

# Y Pwyllgor Amgylchedd a Chynaliadwyedd

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Lleoliad:

Ystafell Bwyllgora 3 – y Senedd

Dyddiad:

Dydd Iau, 25 Medi 2014

Amser:

09.15

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



I gael rhagor o wybodaeth, cysylltwch â:

**Alun Davidson**

Clerc y Pwyllgor

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## Agenda

MeetingTitle

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**Rhag-gyfarfod anffurfiol (09:15 – 09:30)**

**1 Cyflwyniad, ymddiheuriadau a dirprwyon**

**2 Bil Llesiant Cenedlaethau'r Dyfodol (Cymru) – Cyfnod 1: Sesiwn dystiolaeth 1 (09:30 – 10:30)** (Tudalennau 1 – 55)

Carl Sargeant AC, Y Gweinidog Cyfoeth Naturiol, yr Aelod sy'n gyfrifol am y Bil  
Amelia John Diprwy Gyfarwyddwr, Is-adran Dyfodol Tecach

Andrew Charles, Pennaeth Datblygu Cynaliadwy

Sioned Rees Diprwy Gyfarwyddwr, Partneriaethau Llywodraeth Leol

Louise Gibson, Cyfreithiwr

Owain Morgan, Cyfreithiwr

[Bil Llesiant Cenedlaethau'r Dyfodol \(Cymru\)](#)

[Memorandwm esboniadol](#)

**Egwyl (10:30 – 10:40)**

**3 Bil Llesiant Cenedlaethau'r Dyfodol (Cymru) – Cyfnod 1: Sesiwn dystiolaeth 2 (10:40 – 11:25)** (Tudalennau 56 – 65)

**Cyfoeth Naturiol Cymru**

Ceri Davies, Cyfarwyddwr Gweithredol Gwybodaeth, Strategaeth a Chynllunio  
Clive Thomas, Cyfarwyddwr Llywodraethu

E&S(4)-21-14 Papur 1

**4 Bil Llesiant Cenedlaethau'r Dyfodol (Cymru) – Cyfnod 1: Sesiwn dystiolaeth 3 (11:25 – 12:25)** (Tudalennau 66 – 77)

Peter Davies, Comisiynydd Dyfodol Cynaliadwy  
David Fitzpatrick, Prif weithredwr, Cynnal Cymru

E&S(4)-21-14 Papur 2: Comisiynydd Dyfodol Cynaliadwy

E&S(4)-21-14 Papur 3: Comisiwn Cymru ar y Newid yn yr Hinsawdd

E&S(4)-21-14 Papur 4: Cynnal Cymru

**Egwyl (12:25 – 13:25)**

**5 Bil Llesiant Cenedlaethau'r Dyfodol (Cymru) – Cyfnod 1: Sesiwn dystiolaeth 4 (13:25 – 14:10)** (Tudalennau 78 – 89)

**Cymdeithas Cyfraith Amgylcheddol y DU**

Yr Athro Robert Lee, Cyd Gynullydd, Gweithgor Cymru  
Dr Haydn Davies, Cyd Gynullydd, Gweithgor Cymru  
Dr Victoria Jenkins, Aelod, Gweithgor Cymru

E&S(4)-21-14 Papur 5

**6 Bil Llesiant Cenedlaethau'r Dyfodol (Cymru) – Cyfnod 1: Sesiwn dystiolaeth 5 (14:10 – 14:55)** (Tudalennau 90 – 99)

Yr Athro Calvin Jones, Athro Economeg, Ysgol Fusnes Caerdydd  
Yr Athro Susan Baker, Sefydliad Ymchwil Mannau Cynaliadwy, Prifysgol Caerdydd

E&S(4)-21-14 Papur 6: Yr Athro Calvin Jones

E&S(4)-21-14 Papur 7: Sefydliad Ymchwil Mannau Cynaliadwy

**7 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd**

**o'r cyfarfod ar gyfer eitem 8**

**8 Bil Llesiant Cenedlaethau'r Dyfodol – Trafod y dystiolaeth (14:55 – 15:05)**

## Eitem 2

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

## Geirfa'r Gyfraith

# Bil Llesiant Cenedlaethau'r Dyfodol (Cymru)

## Cyflwyniad

Mae'r ddogfen hon yn rhoi crynodeb o'r termau technegol a deddfwriaethol Cymraeg sy'n gysylltiedig â'r **Bil Llesiant Cenedlaethau'r Dyfodol (Cymru)** ('y Bil'), a hynny er gwybodaeth i Aelodau. Cyflwynwyd y Bil ar **7 Gorffennaf 2014** gan **Jeff Cuthbert AC**, y Gweinidog Cymunedau a Threchu Tlodi, yr Aelod Cynulliad sy'n gyfrifol am y Bil. Mae'r Pwyllgor Busnes wedi cyfeirio'r Bil at y **Pwyllgor Amgylchedd a Chynaliadwyedd**.

## Termau penodol i'r Bil

- advisory panel – **panel cynghori**
- annual well-being report – **adroddiad llesiant blynyddol**
- appointed member(s) – **aelod(au) penodedig**
- collaboration – **cydlafurio**
- common aim – **bwriad cyffredin**
- directions to merge or collaborate – **cyfarwyddiadau i uno neu i gydlafurio**
- duty to follow recommendations – **dyletswydd i ddilyn argymhellion**
- Future Generations Commissioner for Wales – **Comisiynydd Cenedlaethau'r Dyfodol Cymru**
- Future Generations report – **adroddiad Cenedlaethau'r Dyfodol**
- future trends – **tueddiadau'r dyfodol**
- future trends report – **adroddiad tueddiadau'r dyfodol**
- improving well-being – **gwella llesiant**
- integrated community planning – **cynllunio cymunedol integredig**
- invitation(s) to participate – **gwahoddiad(au) i gyfranogi**
- invited participant(s) – **cyfranogwr (cyfranogwyr) gwadd**
- joint working – **cydweithio**
- local aim – **bwriad lleol**
- local well-being assessment(s) – **asesiad(au) llesiant lleol**
- long-term thinking – **meddwl yn y tymor hir**
- merging public services boards – **uno byrddau gwasanaethau cyhoeddus**
- national indicator(s) – **dangosydd(ion) cenedlaethol**
- overview and scrutiny committee – **pwyllgor trosolwg a chraffu**
- preventative action – **camau gweithredu ataliol**
- public body – **corff cyhoeddus**
- public services board – **bwrd gwasanaethau cyhoeddus**
- reporting period – **cyfnod adrodd**
- Sustain Wales – **Cynnal Cymru**
- Sustainable Development Charter – **Siarter Datblygu Cynaliadwy**
- sustainable development principle – **egwyddor datblygu cynaliadwy**
- Sustainable Development Scheme – **Cynllun Datblygu Cynaliadwy**

- UK Sustainable Development Commission – **Comisiwn Datblygu Cynaliadwy y DU**
- welfare – **Iles**
- well-being – **Ilesiant**
- well-being goal(s) – **nod(au) Ilesiant**
- well-being objective(s) – **amcan(ion) Ilesiant**
- well-being plan(s) – **cynllun(iau) Ilesiant**

## Rhagor o wybodaeth

I gael rhagor o wybodaeth, cysylltwch ag **Andrew Minnis** ([Andrew.Minnis@cymru.gov.uk](mailto:Andrew.Minnis@cymru.gov.uk)) yn y Gwasanaeth Ymchwil.



## **Tystiolaeth ysgrifenedig gan Cyfoeth Naturiol Cymru i'r Pwyllgor Amgylchedd a Chynaliadwyedd ar Fil Llesiant Cenedlaethau'r Dyfodol, fel y'i cyflwynwyd ar 7 Gorffennaf 2014.**

### **1. Negeseuon Allweddol:**

Rydym yn gefnogol iawn o Fil Llesiant Cenedlaethau'r Dyfodol (y Bil), ei Nodau, y dyletswyddau a'r bwriad. Rydym yn croesawu'n arbennig y newidiadau i greu Nod Cymru gydnherth. Credwn fod y ddeddfwriaeth a sefydlodd CNC a'n diben fel sefydliad eisoes yn gyson â'r Bil ac y bydd yn help i wireddu ein diben.

Mae rhai meysydd penodol lle'r ydym yn gofyn am eglurhad, yn codi pryderon, ac yn gwneud argymhellion. Mae'r rhain yn cwmpasu:

- Cyd-destun Byd-eang y Bil
- Cyfyngiadau Amgylcheddol a Newid Hinsawdd;
- Rôl CNC ar Fyrddau Gwasanaethau Cyhoeddus ac ar Banel Cyngori Comisiynwyr Cenedlaethau'r Dyfodol;
- Cosbau ac iawn
- Cysondeb â deddfwriaeth arall sy'n cael ei datblygu, yn arbennig Fil yr Amgylchedd a Diwygio Llywodraeth Leol
- Mesurau Cynnydd a'r gofynion o ran Darparu Adroddiadau;
- Rôl Comisiwn Cenedlaethau'r Dyfodol mewn perthynas â Newis Hinsawdd
- Y ffigurau a ddefnyddiwyd yn yr Asesiad Effaith Rheoleiddiol
- Is-ddeddfwriaeth

Rydym yn cynnig ein harbenigedd o ran datblygu Dangosyddion Cenedlaethol, Canllawiau Statudol a chanllawiau eraill, yn ogystal â chynnig ein harbenigedd i Lywodraeth Cymru a Chomisiynydd Cenedlaethau'r Dyfodol wrth i'r naill a'r llall gynhyrchu ei adroddiad ar Dueddiadau'r Dyfodol a Chenedlaethau'r Dyfodol.

### **2. Rhagymadrodd:**

Diben Cyfoeth Naturiol Cymru (CNC) yw sicrhau bod amgylchedd ac adnoddau naturiol Cymru'n cael eu cynnal yn gynaliadwy, eu gwella'n gynaliadwy a'u defnyddio'n gynaliadwy. Yn y cyd-destun hwn mae cynaliadwy'n golygu cynllunio a gweithredu gyda'r nod o ddod â budd i bobl, amgylchedd ac economi Cymru, yn awr ac yn dyfodol.



Fel corff sydd â'r dasg o reoli adnoddau naturiol Cymru drwy ddull gweithredu sy'n seiliedig ar wasanaethau ecosystem, mae ein sefydliad ni yn ddo'i hun yn gyfraniad tuag at ddatblygu Cymru'n gynaliadwy.

Rydym felly yn croesawu deddfwriaeth sy'n cryfhau'r trefniadau llywodraethu yng Nghymru ymhellach fel bod penderfyniadau'n cael eu gwneud mewn modd sy'n gwreiddio egwyddorion datblygu cynaliadwy. Rydym yn gweld y Bil fel cam ac arf pwysig er sicrhau datblygu cynaliadwy yng Nghymru.

Credwn ein bod mewn sefyllfa dda i fwrw ymlaen â'r gofynion cyffredinol y mae'r Bil yn eu rhoi arnom a'u rhoi ar waith. Rhagwelir y bydd hynny'n digwydd o 2016. Rydym wedi datblygu proses cynllunio corfforaethol a chynllunio busnes sy'n rhoi blaenoriaeth i weithgareddau a fydd yn cyflawni canlyniadau cyffredin yr ydym yn eu rhannu gyda Llywodraeth Cymru ac yr ydym wedi cytuno arnynt gyda hi, drwy ein hadran noddi. Credwn felly fod ein cynllun corfforaethol cyfredol, sy'n rhedeg tan 2007, eisoes yn cyd-fynd yn dda â gofynion y Bil. Mae'n nodi sut a ble y bydd ein gweithgareddau'n dda i bobl, i'r economi a'r amgylchedd, a sut y byddwn yn gweithredu fel sefydliad da, a hynny i gyd wedi'i seilio ar ddefnyddio gwybodaeth dda a gweithio gydag eraill i gyflawni.

