

## 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		
<b>Name</b>	Rhian Connick	
<b>Organisation</b>	National Federation of Women's Institutes-Wales	
<b>Address</b>	19 Cathedral Road Cardiff CF11 9HA	
<b>E-mail address</b>	r.connick@nfwl-wales.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 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"/>

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]

NFWI-Wales welcomes the Welsh Government's commitment to introduce a Sustainable Development Bill. The Bill provides a major opportunity for Wales to become a world leader in sustainable development. It is essential that the Welsh Government gets this Bill right and creates a strong Bill with the power to make a difference.

We hope that the Bill will in the long-term embed sustainable development as the central organising principle of not only the bodies and organisations listed in the White Paper but create a culture change also among the third sector and private sector.

It will be crucial that sustainable development becomes a cross-cutting theme across all Welsh Government departments. We welcome the focus on equality and social justice.

We are disappointed that there are no outcomes specified in the White Paper. We believe that the Bill must be outcomes based with outcomes for both Welsh Ministers and devolved public bodies to meet.

We are concerned that the wording in the White Paper is weak and hope that the wording of the Bill will be stronger. We do not feel that wording such as 'consideration of the effect on economic, social, environmental and long term wellbeing' will have an impact.

We welcome recognition of the international impacts of the Bill.

The Bill must clearly define sustainable development. We are pleased that the Welsh Government supports including a definition of sustainable development and welcome that statutory guidance is proposed to supplement the definition.

Throughout the White Paper there is a focus on "wellbeing". It is important that the meaning of "wellbeing" is defined within the Bill. While "wellbeing" is linked to the economic, social and environmental elements, we would not want to see these 3 factors diluted within the Bill.

In order to change behaviour across the public sector and truly embed sustainable development, a cultural change is required. We feel that education and training on what sustainable development means needs to be delivered at all levels otherwise the duty will be a meaningless exercise and not something which decision-makers are truly engaged with.

We strongly welcome the issuing of statutory guidance however we feel that 'to have regard to the guidance issued' is weak and that organisations should be expected to follow the guidance. We believe that it should be the role of the Sustainable Development Body to produce the guidance. As mentioned, the body will also have a role in supporting organisations to fulfil their reporting requirements but should also monitor the reports to ensure that the organisations are fulfilling their obligations.

We are disappointed that the new duty will only require the Welsh Government 'to consider' the economic, social, environmental and long term wellbeing of Wales and again believe that the wording in the duty needs to be strengthened.

Q2

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

We welcome the proposals for an independent sustainable development body. We believe that this should be established as a statutory body.

We agree that the body should have a fundamental role of providing high quality support and guidance to the Welsh Government and the devolved public sector.

The SD body and the Commissioner must be independent from Government. We strongly agree that the Commissioner should be 'strong enough to be critical of Government when needed'. We see the role of the Commissioner as a critical friend of the Government and a champion and leader for sustainable development.

The Bill must have a duty within the Bill to give the Commissioner the power to hold the Welsh Government and other public sector bodies to account. This is something which is lacking in the White Paper.

We are pleased to note that the Body will 'constructively challenge organisations where appropriate' however the Body should also have the power to sanction any organisations that do not comply with the legislation.

We welcome the acknowledgement that the Body will not be restricted to working solely with the public sector. We strongly believe that the Body will have an instrumental role in working with and supporting third sector organisations and civil society groups as well as the private sector so that sustainable development becomes an integral part of their activities / operations also.

No reference is made in the White Paper to financial resources to support this body. It will be essential that the sustainable development body is adequately resourced in order to provide a high quality advice, guidance and support and to efficiently monitor compliance of the duties within the Bill by public sector organisations.

We note the importance of the Body drawing on best practice from UK, EU and international level. Over the years, NFWI has been involved in a number of initiatives to engage people in the principles of sustainable development and would be pleased to share case studies of our various projects.

The Commissioner must also have powers to investigate organisations that are not complying with the Bill and enforcement powers to sanction organisations where necessary. We understand that public sector organisations cannot be expected to make changes immediately and that it will take time for some organisations to fulfil the requirements of the duty however we urge the power be included in the Bill should it be required in the longer term.

We welcome the commitment to integrating sustainable development with key cross cutting themes such as equalities, the Welsh language and tackling poverty. It is vital that the proposed commissioner liaises closely with the other Welsh Commissioners and we welcome the proposal that Commissioners be ex officio members. We also agree that external experts should be brought in.

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**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]

We agree with the proposed phased approach of the Duty.

We also agree that the sustainable development body should be established prior to the Bill coming into force in 2015.

We agree that a Sustainable Development Bill alone will not drive the change needed. It will be crucial that everyone is engaged in the process of achieving sustainable development including local communities and the wider public to identify solutions for change.

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**Q4**

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

We agree that the Auditor General Wales has the responsibility for scrutiny and that it be embedded into the frameworks that already exist. We would also be interested in knowing the accountability arrangements for the other bodies in due course.

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**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.

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**CONSULTATION FORM**

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
<b>Name</b>	Maria Battle (Chair)	
<b>Organisation</b>	Cardiff & Vale University Health Board	
<b>Address</b>	Cardiff & Vale University Health Board Corporate Headquarters Whitchurch Hospital Cardiff CF14 7XB	
<b>E-mail address</b>	maria.battle@wales.nhs.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"/>
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**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]

The Cardiff and Vale University Health Board (UHB) supports the Welsh Government ambitions to build a sustainable Wales and welcomes the proposed new duty to embed sustainable development as the central organising principle within strategic decision making. The UHB is committed to addressing the long term social, economic and environmental wellbeing of the population of Cardiff and the Vale of Glamorgan and the increased focus on engagement with partners will enhance existing processes and structures.

Much of our existing focus and governance and policy framework already contribute to the Sustainable Development (SD) agenda; sustainable development principles overlap considerably with, for example, our public health programme addressing the determinants of health. The introduction of a statutory duty requiring that sustainable development is embedded as a central organising principle is therefore a natural progression for health boards and a means of ensuring ongoing commitment across public service organisations to broader health and wellbeing goals. It will be important for SD legislation to complement and support ambitions of a potential Public Health Bill for Wales, particularly in relation to a focus on prevention and reduction of health inequalities.

The UHB is already signed up to a set of high level population outcomes and associated integrated delivery mechanisms through the single integrated plans developed via Cardiff Partnership Board (CPB) and the Vale Local Service Board (LSB). These provide a sound basis for progressing SD principles. Simplification and rationalisation of the current legislative framework governing this key vehicle for collaboration is welcomed. The UHB will be commenting further on the more detailed discussion paper sent on 21 February on placing integrated planning on a statutory footing (LSBs and Well-being Plans), via the CPB and Vale LSB.

In working through the detail of the legislation, a clear definition of SD would facilitate a shared understanding of the issues and direction will be required on the practicalities of balancing long term SD goals with immediate service and financial pressures and responsibilities.

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Q2

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

The introduction of the legislation will commence a process of organisational behaviour change required to ensure that SD principles are embedded across all strategic level decision making. The need for mechanisms, tools and guidance to support organisations is therefore acknowledged, as is the need for challenge and a multi-disciplinary, cross-organisational approach. This support role must also provide tailored expert advice into key statutory bodies such as Health Boards.

The recommendation that the SD body works with other commissioners to support a more integrated approach and to facilitate the embedding of sustainable development across a range of themes, is welcomed.

The UHB does not have a strong view on whether this is best accomplished through the establishment of a new independent SD body.

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**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]

Phasing is helpful from a practical perspective and is consistent with the strategic focus of the proposed legislation in terms of concentrating first on those functions that have the greatest impact on the economic, social and environmental wellbeing of Wales. Health Boards, with local authorities, will need to commence preparing for the change immediately through developing a broader understanding and raising awareness to ensure all new policies/guidance support the proposed legislation. It will be crucial to learn from the early implementers and from their experience - good and bad - to be shared.

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Q4

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

The UHB supports the proposal for accountability and scrutiny to be through existing mechanisms as a means of embedding SD in the work of public service organisations.

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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.

For SD to become properly embedded in the way public service organisations operate, it will be necessary for all Welsh Government departments to adopt a consistent approach and to build a SD focus into all areas of strategic policy work and operational guidance. One example is building SD considerations into NHS Business Case guidance.

Introducing new SD considerations into decision-making has significant implications in relation to building skills and capacity at a number of levels in public service organisations. Identifying relevant information and analysis of evidence in this field is currently limited to parts of organisations who have more traditionally led on environmental considerations. Awareness raising and education will need to be extended into a wider range of corporate functions as we gain a greater understanding of the range of decision-making processes that this will impact on.

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**CONSULTATION FORM**

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3 December 2012 – 4 March 2013		
<b>Name</b>	Nadia Bogdan Kingman	
<b>Organisation</b>	Neath Port Talbot CVS	
<b>Address</b>	17-19 Alfred Street, Neath	
<b>E-mail address</b>	nadiab@nptcvs.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"/>
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	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: Neath Port Talbot CVS welcomes the proposal for a new duty to embed sustainable development for organisations in Wales. We feel that this represents a step-change in the implementation of policies, services and development to achieve sustainable development throughout the country. These key organisations help provide the main principles of sustainability and are in a crucial position to influence third sector organisations particularly through funding streams, policy and strategy formation and implementation. By organisations having this as a duty will reinforce the need to embed sustainability on all that we do.	

**Q2**

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

**Please provide your views below:**

In the initial proposal phase we supported the principle of having a Commissioner for Sustainable Development who should become a powerful champion for future generations, people in developing countries and those living in poverty in Wales, who are all impacted on by unsustainable development and welcome the proposal to go ahead with this.

The Commissioner should be both empowered and required to investigate and take action on failures by Government both to comply with the provisions of the Bill, and more widely.

The Commissioner must also be adequately resourced, with a staff able to support a significant programme of work including research, policy development, support for the wider public sector in developing effective sustainable development schemes and investigative capacity to hold the devolved public sector to account. We are therefore pleased to see that this support will be provided through the establishment of a new 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:**

Phasing of the implementation of the duty makes it more achievable and provides a realistic target for public bodies to work towards. However we have concerns that impetus should not be lost during this period and would be interested to know what will be done to encourage the embedding of sustainable development particularly in third sector organisations.

**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:

We welcome a framework that encourages and requires greater levels of accountability for sustainable development especially for larger public sector bodies. We feel this will help achieve better value for money, efficiency savings and more effective planning - also cooperative working and achieving economies of scale; something that third sector organisations have been and are being encouraged to focus on.

**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 Bill could influence how services are procured by a legal requirement for all public bodies in Wales to consider how their procurement activities contribute to environmental, social and economic benefits.

It will be important for the Bill to require joined up working across organisational boundaries ensuring that services are delivered in ways which offer what people need with organisations working together with a focus on serving citizens, including the most marginalised and disadvantaged

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Tim y Bil Datblygu Cynaliadwy  
Llywodraeth Cymru  
Parc Cathays  
Caerdydd  
CF10 3NQ

01/03/2013

Annwyl Syr / Madam

### **Papur Gwyn - Ymgynghoriad ar y cynigion ar gyfer y Bil Datblygu Cynaliadwy**

Mae Comisiynydd y Gymraeg yn croesawu'r cyfle i roi sylw ar yr ymgynghoriad hwn i'r Papur Gwyn ar gyfer y bil datblygu cynaliadwy.

Prif nod y Comisiynydd yw hybu a hwyluso defnyddio'r Gymraeg. Gwneir hyn drwy ddwyn sylw at y ffaith bod statws swyddogol i'r Gymraeg yng Nghymru a thrwy osod safonau ar sefydliadau. Bydd hyn, yn ei dro, yn arwain at sefydlu hawliau i siaradwyr Cymraeg.

Mae dwy egwyddor yn sail i waith y Comisiynydd:

- Ni ddylid trin y Gymraeg yn llai ffafriol na'r Saesneg
- Dylai personau yng Nghymru allu byw eu bywydau drwy gyfrwng y Gymraeg os ydynt yn dymuno gwneud hynny.

Dros amser fe fydd pwerau newydd i osod a gorfodi safonau ar sefydliadau yn dod i rym trwy is-ddeddfwriaeth. Hyd nes y bydd hynny'n digwydd bydd y Comisiynydd yn parhau i arolygu cynlluniau iaith statudol trwy bwerau y mae wedi eu hetifeddu o dan Ddeddf yr Iaith Gymraeg 1993.

Crëwyd swydd y Comisiynydd gan Fesur y Gymraeg (Cymru) 2011. Caiff y Comisiynydd ymchwilio i fethiant i weithredu cynllun iaith, ymyrraeth â'r rhyddid i ddefnyddio'r Gymraeg

Comisiynydd y Gymraeg  
Siambrau'r Farchnad  
5-7 Heol Eglwys Fair  
Caerdydd CF10 1AT

0845 6033 221  
post@comisiynyddygybraeg.org  
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

comisiynyddygybraeg.org

Welsh Language Commissioner  
Market Chambers  
5-7 St Mary Street  
Cardiff CF10 1AT

0845 6033 221  
post@welshlanguagecommissioner.org  
Correspondence welcomed in Welsh and English

welshlanguagecommissioner.org



yng Nghymru ac, yn y dyfodol, i gwynion ynghylch methiant sefydliadau i gydymffurfio â safonau.

Un o flaenoriaethau'r Comisiynydd yw craffu ar ddatblygiadau polisi o ran y Gymraeg. Felly, prif rôl y Comisiynydd yw darparu sylwadau yn unol â'r cylch gorchwyl hwn gan weithredu fel eiriolwr annibynnol ar ran siaradwyr Cymraeg yng Nghymru y gallai unrhyw newidiadau a gyflwynir yn sgil y papur gwyn hwn effeithio arnynt. Mae'r ymagwedd hon yn cael ei harddel er mwyn osgoi unrhyw gyfaddawd posibl ar swyddogaethau'r Comisiynydd ym maes rheoleiddio, a phe bai'r Comisiynydd yn dymuno adolygu'n ffurfiol berfformiad y sefydliad yn unol â darpariaethau'r Mesur.

Gellir crynhoi sylwadau Comisiynydd y Gymraeg a'r materion posibl y gallai Llywodraeth Cymru roi sylw iddynt wrth fynd ati i gynllunio gwelliannau yn sgil y papur hwn fel a ganlyn:

- Yn eich dogfen ymgynghori ar gynigion ar gyfer Bil Datblygu Cynaliadwy a ddaeth i ben yng Ngorffennaf 2012, fe nodir dymuniad y Llywodraeth i weld Cymru sy'n 'deg, gyfiawn a ddwyieithog.'

