

# Y Pwyllgor Menter a Dysgu

## The Enterprise and Learning Committee

Dydd Mercher, 12 Tachwedd 2008  
Wednesday, 12 November 2008

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

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These proceedings are reported in the language in which they were spoken in the committee. In addition, an English translation of Welsh speeches is included.

### Aelodau'r pwyllgor yn bresennol Committee members in attendance

Christine Chapman	Llafur Labour
Jeff Cuthbert	Llafur Labour
Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Gareth Jones	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
David Melding	Ceidwadwyr Cymreig Welsh Conservatives
Sandy Mewies	Llafur Labour
Janet Ryder	Plaid Cymru The Party of Wales

### Eraill yn bresennol Others in attendance

Richard Brunstrom	Prif Gwnstabl Heddlu Gogledd Cymru, a chynrychiolydd trafnidiaeth ac amgylchedd Cymdeithas Prif Swyddogion Heddlu Cymru Chief Constable of North Wales Police, and representative on transport and environment for the Association of Chief Police Officers in Wales.
Tim Peppin	Cyfarwyddwr Materion Adfywio a Datblygu Cynaliadwy, Cymdeithas Llywodraeth Leol Cymru Director of Regeneration and Sustainable Development, Welsh Local Government Association
Ian Findlay	Prif Swyddog, Paths for All Partnership Chief Officer, Paths for All Partnership

## Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol Assembly Parliamentary Service officials in attendance

Dan Collier	Dirprwy Glerc Deputy Clerk
Dr Kathryn Jenkins	Clerc Clerk
Victoria Paris	Gwasanaeth Ymchwil yr Aelodau Members' Research Service

"Dechreuodd y cyfarfod am 9.29 a.m.  
The meeting began at 9.29 a.m."

## Cyflwyniad ac Ymddiheuriadau Introduction and Apologies

<p><b>Gareth Jones:</b> Bore da, bawb, a chroeso cynnes i chi, yn Aelodau ac yn dystion, ac i unrhyw aelod o'r cyhoedd sy'n digwydd bod yn gwyllo. Atgoffaf pawb, fel sy'n arferol ar y cychwyn, i ddiffodd eu ffonau symudol ac unrhyw ddyfais electronig arall. Nid oes angen i chi gyffwrdd â'r meicroffonau o gwbl. Nid ydym yn disgwyl ymarfer tân, felly os bydd unrhyw fath o larwm, rhaid inni adael yr ystafell a'r adeilad dan gyfarwyddyd y tywysyddion. Mae'r cyfarfod yn un dwyieithog, fel y gwyddoch, a gallwch glywed y gwasanaeth cyfieithu ar y pryd o'r Gymraeg i'r Saesneg drwy'r clustffonau ar sianel 1. I chwyddleisio'r sain, trowch at sianel 0. Bydd Cofnod o'r cyfan a ddywedir yn gyhoeddus. Mae gennym un ymddiheuriad y bore yma, oddi wrth Huw Lewis.</p>	<p><b>Gareth Jones:</b> Good morning, everyone. I extend a warm welcome to you all, as Members and witnesses, and to any member of the public who happens to be watching. I remind everyone at the outset, as is my wont, to switch off mobile phones and any other electronic devices. There is no need to touch the microphones. We are not expecting a fire drill, so, if there is any kind of alarm, we will have to leave the room and the building following the ushers' instructions. This meeting will be conducted bilingually, as you know, and headsets are available. The simultaneous translation from Welsh to English is on channel 1, and turn to channel 0 to amplify the audio. There will be a Record of all that is said publicly. We have received one apology this morning, from Huw Lewis.</p>
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9.30 a.m.

## Gorchymyn Arfaethedig Drafft y Pwyllgor (Cymhwysedd Deddfwriaethol) (Llwybrau Di-drafft) 2009 The Committee Proposed Draft (Legislative Competence) (Traffic-free Routes) Order 2009

<p><b>Gareth Jones:</b> Trown at y sesiwn graffu cyn deddfu, sef ein prif eitem. Y cefndir, yn gryno, yw bod y pwyllgor yn cynnal ymchwiliad craffu cyn deddfu ar ein Gorchymyn arfaethedig drafft ar lwybrau di-draffig. Mae'r papurau perthnasol eisoes yn eich meddiant.</p>	<p><b>Gareth Jones:</b> We will turn to the pre-legislative session, which is our main item. The background, in brief, is that this committee is conducting a pre-legislative scrutiny inquiry regarding our draft proposed Order on traffic-free routes. You already have the relevant papers.</p>
<p>Rhan gyntaf y sesiwn graffu hon yw sesiwn fideogynadleda gyda phrif gwnstabl Heddlu Gogledd Cymru. Yr wyf yn gobeithio ein bod mewn cysylltiad â'r prif gwnstabl. Bore da, Richard.</p>	<p>The first part of this scrutiny session will be a videoconference with the chief constable of North Wales Police. I hope that we are linked up to the chief constable. Good morning, Richard.</p>
<p><b>Mr Brunstrom:</b> Bore da i chi i gyd.</p>	<p><b>Mr Brunstrom:</b> Good morning to you all.</p>
<p><b>Gareth Jones:</b> Yr wyf yn falch ein bod wedi llwyddo i gysylltu â chi. Yr ydym yn barod i gychwyn. Croesawaf Richard Brunstrom, prif gwnstabl Heddlu Gogledd Cymru a llefarydd trafndiaeth Cymdeithas Prif Swyddogion Heddlu Cymru. Mae'n bwysig fy mod yn pwysleisio hynny, gan fod rhai Aelodau a'r tyst wedi cytuno i fanteisio ar y sesiwn hon i holi'r tyst am faterion diogelwch ffyrdd a godwyd gan y grŵp rapporteur ar brisiau tanwydd. Mae hynny ychydig yn wahanol i'r hyn yr ydym i fod i'w drafod, ond mae'n berthnasol iawn, ac yn gyfle arbennig i'r grŵp rapporteur ofyn cwestiynau. Bydd hynny'n dibynnu ar yr amser.</p>	<p><b>Gareth Jones:</b> I am delighted that we have succeeded with the link up. We are ready to start. I welcome Richard Brunstrom, the chief constable of North Wales Police and the Welsh Association of Chief Police Officers spokesperson on transport. It is important that I emphasise that, given that some Members and the witness have agreed to take advantage of this session to ask questions on matters to do with road safety raised by the rapporteur group on fuel prices. That is slightly different from what we are meant to discuss, but it is highly relevant, and is a great opportunity for the rapporteur group to ask questions. That will depend on the time.</p>
<p>Y brif eitem yw'r sesiwn graffu am y Gorchymyn arfaethedig. Brif gwnstabl, a fydddech mor garedig â gwneud cyflwyniad byr o bump i 10 munud? Bydd yr Aelodau yn gofyn eu cwestiynau wedyn.</p>	<p>The main item is the scrutiny session on the proposed Order. Chief constable, would you be so kind as to give us a brief presentation of some five to 10 minutes? Members will then ask their questions.</p>
<p><b>Mr Brunstrom:</b> Byddaf yn siarad yn Saesneg, gan nad wyf eto yn hollol rugl yn y Gymraeg.</p>	<p><b>Mr Brunstrom:</b> I will speak in English, because I am not yet completely fluent in Welsh.</p>

<p>I wish to make only a couple of opening remarks to emphasise what I said in my written evidence, namely that the police support this proposed legislative competence Order for two reasons that are directly relevant to us. First, it offers another opportunity to reduce the dreadful toll of death and injury on our roads by reducing the conflict between various groups of road users. It does that by making the modal shift towards travel by foot, bicycle and horse as removed from motor vehicle. Far too many people are still getting killed and injured on our roads, and this proposed LCO, or the Measures that would follow it, would assist in reducing that. Secondly, we support the benefits to the economy of Wales that will follow from the increased ability to exploit our environment to attract visitors from elsewhere, largely from England, as well as the spending power that goes with that. We think that the police have a role to play in the integrated traffic management that will be necessary to make that network of traffic-free routes flourish in Wales. That is all that I wish to say in opening.</p>
<p><b>Gareth Jones:</b> Thank you for that, chief constable, and for emphasising the key points. I turn now to the Members, who are keen to ask their questions.</p>
<p><b>David Melding:</b> Good morning, chief constable. Your evidence shows clearly that your organisation supports the granting of these powers to the Assembly to determine policy in the various Measures that might come forward. Your evidence is interesting in a wider sense, however, and I want to go a bit further on the safety issue. Am I right to say that the UK has a good record of reducing deaths in motor vehicle accidents, but that we do much worse at reducing deaths by way of pedestrian fatalities and serious injuries? You say that our practice of not separating various types of traffic is a little unusual in northern Europe, and perhaps you have other countries in mind that have better practice.</p>

My second point follows from that, namely that, if we change policy, we will have much more shared use among non-motor vehicle path users. Some people in the various disability lobbies have argued quite strongly against that. They said that there should be cycle paths and pedestrian paths, but not on the same path, and they should be completely separated so that they are not even running alongside each other albeit with some form of demarcation. Do you feel that there is a fairly serious risk if you allow cyclists and pedestrians on the same path, or do you think that that is a risk that could reasonably be managed by various practices?

