

Consultation on Proposals for a Sustainable Development Bill

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Name/Organisation
Usk Town Council
Private Individual – Owen Jordan
Institution of Civil Engineers Wales Cymru
Cotyledon CIC
Private Individual – Redacted
Private Individual – Redacted
Private Individual – David Eggleton
University of Dundee School of Law
Private Individual – Tom Brooks
Dale Community Council

Sullivan, Patrick (Sustainable Futures)

From: Communications [communications@wales.gsi.gov.uk]**Sent:** 15 May 2012 13:45**To:** SD Bill**Subject:** Online response form**Follow Up Flag:** Follow up**Flag Status:** Completed

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Your name: Martyn Evans

Organisation (if applicable): Usk Town Council

Email Address: Martynevans@monmouthshire.gov.uk

Address: 18 Ladyhill Usk Monmouthshire NP15 1SH

Postcode: NP15 1SH

What are the principal barriers you face to taking more long-term, joined-up decisions?: A lack of legislation and guidance

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

What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies? : I am not aware of any.

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

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

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

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

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

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

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

What are the advantages and disadvantages of designating behaviours as the sustainable Legislation is the only way to create uniformity. Also

development factors that must influence high level decisions?: to encourage firms and individuals

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

broadly reflects the behaviours:

is not inconsistent with the behaviours?:

are there other options?:

Are there core sustainable development objectives we have not identified above?: Sustainable development is a key tool to help alleviate climate change. Also to keep larger areas open to native flora and fauna

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

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

if they do not detract from any of the objectives:

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

are there other options?:

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

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

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

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

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

Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?: I am not aware of any.

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

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

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

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

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

If we were to define “sustainable development” do you think that the working definition above would be suitable and why?: yes To guide people

What should be the overall purpose for a new body?: To enforce the legislation.

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

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

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

Are there other functions which should be considered?:

Do you have particular views on the independence of a new body?: It should be linked to Government

Do you have particular views on the accountability arrangements for a new body?: no

Do you have any other related queries or comments?: no

Sullivan, Patrick (Sustainable Futures)

From: Communications [communications@wales.gsi.gov.uk]
Sent: 18 May 2012 16:10
To: SD Bill
Subject: Online response form

Follow Up Flag: Follow up

Flag Status: Completed

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Your name: owen jordan

Organisation (if applicable):

Email Address: pengwaunsarah@aol.com

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Postcode: sa92ga

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

There are some actions - transport especially - where decisions by others dictate how and what decisions I make over how to travel and to where. Responsibility for infrastructure provision rests with central and local government, who on sustainable transport, as with everything else with the slightest green tinge, have talked the talk for many years, but when it comes to walking the walk, simply get into their chauffeur driven limos and zoom off in a cloud of fossil fuel emissions.

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

Local and central government need to put my money - its not theirs - where their mouth is on sustainable issues.

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

There is scant evidence at present, and if the wind turbine saga is anything to go by, HMG is intent - has already done in all probability - in selling the wind to the highest bidder and excluding the public from even consulting over installations on their land. Commons belong to commoners, not HMG

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

If there was any evidence of organisational decision making - energy policy for example - that would be a step forward. What is clear is that where it important we have a policy, and act upon it, the civil service make sure we don't have one, so that crazy ideas - like more nuclear power stations - can get shoved through in a panic over energy security, just as happened with the natural gas pipeline a few years ago. And we wern't even offered connection to the pipe!

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

no comment

these be?:

Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?: no comment

Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?: no comment

Should budget proposals be subject to the duty? Please explain: To paraphrase an ex US president 'its about the budget, stupid!' Where the money goes determines what you believe in; all the rest is hogwash.

Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain: no comment

Are there critical behaviours that we have not identified? Please explain: no comment

What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?: When people start talking about high level decisions, what they really mean is excluding most people from the room while the decisions are made. The reality is that all policy decisions worth the name are key issues and should involve everyone.

is consistent with one, some or all of the behaviours: The descent into considering how many angels can dance on the head of a pin starts here.

broadly reflects the behaviours: gets worse here

is not inconsistent with the behaviours?: and is beyond belief here

are there other options?: of course, see below

Are there core sustainable development objectives we have not identified above?: The ability of governments to fail to see all of the important issues is more or less axiomatic. Not understanding what sustainable development is, for example.

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

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

if they do not detract from any of the objectives:

even if they detract from

some of those objectives, as long as they actively promote others?:

are there other options?:

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

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

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

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

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

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

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

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

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

Are there organisations that are not listed above but which should be subject to

the duty? Please explain:

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

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

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

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

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

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

Are there other functions which should be considered?:

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

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

Do you have any other related queries or comments?:

I have left the last section blank because its quite clear that as a consultation exercise the drafter of this form has lost the plot, or quite possibly deliberately gone out of their way to descend into irrelevant minutiae. Sustainable development is not rocket science, no more than including people into society is; you just have to want to do it. Currently a large slice of society wants nothing to do with either of these topics. Governments reflect society.

Welsh Government Consultation Document

Proposals for a Sustainable Development Bill

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

A.1

1. Financial pressures
2. Lack of understanding of sustainability especially social/community aspects

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

A.2

1. More good guidance / publicity
2. Emphasis on community by Public Sector clients in the procurement process

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

A.3 Public sector bodies have started to incorporate S.D. requirements into the procurement process i.e. legacy clauses in contracts.

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

A.4 yes

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

A.5 see A.24

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

A.6 No

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

A.7 No

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

A.8 Yes, particularly with infrastructure projects (major schemes)

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

A.9 Yes, agreed

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

A.10 No

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

A.11 There are some challenges to overcome

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

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

- is not inconsistent with the behaviours?
- are there other options?

