



Royal Town Planning Institute  
Cymru (RTPI Cymru)  
PO Box 2465  
Cardiff  
CF23 0DS  
Tel +44 (0)29 2047 3923  
email [walespolicy@rtpi.org.uk](mailto:walespolicy@rtpi.org.uk)  
Website: [www.rtpi.org.uk/rtpi\\_cymru](http://www.rtpi.org.uk/rtpi_cymru)

5<sup>th</sup> September 2014

e-mail response sent to: [ES.Comm@wales.gov.uk](mailto:ES.Comm@wales.gov.uk)

Dear Sir/Madam,

**Response to: The Environment and Sustainability Committee inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.**

Thank you for the opportunity to comment on the above Bill. The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,100 members. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

This response has been formed drawing on the expertise of the RTPI Cymru Policy and Research Forum which includes a cross section of planning practitioners from the private and public sectors and academia from across Wales.

The provisions of the Well being of Future Generations (Wales) Bill are fundamental to the delivery of sustainable development. Statutory duties and governance themes are key to its implementation. Planning has a significant role to play in delivery of sustainable development and is already embedded into town and country planning legislation, guidance and decision making.

While we believe this Bill is well intentioned, we feel that there is a risk that its purpose and value is unclear when considering against disciplines such as town and country planning, particularly in light of the emerging Planning (Wales) Bill. See our response to the draft Planning (Wales) Bill (February 2014) - [http://www.rtpi.org.uk/the-rtpi-near-you/rtpi-cymru/policy-in-wales/wales-legislative-programme/planning-\(wales\)-bill/](http://www.rtpi.org.uk/the-rtpi-near-you/rtpi-cymru/policy-in-wales/wales-legislative-programme/planning-(wales)-bill/). The objectives and proposals contained within the Well being of Future Generations (Wales) Bill need close scrutiny against other Bills, legislation and policy changes. There is potential for confusion with planning and plans, overlap with current Bills, and cross cutting themes that take no account of each other. Common themes / objectives will strengthen delivery in disciplines such as town and country planning. However, legislation along with its roles, and the roles of the implementers need to be clear to ensure that the best intentions are realised.

Our response below addresses each of the terms of reference for the inquiry.

If you require further assistance, have any queries or require clarification of any points made, please contact RTPI Cymru on 029 2047 3923 or e-mail Roisin Willmott at [walespolicy@rtpi.org.uk](mailto:walespolicy@rtpi.org.uk)

Yours sincerely,



Dr Roisin Willmott MRTPI  
**Director**  
**RTPI Cymru**

### **Putting sustainable development at the heart of government and the public sector.**

We question the clause in Part 3 (20) of the Bill as introduced, whilst reasonable and practical it does not place sustainable development at its heart because it provides two conditions whereby the authority does not need to follow the course of action in a recommendation made by the Commissioner. Instead we would suggest that an opportunity for negotiation and justification between the Commissioner and the Authority should be built in.

RTPI Cymru believes that the independence of the Commissioner for Future Generations, appointed by the National Assembly rather than Welsh Government (WG), would enhance his/her powers and ability to hold both WG and the public sector to account.

The relationship between the well intentioned aims and objectives of this Bill need close scrutiny against other Bills and legislation, for example the emerging Planning (Wales) Bill and Environment (Wales) Bill because there is much overlap and there are risks that these Bills include cross cutting themes with no reference or acknowledgment of each other. For example in the draft Planning (Wales) Bill, it was proposed to have Place Plans at the community level; these are completely different to the proposed Local Well-being Plans (LWP) under the Well-being of Future Generations (Wales) Bill and could lead to duplication, over-complication and even disengagement at the community level.

The inclusion of a wide remit of organisations and interests including the health boards, community councils, fire service and police authorities is important.

### **General principles of the Well-being of Future Generations (Wales) Bill and need for legislation**

The approach of the Bill is explicitly simple in outlining its planned outcomes or goals. These are common across authorities and demonstrate an impact focus based on sustainable development objectives and principles. (Chapter 3 (7.1) of the Explanatory Memorandum)

The approach of measuring these goals, use of indicators, assessments, plans and annual reports is to be supported because this will help the development of cost benefit analysis.

Paragraph 43 of the Explanatory Memorandum states the Bill will give effect to the WG'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."* We note the commitment to sustainable development is also set out in the WG's Programme for Government. In the Welsh planning system, the principle of sustainable development is well established within Planning Policy Wales which includes the "presumption in favour of sustainable development". With so much legislation coming forward for Wales it is important that inter-relationships with existing and proposed town and country planning legislation and duties/obligations for Local Planning Authorities (LPA) are not diluted or confused.

It is important to ensure that these same principles are also applied to development outside of planning control.

