



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

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

Dydd Mercher, 24 Ebrill 2013
Wednesday, 24 April 2013

Cynnwys **Contents**

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

Bil Teithio Llesol (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 11
Active Travel (Wales) Bill: Stage 1—Evidence Session 11

Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o Weddill y
Cyfarfod ac o Gyfarfod 2 Mai
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from the Remainder
of the Meeting and for the Meeting on 2 May

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	Ceidwadwyr Cymreig Welsh Conservatives
Keith Davies	Llafur Labour
Alun Ffred Jones	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)
David Rees	Llafur Labour
Kenneth Skates	Llafur Labour
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

John D.C. Davies	Cyfreithiwr Lawyer
John Griffiths	Aelod Cynulliad, Llafur (Y Gweinidog Diwylliant a Chwaraeon) Assembly Member, Labour (Minister for Culture and Sport)
Victoria Minshall-Jones	Rheolwr Tîm y Bil Bill Team Manager

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

Andrew Minnis	Ymchwilydd Researcher
Gareth Pembridge	Cynghorydd Cyfreithiol Legal Adviser
Kath Thomas	Dirprwy Glerc Deputy Clerk
Liz Wilkinson	Clerc Clerk

Dechreuodd y cyfarfod am 9.32 a.m.
The meeting began at 9.32 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Nick Ramsay:** Good morning and welcome to Members and witnesses to this morning's meeting of the Enterprise and Business Committee. The meeting is bilingual and headphones can be used for simultaneous translation from Welsh to English or for amplification. The meeting is being broadcast and a transcript will be published. I ask Members to turn off their mobile phones and there is no need to touch the microphones. In the event of a fire alarm, Members should follow directions from the ushers. Apologies have been received this morning from Dafydd Elis-Thomas and Julie James, and there are no substitutions.

9.33 a.m.

Bil Teithio Llesol (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 11
Active Travel (Wales) Bill: Stage 1—Evidence Session 11

[2] **Nick Ramsay:** You will recall that the committee took evidence from Carl Sargeant, the then Minister for Local Government and Communities and the Member in charge of the Active Travel (Wales) Bill on 6 March. The purpose of today's session is to take further evidence on the Bill from John Griffiths AM, the Minister for Culture and Sport, and the new Member in charge of this Bill. This is the final evidence session to inform the committee's work on the Bill. The committee will publish its report no later than 24 May, in line with the reporting deadline set by the Business Committee.

[3] I welcome the Minister, our witness for today's meeting, and also your officials. Would you like to give your name and position for the record?

[4] **The Minister for Culture and Sport (John Griffiths):** I am John Griffiths, the Minister for Culture and Sport in the Welsh Government.

[5] **Ms Minshall-Jones:** I am Victoria Minshall-Jones, Bill manager for the Active Travel (Wales) Bill.

[6] **Mr Davies:** I am John Davies, from Legal Services.

[7] **Nick Ramsay:** Thank you for being with us today to help the committee with its deliberations. I propose that we get straight into the questions because although I know that we have you for an hour and three-quarters, we have a large number of areas that we wish to question you on. The first question is from David Rees.

[8] **David Rees:** Good morning, Minister. The previous Minister in charge of the Bill, the Minister with responsibility for local government, communities and transport, clearly indicated that this Bill was not taking a recreational approach, and that it was about focusing more on getting people to use alternative travel means to get to work and so on. However, this Bill now appears in your portfolio, which focuses on sport and recreation. Can you explain why it has come to your portfolio, considering that it crosses many Ministers' portfolios, particularly transport?

[9] **John Griffiths:** I think that the Bill does cut across different ministerial portfolios, as you say, David. It is a very good fit with my overall responsibilities. I have responsibility for sport and access to the countryside and water. It is a very good fit in terms of trying to get people to be more active, with the very important health, fitness and quality of life benefits that that involves. It is a cross-cutting Bill, because we know that it will create strong economic and environmental benefits if we are successful in getting many more people walking and cycling.

[10] One thing that is different about active travel compared with other transport matters is that it is something that we want people to do more of. We want people to do more walking and cycling, because of the obvious health and fitness benefits. It also deals with congestion, pollution and environmental issues, and it is very important for the economy. I see my role very much as promoting walking and cycling, and I think that that fits very well with my wider responsibilities. However, there is a crossover with recreation—it is about purposeful travel and modal shift. That is very much our approach. Nonetheless, recreational routes can be used as active travel routes and can be part of the mapping exercise. We have the Taff

Trail on our doorstep here, as an example.

[11] Although the Bill is not about recreation, there is some crossover, but I am very happy to have the responsibility for it. I think that it is a very good fit with my other areas of responsibility, and I very much look forward to driving it forward. It is very important, and I think that it has a strong cross-party consensus behind it, as well as outside the Assembly.

[12] **David Rees:** To clarify, you see that recreational routes have an important part to play in promoting active travel.

[13] **John Griffiths:** Yes, I think so. The Taff Trail, for example, was largely introduced as a recreational route. However, it is a very important route for active travel, and we want to make sure that we use the Taff Trail effectively in taking these policies forward.

[14] **Eluned Parrott:** Minister, that would seem to be a very clear change in policy direction from the one taken by the previous Minister in charge of this Bill, who told us that it was specifically not to do with recreational travel. However, to return to the idea that this is a cross-cutting Bill, it will be designed and managed through the Assembly by your department. It will then be primarily delivered by another department, namely the transport department. Is that correct?

[15] **John Griffiths:** First, this is not a change. The Bill is still about purposeful travel, as described and set out by Carl Sargeant when he had ministerial responsibility for it. He, too, recognised that recreational routes would and should be used as far as the mapping exercise and active travel are concerned. So, there is no change there.

[16] In terms of funding and mainstreaming within the transport department, it is right to say that transport officials and the Minister for transport will have a major role to play in driving this forward. It is absolutely right that active travel stays mainstreamed within the transport department. However, we work very closely together as Ministers, across the Welsh Government, and I will be working very closely with the Minister for transport in taking this legislation forward.

[17] **Eluned Parrott:** You will be aware that there has been some discussion about whether or not a Bill is the appropriate vehicle for this type of policy work, and whether or not some type of strategy might be more effective. When we asked Carl Sargeant this question, he said that the strategy had failed previously because it had been designed by one department and delivered by another. How will you ensure that this Bill, in the same circumstances, will not repeat that?

[18] **John Griffiths:** It is very important that active travel is a mainstream part of the Welsh Government's transport department, and it is absolutely right that we continue with that approach. However, all policies cut across different ministerial responsibilities. As I said earlier, my role in promoting and encouraging walking and cycling puts active travel in a different light, compared to other modes of transport. We do not want more car journeys, but we want people to walk and cycle more. That promotional role sits very well with me for the long term, as we make sure that we get this modal shift.

[19] **Byron Davies:** Good morning, Minister. To pick up on something that you said, although I do not want to labour this point too much, you mentioned access to the countryside and recreational routes. Your predecessor said that this Bill was solely intended as a means of getting to work, in terms of cycling and walking. How will the equine fraternity mix with this, particularly in terms of shared spaces with recreational routes? What is your view on that?

[20] **John Griffiths:** First of all, we want people to cycle and walk to work much more,

but there are other aspects of purposeful travel, of course; people may be going for appointments, using public services, going to their local leisure centre or going shopping, as purposeful travel. However, work is certainly central to it. We do not consider that horse riders, other than on a very isolated basis, would be using their horses for purposeful travel. I do not think that that many people ride horses to work.

[21] **Alun Ffred Jones:** It could catch on.

[22] **John Griffiths:** I am sure that it happens, but I think that it is rare. We have to concentrate our resources, in terms of this legislation and our wider efforts, on what will create and encourage substantial and significant change.

[23] **Byron Davies:** So, will they be excluded?

[24] **John Griffiths:** They will not be part of this legislation.

[25] **Byron Davies:** So, they will be part of the shared spaces.

