

Enterprise and Learning Committee

EL(3) 27-08 (p2) : 12 November 2008

Introduction

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. The WLGA welcomes the opportunity to comment on the proposed draft LCO on traffic free routes. The comments provided below respond to the questions listed in the consultation documentation.

Views on the general principle of whether legislative competence is required in this area by the Assembly

4. There is much to support in relation to the broad thinking that underlies the LCO proposed by Sustrans. The WLGA itself is involved in sustainable development work with local government that is based on similar reasoning. There is growing recognition in local authorities of the need for radical actions to address risks posed to our communities as a result of unsustainable behaviour - be that in relation to climate change, peak oil, rising levels of obesity or various forms of inequality.
5. However, should the development and maintenance of networks of highways for non motor vehicle users be prioritised as part of our response and does the Assembly need legislative competence to drive this forward?
6. There are four main points to make in response to these questions. First, if the Order results in an additional duty upon local government to develop and maintain such a network, it would have to be accompanied by funding to have any meaning. However, secondly, there is already a major backlog (valued at around £300m) in relation to the maintenance of existing highways which, in most cases, can be used by pedestrians and cyclists. Improvement of these highways brings immediate benefits to all types of user. There is currently much concern over the future of the £15m per annum Local Roads Maintenance Grant to local authorities due to pressure on Assembly resources. If resources for existing routes are inadequate, the proposal to develop additional routes surely has to be questioned.
7. Thirdly, the creation of a series of new 4m wide footways/cycleways would consume significant levels of resources and could involve large amounts of 'embedded energy' in their construction. Sustainable development requires resource efficiency and avoidance of duplication. Whilst there is an argument that mindsets and behaviour will not change unless and until routes are separated, this has to be weighed against 'opportunity costs' and other resource implications (potentially including, in some areas, concerns about habitats and species).
8. Fourthly, WAG already has the ability to fund transportation projects through specific grant and it has done so in recent years through the Transport Grant mechanism (although ongoing funding for maintenance is not provided). The Wales Coastal Path, for example, is already being developed under existing powers.
9. Overall, therefore, whilst very supportive of Sustrans' efforts to develop active forms of transport, the WLGA believes that the need for and value of legislative competence in this area is not clear. There is agreement that behaviour needs to change but much hinges on (i) the judgement as to whether these new networks are necessary to achieve this change and (ii) whether sufficient resources (money, materials, land, energy) can be made available and justified over other ways of using them.

Terms of the proposed Order

10. As it stands the Order is broad in coverage. It refers to 'highway authorities in Wales', which includes the Welsh Assembly Government (WAG) as well as local authorities. The scale of intended activity is not clear - is the intention that the 'networks' will ultimately link up across Wales (in which case would there be targets to deliver a number of kilometres per annum?) or is it aimed at a relatively small number of local schemes where circumstances particularly lend themselves to such an approach? The vast majority of road mileage in Wales is still lightly trafficked and suitable for walking and cycling. Clarification on the issue of scale would help understanding of, and formulation of views on, the proposal.
11. Likewise, WLGA is aware of the concerns raised by Guide Dogs for the Blind concerning mixed pedestrian and cycle use of the network. Sustrans is known to be working to allay these concerns and the resolution may require some refinement of the terms of the proposed Order.
12. More generally, recent guidance on 'Cycle Infrastructure Design' issued by the Department for Transport, WAG and the Scottish Executive states: "In general, offroad cycle routes in urban areas tend to be the least desired option, and it is usually better to cater for urban cyclists onroad if this is practicable. Offroad routes are often created by converting existing footways/footpaths and, if such routes are not carefully designed, pedestrians may view them as a reduction in quality of provision. It is important to consult with cyclists and pedestrian groups on the design of such facilities. This can help reduce the likelihood of objections to the conversion of pedestrian facilities" (Local Transport Note 2/08; October 2008; page 41; emphasis added).

Would the terms of the proposed Order allow for the development of traffic free routes in Wales by means of Measures?

13. As stated above, if the Order / any resulting Measures are to have practical effect, they would have to be accompanied by an appropriate level of funding - not only for the capital cost of development but also the revenue for ongoing maintenance. Depending on location, this could extend to maintenance of adjacent vegetation (to eliminate overgrowth etc) as well as maintenance of the routeways themselves. Costs of lighting may also be a consideration from a community safety perspective given local authorities' duty under Section 17 of the Crime and Disorder Act. Again, though, any such provision would run counter to wider efforts to reduce energy consumption.

14. Another critical factor would be whether land acquisition would be necessary - and in most cases this appears likely. In general it would not be an option to develop the network by reducing the width of existing roads. Restricting access to motor vehicles for all or part of the day would not be a solution in the vast majority of cases either. Many minor roads provide the principal means of access to premises and providing alternatives would be equally problematic. Compulsory acquisition of land would generate a range of complications and increase the costs and time required.

Views on the proposal

15. The comments here are the same as in paragraphs 10 to 14 above.

Should the terms 'development' and 'maintenance' be defined?

16. The question as to whether the case has been made for the proposed new networks is far more fundamental at this stage than detailed points of definition. However, if the Order is to be progressed then, as noted in paragraph 10, it will be necessary to clarify the nature and scale of the intended 'development'. The maintenance backlog on existing highways across Wales demonstrates the difficulty of maintaining networks to a satisfactory level and an equivalent form of measurement would be needed to monitor the condition of the new network.

Are any of the transport-related exceptions in Schedule 5 of Government of Wales Act 2006 relevant?

17. Most of the exceptions listed under Schedule 5 in relation to Matter 5.10 (Learner Travel) do not seem particularly relevant to this proposal, give that only pedestrians and cyclists would be using the network - although the issue of 'traffic regulation on special roads, pedestrian crossings, traffic signs' may be relevant, especially where the vehicle free routes intersect highways.

Concluding comments

18. The above comments reflect the harsh financial realities facing local authorities in terms of their ability to maintain existing assets, let alone take on new responsibilities without additional and adequate levels of funding. They are not intended to be in any way negative in relation to Sustrans' work. Local authorities are working successfully with Sustrans throughout Wales on initiatives to promote cycling and walking and see this as a vitally important part of the overall effort to develop community resilience in the face of the issues outlined in paragraph 4. If it is decided to progress the Order then local authorities would respond positively and seek sustainable and imaginative solutions in the spirit of the Order - but without an appropriate level of additional funding it would not be possible to carry out the duty in a meaningful way.

19. This response has been prepared with input from WLGA's transport advisers. It is being more widely circulated to officers and the WLGA's political spokesperson in advance of the committee meeting and an update on any further significant comments received will be provided at the committee meeting.

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