O ran rhoi'r Egwyddorion Datblygu Cynaliadwy ar waith, datblygwyd ein Cynllun Corfforaethol drwy roi llais i eraill, a bydd angen inni gydweithio ag eraill i gyflawni ein diben. Mae angen eisoes inni ystyried cenedlaethau'r dyfodol wrth reoli adnoddau naturiol, er enghraifft: adnoddau dŵr. Credwn y bydd y Bil yn help i gyflawni ein diben. Bydd ein Cynllun Corfforaethol o 2017 ymlaen yn cael ei seilio ar amcanion sy'n cyd-fynd â'r Nodau.

Rydym yn croesawu'r cyfle i gyflwyno'n cefnogaeth gyffredinol i'r Bil i'r Pwyllgor, gan dynnu sylw yr un pryd at rai meysydd i'w hystyried a'u hegluro ymhellach. Rydym wedi ymateb o dan benawdau Cylch Gorchwyl y Pwyllgor.

### **3. Ymateb manwl:**

#### **Cyffredinol:**

***Sut y dylai Llywodraeth Cymru ddeddfu er mwyn gosod cynaliadwyedd a datblygu cynaliadwy wrth wraidd y Llywodraeth a'r sector cyhoeddus yn ehangach;***

***Pa mor effeithiol y mae'r Bil yn mynd i'r afael â rhwymedigaethau rhyngwladol Cymru o ran datblygu cynaliadwy;***

Rydym wedi bod yn rhan o Grŵp Cynghori'r Bil ac rydym yn fodlon â'r bwriad cyffredinol a'r egwyddorion sydd wedi'u nodi yn y Bil. Rydym yn croesawu'n arbennig yr aileirio ar y Nodau er mwyn adlewyrchu adnoddau naturiol yn well a'r rôl y mae ecosystemau iach a chryf yn ei chwarae yn llesiant cymdeithas a'r economi. Rydym hefyd yn croesawu ychwanegu disgrifyddion at y Nodau. Mae'r rhain yn help i roi mwy o ddealltwriaeth ac eglurder ynglŷn â natur integredig pob nod. Rydym yn credu

fodd bynnag y bydd y dulliau mesur cynnydd a'r canllawiau statudol yr un mor bwysig i gyfleu bwriad.

Er ein bod yn falch fod Llywodraeth Cymru'n deddfu i roi datblygu cynaliadwy wrth galon llywodraeth yng Nghymru a'n bod yn sylweddoli mai dim ond â chyrrff a phrosesau Cymreig y gall y Bil ymdrin, mae gennym bryderon nad yw yn ôl pob golwg yn rhoi fawr o gydnabyddiaeth i'r ffaith ei fod yn gweithredu o fewn tirwedd ehangach – y Deyrnas Unedig (DU), yr Undeb Ewropeaidd (UE) a byd-eang. Bydd hyn yn cynnwys deddfwriaeth a pholisi, yn ogystal â phrosesau economaidd rhyngwladol a systemau amgylcheddol byd-eang. Gallai'r rhain atal Cymru rhag gallu datblygu'n gynaliadwy.

Nid yw'r Memorandwm Esboniadol yn trafod materion sy'n ehangach na Chymru yn ôl pob golwg ond yng nghyd-destun pa agendau datblygu cynaliadwy (DC) o eiddo'r DU, yr UE a Byd-eang sydd wedi helpu i ddylanwadu ar yr egwyddorion yn y Bil. Nid yw'n nodi nac yn trafod mewn unrhyw fanylder y goblygiadau i Gymru o gyflawni'r Nodau, a hithau'n gweithredu o fewn y systemau hyn sy'n ehangach na Chymru. Mae'r Memorandwm Esboniadol yn trafod rhai rhwystrau rhag meddwl dros dymor hir; er enghraifft, yr anwybyddu ar gostau a buddion y dyfodol. Nid yw'n glir, fodd bynnag, a yw'r Bil yn cynnig, neu'n wir a yw'n bosibl i Gymru wneud rhywbeth gwahanol o safbwynt y rhwystrau hyn; er enghraifft, datblygu ei model arfarnu economaidd ei hun yn cynnwys bwrw cyfrif o'r hyn a olygir i genedlaethau'r dyfodol? Credwn y bydd angen rhoi mwy o ystyriaeth i'r materion hyn – ehangach na Chymru – mewn unrhyw ganllawiau.

Mae perygl hefyd fod Cymru, yn ddiarwybod, yn allforio'i anghynaliadwyedd drwy ganlyn agenda i Gymru'n unig ac na cheir unrhyw welliant ar lefel fyd-eang drwy gyflwyno'r Bil.

- **Sylwadau penodol:**

***Egwyddorion cyffredinol y Bil Llesiant Cenedlaethau'r Dyfodol (Cymru) a'r angen am ddeddfwriaeth yn y meysydd a ganlyn –***

***Y "bwriad cyffredin" a'r "egwyddor datblygu cynaliadwy" a bennir yn y Bil a'r "cyrrff cyhoeddus" a nodir;***

- Rydym yn cefnogi'r Bwriad, yr Amcan a'r egwyddor Datblygu Cynaliadwy sydd wedi'u nodi yn y Bil. Rydym yn croesawu sefydlu fframwaith llywodraethu i'r cyrrff cyhoeddus. Mae'r fframwaith yn golygu y bydd angen rhoi ystyriaeth integredig i faterion llesiant cymdeithasol, economaidd ac amgylcheddol yng nghyswllt penderfyniadau a gweithredu sy'n digwydd nawr, ond gan gymryd anghenion cenedlaethau'r dyfodol i ystyriaeth hefyd.

***Y dull gweithredu o ran gwella llesiant, gan gynnwys pennu nodau llesiant, pennu amcanion llesiant gan gyrrff cyhoeddus a'r dyletswyddau ar gyrrff cyhoeddus;***

Y Nodau:

- Credwn fod y Nodau sydd wedi'u cyflwyno yn y Bil yn adlewyrchu'r canlyniadau i Gymru gynaliadwy yn well. Rydym yn arbennig yn croesawu'r faith fod adnoddau naturiol, systemau a chydnerthedd yn cael eu hadlewyrchu'n well; mae'r dull rheoli ar lefel yr ecosystem yn arf sy'n helpu i gyflawni DC.
- Bydd y mesurau cynnydd ar gyfer y Nodau yn allweddol er sicrhau bod y cyfeiriad teithio tuag at Gymru gynaliadwy yn cael ei fynegi a'i asesu.
- Bydd canllawiau'n allweddol er mwyn egluro'r cysylltiadau rhwng y Nodau, y mesurau cynnydd a'r amcanion, yn ogystal ag i fanylu ar sut mae cydymffurfio â gofynion y Bil.
- Bydd angen i'r canllawiau sy'n cyd-fynd â'r Bil fanylu'n benodol ar y materion nad ymdrinnir â nhw ond mewn modd ymhlyg yn y Nodau. Er enghraifft:
  - **Cyfngiadau Amgylcheddol.** Er bod y Memorandwm Esboniadol yn rhoi rhyw eglurder ynglŷn â'r angen i weithredu o fewn cyfngiadau amgylcheddol, bydd angen i'r canllawiau ddatgan hyn yn benodol. Hefyd, drwy drafod y dull rheoli ar lefel yr ecosystem, bydd angen iddo egluro beth mae'r cyfngiadau yn ei olygu a sut y'u rhoddir ar waith.
  - **Newid Hinsawdd.** Ymhlyg yn unig yw newid hinsawdd yn y Nodau, ac ni cheir fawr ddim cyfeirio penodol ato yn y Bil. Rhaid i'r canllawiau ddweud yn glir ble a sut y dylai Newid Hinsawdd gael ei ystyried. Gellid gwneud Newid Hinsawdd yn gliriach yn y Nodau drwy fewnosod 'yn cynnwys Newid Hinsawdd' ar ddiwedd y disgrifiad o dan 'Cymru gydnerth' yn Nhabl 1;
- Rydym yn credu bod gennym brofiad ac arbenigedd a fyddai'n fuddiol wrth ddatblygu canllawiau statudol ynglŷn â'r Bil a byddem yn croesawu'r cyfle i gyfrannu.

#### Amcanion Llesiant:

- Rydym yn cefnogi gofyniad i bennu amcanion sy'n canolbwyntio ar ganlyniadau yn y broses gynllunio gorfforaethol, er mwyn i gyfraniad sefydliad i'r Nodau fod mor helaeth â phosibl.
- Rydym yn disgwyl i'n Cynllun Corfforaethol ôl-2017 fod ag amcanion sy'n cyd-fynd yn llwyr â'r Bil.

#### Dyletswyddau:

- Rydym yn cefnogi'r egwyddor DC o 'ystyried anghenion cenedlaethau'r dyfodol yn y penderfyniadau a'r gweithredu a wnawn yn awr' ac rydym felly'n cefnogi datblygu amcanion sy'n ystyried hyn ac yn nodi sut bydd sefydliad yn cyfrannu cymaint â phosibl tuag at gyflawni'r Nodau.

- Rydym yn cefnogi'r Ddyletswydd, sydd wedi'i nodi yn Adran 7 ac 8 o'r Bil, sy'n ei gwneud yn ofynnol i'r cyrff cyhoeddus a enwir yn y Bil osod amcanion llesiant yn unol â'r 'egwyddor datblygu cynaliadwy'. Mae'r egwyddorion a nodwyd yn Adran 8 yn egwyddorion DC sydd wedi hen ennill eu plwyf.
- Fel y trafodwyd o dan Nodau uchod, yr egwyddor arall sydd wedi ennill ei phlwyf yw "byw o fewn cyfyngiadau amgylcheddol", a bydd angen egluro hynny ymhellach yn y canllawiau.
- Rydym yn cefnogi egwyddorion cydweithio ac atal yn arbennig, ynghyd â'r gofyniad am i adnoddau/cyllidebau fod yn gyson â chyflawni'r amcanion. Gobeithiwn fod bwriad hyn yn cynnwys cyfle i gyllidebu'n hyblyg, a hynny wedi'i gysylltu â chanlyniadau. Er enghraifft, cyllidebau atal iechyd yn cefnogi mynediad a gweithgarwch mewn mannau gwyrdd naturiol?

***Sefydlu swydd Comisiynydd Cenedlaethau'r Dyfodol ar gyfer Cymru, rôl, pwerau, cyfrifoldebau, llywodraethiant ac atebolrwydd y Comisiynydd.***

- Rydym yn cefnogi sefydlu Comisiynydd Cenedlaethau'r Dyfodol annibynnol gyda phwerau i wneud argymhellion i gyrff cyhoeddus.
- Mae'r Bil fodd bynnag hefyd yn darparu cafeatai sy'n caniatáu i gyrff cyhoeddus beidio â chydymffurfio ag argymhelliad (20(1)(a/b)). Mae'n ymddangos bod hyn yn gwanhau'r brif gosb neu ddarpariaeth iawn sydd wedi'i nodi yn y Bil. Rydym yn sylweddoli bod angen rhywfaint o hyblygrwydd ynglŷn ag ymateb sefydliad i'r materion a nodir gan y Comisiynydd ac rydym felly'n cydnabod y bydd y Bil yn gweithredu o fewn y broses ddemocrataidd. Credwn felly y byddai'r Bil ac unrhyw ganllawiau ategol yn elwa o fwy o eglurder ynglŷn â rôl y broses ddemocrataidd, craffu, ar lefel llywodraeth leol, Llywodraeth Cymru a Swyddfa Archwilio Cymru, a thryloywder y trefniadau adrodd, i sicrhau cydymffurfio.
- Rydym yn croesawu'r gydnabyddiaeth fod angen i waith rheoli adnoddau naturiol a'r amgylchedd gael ei adlewyrchu ar Banel Cyngori'r Comisiynydd a bod CNC, fel y corff sy'n arwain ar yr amgylchedd ac adnoddau naturiol yng Nghymru, wedi cael ei nodi fel aelod. Fodd bynnag, ynghyd ag eraill, mae gennym rai pryderon ynglŷn â'r potensial i wrthdaro buddiannau godi rhwng y gwahanol rolau. Gallai'r Comisiynydd gyflwyno argymhellion inni a bod y Panel Cyngori wedi cyfrannu at yr argymhellion hynny a chynnig cyngor arnynt. Bydd ein Cadeirydd ni neu aelod Anweithredol enwebedig yn gwasanaethu ar y Panel Cyngori hwnnw. Nid ydym yn glir sut y caiff hyn ei reoli. Nodwn fod y memorandwm esboniadol yn egluro nad yw rôl ar y Panel Cyngori'n effeithio ar swyddogaethau statudol eraill yr aelodau.

