

**From:** david\_kingman@hotmail.co.uk on behalf of David Kingman [david@if.org.uk]

**Sent:** 28 December 2012 18:28

**To:** SD Bill

**Subject:** Intergenerational Foundation response to SD Bill Consultation

Dear Sir,

The following is the official response to the consultation on the Welsh government's Sustainable Development Bill from the Intergenerational Foundation ([www.if.org.uk](http://www.if.org.uk)):

The Intergenerational Foundation is fully supportive of the Sustainable Development Bill. We believe there should be a requirement that all government policies in the UK (at every level of government) should be assessed for their possible impacts on future generations. Creating a requirement that all public sector bodies within the devolved Welsh administration should adhere to the principles of sustainable development, monitored by a new sustainable development body for Wales, marks an important step towards this aim. Our only reservation is that we feel the commitment to serving the interests of future generations could have been taken even further, for example, by establishing an Intergenerational Ombudsman for Wales, whose role would have been to represent the interests of future generations during debates over government policy. The government of Hungary took this step in 2008 when [Mr Sandor Fulop](#) was elected as the country's first Parliamentary Commissioner for Future Generations. However, this minor reservation aside, The Intergenerational Foundation is pleased to note that we will gladly support any future attempts to place the interests of future generations at the heart of Welsh government policy.

Thanks and best wishes,

David Kingman  
Intergenerational Foundation

## CONSULTATION FORM

### Sustainable Development Bill White Paper

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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

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**CONSULTATION FORM**

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
<b>Name</b>	Dnebeigh Vaughan	
<b>Organisation</b>		
<b>Address</b>	Llwynon MAenclochog Pembs. SA66 7LB	
<b>E-mail address</b>	denvaughan@uku.co.uk	
<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 checked="" 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: Approve - but why only selected organisations and not all (public and private)?	

**Q2**

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

Please provide your views below:

Approve - it should be balanced to represent all sectors equally: conservation, business, general public etc., etc.

**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:

Fine. Not an area I feel qualified to comment on!

**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:

Fine, so long as it actually works.

**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:

Sustainable development must also be embedded into the way the private sectors function - responsibility for waste/pollution, exploitation of natural resources, effects of developments on communities, etc.

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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>

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**From:** John Whiten [johnwhiten@hotmail.com]  
**Sent:** 13 January 2013 09:18  
**To:** SD Bill  
**Subject:** Sustainable Development Bill – White paper

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Hi there,

My comments on the white paper. In general I think wales needs to act quickly to implement sustainable development. Priorities have to be the reduction of energy waste, especially in the housing stock and renewable/low carbon power generation. The requirement for sustainability is effecting the whole world and can be seen as a market opportunity, so we need to get into an position to export our skills - when we get them! The sooner the better.

Many thanks,

John Whiten  
Brook Cottage  
Bury  
Swansea  
SA13BH

- the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales;
- **DEFINITELY**
- the proposals for an independent sustainable development body;
- **DEFINITELY AS LONG AS IT IS NOT TOO WASTEFUL/EXPENSIVE**
- the proposed phasing and implementation of the duty, including the timing for the creation of the independent sustainable development body; and
- **ASAP!!!**
- the proposals to improve the accountability framework for sustainable development in Wales
- **AGREE**

My response is based on 26 years experience as a geotechnical engineer, at home and overseas. I have substantial experience of the broad "development" process for housing, roads, bridges and other elements of our infrastructure. I also sit on the Executive Committee of Geoconservation UK, a third sector body which has interests in the conservation of geological sites other than those which are afforded statutory protection as SSSIs (the responsibility of CCW (soon to be Natural Resources Wales). I am currently undertaking a Doctoral thesis at the University of Chester entitled "A Geoconservation Perspective on the trace fossil record associated with the Hirnantian Glaciation and Extinction episode in the Welsh Basin". These comments are however my own, and do not necessarily reflect those of my employer, my university, or any other organisation of which I am a member.

I record my views as follows:

Q1

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?

In proposing any such new "duty" it is necessary to be able to define what is meant by "Sustainable Development" in broad terms that have a recognisable meaning to all those involved in legislating for it; those involved in carrying out associated tasks; and those involved in policing / reviewing the implementation of the policy. It is after all one thing to commit to the broad "sustainability" agenda, but it is quite another to actually make the policy stick, and to demonstrate that fact.

There is a fundamental problem in the Brundtland Definition of Sustainability in that the whole concept can be considered as something of a tautology. The only way to ensure that we do not change something to the detriment of future generations is to leave it alone and untouched. This leads to the problem that "Sustainable Development" then can come to mean different things to different people, depending on the nature of their particular interests and concerns. The extent of this "sustainability dilemma" is perhaps best illustrated by considering a hypothetical example; so for the purpose of argument, let us consider the hypothetical prospect of a future proposal to build a new upland reservoir by damming (as an example) the Hirnant Valley near Bala.....(God forbid...!)

What does "sustainable development" mean in this context?

The promoters of the scheme (a multinational energy corporate) will point to the energy that will be won from the hydro-electric plant, the security of water supply it offers to North East Wales, the long term legacy of a stocked fishing and water sports facility to complement the existing facilities at Llyn Tegid. The promoters therefore have a clear commitment to sustainability.

However, the local Forestry Manager will see things somewhat differently. The Aberhirnant Forest is a significant logged forest under the management of the Forestry Commission. This new reservoir will remove (say 20% ) of his stock of mature trees, but more importantly will decrease the potential for planting of new "sustainable" timber, and in particular will destroy the lowland valley area set aside for mixed planting and restoration of native woodland – hardly sustainable development to his point of view.

Sustainable development will mean something rather different to the Business Community. The investment associated with construction work will bring economic benefits across the community from bed and breakfasts to plant hire companies. Sustainable development in this context will be associated with the need to ensure that community benefits are retained within the local community ("cadewch budd.yn lleol"). Sustainable development in this situation will then have significant impacts within sociological frameworks. What impacts will there be in a local primary school? Will there be a need to deal with an influx of second language pupils associated with an influx of Eastern European labour? What steps are required to promote the use of the Welsh Language as part of the procurement process? Is the local housing stock in Bala and Corwen adequate for the influx of construction workers. All these matters are arguably "sustainability" arguments to a greater or lesser extent.

Where in all these sometimes conflicting "sustainability" arguments would my particular concerns be addressed? The global stratigraphic stage for the latest part of the Ordovician Series (about 443 Million Years ago). Is called the "Hirnantian". That situation arose as a consequence of the description in the nineteenth century of the "Hirnantia Fauna" which subsequently was used to define rocks of this age globally. Two brachiopods *Eostropheodonta hirnantensis*, and *Hirnantia sagittifera* were described from a small quarry

(Chwarel Cwm Hirnant) located in the Upper Hirnant Valley. That specific site is a SSSI (citation available at <http://www.ccg.gov.uk/landscape--wildlife/protecting-our-landscape/special-landscapes--sites/protected-landscapes-and-sites/sssisis/ssi-sites/chwarel-cwm-hirnant.aspx>).

From a historical perspective then the developer would be expected to engage with CCW (or NRW) to address the issue of the SSSI. Since it is situated quite high up the valley it is possible that water levels in this postulated future reservoir could be maintained below the site of the SSSI.

That is not the end of the sustainability agenda however. The rocks of this age reflect a time when the Earth was in the middle of a global mass extinction event (probably the second most serious of the widely recognised “Big 5” mass extinctions), and was also in the process of recovering from a major global glaciation. The Hirnantian rocks are therefore recording a period of geological time that is a proxy for the current global warming situation following the Pleistocene glaciation and the apparent on-going (sixth) global mass extinction. My research studies have shown that the SSSI geology is highly unusual – and from a geological perspective has a number of things “wrong” with respect to the local geology. In trying to find an outcrop that shows these rocks in a sensible geological context I am drawn to a small col on Forestry Commission land further down the valley that would appear to hold greater potential for studying these rocks. That site (Bwlch yr Hwch,) whilst under Forestry Commission (or NRW) ownership has no protection under SSSI status, nor under the associated Geoconservation Review (GCR) or Regionally Important Geodiversity Sites (RIGS). The flooding of this site would impact significantly on future opportunities to investigate links between extinction and global warming. That I would argue would be a hugely detrimental impact on any sustainability argument.

This reflects a fundamental problem with the protection of elements of Geological Heritage – in that all seem to be backward looking. There does not seem to be any widespread desire to address potential losses from our geological heritage in the same way that losses of archaeological content (for example some iron age earthworks) or biodiversity (be it newts, orchids, bats etc). In the same way that a County Archaeologist can require a developer to fund excavation, rescue or protection of elements of archaeological importance, it should be within the remit of a proper “environmental impact assessment” to address the nature of what is in the ground? What is likely to be uncovered ? What can we learn from it? Does it need protection, rescue or recording before development takes place?