A.12 These should be embedded in decisions

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

A.13 No

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

A.14 Sustainable Development must be at the heart of all decisions.

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

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

A.15 SD should be embedded.

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

A.16

Advantage – help Welsh Government comply with legislation and meet targets

Disadvantage – addition of additional duties in difficult financial times

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

A.17 Too prescriptive, can lead to perverse behaviour

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

A.18 Two years

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

A.19 yes

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

A.20 By the new body, endorsed by Welsh Government

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

A.21 Not known

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

A.22 Any new Bill must give due consideration to the costs and potential delays

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

A.23 yes

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

A.24 no

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

A.25 Quangos/Regulators e.g. Environment Agency, Ofgem, Water Companies, Rail Companies, Energy Companies.

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

A.26 the less time spent on re-defining SD the better

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

A.27 yes

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

A.28 Advisory, disseminating best practice.

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

A.29 The must not put Welsh Companies at an economic disadvantage and increase unit costs of work in Wales.

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

A.30 Additional bureaucracy

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

A.31 yes

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

A.32 no

Independence and accountability

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

A.33 If independent it must have significant private sector representation – it must also not be biased towards one sector e.g. environment.

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

A.34 It should be responsible to the Welsh Government and represent all sectors.

Responder: Keith Jones

Director, Institution of Civil Engineers Wales Cymru

Address

Suite 2, Bay Chambers, West Bute Street, Cardiff, CF10 5BB

Email address

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Date 19th May 2012

Footnote:

- The Institution of Civil Engineers (ICE) was founded in 1818 to ensure professionalism in civil engineering.
- It represents 85,000 qualified and student civil engineers in the UK and across the globe and has over 4,200 members in Wales.
- ICE has long worked with the governments of the day to help it to achieve its objectives, and has worked with industry to ensure that construction and civil engineering remain major contributors to the UK economy and UK exports.
- For further information visit: ice.org.uk/wales

Sullivan, Patrick (Sustainable Futures)

From: Communications [communications@wales.gsi.gov.uk]**Sent:** 29 May 2012 07:55**To:** SD Bill**Subject:** Online response form**Follow Up Flag:** Follow up**Flag Status:** Completed

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Your name: Jan Walsh**Organisation (if applicable):** Cotyledon CIC**Email Address:** janwalsh@cotyledon.co.uk**Address:** 19 Riverside Terrace Machen Caerphilly**Postcode:** CF83 8NE

What are the principal barriers you face to taking more long-term, joined-up decisions?: Not appropriate to me as a SME. Barriers I perceive from Public Sector - with whom I work, is that of safeguarding departmental budgets and insufficient drive to work across budget heads.

What actions need to be taken, and by who, to reduce or remove these barriers?: SD should be integrated as a guiding principle across each budget head, not just seen as the SD department or countryside's responsibility.

What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies? : Speaking to officers of authorities from different departments is telling. Not everyone understands SD or the need to work together as a prudent use of finite resources

Have we identified the most appropriate level of organisational decision making at which the duty should be applied? Please explain: You have identified the need for SD to be central. It is explicit in all local strategies, where it falls down is in its application and understanding. Is it part of the induction process for staff, does each department have to demonstrate their own contribution to the overall authority's strategy. How does this relate eg to the work undertaken by economic development. Do they apply understanding in their dealings with support to SME, Communities First - how does this relate now to SD? A lot of questions

Would this approach risk

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

Unsure. Finance, procurement and dealings with private and third sectors should be included. The Bill appears to suggest that this will not be a tick box exercise.

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

I don't see procurement and supply side being explicit. This may mean that LAs are inward thinking and may not see their purchasing power as having a major impact on wider practices. I would like to see an element of good practice for SMEs being brought into the Bill because companies wishing to attract LA or government business will ensure they adopt similar practices and therefore the Bill will reach wider audiences.

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

economic development, regeneration, communities first - where there is a major role for authorities. procurement definitely.

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

Yes because this is the practicality of what an organisation does. Strategy and policy is one thing but if it lies only at the top and does not permeate through the organisation to budget setting and expenditure then what difference has it made in reality?

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

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

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

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

yes

broadly reflects the behaviours:

is not inconsistent with the behaviours?:

are there other options?:

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

What are the advantages and disadvantages of designating sustainable

objectives as the factors
that must influence higher
level decision making?:

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

if they do not detract from
any of the objectives:

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

are there other options?:

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

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

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

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

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

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

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

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

yes and more.

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

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

SMEs

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

no, people generally use Brundtland

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

use Brundtland.

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

Is there a need for a new body when Cynnal Cymru remains, or is there a wish to integrate part of Cynnal Cymru with WLGA as an overarching body for local authorities. I am wary in the first instance of a new body unless it makes better use of the practical expertise in small organisations and brings together policy and practice. So the overall purpose would be to guide the implementation of the Bill and to oversee its integration across departmental heads at national and local government levels - but also to take one wales one planet forward into wider audiences ie private and third sector.

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

quarterly meeting or event which analyses the effects of the Bill. This would mean having some sort of role in seeing feedback from local authorities as they are monitored but also having a proactive role. I

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

only in as much that it is high level and will comprise strategists and less likely to include activists.

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

No

Are there other functions which should be considered?:

Do you have particular

The body must have Ministerial input somehow. It must not be seen as

views on the independence of a new body?:

an arm of government but have some influence when things go wrong to lobby Ministers across the Government. It would be useful to have WLGA involvement

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

Do you have any other related queries or comments?:

The answers are brief because of lack of time and I am not an employee of a local authority. The views I have are based on working relationships with various LA departments. I would strongly recommend that part of the impetus to demonstrate SD was for LAs to reduce bureaucracy and not add another layer to it in SD name. There is a tendency to add another set of rules and requirements which restrict innovation rather than support it. I would hope this Bill does not do that and the compulsion to demonstrate working across budget heads - which is long overdue - frees up officer time and increases the ability for LAs and other statutory bodies to respond.

