



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Menter a Dysgu
The Enterprise and Learning Committee**

**Dydd Mercher, 26 Tachwedd 2008
Wednesday, 26 November 2008**

Cynnwys
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Order 2009

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

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

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
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Graeme Francis	Swyddog Materion Cyhoeddus, Age Concern Cymru Public Affairs Officer, Age Concern Cymru
Roger Geffen	Rheolwr Ymgyrchoedd a Pholisi, Clwb Teithio'r Seiclwyr Campaigns and Policy Manager, Cyclists' Touring Club
Mike Greenaway	Cyfarwyddwr, Chwarae Cymru Director, Play Wales
Glenn Little	Swyddog Datblygu Gweithgarwch Corfforol, Age Concern Cymru Physical Activity Development Officer, Age Concern Cymru
Alexandra Thursby	Swyddog Polisi, Ymgrych y Parciau Cenedlaethol Policy Officer, Campaign for National Parks

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

Dan Collier	Dirprwy Glerc Deputy Clerk
Gwyn Griffiths	Cynghorydd Cyfreithiol Legal Adviser
Dr Kathryn Jenkins	Clerc Clerk
Victoria Paris	Gwasanaeth Ymchwil yr Aelodau Members' Research Service

Dechreuodd y cyfarfod am 9.58 a.m.
The meeting began at 9.58 a.m.

Cyflwyniad ac Ymddiheuriadau
Introduction and Apologies

[1] **Gareth Jones:** Bore da bawb, a **Gareth Jones:** Good morning everyone, and chroeso i'r cyfarfod hwn o'r Pwyllgor Menter welcome to this meeting of the Enterprise

a Dysgu. Ymddiheuraf am yr oedi cyn ddechrau y bore yma, a diolch i chi am eich cydweithrediad. Mae'n golygu y byddwn yn rhedeg tua hanner awr yn hwyr.

and Learning Committee. I apologise for the delay before starting this morning, and thank you for your co-operation. It means that we will be running about half an hour late.

[2] Fe'ch atgoffaf i ddiffodd unrhyw ffôn symudol neu unrhyw ddyfais electronig arall. Nid oes angen i ni gyffwrdd y meicroffonau. Nid ydym yn disgwyl ymarfer tân y bore yma, felly, os clywn larwm, bydd yn rhaid inni symud o'r ystafell, ac efallai o'r adeilad, yn unol â chyfarwyddiadau'r tywysyddion.

I remind you to switch off mobile phones or any other electronic devices. We do not need to touch the microphones. We are not expecting a fire drill this morning, so, if we hear an alarm, we will have to vacate the room, and possibly the building, following the directions of the ushers.

[3] Mae'r cyfarfod hwn yn un dwyieithog. Mae clustffonau ar gael i dderbyn gwasanaeth cyfieithu ar y pryd o'r Gymraeg i'r Saesneg—mae hwnnw ar sianel 1. Mae modd defnyddio sianel 0 i chwyddleisio'r sain.

This meeting is held bilingually. Headphones are available to receive the simultaneous interpretation service from Welsh to English—that is on channel 1. Channel 0 can be used to amplify the sound.

[4] Yr ydym wedi derbyn ymddiheuriad oddi wrth Huw Lewis. Deallaf hefyd y bydd Kirsty yn ymuno â ni yn hwyrach. Nid oes dirprwyon, hyd y gwn i.

We have received an apology from Huw Lewis. I understand that Kirsty will join us later. There are no substitutions, as far as I know.

9.59 a.m.

Gorchymyn (Cymhwysedd Deddfwriaethol) Arfaethedig Pwyllgor Drafft (Llwybrau Di-drafft) 2009

The Committee Proposed Draft (Legislative Competence) (Traffic Free Routes) Order 2009

[5] **Gareth Jones:** Symudwn ymlaen at y sesiwn graffu. Fel y gwyddoch, yr ydym fel pwyllgor yn cynnal ymchwiliad craffu ar ein cynnig drafft am Orchymyn cymhwysedd deddfwriaethol ar llwybrau di-drafft. Bydd cyfarfod y bore yma mewn tair rhan.

Gareth Jones: We will move on to the scrutiny session. As you know, as a committee we are holding a scrutiny inquiry on our draft proposal for a legislative competence Order on traffic-free routes. This morning's meeting will be in three parts.

10.00 a.m.

[6] Ar ran yr Aelodau, estynnaf groeso cynnes i gynrychiolwyr Age Concern Cymru: Graeme Francis, sy'n swyddog materion cyhoeddus, a Glenn Little, sy'n swyddog datblygu gweithgarwch corfforol. Deallaf nad yw Christopher Beaumont yn ymuno â ni'r bore yma. Croeso i'r ddau ohonoch. Estynnaf groeso hefyd i Mike Greenaway, cyfarwyddwr Chwarae Cymru. Ar ran yr Aelodau, diolchaf i chi am eich tystiolaeth ysgrifenedig. Yr ydym eisoes wedi cael cyfle i'w ddarllen, ac y mae'n werthfawr i ni o ran

On behalf of Members, I extend a warm welcome to representatives from Age Concern Cymru: Graeme Francis, public affairs officer, and Glenn Little, physical activity development officer. I understand that Christopher Beaumont will not be joining us this morning. Welcome to you both. I also welcome Mike Greenaway, the director of Play Wales. On behalf of Members, I thank you for your written evidence. We have already had an opportunity to read it, and it is valuable for us

y Gorchymyn hwn. Yn unol â'r drefn, gofynnaf i Age Concern yn gyntaf wneud cyflwyniad o ryw bump i 10 munud, ac yna efallai gall Mike wneud cyflwyniad o'r un hyd, ac yna cawn gyfle i ofyn cwestiynau i chi.

in respect of this Order. According to our usual procedure, I ask Age Concern first to make a presentation of around five to 10 minutes, and then perhaps Mike could make a presentation of the same length, and then we will have an opportunity to question you.

[7] **Mr Francis:** Thank you, Chair. Good morning, everyone. I will very quickly add to those apologies on behalf of Chris Beaumont, who would have liked to be here today, as he would describe himself as an older person and a keen cyclist, but, unfortunately, he is unwell. I do not intend to add too much to the written paper that we have already circulated to Members, other than to make a few points in summary and perhaps to pick out a few of the key issues.

[8] Overall, we support this proposal for legislative competence to design and implement traffic-free routes in Wales. The major reason for that is that we believe that these routes will provide increased opportunities for older people to be active in more attractive and safer environments, allowing them to exercise and to get out and enjoy Wales. Obviously, the health benefits of physical activity, including walking and cycling, are well documented and I do not intend to cover those too much today, except to comment on a couple of specific elements that we believe are particularly relevant to older people.

[9] It is well established that physical activity can help the duration and the quality of life. Remaining or becoming physically active in later life has significant benefits for health and wellbeing, including mental health. There is evidence to suggest that there are several major physical activities that people can enjoy throughout life, which include walking, cycling, and gardening. We believe that this Order would help the first two of those.

[10] We are aware that the evidence in our paper is largely focused on the benefits to older people that would come from walking and being pedestrians on these paths. That is not to say that we do not think that cycling is also beneficial; it is more that the evidence on older people and cycling is significantly harder to come by. Since submitting this paper, we have identified a couple of areas where the health benefits of cycling can be promoted among older people, particularly as it is non-weight bearing exercise and so reduces the stress on joints and can therefore be appropriate for people with arthritis. The World Health Organization also suggests that regular cycling can increase muscle mass and bone mass, which can protect against illnesses and diseases such as osteoporosis. Importantly, increased muscle mass can also help to protect against falls, which we know are the major cause of hospitalisation among older people and the major cause of death from injury for people aged over 75.