Yn y Papur Gwyn: *Cymru Gynaliadwy, Dewis Gwell ar gyfer Dyfodol Gwell*, cawn ddiffiniad Llywodraeth Cymru o Ddatblygu Cynaliadwy yng nghyd-destun Cymru:

*'Mae Datblygu Cynaliadwy yn golygu gwella lles economaidd, cymdeithasol ac amgylcheddol pobl a chymunedau, gan sicrhau ansawdd bywyd gwell i'n cenhedlaeth ni a chenedlaethau'r dyfodol.'*

Nid yw diffiniad newydd Llywodraeth Cymru o ddatblygu cynaliadwy yn hollol eglur o safbwynt y Gymraeg. Nid yw'r pwyslais ar y Gymraeg oddi fewn i gyd-destun ehangach datblygu cynaliadwy yn ddigon cadarn ar hyn o bryd a byddai'n ddefnyddiol cynnwys eglurhad pellach er mwyn datrys hynny.

Mae'r Llywodraeth yn ymwybodol fod lles y Gymraeg wedi ei gydblethu'n agos â ffactorau economaidd, cymdeithasol ac amgylcheddol ymysg ffactorau eraill. Mae'n allweddol felly fod y Llywodraeth yn sicrhau fod y Gymraeg wrth wraidd egwyddor Datblygu Cynaliadwy yng Nghymru o'r cychwyn, yn enwedig os ydym am weld y Gymraeg yn ffynnu yn ein cymunedau.

Yn Strategaeth Iaith Gymraeg y Llywodraeth, mae cydnabyddiaeth fod cynaliadwyedd y Gymraeg fel iaith gymunedol yn destun gofid. Mae'r strategaeth yn ceisio sicrhau cynnydd yn nifer y bobl sy'n gallu siarad Cymraeg, ac yn nifer y bobl sy'n defnyddio'r Gymraeg yn feunyddiol. Mae hefyd yn manteisio ar yr ymdrechion sydd eisoes wedi'u gwneud mewn cymunedau ar draws Cymru er mwyn cymryd cyfrifoldeb am yr iaith yn lleol, ac yn annog y cymunedau a'r sefydliadau sy'n ei gwasanaethu i hybu'r defnydd o'r Gymraeg. Golyga hyn hybu cynaliadwyedd y Gymraeg fel iaith fyw o fewn y cymunedau hynny.



- Bydd y ddeddfwriaeth yn sefydlu Datblygu Cynaliadwy fel prif egwyddor drefniadol i'r gwasanaethau cyhoeddus yng Nghymru, a bydd rhaid iddynt weithio mewn modd sydd yn cysylltu agweddau gwahanol o'u gwaith sy'n effeithio ar gymdeithas, amgylchedd ac economi Cymru. Bydd yr egwyddor drefniadol a'r dyletswyddau newydd ar sefydliadau penodol y gwasanaeth cyhoeddus yn gosod gofynion arnynt i fynd i'r afael â'r angen i greu swyddi hirdymor a sicrhau cydraddoldeb cyfleoedd. Bydd cysylltu'r Gymraeg gyda agweddau gwahanol o'u gwaith yn allweddol wrth hybu lles y Gymraeg. Mi fydd hi'n angenrheidiol i'r ddeddfwriaeth newydd sicrhau fod sefydliadau cyhoeddus yn ystyried lles hirdymor y Gymraeg ymhob penderfyniad a wneir ganddynt, ac nad yw hyn yn ymarfer sy'n cael ei wneud ar gychwyn neu ddiwedd y broses penderfynu, ond yn cael ei ystyried ar bob cam o'r broses. I'r perwyl hynny, bydd angen ystyried y cyswllt rhwng y fframwaith datblygu cynaliadwy a safonau arfaethedig ar y Gymraeg.
- Mae'r Papur Gwyn yn cyfeirio at yr angen i sefydliadau gwasanaeth cyhoeddus ystyried effeithiau camau pobl o du allan i Gymru. Mae effaith mudoedd ar gymunedau iaith Gymraeg yn destun trafodaeth ac yn derbyn sylw yn Strategaeth Iaith y Llywodraeth. Byddai'n ddefnyddiol gwybod pa gyfraniad fydd gan y fframwaith datblygu cynaliadwy ar y drafodaeth hon.
- Bydd corff annibynnol newydd yn cael ei sefydlu i ddarparu cymorth ac arbenigedd i sefydliadau, ac yn gweithredu fel eiriolwr annibynnol ar gyfer Datblygu Cynaliadwy. . Bydd disgwyl i'r corff newydd annibynnol sefydlu ei hun fel corff sy'n gweithredu yn ddwyieithog, ac yn meithrin a hybu'r Gymraeg trwy ei holl weithrediadau. Fel sefydliadau cyhoeddus eraill, dylai'r corff Datblygu Cynaliadwy fod yn ddarostyngedig i'r Safonau arfaethedig mewn perthynas â'r Gymraeg. Bydd angen i'r Llywodraeth felly sicrhau fod y corff newydd yn cael ei enwi yn Mesur y Gymraeg (Cymru) 2011 cyn gynted a phosibl cyn i'r sefydliad ddod i rym. Bydd hyn yn caniatáu i'r corff sefydlu ei hun fel endid naturiol ddwyieithog, gan roi cyfle iddo gynllunio ei ddarpariaeth Gymraeg o'r cychwyn.
- Rydym yn croesawu cynnig Llywodraeth Cymru sydd wedi ei amlinellu yn y Papur Gwyn i benodi Comisiynydd Datblygu Cynaliadwy, a fydd yn darparu cymorth ac arbenigedd yn y maes i sefydliadau cyhoeddus fydd yn ddarostyngedig i'r egwyddor drefniadol a'r dyletswyddau newydd. Bydd angen sicrhau fod y Gymraeg yn derbyn y sylw teilwng yn y broses penodi, a bod y Comisiynydd newydd yn dangos ymrwymiad llawn tuag at y Gymraeg ymhob agwedd o'r gwaith.
- Mae'r Papur Gwyn yn amlinellu bwriad Llywodraeth Cymru i gynnwys Comisiynydd y Gymraeg, ynghyd a Chomisiynwyr eraill i gefnogi gwaith y corff newydd drwy eu gwneud yn aelodau ex Officio. Caiff cydraddoldeb; y Gymraeg a datblygu cynaliadwy eu rhestru fel pynciau penodol ar wahân yn adrannau 77-79 Deddf Llywodraeth Cymru 2006. I'r perwyl hynny, rhaid sicrhau yn y ddeddfwriaeth nad yw cyfleoedd i gydweithio yn effeithio ar annibyniaeth y Comisiynydd fel eiriolwr annibynnol dros y Gymraeg, a'i fod yn parchu swyddogaethau statudol Comisiynwyr unigol.



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

Hoffwn ddiolch i chi am y cyfle i ddarparu sylwadau ar y Papur Gwyn yma. Byddai cyfarfod i drafod rhai o'r pwyntiau uchod yn ddefnyddiol iawn.

Yr eiddoch yn gywir,

**Meri Huws**  
Comisiynydd y Gymraeg

## CONSULTATION FORM

### Sustainable Development Bill White Paper

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

Please submit your comments by 4 March 2012.

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

#### Data Protection

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

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

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

**CONSULTATION FORM**

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
<b>Name</b>	Rachel Cable	
<b>Organisation</b>	Higher Education Wales	
<b>Address</b>	2 Caspian Point, Caspian Way, Cardiff Bay, Cardiff, CF10 4DQ	
<b>E-mail address</b>	r.cable@hew.ac.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 type="checkbox"/>
	Academic bodies	<input checked="" 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>Higher Education Wales (HEW) welcomes the consultation on proposals for a Sustainable Development Bill. The consultation is important to Wales both intellectually and developmentally. Whilst HEW welcomes the proposals, the question as to whether universities are providing "public services" needs further consideration. The White Paper's implicit assumptions regarding organisations which provide "public services" requires scrutiny. As highlighted by the Higher Education and Further Education Bill (Wales) 2012 the development of statutory provisions directly regulating Welsh FE and HE institutions could lead to serious consequences which both the Welsh Government and the sector would wish to avoid. This includes placing the status of universities as autonomous institutions and their Office of National Statistics classification for purposes of public accounts at risk, causing potential conflict with existing legal obligations (e.g. contractual agreements with partners, collective agreements incorporated into contracts of employment, or general statutory duties relating to higher education). However, HEW is supportive of the principle of the SD Bill. To truly embed SD in Welsh life, education must play a central role, including embedding SD into the curriculum at all education levels. As the legislation is taken forward, the Welsh Government must provide clarity as to how it will support societal behavioural change to achieve the aim of embedding SD.</p>	

**Q2**

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

Please provide your views below:

HEW welcomes the proposals for a SD body. In order for the body to effectively support organisations to embed SD, they must have a thorough understanding of the sectors in question. It is vital that each of the sectors listed have input into the initial establishment and the ongoing activity of the body, to ensure it is effective and relevant. Whilst it is positive to see the body will have a primarily supportive role, the question of an ombudsman role remains. Further consideration should be given to scrutiny, and how organisations might be held to account. At all stages of development of the body, the organisations to be subject to the duty, should be consulted. The body must also recognise the important contribution the HE and wider education sector can offer to the development of policy and practice in SD in Wales.

**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:

If the SD body's principal role is primarily one of support, it is essential it is ready and functioning as soon as the Bill comes into force. For the body to develop the capacity to support the sector it must be functional as soon as is practicable, whilst taking advice from the sectors in question. The White Paper notes that the Bill alone cannot drive the change that is necessary, and HE can certainly offer leadership in building capacity, improving capabilities, and sharing practice. As the SD Bill develops, HE can offer thought leadership, research capacity, and an opportunity to share policy and practice. Education is key to phasing in and implementing the Bill, and the HE sector has a crucial role to play. HE is in a unique position where it can engage and enable people and communities, and work to find solutions to best meet specific circumstances within the SD framework. The HE sector can also offer expertise in the development of SD indicators, having already begun progressing work in this area.

**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:

HEW welcomes the proposal to embed the SD scrutiny arrangements into existing frameworks. Many organisations are already undertaking a significant level of reporting, and it is vital that any reporting on SD activities is not burdensome or bureaucratic.

**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:

Education is largely absent from the White Paper, and HEW believes education at all levels is absolutely fundamental to embedding sustainability and the behaviour change required.

Higher education institutions (HEI) and students' unions (SU) are already undertaking a significant amount of work in the sustainable development (SD) area and are key to embedding SD in public life in Wales. Engagement by students with the SD agenda demonstrates the commitment to address SD challenges - not just through 'greening the campus' but through behavioural change. This includes five students' unions in Wales participating in the National Union of Students (NUS) Green Impact project (<http://www.green-impact.org.uk/>) and two engaging with the Student Switch Off campaign (<http://www.studentswitchoff.org/>). Research conducted by the Higher Education Academy (HEA) and NUS suggest that students believe SD skills are highly valued by employers, and want to see SD embedded into their HE curriculum ([http://www.heacademy.ac.uk/assets/documents/esd/Student\\_attitudes\\_towards\\_and\\_skills\\_for\\_sustainable\\_development.pdf](http://www.heacademy.ac.uk/assets/documents/esd/Student_attitudes_towards_and_skills_for_sustainable_development.pdf)). HE is key to offering the thought leadership and research evidence required to drive forward the SD agenda in Wales.

### Confidentiality

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

## 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 White Paper Consultation Powys County Council's response**

Powys County Council welcomes the proposals in the Sustainable Development Bill White Paper and the opportunity to comment on these, It also welcomes the offer of a continued dialogue while the legislation is being introduced and implemented.

### **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?***

Powys County Council supports the aims of this Bill and feels that embedding sustainable development as the central organising principle of the public sector in Wales has the potential to deliver the long-term wellbeing of Wales.

However the lack of any tangible illustration of how this would be manifested within organisations, or the penalties for non compliance, after the tone of the previous consultation, "What is going to be made illegal by this legislation," is a little disappointing. Our concern is that the lack of some explicit direction could lead to weak legislation, which changes little except to increase the reporting requirements, which is precisely what the White Paper seeks to avoid.

#### **(i) The central organising principle**

The Council supports the approach the Bill is suggesting, focusing on what is being delivered and how, as a way of changing behaviours and practices to support sustainable development principles. Again though it is unclear where the challenge will lie and what the penalties will be for 'non-compliance.'

The focus on outcomes, rather than policies and processes is welcome. The Council, with its LSB partners, is already beginning to use RBA and Neighbourhood Management in the development of the One Powys Plan (the single integrated plan for Powys), both of which focus on delivering real change on the ground for and with communities.

The Council has, through a range of tools and campaigns, started to embed sustainability principles throughout its internal working practices. The introduction of this legislation will only serve to support and strengthen those ambitions.

That said there should be some assessment, and if necessary challenge, of the outcomes an organisation is working towards to ensure that they are meeting sustainability principles and contributing to the long-term wellbeing of Wales in terms of the social, economic and environmental impacts.

#### **(ii) The nature of the duty**

We are pleased to see that an approach with combines behaviours and objectives has been chosen following the previous consultation. Again

however there is little detail of what this will look like and how conflicting pressures, such as political cycles, the current financial constraints and other requirements, will impact on these.

We hope that the proposed statutory guidance will make it clearer how sustainable development can support better decision making and support better outcomes for the communities of Wales.

### **(iii) Defining sustainable development**

The Council feels that a clear and unequivocal definition of sustainable development, across the whole of the public sector in Wales, will support the embedding of sustainability. What is unclear from the White Paper is which of the three definitions will be used. While the Brundtland definition is the most commonly used those in the Programme of Government and One Wales One Planet may have more resonance for Wales.

Whichever definition is used there must be clarity and an interpretation of what this means in practice in the supporting guidance. The chosen definition must be consistently used throughout other legislation, guidance and requirements produced by Welsh Government to ensure that expectations are the same across the public sector in Wales.

### **(iv) Delivering outcomes**

The focus on outcomes is welcome, however there needs to be some assessment of the agreed outcomes to ensure that they are sustainable and focused enough to achieve.

Given the long term nature of sustainable development versus the short term political and financial cycles, there needs to be some way of designing outcomes that deliver in the short term while contributing to longer term outcomes, developing a notion of legacy.

Again the tensions between sustainability outcomes and other legislative and reporting requirements needs to be addressed to ensure that sustainability does not become one of a range of underpinning but conflicting priorities. This will not be easy but it is necessary if the Bill is to succeed.

### **(v) Scope of the Duty**

The Council supports the proposal that the duty should apply to high level strategic decisions, and that the strategic decision making processes, rather than the documents themselves, will be assessed. There needs to be a mechanism to ensure that sustainability principles are feed down and across organisations and that the message is understood at all levels of the organisation. This will help to embed sustainability, and an outcome based approach, in all decisions and procedures, whether subject to the Duty or not.

The Bill will offer opportunities for better outcomes and collaboration across and within organisations as well as identifying and reducing the barriers that exist to innovation.

For the Council it is the elected Members who are responsible for setting the Council's objectives and making the high level strategic decisions. In order for them to understand their responsibilities in terms of the Bill and undertake them well, there needs to be clear guidance in place and ongoing training and development to support them in carrying out this role. There is already some good practice available, for example Swansea's Sustainability Portfolio, and this should be shared.