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Your name:

Organisation (if applicable):

Email Address:

Address:

Postcode:

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

Hierarcal attitudes and lack of understanding or commitment to environmetal sustainability and social justice. Often immediate measures of financial value for money take precidence in Director and Manager descisions, due to their pressures of budget management.

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

Directors and assistant directors need training regarding the bigger environmental picture, including understanding (if they do not already have this), of interdependant cosequence of non-sustainable decisions and impact on environment, resources and inequalities in society. Public bodies must have legislation that supports Wales and the UK to meet and excede European targets to reduce consumption of natural resources, use renewable energy and improve equality in society. This legislation must include criteria for procurement of services which stipulates the use of public money supports sustainable measures; to reduce consumption of natural resources, use renewable energy sources and increase equality in society.

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

There is curently little evidence, however there is progress regarding public-voluntary partnerships. There partnerships between NHS and LA's will have great impact on sustainability if they make sustainable measures and targets integral to their set-up/development.

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

At Director level, also service managers.

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

I dont know, need to think about it more.

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

Procurement of services from the private sector, should include sustainable development measures. Business should also have levee to recognise the support they gain from Public Infrastruture - and this be PROPORTIONALLY REDUCED according to how well the private business (particularly large venutres) meet these measures. This may be an idea for central government tax system rather than WG (!) however WG can figure out equivalent for same outcome. Any money gained via this levee can be invested in enterprise/buiness which have sustainable development at heart eg co-operatives. Localised development is great for local economy because the money is used within communities and NOT TAKEN OUT OF THE COUNTRY.

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

Procurement of services from the private sector, should include sustainable development measures. Business should also have levee to recognise the support they gain from Public Infrastruture - and this be PROPORTIONALLY REDUCED according to how well the private business (particularly large venutres) meet these measures. This may be an idea for central government tax system rather than WG (!) however WG can figure out equivalent for same outcome. Any money gained via this levee can be invested in enterprise/buiness which have sustainable development at heart eg co-operatives. Localised development is great for local economy because the money is used within communities and NOT TAKEN OUT OF THE COUNTRY.

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

Budgets proposals should include propoportunate increase to support investment where sustainable development measures are met. These should include SOCIAL JUSTICE measures to ensure the most deprived areas may keep-up with progress and not be penalised because of lack of resoucres, capacity etc. Penalties should be made where public bodies are not meeting these measures and these plans can be provided with 5 year warning for Councils, Business and Voluntary sector.

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

I dont know, need to think about it more.

Are there critical behaviours that we have not identified? I dont know, need to think about it more.
Please explain:

What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?: Advantages are contributing to maintaining of ecological well-being, sustainable environment and social justice. Disadvantages are people object to change, people get worried about safeguarding their own advantage and situation, therefore decision which benefit EQUALITY make the proposals unpopular.

is consistent with one, some or all of the behaviours: There should be legislation to tax public and private business which do not meet the measures, these levees should be invested directly back into sustainable development eg grants for sustainable co-operatives, business and public projects. These accounts should be promoted at National level for all citizens, so the population is aware of good and bad practice of public, private and voluntary sector and make informed choice regarding their own investments.

broadly reflects the behaviours: I dont know, need to think about it more.

is not inconsistent with the behaviours?: i dont know, need to think about it more.

are there other options?: There should be legislation to tax public and private business which do not meet the measures, these levees should be invested directly back into sustainable development eg grants for sustainable co-operatives, business and public projects. These accounts should be promoted at National level for all citizens, so the population is aware of good and bad practice of public, private and voluntary sector and make informed choice regarding their own investments.

Are there core sustainable development objectives we have not identified above? I dont know, need to think about it more.

What are the advantages and disadvantages of designating sustainable objectives as the factors that must influence higher level decision making?: Advantages are contributing to maintaining of ecological well-being, sustainable environment and social justice. Disadvantages are people object to change, people get worried about safeguarding their own advantage and situation, therefore decision which benefit EQUALITY make the proposals unpopular.

only if they actively contribute to one or more of those objectives: I dont know, need to think more.

if they do not detract from any of the objectives: i dont know, need to think about it more.

even if they detract from some of those objectives, as long as they actively i dont know, i need to think about it more.

promote others?:

use duty, legislation and public reporting - where the sustainable development of organisations are not met for environment and social justice, the population will have informed choice whether to invest in that business or not (eg buy product from that company). Consumer power is a powerful tool.

are there other options?:

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

Advantages are contributing to maintaining of ecological well-being, sustainable environment and social justice. Disadvantages are people object to change, people get worried about safeguarding their own advantage and situation, therefore decision which benefit EQUALITY make the proposals unpopular.

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

There must be enforceable guidance to support sustainable development and social justice. The current system (of growth development) has exploited natural resources and the population, resulting in huge environmental problems and social inequalities.

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

3-5 years to meet 1st phase targets 4-7 years to meet 2nd phase targets

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

Yes

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

Fore-run outline by WG, with detail to be confirmed by new body. Part of the work of the new body can be training (for public, private, voluntary sector) which will explain their full sustainable development guidance. Focus on communicating with private and public sector, because voluntary sector already meet constraints set by grant-funding and much of these regard sustainable development and social justice. In principle the voluntary sector are already making progress towards these aims - and could support by delivering the training....

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

I don't know.

Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable

I don't know.

Development Bill could remove?:

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

Yes, including evidence.

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

Charities run by volunteers for example PTA groups, Scouts. However the funding they access should demand meeting sustainable development criteria. The duty on small business which employ small numbers should reflect their capacity and maybe have time-bound action plan for small business to meet sustainable development targets, where they have duty if targets set are not met over phases of 1-3, 3-5 and 4-7 years.

