

Enterprise and Business Committee

Meeting Venue:
Committee Room 1 – Senedd

Meeting date:
20 March 2013

Meeting time:
09:15

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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Agenda

Pre-meeting (9.15 – 9.30)

1. Introductions, apologies and substitutions

2. Active Travel (Wales) Bill: Stage 1 – Evidence Session 2 (9.30 – 10.30) (Pages 1 – 6)

Welsh Local Government Association

Tim Peppin, Director of Regeneration and Sustainable Development
Jane Lee, Policy Officer, Europe and Regeneration

Break (10.30 – 10.45)

3. Active Travel (Wales) Bill: Stage 1 – Evidence Session 3 (10.45 – 11.45) (Pages 7 – 22)

Regional Transport Consortia

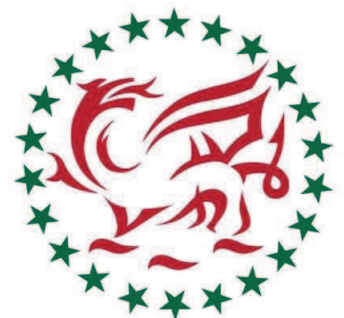
Michael Whittaker, Executive Officer, Taith
Darren Thomas, Chair of Walking and Cycling Sub Group, SWITCH
Matthew Gilbert, Chair of Active Travel Group, Sewta
Christian Schmidt, Planning Manager, Sewta

De-brief (11.45 - 12.00)



**NAfW ENTERPRISE &
BUSINESS COMMITTEE –
Evidence on the Active
Travel (Wales) Bill**

March 2013



WLGA • CLILC

INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, the three national park authorities and the three fire and rescue authorities.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. The WLGA welcomes this opportunity to contribute to the Enterprise and Business Committee's call for evidence on the general principles of the Active Travel (Wales) Bill. Comments are offered against the eight questions posed by the Committee.

Is there a need for a Bill aimed at enabling more people to walk and cycle and generally travel by non-motorised transport? Please explain your answer.

4. There is considerable scope within existing legislation for local authorities to undertake works that promote active travel. To date, local authorities and Regional Transport Consortia have played a pivotal role in putting in place the existing network of cycling and walking routes which has resulted in more people travelling by non-motorised transport.
5. However, there is growing recognition in local authorities of the need for more action to address increasing risks faced by our communities – be that in relation to climate change, rising levels of obesity, reducing employment opportunities or various forms of poverty and inequality.
6. This legislation, if properly resourced, could support a strategic and targeted approach to the development of networks to facilitate and encourage walking and cycling, thereby contributing to wider efforts to mitigate the above risks. A key question in this respect is whether promoting active travel represents better value for money than other possible measures. Provided this assessment has been made, and with the crucial caveat about an adequate level of resourcing, the WLGA believes there is a need for the Bill. Without legislation to require action, the chances of additional funding being prioritised in this area over the coming years are slim.

What are your views on the key provisions in the Bill, namely –

- **the requirement on local authorities to prepare and publish maps identifying current and potential future routes for the use of pedestrians and cyclists (known as “existing routes maps” and “integrated network maps”) (sections 3 to 5);**
7. It is our understanding that the details of what is to be mapped and the design of the maps will be contained in guidance. Comprehensive guidance will be the key to the production of good quality mapping which will enable users of the maps to interpret the information easily across the different local authority areas.
 8. WLGA understand that the Welsh Government will make funding available to local authorities to enable them to prepare and publish the maps. The costs associated with the production of maps will in many cases involve the costs of carrying an audit of existing routes against published design guidance to ascertain whether the routes are suitable for active travel use. For example, for the preparation of the Cardiff cycling map the audit cost £10,000 and production of a map £5,000 with printing costs additional.
- **the requirement on local authorities to have regard to integrated network maps in the local transport planning process (section 6);**
9. The integrated network plan will form part of the suite of plans that local authorities have regard to in the discharge of their transport planning duties. It will be important that decisions about highways, rail, bus services and active travel are looked at comprehensively and that networks develop in a complementary way. Equally, it will be important that local transport planning influences, and is influenced by, wider development plans for the geographic area.
- **the requirement on local authorities to continuously improve routes and facilities for pedestrians and cyclists (section 7);**
10. A note of caution is advised with regards to the implementation of this requirement to continually improve. The publishing of an integrated network map could raise expectations of users when the reality is that the continuous improvement may be slow, subject to the availability of funding. Failure to deliver within a reasonable timescale, will no doubt, be perceived by users as a failure of local government.
 11. Also local government is concerned about the push for additional routes to create an integrated network when there are inadequate resources for the maintenance of existing routes. The maintenance of existing and future routes will not be maintenance free and the responsibility of this will fall to local authorities.

