

National Assembly for Wales
Enterprise and Business Committee

Active Travel (Wales) Bill

Stage 1 Committee Report

May 2013



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

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Enterprise and Business Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Tel: 029 2089 8025

Fax: 029 2089 8021

Email: Enterprise.BusinessCommittee@wales.gov.uk

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The Committee was established on 22 June 2011 with a remit to examine legislation and hold the Welsh Government to account by scrutinising its expenditure, administration and policy, encompassing economic development; transport and infrastructure; employment; higher education and skills; and research and development, including technology and science.

Current Committee membership



Nick Ramsay (Chair)
Welsh Conservatives
Monmouth



Mick Antoniw (from 24.04.13)
Welsh Labour
Pontypridd



Byron Davies
Welsh Conservatives
South Wales West



Keith Davies
Welsh Labour
Llanelli



Dafydd Elis-Thomas
Plaid Cymru
Dwyfor Meirionnydd



Julie James
Welsh Labour
Swansea West



Alun Ffred Jones
Plaid Cymru
Arfon



Eluned Parrott
Welsh Liberal Democrats
South Wales Central



David Rees
Welsh Labour
Aberavon



Ken Skates (until 24.04.13)
Welsh Labour
Clwyd South



Joyce Watson
Welsh Labour
Mid and West Wales

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The Committee's recommendations

The Committee's recommendations to the Minister are listed below, in the order that they appear in this report. Please refer to the relevant paragraphs of the report to see the supporting evidence and conclusions:

Recommendation 1. We support the general principles of the Bill and recommend that the Assembly agrees them. (Paragraph 108)

Recommendation 2. We recommend that the Minister makes provision in the Bill for the procedure to be followed by the Welsh Ministers before issuing or reviewing guidance. In particular, this should include a requirement on the Welsh Ministers to consult on the draft guidance and to lay a draft before the Assembly. (Paragraph 112)

Recommendation 3. We recommend that implementation of the design guidance issued under the Bill should be mandatory. (Paragraph 114)

Recommendation 4. We recommend that the definition of "active travel route" should include reference to facilitation of shorter journeys in order to more accurately reflect the policy intention stated in the Explanatory Memorandum. We further recommend that designation of localities in which active travel routes may be situated should be primarily based on the potential for journeys to be made by active means rather than population. However, we recognise that population may be useful in prioritising limited resources. As such, we recommend that, where population is used, it should apply to the combined population of groups of smaller communities and not simply the size of individual settlements. (Paragraph 133)

Recommendation 5. We recommend that the term "otherwise than for wholly recreational purposes" be removed from section 2(4)(a), which would enable local authorities to have regard to local needs, subject to guidance given by the Welsh Ministers. (Paragraph 146)

Recommendation 6. We recommend that further consideration be given to the wording of section 2(4)(a) to identify criteria which more closely and explicitly reflect the actual needs of active travellers.

Specifically, consideration should be given to the use of the words “continuous, direct, safe and comfortable for walking and cycling”. We believe that these words more closely reflect the needs of walkers and cyclists and that they should be explicitly reinforced at least in guidance given under section 4. (Paragraph 156)

Recommendation 7. We recommend that the Minister issues guidance under the Bill to assist local authorities in identifying appropriate “related facilities”. On the issue of crossings, we seek assurances from the Minister that, regardless of their classification within section 2(5), crossings should be considered essential elements of routes, and that local authorities will be expected to take account of this when mapping and improving the active travel routes. (Paragraph 167)

Recommendation 8. We recommend that clear guidance be developed on the use of shared routes based on robust evidence and consultation with all relevant interest groups, including disabled groups and walking and cycling organisations. This guidance should be developed as far as possible by agreement with these groups. We further recommend that the use and impact of shared route provision be monitored to provide a sound body of evidence on which to base any future review of guidance. (Paragraph 182)

Recommendation 9. We recommend that the Minister reduces the period provided in section 3(4)(a) for the submission of “existing routes maps” from three years to one year, and that he brings forward an amendment at Stage 2 to this effect. (Paragraph 219)

Recommendation 10. We recommend that guidance issued under section 5(2) sets out clearly the steps local authorities will be expected to take regarding the wider promotion of maps, including examples of best practice, where relevant. (Paragraph 238)

Recommendation 11. We recommend the Minister clarify how the duty under section 6 relates to wider local transport planning priorities, and the relative priority to be given to active travel and non-active travel schemes, and to guidance contained in manuals. We further recommend that the Minister clarify how this will be made clear to local authorities and Regional Transport Consortia in their preparation of both Regional Transport Plans and of annual delivery plans. (Paragraph 251)

Recommendation 12. We recommend the Minister includes a definition of “continuous improvement” in the Bill, [similar to that provided in the Explanatory Note] for the sake of absolute clarity and to avoid any future misinterpretation of the term. (Paragraph 267)

Recommendation 13. We believe it would be beneficial to make reference on the face of the Bill to details of how continuous improvement will be measured and of the minimum requirements that local authorities will be expected to meet in order for them to comply with this duty. To give effect to this, we recommend that the Minister brings forward an amendment at Stage 2. (Paragraph 269)

Recommendation 14. We recommend that section 8 be amended to include a presumption that there will be enhanced provision made for walkers and cyclists in schemes for the creation or improvement of highways. It would be the responsibility of the highway authority to rebut the presumption and to justify why provision for walkers and cyclists is not enhanced in any given highway scheme. (Paragraph 284)

Recommendation 15. We recommend that a definition of ‘walkers and cyclists’ that makes explicit reference to persons with disabilities who use wheelchairs and other mobility aids, is included in the Bill. We further recommend that the Minister brings forward an amendment at Stage 2 to this effect. (Paragraph 297)

Recommendation 16. We recommend that the Minister considers extending the section 9 provision to include other vulnerable users. (Paragraph 298)

Recommendation 17. We recommend that the financial estimates on which the Bill is based are updated and made available in time to inform the Stage 3 process. In doing so, we expect the Minister to address more thoroughly the cost of mapping existing routes and to set out the basis on which the costs for mapping continuous improvement have been calculated. (Paragraph 329)

Recommendation 18. We recommend that an impact assessment of financial costs and benefits should be undertaken when developing guidance under the Bill and that this should be made publicly available. (Paragraph 330)

Recommendation 19. We recommend that guidance to local authorities issued under the Bill includes how permissive routes are to be shown on “existing routes maps” and “integrated network maps”, and how to engage with landowners on matters relating to permissive routes. (Paragraph 341)

Points of clarification

In addition to the aforementioned recommendations, the Committee seeks clarification from the Minister on a number of issues to inform the remaining stages of scrutiny of the Bill. These are as follows:

1. We seek further clarification from the Member in charge on how he will ensure the necessary level of co-ordination and accountability across portfolios between the promotion of walking and cycling and the delivery of the Bill and accompanying Active Travel Action Plan.
(Paragraph 28)
2. We seek clarification on the steps being taken to ensure design guidance given under the Bill complements wider highway construction guidance.
(Paragraph 114)
3. It is unclear whether “integrated network maps” are intended to be used more widely as a source of information for, or a means of, promoting the active travel network to the wider public. As such, we seek further clarification from the Minister on this issue.
(Paragraph 207)
4. We agree with the Minister that a regional approach to mapping is something to be encouraged and seek clarification on why it is not explicitly provided for in the Bill. We also seek clarification on how he envisages a regional approach to mapping will work in practice.
(Paragraph 209)
5. We seek clarification from the Minister on the rationale for enabling local authorities to revise their maps within the required three year period without the approval of the Welsh Ministers. (Paragraph 222)
6. We are concerned that the practical and financial implications for local authorities of producing maps in accessible formats have not been fully considered, and we seek further assurance from the Minister on this issue.
(Paragraph 239)
7. We seek clarification from the Minister on the relationship between the duty on local authorities to make “continuous improvement” and the process of review and resubmission of “integrated network maps”.
(Paragraph 270)

1. Introduction

Background

1. On 18 February 2013, the then Minister for Local Government and Communities, Carl Sargeant AM (“the Minister”), introduced the Active Travel (Wales) Bill¹ (“the Bill”) and made a statement in plenary the following day.²
2. Following a Cabinet reshuffle in March 2013, the First Minister wrote to the Presiding Officer to notify her that John Griffiths AM, Minister for Culture and Sport, had been authorised as the new Member in charge of the Bill.
3. The Assembly’s Business Committee agreed to refer the Bill to the Enterprise and Business Committee (“the Committee”) for consideration of the general principles (Stage 1), in accordance with Standing Order 26.9. The Business Committee agreed that the Committee should report to the Assembly by 24 May 2013.

Scope of the Committee’s scrutiny

4. The Committee agreed the following framework within which to scrutinise the general principles of the Bill:

To consider:

- i) whether there is a need for a Bill to deliver the aim of enabling more people to walk and cycle and generally travel by non-motorised transport;
- ii) the key provisions set out in the Bill and whether they are appropriate to deliver the stated aim;
- iii) potential barriers to the implementation of the key provisions and whether the Bill takes account of them;
- iv) the financial implications of the Bill;

¹ Active Travel (Wales) Bill, available at:

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?IId=5750>

² RoP, 19 February 2013, available at:

http://www.assemblywales.org/docs/rop_xml/130219_plenary_bilingual.xml#62572

NB: unless otherwise stated, subsequent references in this report to RoP refer to the proceedings of the Enterprise and Business Committee

- v) the level of detail provided on the face of the Bill compared to that which will be contained in future guidance.

The Committee's approach to evidence gathering

5. The Committee consulted widely, issuing an open call for evidence through the Welsh media and the Assembly's website, and invited key organisations with a subject area interest to submit written evidence to inform our work. A list of those who submitted written evidence is available at the end of this report.

6. We also took oral evidence from a number of witnesses – further details are attached at the end of this report.

7. In addition, on behalf of the Committee, the Assembly's External Communications Outreach Team conducted a survey amongst children and young people seeking their views, opinions and habits with regard to active travel. We would like to thank all of those who responded to the survey and to extend our thanks to the Outreach Team for undertaking this work. A summary of these responses can be found at:

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=6747>

8. In reporting on the Bill, we have taken account of the views of all those who gave evidence to the Committee and have sought to reflect the key issues raised in evidence.

9. The Committee is grateful to all those who have provided evidence. Their contribution has been invaluable during our consideration of the Bill.

10. The report that follows details the conclusions and recommendations the Committee has reached based on the evidence received during the course of our work.

2. Background

The Assembly’s legislative competence to pass the Bill

11. The powers enabling the Assembly to pass a Bill in relation to active travel are contained in subject 10 (Highways and transport) of Schedule 7 to the Government of Wales Act 2006 (“GoWA 2006”): “Highways, including bridges and tunnels. Street works. Traffic management and regulation. Transport facilities and services.”

Purpose of the Bill

12. The Explanatory Memorandum accompanying the Bill states that:

“The purpose of the Bill is to require local authorities to continuously improve facilities and routes for pedestrians and cyclists and to prepare maps identifying current and potential future routes for their use. The Bill will also require new road schemes (including road improvement schemes) to consider the needs of pedestrians and cyclists at design stage.”³

Policy objectives of the Bill

13. The Explanatory Memorandum states that:

“The Bill will reinforce the idea of active travel as a viable mode of transport and a suitable alternative to motorised transport for shorter journeys. We want to have better information provision, and better forward planning processes, which allow a more strategic use of funding and drives activity so that it is focused on promoting active travel.”⁴

14. It goes on:

“The ultimate aim of the Bill is to create an environment where it is safer and more practical to walk and cycle than it is at present.”⁵

15. The Bill also aims to “enable more people to walk and cycle and generally travel by non-motorised transport.”⁶

³ Explanatory Memorandum, p5

⁴ Explanatory Memorandum, p11

⁵ *ibid*

16. The Explanatory Memorandum further explains that the Welsh Government wants to “make walking and cycling the most natural and normal way of getting about.”⁷

17. It states that increasing rates of walking and cycling will directly contribute to the Welsh Government’s overall aims set out in the Programme for Government, specifically:

- Better health for all with reduced inequalities;
- Reduced poverty;
- Becoming a “One Planet Nation” placing sustainable development at the heart of government; and
- Strengthening the conditions which enable businesses to create jobs and sustainable economic growth.

⁶ Explanatory Memorandum, p9

⁷ *ibid*

3. Ministerial responsibilities

18. As mentioned in Chapter 1, John Griffiths AM, Minister for Culture and Sport, replaced Carl Sargeant AM, the then Minister for Local Government and Communities (a portfolio which included responsibility for transport) as Member in charge of the Bill following the Cabinet reshuffle in March 2013. While the Minister for Culture and Sport has been given responsibility for promotion of walking and cycling, the reshuffle transferred responsibility for the transport portfolio to the new Minister for Economy, Science and Transport.

19. At its meeting on 24 April, the Committee questioned the Minister for Culture and Sport on the extent to which it was appropriate for him to assume responsibility for the Bill, given the nature of his portfolio.⁸

20. In particular, Members raised a concern that one of the reasons the Welsh Government's Walking and Cycling Action Plan had been of limited success was because the delivery of, and funding for, the Plan had been divided between Ministerial portfolios. This issue of portfolios was touched upon by Sustrans Cymru at the 18 April meeting of the Committee. In commenting on the need for local authorities to co-ordinate across departments to deliver the aims of the Bill, it stated:

“...the recent [Welsh Government] Cabinet shuffle has not helped on this matter and has raised concerns about how this will work in practice. There is a commitment to make it work from Ministers, and we will follow that with close interest.”⁹

21. Similar views were expressed by Ramblers Cymru who questioned whether active travel is considered part of, or additional to the wider transport strategy.¹⁰

22. While there were no other comments received from respondents on this issue, this may be as a consequence of the timing of the change in Member in charge as opposed to the significance of the issue and its implications for the delivery of the Bill.

⁸ RoP, paragraphs 8 - 18, 24 April 2013

⁹ RoP, paragraph 192, 18 April 2013

¹⁰ RoP, paragraphs 67 - 68, 18 April 2013

Evidence from the Minister

23. In commenting on the division of Ministerial responsibilities as they relate to the Bill, the Minister for Culture and Sport asserted that the Bill was cross cutting but is “a very good fit” with responsibilities within his portfolio, in particular sport, access to the countryside and coastal access.¹¹ The Minister also reported that he had responsibility for the promotion of walking and cycling. He stated:

“It is absolutely right that we retain active travel as a central part of the transport department and the overall transport strategy and policy...I have a role in promoting and encouraging active travel...I have a wider role, which will continue across time, in order to achieve behavioural change and a modal shift.”¹²

24. The Minister also explained:

“In terms of funding and mainstreaming within the transport department, it is right to say that transport officials and the Minister for transport will have a major role to play in driving this forward...However, we work very closely together as Ministers across the Welsh Government, and I will be working closely with the Minister for transport in taking this legislation forward.”¹³

25. The extent of the role of the Minister for Economy, Science and Transport became clear as the Minister stated that approval of “existing route maps” and “integrated network maps” (see Chapter 5, Sections 3 and 4) would be the responsibility of the Transport Minister.¹⁴

Our view

26. We acknowledge the recent Cabinet reshuffle and subsequent change in Member in charge of the Bill, which took place part way through the Stage 1 scrutiny process. The division of Ministerial responsibilities is a matter for the First Minister and, as such, is not an issue the Committee would normally wish to comment on. However, we have some concerns that the division of responsibilities in relation

¹¹ RoP, paragraph 11, 24 April 2013

¹² RoP, paragraph 135, 24 April 2013

¹³ RoP, paragraph 16, 24 April 2013

¹⁴ RoP, paragraph 133, 24 April 2013

to this Bill could have implications for its delivery, as the responsibility for promoting walking and cycling, including the Bill, rests with the Minister for Culture and Sport (the Member in charge) and the responsibility for implementing and funding the Bill rests with the Minister for Economy, Science and Transport. Given the ultimate desire to ensure that walking and cycling is given serious consideration as a mode of transport, and not simply as a leisure or sporting activity, it seems contradictory that the Bill was not retained by the Minister with overall responsibility for transport.