I have utilised a perhaps unlikely scenario to illustrate my view that sustainable development will mean different things to different people, and to illustrate my particular concern with regard our tendency to throw the geological baby out with the development bathwater. To illustrate this with a real example of what does happen I would refer to two recent short articles published in the Newsletter of the North Wales Geology Association relating to the finding of a remarkable slab of rock in a pile of excavated spoil associated with the Porthmadoc bypass “Problematica from Tremadoc” ( [http://www.ampyx.org.uk/cdgc/newsltr/2011\\_feb\\_61.pdf](http://www.ampyx.org.uk/cdgc/newsltr/2011_feb_61.pdf)) and ([http://www.ampyx.org.uk/cdgc/newsltr/2011\\_sep\\_64.pdf](http://www.ampyx.org.uk/cdgc/newsltr/2011_sep_64.pdf)).

The recovery of this remarkable specimen was a result only of fortunate happenstance. It is obvious that much more could have been made of the specimen if it had been seen in-situ rather than being rescued from a pile of stone waiting to be crushed. I cannot bring myself to think what museum pieces have been fed into crushers and ended up being used as roadfill over the years.

In Wales we have a unique responsibility to the geological heritage. Geology as a discipline was developed by the likes of Murchison and Sedgwick working in Wales. On a global basis stratigraphers in particular, and geologists in general, talk not just of the Hirnantian but also the Cambrian, Ordovician, Silurian (at Series level) and the Llandovery, Aeronian and the Caerfai at Stage level. The Industrial Revolution was to a very large extent built on Welsh coal, copper, iron and slate. The industrial heritage that we enjoy (and increasingly rescue) is built on a foundation of geology.

Similarly Welsh river catchments are hugely important in delivering drinking water to the Liverpool area, and the Severn Trent area. Opportunities for micro-generation exist wherever gravity and water combine to give consistent flows of water.

Whilst Wales can be justifiably proud of the way we have taken the lead on some issues (plastic bags, public smoking etc). There appears to be a substantial opportunity to take the lead in the sustainability agenda on a much broader front. Could for example Building Regulations require new build housing and commercial premises to be energy neutral not just efficient? Clearly this would add to the costs of new building – but it would also generate a renewable energy industry here in Wales. Now is the not the time for timidity in pushing

the sustainability agenda. I would argue that geology should lie at the heart of that agenda; since it is our geology that dictates the elements of the physical environment that create our landscape, our energy resources, and mineral riches.

Q2

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

I do not think that there should be an independent sustainable body. This would introduce an unnecessary detachment. I would prefer to see a Senior Sustainability Officer in post at Executive level in each department. I consider the new NRW body to be the most rational body to lead this within government.

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?

I am of the view that Natural Resources Wales would be the natural department to lead the Sustainability agenda. I would therefore prefer to see the new body established and in place prior to the introduction of these changes. I would then expect to see the new duty established within this body prior to rolling out throughout the remaining bodies.

Q4

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

No view

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.

**From:** Medwyn Jones [townclerk@denbightowncouncil.gov.uk]

**Sent:** 30 January 2013 11:17

**To:** SD Bill

**Subject:** A Sustainable Wales

Denbigh Town Council has had the opportunity to discuss the proposals and would wish to respond to the consultation questions as follows:

Q1. *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?*

A1. Seems positive and we agree in principle. However, as a Town Council we require greater guidance and clearer indications as to how it will affect town and community councils.

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

A.2 An independent body is a good idea but they need to be far more answerable. The need for yet another body is not clear when the original body could be added to.

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?*

A3. A phased in approach is a good idea. It will lessen the impact on other stakeholders and will allow for easier adjustment.

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

A4. Following the work of the auditor general we felt further emphasis should be placed on reputable auditors to ensure greater transparency.

Q5. *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.*

A5 None

If you require any further information please let me know.

Medwyn Jones  
Clerc y Dref a Swyddog Cyllid / Town Clerk & Finance Officer  
Cyngor Tref Dinbych / Denbigh Town Council  
Neuadd y Dref, Dinbych, Sir Ddinbych /  
Town Hall, Denbigh, Denbighshire,

LL16 3TB

Tel: 01745 815984

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**CONSULTATION FORM**

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
<b>Name</b>	Chris Howell	
<b>Organisation</b>	Member of the public	
<b>Address</b>		
<b>E-mail address</b>	cdhtiger@hotmail.com	
<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><b>Please provide your views below:</b></p> <p>Identifying sustainability issues and addressing them should be part of the everyday planning and delivery of public services in Wales. The Wales Assembly Government's guidance in Circular 8/2002 stated, inter alia, that failure to take account of sustainability means short term benefits have longer term disadvantages and the reviews (of services) will need to address considerations of sustainability and long-term impact in social and environmental terms.</p>	

**Q2**

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

**Please provide your views below:**

A necessary body to steer, support and challenge and I assume it will incorporate the identified good practice associated with the former Commission in England. It's role must be clearly defined and it's membership should reflect proportionately the diverse organisations it will represent.

**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:**

Currently contributions to sustainability development will vary widely between organisations and this is unlikely to change without a central steer and some prescription to the approach to be adopted and the records to be kept by participating organisations.

It is suggested that a checklist will help clarify the issues to be considered when building the principles of sustainability into service planning and improvement processes. The checklist headings would encompass the themes of economic and social sustainability as well as environmental concerns. These headings could cover the following:

- building sustainable communities
- health
- ...managing natural resources
- a sustainable economy
- social equity
- transport and access
- sending the right signals

**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:

There needs to be clarity between the role of the regulators and the proposed sustainable development body . The Regulators reports need to be more meaningful and constructive than the Annual Improvement Reports produced by the Wales Audit Office in recent years.

**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:

The usual barriers to success will apply e.g.

performance management systems

performance information

performance measures and in particular those relating to outcomes, they must also be appropriate, achievable and measureable

validation of achievements

sharing of information especially good practice etc.

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Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
<b>Name</b>	Mandy Evans	
<b>Organisation</b>	Abergele Town Council	
<b>Address</b>	Town Hall Llanddulas Road Abergele LL33 7BT	
<b>E-mail address</b>	clerk@abergele-towncouncil.co.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: The Bill can not be a one size fits all, as all the measurable 'tasks' can vary greatly from organisation to organisation. In Local Authority the priorities can be very different from County Council responsibilities to small Community Councils who only have a Clerk that works a couple of hours a week. This can be difficult to implement.	

**Q2**

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

Please provide your views below:

Clarification on who will appoint the Body and the Role of the Independent Body is required in order to make an objective opinion.

If the Body is created it will need to be clear on why it has had to be formed independently and why it could not form part of an existing Body.

**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:

Should all be phased in at the same time.

**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:

The Auditor General for Wales is already in place and can implement this Bill. Clear clarification on what is required by the organisation in the first instance is required, in order for them to be able to implement the new requirements.

Enough time for organisations to be able to implement the duty prior to any penalties being enforced.

**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:

Engaging with the Community will be a challenge.

Engaging within an organisation and understanding what is required will also be a challenge.

Training will be essential.

Enforcement must come from the top down i.e. Welsh Government, One Voice Wales, North Wales Association, County Council.

The White Paper Document was not considered to be written in a plain English format.

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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>	Steve Halsall	
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<b>Address</b>	Ground Floor Hastings House Fitzalan Place Cardiff CF24 0BL	
<b>E-mail address</b>	lgbc-wales@wales.gsi.gov.uk	
<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 checked="" type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

<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><b>Please provide your views below:</b></p> <p>Sustainable development is already a central guiding principle for all of the Commission’s activities. This includes strategy and policy development, service delivery, partnership work and the way the organisation is run. When introducing new policies the Commission is mindful of the Welsh Government’s responsibilities towards sustainable development. The Commission is required by Welsh Government to mainstream sustainable development into the way that it conducts its business, and the Commission endeavours to meet this commitment. Sustainability is at the heart of the Commission’s remit to make recommendations on electoral arrangements to ensure efficient and convenient local government for the long-term.</p> <p>The Commission has undertaken a number of initiatives to reduce environmental impact, such as ensuring all staff receive sustainable development training, the main delivery will be achieved via the Green Dragon Environmental Standard and through the Commission’s sustainable procurement policies. The Commission has developed a Sustainable Procurement Policy and Strategy and the Commission’s work towards reducing the environmental impact of its activities has been recognised with the awarding of level two of the Green Dragon Environmental Standard. The Commission has also achieved Level three of the Sustainable Procurement Assessment Framework in the key areas.</p>	

**Q2**

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

Please provide your views below:

No comment.

