



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

## **Y Pwyllgor Menter a Busnes** **The Enterprise and Business Committee**

**Dydd Mercher, 20 Mawrth 2013**  
**Wednesday, 20 March 2013**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,  
cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, a transcription of the simultaneous interpretation is included.

### **Aelodau'r pwyllgor yn bresennol** **Committee members in attendance**

Byron Davies

Yr Arglwydd/Lord Elis-  
Thomas

Ceidwadwyr Cymreig  
Welsh Conservatives

Plaid Cymru  
The Party of Wales

Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Nick Ramsay	Ceidwadwyr Cymreig (Cadeirydd y Pwyllgor) Welsh Conservatives (Committee Chair)

**Eraill yn bresennol**  
**Others in attendance**

Matthew Gilbert	Cadeirydd y Grŵp Teithio Llesol, Cynghrair Trafnidiaeth De-ddwyrain Cymru Chair of Active Travel Group, South East Wales Transport Alliance
Jane Lee	Swyddog Polisi, Ewrop ac Adfywio Policy Officer, Europe and Regeneration
Tim Peppin	Cyfarwyddwr Adfywio a Datblygu Cynaliadwy Director of Regeneration and Sustainable Development
Darren Thomas	Cadeirydd yr Is-grŵp Cerdded a Seiclo, Consortiwm Cludiant Integredig De-orllewin Cymru Chair of Walking and Cycling Sub Group, South West Wales Integrated Transport Consortium
Michael Whittaker	Swyddog Gweithredol, Taith Executive Officer, Taith

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Andrew Minnis	Y Gwasanaeth Ymchwil Research Service
Gareth Pembridge	Cynghorydd Cyfreithiol Legal Adviser
Kath Thomas	Dirprwy Glerc Deputy Clerk
Liz Wilkinson	Clerc Clerk

*Dechreuodd y cyfarfod am 9.33 a.m.*  
*The meeting began at 9.33 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introductions, Apologies and Substitutions**

[1] **Nick Ramsay:** I welcome Members and witnesses to this morning's meeting of the Enterprise and Business Committee. The meeting is bilingual; headphones can be used for simultaneous translation from Welsh to English on channel 1, or for amplification on channel 0. The meeting is being broadcast and the transcript will be made available. Could Members please turn off their mobile phones? There is no need to touch the microphones; they should operate automatically. In the event of a fire alarm, please follow directions from the ushers. We have a number of apologies today from Julie James, Keith Davies, Alun Ffred Jones, David Rees, Ken Skates and Joyce Watson. There are no substitutions for today's meeting.

9.34 a.m.

**Bil Teithio Llesol (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 2**  
**Active Travel (Wales) Bill: Stage 1—Evidence Session 2**

[1] **Nick Ramsay:** I am delighted to welcome our witnesses to today's meeting. Thank you for coming in today. Would you like to give your name and title for the Record of Proceedings?

[2] **Mr Peppin:** Good morning. I am Tim Peppin, director of regeneration and sustainable development at the Welsh Local Government Association.

[2] **Ms Lee:** Good morning. I am Jane Lee, policy officer, Europe and regeneration, for the Welsh Local Government Association.

[3] **Nick Ramsay:** Thank you. We have a large number of question areas for you, so I propose that we get straight into those. I will ask the first question. In the evidence session with the Minister, he said that he believes that the legislative and policy approaches taken to date have failed to bring about significant improvements in active travel rates. I wonder how the Welsh Local Government Association feels about that.

[4] **Mr Peppin:** There has been substantial progress over recent years with promoting active travel. There has been quite a lot of development of the cycle networks and some very good work by local authorities and partners such as Sustrans. However, you have to agree with the Minister that there is an awful long way to go and a lot more needs to be done.

[5] **Nick Ramsay:** Do you think that the Welsh Government's approach of the Bill will address the concerns?

[6] **Mr Peppin:** As we said in our written evidence, if the Bill is resourced properly, it could make a substantial contribution. As with all these things, there is no one silver bullet that will crack this. There will need to be a range of educational and infrastructural interventions, but the key thing in a lot of this is to make sure that there will be the funding to allow a proper job to be done. Otherwise, you can put requirements in, but, if there are not the resources to take them forward, we will still make limited progress.

[7] **Nick Ramsay:** You have just mentioned infrastructure, and we know about the current very difficult financial climate that local authorities are facing. Would you say that a review of non-infrastructure measures may be a better approach to encouraging a modal shift in transport?

[8] **Mr Peppin:** Are you thinking of such things as educational measures and promotion?

[9] **Nick Ramsay:** Yes.

[10] **Mr Peppin:** Yes, there is certainly scope to do more on that front. However, as I said, we probably need work on all fronts if this is to be taken forward in a serious way. We welcome what the Bill is trying to do, because, as the WLGA, we have been running a framework for local authorities on sustainable development and we see the promotion of active travel as a very important part of that. It can help to tackle social, economic and environmental issues and, in that sense, it is one of the things that we should be focusing on. The introduction of legislation can help, but non-infrastructure measures, such as education, promotion and the training of young people in road skills, all need to happen if we are to make a real dent in this.

[11] **Nick Ramsay:** The next question is from Byron Davies.

[12] **Byron Davies:** I am sure that we will come back to this later in the questioning, but you have just talked about being properly financed et cetera, and the Minister has been quite clear that there is no additional funding for this. So, how does that work?

[13] **Mr Peppin:** That is the key question, really. There is funding already in the budgets for the regional transport consortia to promote active travel. It will help if we align those resources with the maps that are now being developed under the Bill, but we will only be able to make progress at the rate that resources can be put into this. If there is no new resource and this is a question of diverting other resources into this area, it could be quite a long and slow process. Although we accept that there is scope to look at diverting money into these areas, as in a number of policy areas, with these sort of preventative measures, unless you break the chain and start to make a difference, you will never change anything. If you can start to get more people doing active travel, over time there will be scope to look at putting some of the mainstream resource into that side of things. It is the same as trying to put money into preventative work in the health service. The demands of the health service mean that it is very difficult to shift resources out. In the same way, the demands of maintaining and looking after the existing highway network are such—and we know the problems there—that it would be very difficult to make the case to divert resources to active travel.

[14] **Byron Davies:** From what you are saying, it seems that it is about bad management of resources in the past, and all this is doing is perhaps putting it in a framework that you can deliver. Would it be fair to say that?

[15] **Mr Peppin:** No, I do not think so. Not really. Within the resource that is available, it has been managed as well as it possibly can be. The problem has been the lack of resource, generally, to look after what is a multi-billion pound network. Innovations such as the local government borrowing initiative, which we have agreed with the Welsh Government, have been a huge step forward. By taking a longer-term approach to this and borrowing resources to maintain the network, we have moved away from the end of year patch-and-mend approach to potholes to doing some proper carriageway resurfacing that will make the highway network sounder and more robust in the long term. Given that the highway network will form part of the active travel network in many places, that will benefit. So, wherever possible, local authorities have taken steps to use resources as wisely as possible. The local government borrowing initiative has helped in that sense, but we can only do what resources allow. So, I would not say that it is necessarily bad management; it is more a question of resources always being very tight to take these sorts of initiatives forward.

[16] **Ms Lee:** It is always worth noting that local government does look for grant sources outside of its own finances to try to bring projects about.

[17] **Eluned Parrott:** You mentioned that the transport consortia currently have a budget for active travel. I wonder whether you can give us an idea of what that budget is currently spent on, because, if it is diverted to delivering the active travel Bill, those provisions will be under threat.

[18] **Ms Lee:** It is our understanding that, for the regional transport grant for next year, a certain proportion has been ring-fenced for active travel. Those proportions differ for the four regional transport consortia, but the Welsh Government has ring-fenced a proportion.

[19] **Nick Ramsay:** I would point out that we have transport consortia representatives in as witnesses next, so that might be a better time to pursue that avenue of questioning.

[20] Finally from me on this section, there is no general duty in the Bill to promote active travel, and, given that there is a need for infrastructure and non-infrastructure, do you think that the Bill would benefit from having that duty?

[21] **Mr Peppin:** There might be a danger in focusing too much on local authorities' role by putting a duty on them to promote it. It is not just a matter for local authorities to promote; there is a range of other bodies that need to be working alongside local authorities to encourage active transport. That includes voluntary organisations working with local groups, and voluntary organisations, such as Sustrans, designed to try to help take-up. It is a very important area and local authorities, if they are producing maps, will want to undertake some promotion work, but whether putting yet another duty on them would help, I am not entirely sure.

[22] **Nick Ramsay:** The next question is from Byron Davies.

[23] **Byron Davies:** The Bill contains no provision for subordinate legislation, other than the provisions for commencement, but it does confer power on Welsh Ministers to bring forward statutory guidance. Why is it that the WLGA believes that the correct balance has not been struck between matters to be addressed through guidance and those on the face of the Bill? What further detail would you like to see included on the face of the Bill?

[24] **Mr Peppin:** When we submitted our written evidence, we said that we thought that the balance was wrong. What we were trying to say is that, without knowing what is going to be in the guidance, it is very hard to say whether or not the balance is right, because there is an awful lot of detail that we need to understand that it is said will come in the guidance. When we have a look at that, we might be able to have a better view on what we feel should be on the face of the Bill and what should be sensibly left to guidance.

[25] Issues around the nature of the routes and the ability of people to use them and all those sorts of things all raise lots of questions. Only when you see what the thinking is behind that can you come to an informed view on what should be part of the legislation itself and what would be more sensibly included in the guidance. So, at the moment, we are struggling, given a lack of detail until that guidance comes out, to answer that question fully.

[26] **Byron Davies:** Given that the Bill contains no specific requirement for Welsh Ministers to consult when developing guidance, are you confident that local authorities will be involved in the development of guidance?

[27] **Mr Peppin:** There are working groups underway on which there are local authority representatives and Jane sits on one of those groups. So, there is some input into that process. If there is the ability to make a requirement for consultation, that would be welcome. However, the intention, from the Welsh Government point of view, is that that will be part of the process of developing the guidance.

[28] **Byron Davies:** Is there enthusiasm out there for this?

9.45 a.m.

[29] **Mr Peppin:** There definitely is enthusiasm in the sense that this is something where local authorities can see the real benefits from achieving what the Bill wants to achieve. The concern is that, if it is not properly resourced, we will end up with another strong set of statements, which does not take us very much further forward. So, resources need to be found, and that may involve looking more innovatively at how this is resourced. If we are saying that the active travel Bill has health benefits, environmental benefits in terms of carbon reduction, and economic benefits in terms of helping people get to work and reducing congestion and so on, then perhaps we should be looking at other sources of funding from across Welsh Government to take the Bill forward. Perhaps it should not just be seen as the transport budget having to find the money for this. If we are serious about this as a measure that can help

across the whole of the Welsh Government's portfolio, then maybe it is important and a little bit from each budget could make quite a difference.