- **the requirement on highway authorities to consider the needs of pedestrians and cyclists when creating and improving new roads (section 8)**

12. Local government welcomes this proposal and would agree that this could assist with the delivery of the network. However, it also recognises that the incorporation of walking and cycling routes is not always possible as part of a new road scheme so the requirement to 'consider' is therefore appropriate.

Have the provisions of the Bill taken account of any response you made to the Welsh Government's consultation on its White Paper? Please explain your answer.

13. Much of the detail which will concern local authorities will be within the delivery and the design guidance so without sight of this guidance it is difficult to answer this question.

To what extent are the key provisions the most appropriate way of delivering the aim of the Bill?

14. The provisions of the Bill should increase the uniformity of active travel routes across Wales which will be of benefit to the users. However, without substantial additional resources made available to local authorities continuous improvement to the network will be slow and patchy.

15. The submission of the integrated map on a 3 yearly cycle is considered too frequent given the lead time in the delivery of schemes which may involve the identification of funding, negotiation with landowners, procurement and delivery.

What are the potential barriers to the implementation of the key provisions and does the Bill take account of them?

16. The main barrier to the implementation of the key provisions is the cost. For the provisions relating to mapping many local authorities do not have the necessary in-house skills so would have to engage specialist mapping consultants which would be an additional cost. As stated earlier in the evidence, local authorities understand that funding will be available from Welsh Government for the production of the initial maps.

17. Delivery of new parts of the network will be subject to available funding. RTCs have been directed to make funding available for active travel but this is not sufficient to instigate the behaviour change that the Bill is purporting to bring about.

What are your views on the financial implications of the Bill (this could be for your organisation, or more generally)? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

18. The financial implications of the Bill on local authorities should not to be underestimated and are being introduced at a time that local authority budgets are under pressure. The new duties require an existing route map and an integrated route map to be produced, for these maps to be available in hard and electronic copies and to keep the integrated route map updated and submitted to the Minister every 3 years.
19. The more significant financial implications relate to the duty of continuous improvement. There may be opportunities in some areas to access European funding but as stated earlier without significant 'new' money available progress towards an integrated network will be slow.
20. Another significant financial implication is the ongoing maintenance. There is already a backlog in relation to the maintenance of the existing highway (estimated at some £170m-200m) which in some cases may be part of the integrated network. If resources for maintenance of existing routes are inadequate, the proposal in the Bill to develop additional routes is of concern to local authorities.

To what extent has the correct balance been achieved between the level of detail provided on the face of the Bill and that which will be contained in guidance given by the Welsh Ministers?

21. Much of the detail which will concern local authorities will be within the delivery and the design guidance. For that reason, WLGA's view is that the correct balance has not been achieved. WLGA also notes that the Bill states that the existing route map and the integrated route map are to be submitted to the Minister for approval. It is assumed that the criteria against which the Minister would assess the maps will be published at a later date in guidance. It is difficult to comment on the Bill when a significant level of detail is currently unavailable. It will be important that local government continues to have the opportunity to input to the development of delivery and design guidance.

Are there any other comments you wish to make on the Bill that have not been covered in your

22. The above comments reflect the harsh financial realities facing local authorities in terms of their ability to maintain existing assets, let alone take on new responsibilities without additional and adequate levels of funding. They are not intended to be in any way negative in relation to the overall support of the Bill and its intentions which local authorities support. Once the Bill is enacted local authorities will respond as positively as they can to achieve the provisions of the Bill but without an appropriate level of additional funding it will not be possible to realise the benefits that many will be expecting.

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Enterprise and Business Committee
Active Travel (Wales) Bill
AT 1 - TAITH Management Unit

ACTIVE TRAVEL BILL – Enterprise and Business Committee Evidence

Evidence from TAITH

TAITH is the passenger transport consortium for North Wales. It is a formally constituted Joint Committee of the six North Wales County Councils.

To date, local authorities supported financially by TAITH and the other RTC's across Wales, have played a pivotal role in putting in place a significant network of new cycling and walking routes together with their maintenance and promotion. We are therefore broadly supportive of the focus by Welsh Government to improve cycling and walking provision and the proposals in the White Paper.

TAITH has invested heavily in walking and cycling in recent year and has taken positive steps towards the development of an integrated network of routes in many parts of North Wales. We therefore support the intent behind the Bill especially as Active Travel offers an opportunity to reduce local congestion on many routes where it offers an alternative to car based accessibility. Active Travel is only one component of an integrated transport system. It offers real benefits for local journeys, but for longer distance commuting or accessibility there will always be a need for other transport interventions. In promoting Active Travel, we should be aware that other strategic transport projects will also be required.

During the consultation process a number of issues were highlighted by TAITH and where relevant we have included them in the note below. Many of these issues we raised are similar to the questions posed by the Committee in its call for evidence and hopefully the responses cover the issues raised.