**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:

No comment.

**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:

No comment.

**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:

No additional issues.

### **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>

20 February 2013

# WELSH GOVERNMENT SUSTAINABLE DEVELOPMENT BILL WHITE PAPER A TCPA Submission

## 1. About the TCPA

1.1 Founded in 1899, the Town and Country Planning Association (TCPA) is the UK's oldest independent charity focused on planning and sustainable development. Through our work over the last century we have improved both the art and science of planning in the UK and abroad. The TCPA puts social justice and the environment at the heart of policy debate and seeks to inspire Government, industry and campaigners to take a fresh perspective on major issues, including planning policy, housing, regeneration and climate change. Our objectives are to:

- *Secure a decent, well designed home for everyone, in a human-scale environment combining the best features of town and country;*
- *Empower people and communities to influence decisions that affect them;*
- *Improve the planning system in accordance with the principles of sustainable development*

## 2. Background and content of the White Paper

2.1 TCPA responded to consultation on the Welsh Government's proposed Sustainable Development Bill last year following a very successful Roundtable on 4 July 2012. The draft submission was considered by Policy Council on 25 July 2012. The Welsh Government has now published its White Paper, with consultation closing on 4 March 2013.

2.2. The White Paper uses the definition of sustainable development (SD) used in the Wales Sustainable Development Strategy "One Wales One Planet" (May 2009):

*"Sustainable development means 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.*

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

2.3. The Welsh Government intends to include the following features in the Bill:

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

- *Accountability* - reporting and scrutiny arrangements to ensure that sustainable development is fully embedded within organisations

2.4. The White Paper emphasises the need to change *how* strategic policy and decisions are shaped, but is lacking in detail of how this is to be achieved in practice, beyond establishing the independent sustainable development advisory body. It is designed to help public service organisations to achieve better and more sustainable outcomes.

2.5. The duty will apply to: the Welsh Government; Natural Resources Wales; National Library of Wales; National Museum Wales; Sport Wales; Arts Council of Wales; Local Authorities; Fire and Rescue authorities; National Park Authorities; NHS Trusts; Local Health Boards; Higher Education Funding Council for Wales; Higher Education Institutions; Further Education Corporations; Registered Social Landlords; and Town and Community Councils. There will be a phased introduction and proportionate audit and reporting requirements.

2.6. The overall purpose of the new sustainable development body “is focused on supporting organisations to embed sustainable development as their central organising principle and facilitate joint working and collaboration within the public service and wider Welsh society to achieve that aim.” It will be expected both to support organisations and to monitor their progress, and to “draw on international best practice and expertise and knowledge from outside of Wales ... at a UK, EU or international level.” It will “act as key advisors and contributors to policy development (for) .....the Welsh Government .....(and) may extend support, advice and guidance to the wider public sector and other organisations..” The body will work with “other Welsh Commissioners such as the Welsh Language, Older Persons and Children’s Commissioner”.

2.7. The White Paper envisages that sustainable development will be incorporated “within existing audit arrangements (provided by the Auditor General Wales)... (and) provide an important source of information and detail on the degree, and nature, of compliance with the sustainable development duty.” The legislation will set out the need for clearly defined outcomes and indicators that measure progress against them.

2.8. Progress towards sustainability at the national level is currently measured through the Sustainable Development Indicators. The latest sustainable development figures were published in August 2012 which show that in the last year Wales has increased its economic output, driven up its renewable energy production, recycled and composted more of its waste and improved the way in which it manages water. The Welsh Government plans to consult soon on the current Sustainable Development Indicators.

2.9. The Welsh Government measures its progress on sustainable development via its Programme for Government commitments. Reports on progress are published annually; the first report was published in May 2012.

### **3. TCPA Response to consultation questions and responses**

3.1. These are as follows:

#### **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?**

The TCPA strongly supports the proposal in the consultation document for a statutory requirement for all those delivering public services in Wales - not just public sector bodies - to use sustainable development as their organising principle. Whilst it is clear that some progress has been made in applying sustainable development principles<sup>1</sup>, a legislative duty signals intent to lead a more fundamental change in thinking in public service organisations, which makes a demonstrable impact on policy, decision-making and outcomes.

The TCPA welcomes the intention that the Bill should confer a sustainable development duty on the Welsh Government, and suggests that this should be underpinned by a legal requirement to prepare a Spatial (or Territorial) Development Framework for Wales, in line with sustainable development principles, reflecting existing policy commitments and arrangements for collaborative working already in place at European and UK level.

As many of the desired outcomes to which the White Paper refers are required by existing legislation, including EU Directives, the TCPA considers that the Welsh Government should establish explicit connections between operation of the new duty and improved compliance with existing relevant law. A Sustainable Development Strategy for Wales would provide the appropriate vehicle for making these connections.

Given the importance of the duty for the operation of the planning system as well as for the quality of life in local communities, the Sustainable Development Bill should require local authorities to demonstrate that their Community Strategy (the Single Integrated Plan) and their decision-making is compatible with sustainable development principles, and that they are achieving sustainable outcomes “on the ground”.

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

The TCPA considers that the Bill should set out a clearly defined role for the independent sustainable development body, and there should be transparency in the appointment of the Commissioner and staff. It is important that the new body does not duplicate the work of any other body. Specifically it should not duplicate the role of the Welsh Government in terms of leadership and policy development, Assembly Scrutiny Committees, the Auditor General, Single Environment Body, or any other NGO funded by the Welsh Government. Its purpose should be to offer practical support and expertise to those delivering public services in Wales. Creating an independent body should not distract from the need to ensure that those delivering public services make real progress towards policy and decision-making that will deliver sustainability. This requires clear and proportionate reporting and audit requirements as well as deeper partnership working between the WG, Assembly and public service providers. The body could also explore a mechanism for engaging and involving external organisations in an advising or stakeholder role. These organisations will have an interest in the wider sustainable development agenda, and the TCPA would be willing to be part of this.

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<sup>1</sup> Examples are given in “Health and Well-being and Sustainable Development”, WLGA and Welsh Government, January 2011, and other publications on <http://www.wlga.gov.uk/sustainable-development>

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

The proposals in the White Paper would be satisfactory provided that draft policy guidance is issued in parallel with the Bill.

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

The TCPA sees advantage in an independent body providing advice and support to those bodies subject to the duty, provided that in doing so it does not distort the message<sup>2</sup>. In terms of accountability for its budget and effectiveness it would need to be accountable to the National Assembly for Wales and Welsh Government and audited by the Auditor General for Wales.

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

Whilst the aims of the legislation set out in the White Paper are commendable, it is short on detail. The overarching requirement is for legislation that is clear, delivers certainty, and is easy to implement. The Bill needs to engage people and organisations across Wales and lead to discernible differences in behaviour and outcomes. To ensure this, the TCPA considers it imperative that the Welsh Government releases policy guidance on the operation of the new system in parallel with the draft Bill, creating a clear blueprint for action whilst allowing for variation to fit local circumstances and needs. The guidance should underline the fact that the new duty should be delivered within the existing framework of multi-level governance for sustainable development<sup>3</sup> in terms of international, European, UK and Wales levels. It should encourage and enable public service organisations in Wales to use existing policy instruments and draw on best practice in the UK, Europe and elsewhere<sup>4</sup>.

Reporting arrangements for sustainable development, including the design of indicators, should be consistent with existing UK arrangements, including legally binding requirements for reporting on Wales' contributions to the UK's Europe 2020 targets in the National Reform Programme.

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**For further information contact:**

Michael Chang, Planning Policy Officer, [Michael.Chang@tcpa.org.uk](mailto:Michael.Chang@tcpa.org.uk)

Kay Powell, TCPA Wales Representative, [powellks@tiscali.co.uk](mailto:powellks@tiscali.co.uk)

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<sup>2</sup> Referred to in relation to implementation of the 2004 Planning and Compulsory Purchase Act in England in "Processes of Innovation: reformation of the English Spatial Planning System", Susannah Gunn and Jean Hillier, in Planning Theory and Practice Vol 13 No 3, September 2012

<sup>3</sup> As highlighted in "We are not alone: European connections for local sustainability", Dr Liz Mills for WLGA, January 2013, on <http://www.wlga.gov.uk/sustainable-development>

<sup>4</sup> [European methodologies for sustainability impact assessment and the recently established British Standard for Sustainable Development in Communities \(BS 8904\) provide relevant examples.](#)

## **Final response to Welsh Government on the Sustainable Development Bill White Paper from Pembrokeshire County Council**

### **Question 1 (Chapter 2)**

For this question, we have structured our comments around the subheadings in the consultation document.