[30] **Byron Davies:** The health budget?

[31] **Mr Peppin:** That is the sort of thing I am thinking about—the health budget, the economic budget, as well as the transport budget—and the environment budget.

[32] **Nick Ramsay:** I think the reshuffle in the Government has seen it move further away from the transport budget. Byron, did you finish your questions?

[33] **Byron Davies:** Some of the things I want to ask will come up in questioning later, so I will leave it there, thank you.

[34] **Nick Ramsay:** Okay. Eluned Parrott is next.

[35] **Eluned Parrott:** Thank you, Chair. I would like to explore some of the meanings of the phrases in the Bill. For example, the meaning of the words 'active travel route' as provided in section 2. Do you think that it is sufficiently clear to allow local authorities to identify and map routes consistently across Wales, or do you think there is room for interpretation?

[36] **Mr Peppin:** It is not a tight definition in that sense. Certainly, the explanatory memorandum and the other information with the Bill does make it clear that this is about helping people on journeys with an end in mind, rather than just going out for recreation. However, the difficulty then is that there is a grey area between those types of journeys. Where do you draw the line? Sometimes you may be going on a recreational ride, but there is still an end destination in mind. So, what you will map at this moment is not entirely clear. We have a broad understanding of what is needed, but the guidance will be needed to ensure consistency between authorities on this.

[37] **Ms Lee:** It is our understanding that the design guidance will cover some of those issues about what is safe and appropriate as an active travel route.

[38] **Eluned Parrott:** Following on from that, there is a duty upon local authorities to take into account whether a route facilitates journeys other than the ones, as you say, that are for wholly recreational purposes, and to also take into account such things as location, nature and condition. Do you think that the criteria applied to identifying those active travel routes are appropriate as you see them now, not having seen the design guidance? The other question is whether you think it is appropriate to be separating out these functional routes, if you like, from leisure routes. Is it easy to do and is it appropriate to do?

[39] **Ms Lee:** Again, the devil is very much in the detail of the design guidance as to what would be the nature, location and the route. In terms of trying to separate out recreational and utility routes, there will be some routes that will serve both purposes, but I think that it is about trying to make this a manageable and more focused Bill. Obviously, if it covered recreation as well, that would give a much wider remit to the Bill and it would probably be more difficult to achieve, given the current financial constraints that we are in.

[40] **Eluned Parrott:** This question is along the same lines as the first question, really. There is talk of providing 'related facilities'. With regard to the definition of 'related facilities', three examples are given: shelter and storage, toilets and washing facilities, and crossings for use by active travellers. Is there a danger that, by having those three named, local authorities will think that those are the only three related facilities that are appropriate, and do you think that local authorities have a good understanding of what ought to be

provided?

[41] **Mr Peppin:** There could be a range of other issues that need to be taken into consideration, for example, lighting. If part of the purpose of the network is to make people feel safer and if we are taking people off road in some places and there is no lighting along those routes, then it will not make people feel safer at all. So, the minute that you start to say that lighting is one of the related facilities, then that has all sorts of cost implications in terms of putting the lighting in, maintaining it and the cost of the energy for that. So, there will be a range of other facilities that local authorities will need to consider in planning the network, over and above the three that are listed.

[42] **Eluned Parrott:** The localities, which active travel routes will need to map, will be identified by ministerial direction, based on things such as the number of people living there and how densely populated those localities are. Do you think that that is appropriate?

[43] **Mr Peppin:** If you are looking at how you are going to determine which areas are covered by this, you could end up in interminable discussions on this, with lots of lobbying on whether areas should be included or not. I think that this is probably a case where there is an argument for having a top-down decision, stating which areas should be covered and then plans are drawn up within those areas that are designated. Otherwise, you could end up with a long delay while we have endless debates on whether an area should be included or not. So, if we want to see progress on this, then a more direct approach towards which areas are covered might be a way of kick-starting it.

[44] **Ms Lee:** This was obviously laid out in the explanatory memorandum, but depending on that population threshold, for some authorities, that could require quite a few maps to be produced, which would come at a cost. So, where that population threshold is drawn is quite crucial. The explanatory memorandum looked at a threshold of 2,000, but there is an argument for saying that that could be higher because that would require fewer areas to be mapped.

[45] **Mr Peppin:** I think that we would want consultation rather than a straight statement of, 'These are the areas', without any discussion. I think that the local authorities would need to be able to give some feedback on what the implications would be for them. However, having had that opportunity to give feedback, there should then be a direction stating, 'In light of that information, these are the areas'; that would probably be an effective way of getting the process up and running. As Jane said, for those local authorities where this would have major implications, they would want the opportunity to come back and comment before there was a direction.

[46] **Eluned Parrott:** Would you like to see some form of statutory duty to consult the local authorities on these kinds of issues to be developed, or are you happy that the Minister will consult with you?

[47] **Mr Peppin:** That is a difficult one. Provided that there is consultation, I do not know whether there has to be a statutory duty for that—I suppose that it would be a matter of belts and braces, in that it would ensure that consultation happens. However, provided that a sensible dialogue occurs with the local authorities, that would probably suffice.

[48] **Lord Elis-Thomas:** You will know that part of our work at this stage of looking at Bills is to look at the way that policy is turned into legislation. Picking up something that you said in answer to an earlier question, would you say that those drafting legislation for the Welsh Government seem to have got themselves into a rather bad habit of laying down principles, then laying duties on other people, usually local government, and then not giving them the resources to deliver? Please feel free to speak frankly.

[49] **Mr Peppin:** I think that, from the comments that we made earlier, we would agree with that. There is a risk that that is the way that this will be taken forward. Without proper resourcing, it will be very difficult to give a real practical impact to the intention.

[50] **Lord Elis-Thomas:** We will obviously pursue a little later on with the consortia what kind of resources they think that they have got and I am sure that they will tell us. However, I was particularly interested in the concept of mapping of existing routes, which is at the heart of the Bill. We have talked a little about related facilities and also about creating an integrated network, because another study that is about to be completed by this committee is one looking at integrated transport, particularly buses and trains, and the link between that and active travel is an obvious one. In your original submission to us, you said that a three-year cycle is too frequent. Sustrans has told us that a period of one year would be appropriate, and it bases that partly on the evidence of what happened in Swansea council. I do not know to what extent what happened in Swansea council can apply across all the local authorities in Wales. I happen to live in the county of Conwy, and I represent a constituency in Gwynedd at the Assembly. There are particular issues there, in both urban and rural areas, that may not have been replicated in Swansea.

[51] **Mr Peppin:** I think that that is a very good point. We do not want to put in a timescale that is not going to be deliverable in some areas. I think that a three-year cycle is a possibility, but there would be logic to having a five-year cycle that tied in with the regional transport plans, because you could then ensure that there was synchronisation between the two sets of plans. A one-year cycle, given what some local authorities have to deal with—

[52] **Ms Lee:** Again, it is about looking at the population thresholds; in some areas, it would be quite a task to undertake mapping. I think that a one-year cycle would be unrealistic.

[53] **Lord Elis-Thomas:** On your idea of integrating the active travel mapping with the integrated transport cycle of regional transport plans, and how that might work, you think that that would be very much welcomed by local authorities, as part of the consortia, as a way of operating that function in a more sensible way than having it as a separate exercise; is that what you are saying?

[54] **Mr Peppin:** I think that there is logic in that; the regional transport consortia are looking at regional transport plans in an integrated way, so they are looking across rail, car, active travel, bus and everything else. By taking that rounded view, there is an ability to consider how a map for active travel can link in to some of the other developments that are taking place. There are a lot of advantages in having it as part of one system. The more that we can tie the cycle of work on active travel into the other issues that are being looked at the better.

[55] **Lord Elis-Thomas:** Would you then agree that it is important that the notion of active travel is more mainstreamed in the transport mapping and planning?

[56] **Mr Peppin:** Quite possibly; yes. Statistics show that quite a lot of the journeys made are relatively short and could be done by walking or cycling. Part of the issue of dealing with the pressure on the road and rail networks is to encourage people to undertake more active travel. If we keep trying to provide for increased road use, and we keep putting our resources into that, we are never going to change behaviour. We need to plan the two together. If we can convince residents that there is a safe alternative and, having tried it out, they feel comfortable using that alternative, and if they find that there is not a huge time difference, in some cases, in using alternative modes of transport, and there are savings in the pocket by not having to pay out on car maintenance and journeys or public transport costs, we will start to



see a major change in citizen behaviour.

[57] You can use the analogy of what we have seen with waste. We have put substantial resource into that, and people are now much more receptive to some of the ideas about recycling and putting food waste out separately and those sorts of things. That has been achieved with a substantial input of resource. It would not have happened if the local authorities had not been financially supported to achieve it.

[58] **Lord Elis-Thomas:** I do not want to stray into what we are doing in another committee, but we are due to take a look at that whole waste experience, which seems to be a brilliant example of success led by Welsh local authorities.

[59] **Nick Ramsay:** We are always happy to spread good practice, Dafydd, so feel free to continue.

[60] **Lord Elis-Thomas:** Do you realistically think that there could be the same kind of revolution in citizen behaviour, if it were properly planned and resourced?

10.00 a.m.

[61] **Mr Peppin:** If the Active Travel (Wales) Bill is to achieve what it is setting out to achieve, we need that revolution in behaviour. Unless we can achieve that we are not going to see the kind of major change in people's travel behaviour that will allow us, over a long period of time, to shift travel plans and behaviour. We have been doing a lot of work with local authorities on sustainability. That involved a lot of futureproofing and foresight in relation to how areas are going to be in the future. In terms of some of the risks to communities, having more active travel would help to tackle some of the concerns about flood risk, rising levels of obesity, and lack of access to jobs. Active travel is one of those areas, a bit like energy efficiency, which is a win-win-win—social, economic and environmental. It is worth us concentrating effort on it and trying to make a major change.

[62] **Lord Elis-Thomas:** I would like to ask just one more question on the mapping. We have this cost estimate, and I am not certain what the basis of it is, of £20,000 per local authority. It does not seem to be provided for in detail in the explanatory memorandum, but there is reference to an initial investment of between £500,000 and £700,000 in the two mapping activities, with a lesser cost over a 15-year period of remapping. Do you think that your five-year plan, as it were, is more realistic than what the Government seems to be implying in the explanatory memorandum and the cost of £20,000 per local authority, which I do not think has a proper basis to it, or which I cannot find?

[63] **Nick Ramsay:** You touched on the finances, which I was going to go on to. The explanatory memorandum suggests that those costs come from Swansea's experience. Whether that can be extrapolated across all authorities, I am not sure. I do not know whether you would have a view on whether these costs are realistic. There are no consultation costs, for instance, in the Swansea example. Would local authorities need to consult?

[64] **Lord Elis-Thomas:** You can come back to us after today if you have any more to tell us.