[26] **John Griffiths:** They will not be part of this legislation in terms of the mapping exercise and the effort to get that modal shift in transport behaviour. As we have always made clear, the Bill is very much about walking and cycling.

[27] **Byron Davies:** I am not entirely clear, but we will leave it there; thank you.

[28] **Joyce Watson:** We have heard from local authority witnesses and others that this Bill is not necessary, because local authorities have an existing obligation to map and improve rights of way, that they have a statutory duty to include facilities for pedestrians in transport plans and that land use planning guidance requires consideration of active travel issues. Minister, how do you respond to those statements?

[29] **John Griffiths:** I briefly outlined earlier the widespread benefits of getting more people in Wales walking and cycling. It is very important, across a range of Government responsibilities, strategies and policies. So, it is absolutely right that we make it clear how seriously we take the need to get more people walking and cycling, and that we do so through primary legislation, which makes very clear the Government commitment to this agenda.

[30] It will take an extended period of time to get the necessary change, and I think that primary legislation embeds policy over a significant period of time, because it is not easily overturned. So, it is absolutely right that we deal with these aims through primary legislation.

[31] **Byron Davies:** Last week, we had Professor Pooley from Lancaster University giving evidence. He said that, while he was supportive of the Bill and that it was an important first step, improvements to infrastructure alone are unlikely to bring about real changes in active travel. He suggested that a more significant package of measures is necessary to bring about real improvement, including matters outside the scope of the Bill and the active travel plan, such as changes to spatial and land use planning. What is your view on that?

9.45 a.m.

[32] **John Griffiths:** It is a wider agenda and I accept that there has to be an effort that goes beyond the legislation, what the legislation will produce and the action plan. I think that that is absolutely right. However, what I think we will see through this legislation is a much better and more widespread appreciation of these issues in the round—in our local authorities, within the Welsh Government and among all those who have a role to play. Crucially, the message will be very clear to the general public that we are serious about creating the

infrastructure, conditions, information and awareness that will lead to substantial behavioural change. It has to be a much bigger effort, but this legislation will be a very important part of achieving the action plan.

[33] **Byron Davies:** I do not wish to be negative—I am not a negative person, generally—but how do you plan to address this? The people to whom I have spoken in local authorities are not very enthusiastic about it, frankly.

[34] **John Griffiths:** My own experience is that there is a great deal of commitment in local authorities to getting people more active, including through walking and cycling, and that they understand the widespread benefits of making that modal shift, as I described briefly earlier. I think that we have some good examples: the local authority in Cardiff has done a great deal of work and is quite ambitious about doing further work. Similarly, a great deal of good work has been done in the local authority in Swansea, as our second city—if I can put it that way; perhaps I should not—in population terms.

[35] **Byron Davies:** I agree with you. [*Laughter.*]

[36] **John Griffiths:** Again, Swansea is ambitious for the future. The local authority in Newport, on my own patch, has done similar work. Therefore, I would not accept that statement. I think that local authorities understand the importance of this agenda, have already done a considerable amount of work and understand the need to do a great deal more.

[37] **Keith Davies:** Gofynnaf fy **Keith Davies:** I will ask my questions in
nghwestiynau yn Gymraeg. A allwch Welsh. Can you expand on what will be
ymhelaethu ar beth fydd yn cael ei gynnwys included in the active travel action plan? Will
yn y cynllun gweithredu teithio? A fydd yn it be effective if it is not statutory?
effeithiol heb iddo fod yn statudol?

[38] **John Griffiths:** We are working on the action plan at the moment and we will have it out for perusal and comment in the summer. A lot of work is taking place on that at the moment. What we can say is that the action plan is the wider picture. There is much that can be done in working with our key partners—particularly the local authorities, but also organisations like Sustrans and the Canal and River Trust—to ensure that we work together jointly and in partnership to get the behavioural change that we need. We have a walking and cycling action plan at the moment, and there have been various views on how successful that has been. Carl Sargeant, in giving evidence, suggested that it had not been as effective as the Welsh Government would have hoped. Therefore, we will seek to make improvements with the new action plan, which will be very much about complementing the legislation. A lot of work is going on around that at the moment. There will be monitoring and evaluation, which we have to get right. It is going to be about measuring increases in walking and cycling, over and above what would have happened without the action plan and the legislation, in terms of the intervention that they produce, and casualty rates for cyclists and walkers. We are thinking about monitoring and evaluation, but there is still some work to be done in finalising that action plan.

[39] **Keith Davies:** A ydych wedi **Keith Davies:** Have you considered
ystyried cynnwys dyletswyddau ar including duties for local government and the
lywodraeth leol a Llywodraeth Cymru i Welsh Government to promote this scheme?
hyrwyddo'r cynllun hwn?

[40] **John Griffiths:** The duties that we propose are within the legislation, and that is set out in the legislation. The action plan is a wider approach about building partnerships and getting buy-in, as it were, and we think that is very much the most productive approach. As I said earlier, local authorities in Wales well understand the importance of this agenda, have

done a lot of work, and are as ambitious as we are. It is not that we necessarily need to force organisations to do things; the legislation is about the legislative duties, and the action plan is the wider picture about joint working and partnership.

[41] **Keith Davies:** Ond nes ymlaen, **Keith Davies:** But later on, I believe—
ryw'n credu—

[42] sorry, Chair, to bring this in.

[43] Os yw llywodraeth leol yn mynd i'w If local government is going to promote this, hyrwyddo, bydd y cyhoedd yn credu bydd the public will believe it is co-operating with hi'n cydweithredu â chi arno, ond efallai y you on this, but perhaps there will be funding bydd problem gyllidol i awdurdodau lleol, ac problems for local authorities, and perhaps efallai na fyddant mor hapus i'w hyrwyddo they will not be so happy to promote this if os maent yn credu bydd y cyhoedd ar eu hôl they think that the public will be after them if os nad ydynt yn ei weithredu. they do not implement it.

[44] **John Griffiths:** They will have the statutory duties under the legislation, and it is really important that we get the mapping right, and the infrastructure right, so that we have these safe routes for people to use. However, there is much else that goes around that in terms of duties, in terms of local road development, which is the responsibility of local authorities—and and, indeed, Welsh Government trunk road responsibilities.

[45] **Nick Ramsay:** The travel plan itself is not on a statutory footing, is it?

[46] **John Griffiths:** No.

[47] **Nick Ramsay:** Should it be?

[48] **John Griffiths:** We do not believe so, Chair. We think it is a matter of working in partnership and taking partners with us, as it were, and, indeed, their having a strong role in their own right. We think that is the most productive approach. It is a combination, is it not? There are legislative duties through the legislation and then the wider effort through the action plan, which is about joint working. It is about changing mindsets across local government and, indeed, across the Welsh Government, which is wider still. You cannot cater for all of that with legislative duties.

[49] **Nick Ramsay:** It is interesting to see what is statutory and what is not with regard to this Bill. You have mentioned several times the need for behavioural change, but then there is nothing statutory in the Bill about education, for instance, and getting people to actually use these routes. With all due respect, you can map whatever you want, and you can put whatever in place, but, if there is nothing there to actually get people to know that those new routes are in place, will it work?

[50] **John Griffiths:** I think it will. You cannot force people through legislation to change their minds and their behaviour, as it were, but there are things that you can do to create the right conditions.

[51] **Nick Ramsay:** You can educate.

[52] **John Griffiths:** You can educate. One aspect of this, obviously, is Safe Routes in Communities, for example, for which there is funding. That is very much about using education for behavioural change and making those connections. Local authorities and the Welsh Government have cross-cutting responsibilities and once we put active travel at the heart of those levels of government, we will see behavioural change and the educational

aspects necessary to take this direction of travel forward.

[53] **Nick Ramsay:** How will the public know that this is in place?

[54] **John Griffiths:** The legislation?

[55] **Nick Ramsay:** The routes.

[56] **John Griffiths:** There will have to be publication and promotion of the maps, and, again, that is part of this work.