27. On a more practical note, we are concerned that the Member in charge of the Bill will not be responsible for its delivery and funding, once enacted. We do not question the commitment of the Minister for Economy, Science and Transport to ensuring the success of the Bill. However, we believe it is important that the necessary priority is afforded to the Bill in the longer-term in order for its full potential to be realised.

28. The evidence we received emphasised strongly the need to actively promote walking and cycling alongside the Bill in order to ensure its success. Given the aforementioned division of Ministerial responsibilities, **we seek further clarification from the Member in charge on how he will ensure the necessary level of co-ordination and accountability across portfolios between the promotion of walking and cycling and the delivery of the Bill and accompanying Active Travel Action Plan.**

4. General principles

The need for a Bill

Evidence from respondents

29. There was widespread support in evidence for the general principles of the Bill and the aim of improving active travel rates in Wales. A minority of respondents questioned whether a legislative approach was necessary to achieve the stated aims, and one organisation opposed the Bill.

30. Reasons given in support of the Bill included the following:

- it is an important statement by the Welsh Government that it is committed to progressing the active travel agenda and a positive first step in achieving that aim;
- the lack of progress made in improving walking and cycling rates through existing non-statutory measures, in particular the Welsh Government’s Walking and Cycling Action Plan;
- the role of active travel in helping address physical inactivity and the potential benefits of walking and cycling to health and well-being;
- the potential economic benefits and improved access to jobs and training;
- the potential environmental benefits, including carbon reduction, reduced congestion and pollution;
- the potential community benefits, including social inclusion;
- the need to enhance walking and cycling infrastructure and to make it safer for people to travel actively.

31. Those representing local government highlighted the progress made, to date, in improving the walking and cycling network. However, there was general recognition that further work was necessary to bring about the significant changes that the Welsh Government was seeking to achieve in this policy area.¹⁵

¹⁵ Written Evidence AT2

32. In supporting the need for the Bill, Ramblers Cymru stated:

“[It has] the potential to improve, consolidate and maximise the positive impact of existing and new measures by bringing active travel to the forefront of transport and planning decision making.”¹⁶

33. On a similar note, Sewta stated:

“[the Bill would] provide a statutory basis upon which local authorities can take forward the active travel agenda. It also confirms the status of active travel on a par with other transport modes covered by previous legislation.”¹⁷

34. The above view was echoed by the Royal Town Planning Institute Cymru.¹⁸

35. Professor Colin Pooley suggested that the Bill “is an important first step, providing a clear marker that the Welsh Government is taking this issue seriously.”¹⁹

36. As mentioned above, a number of respondents highlighted the potential health and public health benefits of improvements in active travel rates. Sustrans Cymru described the Bill as having the potential to be “the most effective public health intervention in Wales since the smoking ban”.²⁰

37. The National Institute for Health and Care Excellence (NICE) emphasised that physical activity can reduce risk of heart disease, stroke, cancer, obesity and type 2 diabetes, as well as maintaining musculoskeletal health and mental well-being. It also suggested that the benefits of pleasure, independence and exposure to outdoor environments were particularly beneficial for people with disabilities.²¹

38. The National Obesity Forum for Wales and Royal College of Physicians suggested that the Bill could help tackle obesity in Wales.²² The effect on childhood obesity was identified as potential benefit by

¹⁶ Written Evidence AT10

¹⁷ Written Evidence AT5

¹⁸ Written Evidence AT38

¹⁹ Written Evidence AT9

²⁰ Written Evidence AT1

²¹ Written Evidence AT30

²² Written Evidence AT6 and AT28

the Children’s Commissioner for Wales.²³ The Sustainable Design Partnership pointed out that the Netherlands, where active travel rates are significantly higher than in Wales, has an obesity rate of 10 per cent compared with nearly 25 per cent in the UK (although no evidence of a causal link to active travel rates was provided).²⁴

39. In relation to potential economic benefits associated with the Bill, the British Medical Association (BMA) Cymru cited evidence that regular cyclists take an average of 1.3 fewer sick days per year, saving the UK economy £128m per year. It also reported that a 20 per cent rise in cyclists by 2015 could save the NHS £52m in costs.²⁵

40. Living Streets referred to evidence of the economic benefits on the high street as a result of reduced motorised traffic volumes and congestion, and because people on foot tend to “linger longer and spend more”, which it suggests can boost trade by up to 40 per cent.²⁶

41. On the issue of potential environmental and community benefits, the Institution of Civil Engineers pointed to the contribution that the Bill could make to the Welsh Government’s carbon reduction targets.²⁷ Keep Wales Tidy highlighted reduced congestion and pollution. It stated schools have reported improved attendance and punctuality following the introduction of walking buses.²⁸

42. The South West Wales Integrated Transport Consortium (SWITCH) identified social inclusion and air quality as benefiting from the Bill,²⁹ while Tŷ Ffynon Iwan (TraCC) points to potential improved town environments.³⁰

43. Notwithstanding the broad support in evidence for the Bill, concerns were raised by some respondents about the approach adopted and whether it would be effective in achieving the stated policy aims. These issues will be addressed later in the report.

44. As mentioned, a minority of respondents questioned the need for the Bill, in particular given local authorities’ existing obligations to

²³ Written Evidence AT21

²⁴ Written Evidence AT32

²⁵ Written Evidence AT17

²⁶ Written Evidence AT11

²⁷ Written Evidence AT44

²⁸ Written Evidence AT31

²⁹ Written Evidence AT3

³⁰ Written Evidence AT45

map and improve rights of way; and to take account of the need for provision for walking and cycling in transport and land use planning more generally.

45. The Chartered Institute of Logistics and Transport (UK) Cymru Wales questioned whether placing statutory requirements on local authorities to deliver walking and cycling provision is “onerous”. It suggested that a more appropriate way forward would be for the Welsh Government to update its *Walking and Cycling Action Plan*, which is due to expire in 2013.³¹

46. On a similar note, Country Land and Business Association (CLA) stated:

“We are not convinced by the need for a Bill. The aspirations for improvement could also be met by a dedicated programme coupled with appropriate funding.”³²

47. The British Horse Society (BHS) opposed the Bill on the basis that it applies only to walkers and cyclists and does not extend to equestrians who are also “vulnerable road users”. It raised specific concerns about the unintended consequences of the Bill, as drafted, for equestrians. These concerns centred on the potential risk that the Bill will reduce off-road provision for equestrians and force horses and their riders on to the road, increasing the risk of collision and injury.³³

Evidence from the Minister

48. The Explanatory Memorandum states:

“The aim of the Bill is to enable more people to walk and cycle and generally travel by non-motorised transport. We want to make walking and cycling the most natural and normal way of getting about. We want to do this so that more people can experience the health benefits, we can reduce our greenhouse gas emissions, and we can help address poverty and disadvantage. At the same time, we want to help our economy to grow, and we want to take steps that will unlock sustainable development.”³⁴

³¹ Written Evidence AT36

³² Written Evidence AT41

³³ Written Evidence AT20, AT20a and AT20b

³⁴ Explanatory Memorandum, p9

49. It highlights the deficiencies in existing arrangements as follows:

- lack of priority given to the development of suitable infrastructure to support active travel, which is not always given serious consideration as a mode of transport;
- lack of clear standards for walking and cycling routes, which may impact on user confidence and discourages modal shift;
- lack of sustained investment in pedestrian and cycling routes, with a project-based rather than a strategy-led approach to investment;
- limited information available to potential users about safe active travel routes.³⁵

50. In emphasising the need for the Active Travel (Wales) Bill, the Minister told the Committee that policy interventions made to date to encourage active travel have “had minimal effect”.³⁶

51. According to the Explanatory Memorandum, the *Walking and Cycling Action Plan Annual Report 2009-10* showed a “marginal increase in the number of people walking to work” and “no overall change in the percentage of people for whom the main mode of travel to work is cycling”.³⁷

52. The Minister reported that, while some local authorities had taken “positive action” in this area, the “only way” to bring about the necessary changes was by legislating.³⁸

53. At the 24 April meeting, the Minister further emphasised the need for the Bill and stated:

“...it is absolutely right that we make it clear how seriously we take the need to get more people in Wales walking and cycling, and that we do so through primary legislation, which makes very clear the Government commitment to this agenda. It will take an extended period of time to get the necessary change,

³⁵ Explanatory Memorandum, p9 – 10

³⁶ RoP, paragraph 9, 6 March 2013

³⁷ Explanatory Memorandum, p9

³⁸ RoP, paragraph 24, 6 March 2013

and I think that primary legislation embeds policy over a significant period of time because it is not easily overturned.”³⁹

54. In commenting on the appropriateness of extending the Bill to include equestrians, the Minister pointed out that the aim of the Bill was to increase walking and cycling for “purposeful travel” such as going to work, using public services and shopping. He stated:

“We do not consider that horse riders other than on a very isolated basis would be using their horses for purposeful travel.

[...]

“We have to concentrate our resources in terms of this legislation and our wider efforts on what will create and encourage substantial and significant change.”⁴⁰

The need for additional measures to bring about improvements in active travel

Evidence from respondents

55. Despite the widespread support for the Bill, many respondents emphasised the need for additional measures to bring about significant improvements in this policy area. It was generally felt that improvements to infrastructure, combined with “behaviour change measures”, was the most effective way to achieve the policy aim.

56. While supportive of the Bill, Professor Pooley stated:

“A much more significant package of measures is necessary to create an urban environment where a significant proportion of the population feel confident cycling and believe that walking or cycling are the obvious and sensible choices for everyday travel.”

57. And:

“It is argued that to achieve any significant increase in levels of walking and cycling it is necessary to reverse the balance of power between different transport modes. In short, it is necessary to make car travel by short trips in urban areas more

³⁹ RoP, paragraphs 29 – 30, 24 April 2013

⁴⁰ RoP, paragraphs 20 – 22, 24 April 2013

difficult and, most crucial, make it feel abnormal and exceptional.”⁴¹

58. Professor Pooley identified a number of key policy changes necessary “to achieve the levels of active travel currently seen in some north-west European countries”. They are as follows:

- make the urban environment safe for cyclists and pedestrians;
- make pedestrian routes as welcoming as possible to increase footfall;
- introduce effective restrictions on traffic speeds, parking and access on all residential roads and other specific routes;
- change the system of liability on roads used by the public to protect cyclists and pedestrians;
- change the spatial structure and organisation of the built up environment, enforced by planning legislation, to make accessing common services and facilities on foot or bike easy;
- make wider societal and economic changes to give people the flexibility to travel more sustainably; and
- change the image of cycling and walking.⁴²

59. Some of the above would require a change in existing Welsh legislation and/or policy, whereas others would require changes at a UK Government level (and are either not devolved to the Welsh Ministers or outside the Assembly’s legislative competence). A significant number of respondents emphasised the importance of combining improvements to infrastructure with “softer measures” to promote and encourage active travel.

60. In its submission, Sustrans Cymru stated:

“Evidence shows that providing new routes is simply not enough to deliver the culture change desired...combining new

⁴¹ Written Evidence AT9

⁴² *ibid*

infrastructure alongside softer measures has the greatest impact in increasing levels of walking and cycling.”⁴³

61. It raised a concern that the Bill fails to make provision for such measures.⁴⁴

62. On a similar note, Living Streets raised a concern that there is insufficient focus in the Explanatory Memorandum on “the Welsh Government’s wider approach to changing attitudes towards walking and cycling”. It suggested that the Bill should also include provision to “enable and support behaviour change”.⁴⁵

63. Similarly, the Royal College of Physicians stated:

“...the Welsh Government should ensure that the Bill is accompanied by a range of softer incentives to encourage people to travel by foot or by cycle, included targeted support for underrepresented groups; meaningful engagement with both current and future walkers and cyclists; and robust detailed guidance for local authorities. We also recommend that the Welsh Government encourage all major employers, including hospitals, to provide changing facilities and showers. This will contribute to a change in culture and will help to normalise cycling.”⁴⁶

64. In commenting on the extent to which the key provisions in the Bill are the most appropriate way of delivering the policy aim, Living Streets stated:

“We believe the key provisions of the Bill must be expanded to recognise the broader policy changes required in order to deliver the aim of the Bill.”⁴⁷

65. In particular, Living Streets emphasised the need for the Welsh Government to support local authorities in the implementation of 20mph limits.⁴⁸

⁴³ Written Evidence AT1

⁴⁴ Written Evidence AT1

⁴⁵ Written Evidence AT1 1

⁴⁶ Written Evidence AT28

⁴⁷ *ibid*

⁴⁸ *ibid*

Evidence from the Minister

66. The Minister has made clear his intention to develop “The Active Travel Action Plan” to support the delivery of the Bill. According to the Explanatory Memorandum:

“[The Active Travel Action Plan] will set out the broader work programme that the Welsh Government will be carrying out to support our objectives of increasing rates of active travel, including the behavioural change measures and non-infrastructure measures as well as supporting infrastructure development.”⁴⁹

67. The Active Travel Action Plan will supersede the current Walking and Cycling Action Plan 2009-13.

68. At the 24 April meeting, the Minister made clear he did not believe it was necessary for the Active Travel Action Plan to be placed on a statutory footing. He argued the “most productive approach” to taking forward the Plan was through partnership working with local authorities and others.⁵⁰

69. In commenting on the need for additional measures to bring about significant improvements in active travel, the Minister stated:

“...I accept that there has to be an effort that goes beyond the legislation, what the legislation will produce and the action plan...However, what I think that we will see through this legislation is a much better and more widespread appreciation of these issues in the round...Crucially, the message will be very clear to the general public that we are serious about creating the infrastructure, conditions, information and awareness that will lead to substantial behavioural change. It has to be a much bigger effort but this legislation will be a very important part of achieving the action plan.”⁵¹

⁴⁹ Explanatory Memorandum, p43

⁵⁰ RoP, paragraph 40, 24 April 2013

⁵¹ RoP, paragraph 32, 24 April 2013

Guidance

Background

70. The Bill contains no regulation-making powers, but does contain powers for the Welsh Ministers to issue statutory guidance or directions. It provides little indication of matters that will be covered in the guidance nor does it place any requirements on the Welsh Ministers when developing guidance.

Evidence from respondents

71. There were mixed views on the guidance provisions in the Bill, and on whether an appropriate balance had been struck between the level of detail provided in the Bill and left to future guidance.

