Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Y Pwyllgor Menter a Dysgu
The Enterprise and Learning Committee

Dydd Mercher, 3 Rhagfyr 2008
Wednesday, 3 December 2008

Cynnwys
Contents

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Christine Chapman	Llafur Labour
Jeff Cuthbert	Llafur Labour
Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru (dirprwyo ar ran Janet Ryder) The Party of Wales (deputising for Janet Ryder)
Gareth Jones	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Huw Lewis	Llafur Labour
David Melding	Ceidwadwyr Cymreig Welsh Conservatives
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Lee Waters	Cyfarwyddwr Sustrans Director, Sustrans
Huw Davies	Cyfarwyddwr Technegol Sustrans Sustrans Technical Director
Jont Bulbeck	Rheolwr Polisi Mynediad, Cyngor Cefn Gwlad Cymru Head of Access Policy, Countryside Council for Wales

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

Michael Lewis	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 9.29 a.m.
The meeting began at 9.29 a.m.

Cyflwyniad ac Ymddiheuriadau
Introduction and Apologies

[1] **Gareth Jones:** Bore da. Estynnaf groeso cynnes i bawb i'r cyfarfod hwn o'r Pwyllgor Menter a Dysgu, yn Aelodau, yn dystion, ac yn aelodau o'r cyhoedd sy'n ymuno â ni y bore yma.

Gareth Jones: Good morning. I extend a warm welcome to everyone to this meeting of the Enterprise and Learning Committee—Members, witnesses and any members of the public who join us this morning.

[2] Fel arfer, atgoffaf bawb i ddiffodd unrhyw ddyfais electronig neu ffôn symudol. Nid oes angen cyffwrdd y meicroffonau. Nid ydym yn disgwyl ymarfer tân y bore yma, felly, os bydd argyfwng, bydd yn rhaid i ni adael yr adeilad o dan gyfarwyddyd y tywysyddion.

As usual, I remind everyone to switch off any electronic devices or mobile phones. We do not need to touch the microphones. We do not expect a fire drill this morning, so, if there is an emergency, we will have to leave the building, under the direction of the ushers.

[3] Cynhelir y cyfarfod yn ddwyieithog. Mae clustffonau ar gael i dderbyn gwasanaeth cyfieithu ar y pryd o'r Gymraeg i'r Saesneg, ar sianel 1. Gellir chwyddleisio'r sain ar sianel 0. Darperir cofnod o'r cyfan a ddywedir yn gyhoeddus.

The meeting will be held bilingually. Headphones are available for a simultaneous translation from Welsh to English, on channel 1. It is possible to amplify the sound on channel 0. A record of all that is said in public will be provided.

[4] Yr ydym wedi derbyn ymddiheuriadau oddi wrth Janet Ryder a Sandy Mewies. Yma i ddirprwyo ar ran Janet mae Bethan Jenkins ac yr ydym yn estyn croeso cynnes i chi ar eich ymweliad cyntaf â'r pwyllgor.

We have received apologies from Janet Ryder and Sandy Mewies. Bethan Jenkins is here to substitute on behalf of Janet and we extend a warm welcome to you on your first visit to the committee.

9.30 a.m.

Gorchymyn (Cymhwysedd Deddfwriaethol) Arfaethedig Pwyllgor Drafft (Llwybrau Di-draffig) 2009
The Draft Committee Proposed (Legislative Competence) (Traffic Free Routes) Order 2009

[5] **Gareth Jones:** Trown yn awr at y sesiwn graffu ar y Gorchymyn (Cymhwysedd Deddfwriaethol) Arfaethedig Pwyllgor Drafft (Llwybrau Di-draffig) 2009. Byddwch yn ymwybodol o'r cefndir. Yr ydym ni, fel pwyllgor, yn cynnal ymchwiliad craffu ar ein Gorchymyn cymhwysedd deddfwriaethol arfaethedig drafft ar lwybrau di-draffig. Mae'r rhan hon o'n cyfarfod wedi ei rhannu'n ddau ac mae cynrychiolwyr Sustrans yn ymuno â ni ar gyfer y rhan gyntaf. Ar ran aelodau'r pwyllgor, estynnaf groeso cynnes y bore yma i Lee Waters, cyfarwyddwr Sustrans, a Huw Davies, cyfarwyddwr technegol Sustrans. Diolch i'r ddau ohonoch. Credaf mai hwn yw'ch ail ymweliad â'r pwyllgor ac mae hwn yn ymwneud â'r ymateb a gawsom a'r dystiolaeth yr ydym wedi ei dderbyn gan dystion yn ystod yr wythnosau diwethaf. Cymeraf eich bod yma i ymateb i rai o'r pwyntiau hynny. Yr ydym yn dra diolchgar i chi am eich tystiolaeth ysgrifenedig, sef papur 1 a gyhoeddwyd ynghyd â'r agenda. Gofynnaf i chi, Lee, wneud cyflwyniad o ryw

Gareth Jones: We now turn to the scrutiny session on the Draft Committee Proposed (Legislative Competence) (Traffic Free Routes) Order 2009. You will be aware of the background. As a committee, we are conducting a scrutiny inquiry on our draft proposed legislative competence Order on traffic-free routes. This part of our meeting is divided in two and representatives from Sustrans are to join us for the first part. On behalf of committee members, I extend a warm welcome this morning to Lee Waters, director of Sustrans, and Huw Davies, technical director of Sustrans. I thank you both. I think that this is your second visit to the committee and this relates to the response that we had and the evidence that we have received from witnesses during the last few weeks. I take it that you are here this morning to respond to some of those points. We are very grateful to you for your written evidence, which was published as paper 1 alongside the agenda. I ask you, Lee, to make a 10-minute presentation on what you have to say and then we, as Members, will have an

10 munud o hyd ar yr hyn sydd gennych i'w ddweud ac yna cawn gyfle, fel Aelodau, i ofyn cwestiynau i chi.

opportunity to ask questions of you.

[6] **Mr Waters:** Thank you for the opportunity to appear before you again. Huw Davies, my colleague, is the technical director for Sustrans across the UK and, as such, is responsible for the standard and the maintenance of the national cycle network. He is here to help answer any questions that you may have. I do not intend to elaborate on the written paper. I simply want to say that the evidence presented to the committee so far has been consistent. From BT and the Royal Mail to the British Medical Association, Age Concern and the Association of Chief Police Officers, there has been common cause. Welsh civil society has come together to support a shift of culture away from car dependency towards a more sustainable transport system.

