf of their several thousand members. It is entirely focussed on protecting, conserving and enhancing the National Parks of Wales for the enjoyment and benefit of all. 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.

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.

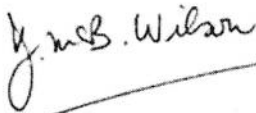
*“Sustainable development means enhancing the economic, social and environmental well-being of people and communities, achieving a better quality of life for our own and future generations in ways which:*

- 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,



James Wilson

Chair, Alliance of Welsh National Park Societies



March 3<sup>rd</sup> 2013

Number WG17030

Welsh Government

**White paper**

## **A Sustainable Wales**

### **Better Choices for a Better Future**

Consultation on proposals for a Sustainable Development Bill

Response from **North East Wales Regionally Important Geodiversity Sites Group (NEWRIGS)**

NEWRIGS was set up in 1993 as part of the Clwyd RIGS group to address the task set by the Countryside Council for Wales (CCW) of selecting and conserving Earth heritage sites outside the existing SSSI and GeoConservation Review (GCR) framework sites of geological and geomorphological interest. These sites were to complement the growing number of geological SSSIs and the GCR then being undertaken by the Nature Conservancy Council of the UK, which later became CCW, English Nature (now Natural England) and Scottish Natural Heritage (SNH).

The aims of the RIGS Groups: to identify, survey, document and conserve RIGS in Wales; to promote the establishment and protection of RIGS for future generations; to promote interest and raise awareness in geological conservation. Since 1993 geoconservation work continued and since 2003, the appropriate RIGS groups have undertaken an All-Wales RIGS audit funded by the Welsh Assembly Government. This was completed in 2012 and there is now an All-Wales database of RIGS to complement the geological SSSIs.

These sites are a unique record of the important geological sites in Wales and are of inestimable importance to the people of Wales. They contribute to the greater understanding and enjoyment of the geology, landscape and heritage of Wales and its underpinning geodiversity.

The conservation of these sites and their context within the wider landscape is of vital importance.

Before answering the questions posed in the White Paper, NEWRIGS would like to summarize –

#### **Geodiversity's Key Roles**

- The geoscience provides a fundamental understanding of the Welsh landscape, its past, present and future processes and its response to future pressures including climate change
- Fundamental role in providing *natural resources* (building materials, aggregates, coal, shale gas etc.)
- Provides the physical basis of the Welsh *landscape*; geomorphology & geology give Wales its fundamental character and 'sense of place'
- Has a major *economic value* (from building resources to tourism)
- Provides the key physical resources for *soil* development and *agriculture* and our ability to feed ourselves
- Provides the vital substrates for *biodiversity* & influences its distribution
- Provides a key *educational* resource
- Provides a key resource for *science & research*
- Has a fundamental *intrinsic heritage* value – *geoconservation*
- Plays a significant role in emerging *health & social inclusion* agendas –geoparks, national parks, ADNBs, RIGS, coastal and long-distance trails etc.
- Underpins Welsh *cultural values*



- Inextricably linked with Welsh *social history & development* (slate, coal, lead, gold mining & trade)
- Underpins *agriculture, forestry & water resources*

## Consultation Response

NEWRIGS welcomes the opportunity to comment on the Welsh Government Consultation on proposals for a Sustainable Development Bill and has outlined more specific comments below.

**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?

Sustainable development was first defined in 1987 by the UN Brundtland report as: 'sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs'. The UN Sustainable Development, definition, is not universally accepted and has undergone various interpretations.

What sustainability is, what its goals should be, and how these goals are to be achieved are all subject to interpretation. For many environmentalists 'sustainable development' is an oxymoron - as development seems to entail environmental degradation. This is particularly relevant to the extractive industries upon which Wales depends.

Sustainable development in the extractive industry requires the quarrying and mining of resources including coal and limestone. Extraction is, by definition, unsustainable, as the resource cannot be replaced and the landscape is commonly left at the end of the process with a large hole in the ground. The only way to minimize this is to increase efficiencies and the reuse of recycled material e.g. reusing concrete as aggregate. It is then important that the community benefits from the disadvantages of the extractive industry and that the hole in the ground is reused imaginatively. Thus development that cannot be sustainable must be considered within this white paper.

Proposing a 'duty to embed sustainable development' requires that there is, across the organization, a clear understanding of the issues together with the associated tasks including ascertaining those that are desirable and undesirable, implementation and the review and policing processes.

Wales has an unique position in the science of geology. The geology of Wales has great historic significance in the development of geology as a science. All the geological periods from the late Precambrian, about 600 million years ago, to the Jurassic, 145 million years ago, are present at the surface whilst younger rocks occur beneath the seas immediately off the Welsh coast. These rocks are quarried and mined for coal, limestone, slate and other minerals. The overlying deposits and landforms were formed during the period since the last Ice Age, the last 20,000 years by ice and water; contribute to a remarkably diverse landscape of mountains, hills and coastal plains.

The geology of Wales is a huge and significant resource and its use and conservation is of great importance to Wales. This ranges from tourism, many visitors to Wales come for the landscapes and seascapes, to the extraction of coal, limestone, slate, shale gas and the use of water for power all of which will have an effect on 'environmental wellbeing'.

The geology of Wales is also of great significance to the teaching of geology in the UK. There are a significant number of groups to come to Wales to study its unique geology and this contributes the sum of human knowledge of how this planet formed and how the Earth responds to change. This is of particular importance during these times of climate change. Evidence of previous climate change is present in the geology of Wales and its understanding is vital how Wales responds to this change. Conservation of this resource is vital.

The table (Table 1) of organizations proposed to be subject to the duty does not include British Geological Survey; the partly publicly funded body which aims to advance geoscientific knowledge of the UK, including Wales, and its continental shelf by means of



systematic surveying, monitoring and research. This is a serious omission.

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

NEWRIGS considers that an Independent Sustainable Development Body would not be advantageous to the 'sustainable development' of Wales. An extra level of bureaucracy would be introduced that would be detached for the day-to-day issues.

Sustainable Development should be lead by an organization that has responsibility for the conservation of the landscape of Wales, Countryside Council for Wales and its successor Natural Resources Wales but also has substantial knowledge and understanding of the economic value of the resource.

CCW and, hopefully its successor NRW are champions of the environment and landscapes of Wales and its coastal waters, as sources of natural and cultural riches, as a foundation for economic and social activity, and as a place for leisure and learning opportunities. CCW aims to make the environment a valued part of everyone's life in Wales. This statement makes NRW the ideal organization to take on this role.

To complement NRW's role each of the organization in Table 1 should have a senior member of staff, enabled to manage and monitor the 'sustainable development' of the organization.

**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?

NEWRIGS considers that it is important that 'sustainable development', dependent on an agreed definition, should be integrated within organizations as soon as is practical. If NRW is to lead on this duty, then it should be integral to its aims and objectives. Although a phased approach has its advantages in terms of pilots and studying the most effective processes, it can lead to a 'piecemeal' approach with some sectors have a 'duty and other not. This could undermine the 'duty' and lead to less effective implementation.

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Accountability is of vital importance if this 'duty is to succeed. Compliance should be obligatory and scrutiny of compliance audited by a public body with the necessary statutory authority. This should also be transparent.

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- NEWRIGS has considerable concerns about the absence of organisations with regard to the geology, geomorphology, geodiversity especially geoconservation within the scope of a duty of sustainable development. Geoconservation is vital to the 'environmental wellbeing' of Wales.
- The 'sustainable development' of Wales cannot be managed without a sound and extensive understanding of those resources, which fundamentally must include geology and geomorphology, the minerals, rock, stone, coasts, landscape and active processes, soils and subsoils and the underpinning of biodiversity by geodiversity.
- Even renewable energy is not free from demands on our geology, as they all require raw materials from the Earth including concrete from limestone and metals from mining. If we can't grow the raw materials, they come from the Earth, the geology.

This response has been written following consultation with, and the agreement of, the NEWRIGS executive committee.



A handwritten signature in black ink, appearing to read 'Halpas', is written over the NEWRIGS logo and extends to the right.

Jacqui Malpas, BSc, PhD, FGS  
Chair, North East Wales Regionally Important Geodiversity Groups (NEWRIGS)





February 28<sup>th</sup> 2013

## Welsh Government White Paper

### A Sustainable Wales

### Better Choices for a Better Future

Consultation on proposals for a Sustainable Development Bill

Response from GeoconservationUK (GCUK)

We are fully aware that Dr Jacqui Malpas, Chair of The Association of Welsh RIGS Groups (AWRG) has replied to your consultation. AWRG have a constituted seat on the Executive Committee of GCUK along with The Scottish Geodiversity Forum. We wish to fully endorse the content of their response and ours echoes what AWRG have already written.

**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?*

As the AWRG say, Sustainable Development was first defined in 1987 by the UN Brundtland report as: 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'. This is linked to

*'the concept of **needs**, in particular the essential needs of the world's poor, to which overriding priority should be given; and*

*the idea of **limitations** imposed by the state of technology and social organization on the environment's ability to meet present and future needs."*

This definition is not universally accepted and has undergone various interpretations.

What sustainability is, what its goals should be, and how these goals are to be achieved are all subject to interpretation and often seem to have more to do with economic development than environmental conservation, management and improvement. There is therefore a need for clear understanding of all economic, environmental and societal inputs and outputs if a *duty to embed sustainable development* is to be implemented. The positive and negative effects of these must be monitored, assessed and policed.

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

We agree with the AWRG response that an extra level of bureaucracy of such a body is un-necessary and could not respond on a daily basis to events and issues. Sustainable Development should be lead by the body that has responsibility for the conservation of the landscape of Wales, currently Countryside Council for Wales, and in due course presumably Natural Resources Wales. A key point here is that this body will need to develop an understanding of the societal and economic value of the resources. It follows that it will need new staff, or at least new skills resources to cope with the new regime.

**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?*

The AWRG response considers 'it is important that 'sustainable development.....should be integrated within organizations as soon as is practical. If NRW is to lead on this duty, then it should be integral to its aims and objectives'. We fully subscribe to this.

We share the AWRG concerns about a phased approach to implementation with the possibility initially of some sectors having a duty and others not. However, we might understand that a pragmatic approach has to be taken.

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

We share the AWRG view that 'Accountability is of vital importance if this duty is to succeed. Compliance should be obligatory/statutory and scrutiny of compliance audited by a public body with the necessary statutory authority' (the NRW?).