[57] **Byron Davies:** Why can that not be done through consultation? Why do you have to go through all this expense? Why can you not talk to local authorities and get them to react without having to go through this very expensive exercise?

[58] **John Griffiths:** We do talk to the local authorities, of course, and we will continue to do so. There is a much wider engagement outwith this particular legislation. I am a cyclist myself, and last Saturday I was cycling from Newport to Chepstow, for example, for a nice day out, and, just like other cyclists, I am acutely aware of safety issues on the roads. I was on main roads for that cycling journey, and it would have been much better had it been a route that was more segregated and safe. It is absolutely vital that we create this infrastructure of safer routes for people that allows for purposeful travel, and we feel strongly that the duties and the mapping exercises required in this legislation are the way to strengthen that effort and build on the progress that we have already made. However, it is just a part of the picture. We are not saying that this legislation will resolve all of the issues involved in getting this change. As I said earlier, with regard to the action plan and outwith the action plan, it is a much wider and bigger effort than that.

[59] **Nick Ramsay:** You could not do that without the Bill, could you?

[60] **John Griffiths:** I think the Bill is absolutely necessary in terms of Government commitment, long-term change and driving this forward.

[61] **Alun Ffred Jones:** Prif bwrpas y Bil yw gorfodi llywodraeth leol i greu mapiau o lwybrau beicio a cherdded. Pam nad yw'r dyletswyddau hyn wedi eu cysylltu â dyletswyddau eraill i fapio, cofnodi a gwella priffyrdd, fel y rhai sy'n gysylltiedig â hawliau tramwy, er enghraifft, o gofio bod y dyletswyddau yn debygol o effeithio ar y swyddogaethau hynny?

Alun Ffred Jones: The main purpose of the Bill is to require local government to create maps of walking and cycling routes. Why have these duties not been linked to other highway mapping, recording and improvement duties, such as those relating to rights of way, for example, given that the duties are likely to have an impact on those functions?

[62] **John Griffiths:** I think there will be links, because, when these plans are pulled together, they will look at what is already there in terms of rights of way, for example. It will be an exercise in pulling together existing information into a single plan. So, those connections will be made and local authorities, with their local road development responsibilities, and the Welsh Government, with its trunk road development responsibility, will have to factor in active travel in terms of future development. The regional transport consortia will similarly have to factor active travel into their work and development. So, I think those links will be made through this legislation.

[63] **Alun Ffred Jones:** Bydd rhai o'r llwybrau hyn yn llwybrau caniatadol—*permissive routes*—hynny yw, llwybrau a

Alun Ffred Jones: Some of these routes will be permissive routes, that is to say they will be routes that will be part of the network but

fydd yn rhan o'r rhwydwaith ond a fydd yn mynd dros dir preifat. Felly, pwy fydd yn gyfrifol am gynnal, cadw a datblygu'r llwybrau hynny, gan gofio eu bod yn mynd dros dir preifat? A fydd y ddyletswydd ar lywodraeth leol i wneud hynny?

will cross private land. So, who will be responsible for maintaining and developing those routes, bearing in mind that they pass over private land? Will there be a responsibility on local government to do that?

[64] **John Griffiths:** I think local government would want to discuss, if not negotiate, matters of maintenance and arrangements for maintenance with landowners before deciding whether it was appropriate to include private land in its active travel routes. I am sure that these are matters that can be overcome, if they are seen as potential barriers, through discussion and making arrangements. That is perfectly possible and happens all the time across the range of local government responsibilities.

[65] **Alun Ffred Jones:** Mae problem arall ynghlwm â hynny, sef ariannu'r llwybrau hyn. Nid oes cyfeiriad yn y Bil at ychwanegu at gyllideb llywodraeth leol i geisio gwneud hyn yn realiti, ond gadawn hynny i'r neilltu. Mae sôn am y llwybrau caniataol hyn yn ein harwain at fater arall, sef pryniant gorfodol. Ar hyn o bryd, mae proses gweddol glir os ydych yn creu ffordd newydd ar draws tir preifat o ran pryniant gorfodol. Nid yw'n broses hawdd ond mae'n broses ddealladwy. Nid oes dim byd felly—mae Sustrans a llywodraeth leol wedi cyfeirio at hyn yn eu tystiolaeth atom. Pe bai angen creu llwybr ar draws tir preifat a bod angen pryniant gorfodol, sut fydd y Bil hwn yn hwyluso hynny, neu a ydych yn cydnabod y gallai hynny fod yn broblem?

Alun Ffred Jones: There is another problem related to that, which is the funding of these routes. There is no reference in the Bill to providing additional funds for local government to try to make this a reality, but let us put that to one side. Speaking of these permissive routes leads us to another issue, namely compulsory purchase. At the moment, there is quite a clear process in place if you are creating a new road across private land in terms of compulsory purchase. It is not an easy process, but it is understandable. There is nothing—Sustrans and local government have referred to this in their evidence to us. If there were a need to create a route across private land and compulsory purchase was required, how would this Bill facilitate that, or do you acknowledge that that could be problematic?

[66] **John Griffiths:** There are issues there, of course. This Bill does not address compulsory purchase and that was not part of the White Paper or that consultation exercise. Local authorities have compulsory purchase powers, and they can use those for footpaths or cycle paths—

10.00 a.m.

[67] **Alun Ffred Jones:** A gaf i dorri ar eich traws yno, Weinidog? Yn y dystiolaeth a roddodd y Gweinidog blaenorol i ni, roedd ef a'i was sifil ar y pryd—nid wyf yn cofio os mai Mr Davies ydoedd—yn amlwg yn ansicr iawn ynglŷn â phwerau llywodraeth leol mewn perthynas â llwybrau. Mewn perthynas â phriffyrdd, mae'n hollol glir, ond nid yn benodol ynglŷn â llwybrau. Felly, y cwestiwn sy'n codi yw: os ydych yn ceisio creu rhwydwaith ar draws tir preifat, a fydd gan llywodraeth leol y pwerau yn benodol o ran llwybrau cerdded a beicio i fynd am bryniant gorfodol?

Alun Ffred Jones: May I interrupt you there, Minister? In the evidence that the previous Minister gave us, he and his civil servant at the time—I am not sure whether it was Mr Davies—were clearly very uncertain about local government powers in relation to routes. In relation to highways, it is quite clear, but not specifically on routes. Therefore, the question that arises is: if you are trying to create a network across private land, will local government have the powers specifically in terms of walking and cycling routes to go for compulsory purchase?

[68] **John Griffiths:** As I said, local authorities do have powers of compulsory purchase and can create public paths by order. Obviously, they have compulsory purchase powers for highway purposes, which can include cycle tracks. I accept that there are issues here, and I had discussions with Carl Sargeant in my previous ministerial post when he had his previous ministerial responsibilities on these issues. I was taking forward legislation in the form of the planning Bill and the environment Bill, for example, and there are possibilities there in terms of addressing these issues around compulsory purchase. Although there are powers there at the moment, we would all recognise, I think, that it can be other than timely and it can be costly. There are difficulties in using the existing powers; I would accept it.

[69] **Nick Ramsay:** Are you proposing new powers then, Minister?

[70] **John Griffiths:** I think we will want to consider, as we move forward, issues around, potentially, the need for new powers of compulsory purchase and whether—

[71] **Nick Ramsay:** New powers of compulsory purchase?

[72] **John Griffiths:** Yes. Not in this legislation, but whether that might be effected in future Bills, other than this Bill, that the Welsh Government takes forward.

[73] **Alun Ffred Jones:** Gadeirydd, gyda'ch caniatâd chi, efallai y byddai'n werthfawr i ni, o dderbyn nad yw'r Gweinidog yn bwriadu rhoi unrhyw bwerau ychwanegol yn y Bil hwn, gael nodyn gan y Gweinidog ar y sefyllfa fel ag y mae hi o safbwynt llywodraeth leol, gan fod y mater wedi cael ei godi dair gwaith gyda ni yn y dystiolaeth.

