

Enterprise and Learning Committee

EL(3) 29-08 (p1) : 26 November 2008

The National Assembly for Wales Proposed Draft (Legislative Competence) (Traffic Free Routes) Order 2009

1 Introduction

1.1

Age Concern Cymru is pleased to respond to the Enterprise and Learning Committee's request for evidence on the Proposed Draft Legislative Competence Order on Traffic Free Routes. We support the proposed Order and the intention to impose duties on highway authorities in Wales to develop and maintain a network of traffic free routes. Age Concern Cymru is the leading all-Wales charity working with and for older people. Age Concern in Wales is made up of Age Concern Cymru and 27 locally based, independent Age Concern Organisations. Our activities include campaigning, research, advocacy, information, support for forums of older people and befriending. Through the combination of an all-Wales presence, local community based organisations and our network of older people Age Concern in Wales is well positioned to be in touch with the issues affecting older people.

1.2 Access to safe and attractive areas for physical activity and exercise is important to older people. There is growing evidence that healthy living can prevent many common illnesses occurring or delay the onset of these. Remaining or becoming physically active in later life has very significant implications for health in the short as well as the longer term.

1.3 Age Concern Cymru believes that the provision of traffic free routes would help to facilitate older people across Wales to enjoy regular exercise, improve their health and help reach goals contained in Welsh Assembly Government guidance such as the Strategy for Older People in Wales (2008), the Healthy Ageing Action Plan (2005) and the wider Health Challenge Wales programme.

1. Consultation Questions

2. What are your views on the general principle that legislative competence in the area identified in Matter 10.xx be conferred on the Assembly?

We support the proposal that legislative competence to develop and maintain a network of traffic free routes be conferred on the Assembly. In order to reach targets related to sustainable development and to promote a healthy society we feel that conferring legislative competence on the Assembly to do this would be a very positive step forward for Wales and would allow Wales to set an example in promoting healthy lifestyles.

1. What are your views on the terms of the proposed Order? For example, are they too narrowly or too broadly drawn? If necessary how should the proposed Order be re-drafted and why?

We support the scope of the Order as currently drafted. Keeping the terms of the proposed Order broad would allow the Assembly to fully consider the needs of all people when introducing future measures and provide Wales with the necessary legislative freedom to realise its policy objectives in this field.

2. Would the terms of the proposed Order allow for the development of traffic free routes in Wales by means of measures? If not, how would the proposed Order need to be re-drafted and why?

Whilst we are not in a position to offer legal advice on the terms of the proposed Order it does appear that the Order as proposed is sufficient to allow the National Assembly for Wales to implement the policy proposals as set out in the explanatory memorandum and the original petition.

3. The proposal is "Provision imposing duties on highway authorities in Wales in relation to the development and maintenance of network of highways for the use of users other than motor vehicles." What are your views on this?

Walking plays an extremely important role in promoting older people's health and well-being. Evidence suggests that regular walking and general exercise can benefit both the quality and duration of life. The Healthy Ageing Action Plan (2005) produced by the Welsh Assembly Government outlines the positive effects that regular exercise can have on older people's lives:

It can lower the risk of heart disease and stroke, reduce blood pressure, obesity, incontinence, and levels of depression.

It can improve strength, balance and flexibility, and improve bone density, thus helping reduce falls.

Injuries from falls are the greatest cause of hospitalisation among older people and are the leading cause of death from injury in older people over the age of 75. The National Osteoporosis Society recommends brisk walking as one way to counter the development of osteoporosis.

Physical activity initiatives can help people retain their independence, and provide opportunities for engagement with other people and their own community, thus reducing isolation and loneliness. A UK-wide Inquiry into Mental Health and Well-Being in Later Life conducted by Age Concern and the Mental Health Foundation reported that "Social Isolation is a strong risk factor for poor mental health and is experienced by a million older people in the UK."

There are significant safety benefits to increasing provision of walking facilities away from roads. Although pedestrians over the age of 60 are less likely than other age groups to be involved in road accidents, they have an above average likelihood of being killed. Hence, according to figures produced in 2005, although only 14% of serious pedestrian casualties are aged 60 or over, this age group makes up 40% of those that are killed.

Another major barrier to older people walking is fear of falling due to the condition of pavements. As a result, we feel that any subsequent measures considered by the Assembly needs to include strong guidance on the design and maintenance of traffic free routes in order to ensure that routes developed locally are fully accessible and safe for older people.

Users of electric wheelchairs and scooters have also reported that poorly maintained pavements and cars parked on pavements cause them problems. We feel that any future Measure will need to take into account where users of motorised wheelchairs and scooters will be accommodated. We believe that these should not be regarded as 'motor vehicles' and should therefore be free to access traffic free routes. Consideration will need to be given as to whether these users are expected to use the pedestrian or cycle routes.

We note the objections to the shared use aspect of routes between pedestrians and cyclists that have been raised. Age Concern Cymru supports the proposed Order as it is our view that the overall outcomes envisaged by the Order would be beneficial to older people as a whole. A 2008 ICM opinion poll, commissioned by Age Concern Cymru, showed that the greatest concern for people in Wales in regard to getting older was loss of mobility: 70% of respondents, from all age groups, had a lot of concern over loss of mobility. This increased to 76% of respondents aged 65 or more.

We believe that any subsequent drafting of measures to impose duties on highway authorities should include full consultation with stakeholders and interest groups to ensure that the implementation of traffic free routes is accessible to everyone in society. We recognise that shared use schemes are sometimes not the best way to provide fully routes to ensure that they are accessible to all, particularly when it involves the segregation of existing narrow pathways. Any future measure should take account of Department of Transport guidance which advises that 'segregation of the footway and cycle track by a level difference should be the aim of the highway authorities'. Where this is not possible the Guide advises there should be a central delineator strip that is 12 - 20 mm high. This is to help visually impaired people, many of whom will be older people, to keep to the pedestrian side.

However, we recognise that well-designed and implemented, spacious shared route schemes, such as the Millennium Coastal Path in Llanelli, can offer good provision for walkers, cyclists and wheel-chair users alike. We also acknowledge the work of Sustrans in promoting responsible use of shared schemes by publicising a code of conduct for cyclist that includes, for example, avoiding the assumption that all walkers have a full range of sight and hearing and cyclists always giving priority to walkers.

We would also not want to see restrictions on the shared use of paths lead to unintended consequences which bring negative impacts upon excellent local schemes such as the Pedal Power project in Cardiff, which has delivered health and social engagement benefits for a number of older and disabled people through the provision of accessible cycling facilitated by volunteers on largely shared use paths.

For these reasons we are supporting the proposed Order. We believe that it will provide the Assembly with the freedom to ensure that subsequent measures are drafted in a way that will make them fully inclusive and accessible to all and that detailed debate and consultation on the drafting of measures would be best accomplished at a later stage.

1. Should the terms "development" and "maintenance" be defined within the matter?

We feel that further definition of the terms 'development' and 'maintenance' may be required when drafting Measures in order to provide clarity along the lines of the evidence given to the Committee by the Welsh Local Government Association (WLGA). However, at this stage we believe the current wording to be sufficient in order to retain the broad scope of the Order.

2. Are any of the transport-related exceptions contained in Schedule 5 of the Government of Wales Act 2006 (for example in relation to Matter 5.10 (Learner Travel) also relevant to this proposal?

We do not believe that any of the exceptions contained in Schedule 5 of the Government of Wales Act 2006 are directly relevant to this proposal.

**Age Concern Cymru
November 2008**