**Mr Brunstrom:** I will start with the road death issue. Road deaths are monitored at European level by the European Union and, in simple terms, the number of road deaths in the UK is significantly below the average across Europe. Overall, we have some of the safest roads in Europe and our closest 'competitors', as it were, or colleagues in that respect are the Netherlands and Sweden. The UK is normally about second or third in the whole of Europe for low numbers of road deaths, and so our record overall is very good. Our roads are also getting safer, although about 3,000 people a year are killed on our roads. The Government policy at the UK level and here in Wales is working: road deaths and serious injuries have been declining fairly rapidly for many years, and we have just about the best record in Europe.

However, if we look at pedestrian fatalities, we see that the picture is rather different. As I said, our closest countries in relation to road deaths are the Netherlands and Sweden, but the deaths per million there among pedestrians are about half the level in the UK. The record in Wales is only slightly worse than that in the Netherlands and Sweden, where there are about six deaths per million inhabitants per year. That figure in Wales is about seven pedestrian deaths per million and it is about 12 deaths per million in the UK as a whole. So, although Welsh roads are relatively safe for pedestrians by UK standards and are among the very best in Europe, the proportion of pedestrians getting injured is much higher in the UK than it is in the Netherlands and Sweden. If you look at the proportion of pedestrian fatalities from total fatalities, you see that, in the Netherlands, it is about 9 per cent, in Sweden, it is 12 per cent, but in the UK, it is 21 per cent and rising. So, the proportion of pedestrians getting killed is very high compared with the total number of fatalities on our roads, and it is not getting better. I hope that that was not too confusing.

To summarise, overall, our roads are very safe and the risk of getting killed as a pedestrian in Wales is about as high as the national average, but, as a proportion of the total number of deaths on our roads, it is surprisingly high. We put that down to our culture and built environment in the UK and in Wales, particularly to our practice of deliberately setting out to mix motor vehicle traffic and pedestrians, rather than separating them, which is the norm in many northern European countries.

**David Melding:** That is very clear. If we do have a route of non-motor traffic paths, do you feel that there are problems inherent in allowing cyclists and pedestrians to mix, or do you think that the undoubted challenges of having that mix could be managed reasonably?

**Mr Brunstrom:** There are issues arising here and I am aware of the views of a number of lobby groups, including those for older people, younger people, people who are vulnerable for one reason or another, including because of a disability, on the mixed nature of such a route. Good practice is now available in the UK, such as the shared use of disused railway lines by walkers, horse riders and pedestrians, and, although the route itself is shared, quite often the path is segregated. So, you might have horse riders one side of a low fence and pedestrians on the other. There are real challenges to overcome here. Should motor bikes be allowed on those paths? What should you do about people who wish to cycle rather fast on a long-distance trail when pedestrians such as people with small children or children in pushchairs, or disabled people also use that path? There are real challenges but, in design terms, they have already been met. The issue needs careful attention, and, if we were to do this in Wales, we would have to have a clear purpose and a clear set of design standards to manage the risk.

9.40 a.m.

It is not so much a safety risk as an issue of acceptability. Do you really want to take a pushchair somewhere that people might canter past on a herd of horses? However, those challenges have been met and solved elsewhere, so it can be done. It is right to pay careful attention to it, and we need to look at the greater good. We are firmly of the view that this network of shared-use paths is in the best interests of Wales; they just need to be planned with care and attention with the users of the network in mind.

**Gareth Jones:** Diolch yn fawr am hynny, brif gwnstabl. Trown yn awr at Jeff Cuthbert.

**Gareth Jones:** Thank you very much for that, chief constable. We now turn to Jeff Cuthbert.

**Jeff Cuthbert:** Good morning, chief constable. My question follows on from the last point. You mentioned motor cyclists, and it might be argued that we would not want to create networks or paths that could be used by them. Do you have any comments on the best way to ensure that we prevent the use of paths by motor vehicles of that kind? What problems might that cause for the police?

I have another point that I want to briefly mention. I have a particular interest in helping to promote healthier lifestyles, and that is part of the rationale behind this proposed LCO. Although it is not a police matter, do you have any views on how this measure could assist in promoting healthier lifestyles? Would there be a role for the police force in helping to promote that?

**Mr Brunstrom:** I am just reflecting on my words of a moment ago. If I gave the impression that we think a network of traffic-free paths should be used by motor cyclists, please let me correct that. My understanding of the proposal, which we would support, is that these are routes free from all motor vehicle traffic, including motor cycles. There is lots of evidence, particularly from England, of design standards that make it difficult to access such a network of paths on a motor bike. Careful attention needs to be paid to that, because there is a significant problem across the UK, but particularly in Wales, with people looking to use off-road motor bikes. One needs to design that out, and then there needs to be a means of enforcing it, as you point out. So, there is definitely a policing problem here around the misuse of the paths, and the more uses that are shared, the more of a problem that becomes. There is undoubtedly an issue there, and careful design will reduce the problem with motor cycles but not remove it. The Assembly Government would need to give some attention to a safety-valve measure that would enable the legitimate use of off-road motor cycles. Off-road motor cycles used in completely inappropriate places cause severe damage to our natural environment and conflict with other users of the environment and countryside. So, there is a problem, and more needs to be done to address it. Does that answer your first point, sir?

**Jeff Cuthbert:** I may come back later, but that is fine at this stage.

**Mr Brunstrom:** On the second point, health is beyond my remit and my bailiwick. It is obvious to us all that we have a huge obesity and health problem, and exercise is part of the solution. However, I speak only as a citizen and not as a police officer. Having said that, there is a role for the police in facilitating that, because, if we want more people to use the countryside for exercise, we must create an environment in which it is safe and attractive. There is no doubt that there is a role for the police in supporting the Assembly on such a strategy. On the very point that you brought up, if we have groups of youths haring around on illegal motor bikes, these paths will not be attractive for vulnerable people to use. So, there is definitely a police role in supporting this, but it is not our job to lead on it.

**Sandy Mewies:** Good morning, chief constable. I am glad to see from your paper that the ACPO is generally supportive of the LCO. Disability organisations are concerned that some people would not be able to hear cyclists approaching behind them or in front of them, for example, and would not be able to move out of the way quickly enough if that happened.

I am mindful of the fact that many people enjoy running and cycling while listening to music with headphones on. Although I am sure that that is very pleasant, they can be oblivious to the world around them. At a previous meeting, we discussed how to put some sort of physical barrier between the different people using these tracks. Is your association aware of good practice in Wales or England to which you could refer the committee? It is a process that will have to be managed, and I realise that Measures would follow from the LCO, but it would be useful for me, and probably for the rest of the committee, to see some examples of where this has been done successfully.

Your other point about off-street motor bikes was well made. You will know, for example, of the damage caused in my patch by motor bikes haring about. It is very difficult to control, and, in the past, it has been quite difficult even on pathways where there are stiles and so on to stop people getting motor bikes onto the paths; they lift the motor bikes over the stiles—they have ways and means of doing it. Therefore, it would be interesting for us to see any examples of successful preventative measures.

**Mr Brunstrom:** First, all the problems with mixed-use paths have already been solved. There are many good examples in Wales, and particularly in England, of long-distance mixed-use paths, the design of which makes them sufficiently attractive and safe to be very well used. The major conflict is between fast-moving traffic—let us say a horse or a bicycle—and slow-moving vulnerable people, such as children who are prone to run around in all directions when there are bikes going past at 25 mph. This is not a theoretical problem; it is a real one, but there is a great deal of evidence of it being successfully solved. The proposal here in the draft LCO concerns a network of such paths. I do not think that the concept of the paths is new or difficult; it is the concept of a network that is new.