Alun Ffred Jones: Chair, with your permission, perhaps it would be valuable for us, given that the Minister does not intend to provide additional powers in this Bill, to have a note from the Minister on the situation as it currently exists in terms of local government, as the issue has been raised three times with us in evidence.

[74] **Nick Ramsay:** Can you do that, Minister?

[75] **John Griffiths:** Absolutely. As we have John with us today, he might wish to clarify further now, if that is useful for the committee at this stage.

[76] **Mr Davies:** The Highways Act 1980 enables highway authorities to acquire land for highways both by agreement and through compulsory purchase. 'Highways' does not necessarily mean only a road used by motor traffic; it could be a footpath, a bridleway or a cycle track. So, highway authorities may acquire land for cycle tracks, footpaths and bridleways by agreement or compulsory purchase. There are also ways, under the Highways Act 1980, under which they may fall short of actually acquiring the land, but may acquire rights by public path creation orders. So, the tools are there. They are often time-consuming because of the presence of persons with property interests who must be given the opportunity to object. However, the powers of the Highways Act 1980 would appear to be appropriate for use in these sorts of circumstances.

[77] **Alun Ffred Jones:** Byddai'n gorffen ar ôl hyn, Gadeirydd. Rwy'n derbyn, os ydych yn creu ffordd newydd y gallwch rhoi llwybr wrth ei ochr, ond nid dyna rydym yn sôn amdano, gan fod y Bil hwn yn ymwneud â chreu llwybrau penodol. Gall rheiny fod ar ffyrdd presennol neu ar ffyrdd newydd, ond gallent fod yn gwbl ar wahân i briffyrdd.

Alun Ffred Jones: I will conclude after this, Chair. I accept that, if you are creating a new road you can place a route next to it, but that is not what we are talking about here, because this Bill refers to the creation of specific routes. Those could be along current highways or new highways, but they could be entirely separate. That is the scenario I am

Dyna'r sefyllfa rwy'n gofyn amdano: a fydd y pwerau presennol yn galluogi llywodraeth leol i fynd am bryniant gorfodol os ydych yn sôn am lwybrau beicio a cherdded ar eu pennau eu hunain? Yr ateb, rwy'n amau, yw 'na fydd', ond efallai fy mod yn anghywir. asking about: will the existing powers enable local authorities to pursue compulsory purchase if you are talking about standalone walking and cycling routes? I suspect that the answer is 'no', but I may be wrong.

[78] **Mr Davies:** I consider that those powers are in place already.

[79] **John Griffiths:** What we have heard from John makes it clear that, in our opinion, Gadeirydd, it is perfectly possible to—

[80] **Alun Ffred Jones:** So, what is the problem?

[81] **John Griffiths:** Timeliness, cost and that sort of difficulty. Those powers are there, but they are often not used because of those issues of cost and time. If we could make it simpler and easier, that would be valuable.

[82] **Nick Ramsay:** I want to move things on now, if that is okay, Alun Ffred. Byron Davies is next.

[83] **Byron Davies:** Minister, more than two thirds of the 48 respondents specifically identified the absence of additional funding to be an issue or a barrier to the delivery of the Bill. What is your view of the suggestion that, without additional funding, local authorities will focus on existing routes rather than expanding the network, as you would wish them to do, since they cannot afford further unfunded maintenance costs?

[84] **John Griffiths:** Obviously, funding is very important. This comes down to commitment and prioritised—

[85] **Byron Davies:** I think that it is central; it is not just important.

[86] **John Griffiths:** It is very important. Absolutely. It comes down to commitment and an understanding of the cross-cutting importance of getting more people cycling and walking. Again, I briefly sketched out earlier the cross-cutting nature of those very clear and strong benefits. I think that that is understood by local authorities. It is obviously understood by the Welsh Government, which is why we are taking this legislation forward. It is not as if we do not have that appreciation and understanding in local government. We do, and that is evidenced by the progress that has taken place to date, and the ambitions that local authorities—along with us—have for the future. This year, for example, within the moneys that regional transport consortia will have to spend, just under £8 million has been identified and earmarked for active travel. That is a substantial sum of money that will be used for these active travel routes. There is also money for Safe Routes in Communities, which is in excess of £4 million in the current financial year. Money for highway schemes, again, will have an element earmarked for active travel. So, there is resource available and of course it is very important. Through this Bill, we are going to see better and more effective use of resource; so, as well as earmarking money for the purpose of active travel, we will see existing and future resource better used because we will have these plans in place, which will be a focal point for all delivery partners to understand, focus on and take forward.

[87] **Byron Davies:** If you cycle around the Swansea and Gower area, as I do, you will see that there are huge issues with the maintenance of roads. You are now asking the local authorities to maintain additional areas without additional funding. That is my question to you: how do you think that they will manage this?

[88] **John Griffiths:** Obviously, they have their general responsibilities for roads. I know that lots of local authorities around Wales have done a lot of good work using prudential borrowing powers, for example, which has allowed a lot of valuable work to take place and, indeed, made sure that other costs associated with poor road maintenance have not materialised, which is a very cost-effective way of looking at these matters. Obviously, local authorities and others have their general responsibilities and have to meet them. I have also cycled in the Swansea area. In fact, I cycled from Newport to Swansea, although I did get the train back. There are some great cycle routes around Swansea that are off-road. However, there are issues in terms of maintenance and issues on-road. Obviously, we have to address those, working together.

[89] **Byron Davies:** The whole point is that if it is not well maintained, it will not be used.

[90] **John Griffiths:** It has to be well maintained. For example, I just referred to some earmarked funding, which I think will be very valuable in terms of taking the mapping exercises forward and creating the necessary infrastructure.

[91] **Byron Davies:** Where has that funding come from?

[92] **John Griffiths:** The money for the transport consortia is obviously within the transport budget. As I have said, just under £8 million, this year, is earmarked for active travel within that provision. The money for Safe Routes in Communities is within the education budget. In terms of trunk roads and the active travel element, that again is in the mainstream transport budget. In referring to that, I think that it shows how important it is to keep active travel mainstreamed within our transport department and transport responsibilities.

[93] **Nick Ramsay:** The next question is from David Rees.

[94] **David Rees:** Minister, at the very beginning of this Stage 1 inquiry, we expressed concerns over the lack of statutory requirements and the greater emphasis on detail in the guidance. In your letter of 10 April, you have identified that there will be two sets of guidance as a consequence. Many witnesses and respondents have expressed their concern about the lack of detail as well. How do you intend to alleviate their concerns and ours? It is difficult to understand the full emphasis of the Bill without that detail in the guidance and we have not yet had that guidance.

[95] **John Griffiths:** I think that the Bill does stand on its own, as it were, in terms of the duties that it creates. However, yes, the two sets of guidance—the design standards and the general delivery guidance—will be very important. It is crucial to make sure that we have good engagement in that. We have Phil Jones, who is an expert in infrastructure for cycling and walking, heading up our design standards working group and that has the external partners involved in it. It is absolutely right that we have that approach of partnership and joint working. In terms of the delivery guidance, again, we will be involving key external partners, including Sustrans, to name just one example, the WLGA of course, and particular local authorities in working up that guidance. It is really important that we have that external involvement, and that is very much our approach. Also, we will have public consultation on the guidance, which I think is again a good example of the sort of engagement that is necessary and productive. We aim to have this guidance made available during the summer, so that it can be looked at by Assembly Members, external organisations and others as part of the overall picture. It is important that that happens.

[96] **David Rees:** Thank you for that answer. You clearly indicated that, for the two sets of guidance, you have a panel of experts for one and you are putting together a panel of experts for the other. You mentioned the summer: is the summer realistic for both sets of guidance, given that it seems that you have not put one of the panels together yet?