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

Councils, Health Boards, Private Business.

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

Advantages are contributing to maintaining of ecological well-being, sustainable environment and social justice. Disadvantages are people object to change, people get worried about safeguarding their own advantage and situation, therefore decision which benefit EQUALITY make the proposals unpopular.

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

i dont know, need to think about it more.

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

To support public and private business to meet and evidence sustainable development measures and targets. Using tools: training, information, action plans, monitoring, publicity, celebration To support WG to enforce sustainable development To assist Wales to meet UK and European measures for sustainable development To assist WG to invest in sustainable development

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

Plan the aims, structure and resources, and then advertise recruitment for 5-10 year contracts - DO NOT build a body out of a lattice of secondments. The organisation will need to meet/exceed any sustainable development targets set.

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

Not when a considered use of public resources for the benefit of the population and environment.

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

Yes, for sustainable development there must be solid long-term administration and support.

Are there other functions which should be considered?:

How the evidence the body collates, via supporting organisations to meet the targets, shares this information with WG to enforce the duty and legislation. Or respective roles and responsibilities. The new body should work with education institutions to develop research in line with sustainable development. For example new technology and science should support sustainable development and not driven by funding and vested interest of industry and private business. The new body should work with agriculture to promote organic sustainable farming techniques, and move Welsh farmers away from a reliance on fertilizers and pesticides - these practices only benefit the profitable business of making pesticides and fertilizers.

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

The new body must have political independence

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

The body must be publically accountable and produce evidence reports on internal practice. As well as enable citizen access by annual news reports on the sustainable (environment and social justice) practice of public and private sector organisations.

Do you have any other related queries or comments?:

This questionnaire has been difficult to complete because i did not find the repetitions of questions clear. Many thanks for the Sustainable Development Bill and all of the work; to enable Wales to progress while supporting sustainable development is a wonderful thing. PS you can use any quotes, i just do not want my name public. call me Resident, Cardiff if you want to use quotes :-) Thanks.

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

Your name:

Organisation (if applicable):

Email Address:

Address:

Postcode:

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

I am writing this as myself, but I work for a local authority in waste services, so part of what I put will be about work-related matters, but they are my personal opinions and they are expressed to help this process be constructive. One thing that would help reduce our impact on our environment would be to have statutory targets for reducing tonnage sent to landfill. Focusing on recycling percentages may actually hamper work to REDUCE waste (e.g. home composting and reuse). Regarding making more long-term, joined-up decisions, my main barrier is that I have to pass things by my Line Manager for fear of doing something wrong.

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

Introduce statutory reduction of waste to landfill (and Energy for Waste) targets, enabling far greater reduction. Do this alongside the current recycling targets if possible.

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

The LA I work for has signed up to the Sustainable Development Charter. I can see little evidence of it being implemented. I am dismayed by feeling like I am some sort of extreme environmentalist (who eats meat and drives about 55 miles a day, though I do car share), because I seem to care more than others about making the LA's practices more sustainable.

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

Sorry, I haven't looked to see what level you have allotted, but I urge you to include ways in which people at all levels can contribute to decision making and have their views considered (without worrying about what their management may think).

Would this approach risk capturing some decisions which should not be subject

to the duty? What would these be?:

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

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

Yes. Energy generation/procurement. Procurement of all goods (including food and drink) used by the organisation. Resource management (and waste reduction).

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

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

Please explain:

Are there critical behaviours that we have not identified?

Please explain:

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

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

Sustainable development behaviours should have massive influence over high level decisions. Surely they must if sustainability is to be a "central driving principle"?

broadly reflects the behaviours:

is not inconsistent with the behaviours?:

are there other options?:

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

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

Advantages. Many, e.g. more local jobs, less environmental damage here and in other countries, resources conserved for future generations who will have learnt from our better management of them. Disadvantages - may possibly cost more in short term.

making?:

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

if they do not detract from
any of the objectives: No.

even if they detract from
some of those objectives, as
long as they actively
promote others?: No.

are there other options?:

What are the advantages and
disadvantages of basing a
duty on sustainable
development behaviours and
sustainable development
objectives?: There are only advantages really, when you consider
how much they outweigh any possible disadvantages.

What are your views on
basing a duty around a
single sustainable
development proposition?: Might not capture everything and be open to
interpretation, which would mean people tried even
more to get out of it if it meant making any extra effort.

How much time should
organisations be given to
make these changes?: 1 year max. They can be done in this time, It just takes
accountability and being driven by the WG.

Would it be helpful to issue
formal guidance to
organisations subject to the
new duty?: Only very basic guidance. 4 sides of A4 bullet points.
Otherwise producing the guidance will hold things up
and take up time which could be better spent.

Should any such guidance
be issued by the Welsh
Government or the new
sustainable development
body?: Welsh Government via new Sust Dev Body.

Are there any particular
statutory duties which it
would be appropriate to
repeal, in light of the
approach we are proposing
under the Sustainable
Development Bill?: Replace % recycling with reducing % AND tonnage to
landfill and limit % and tonnage to Energy from Waste
to 20%. This would really help with the reduce message,
and very probably bring about the % recycling targets
anyway!!

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

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

Yes, yes, yes! Simply though, having set up really effective measuring methods which people can replicate in other LAs. Any way to help with measurements across LAs very welcome.

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

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

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

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

I prefer Sustainable Living, but that sounds like a magazine. Focus should be on development meaning progressing to a more sustainable way of living (not increasing GDP, but well-being).

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

To effectively, efficiently bring about positive behaviour change by facilitating and encouraging more sustainable choices. To set SMART targets, measure them properly, then shout about successes and thank people for them.

