



NATIONAL PARKS WALES  
Britain's breathing spaces

SD Bill Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ  
By Email: [sdbill@wales.gsi.gov.uk](mailto:sdbill@wales.gsi.gov.uk)

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## National Parks Wales' Response to the *Proposals for a Sustainable Development Bill*

National Parks Wales is grateful for the opportunity to respond to the Welsh Government consultation, *Proposals for a Sustainable Development Bill*. The three National Park Authorities (NPAs) in Wales work in partnership to collectively respond to policy issues with the potential to influence the management of Wales' National Parks. Legislation of this nature will undoubtedly influence the way in which Wales relates to and manages its National Parks and other protected areas.

This response has been informed by National Park Authority Members and Officers, who are able to draw from their expertise of working within the National Parks.

The proposal for a Sustainable Development Bill is welcomed in principle. National Parks Wales believes that the National Park Authorities - as a consequence of the purposes and duties of National Parks - continue to deliver sustainable development in practice.

However, we believe that for the Bill to be truly successful and relevant to the lives of everyone in Wales, and not just the protected areas, its integration with other emerging Bills (for instance the Bills for the Environment; Planning; Housing; and Heritage) will be of fundamental importance. The legislation must be complementary and not impose conflicting requirements on organisations since this will lead to confusion, a lack of transparency and ultimate failure to meet the aspirations of the Welsh Government.

The development of measurable indicators is essential to the success of this legislation. It is therefore necessary for all those involved to have ownership of this legislation and that it is legible, unambiguous, with clear end-results that are monitored, measurable and audited.



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

Uncertainty and annual budget cycles make identifying and securing budgets for invest-to-save initiatives (such as energy use reduction investments) more difficult.

The lack of expertise/knowledge, in particular from investment in research, development and innovation

Short-termism at both national and local level is a persistent challenge. Elected officials, companies (and their shareholders), even the general public tend not to plan for the long term. They prefer short-term gains, even if that contributes to middle-long term challenges/problems.

There is limited appreciation at national and local levels of how society is nested within its environment, and how the economy is a means of exchange not an end in itself. Hence sustainable development often resembles, in practical terms, business as usual.

There are difficulties in engaging a full cross-section of other groups/communities in decision making.

Decision-making in itself does not deliver SD – delivery of those decisions is the key and this is often beyond the control of the public sector alone. (ie role of private sector, markets, public behaviour, trends that influence delivery). It is very difficult to predict long term trends and behavioural changes which will influence decisions and to set suitable indicators to meet these “unknown” trends, for instance who would have predicted the impact of the Internet on our lives 15 – 20 years ago?

Within organisations “Silo” & professional mentalities can affect joined up decisions and particularly where budget allocation is departmentalised and political dimensions, rather than evidence-base, influences decision making (ie specific cabinet member remits which do not cross boundaries).

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

*It is difficult to prescribe an immediate solution – we work within the identified limitations.*

*For the longer term:*

*A change in behaviour is required by everyone with a continued emphasis on education. This generation of young people is more attuned to global issues than any other in history.*

*Agreement on SD principles across political divides.*

*Recognition by Government of the importance of and commitment to support scientific and engineering research and development.*

*Government, its Agencies and individuals embrace responsibility to work to improve social fabric and wellbeing of society creating vibrant sustainable communities (If people have no aspirations then there can never be sustainable development).*

*The Welsh Government’s approach to natural resource management is welcome – see also Q3.*



*Further research and analysis of future trends/behaviours and associated indicators of expected outcomes would assist – though this has to be done at all levels.*

*A statutory duty for public bodies (including the Welsh Government) to collaborate/co-operate would encourage cross boundary working and tackle the silo approach to decision making. At the very least the Government needs to request all public bodies to establish priorities and actions in a more coordinated manner and for those organisations to deliver more effectively. In a National Park context, this would provide Authorities with greater input into infrastructure and regeneration planning in particular; this would reduce public confusion, duplication whilst ensuring the delivery of the outcome outlined the Bill.*