[7] I understand that it is the view of Assembly Government officials that the LCO may be unnecessary because many of the powers are already devolved to Wales. That seems to me to be a little bit like an Ikea salesman telling me I do not need an instruction manual because all the bits are in the box; as many of you know, that is hardly the point, especially when, on closer inspection, you find that the key bit is missing. Local authorities currently have the ability to build traffic-free paths, but they do not have a duty to do so and, consequently, too few of them do it. What is more, standards vary, maintenance is patchy and the paths often do not link up to make a network. The principal deficiency at the moment is that highway authorities do not regard provision for walkers, people with disabilities and cyclists as a key part of their role. Just last week, we were informed that a local authority in north Wales would be returning £0.5 million that was set aside for a walking and cycling path because it was too difficult to spend the grant by the end of the financial year. There is no difficulty with spending the money, they simply have not taken the project seriously. It is not an isolated incident—we could point to many examples across Wales where that has happened in recent years. Our transport system is orientated towards the private car and the professionals see it as their task to provide for the ever-growing projections of traffic growth. Schemes that promote walking and cycling are way down the pecking order. If we are to meet the difficult targets for cutting carbon emissions and halt the growing obesity epidemic, we need to rethink our approach to transport policy. It is time for a handbrake turn.

[8] The committee's draft proposed LCO would send a powerful signal to Government in Wales—central and local—that one of their core tasks should be to encourage people to travel in ways that benefit their health and the environment. Wales could then rightfully claim to be at the forefront of moves to promote sustainable transport. We often boast about our almost unique duty to promote sustainable development and now there is a chance to prove it. Without a duty being placed on highway authorities, they will not take provision for pedestrians, people with disabilities and cyclists seriously. That is why the extra powers are needed. The current legislative provision is not strong enough to give that direction and that is why this unprecedented coalition of organisations has come together.

[9] To conclude, we were invited to come forward, as a civil society, with innovative policies to use the new powers under the Government of Wales Act 2006. We have risen to that challenge and fulfilled our end of the bargain. Thank you.

[10] **David Melding:** You talked about a modal shift. We had a statement on the transport programme yesterday, and the Deputy First Minister said that a key part of that was to achieve modal shift. A few of us pursued him on that, and were not convinced that there was much detail to the policy; however, the aspiration is certainly sincere. How key is the development of a network like this in achieving modal shift? What percentage of journeys might get shifted—to pedestrian journeys, or journeys by bicycle?

[11] Secondly, there has been some confusion among the various witnesses that we have heard from about whether this policy is principally a leisure one—with health benefits, but mainly about promoting leisure opportunities—or is intended to create a network to get people from A to B in a practical sense, connecting places of work and centres of population. Could you give us a bit more detail on the prime purpose of an effective network?

[12] **Mr Waters:** The national cycle network is currently used for all sorts of reasons and all sorts of journeys. It is used for commuter journeys, but also for leisure journeys, and at different times of the day it is used for different purposes by different groups of people. It is a bit of a false dichotomy to think of it purely in terms of leisure or utility journeys—it is used for both, and it addresses both those agendas. On the health agenda of increasing physical activities, it is clearly valuable, and it is particularly valuable in terms of carbon reduction, when it is used to replace a car journey.

[13] The Assembly Government's current policy is clear. Its transport strategy states that it wants to reduce car dependency and increase levels of walking and cycling. It wants to reduce the impact that transport has on emissions, and the 'One Wales' commitment to reduce carbon emissions by 3 per cent each year will be difficult to meet. I am involved in the sub-group of the Climate Change Commission that is trying to come up with scenarios to achieve that, and walking and cycling has a key role to play. The Assembly Government's current policy thrust, as was evident yesterday, is principally directed towards public transport. It is still wedded to the predict-and-provide model of road-building. Traffic is projected to grow, and the professionals, through generations of orthodoxy, are programmed to try to meet that traffic growth by providing extra roads. We saw more of that yesterday, and our great concern is that, at the same time that the Assembly Government is trying to work out how to reduce carbon, it is putting in place programmes that lock-in carbon emission increases for generations to come. There seems to me to be a fundamental tension there.

[14] Increasing public transport is an important part of the mix in providing a more sustainable transport system. However, public transport in itself is not sustainable—walking and cycling are the only true forms of sustainable transport, because they produce little or no emissions. We know that 60 per cent of car journeys are less than 5 miles, and more than half of car journeys are less than 3 miles. Therefore, behaviour change is the most effective way, in the short term, to achieve modal shift. The UK Committee on Climate Change, which produced its report this week, concetrated mainly on the opportunities that technological improvement could bring to decarbonise the transport system. That has its place, but there is an easier hit for the short-term, involving that majority of journeys that take place locally. With attractive alternatives in place, we believe—there is plenty of evidence to support this on the current cycle network—that, if people feel comfortable and safe in an attractive environment, they will walk and cycle for short journeys.

9.40 a.m.

[15] Behaviour change is the key—once people start to do it differently, it creates a dynamic of its own, and in my own personal life I have experienced that. I am not a committed cyclist, and I do not own any lycra; when I took this job, I sold my second car, I got a fold-up bike and I come on the train every morning, and I come down from the station on my little fold-up bike. It is a short journey that has increased my level of physical activity—I am healthy as a result, my carbon footprint is lower and this mode of transport changes the way I see the world.

[16] This makes me think about the journey I make to the shop up the road, in that, previously, I would routinely jump in the car to fetch a newspaper or a loaf of bread, even though, when you think about it rationally, by the time you have performed a three-point turn, looked for a parking space and parked the car, it can take a long time. In getting out of the

habit of doing that and jumping on a bike or walking instead—walking is great for short local journeys—we start to change our behaviour, and we see that in the way we recycle goods at home. Once you start to think about how you consume, you start to behave very differently. The principle is the same.

[17] To meet the grave challenges of climate change and the real problem of increased obesity, we need to rethink how we plan these things. We think that the draft proposed LCO represents a practical measure for doing that, through which Wales could show genuine leadership.