[65] **Ms Lee:** Our understanding of some of the work that has been undertaken in Swansea and Cardiff is that there was an audit of the routes, which involved people walking and cycling some of them, and obviously that had resource implications. In some areas, it could be a greater cost than £20,000, depending on how many areas they need to map. It is difficult to say whether that is a realistic figure or not.

[66] **Lord Elis-Thomas:** However, if we raised questions on this that might be helpful.

[67] **Mr Peppin:** Yes.

[68] **Nick Ramsay:** As you have probably gathered, we are concerned that some of the finance aspects of this Bill—I was going to say ‘are woolly’—may be not as transparent as they might be. Dafydd has asked many of the questions that I was going to put to you. In terms of the need for additional funding to develop the maps, do you have any idea at all how much funding will be available for that?

[69] **Ms Lee:** In early discussions during meetings with the Welsh Government, it was inferred that there would be some money available for the mapping. Obviously, looking through the Bill and the explanatory memorandum, that does not seem to be borne out by the information that we have received recently, which is that it would be borne by local authorities.

[70] **Nick Ramsay:** In those discussions, was it implicit that the funding would be for the remapping costs or were you just given a general cost?

[71] **Ms Lee:** It was just inferred that the Welsh Government was looking to make some money available to help local authorities with the initial mapping. There was nothing in writing. It was just inferred in early discussions. However, that does not seem to be the case now. It seems that local authorities are looking to bear that cost. That is what it seems to be implying anyway.

[72] **Nick Ramsay:** The explanatory memorandum seems to suggest that preparing these maps is a desk-based exercise and, therefore, that will keep the cost down. Is that your opinion or do you think it is going to be more difficult than that?

[73] **Mr Peppin:** With some of the work that we are aware of that has been done already, that involved people going out and walking and cycling routes. It would be more than a desk-based exercise. As you know, when you look at a map, you do not get the whole picture, do you? It is only when you go out to visit a site that you see other opportunities. When you are standing somewhere, you can see things that you cannot visualise on a map. It would be unrealistic to expect good-quality plans to be done by just looking at a desk map. If the situation is that there is no funding for map creation, then that will create major problems for local authorities in taking this forward. You are aware of the situation we face at the moment. We have a new duty, but no extra resource. I struggle to see how local authorities are going to do that.

[74] **Nick Ramsay:** Are you not able to do it on Google Earth?

[75] **Mr Peppin:** You can do more from a desk-based position than you could in the past, but I do not think that there is a substitute to going out and walking the area. The other thing, in terms of an equality dimension, is that local authorities are going to want to work with access groups and others. They would certainly want to try routes out and get a first-hand feel for what they are like so that they could advise the local authority. I do not think that they would be happy following desk-based approaches.

[76] **Nick Ramsay:** Is the explanatory memorandum a bit naïve?

[77] **Mr Peppin:** Do you mean in general, or in this area in specific?

[78] **Nick Ramsay:** Well, general naivety or specific naivety; feel free to choose.

[79] **Lord Elis-Thomas:** Both. *[Laughter.]*

[80] **Mr Peppin:** A good amount of research has gone into the explanatory memorandum. There is some good material in there. However, when it comes down to some of the real crunch points for local authorities, it has probably ducked some of the big issues. If local authorities are going to be asked to do some of this work, how can we ensure that their spending money on this is a more effective way of achieving what we want to do rather than spending it in other areas?

[81] **Eluned Parrott:** I want to ask about some of the practical barriers that might get in the way of improving and expanding the routes available. One of the issues that have been raised is compulsory purchase orders as they relate to highways. A potential problem is that local authorities will have to show that there are no alternative routes available. In practice, for something like a cycle path or a walking route, it might be possible to demonstrate that there is a major road as an alternative, but, that might not be an appropriate or attractive alternative that would encourage people to walk or cycle as a travel route. To what extent do you think that land ownership and compulsory purchase issues are going to be a barrier to expanding the cycle and walking network?

[82] **Mr Peppin:** You have hit on a very important point there. When you look at what would be an ideal safe route, there will be instances where you will want to cross land that is not currently in local government ownership. That would raise that question. Equally, being pragmatic about this, you would not want a safe route to not be taken forward just for the sake of one small area, if that was the issue. So, finding a way around it might be a second-best solution. A key point on compulsory purchases is that you can only really take them forward if you have the resources and the funding for that acquisition. That would be another barrier for local authorities. If they do not have the resources, they are not going to be able to proceed with CPOs.

[83] **Eluned Parrott:** With regard to things like compulsory purchase orders, are you aware of them having been used in the creation of walking and cycling routes, as opposed to major infrastructure projects like highways?

[84] **Mr Peppin:** The regional transport consortia may be able to give you some examples where that has been done. I am not aware of any examples. They would know if they had done that in any of their projects.

[85] **Eluned Parrott:** Aside from the financial barriers that we have talked about, and I suspect we will continue to talk about, are there any other potential practical barriers that you think will prevent routes being improved and expanded that have not been addressed in the Bill or tackled in the explanatory memorandum?

[86] **Mr Peppin:** The financial one is the overriding concern. If the funding is there, you can tackle most other issues. If adequate resources are made available to take this forward, then you could overcome other barriers. If funding is not made available, then the thing does not get off the ground in the first place.

[87] **Ms Lee:** I want to pick up on the finance again. There is capital to implement some of the schemes, but if we are looking seriously at promotion and changing people's behaviour, that would require a revenue stream for the educational side, such as going out working with different organisations. It needs to be properly resourced.

[88] **Mr Peppin:** Going back to the waste example, the amount of money that has gone into waste awareness has been substantial over the years, and it has been a contributory factor in helping people to change behaviour. Jane is right; you need that revenue stream alongside

the capital so that you tackle this on a number of fronts.

[89] **Eluned Parrott:** Are there practical issues, apart from the money, that will prevent you from doing the kind of educational and outreach work that will support the use of routes should they be created?

[90] **Mr Peppin:** There are capacity issues within local authorities, but if the funding is there, you can overcome them. However, at the moment, having the right staff with the right skills to do the necessary work could be an issue.

[91] **Nick Ramsay:** Your point about education is interesting, because there is not much in the Bill—it is a pretty small, succinct Bill—about the cost of education and the surrounding issues. It is very much an infrastructure Bill, is it not?

[92] **Mr Peppin:** It is, yes. Experience with other areas shows that you need to take this forward on a number of fronts. There are things that are already going on with regard to road safety in local authorities. It would be important that we have a look at how we can integrate this.

[93] **Nick Ramsay:** There will be costs with all that.

[94] **Mr Peppin:** There would be costs associated with it. Although, sometimes, you can use existing resources in a different way. Part of what we are trying to do now is ensure that whatever resources we are using are being used as efficiently as possible so we get more out of existing spend, so we can align the work of road safety teams with the promotion of active travel so that it is complementary. It is not always a question of saying that we need more money; it is sometimes a question of asking whether we can use our existing budgets more effectively. Ultimately, if we want to do it properly, putting aside a budget to promote this as well as take forward the infrastructure works would be the ideal scenario.

[95] **Nick Ramsay:** We have a question from Byron Davies.

[96] **Byron Davies:** I am afraid that we are still on finances and resources; it seems to be impossible to escape the subject. On publication of maps, section 5 of the Bill says that as soon as is reasonably practicable after either map has been approved, the local authority must publish the map. The explanatory memorandum says that

[97] ‘Local authorities will be required to publish the maps and make them available free or at cost price on request.’

[98] What are the practical and financial implications for meeting the requirement to publish as far as you are concerned?

[99] **Ms Lee:** With regard to capacity issues of local authorities, in some cases, there will be no specialist staff to produce those maps, so they would be looking to go outside to specialist map companies. With regard to publishing, it would not be sufficient to make them just available on websites, because, obviously, not everybody has access to the internet or are able to print off maps. You would be looking at hard copy publishing as well. There are requirements as regards making the maps accessible for different people in society. There are all sorts of issues with the publication and, again, it comes down to cost. We understand that there will be some guidance from the Welsh Government on the production of the maps to make them consistent across local authority areas, which will make it easier for users to interpret. Again, we are waiting for that guidance.

[100] **Byron Davies:** The explanatory memorandum says that

[101] ‘Ministers will issue guidance to local authorities to support them in determining what is appropriate for the circulation of their maps.’

[102] On top of that, you have to circulate the maps as well. It is all about money, is it not?

[103] **Ms Lee:** There will be some partner organisations to help with circulation and getting the word out there, but the duty is on local authorities to produce and publicise those maps.

[104] **Byron Davies:** I will move on to the needs of disabled walkers and cyclists and those who are visually impaired or blind. How will you meet the needs of these people when publishing maps? Do you think, again, that it raises any additional financial issues for local authorities?

10.15 a.m.

[105] **Mr Peppin:** Any equality impact assessment of this work would highlight that just producing a simple map version and putting it on your website, as Jane said, would not be sufficient. So, you would need to look at producing it in a number of different modes, and every time that you do that, it will potentially add to the costs.

[106] In terms of ensuring that different needs have been taken into consideration, I mentioned earlier the possibility of using access groups. I think that local authorities would look to access groups in several areas to help them with that. Local authorities pay access groups in some areas for their services, so, there might be possibility to do this, without additional cost. They would look at the routes that are being proposed and offer feedback and, when the maps are produced, there could be some sort of legend used that would indicate whether particular routes are suitable for people who have different abilities. That might be one way of having a single map that shows a range of different needs.

[107] The Bill talks about ensuring that routes are usable, but ‘usable’ will vary according to ability. Jane, is it Sustrans that designs its routes for a 12-year-old?

[108] **Ms Lee:** Yes, Sustrans designs its routes so that they are suitable for a 12-year-old.

[109] **Byron Davies:** On that point, is there a fear that the people who design these routes—highway planners or engineers, or whatever you call them—might be inclined towards putting these routes adjacent to busy roads, as opposed to creating new routes?

[110] **Mr Peppin:** There will be a tendency to look at using the existing network wherever possible, because if you create new routes, you immediately create new liabilities and new maintenance costs. We say in our evidence that the current backlog estimate is somewhere between £170 million and £200 million for the road network across Wales. Local authorities are acutely conscious of that, especially in the current financial situation. So, notwithstanding the local government borrowing initiative, we are not going to want to add to the network unnecessarily. So, I think that where there is scope to do on-road adaptation, especially if works are being undertaken so that you could do part of the network as part of an improvement, that would tend to be the logical and most cost-effective way of doing it.

[111] If doing it on the road would create a safety issue, that is where the pressure would be to look at an off-route alternative. In some cases, just the topography or the physical characteristics of the area might make it very difficult to do anything other than take people onto the road network.

[112] **Byron Davies:** Also, we have to bear in mind what you said earlier about lighting

and that sort of thing.