[11] It is in the paper, but I would like to note why we believe that being active and mobility are so important for older people in Wales. This came out of an ICM opinion poll commissioned by Age Concern Cymru in 2008. One question asked people to name their greatest fear about becoming older. This was asked of people of all ages across Wales. Concern about a loss of mobility was the highest scoring answer. Perhaps surprisingly for us, this concern was greater than those relating to general health concerns, finances, isolation and loneliness, and age discrimination. In the poll, 70 per cent of people from all age groups have that as a major concern, and that figure rose to 76 per cent for people aged 65 and above.

[12] We feel that the Order would have the potential to assist with that because we know that one issue preventing older people from getting out and being mobile and active around Wales is their fear of falling due to the condition of the pavements. That issue has come up in our communication with them over a number of years. Therefore, our view is that, if these routes are developed away from the existing road system and are properly designed, older people will overcome their fear of tripping on uneven slabs and so on. If a road is covered in

tarmac or other even surface, it will help older people to avoid that fear of falling, which is a very real concern for them. Anything that increases their feeling of safety when out and about is beneficial.

[13] That is largely all that we have to add to our paper. In summary, assuming that the routes are successful, well designed and accessible, anything that allows older people to get out, enjoy the environment in Wales and to remain or become more physically active is to be welcomed.

[14] **Mr Greenaway:** First, I wish to put it on record that Play Wales supports the devolution to Wales of the powers identified in the LCO proposal. Play has to be one of the most cross-cutting agendas, and Play Wales is not just concerned about children's playgrounds, but everything that might contribute to children's play provision including those departments whose work might have an impact on children's play, such as planning and transport. This is where the LCO comes in: if this legislation is passed, it will enable the Assembly, should it wish—and I hope that it would—to change the way in which society regards and plans for transport. It could contribute to a paradigm shift and change the mindset of local authorities from one where the needs of the car driver are paramount to one where the needs of pedestrians, cyclists and, most importantly from our perspective, children are taken into account when planning for transport.

[15] Children are often hidden members of society when it comes to considering general policy matters unless we are talking about formal education. Often, little thought is given to matters such as planning and traffic management from their perspective. In fact, it is clear that policy and strategy related to transport are currently determined by technical experts who have a mindset that simply does not accommodate the needs of children as pedestrians and cyclists as users of public space. Policy in relation to children is generally about what we do to them rather than what we do for them. Although I would add that the Assembly Government's track record on upholding the rights conferred by the United Nations Convention on the Rights of the Child is arguably the best in the UK, that is still not translating down to the work of local authorities in a meaningful way. This is particularly the case with regard to article 31, the right to play.

[16] Children have been consulted and consulted and, as an erstwhile youth worker and a currently practising play worker from time to time, I cannot remember there ever being an instance when children and young people, when considering their place in their community, have not reflected on the impact of cars and the speed at which they are driven. In successive consultations undertaken by the children's commissioner, nationally and more locally, children consistently identified traffic and play as two of the top three issues. That encompasses the issue of travelling to wherever they might play and the opportunity for them to play on their own streets and pavements as we might have done in the past. In some communities, it is unusual to see children playing on the streets. One may be forgiven for thinking that, in some areas, their playing outside is no longer regarded as a legitimate activity. It seems that, if they are not accompanied by a responsible adult or engaged in some meaningful, safe, organised activity, they must either be at risk or be providing an unnecessary risk for road users—that is, drivers.

[17] We know that efforts are being made across Wales to provide more outdoor settings where children might play, but we are at risk of creating small, isolated areas—play ghettos, if you will—where children can play but that they are unable to access without being driven by their parents.

[18] Although we would argue that play should be provided for play's sake as a process and as an end in itself, we also know that there are some significant windfall benefits from providing children with opportunities to play outside. Over the past 50 years, we have created

an environment that has directly contributed to the reduction in children's opportunities to play outside and, as a society, we are paying the price.

10.10 a.m.

[19] Work undertaken by Professor Mackett at the University College London, interestingly enough funded by the Department for Transport, has demonstrated unequivocally that children playing outside have high exercise levels, second only to those in organised sports activity. I understand that there is also evidence that, although the quality of what children might be eating today is debatable, its calorific intake has not changed significantly for 50 years. From that, we can begin to construe that the comparatively reduced activity level is the key contributor to increased obesity levels among children.

[20] I recently spoke at a Child in the City conference in Rotterdam and was impressed to see the actions being taken there to secure the place of the child within the community of the city. The principle is of shared space on the highways. It is not a new one in Holland, but they are determined to ensure that pavements on the south side of roads, for example, will be wider to enable children to play better. They have gone further and, rather than just designate play areas, all public space has been designated as children's play space unless good reasons can be given that it should not be.

[21] Since working for Play Wales, I have had an aim, and I guess that it is quite personal, that, internationally, when consideration is being given to the countries that are taking a lead on children's play, we should not just expect others to look at Scandinavia and Denmark and so on for good practice, but that Wales should also be included as a country in the vanguard. The Assembly Government has achieved that particularly in respect of the status that it has conferred on play policy.

[22] In conclusion, this draft proposed LCO would have the potential to enable subsequent legislation to contribute significantly to the realisation of the policy aims and actions that have been identified by the Assembly Government in its play policy implementation plan, and thus create an environment that would better ensure the actualisation of children's rights to play, as conferred on them by article 31 of the UNCRC.

[23] **Gareth Jones:** Thank you for your presentations. David Melding has the first question.

[24] **David Melding:** As an aside, I am impressed by Mr Greenaway's description of what play ought to mean. I was in Brussels in September on its national non-traffic day, so there was no traffic in Brussels on that Sunday, and you saw children everywhere. It was a remarkable sight. We have ended up thinking that it is normal for cars to be everywhere and not to see children, and we should challenge that notion. Anyway, that is not what the evidence session is about this morning; it relates more specifically to traffic-free routes.

[25] Both witnesses have given clear written evidence, so I do not want to pursue any of the technicalities as they have already been addressed. My question is to both sets of witnesses. We have had an important body of evidence from a particular part of the community that says that the shared use of routes is problematic. It seems that you do not have the same concern, or at least you think that shared use can be appropriately managed with technical and cultural changes. However, on the face of it, elderly people and children are at risk when using shared-use paths—and I am not talking about motor vehicles using them, but cyclists, principally. Do you have any evidence, other than anecdotal evidence, that there is not a great problem with existing shared-use paths, or have you come across a certain number of accidents or injuries, or people being fearful of using some facilities because they think that they are unsafe? Your experience seems a little different from what we have heard

from others.

[26] **Mr Francis:** I will have a go at answering that first. We have thought long and hard about this issue in supporting the original petition and in developing our written and oral evidence for today. It is important to say at the outset that we recognise the concerns and issues that other organisations have raised around this. The reason we support it is because it is our remit to consider the interests and views of all older people and we believe that the Order, were it passed, would be widely beneficial for that. That is not to say that we, and some older people, would not have concerns about shared use. In many cases, it may not be desirable to have a route that is particularly narrow, like some examples that have been raised, and where there could potentially be conflict between different users of the route. I think that your point is correct. We believe that these kinds of risks can be managed and designed out, if due care and attention is paid to the views and needs of all people in society, and taken into account at the Measure stage. Our broad view is that that would probably be a more appropriate time to consider all these issues. It seems slightly strange to have a very detailed conversation and to work out all these issues before the Assembly even has the powers to legislate in that area. Glenn may want to add more on that.

[27] The evidence that you had from the Welsh Association of Chief Police Officers a few weeks ago makes it clear that there are some very good-practice examples in Wales of how these schemes are currently operating, where cyclists and pedestrians are using the same routes. The incidence of accidents is non-existent according to police statistics, or is very low anyway. Our other point on this is that a lot of the past problems around shared routes occurred where the implementation had been done wrongly or in a hurry. I know that Age Concern, as a movement, has had concerns in the past and older people have expressed concerns to us about certain schemes that have been designed in the wrong way. For instance, we have heard of a number of cases, although we do not have any specific evidence other than anecdotal, where local authorities—and not just in Wales—have tried to reach targets on physical activity and moving to different modes of transport by segregating existing stretches of pavement to accommodate more cyclists and to make it look more attractive to cyclists. We feel that these kinds of schemes are very rarely beneficial to anyone—separating what may not be a particularly wide pavement in the first place means that everyone has half the space that they really require. We feel that this Order, if it were passed, and any subsequent Measures could change that, by ensuring that routes are carefully designed from the outset, so you could avoid a lot of those problems right from the start by ensuring that what you create is fit for purpose and can accommodate the needs of all people.