72. Some respondents were content that the correct balance had been struck. However, a greater number, including BMA Cymru, Railfuture, YHA and the WLGA raised a concern that much of the detail around the delivery of the Bill's policy aims will be contained in Ministerial guidance, which is not yet available.⁵²

73. In commenting on the above issue, Sustrans Cymru stated:

“...we have concerns that the strength of the guidance will determine the overall effectiveness of the Bill, yet the guidance has not yet been published and it isn't clear how the guidance will be scrutinised. We are also concerned that guidance can be altered significantly at the whim of a future Minister.”⁵³

74. On a similar note, YHA stated:

“There will be need for robust, substantial guidance to ensure that implementation is consistent across Wales. It needs to be strong to be effective.”⁵⁴

75. The above views were echoed by Railfuture.⁵⁵

76. It is clear from the evidence received that guidance is seen as crucial in ensuring that the Bill is effective. A key theme that emerged is the need to involve relevant experts and stakeholders in the

⁵² Written Evidence AT17, AT26, AT23, and AT2

⁵³ Written Evidence AT1

⁵⁴ Written Evidence AT23

⁵⁵ Written Evidence AT26

development of guidance and to ensure that it is the subject of an appropriate level of scrutiny.

Evidence from the Minister

77. In response to initial concerns raised by the Committee on the amount of detail to be provided in guidance, the Chair wrote to the Minister requesting further information on the guidance, including how it will be developed and when it is likely to be made available.

78. In his letter dated 10 April, the Minister stated:

“I envisage there to be two sets of guidance issued as a consequence of the Active Travel (Wales) Bill. The first would be design guidance, which set out designs for appropriate routes for active travel and could be used to set standards. The second would be delivery guidance, concerned with the mechanisms of delivering the Active Travel (Wales) Bill. I anticipate both sets of guidance...to be available for consultation before the Bill has completed its passage through the Assembly.”⁵⁶

79. It is clear from the Minister’s evidence that he intends for guidance given under the Bill to be developed in conjunction with relevant experts and to be the subject of public consultation. For further details on matters to be contained in guidance, see the Minister’s letter, dated 10 April.

80. In commenting on the appropriateness of the Bill progressing further in its passage through the Assembly in the absence of draft guidance, the Minister asserted the Bill “stand[s] on its own...in terms of the duties that it creates”.⁵⁷ He also reported that the draft guidance would be published for consultation during the summer of 2013.⁵⁸

81. In responding to the concern that the Bill contains no provision for consultation on, or scrutiny of, guidance, the Minister explained:

“...we do have some accepted principles and practices around consultation and the way it is taken forward and handled by Welsh Government, and I think that it would be quite an

⁵⁶ Written Evidence – additional information from the Minister, 10 April 2013

⁵⁷ RoP, paragraph 95, 24 April 2013

⁵⁸ *ibid*

unusual step—surprising, perhaps—if a future Government was not to abide by adopted good practice on consultation.”⁵⁹

Design guidance

Evidence from respondents

82. The need for technical design guidance and/or standards was raised by several respondents. In particular, Sustrans Cymru considered that provision should be made for mandatory design standards, since existing “good quality [design guidance]...is largely ignored”. It emphasised the lack of “user focus” in the design of cycling routes, which could be “off-putting to new and novice cyclists”. It suggested that mandatory design guidance had the potential to address such issues.⁶⁰

83. Sustrans Cymru felt strongly that design guidance should have similar status to Design Manual for Roads and Bridges (DMRB), the guidance provided for the construction of trunk roads by the Department for Transport, and endorsed by the Welsh Government where deviations must be noted and justified by highway authorities.⁶¹

84. In addition, Sustrans Cymru highlighted shortcomings in the current Welsh Transport Planning and Appraisal Guidance (WelTAG), particularly its limitations in relation to schemes to promote physical activity. It stated:

“There is no way of valuing the health benefits of walking, for example, and all of the benefits are related to ill-health that you would associate with old age, rather than chronic illness, such as type II diabetes, that is increasingly associated with physical inactivity in children and young adults. Conversely any scheme that reduces levels of physical activity by, for example, encouraging people to drive short distances, or creating an environment that discourages walking and cycling, does not have this counted as a cost. Similarly, there is still no guidance from transport departments on how to appraise smarter choices initiatives and capture the benefits within WelTAG. As a consequence, smarter choices or active travel options tend to be dismissed at an early stage of the appraisal process.”

⁵⁹ RoP, paragraph 101, 24 April 2013

⁶⁰ Written Evidence AT1

⁶¹ *ibid*

85. According to Halcrow, the Welsh Government is ready to publish a revised version of WelTAG. It stated

“The new [WelTAG] advocates equality in the appraisal of all modes and provides guidance on how to ensure walking and cycling schemes are given equal consideration.”

86. In welcoming the development of new design guidance, TAIH suggested it would “ensure a consistent approach across local authority areas.”⁶²

87. Similarly, Disability Wales stated:

“New design guidance is necessary to ensure a uniform approach is taken throughout Wales and that access requirement criteria is met to the same standard throughout the networks. Guidance should mean that disjointed notions of accessibility that varies according to location will, in theory, be prevented.”⁶³

Evidence from the Minister

88. In his letter dated 10 April, the Minister explained:

“The reason why guidance is the most appropriate approach is that setting an appropriate standard will require a lengthy, detailed and technical document. This guidance is being developed with a steering group chaired by Phil Jones (who worked on Manual for Streets and Manual for Streets 2) and supported by bodies such as Sustrans, Living Streets, Disability Wales and certain local authorities. It will be tested with the key reference group for active travel, which includes an even broader range of stakeholders connected to active travel.

“It is likely that the guidance will be revised several times to reflect changes in the evidence base, the outcomes from new and innovative schemes and advances in technology. It is likely to be technical and operational in its approach. Guidance also allows flexibility in its application, allowing local authorities to consider local issues and opportunities. It will also be subject to public consultation once it has been agreed by the steering

⁶² Written Evidence AT4

⁶³ Written Evidence AT13

group, the key reference group on active travel and the Minister.”⁶⁴

89. The Minister did not believe mandatory design standards were appropriate as they may prove too restrictive and result in local authorities becoming “risk averse”.⁶⁵

90. In seeking to clarify the status of the design standards, the Minister’s lawyer stated:

“The power to issue the guidance will be in the [Active Travel (Wales)] Act, so, to that extent, you could call it statutory guidance. However, authorities will only have to have regard to it, so it is non-mandatory.”⁶⁶

Potential barriers to effectiveness

Financial constraints

Evidence from respondents

91. More than two thirds of the 48 respondents explicitly identified the absence of additional funding to be an issue for, or in some cases a significant potential barrier to, the delivery of the Bill.

92. The majority of respondents felt there would be limited progress made in improving the walking and cycling network without the necessary resources and that any progress made would be patchy. Some respondents questioned whether the Bill will encourage additional capital investment in active travel in the current economic climate and how this will be accomplished.

93. A number of respondents emphasised the importance of maintaining existing and new routes and the financial implications of this for local authorities.

⁶⁴ Written Evidence – additional information from the Minister, 10 April 2013

⁶⁵ RoP, paragraph 103, 24 April 2013

⁶⁶ RoP, paragraph 111, 24 April 2013

Evidence from the Minister

94. According to the Explanatory Memorandum, it is anticipated that a proportion of the £14.3 million currently provided by the Welsh Government for active travel related projects will be focussed on developing integrated networks.⁶⁷

95. It goes on to state:

“Local authorities will not be required to commit additional funding above what is already spent on active travel as a consequence of this piece of legislation. However, they will be encouraged to invest in active travel, and the new duties should assist local authorities in prioritising funding more effectively in delivering active travel.”⁶⁸

96. The Explanatory Memorandum makes passing reference to maintenance of routes, acknowledging that there will be costs and stating these must be factored into the assessment of any proposed investment.⁶⁹

97. In responding to concerns raised about how local authorities would be expected to meet the cost of maintaining active travel routes, the Minister referred to their existing duties to maintain highways under the Highways Act 1980.⁷⁰

98. More detailed information on the above issues can be found in Chapter 6, Financial considerations.

Compulsory Purchase Orders

Evidence from respondents

99. A number of respondents, including Sustrans Cymru and those representing local government, suggested that landownership is a potential barrier to the delivery of an integrated network of walking and cycling routes. They raised concerns about the rules governing Compulsory Purchase Orders, about the time taken to address such issues and associated financial implications for local authorities.

⁶⁷ Explanatory Memorandum, p26

⁶⁸ *ibid*

⁶⁹ Explanatory Memorandum, p28

⁷⁰ RoP, paragraph 88, 24 April 2013

100. In commenting on the above issue, Sustrans Cymru stated:

“The Bill and accompanying documents make no reference to Compulsory Purchase Order (CPO) powers, which are available for highways provision. However, their application for dedicated active travel infrastructure is unclear and local authorities would be better served with additional support on land-use. Without effective support to ensure that land is made available, key sections of route which could make everyday journeys viable could take years to be delivered, or not delivered at all.”⁷¹

101. The South East Wales Transport Alliance (Sewta) stated that landownership issues “will continue to present problems for local authorities” and suggested that documentation accompanying the Bill “should refer to mechanisms for overcoming the barrier represented by land ownership issues on delivery of integrated network maps.”⁷²

Evidence from the Minister

102. In his letter to the Committee, dated 10 April, the Minister states:

“I am aware of the problems surrounding the use of Compulsory Purchase Orders, and I am keen that further work is carried out to find a more efficient approach to Compulsory Purchase Orders.”⁷³

103. He went on to add that he will be continuing discussions on the issue with the Minister with responsibility for land use planning.⁷⁴

104. At the 24 April meeting, the Minister’s lawyer sought to clarify the existing powers of local authorities relating to Compulsory Purchase Orders. He stated:

“The Highways Act 1980 enables highway authorities to acquire land for highways both by agreement and through compulsory purchase. Highways do not necessarily mean a road simply used by motor traffic; it could include a footpath, a bridleway or a cycle track. Highway authorities may acquire land for cycle tracks, footpaths and bridleways by agreement or compulsory

⁷¹ Written Evidence AT1

⁷² Written Evidence AT5

⁷³ Written Evidence – additional information from the Minister, 10 April 2013

⁷⁴ *ibid*

purchase. There are also ways, under the Highways Act 1980, under which they may fall short of actually acquiring the land, but may acquire rights by public path creation orders. The tools are there. They are often time-consuming because of the presence of persons with property interests who must be given the opportunity to object. However, the powers of the Highways Act 1980 would appear to be appropriate for use in these sorts of circumstances.”⁷⁵

105. Notwithstanding the above, the Minister acknowledged the difficulties experienced by local authorities when exercising these powers. He reaffirmed that the Welsh Government “will want to consider...issues around the potential need for new powers of compulsory purchase”, when bringing forward future Bills within related subjects.

Our view

106. From the evidence we have received, it is clear that there is real enthusiasm across sectors to drive forward the active travel agenda. The potential benefits to be gained from increased active travel are widely recognised and well-documented. We received evidence from the medical profession and others about the potential health and public health benefits associated with increased levels of physical activity. We also received evidence about the wider social, environmental and economic benefits associated with the use of active travel as a major form of transport. In view of this, and the broad support in evidence for the need to do more to progress the active travel agenda, we support the aim of the Bill.

107. We recognise the general support in evidence for the need for the Active Travel (Wales) Bill. We welcome the commitment that exists among many stakeholders to the active travel agenda and the positive work already being undertaken to progress this in some areas. Despite this, it is clear from the Minister’s evidence that significant improvements in levels of walking and cycling have yet to be made. This suggests that, if Wales is to achieve modal shift away from motorised transport to more sustainable and active modes of travel, additional, more resolute action is required. As such, we accept that a legislative approach is both necessary and appropriate.

⁷⁵ RoP, paragraphs 76 – 78, 24 April 2013

108. We acknowledge the purpose of the Bill, and in particular that its primary focus is to improve the active travel infrastructure. It is clear from the evidence we received that improvements to, and the expansion of, existing infrastructure is often afforded insufficient priority. The Bill seeks to address this issue, which is to be welcomed. The creation of safe and appropriate active travel infrastructure will play an important role in achieving the step change that is required to bring about the modal shift that the Welsh Government is seeking. In view of this, **we support the general principles of the Bill and recommend that the Assembly agrees them.**

109. Notwithstanding the above, it was apparent in evidence that the Bill had not met the expectations of some stakeholders. The lack of provision to directly address the wider promotion of active travel, as opposed to the publication of maps alone, or to otherwise affect behaviour change was of particular concern.

110. We received compelling evidence emphasising the need for a more significant package of measures to be introduced alongside the Bill in order for its benefits to be realised. On this issue, we believe strongly that the most effective way to achieve the stated policy aim is through a dual approach consisting of infrastructure and non-infrastructure related measures. As such, we welcome the development of the broader programme of work to support the Bill and acknowledge the intention to include behavioural change measures within the programme. We anticipate that this could, albeit in part, address some of the concerns raised in evidence. We look forward to the publication of the Active Travel Action Plan and will keep a watching brief over its implementation in the course of our scrutiny work.

111. On a broader note, while we welcome the requirements the Bill places on local authorities in relation to transport planning, and the development of active travel infrastructure more generally, we recognise a need for additional action outside the scope of the Bill and Active Travel Action Plan. This includes the need to control car use and, in particular, the potential role of land use planning in supporting active travel. We note that the Bill makes no explicit link with land use planning and we acknowledge it was never the Minister's intention for it to do so. However, we believe that consideration should be given to ensuring that the land use planning system is sympathetic to the creation of an integrated active travel network and the development of

a built environment that is conducive to travel by active means. We believe it is important that the Welsh Government be mindful of this when bringing forward future legislation within this subject area, particularly the forthcoming Planning Bill.

112. We believe strongly that guidance to accompany the Bill will be key to its successful delivery. We welcome the steps taken by the Minister to date in developing this guidance and his inclusive approach based on consultation. However, we consider it would be prudent to include safeguards on the face of the Bill to ensure that future Welsh Ministers replicate this approach and to avoid the effect of the Bill being diluted through changes to the guidance made without adequate consultation. As such, **we recommend that the Minister makes provision in the Bill for the procedure to be followed by the Welsh Ministers before issuing or reviewing guidance. In particular, this should include a requirement on the Welsh Ministers to consult on the draft guidance and to lay a draft before the Assembly.**

113. In relation to design guidance, we welcome the Minister's intention to bring forward new design guidance for active travel routes. It came across strongly in evidence that improvements to the active travel network must be of a sufficiently high standard to encourage usage. We note that the design guidance could be used to set minimum standards, which could help to drive up standards and ensure consistency of approach across local authorities. However, we are concerned that the effect of current highway design standards, primarily DMRB, as well as the approach to appraisal of transport schemes currently contained in WelTAG, combine to undermine efforts to develop active travel infrastructure. We note that the design guidance will have a statutory status, which goes beyond that of non-statutory best practice guidance, but we do not believe this goes far enough.