**Question 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?

As AWRG point out environmental well-being is a difficult term, meaning different things even in the same circumstances. Mineral workings such as coal opencast sites and aggregate quarries contribute significantly to our economic well being as they are provisioning goods of Ecosystems Services. The same holes in the ground can provide recordable new geological data (a knowledge service) but rarely, ultimately rock conservation sections. Both the original site biodiversity and soils (supporting service loss) may effectively be destroyed during working operations and certainly take years to recover after operations cease; representing a loss of a supporting Ecosystem Service that may or may not be addressed creatively in restoration.

We would note that geology, geomorphology, geodiversity and geoconservation do not seem to figure within the scope of your duty of sustainable development. These should and links ought to be made to AWRG and other organisations with involvement in geodiversity in Wales. AWRG are correct to point out that 'The 'sustainable development' of Wales cannot be managed without a sound and extensive understanding of those resources', which fundamentally must include geology, geomorphology, minerals, rock, soils and subsoils, landscape and active processes and the underpinning of biodiversity. Even renewable energy in the form of wind and water power is not anything like a free environmentally friendly gift to mankind, given the amount of concrete, metals etc that goes with the infra structure of such developments.

Mike Browne

Chair GeoConservationUK  
The Studios,  
53 High Street  
Stourbridge  
DY8 1DE

## CONSULTATION FORM

### 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](mailto: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.

**CONSULTATION FORM**

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
<b>Name</b>		
<b>Organisation</b>		
<b>Address</b>		
<b>E-mail address</b>		
<b>Type</b> <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 checked="" type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

<b>Q1</b>	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>Please provide your views below:</p> <p style="padding-left: 40px;">I think this is an excellent idea and reinforces Wales' leading role in this field.</p> <p>However, the terms 'sustainable' and 'development' need careful handling!                  There is a tendency for 'sustainable' to be applied where it is not really applicable, so there needs to be clear agreement on what it actually means and clear criteria for ensuring developments truly are sustainable.</p> <p>The word 'development' also needs clarifying as it tends to be linked to economic development whereas community development is more pertinent to sustainability. In fact, if we are to move towards a resilient low-carbon world, there are many skills and community resources we need to revive and develop to enable us not just to survive but to thrive in a world where we can no longer rely on oil.</p>	

**Q2**

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

Please provide your views below:

It depends what form this body takes.

If it just a bureaucratic exercise, then I'm not keen.

If however it is built on genuine foundations and becomes a respected authority on sustainability, the that's excellent.

But the experience of the new Commissioner for the Welsh Language not being listened too makes me concerned that the new Commissioner for Sustainable Development might similarly be ignored.

**Q3**

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 implementation is a sensible idea, but will it really take two years to begin this process? Could it begin next year in 2014, bringing the whole phasing in process forward by one year?

I'd also like to know if the Act will be able to be used retrospectively once it becomes law, ie can it be used to reverse un-sustainable decisions made in the past

eg currently all domestic food waste collected by the councils' recycling/refuse teams in Ceredigion and Powys is transported to Oxford for composting, which is clearly nuts!!!



**Q4**

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 found this quite confusing and am concerned it could become a bureaucratic tick-box exercise, but maybe I misunderstood.

Clearer writing of the proposal would help.

**Q5**

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:

I'm concerned to know how the Act will work in practice.

For example, if there is a contract on offer and two firms respond, and one is a local firm using a local workforce and local materials but costing more than a large firm from outside the area that would use mainly workers and materials from elsewhere, how strong will the weighting in favour of the more expensive option be?

And if the choice isn't as clear-cut, how will it work?

I'd also like to know if the Act will be able to be used retrospectively once it becomes law, ie can it be used to reverse un-sustainable decisions made in the past

eg currently all domestic food waste collected by the councils' recycling/refuse teams in Ceredigion and Powys is transported to Oxford for composting, which is clearly nuts!

I also wonder how it will affect decisions on energy, as the only truly sustainable approach to energy is:

- a. renewable energy
- b. small scale
- c. community-owned

Small-scale, community-owned renewable energy projects, of which there are some excellent examples in Wales, by their very nature make the local community more sustainable, whereas:

- a. The proposed new nuclear power station at Wylfa is not sustainable economically without massive subsidies which we can ill afford, and as Chernobyl and Fukushima have both demonstrated nuclear power is not consistent with sustaining healthy lives.
- b. The proposed industrial scale wind farms across much of mid Wales are not consistent with harmonious sustainable rural communities, sustainable landscapes, or sustaining fragile peat bog habitats that are a crucial part of the flood protection we now need.
- c. Fracking or shale-gas extraction is very destructive, polluting ground water across a wide area.

### 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:

## How to respond

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

Email	Post
<p>Please complete the consultation form and send it to: <a href="mailto:SDBill@wales.gsi.gov.uk">SDBill@wales.gsi.gov.uk</a> 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: <a href="mailto:SDBill@wales.gsi.gov.uk">SDBill@wales.gsi.gov.uk</a> Telephone: (02920 82) 1728 or 6541</p>



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Tel 01495-755557*

## **WELSH GOVT WHITE PAPER 'A SUSTAINABLE WALES' CONSULTATION COMMENTS FROM VIC WARREN**

### Question 1

I am totally in favour of SD being embedded in all statutory and official organisations in Wales – it is essential if Wales is to play a part in moving towards a sustainable planet. My main worry is that from what I have seen so far I am not convinced that WG has the correct view of what SD is, and what it must be to ensure the survival of the planet.

### Question 2

An independent SD body with teeth is essential – without it, forget the whole thing

### Question 3

Phasing & implementation – no view on this, just get it right

### Question 4

The independent SD body should cover all necessary statutory and official bodies, as does HSE

### Question 5

I would like to expand on my responses to the Questions, which are rather limited:

5.1 I am pleased that the WG is legislating to try to ensure that all public development decisions are made after 'consideration' of their sustainability (however that word is not good enough). Having observed the Welsh planning process over many years, if the legislation works there should be dramatic changes. However I am sceptical that statutory authorities, developers and even WG departments will find ways to avoid it, and continue to act unsustainably.

5.2 I am most pleased that the White Paper leads with the Brundtland definition of SD – to my mind all development proposals should be tested against that.

5.3 Whereas I agree that SD in Wales should have regard to the 'triple bottom line' extension of that definition, I and many other environmentalists feel that this is probably the main area where the Brundtland definition will be watered down, or polluted, by more weight being given to social or economic pressures. **It should be accepted that global environmental sustainability is necessary before the other two ideals can be considered** – if we continue to wreck the planet's eco-systems, there will be no point in planning for social or economic improvements, we shall have chosen long-term suicide. Brundtland must always be the most important test – how the proposal will affect future generations, and particularly the eco-systems that they will require to be working for their survival. When that risk analysis has taken place

and is positive, then tests for social and economic sustainability can follow. I have seen CPRW's response to you, and I totally endorse the statement within that: *'for the outcomes of change to be sustainable, the functional integrity of all our natural and cultural assets must be maintained and able to continue to perform their crucial life support role and functions.'*

If the environmental aspect is not considered by WG to be the most important element of sustainability, then the legislation will be unworkable, without any real effect in terms of sustaining Wales and the planet, and so worthless.

5.4 SD means very different things to different people. The WG definition given is imprecise, and arguable. (For instance why bring in equality? It certainly should be a WG aspiration, but it should be – probably is – in other legislation, not within SD. Leave it to Jane Hutt. (Most of the aspirations in para 1.3, and for a fairer society in para 1.5 are again worthwhile aspirations, but not within SD. It appears that there is a tendency to include every WG aspiration; more focus and direction is necessary if SD is to mean anything). So the Act will be useless without a hard, focussed and narrower definition – Brundland should be the base, and perhaps it is sufficient, with some interpretation. **A better definition than that contained in 1.5 is essential.**

5.5 Again, if this legislation is to be worth anything, it must require all parties to achieve proposals that are tested not to be unsustainable; merely requiring proposers 'to consider' SD is useless, and this whole process will have been a waste of everyone's time.

5.6 This 'testing' of a development proposal must include a standard procedure of risk analysis, similar to a health & safety RA, or an EIA – but with the achievement of a Brundland outcome mandatory. In order to comply with this, it would be necessary, in my view, to apply a whole life assessment, including, importantly, what the site of a specific physical development would be used for after its life.

5.7 Given my views above, it will not be surprise that I consider an independent SD body to be absolutely essential, along the lines of the HSE, and with similar powers.

With reference to the White Paper and the Resources Pack, I would comment on three aspects that concern me: -

- a) I find it strange that economic development is hardly mentioned; although I strongly believe that environmental sustainability must be the main & basic element of sustainability, on which social development can be added, economics must come in as well. It may be that some proposals, well designed in environmental and social terms, will cost too much.
- b) The Key Requirements in the Resource Pack are in conflict with one another. I have tried to emphasise that a SD Act must be workable, so I agree with the last KR, but I suggest that this is at odds with the 3<sup>rd</sup> & 4<sup>th</sup> KRs. It is asking for the moon to be simple and produce a good outcome. I agree with Carwyn Jones' Focus comment, but unless there is a rigorous checking process (not the tick boxes mentioned, something far deeper) the exercise will produce numerous loopholes, and no doubt legal arguments, and the Act will fail to actually assist the planet, and Wales.

## **Sustainable Development Bill Consultation Response from the HEA Wales ESDGC Group**

The Higher Education Academy (HEA) Wales ESDGC Group has representation from Welsh Higher Education Institutions, the HEA, Higher Education Wales (HEW) and the Higher Education Funding Council for Wales (HEFCW). The opinions expressed below are those shared by the members of the group and are not presented as representing the views of their institutions.

### **Question 1**

We welcome the proposals in general and the implication that the Bill will be Constitutional in nature with further work needed to provide detailed guidance on its implementation and monitoring.

We are concerned that there remains a fundamental lack of understanding in the general public as well as across the public sector of the meaning of sustainable development. We will argue in subsequent sections the importance of education and specifically higher education in enhancing societal learning for sustainable development.

We feel that behaviour change must be a critical focus for future work to drive the implementation of sustainable development as a central organizing principle. Higher education can play a key role in education and training for the public, employers, community leaders and others engaged in implementing SD. In the earlier consultation we noted and repeat here the multiple benefits of higher education and its role in SD: the development of the knowledge, skills and understanding of SD in the leaders of the future, many of whom will or already do occupy key roles in public services; the sharing of research and other evidence of SD to inform policy and practice; and the modeling of good SD practice to HE students, employees and partners including via a significant procurement network. We also wish to highlight the significant international reach of Welsh Higher education, not least in showcasing the innovative nature of this Bill and its implications.

We agree that the application of the Bill to Higher Education will help develop the strategic plans, policies and operational practices of our organisations and have an impact on all three pillars (economic, social and environmental).