#### **(vi) Reporting**

There are already a number of levers in place that can support the process of mainstreaming sustainable development. One of the stated requirements of the Bill is that it should not increase the bureaucratic burden. Using these existing mechanisms, which public bodies are already familiar with, to support the Bill would help to integrate sustainability without increasing burden.

The reporting systems need appropriate procedures and scrutiny to ensure that sustainable development becomes the central organising principle for the organisations. They also need to be robust and consistent. Sustainable development is a journey and therefore reporting mechanisms need to demonstrate a direction of travel as much as definite achievements.

The use of current report systems is welcome, to reduce additional burden on the Council, however it may be that the current systems do not allow for a consistent approach across the public sector in Wales. If the Duty is to be consistently applied across the whole of the public sector then it may be appropriate to develop a uniform reporting system as well. A range of shared indicators would be a possible first step, which would also allow for consistent benchmarking across organisations.

With no clear penalties or sanctions detailed in the proposals it is hard to see what the imperative for organisations to embed sustainable development is, beyond the current requirements, other than organisational commitment. Therefore it is unclear whether the purpose of this legislation will be met given all the competing obligations, many of which have severe penalties for non compliance.

Again the provision of supporting guidance is welcome as well as the sharing of good practice.

#### **(vii) The Sustainable Development duty and collaborative working**

As previously mentioned Powys County Council is supportive of a consistent Duty, and reporting framework, across the public sector. The Council is already working closely with a range of partners and this Duty will further support that collaboration and help to identify unintended consequences to other partners of decisions.

The Council supports the proposal that the single integrated plans would be included within the Duty as these are become the most strategic programme within local authority areas. It should be noted however that not all the partners developing the plans will be subject to the Duty, the most notable

being the police authorities and this could, potentially, throw up conflicts around the identification of priorities.

There is a need to demonstrate how the shared outcomes were identified and how they contribute to the sustainability and wellbeing of communities.

**(viii) The organisations subject to the duty**

The Council broadly agrees with the organisations which have been identified as being subject to the Duty however we would suggest that Town and Community Councils would need support to ensure that they had the capacity and influence to make the Duty appropriate to them. Local authorities may not necessarily have the resource (time or staff) to do this.

Also the guidance should make it clear how organisations contracting with public bodies would be expected to support the principles of the Duty.

**(ix) Impact on the current sustainable development duty**

The proposal that the new duty would replace the current requirement to have a sustainable development scheme would appear appropriate.

**Question 2**

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

In principle the Council supports the establishment of an independent sustainable development body to support the aims of this legislation.

**(i) Role and functions**

The White Paper sets out a number of roles and functions for the independent body. We are concerned that any new body should remain small with a tight remit that is understood by all. There is a danger that if too much is expected of the body that it will either fail to provide suitable and adequate support or become large and unwieldy in an attempt to do everyone.

The new body should do what organisations subject to the Bill would find it difficult to find time to do whilst delivering services; for example research and developing suitable indicators. The challenge role is an important one and it is difficult to think of another way for this to happen on a less formal basis. The formal auditing process should stay with the AGW.

**(ii) Supporting**

As previously mentioned we are concerned about the size of the new body given the wide range of organisations it could have to support. There is already a range of specialist support available and perhaps it would be better for the body to act as a hub or conduit for sharing best practice, expertise and relevant examples or hosting best practice forums.

The body also needs to have regard for the competing pressures put on local government from Welsh, UK and European Governments.

### **(iii) Policy development and advice**

The new body should have a role in advising Welsh Government on sustainability matters when they are developing policies. This should be for all policy development to ensure that sustainability is embedded across Welsh Government.

The Body should also have a role in working with the public sector throughout Wales to identify barriers and solutions. While examples of best practice are useful they are not always relevant to all parts of Wales. Likewise some funding regimes seem to actively work against sustainability, in terms of requirements or timeframes. Specific examples from our Transport Section are given in Appendix 1.

### **(iv) Composition**

The need to keep the size of the body in line with its function and the scope of its support has already been raised. However this could be done through the formation of an advisory body with representatives from those sectors subject to the Duty, minimising the staffing requirement as the expertise would be donated by the representative's organisation. These representatives should come from a range of service areas, not just sustainable development to ensure a breadth of perspective. This would also facilitate real time engagement and challenge ensuring that support and advice remains relevant.

### **(v) Independence**

In order for the challenge and support roles to be effective the body needs to both independent and statutory.

### **(vi) Reporting arrangements and representation**

The relationship between the new body and the AGW is vital for ensuring that all bodies subject to the Duty are aware of their obligations and are audited in a consistent way. Organisations will need to be clear about what is expected of them and how they will be expected to evidence this. If the body and the AGW were to jointly identify a range of suitable measures that could be used for reporting this would benefit all organisations and help with the auditing process.

How will the Commissioner's role dovetail and influence the roles of the other Commissioners? Is there an opportunity to streamline the requirements of all the Commissioners for the benefit of Wales, it would also show that integrating all the different priority areas of the Welsh public sector can be achieved.

## **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?***

### **(i) Phasing of the duty**

Powys County Council feels that it would be appropriate for local authorities to be asked to comply with the Duty from the April after the Duty comes into force (2015). This is so as not to lose the momentum that already exists within most of local government, and especially in Powys, around sustainability. Given the learning that will need to take place around embedding and reporting on sustainability we feel that this would be better done with the organisations that will need to comply with the Duty rather than without. The first year of audits would be light touch with all parties learning and modifying the approach accordingly, as we are sure that WG, AGW and the new body will also be firming up processes and procedures at the same time.

Also most of the examples of good practice used during the consultation on the Duty have come from local authorities and local health boards, both of which have a wide and significant impact in Wales, both as service providers and employers. If the aim of the Duty is to impact on high level strategies with the biggest impact it seems strange not to impose the Duty immediately on such large and influential organisations. The ongoing work with the single integrated plans need to ensure that sustainability is included as they will have a significant impact on what services are delivered and how over the next 5 years.

If it is decided not to require local authorities to become subject to the Duty until 2016, or later, there needs to be a clear message as to the reasons behind this. If it is one of building capacity then that needs to be clearly stated to ensure that organisations continue to prepare rather than ignore sustainable development in favour of more pressing priorities. When reporting comes fully into force it needs to be done with rigour and consistency.

#### **(ii) Establishing the new body**

The establishment of the new body, with a clearly established mandate for its role, should coincide with the passing of the Act. The Duty will place extra requirements on those organisations that will be subject to it and the support that the body will be providing will be necessary from implementation and beyond.

#### **(iii) Supporting the change**

The proposed Statutory Guidance should be developed while the Bill is being passed, again to ensure it is in place as soon as the Act becomes law. It is felt that the formation of an advisory or reference group made up of representatives from the relevant sectors would be helpful in preparing this guidance.

Throughout the progress of the Bill there will be opportunities for further support and learning, Powys County Council would welcome the opportunity to be part of these.

#### **(iv) Measuring progress**

Powys County Council would advocate a collaborative approach for developing measures and reporting systems in the early stages of the Duty, as detailed earlier. In this way organisations would be more able to innovate

and experiment as learning, successes and failures, would be shared with AGW, providing for better audit in future, and others without penalty or sanction. Once a set of relevant and agreed performance indicators and processes have been developed the full auditing process would be put in place.

#### **Question 4**

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

##### **(i) The Role of the Auditor General for Wales**

We support placing the auditing role with the AGW and current reporting frameworks as this is more likely to support the embedding of sustainability principles in a way which is not onerous. It also shows it is an underpinning principle rather than a desirable extra if time and resources allow.. However there needs to be assurances that there will be the necessary capacity and expertise within the WAO to provide consistent and effective scrutiny of compliance with the Duty.

##### **(ii) Other accountability arrangements**

However the work being undertaken in Swansea as part of the WLGA's SD Framework has shown that current systems and processes may not be suitable for reporting on sustainability. There is an opportunity for local authorities, and other bodies, to work with WG, WAO and the new Body to develop suitable systems collaboratively rather than have them imposed as soon as the Duty becomes effective.

There are also concerns about the capacity and expertise within WAO and public bodies for scrutiny of sustainability issues especially as these are not strictly defined. There is probably a need for some capacity building during the passing of the Bill to enable effective scrutiny to take place once the Bill is in place.

Internal scrutiny needs to be developed in a similar fashion to the capacity building in WAO. Elected Members need to be clear about their roles and responsibilities under the new Duty. Similarly the governance structures in other public bodies need the same clarity if a consistent approach to implementation, reporting and scrutiny is to take place across the public sector in Wales.

With public bodies becoming subject to a new sustainable development Duty it is unclear where the responsibility for compliance will ultimately lie, who will be taken to judicial review should that happen?

#### **Question 5**

***Do you have any related issues which have not been specifically addressed?***

As we have stated previously Powys County Council feels that it is in some ways leading the way in embedding sustainability into its processes. We still feel we have some way to go but have always been willing to share our experiences with others. We feel that we are well placed to contribute to the debate around the implementation of the new Duty whenever that should happen.

We realise that there are great challenges ahead for the Welsh public sector and that the Welsh Government is showing it's commitment to sustainable development through this legislations. We would like to feel we share that commitment, although some of our challenges are quite different. We would appreciate any opportunities to work with WG and others to identify barriers to sustainable behaviours, opportunities for improving reporting and accountability and improving the overall wellbeing of Wales.

## **Appendix 1**

### Examples of barriers

In some cases the realisation of our sustainable development objectives is dependent on the delivery of 'national' projects. Examples include the hourly train service between Aberystwyth and Shrewsbury, and establishing effective connections between Traws Cymru bus and rail services at major interchanges. We would also point to current planning guidance that makes the refusal of applications for unsustainable 'out of town' retail developments extremely difficult.

At the regional level the funding formula for the regional transport plan grant (RTPG) based on population, rather than transport need or a recognition that mid Wales is a 'transit corridor' between the other more populated regions of Wales, is a major problem in achieving the 'step change' needed towards 'greener' transport. The 'annuality' of the RTPG is also problematic.

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# Ymgyrch Diogelu Cymru Wledig Campaign for the Protection of Rural Wales



Cadeirydd      Chairman      Dr Jean Rosenfeld  
Cyfarwyddwr      Director      Peter Ogden

Sustainable Development Bill Team,  
Welsh Government,  
Cathays Park,  
Cardiff.  
CF10 3NQ  
March 1<sup>st</sup> 2013

Dear Sir / Madam,

## **Sustainable Development Bill White Paper Response by the Campaign for the Protection of Rural Wales (CPRW)**

### **1. General comments**

1.1 The Campaign for the Protection of Rural Wales welcomes the opportunity to comment on this important consultation document and we trust that the enclosed comments will be read in conjunction with those submitted in our previous representation dated May 21<sup>st</sup> 2012 in respect of the “**Sustaining a Living Wales**” consultation

1.2 CPRW agrees with the stated intentions of Welsh Government to “*legislate to make sustainable development the central organising principle of Welsh Government and public bodies in Wales*”. We welcome the reiteration of this intention in the White Paper and believe that legislation is necessary to drive the changes required for Wales to become a more sustainable nation.

1.3 CPRW is likewise pleased that Welsh Government has decided to have a definition of Sustainable Development in the Bill, but is puzzled its wording is not provided in this White Paper. We repeat our previous view that Sustainable development must be defined in the proposed legislation to provide clarity of purpose and continuity of delivery. This definition must likewise be clear and unambiguous and expressed in a manner which includes the requirement to live within environmental limits.

1.4 A critical dimension of this definition must therefore in our view be a unambiguous and inbuilt understanding that our nation’s most precious assets; healthy and sensitively managed landscapes and seascapes are the building blocks of a sustainable Wales. For this to be so, the Bill must therefore recognise that the sustainable development and the responsible stewardship of landscapes are inextricably linked. We believe the management template prevailing in Wales’s Protected Landscapes and the sustainable development approaches adopted in these areas provide an appropriate reference point in this respect.

1.5 We further consider that if the Sustainable Development approach being advanced is implemented in the manner we anticipate, this will further the aims of the European

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Landscape Convention, to which the Welsh Government is a co signatory, and give greater credence and long overdue recognition to the principle that **“All Landscapes matter”**.

1.6 The manner in which all public bodies in particular the new Natural Resources Wales synchronise their approaches to sustainable development with the protection of the landscapes Wales, and ensure that the quality of life and vitality of those rural communities which rely on these assets is enhanced, is therefore crucial to the achievement of the national sustainability goal.

**1.7 CPRW therefore believes that in furthering the nation’s sustainability aims, the primary responsibility of all public bodies should be to discharge any new sustainability duty and functions, in a manner which safeguards Wales’s rich environmental heritage and furthers the enhancement of the functional values of our nation’s natural resources.**

1.8 In order to achieve this, the definition and implications of the Sustainable Development duty must therefore be clear and the outcomes expected of different bodies must be properly articulated. We are not convinced that this is task which should be left to individual bodies to decide for themselves as suggested.

1.9 Our previous response also laid out some key objectives which we believe will ensure the Bill promotes an effective, creative and holistic approach to Wales’s sustainability challenges. We reiterate a number of these points and contend they must be key dimensions of the Sustainable Development Bill and thereafter what it delivers. These key issues include clear recognition that:

- **sustainability can only be achieved if change occurs within defined and acceptable environmental capacity limits.**
- **for the outcomes of change to be sustainable, the functional integrity of all our natural and cultural assets must be maintained and able to continue to perform their crucial life support role and functions.**
- **checks and balances must exist which ensure that any sustainability outcomes result in our natural and heritage assets all being managed in a responsible, effective and long term manner.**
- **the stewardship of any existing environmental assets must be achieved to the highest possible environmental standards**
- **the needs and opportunities which urban and rural areas offer are linked in a more meaningful way so that each understands and supports the role of the other.**
- **the new Duty applies to all tiers of public decision making and activities including the procurement of goods and services and public funding initiatives.**

1.10 Despite our previous representations in this respect, we are not assured that the approaches suggested in the White Paper are sufficiently clear or precise to address these issues.

## **2. Detailed comments**

### **Question 1**

#### **A new duty to embed sustainable development as the central organising principle of selected organisations in Wales**

2.1 Whilst CPRW supports the Welsh Government's intention to strengthen the current Sustainable development duty and its desire to ensure that this becomes a legal requirement in all the activities of Government and all public bodies, we are not convinced that the intent outlined in the White Paper, namely **'to consider'** economic, social and environmental wellbeing in decision making, is sufficiently strong to achieve this outcome.

2.2 If the desires which drive this duty are to be achieved, then the wording of the Bill must ensure that Welsh Government and public bodies exercise their powers and functions in a manner which **"achieves"** sustainable outcomes rather than merely "considering" them.