Consistency of approach: The Bill encourages local authorities to work with neighbouring authorities to ensure that routes do not stop at authority boundaries, but are part of a wider, interconnected route. TAITH has been promoting this approach over the past year or so and the TAITH Board has received presentations on proposals to develop linked networks across North Wales. We support the further development of this approach but recognise the difficulties and the possible costs associated with this work given the length of many of these routes in our area. It is possible that due to the rurality of much of North Wales, the Bill could promote the development of pockets of Active Travel infrastructure without connecting routes between them.

Practical limitations: There may be good reason why routes do not join up. Land ownership issues can be (and are) a major barrier to joining up routes. This Bill does not set out how this could be overcome. Indeed the publishing of a map explicitly showing the long term intentions to join routes up could be considered to be playing into the hands of local landowners and artificially inflating land prices. Local authorities are bound by legislation to pay the market price in land acquisition deals, this may not (and often does not) satisfy landowners. In some

instances, the only option may be Compulsory Purchase Orders. However, this is a costly and time consuming option.

The topography of a local area can severely limit the opportunities to provide routes which are suitable for everyday journeys as advocated in the White Paper and will significantly increase the costs of provision due to more complex engineering solutions.

The focus on local access journeys to employment and services is positive and emphasises the positive impact that Active Travel can have. Much of the TAITH area however, is very rural in nature and there is a need to consider how longer inter-urban schemes could be delivered, which may not fall within the definition of Active Travel.

Raising Expectations: We have concern regarding the mapping and publishing of route enhancements when additional funding is not being made available for delivery. This approach potentially raises the expectations of users and failure to deliver within a reasonable timescale will be perceived by users as a failure by local government. We accept the approach suggested by the Bill but have continued concerns regarding raised expectations for routes which may be expensive to construct or which cannot be delivered without extensive land purchase.

Also with regards to funding, we are concerned about the push for additional routes without adequately resources for the maintenance of existing routes. These routes are not maintenance free and responsibility for this will lie with local government. The Bill proposes a duty on local government to develop a prioritised list of schemes to deliver the network. This would help uniformity across local authorities and restrict conflict with stakeholders on differing prioritisation of similar type schemes. We believe there is scope to develop prioritised schemes on a regional basis to ensure that routes are delivered across boundaries to ensure access to key sites and locations.

Cost implications: The duties proposed in this Bill could place a considerable burden on local authorities. Specialist mapping professionals and graphic designers may have to be procured and this would be at a cost to the local authority.

The delivery of the enhanced network is not funded but the Bill proposes a statutory link between the proposed maps and the Regional Transport Plans (RTPs), creating a culture of investment over many decades. There is no mention of the priority that this investment will have against other demands on the RTP budget and as highlighted above the issue of maintenance is given inadequate consideration in the White Paper. The only reference to maintenance is a statement that the routes will be adopted by the local authorities under the Highways Act 1980 so Welsh Government is not proposing a new duty. This may indeed be correct but the Act will amount to an additional financial responsibility on local government. Active Travel is only one component of an integrated transport network, and whilst it provides access for local journeys, the RTP needs

to ensure that the whole integrated network is developed to aid and promote economic growth.

Some preliminary discussions have taken place in the region about the mapping implications of the Bill. Gwynedd Council host a regional map of routes along the trunk road network in the region and it has been suggested that adding routes on County roads to this map would be a better solution than for each Local Authority to develop their own map and system. The costs and practicalities of this approach need to be assessed, but it seems a reasonable approach to advocate.

New Road Schemes: We welcome this proposal and agree that this could assist with the delivery of the network. However, it also recognises that the incorporation of walking and cycling routes is not always possible as part of these new road schemes and therefore provision for a departure from this duty is recommended.

Revisions of rights of way definitions: Local authorities should be given the powers (in consultation with the Local Access Forums) to vary the definitions based on the suitability of paths. The suitability should be based on minimum standards with regards to width, construction type, usage etc. The statement in the Bill that any changes to public rights of way legislation would not include retrospective requirements to amend footpath furniture including signage or surfacing should be supported. This statement should include the width of the path as well.

New design guidance is welcomed to ensure a consistent approach across local authority areas. The new design guidance should cover not only detailed design issues such as widths, gradients and barrier widths but should address issues over process and principles. For example, the level of community consultation that local authorities should be undertaking and the status of the different road users at highway junctions.

In summary:-

We support the intention behind the Bill and believe that Active Travel is an important part of the transport mix especially for local access. There are tangible health benefits that could be delivered through the implementation of the Act. Active Travel is however only one intervention that delivers local access and transport and should not be seen as the only potential solution.

We have some concerns regarding aspects of the additional work that will be created for local authorities and their partners, but if there is recognition that delivery will be incremental based on the availability of budget then the approach is reasonable.

There is a need to ensure that unreasonable expectations of an extensive network are not created if additional resource is not available. Many individual schemes could be complex and expensive to deliver and the Act should allow some flexibility for such schemes, to avoid delivery bodies being faced with providing very expensive short lengths of routes.