There is a danger of overplaying the problems caused by shared usage. For example, where paths are shared with horses, it is routine to put a low hurdle fence between the horse traffic and the rest to keep everyone safe. They are quite attractive and well built, they look entirely in place, and they remove the risk completely. We have other examples: as you will know, Mrs Mewies, in our area, the north Wales coast cycle path on the seafront in Colwyn Bay is delineated simply by a white line on the tarmac. When mixing with pedestrians, cyclists are expected to take care; that is governed by the law now, and we have never had an incident. That seafront is full of people all summer, and there has never been a serious problem of any sort.

As you know, we have a problem with loutish behaviour on the part of some cyclists—even on the part of some senior politicians, as you may recall. There is an interesting debate about applying the law to cyclists. I think that the law is perfectly good enough. There are offences of dangerous, inconsiderate and careless cycling, and the police have sufficient powers to deal with those if the situation ever becomes a problem. However, I must say that this is in danger of being overplayed. There are issues, but most of them can be designed out. We are keen to support the proposal, and we could talk about prevention and enforcement measures, but I do not think that this is a show-stopper in any way. There are many examples that we can refer to. The big thing that the draft LCO offers is the connection together of those fairly short mixed use and problem-free paths that already exist. This is not a proposal to create something that is an entirely new concept; it is really about joining the dots together. The national cycle network, which Sustrans has been pursuing UK-wide, is a fabulous example of what can be done. The proposed draft LCO and any Measures that would follow would simply build upon that concept.

**Sandy Mewies:** Understandably, we have received strong representations from some of the organisations involved with disability rights, so it is important for us to show that we have addressed those concerns. Therefore, it would be useful, if you have specific examples, if you or your association could pass them to the committee so that we can take a good look at them.

9.50 a.m.

**Mr Brunstrom:** I would be happy to do so. However, I can do no better than to refer you to Sustrans, which is an extremely professional organisation that is strongly supported by UK Government and lottery funding, which has done a massive amount of work in this regard. The entire success of its project depends upon resolving such potential conflicts. So, there is evidence, and I will be happy to put my mind to supplying some for you.

I would like to come back to Mrs Mewies's last point. I stress that one unresolved issue of conflict is the use of off-road motor cycles. There is little adequate provision for the lawful, legal, conflict-free use of motor cycles for young people. The Assembly might want to think about how to divert people who might want to abuse a network of traffic-free routes into a safer, lawful process, giving them a way to use off-road motor cycles in a way that does not cause danger and conflict. That is something that you might wish to consider if you go ahead with an LCO and Measures that would follow.

**Sandy Mewies:** Thank you; that is a very good point. I can see that we have a representative from Sustrans sitting in the gallery; I am sure that he will have something to say afterwards. Thank you.

**Gareth Jones:** Diolch am y pwyntiau hynny, prif gwnstabl. Trof yn awr at Christine Chapman.

**Gareth Jones:** Thank you for those points, chief constable. I will now turn to Christine Chapman.

**Christine Chapman:** I would like to agree with your last comment on off-road bikes. Some authorities are quite slow at getting to grips with what is a huge problem for communities. We need to see some well developed initiatives for off-road bikes. I just wanted to put that on the record.

Do you think that we need to reinforce the Safe Routes to School initiative in this Order? There is a link with that initiative. Should we use this Order to encourage parents to urge their children to cycle or walk to school? In many areas, although there are some lovely trails, quite often, parents feel that the trails are lonely and they fear that their children will be the victims of crime. Do you feel, therefore, that we should use this opportunity to reinforce the links with Safe Routes to School?

**Mr Brunstrom:** Absolutely. Again, I think that the police have a locus here. We already know that around half of all car journeys across the country could be made on foot or by bicycle if there was an attractive way of doing so that is perceived to be safe—I stress the word 'perceived'. I went to school in Nottingham, where my parents thought nothing of getting me to walk two or three miles along the streets to my primary school. However, my children were taken to school, as are most young people nowadays. The risk to me as a child was probably greater than it is for my children now, but the perceived risk has changed completely. As you said, we have managed to create some fairly good safe routes to school, but they are not as well-used as they should be, because they do not feel sufficiently safe. We have managed to de-conflict them; we have taken some of the traffic off, have taken people away from the main roads, and there is less need to walk on pavements. However, if there are overhanging bushes, the street-lighting is not good enough and there is litter lying around, it feels unsafe. So, we have perhaps invested quite a bit of the time, effort and money necessary to progress Safe Routes to School, but we have not increased the usage levels enough because the ambience means that the perceived risk is still too high.

There is a significant benefit to be gained here. As the WLGA pointed out in its submission, such things cannot be done for nothing. While the proposal is valid, there will have to be investment to bring the concept up to a standard whereby that modal shift, that change in behaviour, led by a change in perception, causes people to use these routes. I entirely agree with you, Madam, that there is a real need for the police and community safety partnerships to be involved in supporting a Measure that would come out of this LCO.

**Janet Ryder:** Good morning, chief constable. Jeff Cuthbert has already asked you about the health impact of this LCO in benefiting the drive to increase a healthier lifestyle. You mention quite strongly in your evidence the impact that this LCO might have on the economy—not that that could be a reason for our passing it, but there could be a benefit from it. Could you enlarge on that, and on the impacts and benefits that it could have?

**Mr Brunstrom:** When you met in July, I believe that one of your witnesses made a brief comment about the impact of the Celtic trail—which runs from Chepstow to Fishguard—which is already a mixed-use, national trail. The economic benefit of that appears to be quite significant; just for that one trail in south Wales, something like £8 million a year is being spent in Wales that was earned across the border in England—those are visitors coming in and spending money that they would not otherwise have spent. The same evidence has come out of north-east England, where a study that has just been published shows that several regional long-distance, mixed-use paths have led to about £6 million a year going into the economy from visitors to the north-east, who have gone there just to use the shared-use trails. Some 95 full-time jobs have been created in north-east England by internal tourism. So, there is a huge potential benefit to our economy.

We know from the Valuing our Environment partnership just how big this benefit is; we are looking at about 10 to 15 per cent of Wales's GDP now depending entirely on the use of our environment. A cleverly planned network of mixed-use, traffic-free paths would produce a significant additional benefit—which would be a real resource for Wales—to support our economy, which will increasingly be based on exploiting our environment, in the nicest possible way. At Coed y Brenin forest, for instance, there is an international-standard mountain biking centre. That attracted 145,000 visitors last year, almost all of whom came to Wales—they were not internal visitors; these were people who had come here for a short break from England to spend money.

The evidence that is emerging from these mixed-use trails shows that the potential for a significant, sustained environmentally friendly tourist industry is substantial. The committee might like to ask the Valuing our Environment partnership to produce a report on what the economic benefits of such a network of paths might be. That was done a few years ago for the whole of our environment, the national parks and our coast and countryside, but this is a new idea. I have not discussed this with the partnership, but I believe that, from reading its reports, it might be extremely keen to take this up.

**Janet Ryder:** Thank you, that is helpful.

**Gareth Jones:** Diolch am y pwynt hwnnw, brif gwnstabl. Yr wyf yn siŵr y byddwn yn ymgynghori ymhellach gyda'r grŵp hwnnw.

**Gareth Jones:** Thank you for that point, chief constable. I am sure that we will be consulting further with that group.

Ni chredaf fod unrhyw gwestiwn pellach ar yr LCO, felly mae gennym ychydig o amser. Fel y dywedais ar y dechrau, mae hwn yn gyfle i bob Aelod—yn enwedig yr Aelodau sydd ar y grŵp rapporteur ar brisiau tanwydd—ofyn cwestiwn neu ddau i'r prif gwnstabl, os mai dyna yw eich dymuniad.

I do not believe that there are any further questions on the LCO, so we have some time. As I said at the beginning, this is an opportunity for all Members—particularly those Members who are on the rapporteur group on fuel pricing—to ask the chief constable a question or two, if you so wish.

10.00 a.m.

**David Melding:** Chief constable, we are considering a petition that has come to the Assembly on fuel prices, and the challenges that that affords to hauliers, some of whom came to speak to us recently. One of their concerns is that there is not a level playing field between many European countries and Britain. There has been a dramatic increase in European lorries doing even domestic traffic in the UK, but few UK lorries doing much in Europe—there is an imbalance. One of their principal frustrations is related to the fact that the UK has much tighter health and safety and general traffic laws. Although they have no problem with that, they fear that, unless the foreign drivers are subjected to regular checks while they are doing business in the UK, there will not be fair competition because, rightly, our lorries are subject to all those legal requirements.