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

*NPAs are responsible for production of the National Park Management Plan (NPMP), which requires consultation with a wide range of stakeholders across all sectors. The NPMP is the single most important document for the National Park. The Plan coordinates and integrates other plans, strategies and actions in the National Park that affect the two Park purposes and its duty. **The case study at the end of this response outlines how Sustainable Development is a central organising principle in the Plan (adopted as a guiding principle throughout the plan) and how this has been tested through Strategic Environmental Assessment.***

*The NPMPs set out a framework for sustaining some of Wales' most important social goods: opportunities to enjoy the rest of nature, get fit and healthy, enjoy great food, find satisfying employment, benefit from clean and secure energy sources, become self-reliant and build friendly, resilient communities. Linking back to Q2, sustainable natural resource management can in and of itself generate key economic and social policies, and bring about cultural change.*

Planning Policy Wales sets SD as its core principle and Local Development Plans are required to carry out a sustainability appraisal to ensure that they meet this objective. However, there is difficulty in setting indicators to measure success and for SD to be achieved a clearer idea of the objectives of SD needs to be given.

*At a local level NPAs attempt to influence Sustainable Development through Supplementary Planning Guidance such as the sustainable design guide and more directly through its planning powers by requiring the upgrading of existing properties when planning permission is sought (i.e. through a planning condition requiring energy efficiency improvements). However when appealed, for instance in cases involving Pembrokeshire Coast National Park Authority this approach has not been supported by the Planning Inspectorate. There must be a consistency in approach at all levels.*

*Support for schemes enabling sustainable development e.g. Sustainable Development Fund, Sustainable Development Charter sign up etc is evidence of progress. Currently collated data should provide a clear indication of progress.*

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

*National Parks Wales agrees that the duty should focus on the high-level strategies of an organisation. Corporate Strategy documents as well as Strategic documents influence decision making. In the case of a National Park Authority, the duty should be based on the following three key documents – The National Park Management Plan, the Local Development Plan and the*



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*Corporate Strategy or Annual Improvement Plan. For Local Authorities the duty should be focused on the Single Integrated Plan. These documents drive the decisions and activities of an organisation and by applying the duty at this level there would be an expectation that the work of the body would meet the requirements of the duty. The development of these strategic documents includes a strong element of public consultation, which would give the public the opportunity to comment on whether they consider that the plans meet the duty. In addition, these documents take a strategic view and can illustrate how an organisation adopts a holistic view to adopting the sustainable development duty.*

*It would be impractical to apply the duty to a lower level. A duty that is based on individual decisions would open up the possibility of regular challenges. It should be possible to illustrate how each decision has been taken under the framework provided by the strategic documents that meet the Sustainable Development duty.*

*There must however be realistic, clear, flexible and appropriate mechanisms for the delivery of SD at a lower level within organisations.*

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

*If the duty was applied to documents such as the Corporate Strategy or the Annual Improvement Plan then the duty would impact on an organisation's internal operations. This would influence the high level decision making affecting an organisation's CO2 footprint and other significant environmental impacts; i.e. procurement, travel planning & energy use.*

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

*National Parks Wales believes that budget proposals should be subject to the duty. Budget proposals are drawn up in support of/in order to deliver the priorities identified in high level plans. Some budget headings (eg for support services) will not in themselves be readily identifiable as in support of Sustainable Development. It is the consideration of SD behaviours & objectives in plan development and delivery of action and outcomes - and whether plans propose unsustainable activities - that will evidence whether SD has been a central organising principle.*

*Outcomes require critical assessment to correctly balance different needs including the need of sustainable development. This should then happen automatically by applying the duty through the organisation high level strategic planning process without subjecting the duty specifically to the budget proposals in their own right.*

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

*The behaviours identified appear appropriate. The challenge is to ensure these are integrated into short, medium and long term planning cycles. Of key importance is Long term thinking and this will continue to present challenges as outlined in our response to Q1.*

*Some rewording is required. For example, with regard to 'Long term thinking' should or could this read to be at the expense of the current generation? And what if prevention does not mean cost savings or in some situations there may be need to be a focus on a cure for long term sustainability.*