[113] **Mr Peppin:** Yes. As there is already lighting provision on the main network within built-up areas, that adds to the safety factor, whereas if you take people off route, that might be fine on a nice, sunny day, but, on a dark evening going home from work, if you are suddenly taken down a cycle track that is not lit, that would be a major deterrent.

[114] **Byron Davies:** That will be the case in a lot of rural areas; it is inevitable.

[115] **Mr Peppin:** Yes. Although, the explanatory memorandum does say that there is an urban focus to the Bill, because even in rural areas, the focus is going to be on settlements, rather than inter-settlement travel.

[116] **Nick Ramsay:** Thank you, Byron. We are entering the last 10 minutes of the session, so I ask Members to be succinct, and I aim that at myself as much as at anybody else.

[117] **Lord Elis-Thomas:** I think that we have covered most of the issues that I wanted to ask in relation to integrated network mapping and the regional transport plans, and I look forward to taking them up with the consortia. However, I would like to ask about the balance between guidance and what is on the face of the Bill. This goes back to my previous little theory that the Welsh Government has fallen into bad habits in writing legislation, in that a lot is based on draft guidance that we sometimes do not see—at least, not at this stage—in the development of legislation and that makes it difficult.

[118] On the other hand, I read in the paper that we had from the consortia where I live, Taith, that it takes the view that implementation detail via guidance does make sense, because it might bring about the sharing of best practice. The wording is as follows:

[119] ‘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.’

[120] Would you agree with that?

[121] **Mr Peppin:** Having guidance gives you the flexibility; it is easier to change over time in the light of experience. I think that everyone would agree that it would be easier to amend guidance in the light of what happens than going back to try to change regulations and legislation. The concern is this: if the guidance that comes out makes what needs to be done too problematic and too expensive, and then we set this in legislation, then we have tied our hands behind our backs, really, on this one. It is very difficult to comment. We cannot give unequivocal support to the Bill until we know what the guidance form will be.

[122] **Lord Elis-Thomas:** That is very much my view, but I cannot speak for all my colleagues, including absent friends. However, the Bill does confer power on Welsh Ministers to bring forward statutory guidance in six instances, and to issue directions in a further seven instances. There is clearly no obligation on the Welsh Government in developing guidance laid down in the Bill, although there is a reference—in section 10, I think—that Welsh Ministers may vary or revoke any guidance or directions. You are asking for flexibility in making sure that guidance, although it may have a statutory purpose to it, according to the Bill—therefore, it is statutory guidance—does not mean inflexibility. Is that the point?

[123] **Mr Peppin:** Yes, absolutely.

[124] **Lord Elis-Thomas:** How do you bring that about? Is that through continuous

consultation through the local authorities or through the consortia? How would you see the reviewing of guidance being triggered?

[125] **Mr Peppin:** We must have a mature relationship between Welsh Government and local authorities on this because we all want to see the same sorts of things coming out from this. It will not do anyone any good if heels were dug in and we said, 'We are not going to do this', or you insist on local authorities doing certain things. It would be far better if we had a collaborative approach to this, that guidance is prepared jointly, that there is co-design of that guidance, and that issues are identified in the production of that guidance so that local authorities feel that what is being put forward makes sense to them; and then, in the light of the experience of implementation, if problems arise, that there is the ability to go back to discuss that and say, 'For whatever reason, this is not working. Can we have another look at this?'. Provided that we have that ability to have ongoing feedback and review, that would work effectively, as opposed to the guidance coming out and stating, 'This is what we think that it should be. Now you deliver on that. If you do not deliver, we will have to look at penalties or some other sorts of sanctions.'

[126] **Lord Elis-Thomas:** Yes, because we had a bit of that with the waste example, did we not?

[127] **Mr Peppin:** Yes.

[128] **Lord Elis-Thomas:** And even more so in a distant land beyond the marches where they still like to enjoy penalties perhaps more than encouraging people to do things. What concerns me is the question of whether this guidance should be statutory or non-statutory. If it is collaboratively conceived guidance between the local authorities and Ministers' officials, it does not need to be statutory, does it?

[129] **Mr Peppin:** No, I would have thought not. I would have thought that it would have worked better if it was not.

[130] **Nick Ramsay:** Just briefly, before we move on from the integrated maps, do you think that the explanatory memorandum makes clear enough the status of the integrated maps? How do you think they could be used as part of the wider regional planning process?

[131] **Ms Lee:** Again, it is probably a question to the regional transport consortia because they are in the process of looking at the regional transport plans and they would obviously be looking to incorporate any integrated map into those plans. So, it may be a question that is better aimed at them.

[132] **Nick Ramsay:** What do you understand by 'continuous improvement'?

[133] **Mr Peppin:** We recognise it as meaning that it will not be good enough just to produce a map and say, 'Job done.' The map has to inform what goes on the ground and, subject to resource availability, local authorities will be expected to start to fill in the gaps in the network. Continuous improvement would mean that, every year, you would see part of that network being developed as far as resources allowed. That is our understanding of what the intention is. Clearly, the ability to do that will be determined by how much resource they can put in.

[134] **Nick Ramsay:** Is the Bill clear enough about it? Do people know what continuous improvement is, so it does not need to be more explicit, or would it help if it were?

[135] **Mr Peppin:** I would say that everyone can see that if you have a map and it shows where the gaps are, continuous improvement would logically mean that you were taking steps

towards overcoming the gaps in the network. That would be continuous improvement.

[136] **Nick Ramsay:** The Bill says, on securing continuous improvement in travel routes, in section 7(1)

[137] ‘Each local authority must make continuous improvement in the range and quality of the active travel routes and related facilities’.

[138] However, there is not much detail beyond that. For instance, should there be a provision for monitoring and enforcement or do you leave it to the local authorities to know what it means?

[139] **Mr Peppin:** In terms of allowing the local authorities flexibility, there is an argument for saying, ‘Let’s not make this too demanding at the moment, because if we don’t know where the resources are coming from, putting too many conditions on this is going to make it difficult from the outset’.

[140] **Nick Ramsay:** I was just going to say that there is nothing in here—going back to the finance issue—about the availability of resources to do this. It is just saying, ‘You will make continuous improvement’, but, clearly, the quality of that continuous improvement could drastically depend on the finance available.

[141] **Mr Peppin:** Yes, and it is a real concern for us. The reputation of local government is an issue here. If an authority produces a map and says, ‘This is what we’ve currently got; this is what we’re aiming for’, if people do not see progress being made, they will start to say, ‘You’ve done this map, why aren’t you doing anything about it?’ So, there is concern there that unless—

[142] **Nick Ramsay:** Can continuous improvement always happen without the local finance or will there come a point where it is so negligible that it is not improvement?

[143] **Mr Peppin:** You can see deterioration, can you not? We have seen this before where cycle routes have been built—if they have not been looked after, you will suddenly get vegetation growing over the path or the path starting to crumble, and unless a budget has been put aside to look after that, you will go backwards. So, there is a risk that you if do not have continuous improvement, you will go backwards unless this can be resourced properly.

[144] **Nick Ramsay:** On that point, because you have led into what was my final question on this, is there a concern that, given what you said about how you can have a route and you can get the vegetation growing and weeds coming in, fear of that would lead local authorities not to do these routes in the first place, knowing that they will then have the cost implication afterwards?

[145] **Mr Peppin:** Any sensible planning by an authority would have to have a mind to the maintenance implication of what it was doing. Before you put the additional parts of the network in, part of the assessment would have to be how you would look after it beyond its completion. In the past, you used to see lots of developments take place and there was always this assumption that they could be absorbed into the maintenance budget, but those days are gone, because the maintenance budgets are so tight that, with any new development, you have to have a serious think about whether you are creating something that could come back and create more problems. We have seen it where a facility is put in, it is great for a while, but then it goes downhill and, before you know it, it is the source of complaints. So, instead of improving the quality of life, it becomes something that people living in the area are not happy with and they are disgruntled with the way that the authority has operated.



[146] **Lord Elis-Thomas:** May I follow that? It links to what I was trying to ask about earlier. Does it make sense to legislate for something called ‘continuous improvement’? It is an exhortation to make somebody do something and I cannot think of—we will have a discussion later with our advisers. However, are there other examples where the phrase ‘continuous improvement’ is used in legislation in local government that you can think of?

10.30 a.m.

[147] **Mr Peppin:** On a more general level, the Local Government (Wales) Measure 2009 refers to ‘continuous improvement’, so that would be an area across the board where local authorities are expected to strive for that ongoing improvement.

[148] **Lord Elis-Thomas:** How do you report on that? Is it through the auditor general, or yourselves?

[149] **Mr Peppin:** The annual improvement plans that authorities do are assessed by the Wales Audit Office.

[150] **Nick Ramsay:** We are into the last minute of this session, and the final few questions are from Byron Davies.

[151] **Byron Davies:** I thought you used the phrase ‘sensible planning’ earlier. [*Laughter.*] I do not want to be negative about this, because I am very pro the idea of active travel, but the question is, should it be in a Bill? Is it not the case that this is all about a culture of including walking and cycling provisions in highway schemes, and that that would probably be more effective in achieving the aims, rather than setting up a Bill? Do you see what I mean?

[152] **Mr Peppin:** I do, yes. If there are no resources available, then I think you are right.

[153] **Byron Davies:** But do you need money to create a culture, basically?

[154] **Mr Peppin:** Yes, I would agree with you that, if we are not going to put any resource into this, then it needs to be a question of making enhancements wherever we can on other projects. However, history has shown that that does not always get us where we want to go. We have not seen the sea change in behaviour that we need. We need to welcome the enthusiasm behind this Bill, and the attempt to make a difference, but it does come back yet again to how we find the resources to take this forward. I would make the same point that I made earlier: if we are serious about this, we have to look at a number of different possible budget contributions to allow this to happen, on the basis that the paybacks will come across a number of different areas. If there is a will to take the Bill forward, perhaps that needs to be matched by a will to find the resources from a number of different budget heads to provide local authorities with the resources to do it.

[155] **Nick Ramsay:** Byron has asked his question—part of the remit of this committee is to consider whether a Bill is necessary, or whether it could be done another way. I think that is what Byron’s question was getting at.

[156] Are there any more questions from Members? I see not. I thank the representatives of the WLGA for coming in today. That has been really helpful. It was an excellent evidence session and we have a lot of information there that will help us in making our decisions as to the future of the Active Travel (Wales) Bill, and where we progress from here.

*Gohiriwyd y cyfarfod rhwng 10.33 a.m. a 10.46 a.m.  
The meeting adjourned between 10.33 a.m. and 10.46 a.m.*

**Bil Teithio Llesol (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 3**  
**Active Travel (Wales) Bill: Stage 1—Evidence Session 3**

[157] **Nick Ramsay:** I welcome Members back to continue our evidence-gathering session for the Active Travel (Wales) Bill, Stage 1. I thank our witnesses for being with us today. Would you like to give your name and position for the Record of Proceedings?