114. Consequently, **we recommend that implementation of the design guidance issued under the Bill should be mandatory. On a related issue, we seek clarification on the steps being taken to ensure design guidance given under the Bill complements wider highway construction guidance.**

115. On the issue of land acquisition, we note the powers available to local authorities relating to the compulsory purchase of land. We recognise the difficulties that exist with the current procedures and

the potential implications of these for local authorities when developing active travel routes. We welcome the Minister's acknowledgment of the need to further explore these difficulties and, if necessary and appropriate, to address them by means of legislation.

116. We acknowledge the evidence received in relation to extending the Bill to include equestrianism. It is clear from the Minister's evidence and the Explanatory Memorandum that the main thrust of the Bill is about providing the necessary conditions to facilitate modal shift away from motorised transport to active modes of travel for non-recreational journeys. While we accept that equestrianism may be used for journeys other than for recreational purposes, like the Minister, we do not believe it can be considered as a practical mode of active travel for the purpose of the Bill. As such, we do not believe this Bill is an appropriate vehicle with which to address the issues raised by those representing equestrians.

5. Comments on provisions

Section 2: Meaning of “active travel routes” and “related facilities”

Background

117. Section 2 defines an “active travel route” and “related facilities”. An “active travel route” must be within a “designated locality” in a local authority area, and must be a route which the local authority considers “appropriate” to be regarded as an “active travel route”.

118. Localities will be designated by direction by the Welsh Ministers and the section provides criteria to be applied in identifying whether a route is “appropriate”. “Route” is defined as a highway or other route which can be lawfully used by walkers and/or cyclists. In determining whether a route is appropriate, local authorities must have regard to guidance issued by Welsh Ministers.

Designation of localities

Background

119. Section 2(3) sets out some of the criteria the Welsh Ministers may use when designating the localities within which active travel routes may be identified. The Welsh Ministers may refer to density of population, size, proximity to densely populated localities, or position between such localities.

Evidence from respondents

120. Few comments were received on the appropriateness of the power of the Welsh Ministers to designate localities by direction. However, a concern was raised by the County Land and Business Association about the broad range of criteria available to the Welsh Ministers for the purpose of designating localities. It suggested that this would provide the Welsh Ministers with the power to extend the application of the Bill to rural areas without having assessed its potential impact on those areas.⁷⁶

121. Concerns were raised about the appropriateness of using a population threshold as the criterion for applying the provisions of the Bill. Specifically, it was suggested that the Welsh Government’s

⁷⁶ Written Evidence AT41

preferred population threshold of 2,000 overlooks the potential to improve active travel in small rural communities.

122. Railfuture did not support the application of a threshold of 2,000 people and expressed concern that there could be a shift of funding from rural areas to larger population centres with the effect of “disadvantaging communities which already have poor transport links”.⁷⁷

123. Living Streets raised concern that the preferred threshold “may act as a barrier to supporting walking in smaller settlements to the detriment of local communities”.⁷⁸

124. On a similar note, Sustrans Cymru stated:

“Many journeys in and between rural communities could easily be converted to active travel, and Sustrans’ view is that the population threshold is a crude and inappropriate measure of dealing with the issue of applying the concept and aims of the Bill across Wales.”⁷⁹

125. Sewta and Royal Town Planning Institute (Wales) suggested that section 2 should include reference to encouraging active travel for “shorter journeys”, with the detail of what constitutes a “shorter journey” provided in guidance.⁸⁰

Evidence from the Minister

126. According to the Explanatory Memorandum:

“The Bill has an urban focus, though rural routes might be appropriate for connecting settlements where the distance and gradient make it possible to travel actively...smaller settlements such as Carmarthen, Llanidloes and Flint will be included in the mapping requirements under the proposed population threshold (2,000 people). The difference is that we would recognise that the relative isolation of these settlements

⁷⁷ Written Evidence, AT26

⁷⁸ Written Evidence AT11

⁷⁹ Written Evidence AT1

⁸⁰ Written Evidence AT5 and AT38

means that the routes are more likely to be within settlements rather than connecting settlements to each other.”⁸¹

127. The Explanatory Memorandum also states:

“The Active Travel (Wales) Bill is intended to support modal shift for shorter journeys; less than 3 miles by foot and 10 miles by bicycle.”⁸²

128. At the 24 April meeting, the Minister explained that the population threshold of 2,000 had been “useful in terms of working up the regulatory impact assessment and the cost elements”, and has “a great deal of significance and resonance”.⁸³

129. The Minister asserted that providing the power to designate localities by direction would allow the necessary flexibility to apply the provisions of the Bill in an appropriate manner. Notwithstanding the above, the Minister acknowledged the need to carry out further work on the issue of designating localities. He suggested he was willing to give further consideration to this in light of any recommendations made by the Committee.⁸⁴

Our view

130. We note the concerns raised in evidence about the intention, expressed in the Explanatory Memorandum, to apply the mapping requirements to urban areas with a population greater than 2,000 people. We agree that the designation of localities based on population may restrict the capacity of the Bill to benefit smaller communities, particularly in rural areas, and consider that a number of these communities would be excluded were such a limit strictly applied.

131. We also note the rationale put forward by the Minister for the preferred population threshold of 2,000, and we acknowledge that the powers under section 2(3) permit flexibility in designation of localities.

132. However, we are concerned that the criteria provided in section 2(3) for the purpose of designating localities relate exclusively to population factors, size or proximity to such localities. In view of the

⁸¹ Explanatory Memorandum, p10

⁸² Explanatory Memorandum, p43

⁸³ RoP, paragraph 139, 24 April 2013

⁸⁴ *ibid*

evidence received, we believe that localities should primarily be designated based on whether there is the potential to encourage modal shift to active travel for shorter journeys. Where population is used as a factor, we believe that this should include the combined population of groups of smaller communities where travel by active means is practical, rather than individual settlements above a certain size alone.

133. Consequently, **we recommend that the definition of “active travel route” should include reference to facilitation of shorter journeys in order to more accurately reflect the policy intention stated in the Explanatory Memorandum. We further recommend that designation of localities in which active travel routes may be situated should be primarily based on the potential for journeys to be made by active means rather than population. However, we recognise that population may be useful in prioritising limited resources. As such, we recommend that, where population is used, it should apply to the combined population of groups of smaller communities and not simply the size of individual settlements.**

Recreational routes

Background

134. Section 2(4)(a) states that in considering whether it is appropriate for a route to be regarded as an active travel route, a local authority must take into account whether the route facilitates journeys “otherwise than for wholly recreational purposes.”

Evidence from respondents

135. A number of respondents suggested that the Bill should be extended to include the mapping and improvement of recreational routes, which could help encourage tourism and bring about economic benefits.

136. In commenting on the definition of “active travel route”, Natural Resources Wales stated:

“In our view the improvement of walking and cycling routes and networks should be on the basis of the public’s need/demand for route networks rather than solely for ‘purposeful’ journeys.”

137. Similar views were expressed by Professor Pooley, who described the distinction between recreational and non-recreational as “in some ways...an arbitrary one”,⁸⁵ and Sustrans Cymru, who described it as “unhelpful.”⁸⁶

138. Other respondents recognised the benefits of developing recreational as well as non-recreational walking and cycling. The National Park Authorities of Wales expressed concern that recreational routes have not been included in the definition:

“While it is...acknowledged that active travel routes can be used for multiple purposes including health, exercise and leisure, these recreational issues will be overlooked in the map preparation and planning process. There is an opportunity here to encourage local authorities to integrate the development of active travel with their other duties in respect of tourism and leisure, economic development and public rights of way management.”⁸⁷

139. Similarly, Railfuture and the YHA identified a need to include recreational routes to sustain tourism and economic development.⁸⁸

Evidence from the Minister

140. In responding to the suggestion in evidence to extend the application of the Bill to recreational routes, the Minister emphasised it was important to “strike the right balance”, taking account of resources and the need to concentrate effort where it would bring about the most benefits.⁸⁹

141. He further explained there would be “some overlap” given that certain routes used for recreational purposes are also used as active travel routes, e.g. the Taff Trail, in which case there would be an expectation on local authorities to map them.⁹⁰

142. In commenting on the effect of section 2(4)(a), the Minister’s lawyer stated:

⁸⁵ RoP, paragraph 25, 18 April 2013

⁸⁶ RoP, paragraphs 135 - 136, 18 April 2013

⁸⁷ Written Evidence AT19

⁸⁸ Written Evidence AT23 and AT26

⁸⁹ RoP, paragraph 173, 24 April 2013

⁹⁰ RoP, paragraph 168, 24 April 2013

“[whether a route is used for journeys otherwise than for wholly recreational purposes] is a matter that the local authority must take into account. It is not necessarily determinative that if a route is used for wholly recreational purposes, it cannot be regarded as an active travel route. It is one of the factors that have to be taken into account as well as guidance from the Welsh Ministers. It is one part of a larger equation.”⁹¹

143. And:

“It requires local authorities to look at whether a route is effectively a wholly recreational route; for example, a bespoke cycle track in a forest and so forth. In the case of that sort of route, the expectation is that it would not be regarded as an active travel route.”⁹²

144. Notwithstanding the above, the Minister suggested he was willing to give further consideration to the wording of section 2(4)(a) in light of any recommendations made by the Committee.

Our View

145. We accept the Minister’s intention that *exclusively* recreational routes such as discrete mountain bike tracks should not fall within the provisions of the Bill, but that there should be flexibility to include routes with a significant recreational element.

146. However, we believe that section 2(4)(a), as currently drafted, has the potential to cause confusion when applied in practice, which may lead to the exclusion of routes which could be identified as active travel routes. To this end, **we recommend that the term “otherwise than for wholly recreational purposes” be removed from section 2(4)(a), which would enable local authorities to have regard to local needs, subject to guidance given by the Welsh Ministers.**

Suitability of routes for use by walkers and cyclists

Background

147. Section 2(4)(b) provides that, in considering whether it is appropriate for a route to be regarded as an active travel route, a local

⁹¹ RoP, paragraph 163, 24 April 2013

⁹² RoP, paragraph 169, 24 April 2013

authority must take into account whether it is “suitable” based on its “location, nature and condition”.

Evidence from respondents

148. According to Sustrans Cymru and others, including Cardiff Cycling Campaign, CTC Cymru, Play Wales, Railfuture, and the YHA, the criteria used by local authorities to assess the suitability of routes for use by walkers and cyclists should be broadened to ensure that routes are “continuous, direct, safe and comfortable for walking and cycling”.⁹³

149. Sustrans Cymru considered this wording to be preferable because:

“...if we want long-term culture change then we need to make active travel options more attractive, pleasant and convenient than using a car for short journeys.”⁹⁴

150. Further, the Children’s Commissioner suggested that “personal safety” should be included as a “material consideration” when assessing suitability of routes.⁹⁵

Evidence from the Minister

151. The Minister reported that the criteria for assessing whether a route is suitable to be considered an active travel route had been informed by the responses to the consultation on the White Paper and other “wider direct engagement [with stakeholders]”. He explained the criteria selected were “the ones that would most directly affect whether people use an active travel route, or not”.⁹⁶

152. In explaining why “safety” was not included as a criterion, the Minister stated:

“...consultation responses pointed out some of the difficulties that legislating for safety can cause in active travel. So, instead of that, we are legislating around routes being appropriate, but

⁹³ Written Evidence, AT1, AT12, AT23, AT26, AT29 and AT46

⁹⁴ Written Evidence, AT1

⁹⁵ Written Evidence, AT21

⁹⁶ RoP, paragraph 115, 24 April 2013

safety is one of the major factors in determining whether a route is appropriate, or not.”⁹⁷

153. Notwithstanding the above, the Minister suggested he was willing to give further consideration to the criteria used to assess the suitability of routes in light of any recommendations made by the Committee.

Our view

154. We note the Minister’s evidence that the criteria of “location, nature and condition” set out in section 2(4)(a) were informed by the White Paper consultation. We acknowledge the evidence received that a much broader range of issues are likely to influence an individual’s decision to walk or cycle. As such, we are not clear how the criteria provided are those which will “most directly affect” usage of an active travel route.

155. We believe the broader definition suggested in evidence of “continuous, direct, safe and comfortable for walking and cycling”, may more closely reflect the needs of active travellers. We recognise the potential difficulties with the use of the word “safe”, not least the fact that it will mean different things in different locations and to different users. We question whether these difficulties are so insurmountable that the word “safe” can never be used in imposing duties on local authorities. We also note that the word “comfortable” may suffer from a similar ambiguity.

156. We recommend that further consideration be given to the wording of section 2(4)(a) to identify criteria which more closely and explicitly reflect the actual needs of active travellers. Specifically, consideration should be given to the use of the words “continuous, direct, safe and comfortable for walking and cycling”. We believe that these words more closely reflect the needs of walkers and cyclists and they should be explicitly reinforced at least in guidance given under section 4.

⁹⁷ RoP, paragraph 120, 24 April 2013

Related facilities

Background

157. Section 2(5) defines the meaning of “related facilities”. These include facilities for shelter or storage, toilets or washing facilities, crossings and “other similar facilities”. The section does not explicitly make provision for guidance.

Evidence from respondents

158. A number of respondents sought clarification on the three specific “related facilities” listed. Sewta suggested a comprehensive list should be provided to avoid ambiguity while the Chartered Institute of Logistics and Transport suggested clear guidance will be required.

159. Further, several respondents suggested facilities which they considered important, which highlights the possible scope for interpretation of section 2(5). These ranged from secure bike storage at schools suggested by Keep Wales Tidy, to security lighting and CCTV suggested by the Association of Chief Police Officers Cymru.

160. Further, CTC Cymru stated:

“I cannot see what could be remotely similar to a crossing, a toilet and a shelter—the idea of ‘similar’ being applied to things that are very different was a hard one for me to grasp...Normally, rather than toilets or washing facilities, we talk about showering in cycling terms. They are nice, but not essential, I would say. Crossings are what I have the most to say about, because a crossing is not simply a related facility, but a fundamental part of the exercise. Crossings are a barrier and a serious challenge to the effectiveness of any route. So, I would not see a crossing as a related facility. A great cycleway with hopeless crossings is not going to be a successful route.”⁹⁸

Evidence from the Minister

161. In explaining why the three specific related facilities that local authorities will be required to map and improve had been listed in the Bill, the Minister stated:

⁹⁸ RoP, paragraph 162, 18 April 2013

“I want to get some consistency, and that is why there is some prescription.”⁹⁹

162. He went on to suggest he was willing to give further consideration to this provision in light of any recommendations made by the Committee.

163. At the 24 April meeting, the Minister stated:

“If you try to be exhaustive in listing, you will inevitably be caught out because you will not have included something that should have been included or is appropriate in certain local circumstances. I think that the approach that we have adopted is the most sensible one but we will work with local authorities around this. Again, the consultation that we carried out and the responses that we have received have informed the choices that we have made.”¹⁰⁰

164. In further explaining the rationale behind the approach taken, the Minister’s lawyer stated:

“We have sought to create a flavour of the type of facilities that we have in mind. Sub-paragraph (d) indicates that other similar facilities are included, so we have left it very open-ended.”¹⁰¹

Our view

165. We recognise the importance of providing appropriate facilities for active travellers when making their journeys. As such we support the requirement on local authorities to map and improve “related facilities”. We note the three “related facilities” listed, and the scope provided in section 2(5) for extending these to “other similar facilities”.