[28] **Mr Little:** I just want to add that we have a number of volunteers working for Age Concern Cymru in several different areas, including various areas where there are shared paths, such as the Millennium Coastal Park in Llanelli and around Cosmeston. We have volunteers in Brecon, Builth Wells, Anglesey and lots of different areas where a shared path of good standard has already been designed and implemented. I have spoken to them, individually, over the past few days, and they told me that they had not come across any issues or particular problems. As Graeme has said, that is not to say that there are no issues in some circumstances. People might cycle on the wrong part of a path or something like that, unfortunately, but that has nothing to do with the planning stage. However, I have spoken to a number of people in Aberdare, at the Michael Sobell sports centre, where they recently introduced a path for cycling, especially for disability cycling. It is a shared-use path, but there is enough room for a tricycle or a quad bike, which can be used, and for bikes and a double-buggy to pass each other without any problem or any conflict of interest. I have also spoken to colleagues from Let's Walk Cymru and some of the Mentro Allan projects that deliver outdoor physical activities, who use many shared paths in different areas of the country, and, again, they have not come across any specific issues where there has been a potential problem.

[29] I just want to add something that I think Chris would have liked to say today. Chris is an older person who does a huge amount of cycling. He has cycled pretty much from east to west Wales and covered most of north to south Wales on various routes. What he really tried to convey to us during the past few days was that there are lots of people out there cycling, lots of those people are older people, and lots of the paths that they use, including the Taff Trail, have a shared use.

10.20 a.m.

[30] Again, he has not come across any particular instances where people have been injured. As Graeme said, it is worth taking the needs of all older people, including people with visual impairments, into account at the planning and design stage of these specific routes—other disabilities need to be taken into consideration, too, but at a later stage—and that is why we support taking it forward at this stage. A lot of people are physically inactive, and given the fact that the population is ageing, unless people participate in physical activities, we are going to see an increase in coronary heart disease and all the other things that older people may experience as a consequence. These proposals represent a good step in encouraging more people to become and to remain more active.

[31] **Mr Greenaway:** From our work with children, I feel that the risk is increased where separate areas are delineated. If children have an accident while using play equipment, it is often because they are using it in a way that was unintended when it was designed. Children are random in their play and when they run around. In reality, the benefit of shared use is that it places a responsibility on everybody for everybody's safety. The problems arise where there are perceptions of safety, such as when cyclists are separated from walkers—I have direct experience of the Swansea front, where cyclists are separated from the walkers by a line, and the greatest degree of distress is experienced by the parents of young children because of cyclists' belief that they are allowed to cycle fast. I am a cyclist myself, and it is about sharing the responsibility. We are asking some people to change their mindset—they have got used to one thing, and, naturally, they will be unhappy about changing.

[32] Speaking for children—we are advocates for children—they have not been considered, and they need to be.

[33] **Jeff Cuthbert:** My question was about something that has largely been dealt with, so I will not go over that.

[34] I have one specific point to ask Mike about shared use. I was reading your evidence, and it did not appear to deal with the point specifically. In the case of children who have disabilities—visual, hearing or physical disabilities—do you have anything to add about shared use in that regard? Are there particular issues that we need to address in terms of the safety of children who have disabilities?

[35] **Mr Greenaway:** To be frank, no. I work for a couple of weeks a year in a village play scheme, and I would say that between 10 and 15 of the children who attend from the local community are disabled, some of them profoundly disabled. In 18 years of doing this, I have never found the needs and experience of disabled children to be any different to those of children who do not have disabilities, other than they might need some extra support. Apart from that, children are children, and so the answer is 'no'. I do not see the additional support as being an issue, although I realise that there are those who will disagree with me.

[36] **Jeff Cuthbert:** The main points of my question were addressed in David's question.

[37] **Gareth Jones:** Fine.

[38] **Janet Ryder:** I was a little concerned when the representatives from Age Concern were giving evidence to begin with. We are not talking about replacing footpaths here; they will still exist. Unfortunately, so will uneven pavements. Can you confirm that you do not envisage that everybody will start to use these shared pathways—these cycle paths—as new footpaths? What is the advantage of creating a designated shared cycle/footpath over completely shared-use pavements and roads, as some areas are experimenting with, on which you have no physical barriers between road and pavement and junctions? Would that be another way of looking at it, or do we need to go down the designated path?

[39] **Mr Francis:** On the footpaths point, to clarify what I was saying, we do not think that these routes will replace them and that people will no longer use traditional footpaths. That would not be the case, unless you had an incredible network that was set up, which obviously is not going to happen. The point is that people sometimes do not necessarily have to have a place to go; they might like to get out to enjoy the countryside, or have a walk. The anecdotal evidence that we have received is that, for some older people, particularly if they live on a busy street where they are forced to use the pavement, which may be particularly unstable, they would not do that. With a route away from traffic somewhere else, there will probably be a traffic implication for those people to get there, but the idea is that, once they are there, if the route is flat and they do not feel that they are at a risk of falling, you are allowing people who may otherwise not be particularly physically active or mobile to have a place where they would hopefully feel safe to do so. I hope that that clarifies the point.

[40] On the second point about completely shared-use routes with no marking between roads and pavements, it is not something that we have particularly thought about, but it would not be something of which we would be particularly supportive for older people. The separation between places where people can walk and places where cars may travel, if I have understood your point correctly, is very important. I think that completely shared routes would be an extra barrier which would prevent older people from going out.

[41] **Mr Greenaway:** I have a slightly different position to that one. As far as the first point is concerned, any change that will improve the opportunities for children to play outside is welcome, which is why we would support that. We would definitely support fully shared use. It was in the news yesterday that there have been considerable changes in Kent with a move towards shared use. It was interesting that the focus of the reporting was around all of the problems that car users anticipated, rather than talking to pedestrians. That has been tried as an experiment in other European cities, outside the UK. Looking at children who are leaving home and going to university, there is clear evidence that they do not have sufficient road sense to survive on the roads as they are at the moment. There are an increased number of car accidents involving students at university according to a piece of research that has been done, although I cannot quote it off the top of my head. It was done a few years ago, and it appears to indicate that children are not being given the opportunity to acquire road sense. For most people, the experience of fully shared use is when there has been a heavy snowfall; I know that it does not happen that often these days, but when it does we see fully shared use. Pedestrians are out on the road and car drivers are moving much more slowly, and once there are children and adults out as pedestrians, people feel safer, so more children and adults come out. If you have the opportunity, I would recommend going to an area where there has been fully shared use, because the feeling of the community is very different. So, we would be supportive of it.

[42] **Sandy Mewies:** David made the point that the papers are very supportive of it in any case, and cover much of the ground that we have done. Most of the questions have been answered, but I want to confirm that both organisations feel that maintenance is key. From the point of view of older people, they are frightened of falling over—I am frightened of falling over, because as you get older, you are. If children are using any designated pathway, it must be well-maintained, and that must be built into the process before you even start to design the

path. Do you agree with that?

10.30 a.m.

[43] **Mr Francis:** Yes, I absolutely agree with that. It goes back to providing a safe level and appropriate space. You are absolutely right that, in designing these routes, a mechanism will have to be built in for the expectations of maintenance and the levels of that maintenance, to ensure that the paths remain suitable for all, and are not only like that for the first year or so. That is vitally important, and I would wholeheartedly agree with that.