[158] **Mr Whittaker:** Thank you, Chair. Good morning to the committee. My name is Michael Whittaker, and I am the executive officer with Taith, the north Wales regional transport consortium. I am also representing TraCC, the mid Wales transport consortium, today.

[159] **Mr Thomas:** Good morning. My name is Darren Thomas, and I am representing SWWITCH, the South West Wales Integrated Transport Consortium, this morning. I am also the chair of the SWWITCH walking and cycling group.

[160] **Mr Gilbert:** Good morning. I am Matthew Gilbert, here representing SEWTA, the South East Wales Transport Alliance, as chair of the active travel group and as the transport policy and strategy officer at Bridgend County Borough Council.

[161] **Nick Ramsay:** Great. Welcome to the committee. We have a number of questions for you, so I propose that we go straight into them. Given that we have a panel of witnesses, if Members could be specific about to whom they are directing their questions, that would be really helpful. The first question is from Eluned Parrott.

[162] **Eluned Parrott:** Given the comments in the submissions that we have had from SWWITCH and Taith in particular, that walking and cycling already figure in your regional transport plans, can you give us an idea of whether you think the provisions in this Bill are likely to increase that provision?

[163] **Mr Thomas:** I would say that, taking the Bill on its own, it is going to be difficult to see measurable improvement without further support to help to bring forward some of the infrastructure schemes. However, we think the Bill is going to be enormously helpful in terms of encouraging more walking and cycling through there being more emphasis on those activities. That will be very useful in terms of some of the strategic planning and being able to use that in some of our work on that front.

[164] **Mr Whittaker:** I would concur with what Darren has said there. It is only part of the picture, however. The provision of infrastructure and maps alone is insufficient, as was shown in our respective regional transport plans, which were prepared in consultation with the local authorities and a number of stakeholders. The strategy—not the programme within it—was approved by the then Welsh Assembly Government, subsequently the Welsh Government. It is important that such things as the hearts-and-minds work of the travel plan co-ordinators, and Traveline Cymru and other stakeholders are included as part of that. We must not forget, however, that other modes of transport need to be included, and not least the opportunities that forthcoming events such as the planning Bill and the change to the Wales and borders franchise offer to improve this in the future.

[165] **Eluned Parrott:** Okay. Given that infrastructure is not the be-all and end-all when it comes to promoting active travel, do you think that there are any additional duties that should have been included in the Bill?

[166] **Mr Thomas:** Certainly, there seems to be insufficient emphasis on some of the non-infrastructure measures, such as training and changing hearts and minds and therefore habits.

The emphasis appears to be very much on infrastructure and mapping and on the physical side of things. That is very positive and is needed, but it needs to go hand-in-hand with some of the other measures to encourage people to walk and cycle.

[167] **Eluned Parrott:** I think that part of your budget is ring-fenced to support active travel already. Is that correct?

[168] **Mr Thomas:** In terms of the regional transport plan at the moment, there is some ring-fencing. If you widen that out to include such things as safer routes, yes, there is definitely funding allocated to active travel measures.

[169] **Eluned Parrott:** We have heard some evidence that suggests that the funding for the active travel Bill will have to come from those existing sources of funding, on the basis that no additional funding is going to be made available to deliver the active travel Bill. If that is the case, what existing programmes will be lost as a result?

[170] **Mr Whittaker:** There is obviously an opportunity cost in that, if you do not do one thing, something else cannot be done on that. There is concern about the upfront costs of complying with the Bill. I do not know whether it will be a future question, but the costs are to do with the frequency with which the mapping has to take place, and the administration and compliance within the clauses of the Bill, rather than streamlining it and putting it through the existing regional transport plan's refreshment cycle and annual progress reports, and having one system rather than another in terms of compliance as a general rule of thumb.

[171] **Eluned Parrott:** Perhaps I could address the question to Matthew. With your expertise, what existing programmes do you fear would be threatened if that resource was moved to infrastructure mapping and away from other programmes?

[172] **Mr Gilbert:** At the moment, we deliver a number of walking and cycling initiatives, particularly on the infrastructure side of things. On the promotional side of walking and cycling, we would hope that there would be a continuation of the existing funding levels. If it is brought in-house, there is a danger that funding for promotional measures is likely to take a bit of a hit. We think that the onus on continuous improvement, if we are to do it within existing budgets, may mean that there will be implications for some of our other areas of work. At the moment, the RTP funding is separate from some of our other funding sources for cycle training and that type of thing.

[173] In terms of the promotion of walking and cycling through personalised travel planning and that type of initiative, there will be a great deal of difficulty for local authorities in trying to provide both aspects within the existing budget. We would certainly look to encourage additional funding to be provided.

[174] **Yr Arglwydd Elis-Thomas:** Gofynnaf y cwestiwn yn Gymraeg. Hoffwn ofyn yn arbennig ynglŷn â chanllawiau. Efallai eich bod wedi clywed peth o'r drafodaeth flaenorol gyda Chymdeithas Llywodraeth Leol Cymru. Yr hyn roeddem ar ei ôl yn arbennig yn y fan honno oedd sut y dylai'r canllawiau weithio. A oes problem ynglŷn â deddfwriaeth lle mae cymaint ohono yn dibynnu ar ganllawiau nad ydynt eto wedi eu cyhoeddi, ac felly nad ydym ni wedi eu gweld i bwrpas craffu ar y ddeddfwriaeth yn y pwyllgor hwn? Mae tua chwech enghraifft

**Lord Elis-Thomas:** I will ask the question in Welsh. I would like to ask in particular about guidance. You may have heard some of the previous discussion with the Welsh Local Government Association. What we were seeking particularly there was how the guidance should work. Is there a problem regarding legislation where so much of it is dependent on guidance that has not yet been published, and therefore we have not had sight of it for the purpose of scrutinising the legislation in this committee? There are about six examples where there are powers for

Ile mae pwerau i Weinidogion greu canllawiau statudol, a hefyd saith enghraifft arall i lunio cyfarwyddebau i gyrff eraill—llywodraeth leol yn bennaf. A yw hyn yn peri anhawster i chi, ac a ydych o'r farn y dylai canllawiau fod yn fwy goddefol ac yn fwy ar sail cydsyniad ac ymgynghoriad na chanllawiau statudol?

Ministers to create statutory guidance, and also another seven examples to draft directives for other organisations—local government mainly. Does this cause you any problems, and are you of the view that the guidance should be more passive and based more on consensus and consultation rather than on statutory guidance?

[175] **Mr Thomas:** Thank you very much for that question. The Bill provides a very useful high-level strategic focus on walking and cycling. There are some comparisons with other legislation. For example, with road safety, there is a very high-level duty in terms of road safety as well. However, what I would say on behalf of our consortia is that there is a need then to link that very clearly with measurable actions so that we can understand where we are going with the actual implementation of the Bill.

[176] **Mr Whittaker:** Just to build on that, it is important to note that this is an evolving area and that there is obviously a balance to be struck between being too prescriptive in what is on the face of the Bill, and putting things in guidance. Subject to the appropriate scrutiny and checks within the guidance system of what is between statutory guidance and draft directives, that might be preferable to having everything on the face of the Bill on the related facilities, for example. So, rather than trying to have every single example in the Bill, just having the more general issue.

[177] **Lord Elis-Thomas:** I actually quoted from your paper to the Welsh Local Government Association in pursuing this. You mentioned the question of detailed guidance as a sharing of best practice and that that perhaps is a better way of proceeding—as you say, incremental development of guidance by Ministers, rather than having extensive, potentially complex detail in the Bill.

[178] **Mr Whittaker:** Absolutely, and, if I may go further, I think it has been said by someone that—I cannot source the quote exactly—in terms of ground-breaking legislation, inevitably, if you are going to be at the forefront of that, then perhaps an evolutionary approach would be preferable, because there is much to commend as we said in our opening answers.

[179] **Lord Elis-Thomas:** It does concern me—I mentioned this in the earlier part of our proceedings—that Welsh Government and the people who draft legislation in Welsh Government may have got themselves into a way of working that tends to devise duties to lay on other people without adequate resources perhaps, and sometimes with guidance that is too inflexible. I remember Lord Justice John Thomas, who I am always waiting for an opportunity to quote in a committee in this place, asking why we should copy the UK system of primary legislation and then regulations derived as secondary legislation, or, in this case, where there is no secondary legislation, guidance, and why we should have that kind of approach when we could be legislating in a more innovative and more flexible way.

[180] **Nick Ramsay:** You do not have to give answers to specific questions about constitutional arrangements in the UK. *[Laughter.]*

[181] **Lord Elis-Thomas:** It is an issue. Why are we emulating ways of making legislation that may not suit our purpose? That is what I am after. The Chair does not like me asking philosophical questions.

[182] **Mr Whittaker:** In terms of the delivery, which I think the question was around, from a local authority perspective, it is a sort of devolution. A lot of the active travel is going to be

intensely local, and quite rightly so, and the debate that suggests you can have everything centralised on that is probably one that goes too much in the other direction. It needs to be at as local a level as possible, and the role or sovereignty of the local authority in the decision making with the community, where a lot of this will be, is obviously critical to that.

[183] **Mr Thomas:** What we were discussing before we came in, Chair, was that perhaps there have not been the great advances that we all hoped to see in walking and cycling so far, and maybe the Bill is an opportunity just to give a bit more substance and direction to where we are going with walking and cycling, accepting that there is a lot of detail that needs to be put in by the right groups of people in terms of the guidance notes. I would say there that, in terms of local authorities, we are obviously at the sharp end in terms of delivery of infrastructure, and we are also quite involved in some of the softer measures as well. So, it is very important that local authorities are very closely involved in working up the detail, so that what we are trying to do is achievable and deliverable.

[184] **Nick Ramsay:** Did you want to come in, Matthew, on the issue of guidance?

[185] **Mr Gilbert:** I echo what Darren has said.

[186] **Lord Elis-Thomas:** I will just pursue that once more, if I may. On the question of the references, it is expressly stated in section 10 that Ministers may vary or revoke any guidance or directions. If we are thinking of moving, as you were just arguing, towards an approach to guidance that is more flexible than inflexible, would you like to know more from Welsh Ministers about in what way they would be prepared to vary or revoke guidance and whether local authority partners could play a full role in bringing that about?

11.00 a.m.

[187] **Mr Whittaker:** Absolutely. I will refer to my earlier point about the alignment with the transport planning framework. For the record, I use 'regional transport plan' as short hand for whatever it may get called or for whatever will come out of that from April 2015. I would stress that we would like to see one and the same thing, so that directions and guidance become the transport planning framework, because you cannot consider this in isolation. We are talking about integrated networks and this committee had its earlier inquiry into integrated transport in Wales, which would be really important with regard to that rather than just try to pick this one off so that we have multiple things to comply with.

[188] **Lord Elis-Thomas:** To use another phrase then, it is about mainstreaming this form of active travel into the whole network of integrated transport.