Whilst we acknowledge that the Bill in itself will be brief and constitute a framework, we strongly urge the development of guidance for public sector organisations on the importance of using education and training as a driving force for the embedding of SD principles and practices.

### **Question 2**

We support the proposed role of the Commissioner as an Ombudsman with sufficient regulatory strength to bring bodies to account. We urge the creation of a strong team of support staff one of whom should have expertise in ESDGC and

who is able to work with bodies such as universities to draw on international best practice in SD. The past experience of the ESDGC Advisory Panel was positive in informing government policy and practice in this field. Significant expertise exists in Wales in SD, and particularly in ESDGC. Higher education can provide support and guidance and will be able to develop the knowledge base to help organisations embed SD as a central organizing principle, particularly in the domains of social and economic activity.

### **Question 3**

We feel that the phasing and implementation plans seem appropriate although the support group could be established earlier in a 'shadow' form to inform subsequent work.

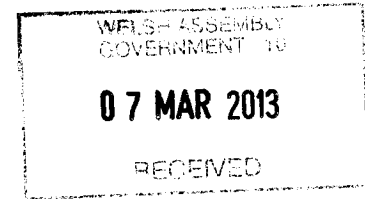
### **Question 4**

We note the point that the Wales Audit Office and Auditor General do not have a remit to consider the activities of higher education and also suggest that the expertise of the Audit Office is not likely to be around SD. This could be strengthened. However, the role of the Higher Education Funding Council in monitoring the activity of universities is extensive and deeply embedded. Building on this relationship seems the most appropriate way to develop an accountability framework for the sector.

### **Question 5**

n/a

Dr Carl Peters  
Chair, HEA Wales ESDGC Group  
March 2013  
Carl.peters@newport.ac.uk



Tîm y Bil Datblygu Cynaliadwy,  
Llywodraeth Cymru,  
Parc Cathays,  
Caerdydd,  
CF10 3NQ.

05/03/2013

Annwyl Tîm y Bil Datblygu Cynaliadwy,

## **PARTHED: CYMRU GYNALIADWY: DEWIS GWELL AR GYFER DYFODOL GWELL'**

Mae'r llythyr hwn yn ymateb i'r Papur Gwyn a'r cyflwyniad ynglŷn â'r ymgynghoriad 'Cymru Gynaliadwy: Dewis Gwell ar gyfer Dyfodol Gwell' ynghylch y cynigion ar gyfer Bil Datblygu Cynaliadwy a roddwyd i Grŵp Craidd Bwrdd Gwasanaethau Lleol Ceredigion ar 18 Chwefror, 2013.

Yn gyffredinol, roedd Bwrdd Gwasanaethau Lleol Ceredigion yn croesawu'r ddyletswydd newydd a'r pwyslais y mae'n ei rhoi ar ganlyniadau a chynllunio yn yr hirdymor.

Serch hynny, cafwyd trafodaeth ynglŷn â phenderfyniad y Bwrdd Gwasanaethau Lleol yn ddiweddar (Gorffennaf 2012) i newid strwythur y Bwrdd i gynnwys Aelodau Craidd a Chysylltiol ar ôl i Lywodraeth Cymru gyhoeddi'r canllawiau 'Cydamcanu – Cydymdrechu'. Gofynnwyd paham fod grŵp craidd wedi'i argymhell o ystyried y byddai'r Bwrdd Gwasanaethau Lleol yn dod yn statudol. Teimlai'r Aelodau y dylai'r Bwrdd Gwasanaethau Lleol statudol gynnwys cynrychiolwyr o blith Bwrdd ehangach ac nid craidd bychan o sefydliadau sy'n bartneriaid, gan adlewyrchu'r rheini sydd wedi'u rhestru yn y Papur Gwyn fel y sefydliadau a fydd yn ddarostyngedig i'r ddyletswydd.

Gwnaeth yr aelodau hefyd alw am fwy o eglurder ynghylch perthynas y Bil hwn â'r Biliau arfaethedig a fyddai'n cael eu datblygu yn y dyfodol, megis Bil Iechyd y Cyhoedd a'r Bil Gwasanaethau Cymdeithasol Cynaliadwy. Mae cydlynu'r rhain yn hanfodol ac mae angen i ganlyniadau pob un ohonynt fod yn gyson.

Gofynnodd y Grŵp sut na fyddai sefydliadau megis yr Heddlu, nad oeddent yn ddarostyngedig i'r ddyletswydd, yn rhan o'r gwaith o weithredu'r Bil hwn. Trwy'r Bwrdd Gwasanaethau Lleol, byddai dal gan y sefydliadau hyn ran allweddol i'w chwarae yn hyn oll. Dywedwyd hefyd fod agweddau o'r hyn y mae'r Bil yn ei gynnig eisoes ar



waith yn y sefydliadau sy'n golygu ei bod yn hanfodol bod Llywodraeth Cymru yn esbonio beth yn union y mae'n dymuno ei gyflawni yn sgil y Bil hwn, gan osgoi biwrocratiaeth ormodol a fyddai'n llesteirio arloesedd a hyblygrwydd.

Roedd Bwrdd Gwasanaethau Lleol Ceredigion yn cefnogi'r Corff Datblygu Cynaliadwy Annibynnol a'i rôl o ran cefnogi sefydliadau i weithredu'r ddyletswydd. Dywedwyd bod angen i'r Corff hwn ynghyd â'r canllawiau fod ar waith cyn gynted ag y bo modd i gwrdd â'r dyddiadau gweithredu.

Hyderaf y bydd y crynodeb hwn o'n trafodaeth yn ddefnyddiol ac os bydd gennych unrhyw gwestiynau ynglŷn â'r materion a godwyd, mae croeso cynnes i chi gysylltu â mi. Edrychaf ymlaen at glywed eich ymateb.

Yn gywir,

A handwritten signature in black ink, appearing to read 'Ellen ap Gwynn', written in a cursive style.

**Y Cyngorydd Ellen ap Gwynn**  
Cadeirydd, Bwrdd Gwasanaethau Lleol Ceredigion

## CONSULTATION FORM

### 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](mailto: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.

**CONSULTATION FORM**

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
<b>Name</b>	Vicki Hirst	
<b>Organisation</b>	Pembrokeshire Coast National Park Authority	
<b>Address</b>	Llanion Park Pembroke Dock Pembrokeshire SA72 6DY	
<b>E-mail address</b>	vickih@pembrokeshirecoast.org.uk	
<b>Type</b> <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"/>

<b>Q1</b>	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:	
<p>The principle of a new duty is agreed with. It is however noted that this duty will only apply to those organisations who have executive functions and are strategic decision makers. Whilst the reasons for this are understood, it is considered that all organisations and bodies should have an obligation to act in accordance with the principles of the duty in their work (in the same way as is advocated for the new Sustainable Development Body). The principle of Sustainable Development can only work if this is applicable to all bodies that have a role in the economic, social and environmental well being of Wales, whether through a strategic decision making role or through an advisory or supportive role.</p> <p>Clarity is also required as to the level at which the duty will apply. It is essential that for the duty to be effective that this is translated through all levels of decision making whether at a corporate/strategic level or in the day to day individual decision making level. Mechanisms for the cascading of these strategic level decisions into the more service delivery level of decision making will need to be transparent and workable and supported through auditing and reporting indicators. The WG should be clear in its objectives in this regard and on how the performance will be monitored and assessed is critical to success.</p>	

**Q2**

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 in an advisory and support capacity is supported but its role, function and interaction with relevant organisations will need to be clearly identified. There is concern that its effectiveness may be constrained by resource limitations.

The interaction of the body with the Auditor General for Wales is also essential to ensure that any advice given (particularly on how the Sustainable Development objectives and success indicators are developed and assessed) are supported by the Auditor General for Wales in assessing the success of organisations to meet the new duty.

**Q3**

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 phasing and implementations timescales appear reasonable. However, it is imperative that early dialogue and advice from the Sustainable Development Body is given to enable strategies to be prepared in good time to enable the indicators and evidence of success to be collected for auditing purposes.

**Q4**

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 set out in the answers to Q3 and 4 it is essential that the accountability framework is set up with clear indicators of success - the definition of Sustainable Development and the indicators in respect of economic, social and environmental considerations are essential in this regard. The measurement of success against these indicators needs to be clear and based on data that is easy to collect and record without requiring significant additional resources on Authorities, particularly during the current economic recession.

As set out in Q3, the relationship between the Sustainable Development Body and the Auditor General is critical in achieving consensus on the measures to be derived and that these form the basis for auditing. The success of the accountability framework lies in the definition of Sustainable Development outcomes and measures being clearly defined at a WG level as well as at an individual organisation level.

**Q5**

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:

This Authority will be happy to amongst the first cohort to adopt the duty.

### 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:

## How to respond

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

Email	Post
<p>Please complete the consultation form and send it to: <a href="mailto:SDBill@wales.gsi.gov.uk">SDBill@wales.gsi.gov.uk</a> 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: <a href="mailto:SDBill@wales.gsi.gov.uk">SDBill@wales.gsi.gov.uk</a> Telephone: (02920 82) 1728 or 6541</p>

# Accounting for Sustainability Wales Forum

Response to the Welsh Government White Paper

*A Sustainable Wales: Better Choices for a Better Future*



This is the response from Accounting for Sustainability Wales Forum to the Welsh Government's White paper *A Sustainable Wales: Better Choices for a Better Future*.

Accounting for Sustainability Wales Forum (A4SW) is a coalition of major accounting bodies operating in Wales.

The group comprises AAT (Association of Accounting Technicians) ACCA (Association of Chartered Certified Accountants), CIMA (Chartered Institute of Management Accountants), CIPFA (Chartered Institute of Public Finance and Accountancy) and ICAEW (Institute of Chartered Accountants in England and Wales). The group is part of the Prince of Wales Accounting for Sustainability Programme.

The Forum was created in 2010 to provide an 'umbrella' under which to lead the conversation about the role of the accountancy profession and the finance function in promoting and embedding sustainability and to locally represent some of the ongoing international debate surrounding this area.

Together, the group represents the entirety of the professional finance profession in Wales which is vital for the Welsh economy and vital to the proper functioning of organisations across the sectors. Our members have a key role to play in delivering against the ambition stated within the white paper and affecting a change in organisational behaviour.

***Question 1: What are your views on the proposals for a new duty to embed sustainable development as a central organising principle in selected Welsh bodies?***

Overall, A4SW welcomes the Welsh Government's proposals to seek to embed SD as a central organising principle for public sector organisations in Wales.