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

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

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

Are there other functions which should be considered?:

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

Do you have particular views on the accountability

You need to get committed people in, and to communicate to them that they have ownership and

arrangements for a new body?:

accountability, and to give it to them as individuals.

Do you have any other related queries or comments?:

Yes. I'm really pleased with the Welsh Government's 'One Planet Wales' document, Towards Zero Waste Strategy and other things. I feel like the WG is really bothered! This makes me feel supported as an individual (lowly) officer, even when I do not really feel that same support where I work. I just wish that more could be done to get other LA Officers and Councillors to recognise the urgent need for sustainability, care more and, therefore, make choices which would conserve the Earth's resources.

Sullivan, Patrick (Sustainable Futures)

From: Jeanne-Hélène Eggleton [jh.eggleton@ntlworld.com]
Sent: 08 June 2012 11:56
To: SD Bill
Cc: peter@pdpartnership.co.uk; jh.eggleton@ntlworld.com; 'Kevin Morgan'
Subject: Sustainability Bill-comments
Follow Up Flag: Follow up
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I am a passionate supporter of the principal of sustainability, and of the introduction of sustainability into law. This is essential as a necessary response to the challenge of climate change, and is a worthwhile way of protecting and helping the vulnerable in a changing world. As illustrated by discussion and comment at the recent RTPI conference in Cardiff, its definition and application are not clear, and scepticism reigns. The risk of self-imposed disadvantage is high and few will be willing to be seen as leaders. The background to this initiative is therefore negative, and it will not succeed unless the measures proposed are widely seen as essential, effective and measurable. There is a considerable scope for Wales to gain a strategic advantage over other countries/regions if it can be seen as credible on this topic, but the benefits will not be seen by everyone. Due to the lack of definition, and newness of the subject, it would be wrong to establish an over-aggressive and wide ranging set of demands; the risk of failure is too high. A clear policy direction, and an interim set of specific short and medium term goals would be an appropriate approach.

The Brundtland definition is the only credible starting point, and recognition of the three pillars of sustainability, ie environment/ecology, economy and social must be equally stressed. Any change or development or proposal must aim to improve each of these pillars, none should be disadvantaged – the issue is how? The most easily measurable are economic and environment issues, and a short list of criteria and goals should be established that will make a difference to the world. The social pillar is the most difficult, and will be the most political, as it will be seen as a way of resolving all the ills of the world. At the interface of each of these 3 pillars are the trade-offs that need to be clear. Economic and environmental gains are usually seen as mutually exclusive, as a cost to business or a constraint on growth and enterprise; a viable solution can only be found by identifying a market advantage for environmental good behaviour. A good example is tourism, where a business can be built on healthy, activity based tourism; a 'Purely Welsh' slogan would surely be good for tourism and agriculture/food products. So we need growth and jobs but in the context of a clean and welcoming environment. As Stern pointed out, it is cheaper to fix the environment than suffer the consequences of a poor one!

At the interface between social and economy there is similarly a risk of constraining one to benefit the other. As the most complex area I would encourage a limited approach with employability as the link. This would focus on skills and education to give equality of access to jobs. Information is a key area, and a drive towards 100% fast internet access as soon as possible would be a goal that would benefit both.

At the interface between social and environment is quality of life; why would people and business want to locate here? The health of the population, the leisure opportunities, the reputation for sporting and cultural prowess are at stake and can be turned to the advantage of sustainability. The stress associated with today's lifestyle can be affected by quality of life improvements; parks, playgrounds, events, good transport, good design etc lead to civic pride and better health. Traditionally, this is measured after the fact by survey, and a reputation can be established, but the process could be aided by the bill if it insisted that all developments must contribute to new facilities (transport links, green space, play areas, service access etc) so that minimum standards of availability are demonstrated, and reduced energy consumption is achieved. Indeed, water and energy use require a step change in expectations; why not insist on zero net consumption?

It must be tempting to seek to resolve all these issues at once and together, therein lies the risk of creating a set of barriers that will deny genuine growth in living standards. An initial list of targeted measures might include a need to demonstrate major improvement to the following:

1. Shift to public transport
2. Carbon and particle emission reduction
3. Green space provision

4. Training schemes/apprenticeships
5. Broadband connection
6. Time to get to health, education services
7. Energy and water saving

I expect to attend the consultation, and look forward to the debate and opportunity to input further.

David Eggleton

Sullivan, Patrick (Sustainable Futures)

From: Communications [communications@wales.gsi.gov.uk]**Sent:** 14 June 2012 16:15**To:** SD Bill**Subject:** Online response form**Follow Up Flag:** Follow up**Flag Status:** Completed

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Your name: Professor Andrea Ross**Organisation (if applicable):** School of Law, University of Dundee**Email Address:** a.p.ross@dundee.ac.uk**Address:** School of Law University of Dundee Dundee**Postcode:** DD1 4HN

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

I am not involved in making such decisions however, reviews of government policy show a lack of any sense of urgency about sustainable development issues (especially relating to the Earth's finite resources) and this acts as a barrier to taking long term joined up decisions. The conflicting and unhelpful approach to SD by the current UK Government which still is responsible for many aspects of SD policy in Wales can also act as a barrier to long term decision making.