2.3 To do this, we repeat our assertion that a clear definition of Sustainable Development must appear in the Bill. In this respect therefore we do not understand why the term "wellbeing" is now being used as a surrogate for the term Sustainable development. For the avoidance of doubt the concept of 'living within environmental limits' should be at the core of the philosophy of the Bill and not the term environmental 'wellbeing'

2.4 The goal of 'living within environmental limits' must therefore be the overarching principle from which all proposed mechanisms for delivering Sustainable Development must subsequently flow. It therefore follows that the Bill should focus on key outcomes rather than simply as it does, upon the key processes associated with achieving them.

2.5 We are therefore surprised and concerned that paragraph 2.21 appears to transfer the responsibility for defining acceptable sustainable outcomes to public bodies by requiring them to establish their own sustainability standards, without any recognition that these must be framed within the principle of operating within defined environmental limits.

2.6 Welsh Government's proposal to exclude budgetary and funding decisions from the scope of the duty is in our view a mistake and likely to seriously undermine progress towards a sustainable Wales

### **Question 2**

#### **Proposals for an independent Sustainable development body**

2.7 CPRW sees the merit of establishing an independent Sustainable Development body with its own Commissioner but has concerns regarding their proposed collective role, status and ultimate independence.

2.8 CPRW agrees that the initial role for the Body should be to support and encourage collaboration between public sector organisations and support and enable them to enhance their own understanding of the new requirements of the Bill.

2.9 To do this effectively however, the Body and the Commissioner must be independent of Government and have an initial advisory role which is encouraged to mature into one which enables them challenge the accountability of Government and public bodies for the performance in achieving nationally defined and agreed sustainability outcomes.

### **Question 3 –**

#### **Proposed phasing and implementation of the duty, and timing of the establishment of the independent sustainable development body**

2.10 CPRW agrees that a phased approach to the implementation of the Bill's requirements is preferable.

2.11 With regards to the timetable for introducing the new obligations, we are unclear as to how the Sustainable Development Body can come in to force in 2015 and at the same time be ready and able to discharge its functions. We would recommend that a fully functioning Sustainable Development Body should be established by late 2014 to ensure maximum readiness for their role in supporting the public bodies implement their responsibilities.

2.12 We also have concerns about the practicalities of Community Councils being able to undertake a realistic role in the implementation of the Government's sustainability aspirations.

### **Question 4**

#### **Proposals to improve the accountability framework for sustainable development in Wales**

2.13 CPRW does not wish to make specific comment on this matter further than noting that a clear accountability framework must exist to enable decisions and the performance of all bodies subject to the requirements of the new duty, to be properly assessed.

### **Question 5 – Other related issues**

2.14 CPRW recognises and welcomes the overarching importance of the Government's sustainability aims and the value of this being set out clearly in legislation. What however is less clear is the primacy which this legislation and the proposed new duty will have over other existing legislation, in particular that which governs the manner in

which the environment and in particular our landscapes are currently planned and managed.

2.15 Wales is characterised by areas protected in law because of their intrinsic natural beauty, special qualities and heritage values, i.e. our three National Parks and five Areas of Outstanding Natural Beauty. Within these areas strong legal and policy provisions currently exist which require these areas to be protected and managed in ways which maintain the importance of their existing qualities.

2.16 As a matter of principle, we contend the Bill must therefore make clear that in such circumstances any Sustainable Development duty or functions required of a public body operating in these areas must be fulfilled in a manner which recognises these existing circumstances.

2.17 We do not and would not accept any new provision in the Bill which would mean that a new Sustainable Development duty however defined or interpreted, over rides these long standing and publicly accepted obligations. Protected Areas have established robust and sustainable management practices which need to be maintained rather than dislocated.

2.18 The nature of these legal relationships must therefore be made clear within the provisions of the proposed Bill.

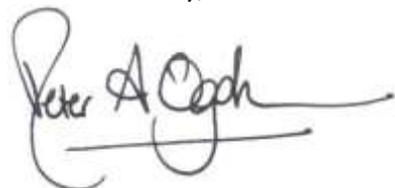
### **3 Summary**

3.1 Whilst supporting the general principles which the Bill seeks to achieve, CPRW believes that there are a number of deficiencies in the White Paper which need to be addressed in any subsequent legislation to enable the Welsh Government's aspirations with regards to promoting Sustainable Development to be fulfilled. We trust our comments help in this respect.

3.2 Finally I confirm that our comments can be made available to others if so required and would be grateful for your acknowledgement of the safe receipt of this submission.

Thanking you in anticipation.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Ogden', with a long horizontal flourish extending to the right.

Peter Ogden  
Director

## CONSULTATION FORM

### Sustainable Development Bill White Paper

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

Please submit your comments by 4 March 2012.

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

#### Data Protection

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**CONSULTATION FORM**

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
<b>Name</b>	Jackie Dix	
<b>Organisation</b>	Caerphilly County Borough Council	
<b>Address</b>	Penallta House Tredomen Park Ystrad Mynach Hengoed CF82 7PG	
<b>E-mail address</b>	dixj1@caerphilly.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"/>

**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:

Caerphilly County Borough Council is in favour of the proposals for a new duty, but does have concerns that this must make a meaningful impact in improving the quality of work around sustainable development, and does not result in just a tick box exercised by organisations. The Council has a long history of supporting sustainable development, with the Council's SD Strategy 'Living Better, Using Less' setting out a commitment to making sustainable development a central guiding principle. Sustainable development is already embedded in the Local Government (Wales) Measure 2009 and as part of the Wales Programme for Improvement 2011, and is audited by the Wales Audit Office as part of accountability. This new proposed duty must bring in positive advantages that are not already covered by the existing framework, and encourage organisations that are not doing much, to do more around sustainable development. There is the danger that the proposed duty could lead to a bureaucratic 'paper chase', and although the consultation says this should not be the case, it does not set out clearly how this duty would embed sustainable development, more meaningfully than is already the case. Indeed sustainability integration tools have been used for sometime in informing decision making processes. Whilst the focus of the proposals is sustainable development, there is piggy backing on the legislation around putting local collaborative working on a single statutory footing, which is potentially confusing. There already exists through the Local Government Measure a collaborative duty around community planning, with local authorities undertaking a leadership role, which is reiterated in the single integrated plan guidance – 'Shared Purpose – Shared Delivery'.

**Q2**

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

**Please provide your views below:**

Whilst it is recognised in ensuring sustainable development is the 'central organising principle' for public bodies, a independent source of expertise would be beneficial, the expense of setting up an independent sustainable development body headed by a Commissioner is an issue, in these challenging economic times, and restraint in public sector spending.

There is the possible danger with creating an independent body that sustainable development as a principle, that cuts across all sectors will run the risk of organisations behaving as if 'sustainable development belongs to that body' and is not the direct responsibility of their own organisations.

Although the role and functions proposed of the new body are viewed positively, the Wales Audit Office (WAO) are currently consulting on how they will 'audit' this bill, thus some of the proposed functions of the independent body could be picked up within existing structures. The Commissioner for Sustainable Futures also currently acts as an advisor on sustainable development policy. Clarification is therefore needed on how the proposed body will relate to the WAO, and Cynnal Cymru .

**Q3**

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

**Please provide your views below:**

The proposed phasing and implementation of the duty appears to be fine. It is positive that the proposed duty would apply at the beginning of the financial year, to align with existing corporate planning processes and reporting arrangements.

The paper notes that the Welsh Government shortly plans to consult on sustainable development indicators (paragraph 4.10, page 21) it will be crucial that what is suggested does not duplicate and repeat the information already required.

**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:

It is endorsed that – ‘Accountability is a central part of the Government’s approach to improving public services and plays an important role in ensuring that organisations are accountable to the people and communities they serve.’ (paragraph 5.2, page 23), and positive to note that scrutiny will be undertaken within existing frameworks. It is also pleasing to note that ‘being scrutinised should not be excessive, and to be proportionate to the benefits.’ (paragraph 5.9, page 24).

It will be important for the accountability framework to be set up with clear indicators of success; the definition of Sustainable Development and the indicators in respect of economic, social and environmental considerations are essential in this regard. The measurement of success against these indicators needs to be clear and based on data that is easy to collect and record without requiring significant additional resources on Local Authorities.

The Welsh Government have previously consulted on the use of the State of the Environment Indicators (July 2012) and also on a Strategic Monitoring Framework for the Planning System (November 2011) as mechanisms to measure the contribution the planning system makes to a sustainable Wales. It is not clear how these indicators will be taken into account in the future as part of the work on the Sustainable Development Bill. Care needs to be taken to ensure that any future requirements do not result in unnecessary duplication of effort.

**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:

Caerphilly County Borough Council has shown an innovative approach to embedding sustainable development principles in the work of the organisation through utilising the existing legal duty. It is feared that the proposed legislation could result in an onerous process of reporting. It is essential that the legislation and guidance is specific and robust enough to actively encourage better and more dynamic ways of ensuring sustainable development is an integral part of public sector organisations' work, and not just an add on.

The proposed legislation around sustainable development is being linked to the delivery process of the single integrated plan for community planning, but this seems rather an aside requirement, with scant detail of ‘why’ and ‘how’ contained in the bill. It is also a duplication of the existing framework and guidance set on integrating partnerships and plans in ‘Shared Purpose – Shared Delivery.’

### 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
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Additional information
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**CONSULTATION FORM**

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
<b>Name</b>	Mold Town Council	
<b>Organisation</b>	Town Council	
<b>Address</b>	Town Hall Earl Road Mold CH7 1AB	
<b>E-mail address</b>	townclerk@moldtowncouncil.org.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

<b>Q1</b>	What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]
<p><b>Please provide your views below:</b></p> <p>The Town Council agree with the proposals, however there is concern for the definition. The Town Council believe that there is a need to refer back to the original concept and definition from the Brundtland report.</p> <p>There is a concern that a definition of Sustainable Development that is too broad would undermine the integrity of the model.</p> <p>The Town Council agrees that the bill should evolve through good practice and learning.</p> <p>In the present unstable economic climate in Wales, are you satisfied that the Bill will be able to manage the transition?</p>	

**Q2**

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

Please provide your views below:

The Town Council agrees with the proposal, but there is concern that the body would be another Quango.

The Town Council agree with the independence of the body, and the ability it will have to call the Welsh Government to account.

The Town Council believe that there is a need to consider cost -v- benefit of the 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:

The Town Council agree with the staged approach to implementation.

The Town Council believe that there is a need to ensure the guidance, training and support is in place, and would like the body to have sufficient resources at the outset to ensure the implementation is successful, which could be scaled down later.

**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:

Are there any sanctions/penalties for authorities who fail to implement the Sustainable Development Bill?

The Town Council would not wish to see the tax payer suffer to consequences.

Indicators need to be key to results, they need to be relevant and not restricted to usual limited set of indicators.

**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:

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**“A Sustainable Wales - Better Choices for a Better Future”**  
**Consultation on proposals for a Sustainable Development Bill**  
**February 2013**

**SDCC Response:**

Sustainable Development Co-ordinators Cymru represents the twenty two local authorities and the three national parks across Wales, and has an effective track record of working with Welsh Government and the Welsh Local Government Association. The SDCC response was produced following a network meeting where members debated and commented on the proposals.

The SDCC is happy to discuss this response further with the Welsh Government.

**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 SDCC network welcomes this White Paper and the opportunity to comment. The consultation paper is very well written in terms of the language and rhetoric, and the aspiration to embed long term planning at the heart of how Welsh public sector organisations work is commendable. There is still not much detail given in terms of what does “good” look like and what the Bill will mean for organisations in practice. This means there is a golden opportunity now for Welsh Government to sit down with partners, stakeholders and communities to identify and co-produce how to practically implement best practice principles.

We agree with the principle of strengthening the governance framework in relation to SD but the proposals need to be much clearer how this will practically manifest itself ‘on the ground’.

Specific comments on the sections are given below:

**Central Organising Principle**

- SDCC is supportive of 2.4 in terms of looking at what we’re delivering as well as how. However it is not clear in terms of what “non compliance” will mean and what will the penalties be– this will be a key element to secure buy in from senior managers and politicians.
- Sections 2.4 and 5.8 don’t seem to align in terms of guidelines for reporting. Is the Bill about driving policy development or delivering policy objectives?
- SD must be a key driver at the initial policy development stage, and support, tools and training is needed to help Welsh organisations to deliver this.
- The SD Bill needs to challenge organisational outcomes as well as the decision that has been reached. If not, there is the strong possibility of only slight incremental change year on year.
- Something similar to the Corporate Health Standard, which is a stepped approach, could be useful as a template for organisations to work towards, collaborate and benchmark themselves against. Recognition needs to be given to the fact that many organisations and parts within them are at a different stage in their SD journey. It would be counterproductive for the

Guidance to allow organisations to rest on their laurels - it needs to establish additional initiatives, so that top performers are still pushed hard and can help to share their best practice.

- Developing clear guidance and direction will be the critical next step, and SDCC will be pleased to work with Welsh Government, WLGA and other stakeholders to enable this.
- There is a key role for PSMW / Academi Wales for training Welsh Government and the wider public sector, enabling managers to make decisions in a sustainable way

### **The Nature of the Duty**

- SDCC agrees with the principle of combining the behaviours and objectives approach (2.8) but the document lacks any detail. We assume that this will be clarified within the Guidance that will be issued with the Bill, and we as a Network would be happy to work with you on this.
- We agree with the key principles that are being proposed (2.10 to 2.14) and we support these. However, it is very difficult to see how these may manifest themselves within the context of the current economic climate, short term budgets and existing political cycles.

### **Defining sustainable development**

- Whilst we support the principle of having a definition of SD within the Bill it is unclear which one will be used (there are 3 given on pages 1 and 2).
- Whichever definition is used we need clarity and interpretation within the guidance. It is important for organisations not to get bogged down with definitions - SD means a common sense approach to organisational improvement and delivering community well being, and will differ according to circumstances.
- The agreed definition also needs to clearly filter through to other ALL legislation and guidance produced by Welsh Government. This will help to ensure integration throughout public service delivery.

### **Delivering Outcomes**

- Whilst the SD Bill states the need to use existing tools and levers such as Outcome Agreements, Indicators and KPI's to facilitate the process of mainstreaming SD, public sector organisations will only make progress by measuring the right things, not just what they are doing.
- How will the SD Bill enable Outcomes to be assessed in terms of whether they are sustainable? Without this scrutiny Wales could end up with very vague outcomes which achieve very little, so there is a need for them to be focused.
- Is there going to be a mechanism to assess and scrutinise the outcomes selected by organisations?
- The whole accountability process needs to be **SMART**
- The Bill needs to show how all the different legislative requirements, strategies, plans etc should and will be integrated.?

- A method of coupling longer term aims with shorter term outcomes is needed so that political members can build some sort of legacy.

### **Scope of the Duty**

- SDCC agrees with the proposal that the Duty should apply at the strategic decision making level. This needs to ensure that it feeds in and influences at all levels, such as planning decisions, procurement and asset management.
- There should also be a consistent requirement to evidence how SD has influenced the decision making process across the organisation.
- The SD Bill will offer opportunities for exploring innovative approaches and better outcomes i.e. community benefits, supporting the local economy through procurement etc.
- For Local Authorities the role of elected members needs to be considered within the decision making process and when agreeing corporate outcomes. Need ongoing capacity building work to ensure that local politicians are able to balance the long term requirement for SD with local delivery priorities.