166. However, we agree with CTC Cymru that the listed facilities are diverse in nature, which may cause difficulties for local authorities when determining the other types of facilities to be mapped and improved. In addition, we agree with respondents that crossings are an integral part of any route. While we acknowledge that local authorities will be required to map and improve crossings, we consider their classification as “related facilities” suggests that they are less important than other core elements of routes.

⁹⁹ RoP, paragraph 124, 6 March 2013

¹⁰⁰ RoP, paragraph 146, 24 April 2013

¹⁰¹ RoP, paragraph 153, 24 April 2013

167. We recommend that the Minister issues guidance under the Bill to assist local authorities in identifying appropriate “related facilities”. On the issue of crossings, we seek assurances from the Minister that, regardless of their classification within section 2(5), crossings should be considered essential elements of routes, and that local authorities will be expected to take account of this when mapping and improving the active travel routes.

Shared routes

Background

168. While the Bill does not make direct reference to provision of shared routes, where walkers and cyclists share unsegregated paths, the issue arises through reference to provision of routes for use by “walkers or cyclists (or both)”, for example in section 2(2).

169. Additionally, the Explanatory Memorandum acknowledges the issue of shared space by referring to provision for both walkers and cyclists “where the route is appropriate for shared space”.¹⁰²

Evidence from respondents

170. The nature of the routes themselves was raised by a number of respondents, with the issue of segregated and shared routes in particular identified. Of those who commented on shared routes, the majority opposed them to varying degrees.

171. The disability organisations raised a concern about the implications of shared routes for disabled active travellers, particularly those who are blind or partially sighted. Guide Dogs Cymru pointed to their own research which showed how shared facilities affect the confidence of users.¹⁰³

172. Additionally, both Ramblers Cymru and Living Streets expressed concerns about shared routes, although both witnesses were clear that they were not suggesting these should never be used. Living Streets stated:

“Your starting point is that paths should not be shared, but then locality and context come into it, and it depends on that place. In one place, it might be entirely appropriate, where the

¹⁰² Explanatory Memorandum, p45

¹⁰³ Written Evidence, AT8

local community and users are confident and comfortable with that.”¹⁰⁴

173. Professor Pooley provided a similar view:

“Although it can work, shared space for cyclists and pedestrians can cause conflict. Conflict between cyclists and pedestrians can occur just as easily as conflict between cyclists and motorists. So, there should be completely segregated space, wherever that is feasible.”¹⁰⁵

174. Conversely, Sustrans Cymru referred to “empirical evidence” showing incidents of conflict on shared routes are few, and that shared paths have benefits in allowing families to undertake activities together.¹⁰⁶

175. Similarly, in oral evidence CTC Cymru stated:

“First, the issue of shared space arouses huge emotions, as you will all be aware. It is important that we all recognise the concerns of visually impaired people and those who are less mobile, the elderly and so on, but perception is very different from risk or the reality...There is incredibly little danger to pedestrians from cyclists. In terms of transport safety, it is off the bottom of any scale.”¹⁰⁷

176. CTC Cymru continued by pointing to the different culture in other European countries where pedestrians and cyclists co-operate. It emphasised the importance of high quality infrastructure and issues such as signage, the width of routes and markings in ensuring shared routes could be used effectively.

177. Guide Dogs Cymru acknowledged the absence of evidence of actual collisions but suggested that the fear of collision is as powerful as actual risk:

“We know that there is intimidation, even if there are not direct hits and accidents. Sustrans would say that there is very little evidence; well, that is true—there is very little evidence—but that is because it is not easy to evidence intimidation. People

¹⁰⁴ RoP, paragraph 41, 18 April 2013

¹⁰⁵ RoP, paragraph 27, 18 April 2013

¹⁰⁶ Written Evidence, AT1

¹⁰⁷ RoP, paragraph 108, 18 April 2013

will avoid a route, particularly a pavement that is shared with cyclists, because they are afraid of using it, and that is not easy to measure.”¹⁰⁸

Evidence from the Minister

178. The Minister acknowledged the difficulties arising from the use of shared routes:

“It will be a matter for guidance and practice by local authorities to address these issues. There are compromises to be made in terms of creating routes for the mass of people, as it were, that will allow the necessary behavioural change and shift with regard to purposeful travel, while at the same time understanding, respecting and accommodating the needs of particular groups. Local authorities, at times, will no doubt have difficult decisions to make. We accept that. There are different views expressed and different needs in one section of disability groups compared with another. What is appropriate in terms of shared use for some people is not appropriate for others. So, we understand that there are difficult issues around that, which is why there is a need for very strong engagement across the groups involved.”¹⁰⁹

179. The Minister indicated that issues related to shared routes would be considered by the steering group leading the development of design standards.

Our view

180. We acknowledge the strength of feeling on both sides of the debate on shared routes. We recognise that while such paths can form an important part of provision, there is significant concern about their use, particularly among people with disabilities. We heard strong evidence from disability organisations about the impact of shared provision on people with disabilities, in particular blind and partially sighted people, whose fear of collision can deter them from using shared routes, regardless of the objective risk.

181. We welcome the Minister’s acknowledgement of the significance of this issue. We further welcome confirmation from the Minister that

¹⁰⁸ RoP, paragraph 231, 18 April 2013

¹⁰⁹ RoP, paragraph 186, 24 April 2013

it will be addressed through guidance and consultation with relevant groups. We consider the issue to be of significant importance, and one which could cause considerable difficulties for local authorities in trying to balance the interests of individuals and groups, against the practicalities of developing routes.

182. Consequently, to reinforce the approach described by the Minister, **we recommend that clear guidance be developed on the use of shared routes based on robust evidence and consultation with all relevant interest groups, including disabled groups and walking and cycling organisations. This guidance should be developed as far as possible by agreement with these groups. We further recommend that the use and impact of shared route provision be monitored to provide a sound body of evidence on which to base any future review of guidance.**

Sections 3 and 4: “Existing routes maps” and “Integrated network maps”

General

Background

183. Sections 3 and 4 require local authorities to prepare an “existing route map”, showing existing active travel routes and facilities, and an “integrated network map” showing new routes and facilities and improvements required to develop or enhance an integrated network.

184. These maps must be prepared and submitted to the Welsh Ministers for approval within three years of commencement of the relevant sections.

185. Local authorities must keep both maps under review once approved and may revise the maps. Both maps must be resubmitted to Welsh Ministers every three years.

186. The Welsh Ministers may give guidance to local authorities on the consultation and other steps to be taken when preparing the maps, the matters to be shown on them, and their form.

Evidence from respondents

187. There was broad support in evidence for the duties on local authorities to prepare and submit “existing routes maps” and “integrated network maps”. It was generally felt that the mapping provisions will help local authorities to act strategically in understanding current active travel provision, identifying gaps and unmet needs, and allowing improvements to be prioritised.

188. Notwithstanding the above, clarification was sought on the primary purpose of the “integrated network maps” and the extent to which local authorities would be expected to deliver against the map. Sustrans Cymru told the Committee it was unclear whether the maps were for local authorities to plan and prioritise routes, or a source of information for, or a means of promoting, active travel to the wider public. It suggested that maps for promotional purposes might need to be in a different format to those required by local authorities.¹¹⁰

189. A number of respondents commented on the need for local authorities to work collaboratively on the map preparation process and the improvement of the active travel network, and the role of the Regional Transport Consortia.

190. In commenting on the importance of consistency of approach, TAITH stated:

“The Bill encourages local authorities to work with neighbouring authorities to ensure that routes do not stop at authority boundaries, but are part of a wider, interconnected route.”

191. It went on to support the “further development” of a regional approach to the development of the network.¹¹¹

192. In contrast, TraCC expressed disappointment that the role of the Regional Transport Consortia had not been acknowledged within the Bill.¹¹²

193. Linked to the above, SWWITCH stated:

¹¹⁰ RoP, paragraph 167, 18 April 2013

¹¹¹ Written Evidence AT4

¹¹² Written Evidence AT45

“...the Bill should place a duty on [local authorities] to work together through the transport consortia to develop the mapping and improve the network over time. This would be most appropriately done through the Regional Transport Plan process as it allows priorities to develop and be aligned with regional funding bids.”¹¹³

194. Several respondents suggested that meaningful, widespread consultation and community engagement when preparing maps were key in promoting existing provisions and ensuring that future improvements in the network meet the needs of communities.

195. Concerns were also raised about how the needs of disabled people would be taken into account in the map preparation process. In particular, Guide Dogs Cymru advised that local authorities would need to take a significantly “different approach”¹¹⁴ to mapping to ensure that the maps were of any practical use to blind and partially sighted people.

196. On the issue of approach, Cardiff City Council suggested that mapping across the whole network was not an effective use of resources and that a more strategic approach based on barriers to uptake of walking was preferable, while an approach combining barriers and routes would be appropriate for cycling.¹¹⁵

197. Specific comments were received from respondents about the content of maps. A number of respondents, namely Ramblers Cymru, CTC Cymru, BMA Cymru and Railfuture, Halcrow and Cardiff Cycling Campaign suggested that links to public transport should be shown on the maps.¹¹⁶ As well as public transport links, YHA and Rowland Pittard suggest that wider connections to other local services should also be mapped.¹¹⁷

Evidence from the Minister

198. In commenting on the provisions relating to “existing routes maps” and “integrated network maps”, the Explanatory Memorandum states:

¹¹³ Written Evidence AT3

¹¹⁴ Written Evidence AT8

¹¹⁵ Written Evidence AT47

¹¹⁶ Written Evidence AT10, AT12, AT17, AT26, AT43 and AT46

¹¹⁷ Written Evidence AT23 and AT37

“Local authorities would be required to produce a map identifying the routes and facilities in their area that are suitable and appropriate for active travel.

[...]

“Each local authority would be required to make the existing route maps publically available in accessible formats and would be responsible for promoting them ‘as appropriate’.”¹¹⁸

199. Further:

“Having established the existing provision of walking and cycling infrastructure, local authorities would need to identify what enhancements, upgrades and new infrastructure would be required to enable people to make continuous and safe journeys by foot or by bike. They will be required to produce a second map showing the proposed improvements, with the map illustrating an integrated network which would allow the majority of shorter journeys to be made by walking and cycling.”¹¹⁹

200. It goes on:

“The integrated network map is intended to be a visual representation of the local authorities’ plans for active travel over a 15 year period. Once identified, local authorities will be required to deliver continuous improvements to their integrated network, subject to statutory processes.”¹²⁰

201. When asked to clarify the purpose of the “integrated network map”, the Minister asserted:

“It is a map; it is not a plan...this is not a strategic plan; this is about a map that will, hopefully, be useful for people to understand.”¹²¹

202. In relation to the role of the Regional Transport Consortia in the map preparation process, the Minister explained that, although the statutory duty rested with individual local authorities this did not

¹¹⁸ Explanatory Memorandum, p18

¹¹⁹ *ibid*

¹²⁰ Explanatory Memorandum, p19

¹²¹ RoP, paragraph 131, 6 March 2013

prohibit them from preparing the maps on a regional basis. He went on to “encourage” a regional approach, which he stated “makes more sense”.¹²²

203. On the issue of ensuring that the mapping process takes account of the needs of disabled people, in particular the blind and partially sighted, the Minister stated:

“I entirely accept that we need to work as closely as possible with disability groups in all aspects of this legislation and the wider exercise.”¹²³

[...]

“...local authorities have well-established procedures for engaging with disability groups, and they will want to work as closely as possible with disability groups and many others in taking forward their mapping exercises and creating the infrastructure. Obviously, they have equality duties under legislation that they are required to meet. So, I think that we can be confident that there will be effective engagement by local authorities, as there is by the Welsh Government.”¹²⁴

Our view

204. We acknowledge the broad support in evidence for the duties on local authorities to prepare “existing routes maps” and “integrated network maps”.

205. We recognise that the purpose of the “existing routes maps” is intended to be twofold. Like many respondents, we believe they have the potential to assist local authorities and others in understanding current active travel provision and enable them to plan, more strategically to improve the network. In addition, they may help raise awareness of existing routes and will be of particular benefit to those who are new to, or who may be considering, active travel as an alternative to motorised transport.

206. We believe that the success of “existing routes maps” will largely depend on whether they are prepared and promoted properly. It is clear from the evidence received that widespread consultation and

¹²² RoP, paragraph 131, 6 March 2013

¹²³ RoP, paragraph 179, 24 April 2013

¹²⁴ RoP, paragraph 183, 24 April 2013

early community engagement will be essential to these. We welcome the requirement on local authorities to have regard to guidance given by the Welsh Ministers on the preparation of maps. We recognise that section 3(3) provides for this guidance to include details on the process local authorities will be expected to follow when consulting on the maps, which is to be welcomed. We would like to draw the Minister's attention to our previous recommendation on the need for the Welsh Ministers to consult on draft guidance accompanying the Bill and to lay a draft before the Assembly.

207. We accept that the primary purpose of the "integrated network maps" is to assist local authorities to plan and prioritise future improvements to the network. However, **it is unclear whether "integrated network maps" are intended to be used more widely as a source of information for, or a means of, promoting the active travel network to the wider public. As such, we seek further clarification from the Minister on this issue.**

208. As with "existing routes maps", we welcome the power of the Welsh Ministers to give guidance on the preparation of "integrated network maps". We would expect this guidance, and guidance given under section 5 relating to publication and wider circulation of maps, to reflect the Minister's position that the maps may be used for different purposes and different target audiences.

209. In relation to the role of the four Regional Transport Consortia in the mapping process, we recognise the clear benefits to be gained from collaboration across local authorities. **We agree with the Minister that a regional approach to mapping is something to be encouraged and seek clarification on why it is not explicitly provided for in the Bill. We also seek clarification on how he envisages a regional approach to mapping will work in practice.**

Timescales for preparation, submission, review and resubmission of maps

Background

210. As mentioned above, "existing routes maps" and "integrated network maps" must be submitted to the Welsh Ministers for approval within three years of commencement of the relevant sections.

211. Local authorities must update and submit their maps to the Welsh Ministers for approval every three years. However, they are free to update and revise the maps within the three year period without the approval of the Welsh Ministers.

Evidence from respondents

212. There were mixed views from respondents on the timescales for the preparation, submission, review and resubmission of maps. Of those who commented, most questioned whether the timescales provided were reasonable.

213. Some respondents felt that the three year period for the preparation and submission of “existing routes map” was overly generous. Sustrans Cymru recommended a maximum of one year for “existing routes map”, based on the experience of Swansea City Council and the preparation of the Scottish Core Paths Plan, and two years for “integrated network map”, on the basis that a longer preparation period would be required to ensure “significant engagement with end-users”.¹²⁵

214. Representatives of local government raised concerns that the three year cycle for “integrated network maps” was too frequent. The WLGA suggested that five years would be more appropriate to synchronise the mapping process with the development of Regional Transport Plans.¹²⁶ This suggestion was supported by the Regional Transport Consortia,¹²⁷ Chartered Institute of Logistics and Transport and Royal Town Planning Institute Cymru.¹²⁸

215. On a related matter, Sustrans Cymru questioned the logic for local authorities to prepare the two maps concurrently.¹²⁹

Evidence from the Minister

216. At the 6 March meeting of the Committee, the Minister advised that he considered three years to be an appropriate timescale as he wanted to avoid overburdening local authorities.