We recognise that this represents the next stage in the progression of the agenda in Wales and takes forward the principles stated in the Government of Wales Act 2006.

We have some concern about the general lack of clarity of the nature of the duty and some of the requirements which will naturally emanate from this.

However, we welcome the proposal that such a duty is aimed at strategic decision making only, accepting that embedding behaviours which will contribute to delivering sustainable development will pose a long-term organisational challenge for some bodies.

We feel that while there has been substantial focus on environmental impacts of organisations which many of those organisations are adept at monitoring, reporting and improving, there has been little focus on the economic and social impacts. The understanding and monitoring of the social and economic aspects of sustainable development is relatively low among organisations and so the Welsh Government should be clear about the challenge in changing this to deliver against the duty.



Global conversation in recent years has focussed on the important role of reporting in delivering behavioural change and representing appropriate information to stakeholders.

We feel confident that reporting will play an important role in delivering against the ambition and feel that the white paper should better reflect the opportunity to use reporting to represent an appropriate narrative, inform onward decision making and delivering an important framework to assist proper scrutiny.

The duty as appears to be represented within the white paper is ambitious and we suggest that careful assessment of current reporting mechanisms will be required to ensure they are able to deliver against this ambition. Further consideration will need to be given to the suitability of these mechanisms including consideration of the integration of sustainability reporting and in the long-term, the potential suitability and viability of non-financial reporting.

However, we recognise that there is some concern about the need to ensure some consistency across organisations in Wales and indeed some consistency and comparability across the public sector in the UK. We also feel it is important that any reporting mechanisms or obligations are not seen to duplicate or add to existing requirements and so we welcome the Welsh Government's caution in this area.

As bodies involved in the debate about the development of reporting mechanisms, we would be willing to support the Government's thinking in this area to ensure that any outcomes are effective and properly understood by the finance profession.

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

In principle, we support the recommendations for the Sustainable Development body and recognise the role such a body might have in supporting the implementation of the duty.

However, we have some concerns that as proposed, its purpose lacks clarity. Careful consideration needs to be given to how this new body will deliver value for money. There needs to be clarity regarding the scope of the body's work and the added value it will bring to facilitating progress towards sustainable development.

We also note the proposal that the body will develop its own work programme and strategic priorities. It would be helpful to set out the extent to which its work programme will be developed in collaboration with those organisations/stakeholders it is being established to support and guide.

We feel that there also needs to be greater clarity given as to how the SD body would operate alongside the proposed function in the white paper for the Auditor General for Wales and the Wales Audit Office. The lines of responsibility as proposed are blurred and will likely cause some confusion. While we welcome the concept of 'independent challenge' organisations will want to be clear as to where this challenge should come from and their obligations in responding to that challenge.

However, as is outlined in the white paper, the decisions taken by public sector bodies in delivering against the duty will have effect well beyond the public sector and will impact those private sector businesses which engage in delivery as part of the supply chain for instance.

Consideration should be given as to whether the 'advisory' role of the body should extend to private sector organisations, including those engaging in supplying services to public sector organisations.

Indeed, we feel that given that the lines between public and private sector organisations are not always clear, clarity should be given as to the impact of the duty overall on private sector organisations where they deliver public services.

***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?***

A4SW broadly supports the recommendations for the phasing in of the duty and invariably, the SD body will have a critical educative role to play in this process.

The early creation of the body therefore will be important to ensure that from the start, the organisations which will be subject to the duty in April 2015 will have the necessary support and guidance and that the relationships between the body and applicable organisations are properly understood.

Reporting against the duty will pose a significant challenge for organisations and this must not be underestimated. With regard to any reporting regime under the duty therefore - including any alterations to existing reporting mechanisms - we would suggest the implementation of a 'dry run' reporting process which would allow organisations to hone their performance and learn from that process.

***Q4. What are your views to improve the accountability framework for sustainable development in Wales?***

The document makes clear the preference for the Wales Audit Office to undertake the scrutiny role for delivery against the duty rather than allocating this function to the proposed SD body.

We acknowledge the Welsh Government's view that as functions of scrutiny exist within the WAO and because of the requirement to embed SD within organisations, this may be a suitable body to undertake such scrutiny.

However, this task is likely to impose a substantial additional operational burden on the WAO and will likely require an additional investment in expertise. Given the importance of scrutiny to defining the success of the implementation of the duty by organisations, we feel that this proposal requires further examination and consultation.

As stated above, there needs to be much better clarity given to the inter-relationship between the Audit Office and the new SD body to prevent confusion and/or duplication.

A4SW is pleased to have the opportunity to contribute to this consultation and we look forward to informing the Welsh Government's approach going forward.

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**Ben Cottam** – Head of ACCA Cymru/Wales – [ben.cottam@uk.accaglobal.com](mailto:ben.cottam@uk.accaglobal.com)

**John Maddocks** - Policy & Technical Manager: Sustainability & 3rd Sector - [john.maddocks@cipfa.org](mailto:john.maddocks@cipfa.org)

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## **ACCA Cymru/Wales**

### **Response to the Welsh Government's White Paper**

#### **A Sustainable Wales: Better Choices for a Better Future**

ACCA is the global body for professional accountants. We aim to offer business-relevant, first-choice qualifications to people of application, ability and ambition around the world who seek a rewarding career in accountancy, finance and management. We support our 154,000 members and 432,000 students throughout their careers, providing services through a network of 83 offices and centres.

ACCA was one of the first accountancy bodies to develop a dialogue for the finance profession on the subject of sustainability in the early 1990s and we were a leading contributive part of the profession at the recent Rio +20 summit in Rio.

We believe that organisations have a responsibility to account for their impact on society and the environment. Organisations must develop strategies that take account of their impact on sustainability and should consider environmental issues alongside their core business functions such as risk, governance, research and development, and manufacture.

We think that organisations should respond to stakeholders while embracing changes that will help bring about a low carbon economy, and transform their business processes to meet new regulations on issues such as climate change, water and biodiversity.

This should be measured, managed and reported to society as this will help bring about improvements. Our research and insights focus on a range of aspects, in particular climate change and biodiversity and ecosystem services.

ACCA Cymru/Wales welcomes the ambition of the Welsh Government in seeking to embed sustainable development (SD) as a central organising principle (COP) within the Welsh public sector. Given the passage of the sustainability debate over the history of devolution, we see this as the next logical step and important to changing organisational behaviour and culture to the end of delivering against the Government's ambitions and obligations.

We would also place on record our recognition of the Welsh Government's efforts to engage the finance profession and wider communities within the public sector over recent months.

This is an opportunity for Wales to take the lead in promoting SD and therefore, despite current conditions, the Welsh Government must be clear and explicit in issuing that lead and challenging the public sector. This conversation also has a substantial impact on the private sector in Wales and should be seen as an opportunity to help nurture behavioural change in that area as well as the public sector

**Question 1: What are your views on the proposals for a new duty to embed sustainable development as a central organising principle in selected Welsh bodies?**

Despite the above-stated ambition, we feel that the exact nature of the duty proposed is somewhat unclear from the White Paper and subsequent conversations across the finance profession during the consultation period have outlined a lack of awareness of the duty and its reach.

This is of concern as ACCA feels that delivering against the ambition could require significant strategic and operational challenge for all organisations.

While we recognise the challenge in legally defining the duty and making real concepts such as 'wellbeing', we feel that the Welsh Government needs to make the duty more explicit to allow organisations to properly assess impact and their likely ability to comply with the duty.

We welcome the Welsh Government's preference to adopt the Brundtland definition of sustainable development as this has international recognition and avoids confusion in educating bodies as to the ambition and their responsibilities.

We also welcome the Welsh Government's intention to apply the duty only to strategic decisions within organisations. However, it is important that this doesn't distance the operation of the organisation from the duty. The need for leadership in embedding SD in organisational operation as well as strategic decision making and governance will be of paramount importance. This must not be defined solely to a 'high-level' conversation.

We very much welcome the focus on outcomes recognising that this creates a decision making landscape which will help to deliver against the duty. The sole use of KPIs as a performance measure would, we feel, undermine the embedding of SD and be seen rather as an issue of compliance rather than opportunity to affect positive change.

We note the suggestion that the duty should not be applied to the budgetary and procurement process. However, it could be argued that not to include these processes which are of strategic importance organisations risk falling short of meeting their obligations under the duty. Budgetary and procurement processes potentially represent an important tool for influencing behaviours.

## **Reporting**

During the consultation process, ACCA has sought to constructively contribute to the discussion about the reporting mechanisms required to deliver against the duty and the ambition of the white paper.

This has meant our widespread involvement in a range of forums and groups such as the Ministerial Advisory Body and a range of events.

We are however disappointed that the white paper does not properly recognise the opportunity to use reporting as a key tool to inform strategic decision making and compliance with the duty. We would like to see some high-level ambition stated by Welsh Government for the direction of travel for reporting reflecting statements which have been made previously such as that at ACCA's own public sector sustainability event some two years ago.

The international conversation about sustainability and reporting has gathered significant pace in the past five years and the output of the Rio +20 summit on this matter made clear the need to move towards the integration of sustainability reporting within organisations.

ACCA has been at the leading edge of this conversation and we believe that the function has a key role to play in delivering against the Welsh Government's ambition.

We feel that given the current conversation on the SD Bill, now is the time to look at the opportunity for the Welsh Government to signal a movement towards reporting which better reflects this integration.

While we acknowledge the reluctance not to create new, unique and complex systems for reporting, we do not necessarily agree with the Government's assertion that the current reporting arrangements as they stand are suitable for the purposes of representing a picture which demonstrates embedding of SD. We would be interested to know on what basis the Government has come to this conclusion.

Reporting should not be seen as 'end of pipe' but as a tool for representing all the information needed for ongoing strategic decision making which serves to deliver against the duty and embed SD.

Problematically, apart from existing financial reporting frameworks, other current reporting mechanisms focus on environmental aspects of sustainability and so will not provide information on social and economic aspects which will be necessary to represent compliance with the duty.

One of the major challenges of reporting under the duty will be defining the outcomes and therefore the data needed to demonstrate the journey towards delivery against those outcomes.

While we recognise that the particulars of this will be for future guidance, defining suitable outcomes needs early work and so we welcome the Wales Audit Office's initiative in establishing a Reporting Group.

Another particular challenge for any change in reporting regimes will be to embed long-term thinking. Current mechanisms do not operate with long-term decision making in mind and so mechanisms will need to be implemented which fulfil what the white paper seeks to do in this area.

We recognise however, that in paragraph 2.29 of the white paper, the Government leaves open the option for the adoption of reporting mechanisms which may better deliver against the duty.