Paragraph 195 of the Explanatory Memorandum recognises the establishment of Natural Resources Wales (NRW) to take forward the 'Natural Resource Management' approach under the forthcoming legislative support of the Environment Bill. NRW has an established role in the Local Resilience Forums and as a Flood Risk Management Authority yet it is unclear in this Bill how requiring NRW to be a statutory member of the Public Services Boards would "help to link LWP and Local Development Plans (LDP) more closely". While it is a worthwhile aspiration, there is no explanation of the WG's thinking behind this. What obligations and service delivery standards would be placed on NRW in order to ensure that this is an effective mechanism? If this aspect is not considered properly, the different legislative requirements of LWPs and LDPs, plus competing interests within organisations, has the potential for delaying the preparation and adoption of LDPs.

Instead we believe that it should be stipulated that the Local Authority representation should include Local Planning Authority (LPA) interests directly.

Clarification on the linkages between LDP and LWP is needed. What is the relationship between LWPs and Place Plans which were set out in the consultation document 'Positive Planning for Wales' published December 2013. It is also worth noting that the consultation 'Wales Rural Development Programme 2014-2020: Final Proposals' in April 2014 also explored the idea of 'Village Development Plans' to address issues such as local needs and poverty. It is vital that there is joint working across the disciplines at both the outset and implementation of such plans to ensure there is no duplication and to maximise efficiency.

In Northern Ireland the 2011 Planning Act has created a statutory link between community planning and land use planning through the plans that are produced, thus embedding a system in which the two plans are developed and implemented side by side.

What would the timescales be for preparing LWPs? Whilst there is reference to annual reporting and monitoring, there does not appear to be any reference to plan preparation timescales. If programmes for LWPs are not prescribed or actively managed, this could cause potential problems in their relationship with LDP preparation and LPA delivery plans for those documents, particularly if they are to work effectively together for an area.

The development of a Commissioner will help strategic delivery across government departments within Welsh Government.

There is no clarification at present between the aims of this Bill and Local Authorities' requirement to prepare LDPs, which contain sustainable development measures (including nationally set objectives noted in the LDP Manual p80 - <http://wales.gov.uk/docs/desh/publications/060707ldpmanualen.pdf> along with the Local

Authorities' requirement to prepare an Annual Monitoring Report which demonstrates how they are meeting objectives.

The explanatory memorandum refers to the requirements for community planning and for public service boards to improve the long term economic, social and environmental well-being of communities. Proposals for economic, social and environmental improvements will inevitably manifest themselves spatially in terms of land use and development. However, the explanatory memorandum fails to consider the land use planning implications of this proposed obligation or how this would be translated into the preparation/review of LDPs and the way that planning applications are determined.

The well-being goals listed in the table at paragraph 67 of the Explanatory Memorandum are reasonable; however, this does raise the question whether there is a risk of duplication of efforts in disciplines such as town and country planning or whether the common themes will strengthen delivery. Planning has a significant role to play in the delivery of sustainable development and this should be explained. It should be much more explicit how land use planning impacts on each of the six goals listed and how it can contribute, through the Planning (Wales) Bill and subordinate plans and strategies, towards achieving these goals. This is particularly important given the subsequent paragraph 68 of the Explanatory Memorandum intends "that the well-being goals set out a long-term framework to enable sustainable development to be embedded at the heart of public bodies".

Many of the pressures which challenge the achievement of well-being in Wales are inter-related and also have a spatial dimension. A much greater spatial awareness and intelligence will improve the decisions that are made, and the consequences for the everyday lives of people and communities. At present the Well-being of Future Generations (Wales) Bill makes no attempt, through definitions, process or structures and governance to address spatial factors.

Looking critically at each goal, again whilst they are reasonable and well intentioned, there is a risk that the intentions in paragraphs 69 and 71 (of the Explanatory Memorandum) are not fully achieved in the current drafting of each goal and associated description. We question whether the goals provide greater clarity. Do they provide for greater coherence for activity across the public service? Are they more than just a wish list? Do they provide a coherent governance and scrutiny structure which is important to delivery? And finally, would they result in a sustainable Wales which respects environmental limits, or are there other levers which need reviewing or greater acknowledging that have an equal, if not greater role in respecting environmental limits, for example the land use planning system.

Section 7.3 of the Explanatory Memorandum on the application of the sustainable development principle is well intentioned, but it fails to actually deal with the practical element of application. Instead, the section reads very theoretical and well intentioned, which is saying what ought to happen, rather than how it will happen and taking things to the practical implementation and delivery level. Whilst we support and agree with Section 105 of the Explanatory Memorandum, this is another example where the Bill should be less ambiguous and ambitious than "it is not intended that public bodies set separate well-being objectives which relate solely to the well-being goals in addition to their existing objectives (i.e. as contained in their corporate or business plan), rather than the requirements of the Bill are incorporated into existing corporate governance and business planning processes".

