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# ARUP

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Dear Sir/Madam,

## **The National Assembly for Wales' Economy, Infrastructure and Skills Committee Consultation: State of Roads in Wales**

We are pleased to offer the following response to your inquiry into the state of roads in Wales. Our response focuses on selected aspects of the Inquiry's Terms of Reference of which we have particular experience.

### ***The current condition of roads in Wales and whether the approach to funding and delivery of maintenance programmes for the local road, trunk road and motorway network in Wales is effective, managed so as to minimise disruption to road users, and provides value for money***

The road estate is likely one of Wales' highest value asset given the critical significance of road transport in every aspect of Welsh day-to-day life from wealth creating businesses to health, education and importantly, access to employment. The importance therefore of funding of infrastructure maintenance touches many other aspect of the Welsh economy.

The approach to the funding and delivery of maintenance differs between categories in the motorway, trunk road and local road hierarchy. We would suggest that the Welsh Government consider reviewing the arrangements for maintenance decisions to reflect on whether they may be fragmented too regionally to permit effective prioritisation of work. The review might also consider whether 1-year maintenance programmes lend themselves to efficient or best value delivery. Longer term planning and associated longer term funding solutions might achieve a better outcome, providing more efficient, better value for money and more appropriate investment of resources.

### **Whether major enhancement projects on the local road, trunk road and motorway network are prioritised, funded, planned and delivered effectively, and provide value for money. Relevant issues include the implementation of the Early Contractor Involvement approach and the opportunities offered by the Welsh Government's Mutual Investment Model**

We support the implementation of the Early Contractor Involvement (ECI) approach. We also consider that the ECI approach helps public bodies better undertake the 5 Ways of Working as outlined in the Well-being of Future Generations (Wales) Act 2015. Through

our experience of delivering strategic highway improvements with both the ECI and traditional procurement, the benefits of risk reduction that we have observed and experienced through the ECI process do stand out to provide greater certainty of programme and cost for all parties.

We would advocate that the benefits of ECI should be considered separately from the manner of procuring an ECI partner, of which there are many examples around the UK. The current Welsh Government ECI procurement model may benefit from a refresh and review taking in to account different procurement practices around the UK to seek an improved balance between providing the benefits of ECI together with an effective way for the WG to gain best value works prices. The model may also benefit from a scope review to ensure that the ECI partner is empowered to explore real value in the scheme, with an appropriate time allowance to achieve benefits.

The Welsh Government's Mutual Investment Model (MIM) is as yet untested but in principle appears to us to offer a positive route to project delivery. It seems to stand out as notably different from other private finance type models and may yet achieve wider application outside Wales, should initial test projects prove successful. We encourage the Welsh Government in its plans to implement their three schemes using this model in 2018. It is an opportunity for Wales to export new ideas to the wider UK.

### **Whether Wales is adopting a sustainable approach to the maintenance and enhancement of its road network in the context of key legislation such as the Well-being of Future Generations (Wales) Act 2015 and the Active Travel (Wales) Act 2013**

#### Well Being of Future Generations (Wales) Act

Since its introduction in 2015, the Well Being of Future Generations Act is now a key piece of legislation considered in depth for the preparation of road schemes. The 2017 revision of WelTAG embodies the principles of the Act and Sophie Howe's foreword highlights the value that she identifies that WelTAG 2017 can bring to find transport solutions which support the well-being of people and the planet. The policy and legislation to support the preparation of road schemes and the Act are thus firmly in place and should be promoted.

In terms of implementation of the policy and appraisal of schemes against the Act, the M4 Corridor around Newport scheme has provided a high profile and publicly challenged example. The Welsh Government's responses to the objections raised by the Future Generations Commissioner<sup>1</sup> provides a comprehensive response to the points raised by the Commissioner and is considered by many to represent an exemplar response as to how the preparation of road schemes can respond to the aims of the Act. The Inspectors' report in to the Public Local Inquiry is yet to be received. It might be expected in the summer of 2018 and is eagerly awaited to hear the Inspectors' independent advice to the Welsh Ministers on how the Act has been considered.