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

*The political/cultural or professional bias of organisations can affect the behaviour of the workforce.*

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

*They are reasonable behaviours that would be expected of any organisation. We would hope that this is happening already to a large extent; that these behaviours are applied to higher level decision making - though appropriate balance is essential.*

*It seems more appropriate that behaviours are treated as factors since they may help indicate the likelihood of an outcome but may not, of themselves, define that outcome. For example, a behaviour which was sustainable when world population was 1 billion may not be sustainable when population is 10 billion. It would make more sense to look at overall impacts and outcomes, while acknowledging that changing attitudes and behaviour is one means of influencing those impacts/outcomes.*

*Clarity, transparency and well justified, evidence based justifications are required to enable organisations to be confident enough to "buy into" the behaviours.*

*However, behaviours are subjective and not easy to measure in a meaningful way. Would there be any priority or weighting of behaviours? If so this would be extremely difficult to decide.*

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

- is consistent with one, some or all of the behaviours;
- broadly reflects the behaviours;
- is not inconsistent with the behaviours?
- are there other options?

*The suggestion as to whether decisions are lawful or not calls to question how a definition of SD is framed. At present, the suggested definition is open to considerable interpretation, and challenges on lawful decision making will be significant unless a more focussed outcome and indicator led approach is taken with clear, easily understood measures being set.*

*Clearly sustainable development delivery should be paramount in high level decision making; this should be reflected by the necessary balanced approach. Decisions should be consistent with one, some or all of the behaviours.*

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

*The list at paragraph 92 is welcome but remains human-centric. The intrinsic value of the environment and future generations of other species should also be reflected. 'Vibrancy of the economy' also seems to imply that economic activity is an end in itself, rather than a means of allocation and distribution.*

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



They would spell out SD objectives for higher level decisions and provide *clarity and transparency for everyone to work toward the necessary behavioural changes.*

Their wording is too subjective making it difficult to measure compliance. Would there be some priority or rating attached to each one? If not, it is difficult to see how each high level decision could apply each SD objective as well as including other factors when reaching a decision.

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

*Adv - Guides the decision making process to maintain focus on SD and keep its profile high when in competition with other important factors/pressures, therefore ensuring inclusion in high level strategies and plans.*

*Adv - Enables organisations to consider a range of key behavioural factors in the drawing up of high level actions and strategies. This should better enable the delivery of sustainable objectives and outcomes. Also facilitates a balanced approach.*

*Disadv - However, this remains too subjective, difficult to measure or enforce compliance, and no identified mechanism to differentiate priorities. Everything cannot be equal or no decisions would ever be reached.*

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

*The proposition must be achievable, yet ambitious.* The areas of responsibility for National Park Authorities are outlined in two Purposes included in the 1995 Environment Act. These provide strong direction to the work of the three NPAs while at the same time providing a degree of flexibility to adapt our work to the needs of our local communities. A similar approach to the Sustainable Development duty could work effectively.

*Another approach to this issue involves defining sustainable development 'in reverse', i.e. in terms of addressing **unsustainable** outcomes/behaviours (through policy/legislation/incentives). This would also focus attention on tracing and addressing root causes, rather than symptoms.*

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

*Some organisations are already working within a SD framework, so timescales will vary dramatically. We suggest this will depend on the time required to clear any obstacles identified.*

*Sufficient time will be needed to change core strategies and plans but irrespective of this the expected outcomes must firstly be clearly defined by the Welsh Government in a manner which can be easily and transparently transferred to those strategies.*

*National Park Authorities are already delivering many of the objectives outlined owing to our statutory purposes and duty.*

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

*Yes, especially since a new approach is proposed.*



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

*The Welsh Government will lend authority to the guidance initially, though subsequent guidance and advice could be provided by the SD body.*

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

*Consistency at all levels – legal, policy and guidance – is required to ensure clear, transparent and consistent delivery.*

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

*Yes - for NPAs this should occur through current Strategic Grant Letter and Business Improvement Plan reporting. Incorporating SD reporting in existing annual reporting makes SD a central priority in NPA business planning, reporting and WAO auditing. **Additional reporting mechanisms and requirements should be avoided at all costs.***

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

*Commons Councils*

*Cadw (considered as part of the Welsh Government?)*

*Planning Inspectorate (considered as part of the Welsh Government?)*

*Design Commission for Wales*

A number of public sector organisations outsource their activities to either voluntary or private sector organisations. The legislation should ensure that the duty is not minimised or avoided, when this happens.