Ceisir eglurhad ar:

- Y datganiad y bydd Comisiynydd Cenedlaethau'r Dyfodol yn darparu cyngor ynglŷn â newid hinsawdd i Weinidogion Cymru. Ai dim ond i Weinidogion y bydd yn darparu cyngor ar newid hinsawdd? Beth am y cyrff cyhoeddus?

Awgrymwn y gallai'r testun o dan Rhan 3/18 (1) (a) gael ei ddiwygio, neu y gellir gwneud pwynt ar wahân, i'r perwyl y gall y Comisiynydd

'ddarparu cyngor neu gymorth i Gorff Cyhoeddus, Bwrdd Gwasanaethau Cyhoeddus neu Gyngor Cymuned ynglŷn ag ystyried newid hinsawdd a chyflawni'r nodau llesiant'

- Ai Comisiynydd Cenedlaethau'r Dyfodol fydd y Comisiynydd Newid Hinsawdd? Beth fydd statws y Comisiwn Newid Hinsawdd yng Nghymru ar ôl i'r Bil hwn ddod yn ddeddf?

Mae'r Comisiwn Newid Hinsawdd yn werthfawr oherwydd y cyfle y mae'n ei ddarparu i drafod y materion cymhleth ynglŷn â newid hinsawdd yng Nghymru mewn fforwm penodol.

- Byddai'n fuddiol cael gwybod ai'r Sgwrs Genedlaethol a'r Siarter DC yw'r prosesau a gaiff eu defnyddio i gyflawni'r swyddogaeth hon yng Nghymru o ran DC. Er mwyn gwneud y newidiadau radical sy'n ofynnol i wireddu Cymru gynaliadwy, credwn y bydd trafodaethau yn y fforymau hyn am senarios y dyfodol, cyfleoedd a dewisiadau anodd, yn hanfodol.

### ***Sefydlu Byrddau Gwasanaethau Cyhoeddus Statudol, asesiadau llesiant lleol a datblygu/gweithredu cynlluniau llesiant lleol.***

- Er ein bod yn cefnogi fframwaith cryfach er mwyn sicrhau datblygu cynaliadwy wrth gyflenwi gwasanaethau cyhoeddus lleol ac felly yn croesawu sefydlu Byrddau Gwasanaethau Cyhoeddus a chynlluniau llesiant ar sail statudol, mae gennym rai pryderon ynglŷn â diwallu anghenion pob un o'r 22 Bwrdd Gwasanaethau Cyhoeddus fel aelod statudol. Mae hyn yn mwy na dyblu ein lefel ymgysylltu ar hyn o bryd.
- I gyflawni bwriad y Bil a galluogi ymgysylltu effeithlon ac effeithiol, bydd angen i Fyrddau Gwasanaethau Cyhoeddus weithredu ar lefel strategol yn lleol ac, yn unol â'r Bil hwn, bydd angen iddynt fynd ati mewn ffordd integredig i asesu anghenion a chyflawni er sicrhau cydraddoldeb ar draws y tri mater.
- I sicrhau arbedion effeithlonrwydd, byddai'n fuddiol pe câi Byrddau Gwasanaethau Cyhoeddus a chynlluniau llesiant eu sefydlu yn unol â'r cynigion i ddiwygio Llywodraeth Leol yn y "Papur Gwyn – Diwygio Llywodraeth Leol", sy'n destun ymgynghori ar hyn o bryd. Mae'n ymddangos bod potensial i 22 Bwrdd Gwasanaethau Cyhoeddus ddatblygu cynlluniau llesiant ac yna, ymhen cwpl o flynyddoedd, byddai'r nifer o awdurdodau lleol ac felly o Fyrddau yn cael ei leihau.
- I fod yn effeithiol, byddai angen i uwch reolwyr sydd â phwerau dirprwyedig i benderfynu a rhwymo adnoddau allu mynychu'r Bwrdd Gwasanaethau

Cyhoeddus. Byddai llai o Fyrddau Gwasanaethau Cyhoeddus felly yn ein galluogi ni, ac eraill, i ymgysylltu'n fwy effeithlon ac effeithiol. Credwn felly y byddai'n well cychwyn proses y Byrddau Gwasanaethau Cyhoeddus a'r cynlluniau llesiant gyda'r nifer llai o awdurdodau lleol sy'n cael ei gynnig, yn hytrach na'r nifer mwy a chwtogi wedyn. Mae'n ymddangos bod cyfle yn y naill Fil a'r llall i wneud hyn, drwy Gyfarwyddyd Gweinidogol ym Mil Llesiant Cenedlaethau'r Dyfodol a thrwy uno gwirfoddol ym Mhapur Gwyn Diwygio Llywodraeth Leol.

- Bydd alinio clir â Biliau eraill sy'n cael eu datblygu hefyd yn hanfodol, yn enwedig o ran proses. Er enghraifft, y cysylltiadau rhwng datblygu datganiadau adnoddau naturiol ardal o dan Fil yr Amgylchedd a chynllun llesiant y Byrddau Gwasanaethau Cyhoeddus. Bydd angen eglurder ynglŷn ag amserlenni, yn enwedig o ran argaeledd data, tystiolaeth a gwybodaeth am ecosystemau. Bydd angen alinio hefyd ynglŷn â gofynion cyd gyflawni a darparu adroddiadau ar y cyd ar y blaenoriaethau a nodir, a hynny'n genedlaethol ac mewn datganiadau ardal.
- O ran y rhestr o asesiadau a nodwyd yn adran 36 (3), y dylid eu hystyried wrth ddatblygu cynllun llesiant, rydym yn argymhell y dylai Asesiad Risg Newid Hinsawdd y DU, y Strategaeth Newid Hinsawdd a chynlluniau Ymaddasu sectoraidd gael eu hychwanegu. Byddem yn disgwyl y byddai asesiadau ychwanegol, fel y rhai sy'n cael eu cynnig o dan Fil yr Amgylchedd, yn cael eu cynnwys o dan yr opsiwn rheoliadau yn 36 (3) h.

***Y dull gweithredu o ran mesur cynnydd tuag at gyrraedd y nodau llesiant a chyflwyno adroddiadau ar gynnydd;***

- Bydd Mesurau Cynnydd a chanllawiau statudol yn allweddol er mwyn cyflawni bwriad y Bil. Bydd angen i ddangosyddion a monitro adlewyrchu bod Cymru'n gwireddu'r Nodau, yn ogystal â dangos maint cymharol ei defnydd o adnoddau byd-eang y ddaear.
- Mae'r Bil yn nodi nifer o ofynion adrodd. Bydd CNC yn ddarostyngedig i'r Bil a bydd yn aelod o'r Bwrdd Gwasanaethau Cyhoeddus, felly mae'n bosibl y bydd yn gorfod cyflwyno adroddiadau drwy ddwy system. Mae gofynion adrodd ar gyrff cyhoeddus unigol yn barod ac ar Fyrddau Gwasanaethau Cyhoeddus, felly ein bwriad yw datblygu un trefn adrodd flynyddol sy'n bodloni'r naill ofyniad a'r llall.
- Nodwn fod opsiwn yn y Bil i gyflawni'n dyletswydd DC (gosod amcanion) drwy'r Bwrdd Gwasanaethau Cyhoeddus. Ni chredwn y byddai modd i'n holl weithgareddau a'n hamcanion, sy'n disgrifio sut y byddwn yn cyfrannu i'r Nodau, gael eu cyflawni drwy'r Bwrdd Gwasanaethau Cyhoeddus a'i gynllun llesiant. Rydym yn annhebygol felly o ddefnyddio'r opsiwn hwn.
- Rydym yn croesawu'r ffaith mai drwy fecanweithiau sy'n bodoli eisoes y cyflwynir adroddiadau, ac na fydd yn haen ychwanegol. Ni ddylai darparu adroddiadau dyfu'n ddiwydiant ar draul cyflawni bwriad y Bil.

- Rydym yn croesawu ac yn cefnogi cryfhau'r craffu'n ymwneud â'r Bwrdd Gwasanaethau Cyhoeddus a'r cynllun llesiant. Byddem yn gofyn a oes angen cefnogaeth a hyfforddiant ynglŷn â DC i'r panelau craffu ac ai rôl i Gomisiynydd Cenedlaethau'r Dyfodol fyddai hyn?

- Byddem yn croesawu gweithio gyda:

Chomisiynydd Cenedlaethau'r Dyfodol wrth gynhyrchu Adroddiad Cenedlaethau'r Dyfodol, i sicrhau bod tystiolaeth o'r Adroddiad ar Sefyllfa Adnoddau Naturiol yn cael ei defnyddio.

Llywodraeth Cymru ar adroddiad Tueddiadau'r Dyfodol, gan ddefnyddio tystiolaeth o'r Adroddiad ar Sefyllfa Adnoddau Naturiol a gwaith sganio gorwelion y dyfodol; a

Llywodraeth Cymru i bennu Mesurau Cynnydd (Dangosyddion Cenedlaethol) lle mae gennym arbenigedd a phrofiad.

#### **4.0 Rhwystrau, canlyniadau anfwriadol, goblygiadau ariannol ac is-ddeddfwriaeth**

##### ***Unrhyw rwystrau posibl rhag rhoi'r darpariaethau hyn ar waith ac a yw'r Bil yn eu hystyried;***

- Er bod cyfleoedd i helpu i gyflawni bwriad Bil Llesiant Cenedlaethau'r Dyfodol drwy'r holl Filiau sy'n cael eu datblygu ac agenda diwygio Llywodraeth Leol, gall y ffaith ein bod yn gweithredu mewn tirwedd llawn newid o ran polisi a strwythurau, a gyda llai o adnoddau, greu rhwystrau ynddo'i hun. Bydd angen hyblygrwydd i alinio a rheoli'r newidiadau hyn.
- Bydd gweithredu o fewn agendau lleol a byd-eang, yn cynnwys systemau amgylcheddol, yn creu rhwystrau. Er na all y Bil ei hun roi sylw uniongyrchol i'r rhain, credwn y dylai'r deunydd esboniadol ac unrhyw ganllawiau i gyd-fynd â'r Bil godi ymwybyddiaeth o'r mater a nodi'n glir ble mae Cymru'n ystyried unrhyw ateb.
- Rydym yn gweithredu ar draws ffiniau â Lloegr, yn enwedig o safbwynt rheoli adnoddau naturiol. Ni fydd y penderfyniadau a wneir yn y manau hyn o reidrwydd yn cael eu gyrru gan yr un egwyddorion.
- Gweithgarwch cyrff sector cyhoeddus nad ydynt wedi'u datganoli yng Nghymru, na fyddant yn ddarostyngedig i'r dyletswyddau.

##### ***A oes unrhyw ganlyniadau anfwriadol yn deillio o'r Bil;***

- Mae perygl fod y broses yn gyrru ffocws ar osod amcanion a darparu adroddiadau, ond nad yw'n cael ei defnyddio fel catalydd i newid sylfaenol yn y ffordd y cyflenwir gwasanaethau, h.y. i gyflenwi seiliedig ar ganlyniadau integredig, tymor hir, sy'n canolbwyntio ar atal.

- Gellir creu'r argraff fod gan Gymru amgylchedd gweithredu gwahanol i fusnesau, a allai gael ei weld fel rhywbeth negyddol. Mae angen rheoli hyn yn dda a bydd angen cyfleu elfennau cadarnhaol gweithredu mewn gwlad fwy cynaliadwy.