*i) and ii)* We agree that the proposals to embed sustainable development as the central organising principle in organisations has the potential to bring significant gains, however in order for this potential to be realised, the approach needs to recognise that organisations will need a degree of flexibility as the nature and scale of challenges vary across Wales.

We look forward to more detail on Welsh Government proposals for outcomes. We consider that further dialogue will be needed with stakeholders as to what these are some of the future challenges we face are more pressing than others. In practical terms, the more that Welsh Government can avoid setting short term priorities for action the better as responding to these makes longer term planning more difficult.

We agree that an approach that has prevention at its heart is a good way forward, however all bodies need to develop a more sophisticated view of what the implications of this approach are. On occasions, preventative approaches may work better in the medium term (this will often be the case when new technologies are part of the solution). Whilst we are confident that prevention will result in improvements to quality of life, but this does not necessarily mean that financial savings will flow.

*iii)* We note that there still appears to be some debate on the definition of sustainable development that will be used. We agree that guidance is likely to be useful for this area, but urge Welsh Government to factor in sufficient time to develop secondary legislation such as statutory guidance when considering the timetable for implementation of the Bill.

*iv)* Setting objectives for sustainable development will have an impact on the improvement processes spelt out in part 1 of the Local Government (Wales) Measure 2009 (this applies to principal local authorities as well as National Parks and Fire and Rescue Authorities). We suggest that the review of whether the Single Integrated Plan has a statutory footing re-examines the whole of the 2009 Measure, not just the second part which is the closest that the Plan comes to a statutory basis under current legislation.

*v)* We welcome Welsh Government's commitment to reduce the burden of introducing sustainable development, however we consider that some impact on the amount of 'bureaucracy' is inevitable. We agree that the focus of the duty should be on strategic decision making. It would be helpful if Welsh Government reviewed the assessments which local authorities need to undertake in the round. For instance, the expectations of assessments in Regulations associated with the Equality Act and the draft standards produced by the Welsh Language Commissioner are more

onerous than the approach being suggested for sustainable development. Such a review would also be an opportunity to embed sustainable development as the central organising principle, rather than one of a number of competing priorities.

*vi)* We agree with the proposals and agree that it is preferable for progress on sustainable development to be reported as part of existing processes and one way that this might be done is via the annual review of Improvement Objectives. Whilst we agree that it is important that local authorities are guided by the independent body, it is important that this does not confuse the relationship with the Auditor General for Wales spelt out in Chapter 5 of the White Paper.

*vii)* We agree with the proposals though we consider that the statutory footing that is developed still enables the same degree of flexibility in how Local Service Boards are organised that local authorities currently enjoy. It is also important that lines of accountability remain clear. The LSB is not a statutory organisation and not all of the membership or a typical LSB can be subject to the duty for sustainable development. In a similar way, not all of the organisations that are subject to the duty will be part of the membership of a typical LSB

*viii)* We agree with the proposal that Ministers should have flexibility to change the list of organisations that the duty applies. We agree that principal local authorities should be subject to the duty. We do not agree that all Town and Community Councils should be subject to the duty as this is likely to be too onerous for smaller community councils.

*ix)* We do not have a view on this proposal

### **Question 2 (Chapter 3)**

We agree with the thrust of the proposals. The current body is in effect, the rump of a now defunct UK wide body. Its statutory framework is not particularly satisfactory. We consider that if the new body is effective but it must also be subject to scrutiny via the National Assembly for Wales.

The relationship that the new body has with other commissioners is vital. This relationship will be put under strain if the current piecemeal system of assessing strategic decisions against different frameworks of criteria for different types of issues is not reformed. See our comment under 2 v). We do not have a view on whether other commissioners should be ex-officio members or whether they should enjoy voting rights. What is more important is establishing how sustainable development, as the central organising principle will influence other agenda.

We strongly agree that audit arrangements should remain the responsibility of the Wales Audit Office. The arrangements are put in to facilitate collaboration between the new body and WAO must not fetter WAO's own independence.

### **Question 3 (Chapter 4)**

In general, we agree that a phased approach is often a good way of testing the implementation of a new initiative. This approach may not be the best way forward if the LSB is to have a central role as the duty will apply to different partners at different times. Given the amount of work that it is likely to be needed in developing secondary legislation (there are a number of pieces of statutory guidance and regulation that are still outstanding for the Local Government (Wales) Measure 2011), we suggest that it may be more appropriate for the duty to formally apply to all bodies from 2016.

Instead of a phased approach pilot studies could be undertaken with various organisations, or types of organisations prior to this to test ideas in a more flexible environment. We consider that this is likely to be more effective. We have already commented on the duty applying to Town and Community Councils.

Welsh Government needs to recognise that indicators that work at a Wales-wide level will not necessarily work well at a county geographic level. This is due to a number of issues including the statistical effects of small numbers upon how indicators behave.

#### **Question 4 (Chapter 5)**

We agree that a local authority's own overview and scrutiny processes are best placed to be the primary assessment of how we account for progress on sustainable development.

We agree that the WAO is best placed to measure compliance with any legislation. This will not be a simple task and it is important that the resources devoted to this are proportionate. This is not simply a matter of containing cost; it is also a question of making the best use of the specialised and skilled resources the WAO has at its disposal to facilitate the improvement of public services.

#### **Question 5**

We do not have any further comments.

# **WELSH ASSEMBLY CONSULTATION**

## **SUSTAINABLE DEVELOPMENT WHITE PAPER**

**JANUARY 2013**

### **NORTH WALES ASSOCIATION OF TOWN & LARGER COMMUNITY COUNCILS**

#### **CONSULTATION FORM**



**Robert A Robinson FRICS AILCM  
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## Sustainable Development Bill White Paper

3 December 2012 – 4 March 2013

<b>Name</b>	Robert A Robinson FRICS AILCM	
<b>Organisation</b>	NORTH WALES ASSOCIATION OF TOWN AND LARGER COMMUNITY COUNCILS	
<b>Address</b>	TRIANGLE HOUSE UNION STREET WELSHPOOL SY21 7PG	
<b>E-mail address</b>	wtcouncil@btinternet.com	
<b>Type</b> <i>(please select one from the following)</i>	Businesses	
	Local Authorities/Community & Town Councils	
	Government Agency/Other Public Sector	
	Professional Bodies and Associations	YES
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	
	Academic bodies	
	Member of the public	
	Other (other groups not listed above)	

Q1

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:

*DETAILS*

*The following are the new duties proposed:*

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

*RESPONSE*

*The above, however laudable, must be promoted in plain terms. Further 'red tape' is not only costly but cumbersome and slows achievement.*

*The Association would like to see a paper setting what the policies to date have actually achieved in tangible terms. Involvement of Town and Community Councils should be incorporated in any duty upon authorities.*

*However, the general principle is supported by the Association.*

**Q2**

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

Please provide your views below:

*RESPONSE*

*The Association fears this body could be another cost to the taxpayer in times when front line services are being affected.*

*Any body set up must be efficient and have set and measurable targets to achieve.*

*If Town and Community Councils are to be included within the Sustainable Development duties then they should be able to be represented on any body involved such as the this one.*

*The Association is generally in support of such a body subject to the above comments.*

**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:

**RESPONSE**

The Association finds the programme acceptable subject to the comments made elsewhere in this consultation.

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:

RESPONSE

*Accountability often gets lost in paperwork. Any accountability should be simple and reporting informative.*

*Although the Association is generally in support of this proposal it is suggested that each authority who has such duties has to prepare a short report each year stating what they have actually achieved in compliance with the duty imposed.*

*This should apply to Town and Community Councils direct to the Welsh Assembly.*

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:

RESPONSE

*If Town and Community Councils are to take on the duty from 2017 there should be clear guidelines as soon as possible in advance issued so that they can each prepare themselves. Guidance should give examples of what is meant by each part of the duty.*

*Training courses (held locally) for Town and Community Councils would be helpful.*

*The Association represents 34 Town and Larger Community Councils in Mid and North Wales. This paper has been discussed with the members and responses contained therein approved by them.*

*The Association is prepared to give oral evidence if the Committee felt this would be of value.*

  
R.A. ROBINSON. 19/2/13.