Does that reflect your experience, and do you feel that in general our laws are tighter, and appropriately so, or do people perceive this mistakenly? If our rules and regulations are tighter, are they adequately enforced by a certain number of checks on foreign lorries? Recently, unfortunately, a number of foreign vehicles have been involved in quite serious traffic accidents. Presumably you would need to stop a certain percentage of them for checks before there would be a general awareness among the drivers that they could be stopped. Their companies would then ensure that they are vigilant in maintaining the appropriate standards if they want to do business in the UK. I would like to hear your views, if you have any, on that point and on whether it reflects some real issues.

**Mr Brunstrom:** It most certainly does. There is no question at all that serious issues underlie this. Historically, commercial traffic has been more properly regulated and that law has been better enforced in the UK than in some parts of Europe. There are some significant economic issues around this. The accession countries of eastern Europe have brought significant change to that environment, so the point is a real one. To add emphasis to it, around 1 per cent of lorries on our roads in the UK are registered in other European countries. However, 8 per cent of fatalities involving commercial vehicles are caused by foreign-registered vehicles. So, there is a significant issue there about driving and maintenance standards because people are dying as a result of poor standards.

We are looking at this across the whole of Europe. You will be pleased to hear that the European police forces are collaborating strongly on this. We have targeting regimes to identify rogue hauliers, rogue operators and rogue drivers on a European-wide basis. However, I must say that nothing like enough enforcement is taking place here and elsewhere.

I could supply a news release to the committee, if it so wishes, from 14 October from the Vehicle and Operator Services Agency, which is the non-devolved agency that deals primarily with enforcement of legislation relating to heavy goods vehicles. We work in close partnership with that agency, and you will find some quite appalling statistics in its report. For example, around half of all vehicles that are stopped are breaking the law and sometimes in frightening fashions.

I see in the press release, which is up to date, that one driver who was stopped had driven for 19 consecutive days without a day off. An officer, by coincidence from my own force, stopped a driver in Holyhead carrying a false licence and two false digital driver cards relating to imaginary Dutch nationals. There is an industry to defeat and undermine the European legislation. The whole of the rear axle was misaligned on a vehicle that was stopped on the M6, which meant that the twin wheels were about to fall off at any moment. That would have led to a pair of lorry wheels bouncing down the M6 at 60 mph with unimaginable consequences. A vehicle stopped on the M1 turned out to be 150 per cent overweight—in other words, 50 per cent over its legal design. I could go on and on. There is a mass of evidence to show that this is a European, UK and Welsh problem. There is no doubt that there is evidence to support the contention that foreign lorries are not as well regulated as domestic, UK lorries.

However, I do have some good news, if I may go on.

**Gareth Jones:** By all means.

**Mr Brunstrom:** You will be pleased to hear that the Government has addressed this, and I am proud to say that I had a bit of a hand in it. A new regime will start shortly—the legislation has gone through Parliament, in London—which will mean that, as of 1 April 2009, the police and VOSA will be able to effectively take roadside fines from people, so that foreign-registered vehicles will not be exempt from UK law. We will also have a regime of graduated fixed penalties so that a very quick roadside penalty can be applied and the penalty will be magnified by the offender, so that if there are two or three offences on the vehicle, they can all be dealt with by one very large fine. The police, for the first time ever in the UK, will be able to effectively take a fine—in fact, it is technically a roadside deposit in lieu of a fine—there and then. So, all of a sudden, foreign-registered vehicles are going to be subject to effective UK law. Previously, of course, you could just drive off, get back to your home country and escape the jurisdiction. So, the law is about to change quite dramatically, but I am not satisfied, and neither is the industry, that enough enforcement is taking place.



**David Melding:** That is very helpful. We could ask the chief constable to forward that information in the press release. That would be most helpful to the rapporteur group.

**Gareth Jones:** Thanks for that, David, and thanks to the chief constable. I think that Andrew R.T. Davies wants to come in on one specific point, before I call Sandy Mewies.

**Andrew R.T. Davies:** Thank you, chief constable, for that. I wish to ask for a little more information, if possible. I am not a member of the rapporteur group, but I did meet the petitioners when they met at Cardiff west services. There is a perception—real or not—that their lorries are targeted over foreign lorries and, from what you have highlighted, there is a greater risk with foreign lorries of damage to the motorist, of breakdown and that the drivers are working excessive hours. I would be grateful if the police could provide evidence to show how you target your operations to catch these rogue operators in foreign lorries. Are there figures available that show the amount of lorries that you are stopping—that is, foreign lorries as opposed to British lorries? You used figures when you replied to David, saying that 1 per cent of lorries on British roads are foreign, yet they account for 8 per cent of accidents. Is there a figure that could dispel the myth that our operators are being treated unfairly and that your energy, and your force's energies, are directed at the law breakers, that is, the foreign lorry operators?

**Mr Brunstrom:** There most certainly is a great deal of evidence. I think that there is a danger of the UK trade pretending that it is fault free and that the problem is entirely with non-UK-registered vehicles and that is not correct. However, it is correct to say that, until very recently, the law has made it much more difficult to deal effectively with foreign-registered vehicles than UK vehicles and, as a direct result of that, we have effectively been discriminating against our own trade. That is correct, but, as I say, the Government has amended it and the regime will change very shortly.

There is a lot going on, to which I really cannot do justice today. We would be very pleased to debate at length, with the Assembly, what is going on in Wales and the relationship that we have with the Government of Wales, in order to address this issue. It is an issue that the Assembly should become better informed about and we would be happy to do that in whatever format suits you. It is an issue that deserves significantly wider and more open debate and we would be extremely keen to support that debate. There is real danger being created here and real damage is being done to our economy, and I think that both of those things require more discussion.

**Sandy Mewies:** I am not a member of the rapporteur group either, but I know of the work that has been undertaken on the A55 by both the police and VOSA. Some of the results have been eye-openers for most people, although I think that they confirmed the ideas of some. The point that I was going to make was that it is not just foreign drivers who are at fault, but UK companies as well. What sort of impact has that had on agencies in north Wales from a cost point of view? How much more demand is it putting on agencies to do this work?

**Mr Brunstrom:** That is a very good point. The UK Government has invested money in VOSA, which is a non-devolved organisation, through the Department for Transport in London, so that it can do more work to enforce the law in relation to goods vehicles. So, it is investing heavily in this at the moment, and you will see much more enforcement taking place, on a level playing field.

10.10 a.m.

From the police point of view, our part in this is absolutely necessary; we need to work in partnership with VOSA but we are getting next to nothing in terms of leadership, direction and support from the Government in London in particular to address a bigger proportion of our resources in this regard. That is partially because of the nature of our non-devolved status, and partly because of the split between the Department for Transport, which leads on this matter for the Government, and the Home Office, which is our sponsoring department.

The relationship in Wales is better than that, with a much more unified approach, and you will find very shortly a road policing strategy for Wales, which we are negotiating with the Deputy First Minister and the transport department as a consensus view. However, you are right about the need to consider how much effort we in the public sector in Wales wish to put into the proper regulation of our commercial road usage. It is a piece of public policy, and I think that more debate is needed on how much effort needs to go into it. Were we to start enforcing the law rigorously on the A55—keeping to my area—that would be a huge issue, as we run the risk of causing severe economic damage to the port of Holyhead, because the traffic would simply transfer to Liverpool if a lighter-touch regime existed there, and Wales would not benefit. The A55 might be safe, but we would have caused significant economic damage. So, there is a need for a bigger debate and a joined-up, UK-wide debate about what level of regulation is appropriate in our society, balancing the safety benefit against the economic case.

**Janet Ryder:** I am a member of that rapporteur group, and it was interesting to take the evidence, particularly on the safety aspect. Like Sandy Mewies, I know the work that your constabulary does on the A55.

You talked about an impending new strategy for Wales, and we may ask the Chair to consider that as a subject for the committee to look at, so that we can give it more attention. You said that this is to do with non-devolved agencies, chief constable, but what more can the Assembly do in this matter to support the hauliers in their economic circumstances, and to improve the safety of roads generally?