***Goblygiadau ariannol y Bil (fel y'u nodir yn Rhan 2 o'r Memorandwm Esboniadol a'r Asesiad Effaith Rheoleiddiol, sy'n amcangyfrif y costau a'r buddion o roi'r Bil ar waith);***

- Byddwn yn parhau i weithio gyda Llywodraeth Cymru ar y cam adolygu perthnasol i wneud y ffigurau yn yr Asesiad Effaith Rheoleiddiol yn fwy pendant. Nid ydym yn glir ynglŷn â data ffynhonnell ffigurau CNC ar hyn o bryd, ac mae'n bosibl fod y costau hyn yn rhy isel. Fodd bynnag, fel sefydliad y mae angen inni weithio gydag eraill i gyflawni'i bwrpas, rhaid ystyried hyn yn erbyn y ffaith y byddem am weithio gyda phartneriaethau allweddol i gyflawni hyn, a gall gynhyrchu effeithlonrwydd.
- Os sefydlir Byrddau Gwasanaethau Cyhoeddus fel y nodir yn y Bil hwn, h.y. bod y bartneriaeth strategol yn rhoi ystyriaeth integredig ac yn cyflawni mewn modd integredig ar draws materion cymdeithasol, economaidd ac amgylcheddol, ar y lefel leol, byddem yn gweld hyn fel buddsoddiad gwerth chweil. Bydd hyn yn bartneriaeth gyflawni allweddol a byddem yn alinio adnoddau'n unol â hynny. Fel y trafodwyd uchod, byddai hyn yn fwy effeithlon gyda llai o Fyrddau Gwasanaethau Cyhoeddus.
- Yn yr adran ar Fyrddau Gwasanaethau Cyhoeddus, credwn y byddai wedi bod yn fuddiol defnyddio'r dull a ddefnyddiwyd yn elfen cynllunio corfforaethol yr Asesiad Effaith Rheoleiddiol, sy'n ystyried cost bontio ac yna gost reolaidd. Bydd gwaith i sefydlu'r Byrddau Gwasanaethau Cyhoeddus, eu cylch gwaith, canllawiau ac ati, a bydd hyn oll yn cynyddu'r costau cychwynnol o'u cymharu â'r costau rheolaidd. Hefyd, mae CNC yn cyfrannu i asesiadau anghenion rhai Byrddau Gwasanaethau Lleol ar hyn o bryd a bydd angen iddo wneud hynny i'r holl Fyrddau Gwasanaethau Cyhoeddus yn y dyfodol, ond nid yw wedi'i restru o gwbl yn yr adran hon.
- O ran yr adran ar gynllunio corfforaethol, teimlwn y byddai hyn yn waith craidd – dim ond ffordd wahanol o weithio mewn rhai achosion – ac na ddylai felly achosi costau rheolaidd ychwanegol sylweddol.
- Drwyddi draw, rydym yn rhagweld cynnydd bach yn yr adnoddau am yr ychydig flynyddoedd cyntaf, ond ar ôl iddo ennill ei blwyf byddai Cynllunio Corfforaethol ac ymgysylltu â Byrddau Gwasanaethau Cyhoeddus yn dod yn waith craidd o fewn CNC.

***Priodoldeb y pwerau yn y Bil i Weinidogion Cymru wneud is-ddeddfwriaeth (fel y nodir ym Mhennod 5 o Ran 1 o'r Memorandwm Esboniadol, sy'n cynnwys***



***tabl sy'n rhoi crynodeb o bwerau Gweinidogion Cymru i wneud is-ddeddfwriaeth).***

- Nodwn fod pŵer i wneud is-ddeddfwriaeth i ddiwygio'r Nodau Llesiant. Tra gallwn werthfawrogi'r angen i ganiatáu ar gyfer newid dros amser, mae'r Nodau'n pennu'r canlyniadau a'r weledigaeth tymor hir i Gymru ac ni ddylai felly fod yn bosibl eu newid yn y tymor byr. Rydym yn falch felly mai proses gadarnhaol yw'r pŵer hwn, y mae angen ei chymeradwyo mewn cyfarfod llawn.
- Rydym yn cefnogi 36 (3) h sy'n rhoi pwerau i Weinidogion Cymru i'w gwneud yn ofynnol i Fyrddau Gwasanaethau Cyhoeddus ystyried Asesiadau eraill. Rydym yn argymhell bod Asesiad Risg Newid Hinsawdd y DU yn un a ddylai gael ei restru yn awr, ymysg eraill, ond rydym yn croesawu'r gallu i ychwanegu eraill dros amser wrth iddynt ymddangos.
- Yn unol â'r sylwadau sydd wedi'u gwneud yn barod, rydym hefyd yn cefnogi pwerau yn 43(2(a)) sy'n caniatáu i Weinidogion fynnu bod Bwrdd Gwasanaethau Cyhoeddus yn adolygu'i gynllun Llesiant os nad yw'n cydymffurfio i raddau sylweddol. Rydym hefyd yn cefnogi 46(2) sy'n caniatáu i Weinidogion roi cyfarwyddiadau yn ei gwneud yn ofynnol i ddau neu ragor o Fyrddau Gwasanaethau Cyhoeddus uno, a chydweithio o dan 47(2).

National Assembly for Wales  
Environment and Sustainability Committee  
WFG 60  
Well-being of Future Generations (Wales) Bill  
Response from Commissioner for Sustainable Futures

**Peter Davies**  
Comisiynydd Dyfodol Cynaliadwy  
Commissioner for Sustainable Futures

5<sup>th</sup> September 2014

Environment & Sustainability Committee  
National Assembly for Wales  
Cardiff Bay  
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Dear Chair,

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

I welcome the opportunity to respond to the Committee's inquiry on this Bill and set out below my comments and views on the proposed Bill in providing an adequate framework by which Wales can be a sustainable nation.

These comments are a summary of the views gathered over several years as the independent Commissioner for Sustainable Futures which included chairing an FG Bill Reference Group between September 2012 and July 2014, and from discussions with community groups, organisations, businesses and individuals gathered from the national conversation on The Wales We Want, which I have been leading on behalf of the Minister for Communities and Tackling Poverty.

The first point I would want to stress is that the Bill is an important step forward in our commitment to sustainable development which has been a distinctive dimension of devolution. However experience has demonstrated weaknesses in the procedures required under the existing duty, highlighted in the successive independent reviews undertaken by each new administration and in the Commissioner's independent commentary on the Annual Sustainable Development Report including:

- Sustainable development is treated as a cross cutting theme alongside others not as a central organising principle
- The Scheme and reporting process run parallel to the programme of Government and are not seen to be central policy
- The duty only applies to Welsh Government and has no traction across the public sector

# Peter Davies

## Comisiynydd Dyfodol Cynaliadwy

### Commissioner for Sustainable Futures

- The Sustainable Development Indicators produced each August have little connection to policy and performance
- The remaking of the scheme by an incoming Government can mean it is up to 2 years before a new scheme comes into being

The Bill must also be seen in the global context of the UN process of establishing global Sustainable Development Goals and has been recognised by the UN as an important legislative development that can align national and global actions.

The process of developing the Bill has been supported by the Future Generations Bill Reference Group involving key stakeholders and chaired by the Commissioner. It has also drawn from shared learning with countries / regions who are following a similar path (e.g. Finland, Germany, Hungary and Catalonia) , key reports such as the Oxford Martin Commission on the Future “Now for the Long Term”

[http://www.oxfordmartin.ox.ac.uk/downloads/commission/Oxford\\_Martin\\_Now\\_for\\_the\\_Long\\_Term.pdf](http://www.oxfordmartin.ox.ac.uk/downloads/commission/Oxford_Martin_Now_for_the_Long_Term.pdf)

and expert groups including The World Futures Council, The Stakeholder Forum and the Foundation for Democracy and Sustainable Development.

The Bill introduces a number of important mechanisms that can improve our governance for the long term and establish a common framework for how the public sector does business in Wales. However the big challenge for the Bill is the gap between the statement that the Bill provides a “framework for how the public service does business in Wales” and its connection with other legislation, and the current understanding of its purpose across the public service in Wales.

#### Goals and Measures

The Goals are understandably high level but they do play a key role in bring greater clarity to the concept of sustainable development. However they need to be widely understood owned and translated into practical measures if they are to be effective. It is important that they are seen to be integrated and interconnected and not treated as separate silos. There will need to be further amendment to the goals, for example strengthening the international dimension, which is particularly significant around the issue of environmental limits and planetary boundaries, which are important concepts but often difficult to translate meaningfully into practice.

The Bill requires Government to set the indicators or measures of progress that will underpin the national Goals. These measures will be critical, providing a “national scorecard”, and allowing us to monitor progress in achieving the Goals. They can also provide the basis for a performance framework across the public sector.

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The recommendations on the “measures that matter” will be the core focus for the Future Generations Report generated from the next stage of the national conversation and will draw on international practice in “Beyond GDP” measures.

I do not think that the Bill should set targets against these measures as I would see this as being part of the local and national democratic process as potential programmes of Government should clearly set out how they are intending to improve performance across the measures. Indeed successive Governments will need to review measures to ensure they remain fit for purpose. However I think there is a strong case for a specific set of requirements in respect of climate change.

The national conversation has highlighted that climate change is seen as the single most critical issue that people across Wales felt would affect future generations and there is a strong case that it must be given greater reference in the Bill. I have previously written to Ministers on this point in my role as Chair of the Climate Change Commission for Wales (CCCW). We will be considering specific recommendations at the Climate Change Commission meeting on September 24<sup>th</sup>, which I will then be able to submit in evidence to the Committee. In the meantime, a separate letter is also being submitted as evidence on behalf of the Commission to re-emphasise the points that were highlighted in my letter to the Ministers.

#### **Sustainable Governance Approaches**

The focus on goals and measures of progress (outcomes) will only be effective if the governance approaches set out in 8.2 of the Bill are applied.

This section sets out key decision making principles that need to be taken into account by public bodies - preventative action, integrated approach, long-term thinking, collaboration and engaging communities and interested parties. There is a danger that they are lost in the focus on the goals, but these are the key principles that need to be applied transparently in the decision making process. There is a strong case for strengthening this element to more clearly incorporate the principles of co-production through citizen engagement.

It also worth highlighting that the “evidence” principle has been lost from the White Paper, which would have incorporated the key Sustainable Development principle of applying “sound science” in decision making.

#### **Public Service Boards**

The proposals for Public Service Boards represent an important part of the structure that can ensure a coherent delivery and reporting framework to enable progress against the goals and measures. The Bill will need to ensure an alignment between national and local delivery through applying the same principles of decision making and focus on achieving long term goals and measures to national, local government and other public bodies.

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### Commissioner for Sustainable Futures

As Commissioner I have been conscious of the variable approaches of the current structure of Local Service Boards and welcome this section of the Bill. I particularly welcome the presence of Natural Resources Wales as a core member of the Service Board, the requirement to invite representation from the voluntary sector and the strengthening of democratic accountability through the role of Local Authority Scrutiny Committees.

The proposed new Commissioner has a key role in supporting and providing a critical analysis of Wellbeing Plans and the reporting by Public Service Boards, to ensure that the framework of the Bill is being applied effectively.

However while I support the importance of a national framework, it must reflect the needs and aspirations of local communities. There is a critical role for community or neighbourhood based plans that can build from local needs but can relate to national goals. This must be fully recognised and supported in the approach to creating the wellbeing plans of the Public Service Boards, particularly as it is envisaged that these will increasingly cover larger geographic areas.

#### Commissioner's function

Finally I want to focus on the role and function of the independent statutory Commissioner for Future Generations.

The proposals represent a significant strengthening of my current function, which has been part time, with no legal powers and no direct office function. There has also been a significant strengthening of the role from that envisaged in the initial White Paper. There is significant international practice in respect to similar functions, which I know has been considered in the design of the role. However I would still make the following points:

- There is a strong case that the appointment and scrutiny of this role is undertaken through the National Assembly as this will exemplify the independent nature of the Commissioner.
- The Bill also needs to provide greater clarity on the process by which the Commissioner can instigate investigations and response required.
- The Advisory Panel for Commissioner needs to be a strong multi stakeholder forum to provide advice and support, adding weight to the Commissioner's reports.
- The relationship of Commissioner and Wales Audit Office will need to be strengthened as is central to the concept of a strong Commissioner.
- Together, both the advisory panel and a close link with WAO will provide a 'check and balance' of the Commissioner's function to ensure a strong respected Commissioner function and obviating the danger of a Commissioner either being ignored, subject to influence of individual lobby groups or being perceived as having specific personal agendas. This is particularly

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important as unlike other Commissioners, a Commissioner for Future Generations does not have an identifiable constituency to whom they will be currently accountable.

