

Enterprise and Learning Committee

EL(3) 27-08 (p3) : 12 November 2008

Purpose

This paper provides written evidence, as requested by the Clerk to the Committee, on the draft proposed Legislative Competence Order;

"Provision imposing duties on highway authorities in Wales in relation to the development and maintenance of networks of highways for the use of users other than motor vehicles."

This paper has been prepared in accordance with the consultation questions.

Background

1. The Paths for All Partnership, a registered Scottish charity, is a company limited by guarantee. Set up in 1996, the Partnership facilitates the development of paths for everyday journeys, health and well-being, strengthening communities, economic development and recreation. This requires close working with local authorities and national park authorities, public agencies, community groups and the private sector.

The Partnership has two areas of delivery - Outdoor Access and Paths to Health. The Partnership's work and interest in walking and cycling for everyday journeys (active travel) is an element of both the Outdoor Access and Paths to Health programmes. Further information on these programmes can be found at appendix 1. Our work covers the whole of Scotland, and we do not operate outside Scotland.

2. The Partnership is not conversant with the Welsh legislative process and therefore cannot comment on the legislative competence of the Assembly, the appropriateness of the terms of the proposed Order to be dealt with by means of Measures or the relevance of Schedule 5 of the Government of Wales Act 2006 to this proposal.

3. The terms of the proposed Order have the potential to make wide ranging provision for the design and construction of new highways, upgrading and improvement of existing highways and ongoing maintenance of all highways. The current terms will also provide for the use of these highways by all non-motorised users. This will include people on foot, bicycle and horseback as well as for people using pushchairs and wheelchairs. However, the current terms may be taken to exclude people with disabilities who use motorised buggies. If this is not the intention of the proposed Order then clarification on the use of motorised buggies by people with disabilities may be required in the drafting of the Assembly Measure.

4. The proposal has the potential to deliver a network of fit for purpose routes across Wales that would be the envy of the rest of the United Kingdom, and indeed many countries in Europe. The many benefits of active travel have been very competently outlined by Mr Waters in his previous paper to the Committee. These benefits relate directly to local and national health,

environmental, community and economic targets. It can be argued that, in comparison to other political and social initiatives, walking and cycling for everyday journeys is the only initiative that can deliver multiple cross-cutting benefits. Because of this active travel is deserving of policy measures that will maximise all of the benefits of active travel for the people of Wales. However, it is one thing to impose a duty on highways authorities to develop and maintain routes, and another to achieve consistency in quality and sufficiency of routes between authorities.

5. In Scotland, Part 1 of the Land Reform (Scotland) Act 2003 (the Act) came into effect in February 2005. This Act introduced a right of non-motorised responsible access to most land and inland water in Scotland. A key component of the Act was to impose a duty on access authorities (local authorities and national park authorities) to draw up a plan for a system of Core Paths sufficient for the purpose of giving reasonable access throughout their area.

6. Core Path networks will result in a basic framework of routes close to where people live and work, available for everyday journeys as well as recreation. Core Path networks will connect to and support wider path networks, and it is expected that the principles for standards and management of Core Paths will also relate to the wider path network. The functional aspect of Core Paths is perhaps similar to the highways in the proposal. Core Paths will be a material consideration in decisions on planning applications, and will therefore be afforded a degree of protection from development¹.

7. While there is a duty on access authorities to draw up a Core Paths Plan, there is no duty to implement the Plan or maintain the routes. The absence of a duty to maintain, and the financial support to access authorities that would have followed such a duty, is of concern among Access Officers, whose responsibility it is to fulfil the requirements of the Act. It is, however, expected that the status of "Core Path" will help to secure funding for maintenance from within access authorities.

8. Most access authorities in Scotland are coming to the end of the process for producing their first Core Paths Plan and are now at the stage of considering how they will implement their Core Paths Plans. As a comparison to the proposal in question it may be useful to outline the Core Paths Planning process in more detail and to consider the lessons learned from this initiative.

The diagram below outlines what has been involved in the Core Paths Planning process.

Strategic Environmental Assessment process	Completion of Path Survey and creation of Path Management Database	First round of informal public & land manager consultation	
		Preliminary assessment of information from informal consultation (using core path criteria)	
		Second round of informal public & land manager consultation	
		Second assessment checking desired routes against core path criteria	
		Publish the Draft Plan	
		Formal consultation on the Draft Plan	
		Analyse representations and objections	
		Resolve objections if possible	Local Inquiry if objections remain
		Adopt the Plan	

Figure 1: Core Paths Planning Process

9. It is hoped that the focus on iterative public consultation in the planning of Core Path networks will result in local people feeling a sense of ownership and connection with their local networks, which in turn will encourage use of the networks.

10. In the absence of a duty to maintain and designated funding for Core Paths in Scotland each access authority will have to find funds for route development and maintenance from within the Grant Aided Expenditure allowance from the Scottish Government. The proportion of GAE moneys directed to Core Paths development and maintenance will therefore vary depending on individual local authority priorities, and these priorities are articulated through each authority's Single Outcome Agreement².

11. Although around 70% of the transport budget in Scotland can be said to go to sustainable transport, this in effect means funding for rail, bus and ferry projects, concessionary fares and administration costs. None of this 70% is directed to walking and cycling projects.

12. For Core Path networks across Scotland this means that there is likely to be differences in the standard of infrastructure, particularly for all abilities routes, and sufficiency of useable routes for different user types. In some circumstances the extent of Core Paths development may be limited to sign-posting only.