217. In his letter dated 10 April, the Minister confirmed that “existing routes maps” and “integrated network maps” “are to be prepared

¹²⁵ Written Evidence AT1

¹²⁶ RoP, paragraph 51, 20 March 2013

¹²⁷ RoP, paragraphs 233 – 234, 20 March 2013

¹²⁸ Written Evidence AT36 and AT38

¹²⁹ RoP, paragraph 173, 18 April 2013

concurrently and are due to be in place three years after the Bill has commenced.”¹³⁰

218. When questioned on the timescales at 24 April meeting, the Minister suggested he was willing to give further consideration to the timescales for the preparation, submission, review and resubmission of maps in light of any recommendations made by the Committee.¹³¹

Our view

219. In relation to “existing routes maps”, we share the views in evidence that the three year period provided for the preparation and submission of these maps is excessive. We believe it is important to ensure that the initial mapping exercise is completed as soon as reasonably practicable. Taking account of the evidence received on the time taken to complete comparable mapping exercises, we believe that a shorter period of one year would be preferable, while remaining achievable. As such, **we recommend that the Minister reduces the period provided in section 3(4)(a) for the submission of “existing routes maps” from three years to one year, and that he brings forward an amendment at Stage 2 to this effect.**

220. In relation to “integrated network maps”, we acknowledge the suggestion in evidence that these should be prepared every five years in line with the development of Regional Transport Plans. While we acknowledge the rationale for this, we believe that extending the mapping period beyond the proposed three years has the potential to delay the improvement process unnecessarily.

221. We note the provision in the Bill for the approval of maps by the Welsh Ministers, which we believe is both reasonable and appropriate. We further note that, in approving maps, the Welsh Ministers will consider whether local authorities have acted in accordance with the guidance issued under sections 3(3) and 4(3). We expect this approval process to promote compliance with the mapping duties and accompanying guidance and to provide an element of quality control for the maps.

222. We note that the Bill requires local authorities to resubmit their maps for approval by the Welsh Minister every three years. We further

¹³⁰ Additional evidence – letter from the Minister, 10 April 2013

¹³¹ RoP, paragraph 196, 24 April 2013

note that the Bill requires local authorities to review their maps within this period and that local authorities may subsequently revise their maps without approval. We are concerned that this could potentially undermine the map preparation and approval process. To this end, **we seek clarification from the Minister on the rationale for enabling local authorities to revise their maps within the required three year period without the approval of the Welsh Ministers.**

Section 5 – Publication etc of maps

Background

223. Section 5 sets out the requirements for publication of the existing routes maps and integrated network maps, once they have received Ministerial approval. Local authorities will be required to publish the maps and make them available free of charge to those they consider appropriate, and free, or at no more than cost price, on request. They will also be required to bring the maps to public attention via notices. The Welsh Ministers will issue guidance to local authorities in relation to the publication of maps and local authorities must have regard to this guidance.

Evidence from respondents

224. Those who commented broadly welcomed the provisions in relation to publication of maps as a means of providing information on active travel routes. A number of respondents linked publication to the wider promotion of maps and emphasised the importance of raising awareness of existing and new routes.

225. The National Park Authorities of Wales suggested that the publication provisions “are essential in order to achieve the aim of establishing a walking and cycling culture.”¹³²

226. According to Sustrans Cymru, “lack of information is the greatest subjective barrier to increasing use of sustainable transport.” As such, it emphasised the need for local authorities to raise awareness of new routes, in order to achieve maximum usage.¹³³

227. On a similar note, Natural Resources Wales stated:

¹³² Written Evidence AT19

¹³³ Written Evidence AT1

“We believe that the Bill should include the requirement for local authorities (LAs) to promote their routes and make the information accessible, not just identify and enhance them.”¹³⁴

228. While not commenting specifically on the publication of maps, the National Association of Head Teachers suggested that better promotion of safe cycling and walking routes to school would be beneficial to encourage usage.¹³⁵

229. Similarly, Play Wales emphasised the importance of raising awareness of existing and new routes, particularly with children and young people, and parents and carers.¹³⁶

230. Those organisations representing disabled people highlighted the need for local authorities to ensure that maps are made available in accessible formats and locations, and to take account of the needs of disabled people when publicising and promoting maps.

231. Guide Dogs Cymru explained the need for local authorities to identify more “creative ways of helping [blind and partially sighted] people to understand new routes”, to enable blind and partially sighted people to use and benefit from them.¹³⁷

232. In commenting more widely on the promotion of maps, Disability Wales stated:

“It is worth noting that one of the three main access barriers disabled people face is communication barriers. Advertising online should not be the only method of promotion, as not all disabled people have access to the internet, and not all internet sites are accessible for disabled people. Offline promotion should also be carried out.”

233. Diverse Cymru suggested that section 5 should be amended to explicitly require local authorities to “take account of the different needs of protected characteristic groups and provides accessibility to all citizens and communities, including older, disabled, LGBT, BME people and people of faith.”

¹³⁴ Written Evidence AT48

¹³⁵ Written Evidence AT18

¹³⁶ Written Evidence AT29

¹³⁷ RoP, paragraph 260, 18 April 2013

234. Similar views were expressed by Disability Wales at the meeting on 18 April.¹³⁸

Evidence from the Minister

235. The Explanatory Memorandum states:

“Each local authority would be required to make the existing routes maps publically available in accessible formats and would be responsible for promoting them as appropriate.”¹³⁹

236. It further states:

“There is some flexibility in how local authorities choose to publicise their map, however, it is assumed that a web version and a number of hard copies will be made available. The maps will also need to be produced in accessible formats.”¹⁴⁰

237. The Minister asserted that the issue of making maps available in accessible formats to meet the needs of disabled people was best addressed through guidance. He emphasised the importance of involving disability groups in developing the guidance, in the map preparation process and when developing new infrastructure.¹⁴¹

Our View

238. We acknowledge the general support in evidence for the provisions relating to the publication of maps. We note the clear expectation set out in the Explanatory Memorandum that local authorities will be responsible for promoting as well as publishing maps, which is to be welcomed. We acknowledge the powers provided to the Welsh Ministers to give guidance to local authorities on the publication and wider promotion of maps. Given the importance afforded by respondents to the wider promotion of maps, **we recommend that guidance issued under section 5(2) sets out clearly the steps local authorities will be expected to take regarding the wider promotion of maps, including examples of best practice, where relevant.** Again, we draw the Minister’s attention to our previous recommendation on procedures relating to the development of guidance, which is equally relevant in this case.

¹³⁸ RoP, paragraph 260, 18 April 2014

¹³⁹ Explanatory Memorandum, p18

¹⁴⁰ Explanatory Memorandum, p21

¹⁴¹ RoP, paragraph 213, 24 April 2013

239. We recognise the concerns expressed by some respondents about the accessibility of maps to disabled people, particularly those who are blind and partially sighted. We welcome the clarification given by the Minister that local authorities will be expected to produce maps in accessible formats, in line with their wider equality duties. We agree that this issue is best addressed in guidance issued under section 5(2). Notwithstanding this, **we are concerned that the practical and financial implications for local authorities of producing maps in accessible formats have not been fully considered, and we seek further assurance from the Minister on this issue.**

Section 6 – Developing transport policies with regard to integrated network map

240. Section 6 requires local authorities to “have regard to the integrated network map for its area” in developing policies forming the basis of local transport plans. Since local transport plans are in practice implemented at regional level in Wales, this will require Regional Transport Plans to be developed with regard to the maps.

Evidence from respondents

241. There was broad support for the section 6 duty among respondents. For example, CTC Cymru and Cardiff Cycling Campaign described the section as “essential” for the integration of walking and cycling into the transport planning process.¹⁴² CTC Cymru suggested it would:

“...require demonstrable evaluation / appraisal of cycling and walking modes with regard to transport objectives and assessments. These will then be subject to public accountability and the consideration and delivery of transport funding.”¹⁴³

242. Notwithstanding the above, concerns were raised about how the duty would affect other transport planning priorities. The Chartered Institute of Logistics and Transport pointed out that there is no requirement to take account of connectivity with other transport modes.¹⁴⁴

¹⁴² Written Evidence, AT12 and AT46

¹⁴³ Written Evidence, AT12

¹⁴⁴ Written evidence, AT36

243. Similarly, a number of respondents, including Halcrow¹⁴⁵ and those representing local government, raised concerns about how the Bill will interact with the wider Regional Transport Planning programme. In particular, TAITH questioned the priority that investment in the active travel infrastructure will have against other transport plan priorities. It pointed out that active travel is one aspect of an integrated network and that [Regional Transport] plans need “to ensure the whole integrated network is developed to aid economic growth.”¹⁴⁶ Similar issues were raised by Sewta and the Royal Town Planning Institute.¹⁴⁷

244. TraCC pointed to the effect that reprioritisation of funding is already having on the delivery of other schemes, which suggests there will be an opportunity cost associated with implementation of section 6:

“The four local authority Regional Transport Consortia have already been required by the Welsh Government to make one third of their RTP Capital Grant allocations available to support delivery of the Active Travel Agenda ahead of passage and assent of the Bill. This requirement (introduced for the 2013-14 financial year) has necessarily resulted in delays to the allocation on funding to previously prioritised schemes so as to accommodate the new requirement.”¹⁴⁸

245. Conversely, BMA Cymru suggested that the duty should be strengthened to ensure the prioritisation and/or delivery of improvements to the infrastructure to support active travel as identified in “integrated network maps”.¹⁴⁹

Evidence from the Minister

246. In explaining the intention of section 6, the Explanatory Memorandum states:

“[Local authorities] will not be required to deliver all of the schemes within the [integrated network] maps, recognising that there are reliant on statutory processes. However, policies and plans in local transport plans will need to be set out in such a

¹⁴⁵ Written evidence, AT43

¹⁴⁶ Written evidence, AT4

¹⁴⁷ Written evidence, AT5 and AT38

¹⁴⁸ Written evidence, AT45

¹⁴⁹ Written evidence, AT17

way as to facilitate the delivery of the routes and facilities in the integrated network maps.”¹⁵⁰

247. In commenting on how the Welsh Ministers will ensure that local authorities have complied with the section 6 duty, the Minister explained that this would form part of the process for approving Local and Regional Transport Plans. Approval was unlikely to be given to plans that did not adequately take into account the need to improve the active travel network.¹⁵¹

248. The Minister refuted the suggestion in evidence that the duty should be strengthened. He believed it was “significantly strong to create the necessary link” between the transport planning process and the “integrated network maps”.¹⁵²

Our view

249. We recognise the benefit of section 6 in integrating active travel into the transport planning process, and in ensuring there is a strong basis for the development of active travel infrastructure alongside wider transport priorities. We agree with the Minister that the duty should not be strengthened, and believe that to do so could potentially disrupt the balance of transport priorities.

250. However, we also recognise and share concerns raised, particularly by those in local government who will be required to implement this duty, that the relative priority to be given to active travel in comparison to other transport plan priorities is unclear. We believe that it is particularly important given the limited resources currently available, and the need for significant investment in other modes of transport, not least public transport.

251. We recommend the Minister clarify how the duty under section 6 relates to wider local transport planning priorities, and the relative priority to be given to active travel and non-active travel schemes, and to guidance contained in manuals. We further recommend that the Minister clarify how this will be made clear to local authorities and Regional Transport Consortia in their preparation of both Regional Transport Plans and of annual delivery plans.

¹⁵⁰ Explanatory Memorandum, p46

¹⁵¹ RoP, paragraph 223, 24 April 2013

¹⁵² RoP, paragraph 238, 24 April 2013

Section 7 – Securing continuous improvement in active travel routes

Background

252. Section 7 requires local authorities to make continuous improvement to the range and quality of active travel routes and related facilities in its area. In doing so they must have regard to guidance given by Welsh Ministers.

Evidence from respondents

253. There was broad support from respondents for the duty on local authorities to “make continuous improvement in the range and quality” of active travel routes and related facilities. Notwithstanding this, serious concerns were raised about how local authorities would meet the duty in the absence of additional funding from the Welsh Government.

254. While supportive of the duty, a number of respondents raised concerns that the Bill does not make clear the meaning of “continuous improvement” or the level of improvement required for local authorities to meet this duty.

255. In commenting on the above, Sewta stated:

“The term continuous improvements in this context is imprecise, and may result in difficulties and inconsistency in interpretation. Further clarity of what constitutes continuous improvements should be provided.”¹⁵³

256. Sustrans Cymru raised a concern that “simply removing barriers, general maintenance and resurfacing could all be considered to be improvements” and implied that the focus should be on the creation of new routes, over time. As such, it suggested that the continuous improvement duty should link more specifically to the delivery of integrated networks as envisaged within the “integrated network maps”.¹⁵⁴

257. BMA Cymru and Safe Streets Anglesey suggested that the duty is “too vague” with BMA Cymru recommending it should be strengthened

¹⁵³ Written Evidence AT5

¹⁵⁴ Written Evidence AT1

“through the inclusion of appropriate minima [improvements in the range and quality of active travel routes and facilities]”.¹⁵⁵

258. Linked to the above, Brake raised concern that “there are no deadlines or targets for achieving [continuous] improvements” and goes on to suggest that the Bill should be amended:

“...to require local authorities to set and meet targets at their three yearly mapping reviews. These reviews are an excellent opportunity for local authorities to set timescales and targets for delivering work and to be measured against previous such targets.”¹⁵⁶

259. A number of respondents, including Professor Pooley and Ramblers Cymru, emphasised the need to ensure that improvements are of a “sufficiently high standard”.¹⁵⁷

260. On a related issue, the Royal Town Planning Institute and Sewta sought clarification on the wording of the duty. They questioned whether local authorities would be required to make improvements to both the “range and quality” of routes and facilities in order to meet the duty or whether improvements to either would suffice.¹⁵⁸

Evidence from the Minister

261. While the Bill contains no definition of “continuous improvement”, the Explanatory Notes state:

“[Continuous improvement] means that local authorities will be expected to make year on year improvements to their routes and facilities, either by expanding the amount that is available or by upgrading existing provision.”¹⁵⁹

262. In his letter, dated 10 April, the Minister explained that more specific detail about how local authorities can meet the duty to “make continuous improvement” will be included in guidance given under section 7(2). Specifically, he advises that guidance will contain details

¹⁵⁵ Written Evidence AT17 and AT22

¹⁵⁶ Written evidence AT24

¹⁵⁷ Written Evidence AT9 and AT10

¹⁵⁸ Written Evidence AT38 and AT5

¹⁵⁹ Explanatory Memorandum, p47

on “how [continuous improvement] will be measured” and the “level of activity...required to meet this duty”.¹⁶⁰

263. At the 24 April meeting, the Minister explained that rates of walking and cycling and modal shift would be used to measure continuous improvement, which would be monitored through the Active Travel Action Plan.¹⁶¹

264. It was clear from the Minister’s evidence that he believes the term should be left undefined. He asserted that local authorities are “familiar with continuous improvement as a concept.”¹⁶²

265. On this issue, the Minister’s lawyer advised:

“Section 7 has precedent in section 3 of the Local Government Act 1999, which imposed a general duty on certain authorities to secure continuous improvement in the way that their functions are exercised. Continuous improvement was not defined there, and it is not defined in this Bill. In the 1999 Act, it provided that, in deciding how to fulfil the duty, authorities must have regard to guidance issued by the Secretary of State. So, it is a sort of mirror provision, and continuous improvement is to be the subject of guidance. It is not a term that will be defined.”¹⁶³

Our view

266. We welcome the policy intention behind the duty on local authorities to make continuous improvement in the range and quality of active travel routes and related facilities. We believe that if the duty is enforced and adequate funding is made available, it could bring about real advancements to the active travel network in the long term. However, we note that the term “continuous improvement” is not defined on the face of the Bill and that no indication is provided as to how local authorities will be expected to meet this duty in practice. As such, we are concerned that the policy intention may not have been effectively translated into the legislation.