**Mr Brunstrom:** The non-devolved nature of it is not in any sense a bar to the Assembly exerting influence on the way in which the public sector operates here in Wales. You will find that the key agencies, the police and VOSA, will be extremely keen to come to strategic policy decisions with the Assembly. The best thing that you could do, Mrs Ryder, is exactly as you suggested, which is to formally pay attention to the soon-to-emerge partnership between WAG and the police in Wales on a road policing manifesto for the management of our strategic road network, including this issue of commercial use. You can and should be knowledgeable about that and have confidence in its contents. We are negotiating this with the Deputy First Minister's department at the moment, but it ought to be exposed to the wider body politic in Wales and endorsed by WAG and the Assembly. That will cause VOSA and the police service in Wales to behave slightly differently than otherwise, in that our style and structure will be slightly different to that in England as a direct result—and that is how the process should operate. So, I entirely endorse your proposal, and we would be extremely keen to engage in a formal sense with the Assembly and to ensure that you are happy with what we propose to do.

**Gareth Jones:** On behalf of the committee, I thank you, chief constable, for your time, for sharing your views and ideas with us, and for providing us with an insight into the current situation in the areas that we discussed this morning, that is, the LCO and the situation with fuel and the roads.

For your information, I believe that a committee at Westminster is undertaking work this morning to scrutinise VOSA, so there may well be further developments from there that we can look forward to as well.

Diolch yn fawr ichi am eich cyfraniad ac awgrymiadau, a byddwn yn eu dilyn i fyny. Diolch i chi, a dymuniadau gorau i chi.

Thank you for your contribution and suggestions, which we will follow up. Thank you, and best wishes to you.

**Mr Brunstrom:** Diolch yn fawr iawn.

**Mr Brunstrom:** Thank you very much.

**Gareth Jones:** Yr ydym yn troi yn awr at yr ail ran o'r sesiwn graffu. Yn ymuno â ni mae'r cynrychiolydd o Gymdeithas Llywodraeth Leol Cymru. Mae ei bapur yn ein meddiant. Croesawaf atom Tim Peppin, cyfarwyddwr materion adfywio a datblygu cynaliadwy. Diolch i chi ar ran yr Aelodau am y dystiolaeth ysgrifenedig, sydd eisoes wedi ei dosbarthu. Tim, a fydddech mor garedig â gwneud cyflwyniad o pump i 10 munud a chawn gyfle wedyn fel Aelodau i ofyn cwestiynau i chi?

**Gareth Jones:** We now turn to the second part of the scrutiny session. Joining us is a representative from the Welsh Local Government Association. His paper is in our possession. I welcome Tim Peppin, director of regeneration and sustainable development issues. I thank you on Members' behalf for the written evidence, which has already been distributed. Tim, would you be so kind as to make a presentation of five to 10 minutes and we will then have an opportunity as Members to ask you questions?

**Mr Peppin:** Thank you and good morning. I will be fairly brief. On behalf of the WLGA, we very much welcome the opening of this debate on walking and cycling. We are keen within the association, and we are working with the Assembly, to promote sustainable development in authorities, and we also have a major programme on climate change. We are also pushing forward the public health agenda. All of those are closely interconnected, and many of the issues raised by the proposals in the LCO are very much in line with some of the thinking in that regard.

However, there are a number of caveats to our support for the proposals, and I will quickly go through the four main concerns, which are in the written evidence. The first one is in relation to funding. The feedback that we have received from authorities, including since this paper was circulated—a number of authorities have responded since—has reinforced the message that unless this is adequately funded, the ability to deliver it is very limited.

The second point is that, in relation to the upkeep of the existing network of highways and footpaths that local authorities maintain, there is already a serious backlog, which has been estimated to be in the order of £300 million. The idea of introducing an additional network when we cannot maintain the current one adequately is a major issue. There is a £15 million annual grant for local roads maintenance, which is under threat at the moment. It has been running for a couple of years. Authorities are concerned that if they lost that funding then the situation in relation to the existing network would become even worse, not to mention what would happen if an additional network was introduced.

The next point is in relation to the whole issue of sustainable development. We are all familiar with the sustainable development issues when there is a major road building campaign. In some of these proposals there is reference to 4m-wide pathways. If we were to start developing a large network of those—the scale is an issue here—similar issues are raised about where those routes would go, and the habitats and species that might be affected by their development, as would be raised in a road building campaign. There are also issues in urban areas about land ownership and the possibility of having to do a compulsory purchase, and the time and cost delays that that would introduce.

So, there is a range of issues about the opportunity costs. Assuming that we would have adequate funding for these routes, would it be the best use of the funds, given that we are all trying to promote sustainable development and to tackle climate change, carbon reduction and so on?

Finally, there is the issue that the Assembly is already able through its existing powers to provide funding where local authorities can deliver safe routes. For example, under the transport grant, around £10 million goes into the Safe Routes in Communities scheme, formerly the Safe Routes to School scheme. So, we have seen initiatives being taken forward where there is funding, although it raises revenue implications in relation to maintenance. We have also seen the development of the coastal path, so it is not that there are not the powers to take some of these things forward should we want to. It comes back to the issue of funding in many cases.

10.20 a.m.

**Gareth Jones:** Diolch yn fawr am hynny. Jeff Cuthbert sydd â'r cwestiwn cyntaf.

**Gareth Jones:** Thank you very much for that. Jeff Cuthbert has the first question.

**Jeff Cuthbert:** Thank you for coming here today, Tim, and thank you also for the written evidence. My first point is on funding. Is the WLGA arguing that we are talking about additional funding for all of this, or could part of the existing resources that local authorities have to maintain pathways now be utilised for that purpose? Are you saying that, should this go through, it would require 100 per cent new funding? I would be grateful for clarification on that.

In paragraph 7 of your paper, which relates to the issue of 4m-wide footpaths, you use the phrase 'opportunity costs'. Can you clarify what you mean by that? My final question, which I will ask now so that everyone else has a chance to come in, and which I asked of the chief constable earlier, relates to one of the broader aims of this, which is to promote healthier lifestyles. I know that local government takes that issue seriously, and your former employer, Caerphilly County Borough Council, has a very good record in that regard. Do you see that as a key aspect of this proposal?

**Mr Peppin:** On the funding issue, the transport funding that comes through to local authorities is incredibly tight. The Deputy First Minister has made constant references to the need to create some headroom there, given that he is already committed to a number of major schemes. Over time, the intention is that that funding will go to the regional transport consortia, all of which are trying to develop walking and cycling as part of their regional transport plans. In the long term, hopefully, we will see a shift of funding away from highways to more sustainable forms of transport and to encourage active transport, but, for the immediate future, there are commitments in the system and other plans that will mean that there is high pressure on that budget. Therefore, the ability to move any resources into these new networks will be constrained.

In relation to opportunity costs, it is an economists' term that means that, if we spend money on one thing, we cannot spend it on something else. The question is whether there are other things, assuming that we could find additional resources to do this, that we could put resources into and whether there are ways to promote more active transport other than by creating these routes.

In relation to the healthier lifestyles—

**Jeff Cuthbert:** Before you go on, may I clarify a point? You are saying that, ultimately, there could be a shift so that the existing resources used for highways may, in part, be used for networks such as those we are talking about here. However, in the short term, the WLGA's view is that new money is needed for this.

**Mr Peppin:** That is absolutely right. In the immediate future, we would need additional funds to allow anything of this nature to take place.

In relation to healthier living, as an association, we are fully behind any initiative to try to encourage people to take up more active lifestyles. From a climate change point of view, we are all aware of the debate over peak oil, and we all recognise that continuing to build highways will not be a long-term solution, and that we must look at different, more radical, ways of dealing with these issues. We will be very supportive of attempts to encourage people to take more healthy exercise. I was listening in the waiting room to the comments that Richard Brunstrom made about the economic advantages of developing these networks. An additional point is that, if we can use initiatives such as this to encourage people to have more active and healthier lifestyles, that will also have a financial benefit, because it will result in fewer calls on the health service. We must find ways to do this. There is a clear emphasis on all of local government and central Government finding ways of dealing with this. The issue of opportunity costs, if we find additional resources, is whether this is the best way to achieve those ends.

**Sandy Mewies:** Thank you for coming this morning. Your paper is interesting, and, as someone who was a member of a county council for many years, I am not a bit surprised that the first thing that you raise is the extra funding aspect. I have no doubt that additional funding will be needed for this, in some ways. I want to unpick that slightly because you referred to what the chief constable said about the green pound. Most local authorities already have a tourism budget and they do, for example, use it for signing routes and so forth. Therefore, perhaps there is an opportunity there. Most local authorities also run health initiatives, so, again, there are opportunities there, because money goes into them. You also talked about the regional transport schemes. The chief constable made the point to Christine that it is extremely important that safe routes to schools are considered as part of this network. You are saying that you recognise, as we also have to, that there may well be resource implications—although that is not related to what we are discussing today—but do you also see the opportunities? You have to look at it creatively; we are moving on to a different lifestyle in many ways. Does the Welsh Local Government Association see that there will not only be cost negatives, but perhaps cost benefits?