## 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

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**CONSULTATION FORM**

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
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<b>Type</b> <i>(please select one from the following)</i>	Businesses	<input checked="" type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input 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: 1. The PUBLIC INTEREST is the central organising principle following and aligning with British law. Sustainable Development is a facet of the public interest, which has been defined in terms of well-being and should be viewed in that context. 2. Sustainable Development is fine as long it is a balanced approach but historic bias in the definition towards social justice and the environment discounts the genuineness of Welsh Government's intentions in this matter. 3. Cost is significant.    a. Set up costs of a, so called, 'independent body'    b. Running costs    c. Additional costs on public bodies to consciously embed Sustainable Development. Application of true SD could be easily done by public bodies through policy if only the policy was not so shabby and biased as it is at the moment. To date the underlying principles of SD have been presented in terms of social marketing towards pro environmental behaviour. I am not convinced that even given the seemingly balanced approach at recent meetings ( I was at 05/02/13) there are not environmentalists and social justice proponents who will eventually point to the biased SD definition in One Wales One Planet and say we should not stray from the definition and will now gold-plate it reinforcing in legislation. Such legislation would be to promote pro environmental behaviour - indoctrination through social marketing . I am concerned that those who have been travelling around lobbying support for the Bill were operating out of self interest. The Defra terminology is noted in the title of the Sustainable Behaviour and Engagement Team	

**Q2**

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

Please provide your views below:

There are those actors currently in sustainable development institutions, organisations, academia and government departments and those shadowy figures who were behind the scenes in the original proposals who it is suggested seek to interpret and legislate their way. In view of the bias in the proposals to date towards social justice and the environment, they are those who the public would guess would be appointed a Commissioner or on the Board of such a body - the usual suspects.

Such a body is unnecessary and seen as a power base and 'jobs for the boys' (and girls) at our expense. Clearly there is a lack of confidence in the public within Welsh Government particularly in the covert approach (in terms of consultation of the general public) to the proposal.

The public scarcely trust the one party state that is Welsh Government. When in my wildest dreams would I trust such an artful lot?

Question

Who appoints the appointment panel? The people who appoint the panel reproduce after their own kind. That is why the civil service is such a closed book. The only time that the civil service got it right was on the Planning Bill - Wales. Everyone knew and respected that Independent Advisory Group. It was transparent. The SD Bill process has been as transparent as a brick!

**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:

There is no need for phasing if the duty is clearly spelled out. A soft introduction would be one of the ways of introducing social marketing towards environmental behaviours and is in itself part of an insidious approach to this Bill.

Welsh Government is not to be trusted in this matter. You pick the innocuous bits out of what you have proposed to date and now sell that but imbedded in that is the original Defra pro environmental proposal.

It is on the basis of the frog put into a pot of boiling water - it would quickly jump out. However, put a frog in cold water and turn up the heat it would be too late for the frog to realise that it had been boiled!

Bring it in slowly - the public will not have a clue that they have been shafted which is often the case.

Democracy? What democracy?

**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:

This is unnecessary and stems from a desire for power base and 'jobs for the boys' (and girls) at our expense. Clearly there is a lack of confidence within Welsh Government to trust the general public particularly in the covert approach to the proposals and the possible players in terms of the views and policy formulation history by former politicians.

I have attached a my recently published article which sets out more fully my views on true sustainable development and the direction of this Bill.

Partially this Bill is to do with SD. Much is to do with keeping and building a massive power base and ensure that embedded biased ideologies are preserved in statute. The accountability framework is flawed because it would come from an unsustainable definition. Poor policy is the problem and is easily demonstrated by the headings of the Sustainable Development Indicators for Wales. Where are the measurements in terms of economic, social and environmental well-being? No where! It is because of a skewed definition that the SDIs have been measured in terms of: Economic output, Social justice Biodiversity conservation, Ecological Footprint and Wellbeing - physical and mental health - life satisfaction. Notice we finally get to well-being in terms of health. No economic well-being. No Social well-being. Even no environmental well-being. Local authorities have prepared their plans with regard to these indicators - they are rubbish. They are derived from an attempt to match a distorted definition of Sustainable Development which this Bill seeks to gold-plate in statute.

**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:

The consultation is perceived as token particularly with the usual farcical closed directive Q & A approach to it. The consultation process to date demonstrated bias towards social justice and more particularly the environment. Also the general public have been excluded from the issues to this stage particularly as it was based on the process of Defra's 4Es and the examples of embedding pro environmental behaviours.

I have written to the Attorney General on this matter and asked that he take the lack of effective consultation into consideration when the Bill is sent to him. I have attached a copy to this submission.

Using the same EU criteria as for EIAs there has not been an early and effective consultation process. It was early enough but it was not effective enough to demonstrate influence of the general public.

The general public do not have a clue about the opportunity cost of such an 'Independent quango' nor the impact on the running costs of public bodies.

They are not aware that academic and political paternalism has kept them away from the discussions to date.

At the so called 'consultation event' in Cardiff on the 5th February 2013 the civil service response was that the public could see it - it was on the Welsh Government website. The point is that only the social justice and environmental types were looking for it because it was in their interest. I would be delighted to be proved wrong.

### 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>

## WHITE PAPER ON SUSTAINABLE DEVELOPMENT CONSULTATION QUESTIONS

The Cardiff Civic Society has been active in the Cardiff LDP and has attempted to promote many aspects of SD in its input to the council, mainly expressed as Quality of Life. For this reason we have taken an active interest in the progress of the SD bill and feel able to make the following observations to the White Paper on SD. The following paragraphs relate to the four questions posed in the consultation document.

### 1. VIEWS ON PROPOSAL

As a respondent on behalf of the Cardiff Civic Society I am very supportive of the idea of the principle of embedding SD as the central organising principle. I also observe widespread support for the principle amongst the people I meet, but have serious concerns about how it will be applied, and the consequences of its application in real life. As an attendee at the consultation events I observed that many delegates were concerned that one or other of the three pillars of SD will be used by determined and 'single-minded' activists to delay, alter or hi-jack decisions in the name of their chosen topic, ie nothing will ever be good enough. This concern is fully justified, and is not helped by the lack of clarity over the way the three pillars will be balanced in the audit process. By not using the Venn diagram and stressing the need and ways in which it will be applied, the results will be open to endless questioning and delay.

WG statements in the preamble to the consultation event stressed the need for a focus on ensuring and securing the delivery of outcomes, and real progress; these dictate an unambiguous approach to implementation that is not provided by the White Paper.

Thus the degree of forcefulness to be applied, which ranges from

- a. encouragement to a direction of travel, at one end of the scale, to
- b. specification and achievement of targets and dates, at the other,

is not addressed. The first approach is only justified if the subject is of secondary importance, or so ill defined as needing a trial period to find out what is really possible, and it is a question of helping or supporting an idea. The latter approach is appropriate if difficult objectives are to be met without fail. The reasons given for going ahead with the bill indicate that the topic is more like the latter ie vitally important for the future of Wales, but the audit power and process outlined is more appropriate to the former, this cannot be right.

So the trade-offs between the three factors that define SD will need to be made based on criteria that must be clearly described in the bill; this is a

very difficult task. For example, the talk by Peter Davies ( which I unfortunately cannot attend ) is entitled 'Economy or Environment', not only must it be both, as so clearly argued by Stern in his book and lectures, but it must be social too! If we are to move forward decisively on this topic then more guidance must be given, and I believe this can only be done on a narrow range of precise objectives rather than encouragement supported by an audit process that will struggle to identify if any or enough progress is being made. It is not just a question of whether social or environmental improvements are affordable, but which balanced approach will deliver the policy objectives of WG. Only in this way can we establish whether or not the policies are in fact achievable or just aspirational.

So, in conclusion, the White Paper seems to me to identify a process for improving SD rather than an outcomes oriented approach to ensure results are achieved. Are we to support or secure SD improvement? Is it enough to ask for collaboration, or joined-up policy making, as the only way of changing behaviour? Is Wales prepared to lead the way forward, possibly at the short term expense of speed and scale of response to the economic decisions needed? The answers to these questions indicate whether or not to stick with an approach that just encourages SD, or to strengthen the bill to achieve specific goals that represent the best of current thinking today.

## 2. The SD Body

Given that the audit process is delegated to the AGW the role of the proposed body is one of support and advice to organisations on how best to improve SD in decision making. There must therefore be a coherence between the way AGW will judge the outcome of departmental decisions, and the criteria used by the body to give advice and encouragement. Without clear parameters defined both tasks will be difficult. What tools are to be made available to the body, what power to insist will be given? The way the white paper is framed it seems to be more of an advisory team or 'advocate' of SD than a delivery vehicle.