Detailed guidance and sharing of best practice among delivery bodies should be encouraged as an outcome of the legislation. This is best achieved through the incremental development of guidance by the Welsh Ministers rather than extensive and potentially complex detail in the Bill.

Iwan Prys Jones

March 2013

**Enterprise and Business Committee
Active Travel (Wales) Bill
AT 4 – South West Wales Integrated Transport Consortium (SWWITCH)**

SWWITCH Response to NAfW Enterprise & Business Committee Call for Evidence into the general principles of the Active Travel (Wales) Bill. – March 2013

Background

The South West Wales Integrated Transport Consortium (SWWITCH) comprises the four Local Councils in South West Wales working together to plan, develop and deliver improved transport and access to:

- Support the local and regional economy
- Enhance social inclusion and
- Protect and improve the environment

SWWITCH was set up in 1998 and has evolved over the years since to meet changing demands. It is organised as formal Joint Committee and operates by a legal agreement.

Introduction

SWWITCH welcomes the opportunity to respond to the Committee's consultation into the Active Travel Bill and the change in emphasis it represents. The Bill creates an opportunity to influence the health and attitudes of current and future generations and is supportive of national and regional transport objectives.

SWWITCH recognises the importance of walking and cycling as a means of sustainable, affordable access to a wide range of facilities and services, as well as for leisure purposes. As a result a SWWITCH Walking and Cycling Strategy was adopted in 2002 and SWWITCH has since developed proposals for measures to encourage more walking and cycling.

The SWWITCH Regional Transport Plan has a component strategy for Walking and Cycling and also included in the RTP programme pool is a range of walking and cycling capital projects. SWWITCH has also used RTP funding to implement increased cycle and pedestrian monitoring so that outputs and outcomes can be monitored over time. This funding is also supplemented by other grant funding such as Safe Routes in the Community, Sustainable Travel Centre funding, Road Safety Grant and internal Council funding, focused on creating and improving facilities for pedestrians and cyclists and also for training and encouragement to address psychological barriers to more active travel.

SWWITCH, as part of the Compact agreed following the Simpson report, has also agreed to investigate Walking and Cycling as a consortium "Quick Win" project. This has involved the establishment of a sub group with appropriate Officers from each Council, alongside Welsh Government and Sustrans representatives.

SWWITCH was also a member of the Physical Activity Ministerial Advisory Group which seeks to improve the health of the nation through facilitating and encouraging more active travel, until the recent dissolution of this Group.

SWWITCH is also part of the Active Travel Bill reference Group and the Group set up to look at standards and guidelines to provide a framework for future compliance.

SWWITCH Response

Question 1 - Is there a need for a Bill aimed at enabling more people to walk and cycle and generally travel by non-motorised transport? Please explain your answer.

SWWITCH is wholly supportive of the aims of the Bill, as set out in the consultation document. Encouraging more walking and cycling can improve health, increase social inclusion, access to jobs and training and help reduce poverty, congestion and air quality issues. The Bill will empower Highway/Planning Authorities to consider the need for active travel interventions in the planning process supporting sustainable land use transportation planning

SWWITCH believes that there is a need to create the step change required to reduce barriers to walking and cycling at the same time as promoting, encouraging and training people to be more active as part of their everyday lives.

The Bill will help to address a situation that has arisen after decades of centralisation and planning decisions based on access to personal motor cars. The planning system must also play a part in enabling and enforcing more sustainable travel and in particular where other public sector organisations are involved in new developments and where there should be a clear requirement to work with consortia on travel plans to reduce car borne access.

SWWITCH recognizes that the Bill is not a quick term fix and that it will take time to create the right environment and facilities to make walking and cycling a viable and attractive choice. Most importantly, SWWITCH believes that the emphasis on encouraging more active travel must be long term and consistent beyond political administrations.

Question 2. What are your views on the key provisions in the Bill, namely –

- ***the requirement on local authorities to prepare and publish maps identifying current and potential future routes for the use of pedestrians and cyclists (known as “existing routes maps” and “integrated network maps”) (sections 3 to 5);***

SWWITCH is of the view that the Bill should place a duty on Councils to work together through the transport consortia to develop the mapping and improve the network over time. This would be most appropriately done through the Regional Transport Plan process as it allows priorities to develop and be aligned with regional funding bids.

In turn, SWWITCH considers it is important to have clear strategic direction of walking & cycling, and supports the concept of establishing of a national strategic group, whose remit would be to coordinate and develop Active Travel.

- ***the requirement on local authorities to have regard to integrated network maps in the local transport planning process (section 6);***

SWWITCH supports moves forward to embrace a more sustainable and integrated transport system for the future, and therefore supports the suggestion that the Bill places a duty on Councils to work together through the transport consortia to develop the mapping and improve the network over time, subject to available finance.