Secondly, Sustrans, and the paper that we have just had, refer to this as a network. I see it as a network not just within individual local authority areas, because lovely routes cross borders—they are not confined to one area. Do you think that there will be co-operation between local authorities? It would be an awful shame if a route stopped at a border. That is the point of this. If we have a bridleway going from north to south Wales you cannot stop it at the border and say, 'Right; that is the end of Flintshire. Forget it'. There has to be some sort of co-operation. Is that co-operation likely to occur and how will it be encouraged?

The other extremely important point that you have made is that it is not just about the capital costs, but about the maintenance costs. I do not know how much it costs to maintain a footpath, but I would agree with you that there is an enormous backlog in Wales in work on public footpaths and bridleways that cannot be used because they are not clear, for all sorts of reasons, and money needs to go into that. Again, is this an opportunity to look at those footpaths and bridleways and incorporate them into this network? In terms of the maintenance costs, what sort of additional costs do you envisage? I am sure that you do not have a percentage, but do you have any idea of what the costs might be?

**Mr Peppin:** We state in the submission that if there was a wish to take the legislative competence Order forward, local authorities would want to work in the spirit of what we are trying to do here.

**Sandy Mewies:** It is clear that, broadly, you are very supportive of the idea.

**Mr Peppin:** We would want to look at imaginative and innovative ways of trying to make progress on this. You are absolutely right that there are possibilities in looking at other budgets. Much of this is about trying to bend existing resources into more sustainable ways of doing things. In that sense, where there is a possibility of taking matters forward by pulling together a number of different pots of money, I think that local authorities have shown that they are becoming increasingly good at doing that, at bringing together a variety of different pots of money to allow an initiative to go forward, and I think that we would want to do that. However, if we are seriously talking about an extensive network across Wales of pathways that are 4m wide, we are talking about a substantial amount of money. It will be difficult to do it by pulling together small parts of other budgets. A lot of this depends on the scale at which this will operate. Are we talking about some fairly localised type of initiatives and perhaps linking up with a few county borough areas, or are we really talking about a network of 4m-wide pathways across the whole of Wales, which would be a substantial development?

Therefore, yes, we would want to work in the spirit of this, but I think that there are some serious resource issues that we have to be alive to.

In relation to co-operation across authority areas, again, I think that there is evidence that authorities are now working much more closely together than was the case five years ago. We now have the regional partnership boards operating across Wales. The leaders and chief executives of local authorities come together on a regular basis. They have become very used to sitting around a table and working together on collaboration issues. This is yet another one of those issues where they need to look at joining up.

10.30 a.m.

You are absolutely right that, if we want to develop a proper network, there is no point in doing this unitary authority by unitary authority. Therefore, the mechanisms are in place, and if the funding is made available, there are possibilities. Of course, we must also look at sources of funding from Europe, as there may be possibilities there. Authorities have demonstrated that they can be creative and innovative and work together on the European funding programmes. We have seen a great deal of collaboration on putting bids in for those. Therefore, you would be fairly confident that there would be collaboration, provided that the resource existed to do a proper job.

I am afraid that I cannot give you a figure on maintenance costs, and I notice that the evidence paper from your next witness talks about defining what we mean by 'maintenance'. That is an important point, because it is about more than just litter picking. If you are to have people travelling at speed on bikes, there are issues such as the fact that you must maintain paths to such a standard that there are not potholes; it is not only an issue of the safety of the cyclist using the path, but also of the potential danger to pedestrians and others. Therefore, a standard would need to be set, and there would need to be regular inspections to ensure that the network of paths was maintained to that standard. There are also other issues such as lighting. If we are encouraging people to go and walk about, particularly in the darker evenings, there would be community safety considerations, and local authorities are now legally bound to consider the community safety aspects of new developments. That would add to the cost and the carbon impact of developing the network. So, we must ensure that the way in which we take this forward is thought through against all of the different policy objectives that we are trying to maintain.

**David Melding:** I am still a little unclear as to whether the WLGA supports the transfer of legislative competence for this area from Parliament to the Assembly Government. Many of the issues that you have raised are certainly significant, but I would have thought that they would pertain to a Measure if the Assembly acquired legislative competence. If the WLGA has a view on that fundamental question, it would be helpful to hear that clearly. In fact, before I put my second question, I will give you an opportunity to respond to that.

**Mr Peppin:** I think that we would be supportive of the Assembly's having the competence.

**David Melding:** Thank you for that very clear answer. My other question is fairly secondary and can be looked at in light of this proposed LCO. You raise the issue of the carbon impact of constructing and maintaining the paths, and it is true that there would be an impact, but I suppose that we are really trying to change behaviour and achieve a 'modal shift', or whatever the technical jargon would be, and if we had a well used network, apart from shoe leather and the rubber on bicycle tyres, there would be very little carbon impact. It is not the same thing as building roads that are much wider than 4m on which dirty big lorries travel that consume vast amounts of fuel; even more fuel-efficient cars still consume a great deal of energy. It is not the same thing really, is it? I do not think that we could carry through the general scepticism that we now have about new large road projects to a cycle and pedestrian network, could we?

**Mr Peppin:** No. You are absolutely right, and we are interested in the net impact. If, by developing this network and encouraging more people to walk and cycle, we could cut down on the numbers of people using cars, in net terms, we may be in a plus situation. The comment that we received from a number of authorities was that there is not heavy traffic on a great deal of the road network in Wales, particularly outside peak hours, and therefore it is perfectly suitable for walking and cycling for a large part of the time. Therefore, maintaining what we have already and encouraging people to be more active is an even better way to approach this, because you would be encouraging people to make that modal shift—cutting down carbon emissions, the use of cars and so on—without having to invest in a new network. The judgment that we need to make is whether we will achieve the behavioural change without developing a new network. That is the critical issue. Some of the comments that we received indicated that the existing network in large parts of Wales is perfectly suitable for walking and cycling and that, therefore, by creating a new network, we would be duplicating what we have and using up scarce resources by developing land unnecessarily.

**David Melding:** Finally, I should say that, if we had this competence, and decided to use a Measure to place a duty on local authorities to maintain non-motor traffic networks, that would not necessarily require a new path; you could use part of the existing infrastructure and adapt it appropriately. A Measure would look very closely at that.

**Gareth Jones:** Janet Ryder has a supplementary question.

**Janet Ryder:** It relates to the evidence that we have just heard from the ACPO and the chief constable. He made it clear that the present network does not deliver safety for road users who are not in motorised vehicles. We are lagging behind the rest of Europe in not having separated use. Are you now saying that, in the WLGA's opinion, that is not the case in Wales? That poses a question to the committee of whether we look at the evidence provided by ACPO, and the chief constable, or the evidence of the WLGA. I was pleased to hear the answer that Tim gave to David, but, having read the evidence, it seems to pertain to how we would implement a Measure. I would like you, first, to counter the strong arguments that the chief constable made for separating usage on the roads, and, secondly, to confirm absolutely that the WLGA supports the proposal for us to have the power to do this. That is all that we are asking today, and not about how we would use those powers.

**Mr Peppin:** Without a shadow of a doubt, there are many areas where people take their life in their hands by riding a bike on the road, given the level of the traffic. Walking on the road is also risky in some areas, where there is no footpath, for example. So, without a doubt, I would agree that there are areas where there are risks to health, and you would not want to encourage people to walk or cycle.

The point that I was making is that there are still substantial areas where that does not apply. For a large part of the day, it would be safe for people to walk or cycle on the existing network, and so we need to look at those areas where it is not safe. We need to focus new developments and concentrate resources on those areas rather than try to develop a parallel network.

**David Melding:** You are talking about roads in rural areas, where there would not be a heavy flow of traffic.

**Mr Peppin:** Yes.

**Janet Ryder:** Whatever decision we take on that, we will still need the powers. Could you confirm, for the record, that the WLGA unequivocally supports the Assembly having the power to legislate in this area?

**Mr Peppin:** As an association, we are generally supportive of the Assembly having the powers to take decisions for Wales, and we would also support bringing that particular competence in. However, I add the caveat that, as this is taken forward, it has to be resourced. However, I know that that is not up for discussion today.