Overall, it is important that the duty and its implementation does not create overly bureaucratic processes which will be problematic for implantation. We need a framework which allows for flexibility and innovation. Additionally, the messages provided to public sector organisations need to be reflected in those provided to regulators.

We would urge the Government to keep an open mind about this and continue to engage with the finance community and other bodies such as the Global Reporting Initiative and the International Integrated Reporting Council. ACCA would be more than happy to help facilitate these links.

## **Question 2: What are your views on the proposals for an independent sustainable development body?**

We welcome the proposal for an independent SD body in Wales. Given the reach of the duty, it is important that work to promote the duty and the wider conversation surrounding SD is led by a body which has not only independence but also credibility.

It is important that any body which is created isn't seen simply as another 'Quango' but rather an entity which authoritatively adds value to the debate about sustainable development and is seen as a central point of contact and information on related issues.

As is recognised in the white paper, such a body could also act as an 'international advocate' for the conversation in Wales, highlighting best practice and seeking to link with international bodies and networks which would add value to the conversation in Wales and the implementation of the duty. Certainly, we see that such a body would act as an important point of debate for the finance profession and a link to some of the international developments within the finance profession.

However, ultimately, we feel that there is a need for a function which properly serves to provide critical analysis of the particular implantation of the duty by organisations in Wales. We also feel that there will need to be further conversation as to whether such a function more appropriately sits in the Wales Audit Office or whether the SD body should be given the power and 'teeth' to provide scrutiny and analysis with the power to effect change among organisations.

Given that the Welsh Government does not currently propose a scrutiny role for the WAO, we would welcome clarification as to how the SD Body would issue 'constructive challenge' and how it would expect that such challenges to be answered by organisations.

If the body and the Commissioner are to work 'in collaboration' with the Audit Office, the relationship will need to be formally defined as the nature of this relationship is not clear within the document.

The body should also be tasked to perform the essential function of acting as a link to and to inform other regulators where their work is affected by organisations' compliance with the duty.

Given the challenge of changing the mindset of short-termism, we would envisage that the SD body will also have an important part to play in scrutinising the long-term plans of organisations for compliance with the duty and their overall approach to SD.

We do not agree entirely with the Government's suggestion that there should be no scrutiny role for the body (see answer to question 4)

**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?**

There is little doubt that the duty will pose a significant strategic challenge to public sector bodies. Some bodies such as those within local government and the NHS will likely find this particularly challenging.

ACCA therefore supports the Government's proposals on the phasing of the duty for public bodies.

We also feel that given its important role of guiding the process of implementation and providing advice to public sector bodies, the early establishment of the SD body will be critical. In fact, we argue that in order to allow a smooth transition to implementation, there is an argument for such a body to be established *ahead* of April 2015 although we recognise the constraints of legislation in this regard.

This would serve to prepare organisations and functions, including the finance profession, and perpetuate a dialogue which will help in that preparation.

With regard to any reporting regime under the duty, we would urge the initiation of a 'dry run' approach which would allow organisations to hone their systems ahead of the proper implementation of reporting frameworks.

The document mentions the different strands of activity, policy and regulation already underway in this area and recognises that these will impact on the implantation of the duty. However, we feel that there is little coherence to these strands of activity and the Welsh Government will have to demonstrate, under the auspices of the duty, a commitment to ensuring that these approaches are more 'joined up'

We would like to see some clarification as to how the duty will be reflected in other areas of Welsh Government policy such as education and the economy where public sector organisations are delivering services and products. In short, there is little in the document which demonstrates the cross-cutting nature of SD.

#### **Q4. What are your views to improve the accountability framework for sustainable development in Wales?**

We feel that the current requirement for the Welsh Government to report against its own duty on sustainable development as outlined in the Government of Wales Act 2006 is relatively weak.

It is important that this is reinforced and improved. Welsh Government must demonstrate that it can lead by example and so we welcome the explicit statement that the Welsh Government itself will be subject to the duty.

While we have some sympathy with the Government's view that tasking the WAO in a scrutiny role rather than the new SD body tracks alongside other reporting requirements and processes, we feel that this to some extent misinterprets the scrutiny which will be required.

If, as proposed, the Wales Audit Office is to undertake the scrutiny function required to properly assess compliance with the duty, there will be a need to substantially increase its capacity to respond to this challenge. Some assessment needs to be made as to whether the WAO realistically has the skills sets and systems to undertake this task.

The WAO is also not arguably in a position to provide scrutiny of government policy on SD which will undoubtedly be required. It is our view that this should be the role of the new SD body. The body should also be in a position to provide scrutiny of WAO's role in this area.

#### **Conclusion**

As mentioned above, ACCA Cymru/Wales supports the Welsh Government's drive to embed SD as the central organising principle and we believe that the debate in Wales may serve as a benchmark for developing debates around the world.

However, the white paper is lacking in necessary detail and the Welsh Government needs to be more explicit as to how it proposes to take some of these important issues forward.

One of the major barriers to embedding SD is its perceived 'intangibility'. Much will need to be done in coming months to make the duty clearer to allow organisations to better incorporate this into their long-term strategic planning.





ACCA Cymru/Wales will continue to engage the Welsh Government in this area and where required, inform the debate.

We would be pleased to provide any clarification on the points above.

**Ben Cottam – Head of ACCA Cymru/Wales**

**[ben.cottam@uk.accaglobal.com](mailto:ben.cottam@uk.accaglobal.com)**

**February 2013**

**From:** Enid Morgan [enid.morgan@gmail.com]

**Sent:** 02 March 2013 15:32

**To:** SD Bill

**Subject:** Mesur cynadladwyedd

Annwyl gyfaill

Mae angen sicrhau bod llês a datblygiad y Gymraeg yn cael ei gynnwys yn un o'r elfennau sylfaenol ar wyneb ddalen y Bil Datblygu Cynaliadwy arfaethedig a hefyd y Bil Cynllunio maes o law."

Yn gywir

--

Enid R. Morgan Tel 01970 624648

Rhiwlas, Craig Glais, Aberystwyth SY23 2DN

Ceredigion

**From:** Myrddin Gwasg Carreg Gwalch [myrddin@carreg-gwalch.com]

**Sent:** 03 March 2013 16:15

**To:** SD Bill

**Subject:** Ymateb

Annwyl gyfeillion,

Gofynnaf ichi gefnogi'r alwad bod lles a datblygiad y Gymraeg yn cael ei chynnwys yn un o'r elfennau sylfaenol ar wyneb ddalen y Bil Datblygu Cynaliadwy arfaethedig a hefyd y Bil Cynllunio pan ddaw'r amser.

Mae camau gwag o safbwynt cynllunio yn y gorffennol wedi creu niwed mawr i'r Gymraeg a dyma gyfle inni ysgwyddo'r cyfrifoldeb i wneud iawn am hynny.

Yn gywir, Myrddin ap Dafydd



Ymgynghoriad Llywodraeth Cymru ar y  
Bil Datblygu Cynaliadwy

Ymateb Dyfodol i'r Iaith

Mawrth 2013

Mae Dyfodol i'r iaith yn fudiad amhleidiol sy'n gweithredu er lles yr iaith Gymraeg. Nod y mudiad yw dylanwadu drwy ddulliau cyfansoddiadol ar sylwedd a chynnwys polisiâu cyhoeddus a deddfwriaeth er mwyn hybu twf a ffyniant y Gymraeg ym mhob maes polisi. Bydd yn gweithredu er budd Cymru a'i phobl, gan ennill cefnogaeth a pharch i'r iaith a sicrhau bod y Gymraeg yn fater byw ar yr agenda gwleidyddol.

Mae Dyfodol i'r iaith yn croesawu'r cyfle i ymateb i'r Ymgynghoriad ar Fil Datblygu Cynaliadwy Llywodraeth Cymru.

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Mae'r ymadrodd 'datblygu cynaliadwy' yn deillio o'r mudiad amgylcheddol. Ymgais yw i geisio sefydlu egwyddor sy'n sicrhau nad yw twf economaidd yn digwydd ar draul yr amgylchedd naturiol. Ond mae'n ymadrodd sydd hefyd wedi cael defnydd ehangach mewn cyd-destunau eraill lle ofnir bod datblygu yn digwydd ar draul rhywbeth y dymunir ei gynnal megis cyfiawnder, tegwch cymdeithasol, diwylliant – ac wrth gwrs iaith leiafrifol.

Cafodd papur gwyn Llywodraeth Cymru am fil datblygu cynaliadwy ei feirniadu'n hallt am nad oes sôn ynddo am yr iaith Gymraeg. Ac yn sgil canlyniadau cyfrifiad 2011, lle gwelwyd cwmp sylweddol yng nghanrannau'r nifer sy'n siarad Cymraeg yn y siroedd hynny a ystyrir yn gadarnleoedd yr iaith, cafwyd galwadau pellach i fynnu lle teilwng i'r Gymraeg yn y bil.

Felly beth yw natur 'datblygu cynaliadwy' yng nghyd-destun yr iaith Gymraeg? Pam bod rhai elfennau o'r mudiad iaith wedi cydio yn y thema hon? Gellir cynnig dadansoddiad rhywbeth tebyg i hyn:

- peth llesol yn ei hanfod yw bod y Gymraeg yn iaith fyw gref
- er mwyn sicrhau hynny, mae angen ardaloedd a chymunedau daearyddol lle mae'r Gymraeg yn brif iaith, yn yr ystyr o fod yn iaith feunyddiol mwyafrif y trigolion, ac mae angen iddi fod cyn gryfed ag y gall fod mewn ardaloedd a chymunedau eraill yng Nghymru hefyd
- mae gostyngiad yn y niferoedd neu'r canrannau sy'n medru'r Gymraeg mewn unrhyw ardal neu gymuned yn effeithio ar ba mor gynaliadwy yw'r iaith yno
- gall polisiâu neu benderfyniadau sy'n ymwneud â datblygu eiddo neu ddatblygu economaidd mewn ardal neu gymuned effeithio (yn gadarnhaol neu'n negyddol) ar y niferoedd neu'r canrannau sy'n medru'r Gymraeg yno
- mae angen sicrhau nad yw polisiâu neu benderfyniadau o'r fath yn effeithio'n andwyol ar gynaliadwyedd yr iaith Gymraeg, yn enwedig yng nghadarnleoedd yr iaith.

Ystyr datblygu cynaliadwy ieithyddol, os cawn ei alw felly, yw datblygu nad yw'n peryglu sefyllfa'r iaith Gymraeg fel iaith fyw drwy ostwng y niferoedd neu'r canrannau sy'n ei siarad mewn rhyw ardal neu gymuned arbennig.