## 3. Phasing and progress

It is wise to phase the implementation, to test out and establish what can and cannot be done, ie a learning period, at least for a defined period. The issue lies in ability to measure progress. The references to embedding, clearly defined outcomes and indicators give the right message but the way of achieving these is not clear. How will you know? Are the indicators to be used different in each organisation, and if so how do they ensure a coherent delivery of SD? It is not enough to define success, as suggest in 4.9, as a tick box of programmes implemented. Real progress can only be ensured by specific parameters, clearly defined and understood in their relation to SD.

#### 4. Accountability

If the body is to be accountable it must be able to trace a firm link between the advice and support given to each organisation, with the essential parameters of SD and the guidelines given to AGW to perform the audit. The scrutiny of results must therefore be able to see clear numerical improvement. Two types of improvement are possible, continuous improvement by increasing the way in which SD is applied in every day decision making, and step-change improvement that can only come from investment in new ways of doing business. The former is possible within the terms defined for the bill, the latter requires a cost effectiveness basis that can only come from more specific targetting of the key factors impacting on SD.

Thus accountability requires a much more precise definition of exactly how SD progress is to be measured.

#### 5. Concluding remarks.

As an interim step to educate, encourage, prompt and support SD in the general sense this white paper is a useful and worthwhile step, but it will not deliver an assured result. The use of terms such as deliver and ensure in the preamble to the bill will not be able to be met unless the way forward is more clearly specified.

In my earlier input I suggested that one 'tier 1' metric be established for each of the 3 pillars of SD. For example,

- Economy, measured by either cost reduction or growth in revenue
- Environment, measured by carbon reduction, possibly best expressed by energy consumption
- Social, measured by apprenticeships generated, as a measure of equal access.

The existing measures within each organisation are tier 2 metrics that should help clarify where the problem is. Continuous improvement of 2% would ensure productivity gain, step change of >10% will be investment based.

David Eggleton  
Cardiff Civic Society  
February 2013

## CONSULTATION FORM

### Sustainable Development Bill White Paper

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Please submit your comments by 4 March 2012.

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[SDBill@wales.gsi.gov.uk](mailto:SDBill@wales.gsi.gov.uk) or telephone: (02920 82) 1728 or 6541

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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>	Keith Jones	
<b>Organisation</b>	Institution of Civil Engineers Wales Cymru	
<b>Address</b>	Suite 2, Bay Chambers West Bute Street CARDIFF CF10 5BB	
<b>E-mail address</b>	keith.jones@ice.org.uk	
<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 checked="" 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: This is supported with a number of concerns: 1. any increased cosst 2. increased burearacy leading to delays in construction projects	

**Q2**

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

Please provide your views below:

Supported provided that it does not disadvantage construction projects in Wales in terms of time and cost.

**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:

This is considered reasonable, subject to satisfactory training being available

**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:

A suitable scheme must be measured and accountable, the current sustainability indicators need to be developed in time.

**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:

The private sector must be included within these proposals

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**From:** Alastair Baglee [a.baglee@acclimatise.uk.com]

**Sent:** 25 February 2013 17:41

**To:** SD Bill

**Subject:** SD Bill stakeholder comment

Acclimatise is an international consultancy specialising in climate change adaptation. We are based in Cardiff Bay. We are active across the world, having developed adaptation policy and action plans for a range of nations, for example all the CARICOM Caribbean nations and Kenya. We are continuously advising on the link between sustainable development, green growth and climate change adaptation. In this light, my personal review (not necessarily shared by Acclimatise) of the SD White Paper leaves me with some critical questions and concerns. This is best described by an example.

In the publication "Beating the Heat: keeping UK buildings cool in a warming climate" (Hacker, JN, Belcher, SE & Connell, RK (2005). Beating the Heat: keeping UK buildings cool in a warming climate. UKCIP Briefing Report. UKCIP, Oxford) the performance of a range of buildings was tested in terms of the risk of future overheating in a changing climate. Unsurprisingly, old UK housing stock doesn't perform particularly well, relying on open windows to provide cooling. However, what is surprising from this report is the poor performance of 'advanced' building design, which could be considered 'sustainable' in some circumstances. This arises because the 'sustainable' design of the building still considers the climate to remain fairly static into the future, or at least exceed comfort thresholds so infrequently as to not require a change of design.

Based on this example, I hope that it can be seen that if a changing climate is not explicitly considered within the very definition of sustainability, there is a risk that 'sustainable' actions could under perform or fail to provide long-term benefits under a changing climate. Of course, this isn't just about buildings and covers a broad range of issues across the built and natural environment.

If a specific point is required in the White Paper where my point most clearly relates, it is in paragraph 2.12 should also mention a focus on 'adaptation' and flexibility, in addition to the focus areas of prevention, etc.

Best regards,

Alastair Baglee  
Technical Director

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***Acclimatise wins 'UK Climate Change Risk Management Firm of the Year' award: M&A Awards 2012.***

*Our 'Aware for Investment' climate risk screening app wins 'Best Risk Management Product of the Year 2012' from Strategic Risk magazine.*



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## **Vale of Glamorgan Council response to the Sustainable Development Bill White Paper**

### **What are our views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? (Chapter 2)**

The Vale of Glamorgan Council welcomes the proposed new duty and the increased focus on long term implications and a more integrated approach to how we work. The Council also supports the proposed approach of a combination of behaviours and objectives in order to achieve the duty. An increased focus on engagement is also consistent with work being undertaken within the Council and through the Vale LSB recognising the importance of involving partners in our work.

The Council acknowledges that the definition of sustainable development set out in the White Paper leaves local decision makers to consider how it is applied locally and what constitutes sustainable development in their area. However, there are merits in having a single definition of sustainable development, and it is considered that the existing definition adopted from One Wales, One Planet (2009) is an appropriate basis for any definition to be set out in legislation. (Please also see further comments regarding Planning in particular in the response to question 5 below.)

We fully support the need to ensure sustainable development is at the heart of strategic decision making, but we also need to ensure that intended outcomes are clear and that progress can be measured. As there is likely to be common ground across organisations, this work needs to be coordinated to ensure that information is robust and can be shared. It should also be acknowledged that there are likely to be differences of opinion between different organisations that will need to be addressed from time to time as part of the evolving understanding and embedding of SD in decision making. However, this is likely to be an issue that organisations can consider together with the new independent body when it is set up.

In order for the strategic decision-making processes to be effective and implemented correctly there will be a need for training and awareness-raising to ensure people understand sustainable development, and arrangements will need to be put in place within organisations to test the decision-making process. The Council welcomes the statement in 2.27 that processes will not be prescribed.

The Council also welcomes the more integrated approach to policy making and the strengthening of the governance framework, and the appreciation that without appropriate safeguards and understanding then this could become a tick box exercise. It is envisaged that part of the role of the proposed body will be to ensure that the new duty is implemented in a meaningful way.

It is noted that the proposed Sustainable Development Bill is part of the Welsh Government's wider Programme for Government and that it is consistent with other recent policy revisions. This includes changes to Planning Policy Wales, relating to the importance of sustainable development within decision making which are consistent with the definition contained in the White Paper.

In general, the emphasis on the duty to consider Sustainable Development and the changes for better sustainable governance is welcomed. So is the recognition in the White Paper for the need to further improve understanding and more fully embed sustainable development within governance and decision making.

### **What are your views on the proposals for an independent sustainable development body? (Chapter 3)**

We recognise the need and value for a body to provide a support and challenge/critical friend role and to be an advocate for SD. However there are some concerns about how meaningfully the body will be able to undertake these roles considering the wide impact of the legislation both in terms of number of organisations and areas of work. It is important that the body is also one that listens and utilises the range of expertise across all sectors.

It is critical if a new body is established that it is able to undertake a meaningful role which is of benefit to those organisations subject to the duty in terms of support and guidance and therefore represents value for money and a good use of resources. This is particularly so in a difficult economic climate when many existing organisations are having to make savings and reduce services. The new body must be strategic, with clear terms of reference and an initial focus on those who require more support in integrating sustainable development, demonstrating the long term benefits rather than laying down onerous or over-bureaucratic conditions for organisations which are more likely to hamper than facilitate progress towards sustainable development.

We welcome the suggestion that the body would develop its work programme and strategic priorities independently from Welsh Government; however, it is important that those organisations the body has been established to support and guide are able to inform the work programme and ensure it is relevant to their needs. The work programme should be developed through a consensus approach. Similarly organisations should have the opportunity to comment on the Annual Report that it is proposed the body produces and submits to Welsh Government.

We also welcome the suggestion that the SD body would work with other commissioners to support a more integrated approach and to facilitate the embedding of sustainable development across a range of themes. Success will be through embedding SD through a myriad of strands of work not by establishing a stand alone work stream.