[44] **Mr Little:** The maintenance must be built into the budgeting of the planning. So, when you are planning any kind of route, an ongoing maintenance plan has to be built in. I am not sure whether that is currently going on in all parts of the country, where there is no incentive to build, because there is no money to maintain some of these routes. Building them without maintaining them is a no-brainer. It does no-one any favours, except in the very short term.

[45] **Mr Greenaway:** I would agree in terms of other users, but, as far as children are concerned, it is not a major issue that they are flat and level. In fact, we know that children will seek out the novel and anything that is asymmetrical, so if there is an opportunity to go off the route or beside it, they will take it, rather than staying on it.

[46] **Sandy Mewies:** To come back on that, there seems to be a difference between what you are saying, in some ways, about these designated routes. I may be quite wrong in this, but you seem to see them as a way of safely getting children to where they want to go, perhaps, to play, and not as a play area in themselves. They are routes, are they not? Cycling or running around may count as play, but you are going from A to B, and you will not be stopping anywhere. So, do you envisage them as not just being part of a network of routes, which we hope that they will be, but also a network leading to safe places to play?

[47] **Mr Greenaway:** Both. Everything that we do to children stops them from playing. It is interesting that research that has been done on children who walk to school shows that they do not get there as fast as they are supposed to, because they spend all their time stopping and playing. That is the reality. They are not just routes from one place to another. We would support any opportunity that we can provide for children to play outside and to make the environment more conducive to their playing outside. I recognise that there is a tension there with some users, but we are talking about a significant cohort of our society that is not being considered, or has not been considered up until now, in terms of its need for outdoor space.

[48] **Andrew R.T. Davies:** Thank you for your evidence this morning, gentlemen. As the father of four children, who was busily engaged in home improvements over the wet summer that we have just had, I would recommend any exercise that gets children out and about. I am fortunate because I live in the middle of the countryside, and we have lots of open fields that the children can enjoy. This proposal for an LCO, the viability of which we are trying to ascertain, merely seeks the power for the Assembly to bring a Measure forward. At the moment, how are you developing a strategy—because you all represent certain sectors of society, and Mike referred to a significant cohort of society—and how can we realistically expect a step change in the delivery of accessibility via this LCO compared with what is being achieved at the moment? Money was touched upon, but the LCO will not create any more money. Glenn touched on maintenance. In Cosmeston, an area that I know well, hedgerows are slowly enclosing the pathway, and in certain areas it is only wide enough for one person. How do we move from where we are today? When you read all the documents and see the aspirations of the Assembly and local government, they are all about greater accessibility. We are all engaged in the fitness agenda, but everyone seems to be saying that we must do it by law and force people to do it; that is the power that the LCO is seeking.

What would the step change be from where we are to where we would be in five or 10 years' time, if we had the power?

[49] **Mr Greenaway:** It will contribute to the beginnings of a change in the mindset of society. In the broadest sense, from our perspective, over the past 50 years the needs of children, rather than what we need to do to children, have not been considered. Ultimately, I believe that it is the role of the Government to lead society. In a small way, this would contribute to it. To be frank, ultimately, I would ask far more of the Assembly Government.

[50] **Andrew R.T. Davies:** Therefore, do you think that rather than this mindset change occurring through the voluntary initiatives and the aspiration models that we have followed thus far, a legislative process is definitely needed to propel this forward?

[51] **Mr Greenaway:** Yes, to be frank. I do not see how else we can do it, and not just with this but with other areas of what we, as a community and society, provide for children's play. We have demonstrated our attitude over the past 50 years. I look out of my office window—which is just across the road—at an area that, in the 1970s, was pretty much a children's play area. There were bombsites, mudflats and open space; and the reality now is that all of that space has been colonised. Some of it has been flooded. The only green space is Mount Stuart Square Primary School, which has a 9 ft fence around it to stop children from going in when the school is closed and to keep them in when it is open. Having spoken to the children there, we find that the only place that they can play is in a cul-de-sac where they are surrounded by cars. That is diabolical. What an experience for children, compared to the mid 1970s when they could play pretty much everywhere. Without legislation, that is what we are doing to children, and we are continuing to see it. Therefore, I believe that significantly more must be done.

[52] **Mr Francis:** From the Age Concern perspective, I am not sure whether what is 100 per cent necessary here is a step change in older people's mentality. The statistic that I spoke about earlier with regard to the concern about loss of mobility demonstrates that people, on the whole, want to remain active and mobile when they reach older age because of the health benefits. Obviously, that will not be the situation across the board. However, as an organisation, we have found that what stops people from doing that is not having the opportunities to do so or not feeling confident and safe enough to do that. Age Concern does a lot of work around that, such as the kind of work that Glenn is involved with. I am sure that Glenn would add more to this. Our view on this is that legislation is useful in this sense in that, if it goes forward, it will create an incentive, if you like, for local authorities to provide more of these opportunities, which people, hopefully, because of the interest that they would have in maintaining mobility and getting out and enjoying the countryside, would then make use of. Personally, I do not see this as something that would effect a change in mentality on its own. However, it is certainly a useful tool to do that.

[53] **Mr Little:** I would agree. I do not have anything to add to that.

[54] **Gareth Jones:** Ni chredaf fod rhagor o gwestiynau, felly ar ran yr Aelodau a'r pwyllgor hoffwn ddiolch yn fawr i chi am eich cyfraniadau llafar ac ysgrifenedig. Diolch am ddod yma. Dymunaf y gorau i chi yn y gwaith pwysig yr ydych yn ymwneud ag ef yn Age Concern a Chwarae Cymru. Yr ydych wedi rhoi dipyn o faterion i ni i'w hystyried. Bu'n gyfarfod a chyfraniad pwysig.

Gareth Jones: I do not think that there are any further questions, so on behalf of the Members and the committee I would like to thank you for your oral and written contributions. Thank you for your attendance. I wish you the very best in the important work that you are undertaking in Age Concern and Play Wales. You have given us a great deal to think about this morning. It has been an important meeting and contribution.

10.40 a.m.

[55] Symudwn felly at ail ran y sesiwn graffu. Mae Roger Geffen yma, sef rheolwr ymgyrchoedd a pholisi y Clwb Teithio Seiclwyr. Deallaf, Roger, eich bod wedi bod yma am gyfnod yn disgwyl am y cyfle i ddod gerbron y pwyllgor, felly, diolchwn ichi am fod more amyneddgar. Yr ydym yn falch iawn i'ch gweld yma ac yn estyn croeso cynnes i chi. Diolchaf ichi hefyd, ar ran yr Aelodau, am y cyflwyniad ysgrifenedig yr ydym eisoes wedi'i dderbyn. Gofynnaf ichi, yn unol â'r drefn, wneud cyflwyniad byr o ryw bum i 10 munud, ac wedyn cawn cyfle i ofyn cwestiynau.

We will therefore move on to the second part of the scrutiny session. Roger Geffen is here, who is the campaigns and policy manager for the Cyclists' Touring Club. I understand, Roger, that you have been here for some time, waiting for your opportunity to appear before the committee, so we thank you for being so patient. We are pleased to see you here and extend a warm welcome to you. I also thank you, on behalf of Members, for your written submission that we have already received. I ask you, in accordance with our usual procedure, to make a brief presentation of five to 10 minutes, and then we will have an opportunity to ask questions.

[56] **Mr Geffen:** Thank you, Chair, and thank you, committee, for inviting me on behalf of the Cyclists' Touring Club to provide evidence this morning. This is an interesting inquiry, and you have already heard some very interesting evidence this morning.

[57] As my submitted evidence makes clear, and as I hope you would take for granted, as a national cyclists' organisation, we welcome anything that promotes increased cycling, and, indeed, increased walking, as part of a broader sustainable transport agenda to promote environmental and health objectives, to improve road safety for all people of all ages—and we have just heard about the age-range issues—and to tackle congestion. There are many good reasons and policy objectives, including social inclusion, for ensuring that we have independent mobility for those who do not have access to cars—whether that is because they are young, old, or because they are from lower income groups.

