

National Assembly for Wales
Environment and Sustainability Committee
WFG 71
Well-being of Future Generations (Wales) Bill
Response from Cardiff University



September 2014

Consultation on the Well-being of Future Generations (Wales) Bill

Introduction

1. The Sustainable Places Research Institute is part of Cardiff University, which seeks to pursue the principles of sustainable development both in our engagement with external stakeholders and in the management of our internal operations.
2. Founded in 2010 the £3.5m Sustainable Places Research Institute is a multidisciplinary Research Institute operating across all three Colleges of Cardiff University. A team of ten Professors, including the current Director Professor Terry Marsden, have been brought together to act as Principal Investigators on a series of research programmes working with six Research Fellows and three Research Associates. The Institute is now entering a second phase of development, which will consolidate and strengthen the interdisciplinary in each of its four proposed research programmes: Sustainable Communities; Landscapes, Eco-systems and People; Health, Infrastructure and Well-being; and Adaptive Governance for Social and Ecological Transitions. There are also plans to further develop existing working relationships with partners locally and internationally. In addition to the Research Team, there is a core team of four staff supporting the wide range of research and engagement activities and the growing number of PhD projects at the Institute.
3. Sustainable development research is a key strength across a range of subject areas. This is reflected in a number of major funding awards and the establishment of our cross-discipline [Sustainable Places Research Institute](#).

Summary

4. The Bill lacks a clear and robust set of definitions of the key concepts of: Sustainable Development, Future Generations and Well-being. Although there are benefits of not providing such definitions, not least in terms of maintaining the flexibility to take account of future scientific developments and changes in societal aspirations and priorities, the failure to provide conceptual clarity can result in a lack of common purpose and allow all and any policy responses to be construed as contributory.
5. The Bill fails to adequately address the grand challenges of our time – we are concerned in particular about the lack of reference to climate change mitigation and adaptation. This is a missed opportunity, as many studies have shown that addressing climate change can promote synergies that can, in turn, help to address several of the other critical issues we are now facing, such as in relation to biodiversity loss, energy transitions and the maintenance of ecosystem service delivery.
6. Too much emphasis is placed on institutional and administrative process and procedure to the detriment of consideration of the substantive aims and objectives of the Bill. We argue that there is a lack of direction in the Bill, which could result in a failure of steering within an organisation, resulting in different and not necessarily compatible interpretations of the duty placed upon them.
7. We have concern regarding the potential for many different interpretations of the well-being goals as set out, making the task of monitoring and assessing progress much more difficult. Those further along the multi-level chain of public administration may struggle to identify appropriate actions.

Response:

How the Welsh Government should legislate to put sustainability and sustainable development at the heart of government and the wider public sector;

8. The Explanatory Memorandum states that *'The Bill will give effect to the Welsh Government's commitment to putting sustainable development at the heart of government; creating a resilient and sustainable economy that lives within its environmental limits and only uses our fair share of the earth's resources to sustain our lifestyles.'* The Bill as it stands fails to demonstrate how it will do this, especially with regard to placing the duty upon the

Welsh Government. A Lack of a clear definition undermines the duty as it currently stands. While sustainable development can be a difficult concept to grasp, due to its complex and interacting dimensions, acknowledgement of this very characteristic would make for a more robust Bill, one that shows awareness of the complexity of issues that are invoked when development and environment are coordinated. By bringing together the range of key stakeholders in public life in Wales, who would be subject to a duty, this would enable more joined up thinking across the broad spectrum of issues in public life for the long term and address the collection of challenges we now face.

9. Research has pointed out that sustainable development is best seen as a political construct, similar to concepts such as 'democracy', 'liberty' and 'social justice'. For concepts such as these, there is both a readily understood 'first level meaning' and general political acceptance, but there also lies a deeper contestation. In liberal democracies, the debates around such contested concepts form an essential component of the political struggle over the direction of social and economic development, that is, of how to make trade-offs between competing objectives and steer sustainable change. Substantive political arguments are part of the dynamics of democratic politics and the process of conscious steering of societal change. Recognition of this and the complexities involved in trade-off management in the Bill is important, as it can stimulate creative thinking and practice.