SWWITCH welcomes confirmation that the mapping should not be intended to create blight or prevent development, and this will need to form an important part of engagement to ensure that expectations are not raised unrealistically.

- ***the requirement on local authorities to continuously improve routes and facilities for pedestrians and cyclists (section 7);***

The SWWITCH RTP which was adopted in 2009 already includes implicit and explicit reference throughout to the contribution walking and cycling can make to improving access. It also references the growing concerns about health and obesity (and the way in which more active travel can help to address a less physically active society) and addressing barriers to walking and cycling.

Funding to achieve the aspirations is clearly important. SWWITCH believes that a separate funding stream should be established, to be managed by the consortia and dedicated to moving the provision for walking and cycling from the “current” map to the “aspirations” map. The promotion of behavioural change and thus revenue funding to support the capital investment intended is also critical.

SWWITCH would also seek clarity around the terminology of “continuous improvement” and what impact a requirement would have on any monitoring and evaluation scheme.

- ***the requirement on highway authorities to consider the needs of pedestrians and cyclists when creating and improving new roads (section 8)***

SWWITCH supports the concept for the potential for enhancing walking and cycling provision in the development of new road schemes, but is assuming in the context of the Bill that any W&C infrastructure relates to shared use (W&C) provision and does not include facilities deemed suitable for single mode use only (e.g. existing footpaths, footway or dedicated cycle lanes) nor Shared Streets where traffic has been calmed and/or volumes reduced to a level suitable for safe cycling with no dedicated cycle lanes.

In developing strategic thinking on the needs of pedestrians and cyclists, SWWITCH stresses the need for robust and clear baseline and ongoing monitoring data, which can be used to help inform the need for new infrastructure, and monitor the implementation of projects.

A further consideration is the need for common approaches to design standards and guidance to ensure a consistent approach. SWWITCH recognises that some work on

design guidance has already been undertaken in Wales, such as the “Cardiff Cycle Design Guide”. In principle, SWWITCH recognizes that this appears a good starting point to harmonise design. However, this will need to be considered in more detail as the Active Travel approach develops, in particular a review of design guidance affecting more rural areas.

Question 3. Have the provisions of the Bill taken account of any response you made to the Welsh Government’s consultation on its White Paper? Please explain your answer.

The SWWITCH response to the consultation sought guidance on the terminology used, which could mean something different to different people. It is pleasing to note that detailed guidance and directions will be issued to support the delivery of the Bill and that a national design guidance document is being prepared to inform Local Authorities.

SWWITCH was concerned that the requirements of the Bill would be difficult to achieve at a time of constrained public sector finances. Additional funding for the mapping related work is not being made available to Local Authorities, although a breakdown of likely costings has been produced which is useful for revenue planning.

Question 4. To what extent are the key provisions the most appropriate way of delivering the aim of the Bill?

SWWITCH welcomed the requirement to identify existing and aspirational Active Travel routes and has already undertaken some regional mapping work on walking and cycling routes through the Collaboration Group. A visual representation of Local Authority plans for Active Travel, which is accessible to the general public, provides transparency and certainly improves the efficiency of walking and cycling service delivery in the region. A prioritisation process is being developed and the mapping will help to identify appropriate schemes for inclusion in programmes of work.

SWWITCH Councils are already actively working to include appropriate facilities in new road developments as they arise and it is encouraging that such practice will be a requirement nationally.

Question 5. What are the potential barriers to the implementation of the key provisions and does the Bill take account of them?

As noted earlier, SWWITCH hopes that the proposals in the bill will create the step change required to reduce barriers to walking and cycling. However, running in parallel, there needs to be a clear national policy which tackles issues relating to a reduction in car use.

The difficulty will be in changing the hearts and minds (and thus habits) of the population, legislation alone will not fully achieve that aim.

Question 6. What are your views on the financial implications of the Bill (this could be for your organisation, or more generally)? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

The three year mapping update cycle may present a challenge to Local Authorities during such difficult financial times. The Impact Assessment quantifies likely costs in great detail and these costs will clearly be countered by the value of benefits accruing from Active Travel. However, there are some concerns about the assumptions made in the assessments and a degree of optimism about likely timescales. Overall revenue and resource implications may present a problem for most Local Authorities where budgets are under severe pressure.

The Explanatory Memorandum refers briefly to the need for maintenance costs to be factored into the assessment of any particular Active Travel measure. It is acknowledged that the scale of these costs will be dependent on the nature of the provision made. A more expensive measure however, whilst lasting longer, will eventually require a more expensive standard of maintenance and repair.

Question 7. To what extent has the correct balance been achieved between the level of detail provided on the face of the Bill and that which will be contained in guidance given by the Welsh Ministers?

SWWITCH have difficulty commenting on this. The guidance is referenced in the future tense, so is not available for us to comment on whether it provides a correct balance with the Bill.