### **Reporting**

- SDCC agrees with the proposal to use existing reporting mechanisms but the WAO must have the power to challenge if they are not robust and consistent. The current annual reporting mechanism does not deliver sustainability.
- We support the need for statutory guidance (2.29) to ensure that the guidance is adhered to.
- Are we collecting and using the right evidence to inform our decisions? Need to ensure quality of evidence.

### **Collaborative working**

- We welcome the proposal to include SIPs and shared outcomes but need to be aware that not all current partners would be subject to the duty. Again any shared outcomes would need to demonstrate that they were sustainable and had taken sustainability principles into account when being agreed.
- In situations of non compliance of the duty how would liability be apportioned across the partners in LSB?
- Need greater inter-agency integration; also need to ensure authorities consider the implications of their decisions on other organisations and communities.

### **Organisations**

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

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

### **Role and functions**

- We agree with the role and functions proposed – however it will be a big ask to do this for the whole public sector in Wales. Is there a capacity issue for the new body to support all the organisations that would be subject to the duty?
- The size and delivery of the function however is still unclear.
- The new Body has a very broad remit which could make delivery virtually impossible without the body itself becoming excessively large.
- The Body wouldn't be able to support all the subject bodies and engage with the whole population of Wales – it would need to focus and prioritise, setting up a separate organisation to engage with communities and civil society.
- It is not clear what level of support the body would be able to offer? It could be negligible if the range is too wide and the resources too few.
- The challenge role important; what powers will the body have beyond the informal challenge function? Rather than have a body which tries to do everything it may be better to keep it and its remit small and very specialised.

### **Supporting**

- We agree with purpose identified in 3.4 but there need to be very clear links with existing bodies i.e. WLGA.
- Would the new body be able to provide the necessary support? It may be that the support currently available through the WLGA's SD Framework and through the SDCC Network could be more appropriate. Would it be a better use of public funds to develop and enhance these existing networks and support mechanisms (e.g. through a co-ordinator for SDCC/LA network) rather than set up something new?
- How would auditing (AGW) and advice (SD Body) link and what recourse would there be if the advice was considered to be inappropriate during audit.
- Is the budget better spent on supporting or on the accountability – checking we're doing it?
- With limited resources support is best utilised for brokering the collaborative learning and sharing, signposting, rather than supporting individual organisations directly.

### **Policy Development and advice**

- The Body should develop measures for the whole of the public sector in Wales. These measures would then dictate to the WAO what should be reported.

### **Composition**

- Need to ensure that there is proportionate and adequate support for each of the sectors i.e. LA and Health would be the largest organisations to be subject to the duty.
- SDCC would like to be on the advisory body if one is set up as its members represent the majority of LAs and national parks across Wales.

## **Independence**

- The body needs to be statutory.

## **Reporting arrangements and representations**

- If SD is the COP of the Welsh Government is there a need for a number of commissioners covering various issues, or should there only be one for sustainable development?
- The relationship between the Body and the AGW will be critical in terms of delivering the aspirations within this Bill. SDCC believes that the wording in 3.28 should be stronger – that the body will have to collaborate with the AGW.
- There needs to be clarity for bodies subject to the duty around
  - What support local authorities and national parks will get
  - What the level of challenge will be
- The regular report should demonstrate how clear value has been added to the process across Wales.

## **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?**

### **Phasing of the duty**

- The SDCC network strongly believes that there is a danger of losing momentum and resources within Local Authorities if implementation is delayed until 2016.
- The case studies and best practice examples being used are largely from local authorities and health boards. It would make sense for these organisations to go in the first phase (2015), with a light touch audit in the first two years to work with the WAO to identify obstacles and barriers. LAs would be expected to report, even if it's not perfect, from the beginning. Recommendations could then be made about the shortcomings and support requirements.
- If LAs are not subject to the duty until 2016 there needs to be clear message from Welsh Government that this time is for LAs to prepare for the Bill, and how this can be done, not to ignore it until 2016, with the WAO helping Authorities to prepare.
- If the focus of the Bill and subsequent duty is on the strategic, high-level decisions which have the greatest impact then the proposed phasing seems to work against this with bodies such as the Arts Council for Wales and Sport Wales having a relatively smaller impact than LAs and Health Boards.
- We believe that Town & Community Councils should be expected to demonstrate their commitment to sustainable development we do not believe they should be subject to the duty as there is not sufficient capacity

to do this. There is a danger of drowning small and newish T&CCs under the fear of legislative requirements.

### **Establishing the new body**

- We believe that a shadow independent SD Body should be set-up while the Bill is being passed so that it can come into being as soon as the Act is passed. It can also help to develop guidance, measures/indicators, capacity and support during this time in collaboration with organisations that will be subject to the duty.

### **Supporting the change**

- We believe that the Welsh public sector would benefit from co-producing the Guidance, reporting arrangements with Welsh Government.

### **Measuring Progress**

- There needs to be a focus around the SD indicators / measures so that national level indicators can be used and measured locally.
- LAs would be able to influence the measures.

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

### **Role of the AGW**

- SDCC welcomes the proposals to embed scrutiny and accountability within existing frameworks (5.3). However we have concerns about the current audit regime and the capacity and expertise in sustainability within WAO to carry out this function; and similarly the capacity and expertise for scrutiny of sustainability issues within scrutiny functions of LAs.
- The current auditing processes are not fit for purpose for reporting SD, with recommendations for improvement. This will need to be changed to give the WAO some sustainability teeth.
- It is not clear whether scrutiny will be viewed the same as auditing?
- There is a lack of consistency across organisations, with regard to audit. Organisations will need time and investment to build their effective internal audit function.
- How often, and with what rigour, will AGW undertake audits of organisations?
- What does non compliance look like and what will happen? There need to be appropriate sanctions.
- Where does the buck stop? Equalities/Welsh Language have a senior responsible person – will it be the same for the SD duty? If not how can SD be the central organising principle?
- It would be useful for WG to outline what the legislative requirements are, who is responsible and what the sanctions are.
- Integrating SD auditing into the auditing process is welcome, showing that SD is part of the day job rather than an add on. This will have capacity issues at the WAO and there will need to be some consistency of approach from all the auditors.
- Is scrutiny just about the decision making processes or the outcomes selected by organisations? Or both?

- “Consideration of SD” could mean nothing changes, however the information has been presented for consideration.
- No information given about internal scrutiny processes to ensure that decision making is challenged internally. There could be capacity issues for members in undertaking effective scrutiny.

#### **Other accountability arrangements**

- There should also be consistency of approach across all the public sector and organisations subject to the duty.

#### **Do you have any related issues which have not been specifically addressed?**

##### General comments

- We would appreciate the opportunity to contribute and share our extensive experience and knowledge in developing the future Guidance that will shape the Welsh public sector, partners and the wider community.
- We appreciate that it needs to be written at a level that’s understandable to all but for those of us whose thinking around SD is more matured we need more detail in order to help us understand the implications of the duty on our organisations and support them in fulfilling their new obligations.
- With no clear sanctions or penalties the SDCC is concerned that the legislation will lack ‘teeth.’ This could result in SD being passed over in favour of other issues with more rigorous requirements or penalties.

## **Sustainable Development Bill Consultation response**

### **On behalf of Cylch, Community Resource Cymru**

**Authors:** Kath Hilsden & Richard Thomas

**Email:** [kath.hilsden@cylch.org.uk](mailto:kath.hilsden@cylch.org.uk)

**Tel:** 02920 519000

Thank you for the opportunity to respond to the proposed Sustainable Development Bill, which sets out a duty for Public Sector organisations in Wales to adopt a Triple Bottom Line approach to service delivery in Wales.

Cylch, Community Resource Cymru is a network organisation that represents the interests of community-led sustainable resource management organisations across Wales. Our members are engaged in a diverse range of activities including recycling, reuse, composting and waste-prevention activities, but all are concerned in some way with improving the wellbeing of their local community. Many of them are currently contracted to provide services on behalf of Local Authorities.

We believe that, by putting an onus on Public Sector bodies to take into account the social and environmental impact of strategic decision making, the proposed duty should facilitate more partnership working between the Public and Community Sectors. Contracts with community service providers offer far more depth and long-term benefit to the communities of Wales than short-term procurement decisions, based solely on cost. In particular, the recognition that a partnership approach is needed in the delivery of the proposed duty is to be welcomed.

#### **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?**

Cylch CRC fully supports the proposal for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales. Ensuring that social and environmental factors (as well as economic ones) inform strategic decision making, will undoubtedly help to secure a better long-term future for Wales.

The community sector / social enterprise sector is already define by a triple bottom line approach and we welcome the expansion of these principles into the public service sector. We particularly welcome the recommendation that decision making within the public service sector should be linked to the future wellbeing of Wales - although in some cases, this might, more specifically, relate to individual communities, rather than Wales as a whole.

A long term approach which gives consideration to the impact of future generations, at the strategic decision making level, is to be wholeheartedly embraced. It is hoped that by building in the requirement to consider proposals in a more sustainable way will overcome some of the short-term opportunism that is built in to much of our current public sector decision making, which in turn is reinforced by its relationship to the electoral cycle. Making 'long-term thinking' part of the decision-making process is therefore a significant step forward.

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

An independent body, overseen by a Commissioner will be central to the success of the proposal. However, given that it is to be publically funded, there must be mechanisms in place for protecting that independence. Its recommendations must be given due weight and not ignored on the basis of political expediency.

The recommendations made by the independent body should help to inform Welsh Government policy and the allocation funding to public sector organisations. This will serve to reinforce the centrality of sustainable development principles in relation to Welsh Government decision making.

Scrutiny of public sector spending decisions will be required to ensure that delivery of services is falling in line with the strategic duty to support SD. The independent body should be used to support that process of scrutiny, for example, through access to and delivery of training for public sector officers, or through independent review and analysis of public sector policy and service delivery.

## **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?**

Cylch CRC supports a phased introduction of the bill. The lead-in time should allow for a process of learning and education to take place within the relevant organisations. This will help to ensure that strategic decision makers are thinking in the right way in advance, and that framework is fully embedded once the Act comes into effect.

The setting up of the independent body, in advance of implementing the Act, will be key. The new organisation needs time to work with existing experts in the sustainable development field to build up its portfolio of best practice case-studies, which will be used to help inform and educate all those who will be affected by The Act.

Cylch CRC, proposes that a panel of experts should be set up to pull in expertise across all of the key areas of sustainability (e.g. Waste, Food, Energy etc.). This will help strengthen the organisations depth of insight across the broad remit of sustainable development. It should not only help to ensure best practice, but also avoid duplication and 'reinventing the wheel'.

The independent body should also have a remit to support other publically funded or non profit making bodies to help them to deliver a triple bottom line approach, so that they can support public service bodies to meet their requirement in turn.

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

Cylch CRC welcomes the emphasis on accountability and the decision to embed it within the existing framework that exists for public sector organisations. It is hoped that this will avoid duplication and unnecessary bureaucracy. We therefore support the proposal that the Auditor General Wales be responsible for scrutinising how strategic decisions have been made in respect of The Act, so long as it can be demonstrated that it has access to the relevant expertise on which to base its decisions.

*NOTE: The implications of non-compliance with the sustainable development legislation need to be more clearly understood. If the legislation is 'toothless' it is likely that it will be ineffective.*

#### **5. Related issues, not specifically addressed above.**

##### *Organisational culture*

Measuring the impact of intervention and prevention is notoriously difficult and involves cross-departmental links being made.

The cross-cutting nature of sustainable development does not sit comfortably with 'silo' budgets or departmental decision-making. For example, higher spending by one department could create an overall cost saving to the public purse through cost savings in other budgets. But this is not the case in most budget decision-making at present.

Alternatively, capital investment made by one department, may have implications for the maintenance budget of another. Historically this has lead to unsustainable decisions being made. To successfully embed sustainable development within the culture of large public bodies a sea-change in the existing culture will be required.

Finance Executive Officers need to have a clear understanding of SD cross-cutting principles in order to recognise where cost benefits can be gained through a holistic approach to local sustainability – moving away wherever possible from ‘silo’ thinking.

### *Education and training*

Although the duty will fall upon the strategic decision makers, there will need to be a full understanding of the principles of sustainable development across the organisation as whole. For example, this will be particularly important at the professional level, as these individuals make the recommendations that inform the decision makers. This will need to be followed through at the operational level, where those delivering front line services will need to buy-in to the SD ethos.

An element of training will be required at all levels from officer through to senior management and especially in regard to procurement officers – who often work in isolation of the departments for who they are procuring.

### *Procurement*

Historically the procurement process has been an issue inhibiting Community Sector involvement in the delivery of public services - this needs to be addressed.

The procurement of goods and services is the point at which public sector policy and strategic decision-making is translated into practical action. If this is to be done effectively then procurement processes need to be rigorously controlled to ensure best sustainable development practice. Inclusion of social and environmental clauses can help, but these need to be weighted effectively against other criteria, such as cost. Scrutiny Committees of public bodies need to be educated so that they understand the sustainable development implications of long-term decision making and how investing in preventative measures can secure cost savings over a longer time horizon.

*Case Study 1 – Effective Procurement of Service based on cross-departmental budget saving:* Social enterprise, Pembrokeshire FRAME, have secured a bulky waste contract with the local authority that costs more than competitive services. However, as a social enterprise, FRAME supports adults with learning disabilities and, through their bulky waste service, they provide meaningful activity for these supported individuals. The council recognised the cost saving that is gained through the avoidance of paying for supported day care provision for these same individuals. So the investment of a waste budget also supports a strong social benefit locally in Pembrokeshire and brings cost savings in other departments.

### *Case Study 2 – Ineffective application of social clauses:*

A competitive tender was issued for several local authorities in Southeast Wales for the collection of waste textiles from their civic amenity sites. The tender was issued with the

inclusion of a 'social clause' which asked for demonstration of positive social impact within the tender bids. However, the weighting for the social clause was only 5% of the overall weighting of relevant factors, with cost/price carrying a 50% weighting.

This inevitably resulted in the tender review panel giving the contract to the bidder who offered the best cost/price value. In this case the winner of the contract was a large commercial firm based in England, that now remove all textiles from those Welsh textile banks for sale into a global market. They pay the councils a price per tonne, but there is no social or economic benefit returned to Welsh communities. The ecological footprint of longer-haul transport is also a consideration.

Other tenders for this contract included locally-based community resource management organisations offering to work in partnership to retain a proportion of the collected textiles for resale within Wales (creating jobs, local economic activity, social benefits through volunteering and training opportunities and reduced environmental impact through applying the Proximity Principle along with the Waste Hierarchy).

The procurement process in this case did not allow for constructive negotiation with a local community consortium and was ultimately decided on price – on which the community consortium could not compete. Thus a short-term economic decision was made, over-riding the almost 'tokenistic' inclusion of social clauses.