[18] **David Melding:** I have a question on a separate area, and I suspect that another Member will raise the matter. Perhaps we can come back to it.

[19] **Gareth Jones:** We will come back to it.

[20] **Jeff Cuthbert:** Thank you, Lee, for the written evidence and the oral statement. As someone who has tried to put up many items of IKEA furniture, I have never found the instructions to be of any value whatsoever.

[21] **David Melding:** But you are an engineer, Jeff.

[22] **Jeff Cuthbert:** That is right. Perhaps I am being too technical. I still managed to put them up, mind.

[23] I support absolutely any LCO or other steps towards improving the health and wellbeing of the people of Wales. There is absolutely no doubt that if more people are encouraged to walk and cycle, it is bound to be beneficial.

[24] Some of this may be for the detailed Measures that will follow, and this may be the issue that David alluded to with regard to the other points. Some of the groups representing disabled people that have come before us have raised strongly the issue of segregation of pathways. You refer to it in your evidence, saying that it will be necessary in some areas but not in others. What are the criteria? They are not included, and you may say that that is a detailed matter for a Measure, but if we go down the road of legislating on this matter, and with much public money to be invested in due course, we want it to be right and we want it to be genuinely beneficial. These points have been raised, I am sure, with absolute integrity by those groups, as they regard segregation as important to avoid collisions and injuries if these paths are to be used far more than they have been up to this point. What criteria need to be applied in deciding whether segregation is necessary?

[25] **Mr Waters:** I think that Huw is the best person to answer that.

[26] **Mr Davies:** Some work has been done by a variety of people to see whether it is possible to come up with an algorithm or something that tells you precisely what you should do given certain circumstances. It is fairly formative, and different people have had a go at it here and there. We have asked a guy called Phil Jones, a transport planner who was very much involved in producing the fairly recently published ‘Manual for Streets’ document, to conduct a literature review—not to come up with original thinking, but to review the literature. His report reflects the fact that a variety of people have had a go at doing this in different places around the world.

[27] To generalise, it involves the sort of things that you might expect, such as asking how wide the path is, how many walkers will use it, how many cyclists will use it, and whether there are different patterns at different times of the day—whether there is a preponderance of one group wanting to use it at certain times of day that might mean that you would want to

use the whole of the path for walkers or cyclists, whichever is the dominant group. It also looks at the type of people are using it. Family groups, for example, tend to want to use more of the path's width, because people want to walk side by side, whereas, if it is principally a commuter utility route, with people walking up and down in straight lines with the purpose of getting somewhere as quickly as they reasonably can, there would be a different dynamic to the path. There is no simple answer to that question.

[28] Interestingly, Transport for London has just let a contract to part of the Atkins engineering group, which is called Intelligent Space. It remains to be seen whether it can come up with an intelligent answer, but it has been commissioned to look at exactly this question, because TFL is struggling with how to deal with the different needs of different groups of people. One group will say, 'We want this,' and someone else, of a different dynamic, will say, 'We want that; that is the optimum'. It has only started in the past week or so, but it has been asked to come up with a better model, technique or tool to plug in these different factors and lead us to an answer. I am also an engineer, and I always tell people, 'When you have these tools, regard them as such. They are your servants to enable you to make a sensible decision. You should not necessarily be bound by what the algorithm gives you'. That is a long-winded way of answering that it depends on a whole variety of factors.

[29] **Jeff Cuthbert:** I appreciate the point that there are many factors involved. However, in terms of consultation, who might have the greatest sway? If a group representing, for example, hard-of-hearing people put forward a point of view, what sort of weight might be given to that? I am not asking you to answer for every circumstance, but how might those issues be resolved, what types of groups might we have to consult in those terms, and what sort of weight should be given to their evidence at that point?

[30] **Mr Waters:** I will try to answer this. It is an important question, and, if we get to the Assembly Measure stage, a lot more thought needs to go into it. We have suggested that an equality impact assessment is carried out into an Assembly Measure, and those are exactly the sorts of issues that would be considered in such an assessment. We are serious about this. We recognise that there are real concerns, and we do not want to be seen to be not taking them seriously. We have engaged considerably with the Guide Dogs for the Blind Association and with Disability Wales. We commissioned this research because we are aware that the research that has been put forward until now is principally anecdotal, and there is evidence from across the world to which we can point that has been done on this. Some more research, as Huw said, is being carried out by Transport for London, for precisely this reason, which will be available in March. That should inform our work, and further research may be needed at a Welsh level.

[31] **Bethan Jenkins:** I want to probe you further on the area of disability, because, when we received your petition initially, the main concern on the part of disability and equality groups was that they had not had as much input as they would have liked in the early stages of the process. However, you have addressed most of that. I want to pick up on a tiny element of that: some of the witnesses suggested that they would like to see a disability equality duty on top of the equality impact assessment, because many groups were concerned that they would be lobbying continuously if they had to take part in an assessment at every juncture. Do you believe that there is a need to go back and look at that? In addition, to pick up another area of the evidence, particularly from the WLGA—although I am sure that the WLGA would say this—regarding the backlog that already exists with many of the roads. Could we not develop that, instead of going down this route?

[32] **Mr Waters:** There were two important points there. On the first, we have had long discussions with the disability groups, and I have great sympathy with their position, because, they essentially come from a starting point of not trusting local authorities. From our experience, I can understand why that is. Their preference for segregated paths in all

circumstances derives from that basic mistrust, because they think that anything other than an extreme solution—and I do not use the term ‘extreme’ pejoratively—could be watered down. So, if they come up with a solution that says that there must be segregated paths, in a sense, it will be bomb-proof, and a local authority could not wriggle out of that or implement it badly. It is what it is. Therefore, I can understand absolutely why they have reached that position.

9.50 a.m.

[33] Our counter-point is that in many circumstances that simply is not practical. We do not think that, in the pursuit of the perfect, we should not do what is good. In other words, in some cases, no path would be built. We have heard all the benefits outlined by Age Concern, Play Wales and the environmental groups. The undoubted benefits to a range of groups would be lost if nothing happened because a perfect solution was not available in every circumstance. That, looking at the broader picture, would be undesirable. That is not to say that a solution cannot be found to ensure that, in most circumstances, there would be a solution that would please all of the groups. That is why we have said that we would rather keep the draft proposed LCO vague or broad at this stage to allow a context-specific solution to be worked out at the Measure stage. We have given examples in our previous evidence of where, if we were to insist on two paths, for example, nothing would be built.