[189] **Mr Whittaker:** Yes, and also about being mindful of other legislation that is coming through, particularly at the side of the proposed future planning Bill. As I understand it—correct me if I get this wrong—the previous Minister for Local Government and Communities got the planning brief on that, which will be relevant to parts of this.

[190] **Lord Elis-Thomas:** I can assure you that another very effective committee will be dealing with that.

[191] **Nick Ramsay:** Thank you, Chair of that other committee. Eluned Parrott, you have a supplementary question.

[192] **Eluned Parrott:** I do, thank you. Returning to this subject of the balance between guidance and what is in the Bill itself, Michael, you gave a very diplomatic answer to that—

[193] **Lord Elis-Thomas:** He is very diplomatic. [*Laughter.*]

[194] **Eluned Parrott:** Indeed. The SWITCH evidence was slightly different. It had difficulty commenting on whether the correct balance had been struck between the two because the guidance is referenced in the future tense and, therefore, it was not available for it to comment on. Would you say that it is impossible for us to effectively assess the impact of this Bill without having had a draft copy of what the guidance might include?

[195] **Mr Thomas:** We also have the memorandum, which helps to set out some of the criteria, but our view, as we have said, is that without the full guidance, this is a little difficult. Picking up on the point that we were discussing about direction, how can there be direction unless there is some understanding of the guidance itself? It would be useful for all of us to understand, in a collaborative way, what we are trying to move forward on. So, the guidance is pretty essential so that everyone understands what they are supposed to be trying to deliver.

[196] **Eluned Parrott:** I am just wondering whether you are going to stick with your very diplomatic position, Michael, or whether you would agree that sight of some guidance would have been helpful.

[197] **Mr Whittaker:** Clearly, sight of some guidance would be helpful, but I guess, in bringing this forward, there is always a trade-off there, but on balance, yes, I would agree.

[198] **Eluned Parrott:** You have a future in the diplomatic corps.

[199] **Nick Ramsay:** I wish to ask this question primarily of Matthew Gilbert from SEWTA. In section 2(4) of the Bill, what additional detail does SEWTA think would help in identifying whether a route is appropriate as an active travel route?

[200] **Mr Gilbert:** The main thing that we focused on was the fact that the aim of the Bill was to focus on shorter journeys. The memorandum mentions distances of three miles and 10 miles and our feeling was that, if this was indeed to be the focus of the Bill, it would be appropriate to make some reference in the Bill itself to the fact that it is the shorter journeys that would need to be made active travel journeys. I am not necessarily suggesting that the distances themselves should be listed in the Bill—that is something that could be included in guidance or within the accompanying documents—but some sort of reference to the distances would possibly be appropriate.

[201] **Nick Ramsay:** That is helpful. More generally, as it stands at the moment, Welsh Ministers would have the powers to designate localities in which active travel routes can be identified, without scrutiny, by the Assembly or without any consultation requirement. Is it right that Welsh Ministers should have that power?

[202] **Mr Gilbert:** We felt that, to give some sort of consistency across local authorities, it may be appropriate for the Minister to suggest which local areas would be best served by the mapping of the active travel maps. I know that that is something that we have looked for from the guidance, to guide us on the direction in which the Minister would be looking to focus. I am not sure whether colleagues have any additional thoughts on that, but that is how we would view it.

[203] **Nick Ramsay:** Back to the guidance again.

[204] **Mr Thomas:** We were concerned that the Minister might just be able to make that designation without at least obtaining further comments, feedback and advice from experts, namely local authorities, the practitioners providing these kinds of routes. It would be useful for the Minister to listen to that advice and use it in any direction that he might need to make. However, without listening to that, there is a danger that wrong decisions could be made.

[205] **Nick Ramsay:** My next question is primarily for you, Matthew. On this issue of related facilities that is in the draft Bill, what further clarification on the definition of those facilities would help and should it be in guidance or in the Bill?

[206] **Mr Gilbert:** The issue around this topic is that only listing the three current types of related facilities suggests to local authorities that these are the only ones that would predominantly need to be mapped. There may be a range of other facilities that the public would wish to see mapped on both the existing maps and the integrated network maps for future aspirations. Rather than necessarily adding in related facilities, we would be keener to look at the Bill sticking to a reference to related facilities, and, unfortunately, the guidance then picking up an exhaustive list or a list of suggested related facilities. In terms of the additional list to bring into the Bill, it is a question about—

[207] **Nick Ramsay:** When the previous Minister with responsibility for this came to give evidence to the committee, I was not entirely clear why those three were chosen. The reason that the Welsh Government gave was that it wanted to give an indication. From what you are saying, the danger with picking those three is that local authorities might think that they are the primary ones.

[208] **Mr Gilbert:** Yes; it certainly suggests that they are the three foremost types of facilities.

[209] **Nick Ramsay:** I do not think that that is what was intended.

[210] **Mr Gilbert:** In which case it might be more appropriate to remove that reference.

[211] **Nick Ramsay:** That is great and succinct. This is helping my progress today. I like it.

[212] **Mr Thomas:** Chair, perhaps a related issue is that having a prescriptive list like that could be used as the be-all and end-all. We could provide those specific facilities at the expense of other facilities that might be more appropriate, depending on the local or regional consideration of these things.

[213] **Nick Ramsay:** Yes, your views are interesting. The Minister said to us that those were suggested areas and that they should not take pre-eminence, but I do not think that that is clear in the Bill at the moment. Finally, the Government is clear that active travel routes should be non-recreational and that this is not solely, but primarily, an urban focus. What are your views on that? For instance, is the first bit right, on recreation?

[214] **Mr Thomas:** In SWWITCH, we have been doing work as part of one of the compact projects on the quick wins. That has involved trying to pull together mapping for the SWWITCH area. As part of that, we have been having discussions about the recreational and commuter routes. While in some cases, the recreational routes are clearly that—for example, some of the mountain biking routes—in many cases the distinction between commuter and leisure is a bit blurred. We have had some concerns in our region about trying to clarify where some of those boundaries exist. Perhaps, it is not so helpful from that point of view. That has been our finding, in terms of the mapping work that we have done so far.

[215] **Mr Whittaker:** I think that you should throw in all the routes where you can ride bicycles, except possibly for wholly and exclusively off-road mountain biking centres. However, you could argue that there is a link to that, because people might use other active travel routes to get there. It would look very strange if we had a map with gaps in it because routes did not meet the designation of the map. You would not expect a map to have only trunk roads or only county roads, not both, because they are part of an overall network. If it is

going to be integrated—and not just integrated networks, but integrated transport—you need all the modes and all the routes put on the map.

[216] **Nick Ramsay:** So, just because a route happens to have a recreational part, it should not be excluded.

[217] **Mr Whittaker:** When we get on to the priorities and outcomes you want from the Bill and the policy, we can separate that from the provision of the map and the use of the map.

[218] **Nick Ramsay:** What about the urban focus part? It will be more difficult to do this on a rural scale. Do you think that the Bill should not specify or suggest an urban focus, or is that inevitable?

[219] **Mr Thomas:** The urban aspect will focus a lot of attention on a large portion of the population. You will be able to pick up and capture, fairly easily, most, or a large portion, of the population, which, from that point of view, is helpful. Coming from a region with a lot of rurality—Carmarthenshire and Pembrokeshire—our experience is that a lot of rural routes are used for commuting for a longer distance. So, we are a little concerned that an over emphasis or a concentration on urban areas might be at the expense of some of those valuable rural routes.

[220] **Mr Whittaker:** There are also seasonal flows to consider. I am thinking of my colleagues in TraCC, up the Cambrian coast. There are student flows in Aberystwyth, Coleg Harlech and other places, and there are tourism flows on the Llŷn peninsula and Anglesey—I had better mention all the counties, otherwise they will feel missed out from a tourism point of view. All local authorities, particularly over the summer, will get significant seasonal flows. That is a point to be picked up when you are talking about population size. You need to capture seasonal changes in terms of whether average means are used—I appreciate that that is technical point, but it can be of strategic interest.

[221] **Mr Gilbert:** From a SEWTA perspective, if the emphasis of the Bill is to remain on modal shift, we have to think about the types of journeys that are going to be made and to where. The majority of journeys are likely to be to urban centres or larger settlements, to access employment or education. If that is the overall aim of the Bill, then that seems fair and consistent. However, we need to appreciate that longer commuting journeys will be made in more rural areas. That needs to be reflected as well.

[222] **Byron Davies:** To go back to something you, Darren Thomas, said earlier on, you talked about changing hearts and minds. Do we need a Bill to do that?

[223] **Mr Thomas:** On its own, a Bill will not change hearts and minds, but it helps provide focus for those behind the scenes setting strategy, policy and direction. It gives them the teeth to drive through other issues to do with changing hearts and minds—for example, being able to allocate funding to certain areas just to provide a resource for travel planning, training, education et cetera. There are benefits from that point of view, but, changing hearts and minds is not something that local authorities will achieve on their own. There has to be a cultural change in the way in which people travel.

[224] **Byron Davies:** That is the challenge.

[225] **Mr Whittaker:** There is an element of that now. People are talking about peak car, demographic changes for young people, the cost of insurance and so on. There was a recent statistical session on that in Cardiff, which was reported in the technical press, asking if we had reached peak car in terms of changes in miles being driven—not just for environmental reasons, but because of economic and social changes. To build on what Darren said, drink



driving and road safety Bills brought in limits, but only having them in a Bill was not enough; there was also a continuous campaign. There have been other campaigns on big public things, such as smoking and other public health interests.

11.15 a.m.

[226] **Byron Davies:** Drink driving was made an offence in 1968, but people still drink and drive, unfortunately. I take your point. The Minister who had responsibility for this was here two weeks ago and said that he would encourage local authorities to work beyond their boundaries on the basis of regional planning because it just makes more sense. Do you think that there should be a statutory requirement for local authorities to develop maps collaboratively at a regional level?

[227] **Mr Thomas:** I will start off because we have some experience of that. Having gone through the exercise outside legislation, but realising that there was something in the offing, we have found that there have been glitches in terms of cross-boundary issues with paths not quite connecting up and different sorts of ways of providing the information. It is arguable to say that the exercise itself has been quite useful. It was not just to do with active travel, there is also the issue of collaboration and the compact generally and trying to pull things together. Having embarked on it, we have found it to have been a very useful process. The level of ‘compulsion’ has been a small stick in the background, but the actual outturn or outcome in terms of what we have achieved at the end of it has been useful—or it is becoming useful, because we have not finished the exercise yet.

[228] **Byron Davies:** Do you have any other views on that?

[229] **Mr Gilbert:** From Sewta’s perspective, although the maps are likely to be developed on a more local basis, because that is where the majority of the expertise will lie, we would like to see a large degree of collaboration between local authorities to ensure that the issue of routes not joining up is avoided as best as possible. In terms of a statutory requirement to allow collaboration to work and in order to amalgamate the maps and so on, there may be some merit in that.