Taking a decision about a proposed development, especially when involving new major infrastructure, will likely give rise to a vast collection of effects across the economic, social, environmental and cultural spheres. Whilst the Act requires new processes to be undertaken and gives more detailed expression to the pre-existing statutory concept of "sustainable development", it does not prescribe answers or outcomes. It does not say that environmental concerns must always trump economic and/or social ones, or vice versa.

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<sup>1</sup> [http://bailey.persona-pi.com/Public-Inquiries/M4-Newport/Rebuttals/WG\\_RS\\_ISU0024.pdf](http://bailey.persona-pi.com/Public-Inquiries/M4-Newport/Rebuttals/WG_RS_ISU0024.pdf) and <http://bailey.persona-pi.com/Public-Inquiries/M4-Newport/Rebuttals/WFGC%20M4CAN%20Reply%20to%20Sept%20Letter%20%2B%20Budget.pdf>

The Act calls, instead, for smart decision making and action, which achieves seeks improvement in all four areas, not requires it. This is an important point for decision makers to be aware in relation to the Act.

Importantly, we consider that as part of the judgement by any decision maker as to whether a proposed development (including a road) is ‘sustainable’ (or not), there is a balance to be struck between beneficial and adverse impacts, weighing all relevant matters within the wider context of the Well Being of Future Generations (Wales) Act, the Environment (Wales) Act 2016, and the Planning (Wales) Act 2015, which embed the sustainable development principle into decision making generally.

The Welsh Government is in the process of establishing the National Infrastructure Commission for Wales: appointments are expected to be complete during the summer of 2018. In respect of the Well Being of Future Generations Act, this Commission has great potential to further improve the Act’s Five Ways of Working, and in particular that of Collaboration, offering enhanced opportunity for collaboration between different parts of Welsh Government to meet its well-being objectives.

At Arup, we would be very supportive if the Welsh Government would empower the new Commission with a remit and working arrangements to achieve this aim.

With these two matters in consideration: the Inspectors’ report in to the M4 Corridor Around Newport and the establishment of the National Infrastructure Commission for Wales, further strength of understanding of the application of the Act and its embodiment in to long term strategic planning in Wales should be enhanced.

#### Active Travel Act

The Active Travel (Wales) Act was introduced in 2013. From observations of our built environment in Wales, we do not see evidence of this Act yet beginning to achieve its goals for active travel in Wales.

In October 2017, the Welsh Government published its Active Travel – Annual Report, which notes the following, supporting Arup’s observations:

*‘As we have yet to complete the first full implementation cycle, the Active Travel Act has not yet been able to have a measurable impact on levels of walking and cycling. We are determined to reverse broader global trends of declining physical activity and in particular, encourage and enable people in Wales to make many more everyday journeys by walking and cycling.’*

Whilst we are aware of pockets of keen attention to this by some proposers of development and/or local planning authorities in Wales, it does not yet seem to be embodied in the creative thinking of the holistic approach to design and planning of new developments. The Act gives direction to authorities to prepare route maps, for example, and it could be that this focus is distracting from the holistic thinking likely required to achieve success. For example, the consideration of services and facilities within developments to avoid the need for longer journeys and instead encourage and facilitate shorter journeys which are more likely to be active travel journeys.

In the October 2017 Annual Report, it highlights the role of the planning system in promoting active travel journeys, choosing to highlight encouragement of walking and cycling for shorter trips by providing safe and specific routes.

We understand that such an approach to place-making and helping create a sustainable transport network is proposed in the consultation on the update to Planning Policy Wales, which we support.

A subsequent further update to Technical Advice Note 12 - Design, updated in 2016 to refer to the Active Travel Act, may be needed as a result. TAN 12 currently embodies the direction which our response to this consultation would like to identify: *'The design and layout of new development is important in promoting active travel journeys and in the creation of new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013'*

What we note is that perhaps more research and guidance is required in to specifically what elements of design and layout would encourage active travel, aligned to how Welsh policymaking is evolving in the creating of sustainable developments and places.

To help implement the emerging policy, in line with the 'Collaboration' Way of Working outlined by the 2015 Act, we feel that further integration between planners, developers and design expertise, could help in achieving more with the Active Travel Act.

We at Arup hope that you find this contribution to your consultation helpful.

Yours sincerely

27/04/2018

X *Ben Sibert*

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Signed by: Ben Sibert

Ben Sibert  
Director