### *Social Indicators*

The SD indicators listed in the white paper include economic output, renewable energy production, recycling and composting targets and water management. There is no mention of anti-poverty indicators, health & wellbeing indicators or indicators related to civil engagement. This potentially belies a narrow focus on the set of indicators being used currently and will require a more holistic set of indicators to be drawn up. Conflicts between indicators should also be highlighted, e.g. economic output might go up and result in an associated increase in negative environmental impact. The forthcoming consultation on SD indicators should take note of this gap.

The duty needs to be linked to investment in sustainable infrastructure and to overarching policies and budgets to achieve environmental *and* social best outcomes. The Act must do more than simply introduce a Triple Bottom Line reporting structure for public service bodies, it must ensure that the social and environmental options are not just considered, but given due weight. The duty needs to be linked to cost-benefit analysis of budget effectiveness and needs to be cross-departmental in nature.

### *Accountability - Monitoring and measuring success*

A report every 5 years seems weak in terms of monitoring the effectiveness of the sustainability duty. Given the urgency of some of the factors negatively impacting Wales – climate change extreme weather events, social decay due to loss of economic activity, increasing gap between rich and poor, increasing levels of child poverty, empty commercial premises, business failure rates – a more regular monitoring should be undertaken, with a process of regular review and adjustment of the indicators used.

There is a need to ensure that the process is not simply one of retro-fitting or reframing existing decision making processes to tick the requirements of The Act. The duty must be seen as a real opportunity to do things better in the future and there will need to be incentives to make this happen. This requires the linking of best practice solutions to budgetary allocations. Furthermore, there is no indication as to the implications of not delivering on sustainable development. There will need to be consequences for the organisations concerned, if The Act is to represent more than a tokenistic gesture.

## CONSULTATION FORM

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**CONSULTATION FORM**

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
<b>Name</b>	Martin Mathers, Onshore Policy Manager	
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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]
<p>Scottish Power Renewables is supportive of the Welsh Government’s proposals with regard to establishing a new duty to embed sustainable development as a key principle within selected organisations as noted in the consultation. We also support of the definition of "Sustainable Development" (para 1.9) proposed by the Welsh Government as this will serve to aid the implementation and understanding of stakeholders.</p> <p>We note Welsh Government's intention that the duty will be restricted to the "strategic decision making processes" (para 2.1) and as such will be reflective in the policy and corporate planning processes of the organisations. We would suggest that the outcomes may be better achieved if sustainable development was considered at all points in the decision making process. It is our experience that delivery of real sustainable development can most effectively be achieved when considered in this way.</p>	

Q2

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

SPR supports the proposals for the creation of an independent sustainable development body for Wales; however, as reflected in our response to Q1, we would propose that the remit of this body extends beyond the provision of policy or corporate planning. In our view, the body should be equipped with the necessary authority to consider the operations and actions of the various public bodies identified in the consultation in order that a consistent assessment of sustainable development can be made.

Furthermore, to ensure that the objective of sustainable development remains a key priority of the various organisations, consideration may perhaps be given to extending audit and review rights to the 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]

SPR is aware of a number of publicly available policy guidance (*Our Common Future* (Brundtland Commission), 1987; *Caring for the Earth* (IUCN) 1991; *Agenda 21*, (UN), 1992)) and a body of policy regarding this topic that may serve to expedite the implementation of the sustainable development duty in the named organisations.

We also note that the timing of the legislative process dictates, to an extent, what can reasonably be achieved any sooner than set out in the consultation. To that end, we would suggest the Welsh Government seeks to establish a shadow body during 2014, supplemented by a clear statement from the Welsh Minister that prior to 2015 he would seek that public bodies would seek to pro-actively develop their preliminary internal policies and decision making processes. This would then facilitate effective and full implementation from the outset of 2015.

**Q4**

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

SPR supports the use of existing resource, namely the Auditor General for Wales, to examine the quality of the systems and processes as this will allow for existing capabilities and governance frameworks to be built upon, ensuring accountability can be reported in a cost effective manner.

In line with our earlier comments, we would also note that to ensure the objectives of the Welsh Government with regard to sustainable development are monitored the governance framework should be broaden to capture policy objectives, outcomes and decisions made in connection with the policy.

**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.

No further comments or 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>

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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 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: We fully support this proposal	

**Q2**

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

Please provide your views below:

We feel that this will be a useful way of fully embedding sustainable development

**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:

We do not have a specific view on this issue

**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:  
We do not have specific views on this issue

**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:

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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 type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input checked="" type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

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]

Cardiff University welcomes the opportunity to respond to this White Paper on Proposals for a Sustainable Development Bill.

Cardiff University is a signatory of the Welsh Government Sustainable Development Charter, joining different organisations across Wales to make a landmark commitment to future proofing lives and communities. By signing up to the Sustainable Development Charter we have demonstrated our commitment to make sustainable development a central organising principle, and our commitment to help the Welsh Government deliver the One Wales; One Planet vision of a truly sustainable Wales.

At Cardiff University, we believe that, rather than doing the minimum in order to fulfil our obligations, sustainability should be integral to the values of the University, and be embedded in all of our operations. Cardiff is the first university in Wales to have received both ISO 14001 – an internationally accepted standard that signifies an organisation's commitment to reducing its environmental impact, and BS OHSAS 18001 which recognises the promotion of a safe and healthy working environment.

Aligning our strategies and operations with the key sustainability principles of long-term social justice and environmental protection allows the University to maximise its contribution to an improving quality of life for our staff and students, and communities in Cardiff, Wales and internationally.

Sustainable development (SD) has to be given a higher profile to achieve the aim of creating a truly sustainable Wales. The new duty has the potential to do this by raising the status of SD among government, public bodies and the wider public; it can help enable more long term, joined up decision making.

We welcome the approach that the duty will apply to the strategic decision making processes, the processes by which decisions are made and outcomes are achieved.

To put the SD duty into practice it must be underpinned by leadership and commitment from the top of each organisation to enable delivery and to provide accountability to the public. Commitment at the highest level is essential to getting buy in across the whole organisation and key to enabling the right outcomes at other levels of decision making.

Rather than being seen as a barrier to investment by business, we would want to see the sustainable development duty promoted as a benefit. Wales can be at forefront of developing some of the skills and expertise in the field of sustainability, particularly in areas of international research expertise existing within Wales.

However, realistically, each organisation will need extra strategic, analytical capacity to develop their own approach to making sustainable development their central organising principle. Building capacity of these organisations will take time and resources, and will need to develop the appropriate skills, tools and culture within each organisation. There also needs to be opportunities for each organisation to grow and develop their knowledge and skills to apply SD to their functions, to be able to share experiences with other organisations subject to the duty in Wales, and also to learn from examples of best practice from other organisations across the UK and other countries.

Coordination of this capacity building across the different organisations will be essential to maximise the opportunities to meet environmental targets, improve wellbeing as well as making savings and to demonstrate the value an SD approach brings.

Lack of capacity within organisations can act as a barrier. Staff resource, to develop new, more sustainable systems and solutions on the ground is essential. It is vital to employ staff with knowledge of a wide range of sustainability issues, including an understanding of certified environmental management systems and current environmental legislation, as well as practical experience of awareness-raising. There is a need to ensure all staff, and students in the case of higher and further education institutions, have a basic understanding of SD and appreciate what it means to make SD the central organising principle of their organisation.

Making SD the central organising principle could ultimately involve additional recurrent cost (e.g. selecting green electricity, purchasing recycled products) which could be seen to have a long-lasting negative impact on the organisations involved. This is unless either additional resources are found to support them, especially during difficult financial times for the public sector, or a pragmatic approach is taken which prioritises cost-neutral initiatives.

Organisations need support to lead by example in taking the most sustainable option rather than opting for cost every time. Whole life costing is a powerful tool for calculating the lowest cost options for the entire commercial life of a product or service. It is already common practice in the business sectors, especially in the building sector and needs to be more widely implemented. Whole life costing enables an organisation to minimise disruptions from otherwise unforeseen problems and helps planning for the longer term.

The organisations subject to the duty can help share best practice to promote professionalism and improve the value for money obtained from procurement activities; thereby supporting the delivery of public services while benefiting the economic, environmental and social landscape of Wales

Consistent formal guidance will need to be issued to each body that is subject to the duty. This will need to be supplemented by further information and support that recognises the different needs of each organisation.

We welcome the statement that “The Welsh Government recognises the need to take into account the impacts outside of Wales given that Wales’ wellbeing cannot be seen in isolation.” Indeed it would be right to support and encourage international partners also to develop in this area, and this approach could also complement Welsh SD skills development and business partnership development referred to above.

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Q2

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

We welcome the proposal for a new SD body to include high level, cross sector representation and to be critical of Government when needed.

We have concerns over capacity of a body of this nature, given the other roles it will need to fulfil, to be able to fully support such a diverse range of organisations that will be subject to the duty.

We would like to see work undertaken to audit existing expertise in Wales that may be relevant to provide SD support, for example in the Climate Change consortium of Wales ( C3W), Wales Institute of Social & Economic Research, Data & Methods (WISERD) and the new Public Policy Institute for Wales when established. This work might also consider how such expertise can be made available at a reasonable cost to organisations to speed and quality assure the SD process, either on an individual organisation basis or in aggregate.

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**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]

We have concerns regarding the current capacity available to support the change needed to implement the SD duty among the range of organisations suggested in the White Paper.

It's never easy going first, but we feel there is a need to build on the existing good work that is already happening. Wales has a strong record in areas like collaborative procurement and this must be built on and shared.

Proper understanding of sustainable development requires daily interaction and liaison with practitioners, this takes time and resources.

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Q4

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

There is a need to consider the accountability arrangement for these bodies not already covered by frameworks for public service bodies, to ensure consistency in approach to the duty. However as mentioned previously, we have similar concerns that implementation of scrutiny arrangements for such a wide range of different organisations will need a central coordinated approach to help each organisation build capacity to be able to do this effectively.

We welcome the plan to consult on the sustainable development indicators. Improving the indicators and the way progress is measured is vital for informing policy development and taking action on sustainable development. Critically, and underplayed in the past, conflicts and synergies between indicators of SD should be recognised and explicitly dealt with at all stages. It will be essential to learn from the design and use of previous indicator systems at the Wales and wider UK and International level that can inform their more effective application in the future.

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**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.

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

### Additional information

If you have any queries on this consultation, please contact us by email or telephone:

Email: [SDBill@wales.gsi.gov.uk](mailto:SDBill@wales.gsi.gov.uk)

Telephone: (02920 82) 1728 or 6541

0055

**Abergavenny  
& Crickhowell**

**Cyfeillion  
y Ddaear**

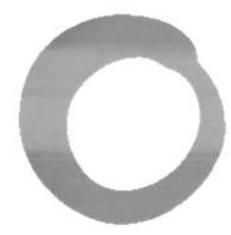
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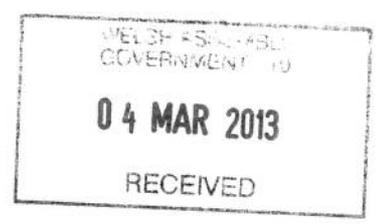
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Date 1st March 2013



**Friends of  
the Earth**



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

Dear sirs,

**Response to the WG White Paper Number WG 17030  
Consultation on proposals for a Sustainable Development Bill**

I am writing on behalf of the Abergavenny and Crickhowell Friends of the Earth (FoE) local group. We wish to make a response to the above consultation.

Our FoE group welcomes both this consultation and the proposals in the White Paper for a Sustainable Development Bill. We applaud the WG initiative in being one of the few countries in the world to tackle this issue head on and we support the principles outlined in the Paper for a Sustainable Development Bill.

A number of us have studied the Paper and believe that it could be improved and strengthened further by the incorporation of the eight proposals detailed in the attachment.

Yours sincerely,

Barry Greenwood  
*on behalf of Abergavenny and Crickhowell FoE local group*

**Abergavenny and Crickhowell Friends of the Earth  
Response to the WG consultation on a Sustainable Development Bill – White Paper Number WG17030**

**We propose 8 ways to strengthen the proposals in the SD Bill Whiter Paper.**

1. Maintain S79 duty to have an SD scheme (and for Welsh Government to consult on the Scheme, to publish it, to keep the Scheme under review, and to assess the effectiveness of the Scheme following every 4-5 years following an election to the Assembly).

The White Paper proposes to “replace the existing duty in section 79 to promote sustainable development (through a scheme)”. There is no rationale provided for this other than a reference to “deliver the consistency of approach and enshrine the new duty’s position within the constitutional framework of Wales”. The reference to inconsistency acknowledges that the proposal is to replace a duty with a substantive purpose to set out how the Welsh Government intends to **promote SD**, with a duty merely to **consider** economic, social and environmental wellbeing. **This is serious diminution in the legislative framework for SD in Wales.**

Nevertheless if public sector organisations are going to be required to “consider economic, social and environmental wellbeing” and ensure that they have “outcomes,” what are the “outcomes” and the “consideration of wellbeing” framed with reference to? What is the assurance that the “outcomes” and the decisions that follow from having “considered” economic, social and environmental wellbeing will be those that will help Wales become more sustainable? The answer is that there is presently no such assurance. The proposed new duty bears a considerable risk that Wales will continue to develop in a way that is increasingly unsustainable.

If the wording of the proposed duty is not to be changed, then a possible way to strengthen the approach is to ensure that “outcomes” are framed with regard to the long term vision of a sustainable Wales set out in the SD Scheme, and to ensure that the “consideration” of wellbeing is undertaken with reference to the same. This changes the role and legal status of the Scheme from one where it applies only to Welsh Government, to one where its long term vision of a sustainable Wales provides a reference point established in law, for the application of the new SD duty. This seems to be far preferable to a

situation in which “outcomes” are determined and decisions made without any reference to a unifying and single coherence sustainable vision.