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

a) SD needs to be given a higher profile. People need understand what is good practice, why it is good practice and the consequences of failing to adhere to the good practice. For example, people need to understand that they can't complain about how the local council spends money if they don't recycle (since by not recycling, the LA ends up having to pay good money for landfill). A SD Act would be very symbolic for increasing the status of SD among government and the wider public and could act as a catalyst for communicating the need for change. b) Specific innovations and approaches used in Wales need to be protected from the unsustainable actions and approaches being promoted elsewhere and from the pressures of short termism. A SD Act could offer support and protection through legal and quasi legal duties imposed on public bodies in relation to SD (these can be procedural obligations, targets and/or substantive duties such as 'act in a way... or achieve' with real consequences for non compliance could provide such protection. c) Contrary legal duties do need to be reviewed and altered in favour of more ecologically sustainable duties. Several weak duties also need to be reviewed – any duty where SD is one of a list of objectives to be considered at the same time. Convolved duties ought to be simplified (see EPA 1995) I have done similar work before and myself or another legal

	academic together with WAG lawyers could do this review
What other evidence is there about the extent of progress in relation to the Sustainable Development agenda and making Sustainable Development the central organising principle of public bodies? :	<p>a) Wales has the strongest, most forward looking SD strategy in the UK and one of the most in the world - this is significant progress and in some part due to the existing procedural duty to produce the SD scheme in the 2006 Act. SD is already stated to be the central organizing principle of government in Wales. b) There have been key institutional innovations present in WAG. High level intergration is key to SD leadership and one should not underestimate the importance of Wales' cabinet committee on Sustainable Futures to joined up working. c) Similarly the scrutiny role of the NAW Sustainability committee is vital to success of any approach (These are both missing from the chart on p.20 of the consultation) d) Significant progress with Green Dragon standard and now the SD in Government programme is evident and ought to be supported e) The past contribution of the SDC especially in Scotland where it took a more hands on role is a good model for any new independent f) Eco-schools success is impressive and needs to be widened to other areas g) The contribution of SustainWales in engaging the public needs to be built upon h) However there remains a lack of progress with SD indicators i) There also is a lack of urgency about SD issues j) There is also the significance of the step backwards in SD terms by the UK Government which has a knock on effect on Wales.</p>
Have we identified the most appropriate level of organisational decision making at which the duty should be applied? Please explain:	Yes. The reasoning looks sound. However, I am not sure what 'a clear statement on the presumption in favour of sustainable development' referred to on p.27 means without an accompanying statement on priorities. Balancing environment, economy and social needs does not work. See the Kate Raworth's doughnut conceptualization of SD with people in the core and operating within the Earth's limits.
Would this approach risk capturing some decisions which should not be subject to the duty? What would these be?:	Not that I can tell.
Are there any decisions that are not captured by this approach which should be subject to the duty? Again, what would these be?:	Not that I can tell.
Should we include decisions which govern an organisation's internal operations? If so, which internal operations should we include?:	An organisation's environmental performance should be included – procurement, operations, estate
Should budget proposals be subject	Definitely. The Budget is the main policy making tool. Everything flows from the budget so for the duty to be effective (especially against contrary UK policy) the Budget needs to be subject to the duty. SD either is the central

to the duty? Please explain:	organizing principle of Government or it is not. See McNeil J (2007) 'Leadership for Sustainable Development' in OECD Institutionalizing Sustainable Development, Paris , OECD
Are all of the behaviours we identify critical to acting in ways that reflect sustainable development thinking? Please explain:	Yes. These are very useful.
Are there critical behaviours that we have not identified? Please explain:	A sense of caring (stewardship is a loaded word so best avoided) - To what extent does Wales care about the rest of the World and its sustainable development? care about the Earth itself and its resilience – this is missing throughout this consultation paper and is important
What are the advantages and disadvantages of designating behaviours as the sustainable development factors that must influence high level decisions?:	These factors may prove quite difficult to review, monitor and then hold bodies to account if not linked to outcomes. However, a benefit is that if actually used, they would introduce a more systemic rational to the duty
is consistent with one, some or all of the behaviours:	This approach lacks teeth if no priorities are given to decision makers. Without the priorities this approach will simply lead to business as usual. Obviously, some discretion is needed, but these bodies need to justify and give reasons for their decisions which stray from the priorities set out (prevention, taking the long term view and wellbeing – would be the obvious key priorities). The others are important but do not need to be supported and protected institutionally to have a voice like these three do.
broadly reflects the behaviours:	see above
is not inconsistent with the behaviours?:	see above
are there other options?:	see above
Are there core sustainable development objectives we have not identified above?:	Intra generational equity - To what extent does Wales care about the rest of the World and its sustainable development – this is missing throughout this consultation paper and is important
What are the advantages and disadvantages of designating sustainable objectives as the factors that must	The objectives approach is closer to the tradition in the UK. It is easier to use and understand than the behaviours approach but also much easier to reduce to a box ticking exercise. Box ticking exercises which cannot be avoided can serve to change behavior as gradually the substantive message will sink in.

influence higher
level decision
making?:

The same issues arise here as with behaviours. It is essential that priorities are given to decision makers. Without the priorities this approach also will simply lead to business as usual. Obviously, some discretion is needed, but these bodies need to justify and give reasons for their decisions which stray from the priorities set out (living within ecological limits, taking the long term view and wellbeing – would be the obvious key priorities). The others are important but do not need to be supported and protected institutionally to have a voice like these three do.

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

if they do not detract
from any of the
objectives:

see above

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

are there other
options?:

see above

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

This is the best way forward as the benefits and disadvantages from the two approaches dovetail with one another.

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

I think the statement is very useful but am not fond of the one proposed. The declaration used in One Wales, One Planet has more meaning.

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

I can't answer this.

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

Yes - but, importantly it should be consistent for all organisations and then a separate section offered which is tailored to individual organisations

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

The new body should develop the guidance and work with organisations to tailor it to their needs but the guidance itself should come from the WAG as Government policy. This is vital to show leadership from the highest level.