**Gareth Jones:** Thank you for that interesting discussion. It is reasonably clear that you support us in seeking these powers. We then have to deal with matters of implementation, and I dare say that we will come back to the point that you have just discussed. Christine Chapman is next.

**Christine Chapman:** I suppose that this is to do with implementation, but I also have a general point. Should we discuss targeting this at deprived areas? There are reasons for doing so: statistically, in poorer areas, more children have traffic accidents and the mortality rate is higher. Secondly, Jeff has talked about the health side, and there is a definite link between poverty and poor health, so it seems logical that deprivation should be factored into this. I do not know whether you would agree that we should be targeting that at some point, if this Order were to be followed through.

10.40 a.m.

**Mr Peppin:** That is a very good point. In many of the areas that you are talking about, there are quite low levels of car ownership anyway, so creating an active transport network will make it easier for people to walk and cycle. However, in our society, when people get on in life, they aspire to own a car, and once they own a car, they aspire to own a bigger and more powerful car. Part of our challenge is to try to change some of those views, so that walking and cycling are seen as the right things to do. We want to make it easier for people, as part of our work to develop local economies and regenerate communities. Developing sustainable transport networks within those communities and providing access from housing estates to bus and rail stations would make it easier for people to walk, get a train or a bus than to jump into a car. That would also have an economic benefit, because people would not be tying up a large part of their resources in owning and running a car. There would also be health benefits because we would be encouraging more active modes of transport. It is not just about the economically active; it is about a whole range of people. Creating a sustainable network in a community that you are trying to regenerate can have enormous benefits. So, there is a case for saying that that would be one criterion that should be looked at.

**Gareth Jones:** I do not think that there are any further questions to Tim, so, on behalf of the committee, I thank you very much. You have been a lone voice on behalf of the Welsh Local Government Association, but your contribution is much appreciated. We have had clarification on key issues, and you also quite rightly expressed your concerns. Thank you for the written evidence and for the contribution that you have made this morning. Diolch yn fawr, Tim.

Trown yn awr at drydedd rhan y sesiwn graffu, sydd eto yn sesiwn fideogynadledda. Estynnwn groeso i brif swyddog y Paths for All Partnership.

We now turn to the third part of the scrutiny session, which is again a videoconference. We extend a warm welcome to the chief officer of Paths for All Partnership.

My understanding is that our translation facilities here will not work on the link-up, and so I will turn to English. On behalf of the Enterprise and Learning Committee of the National Assembly for Wales, I welcome Mr Ian Findlay, the chief officer of Paths for All Partnership, up in Scotland. Have we made contact with you, Mr Findlay? Can you hear us?

**Mr Findlay:** Yes, I can hear you. Good morning, everyone. Can you hear me?

**Gareth Jones:** Yes, loud and clear. Thank you very much for joining us. We are grateful for your written contribution and the evidence that you have presented to the committee. We have had an opportunity to look at that and to appraise it. We invite you to make an initial presentation of about five to 10 minutes, before Members ask various questions and so on. Do you approve of that?

**Mr Findlay:** I approve of that entirely. That is fine. Thank you very much for giving me the opportunity to present evidence to your committee this morning. I will not say a lot about the Paths for All Partnership because it is all in the written evidence, but I will recap on our vision. Our vision is for a Scotland in which every community has a network of well used paths that are delivering a wide range of community benefits. The other point that I should make is that the partnership operates only in Scotland, and not in England or Wales, so our evidence today is truly independent and impartial.

I will not say an awful lot about the wide-ranging benefits that can be delivered through walking and cycling, because, having had a look through the material, I see that Mr Waters of Sustrans has already articulated that very well. I will say, however, that the Scottish evidence strongly corroborates what Mr Waters was saying about the benefits of walking and cycling for health, transport, environment, community and the economy. I also get the impression from looking at the material that there is a general consensus about the benefits and a desire in Wales to bring about a modal shift to walking and cycling. The key question, therefore, is whether the proposed Order is an appropriate mechanism for bringing about this modal shift. I would say, from our experience in Scotland, that it is and that it should be supported on two main counts. First, an Order could greatly assist you in bringing about this modal shift to walking and cycling. Secondly—and this is what happened in Scotland—it would also demonstrate national leadership on this topic, which is important.

From our experience, modal shift comes about through two main areas of activity. First, through the development of the infrastructure, and secondly and very importantly, through promoting the use of that infrastructure. There is no point having infrastructure if people are not using it. So, social marketing is also important. The proposed Order would specifically help with the first of these two areas of activity. In other words, it would help to develop the necessary infrastructure.

From our experience in Scotland, no single tool at the disposal of local and national government will bring about the modal shift; a range of tools is required. Those tools will be a mix of carrot and stick. The carrot in Scotland was funding. Funding to local authorities was crucial. The Welsh Local Government Association concentrated on that in its evidence. There is also a need for specific initiatives, such as the 'Smarter Choices, Smarter Places' project, which we have added as an appendix to our evidence. However, sticks are also important. If it is considered to be a national priority to promote walking and cycling, the experience in Scotland was that sticks, such as regulation and/or legislation, can be extremely helpful in moving the agenda forward. This is exactly what has happened in Scotland over the past eight years. The Land Reform (Scotland) Act 2003 was implemented from 2005 onwards. Part 1 of that Act relates specifically to access and the development of access. In Scotland, we have seen a huge shift in the emphasis placed on access as a result of that piece of legislation.

Legislation on its own would not have worked, but, in combination with the various carrots that are now available to local authorities and organisations, such as the Paths for All Partnership, it has been extremely useful. With regard to the way in which the legislation has helped, over the past three years, local authorities in Scotland have been given an additional £8.1 million per annum for access development directly on the back of this legislation. So, it was, in a sense, enabling legislation, which levered out an increase in funding to local authorities from central Government.

My final point is that, if you are to bring about this modal shift, it is important that your walking and cycling highways meet people's needs and aspirations and assist in removing any barriers to walking and cycling. In this respect, our evidence focuses heavily on the core path planning process in Scotland, which was a duty on local authorities under the Land Reform (Scotland) Act 2003, which I have just mentioned. We have focused on that not because we necessarily think that Wales should introduce core path plans, but because we have found the process of community engagement to be hugely useful and instrumental in bringing about the modal shift and infrastructure development that we are now seeing in Scotland. So, we raise that in our evidence purely as a process model that Wales might want to consider. Of course, the key to that process has been extensive community involvement to ensure that access development through local authorities is introduced. Thank you. That is all that I would like to say at this stage.

**Gareth Jones:** Thank you very much indeed for highlighting those key points for us and for making direct comparisons with the context here in Wales. We have a few questions from Members around the table. We will start with a question from Janet Ryder.

10.50 a.m.

**Janet Ryder:** Thank you for your evidence, Mr Findlay—it is very interesting. I wonder whether you could help us with one or two points. The issue of shared usage has been raised with us, namely that people with disabilities want to see a separation between the pathway that they may be using and the one that cyclists may be using. We have yet to take evidence from the horse-riding community, but concerns may arise there too. If you have faced these issues, could you give us examples of how you have overcome them? Could you also give us examples of good practice that we could consider, to enable us to take this further forward?

The other issue is about how you would phrase a reference to motorised vehicles. These paths are for non-motorised vehicles, yet many people use motorised or motor-powered wheelchairs and buggies. Have you thought about how such a reference might be worded or about whether any separation needs to be included there as well?



**Mr Findlay:** Those are two good points. Shared usage has been a perennial topic in Scotland. Before the Land Reform (Scotland) Act 2003, there was quite a lot of talk that you would be required to segregate different types of users in order to get people to use routes. Therefore, there was talk of horse-riding routes, cycle routes, and walking routes. The Land Reform (Scotland) Act 2003 removed that debate. It noted that we should be looking at access in general and shared multi-use as the presumption, and that the responsibility should be put on users—through the Scottish outdoor access code—to ensure that their behaviour was appropriate, in terms of the environment, as well as in terms of their impact on other users.

There was a great deal of debate during the committee stages as the Land Reform (Scotland) Act 2003 went through, that this was not going to be a workable solution, and that it would result in all sorts of management and design problems and a lot of conflict between different users. However, the evidence has been to the contrary. Because the Land Reform (Scotland) Act 2003 strongly links rights and responsibilities, you have the access right, but alongside that right is the responsibility. That responsibility is clearly set out in the Scottish outdoor access code, so many of the perceived problems that were raised when the Act was going through Parliament, have not materialised.