Sewta Response to the NAFW Enterprise & Business Committee Call for Evidence on the Active Travel Bill

Consultation questions

- 1. Is there a need for a Bill aimed at enabling more people to walk and cycle and generally travel by non-motorised transport? Please explain your answer.**
 - 1.1 Yes. Not only would such a Bill provide a statutory basis upon which local authorities can take forward the active travel agenda, it also confirms the status of active travel on a par with other transport modes covered by previous legislation.
 - 1.2 In addition, the Bill would provide statutory backing to local authorities when considering transport hierarchy requirements as set out in Planning Policy Wales (2010), and adopted by some in developing their Local Development Plans.
 - 1.3 Furthermore, the Bill will raise the profile of active travel, provide evidence of the Welsh Government's aspirations for active travel in terms of encouraging greater use of active travel modes, ensure that information on the presence of routes is available and will also ensure a more consistent approach to the identification, mapping and promotion of active travel routes across Wales.

- 2. What are your views on the key provisions in the Bill, namely –**
 - **the requirement on local authorities to prepare and publish maps identifying current and potential future routes for the use of pedestrians and cyclists (known as “existing routes maps” and “integrated network maps”) (sections 3 to 5);**
 - 2.1.1 As suggested in our response to the White Paper, we support the principal aim of producing a map identifying existing active travel routes and related facilities. However, there remain areas of concern which we would like to see addressed.
 - 2.1.2 Section 3(2) defines what should be included within the “existing routes map”. However, the definition in Section 2(4) of what a local authority should consider when determining what is an appropriate route in terms of active travel, should include additional detail to give greater weight to the requirements.
 - 2.1.3 For example, paragraph 161 on p.43 of the Explanatory Memorandum states:

“The Active Travel (Wales) Bill is intended to support modal shift for shorter journeys; less than 3 miles by foot and 10 miles by bicycle.”

It may therefore be appropriate to include a reference in Section 2 relating to the aim of the Bill with regard to encouraging active travel for shorter journeys. The detailed definition of what constitutes “shorter journeys” would then be included within the accompanying notes or future guidance.

- 2.1.4 Similarly, Section 2(5) specifies what is meant by “related facilities”. Section 2(5)(a) states that this definition includes “toilets or washing facilities” but does not specify whether this refers to publicly available toilet and washing facilities only, or whether it includes facilities such of this type that are available for use in workplaces, supermarkets, restaurants or other such establishments. This point was also raised in our response to the White Paper.
- 2.1.5 Furthermore, Section 2(5)(b) states that “related facilities” includes “other similar facilities” with no further information given in the Explanatory Memorandum, and no indication that further explanation will be provided in future guidance. To avoid ambiguity a comprehensive list of what are considered to be related facilities should be included in future guidance as a minimum.
- 2.1.6 Sections 3(3)(a) and 4(3)(a) state that a local authority must have regard to guidance given by the Welsh Ministers as to the consultation and other steps to be taken in preparing the maps. However, there is no indication in the explanatory memorandum of the level of consultation that is likely to be required, or the potential costs of undertaking such consultation.
- 2.1.7 Where consultation is referred to in the context of the existing routes map in Section 3(3)(a), it is assumed that consultation at this stage is likely to be between local authority departments with little involvement with external stakeholders. Although this is likely to have no direct costs to the local authority, there will be opportunity costs related to compiling information on existing routes.
- 2.1.8 Consultation is again referenced in Section 4(3)(a). Although Section 4(3) indicates that guidance will be produced by the Welsh Ministers to assist local authorities, should the consultation process require local authorities to undertake wider stakeholder engagement (as alluded to in Paragraphs 53 and 55 of the White Paper) there is likely to be an associated cost which hasn't been represented in the calculation of the costs and benefits in Section 8 of the Explanatory Memorandum.
- 2.1.9 In addition, for the avoidance of doubt, further information regarding consultation should be provided in the guidance at least. Such information would need to include a list of consultees who should be consulted by local authorities during the development of their integrated network maps, the duration and type of consultation to be undertaken, how to deal with consultee responses, and the frequency of consultations.
- 2.1.10 Section 4(4) indicates that a local authority must submit its integrated network map:

“...before the end of the period of 3 years beginning with the day on which this section comes into force”.

2.1.11 Whilst this timescale is consistent with that set out for the existing route maps in Section 3(4), there is no further indication of when this map should be produced other than paragraph 93 of the Explanatory Memorandum which states that:

“The NPV calculation assumes that the integrated network maps are produced in years 2, 5, 8, 11 and 14.”

2.1.12 Clarification should be provided, either in the Explanatory Memorandum or the guidance associated with the Bill, with regard to the relative timescales associated with the production of both the existing routes map and the integrated network map.

- **the requirement on local authorities to have regard to integrated network maps in the local transport planning process (section 6);**

2.2.1 We are supportive of this provision. However, there will need to be careful consideration of the interface with regional transport plans to ensure that all proposals are able to be evaluated for prioritisation of funding, including those serving primarily local needs.