Mae'r ymadrodd 'datblygu cynaliadwy' eisoes yn rhan o ddeddfwriaeth Cymru. Mae dyletswydd gyfreithiol ar Lywodraeth Cymru i gynnal Cynllun Datblygu Cynaliadwy er mwyn datgan sut y maent yn bwriadu hybu datblygu cynaliadwy, ac i baratoi adroddiad blynyddol yn disgrifio sut maent wedi gwneud hynny. Dyma sut mae'r Cynllun cyfredol, *Cenedl Un Blaned* (2009), yn diffinio datblygu cynaliadwy:

...mae datblygu cynaliadwy yn golygu gwella lles economaidd, cymdeithasol ac amgylcheddol pobl a chymunedau, gan sicrhau ansawdd bywyd gwell i'n cenedlaeth ni a chenedlaethau'r dyfodol:

mewn ffyrdd sy'n hyrwyddo cyfiawnder cymdeithasol a chyfle cyfartal;

mewn ffyrdd sy'n gwella'r amgylchedd naturiol a diwylliannol ac yn parhau ei derfynau – gan ddefnyddio dim ond ein cyfran deg o adnoddau'r ddaear a chynnal ein hetifeddiaeth ddiwylliannol.

Mae'r diffiniad hwn, a arddelir o hyd gan Lywodraeth Cymru yn mynd tu hwnt i faterion amgylcheddol yn unig, gan gynnwys 'lles cymdeithasol' ac 'etifeddiaeth ddiwylliannol'. Yn ogystal, mae'r Cynllun datblygu cynaliadwy statudol, dan y pennawd 'Diwylliant Cyfoethog ac Amrywiol', yn son am:

...ein nod o adfywio'r Gymraeg a chreu Cymru ddwyieithog. Rydym am roi'r cyfle i fwy o bobl ddysgu Gymraeg a helpu'r iaith i ffynnu fel iaith fyw mewn llawer o gymunedau ledled Cymru.

At hynny, mae Llywodraeth Cymru yn ei hadroddiad diweddaraf am ddatblygu cynaliadwy yn crybwyll strategaeth newydd 'Iaith Fyw, Iaith Byw', ac yn nodi'r amcanion pum mlynedd canlynol:

- cynnydd yn nifer y bobl sy'n siarad ac yn defnyddio'r iaith
- rhagor o gyfleoedd i bobl ddefnyddio'r Gymraeg
- cynyddu ymwybyddiaeth pobl o werth y Gymraeg, fel rhan o'n treftadaeth genedlaethol ac fel sgil defnyddiol ar gyfer bywyd modern [...]
- cryfhau sefyllfa'r iaith Gymraeg yn ein cymunedau.

Felly mae cynsail. Mae Llywodraeth Cymru wedi gosod y nod o 'gryfhau sefyllfa'r iaith Gymraeg yn ein cymunedau' fel rhan o ddatblygu cynaliadwy. Drwy wneud hynny, daeth yn agos at arddel datblygu cynaliadwy ieithyddol, fel amcan o leiaf.

Er na chrybwyllir 'mo'r iaith yn y papur gwyn ar y bil datblygu cynaliadwy, mae digon o sôn am 'les cymdeithasol' yn ogystal â lles economaidd ac amgylcheddol. Hefyd yn ei ragair, mae Gweinidog yr Amgylchedd, John Griffiths, yn cyfeirio'n benodol at ddiwylliant Cymru:

Er mwyn dewis dyfodol gwell, rhaid rhoi sylw arbennig i les cymdeithasol, economaidd ac amgylcheddol pobl a chymunedau ac atgyfnerthu ein syniad o degwch a chyfiawnder cymdeithasol a phwysigrwydd ein diwylliant cyfoethog.

O bosib, dyma ymgais i gyfyngu ystyr yr ymadrodd ‘datblygu cynaliadwy’ i’r amgylchedd, gan hepgor y materion ‘ychwanegol’ yn y diffiniad Cymreig. Pe bai’r papur gwyn yn dweud mai dyma a fwriedir, yna byddem yn glir mai ystyriaethau amgylcheddol yn unig sydd wrth wraidd y bil arfaethedig. Ond nid yw’n dweud hynny. Rhaid i ni felly gymryd y gweinidog ar ei air, a chymryd *nad* dyma a fwriedir, ac y bydd cynnal diwylliant (a thrwy hynny’r iaith) yn parhau’n rhan o ddatblygu cynaliadwy dan y Ddeddf newydd. Os felly, er mwyn osgoi unrhyw amwysedd yn y dyfodol, dylai hynny fod yn eglur ar wyneb y mesur.

Mewn geiriau eraill, dylid son yn benodol am gynnal y Gymraeg ar wyneb y Ddeddf, fel rhan o’r dyletswydd datblygu canaliadwy. Hynny yn unig fyddai’n gyson ag arfer Llywodraeth Cymru hyd yn hyn.

**From:** Simon Brooks [BrooksS2@cardiff.ac.uk]

**Sent:** 04 March 2013 00:00

**To:** SD Bill

**Subject:** ymgynghori: papur gwyn - y bil datblygu cyanliadwy

YMGYNGHORIAD: PAPUR GWYN - Y BIL DATBLYGU CYNALIADWY

Rwy'n dymuno ymateb i'r ymgynghoriad uchod. Fy marn i yw y dylai'r Bil gynnwys cyfeiriad at yr iaith Gymraeg, gan nad yw cynaliadwyedd yng Nghymru yn ystyrlon heb ystyried cynaliadwyedd ieithyddol.

Dylai'r cyfeiriad hwn fod yn un sy'n datgan yn ddiamwys y daw'r Gymraeg oddi mewn i faes gweithredu'r Bil. Er mwyn hyn rwy'n credu y dylai fod ymrwymiad i ffyniant y Gymraeg ar wyneb ddalen y Bil, a cynaliadwyedd y Gymraeg yn elfen graidd yn y diffiniad o gynaliadwyedd yma.

Dr Simon Brooks  
Glaneifion  
Borth-y-gest  
Porthmadog  
Gwynedd



## Ymateb Cyngor Gwynedd i'r Ymgynghoriad ar y Papur Gwyn ar y Bil Datblygu Cynaliadwy

### Cymru Gynaliadwy - Dewis Gwell ar gyfer Dyfodol Gwell Ymgynghoriad ar y cynigion ar gyfer y Bil Datblygu Cynaliadwy

#### Cwestiwn 1.

**Beth yw eich barn ynghylch y cynigion ar gyfer dyletswydd newydd i sefydlu egwyddorion datblygu cynaliadwy fel prif egwyddorion trefniadol rhai sefydliadau penodol yng Nghymru?**

- Tra'n cefnogi'r egwyddor gyffredinol o sefydlu egwyddorion datblygu cynaliadwy fel prif egwyddor drefniadol ganolog mae angen amlygu beth yn union y mae hyn yn ei olygu yn ymarferol a'r hyn y fyddai'n cael ei ystyried fel ymarfer da.
- 'Rydym yn sylweddoli y byddai llawer o'r wybodaeth hyn wedi ei gynnwys o fewn y Cyfarwyddyd a fyddai'n ddogfen allweddol ar gyfer dehongli a darparu arweiniad o safbwynt yr hyn sydd wedi ei gynnwys o fewn y Bil.
- Mae angen i'r Cyfarwyddyd hyn ddarparu arweiniad i'r gwahanol sectorau o safbwynt beth yn union y mae'r Bil yn ei olygu iddynt hwy gan ei wneud yn berthnasol ar lefel sefydliadol a gwasanaethau.
- Os yw datblygu cynaliadwy am ddod yn brif egwyddor drefniadol ganolog mae'n hanfodol ei fod yn dylanwadu ar ein polisiau a'n cynlluniau o'r cam cyntaf. Bydd hyn yn golygu newid yn y modd y mae sefydliadau cyhoeddus yn gweithredu a bydd angen llawer o gefnogaeth ac hyfforddiant er mwyn sicrhau fod y newid hyn yn digwydd.
- Cefnogir yr egwyddor o gael diffiniad o Ddatblygu Cynaliadwy o fewn y Bil er nid yw'n eglur o'r ddogfen ymgynghorol pa un o'r tri a ddyfynnir y bwriedir ei ddefnyddio, os unrhyw.
- Dylid defnyddio diffiniad sy'n berthnasol ac yn ystyrlon i'r ystod eang o sefydliadau a sectorau y bydd y Bil yn effeithio arnynt. Byddem hefyd yn nodi'r angen i'r diffiniad gyfeirio tuag at y tair elfen o gynaliadwyedd ac i bwysleisio mai nid mater amgylcheddol yn unig ydyw. O ganlyniad i hyn byddem yn awgrymu mabwysiadu y diffiniad a geir o fewn dogfen Cymru'n Un; Cenedl Un Blaned gan ei fod yn cyfeirio tuag at yr elfennau hyn:

#### Datblygu Cynaliadwy yng Nghymru

Yng nghyd-destun Cymru, mae datblygu cynaliadwy yn golygu gwella lles economaidd, cymdeithasol ac amgylcheddol pobl a chymunedau, gan sicrhau ansawdd bywyd gwell i'n cenhedlaeth ni a chenedlaethau'r dyfodol:

- mewn ffyrdd sy'n hyrwyddo cyfiawnder cymdeithasol a chyfle cyfartal;
- mewn ffyrdd sy'n gwella'r amgylchedd naturiol a diwylliannol ac yn parchu ei derfynau - gan ddefnyddio dim ond ein cyfran deg o adnoddau'r ddaear a chynnal ein hetifeddiaeth ddiwylliannol.

Datblygu cynaliadwy yw'r broses a ddefnyddiwn i gyflawni nod cynaliadwyedd

- Cefnogir yr egwyddor o ganolbwyntio ar y penderfyniadau strategol a gaiff eu gwneud o fewn sefydliadau a'r ffaith na fydd y ddyletswydd yn creu haen ychwanegol o fiwrocratiaeth a gosod baich ychwanegol. Fodd bynnag, mae angen diffinio yn union beth fydd y penderfyniadau strategol y cyfeirir tuag atynt.