As with the Paths for All Partnership, we have provided quite a lot of guidance on shared use and multi-use routes, and we run regular training courses for local authorities—specifically for their access officers—on shared use. To a great extent, it is not surprising, but it comes down to common sense—people having that responsibility in their mind when they are out walking, cycling, horse-riding or in a wheelchair and using their common sense when they meet each other.

Therefore, it would be difficult for me to give you examples of segregation in Scotland, because the strong presumption is that all routes are open to all users, provided that they use them responsibly. No access managers in Scotland are now promoting segregated routes, with the possible exception of mountain bike routes. In some Forestry Commission sites, extreme, downhill mountain biking routes are being developed. These are specifically designed for mountain biking and it tends to be noted that they are specifically for that purpose. However, the general presumption in Scotland is for non-segregation—it is shared use, and the evidence to date is that that is working.

On motorised vehicles, this has also been a challenge. Under the Disability Discrimination Act 2005 and so on, we cannot develop products or services—and access is a product and a service—that discriminate against disabled users. Therefore, again, the Scottish outdoor access code has been fundamental in this in that it gives descriptions of motorised vehicles that are specifically for use by disabled people and that are exempt from the exclusion that applies to motorised vehicles. You see that a lot in Scotland; you will see people with motorised buggies, which are obviously designed for disabled users, on paths and routes. That is well understood in Scotland. Again, I cannot point to areas of conflict in that regard. People understand that disabled users may be using motorised buggies and that the people using such vehicles also have a responsibility to be aware of other users.

**Jeff Cuthbert:** Janet Ryder has just dealt with the bulk of what I was going to ask, so I will be brief. Following on from that, and I appreciate that your brief is for Scotland only, we are anxious to avoid the problem of motor cyclists using the network of paths. Has that been an issue in Scotland and what steps have you been able to take to discourage the use of motor cycles on the network of paths?

**Mr Findlay:** That is a good question; the one area that has exercised access managers the most is the use of motor bikes on these routes. Going back five or 10 years, people advocated the use of barriers and tried to design barriers that would prevent motor cyclists from using the paths. However, it became apparent that those barriers were not reducing the amount of illegal motor cycle use, but were preventing many other legitimate users—in particular horse-riders, disabled users and parents with buggies—from using the paths

Therefore, there are not many examples in Scotland of barriers being used to prevent motor cycle use because we have reached the conclusion that all that that does is prevent legitimate users from using the paths—it does not tackle the motor cyclists. So, there has been a move over the past five years towards education. We are dealing with two issues here: first, there is criminal activity, because if the motor cycle is somewhere that it should not be and is causing damage, there is recourse to the police. However, in the majority of cases, we are using education and finding alternatives for motor cyclists. Education, again through the Scottish outdoor access code, involves working quite a lot with motor cycle clubs and recognising that not all users of motor cycles belong to one club or another.

As well as education, recently two authorities have put a great deal of effort in to providing alternative sites for motor cycle use, specifically for young people and teenagers. North Lanarkshire Council is probably the best example. The Paths for All Partnership put funding into the model in north Lanarkshire where there is now a motor cycle club with about 200 young riders. Surveys show that, where there was previously a real problem with motor cycles on the local paths, that usage has almost disappeared. Much of this is to do with young children being given mini motor cycles for Christmas and wanting to find somewhere to use them. Most parents are more than happy to allow their young teenager to go to a recognised facility where they are shown how to use the vehicle properly and given proper training. There is also the social aspect to attending these clubs. The sites being used are large brownfield sites; in fact, they are former coal sites. They have been hugely instrumental in solving the problem.

That club of young riders was recently asked to visit the Scottish Parliament as a good example of the way forward in terms of access and of creating an activity for a group of people that is often ignored in terms of better access, namely young teenagers. That should be held up as a national example of good practice and is now being rolled out across the country. I would not say that we have solved the problem in Scotland; one of the biggest challenges, probably, is how to control the situation without restricting legitimate access. I can give you more information, if you should want it, on these clubs and what management teams have been put in place.

11.00 a.m.

**Gareth Jones:** Thank you, Mr Findlay, for elaborating on what is a very important topic. Jeff, do you want to come back on that point?

**Jeff Cuthbert:** On the last point that you mentioned, I was wondering if you could send us information about the alternative facilities that local authorities and others in Scotland have been able to provide for motor cyclists in their variety of forms.

**Mr Findlay:** I would be very happy to do that. I will provide that information to the clerk of the committee.

**Gareth Jones:** Thank you. On the same point, Christine Chapman?

**Christine Chapman:** Thank you, Mr Findlay; I would be grateful for that information. When you talk to people about setting up such clubs, you hear that one of the barriers is the fear that a lot of people, and young people in particular, will not be able to access the clubs, because they need to have transport to get there. Of course, if you are talking about poorer communities and areas, the situation may be worse. You can send the information to us, but I just wondered if there were any good examples of access schemes for young people to be able to get to those clubs in the first place. Obviously, they cannot use the bikes to get there.

**Mr Findlay:** That is a very good point. The north Lanarkshire example is within a community, and therein lies other challenges, because, if you have it too close to a community—especially the scrambler club—there is a noise issue. The example that I mentioned is so popular they want to extend the facility, but one of the planning challenges is noise abatement. So, they are obviously victims of their own success. These facilities have been placed as close to communities as possible, so that the teenagers can walk there or hop on a bus to get to the facility. The other one that I know of is on a bus route and I think that there is also a minibus to take the teenagers to the facility. I will give you more information on that once I have established that it is the case, but the challenge is getting young children out to these sites and making sure that the sites are not so close to settlements that they will cause a noise issue. I think that it is about using bus routes and making sure that the facilities are close to bus routes, and I know that a minibus has been used in one case.

**David Melding:** Mr Findlay, you said that shared use is working. What view do disability lobby groups in Scotland have on that? Do they agree that shared use is working or do they say that it is only working because people with disabilities do not feel confident enough to use the paths?

**Mr Findlay:** No, I think that it is the former. Disability groups in Scotland have been closely involved in the development of the Scottish outdoor access code. One of the main disability organisations is a partner in the Paths for All Partnership and played a key role in the development of basic guidance through that. In the partnership, we also have the access for all Scotland forum. The national access forum for Scotland asked the partnership to set up a national group of all disability groups in Scotland to see how the access legislation was working and to make sure that advice was going from the disability groups to the access managers. We facilitate that group and it meets three times a year. The feeling from these organisations is very much that it is working. Increasing numbers of people from disability groups, or disabled people, are using the countryside and we are not picking up from these groups that there a lot of issues of concern. My own sense is that it is very much working in Scotland.

**Gareth Jones:** I believe that we have reached the final question, and it is to be asked by Sandy Mewies.

**Sandy Mewies:** It is a pretty short question, actually. In your evidence, you say that while there is a duty on access authorities to draw up core path plans in Scotland, there is no duty on them to implement them, which has caused access officers some concern. Are you saying that a Measure must clearly place a duty of implementation?

**Mr Findlay:** Yes. That would be our advice. The whole core path planning process may be compromised in the future because it does not have a commitment to implementation. Implicit in the legislation is that implementation will follow. The core path plan is something similar to a local development plan. There is an expectation, because it has gone through periods of consultation, that implementation will follow. However, the fact that a duty is not placed on local authorities to follow up with implementation will be an increasing problem. So, I would advise that, in developing a Measure, if you go down that route, you include something relating to implementation and to resources; that would be helpful in delivering what it sets out to do.

**Gareth Jones:** Mr Findlay, on behalf of the members of the Enterprise and Learning Committee, I thank you for joining us by video link this morning. We have enjoyed the discussion, and the points that you have made have been valuable and helpful to us, as well as very informative. We look forward to receiving further information, as agreed during our discussions. It is interesting to understand that we are working almost in parallel with Scotland on what is an important issue for us.

**Mr Findlay:** That is right. I think that we can learn from you and, hopefully, there are some things in Scotland that will be useful to you. I wish you well with your deliberations, and if we can be of further assistance, please contact us.

**Gareth Jones:** Thank you for those words. We wish you and the Paths for All Partnership in Scotland all the very best. Diolch yn fawr iawn—thank you very much indeed.

That concludes our session and the meeting. Diolch yn fawr.

"Daeth y cyfarfod i ben am 11.07 a.m."

"The meeting ended at 11.07 a.m."