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

We support the proposed phasing, but planning for the change needs to begin immediately, with all affected organisations and all departments of Welsh Government starting to prepare for the changes. This will help raise awareness and develop a broader understanding, but should also prevent new policies/guidance being developed in isolation from the proposed legislation in the interim.

**What are your views on the proposals to improve the accountability framework for sustainable development in Wales? (Chapter 5)**

We would welcome a pragmatic approach to examining how organisations embed sustainable development as their central organising principle in relation to the duty. It is important that this is considered in a range of audits and inspections and not seen to be a separate piece of work. If SD is to be embedded in how we work across the organisation then it needs to form part of how we are inspected/audited. This will reinforce SD as a central organising principle that is applicable across the full range of activity undertaken by an organisation.

**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.**

The importance of consistent messages and a shared understanding across organisations needs to be developed. There also needs to be a strategy for improving communication and awareness across Wales of what we are striving to achieve through this legislation. What is important is that people understand what they need to do in order to promote sustainable development and their responsibilities whether as employees or members of the public, even if they find the terminology hard to understand.

There are a number of very specific issues linked to Planning and Transportation that we would also like to raise.

Given the Council's role as local planning authority it is likely that the planning decisions it takes, on individual planning applications and in relation to the Local Development Plan (LDP), will have a significant impact on the future sustainability of the Vale of Glamorgan. In this respect, it is noted that that the recently updated Planning Policy Wales (PPW) (5th Edition) contains a number of important changes which include clarifying and strengthening the presumption in favour of sustainable development within national planning policy based upon the same definition proposed in the White Paper.

The White Paper also refers to accompanying statutory guidance. In this respect paragraph 4.3.1 of PPW contains 11 key principles which underpin

the Welsh Government's approach to planning policy for sustainable development. These principles should inform any future statutory guidance to avoid any policy conflict and ensure continuity.

Given the Council's role as local planning authority and the potential implications of future planning decisions it is considered that one of the potential barriers for long-term decision making are delays in progressing important local policy documents such as the Local Development Plan. Therefore it is considered that such risks should be acknowledged by the new independent body and within any future guidance produced.

The Council's existing role in the regional transport consortium SEWTA will also play an important part in helping the authority to address sustainable development. Although it is not specifically mentioned in the implementation section of the White Paper, it is assumed the regional transport consortia will be involved in the new independent body together with local authorities from 2016 onwards. It is also assumed that by proxy the regional transport consortia will also be subject to the sustainable development duty. For clarity it is considered that they are added to the list contained within Table 1 and that more detail about work undertaken in partnership is included.

It should also be noted that future arrangements for regional planning in the Cardiff City Region, currently being considered by Welsh Government Ministers, will inevitably play an important role in helping the wider public sector in achieving more sustainable outcomes. Therefore, it is considered that any future legislation and regional planning arrangements should be compatible and that further guidance on monitoring and reporting mechanisms be provided.

Contact:  
Helen Moses  
Strategy and Sustainability Manager  
Vale of Glamorgan Council  
01446 450205  
[hmoses@valeofglamorgan.gov.uk](mailto:hmoses@valeofglamorgan.gov.uk)

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



Date : 22.2.13  
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clare.parsons@breconbeacons.org

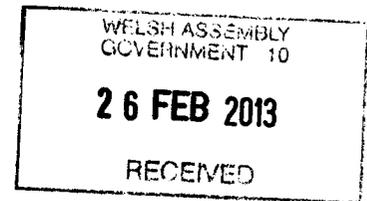
Dear SD Bill team

**Brecon Beacons National Park Authority response to SD Bill White Paper "A Sustainable Wales Better Choices for a Better Future"**

Please find enclosed the BBNPA response.

Yours sincerely,

Clare Parsons



Sustainable Communities Manager/ Rheolwr Cymunedau Cynaliadwy



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Mae'r Awdurdod yn croeso i ymgyhoeddiadau a phrosiectau Cymunedau Cynaliadwy.

**Brecon Beacons National Park Authority**

Plas y Ffynnon, Cambrian Way, Brecon, Powys, LD3 7HP  
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E-mail: enquiries@breconbeacons.org  
Website: www.breconbeacons.org

**Brecon Beacons National Park Authority response to SD Bill White Paper "A Sustainable Wales Better Choices for a Better Future- Consultation on proposals for a Sustainable Development Bill "**

**Consultation Questions Question 1 (Chapter 2)**

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

BBNPA welcomes this. As a signatory to the SD Charter BBNPA already has SD as a Central Organising Principle. This is manifest in several ways including:

- All NPA decisions are subject to consideration of the following corporate implications :Financial, staffing & improvement, Equality, Human Rights, Sustainability appraisal, Biodiversity impact, Contribution to mitigating & adapting to the effects of climate change, NPMP
- The National Park Management Plan (NPMP) has SD as a Guiding Principle-fundamental to the development of the vision, aims , strategic objectives and actions in the plan.
- In developing a Local Development Plan(LDP) BBNPA has integrated Sustainability Appraisal into the plan making process. SA has provided input at each stage when decisions have been taken.

We are unclear from the White Paper what non-compliance with the Bill would look like. Will the forthcoming Guidance clarify this?

There appears to be a disconnect between Section 2.4 and 5.8 of the Paper.5.8 advises scrutiny will be restricted to "how strategic decisions are made and how consideration has been given to sustainable development and not to question policy objectives of an organisation or outcomes of a particular decision". 2.4 gives a wider interpretation including a focus on outcomes.

To best develop sustainable outcomes, SD needs to be a consideration early in the development and decision making processes. It is hoped the Guidance will reflect this including evidencing how proposals change and more sustainable decisions are influenced.

It is hoped that training for decision makers will be available as part of the implementation.

We note the importance of the role of Single integrated Plans (SIPs) but question how it will be possible to fully reflect this within the next round of SIPs in view of the timetable for delivery. Is there a case for delaying the SIP timetable for interim SIPs?

**Question 2 (Chapter 3)**

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

We agree with purpose identified in 3.4 ( support, facilitating joint work and collaboration) but for effectiveness there need to be very clear links with existing bodies eg. WLGA, SDCC and value added to these by the new body

How would the link between advice from the body and auditing (by AGW) work?

What recourse would there be if advice (from the SD body) implemented was considered inappropriate at audit?

It will be essential to ensure that any duplication with functions provided by existing bodies is avoided

**Question 3 (Chapter 4)**

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

BBNPA is a signatory to the SD Charter and operates with SD as a central organising principle. BBNPA would be happy to be in the first tranche ie a year earlier than outlined.

Town and Community Council should be given a clear obligation that they act in accordance with the principles enshrined by the duty, but not be subject to the duty itself-due to varying capacity.

**Question 4 (Chapter 5)**

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

As above, we are unclear from the White Paper what non-compliance with the Bill would look like. Expect the forthcoming Guidance to clarify this.

Integrating SD auditing into the existing reporting processes is welcomed. However, BBNPA are concerned that this does not impose a substantial additional reporting burden with the resultant diversion of resources from Sustainable Development delivery.

As above, it is not clear if scrutiny just about the decision making processes or the outcomes selected by organisations?

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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>	Councillor Bryan Owen, Council Leader? Arthur Owen, Corporate Director Of Sustainable Development?	
<b>Organisation</b>	Isle of Anglesey County Council	
<b>Address</b>	Council Offices Llangefni Anglesey LL77 7TW	
<b>E-mail address</b>	boxau@anglesey.gov.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>	<p>What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]</p>
<p><b>Please provide your views below:</b></p> <ul style="list-style-type: none"> <li>* The proposals for a new statutory duty are generally supported as a means of encouraging my Council to move to have SD as its central organising principle. Embedding SD into our long-term planning and working practices is only likely to happen when the statutory duty is recognised and met.</li> <li>* The definition of SD in Chapter 1 is a useful starting point.</li> <li>* An approach requiring organisations to set out SD outcomes but giving them the flexibility to decide on these outcomes and their achievement is welcomed. The work of the Mon/Gwynedd Local Service Board will be crucial in this.</li> <li>* It is important to recognise the importance of people's experience of SD and achieving small successes rather than just high-level strategies which will never be achieved without embedding SD at every level.</li> <li>* Until the Welsh Government is also subject to the SD duty (2.38, 2.39) there is likely to be inconsistency between the SD goals of public service bodies and the requirements placed on them by WG. There needs to be a commitment by WG to respond to changed services goals by adapting required outcomes.</li> <li>* There appears to be an assumption that this can be done without costs when there will be significant resource implications for designated public authorities - e.g. training, review of decision-making processes.</li> </ul>	

**Q2**

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

Please provide your views below:

\* While accepting the importance of providing support, my Council is concerned that these proposals envisage the establishment of a Quango and would prefer to see the use of existing structures (e.g. Cynnal Cymru, Carbon Trust Wales). Reference is made to a "small body" (3.8 ) and some idea of its costs should be put forward to enable views to be taken of its desirability.