[230] **Byron Davies:** It is important, is it not?

[231] **Mr Gilbert:** We certainly feel that there should be some interworking between the local authorities, but that is already happening, so I am not sure whether it needs to be represented in the Bill itself.

[232] **Byron Davies:** I want to ask, primarily to SWWITCH, about the reasons why a three-year mapping cycle might present a challenge to local authorities.

[233] **Mr Thomas:** First, we have the planning process associated with the regional transport plan, which is in a different timescale, so that would be problematic. Again, I will have to fall back on our experience of the mapping. It has been quite an exercise to pull together the mapping. Once it is done, an annual refresh is probably sufficient, but to go through it on an annual basis seems excessive. It would make a lot more sense to tie it in with existing planning processes, especially as active travel is one of the overall measures for sustainable transport anyway. So, to separate it out from the planning process and to deal with it on its own does not really make much sense from that point of view. We would rather it be integrated in with the other aspects of the planning process.

[234] **Mr Whittaker:** Absolutely, emphatically. One thing that I would not like to see, as was touched upon earlier, would be whatever the regional transport plans evolve into through the transport planning framework, from April 2015, is a different system every five years that

is not aligned. As we said in our evidence, in promoting active travel, we should be aware that other strategic transport projects will also be required as part of the mix. There are not just some solo trips where people either just walk or cycle; they use other modes. In terms of prioritising that as part of the duties that we have through the regional transport plan, which is a statutory document, and in the delivery as part of the world's transport strategy, that is critical, and we want to be able to spend resources on the delivery of that rather than on compliance with the Bill using an existing process. As Darren touched upon, with the Simpson compact work that SWITCH is leading on, we are looking forward to picking up the expertise and spreading it.

[235] **Mr Thomas:** There is a report in draft, which we hope to share with the other consortia and the Welsh Government—the Welsh Government is on our group, as well.

[236] **Byron Davies:** Perhaps, Matthew, you could deal with this; do you think that the overall cost of £400,000 to prepare these integrated network maps, based on an estimate of £20,000 per local authority, is reasonable? What are the factors that might lead to variation across local authorities? Do you have any comment on that?

[237] **Mr Gilbert:** We are a little concerned that there is not a great deal of detail about how that £20,000 figure has been arrived at and we would welcome some further detail on that. In terms of the variations between local authorities and their likely impact, if each authority is allocated £20,000 to develop the integrated network maps, there are going to be implications as to how that is spent. For example, it states in the explanatory memorandum that one local authority is likely to have 18 towns with a population of more than 2,000 people and, in contrast, another local authority might have only two or three towns. So, we have a bit of concern about that and would welcome further explanation as to how that figure of £20,000 has been arrived at.

[238] **Eluned Parrott:** I want to return to this idea of integration between active travel and other forms of travel. I know that you will be aware that the Bill does not make any reference to the regional transport consortia, or regional transport plans. However, there is this part in section 6 that asks them to have regard to the integrated network map. Is it your view that this is not sufficient? Do you think that there is a danger that there will be a lack of integration between active travel and other forms of travel? Is that the case?

[239] **Mr Whittaker:** Yes.

[240] **Eluned Parrott:** So, the question in my mind is: how would you structure it differently to make sure that that was not the case? What does the ideal structure that will integrate the active travel Bill and the other provisions that we have look like?

[241] **Mr Whittaker:** In the Transport (Wales) Act 2006, we have a general duty that relates to the Wales transport strategy, which provides the overarching structure in Wales. There are a number of things coming up within the public transport area. On bus regulation, the Welsh Government has made proposals in its submission to Silk part 2. You also have the renewal of the rail franchise and it would be very useful, while you cannot be specific about that, to provide the hooks in that for the future. It is important to get the balance. We have got it—it is not a crisis—but never waste a good opportunity to put some bits in, while keeping core to the centre of the Bill the principles that you are trying to pull from this in terms of mapping infrastructure. We talked about hearts and minds. I was speaking to someone in the public transport industry earlier regarding the bus funding review; there are critical elements within this that apply to all the modes that we use, whether we are using a single mode or multiple modes. It would be useful if some of the hooks could be provided within this Bill, so that, as the other stuff comes through, it can take regard of that, without diluting the output of the Bill, and so that these things work together, because presumably future legislation or

guidance might be introduced and it would be a shame to miss the opportunity.

[242] **Eluned Parrott:** We recognise that there is a problem here with people who commute bi-modally—my husband does exactly that; by cycle and by train—and there is not the infrastructure on the other forms of transport to allow people to commute in that way.

[243] **Mr Whittaker:** It is about the design of rolling stock. You have the Valleys lines electrification and there is a lot in the media and there is an Institute of Welsh Affairs conference next week. It is about getting things in at the design stage. We are talking about highways: why are we just talking about highways? There are other bits, as well. I do not want to be too specific, because we are not sure what is going to come out in the future, but there are underlying principles. Some of that sits within the Wales transport strategy; we could pull that through and put it into this without being too prescriptive about what, in the active travel space, is intensely local, and quite rightly so.

[244] **Mr Thomas:** Just to add to that, the way that I think that most of the consortia have built up, for example, their regional transport plans is to have component strategies, to work together, and to build up to the complete, finished strategy. In a sense, therefore, perhaps there is an opportunity for the Active Travel (Wales) Bill to make that leap more effectively with some of the other strategies, which it perhaps does not explicitly do at the moment, so that it is understood that it is one of the components of the overall integrated strategy.

[245] **Eluned Parrott:** In terms of the evaluation and prioritisation of different kinds of proposals for extending routes and providing things like add-on facilities, such as storage facilities at railway stations and so on, do you think that the lack of reference to the role of the transport consortia and the higher level plans is a threat to developing that kind of integration between modes?

[246] **Mr Whittaker:** Yes, absolutely. On the role of the regional transport consortia and the regional transport plan, which is a statutory document—to repeat what was in the evidence—if you are having to make priorities for citizens and industry in a particular area, you cannot consider one out of cycle with the other. It is impossible. It is dysfunctional in terms of the duties that a local authority has in its area. So, I would repeat that you do not want a whole different apparatus to do this through. Some of that will change through the transport planning framework and we are still waiting to hear what will emerge from that. Obviously, this and whatever comes out of the evolution of the bus funding review will be critical to bringing those things together.

[247] **Eluned Parrott:** Obviously, there is also an issue here around the timing, how these different plans work together, and how one can impact on the other if one is under way before you know what the implications of the other are. I am talking, obviously, about the regional transport planning period, for which, I believe, the preparations are already under way. What ability have you had to change and influence that planning process, on the basis of what you believe will be in the guidance and what is in the draft Bill?

[248] **Mr Whittaker:** Obviously, what I am saying is on the record today, but we have not yet had any formal engagement on the transport planning framework, which, I understand, was recently postponed. I understand that they are arranging a session. We have one or two bits that have come out. That is why I made the remarks—and I think we agreed on that—as part of that, because it is not very long now. It is now March 2013. It will depend on what the final structure looks like, but if the timeline from last time is anything to go by—I think that we had to submit in the September before the April of adoption—that would imply somewhere around autumn 2014. With the year-end where we are now, that means that we now have just over a year and a bit; so, we do not have very long.

[249] **Mr Gilbert:** Coming back to Michael's earlier point about tying in the timescales for the mapping requirements of the active travel Bill with the RTP process or its replacement, I think that we are fairly comfortable that we could develop the maps in parallel with the preparation of the RTPs. That would then allow some information to feed in as part of the active travel element of the RTP as a result of this. There is still an opportunity for us to include anything that comes out as a result of the Bill within the preparation of the RTPs.

[250] **Nick Ramsay:** Did you want to come back in on this, Darren Thomas?

[251] **Mr Thomas:** Yes, just to say that it is a good opportunity for us to make sure that things are properly working together in terms of those deadlines. I think that we are already doing work on looking at prioritisation and the programming of works. We have started to look at mapping. There are similar examples in other areas where we have shown that the consortia can step up and make sure that we are delivering things like bus funding and road safety. In all of those areas, the key thing is using the expertise that is available to drive forward the change that is needed, because there is expertise available. You have three people here who are in walking and cycling already, for example.

[252] **Mr Whittaker:** On road safety, there is one example in north Wales where Taith, through the regional road safety group, has been working with police analysts from North Wales Police on the accident statistics, looking at whole-route approaches. That is being rolled out and is very successful. Building on the point that Darren made, there is no reason why such things cannot also be applied to this area.

11.30 a.m.

[253] **Nick Ramsay:** We are coming into the last 15 minutes of the meeting and there are a few more areas that Members would like to cover.

[254] **Yr Arglwydd Elis-Thomas:** Byddwch yn ymwybodol, wrth reswm, mai un o amcanion Cyfnod 1 o'r craffu ar Fil Llywodraeth arfaethedig, neu unrhyw Fil o ran hynny, yw ystyried yr egwyddorion. Felly, hoffwn godi cwestiwn athronyddol, gyda'ch caniatâd, Mr Cadeirydd, y gwneuthum ei godi yn y sesiwn flaenorol sef: a ydych yn hapus gydag ystyr y term 'gwelliant parhaus' cyn belled ag y mae'n ymddangos yn y Bil hwn. A oes gennych brofiad o fewn llywodraeth leol neu wasanaethau eraill o ble mae'r syniad o 'welliant parhaus' mewn deddfwriaeth wedi bod yn ddeddfwriaeth ddefnyddiol ynteu a yw'n enghraifft arall o Lywodraeth Cymru yn gosod cyfrifoldebau dymunol ar bobl eraill heb adnoddau cyfatebol?

**Lord Elis-Thomas:** You will be aware, naturally, that one of the aims of Stage 1 scrutiny of a proposed Government Bill, or any Bill for that matter, is to consider the principles. So, I would like to raise a philosophical question, with your permission, Mr Chair, that I raised in the previous session, which is: are you happy with the meaning of the phrase 'continuous improvement' as far as it appears in this Bill. Do you have experience within the local government or other services of where the idea 'continuous improvement' in legislation has been useful legislation or is it another example of the Welsh Government imposing desirable responsibilities on other people without corresponding resources?

[255] **Nick Ramsay:** Who wants to take that?

[256] **Mr Gilbert:** I will take that one. In terms of the definition of 'continuous improvement', we feel that it could benefit from further clarification. Even within the Bill and the memorandum, there seems to be some discrepancy. The Bill seems to indicate that continuous improvement would be made if there were improvements to the range and quality of active travel facilities and related facilities, whereas the memorandum suggests that

either/or would be appropriate. There should be some clarification on that, and we would prefer to see the clarification come down on the side of it providing either/or, because there may be a situation in which local authorities are not able to provide routes but are able to provide related facilities. So, we would certainly look at that.