- Critically the Commissioner's role needs to be solutions focused, providing a capacity to convene competing interest groups, undertake independent reviews to support decision making. There is a danger that the office becomes overwhelmed with the processes associated with overseeing compliance across Public Service Boards

The Bill will not be a silver bullet that will address all our problems or make difficult decisions easy. It will though introduce mechanisms that improve our governance and decision making for the long term, so providing a better chance of meeting the intergenerational challenges that are beyond one term of Government and need the engagement of wider society. There will need to be clear connectivity with other legislation and alignment with decision making across the public sector.

I am very happy to provide more details on the points raised above, and look forward to meeting the Committee on September 25<sup>th</sup>.

Yours sincerely



**Peter Davies**  
Comisiynydd Dyfodol Cynaliadwy  
Commissioner for Sustainable Futures

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Llofnodydd Siarter  
Datblygu Cynaliadwy  
Llywodraeth Cymru

A Welsh Government  
Sustainable Development  
Charter Signatory

National Assembly for Wales  
Environment and Sustainability Committee  
WFG 62  
Well-being of Future Generations (Wales) Bill  
Response from Climate Change Commission for Wales



4 September 2014

Dear Chair

**Consultation: Well-being of Future Generations (Wales) Bill**

The Climate Change Commission for Wales welcomes the opportunity to respond to the Committee's inquiry on this Bill; our key message is the need to emphasise the **importance of strengthening specific references to climate change measures** within the Bill in order to drive our emission reduction and adaptation performance.

The Climate Change Commission for Wales has already written to the Minister (in May) to outline its support to the Committee on Climate Change's [recommendation](#) that '**setting a statutory underpinning to Wales' climate change targets** could help to provide certainty to policy-makers, businesses, investors, and the wider society in Wales and strengthen incentives to reduce emissions'.

We also believe that it is imperative that the structure of the Bill, in particular the goals, measures and principles, **set the framework for tackling climate change across the public sector**. Climate change should be included within the measures of progress in the Bill, extending this requirement to a duty on Public Service Boards to set targets in line with accepted global requirements.

As the Interim Report from the pilot National Conversation on the 'Wales we Want' (July 2014) identifies, when people were asked to list potentially critical issues for the future of Wales, five themes stood out with climate change and the natural environment receiving the most votes (69.5%).

A more detailed response on the issues identified within your "terms of reference" will be shared with the Committee during my evidence session on the 25<sup>th</sup> of September, and this will be informed by a discussion with the Commission members on the previous day. However some key points that we'd like to highlight are as follows:

**Goals & Measuring progress:**

Within the current Well-being goals there is no specific reference to climate change and no recognition of the 'global systems' perspective, our international impacts or responsibilities, or 'environmental limits'.

In terms of measures for climate change, indicators would need to cover territorial emissions, adaptation and carbon footprinting<sup>1</sup>. For the measure of Wales' carbon footprint regular ecological footprint research needs to be undertaken. Welsh Government is yet to publish the most recent research undertaken on this.

Currently Wales is the only UK devolved nation not to have or be seriously considering statutory climate change targets. Using legislation to push environmental action has already proven successful in Wales and we feel that a stronger approach should be called for to deliver climate change action.

These targets should be supported with a package of measures, such as:

- Developing an action plan every 5 years to achieve these targets
- A requirement for an emission impact assessment on large scale infrastructure and strategies
- A duty on the public sector to contribute to these targets
- Measuring the emissions impact of annual budgets

A mixture of amended goals, targets within the Bill and activation of Welsh specific duties under the Climate Change Act could provide a package of legislative measures to help accelerate action in Wales. We would be happy to advise further of how these could be integrated into the current proposals for the Wellbeing of Future Generations Bill.

### **Role of Future Generations Commissioner for Wales**

The remit and responsibilities of the Future Generations Commissioner should include climate change and ongoing support for the Climate Change Commission. We also feel that there is a need to include a duty for Welsh Government and/or the Future Generations Commissioner to set targets for the Welsh Government and public sectors to report on climate change mitigation and adaptation.

The Welsh Government is currently undertaking a 'Refresh' of its Climate Change policy – a statement is expected in the autumn by the new Minister and this provides a significant opportunity to demonstrate continued leadership on climate change. The Commission would urge the Refresh to go beyond a high level statement of intention and consider a commitment to statutory targets in the forthcoming legislation. Without this commitment to deliver on its political ambition, Wales is in real danger of falling behind other nations in the UK and Europe.

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<sup>1</sup> The carbon footprint refers to emissions that are associated with the consumption spending of UK residents on goods and services, wherever in the world these emissions arise along the supply chain, and those which are directly generated by UK households through private motoring etc. These emissions are often referred to as "consumption emissions" to distinguish them from estimates relating to the emissions „produced“ within a country's territory or economic sphere. To find out what effect UK consumption has on GHG emissions we need to take into account where the goods we buy come from and their associated supply chains.

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Yours sincerely



Peter Davies  
Chair, Climate Change Commission for Wales

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**Ymchwiliad Pwyllgor Amgylchedd a  
Chynaliadwyedd Cynulliad Cenedlaethol  
WFG 16  
Bil Llesiant Cenedlaethau'r Dyfodol (Cymru)  
Ymateb gan Cynnal Cymru**

**Cynnal Cymru  
Ymateb i  
ymgyngoriad Pwyllgor yr Amgylchedd a Chynaliadwyedd  
ar gyfer Bil Llesiant Cenedlaethau'r Dyfodol (Cymru)**

**Cefndir**

Ym mis Ebrill 2012, enillodd Cynnal Cymru dendr pwysig gan Lywodraeth Cymru i gynorthwyo i ddatblygu Bil Datblygu Cynaliadwy newydd arfaethedig, ac ymgysylltu ynglŷn ag ef. Ers i'r contract ddechrau, mae Cynnal Cymru wedi bod yn helpu Llywodraeth Cymru mewn sawl ffordd: rydym ni'n cynnal Comisiwn Cymru ar y Newid yn yr Hinsawdd ar ran y Llywodraeth. Rydym ni hefyd yn cynnal y Siarter Datblygu Cynaliadwy yn yr un modd ac yn darparu gwasanaeth ar gyfer swyddfa'r Comisiynydd Dyfodol Cynaliadwy. Gwnaethom sefydlu a gweinyddu lansiad y sgwrs genedlaethol, sef 'Y Gymru a Garem', ac rydym ni'n cynnal y wefan a datblygu'r Sgwrs Genedlaethol ymhellach.

O ran y Bil, rydym ni wedi darparu'r Ysgrifenyddiaeth ar gyfer y Grŵp Cyfeirio a Chynghori, ynghyd â'i amryw is-bwyllgorau, yn ogystal â lledaenu allbwn y Grŵp.

**Sylwebaeth**

Mae'r Bil yn nwylo'r Senedd ar hyn o bryd. Croesawn ddymuniad Pwyllgor yr Amgylchedd a Chynaliadwyedd i wella a mireinio'r Bil ymhellach trwy Graffu.

Nid oes unrhyw wlad yn y byd wedi sefydlu darn mor berthnasol a phwysig o ddeddfwriaeth i ddiogelu cenedlaethau'r presennol a'r dyfodol. Am y rheswm hwn, dylid llongyfarch Llywodraeth Cymru ar fodolaeth Bil o'r fath. Croesawn y ffaith bod y Bil fel y mae wedi'i gyflwyno yn dal i fod yn fframwaith, sef proses sy'n mynnu, o ran y rhai y mae'n effeithio arnynt, bod yr holl benderfyniadau'n cael eu gwneud, o safbwynt datblygu cynaliadwy, i gyflawni'r weledigaeth ar gyfer Cymru gynaliadwy. Rhaid peidio â cholli hynny: credwn, felly, fod yn rhaid i'r broses fframwaith gael ei chynnal, ac yn wir ei chryfhau, trwy gydol y broses graffu.

Ceir goblygiad posibl o ran sut y canfyddir teitl y Bil: mae'r Bil yn datgan "sicrhau bod trefniadau llywodraethu cyrff cyhoeddus ar gyfer gwella lles Cymru yn ystyried anghenion cenedlaethau'r dyfodol". Dylid canmol hyn, ond, oni bai bod y Bil yn pwysleisio bod angen gweithredu yn awr, ar gyfer cenedlaethau'r presennol hefyd, mae perygl y gallai rhai ohirio cymryd y camau sy'n angenrheidiol yn wyneb blaenoriaethau cyfredol. Gallai "cenedlaethau'r dyfodol" argyhoeddi rhai nad oes rhaid cymryd camau yn awr. Nid yw hyn yn iawn, yn amlwg, ac mae'n siwr y bydd y broses Graffu'n egluro hynny.

Croesawir y ffaith bod cyfres o nodau wedi'u cynnwys, gan fod hyn yn rhannol adlewyrchu'r newidiadau mawr sy'n cael eu gwneud o dan nawdd y Cenhedloedd Unedig wrth iddo symud o Nodau Datblygu'r Mileniwm i'r Nodau Datblygu Cynaliadwy. Mae Nodau Datblygu Cynaliadwy yn cynnig ffordd i genhedloedd y byd fyfyrion ar ganlyniadau sy'n cyfleu'n well y camau y mae angen eu cymryd i fynd i'r afael â'r heriau niferus sy'n wynebu'r byd ar hyn o bryd, a gweithio tuag atynt. Mae'r heriau hyn yn cynnwys anghydraddoldeb, y newid yn yr hinsawdd, tloidi, amddifadedd, dirywiad amgylcheddol a methiannau mewn addysg, cyflogaeth a hyfforddiant, ynghyd â lluo o rai

eraill. Mae'r Bil newydd yn cynnwys 6 nod i'w cyflawni: mae'r rhai hynny sy'n gweithio ar Nodau Datblygu Cynaliadwy y Cenedloedd Unedig wedi cyflwyno 17 – a dyna'r drafferth wrth ystyried y Bil newydd yma yng Nghymru, ond ymhelaethir ar hynny isod.

## Trafodaeth

Fel y dywedwyd, croesawn fwriad Llywodraeth Cymru a gynigir trwy'r Bil newydd. Mae gosod egwyddor drefniadol graidd, neu ganolog, ynglŷn â datblygu cynaliadwy ar gyfer y sector cyhoeddus yng Nghymru yn hanfodol, a dylid ei gefnogi. Ond, rydym ni'n pryderu ynghylch y ffaith nad oes diffiniad eglur o ddatblygu cynaliadwy ar flaen y Bil. Mae'n amlwg nad yw pobl, yn gyffredinol, yn sicr ynglŷn â beth yw hyn, ond hefyd, os nad ydym ni'n datgan yn benodol beth rydym ni'n anelu ato, sut byddwn ni'n gwybod os a phryd y byddwn ni'n cyrraedd y nod? Yn ogystal, os nad yw'r diffiniad o Ddatblygu Cynaliadwy yn cael ei ddatgan yn gadarn, byddai'n llawer rhwyddach i hyn gael ei wanhau o dan ddeddfwrfa wahanol. Mae diffiniad da iawn eisoes ar gael i Lywodraeth Cymru, sef hwnnw a geir yn yr adroddiad rhagorol "Cymru'n Un: Cenedl Un Blaned". Awgrymwn y dylai hwn gael ei ddefnyddio fel y prif dynfaen, y Weledigaeth gyffredinol sy'n sbarduno ac arwain y Bil cyfan. Credwn y bydd hyn, yn ei dro, yn helpu i sicrhau bod pawb yn gweld bod y Bil hwn yn Fil trosfwaol gwirioneddol, ac yn ambarél ar gyfer yr holl ddeddfwriaeth arall sy'n llywodraethu Cymru. Heb y newid hwn, gall y Bil gael ei feirniadu am fod yn wan, nid lleiaf trwy ddefnyddio ymadroddion fel "ceisio .. sicrhau datblygu cynaliadwy". Mae angen pwysleisio a chryfhau'r ddyletswydd. Yn syml, nid yw "ceisio" yn ddigon cryf.