267. While we recognise the term “continuous improvement” has been left undefined elsewhere in legislation (including the Local Government

¹⁶⁰ Additional evidence – letter from the Minister, 10 April 2013

¹⁶¹ RoP, paragraph 225, 24 April 2013

¹⁶² RoP, paragraph 227, 24 April 2013

¹⁶³ RoP, paragraph 231, 24 April 2013

(Wales) Measure 2009), we do not consider this sufficient reason to replicate such an approach on this occasion. Despite the Minister's assertion that the term is widely recognised and understood, in view of the evidence received, we question whether this is the case. To this end, **we recommend the Minister includes a definition of "continuous improvement" in the Bill, [similar to that provided in the Explanatory Note] for the sake of absolute clarity and to avoid any future misinterpretation of the term.**

268. We are concerned that the Bill contains no explicit provision for monitoring of the "continuous improvement" duty. We acknowledge the Minister's intention for guidance given under section 7(2) to include details of how continuous improvement will be measured and of the level of activity required by local authorities in order for them to comply with this duty. On the issue of guidance, we draw the Minister's attention once more to our previous recommendation on the need for the Welsh Ministers to consult on draft guidance accompanying the Bill and to lay a draft before the Assembly.

269. Notwithstanding the above, **we believe it would be beneficial to make reference on the face of the Bill to details of how continuous improvement will be measured and of the minimum requirements that local authorities will be expected to meet in order for them to comply with this duty. To give effect to this, we recommend that the Minister brings forward an amendment at Stage 2.**

270. On a related note, we remain unclear about the how sections 4 and 7 relate to one another. As such, **we seek clarification from the Minister on the relationship between the duty on local authorities to make "continuous improvement" and the process of review and resubmission of "integrated network maps".**

Section 8 – Provisions for walkers and cyclists in highway construction and improvement

Background

271. Section 8 requires local authorities and the Welsh Ministers to have regard to the desirability of enhancing provision for walking and cycling when creating and improving highways. Local authorities are highway authorities for local roads in Wales, while the Welsh Ministers are the highway authority for the trunk road network.

Evidence from respondents

272. There was broad support in principle for a duty requiring local authorities and the Welsh Ministers to consider active travel provision when delivering highway schemes. For example, a number of respondents, including the National Park Authorities of Wales and Professor Pooley, pointed to the additional cost of retrofitting provision in existing roads.¹⁶⁴

273. However, a number of respondents considered the duty insufficiently strong to bring about the necessary improvements in infrastructure. Sustrans Cymru suggested that it was arguable that Welsh Transport Appraisal Guidance (WelTAG) already required local authorities to “have regard to” the desirability of enhancing walking and cycling provision “yet too many new roads are built without facilities for pedestrians or cyclists”.¹⁶⁵

274. Other respondents raised concerns about the apparent lack of skills of highway authority staff and resistance among staff to the promotion of walking and cycling. For example, Safe Streets Anglesey referred to a response from “a senior highways officer dismissing a suggestion with “I am not responsible for promoting cycling””.¹⁶⁶

275. Suggestions about how the duty should be strengthened varied. A number of respondents, including Ramblers Cymru, the Royal Town Planning Institute and Sewta, recommended a presumption in favour of enhancing provision, which could be rebutted where it was inappropriate.¹⁶⁷ Others, such as Cardiff Cycling Campaign and CTC

¹⁶⁴ Written Evidence, AT9 and AT19

¹⁶⁵ Written Evidence, AT1

¹⁶⁶ Written Evidence, AT22

¹⁶⁷ Written Evidence, AT5, AT10 and AT38

Cymru proposed an absolute duty to enhance provision made for walkers and cyclists in highway schemes.¹⁶⁸

276. Conversely, TAIH and the WLGA pointed out it is not always possible to include active travel provision in highway schemes. TAIH suggested a provision for a departure from the section 8 duty would be permitted, while the WLGA suggested a duty to “consider” was appropriate.¹⁶⁹

Evidence from the Minister

277. In commenting on how the Welsh Ministers will ensure that local authorities have complied with the section 8 duty, the Minister explained that this would form part of the process for approving highway schemes. He advised that funding had been earmarked for the purpose of enhancing active travel provision within schemes and was confident that this, along with the duty, would ensure delivery.¹⁷⁰

278. On the issue of strengthening the duty, the then Minister told the Committee that a requirement to include active travel provision in road schemes would not always be appropriate since a road may span 30 miles which would be “inappropriate in terms of what we are trying to develop in the Active Travel (Wales) Bill.”¹⁷¹

279. However, with regard to a presumption of inclusion of walking and cycling provision, the Minister stated:

“A presumption is different from an absolute requirement, because it is easy to see there are instances where active travel would not be an appropriate component...However, a presumption is not an absolute requirement and, in those instances, it would be easy to show why presumption should not apply.”¹⁷²

280. He suggested he was willing to give further consideration to this issue, in light of any recommendations made by the Committee.

¹⁶⁸ Written evidence, AT12 and AT46

¹⁶⁹ Written evidence, AT2 and AT4

¹⁷⁰ RoP, paragraph 242, 18 April 2013

¹⁷¹ RoP, paragraph 212, 6 March 2013

¹⁷² RoP, paragraph 246, 24 April 2013

Our view

281. We welcome the duty provided in section 8, particularly given the evidence we have received suggesting that retrofitting active travel provision is more expensive, and that there is resistance among some highway authorities to consider active travel provision in highway schemes.

282. We note the view expressed by the Minister that a requirement to include active travel provision in highway schemes would be inappropriate, and agree that it could lead either to active travel provision which provides poor value for money, or leads to highway schemes not proceeding where they are required.

283. However, we recognise the extent to which active travel provision has been omitted from highway schemes in the past. We accept the evidence from respondents suggesting that highway authorities do not always acknowledge their role in supporting active travel and in developing infrastructure. Consequently, we believe that a presumption in favour of inclusion of active travel provision in highway schemes would be appropriate.

284. We recommend that section 8 be amended to include a presumption that there will be enhanced provision made for walkers and cyclists in schemes for the creation or improvement of highways. It would be the responsibility of the highway authority to rebut the presumption and to justify why provision for walkers and cyclists is not enhanced in any given highway scheme.

Section 9 – Guidance about disabled walkers and cyclists

Background

285. Section 9 allows the Welsh Ministers to issue guidance to local authorities on how the provisions of the Bill should apply to disabled active travellers who use motorised or other wheelchairs and other mobility aids.

Evidence from respondents

286. Whilst welcoming the provision in relation to guidance for disabled walkers and cyclists, those representing disabled people suggested that the provision be extended more widely, for example

including people with sensory impairments, and learning disabled people.

287. In addition, clarification was sought by some respondents on what is meant by the term “mobility aid” and specifically whether it would extend to assistance dogs and long canes.

288. Disability Wales said that, while they recognised that users of mobility aids and equipment had particular issues that may need to be addressed in guidance, they would want to see inclusion “across the experiences of people with impairments”, including those with autism or mental health conditions.¹⁷³

289. Guide Dogs Cymru supported the above view but added that mobility aids “mean hugely different things to different people”, citing canes, assistance dogs and wheelchairs as examples of what they would consider to be mobility aids. They also felt that the application of section 9 was too narrow.¹⁷⁴

290. Diverse Cymru welcomed the explicit recognition of the needs of people with disabilities in section 9 but also expressed concern about the narrow focus of the provision. It recommended expanding the provision to include a wider spectrum of disabilities, including people with sensory impairments and learning difficulties.¹⁷⁵

Evidence from the Minister

291. The Explanatory Notes state that guidance issued under section 9 is intended to ensure that the specific needs of walkers and cyclists who use mobility aids and/or adapted bicycles are properly considered and accommodated in the delivery of these schemes.

292. In his letter, dated 10 April, the Minister stated:

“The Bill seeks the provision to issue guidance so that local authorities and their partners can be supported in meeting existing equalities duties in delivering the provisions of the Bill.”

293. And:

¹⁷³ RoP, paragraph 275, 18 April 2013

¹⁷⁴ RoP, paragraph 276, 18 April 2013

¹⁷⁵ Written Evidence AT35

“We have worked closely with disabled groups, such as Guide Dogs for the Blind and Disability Wales to better understand the potential impact this Bill could have on those with disabilities and we have worked to mitigate negative impacts from the earliest stages.”¹⁷⁶

294. In providing the rationale for the section 9 provision, at the 24 April meeting, the Minister’s lawyer stated:

“Without section 9, we could not be sure that guidance under the Act would extend to disabled persons using motorised or other wheelchairs, mobility scooters, electrically-assisted cycles or other aids to mobility because they would not necessarily be walkers or cyclists. Therefore, the intention is to have a form of guidance which goes beyond persons who would normally be categorised as walkers or cyclists.”

Our View

295. We note the powers provided in section 9 for the Welsh Ministers to issue guidance to disabled persons using motorised or other wheelchairs and other mobility aids, and the rationale put forward by the Minister for this.

296. However, on a matter of interpretation, we are concerned that users of wheelchairs are not considered walkers or cyclists, and that guidance cannot be used to extend the application of the Bill which is expressly limited to walkers and cyclists. As such, we consider that the Bill, as currently drafted may inadvertently exclude wheelchair users.

297. We believe it is important for the Bill to make clear that its provisions apply equally to users of wheelchairs and other mobility aids who may not fall within the meaning of ‘walkers and cyclists’. As such, **we recommend that a definition of ‘walkers and cyclists’ that makes explicit reference to persons with disabilities who use wheelchairs and other mobility aids, is included in the Bill. We further recommend that the Minister brings forward an amendment at Stage 2 to this effect.**

298. We acknowledge the suggestion in evidence that the guidance issued under section 9 should be extended to encompass other

¹⁷⁶ Additional evidence – letter from the Minister, 10 April 2013

vulnerable users, including people with sensory impairments and learning difficulties. Assuming our previous recommendation is implemented, guidance specifically on active travellers using wheelchairs and other mobility aids may be less necessary. However, if guidance about disabled walkers and cyclists is explicitly provided for, we believe it should cover all types of disability to ensure their needs are considered. Consequently, **we recommend that the Minister considers extending the section 9 provision to include other vulnerable users.**

6. Financial considerations

Mapping costs

Evidence from respondents

299. In terms of the costs of the initial mapping exercise local authorities themselves did not comment on the costings provided for the mapping of the active travel network. However, Four Point Mapping, who conducted the mapping work for Swansea City Council, raised a concern about using the costs from that exercise as a basis for the estimates in the Explanatory Memorandum. In particular, the work was conducted in 2009 so the daily rate and time taken are out of date; the original project only surveyed cycling routes; no data was collected on walking routes which would add another significant cost; and the survey did not cover the whole borough, and was limited to the eastern urban part only.¹⁷⁷

300. Four Point Mapping suggested “a better way to scale up costs might be to adopt an approach based either on urban area size or population size rather than road length”. It also highlighted the potential for a “massive...saving” through collaboration if map production was procured centrally on an agreed framework to a national standard, but led through local authorities.¹⁷⁸

301. Respondents found it difficult to comment on the cost estimates of producing integrated network maps because of the lack of detail in the Explanatory Memorandum on how these estimates were reached. On this point, Sewta sought clarification on the basis of the £20,000 cost for production of the “integrated network maps”.¹⁷⁹ When questioned on the estimate, the WLGA reported it was “difficult to say whether that is a realistic figure or not.”¹⁸⁰

Evidence from the Minister

302. The Explanatory Memorandum sets out the estimated costs of just over £260,000 for the initial mapping of current walking and cycling provision¹⁸¹ and £410,000 for producing and promoting

¹⁷⁷ Written Evidence AT42

¹⁷⁸ Written Evidence AT42

¹⁷⁹ Written Evidence AT5

¹⁸⁰ RoP, paragraph 65, 20 March 2013

¹⁸¹ Explanatory Memorandum, p19 - 24

“integrated network maps”.¹⁸² Further combined costs were estimated for re-mapping every three years of around £140,000. The costs in relation to the mapping of existing routes are based on the experience of a mapping exercise that took place in Swansea Council. The costs of this exercise have been grossed up to a Wales level on the basis of the average cost per km of road, with reductions made to account for authorities where equivalent mapping exercises have already taken place.

303. According to the Explanatory Memorandum, costs in terms of producing integrated maps are estimated as £20,000 per local authority, or £400,000 overall, adjusting for authorities where this work is already underway.¹⁸³

304. In commenting on the appropriateness of using the Swansea mapping exercise to cost the preparation of “existing routes maps”, the Minister stated:

“We believe that Swansea is probably the most advanced in this process in terms of delivering the closest example of what we are proposing in the Bill. We have made some general assessments around that, and we are still looking at other intelligence that might help us to develop tighter knowledge around the financial aspect of this.”¹⁸⁴

305. In addition, the Minister’s official acknowledged:

“...we are proposing an approach through legislation that has not been delivered on this scale before, so there were certain assumptions that had to be made...we are exploring alternative ways of mapping, based on things such as user-created maps, to see whether this is a viable option that would reduce the costs and deliver something that is a little bit more cost effective.”¹⁸⁵

306. In relation to the cost estimate of £20,000 for the preparation of “integrated network maps”, the Minister’s official explained it was “an estimate of time, based on what we thought the likely tasks would be.” She went on to elaborate:

¹⁸² Explanatory Memorandum, p25 - 26

¹⁸³ Explanatory Memorandum, p25

¹⁸⁴ RoP, paragraph 176, 6 March 2013

¹⁸⁵ RoP, paragraph 203, 24 April 2013

“It was an estimate based on a knowledge of the sort of plans that are out there already: what kinds of tasks officers would need to undertake to scrutinise those plans and bring them together in consultation.”¹⁸⁶

Funding of mapping

Evidence from respondents

307. There was a lack of clarity around how the mapping exercise would be funded. The WLGA stated in written evidence that it understood the Welsh Government would make funding available to local authorities to enable them to prepare and publish maps.¹⁸⁷ However, when questioned on this issue, it was less optimistic that this was the case.¹⁸⁸ Sustrans Cymru stated that how the maps are funded will have a knock-on effect on money available for delivery of continuous improvements.¹⁸⁹

308. CTC Cymru and Cardiff Cycling Campaign believed that the work involved in preparation of maps will be substantial, while Halcrow suggested that significant costs of mapping will be “largely front loaded” in the first three years, which will be a “considerable challenge” for most local authorities.¹⁹⁰

Evidence from the Minister

309. At the 24 April meeting, the Minister suggested that the Welsh Government would provide funding to cover the mapping costs. He stated:

“I can confirm that Welsh Government, through the funding that I mentioned earlier, will cover the costs of the mapping exercise.”¹⁹¹

310. It is understood that this will be from active travel funding allocated by the Welsh Government which we understand to be approximately £14.3 million.¹⁹²

¹⁸⁶ RoP, paragraph 218, 24 April 2013

¹⁸⁷ Written Evidence AT2

¹⁸⁸ RoP, paragraph 69, 20 March 2013

¹⁸⁹ Written Evidence AT1

¹⁹⁰ Written Evidence AT12, AT46 and AT43

¹⁹¹ RoP, paragraph 211, 24 April 2013

¹⁹² Explanatory Memorandum, p26

Consultation costs

Evidence from respondents

311. The Royal Town Planning Institute and Sewta highlighted that no assessment of mapping consultation costs or the extent of consultation is included in the Explanatory Memorandum.¹⁹³ Living Streets was “surprised” that further detail on the consultation process was not included. It proposed a Community Street Audit approach where groups of local stakeholders assess routes on foot.¹⁹⁴

Evidence from the Minister

312. There is no indication in the Explanatory Memorandum of the estimated costs of consultation in the production of maps.