2.2.2 Given that local authorities are developing local transport plans on a regional basis, all references to local transport plans are understood to refer to regional transport plans.

- **the requirement on local authorities to continuously improve routes and facilities for pedestrians and cyclists (section 7);**

2.3 Section 7(1) states that continuous improvements must be made “in the range and quality of the active travel routes and related facilities”. This suggests that improvements will be required to both, and the provision should therefore be amended to ensure that the wording is consistent with the intent contained within Paragraph 20 in Annex 1 (p.47) of the Explanatory Memorandum which states that improvements should be made “either by expanding the amount that is available or upgrading existing provision”. The term “continuous improvements” in this context is imprecise, and may result in difficulties and inconsistency in interpretation. Further clarity of what constitutes continuous improvements should be provided.

- **the requirement on highway authorities to consider the needs of pedestrians and cyclists when creating and improving new roads (section 8)**

2.4.1 Whilst we are supportive of the provision in Section 8, we would suggest that rather than merely having regard to the desirability of enhancing the provision made, this provision should be strengthened so that there is a presumption in favour of enhancing provision for walkers and cyclists when creating new roads and improving existing ones.

2.4.2 This would ensure that provision for walking and cycling is seen as an integral part of new schemes, including those taken forward through the planning and development control process, and that there would have to be a strong

justification for not including such provision, as opposed to a scenario where walking and cycling elements are often sacrificed during the early stages of highway schemes development.

3 Have the provisions of the Bill taken account of any response you made to the Welsh Government's consultation on its White Paper? Please explain your answer.

3.1 Several issues which were raised by Sewta during the consultation on the White Paper appear to have been incorporated within the provisions of the Bill and the accompanying Explanatory Memorandum.

3.2 Issues that have been fully incorporated include:

- Retaining the emphasis on the promotion of modal shift;
- Provision of a clear hierarchy between the Bill and local transport plans;
- The proposal for the maps to be applicable over a 15-year period;
- The requirement to provide design details for all of the potential enhancements appears to have been removed;
- Paragraph 161 of the Explanatory Memorandum sets out how the Welsh Government intend to monitor the outcomes of the Bill;
- The Bill outlines the general provisions, with future guidance to provide the necessary details. This is consistent with the approach that was recommended by Sewta in the response to the White Paper;
- The wider potential benefits associated with the Bill have been referenced within the Explanatory Memorandum;
- Section 9 of the Bill suggests that additional guidance will be provided to assist local authorities in considering the impact of the Bill on walkers, cyclists or disabled persons using mobility scooters, wheelchairs or other mobility aids.

3.3 Issues that have been partially taken account within the Bill include:

- Clarification has been provided regarding the level of continuous improvement required by local authorities although no indication has been given of what the consequences of failing to deliver continuous improvements would be;
- The Explanatory Memorandum confirms that the delivery of continuous improvements will have to be funded within the constraints of existing budget availability, as well as the funding sources available from the Welsh Government. However as stated above, reference should be made to other funding sources which local authorities could utilise such as agreements under Section 106 of the Town and Country Planning Act 1990, and the Community Infrastructure Levy;
- The need for specific ring-fenced funding to enable delivery of the continuous improvements has been acknowledged within paragraph 96 of the Explanatory Memorandum, however as detailed above a reference to this should be included within the Bill itself;
- The costs of the legislation have been partially identified within the Explanatory Memorandum, although confirmation of whether additional funding will be provided to allow local authorities to carry out the provisions contained within the Bill is still required. There may also be additional costs related to consultation which have not been considered at this stage;
- Some further clarification has been provided with regard to related facilities, however as noted above additional details would be beneficial.

- 3.4 Issues that have not been taken account of within the Bill:
- Although paragraph 25 of the Explanatory Memorandum refers to new design guidance to support the Bill, the Bill itself includes no requirement for the Assembly to prepare and publish such guidance. This should be rectified and a suitable form of words included within the Bill.

4 To what extent are the key provisions the most appropriate way of delivering the aim of the Bill?

- 4.1 The key provisions in the Bill will ensure that local authorities focus efforts on identifying and delivering a network of active travel routes and related facilities. This should help to facilitate better use of limited resources, and to target infrastructure improvements that will encourage more people to walk and cycle for shorter, non-recreational, journeys.