[34] It is also worth making the point that a no-loss principle underlines our proposal. In other words, we are not talking about reducing current provision, but about new infrastructure. So, that would not reduce the space that is currently available for people with sight or hearing difficulties. We are talking about creating new paths in addition to the provision that is currently available.

[35] On the latter point on the WLGA, and this was picked up by the Cyclists’ Touring Club last week, making provision on roads would benefit most people. A confident cyclist will cycle on the road and if you take the WLGA argument at face value, it says, ‘Let us improve the road so that motorists and cyclists can benefit from it.’ However, this draft proposed LCO is concerned about attracting people who currently do not travel in a sustainable way. People who are currently confident enough to cycle will cycle on the road. This draft proposed LCO concerns those people who are not currently cycling. Our evidence and experience show that those people will not be attracted, on the whole, to cycling on roads.

[36] We do not think that this should be an either/or situation. We think that conditions on roads should be improved. We would be in favour of 20 mph zones in residential streets, for example, to create a culture where walking and cycling is welcomed and counteract the defensive mindset that we currently have where people retreat inwards—either they do not go out or they get into cars and feel safer because they are in that aggressive mindset of the road. So, I do not see any conflict here between the paths and roads. There needs to be provision on the road, but there also needs to be parallel provision off-road to attract the broad group of people who currently do not cycle or walk enough.

[37] **Bethan Jenkins:** Many environmental groups such as the Ramblers’ Association and the Campaign for National Parks also say that we need to develop what we have. What do you say about their concerns?

[38] **Mr Waters:** I agree with them. It is worth pointing out that the Ramblers’ Association and CTC are member-led interest groups. They are there to represent people who already walk and cycle. Quite rightly, members of the Ramblers’ Association are concerned about the rights of way network losing funding or losing priority. It is not in our interest to propose anything that would result in that, and we would be keen to impress that fact on the Government because we want leisure opportunities for people who currently walk. However, if we look at the bigger picture and if we are going to tackle the problems of climate change

and obesity, we need to be concerned about those people who do not currently walk or cycle.

[39] **Gareth Jones:** Christine Chapman has a follow-up point for you.

[40] **Christine Chapman:** Have you done any work looking at whether there are areas of Wales that are more difficult? Thinking of my area, I catch the train a lot and I notice that it is still not used as much as it should be because people have perceptions about safety and so on, and we need to do more work on that. Might local authorities put up such barriers if they feel that there is not sufficient usage? Have you done any work on the barriers that exist in different parts of Wales, for example, with regard to certain parts of the network?

[41] **Mr Waters:** I will answer first and perhaps Huw will follow. The path that we have recently opened in your constituency between Abercynon and Cilfynydd, funded under the Celtic trail project, is already becoming overgrown. There are some fast-growing plants there crowding the path. That highlights the reason why the draft proposed LCO talks about maintaining as well as developing facilities for walkers and cyclists because, unless it is welcoming and well maintained it will not attract people to use it. In terms of safety, all of the evidence shows that the more people that use it, the safer it feels. So, our experience is that encouraging usage, removing barriers, maintaining and designing it well and including artworks and as much natural light as possible and access to riverbanks and so on—those sort of psychological factors—are key determinants for levels of usage.

[42] **Mr Davies:** If you think about why you would use something, it is because it is attractive. What makes it attractive is how it is designed and built in the first place, how it is looked after, and that you can see other people using it. So, you build up momentum and get the whole thing going. Another crucial point is that it must be useful, so the paths not only have recreational value, but as people enjoy that recreational experience they start to think ‘Actually, I can start to use this to go to where I need to go’. The design and building the routes into the whole fabric of the transport infrastructure and planning framework are very important to give those routes a second, utility use, as well as an initial recreational use.

[43] **Andrew R.T. Davies:** I apologise if a similar question was asked before I came in, and for my lateness, but thank you for coming in today. There has been an enormous improvement in accessibility for people who want to use bicycles or walk under the voluntary mechanism whereby local authorities create routes and paths. This draft proposed LCO seeks to confer power from Westminster so that we can push the agenda forward and create Measures on this in the Assembly. However, should that not happen, and the LCO not progress and the Assembly not get the powers, how would you see things unfolding? Obviously, everything will not fall apart, but how much of your work would be set back by the Assembly not gaining the powers in Wales?

[44] **Mr Waters:** The national cycle network celebrates its fifteenth anniversary next year, and that initiative has arisen out of charities such as Sustrans working with local authorities. We have created facilities out of nothing, working with landowners and various partners, but it has been an uphill struggle and we have faced enormous barriers. We have created a network of about 12,000 miles across the UK and about 1,200 miles in Wales, and the usage is growing year on year. So, we have shown that it can be done. We have often been working against the grain, and it would be far more effective if local authorities were tasked to say, ‘This is an important thing—it is effective, it works and it addresses the solutions that we have identified as priorities’.

[45] Progress will continue to be made in a voluntary system. Really, it depends on how serious you think the challenges of climate change and obesity are, and whether you think that we can just muddle along as we are. Undoubtedly good things happen, but they often happen against the odds, and many times they do not happen. I gave an example in my opening

statement of a local authority in north Wales last week returning money because it could not be bothered to spend it in time, frankly. That happens time and again. There are huge opportunities being missed at the moment because local authorities are not engaged properly in creating walking and cycling networks. So, the world is not going to come to an end should this LCO not be passed, but if the Assembly has set itself the task of reducing carbon emissions by 3 per cent a year, and if the Government as a whole has said that it will tackle the obesity epidemic—which will cost £50 billion a year by 2050 in increased costs to the health service from type 2 diabetes, strokes and heart disease—we need to find ways of increasing physical activity and reducing carbon. If we carry on as we are we will not achieve those targets in time.