[58] There is also a disability issue, and you were talking earlier about older people and how much cycle use there is among older people. Our demographic is actually biased towards the older end of the age spectrum. Cycling is a form of activity that is very suitable for older people, as well as being a means of transport widely used by children and younger people. Cycling is also very effective for disabled people, although that is not well known. Indeed, quite a number of our members find it difficult to walk, but can cycle. There are all sorts of ways in which cycling can be helpful—sometimes using adapted cycles, tricycles or whatever, to enable people who are blind or have mobility or sensory disabilities. There are many projects that we and other charities are running to enable people with various disabilities to experience cycling for their mental wellbeing and health and to give them independent mobility. I hope that we can take as read the sheer breadth of the benefits of cycling.

[59] The Order raises some interesting dilemmas, which have sort of been apparent in previous evidence that you have heard. The question is: under what circumstances is providing traffic-free routes the best way to encourage more walking and cycling? The answer is: the right traffic-free routes, in the right places, can be wonderful. For those reasons, I support the Order being proposed in some form or another, so that we can get the best out of it. However, without quite knowing, procedurally, whether I am doing this in the right way and at the right time, or whether the reservations bit needs to come now or later, I feel that things need to be said to ensure that we do not end up with misunderstandings about what is good for walking and cycling. We have already heard some evidence that things work best when spaces are designed around the idea that people have to share them. Play Wales has

talked about designing streets so that they can be shared. We have heard a bit about how, when you segregate people and mark things out and try to deal with safety issues with regulations and white lines, it tends not to work; it tends to inhibit common sense.

[60] I was very interested to listen to Daniel Moyland, the lead councillor of Kensington and Chelsea council, who has been trying to apply some of the ideas of shared space that have now been widely tried in Holland, where streets are designed to encourage sharing and common sense rather than using white lines. He asked what happens when a traffic light turns green and a pedestrian—say a mother with a buggy—walks out into the road. He said that the driver at the front of the queue feels a momentary sense of rage because he feels that it is his space. If you take away some of the rules that say whose space it is, people begin to interact with greater common sense.

[61] That point was also made about segregated cycle facilities, which create a sense that cyclists have the freedom to charge ahead. That is not the best way to manage conflict between pedestrians and cyclists. The same thinking applies to street spaces as to the interaction between pedestrians and cyclists on traffic-free routes. Sometimes, the best way to manage the street is to enable the better sharing of street space between cyclists and motor vehicles, rather than by segregating cyclists from vehicles. This is particularly the case in urban areas, which is where the growth of cycling is most likely to provide the wider environmental benefits, through utility cycling—cycling as a means of transport rather than as a leisure activity.

[62] I shall come back to leisure cycling and the rural environment. However, in urban areas, where you are trying to promote cycling as a means of transport for all, the idea that cyclists want to be on the pavement is something of a myth, and it is important to be clear about why that is. On the face of it, it sounds like the right thing to do. People think that it must be what cyclists want. I have worked in local authorities where my engineering colleagues were absolutely amazed to discover that we were not saying that it was best to put cyclists on the pavement. It is bad news in the sense of creating conflict between pedestrians and cyclists, for obvious reasons; that is bad for both groups.

[63] As a cycling organisation, we do not like the criticism that cyclists always want to ride on the pavement. Actually, we do not. We want pavements to be for pedestrians and the carriageway to be a safe place for cyclists. That is where the emphasis comes from on 20 mph speed limits and the sort of street design that I was talking about on Kensington High Street and so on, where you create a better environment for sharing street space. Putting cyclists on the pavement also exacerbates the risks that cyclists face at junctions and driveways. About three quarters of cyclists' collisions happen at or near junctions.

[64] If you put cyclists out of drivers' field of attention, you increase the risk to cyclists in the situation where the conflict is most acute in three distinct ways. First, it means that the cyclist is less able to see what is coming out of the side road, perhaps because there is a building restricting their sight lines. Secondly, drivers are less likely to see and notice the cyclist because they are a bit out of the way and less in their field of attention. Thirdly, the cyclist is less able to avoid being overtaken by a car coming up behind them and turning left across their path, compared with a cyclist out on the carriageway cycling in accordance with the national standard, which we train people to adhere to and which has now been endorsed by the Department for Transport and the Welsh Assembly Government. CTC is now running a project to promote good cycle training, which is about giving people, from beginners to adults, the skills to handle roads confidently and safely.

[65] I hope that that flags up some of the dilemmas that this presents for us as an organisation. To return to the recreational situation, it may be that we get the best of the Order when it comes to the countryside. I know that the Campaign for National Parks has said,

‘Please don’t forget about the countryside’, but I would go as far as to argue that it is in the countryside that the proposal for a legislative competence Order, as drafted, could be most beneficial in that it gives greater impetus to the duties not just to provide, but maintain a network of off-road routes. It could really support the Assembly Government’s agenda in relation to promoting cultural access. This could be hugely beneficial for health, and for the rural economy.

10.50 a.m.

[66] In urban areas, traffic-free routes can be wonderful for cyclists. An iconic route alongside a river or canal, or through a park, or along a disused railway line, can be the *crème de la crème* of a cycle network. However, it should be remembered that cyclists make the same kinds of journeys as anyone else. They set off from the front doors of houses, shops, buildings, and offices, which are on streets. That is why we need to focus on making streets safe for cyclists if we want cycling to be an alternative form of transport. We should not be trying to move cyclists off the streets—that will never give cyclists the full A-to-B access that they want.

[67] There is definitely a place for this legislative competence Order, were it to be proposed. I do not want my reservations to stymie the good things that are happening. Procedurally, I am not clear how to get the balance right, but I hope that, as we go through this, we will find a constructive way forward.

[68] **Jeff Cuthbert:** Thank you for your written evidence and the oral statement that you have just made. It was helpful and interesting. I have a specific point: in paragraph 8, under the heading ‘Overview’, you refer to it being unfortunate that:

[69] ‘the proposed LCO does not differentiate between suitable and unsuitable traffic-free routes, or between well-designed and poorly designed routes’.

[70] Could you clarify what you mean by that? We would not want to promote anything that was in any way unsuitable or poorly designed. Then, in paragraph 9, you say that, at the time of writing, you have not had an opportunity to discuss this with Sustrans. Have you now had that opportunity, and if so, what was the outcome of those discussions?

[71] **Mr Geffen:** First, I should make clear that the lack of opportunity was due to a lack of time on my part. I came into this process late in the day; the correspondence that was sent to CTC Cymru took a while to filter through to me. I was asked to pick this up, but a simple lack of time has prevented me from meeting Sustrans. It is absolutely not the case that there was a lack of willingness to have a dialogue. We work very well with Sustrans, and we have a good, healthy, constructive relationship.

[72] I have had only a brief conversation with Lee Waters of Sustrans, and he said that he had hoped that I could be have been more supportive procedurally. I can understand that. I was not entirely sure whether this is like a traffic management order, where you object if you are not entirely happy, or like a Second Reading at Parliament, where you support the legislation progressing to the next stage despite some reservations, which can be addressed later. I think that this is closer to the latter example, and therefore I have raised my reservations, but I hope that the legislation moves forward because good things can come of it.

[73] What is good design and what is poor design? We need to distinguish between traffic-free routes away from roads and traffic-free routes alongside roads—or, for that matter, in pedestrian precincts in urban areas. They are all different situations, and they require different design solutions. When you are talking about wholly off-road, right-of-way networks such as

restricted byways, bridal paths and coastal access, all that is required is that there should be enough width and sight lines. Pedestrians and cyclists will then get along fine. One of your earlier questions asked whether there was any evidence of conflict. I have alluded to evidence, and I can provide references, that actual conflict is rare. That evidence comes from the Countryside Agency. Even perceived conflict is pretty rare, according to our own evidence. There is also evidence from the Transport Research Laboratory about pedestrian precincts in urban areas, that the level of actual conflict is low.