- Fel y nodwyd yn ein hymateb i'r Ymgynghoriad i'r Papur Gwyrdd ar y Bil bydd y dull o gyfuno ymddygiadau ac amcanion yn darparu strwythur i'w ddilyn o ran ymateb i'r ddyletswydd tra y hefyd yn caniatáu elfen o hyblygrwydd ac arloesi. Fodd bynnag nid oes unrhyw wybodaeth wedi ei gynnwys o fewn y ddogfen sy'n amlinellu'n union sut y bydd hyn yn digwydd.
- Cefnogir y prif egwyddorion a gynigir (2.10-2.14) ond credir y bydd hi'n anodd iawn gweithredu'r egwyddorion o fewn cyd-destun yr hinsawdd economaidd bresennol, cyllidebau tymor byr a'r cylchoedd gwleidyddol sy'n bodoli.
- Nodir y bwriad i ddefnyddio cyfundrefnau presennol er mwyn hwyluso'r broses o brif ffrydio datblygu cynaliadwy a na fydd y Bil yn gosod gofynion ychwanegol ar sefydliadau a chefnogir yr egwyddor hynny.
- Cefnogir yr egwyddor y bydd sefydliadau yn cael diffinio eu canlyniadau eu hunain ond ym mha ffordd y bydd y Bil yn sicrhau fod y canlyniadau hyn yn gynaliadwy ac yn eu herio os nad ydynt? Heb wneud hyn mae perygl y byddwn yn cael canlyniadau annelwig eu natur a na fydd newid gwirioneddol yn cael ei gyflawni.
- A fydd yna drefn neu broses yn bodoli ar gyfer gosod her, asesu a chraffu y canlyniadau sydd wedi eu pennu gan sefydliadau? Beth fydd rôl sefydliadau megis y Corff Newydd a'r Swyddfa Archwilio yn y broses? Dylid sicrhau fod hyn yn gyson ar draws sefydliadau a sectorau.
- Nid yw'n eglur beth fydd yn digwydd i sefydliadau fydd ddim yn cydymffurfio hefo gofynion y Bil h.y. a fydd unrhyw gosbau ariannol neu 'ddwyn i gyfrif' yn gysylltiedig neu a fydd y Llywodraeth/Corff Datblygu Cynaliadwy yn awgrymu camau gwella ar gyfer sefydliadau y bydd angen gweithredu arnynt o fewn amserlen benodol?
- Nid ydym yn sicr o ymarferoldeb na'r effaith o gynnwys Cynghorau Cymuned a Thref o fewn y ddyletswydd gan y gallai osod gofynion ychwanegol arnynt a allai hefyd gael effaith ar awdurdodau lleol o ran cefnogaeth.
- Cytunir gyda'r bwriad i gynnwys y Cynlluniau Strategol Integredig a canlyniadau rhanedig o fewn y ddyletswydd ond mae angen cadarnhau pwy sydd a'r cyfrifoldeb terfynol am y rhain a phwy gaiff eu dal i gyfrif.

## **Cwestiwn 2.**

### **Beth yw eich barn ynghylch y cynigion mewn perthynas â chorff annibynnol ar gyfer datblygu cynaliadwy?**

- Mae angen sicrhau bod cyfiawnhad dros sefydlu corff annibynnol ar gyfer datblygu cynaliadwy o'r newydd a bod y corff yn ychwanegu gwerth i'r agenda yng Nghymru o fewn pob un o'r sectorau fydd yn gorfod cwrdd â gofynion y Bil.
- Tra'n gefnogol ar y cyfan i'r swyddogaethau arfaethedig a nodir o fewn y ddogfen mae gennym bryder neu amheuaeth os y bydd y corff newydd yn gyda'r capasiti ac yn gallu darparu'r gefnogaeth fydd yn angenrheidiol ar gyfer yr holl sefydliadau a fydd yn ddarostyngedig i'r ddyletswydd.
- Nid yw lefel y gefnogaeth y bydd y corff yn ei gynnig yn amlwg o fewn y ddogfen. Gallai fod yn ddibwys os yw'r cylch gorchwyl yn rhy eang a'r adnoddau yn annigonol.
- Mae'r rôl o osod her yn un bwysig ond pa bwerau fydd gan y corff o ran herio a chraffu?
- Beth fydd y berthynas rhwng y corff a Swyddfa Archwilio Cymru? Credir y dylid amlygu hyn a bydd yn allweddol os yw'r Bil am lwyddo i gyflawni'r hyn y mae'n bwriadu ei wneud.
- Mae angen i'r corff sefydlu cysylltiadau agos gyda cyrff sydd eisoes yn gweithio yn y maes megis Cynnal Cymru a Chymdeithas Llywodraeth Lleol Cymru. Yn ogystal mae rhwydwaith Cydlynwyr Datblygu Cynaliadwy Cymru sy'n cynrychioli y 22 awdurdod lleol a 3 Parc Cenedlaethol yng

Nghymru wedi gwneud llawer o waith yn y maes ac efallai y byddai'n well defnydd o adnoddau i ddefnyddio'r arbenigedd sydd eisoes mewn bodolaeth yn lle sefydlu corff o'r newydd!?

- Mae angen sicrhau y bod y gefnogaeth yn ddigonol ac yn gymesur ar gyfer pob un o'r sectorau y h.y. awdurdodau lleol a'r awdurdodau iechyd fydd y sefydliadau mwyaf a fydd yn ddarostyngedig i'r ddyletswydd.
- Bydd angen eglurder o safbwynt lefel y gefnogaeth fydd ar gael gan y corff a beth fydd lefel (a statws) unrhyw sialens a gyflwynir gan y corff.
- Dylai'r adroddiad blynyddol a gynhyrchir gan y corff amlinellu sut yn union y mae wedi ychwanegu gwerth i'r broses o brif ffrydio datblygu cynaliadwy yng Nghymru.

### **Cwestiwn 3.**

**Beth yw eich barn ynghylch y bwriad i gyflwyno'r ddyletswydd yn raddol a'i gweithredu, gan gynnwys yr amserlen sydd ynghlwm â sefydlu'r corff annibynnol ar gyfer datblygu cynaliadwy?**

- Cefnogir yr egwyddor o gyflwyno'r ddyletswydd yn raddol dros gyfnod o amser ac o ganolbwyntio yn y lle cyntaf ar y Llywodraeth a'i wahanol Adrannau er mwyn ceisio rhoi trefn ar eu tŷ eu hunain cyn cynnwys sefydliadau eraill megis awdurdodau lleol yn 2016.
- Os nad yw awdurdodau lleol yn ddarostyngedig i'r ddyletswydd hyd 2016, mae angen cyfarwyddyd clir yn amlinellu beth yn union fydd y disgwyliadau ohonynt fel eu bod yn cael amser digonol i baratoi ac nad ydyw yn fater a fydd yn cael ei anwybyddu hyd 2016.
- Credwn y dylid sefydlu'r corff datblygu cynaliadwy annibynnol mor fuan a sy'n bosibl fel y gall ddod i fodolaeth cyn gynted ag y caiff y Bil ei fabwysiadu. Byddai hyn hefyd yn galluogi'r corff i gymryd rôl arweiniol yn y gwaith o ddatblygu'r canllawiau, mesurau / dangosyddion, ac adeiladu'r capasiti a'r gefnogaeth mewn cydweithrediad â sefydliadau a fydd yn ddarostyngedig i'r ddyletswydd.
- Credir y byddai o fantais i gynrychiolaeth o'r sector gyhoeddus Gymreig i fod yn gyfrifol am lunio'r canllawiau a fydd yn cyd-fynd a'r Bil ynghyd a'r trefniadau adrodd mewn cydweithrediad â Llywodraeth Cymru, Swyddfa Archwilio Cymru, Cymdeithas Llywodraeth Leol Cymru ac eraill.

### **Cwestiwn 4.**

**Beth yw eich barn ynghylch y cynigion i wella'r fframwaith atebolrwydd ar gyfer datblygu cynaliadwy yng Nghymru?**

- Cefnogir yr egwyddor o ymgorffori craffu ac atebolrwydd o fewn fframweithiau sydd eisoes yn bodoli ond byddem yn pwysleisio bod angen yr adnoddau a'r arbenigedd mewn cynaliadwyedd i allu gwneud hynny o fewn Swyddfa Archwilio Cymru ynghyd â'r sefydliadau a fydd yn ddarostyngedig i'r Bil.
- Pa mor aml a thrylwyr y bydd y Swyddfa Archwilio yn cynnal asesiad o'r hyn sydd wedi ei wneud o ran datblygu cynaliadwy?
- Byddai'n ddefnyddiol pe byddai Llywodraeth Cymru yn gallu amlinellu beth yn union yw'r gofynion deddfwriaethol, pwy ddylai fod yn gyfrifol am beth a beth yw'r sancsiynau fydd yn gysylltiedig a'r Bil.
- Mae'n hanfodol fod yna gysondeb yn y modd y bydd yr holl sefydliadau a fydd yn ddaronstynedig i'r ddyletswydd yn cael eu trin a'u hasesu.
- Pwy fydd a chyfrifoldeb dros sicrhau cydymffurfiaeth a'r Bil o fewn awdurdodau lleol - a fydd Aelod Cabinet neu Uwch Swyddog penodol yn gyfrifol ac yn cael eu dwyn i gyfrif os na fydd y sefydliad yn cydymffurfio?

- Fel sydd wedi ei nodi yn ein hymateb i gwestiwn 1 beth fydd yn digwydd i sefydliadau fydd ddim yn cydymffurfio gyda gofynion y Bil?
- Nid oes cyfeiriad tuag at brosesau craffu mewnol a sut y disgwylir y bydd penderfyniadau yn cael eu herio'n fewnol. Byddai cynnwys gwybodaeth ynghylch hyn yn amlygu unrhyw faterion y bydd angen rhoi sylw iddynt o ran gallu a capasiti aelodau etholedig i ymgymryd â'r gwaith craffu yn effeithiol.

# FFURFLEN YMGYNGHORI

## Papur Gwyn Bil Datblygu Cynaliadwy

Rydym am glywed eich barn am ein cynigion ar gyfer y Bil Datblygu Cynaliadwy.

Anfonwch eich sylwadau atom erbyn 4 Mawrth 2013.

Os oes gennych chi gwestiynau am yr ymgynghoriad hwn, e-bostiwch:

[SDBill@cymru.gsi.gov.uk](mailto:SDBill@cymru.gsi.gov.uk) neu ffoniwch (02920 82) 1728 neu 6541

### Diogelu Data

Bydd staff Llywodraeth Cymru sy'n delio â materion yr ymgynghoriad hwn yn gweld eich ymateb yn llawn. Hefyd efallai y bydd aelodau eraill o staff Llywodraeth Cymru yn ei weld i'w helpu i gynllunio ymgynghoriadau yn y dyfodol.