[97] **John Griffiths:** We think so. Obviously, there is a considerable amount of work to be done, but we have already had a good level of engagement around the Bill and the issues involved. That will stand us in good stead, I think, having already addressed a lot of the matters that will need to be considered. It is demanding, but we think that it is doable.

[98] **David Rees:** Do you think that it is inappropriate for this Bill to move to Stage 2 without that guidance?

[99] **John Griffiths:** I do think that the Bill stands on its own, as I said, in terms of the duty it creates, which is very clear about the mapping and the responsibilities for local government, for us and for the transport consortia. So, I think that it stands in its own right.

[100] **Kenneth Skates:** Moving on to consultation on the guidance, some witnesses, including Sustrans, raised the concern that guidance could be watered down in the future. How does the Bill ensure that guidance issued by future Ministers will be sufficiently robust and effective, given that it includes no provision for the scrutiny of, or consultation on, guidance?

[101] **John Griffiths:** To some extent, a future Government could undo, if it were so minded, virtually anything that previous Governments had done within that Government's set of powers. I think that we are all familiar with the sovereignty of Parliament on a UK level, for example. So, it is always up to future Governments, and rightly so, because they have their up-to-date, democratic mandate behind them, and they will have set out their policies and had their manifestos published and voted on, and we have to respect that democratic process. However, we do have some accepted principles and practices around consultation and the way that it is taken forward and handled by the Welsh Government, and I think that it would be quite an unusual step—surprising, perhaps—if a future Government did not abide by the adopted good practice on consultation. So, that is one answer to that question, Ken.

10.15 a.m.

[102] **Kenneth Skates:** With regard to the design guidance, there have been suggestions that the Bill should include provision for mandatory design standards for active travel routes, whereby local authorities would have to justify any deviation. Do you agree with that idea and how will you ensure that the design guidance is applied?

[103] **John Griffiths:** We would worry that mandatory design standards might restrict the amount of infrastructure provision in Wales, because if a particular route might be a few centimetres too narrow, that would lead to issues. It is entirely possible that local authorities might become risk averse if there was that statutory approach to design standards. So, we think that it is better not to have that statutory element. I am informed that there are no mandatory design standards for motorised roads in Britain and yet, luckily—well, perhaps not luckily, because it is through good practice and policy—we have some of the safest roads in the world. So, I think that it is better not to have a statutory approach to that design guidance.

[104] **Kenneth Skates:** That sounds suspicious. Could mandatory design standards provide local authorities with an excuse, to some extent, to—

[105] **John Griffiths:** It is possible that that might happen. We are concerned that those who were making the argument for the resource to be used to create these routes might find it unhelpful if others in different departments could point to difficulties that mandatory design standards might be perceived as involving. So, there would be issues around that. As I said, being risk averse would be a potential problem as well.

[106] **Nick Ramsay:** Minister, I am a little confused. In the letter of 10 April, it was clarified that the proposed design guidance would be issued under section 2(4) of the Bill and, as such, would be statutory guidance that local authorities would be required to have regard to. However, you have said that it will not be statutory. Will it be statutory or not?

[107] **John Griffiths:** The design standards will not be statutory and that is the issue that Ken Skates raised, Chair. As I said, I think that it is better if they are not, and that is not the case with roads in Britain either. So, we are working with the grain of—

[108] **Nick Ramsay:** So, what will be statutory?

[109] **John Griffiths:** The delivery guidance will be of a statutory nature, but when we are talking about the actual design standards for the routes, they will not be mandatory. As ever, we will have a mix of what is required by statute, Chair, and what will be taken forward outside of statute. I can see that you are still looking puzzled, Chair. Perhaps I can ask Victoria or John to provide further clarity.

[110] **Nick Ramsay:** Clear up my fog, John and Victoria.

[111] **Mr Davies:** It could be a matter of semantics. The power to issue the guidance will be in the Act, so, to that extent, you could call it statutory guidance. However, authorities will only have to have regard to it, so it is non-mandatory.

[112] **John Griffiths:** That is the important point, Chair, is it not? It is whether they have to do it as a matter of law or not, in practice.

[113] **Nick Ramsay:** We are there; we understand, and I see that Alun Ffred does as well. I am sorry, Ken; I interrupted your question.

[114] **Kenneth Skates:** We now move on to meanings and definitions. How did you arrive at the criteria of location, nature and condition, which local authorities must take into account when considering whether it is appropriate to regard a route as an active travel route?

[115] **John Griffiths:** There will be different ideas as to which criteria are most appropriate, but according to the consultation and the wider direct engagement around working up proposals for the Bill, those particular factors are the ones that would most directly affect whether people use an active travel route, or not.

[116] So, we think that location, nature and condition are absolutely key matters in that process. However, we can see that there are other criteria that are also relevant and some of them might be favourable. So, we are open to ideas on this and to what the committee thinks, having formed its views on the evidence it has taken.

[117] **Kenneth Skates:** Are those criteria are largely based on the consultation?

[118] **John Griffiths:** Yes.

[119] **Kenneth Skates:** Okay. I know that we have already touched on safety, but to what extent is safety a factor in deciding what should be an active travel route?

[120] **John Griffiths:** I am told that we have stopped using the term 'safe' in the legislation, because consultation responses pointed out some of the difficulties that legislating for safety can cause in active travel. So, instead of that, we are legislating around routes being appropriate, but safety is one of the major factors in determining whether a route is appropriate or not. Therefore, safety is very much in there, and as I said earlier, it is central to

this; we all know that. For example, we would like to get a lot more women cycling, so safety, rightly, is absolutely at the front of their minds when legislating, as it should be for everyone. So, safety is central to this and it will be a key part of which routes are appropriate. In terms of the legislation itself, it is considered that appropriateness is a better guide for this.

[121] **David Rees:** On this point, Minister, you say that safety will be a criterion into appropriateness, but will there ever be a position where you will then consider these active travel routes as a safe route to school, for example? You might find that a route is appropriate, but because it is not lit—some of those routes might not be lit—it might not be safe for children, particularly in the dark.

[122] **John Griffiths:** That is another aspect of safety, is it not? Being off the road and safe from traffic is one aspect, but there are others; I know that these matters have been raised. Local authorities would be mindful of safety in its widest sense in terms of how appropriate a route might be. They will, of course, do a great deal of work with partners in deciding what the routes should be and what the maps should consist of. So, I expect all of those factors to be properly considered before a local authority makes its decision. Ultimately, Welsh Ministers will approve, or not, the routes in any event and consider those factors.

[123] **David Rees:** You mentioned safe routes to schools and safe routes in communities; will you be linking these routes with those in your guidance to make it quite clear what the role of the local authority will be in knowing how it can label a particular route?

[124] **John Griffiths:** We expect those links to be made, and as I said earlier, there are existing routes that will be drawn upon in bringing everything together for the mapping exercise. So, the answer to that is ‘yes’. I do not know whether John would like to clarify a little more on the difficulty of legislating for safety in active travel—

[125] **Nick Ramsay:** I think that Byron Davies has a supplementary question on this.

[126] **Byron Davies:** Before John clarifies on David Rees’s point, I am of the opinion that a lot of these engineers or designers, or whatever you want to call them, in local authorities will just look at what they have got and not bother to design new routes. They will probably just make current routes, which might be on a main road or whatever, into a cycle route, because it is the cheapest way forward for them.

[127] **John Griffiths:** As I say, ultimately, ministerial approval will be required and Ministers will make funding decisions. We expect quality when it comes to active travel routes, and ‘quality’ will be a key word. Sometimes, it will not be so much about the length of routes, or the mileage involved, but about the quality of routes. People have become very cynical, and rightly so, about lines painted on roads that peter out, leaving nowhere to go from there. We do not want this legislation to be about that.

[128] **Byron Davies:** Could you define what you mean by ‘quality of route’?

[129] **John Griffiths:** The design standards will be decided by the working group. I have met with Phil Jones, and he showed me various possibilities in terms of creating effective segregation for safe routes. That can be done in a variety of ways, and there are cost issues. We will be advised by the experts on that group. Painting lines on roads does not hack it.