The general principles of the Well-being of Future Generations (Wales) Bill and the need for legislation in the areas –

- ***The “common aim” and “sustainable development principle” established in the Bill and the “public bodies” specified;***
- ***The approach to improving well-being, including setting of well-being goals, establishment of objectives by public bodies and the duties imposed on public bodies;***
- ***The approach to measuring progress towards achieving well-being goals and reporting on progress;***
- ***The establishment of a Future Generations Commissioner for Wales, the Commissioner’s role, powers, responsibility, governance and accountability; and***
- ***The establishment of statutory Public Services Boards, assessments of local Well-being and development / implementation of local well-being plans.***

10. The Bill fails to give the high level, appropriate steer necessary to ensure that the most fitting action can be taken in pursuit of sustainable development.
11. The well-being goals fail to show consideration of the links between health, the environment and well-being. It is vital to consider them together rather than separately due to the way these issues interact in complex ways with a range of costs and benefits for society. A recent [report](#) from the European Environment Agency has highlighted the need to take a broader more systemic and integrated approach to the subject of well-being.
12. Consideration of gender and equality is missing. While academic and public policy practice have shown strong links between the environment, gender and sustainable development, there is a conspicuous absence of this dimension in the Bill, leading to risk of failure to address this in a Welsh context.
13. We would suggest that the Commissioner should be appointed by and accountable to the National Assembly for Wales rather than Welsh Government. There should be a stronger leadership role for the Commissioner, as well as wider powers to investigate areas of concern or possibly even question public bodies on their performance in relation to the legislation's aim. There is an opportunity for a Commissioner to act as a conduit for the gathering and dissemination of best practice. They should have a role in building capacity of organisation subject to the duties in the Bill.
14. The Bill needs to give greater consideration to the sustainable development indicators and their development in a Welsh context, as well as demonstrating a clear line to EU monitoring processes and relevant environmental and other legislation.

How effectively the Bill addresses Welsh international obligations in relation to sustainable development;

15. This is clearly a missed opportunity in the Bill, lack of consideration of Welsh climate change obligations does raise questions about international obligations. The same holds true for commitments incurred under the [Convention on Biological Diversity](#) (CBD). The Bill needs to clearly demonstrate a Welsh obligation to addressing and mainstreaming well-being so that it promotes positive synergies with other obligations such as climate change, biodiversity and equality.

Any potential barriers to the implementation of these provisions and whether the Bill takes account of them;

16. Rather than being seen as a **barrier** to investment by business, we would want to see any future 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 given the international research expertise already existing within Wales. There is also potential for the transfer of best practice from Wales to EU member states and beyond.
17. Each organisation subject to the duty 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 there is an opportunity with the appointment of a Commissioner to provide a strong leadership and capacity building role, so as to enable the development of 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 the sustainable development principle 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 beyond.
18. 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 a sustainable development approach brings. This again highlights the need for a stronger role for the Commissioner.
19. 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, sustainable development indicators and EU regulatory and monitoring processes 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 sustainable development and appreciate what it means to make it the central organising principle of their organisation.

20. Many organisations may be currently doing much to achieve sustainable development but may not necessarily see their actions in this way. The University, for example, has a strong, long-term commitment to sustainable development. In May 2010 we became the first higher education institute in Wales to sign the Welsh Assembly Government's Sustainable Development Charter. This represented our commitment to future proof lives and communities across Wales and also helped focus efforts across the Institution.

21. We are also rated in the People and Planet Green League each year, an independent league table of UK universities ranked by environmental and ethical performance. Opportunities need to be provided, including through the Commissioner's Office, to ensure that such practices are noticed and, where appropriated, adapted elsewhere.

Whether there are any unintended consequences arising from the Bill;

22. There are risks and uncertainties attached to the Bill, but unintended consequences, by virtue of the fact that they are unintended, are as not yet known. The Bill does not demonstrate an ability to respond to any unintended consequences and as such does not allow for a 'reflexive governance' approach.

23. Therefore it may be appropriate to look at the Dutch system of public administration and its use of a reflexive governance approach, for example, to the public steering of energy transitions, and to explore to what extent such new and innovative approaches to public policy making could be applied to the Welsh situation.

We have no comments on the remaining points

6. The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum and Regulatory Impact Assessment; which estimates the costs and benefits of implementation of the Bill); and

7. the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum, which contains a table summarising the powers for Welsh Ministers to make subordinate legislation).