[74] Most people can accommodate a cycle, provided that there is enough width and sight lines; people will use their common sense. Regulating to try to manage the conflict that is perceived by some people will create more problems than it solves, because if people are trying to move backwards and forwards, to play and amble, in that sort of recreational facility, an attempt to delineate everything would go against the grain of human behaviour. For wheelchair users and cyclists in particular trying to go across the route rather than along it, segregation is not the best way to deal with that more recreational open-space situation. Where the movement is purely purposeful, segregation can work. If everyone is moving in straight lines for purposeful travel, segregation with adequate width can work.

[75] Most cycle facilities on pavements would be better off not being there, unless they are alongside either an inter-urban trunk road, where a separate facility away from the traffic is the right thing to do for fairly obvious reasons, or unless they are alongside a railway or a river where there are no side-road turnings, and where pedestrian use is low. If there is high pedestrian use and/or there are a number of side-road turnings, you are better off looking for a solution that enables cyclists to share the carriageway with motor vehicles rather than placing them in conflict with pedestrians. Does that answer the question?

[76] **Jeff Cuthbert:** That is very helpful, but, to be absolutely clear, in the first sentence of paragraph 8, are you talking about existing traffic-free routes and not those that have yet to be created?

[77] **Mr Geffen:** That is an interesting question. Again, are we talking about newly built urban settlements—the newly designed housing estate for example? In that situation, there can be some great opportunities to design traffic-free routes that will generally be for purposeful movement, and white-line segregation might work well there. In that sort of environment, a traffic-free route with adequate sightlines and adequate widths can work really well. Similarly, if we are talking about creating new routes that add to the rights of way network in rural areas, routes with adequate sightlines but without the segregation can also work well.

[78] However, when we are trying to ensure that cyclists can get from A to B—between the destinations that are currently served by the existing street network—that is where there is a general preference on our part for providing for cyclists on the carriageway. I should have mentioned that this is the preferred option in the Government's recently issued cycle infrastructure design manual and its manual for streets, both of which apply as much in Wales as in the rest of the UK. They also stress that, in such situations, when you are talking about the use of the street network and the destinations served by the street network, the general preference should be to provide for cyclists on the carriageway and to make it a safe space. Hence our emphasis on 20 mph speed limits and good design solutions for the carriageway rather than sharing with pedestrians.

[79] **Gareth Jones:** Roger, at this point, I will try to be helpful in relation to the concern that you expressed earlier with regard to Sustrans and so on. My understanding as the Chair is that the Order was drafted for consultation only. So, your contribution is extremely valuable and is relevant in that we are consulting at this particular stage. What the final product will be depends on the nature of the evidence and on the decision of the committee. However, I need

to specify that, in terms of the consultation, there were specific questions. So, we appreciate your contribution at this consultative stage.

[80] **Mr Geffen:** Thank you, that is helpful.

[81] **David Melding:** I am a little confused. When I read the papers, I took it for granted that you would be an enthusiastic supporter of the LCO, so this is all a bit counter-intuitive. It is not quite like someone arguing for temperance turning up with a hip-flask of whisky, but it is going in that direction. [*Laughter.*] I understand your argument that cyclists should be seen as proper vehicles that have a right to space and that you should overtake a cyclist as you would overtake another vehicle—if it is safe to do so with lots of wobble room and so on. I hope that I drive in that fashion. Your evidence points out poor cycle paths and poor practice in terms of the way in which people use roads and so on, which is justified comment. However, we are, in essence, talking about a leisure network. The aim is to get the likes of me—46 and increasingly portly—onto a bike perhaps once a month to cycle out into the countryside or something. I cannot see where the conflict is.

11.00 a.m.

[82] Our process is very confusing, and it has not helped any of the witnesses that have given evidence. It seems that if you have genuine problems with how the traffic-free cycle routes are developed, you would need to raise those when we get the right to pass legislation that addresses whether or not to have such a network. At the moment, we cannot do it because we do not have the powers within this institution to do so, and we are asking Parliament to give those powers to the National Assembly for Wales. If we get those powers for Wales—we do not call them Acts of Parliament but Measures of the Assembly—we would have a whole legislative process with the equivalent of committee stages, Second Reading and so on, and we would argue about all of the details of how it would look, and people like you and the disability lobbies would come in to give evidence. However, I am afraid that your evidence, however you dress it up, says that we should not even be able to get to the starting gate. Do you not think that the process requires such objections to be raised once we have the powers to legislate in this very important area of transport?

[83] **Mr Geffen:** That is very helpful, and the Chair's comments before that question were also very helpful. I acknowledge that I have been unclear, procedurally, about how and when to raise these points. I have also been unclear about whether the legal effect of the Order would mostly be about the recreational leisure network to which you referred, or whether it would be about urban transport. The evidence of the Campaign for National Parks suggests that it thinks that it would be mostly about urban transport, and it was basically saying 'Please don't forget the rural network'. I would go further than that and say that this Order, if it were proposed, would be most beneficial in rural areas.

[84] I chose my words with a certain amount of care when I said that we could not give it wholehearted support in its current form; that is not to say that we object. If, at this stage, to allow it to move forward so that we can get those benefits and to ensure that the powers are there to deliver good, well maintained and well designed traffic-free routes in the right places, I need to withdraw what might be seen as a formal objection and say that we will work through at later stages when traffic-free routes are appropriate, I am happy to do that—because there are undoubtedly places where a well drafted LCO along these lines could be very beneficial.

[85] On whether that is best done by focusing on traffic-free routes in rural areas and open spaces or drafting it more broadly as something that promotes walking and cycling more generally with traffic-free routes being part of that, I am also unclear about that in procedural terms. However, I would certainly want something to progress. In order to formalise that

position, I will say that I support this going forward, rather than say that I have reservations. If that is the right thing to do in procedural terms, I am very happy to do that.

[86] **David Melding:** The way in which the Assembly has been constructed in terms of the Government of Wales Act 2006 is a confusing situation. I do not want to get into reservations about the fact that it is only about rural areas, because you can have leisure routes in urban areas—80 per cent of our population lives in an urban area. I live just outside this city, and there are plenty of opportunities, if the local authority wanted to, to develop traffic-free routes within the city limits. The best way to clarify this is to ask whether your organisation currently objects to the powers to make legislation in this area being passed to the National Assembly for Wales from Parliament—which itself can make good or bad legislation as far as your issue is concerned.

[87] **Mr Geffen:** No, I certainly do not object to that.

[88] **David Melding:** I think that that helps; I do not want to lead you too much, but I think that that would bring you in to raise all your legitimate concerns when we come to developing a proposed Measure. There will be a consultation process and all sorts of things will happen—it will probably be published in a draft form first. I sense that that is probably where you would come in with these issues. I think that we need to interpret this evidence. It is very difficult for witnesses coming in, because I do not understand this legislative system terribly well myself. However, my reading of your evidence is that all of this could be brought in at the Measure stage. The fundamental question that your organisation needs to think about is whether it is comfortable with the Assembly's being able to legislate; at the moment, only Parliament can legislate on this for Wales.

[89] **Mr Geffen:** That is very helpful. You are absolutely right to interpret the evidence that I have submitted in those terms. As I said earlier, I felt unclear about when, procedurally, to raise these points and how best to do that. Some useful things could definitely come of this, and I certainly would not want our raising reservations at this stage to throw spanners in the works and prevent good things happening. Undoubtedly, good things could come of this, and if, procedurally, the right way to go about this is to raise these points at a later stage in the process, I am very happy for mine to be, effectively, a submission in support of the proposal. We can come back to hammer out what we mean by the term 'quality traffic-free routes'. We can have that debate at a later stage if that is a more appropriate way to address the points that I am raising. I am very happy with that.