[46] So, it depends on how grave we believe the threat is. We take the Assembly Government at face value and we see its strategies to reduce car dependency and to increase walking and cycling journeys, so this is a practical attempt to use the new powers, which we are invited to do, to come up with a solution. If that is not what the Assembly Government wants, I look forward to see how it plans to tackle the problem, because the solutions that it is coming up with at the moment are principally based on public transport, which tackles the carbon reduction agenda to some extent, but does not tackle the physical activity agenda. Either that, or it is wedded to road use, which is, increasingly, going to take up vast resources and increase our carbon emissions. Clearly, these networks would not replace every car journey, and would not be suitable for everyone; I am not suggesting that they would. The car is not going to be abolished and neither should it be. However, at the moment, there is a great opportunity to increase the number of journeys that we make in ways that would improve our health and the environment. This is a practical way of increasing the number of such journeys and it addresses all the policies that all parties have signed up to, so I fail to see the problem.

10.00 a.m.

[47] **Andrew R.T. Davies:** From what you have told us, it would seem perverse to stand in the way of the LCO, given the aspirations of this institution. I sat, along with Bethan, on the Petitions Committee, which originally took the petition some time ago, and I am sure that Sustrans has looked at other avenues to try to speed up the attainment of your agenda. What logic do you believe could be applied to justify standing in the way of the Assembly being granted these powers? Without these powers, the agenda will obviously not move forward as quickly as most people would like.

[48] **Mr Waters:** It is clear from the discussions that you have had over recent months that opposition would not be evidence-based, because there has been quite clear evidence, from a range of groups, that there are multiple benefits to this. I am aware that a number of arguments have been advanced for stopping the draft proposed LCO at this stage. One of them is the belief among some in the Assembly Government that it is legally not necessary. My understanding of the legal advice that was given to the committee at the outset was that the creation of a duty requires extra powers—it requires a legislative competence Order. There are things that the Assembly Government could do to advance this agenda through policy direction and changed priorities, were it so minded—there is no evidence that it is going to do so, but it could. However, what it could not do is send a direct message to local government and to itself to say, ‘We want a duty to do this because that is the most effective way of changing the mindset of the professionals’. So, I am not persuaded by those arguments on the legal grounds, given the initial legal advice to the committee that an LCO would be necessary.

[49] The second argument that I have heard advanced relates to the cost. Although there are no cost implications to the LCO, there would be cost implications to the Measure that would flow from it. Again, perhaps I am being naïve, but I take the Assembly Government at face value when it says that it wants to address both the carbon and the physical activity

agenda, and it is clear in the transport strategy that it wants to increase the levels of walking and cycling. It may well have tricks up its sleeve that we are not aware of, but we are a practical sustainable transport charity that has developed this work through largely voluntary efforts over 15 years or so, and our experience tells us that the best way to do that is through the provision of traffic-free paths. If the Assembly Government has different solutions to achieve modal shift and an increase in walking and cycling, I would be very interested to hear them. However, in our experience, traffic-free paths are the most effective way of doing that. Although there might be cost implications, there are vast cost implications to doing nothing and we certainly do not see any conflict between what we are proposing and the Assembly Government's professed policy.

[50] The third argument that I have heard used is a pragmatic one about the legislative logjam, which I understand, but am concerned about. We have put a lot of effort into engaging with the Assembly's new powers. We do not have the capacity, as a charity, to do it and it has taken a lot of time, effort and expense, which, frankly, we cannot afford, to engage with the Assembly's new law-making powers. We are pro-devolution and we accepted the challenge that was laid down by the Presiding Officer and others when the new powers came into being to come forward with ideas. We engaged civil society and the petitions process—we were one of the first organisations to do that. I am aware that other organisations are holding back on engaging with the LCO and Measure process to see how successful our attempt is. I would be deeply concerned if this were to be knocked back, especially on non-substantive grounds, about the message that that would send to Welsh society about the efficacy of the Assembly's new powers. I think that it would send a very negative signal.

[51] We went to the Petitions Committee and to your committee because we understood that of the three methods of bringing forward an LCO, one was through the committee system. As I understand it, the Government has decided that committee LCOs should be treated in the same way as backbench LCOs, even though it was my understanding that a third pathway was available. I understand that it is argued that, because there are several Member proposed and Government proposed LCOs, there is no room to take any others forward. That is most regrettable, and it would send a negative signal to Welsh civil society.

[52] **Gareth Jones:** I believe that you have a further question, David.

[53] **David Melding:** Jeff has covered it.

[54] **Gareth Jones:** I would like to comment, Lee, on your theorising there. You are quite right, and we understand your concerns, because we all know that the statement that we have had from the Minister is that the Government is at this stage unwilling to support the draft proposed LCO. However, I want to assure you that this committee is not party to any of the reasons given; nothing along those lines has been explained to us. We are here to scrutinise and to listen attentively and carefully to what you and the other witnesses have said. So, the draft proposed LCO is still healthy, but, of course, there is a long way to go. However, that is our situation as committee members. Members may comment at this stage if they wish to do so.

[55] **David Melding:** That is a fair summary, Chair.

[56] **Gareth Jones:** I want you to understand the status of this particular committee. We are not being influenced; we are here to listen openly and sincerely to all of the evidence as it is presented to us. Obviously, there are issues, which Members will, hopefully, have addressed with you and with the other witnesses.

[57] **Mr Waters:** I would like to add a final point, Chair. I hope that you do not mind my saying so, but one of the things that concerns me is that there is a matter of principle at stake

here in that if you decide that you want to take this draft proposed LCO forward, that is something that the National Assembly has decided that it wants to do. I do not see how it is acceptable for the Assembly Government to veto that on the grounds that it does not think that it is necessary. If it thought that it was necessary, it would be happening now.

[58] **Gareth Jones:** I understand that point, and I have asked for legal advice on that. As I have pointed out, my understanding is that we are here to listen, to discuss, and to scrutinise; that is the essence of this. Of course, we might comment on what the Minister has said, but that will come when the Minister comes before us, which I believe will be early next month. However, we have to keep an open mind on this. I would not wish a negative message to emerge from our deliberations here that, somehow, we are going through the motions. I want you—and civil society in Wales, as you mentioned—to know and to understand that we are about scrutiny. What we feel is right will be the recommendation of this committee. What happens then in terms of the process between the Assembly, Westminster, and the role of the Government, we do not know at this stage. However, that is my understanding.