O ran gosod y Bil hwn o fewn yr hierarchaeth o ddeddfwriaeth bosibl a phresennol yng Nghymru, mae'n amlwg bod yn rhaid i Fil sy'n ymdrin â datblygu cynaliadwy fod ar frig unrhyw ddeddfwriaeth arall. Er mwyn i ddatblygu cynaliadwy fod wrth wraidd meddylfryd a phroses benderfynu'r llywodraeth, mae'n rhaid i'r holl ddeddfwriaeth arall fod yn eilaidd i hynny. Mae angen pwysleisio hyn yn well yn y Bil sydd ger ein bron neu fe allai fod mewn perygl o fod mewn seilo, a pheidio â chael y flaenoriaeth sydd ei hangen arno. Er enghraifft, mae sawl elfen o ddeddfwriaeth yn mynd trwy'r system ar hyn o bryd, gan gynnwys Bil Cynllunio newydd a Bil yr Amgylchedd newydd: beth bynnag fo'r materion sy'n ymwneud â'r Biliau hyn, dylai'r ddaau gael eu "llywodraethu" gan y Bil Cenedlaethau'r Dyfodol. Mae angen i hyn gael ei ddatgan yn eglur yn y Bil newydd ac wrth ei weithredu'n ddilynol.

Mae hanfod y Bil, sef yr hyn y mae'n ceisio ei gyflawni, wedi'i gyflwyno ar ffurf chwe nod, fel y crybwyllwyd uchod. Rydym yn croesawu'r ffaith bod y nodau arfaethedig yn bodoli, fel y dywedwyd eisoes, ond yn amau a ydynt fel y dylent fod. Rydym yn ofni bod bylchau ac, yn eu tro, gwendidau a fydd, gyda'i gilydd, yn gwanhau'r Bil o ran ei effaith a'i gydlyniant. Yn ogystal, nid yw'r nodau wedi'u fframio mewn modd cyson. Mae amwysedd yn bosibl ac fe ellid ystyried bod y nodau a osodwyd wedi'u cyflawni, er nad yw hynny'n wir o bosibl i lawer ohonom. Yr hyn sydd wrth wraidd y sefyllfa hon yw'r ffaith bod tri o'r chwe nod lles yn gymharol. Er enghraifft, mae Nod Tri yn datgan "Cymru iachach" ond, y cwestiwn yw, yn iachach na beth?... heb linell sylfaen, gallai gwelliant bach mewn iechyd cyffredinol awgrymu llwyddiant yn y nod hwn. Hyd yn oed pan nad yw'r nod yn gymharol – er enghraifft, lle mae Nod Un yn ymddangos yn fwy penodol: "Cymru ffyniannus" – mae angen ei ategu gan yr hyn a olygir gan "ffyniannus". Nid yw'r disgrifiad sy'n gysylltiedig yn cyfeirio at y math o economi, nac yn wir y math o gyflogaeth, y dymunwn ei gefnogi. Mae angen i ymrwymiad Llywodraeth Cymru i dwf "gwyrdd" gael ei amlygu yma, gan ei fod wedi'i gefnogi gan adroddiad rhagorol Cydffederasiwn Diwydiant Prydain ar dwf o'r fath.

Mae Cynnal Cymru yn argymhell yn gryf y dylai'r broses Graffu gynnal adolygiad cyffredinol o'r Nodau er mwyn datblygu dull llai cymharol neu, os penderfynir bod yn gymharol, datgan yn eglur pa linell sylfaen a ddefnyddir i gymharu. Anogwn y dylid rhoi pwyslais ar lai o amwysedd. Dylai nod fod yn nod, yn enwedig o ystyried graddau'r her sy'n wynebu cyrff gwasanaeth cyhoeddus y bydd y Bil yn effeithio arnynt.

Rydym ni'n pryderu nad yw meysydd sy'n hanfodol i gymuned gynaliadwy wedi'u cynnwys, neu wedi'u datgan yn annigonol. Mae'r prif fater yn ymwneud â chwmpas: rydym ni'n cydnabod ac yn canmol y ffaith bod y Bil hwn yn dal i fod yn Fil fframwaith, ond mae llawer ar goll o'r fframwaith hwnnw: nid yw'n cynnwys holl rolau a chyfrifoldebau'r sector cyhoeddus. Yn bwysicaf yn hyn o beth, nid yw caffael, sy'n allweddol i economi gynaliadwy, yn derbyn sylw. Nac ychwaith gosod cyllideb. Gyda'i gilydd, byddai'r rhain yn cael yr effaith fwyaf ar economi gynaliadwy ar gyfer Cymru ac felly mae'n rhaid eu cynnwys, yn enwedig o ystyried y ffaith bod caffael sector cyhoeddus yn cyflawni rôl mor bwysig yn economi Cymru. Mae peidio â chynnwys hyn yn y Bil yn awgrymu ei fod yn colli elfen hollbwysig o helpu i greu Cymru gynaliadwy.

Mae Cynnal Cymru, er ei fod yn canolbwyntio'n eglur ar Gymru, yn cydnabod yn llawn rôl hollbwysig Cymru mewn byd ehangach: nid yw'r Bil hwn yn cydnabod hyn yn ddigonol. Mae'r diffyg elfen fyd-eang yn gwanhau'r Bil a bydd yn niweidio ei statws yn y byd ehangach. Os ydym ni am wneud gwahaniaeth go iawn trwy'r Bil hwn a gosod esiampl dda ar y llwyfan rhyngwladol, mae'n rhaid mynd i'r afael â hyn. Mae gan y newid yn yr hinsawdd broffil gwael yn y Bil. Yn sgysiau 'Y Gymru a Garem', ystyrir bod y newid yn yr hinsawdd yn flaenoriaeth allweddol. Mae'n rhaid i hyn fod yn flaenoriaeth allweddol yn y Bil er mwyn adlewyrchu dymuniadau cymuned Cymru a blaenoriaeth fyd-eang. Mae'n rhaid pwysleisio targedau ar gyfer gostyngiadau perthnasol a heriol yn allyriadau'r nwyon sy'n cyfrannu at gynhesu byd-eang. Rydym ni'n cydnabod nad Bil manwl yw hwn – fframwaith ydyw – ond heb fframwaith ar gyfer y newid yn yr hinsawdd, mae'n Fil gwannach.

Rydym ni'n ofni bod mater llywodraethu'r broses weithredu yn wan ac yn agored i newidiadau posibl mewn pwyslais gan lywodraeth Cymru wahanol yn y dyfodol. Yr hyn sy'n achosi pryder yn benodol yw'r Comisiynydd newydd. Mae'r Bil yn datgan bod y rôl hon yn un a benodir gan Lywodraeth Cymru ac sy'n atebol iddi: teimlwn y dylai fod yn atebol i'r Senedd. Trwy wneud hyn, gwelir ei bod yn osgoi'r perygl o ymyrraeth, ac yn gwella tryloywder. Mae'r Bil yn amlygu ystod o swyddi i gefnogi'r Comisiynydd. Mae'n rhaid i ni ddatgan buddiant yn hyn o beth gan ein bod ni wedi ymgymryd â rôl debyg i'r Comisiynydd Dyfodol Cynaliadwy presennol, ond teimlwn yn gryf y dylai'r Swyddogaeth hon fod yn gorff ar wahân, a ariennir yn llawn gan y llywodraeth er mwyn sicrhau ei fod yn annibynnol ac yn cael ei ystyried felly. Ceir cynsail debyg i sut mae Swyddfa'r Archwilydd Cyffredinol yn cael ei hariannu a'i llywodraethu. Rydym ni hefyd yn ansicr a fydd y gyllideb arfaethedig yn ddigonol i'r Comisiynydd ymgymryd â'r holl rolau arfaethedig, yn enwedig elfen ymchwilol yr hyn y bydd yn ymgymryd ag ef. Mae angen i'r elfen hon, yn ei thro, gael ei chryfhau trwy roi mwy o amlygrwydd i'r elfen "cyfaill beirniadol". Os na wneir hyn, ceir perygl na fydd unrhyw newid go iawn yn cael ei dystio, nid lleiaf os a phryd y bydd y Comisiynydd yn cynnig beirniadaeth i Lywodraeth Cymru ei hun.

Yn olaf, mae'r Bil yn canolbwyntio'n amlwg ar y sector cyhoeddus. Gwaetha'r modd, nid yw rhai elfennau o'r sector lled-gyhoeddus, fel cymdeithasau tai ac addysg bellach ac addysg uwch, yn ymddangos mwyach yn y Bil fel y'i cyflwynwyd. Mae hynny'n anffodus, nid lleiaf oherwydd bod y tair elfen hyn yn hollbwysig os ydym ni am gyflawni Cymru gynaliadwy.

Yn y cyd-destun hwnnw, a chan ddatgan buddiant unwaith eto, rydym yn cydnabod y rôl a gyflawnir gan y Siarter Datblygu Cynaliadwy wrth fod yn gyfrwng i alluogi'r rhai nad yw'r Bil yn effeithio arnynt, fel y sectorau preifat a gwirfoddol, i ymrwymo i wneud datblygu cynaliadwy yn weithgarwch craidd

ar gyfer yr hyn y maen nhw'n ei wneud a sut y maen nhw'n ei wneud. Bydd hyn yn cynorthwyo gwaith Llywodraeth Cymru i'n helpu ni i gyd i symud tuag at Gymru gynaliadwy.

**Cynnal Cymru**

*trwy*

**David Fitzpatrick**

***Prif Weithredwr***

**ceo@cynnalcymru.com**



**The UK Environmental Law Association's Wales Working Party  
Evidence Submission on the Well-being of Future Generations Bill  
to the  
National Assembly for Wales's Environment and Sustainability  
Committee**

**Executive Summary**

1. The UK Environmental Law Association (UKELA) is pleased to have the opportunity to submit its views and comments to the National Assembly for Wales's Environment and Sustainability Committee on the contents of the Well-being of Future Generations Bill.
2. UKELA aims to make the law work for a better environment and to improve understanding and awareness of environmental law. Its members are involved in the practice, study or formulation of Environmental Law in the UK and the European Union. UKELA attracts both lawyers and non-lawyers and has a broad membership from the private and public sectors. The Association prepares advice to UK Governments with the help of its specialist working parties, covering a range of environmental law topics. This response has been prepared by UKELA's Wales Working Party with input from its Planning and Sustainable Development Working Party.
3. Overall, UKELA is supportive of the aims of this Bill and the proposals contained therein. It commends the Welsh Government for taking steps to embed the principle of sustainable development in the work of the public sector in Wales in the interests of future generations. UKELA is also of the view that a number of changes to the current Bill would strengthen implementation once it becomes legislation; afford equal weight to the environment alongside economic and social considerations; and help ensure accountability and effective delivery of

the aim and goals. The following points are put forward for consideration:

- A clear definition of sustainable development should be included and the following is put forward for consideration:

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

*Promote social justice and equality of opportunity; and*

*Enhance the natural and cultural environment and respect its limits using only our fair share of the earth’s resources and sustaining our cultural legacy.”*

[Paragraph 9]

- The inter-relationship between sustainable development and well-being needs to be specified in the Bill.

[Paragraph 10]

- The wording in Sections 6 (1) should be changed to:

*“Each public body is to pursue the common aim by fostering the achievement of well-being goals”.*

[Paragraph 11]

- Consideration should be given to widening the scope of public bodies covered by the Bill.

[Paragraph 12]

- The definition of Well-being goals and their description need to be revised to take account of the full range of issues necessary for sustainable development, in particular inclusion of reference to living within environmental limits and using only a fair share of the earth’s natural resources.

[Paragraph 13]

- In Section 6, the environment goal and descriptor should be re-drafted to ensure that more prominence is given to protection and enhancement of the environment as a way of ensuring the well-being of future generations.

[Paragraph 14]

- Consideration should be given to including references to environmental principles as enshrined in the Treaty on the

Functioning of the European Union and EU secondary legislation.

[Paragraph 15]

- Sections 8 (1) (b), 37 (4) (b) and 39 (1) should be supplemented by drafting as to where responsibility lies for assessing reasonableness as to the requirement to “take all reasonable steps.....” and the nature of that assessment.