5 What are the potential barriers to the implementation of the key provisions and does the Bill take account of them?

- 5.1 The availability of appropriate resources to deliver the requirements of the Bill is the single most significant potential barrier, both for the development of the plans and the delivery of the identified routes and related facilities.
- 5.2 In particular this relates to the availability and uncertainty of funding over the short-term due to the current economic climate, but also the availability of staff resources within local authorities.
- 5.3 Another potential barrier is the issue of third party land which will continue to present problems for local authorities. Local authorities are currently experiencing significant issues in relation to developing schemes on land which is in third party ownership (e.g. Network Rail). There seems to be no provision for this within the Bill or the Explanatory Memorandum, and as a minimum the Memorandum, or future guidance, should refer to mechanisms for overcoming the barrier represented by landownership issues on delivery of the integrated network.
- 5.4 A lack of additional funding to maintain any routes created as a result of the requirement of the Bill may present another barrier to the implementation of the key provisions, Where local authorities consider that they are unable to maintain additional infrastructure within existing budgets, it is possible that this will discourage them from delivering new routes identified as part of the integrated network map exercise.
- 5.5 It is also possible that resistance by local stakeholders and consultees may become a barrier. This could occur during any consultation that may be undertaken, during the development of the integrated network plans or during the delivery of routes identified within those plans.

6 What are your views on the financial implications of the Bill (this could be for your organisation, or more generally)? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

- 6.1 The inclusion of the wider financial benefits which may be accrued through the introduction of the Bill is welcomed, as is the inclusion of the wider costs associated with the legislation, although the costs only seem to reflect those for road traffic accidents, and not accidents which only include cyclists and pedestrians.
- 6.2 The largest concern centres around the overall cost of the legislation to local authorities in terms of the funding required, both for the mapping and delivery elements, as well as the maintenance funding which will be required for all new assets created as a result of the Bill's provisions.
- 6.3 There needs to be a provision made in the Bill, related to funding being made available by the Welsh Government to enable local authorities to meet the requirements of the legislation. Indeed Paragraph 59 of the Explanatory Memorandum states that:
- “All of the direct costs associated with the legislation are expected to fall on the local authorities in Wales.”**
- 6.4 As stated in our response to the White Paper, the legislation will lead to increased costs for local authorities in terms of increased staff resources and / or the need to employ external consultants. Local authorities should therefore be provided with sufficient funding from the Welsh Government to enable them to discharge the new duties set out in the Bill.
- 6.5 Paragraph 95 of the Explanatory Memorandum properly indicates that delivery of the continuous improvements will have to be within the constraints of budget availability. As indicated in Paragraph 96, Regional Transport Consortia's will be expected to allocate a proportion of their funding specifically to develop integrated networks.
- 6.6 An additional Section should be included within the Bill, perhaps worded along similar lines to Section 6 of the Transport (Wales) Act 2006, which confirms a financial commitment from the Welsh Government. However, it should also be noted that as additional funding will not be provided there will be an opportunity cost with regard to those other transport schemes within the Sewta programme which can now not be delivered.
- 6.9 Whilst funding provided by the Welsh Government is likely to remain the principal funding stream through which improvements will be made to the integrated networks within each local authority, the Explanatory Memorandum should also include a reference to the potential of local authorities to utilise other funding sources e.g. Section 106, perhaps in a revision of Paragraph 95.
- 6.10 The final comment on the financial implications of the Bill relates to the figures used in Section 8 of the Explanatory Memorandum which assess the costs and benefits of the Bill. A figure of approximately £20,000 has been estimated as sufficient for each local authority to produce their integrated network maps, although no explanation of how this figure has been derived has been included. Further details of what basis this figure has been arrived at should be included. Costs are likely to vary significantly between authorities, given the wide variations in their population sizes and concentration / dispersal.

7 To what extent has the correct balance been achieved between the level of detail provided on the face of the Bill and that which will be contained in guidance given by the Welsh Ministers?

- 7.1 The level of detail provided in the Bill provides sufficient information to enable local authorities to determine their requirements. However, as detailed in the responses above, additional information could be provided, either within the Bill itself or in additional guidance, which would strengthen the Bill and reduce the chance of misinterpretation.
- 7.2 Paragraphs 2.1.2 to 2.1.4 above refer to the potential inclusion of additional detail within the Bill, with supplementary information to be provided in guidance, with regard to the definition of active travel routes.
- 7.3 Paragraphs 2.1.5 and 2.1.6 refer to the need for additional information to define what is meant by “related facilities”.

8 Are there any other comments you wish to make on the Bill that have not been covered in your response?

- 8.1 As part of the development of the Bill, the Welsh Government may wish to consider the formation of a national group similar to the Public Transport Users Committee for Wales under Section 5.8 of the Transport (Wales) Act 2006, that would include representatives from a wide range of stakeholders to provide an independent body to consider all major issues related to walking and cycling e.g. shared space, tactile paving. At a local level this could be dealt with by the existing Local Access Forums, or an expanded version of these groups.
- 8.2 Paragraph 87 states that the expectation is that much of the information needed to produce the integrated network maps will be available to local authorities. However, it is likely that the availability of some information, particularly data on the number and location of current journeys, will be inconsistent across local authorities. As a result, there may be additional costs to collect and co-ordinate this data, including public consultation and stakeholder engagement, to enable all local authorities to undertake the mapping exercise.