[130] **Nick Ramsay:** Minister, the explanatory memorandum says that you will not be assessing the appropriateness of routes. However, you have just said that you are interested in the quality of routes. What is the difference?

[131] **John Griffiths:** Ultimately, Ministers will approve—or not approve—the maps that

are created. We understand that local authorities are closer to the ground than we are. They understand their own local circumstances much better. So, we need flexibility for local authorities to use that knowledge to ensure that we have the most appropriate routes. Ultimately, however, ministerial sign-off will be given, or not. That is right, as an ultimate check.

[132] **Eluned Parrott:** Which Minister will give ministerial approval? Will it be given by you or by the Minister with responsibility for transport?

[133] **John Griffiths:** Ministerial responsibilities are designated by the First Minister, and there may be future change, as has been the case recently. However, ministerial sign-off for those routes will be a matter for the Minister for Economy, Science and Transport.

[134] **Alun Ffred Jones:** Mae hynny'n dod â ni yn ôl at y sefyllfa ryfedd hon, sef y ffaith mai chi fydd yn mynd â'r Bil drwy'r Cynulliad ond, mewn gwirionedd, y Gweinidog trafnidiaeth bydd yn arolygu'r modd y caiff Bil hwn ei weithredu ac yn pennu'r cyfarwyddyd.

Alun Ffred Jones: This brings us back to this strange situation, namely the fact that you will be taking the Bill through the Assembly but, in truth, the Minister for transport will be reviewing the way in which the Bill is implemented and will be setting the guidance.

[135] **John Griffiths:** No. It is absolutely right that we retain active travel as a central part of the transport department and the overall transport strategy and policy. That is absolutely right. However, as I said earlier, I have a role in promoting and encouraging active travel. As I also said earlier, this is absolutely unique, in terms of us wanting to get more people cycling and walking; this does not apply to car use. We do not want to get more people driving around and making more car journeys. I have a wider role, which will continue in order to achieve behavioural change and a modal shift. However, an element of the work of many transport officials in the transport department will be related to active travel and creating active travel routes, though it might be a small part of their overall workload. It is very important that we keep active travel mainstreamed throughout the transport department so that it informs the other work that the officials do. It is absolutely right that we have this mix, which applies to just about every area of governmental responsibility, strategy and policy anyway. It always cuts across different ministerial responsibilities.

[136] **Alun Ffred Jones:** Trof yn awr at y meini prawf y bydd Gweinidogion Cymru yn eu defnyddio i bennu'r ardaloedd lle bydd y Bil yn berthnasol. Un ohonynt yw'r trothwy poblogaeth o 2,000 ar gyfer cymuned. Hefyd, credaf fod awgrym ynglŷn â phellter teithio i'r gwaith—pellter o tua 5 milltir neu rywbeth tebyg. Pam eich bod chi wedi penderfynu ar y maen prawf hwn o 2,000 o bobl?

Alun Ffred Jones: I turn now to the criteria that the Welsh Ministers will use to set the areas where the Bill will be relevant. One of these is the population threshold of 2,000 for a community. I also think that there is a suggestion on the distance to travel to work—a distance of 5 miles or something similar. Why have you decided on this criterion of 2,000 people?

10.30 a.m.

[137] **John Griffiths:** This was one aspect of working up cost implications and forming a regulatory impact assessment, and a means of making it clear what sort of responsibilities and consequences there would be for local authorities in taking forward the mapping exercise and the active travel routes. Obviously, resource is finite, and we must concentrate that resource in a way that will produce the greatest effect, and that is why that population figure of 2,000 was used. We want flexibility around this; we do not want it to be hard and fast. That is why it is proposed to deal with it by way of ministerial direction, which would give a great deal of

flexibility. We are open to thinking, committee evidence and ideas on this. However, in terms of the 2,000 figure, if somebody mentioned the Taff trail and said that there was a settlement there of fewer than 2,000 people, it would not make any sense to exclude them, and that is right.

[138] **Alun Ffred Jones:** Fe'ch cyfeiriau at broblem ychydig mwy dyrys na honno'n ymwneud â Thongwynlais, a godwyd gan Sustrans y tro diwethaf. Yn fy etholaeth i, mae dwy dref teithio i waith, sef Caernarfon a Bangor. Y tu allan i'r rheiny, nid wyf yn siŵr a oes unrhyw bentref â mwy na 2,000 o bobl ynddo. Efallai fod Bethesda a Bangor yn dod i mewn i hyn, er nid wyf yn siŵr a yw Bethesda yn rhy bell. Felly, mewn gwirionedd, gallech ddadlau nad oes angen i Gyngor Gwynedd wneud dim â'r Bil hwn mewn perthynas â'm hetholaeth i, oherwydd nid yw'r Bil yn berthnasol oherwydd y rheolau ynglŷn â phellter a maint cymunedau. A wyf yn deall y Bil yn iawn? Mewn gwirionedd, y cwestiwn yw hyn: a yw'r Bil yn berthnasol i gymunedau mwy gwledig o gwbl?

Alun Ffred Jones: I will refer you to a problem that is more complex than that in Tongwynlais, which Sustrans referred to last time. In my constituency, there are two travel-to-work towns, namely Caernarfon and Bangor. Outside of those two, I am not sure whether there are any villages that have more than 2,000 people. Perhaps Bethesda and Bangor would come in to this, but I am not sure whether Bethesda is too far away. So, you could argue that there is no need for Gwynedd Council to do anything with this Bill in relation to my constituency, because the Bill does not apply to that area because of these rules regarding distance and the size of communities. Do I understand the Bill correctly in that regard? Really, the question is this: does the Bill apply to more rural communities at all?

[139] **John Griffiths:** It does apply to rural communities. We are quite keen to involve rural local authorities in working up the guidance to make sure that we fully understand rural issues. However, that population figure was useful in terms of working up the regulatory impact assessment and the cost elements. However, we would want a great deal of flexibility. We would not want to be hidebound by that figure. What makes sense in terms of active travel will be what drives this policy and the mapping exercise. We talk about 3 miles for walking, and it is 10 miles for cycling; we have to be realistic about what people will do, and what they are likely to do, in terms of purposeful travel. Obviously, there are limits. However, none of this is cast in stone. The 2,000 figure accounts for, I think, 80% of Wales's population. It does have a great deal of significance and resonance, but we need to carry out further work around this, and we would be interested in the evidence that the committee takes and the committee's view.

[140] **Ms Minshall-Jones:** I confirm that we are looking at journeys that take approximately up to 45 minutes, which, for an average person, with reasonable fitness, is about 3 miles by foot or about 10 miles by bike. It depends on the terrain and the person who is making the journey.

[141] **Nick Ramsay:** That was a very diplomatic answer. *[Laughter.]*

[142] **Alun Ffred Jones:** Rydych chi wedi cyfeirio, Weinidog, at y ffaith y byddech yn dymuno gweithredu'r Bil drwy gyfarwyddyd, yn hytrach na thrwy unrhyw drefn reoleiddio. Mae hynny'n rhoi hyblygrwydd i chi, ond a yw'n briodol bod hynny'n cael ei wneud drwy gyfarwyddyd sy'n golygu na fydd gan y Cynulliad unrhyw ffordd o graffu ar y broses?

Alun Ffred Jones: You referred, Minister, to the fact that you would wish to implement the Bill through direction rather than through any regulatory system. That would give you flexibility, but is it appropriate for that to be done by direction, which would mean that the Assembly would not have any means of scrutinising that process?

[143] **John Griffiths:** It is always a balance in terms of what is most appropriately dealt with on the face of legislation and what is best left to regulations and guidance, and what might be most appropriately a matter for ministerial direction. There will obviously be various views on those matters. I mentioned the need for flexibility around the population figure of 2,000, and I think that dealing with that by ministerial direction would be very useful.

10.35 a.m.