[257] On the term itself, it is difficult to understand exactly what is meant by ‘continuous’. Are we talking about the map period between initial submission and the follow-up refresh, or are we talking about a year-on-year improvement? If we are talking about a year-on-year improvement, there may be issues about how we show that. If it is going to be on a mapping basis, that will place a lot of pressure on local authorities to refresh those maps on such a regular basis. Michael might have alluded to this earlier, but it may be tied in with the APR process for the regional transport plans and, perhaps, a list of updates should be provided rather than an update of the map. However, we need some sort of clarification, and we would have concerns about it being on a year-on-year basis because of the funding that is available at the moment.

[258] **Lord Elis-Thomas:** We had conflicting evidence on this, did we not, between Sustrans, which wanted it every year, whereas the Welsh Local Government Association, or maybe one of you, wanted it every five years? Would you welcome the notion of continuous improvement being more directly related to the existing transport planning mechanism that you operate—

[259] **Nick Ramsay:** Before you go on, Dafydd, I know what you are talking about, but that was more for the original production of the maps. I might be wrong on that.

[260] **Lord Elis-Thomas:** No, it was also for the second stage of the maps. What I am trying to establish is whether it would make more sense to have continuous improvement linked to something more specific, that is, the implementation of the regional transport planning strategy on the five-year cycle, which you already have. That is what I am asking.

[261] **Mr Whittaker:** From a programming perspective, that is why the local authorities and the regional transport consortia have worked collaboratively. It is easy to say, but sometimes difficult to execute. On project management, you will know that the Wales Audit Office report looked at the performance of major schemes in Wales, and it is critical that the lessons that came out from that are picked up. Sometimes, when you are doing things on an annual basis, if one scheme gets delayed—Darren wants us to build on this point; it is something that we touched upon. With one month’s figures, you can get little distortions, and it is the same with an annual thing if you take a very hard-line view on an annual figure rather than the trend. I am talking a little theoretically here, but it is difficult. Again, this goes back to the thing about the guidance, rather than being asked against a specific. You spoke earlier about the statutory directions of the Minister. There are probably some where you cannot say that one size will fit all. I apologise to the committee if that is a general answer, and not specific, but that underlines some of the points we are trying to address.

[262] **Lord Elis-Thomas:** You are absolutely right, Chair. I have just refreshed my notes, and indeed that earlier reference was initially to mapping. What I am trying to establish is whether these basic concepts of the Bill—the mapping and the continuous improvement—would benefit from being related to a process that you are already involved in, and which is more to do with the mainstreaming of transport activity, where the active travel Bill relates then to more general transport and movement in the population.

[263] **Mr Whittaker:** In principle, yes. When new assets open and new services start, it takes a while for people to get to know about them and use them and change their habits. You do not always get an instant effect. I will use the example of when a shop opens; in terms of training, it takes typically three years for it to find its space in the market. Maybe routes find a

natural zone for how successful they are going to be.

[264] **Mr Thomas:** Something like mapping, for example, is obviously one specific measure, whereas the Bill seems to be focusing more on the overall outcome of increasing walking and cycling. Therefore, coming back to the earlier discussions that we were having, what is important is that you do not overly focus on specific measures like performance indicators on their own, although they will give you a picture of where you are going on walking and cycling. There was the walking and cycling action plan that the Welsh Government produced a few years ago and, unfortunately, perhaps that did not have some of the outcomes that were hoped for at the time. Perhaps there are some lessons to be learned there in terms of leadership to push it forward and to look at some of the outcomes that we are trying to achieve.

[265] **Lord Elis-Thomas:** We did draw a few comparisons in the earlier session with the WLGA between the experience of the activity of the population in waste and recycling and the enthusiasm demonstrated across Wales in different degrees towards that, and whether there needed to be a similar kind of revolution, as it were, in this area, and whether it was possible. That is the sort of thing that you are alluding to.

[266] **Mr Thomas:** Again, unfortunately, I have to use an example from road safety, which is an area I am more familiar with. We have specific indicators. For example, we are looking at killed, seriously injured or motorcycle accidents and, year on year, overall, you are seeing a trend downwards in terms of casualties. That is not something that has happened just because of one year's action. It has taken legislation, strategy, strategic direction and leadership over a number of years to bring it down. It will probably be something similar with this process.

[267] **Lord Elis-Thomas:** That is very valuable to us because, again, part of our study at Stage 1 is to see the draft Bill in context. That is a legal text, obviously, but it is in the context of a whole other area of other actions, and it has to be seen as related to those if it is justifiable in terms of legislation.

[268] **Nick Ramsay:** The WLGA, in its evidence, suggested that continuous improvement can become continuous deterioration if the funding is not there.

[269] **Mr Whittaker:** Maintenance was touched upon—maintaining what you have and making best use.

[270] **Nick Ramsay:** Those are funding issues, clearly. Byron Davies has some more questions.

[271] **Byron Davies:** Section 8 states that both Welsh Ministers and local authorities as highway authorities must have regard to the desirability of enhancing the provision made for walkers and cyclists. Indeed, SEWTA's paper advocates presumption in favour of enhanced provision. So, will the effect of a duty to have regard to the desirability of provision for walkers and cyclists in highway schemes differ in practice from the current Welsh transport appraisal guidance requirement to consider walking and cycling when developing transport schemes?

[272] **Mr Gilbert:** From our point of view, the fact that it would be in the Bill itself means that it would be given greater weight and would strengthen the hand of the local authorities when it comes to trying to promote the inclusion of walking and cycling for any of those types of schemes. Although, with WelTAG being just an appraisal process it does not have quite as much of a bite to it. So, we think that it would certainly help to strengthen it by including it within the Bill.

[273] **Mr Thomas:** Building on that, certainly in terms of the WelTAG study work, it has sometimes come down to interpretation or assessment. As Matthew was saying, having it made stronger, by having it in legislation, will put more of a focus on those assessments. What we have found in the case of some highway schemes is that, unfortunately, the shared-use path element might almost be a contingency aspect of the job at the moment, in that the focus has been on building a road for economic regeneration purposes or whatever that might be, and if you run out of money, then you cut things, and because that has not been quite at the top of the list, it has been one of the issues that, unfortunately, has been cut. Now, if there is going to be more emphasis on walking and cycling through legislation, it is just going to put more focus and require the technical people doing the assessments to give it more weight.

[274] **Byron Davies:** I am trying to contextualise this, so, may I ask you how far you think land ownership is going to be an obstacle to the development of integrated travel? How do you think we can overcome this?

[275] **Mr Thomas:** I would say that it is already a big issue, because we are already delivering schemes, and some of them have been stymied and hampered by not being able to secure land. I do not think that we have had an example on an active travel scheme where we have used compulsory purchase alone. We always try to do things by negotiation, but it has meant that, in some cases, you have ended up with narrower paths or infrastructure that is not quite ideal. We would have preferred to have had some teeth in what we do in the infrastructure provision, and if it is not there, it is going to be a problem.

[276] **Byron Davies:** It is a real challenge, is it not? There are two examples that come immediately to my mind of old railway tracks where housing has been built—on what would be a perfect cycle track, you suddenly have a housing estate, which is impossible to get around.

[277] **Mr Thomas:** Yes, and some landowners, unfortunately, will not have the same enthusiasm for this issue that there might be here in this committee. Some people will be worried. We have experience that people are worried about intrusion and issues like that when we say that we are trying to use old railway lines. Trying to overcome some of those issues, without there being some backing to do it, is going to be quite difficult.

[278] **Eluned Parrott:** I would like to turn to the issue of how this impacts on disabled walkers and cyclists. Section 9 of the Bill gives Welsh Ministers discretion to give guidance on the application of the Bill to people with disabilities, specifically those who use mobility aids, motorised or otherwise. Can you give us an idea of why you think the guidance might be required specifically for people who use mobility aids as opposed to people with disabilities more generally?

[279] **Mr Gilbert:** From SEWTA's perspective, we did mention this in our response to the White Paper originally, just to raise the issue that disabled users with motorised mobility aids present a particular issue along the routes—or, rather, they have a specific set of requirements along the route that need to be taken into account, particularly when we are talking about access control measures in areas that are a little bit more rural and have issues with motorcyclists, quad bikes or any inappropriate access along the route. So, in our original response, all we wanted was to make sure that that was taken account of in the Bill. It is possible that it would more appropriately be covered in technical standards that could be produced by the Welsh Government, as most of the routes will be designed with the needs of all users in mind from the start anyway. Certainly, I think that that is probably why that is in there, but without knowing the real reasons for including it, we cannot really comment on it at the moment.

[280] **Eluned Parrott:** Okay, thank you. There are two groups that come to me quite

regularly to discuss accessibility, particularly of walking routes. They are people with visual impairments and people with hearing impairments, for whom areas such as shared spaces, particularly those for shared walking and cycling, can be very difficult because they do not have the sensory ability to predict fast-moving cyclists coming into their path, for example. Can you suggest how the interests of those individuals could be accommodated in the delivery of the Bill?

11.45 a.m.

[281] **Mr Thomas:** I have had a similar experience. I work in Pembrokeshire and I have had direct experience of that type of issue. The way in which we have tackled it there is that we have an access officer who has been involved in all of those issues and discussions. So, we provide strong practical advice that links into the local access forum where needed. While it is very difficult technically to fix some of those issues, there is a mechanism to deal with it from that point of view.

[282] **Eluned Parrott:** Do you think that it is appropriate to specify in the Bill that it ought to be those people with disabilities who require mobility aids, or should it be people with disabilities more generally?

[283] **Mr Thomas:** On the basis that there is a need to comply with the Disability Discrimination Act 1995 and other equality legislation in any case, it would be difficult to take one aspect of less-abled people; it has to apply to everyone so that we would consider their needs.

[284] **Mr Gilbert:** To come back to my earlier point, if there are any specific issues related to mobility aids, particularly the motorised versions, they would be more appropriately picked up in any statutory guidance that accompanies the legislation.

[285] **Nick Ramsay:** Are there any further questions? I see not. I think that you have satisfied the members of the committee. Thank you for an excellent evidence session, and for taking the time to be with us today, Darren Thomas, Michael Whittaker and Matthew Gilbert. We will be feeding your evidence into our consideration of the active travel Bill, and we will send you a transcript of the meeting for your information when that is compiled.

[286] **Mr Whittaker:** If the committee has any questions or points that you think of afterwards, we would be more than happy to respond to the committee.

[287] **Nick Ramsay:** Thank you. Thank you for coming in to help the committee today. I also thank members of the committee for today; it was not a typical committee meeting—

[288] **Lord Elis-Thomas:** It was better.

[289] **Nick Ramsay:** There were challenges that were overcome because of your attitudes to the proceedings. Thank you. I close the meeting.

*Daeth rhan gyhoeddus y cyfarfod i ben am 11.47 a.m.  
The public part of the meeting ended at 11.47 a.m.*