[90] **David Melding:** That is very helpful. There is no deficiency at all in the evidence-giving on your part. It is a very complicated system. We are often very confused, and our own lawyers often have to grapple with it. I was not implying any criticism whatsoever. In fact, in many ways, you reflect the dilemma that many other witnesses have found themselves in with regard to the point at which they wish to feed in their concerns.

[91] **Mr Geffen:** Thank you. That was very helpful.

[92] **Gareth Jones:** Thank you for clarifying that.

[93] **Andrew R.T. Davies:** Diolch, Chair. Oh, I said a bit of Welsh there. I am surprised at myself; I had better not go too far. [*Laughter.*]

[94] Thank you for your evidence; it is much appreciated. As David said, what we are discussing at the moment is the process of moving down the LCO route, rather than that of a proposed Measure. I will put to you the same question as I put to the other witnesses. People seem to want to legislate for the sake of it, but as I go about towns, cities and the countryside I see a great acceptance of cyclists, with far more cycle routes now than there were, being

created on a consensual basis. We all aspire to having these powers in this institution, which is fine and is not a problem, but is that a fundamental element in driving the agenda forward for your organisation to get greater access over the next five to 10 years?

[95] I want to go back to an interesting point that you raised, which might be more for discussion at the Measure stage. I represent the South Wales Central region, which has a large urban population but also borders many rural areas. I am a big believer in opening up the countryside to people to enable them to understand it, but the problem is that once you do that people who do not understand the countryside will come in from urban areas. It is important to create an understanding of what goes on in the countryside and what is expected of people visiting. Likewise, people coming into towns should have an understanding of how the roads work—and you used the example of the road system for cyclists and vehicles in Kensington. It is about creating greater fluidity. David said how he would love to be cycling out to the countryside. There is an issue about creating an understanding of what people should expect and how they should act in the countryside, is there not?

11.10 a.m.

[96] **Mr Geffen:** That is an interesting question. In a similar spirit to some of my earlier answers, a lot can be done by allowing people to use their common sense rather than trying to legislate for absolutely everything. The situation in Scotland is an interesting example, because it has now introduced open-access legislation. Effectively, the legislative framework for the use of the great outdoors is that you can use all of it as long as you apply your common sense. There is a Scottish outdoor access code, the legislative status of which is a bit like the highway code, so it is soft law rather than hard law. It provides guidelines that can then be used as an aid to the interpretation of hard law. When you draft law, it has to be very black and white, but you can then have codes that aid the interpretation of that law, which is what Scotland has done. It is probably better to promote outdoor access not by saying that you can and cannot do this, and there is a real problem if we let people to do that as they might vandalise things, or they might come into conflict, or do all sorts of dreadful things in the countryside, but by having a code of practice and letting people get on with it. People will then learn, just by being out there, how to interact safely and sensibly in the countryside. So, we should just allow people to use their common sense.

[97] Where the legislative competence may be most valuable—and I only started to think about this fairly late in the day—is on issues of maintenance of the rights of way network. At present, on the face of it, this legislature has the powers to require local authorities to have a rights of way improvement plan, so some of these powers already exist. I did start to think rather late in the day again about what is new in the legislative competence, but I am not entirely clear on that, and so sorry, yet again, for not being an adequately briefed witness. However, there are real problems with getting good maintenance of the rights of way network. That could be one of the most useful legislative effects of this Order, if it were passed, as well as the wider impetus that your earlier witnesses were talking about, of simply promoting more walking and cycling in the countryside and in urban areas as a means of transport. I hope that that answers the question.

[98] **Gareth Jones:** Diolch yn fawr i chi, Roger. Nid oes rhagor o gwestiynau. Ar ran yr Aelodau, hoffwn ddiolch yn fawr i chi am eich cyflwyniad llafar ac am eich tystiolaeth ysgrifenedig. Bu'n sesiwn hynod o ddiddorol i ni o ran yr hyn yr ydym wedi'i drafod. Mae hefyd yn canolbwyntio ar y gwaith y mae angen ei wneud fel ein bod oll yn glir yn ein meddyliau o safbwynt y Gorchymyn **Gareth Jones:** Thank you, Roger. There are no further questions. On behalf of the Members, I thank you for your oral presentation and for your written evidence. It has been a most interesting session for us in relation to what we have discussed. It also focuses our minds on the work that needs to be done so that we are clear as far as the legislative competence Order is concerned.

cymhwysedd deddfwriaethol. Byddwn yn ystyried hynny maes o law. Diolch i chi am ddod â dimensiwn gwahanol i'n trafodaethau, a dymuniadau gorau i Glwb Teithio'r Seiclwyr.

We will look at that in due course. Thank you for bringing a different dimension to our discussions, and we wish the Cyclists' Touring Club all the best.

[99] **Mr Geffen:** Thank you.

[100] **Gareth Jones:** Trown yn awr at drydedd rhan y sesiwn graffu. Yma ar ran Ymgyrch y Parciau Cenedlaethol mae Alexandra Thursby, sy'n swyddog polisi. Croeso cynnes i chi, a diolch am y dystiolaeth ysgrifenedig yr ydym eisoes wedi'i derbyn, sef papur 4. Yn unol â'n harfer, gofynnaf ichi wneud cyflwyniad byr o ryw bum i 10 munud, gan ein bod wedi cael y cyfle i ddarllen y dystiolaeth ysgrifenedig, ac wedyn cawn cyfle, yn Aelodau, i ofyn cwestiynau i chi.

Gareth Jones: We now turn to the third part of the scrutiny session. Here on behalf of the Campaign for National Parks is Alexandra Thursby, a policy officer. I extend a warm welcome to you, and thank you for the written evidence that we have received, which is paper 4. As is our practice, I ask you to make a brief presentation of about five to 10 minutes, given that we have had an opportunity to read the written evidence, and then we, as Members, will ask you questions.

[101] **Ms Thursby:** Thank you for giving the Campaign for National Parks the opportunity to appear before the committee. I am pleased to be here. CNP is the national charity that campaigns to protect and promote the national parks of England and Wales for the benefit and the quiet enjoyment of all. We are an umbrella organisation for nearly 40 third sector organisations, and we are the only national-level charity completely dedicated to securing the best interests of the national parks.

[102] As you will have gathered from my written evidence, we are here to support the draft proposed LCO in principle. I will summarise our key reasons for doing that, as I have been invited to do, shortly, but, first, it might be helpful to be clear about the parameters of our evidence, particularly in light of the evidence that has just come from Cyclists' Touring Club, and to outline how it relates to what CTC has said as well as to what Sustrans has proposed.

[103] CTC Wales has raised the question of whether the draft proposed LCO needs to be flexible enough to allow provision, particularly in urban areas, to be 'on-road', that is, on the carriageway, or whether we should be talking about 'traffic-free' in the pure sense. The written evidence of others, such as the British Horse Society, has also raised a similar point about horse riding in urban contexts. In our evidence, we focused very much on rural areas, and, in that context, our evidence is mostly focused on the existing rights of way network, ultimately leaving open the possibility of making quiet lanes and roads formally traffic-free, although that would always be a matter for consideration in the circumstances. We leave it to the specialist bodies, such as CTC, to submit detailed points on the urban issues raised, but what we can say is that, in so far as the points raised relate to what we could call a 'grey area', that is, villages and towns in otherwise rural settings, we would support the kind of provision for cyclists and horse riders that best meets their needs, provided that it does not detract from, or dilute, what is being proposed, which is a duty to provide traffic-free routes for non-car users, and I guess that the biggest group of such users would be walkers. We do not really see it as an either/or situation; you do not have to choose. We think that the two could progress side by side, and there is no direct conflict. The CTC has raised some valid concerns, but we do not think that they will prevent the traffic-free routes from being able to proceed. So, that is how we stand on that particular question, and I hope that that was helpful.