[144] If a local authority was to say that that does not make much sense for x, y or z reason, it could be dealt with very quickly by ministerial direction. That would be a very timely and efficient way of addressing those sorts of issues. There is a place for ministerial direction and it is accepted because many matters are dealt with by those means. I would be interested, as Carl Sargeant indicated earlier when giving evidence, in what the committee's view is and the evidence that you take as regards the most appropriate balance around all those matters.

[145] **Joyce Watson:** I will talk about related facilities, as mentioned in the Bill. More to the point, there is a list of three specific related facilities needed by walkers and cyclists. How do you respond to suggestions that we have had that unless there is a comprehensive list in guidance, local authorities might conclude that these related facilities have particular importance in mapping and route development and put money towards those routes.

[146] **John Griffiths:** We have to credit local authorities with knowledge and commitment in these areas. If you try to be exhaustive in listing, you will inevitably be caught out because you will not have included something that should have been included or is appropriate in certain local circumstances. I think that the approach that we have adopted is the most sensible one, but we will work with local authorities around this. Again, the consultation that we carried out and the responses that we have received have informed the choices that we have made. We do not want to be exclusive at all and we will very much work with the grain of local circumstance.

[147] **Joyce Watson:** Could you explain why crossings are included in 'related facilities'? The Cyclists' Touring Club said that they are essential components of routes.

[148] **John Griffiths:** I think that any of us who cycle regularly will understand that crossings are important with regard to safety and whether you can have continuity. Again, that comes through in the engagement and consultation, so I think that that is appropriate. Victoria, would you like to flesh out any of the considerations around this with regard to the consultation that we undertook and the responses that we received?

[149] **Ms Minshall-Jones:** Based on the consultation responses, there was a clear steer about the type of related facilities that people—users, local authorities and other organisations that contributed—felt would be really useful for achieving the aims. That is one reason why the approach was taken in the Bill.

[150] **Nick Ramsay:** Do you think that 'related facilities' is strong enough? Looking at this as an outsider, I would think that crossings are integral and I would not compare a crossing with other facilities. As the Minister has said, if you are cycling, you could not do without a crossing. Is it strong enough in the Bill?

[151] **Ms Minshall-Jones:** We think so, which is why that is the approach that we propose.

[152] **John Griffiths:** Is there anything of a legal nature that is relevant there, John?

[153] **Mr Davies:** We have sought to create a flavour of the type of facilities that we have

in mind. Sub-paragraph (d) indicates that other similar facilities are included, so we have left it very open-ended.

[154] **Eluned Parrott:** Minister, I would like to ask about the definition of ‘recreational routes’. Section 2(4) states:

[155] ‘In considering whether it is appropriate for a route to be regarded as an active travel route, a local authority must take into account...whether the route facilitates the making by walkers or cyclists (or both) of journeys otherwise than for wholly recreational purposes’.

[156] Just by looking at the wording of that, it appears that it is not the route that is described as wholly recreational. It is actually an individual journey that is described as wholly recreational. It could be read that if someone makes a wholly recreational journey on a given route, it is not an active travel route, due to the wording. Can you confirm the intention of that section?

[157] **John Griffiths:** If we looked, for example, at a circular mountain biking route that was self-contained, that would not be what we are about in terms of purposeful travel, active travel routes and the mapping exercises.

[158] **Eluned Parrott:** Okay. However, that is not what the Bill states. The Bill states that, basically, if it is possible to do a journey on it that is wholly recreational, it is not an active travel route. For example, if I walked from my home to the Assembly for fun, I have completed a wholly recreational journey and therefore you could argue that the route is not an active travel route, even though I could use it—

[159] **Nick Ramsay:** That is not realistic.

[160] **Eluned Parrott:** No, it is not at all realistic, although it is actually possible and I have done walks of a similar length. I am just saying that the wording of the Bill, in that sense, rather than describing the route as recreational, describes each individual journey as recreational.

[161] **John Griffiths:** We are concerned with the routes and the mapping exercises are concerned with the routes. It is the routes that we are very much about. Would you want a legal view on that, Eluned, as we have John with us?

[162] **Eluned Parrott:** That would be helpful.

[163] **Mr Davies:** The first thing to point out is that it is a matter that the local authority must take into account. It is not necessarily determinative that if a route is used for wholly recreational purposes, it cannot be regarded as an active travel route. It is one of the factors that has to be taken into account as well as guidance from the Welsh Ministers. It is one part of a larger equation.

[164] As far as section 2(4)(a) is concerned, I believe that the intention is to exclude the routes that are used wholly for recreational purposes of the type that the Minister has described, rather than individual journeys.

[165] **Eluned Parrott:** In which case, why was the wording ‘wholly recreational’ chosen, rather than ‘wholly or mainly recreational’? Obviously, you are setting an extremely small limit. In the first reading of the wording, you are potentially excluding all routes from being active travel routes.

[166] **Nick Ramsay:** You could have a million recreational journeys and one active travel

journey, and that wording excludes that.

[167] **Eluned Parrott:** In the other reading of the wording, without using the words ‘or mainly’, you are saying that unless it is absolutely always used for recreational purposes, it is an active travel route. Do you see what I mean?

[168] **John Griffiths:** The balance that we are trying to achieve, as I mentioned earlier, is that if a route is wholly recreational, such as a mountain bike route that is self-contained and where people go because they want to mountain-bike around and they want the thrill et cetera, that is not what we are about with purposeful travel. However, there is some overlap. As I mentioned earlier, there will be routes, such as the Taff trail, that will be very important in terms of the mapping and the active travel routes. So, we have to strike the appropriate balance. Obviously, you may have a view that that has not been achieved. We think that the legislation and the wording of the legislation do allow for the approach that I have outlined. I will ask John to come in on this in terms of what the wording does state and will require in these respects.

[169] **Mr Davies:** It requires local authorities to look at whether a route is effectively a wholly recreational route, such as a bespoke cycle track in a forest or something like that. In the case of that sort of route, the expectation is that it would not be regarded as an active travel route.

[170] **Eluned Parrott:** In which case, will you perhaps look again at the wording of that section, because it actually states that it is the journey that is considered wholly recreational, not the route? That may not be the intended purpose of what you have written.

10.45 a.m.

[171] **John Griffiths:** I am certainly happy to have a look at that and make sure that we are absolutely clear as to what the effect will be. In the exercise of working up the maps, the local authorities will very much look at what is already there in terms of routes they have, as was mentioned earlier. They will pull existing routes together into that single plan and do a lot of work around it in terms of consultation and engagement. I think we can be confident that the routes that are created will be suitable.

[172] **Eluned Parrott:** A number of people who have come to give evidence to us—for example, Sustrans and Professor Pooley—have, as mentioned previously, suggested that this distinction between recreational and non-recreational use is to all intents and purposes not helpful, because there are issues around how you monitor that and how you designate that. What you are trying to do, particularly with your policy portfolio, is just increase the amount of cycling and walking. Have you given any consideration to what the cost implications might be of extending the mapping requirements to wholly recreational routes as well as routes that may be partially recreational and partially active?

[173] **John Griffiths:** I will bring Victoria in on that point. I think the answer is probably ‘no’, but in trying to strike the right balance, we have to be clear, and it is about resource, prioritisation and concentrating effort here. We have to be clear as to what we are about, and it is very much purposeful travel—getting a modal shift. Getting people more active is part of it, but it is very much about purposeful travel, and that is what mainstreams it within transport policy and strategy. It has been clear all along and, I hope, remains so, as to what this legislation is essentially about.

[174] It terms of costing aspects, would any work have been done, Victoria, on the cost implications of opening it up on that recreational basis?

[175] **Ms Minshall-Jones:** No specific costings have been done on that. It would depend on whether a view was taken that the Bill should include recreational journeys, and whether the 45-minute journeys were still appropriate. Those considerations would then affect the cost, depending on how long routes would extend, and how far we would need to map Wales. Existing mapping, like the definitive map of rights of way, would then be useful.