[59] Nid oes rhagor o gwestiynau, felly diolchaf yn fawr iawn i'r ddau ohonoch am ddod atom y bore yma. Yr ydym yn falch o glywed yr hyn sydd gennych i'w ddweud a derbyniwn eich bod o ddifrif am y Gorchymyn hwn ac am gael llwyddiant iddo. Diolch am ddod atom. Dymuniadau gorau i'r ddau ohonoch.

There are no further questions, so I thank you both very much for joining us this morning. We are pleased to hear what you have to say and we accept that you are serious about this Order and about achieving a successful outcome for it. Thank you for joining us. Best wishes to you both.

10.10 a.m.

[60] Symudwn ymlaen yn awr at ail ran y sesiwn graffu. Estynnaf groeso cynnes i Jont Bulbeck, sy'n rheolwr polisi ar fynediad i Gyngor Cefn Gwlad Cymru. Diolch ichi am eich tystiolaeth ysgrifenedig, Jont. Yr ydym wedi'i darllen. Fe'i rhestrir fel 'papur 2' ar yr agenda. Gofynnaf ichi wneud cyflwyniad byr o rhyw bump i 10 munud, a chawn gyfle i ofyn cwestiynau wedyn.

We will now move on to the second part of the scrutiny session. I warmly welcome Jont Bulbeck, who is the access policy manager for the Countryside Council for Wales. Thank you for your written evidence, Jont. We have read it. It is listed as 'paper 2' on the agenda. I will ask you to make a short presentation of about five to 10 minutes, and then we will have an opportunity to ask questions.

[61] **Mr Bulbeck:** Thank you. You must excuse me; my Welsh does not stretch to presenting evidence to a committee such as this. The paper before you will give you a good deal of food for thought, but I would like to highlight several things. I will keep that side of it short, and then I will address your questions.

[62] Obesity rates in Wales and, indeed, in the UK, are high, and greenhouse gas emissions and carbon dependency need to be reduced. Indicators of ill health, such as heart disease and stroke, which are linked to low activity levels, are also high and need to be reduced. The evidence that you have received from a number of the submissions, from us and others, suggests quite strongly that the benefits arising from increasing walking and cycling could help to address some of these issues and some of the others that have been put forward, but it is clear that the current levels of walking and cycling in Wales are low, particularly when you compare them with levels in comparable countries in Europe—notably, places such as Denmark, the Netherlands in particular, Germany, and Belgium. It is clear that the current approach in Wales is not delivering significant levels of walking, the benefits of which many people have seen and supported and provided evidence for.

[63] The question for the committee—and I have looked through the discussions that have been held previous to today—is whether this draft proposed LCO will help with that purpose and whether the current proposal is suitable for that. There is a question around the exact purpose of the draft proposed LCO, because there seem to be differences in the way in which it is perceived. That may come out in the questioning. Whether its purpose is to increase safe walking and cycling or whether it is simply to provide a network of traffic-free routes is one of the issues raised, as that is not particularly clear in the draft. Clearly, the ultimate aim is to increase levels of walking and cycling, whether that is for purposeful journeys—for utility, if you like—or for recreation and leisure.

[64] We have therefore provided evidence about some of the things that can be factors in the successes associated with increasing walking and cycling in some of those other situations, and we have raised the question of whether having traffic-free routes, in particular, can help to support those ultimate aims. Some of the sections in our paper address some of the associated issues around those matters, such as safety with regard to user interactions, which I noticed is also mentioned in the Sustrans paper that you considered this morning. There is also evidence about other factors that are clearly identified as success factors in delivering improved walking and cycling levels in those other countries. I will not repeat the rest of the detail of the paper, so I will answer the questions that Members have.

[65] **Gareth Jones:** Thank you. Jeff Cuthbert has the first question.

[66] **Jeff Cuthbert:** Thank you for your written submission and for the points that you have just made. I do not think that there is any doubt that we want to take rational, logical steps towards improving people's health and wellbeing. I believe that physical exercise will be promoted as a result of the suggestions contained in the draft proposed LCO, but a great deal of how it is delivered practically will be a matter for a detailed Measure, should it get to that stage.

[67] We have had a great deal evidence from groups representing non-able bodied people or people with disabilities of some form and they have argued very strongly that there needs to be a form of segregation on paths. Do you have any view on that at this stage? On the issue of buggies, should we be clearer about what we mean by non-motorised vehicles? Do we include buggies here, which are, of course, powered; and do you have any views on that?

[68] **Mr Bulbeck:** As you have heard, and as I saw from its presentation, Sustrans has done quite a lot of work to consider the matter of disabled access to routes. With regard to the terms under which the draft proposed legislative competence Order is being brought forward, I would say that those are matters to be set out in detail in the Measures that would result from this, because there are clearly design elements, which have been discussed previously in the committee, that can be addressed at that point and through the detailed implementation guidance. The issue of disabled access on routes can be addressed in that way.

[69] There is also the question of whether there are overall benefits for other users, including disabled users. Measures that improve traffic-free routes are likely to bring benefits for disabled people as well as for walkers and cyclists more generally. Many of the problems that people are likely to have relate to traffic, particularly vehicular traffic, and therefore improvements to routes that take people away from that traffic are likely to bring benefits to those people. However, as has been said, there are some serious concerns, which need to be addressed. I think that that can be done either in the Measures that would follow this or later, through the guidance on the implementation of actual routes.

[70] The evidence on interactions between different users noted in the Sustrans paper is evidence that we have also looked at and to which we also refer in our paper. Not wishing to discount the problems and perceptions of conflict that happen—and, to some degree, there are

elements of conflict—it is worth noting that expectations regarding people's behaviour can be built into the way in which you implement Measures. You can look at educating people and changing the way in which they behave on such routes. Largely, people who are segregated on routes tend to follow particular lines, and some of the evidence seems to point towards the fact that, with desegregation, people perhaps tend to be more accommodating.

[71] **Jeff Cuthbert:** What about the issue of buggies?

[72] **Mr Bulbeck:** On vehicles for disabled people, it is my understanding that they are not considered to be motor vehicles for the purposes of most legislation currently. For example, you can use such buggies on pavements and other footpaths and so forth. I do not think that that would be an issue for the most part.

[73] **David Melding:** To follow on from Jeff's point, I thought that your paper was very concise and evidence-based throughout. In terms of the evidence that we have received, it is a very good example of how to present a case. It is up to others to challenge the evidence, obviously, if they feel that is necessary. I was very interested to learn that the actual number of incidents of conflict is much lower than the number reported or perceived in focus groups and so on.