[104] Turning to our evidence, we do support the draft proposed LCO in principle, on the basis that we see it as being very compatible with national park purposes. Members are

probably already familiar with those purposes, but, for the record, they are, as set out in legislation, to conserve and enhance the natural beauty, the wildlife and the cultural heritage of these areas, as well as to promote opportunities for the public understanding and enjoyment of their special qualities. Also relevant in this context is the duty on national park authorities to foster the economic and social wellbeing of their local communities in so far as that is compatible with the national park purposes.

[105] We are focused on national parks specifically rather than rural areas generally, and we would distinguish them on two counts. The first is the special protection that I have just outlined, and the second is their immense popularity for recreation and tourism purposes, with residents, as well as nearby visitors and visitors from further afield.

11.20 a.m.

[106] We see such an LCO as being compatible with national park purposes in two main ways. The first relates to transport, and this goes to the evidence put forward by Sustrans. We believe that, assuming that this proceeds and is enacted, it would provide much more sustainable forms of transport for day-to-day short journeys in rural areas, and the parks in particular, as well as providing means of access to the parks for visitors from close by. Obviously, there are limits to that, and we are not suggesting that people will suddenly start cycling 50 miles to get to the national parks, although some will, I am sure. We see compatibility between the transport aspect of such an LCO and national park purposes. It is significant, because of the environmental damage that the large volumes of traffic that the parks still experience can inflict on these areas. I am talking about poorer air quality, disruption to wildlife and less wildlife. We would all go to the parks expecting tranquillity, but transport can significantly detract from that.

[107] The second way in which we see this as being compatible with national park purposes relates to the recreational side of things. We think that such an Order could go some way to improving the existing rights-of-way network in the parks, and there are examples of good work in this area already, largely driven by rights-of-way improvement plans. However, and this has already been alluded to by Mr Geffen from the Cyclists' Touring Club, there is a duty to prepare rights-of-way improvement plans, but, almost incomprehensibly to me, there is no duty on anyone—it is no single body's responsibility—to implement those plans. So, the outcome is somewhat predictable. How well those plans are implemented varies across the piece, and it is always a matter of battling other priorities to get resources. A duty on highways authorities, working with others, of course, to develop and maintain rights-of-way networks could make national parks all the more appealing for recreational endeavours.

[108] The reason for that breaks down to two things. The first is that, by having better provision for walking, cycling and horse-riding, we are talking about better provision for activities that already have a pretty low impact, which is good in a national park setting. Secondly, as I have said, we have an existing infrastructure in terms of rights of way, so the pressure for new routes will be relatively low scale, and any new development will always be subject to the planning procedures, consultation, scrutiny and so forth that apply in the national park environment.

[109] The other reason that better recreational provision is significant is that it would give an even greater opportunity for national parks to make an even greater contribution to the economy. There is research, and my written evidence refers to it, that shows that national parks make a significant economic contribution. If you put this together with the evidence that Sustrans referred to back in July on the Taff and Celtic walking and cycling routes, which are admittedly not entirely traffic-free or rural but are dedicated walking and cycling routes nonetheless, it also showed that there was an associated positive economic impact. So, if you put that together with the evidence that we have referred to relating to national parks and add

into the mix what we know about visitors to national parks, which is that two of the things that they love to do are to walk and cycle, we think that that makes a strong case for an LCO being a platform for an even greater economic contribution to the national parks and the wider economy.

[110] Having said that, and it is all supportive of an LCO, there are three points that we would like to raise with the committee for consideration. There was a discussion in the previous session about when to raise what and at which stage, but we think that it is important to raise these points now, so that they are in the minds of decision-makers and can be deliberated upon and thought about from an early stage. So, we would like to touch on each of them.

[111] The first is cross-border co-operation. We urge the committee to consider whether there is a need to place, alongside the primary duty, a duty on highways authorities to co-operate with each other. I am aware that the regional transport consortia arrangements, to some extent, are supposed to help to overcome such an issue. We have also heard from the Welsh Local Government Association in a previous session that it thinks that all of the right mechanisms for cross-border co-operation are in place. We would leave it to the committee to decide whether mechanisms being in place is sufficient or whether there needs to be a duty alongside that. However, at this stage, we urge the committee to give the question some consideration.

[112] The second point relates to our key stakeholders. Coming from a national parks perspective, I have in mind national park authorities. There will be other bodies that fall under this category, but we would like the committee to ensure that there is strong enough provision to ensure that these bodies are fully involved in the development, that they participate, and that their expertise and knowledge of their areas and rights of way, and information about their areas, is fully exploited and drawn on in the process going forward, assuming that it does.

[113] Thirdly, without any revelation whatsoever, a number of bodies have raised the point about resources. We urge the committee to consider the full financial implications of an LCO and its implementation. We are clear in our minds that we are talking about additional investment. That is, more than is already available for rights-of-way network maintenance, for example. Again, I think that the WLGA may have mentioned that, even if you could draw on other pots of money—there are multiple pots that you might draw upon, in areas such as health, transport, recreation, regeneration and so forth—there is always, in that context, going to be a battle with other priorities. We urge the committee to consider fully the implications in terms of how much money is available and where it will come from.

[114] I hope that those three points have not detracted from, or come across as weakening, what is our full support in principle for such an LCO as we see it applying in a national park setting. I hope that that is sufficient by way of a summary of our evidence.

[115] **Gareth Jones:** Thank you, Alexandra. I will now turn to David Melding for the first question.

[116] **David Melding:** Your evidence is very clear, and I do not want to draw you out on all of that. Do you anticipate any infrastructural problems? We heard from the WLGA that the ideal shared-use path would be 4m wide and some would presumably be tarmacked, although that is not the only technical solution to having effective surfacing so that they are safe for pedestrians and cyclists. Do you anticipate some of these infrastructure issues being a problem for you? You may be used to them in terms of existing networks, using former railway lines, or whatever. It would be useful to hear what you have to say about that.

[117] **Ms Thursby:** I am pleased that you have asked the question, because we would certainly be concerned, as an organisation, if the draft proposed LCO anticipated mandatory 4m-wide tarmacked routes, irrespective of context. However, having spoken to Sustrans about this point in particular, my clear understanding is that 4m is ideal, but it is not achievable everywhere and, therefore, it cannot be enforced as a mandatory rule. So, in terms of infrastructure, we have the existing rights-of-way network, which is a good backbone and can be developed and exploited further. There is also the possibility of looking at things like lost ways, rights of way that may have existed before the National Parks and Access to the Countryside Act 1949 but were not registered.

[118] You have mentioned other sources, such as abandoned railway lines. We also leave open the possibility of looking at quiet lanes—quiet country roads—and at whether there is a possibility of formally excluding traffic from those. We are confident that there is a good stock of resource there to draw on. Where there are gaps—and there will be—and there is cause to close those with new development, we are very clear that the implementation will be tailored to the area. It will not just apply to national parks, although these are our particular concern and there are specific things that need to be considered, such as the things that I have mentioned relating to purposes such as the impacts on habitats and wildlife, but also the aesthetic impact of a new route. That will also be a concern for the wider countryside, I would have thought. We have a specific national-park focus, but, on the whole, we are confident that implementation can take place—indeed, we would let it take place if it were to threaten the national parks’ purposes.

11.30 a.m.

[119] **Gareth Jones:** We have no more questions for you, Alexandra. Therefore, on behalf of Members, I thank you for your presentation this morning and for your written evidence. You have supported the aim, but you have also reminded us that there are three points that you would wish us to bear in mind. We appreciate your contribution; it will be valuable to us in our deliberations and further discussions. Thank you, and best wishes to you and the campaign.

[120] **Ms Thursby:** Thank you.

[121] **Gareth Jones:** Members will be aware of the two papers to note—they are papers 5 and 6. I see that there is nothing further on those.

[122] Felly, dyna ddiwedd y cyfarfod. Therefore, that is the end of the meeting.
Diolch. Thank you.

*Daeth y cyfarfod i ben am 11.31 a.m.
The meeting ended at 11.31 a.m.*