### **Addressing Welsh international obligations in relation to sustainable development**

Sustainable development is an international theme and it is important to ensure consistency in definitions, wording, sharing common goals and objectives at a higher level. It is both encouraging and supported that the Brundtland definition of sustainable development and background information to its development in the UK is used in the document. To avoid any

confusion and uncertainty, this definition should be explicitly stated at the outset and this should be consistent with other National Assembly and WG related plans, strategies and documents, to ensure that common misconceptions and miss understandings are left behind. The Bill needs to be clear and provide leadership on how the goals and objectives set should take account of trans boundary effects. Local Service Boards can help to assimilate cross cutting themes across boundaries and this should be made an explicit duty.

### **Potential barriers to the implementation of provisions**

Resources, lead in times, finance, staffing, local government reorganisation are considered to be opportunities and threats. We believe that one of the greatest risks is a lack of willingness associated with culture, facilitation, and that the provisions of this Bill are not viewed as an additional burden or paper exercise in this time of financial restraint but an essential part of long term planning. This means that the Bill and any subordinate guidance/instruments are clear on the actors who can, and should, be involved, together with a clear timetable/framework for what is required, by whom, when, and what review / monitoring is required. Clear definitions are therefore critical.

The Bill has an all encompassing 'well-being' remit, and is therefore ambitious and reflective of the thirty year development of sustainable development in the UK. Whilst the Bill may be viewed as a dilution of environmental policy by some, it should be made clear that achieving 'well-being' will not come about through corporate goals, objectives and indicators and that environmental factors, along with economic and social aspects, are of importance.

One of the main potential barriers to be faced will be the culture of sectors and society as a whole, and this should be acknowledged as a challenge, with a set of mechanisms put in place to deliver implementation/tackle assessments and plans on the ground at practice level, including institutional, legislative reform and a change in existing funding mechanisms.

### **Unintended consequences arising from the Bill**

As alluded to in previous question responses, there is concern that the Bill potentially duplicates ongoing work and forthcoming proposals, such as the Planning (Wales) Bill and Environment (Wales) Bill. It is essential that there is an ongoing dialogue between representatives in different departments within WG and Authorities, so that aims, objectives and outcomes, including national indicators, are targeted at the relevant subject areas and officials, to avoid repetition in data gathering and implementation efforts. A potential example of duplication is the 'Sustainable Development Indicators' that are part of the Strategic Monitoring Framework - <http://wales.gov.uk/topics/planning/policy/dear-cpo-letters/strategic-monitoring-sd-indicators/?lang=en> for the planning system. They measure the contribution the planning system makes to delivering sustainable development in Wales. There is a danger in this sense that this well-intentioned Bill becomes another paper exercise of completing a report or proforma annually, with little meaningful progression in advancing efforts.

The recommendations on not placing additional burdens on smaller Town and Community Councils (TCC) seems fairly reasonable, given the longer term savings (principles of sustainable development - long term, integrated, collaborative) but has the role of these bodies been fully thought through when applying the financial threshold in paragraph 148 of the Explanatory Memorandum? For example, many TCCs are being given additional responsibilities in many Local Authorities as a result of financial constraints. This includes transferring play areas, parks and open spaces to their control; just one example of an area which is related to sustainable development principles (health, inequality/poverty, ecosystems) but would otherwise be excluded from consideration here. Whilst it is agreed that burdens should not be placed on such organisations, surely there is still a role for such groups, even if it less prescriptive or demanding than for larger bodies (could a proportionate

scale of input / involvement be applied?) The contribution of less affluent community councils in assessing and planning for local wellbeing could potentially have significantly more benefits.

We have concerns over the capacity of some TCCs and therefore their ability to effectively engage and deliver. Training and guidance would help TCCs develop competencies and better engage.

### **Financial implications of the Bill**

As stated previously, the risks of the Bill and its requirements being viewed as a resource heavy paper exercise with limited review, feedback or meaningful inclusive - engaging opportunities, requires consideration.

It is discouraging to note that the PWC report, as referenced in the Explanatory Memorandum, provided insufficient evidence to make substantive conclusions on the cost savings given the remit, recommendations and conclusions of the WG pilot project across six Wales authorities on implementation of adaptation measures to climate change. Costs analysis of benefits is the key to all authorities in this current era of reform.

The role of the Commissioner and the Board also needs greater definition and transparency/reporting mechanisms. For example will the role be objective and/or target setting? How will another Commissioner work within existing structures and what additional gains or benefits will they contribute?

### **Appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation**

Clarification is needed on LWPs, the remit of these plans and other linkages and/or overlaps with planning. A legislative framework organogram would be useful to set the context of the Bill alongside other legislation, in particular the draft Planning (Wales) Bill and its recommendations which include the National Development Framework, Strategic Development Plans, Local Development Plans and Community Place Plans.