

Proposed Wellbeing and Sustainable Development (Scotland) Bill

Introduction

A proposal for a Member's Bill to ensure policy development and implementation by public bodies is in line with principles of sustainable development and wellbeing by introducing a duty for public bodies to promote these principles and establishing a Commissioner for sustainable development and wellbeing.

The consultation runs from 14 December 2022 to 24 March 2023

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No Response

About you

Please choose whether you are responding as an individual or on behalf of an organisation.
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Professional with experience in a relevant subject

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation.

Most of my professional life has been spent delivering environmental regulation and thinking about sustainable solutions.

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf).
(Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

James Curran

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

[REDACTED]

Aim and approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Q1. Which of the following best expresses your view of the proposed Bill? (Please note, that this question is compulsory.)

Partially supportive

Please explain the reasons for your response.

Overall aim is unquestionably valuable. Some concerns about some technical detail.

Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

There is much available guidance on sustainable development, but it is confusing and lacks consistency and deliverability. Too many options are left open and available, and there is no prioritisation. So - new legislation may stimulate wider public consideration and create a consolidated and more practical definition: one which can drive the essential change to our societal development.

Q3. Which of the following best expresses your view on whether 'sustainable development' should be defined in legislation?

Partially supportive

Please explain the reasons for your response, including any views on what the definition should include.

The definition must avoid the concept of "trade-offs" which are deeply damaging. For this reason it must avoid the mind-model of the three intersecting circles (Venn Diagram) with the central overlap representing "sustainability". This fosters a mind-set that trading between the three sectors is acceptable, or indeed almost inevitable. A new definition must enshrine the concept of "multiple benefits": that every development must deliver for the environment, for society and for the economy. The mind-model of three concentric circles is much preferable: the underpinning circle is environment, within that lies society, and within that lies economy. Environment is fundamental and supplies the essential ecosystem services upon which our lives and lifestyles rely. This mind-model is certainly challenging, but inherently stimulates creativity and innovation, which are necessary for sustainability - in order to break from traditional thinking. An essential assumption is that the economy is a social construct and can be directed to suit our societal needs. It is a truism that a healthy economy requires a healthy society which requires a healthy environment. That's the basic concept to embody in a useful future definition.

For the concept and definition of sustainability to be operationalised, in practical terms, then some simple tests must also be provided - either in the Act or in supporting statutory guidance. The tests should be few in number, simple to apply, and compliance readily measurable and demonstrable. For example, LINK has proposed 5 key tests for green action in public policy (See: <https://www.scotlink.org/wp-content/uploads/2020/05/5-Tests-for-a-Green-Recovery-Final.pdf>). Similar tests could be adopted for the other two components of sustainability. In the model of sustainability suggested here, then a positive result must be delivered across each of the three components.

Q4. Which of the following best expresses your view on whether 'wellbeing' should be defined in legislation?

Fully supportive

Please explain the reasons for your response, including any views on what the definition should include.

It is fundamentally important to ensure total separation of the three sustainability elements in evidence gathering for compliance. Economic benefit, as we know all too well, will look after itself - it is totally ingrained in our current political thinking. There is a need to develop a small range of key wellbeing

Q4. Which of the following best expresses your view on whether 'wellbeing' should be defined in legislation?

measures that can be measured and tested against established standards. Detrimental social impact, like environmental impact, can easily become overly complex. So it is crucial to have a small number of key locally-applicable indicators that can determine compliance, or non-compliance, with sustainability. What might these be? Perhaps measures such as health benefit, safety and security, education, equalities and human rights, and local engagement.

Q5. Which of the following best expresses your view on whether there should be a Commissioner for sustainable development and wellbeing?

Partially supportive

Please explain the reasons for your response, including any views on what the key functions of the proposed Commissioner should be (see pages 19 to 20 of the consultation document), what model of governance could be adopted (see page 22 to 23), and whether the Commissioner could play a role in strengthening existing duties or legislation.

A commissioner must have sufficient power to investigate not only public but also private sector delivery against sustainability criteria, where any standards, of any nature, are required by, and enforced by, a public body, or supported by public funding, or public services are provided. The Commissioner must have sufficient independent and investigative authority to seek evidence of compliance, or non-compliance, within the definition and tests of sustainability.

The recent appointment of the Scottish Biometrics Commissioner would be a useful model to consider. However, it is essential that the role and remit of a sustainability commissioner is not limited to the public sector. The Commissioner be given significant oversight powers, so has improvement measures in organisations that are seen to be failing in sustainability performance can be enforced. If a commissioner is appointed they must also be given suitable and significant resources to allow them to fulfill their role.

Q6. What, in your view, should the title of the proposed Commissioner be?

Please explain the reasons for your response.

No Response

Q7. Which of the following best expresses your view on whether there is a need for duties for public bodies to promote sustainable development and wellbeing in policy development and implementation?

Fully supportive

Please explain the reasons for your response including views on any barriers to implementation of these duties and on how the effectiveness of implementation could be measured.

It is indicated in the Annex, but not adequately explored, about how the definition of "sustainable economic growth" should also be defined. The Regulatory Reform (Scotland) Act 2014 places a duty on regulators to "contribute to achieving sustainable economic growth". This ill-defined term creates doubt and fosters potential inability to ensure concerted and agreed focus and demonstrable delivery. It must be addressed within the proposed a Bill in order to provide a link to the definition of sustainable development itself.

Financial Implications

Q8. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

a significant reduction in costs

Please explain the reasons for your response, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.

Considering the longer-term and wider society and economy, then ensuring that sustainable decisions are made now, and in the future, will deliver overall financial advantage. This will include fostering more future-focused, productive, internationally competitive and successful businesses as well as substantially reducing the increasingly adverse impacts and associated costs on society of environmental, ecological and climate collapse.

Equalities

Q9. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.

Please explain the reasons for your response and if there are any ways you think the proposal could avoid negative impacts on particular people.

No Response

Sustainability

Q10. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.

Do you think the proposal could impact in any of these areas? (If you do not have a view then skip to next question)

Please explain the reasons for your response, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

My earlier response proposes that any actions must deliver multiple benefits - which must be measurable. For this reason, it may not be helpful to embed the concept of "planetary limits". These limits are conceptually valuable, but lack very rigorous definition and, in any case, operate at planetary level. So, how can they be useful in defining appropriate local action? It would be preferable to ensure, in any workable definition, that measurable benefit must be delivered at all scales, most certainly locally, to environment, to society and to economy.

General

Q11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

The 1987 Brundtland Definition "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" is also very difficult to put into practice operationally. Again, it is valuable conceptually but may encourage the grasping at potential future technological developments as a reason to claim sustainability. Arguably, ideas such as carbon capture and storage or hydrogen as a widespread fuel, are already diffusing and delaying the urgent focus on immediate sustainability action now, not at some potential point in the future.