13. Consistency of good quality, fit for purpose paths across Wales can only be achieved through adequate and targeted funding. It is commendable that the proposal includes a duty to maintain as well as to develop highways, as this will ensure that the duty is adequately resourced.

14. However, consistency of the highways infrastructure will also be dependant on consistency in interpretation of the terms within the matter. Clear statutory guidance on how the terms within the matter should be interpreted will greatly assist highways authorities in understanding the minimum standard to which they must adhere. For example, the term "development" may be taken at one extreme to mean basic sign-posting, and at the other extreme full scale path construction including furniture and lighting. Likewise the term "maintenance" can mean minimal litter picking or regular path surface repair, drainage and vegetation control. A financial appraisal of minimum standards will be necessary in determining the cost to the Assembly for Wales in support of this matter.

15. A further advantage of the proposal will be to encourage highways authorities to consider the needs of people wishing to walk and cycle for everyday journeys. Assumptions that the car must be prioritised over other modes of transport, particularly active modes, will be challenged. It is to be hoped that this will trigger an attitude shift among transport planners and roads engineers towards a stronger commitment to the development of active travel infrastructure.

16. The Scottish Transport Appraisal Guidance assists transport planners to quantify the costs and benefits of different modes of transport. Work is currently underway within the Scottish Government to adapt STAG to more efficiently demonstrate the role of active modes of transport³.

17. Of course the need for a change in attitude is not only required within transport departments, but also among planning and economic development departments. Just as active travel has the potential for cross-cutting benefits, so does development of active travel require a cross-departmental and holistic approach. Once districts and towns are designed so that services and workplaces are within walking or cycling distance of where people live, the full potential of active travel will be realised. This will better provide for equality of accessibility of services rather than individual mobility.

18. High quality infrastructure and public spaces are crucial to encouraging people to change their attitudes towards more active modes of transport. But the provision of infrastructure alone will not change people's attitudes and patterns of behaviour. There must also be a concerted effort to give people the information and support they need to encourage modal shift.

19. The importance of this dual approach has been recognised by the Scottish Government with the Smarter Choices: Smarter Places project. Seven towns in Scotland will participate in this project with the aim of demonstrating how the combination of improved infrastructure, services and social marketing techniques can bring about significant modal shift. Inspired by the success of the Sustainable Travel Demonstration Towns in England, the Smarter Choices project started in August 2008 and will run for three years. Further information on the Smarter Choices project can be found in appendix 2.

¹ Scottish Planning Policy 11: Open Space and Physical Activity, Scottish Government, 2007, www.scotland.gov.uk/Publications/2007/11/12152424/0

² Single Outcome Agreement - Guidance, Format & Indicators, Convention of Scottish Local authorities, 2008. www.improvementservice.org.uk/news/news-across-scotland/single-outcome-agreement---guidance-format-and-indicators-package-issued.html

³ Using the Scottish Transport Appraisal Guidance to Evaluate Sustainable Travel Projects, Paths for All partnership, 2008. www.pathsforall.org.uk/cms_uploads/STAGPracticeNoteFINAL.pdf

Summary

The proposal has the potential to deliver significant quality of life benefits for the people of Wales. Imposing a duty to develop and maintain routes will be important for ensuring fit for purpose standards and sufficiency of routes. However, the terms "development" and "maintenance" should be defined within the matter and statutory guidance provided on interpretation of these terms.

It will be necessary to determine what development is required area by area. The Core Paths Planning process in Scotland provides a model for this in review of existing walking and cycling provision; determine need through community consultation; and establish criteria for the rational expansion of the network.

Achieving modal shift is the key to unlocking the benefits of active travel, and this must be the responsibility of national as well as local government. This cannot be achieved by infrastructure improvements alone, but must also include the strategic and co-ordinated use of social marketing techniques.

Adequate resources will be required to achieve the above, but this will be money well spent.

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31st October 2008

Appendix 1

Paths for All Partnership

Paths for people ...

a happier, healthier, greener, more active Scotland

Paths for All Partnership has a vision of a Scotland where each community has a network of paths and other routes which are well used for everyday journeys, physical activity and recreation, delivering sustainable transport, health, community and economic benefits for all.

The Partnership has two areas of delivery - Outdoor Access and Paths to Health.

Outdoor Access works with a range of communities, organisations and agencies, including all local authorities, to deliver well planned and managed path networks.

Paths to Health promotes walking for health across Scotland and offers proven approaches to influence people's behaviour through community, workplace and health care settings.

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Appendix 2

Smarter Choices: Smarter Places

Smarter Choices: Smarter Places is a Scottish Government partnership project with the Confederation of Scottish Local Authorities. Designed to increase active travel and public transport use and tackle transport emissions, it will contribute to a number of objectives in the Scottish Government's National Performance Framework, and Local Authorities' Single Outcome Agreements.

The following authorities and regional transport partnership have been successful in attracting Scottish Government funding:-

Dumfries & Galloway Council and SWestrans for Dumfries

Dundee City Council for Dundee

East Dunbartonshire Council for Kirkintilloch and Lenzie

East Renfrewshire Council for Barrhead

Falkirk Council for Larbert and Stenhousemuir

Glasgow City Council for the East End

Orkney Islands Council for Kirkwall

Activities in these local authorities will include: better public transport services and residential improvements; upgrades in walking and cycling infrastructures; studies into travel patterns and access; intensive marketing and awareness campaigns; and workshops and information packs. Communities involved range from between approximately 10,000 in Kirkwall to 37,000 in Dumfries.

Further information -

www.scotland.gov.uk/Topics/Transport/sustainable-transport