2. Define SD on face of the Bill & ensure definition of SD applies to all other legislation in Wales that makes reference to SD

There is much to be said for providing a definition of SD on the face of the Bill – providing certainty, clarity and a guarantee of steadfastness that would not be there if the definition was merely contained within “here today, gone tomorrow” guidance. There are three critical elements to get right:

- The definition –
- The degree of leverage or influence that the definition has on the proposed “outcomes” and the “consider wellbeing” duties (if the definition has no impact on, or reference to, the proposed SD duties, then providing a definition on the face of the Bill has little substantive purpose or meaning;)
- But purpose and meaning can be provided to having a definition on the face of the Bill if the definition applied to existing legislation in Wales that referred to SD. This, after all, is what was said in the Welsh Government’s May 2012 SD Bill consultation: *An Act of the Assembly could change this by defining “sustainable development” and applying that definition to the laws in Wales that currently use the term . If “sustainable development” is to be defined in law that definition could also be used in any future legislation where the need to use the term arises. In this way a definition could bring consistency and coherence to a growing body of sustainable development law in Wales and to the public sector’s efforts to comply with it.*

3. Consider the *promotion or improvement* of economic, social and environmental wellbeing in decision making processes, and consider *the integration between* economic, social and environmental wellbeing in decision making processes

4. Consider the economic, social and environmental wellbeing of future generations in decision making processes and balance the interests of future generations with the interests of current generations

5. Organisational outcomes should have some form of reference to the SD Scheme

6. Organisational indicators should be required to have some form of reference to relevant Welsh Government SD Indicators

7. Duty for integrated reporting

8. Organisations should be required to have regard to advice from the new SD body

These 8 proposals may be summarised in tabular form:

White Paper Proposal	Ways to strengthen	Rationale
Repeal S79 duty to have SD Scheme	Maintain S79 duty to have SD scheme (and to consult, publish, keep under review, & assess effectiveness of)	SD Scheme proves overarching long-term Vision and strategy that will not be provided for by a 4 year Programme for Government  Sets the context for organisational outcomes and indicators
Define SD on face of the Bill	State that Sustainable development is the process by which we reach the goal of sustainability.  The definition of SD needs to reflect the OWOP definition, but the extent depends on if the duty does or does not make explicit reference to SD.  Ensure definition of SD applies to all other legislation in Wales that makes reference to SD	Provides overarching clarity and consistency for the organisations subject to the SD Bill.  If the duty is framed in terms of wellbeing and does not explicitly mention SD, use the whole of the OWOP definition on the face of the Bill.  If the duty explicitly mentions SD, use the first element of the OWOP definition: enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own and future generations  Establishes a consistent meaning to SD across all relevant legislation that organisations needs to follow

<p>Consider economic, social and environmental wellbeing in decision making processes</p>	<p>Consider the promotion or improvement of economic, social and environmental wellbeing in decision making processes</p> <p>Consider the integration between economic, social and environmental wellbeing in decision making processes</p> <p>In both cases, "consider" can be replaced by "promote"</p>	<p>Consistency with existing wellbeing powers under S60 of GOWA 2006, and ensures that the duty is about promoting or improving wellbeing</p> <p>Explicitly flags up a duty to consider integration rather than leaving it to chance</p> <p>Consider is a weaker duty that "have regard to" and WG has already accepted (in its first consultation) that a stronger duty that "have regard to" is required. "Promote" establishes consistency with the words of the existing S79 duty.</p>
<p>Consider long term in decision making processes</p>	<p>Consider the economic, social and environmental wellbeing of future generations in decision making processes</p> <p>Balance the interests of future generations with the interests of current generations</p>	<p>Establishes that the concern is broader than simply the "long term" – the concern should focus on the economic, social and environmental wellbeing of future generations</p> <p>The duty should then focus on balancing the interests of future generations with those of the current generations, in decision making processes</p>
<p>Specify outcomes</p>	<p>Organisational outcomes should have some form of reference to the SD Scheme</p>	<p>In the absence of requiring some form of reference to the SD Scheme, there is no guarantee that organisational outcomes will promote SD or make Wales more sustainable. There will be no way of comparing progress within or between different parts of the public sector as there is no guarantee that organisations will have comparable outcomes</p>
<p>Expectation (but no requirement) that there will</p>	<p>Organisational indicators should be required to have some form of reference to relevant Welsh Government SD Indicators</p>	<p>In the absence of requiring some form of reference to the SD Indicators there is no guarantee that organisational indicators (if they chose to have them) will be appropriate measures of progress towards sustainability.</p>

<p>be indicators</p>		<p>There will be no way of comparing progress within or between different parts of the public sector as there is no guarantee that organisations will have comparable indicators. The best practice in the way that WG specifies through legislation waste indicators needs to be considered.</p>
<p>Demonstrate compliance through existing reporting arrangements</p>	<p>Demonstrate – through requiring existing reporting arrangements to work towards International Integrated Reporting Standards – activity that is material to meeting the organisational outcomes and contributing towards SD Indicators</p> <ul style="list-style-type: none"> <li>- integrated with report and commentary on the organisation's financial performance and management</li> <li>- organisational CSR activity that contributes towards the organisation becoming more sustainable in the way that it manages all its operations</li> </ul>	<p>Demonstrating compliance is not sufficient. Transparency requires reporting on material activity, outcomes and indicators, integrated within commentary on the organisation's financial performance and management. Specifying the use of International Integrated Reporting Standards ensures consistency in reporting to international best practice standards.</p>
<p>Relationship with new SD body</p>	<p>Organisations should be required to have regard to advice from the new SD body</p>	<p>This will give the advice from the SD body the appropriate weight that will be required from a statutory adviser.  There would be no such obligation to "have regard" to support and guidance from the SD body.</p>

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[cashtal61@yahoo.co.uk](mailto:cashtal61@yahoo.co.uk)

28 February 2013

Annwyl Gyfeillion,

**“A Sustainable Wales - Better Choices for a Better Future”**

Here are my comments on the Welsh Government White Paper. They are based partly on my experience as a planning officer and former Union Steward at Snowdonia National Park Authority. The opinions set out below may not be shared by my Union or my employer or my professional institute.

**1. Introduction**

The references to education in Paragraph 1.3 suggests that “development” for the purposes of this white paper has a much wider meaning than the definition in Section 55 of the Town and Country Planning Act, 1990. The “account” quoted in Paragraph 1.5 refers to “*fairness and social justice*”. A policy on sustainable development which had regard to “*fairness and social justice*” might include provisions to limit income inequalities between existing employees in the public sector, between the public and private sectors and between generations. Current trends which appear to me to be increasing income inequality include:

- (a) pay rises for senior managers at Caerphilly, Gwynedd and Snowdonia National Park while workers’ wages are frozen
- (b) voluntary redundancies with generous compensation followed by index-linked pensions for older public sector managers
- (c) bus passes, winter fuel payments etc for those over 60 whatever their financial circumstances
- (d) reductions in benefits for those unable to find well paid work.

No responsible national parliament should delegate policy decisions in these areas to an appointed commission.

If “sustainability” has nothing to do with income inequality, please make this clear in the definition. If income distribution IS an element of “sustainability”, the Welsh Government should make clear how it intends to promote greater equality. It is able to influence public organisations as an employer, as chief paymaster and as the body responsible for public appointments.

The Welsh Government could lead by example in the projects it supports – or refuses to support. For example, it is difficult to understand how the air service between Valley and Cardiff is more sustainable than the Sherpa bus service in Snowdonia. The first has Welsh Government support. The second was refused Welsh Government support.

Recent road schemes in and around Snowdonia were designed in isolation without considering how excavated material on schemes north and south of Dolgellau could have been used as fill for the Porthmadog by-pass.

Paragraph 1.17 refers to accountability within organisations. Well run public sector organisations do not need any changes to existing governance. Those that are run by and for the senior managers will continue to find ways to avoid effective scrutiny. If electors vote for useless Councillors, how far should other organisations go to reduce the adverse consequences of democracy?

## **2. A Sustainable Development Duty**

I believe that the intentions of the White Paper can be achieved without new legislation by including a Sustainable Development Duty in the selection process for public appointments, by not renewing appointments of candidates who fail to achieve sustainable development in their organisations and by influencing statutory plans proposed by authorities where all members are elected.

There are persuasive research findings which suggest that unequal incomes for parents lead to unequal opportunities for children. Paragraph 2.2 refers to "...tackle poverty, ensure equality of opportunity, tackle climate change..." Research findings also suggest that extra income for the rich is saved, or spent in anti-social ways such as on second homes, flights to foreign holiday destinations and imported luxury cars.

Paragraph 2.9 refers to "clarity in relation to the outcomes sought." All public organisations should know whether or not they are expected to address income inequality. IF they are, the Welsh Government should explain how Wales will recruit and retain competent surgeons and General Medical Practitioners without paying similar high wages to the NHS in England. If not, references to "fairness", "social justice", "equality of opportunity" etc should be explained.

Paragraph 2.32 refers to "the needs of vulnerable people and disadvantaged communities..." One measure of disadvantage is prevalence of low incomes. One need of those with limited resources is more money.

Paragraph 2.36 suggests excluding "inspectorate bodies as they do not have executive functions and are not strategic decision makers." The Planning Inspectorate makes decisions on behalf of the Welsh Government on appeals from decisions made by local planning authorities and on Development Plans. Any sustainability duty which applies to planning decisions made by those bodies should also apply to the Planning Inspectorate.

The list of organisations in Paragraph 2.38 excludes the Planning Inspectorate. Please consider adding the Planning Inspectorate to the list. (See comments on Paragraph 2.36 above). Please consider very carefully the potential for individuals to embroil small Community Councils in complaints to the Ombudsman, Standards Boards etc if they are subject to a statutory sustainable development duty.

## **3. An Independent Sustainability Development Body**

There is no information on estimated costs of such a body. I am disappointed that the Welsh Government has not given any estimate. Citizens who might prefer to see the money spent on their local hospital or library or school or police service might be more or less supportive of the proposed new Body if they had that information. No

competent Local Councillor would vote for a proposal to spend money with no idea how much.

Either there should be a fresh consultation when a business case has been published or the proposal for a new Body should be rejected.

“3.28-3.29 Relationship with the Auditor General Wales...”

I would prefer audit arrangements to concentrate on investigating traditional areas such as waste, unauthorised expenditure and public bodies which get rid of Senior Officers who are workshy or embarrassing – or too honest - by voluntary redundancy.

**4. Implementation and 5. Accountability.** I suggest that the Welsh Government lead by example, and by publicising good practice wherever it is found in Wales.

**6. Conclusion** Sustainability is a fine principle which all public organisations should be respecting already without needing new legislation and a new Commission. If public organisations are not supporting sustainable development, they may be not be fit for purpose.

Yn gywir,



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John Bowers, BA(Hons), MRTPI, MBA

Ffeil: A Sustainable Wales, 28 Chwefror 2013.

Our Ref: SH/nd  
1 March 2013

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Dear Sirs

## WWH Consultation Response – Sustainable Development

Please find below the Association's consultation response to the white paper on the proposed Sustainable Development Bill.

### 1.0 Introduction

- 1.1 Wales & West Housing (WWH) has a mission to achieve strong, sustainable growth to make a difference to people's lives, homes and communities.
- 1.2 The organisation manages more than 9,000 high quality, affordable homes in 12 local authority areas across Wales. These include more than 3,000 dedicated properties for older people as well innovative supported housing solutions for people with a range of particular needs.

### 2.0 Q1 Views on the Duty

- 2.1 The Association supports the proposals to embed sustainable development with the corporate planning and decision making processes of public sector organisations in Wales.
- 2.2 As has already been noted, WWH has a mission to achieve "strong sustainable growth to make a difference to people's lives, homes and communities". It has a priority to reduce its consumption of natural resources and it is actively engaged in the sustainable development agenda with various projects being developed and rolled out across Wales in such diverse areas as fuel poverty, sustainable travel and sustainable procurement.
- 2.3 We fully support the need to encourage organisations to make progress in embedding sustainability as part of their corporate planning and know that we have made a strong start. We understand that this may not be the case for all organisations and it will be important for everyone to share their knowledge and experience, working in partnership with the proposed new sustainable development body to achieve a more sustainable Wales.

## Gwneud gwahaniaeth i fywydau, cartrefi a chymunedau Making a difference to lives, homes and communities

Affiliated to Community Housing Cymru. Registered as a charitable association under the Industrial and Provident Societies Act 1965 No. 21114R.  
Registered as Wales & West Housing Association Limited at the above address. Registered with the National Assembly for Wales L032. VAT Registration No. 100 1301 15.  
Yn aelod o Cartrefi Cymunedol Cymru. Yn gofrestrddig fel cymdeithas elusennol dan Ddeddf Cymdeithasau Diwidiannol o Darbodus 1965 Rhif: 21114R.  
Yn gofrestrddig fel Wales & West Housing Association Limited yn y cyfeiriad uchod. Yn gofrestrddig gyda Chymulliad Cenediathol Cymru L032. Rhif cofrestru TAW: 100 1301 15.



- 2.4 We do not however, support the inclusion of registered social landlords in the definition of public service organisations. As an industrial and provident company, we along with many other third sector organisations are engaged in supporting public service organisations in the performance of their duties. In contrast to all other organisations listed in table 1 on page 12 of the consultation, we do not provide public services and therefore should be excluded from the list.
- 2.5 We strongly believe in the principles set out in the white paper and note the intention to use existing regulatory structures to hold organisations to account in relation to embedding accountability. We would prefer instead for the Welsh Government to strengthen the provision of the regulatory code that applies to housing associations. The strength of the housing association sector and how its borrowings are excluded from the PSBR is predicated on its independence from the public sector. We believe the Welsh Government can achieve the objectives of this white paper through the regulatory process without jeopardising the benefits the sector brings.

### **3.0 Q2 A New Sustainable Development Body**

We believe the creation of a new sustainable development body - which will assist organisations to embed sustainable development as their core operating principle - is an important component of the proposed legislation. We do have several comments though:

- The independence of such a body is critical. The removal of support and crucially funding by the UK Government from the Sustainable Development Commission is a recent history lesson which should be noted and the repeat experience avoided.
- The funding of the Sustainable Development Body should be guaranteed through the legislation. If the funding and independence of the body are not guaranteed, then the risk to the body is greater and the potential for a repeat of the demise of the Sustainable Development Commission is also greater.
- It was noted at the WG consultation event that the expectation is that this new body will *not* be able to work closely with all the organisations which will be listed on the front page of the legislation. For the body to be effective, it should be resourced sufficiently, especially in early years, to support organisations to meet their duty.
- The role of commissioner will be particularly important in providing credibility and a focus both in Wales and internationally. However, to truly influence the strategic decision making process within an organisation the new body will also have to have credible and experienced officers able to interact at senior levels within public service organisations.

**4.0 Q3 Views on the proposed phasing and implementation of the duty including the establishment of the independent sustainable development body**

4.1 If enacted as proposed, the duty will apply to WWH at the start of the new financial year 2017. As has already been stated, we have made strong progress and this timescale is manageable, though challenging. The sector is experiencing its biggest shake-up through the introduction of the welfare reform changes and this will put considerable pressure on resources and management capacity.

4.2 With regard to the phasing of the establishment of the proposed independent sustainable development body in 2015; clearly the sooner the better as there will be much work to do and some organisations will require more support than others in order to discharge their new duty effectively.

**5.0 Q4 Views on improving the accountability framework for Sustainable Development within Wales.**

5.1 We support the use of existing reporting mechanisms and urge that any additional measures or indicators should be simple and minimise bureaucracy.

5.2 We want to reiterate our support for the proposals but that they should be enshrined in the regulatory process that the Association is already subject to rather than through the imposition of a separate duty. We urge the Welsh Government to reconsider this proposal.