*An argument can be made for including the utilities such as Dŵr Cymru and the electricity companies, and others operating in Wales such as the National Grid and MoD. These are for the purposes of the s62(2) Duty (1995 Environment Act) regarded as bodies that have to have regard to National Park and AONB purposes in undertaking their work.*

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

*A clear definition with outcomes that are measurable, which is agreed between (and adhered to across) the public sector in Wales is essential for successful delivery.*

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

*It recognises natural and cultural limits in undertaking sustainable enhancements for quality of life improvement. However it's too general to focus on enabling successful delivery.*

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



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*If created the "expert advice & guidance model" should be followed. The body's purpose should be that of a "critical friend"; an advisor and advocate for SD.*

*The new body could appoint local champions/advocates already working in the bodies independently highlighted as exemplars. Such an approach would provide credibility, reduce duplication and assist delivery. These could be handed the responsibility of reporting to the new SD body and disseminating good practice.*

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

*As a "critical friend" to Welsh Government; providing advice to other organisations; coordination of information sharing relating to SD, and as an advocate for SD*

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

*We favour an approach where the Wales Audit Office monitors the delivery of the duty - formalising and prioritising the agreed definition of SD within the wider auditing of an organisation's activity.*

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

*The body should have an independent position whether it be through the Auditor role or as a new organisation. Those appointed must act without prejudice and remain impartial, balancing the needs of local communities with those of the nation and future generations.*

## Case Study – National Park Management Plans and Local Development Plans

The three Welsh NPAs are required by statute to apply Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), and Habitat Regulations scoping and/or assessment of their National Park Management Plans and Local Development Plans.

All local authorities are required to apply these assessment methodologies to their Local Development Plans. However, National Parks are distinctive in that their local economies, and what people value about the Parks themselves, are more fundamentally and obviously based on landscape and seascape, on the natural environment, on cultural heritage and on people's enjoyment of them. The high value placed on these assets emerged strongly from stakeholder engagement during preparation of the three National Parks' Management Plans and Local Development Plans, as well as through the economic input-output 'Valuing our Environment' methodology which has also been applied to the three Welsh Parks.

The Management Plan includes outcome information (relating to progress on National Park purposes), as well as information on the principal factors affecting the National Park and on the impact of management measures. In this, the Management Plan incorporates 'state of the Park' information as a key aspect of management. This helps us to design management policies, and to evaluate their effectiveness and overall sufficiency. The Management Plans provide context for the Local Development Plan, which is evaluated through Annual Monitoring Reports.



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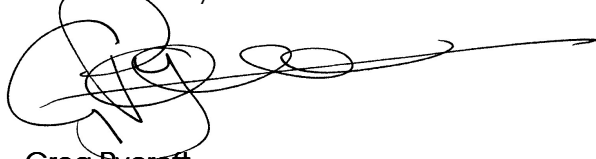


The main purpose of SA/SEA is improve the sustainability and environmental performance of a plan by assessing whether it is likely to result in any significant environmental effects (positive or negative). Recommendations as to how adverse effects can be avoided, offset or reduced, as well as how improvements can be made, should be suggested. A programme to monitor significant effects is required in order to check whether the SA/SEA has been accurate in its predictions.

The Management Plans and Local Development Plans are therefore geared towards the sustainable economic use of natural resources and cultural assets. The approach of National Park Authorities, we believe, demonstrates a potential approach to local and national resource planning, as proposed by Welsh Government in the *Living Wales: Natural Environment Framework*.

If you have any questions, please do not hesitate to contact me in the first instance.

Yours sincerely



**Greg Pycroff**  
Policy Officer, National Parks Wales



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