

## Compulsory Purchase

Sustrans is the charity making it easier for people to walk and cycle. We connect people and places, create liveable neighbourhoods, transform the school run and deliver a happier, healthier commute.

**Are there any barriers to the use of compulsory purchase powers? If so, how can they be overcome?**

- 1. Current legal processes do not favour use of Compulsory Purchase Order (CPO) powers for Active Travel Routes, as they are predisposed to apply to larger schemes such as highways.**
  - 1.1. Currently to obtain a Compulsory Purchase Order for an active travel route you must make the case that there are no viable alternative routes available to that requiring Compulsory Purchase Order.
  - 1.2. However, when it comes to active travel routes in most cases of traffic-free route provision, there is usually a road alternative. Often these roads are classed as viable routes even though when it comes to walking and cycling they are not realistically a viable option due to traffic speed and volume. Evidence from Sustrans' Bike Life programme (2017) shows that the overwhelming barrier preventing more people from cycling is safety. The National Assembly's Economy, Infrastructure & Skills Committee post legislative inquiry into the implementation of the Active Travel (Wales) Act supported this position.
  - 1.3. Local authorities are often reluctant to invoke Compulsory Purchase Order powers for cycle or walking routes due to the assumption that any inspector will find that alternative options are available.
  - 1.4. The process can also be very lengthy, taking upwards of two years and leading to unnecessary delays. For example, in Caerphilly the local authority has faced difficulties in invoking a Compulsory Purchase Order which has led to significant delays to the development of the Northern Sirhowy Route.
  - 1.5. This barrier could be overcome by ensuring alternative route considerations take into account Active Travel Act and National Cycle Network guidance when considering what viable alternative routes are for pedestrians and cyclists.

## 2. Funding

- 2.1. Currently there is a requirement to have funding in place to build a scheme before a Compulsory Purchase Order can be obtained.
- 2.2. This can restrict active travel routes and planning as most grant funding streams are available on an annual basis.
- 2.3. Changes to current practice should be made to make it possible for a local authority to undertake Compulsory Purchase Order in one year without having to prove funding will be subsequently available for delivery, subject to a suitable delivery period being agreed, we recommend 5 years, which would be in line with Planning Applications.
- 2.4. Funding is also an issue as the relative cost of applying Compulsory Purchase powers for lower cost active travel schemes is disproportionate relative to the overall scheme cost.
- 2.5. Consideration should be given to simplifying the process in terms of time and cost so that it is a more viable option for local authorities.
- 2.6. Sustrans Cymru thinks that unless these changes are made to accommodate active travel design and planning, Wales will not see the step change to get more people walking and cycling.

### **Are there any specific barriers to the use of compulsory purchase to:**

- **regenerate town centres; and/or**
- **develop opportunities for active travel?**

## 3. As above.

## 4. Multiple Landowners

- 4.1. Active Travel routes often involve multiple landowners, which can make it difficult as you have to identify all landowners and ensure a comprehensive Compulsory Purchase Order is prepared, this is especially difficult for rural routes.
- 4.2. To make this possible there should be a clear link between Compulsory Purchase Orders and Land Registry records.

- 4.3. There should be the ability to apply Compulsory Purchase Orders if a local authority can show it has made best efforts to trace a landowner and suitable notices have been issued, both publicly and on site.

### **Do local authorities have enough resources and the right skills in place to use their compulsory purchase powers effectively?**

#### **5. Resources and Training**

- 5.1. Given active travel schemes are often deemed as small the existing revenue pressures facing local authorities, we suspect that they are under-resourced and therefore not likely to enter into complex and protracted Compulsory Purchase Order processes. This is especially true if the project or scheme does not have extensive additional funding for this purpose.
- 5.2. Most local authorities lack sufficient specific knowledge of applying Compulsory Purchase powers in relation to the Active Travel (Wales) Act..
- 5.3. Previous examples are very limited, particularly in Wales, and there is a sense that authorities have to undertake bespoke approaches to the process each time, given the variable nature of active travel routes.
- 5.4. As previously stated in our evidence to the post legislative scrutiny inquiry the capacity of local authorities to deliver active travel act compliant infrastructure remains a concern. Therefore, planning and legal officers working on an active travel compulsory purchase order may not receive appropriate support.
- 5.5. Training for legal, planning and transport officers should be made available, so that local authorities can be clear on the potential use of Compulsory Purchase powers to obtain access for Active Travel infrastructure and be prepared to use this effectively as part of the planning process. This would ideally be incentivised through a suitable qualification.

### **What are your views on the Welsh Government's proposals for streamlining the Compulsory Purchase Order process, as set out in its consultation on infrastructure consenting?**

## 6. Views on streamlining.

- 6.1. The consultation document suggests that the streamlining is very focussed on large scale infrastructure projects, and many active travel schemes will fall outside of the thresholds for this level of intervention.
  - 6.2. Sustrans Cymru thinks that any streamlining of the Compulsory Purchase Order process should be linked directly to delivery processes identified in the Active Travel Act (Wales) 2013 and its design guidance, as well as the wider planning process and any revision to Planning Policy Wales.
  - 6.3. Sustrans Cymru welcome the consideration of delegating Compulsory Purchase Order decisions to submitting authorities instead of automatic referral to Welsh Government, as this could provide more flexibility for Local Authorities when dealing with Active Travel related Compulsory Purchase Orders.
  - 6.4. Thresholds for this process should be set to allow the majority of strategic Active Travel schemes to be eligible, subject to other appropriate factors consistent with the wider process.
  - 6.5. Training should be provided for independent inspectors, the training should cover specific matters relating to Active Travel infrastructure development as well as current policy context. This would breach the gap between policy and delivery and ensure that Active Travel infrastructure is meeting the correct standards. Specifically alternative routes and appropriate funding frameworks for delivery.
7. Although Welsh Government continue to commit investment in the National Cycle Network and active travel route interfaces with the trunk road network, Welsh Government has specifically moved away from acquiring land to deal with difficult stretches of new National Cycle Network routes, particularly in rural areas like Powys and Ceredigion. For example the route between Aberystwyth and Machynlleth has to have land acquisition to fit into the highway corridor but, despite numerous feasibility studies, these powers are not being exercised.
8. As part of the committee recommendations, Sustrans Cymru would like to see Welsh Government trunk roads taking a pro-active view on land acquisition for new strategic Active Travel routes and using Compulsory Purchase powers to achieve this. This position should be asserted in the forthcoming Welsh Government Welsh Transport Strategy.