Yours sincerely



**Shayne Hembrow**  
**Deputy Chief Executive**

**CONSULTATION FORM**

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
<b>Name</b>	Roisin Willmott	
<b>Organisation</b>	RTPI	
<b>Address</b>	RTPI Cymru, PO Box 2465, Cardiff CF23 0DS	
<b>E-mail address</b>	roisin.willmott@rtpi.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>	<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> <p>RTPI Cymru recognises and supports the Welsh Government's ambitious intention to use legislation to set out broad principles for the delivery of public services. This is an unusual legislative step and sets Wales on a path to embedding sustainability in its governance ahead of other UK administrations.</p> <p>We are supportive of the emphasis within the White Paper on governance, as we believe this sends a clear message that sustainable development is about good governance; having the procedures and resources in place to make a truly balanced and long term decision.</p> <p>A central tenet of sustainability must remain that in the search for long term solutions, there often is no conflict between the commonly referred to 'three pillars' of sustainability. Decisions taken for short term gain are often those made hastily and with adverse unintended consequences; conversely taking a longer view can often provide a clear steer. Therefore, we support the intention of pushing for long-term solutions. However, what must be avoided is added bureaucracy. This is something that no public organisation wants nor needs and so the forthcoming Bill must be launched and presented as one that will champion existing best practice, improve decision making across the board by making incremental changes to existing processes, rather than overlaying new bureaucratic processes and tick box exercises. Unfortunately the term 'sustainable development' is not often met with enthusiasm and is frequently mis-understood, and so the Welsh Government must do everything in its power to ensure that the affected organisations do not view the duty as an additional burden.</p>	

**Q2**

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

**Please provide your views below:**

Recognising the need to avoid additional regulatory burden, the role for the independent sustainable development body will be a key determinant of success. We remain to be convinced of the case for establishing a new body and see two particular issues with it:

1. The insertion of another layer of audit and bureaucracy into the affairs of public organisations in addition to that provided by the Auditor General Wales (AGW); and
2. The risk that this new body will be viewed by organisations and the public as the body that 'does' sustainable development, rather than, as proposed in the White Paper, a conduit for sharing best practice.

Scrutiny roles must be carefully set out to avoid duplication with the AGW, perhaps with the new body being viewed as a 'community of practice' rather than experts.

In relation to the second point, any new body must first ascertain where best practice already exists and adapt tools such as the Welsh Government's own Policy Integration tool, Regulatory Impact Assessments and the now defunct Sustainable Procurement Assessment Framework (SPAF) from Value Wales to improve the way decisions are made. A new process/toolkit is not necessary and careful questioning is needed before guidance is brought out. Some pieces of legislation have been written recently expressly without Government guidance to allow best practice to develop naturally or to allow non-governmental bodies to produce guidance, and a similar approach is suggested here.

**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:**

We presume that the idea of phasing is to allow practice to evolve and develop through the first tranche of organisations to latter tranches. While this seems reasonable, care must be taken to fully engage with those organisations planned for later in the programme, such as Town and Community Councils. These organisations must engage in the remaining Bill development stages so that they are aware of this forthcoming duty with plenty of time so that they can benefit from the changes occurring in other organisations.

**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 text within the consultation document clearly states that the role for accountability of public sector activities will remain with the AGW in the large part, or alternative existing mechanisms. Clarity is important with this issue particularly as the phasing of the duty progresses, and we have set out our concerns within the answer to question 2.

However, we wonder whether there ought to be another level of accountability, on whether Wales is doing better in terms of its trajectory towards sustainability within, say, five years of implementing this Bill. This level of accountability would naturally rest with the National Assembly for Wales and the Welsh Government would need to identify aspirational directions of travel, determine what success would look like and assign targets where necessary, perhaps for those 'wicked issues' that collectively we need to improve our performance on. The Sustainable Development Indicator series could help in this process and we note that a future consultation is planned on these. Although trends are identified, targets are omitted in most cases. Greater publication and adoption of these as a standard set of measures would help other organisations understand their role in the challenge and allow Wales as a whole to collectively assess movement towards the goal. The worst case scenario is that the Bill results in new processes being adopted but the same poor outcomes being achieved. We need to avoid this by working collectively.

**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:

We believe that the planning system provides a good example of where balancing the demands and wishes of the three pillars of sustainability takes place daily. This is often done in the absence of consideration of cost and resources, unlike many other business processes. Work is currently underway into considering proposals relating to the operation of planning committees in Wales as part of the evidence to inform the Planning Reform Bill and White Paper; a proposal suggested by the Independent Advisory Group is for mandatory training for members of Planning Committees and we suggest that collaborative work occurs now to ensure that any training for planning committee members, and indeed all council members, includes the principle of long term decisions for the sake of future generations. This would also be the case for when Town and Community Councils are brought on board in 2017.

Another recommendation being considered in the development of the Planning Bill is the need for a National Development Framework where data and long term trends on a wide range of issues including natural resource management, water supply, flood risk and long term infrastructure needs would be brought together. This would not only benefit planners but many of the other functions of Local Authorities and indeed, most of the other organisations on the list who are in line to receive the SD duty. Therefore, in the interests of obtaining the evidence necessary to inform better, longer term decisions, we believe that this action is vital and should be supported across Government as a means to furthering sustainable development in Wales.

### Confidentiality

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

Responses to Sustainable Development consultation..

Q1.

All public spending should be sustainable.. or contribute towards it. To some extent it appears ( maybe there is other information that was not made available) that a high level solution is being developed to fit a problem which isn't fully understood or the full impact of which is not yet appreciated. Maybe that needs doing first.

I'd ask a few more questions.. what really does a sustainable Wales look like.. on the ground.. management speak is just a set of vocabulary. Linked to this, for me, is what exactly contributes to wellbeing that needs to be sustained - retained or developed.

For the process to work it needs to be embedded in all walks of life.. no good if public sector fills in all the right records and the private sector blows the budget on unsustainable activities.. eg why buy frozen lamb (for hospital meals in Abergavenny) from New Zealand (with all those miles travelled) when sheep are the main occupant of Welsh hills.

Maybe public services are the place to start .. and maybe it's started in education for future generations .. but who's going to fix the throwaway society we've become rather than one of fix and mend and recycle .... after buying more durable / quality "stuff" to start with.

Q2.

A Body is needed to co-ordinate and have an overview and advise WG / WA but need it go further than that ? What do civil servants and all their advisers and other established bodies do ?

I think an SD body needs to have a remit very different from other Commissioners.. It's about introducing a National culture change – or at least identifying one - and it needs to be free to do that and not get bogged down in other delivery type issues that anyone else could do.. It needs to be free thinking / innovative big time/ commission any research and technical development / advise and pick through the initiatives of other Bodies.. and leave them to deliver the agreed ideas. In my mind it's as wide as the whole Government remit and should include the private sector, and transgresses state boundaries.

The SD Body should produce the blueprint for the future look of Wales - decide what industries are needed for the future and where these are to be located, from info from the Wales Resources inventory decide what future land use should look like, establish market needs and provide grants to meet them.. eg if excess heat is available from gas power stations why not develop heated greenhouses to grow foodstuffs currently imported.. identifiable from records held by food retailers... rather than damage existing natural resources by heating the water up so that indigenous fish cannot survive. If all houses need to use less heat why are there no manufacturers in the UK that produce triple glazed windows that give really low U values..identify the number of houses in Wales , where these are located and set up production with private industry to cover demand with an awareness of "goods distance travelled" (a proxy for fuel use (at av miles per litre)) and set a programme of when it has to be done by. Include a repair / recycle facility, rather than throw away existing double glazing units when they mist up after 20 years. Will it need to take 20 years to do all houses ? how will population needs change? how will individual space needs change ? how will

heating change ? How will lifestyles have to change? Re-define waste and look at ways not to make it rather than deal with what is produced.

Q3.

There is a lot of data collection, collation and extensive analysis to do. Interestingly the workshop group I was in started to identify this.. it probably is easiest to be collected at a local level and aggregated by a central Body... after some sifting.. but the map / list of key data needs to come from “on high”.. and as in anything else the method of collection left to individual LA/ councils.

I guess it will always be work in progress and subject to change as different criteria get sorted and new ones arise.. and the map of the future evolves as resources (and maybe population centres) dwindle or grow. Can this repopulation be done proactively to suit the “whole” with new towns ?

The deadlines seem tight but if clarity of vision is shared with a longer overall time line and reasons why provided most public delivery bodies I believe will “up” their delivery ... It will take resources however - what assistance with WG provide ? what grants ?

Q4

I think the audit office should focus on audit, fraud and non-compliance. They would need a comprehensive skill set upgrade to cope with anything more. Also there needs to be a part of Government others might be “scared” of..

If a culture change is proposed I think a system approach more like the ogc Gateway review process would be more appropriate where the emphasis is on peer training , peer learning, peer coaching and peer review – “in organisation” for smaller projects and “cross organisations” for larger, grant funded ones .. with other UK bodies for UK policy implications... with private organisation involvement too.

If LA’s already have SD teams they can work within LAs, who will have to set up interdepartmental project reviews anyway to ensure that all aspects that impact a “project” are considered.. eg traffic impact assessment with residential catchments for schools policy. Each LA may need a SD review co-ordinator who will know what projects are proposed and can be responsible to produce the evidence reports .. which can then inform the SD Body, for further collation and analysis.

There can be a requirement for reports for grant funded projects (already produced) to include additional info on SD consideration (options ranking choices / decision). Not too sure how Councillor “override” would work in ! Maybe the relationship between County, Community and Town Councils needs a clarification on responsibility and delegation. LAs as they fund Community and Town Councils from the Council Tax receipts could be the review and project funding co-ordinators for their schemes / accounts.

Q5.

Cost benefit analysis for all projects needs a re-think. Comparison between projects to allocate funding proprieties needs developing. Mechanisms to deliver with private industry need investigating, within Public Procurement restrictions.

If petrol and diesel are getting more expensive / scarcer can the Heart of Wales railway line be electrified soon as it may end up being the only way to get goods in and out from the North and South of Wales. I hope the future generations don't end up going back to horse drawn carriages with wooden wheels on really rough tracks. Sheep could walk to the track and be loaded onto cattle trucks to feed the future cities or even walk all the way, but timber couldn't... nor goods going the other way.. maybe the rail network even needs extending too.

Oodles of consultation needed.. maybe in small sections with supportive LA's to start with and allow reviewers to visit / take part in their processes to take away to home LA.. website of idea is a great way to start and archive but whilst it's still affordable hands on experience should be encouraged. Face-to face talking is better, esp for the older generation not used to multi-way video conferences which is well how it may end up.

Maybe tourism isn't a big future money earner.

Thanks for reading this. Good Luck !

Elizabeth A Jones

#### Brief Resume

- BSc Hons (Civil Engineering) + MSc (Organisational Development) + Lean Manufacturing Management training at Cranfield + CAT training in PV and micro hydro electric generation design.
- Ex-Civil Service (Highways Agency) policy adviser in Contract Management / PFI/ Value for Money, including manager of Innovative Engineering Advice contract and ogc Gateway Reviewer
- CTT Culture and Values consultant. Vegetarian chef. Future, low running cost, eco-house builder.
- Civil engineer with 30+ years experience throughout the full depth of the supply chain with a good appreciation of what isn't understood across sectors , including own ltd services company.

## The Environmental Network for Pembrokeshire (TENP)

### Response to the Sustainable Development Bill White Paper

Dear Sir/Madam.

TENP appreciates the opportunity to comment on the White Paper and generally welcomes its production. As you will recall TENP previously made detailed and extensive comments on the SD Bill consultation paper.

Below we provide a short list of 13 key observations and questions on the White Paper.

i) How does the proposed ACT ensure that public agencies do more than simply 'consider' economic, environmental and social wellbeing? How are WG expecting public agencies to resolve any tensions and contradictions? The lack of any practical principles or clear indicators makes this very difficult.

ii) We seriously doubt that the behaviours and objects being suggested will guarantee SD outcomes. How can WG be confident that annual reporting will be anything more than rhetoric? Improving HOW decisions are made (the process and considerations) is not the same as arriving at decisions that achieve SD outcomes, i.e. the WHAT / the ACTIONS. There is a very real prospect that the SD Act will provide a symbolic veneer while 'business as usual' continues unless clear SD principles, criteria and indicators are contained in the Act.

iii) We are seriously concerned at the lack of a robust set of SD indicators that public agencies are required to contribute to. This White Paper refers, in para 4.8, to a few current 'successful' performance, e.g. economic output, renewable energy, etc, but there is no convincing evidence that these measurements reflect sustainable development (renewable energy does not guarantee CO2 reductions, economic output does not guarantee low resource use production and consumption, nor economic equality and social justice, nor biodiversity enhancement).

iv) The interpretation of early years intervention and free prescriptions as SD exposes the limited understanding of SD within WG and the lack of clear principles underpinning SD in the White Paper. We fear a lack of rigor in WG thinking and urge you to adopt the UKSDC principles and a set of related, robust indicators.

v) To suggest that any 'long term perspective', or action that is based on a long term consideration, is SD misguided. Long term thinking is not new and has led to unsustainable development. Furthermore, as the recent second report of the Early Action Task Force made clear, whilst a 10 year planning perspective and early action can result in significant savings, eg £170m through early detection of diabetes complications, (a view is confirmed by the NAO) the proportion of the budget across 4 UK Government Departments spent on early action is stuck at 6% . WG should consider its own historic budget allocations before advocating a long term perspective.

vi) The adoption of the outdate Bruntland definition of Sustainable Development confirms the symbolic nature of the proposed Bill. There is a great deal of evidence and analysis which confirms that, under this definition, the imperative for economic development has hijacked the sustainability agenda. What is missing in this definition is any reference to resource depletion.

vii) As a study into WAG/NAW concluded in 2004, we need to move from a general level of consensus to a more specific level if we are to make progress. Sadly, in this White Paper, WG is failing to make such progress. As we are sure you are aware, consensus can obscure the ambiguity that prevents collective action!

viii) We note with great interest that aim of the proposed ACT is to fundamentally improve governance and, as part of this, to improve community engagement. The experience of the consultation process to date does not reflect this aim as the consultation 'agenda' has been set by WG and there has been a reluctance to engage in discussion on the approach being proposed. Proceeding by consensus almost guarantees the status quo.

ix) The timetable should short be as short as possible and not stretch to 2017 for delivery organisations to be included, e.g. RSLs.

x) There is no reference to the private sector even though there are numerous linkages between the public and the private sector in terms of the impact of the Development Plans system, the way public finances are invested in private companies either by grants or commissioning works or programmes, directing European funding, providing infrastructure which benefits both the public, private and third sectors etc.

xi) The previous point also applies to the limited references to the voluntary / third sector and its links with the public (and private) sectors especially with the trend to commission / outsource 'public' services.

xii) The example of sustainability thinking, eg prescription charges [which has not applied to the whole of Wales] education etc, whilst having relevance should have been supported by references to sustainable actions covering transport and transport systems.

xiii) Conclusion. The current draft needs to be more focused and give more idea / examples of how improved sustainability would be achieved.

Yours Sincerely

Jasmine Dale, Chair, on behalf of the TENP Management Committee.