

Sustainable Development Bill Team  
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Dear Sir/Madam

## **Consultation on proposals for a Sustainable Development Bill**

### **1. Introduction**

The Campaign for National Parks (CNP) is the charity that campaigns to protect and promote National Parks in England and Wales as beautiful and inspirational places enjoyed and valued by all. It has been in existence for over 75 years. CNP's work in Wales is informed by CNP Cymru, which includes representatives from each of the National Park Societies and other bodies such as CPRW and the National Association of AONBs. The National Park Authorities in Wales and National Parks Wales have observer status.

National Parks are the finest landscapes which have been granted the highest level of protection. The statutory purposes of National Parks are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Parks

In pursuing these purposes, National Park Authorities (NPAs) also have a statutory duty to foster the economic and social well-being of communities living within the National Park. In those cases where there is a conflict and reconciliation proves impossible, the first purpose should take precedence.

In responding to this consultation we have focused on the implications of the proposals for the long-term future of the protected landscapes (National Parks and AONBs) and associated seascapes of Wales.

In Wales, National Parks comprise about 20% of the country's land mass and therefore have a vital role to play in sustainable development. They already contribute significantly to the well-being of the nation, through protection of the landscape, wildlife and key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. National Parks are inspiring spaces for people to enjoy and improve their health and well-being, whilst making a significant contribution to the economy of Wales through farming, tourism and other related businesses. CNP believes that the nationally designated landscapes of Wales should be maintained as distinctive and unique tracts of countryside, which are also adaptable and resilient to future pressures such as climate change. National Parks already make a significant contribution to the delivery of sustainable development and much of that success is attributable to the high quality of the landscape itself.

The success referred to in the previous paragraphs must be maintained and built upon and must not be put at risk by the changes proposed in the Sustainable Development Bill. To ensure that this happens it is essential that:

- The significance of protected landscapes is specifically emphasised in the proposed Bill as a key sustainable development factor; and
- The statutory framework within which they operate is maintained.

## **2. Our response to the consultation questions**

### **Question 1 – What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]**

We broadly support the intention to make sustainable development the central organising principle of the Welsh Government and public bodies in Wales, the principle of having a sustainable development duty and the creation of an independent sustainable development body for Wales. However, we have some concerns about how this new duty would work in practice, particularly with regard to the relationship between this duty and the statutory purposes of National Parks. Further details of our concerns are set out in response to question 2.

We particularly welcome the fact that the new duty will seek to influence both behaviours and objectives as both are crucial to achieving sustainable development. However, we believe that greater clarity is needed as to the level at which the duty will apply as the duty will only be effective if it operates through all levels of decision making at both a corporate/strategic level and a day-to-day operational level. It should also cover budgets and procurement.

### **Question 2 – What are your views on the proposals for an independent sustainable development body? [Chapter 3]**

We support the principle of an independent sustainable development body. However, we believe that there needs to be greater clarity about its relationship with National Parks and with Natural Resources Wales. In particular there is a need to address the powers it would have over decisions made by the bodies which are subject to the new duty or how much influence its representations would have over other decision-making bodies. For example, if a National Park Authority (NPA) made a decision about a National Park which the sustainable development body viewed to be incompatible with the sustainable development duty would the NPA be required to

change their position even if the outcome was a decision that did not comply with the statutory purposes of National Parks? It is important to bear in mind that NPAs already have a duty to foster social and economic well-being of local communities as well as their duties relating to the natural environment so they are already taking account of sustainable development in their decision-making and we would not want to see the creation of this new body weaken the protection provided to National Parks.

It is also essential that the body is adequately resourced and is totally independent of Government. One way of ensuring that the body is independent but still accountable would be for the Assembly to take on the role of approving the work programme which is proposed for Ministers.

To undertake its role effectively the body must be able to scrutinise the activities of Government, the private sector and the third sector as well as public sector organisations.

**Question 3 – What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body? [Chapter 4]**

The phasing and implementation timescales seem reasonable, as this should allow public bodies time to prepare, and for experience and good practice to be gathered and disseminated in preparation for implementing the duty.

**Question 4 – What are your views on the proposals to improve the accountability framework for sustainable development in Wales? [Chapter 5]**

It is essential that the accountability framework is set up with clear indicators of success which can only happen if there is a clear agreed definition of, and outcomes for, sustainable development from the outset (see q5 for further information on our views about a definition). There needs to be a clear mechanism for measuring success against these indicators to ensure that the new duty is delivering sustainable development outcomes.

**Question 5 – We have asked four specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views.**

We welcome the fact that the Welsh Government has decided to put a clear definition of sustainable development in the Bill. However, we are extremely concerned that the wording for such a definition is absent from the White Paper. There must be a clear and unambiguous definition of sustainable development in the legislation. This should include reference to living within environmental limits and give full recognition to the special qualities and particular vulnerabilities of protected landscapes. We are particularly concerned that the well-established concept of 'living within environmental limits' has been replaced by the more ambiguous concept of 'wellbeing'.

The section [paragraphs 2.16 – 2.18] on the definition seems to suggest that the Brundtland definition is favoured, though it is not entirely clear. Whilst we support the generality of that definition, we consider that it is too general and does not give a sufficiently clear idea of what sustainable development is about. We would, however,

favour the use of the Welsh Government's own definition set out in paragraph 1.9, i.e.

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

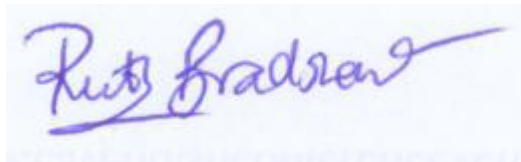
- promote social justice and equality of opportunity; and*
- enhance the natural and cultural environment and respect its limits – using our fair share of the earth's resources and sustaining our cultural legacy.*

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

It manages to identify all the key elements of sustainable development in such a way as to give a sufficiently clear message on the face of the Bill as to its scope. It will still need interpretation and the statutory guidance will be crucial in doing that.

We trust that these comments will be helpful in the further development of a Sustainable Development Bill. We would be pleased to continue working with the Welsh Government and other partners as the plans for this Bill progress to ensure that National Parks can continue to play a key role in delivering sustainable development in Wales.

Yours sincerely



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