Maintenance of existing network and investment in new infrastructure

Evidence from respondents

313. As outlined in Chapter 4, General principles, more than two thirds of respondents explicitly identified the absence of additional funding to be an issue for, or in some cases a significant potential barrier to, the delivery of the Bill. In particular, a number of organisations, including SWITCH, were concerned the Bill would be difficult to deliver at a time of constrained public finance. The WLGA suggested funds ring-fenced by the Regional Transport Consortia would not be sufficient to deliver the Bill.

314. There was support from those representing local government for specific or ring-fenced grants. On this issue, TraCC “strongly” recommended a specific Active Travel Capital Grant.¹⁹⁵ Similarly, Cardiff Council proposed a ring fenced Active Travel Grant independent of the Regional Transport Plan. It stated that current investment was insufficient for all local authorities to deliver enhancements on the scale required.¹⁹⁶ Natural Resources Wales stated that its experience of the Rights of Way Improvement Plan process is that provision of dedicated funding “very positively” affected the process.¹⁹⁷

¹⁹³ Written Evidence AT38 and AT5

¹⁹⁴ Written Evidence AT11

¹⁹⁵ Written Evidence AT45

¹⁹⁶ Written Evidence AT47

¹⁹⁷ Written Evidence AT48

315. The BMA Cymru suggested that a percentage of transport funding should be directed to the delivery of the Bill.¹⁹⁸ Similarly, Cardiff Cycling Campaign and CTC Cymru both propose a figure of £10 per capita for active travel investment.¹⁹⁹

316. As previously mentioned, some representatives of local government, in particular the WLGA and TAITH, raised concerns about the emphasis on creating new routes on the basis that “there are inadequate resources for the maintenance of existing routes”. They suggested that future maintenance costs would serve as a disincentive to add new routes to the network.²⁰⁰

317. TAITH also pointed out that the duty on local authorities to maintain routes will fall to local authorities under the Highways Act 1980, and that this “will amount to an additional financial responsibility on local government.”²⁰¹

318. Keep Wales Tidy suggested that failure to maintain routes will mean that they will not be used. It pointed to evidence from schools in support of this.²⁰² Living Streets cited its own research showing that 37 per cent of Welsh adults would walk in the local area if streets were kept in better condition.²⁰³

Evidence from the Minister

319. According to the Explanatory Memorandum:

“The cost of making continuous improvements to the active travel network will depend upon a number of factors, not least the type, number/length of improvements required and the impact on existing infrastructure. The delivery of the continuous improvements will have to be within the constraints of budget availability. Local authorities will not be required to commit additional funding above what is already being spent on active travel as a consequence of this piece of legislation.”²⁰⁴

¹⁹⁸ Written Evidence AT17

¹⁹⁹ Written Evidence AT46 and AT12

²⁰⁰ Written Evidence AT2

²⁰¹ Written Evidence AT4

²⁰² Written Evidence AT31

²⁰³ Written Evidence AT11

²⁰⁴ Explanatory Memorandum, p26

320. It goes on to report that a proportion of the £14.3 million currently provided by the Welsh Government for active travel related projects will be focussed on developing integrated networks.²⁰⁵

321. The Minister provided a further breakdown of funding at the 24 April meeting of the Committee. He reported that for 2013/14 “just under £8 million has been identified and earmarked for active travel” from within the Regional Transport Grant; “in excess of £4 million” was available through Safe Routes in Communities; and an element of funding for highway schemes will be earmarked for active travel in the current financial year.²⁰⁶

322. The Minister went on to assert:

“Through this Bill, we are going to see better and more effective use of resources; so, as well as earmarking money for the purpose of active travel, we will see existing and future resource better used because we will have these plans in place, which will be a focal point for all delivery partners to understand, focus on and take forward.”²⁰⁷

323. The Explanatory Memorandum makes passing reference to maintenance of routes, acknowledging that there will be costs and stating these must be factored into the assessment of any proposed investment.²⁰⁸

324. In responding to concerns raised about how local authorities would be expected to meet the cost of maintaining active travel routes, the Minister referred to their existing duties to maintain highways under the Highways Act 1980. He went on to state:

“I know that many local authorities around Wales have done a lot of good work using prudential borrowing powers...and indeed made sure that other costs associated with poor maintenance have not materialised, which is a very cost effective way of looking at these matters.”²⁰⁹

²⁰⁵ Explanatory Memorandum, p26

²⁰⁶ RoP, paragraph 86, 24 April 2013

²⁰⁷ *ibid*

²⁰⁸ Explanatory Memorandum, p28

²⁰⁹ RoP, paragraph 88, 24 April 2013

Our view

325. It was apparent in evidence that respondents found it difficult to assess the financial implications of the Bill, as set out in the Explanatory Memorandum, given that these will largely be influenced by guidance issued under the Bill, which is not yet available.

326. We note the Minister's evidence that a proportion of the £14.3 million funding for active travel related projects in 2013-2014 will be used for the purpose of developing the network. Without further sight of the guidance, it is difficult to assess whether this funding will be sufficient to enable local authorities to deliver the improvements being sought by the Minister. However, it is clear from the evidence received that many respondents do not consider this to be the case.

327. We acknowledge that maintenance of active travel routes will be key to ensuring they remain safe and suitable for use by walkers and cyclists. We recognise the concern raised in evidence about the on-going maintenance costs of routes and we question whether sufficient consideration has been given to this issue.

328. In relation to mapping costs, we share the concerns raised by Four Point Mapping about the suitability of the Swansea mapping exercise as a basis for estimating the costs of preparing "existing routes maps" as set out in the Bill. Consultation costs and Welsh Government administrative costs associated with the approval and monitoring of the Bill, the development of guidance etc. are not set out in the Explanatory Memorandum. As such we are unable to comment on these. On a general point, we have found it difficult to comment on the robustness of the figures in the Explanatory Memorandum and consequently to fulfil our role in undertaking financial scrutiny of the Bill.

329. We recommend that the financial estimates on which the Bill is based are updated and made available in time to inform the Stage 3 process. In doing so, we expect the Minister to address more thoroughly the cost of mapping existing routes and to set out the basis on which the costs for mapping continuous improvement have been calculated.

330. As outlined in Chapter 4, much of the detail around the delivery of the Bill's policy aims will be contained in Ministerial guidance, which is not yet available. It was clear that respondents found it difficult to

quantify the impact of the Bill without sight of the guidance. As such, **we recommend that an impact assessment of financial costs and benefits should be undertaken when developing guidance under the Bill and that this should be made publicly available.**

7. Other issues

Rights of way

Background

331. The Explanatory Memorandum highlights the existing local authority statutory duties to map and improve rights of way arising from the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.

332. Additionally, active travel routes also commonly include permissive routes which are on private land with access under licence from the landowner, i.e. with permission from the landowner which may be withdrawn, or contract. These are not highways, in that there is no *right* of passage.

333. The Welsh Government’s response to the Active Travel (Wales) Bill White Paper consultation noted the issue of permissive routes:

We also recognise the challenges of mapping permissive routes, but there are too many permissive routes that could provide suitable routes for active travel for them to be excluded on a map. The guidance will include how to show these routes on the maps, and engage with landowners.²¹⁰

Evidence from respondents

334. A number of respondents raised issues relating to existing rights of way and other highway obligations. Natural Resources Wales expressed a preference for the duty on local authorities to map walking and cycling routes “[to be] linked to existing mapping duties” given the new duty “is likely to impact on these existing surveying authority duties”.²¹¹

335. Sustrans Cymru suggested the Bill presents issues related to rights of way, including the status of any rights of way included on the maps (cycle tracks designated under the Cycle Tracks Act 1984 are currently removed from definitive rights of way maps). Similar issues were raised in relation to permissive routes. In particular, Sustrans

²¹⁰ Welsh Government, Outcome of the Active Travel (Wales) Bill White Paper consultation, p6

²¹¹ Written evidence, AT48

sought clarification on who would maintain these routes if they were included on the proposed maps. Referring to sections of the National Cycle Network which are permissive routes currently maintained by Sustrans Cymru, they asked whether maintenance of such routes would continue to be their responsibility were they included on the maps prepared by the relevant local authority.²¹²

Evidence from the Minister

336. In terms of links between duties under the Bill and wider duties related to rights of way mapping and improvement, when asked why the duties under the Bill have not been linked to wider duties the Minister stated:

“I think there will be links, because, when these plans are pulled together, they will look at what is already there in terms of rights of way, for example.”²¹³

337. In commenting on the issue of permissive routes, the Minister stated:

“Local government would want to discuss, if not negotiate, matters of maintenance and arrangements for maintenance with landowners before deciding whether it was appropriate to include private land in its active travel routes. I am sure that these are matters that can be overcome if they are seen as potential barriers through discussion and arrangement making. That is perfectly possible and happens all the time across a range of local government responsibilities.”

Our view

338. We note the Minister’s evidence that there will be links to wider duties regarding rights of way, but we remain unclear how the duties will be implemented and co-ordinated to avoid, for example, duplication of effort within local authorities.

339. We expect that guidance under the Bill will be prepared with regard to these wider duties and will assist local authorities in ensuring these duties are complimentary so that duplication of effort is minimised.

²¹² RoP, paragraph 184, 18 April 2013

²¹³ RoP, paragraph 62, 24 April 2013

340. With regard to permissive routes, we recognise that these will form part of the mapped network. However, we note that the Minister did not repeat the assurance given in the Welsh Government’s discussion of White Paper consultation responses that this matter would be addressed in guidance. We believe these are matters on which local authorities would benefit from guidance not just on issues such as maintenance of permissive routes, but also negotiation and issues such as the conversion of these routes to highways and their potential adoption by the local authority.

341. In view of the above, **we recommend that guidance to local authorities issued under the Bill includes how permissive routes are to be shown on “existing routes maps” and “integrated network maps”, and how to engage with landowners on matters relating to permissive routes.**

Witnesses

The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at:

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=5750>

6 March 2013

Carl Sargeant AM	Minister for Local Government and Communities
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20 March 2013

Jane Lee	Welsh Local Government Association (WLGA)
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Tim Peppin	Welsh Local Government Association (WLGA)
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Matthew Gilbert	South East Wales Transport Alliance (Sewta)
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Darren Thomas	South West Wales Integrated Transport Consortium (SWWITCH)
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Michael Whittaker	TAITH
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18 April 2013

Professor Colin Pooley	Academic
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Matt Hemsley	Sustrans Cymru
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Jane Lorimer	Sustrans Cymru
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Lee Waters	Sustrans Cymru
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Rhyan Berrigan	Disability Wales
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Rhian Davies	Disability Wales
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Andrea Gordon	Guide Dogs Cymru
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Peter Jones	Guide Dogs Cymru
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Hugo Crombie	National Institute for Health and Care Excellence
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18 April 2013 Cont.

Dr Nicki Pease	British Medical Association (BMA) Cymru
Dr Mark Temple	British Medical Association (BMA) Cymru
Dr Kevin Golding-Williams	Living Streets
Gwenda Owen	Ramblers Cymru
Dr Hugh Mackay	CTC Cymru
Jont Bulbeck	Natural Resources Wales
Ceri Davies	Natural Resources Wales

24 April 2013

John Griffiths AM	Minister for Culture and Sport
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List of written evidence

The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at:

<http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?Ild=5893>

<i>Name / Organisation</i>	<i>Reference</i>
Sustrans	AT 1
Supplementary Evidence	AT 1a
Welsh Local Government Association (WLGA)	AT 2
South West Wales Integrated Transport Consortium (SWWITCH)	AT 3
Taith Management Unit (TAITH)	AT 4
South East Wales Transport Alliance (Sewta)	AT 5
National Obesity Forum Wales	AT 6
Jack Hanbury	AT 7
Guide Dogs Cymru	AT 8
Professor Colin G Pooley	AT 9
Ramblers Cymru	AT 10
Living Streets	AT 11
CTC Cymru	AT 12
Disability Wales	AT 13
John Palmer	AT 14
Welshpool Town Council	AT 15
North Wales Association of Town and Larger Community Councils	AT 16
British Medical Association (BMA) Cymru	AT 17
National Association of Head Teachers (NAHT)	AT 18
National Park Authorities of Wales	AT 19
The British Horse Society	AT 20
The British Horse Society – Regional Access and Bridleways Officer Wales	AT 20a

The British Horse Society – Chair of Welsh National Committee	AT 20b
Children’s Commissioner for Wales	AT 21
Safe Streets Anglesey	AT 22
Youth Hostel Association (YHA) Cymru	AT 23
Brake	AT 24
David M Hytch	AT 25
Railfuture	AT 26
Wheelrights	AT 27
Royal College of Physicians in Wales	AT 28
Play Wales	AT 29
National Institute for Health and Care Excellence (NICE)	AT 30
Keep Wales Tidy	AT 31
Sustainable Design Partnership	AT 32
Brecon Beacons Local Access Forum	AT 33
John Bowers	AT 34
Diverse Cymru	AT 35
Chartered Institute of Logistics and Transport (UK) Cymru Wales	AT 36
Rowland Pittard	AT 37
Royal Town Planning Institute (Wales)	AT 38
Association of Chief Police Officers Cymru (ACPOC)	AT 39
UK Health Forum	AT 40
Country Land and Business Association	AT 41
Four Point Mapping	AT 42
Halcrow Group Ltd	AT 43
Institution of Civil Engineers Wales Cymru	AT 44
Trafnidiaeth Canolbarth Cymru (TraCC)	AT 45
Cardiff Cycling Campaign	AT 46
Cardiff Council	AT 47

Additional written evidence from the Member in Charge, John Griffiths AM, Minister for Culture and Sport can be viewed at:

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=6586>