Mae Llywodraeth Cymru yn bwriadu cyhoeddi crynodeb o'r ymatebion i'r ddogfen hon. Efallai y byddwn ni hefyd yn cyhoeddi'r ymatebion yn llawn. Fel arfer, cyhoeddir enw a chyfeiriad (neu ran o gyfeiriad) y person neu'r sefydliad gyda'r ymateb. Mae hyn yn helpu i ddangos y cynhaliwyd yr ymgynghoriad yn briodol. Os nad ydych am i ni gyhoeddi'ch enw neu'ch cyfeiriad, ticiwch y bocs isod. Byddwn ni wedyn yn eu dileu.

Efallai y bydd enwau neu gyfeiriadau rydyn ni'n eu dileu yn cael eu cyhoeddi'n ddiweddarach, ond mae'n anhebygol y bydd hyn yn digwydd yn aml iawn. Mae Deddf Rhyddid Gwybodaeth 2000 a Rheoliadau Gwybodaeth Amgylcheddol 2004 yn caniatáu i'r cyhoedd weld gwybodaeth sydd gan lawer o gyrff cyhoeddus, gan gynnwys Llywodraeth Cymru. Mae hyn yn cynnwys gwybodaeth sydd heb ei chyhoeddi. Fodd bynnag, mae'r gyfraith hefyd yn caniatáu i ni gadw gwybodaeth yn ôl mewn rhai amgylchiadau. Os bydd unrhyw un yn gofyn i weld gwybodaeth rydyn ni wedi'i chadw yn ôl, bydd angen i ni benderfynu a fyddwn yn ei rhyddhau ai peidio. Os yw rhywun yn gofyn i ni beidio â chyhoeddi'i enw a'i gyfeiriad, mae hon yn ffaith bwysig i ni ei hystyried. Fodd bynnag, weithiau efallai bod rhesymau pwysig dros ddatgelu enw a chyfeiriad rhywun, er bod y person hwnnw wedi gofyn i ni beidio â'u cyhoeddi. Byddwn yn cysylltu â'r person i ofyn am ei farn cyn gwneud penderfyniad terfynol i ddatgelu'r wybodaeth.

**FFURFLEN YMGYNGHORI**

Papur Gwyn y Bil Datblygu Cynaliadwy		
3 Rhagfyr 2012 – 4 Mawrth 2013		
<b>Enw</b>	Rebecca Williams	
<b>Sefydliad</b>	Undeb Cenedlaethol Athrawon Cymru (UCAC)	
<b>Cyfeiriad</b>	UCAC, Ffordd Penglais, Aberystwyth SY24 5EY	
<b>E-bost</b>	rebecca@athrawon.com	
<b>Math</b> ( <i>dewiswch un o'r canlynol</i> )	Busnes	<input type="checkbox"/>
	Awdurdod Lleol/Cyngor Cymuned a Thref	<input type="checkbox"/>
	Asiantaeth i'r Llywodraeth/Corff arall yn y Sector Cyhoeddus	<input type="checkbox"/>
	Corff Proffesiynol a Chymdeithas	<input checked="" type="checkbox"/>
	Corff yn y trydydd sector (grŵp cymunedol, gwirfoddolwr, grŵp hunan-gymorth, cwmni cydweithredol, menter, elusen grefyddol neu gorff di-elw)	<input type="checkbox"/>
	Corff academaidd	<input type="checkbox"/>
	Aelod o'r cyhoedd	<input type="checkbox"/>
	Arall (grŵp nad yw wedi'i restru uchod)	<input type="checkbox"/>

<b>C1</b>	<b>Beth yw'ch barn am y cynigion i sefydlu dyletswydd newydd i wneud datblygu cynaliadwy yn brif egwyddor drefniadol i sefydliadau Cymru? [Pennod 2]</b>
<p><b>Nodwch eich barn isod:</b></p> <p>Mae UCAC yn gryf o'r farn y dylai bod lles a ffyniant yr iaith Gymraeg yn rhan greiddiol o ddiffiniad Llywodraeth Cymru o Ddatblygu Gynaliadwy, ac y dylai hynny ymddangos ar wyneb y Bil arfaethedig.</p> <p>Byddai gwneud hynny'n ffordd o gryfhau ac o bwysleisio dyletswyddau y mae Llywodraeth Cymru eisoes wedi ymrwmo'i hun iddynt, ac yn ffordd o atgyfnerthu trefniadau gweithredu.</p> <p>Nid yw cydnabyddiaeth o 'drefnadaeth ddiwylliannol' yn ddigonol yn y mater hwn, gan na fyddai hynny'n rhoi unrhyw amddiffyniad o werth i'r iaith.</p>	

**C2**

Beth yw'ch barn am y cynigion i sefydlu corff datblygu cynaliadwy annibynnol?  
[Pennod 3]

Nodwch eich barn isod:

**C3**

Beth yw'ch barn ar y cynigion i roi'r ddyletswydd ar waith a hynny fesul cam, gan gynnwys amseriad sefydlu'r corff datblygu cynaliadwy annibynnol? [Pennod 4]

Nodwch eich barn isod:

Sylwn ei bod hi'n fwiad i gynnwys corfforaethau addysg bellach yng nghwmpas y Bil, a chroesawn hynny yn ddiamod.

Serch hynny, yn sgil y Bil Addysg Bellach ac Addysg Uwch arfaethedig, mae gennym bryder na fydd hyn y bosib. Bydd darpariaethau'r Bil Addysg Bellach ac Addysg Uwch yn dadreoleiddio'r sector Addysg Bellach i raddau helaeth iawn, er mwyn osgoi bod y sector yn cael ei gategoreiddio fel 'sector cyhoeddus' yng ngwydd y Swyddfa Ystadegau Gwladol (ONS) at bwrpasau cyfrifon gwladol. Er mwyn gwneud hynny, mae'n rhaid i Lywodraeth Cymru ddangos nad oes ganddi reolaeth bellgyrhaeddol dros y sector, er gwaethaf y ffaith mai hi sy'n ei ariannu.

Mae UCAC yn gwrthwynebu'r darpariaethau hyn yn y Bil Addysg Bellach ac Addysg Uwch, ar y sail bod Llywodraeth Cymru'n ildio gormod o reolaeth, ac y dylid sicrhau atebolrwydd am gyllid cyhoeddus. Mae awydd y Llywodraeth i sicrhau bod corfforaethau addysg bellach yn dod o dan gwmpas y Bil Datblygu Cynaliadwy, ac yn debygol o wynebu anawsterau yn hynny o beth, yn enghraifft arall o wendid a pheryglon y Bil Addysg Bellach ac Addysg Uwch. Bydd llu o enghreifftiau bellach yn debygol iawn o godi dros amser.

**C4**

Beth yw'ch barn am y cynigion i wella'r fframwaith atebolrwydd ar gyfer datblygu cynaliadwy yng Nghymru? [Pennod 5]

Nodwch eich barn isod:

**C5**

Rydym wedi gofyn pum cwestiwn penodol. A fydddech chi'n hoffi i ni roi sylw i unrhyw fater nad ydym wedi'i gynnwys yma, er enghraifft, sut i roi'r cynigion ar waith? Defnyddiwch y ffurflen ymateb i roi'ch barn.

Nodwch eich barn isod:

### **Cyfrinachedd**

Mae'n bosibl y byddwn yn cyhoeddi'r ymatebion i'r ymgynghoriadau un ai ar y rhyngwyd neu mewn adroddiad. Os byddai'n well gennych i ni beidio â chyhoeddi'ch manylion gyda'ch ymateb, ticiwch y bocs hwn:



## Sut i ymateb

Gallwch ddefnyddio un o'r dulliau isod i gymryd rhan yn yr ymgynghoriad a chofiwch wneud hynny erbyn 4 Mawrth 2013:

E-bost	Post
<p>Llenwch y ffurflen ymgynghori a'i hanfon mewn e-bost at:</p> <p><a href="mailto:SDBill@cymru.gsi.gov.uk">SDBill@cymru.gsi.gov.uk</a></p> <p>Cofiwch nodi 'WG17030' yn y blwch testun.</p>	<p>Llenwch y ffurflen ymgynghori a'i hanfon at:</p> <p>Tîm y Bil Datblygu Cynaliadwy Llywodraeth Cymru Parc Cathays Caerdydd CF10 3NQ</p>

Gwybodaeth ychwanegol
<p>Os oes gennych chi unrhyw gwestiynau am yr ymgynghoriad, gallwch un ai ein he-bostio neu ein ffonio:</p> <p>E-bost: <a href="mailto:SDBill@cymru.gsi.gov.uk">SDBill@cymru.gsi.gov.uk</a></p> <p>Rhif ffôn: (02920 82) 1728 neu 6541</p>

**From:** Bethan Williams [bethanwil@yahoo.com]

**Sent:** 04 March 2013 14:14

**To:** SD Bill

**Subject:** Bil Cynladwyedd

Annwyl John Griffiths,

Rydym wedi gweld canlyniadau'r Cyfrifiad yn ddiweddar yn dangos dirywiad sylweddol yn nifer y siaradwyr Cymraeg yn ein cymunedau. Mae llawer i'w wneud ar bob lefel i fynd i'r afael a hyn. Un rol gan y Llywodraeth fyddai i arwain y ffordd drwy sicrhau fod datblygiadau yn rhoi ystyriaeth deg i'r Gymraeg. Roeddwn wedi fy synnu felly nad yw papur gwyn Bil Datblygu Cynaliadwy yn cyfeirio'n benodol at sicrhau fod y Gymraeg yn cael ei ystyried ym maes cynladwyedd.

Dylai'r Bil fod yn:

- rhoi'r Gymraeg yn rhan o'r diffiniad cyfreithiol o gynaliadwyedd;
- sicrhau bod y Corff Datblygu Cynaliadwy a'r Comisiynydd yn ymgorffori'r egwyddorion hyn drwy weinyddu trwy gyfrwng y Gymraeg;
- rhoi cyfrifoldeb ar gyrff i ystyried y Gymraeg fel ffactor wrth wneud penderfyniadau a sicrhau bod y Comisiynydd yn cyfathrebu yn y Gymraeg;
- rhoi hawl i gymunedau ac unigolion i herio penderfyniadau sy'n debygol o danseilio'r Gymraeg;
- sicrhau bod angen grymoedd ehangach a chryfach ar y corff newydd i annog newid ymddygiad er mwyn sicrhau dyfodol cynaliadwy.

Rwy'n gofyn i chi ystyried y sylwadau hyn os gwelwch yn dda wrth drafod ymatebion i'r ymgynghoriad ar y Papur Gwyn a pharatoi'r Bil Datblygu Cynaliadwy.

Diolch yn fawr,  
Bethan Williams