\* As a "small body" with limited resources, consideration needs to be given to how the new body will communicate and share recommendations and best practice (3.8, 3.10). For instance, how will the body "ensure strong civil engagement"? (3.2) by getting and incorporating the perspectives of civil society in the recommendations for organisations?

**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:

\* A phased approach is supported.

\* It is the start of a long journey and it is considered that its introduction to local authorities should be done as soon as possible and, in any case, before the next Assembly Elections in 2015.

**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:

\* The proposals to ensure accountability through existing frameworks and the focus on processes rather than challenging choices about outcomes is supported.

\* Local government regulators impose a wide range of performance indicators and it is important that these are SD proofed as part of a comprehensive review to ensure a sensible accountability framework.

**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:

\* Ynys Mon would welcome a dialogue on this in the context of priorities Ynys Ynni and Service Transformation. There is a risk that responses to short-term issues will not allow the Council to give sufficient priority to making SD its central organising principle.

\* Guidance is required on how the SD duty will affect our partnership work when some partners will be subject to the duty and some will not.

### 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>

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



26 February 2013

Dear Sirs,

**Re: Welsh Government White Paper “A Sustainable Wales – Better Choices for a Better Future”**

The Law Society of England and Wales is the independent professional body, established for solicitors in 1825, that works globally to support and represent its 166,000 members, promoting the highest professional standards and the rule of law. This response has been prepared by members of the Law Society's Planning and Environmental Law Committee. The Committee is comprised of expert practitioners from a cross section of the profession, both public and private sectors, and from across the UK nations.

**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?**

The Law Society found the consultation document lacking in clarity as to the exact definition that the Government proposes to adopt.

At paragraph 1.8 the definition of the Bruntland Commission is quoted and then, in the following paragraph, the Government's own definition used in "One Wales; One Planet" is quoted. Paragraph 2.17 which is seemingly intended to explain the definition that will be used in the Bill is unclear as to whether the Government is proposing a statutory definition based on the needs of current and future generations, which is the emphasis of the Bruntland definition or a definition which captures the economic and social goals of the Welsh Government's own definition

It appears to us that the "One Wales:One Planet" definition is not easily embodied in legislative form. We would draw attention to the discussion of this problem in the report of the Welsh Planning Review Independent Advisory Group "Towards a Welsh Planning Act: Ensuring the Planning System Delivers" published in September 2012 at paragraphs 2.20 – 2.35.

The IAG also endorsed, in the context of planning, the concept of a definition on the face of the Welsh Planning Act supported by statutory guidance. Their recommended statutory definition for the purpose of the planning system was intended to build on the definition of sustainable development in the Sustainable Development Bill, as follows:

*The purpose of the town and country planning system is the regulation and management of the development and use of land in a way that contributes to the achievement of sustainable development”*

However, it is disappointing to note that the proposals for a Sustainable Development Bill are now at the White Paper stage without a draft definition being proposed for comment. It is also unhelpful to consultees that the White Paper refers to numerous instruments concerned with sustainable development but without stating how the concept is defined in those instruments.

As noted, the key paragraphs 2.16 – 2.17 lack clarity and there appears to be a tension between the Bruntland definition and the Welsh Government's definition.

The Bruntland definition of "meeting the needs of the present without compromising the ability of future generations to meet their own needs" has, in our view, the potential to form the basis of a definition on the face of the legislation and then be supported by further statutory guidance.

On the other hand, the Welsh Government's definition has been developed in fulfilment of the statutory duty under the Government of Wales Act to maintain a sustainable development scheme. Significantly, that Act does not define sustainable development and the Welsh Government's definition expands the Bruntland concept, derived as we understand it from growing environmental awareness, to encompass the pursuit of social justice, equality and cultural enhancement. It is not the Law Society's role to comment on the political desirability of these as policy aims. However, we question whether they can be successfully embodied into a legal definition of sufficient precision to act as the "central organising principle" embodied in a legally precise and enforceable legal duty as proposed in the White Paper.

We note that paragraph 6.3 refers to continued engagement with stakeholders and we recommend that the working definition proposed for inclusion in the Bill when laid should be the subject of a short further consultation. In our view this would serve to enable discussion and comment to be taken into account and for adjustments to be made if necessary, in advance of the detailed scrutiny of the Bill during the legislative process.

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

The Law Society supports the proposal to create a statutory sustainable development body with a statutory purpose. We recognise that the current non statutory basis of the Sustainable Development Commission and the Commissioner creates unnecessary complications, for example through the application of the public procurement rules to some research and advisory projects.

We agree that the model of a Commissioner is well established and understood and is one that is applicable to the proposed sustainable development duty. However, it is not clear whether the model proposed is for a Commissioner with the status of a corporation sole (as is the case for the Older People's Commissioner, for example) or for a body corporate with the Commissioner as chief executive (as is the case with the model currently being legislated for the Wales Audit Office).

Given that a relatively small organisation appears to be proposed we see merit in the corporation sole model, but with a statutory advisory committee made up of stakeholder interests including the other statutory Welsh Commissioners.

In terms of the appointments process we would point out the importance of absolute clarity on the length of appointment and, in particular, as to whether the

Commissioner should serve two terms or a single, longer, term. If two terms are proposed then it should be clear whether or not the Commissioner can be reappointed for a second term without the post being advertised and the incumbent Commissioner being required to re-apply (as if the case with the Older People's Commissioner, but not the other Commissioners, as we understand).

**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 Law Society considers that the timing of the implementation of the Bill should not be settled until the Welsh Government is assured that the UK Government is prepared to support the amendment of section 79 of the Government of Wales Act 2006.

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

In broad terms we support the enhanced role for the Wales Audit Office in scrutinising the implementation of the sustainable development duty.

**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?**

No additional comments.

Yours faithfully



Steven Durno  
Policy Officer

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**CONSULTATION ON THE SUSTAINABLE DEVELOPMENT BILL FOR WALES**  
**WHITE PAPER RESPONSE FROM CYFANFYD THE DEVELOPMENT EDUCATION**  
**ASSOCIATION FOR WALES**

**Education and the Sustainable Development Bill**

*Children and young adults deserve to know that their fate is inextricably linked to and affected by, the lives and decisions of others across the world. They have a right to understand the crucial issues facing the planet and know how they can personally play a part in helping shape the future” – Jane Davidson, then Wales Education Minister, 2002.*

In its response to the initial consultation on the Sustainable Development Bill, Cyfanfyd, along with a number of other organisations, highlighted the fact that education is crucial to raising awareness of sustainable development and in helping people to achieve sustainable lives. We also made the point, again along with other organisations, that Education for Sustainable Development and Global Citizenship (ESDGC), which is a Welsh Government policy, has a key role to play in this educative process.

It is thus with some concern that we note that there is no specific reference to Education for Sustainable Development and Global Citizenship in the Sustainable Development Bill White Paper and the importance of education generally is not given sufficient recognition in the document.

Without a clear commitment to the education of future generations about sustainable development and global citizenship it is difficult to see how the aims of the Sustainable Development Bill can be fully achieved.

## **The Role of Education for Sustainable Development and Global Citizenship**

In the light of Welsh Government's ongoing commitment to Education for Sustainable Development and Global Citizenship we feel that it is imperative that the Sustainable Development Bill not only highlights the importance of education in achieving a sustainable nation in the long term but also recognises the importance of ESDGC in ensuring that future generations understand and are equipped to deal with the '*crucial issues facing the planet and know how they can personally play a part in helping shape the future*'.

### **Recommendation**

We strongly recommend that the Sustainability Bill includes an explicit statement as to how its aims and purposes will relate to and further advance ESDGC in Wales. Without a clear acknowledgement of the role that education and, in particular ESDGC, has to play in raising awareness of sustainable development and supporting behaviour change we feel that the Bill would be lacking a vital component.

**This response has been submitted by Cyfanfyd on behalf of the organisation's Executive Committee and its members**

**Cyfanfyd is the membership network for organisations and individuals involved in the delivery of Education for Sustainable Development and Global Citizenship in all sectors of education in Wales. It has a core membership of approximately 45 organisations and also co-ordinates the ESDGC Schools Network and the Global Youth Work network.**