Are there any particular statutory duties which it would be appropriate to repeal, in light of the approach we are proposing under the Sustainable Development Bill?:	Yes, there will be duties which conflict or water down the approach in the SD Act. For example 'best value' duties may conflict – what is best value – cheapest, fastest, most eco-friendly – how should these be prioritized and what makes exceptions permissible? Several weak (arguably useless) duties also need to be reviewed – any where SD is one of a list of objectives to be considered at the same time. Convolved duties such as that of the Environment Agency ought to be simplified. More useful wordings for these duties already exist (see the UK Climate Change Act 2008 S13 on the duty to prepare proposals and policies for meeting carbon budgets (3))The proposals and policies, taken as a whole, must be such as to contribute to sustainable development. A full review of all legislation dealing with public duties and functions should be conducted and then recommendations made for any necessary changes or repeals. This would be a very worthwhile exercise to simplify the statute book and make life easier for everyone. I have done this type of work before and would be very willing to do it in relation to the SD Act once its provisions are agreed.
Are there legal barriers to delivering in line with the sustainable development factors we have set out, which the Sustainable Development Bill could remove?:	Yes, a review is also necessary to identify all of these.
Should organisations be required to report back on compliance with the duty through their existing annual reporting arrangements?:	Yes and these reports should be reviewed by the new body and a report of that review laid before the Assembly. The Sustainability committee could then call on any bodies not performing to explain their lack of progress and ask others doing well to share information about the factors leading to their success.
Are there organisations on this list that should not be subject to the duty? Please explain:	I can't answer this.
Are there organisations that are not listed above but which should be subject to the duty? Please explain:	Bodies come and go so the legislation should include a catchall provision to cover suitable new bodies.
Are there other advantages or disadvantages to defining "sustainable development" and if so, what are they?:	I think a single definition of sustainable development needs to be provided somewhere. My preference is that the definition is clearly set out in the strategy and then the SD Act uses the strategy as the single definition. No other possible sources are referred to. This gives clarity and ensures consistency while at the same time gives governments some flexibility and allows the definition to evolve over time. That said, it may be desirable to 'crystallise' in the legislation certain key elements of the definition such as

‘living within the Earth’s limits’ or ‘long term view’

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

I like the working definition but it will need to be fully unpicked to give decisionmakers a practical framework use in making actual decision making.

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

Watchdog or critical friend of government works well.

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

I agree that it should not be in the form of an ombudsman. The other two roles are useful. The role of the new body needs to be very carefully defined and linked to those of the Office of the Auditor General for Wales and the Sustainability Committee in the NAW. I see its role as more providing advice to Government and reviewing progress especially on policy and actions. This will have some scrutiny role but it is vital that its review role (and that of the AGW) are closely linked to the scrutiny provided by the Sustainability Committee and the full NAW. The AGW role should be separate from that of the new body. It should review progress against indicators and on SDiG. These are both very measurable and precise. It should report to the Sustainability Committee. It could also do value for money audit on SD topics. Which body does the full reviews of policy and whether policy and actions by public bodies comply with the new SD duty is the big question. The only place I have seen this done well was in Scotland by the SDC(S). As an alternative to the arrangement suggested, the new body could use the reports provided by the AGW on indicators and SD iG and add to these a review on policy to inform annual (biannual) reports on progress with the strategy. This is close to the model used in the European Union

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

It should definitely be a statutory body. If the SDC had been a statutory body it would have been more difficult to disband.

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

Yes but to be effective, it needs a very clear remit with specific timetables for reports and reviews. Also all reports should be tabled before the NAW.

Are there other functions which should be considered?:

All seem covered.

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

I think it should be at arm’s length from the WAG either as a separate body or as part of the Office of the AGW.

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

It should definitely provide an annual report to the NAW and have its reviews subject to scrutiny by the Assembly's Sustainability committee

Do you have any
other related queries No
or comments?:

SUSTAINABLE DEVELOPMENT CONSULTATION – BANGOR UNI – 13 JUNE 2012

This note is both an observation on the Consultation Session on the Sustainable Development Bill at Bangor University and also a submission to the “Sustainable Development Bill Team” as a response to the formal consultation.

GENERAL OBSERVATIONS

The consultation session at Bangor University on June 13th provoked interesting discussions in relation to the planned Bill. The discussions were largely confined to individual tables. The table at which I sat had a good mix of 10 persons; persons from local government, the NHS, the housing sector, various ‘rural’ organisations, some academics, a Welsh Government co-ordinator and myself from industry. At the table, and in plenary session, the larger number of attendees represented in some way the “green lobby”, albeit at my table very sensitively.

THE ‘SUSTAINABLE DEVELOPMENT’ DEFINITION NEEDS UPDATING

The current definition of sustainable development (included within One Wales: One Planet), which was agreed by the Welsh Assembly Government Cabinet, is “enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own and future generations in ways which promote social justice and equality of opportunity; and enhance the natural and cultural environment and respect its limits – using only our fair share of the earth’s resources and sustaining our cultural legacy”.

This lists economic wellbeing before it lists social and environmental wellbeing and this emphasis on the priority of economic wellbeing was stressed by the First Minister, Carwyn Jones, in his videoed introduction to the day. While we were in discussion in Bangor, the First Minister was chairing a meeting of the Council for Economic Renewal, which is made up of representatives from business, trade unions and social enterprises. The meeting had the ‘impact on Wales of the uncertain global economic conditions’ as top of its agenda. Carwyn Jones is reported in the media to have said “Close working between the Welsh Government and business will be vital in tackling Wales’ economic woes”.

Since One Wales: One Planet was published, there has been a reassessment by most economists on the depth and likely length of the current recession. Economic recovery is essential but is likely to take some years. The failure of ‘Copenhagen’ to meet the UK and Welsh Government’s expectation was largely due to the realisation by the USA, China and other countries that the emphasis in the shorter term has to be on development first, albeit in as sustainable a manner as is realistically possible without impeding economic recovery and wellbeing. Including in national objectives measures that impede economic development is not a helpful action at this time.