10.20 a.m.

[74] However, as far as frail, elderly or disabled people are concerned, perception is all, is it not? The objective reality is neither here nor there; if they fear using a path, and therefore avoid using it, then the damage is done. Do you have any ideas about how to tackle that problem?

[75] I was interested in your evidence about other countries—including the Netherlands and Germany—taking a decision to achieve a modal shift in the 1970s and then building an infrastructure for cycling and walking. How big a job would it be for us to complete such a task? I dare say that those countries have achieved it over a number of years, but is it the sort of ambition we should have if we are to really reduce the carbon footprint of our transport networks?

[76] **Mr Bulbeck:** Yes, perception is important—particularly if it discourages people from stepping out in the first place. If that is the case, you fall at the first hurdle, so to speak. As I said in answer to the other question, there are issues here about the design and implementation of paths as well as about educating users at a number of levels. It is not just about cyclists; observational studies show that walkers are much less inclined to stick to traffic-like behaviour, which is understandable. Not many people want to walk in that sort of way. However, those sorts of things can make a significant difference.

[77] Regarding the perception of people who feel that they would experience difficulty in this situation, it is clear that people's expectations are also an issue that affect whether they feel safe. So, people who are expecting to see cyclists on a route will have a different perception of safety than those who are expecting to see only walkers. That is a significant factor to take into account. It means that you can address certain practical issues of design, but you also need to address the information that is given to people and the way that they understand it.

[78] As the previous evidence suggested, we cannot have a perfect world. There will be some people who feel vulnerable in those situations. Think of the size of the highway network, or the rights-of-way network, which is 33,000 km long in Wales, according to our estimates; the minor road network is also huge. We are not talking about a network that will take on all of those characteristics, so there will be pavements that should not be used by

cyclists, and there will be alternatives for people who feel that cycle paths are not the place for them.

[79] As for the way that other European countries have taken this forward, one of the things that has helped to deliver high levels of walking and cycling—particularly cycling, as walking levels are much more comparable across Europe—has been the prioritisation over many years, since the 1970s, as you said, and even earlier in some cases, of non-motorised transport. There has been significant investment in that, and it includes segregation from motor vehicular traffic in many cases, although not exclusively so. There is segregation not only on traffic-free routes, but on highways, with physical separation or apparent separation using white lines—although there seems to be a clear preference for people to be physically separated, even if it is just by a kerb or something of that sort. There have also been measures to make it easier to cycle or walk than to use a car in some places; that is another feature of that approach.

[80] So, the divergence in the debate, which is apparent in some of the evidence that you have received, is in relation to whether it should be on-road measures or traffic-free routes. The evidence that we have seen makes it clear that it is not an either/or question; it is a matter of a range of measures leading to success at increasing cycling particularly, and walking to a less extent. It is that combined approach in prioritising those modes of transport, with long-term measures, consistent policies, national-level working that is implemented at the local level, and funding. As one of the papers pointed out, there is nothing particularly revolutionary in the measures for success that we are talking about. What is perhaps unusual for this country is to have them consistently applied over a long and sustained period with a vision in mind as to where you are going, and to keep at it, as this will not happen overnight.

[81] While this proposal will not by itself change and create this sudden nirvana of walking and cycling, it would, as Sustrans said, set a clear tone for the priority given to walking and cycling, and perhaps provide the clear vision that is apparent in other countries. There will be a prioritisation of these modes of travel that we think is important given the range of benefits.

[82] **Christine Chapman:** Following on from David's point, if this were to be considered further, should there be some minimum standards to achieve a modal shift? Perhaps one reason for so much physical inactivity is because people see a bicycle as a bit of a luxury item—you know, it is quite nice to cycle down a path—but they do not see cycling as a mainstream activity. For it to be mainstream, you need a reliable bus service with buses that take bikes on board. That is the reality of the situation. In addition, paths should be lit, and we have already discussed the issue of safety. When I was in Stockholm this year, it was really good to see that you could just put money in a slot and hire a bike for a few hours. That is a really innovative way of doing things. That sort of infrastructure will start to shift people's attitudes towards cycling, but, until you have these things in place, it is difficult to build momentum and encourage people to take it seriously. Do we need to be looking at some minimum standards as a starting point for this to happen?

[83] **Mr Bulbeck:** I would break that into two elements, if you do not mind my being presumptuous. One element is physical design and how a particular path is implemented, and a good deal of design guidance and good practice already exists, much of which is available for people to use. That is not always implemented as such. It is certainly the case that, in studies that look at what people want out of the routes—and this is indicated in the paper—design is an important factor in influencing behaviour. The quality of routes makes a difference to people, as do things such as good lighting and maintenance, and having a 'pleasant' environment. The latter is harder to define, perhaps, but they are all factors that influence how people behave. They also influence people's likelihood to keep using those routes as well. That is true not just for transport-type purposes, and you suggested the link to

public transport; it is also true for recreational use. It is not particularly helpful to define those two purposes as being especially different when it comes to what routes are needed.

10.30 a.m.

[84] Where the draft proposed LCO takes a different line from current working is that it also looks at it in a more holistic way, as we are talking about networks of routes. Local authorities have a lot of powers already in relation to highways and there is a lot of guidance on the provision of walking and cycling routes, but it would be a different vision if we talked about it in terms of the provision of networks and routes. Ad hoc provision can be useful at a local level, but a lot of evidence that we have looked at suggests, as we mention in the paper, that it is not having particular routes here and there that is important, but that you have networks of routes that give you an opportunity to travel, whether that is for recreation or for utility purposes. Another important element is that you can see that there are enough routes for you to make the sorts of journeys that you want to. You might not always want to go along a particular route, but link to other areas, and use it in that way.

[85] **Bethan Jenkins:** Thank you for your evidence. Setting the carbon emissions agenda to one side for a moment, Lee Waters from Sustrans mentioned obesity levels in Wales, and, in the Audit Committee a few months ago, we heard that the Government is not reaching its targets on increasing levels of physical activity in Wales. Do you think that this is the main way in which the Government could tackle these key problems in Wales, or do you think that it should look at other recreational activities to reach such targets? The use of the physical activity argument seems to be quite clear in furthering this agenda. Do you believe that we could develop what already exists in Wales, or could this be the answer to our problems?