[Paragraph 16]

- The Future Generations Commissioner and the Advisory Panel should be appointed by the National Assembly for Wales, rather than Welsh Ministers to ensure independence for Government and impartiality (Section 16 (2).)

[Paragraph 17]

- The general duty of the Commissioner needs to be clarified and strengthened. It is suggested that the following should substitute the drafting in Section 17:

(a) *To uphold the sustainable development principle by-*

(i) *acting as the guardian of the interests of future generations, and*

(ii) *ensuring that public bodies take greater account of the long term impact of the things they do*

[Paragraphs 18 and 19]

- Consideration needs to be given to including more references to climate change throughout the Bill, in particular in the goals. The Commissioner should also have specific responsibility under Section 18 (1) (d) for advising on sustainable development and climate change.

[Paragraph 20]

- In Section 20, UKELA is concerned about the obligation on public bodies that “must take all reasonable steps” as this may provide scope for a public body to reject a recommendation or to take an alternative course of action in response to a recommendation.

[Paragraph 21]

- Under Section 22, UKELA suggests that the legislation should be amended so that the Commissioner has a general duty to consult a wide range of bodies and individuals about the



Commissioner's work and a specific duty to consult on the contents of the annual report.

[Paragraph 22]

- In respect of Section 24, UKELA is of the view that representatives of local authorities, the economy and the voluntary sector should be statutory members of the Future Generations Commissioner's Advisory Panel and that an amendment to this effect should be made.

[Paragraph 23]

- As regards Section 24 (2) consideration should be given to providing for all advisory panel members to be able to nominate an alternate.

[Paragraph 23]

- The Bill should make it clear where accountability lies for ensuring effective implementation of local well-being plans.

[Paragraph 25]

- In Sections 37 and 39, "*take all reasonable steps.....*" should be replaced with "*.....must foster the meeting of those objectives....*" and "*.....must foster within its area the meeting of objectives.....*" respectively.

[Paragraph 26]

## **DETAILED ANALYSIS**

### **Overview**

4. UKELA welcomes the stating of the purposes and aims at the commencement of the Bill. This should assist with interpretation of the Act at the time of implementation. It also notes that this is relatively unique in UK legislation. UKELA is supportive of the purpose of the Bill and applauds the Welsh Government's quest to further its commitment to sustainable development by embedding the principle of sustainable development into the work of the public services in Wales. The Welsh Government, through this legislation, has the opportunity to lead globally in developing a public services culture in Wales that puts sustainable development at the heart of policy making and service delivery.
5. The quality of the environment is fundamental to the well-being of current and future generations in terms of their health, and social and economic well-being. Protection and enhancement of the environment should, therefore, be the central plank of the legislation so it is disappointing that it is not particularly prominent in the draft Bill. UKELA is concerned that there may be a danger that the social and

economic pillars of sustainable development could dominate, particularly in view of the prominence given to prosperity. If the social pillar pursues well-being objectives that are dependent to a significant extent on the growth of GDP then inevitably the social and economic pillars of sustainable development will be capable of dominating the environment pillar. Sustainable development requires solutions that achieve a balance between the three pillars and make the most of synergies between them.

6. The landscape and environment of Wales is exceptionally diverse and beautiful, and should be protected and enhanced for future generations. UKELA is further concerned that the Bill, as currently drafted, does not give sufficient prominence to the importance of the inherent value of the environment as opposed to its functional qualities. Nonetheless, without a healthy, thriving natural environment Wales will not be able to prosper economically, the health of its people would suffer and our culture, heritage and communities would be at risk. The environment underpins the health and well-being of communities, by providing resources and assets that have the potential to produce value and service the Welsh economy. In UKELA's view, the importance of the environment is underplayed and appears to be at odds with the proposals for the Environment Bill, which is concerned with natural resource management to ensure that our landscapes, water, land and other living resources are maintained and enhanced to support the development of communities and businesses. Protection and enhancement of ecosystem services is fundamental to the well-being of future generations. The Well-being of Future Generations Bill and the proposals for the Environment Bill are fundamental to sustainable development in Wales. It is important, therefore, that there is consistency and complementarity in terms of their key principles and policy objectives.
7. Another concern relates to the Bill's focus on processes, rather than the achievement of desired outcomes for the environment that will support healthy living, economic development, preservation of culture and communities for the people of Wales. The absence of outcomes in relation to the goals is worrying, particularly in the light of the report of the recent United Nations High Level Political Forum<sup>1</sup> which states that sustainable development goals are to be accompanied by targets focused on measurable outcomes.
8. The Welsh Government has the chance, through this Bill, to be innovative and unique in the way it takes forward sustainable development. However, the Bill in its present form is not particularly pioneering as most of what it contains has precedents in other international legislation. UKELA is offering its comments below to

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<sup>1</sup> [www.sustainabledevelopment.un.org/focussdgs.html](http://www.sustainabledevelopment.un.org/focussdgs.html) Introduction to the Proposal of the Open Group for Sustainable Development Goals U.N. 2014 (19 July 2014) Preamble @[18]

support the development of legislation that is truly ground breaking to serve the people of Wales and serve as a model for other administrations.

**Purpose, Aim, Sustainable Development Principle and Classification of Public Bodies**

9. The purpose of the Bill is commendable. It is fundamental for the Bill to achieve its purpose that it contains an appropriate definition of sustainable development. UKELA notes that the definition in the draft Bill is a modified and, in our view, a somewhat compromised version of the Brundtland sustainable development definition. It is disappointing that a definition of sustainable development in the context of the Welsh public service has not been included. The absence of a clear definition of sustainable development in respect of Wales could lead to varying interpretations of what the principle means in practice and may not achieve the overall aim of improving the economic, social and environmental well-being of Wales. UKELA believes that it would be better to adopt the definition of sustainable development included in “One Wales, One Planet”<sup>2</sup> which is as follows:

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

*Promote social justice and equality of opportunity; and*

*Enhance the natural and cultural environment and respect its limits using only our fair share of the earth’s resources and sustaining our cultural legacy.”*

This is a more comprehensive definition of sustainable development and one with which the Welsh public sector is already familiar. The definition also makes clear the importance of respecting environmental limits to the achievement of sustainable development.

10. It is recognised that the well-being duty reflects broadly that for local authorities which is enshrined (for Wales only, following the Localism Act 2011) in section 2 of the Local Government Act 2000. However, the bringing together of well-being with sustainable development could lead to a lack of clarity amongst those interpreting the legislation as to whether decisions are to achieve sustainable development or well-being, or where the balance should lie between the two concepts. It is important to specify the inter-relationship between sustainable development and well-being in the legislation, as this will provide the

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<sup>2</sup> <http://wales.gov.uk/topics/sustainabledevelopment/publications/onewalesoneplanet/?lang=en> One Wales: One Planet – The Sustainable Development Scheme of the Welsh Assembly Government. May 2009.

foundation for the follow up guidance, which should aim to ensure that those implementing the duty will have a clear understanding of the relationship between the two concepts. However, if the sustainable development definition suggested above in paragraph 9 is adopted, the connection between sustainable development and well-being would be clearer.

11. UKELA's main concern in relation to the duties for improving well-being is the relative weakness of the terminology in Section 6 (1), i.e. "Each public body is to pursue the common aim by seeking to achieve....." This is an easy duty to discharge and in legal terms would be difficult to challenge if a particular body was not diligent enough in carrying out their duties. It is suggested that an amendment be made to change the wording to:

*"Each public body is to pursue the common aim by fostering the achievement of the well being goals"*

would place a stronger duty on public bodies to achieve the legislation's intentions. As illustrated in Sections 6 (i) and 17 (a), implementation is highly contingent on the loose language contained in the Bill. It is important that the drafting is tight and clear to ensure there is no scope for avoiding taking forward the necessary commitment of sustainable development in order to ensure the well-being of future generations.

12. It is disappointing that the classification of public bodies in the Bill is quite narrow and does not cover the full range of public bodies operating in Wales or even those listed in the White Paper. In particular, UKELA is disappointed at the omission of Higher Education Institutions and community councils, as they are considered crucial to the achievement of sustainable development. Welsh universities are well placed to introduce sustainable development into curricula for numerous relevant course programmes, whilst community councils have an important role to play in ensuring sustainable development is embedded at local levels. The failure to include as wide a classification of public bodies as possible will inevitably lead to a disjointed approach to driving forward sustainable development, as those outside the scope of the legislation will not have the same impetus to achieve its overall aim.

### **Well-being Goals**

13. UKELA is of the opinion that neither the definition of well-being goals nor their descriptors address the full range of issues necessary for progress towards sustainable development to be assessed. It is possible that these goals may have been based on the National Well-being indicators published by the Office of National Statistics, only four of which relate to the environment. Collectively, these indicators amount to a narrow concept of sustainable development and UKELA is concerned about the considerable scope for their misinterpretation. The goals are also very similar to the vision of sustainable development in

“One Wales: One Planet”, the Welsh Government’s Sustainable Development Scheme, with the exception being a reference to environmental limits and use of natural resources. UKELA considers that reference should be included to respecting environmental limits and using only our fair share of the earth’s resources.

14. UKELA believes that the environment goal 2 in Section 6 simply referred to as “A resilient Wales” and described as “aiming for a bio-diverse environment with healthy functioning eco-systems that support social, economic and ecological resilience” is inadequate. The use of the phrase “A resilient Wales” is not particularly meaningful to most people and the accompanying description does not reflect the goal in any meaningful way. The word “resilience” implies withstanding shock. The dictionary definition refers to “being capable of regaining original shape following some sort of deformation” or “a person recovering from hardship or illness”. It follows, therefore, that this terminology will not be a readily understood goal in relation to protection of the environment and consequently technical interpretation may be difficult. Furthermore, UKELA is of the view that the goal and its description as currently drafted imply maintaining the status quo, rather than improving the environment for future generations. This is particularly the case, given the use of the word “support” in the description, which indicates an intention to sustain, rather than enhance, the environment in accordance with both the precautionary principle and also the higher level environmental principle enshrined in Article 3 of the Treaty on the Functioning of the European Union, referred to in the following paragraph 15. It is also important that this legislation supports the reforms that have been proposed for environmental law in Wales. The proposals in the Environment White Paper aim to ensure the “maintenance and **enhancement** of Wales’s natural resources”; we believe it would be better to use this terminology here.
15. The new approach to applying the sustainable development principles in Part 2, clause 8 (2) is helpful and unique in UK legislation. However UKELA is concerned generally about the absence throughout the legislation of reference to the environmental principles enshrined in the EU Treaty and the practices and standards incorporated in EU secondary legislation on the environment. In particular, there is no mention of the precautionary principle and the overarching EU principle that requires “a high level of protection and improvement of the quality of the environment” (Article 3 of the Treaty on the Functioning of the European Union). It is evident, therefore, that the goals and their descriptors present too narrow a framing of sustainable development.
16. UKELA is concerned about the wording in Section 8(1) (b) which states that [A public body must] “take all reasonable steps (in exercising its functions) to meet those objectives in accordance with the sustainable development principle”. It is unclear as to who will be assessing reasonableness and whether such an assessment would be subjective (i.e. does the relevant public body itself consider them reasonable) or

objective (i.e. would a [hypothetical] reasonable public body in the same circumstances consider the steps reasonable). Moreover, it would be helpful in legislative terms if it could be made apparent whether this is “reasonableness” in the common public law ‘Wednesbury’ sense or whether it is the steps themselves which must be reasonable.