In my view the definition of ‘sustainable development’ in Wales needs updating to fit with the changed world circumstances. The phrase –“using only our fair share of the earth’s resources” - places an artificial constraint on Welsh development. It should be replaced by “using the resources of the country responsibly”. Wales is not able to calculate or calibrate on a regular basis what a “fair share of the earth’s resources” is. Wales is not an independent country and does not have the freedom to control many of the resources that its residents consume. The objective adopted within the definition of sustainable development should be practical and achievable. The current definition is neither practical or measurable.

THE ‘STEP CHANGE’ DESIRED

Fundamental to understanding the step change desired is an understanding of the development, and particularly the economic development, needed. The document ‘One Wales: One Planet’ devotes several pages to economic development and to the need to promote industries with low carbon footprints such as Information and Communications Technology based industry and Bioscience Based industry. Yet the consultation document for a Sustainable Development Bill gives such economic development issues barely a mention.

Section 60 of the Government of Wales Act 2006 devolves to Welsh Ministers considerable powers to promote development and all forms of wellbeing. The capability to intervene is present in the Act: If a step change is to be

achieved, a duty needs to be placed on Welsh Government Ministers to research, develop and promote such industries with light carbon footprints through planning, education and training, suitable infrastructure investment etc. There is a view that the current Welsh Government thinking on sustainable development is focussed too much on restrictions to attain 'green' issue targets and not enough on developing economic wellbeing.

THE NATURE OF THE DUTIES THAT SHOULD BE DEFINED

The examples of the nature of the duties to be imposed are insufficiently precise to be effective. As suggested above, there needs to be a duty imposed at both Welsh Government and local government level "to research, develop and promote industrial development where a light carbon footprint is expected to result, through the planning process, education and training, suitable infrastructure investment etc". Government bodies should be proactively seeking developments that will enhance the economy but also be sustainable in its use of Welsh resources.

In the list provided of possible duties, an important example is that which reads "A duty to weigh the short term benefits of options against the long term social, economic and environmental costs, coupled with a duty to avoid or justify any long term costs". Missing from this duty statement is a qualification that "the public body should have regard to the development need of the area to which the options apply".

The balance between short term and longer term consideration are likely to be different when the development is within a convergence area and areas within its successor scheme. A duty should be written into the Bill so that regard should be given to the views of the 'All-Wales Programme Monitoring Committee 2007-2013 and its successor body in relation to sustainable development programmes and projects within convergence areas.

The balance between short term and longer term consideration should also be viewed differently when the development is within a Welsh Government Enterprise Zone. The urgency to establish the enterprise zones as effective contributors to the Welsh economy is such that any decision should be weighted towards the short term. There should be a clause in the Bill requiring the Minister to produce secondary legislation to support development within enterprise zones.

COMPLIANCE WITH THE BILL

The proposal that the Public Audit (Wales) Bill should include an express duty to examine sustainable development in the Welsh public sector is viewed as regrettable. If a proper balance is to be achieved in Wales in the delivery of sustainable development, the new SD body, if there is to be one, should not only provide expert advice and guidance in relation to sustainable development and wellbeing but also be the responsible body to examine the activities of the Welsh public sector in the delivery of sustainable development.

A single unified integrated function vested in a new SD body that both provides the guidance and ensures that the guidance is followed, that learns rapidly from mistakes and takes prompt rectification action is the much preferred approach. The alternative system, where the new SD body provides the guidance and then waits for a period of time for another body in the Wales Audit Office to provide scrutiny and to produce reports before the new SD body can consider and investigate the corrective advice and action needed, is top heavy in bureaucracy and inefficient in its proposed mode of operation.

If the Wales Audit Office is to add scrutiny of sustainable development to its list of functions no case exists for the Welsh Assembly to produce a new statutory QUANGO.

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5th July, 2012.

Dear Sirs

Dale Community Council – consultation on proposals for a Sustainable Development Bill.

1. If sustainable development is, indeed, to be “the central organising principle” of the Welsh Government and public bodies, responsibility for it should be centrally placed within the centre of the Welsh Government – i.e. in the Office of the First Minister. It should not be shuffled off to some new ministry on the sidelines of government which is not placed to monitor, maintain and enforce the centrality of the issue within the Welsh Government.
2. Any definition of “sustainable development must give (and be seen to give) equal value to both conservation issues and the issues of human communities.
3. Residents / businesses in Dale have reason to fear the cavalier disregard for the interests of the human community and landowners shown by the Welsh Government to our community in recent times. The intervention of CCW and CADW to prevent clearance and improvement of the Dale airfield site, supported by the Minister of Housing, Regeneration and Heritage without consultation or reference to the local community or landowners was an act of arrogant disregard for the community which should never be repeated.
4. The current consultation by the Marine Branch of the Department of Environment & Sustainable Development has made it clear that the Department has no interest in the activities or the welfare of the community of Dale. The consultation document reports that a number of other potential sites for a HPMCZ were discounted after taking account of existing human activity whilst, at the same time, ignoring all the human activity in and around Dale Bay, and putting Dale Bay on the short list of potential sites for HPMCZ status – with all the adverse impact of “planning blight” that such a threat imposes on the residents and businesses of the area. The community of Dale is, therefore, unable to trust the Department of Environment and Sustainable Development.
5. The Community Council of Dale has no confidence in the ability or willingness of the Department of Environment & Sustainable Development or the Department of Housing, Regeneration and Heritage to give due weight to the interests of the human residents of Dale. The Community Council has even less faith in the prospect of a dedicated Ministry of Sustainable Development and would much prefer that such matters be centred on the office of the First Minister where there may be a prospect of a proper balance between the interests of the humans and the interests of conservation.

Hugh Bishop.
Clerk to Dale Community Council