[86] Secondly, I know, from visiting schools in the region that I represent, that they are encouraging children to use bikes as part of the Safe Routes to School agenda, but many people have complained that the shared use of paths is causing concern during the early morning rush hour and around school-leaving times. Is that an agenda that the Government could be looking at to develop cycling, and could that be a priority in the draft proposed LCO?

[87] **Mr Bulbeck:** I would hesitate to suggest that any particular proposal is the answer to everyone's problems, and I do not think that the obesity problem will be solved by actions such as this alone. However, activity levels are low and that needs to be addressed, and encouraging people to cycle and walk more is one way to do that. One feature that seems to be a problem for activity levels is building an activity into people's lives so that they find the time to go to the gym or to take part in some other sporting activity. People often find that difficult, and there seems to be a high fall-off rate even when people take that initiative. You can build walking and cycling into doing what you are doing, such as going to school or to work, and I think that they are things that people can readily take up. From that point of view, providing ways for people to do things as part of their normal activities is important, given that it brings all sorts of benefits.

[88] Providing traffic-free routes clearly has an effect across the age spectrum. The fact that parents are often reluctant to let children out for safety reasons, whether they are supervised or not, is a feature that this might help to address, and early levels of activity, namely what you learn in your childhood, are often carried forward into later life, so a habit of walking or cycling is likely to be carried forward. That is an important consideration, and so a community of second points and Safe Routes to School, for example, are important to address that. There is an example of a particular school, which I cannot name, that has looked at prohibiting vehicles from within five minutes' walking distance of the school, so that people have to, or are encouraged to, drop their children five minutes away from the school. So, those issues on the concentration of problems relating to schools can be addressed and

managed through the application of different techniques. However, they should be considered at the detailed level of implementation, and should not put the committee off considering the benefits of this proposal.

[89] **Bethan Jenkins:** Given the letter that the Minister has sent stating that the Government is not inclined to carry this forward, my question was whether its promotion, particularly with regard to young people and their health, would be a way of encouraging that change of opinion in future.

[90] **Mr Bulbeck:** It can and does lead to improvements in activity levels, but they have happened without a law being in place to encourage them. There are measures and alternative approaches to taking forward an LCO, and they have been used. Our alternative approach is to use the LCO route, but you can see that there are advantages to setting a vision and tone for an LCO.

[91] **Gareth Jones:** I do not think that there are further questions. Thank you for joining us on behalf of the Countryside Council for Wales. I sincerely believe that what we have heard from you this morning and, as David Melding said, your written evidence, given its nature and quality, have been a useful contribution to our scrutiny. We wish you well and thank you very much.

[92] **Mr Bulbeck:** Thank you for inviting me.

10.37 a.m.

Ethol Grŵp Rapporteur ar Ddwyieithrwydd
Election of Rapporteur Group on Bilingualism

[93] **Gareth Jones:** Gwelwch o'r agenda fod papurau i'w nodi o dan yr eitem hon, gan Gyswllt Amgylchedd Cymru**,** Cymdeithas y Cerddwyr a'r Open Spaces Society. Diolch i chi am y sesiwn graffu honno.

Gareth Jones: You will see from the agenda that there are papers to note under this item, from the Wales Environment Link, the Ramblers' Association and the Open Spaces Society. Thank you for that scrutiny session.

[94] Yr ydym eisoes wedi cytuno i'r egwyddor o ethol grŵp rapporteur ar ddwyieithrwydd. Yr union gylch gorchwyl sydd eto i'w benderfynu. Bydd y grŵp, os dyna eich dymuniad, yn cychwyn ar ei waith y tymor nesaf ac yn gweithio'n anffurfiol. Bydd yn cyflwyno adroddiad i'w gymeradwyo gan y pwyllgor cyfan ar ôl cwblhau ei waith. Dyna'r nod, felly os ydych am fwrw ymlaen i ethol y grŵp hwn, galwaf am enwebiadau. Hoffwn bwysleisio mai eich penderfyniad chi yw hwn. Mae pethau'n newid ac mae gennych eich blaenoriaethau, ond ystyriwyd hwn gennym ac fe'i cytunwyd beth amser yn ôl. A ydym am fwrw ymlaen â hyn?

We have already agreed to the principle of electing a rapporteur group on bilingualism. It is the precise terms of reference that have yet to be decided. The group, if that is your wish, will start its work next term and will work informally. It will present a report to be approved by the whole committee after completing its work. That is the aim, and so, if you wish to elect this group, I call for nominations. I would like to stress that it is entirely up to you to decide. Things change and you have your own priorities, but we have considered this and we agreed on it some time ago. Do you want to proceed with this?

[95] **Kirsty Williams:** I propose that we move forward with it.

[96] **Gareth Jones:** Are we generally agreed on that? I see that we are. If that is so, may I

have nominations for the group? That is established practice now for this committee. We need the names of four to five people. Are there any names?

[97] **David Melding:** The Conservative group will discuss this and we will inform you before the end of next week.

[98] **Gareth Jones:** Right, so there will be a nomination.

[99] **Huw Lewis:** That is also the case for the Labour group.

[100] **Gareth Jones:** Yes. We cannot turn to Bethan as she is deputising, but I am sure that Plaid can do the same.

[101] **Kirsty Williams:** As the only Liberal Democrat on this committee, I suspect that I will be my party's member of that group. [*Laughter.*]

[102] **Bethan Jenkins:** I would gladly be a part of that group if I were on this committee.

[103] **Gareth Jones:** That is up to the committee, Bethan. However, I appreciate that we have decided to make progress on this and that names will be forwarded. We can look forward to the first meeting next term to draft the programme of work for that group.

10.40 a.m.

Cofnodion y Cyfarfod Blaenorol
Minutes of Previous Meeting

[104] **Gareth Jones:** Mae cofnodion ar gael i'w nodi. Dyna ddiwedd y cyfarfod.

Gareth Jones: There are minutes to note. That is the end of the meeting.

Cadarnhawyd cofnodion y cyfarfod blaenorol.
The minutes of the previous meeting were ratified.

Daeth y cyfarfod i ben am 10.40 a.m.
The meeting ended at 10.40 a.m.