### **The Future Generations Commissioner**

17. The appointment of the Commissioner (Section 16) by Welsh Ministers could give rise to perceptions of lack of independence and the appointment possibly being open to political interference, particularly in the light of clause 7 (2) of Schedule 2 which gives Welsh Ministers the power to dismiss the Commissioner. In the interests of impartiality and independence, UKELA is of the view that the appointment of the Future Generations Commissioner should be made by the National Assembly for Wales, rather than Welsh Ministers. Similarly, in order for the Commissioner’s Advisory Panel to be free from political influence, UKELA suggests that its appointments under Section 22 (2) should be made by the National Assembly.
18. The general duty of the Commissioner (section 17) is unclear in relation to whether the duty is to monitor the extent to which the well-being objectives are being met, or simply with respect to sustainable development. This is a fundamental point that needs to be addressed. UKELA is concerned that, in practice, the Commissioner will have limited powers and no wider powers to investigate areas of concern or possibly even question public bodies on their performance in relation to the legislation’s aim.
19. As mentioned above in paragraph 11, UKELA is of the view that the wording “seek to safeguard” in the specification of the duty of the Commissioner should be strengthened by changing to “foster the safeguarding of ...” as in legislative terms the words “seek to” is a very loose requirement and, in effect, an aspiration only. There is a danger that a Commissioner could take a narrow view of the requirement and consequently be insufficiently instrumental and effective as possible in helping to ensure that public bodies achieve the well-being goals. It is suggested that a more robust wording for the Commissioner’s role could be as follows:

*(a) To uphold the sustainable development principle by-*

*(iii) acting as the guardian of the interests of future generations, and*

*(iv) ensuring that public bodies take greater account of the long term impact of the things they do*

However, if the drafting of the Bill is amended to ensure a role for the Commissioner in respect of meeting the well-being objectives, rather

than sustainable development *per se*, the above suggested amendment will need to be adapted accordingly.

20. In 18 (1) (a), the reference to providing advice on climate change is noted. However, apart from mention of a low carbon emission economy in the goal of a prosperous Wales, there is no further reference to climate change elsewhere in the Bill. The single mention of climate change is indicative of a parochial approach. Overall, the Bill is very specific to Wales and its administrative and physical boundaries; we believe that account should be taken of Wales's impact on the UK and international situations and its contribution to the global effort. If it is envisaged that the Commissioner is to play a meaningful role in relation to climate change, UKELA suggests that this needs to be evident in the drafting, possibly by inclusion of a particular reference in the goals. As regards, 18 (1) (d), UKELA suggests that this should also include reference to advice being given on the sustainable development principle, as well as achievement of the well-being goals.
21. In respect of section 20 on the duty to follow the Commissioner's recommendations, UKELA is concerned again about the use of the wording "must take all reasonable steps". As currently drafted, a public body can avoid compliance with recommendations if it is satisfied on its own account that it has taken into consideration the guidance from Welsh Ministers. Therefore, publication of a response to the Commissioner's recommendations does not guarantee their adoption. The current wording could lead to the power of the Future Generations Commissioner being undermined and, even more importantly, dilute accountability for delivering the goals, whilst taking account of sustainable development. UKELA believes that the section provides scope for a public body to either reject a recommendation or to take an alternative course of action in response to a recommendation. This is worrying, particularly as the circumstances under which these courses of action can be taken are unclear.
22. Section 22 refers to the Commissioner's duty to consult the advisory panel, public bodies and other organisations and individuals. This is to be done before the annual report is published, but the purpose of the consultation is unclear. UKELA is unclear on the interpretation of public bodies in this context. If the legislation intends to empower the Commissioner to consult the wider public sector and non-governmental organisations, the drafting should make this clear. UKELA also suggests that the duty to consult should cover two aspects: first, a general duty to consult a wide range of bodies and individuals about the Commissioner's work and secondly, a specific duty to consult on the contents of the annual report.
23. The membership of the Commissioner's advisory panel (Section 24) covers the interests of children, older people, the Welsh language, public health and the environment. Although it is noted that Welsh Ministers have the power to appoint other persons, UKELA is concerned at the

absence of a member representative of the economy and suggests that the Bill should refer specifically to an individual, such as the Chair of the Confederation of British Industry in Wales, as a statutory advisory panel member. This will ensure a balance between social, economic and environmental interests. In the light of the key role public service boards and local authority scrutiny committees will have in the implementation and governance processes, UKELA considers that there should be representation from local authorities on the advisory panel. The voluntary sector also has a major part to play in helping achieve the desired legislative outcomes and should be represented on the advisory panel. UKELA, therefore, suggests that amendments to this effect should be introduced. UKELA has noted an inconsistency in Section 24 (2) whereby there is no provision for delegating for alternates in respect of the Commissioner panel members ( (2)(a), (b) and (c)).

### **Public Service Boards**

24. UKELA welcomes the requirement for local integration and is pleased to note that the proposed legislation details how this integration is to be brought about. Nevertheless, it needs to be recognised that the role of overview and scrutiny committees will be crucial to the success and effectiveness of the Local Well-being plans.
25. UKELA believes that the Bill should be amended to specify lead responsibility for accountability on implementation of local well-being plans. As currently stated (Section 44), annual progress reports detailing implementation are to be sent to overview and scrutiny committees, as well as to Welsh Ministers, the Auditor General Wales and the Future Generations Commissioner. However, a particular weakness is the failure to state where ultimate power for ensuring implementation of plans is effectively carried out.
26. In respect of local well-being plans (Section 37), public services boards, in the same way as public bodies, are expected to “take all reasonable steps.....”. The same argument set out in paragraph 15 above, applies here. It also applies in relation to community councils (Section 39). UKELA proposes that “take all reasonable steps.....” should be replaced with the stronger requirement of “.....must foster the meeting of those objectives.....” and “ .....must foster within its area the meeting of objectives on the local well-being plan that has effect in its area”, respectively. UKELA is concerned that, whilst community councils with gross income or expenditure over £200k p.a. are required to take steps towards meeting the objectives set out in local well-being plans, such bodies will not be subject to the general duty.



Professor Robert Lee      Dr Haydn Davies      Dr Victoria Jenkins  
UKELA Wales Working Party

**Well-being of Future Generations (Wales) Bill**

Evidence to the National Assembly Environment & Sustainability Committee

Prof Calvin Jones, Cardiff Business School

9/9/14

**Introduction**

Following is a summary of my thoughts and concerns regarding the Well-being of Future Generations (Wales) Bill (hence FGB) as set before the Assembly in July 2014. My (brief) evidence draws on some 25 years of advising policymakers in Wales, and undertaking academic research on, economic development here, focussing particularly on energy, sustainable development, tourism and sport.

I have been unable to restrict myself to a critique of the Bill in isolation, despite the thrust of your inquiry, for reasons that will become clear.

**The Bill**

In common with many other Welsh Government documents, strategies and policies the FGB is very good at outlining the principles for action and broad objectives (here largely for partner and to-be-created organisations and structures). It is very good on saying what *will* be done. What requires significant development (and quickly) are a number of areas:

- (1) **Conflicts and Synergies** – The objectives outlines in Table 1 of the Bill are interrelated, in interesting and complex ways. The actions an Authority might take to make Wales/a locality more 'resilient' may actually reduce 'prosperity' (encouraging use of more expensive but more local resources is a good example of this). There is no appreciation in the Bill (or in any wider Government policy) that these tensions exist. Table 1 just presents a list of 'things we'd like' with no appreciation that they are dimensions of the same socio-environmental landscape.
- (2) **Coherence** - There is no guidance on how overall coherence in movement towards objectives will be enabled. As, presumably, organisations will 'self-select' their area of concern and tools, there exists significant opportunity for organisations to hamper each other's progress. For example, Organisation A might construct (say) a new road or opencast mine in pursuit of its prosperity objective that impacts negatively on other organisations health or quality of life objectives in the same area.
- (3) **Supporting Conceptual Framework** – The above issues arise from the lack of any framing understanding of how Wales 'works' and how the economy, society and

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environment interact. The glacial progress toward an Ecosystems Services approach to policymaking might help here, but I suspect it may be way too late.

- (4) **Timescales** – Setting future wellbeing objectives for/within a Ministerial term is baffling. This gives no certainty for partner organisations or any space to enable transformative change. If this process cannot, somehow, be made independent of the electoral cycle it is hardly worth the candle.
- (5) **'Quality Assured' Approach** – The FGB laudably devolves responsibility for goal setting to partner organisations, but there is no indication of the origin and level of resources that will be allocated to ensure these organisations can undertake the complex evidence gathering (in terms of scenario building and futures as well as surveys) to ensure their objectives are reasonable, sustainable and practical. Without this extra evidence, one suspects that FGB requirements will be moulded into existing organisational objectives and result in little change in activity in reality. The Commissioner seems to be available only to scrutinise national indicators, but if she is to scrutinise all FGB plans and objectives, this will require a substantial office
- (6) **Future Trends** - Related to above Section 12, future trends report for Welsh Ministers, it is worth noting that the dedicated 'horizon scanning' capacity in Wales consists of one dedicated academic. One suspects that the default here will be to procure these reports commercially with therefore zero capacity building or increased engagement with/understanding of with the reality of environmental and economic change on the part of civil servants or Ministers
- (7) **Sanctions** – Nowhere here is there any indication of the sanctions facing Chief Executives or Ministers who fail in the duty of the Bill, or who fail to deliver their own wellbeing objectives. If failure here does not clearly lead to negative personal/career outcomes for responsible persons, there will be little incentive to upset applecarts and make real progress.
- (8) **Wider Institutional Change** - The Bill envisages the creation of Public Service Boards at LA level. Thought needs to be given as to whether there will be 22 of these to be merged when whatever happens following Williams happens, or will this happen post-any LA reorganisation? Similarly, no link from PSBs to City Regions is made despite the fact many objectives will in reality stand or fall at this spatial scale.

### **The Context**

Whilst the Bill is problematic in a number of areas, change and amendment is possible and to be expected. However, the context within which the Bill will be enacted is a far more fundamental concern. The following list some areas where I have particular worries.

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- (1) **Silos** – There is so far little indication that any Minister apart from Mr Cuthbert has any stake in the Bill or its vision. There are a number of instances of very recent policy pronouncements – the M4 relief road and the Green Economy Prospectus to give to examples – where responsible ministers are (or were) setting in train approaches and projects that would have decades long ramifications, fundamentally impacting on the nature and workings of the Welsh economy, but where FGB seemed to play no part in the decision process. Whilst the Bill is not yet law, it should not be beyond the wit of man (or woman) to prepare the policymaking process to make Bill-conformity easier.
- (2) **Past Progress**- The impact of long existing cross-cutting SD legislation & duties on Government approaches is difficult to discern. Real 'successes' in the field of sustainability are rare in Wales – the two highest profile, recycling targets and the plastic bag charge, arguably had more to do with the drive of a former minister than the impact of the Assembly's SD duty. I cannot say that the Governmental context into which the FGB lands is better than that existing pre-2010 in terms of enacting cross cutting, transformative legislation. The impression one gets, personally and in gauging peers' attitudes, is that WG is institutionally incapable of implementing cross-departmental programmes and policies.
- (3) **Goodwill** – Following closely from the above, it is my clear impression from my networks that since 2010 the current executive has frittered away the goodwill of a significant part of civic society, the third sector and NGOs in Wales – especially those who would be most helpful in working through the SD implications of the Bill. In a number of areas – M4 relief road; BREEAM standards for new housing; the effective capping of onshore wind capacity; Green Growth/economy interventions – the Government has rowed back from prior commitments; given very mixed signals on what are fairly clear environmental goods and bads; and been largely disinterested in collating or commissioning a robust evidence base for individual Ministers' policymaking. I have serious concerns that this disillusionment will impact on the wider engagement with FGB, especially in organisations that are not directly tasked. This is an issue for Wales where civic society is 'thin' and much is done *pro bono*. Frankly, if the government, rather than you, had asked me to spend a morning preparing this document I would have only done so if paid for it. I am pretty sick of wasting my time sitting in WG hosted meetings, that turn out in retrospect to be at best, pointless make-work for the bureaucracy, and at worst, a way to keep NGOs and academics distracted whilst the big decisions are made.

In summary then, the Bill is a bit ropey in parts, but the real drivers of its success will be:

- (1) the capacity to develop appropriate and holistic objectives, across a range of organisations and fully evidence based;

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- (2) the ability to develop and implement long-term, consistent interventions at Government as well as partner organisations
- (3) the ability of Welsh Government to embrace the *spirit* of the Bill across all Ministerial portfolios

Unless there is significant institutional movement, and investment in research, data and evidence prior to enactment, none of these hurdles will be passed.

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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).