[176] **Eluned Parrott:** I have just a quick question. You are a cyclist, Minister; would you like two maps, one of which told you the routes that you could use to go to work, and another which told you the routes that you could use for fun, or would you like one map that had everything on it?

[177] **John Griffiths:** I am a great believer in simplicity and clarity, Eluned, and I think a single map that was the focal point for purposeful travel would be extremely useful.

[178] **Byron Davies:** Some concern was raised in evidence given to us that the needs of protected characteristic groups, in particular disabled people, will not be taken into account adequately in the map preparation process. Disability Wales and Guide Dogs Cymru have emphasised the need for local authorities to actively engage with disabled people early in the process. Given the importance placed by these respondents on consultation and community engagement in the map preparation process, how does the Bill ensure that this will be undertaken in an effective way?

[179] **John Griffiths:** Up to now, we have worked closely with disability groups, and we will continue to do that. We will certainly do that in working up the guidance, for example. Obviously, there can be varying views, because different disability groups have different needs and requirements. It is by no means a straightforward exercise, but I entirely accept that we need to work as closely as possible with disability groups in all aspects of this legislation and the wider exercise.

[180] **Byron Davies:** So why did you choose to not include specific consultation requirements on the face of the Bill, or at least in the regulations?

[181] **John Griffiths:** We think it is well established as to which consultation procedures and practice are followed by the Welsh Government, and we will certainly abide by those.

[182] **Byron Davies:** How do you think local authorities will meet the needs of blind and partially sighted people in that preparation process?

[183] **John Griffiths:** Again, local authorities have well-established procedures for engaging with disability groups, and they will want to work as closely as possible with disability groups and many others in taking forward their mapping exercises and creating the infrastructure. Obviously, they have equality duties under legislation, which they are required to meet. So, I think that we can be confident that there will be effective engagement by local authorities, as there is by the Welsh Government.

[184] **Nick Ramsay:** Alun Ffred Jones, very briefly.

[185] **Alun Ffred Jones:** Rydych yn dweud eich bod yn mynd i gydweithio gyda grwpiau sy'n cynrychioli pobl anabl, a phobl sydd â gwahanol anabledau, ond clywsom dystiolaeth weddol gadarn gan amryw dystiolaeth weddol gadarn gan amryw ohonynt yr wythnos diwethaf eu bod yn credu y dylid cael llwybrau ar wahân i seiclwyr a phobl sydd ag anabledau, ond nid **Alun Ffred Jones:** You say that you will work with groups representing disabled people, and people with different disabilities, but we heard quite robust evidence from several of them last week that they believe that there should be separate routes for cyclists and people with disabilities, but you do not address that in the Bill. Am I right

ydych yn cydnabod hynny yn y Bil. A wyf yn about that?
iawn i ddweud hynny?

[186] **John Griffiths:** It will be a matter for guidance and practice by local authorities to address these issues. There are compromises to be made in terms of creating routes for the mass of people, as it were, that will allow the necessary behavioural change and shift with regard to purposeful travel, while at the same time understanding, respecting and accommodating the needs of particular groups. Local authorities, at times, will no doubt have difficult decisions to make. We accept that. There are different views expressed and different needs in one section of disability groups compared with another. What is appropriate in terms of shared use for some people is not appropriate for others. So, we understand that there are difficult issues around that, which is why there is a need for very strong engagement across the groups involved.

[187] **Alun Ffred Jones:** Rwy'n derbyn yr angen i drafod gyda grwpiau. Rydych yn sôn am benderfyniadau anodd; oni ddylai'r Llywodraeth wneud y penderfyniadau anodd hynny? A ydych o blaid llwybrau ar wahân ar gyfer pobl anabl, yn enwedig pobl ddall, a rhai eraill, ynteu a ydych yn credu bod hynny'n anymarferol? Hynny yw, pam gadael hwn i 22 o awdurdodau lleol a fydd yn gallu gwneud 22 o benderfyniadau gwahanol, fel bod rheolau gwahanol mewn gwahanol ardaloedd? Nid yw hynny'n gwneud synnwyr, nac ydy?

Alun Ffred Jones: I accept the need to discuss this with groups. You talk about difficult decisions; should the Government not make those difficult decisions? Are you in favour of separate routes for disabled people, especially blind people, and others, or do you think that that is impractical? That is, why leave this to 22 local authorities that will be able to make 22 different decisions, so that there are different rules in different areas? That does not make sense, does it?

[188] **John Griffiths:** The guidance will deal with this. The groups, such as the design standards group, with their expertise, are looking at these issues and are very aware of them. So, the guidance will be applicable right across Wales and I think that we will get the necessary degree of consistency. That is important. However, I am just highlighting something that we are all aware of, namely that there are difficult decisions to be made and that views will differ from one group to another.

[189] **Alun Ffred Jones:** Beth fydd y cyfarwyddyd hwnnw?

Alun Ffred Jones: What will that guidance be?

[190] **John Griffiths:** I will await the expert advice of our working group.

[191] **Joyce Watson:** There are concerns about this, particularly from those people with sight loss or impaired sight. It relates to the training of guide dogs, which are trained in a specific way to do a specific job. I am sure you will do so, Minister, but will you take note of the representations, particularly in relation to guide dogs? I know that the Bill is about active travel and I know, Minister, that you would not want, in any way, to make the situation work against people who are currently free and able to be active in their communities.

[192] **Nick Ramsay:** Disagree with that at your peril, Minister. [*Laughter.*]

[193] **John Griffiths:** Absolutely. They are very important issues, Joyce, and they will be properly considered as we take these matters forward.

[194] **Joyce Watson:** Thank you.

[195] **Nick Ramsay:** Timescales for the submission of maps: are they right, and could you

do it in one year for the existing route map and in two years for the integrated network maps?

[196] **John Griffiths:** These are live issues that are worthy of consideration. Again, we will be interested in what the committee has to say. Many factors are involved, and there is one issue in terms of the existing maps and another in terms of the interactive maps.

[197] **Nick Ramsay:** So, that is being looked at.

[198] **John Griffiths:** It is being looked at.

[199] **Nick Ramsay:** Why not co-ordinate the maps and the development of regional transport plans?

[200] **John Griffiths:** There are links to be made there, as I mentioned earlier in terms of the duty and so on, and those links will be made in working up the maps, because they will pull together the various factors involved.

[201] **David Rees:** May I go back to funding for a little bit? We have discussed funding to an extent with regard to maintenance and other aspects, but for the initial map development funding elements, the explanatory memorandum identifies a cost estimate. However, one of the respondents to this current process clearly stated that they were contacted by the City and County of Swansea, which questions the cost modelling used, particularly with regard to the fact that it did an example 4 years ago. It only looked at the urban area, and even then, it did not look at all of the streets, and it did not consider walking sites, but cycle areas only. So, in that sense, how realistic is your cost model and methodology in your EM?

[202] **John Griffiths:** I am glad that you were looking at Victoria and not at me when you were asking that question, David. I think that any cost estimate you use will be open to question. It is very much based on the time it is estimated will be involved in working up the maps. There will be various views, I am sure, and I did note the evidence that you referred to, and that is based on practical experience. I mentioned some of the earmarked funding that is available. That will enable mapping exercises, but it will go far beyond that and allow infrastructure to be put in place as well. So, what we can say is that, even if those estimates are not bang-on, as it were, resource is in place, and it is resource that will allow the mapping and go far beyond that in terms of infrastructure. I am sure that Victoria will be able to add to that.

[203] **Ms Minshall-Jones:** We looked at existing methodologies. The Swansea case was the one for which we had the most complete data, so we were able to use that example as a proxy. However, we do recognise that we are proposing an approach through legislation that has not been delivered on this scale before, so there were certain assumptions that had to be made. One thing that I can say is that we are exploring alternative ways of mapping, based on things such as user-created maps, to see whether this is a viable option that would reduce the costs and deliver something that is a little bit more effective.

[204] **Nick Ramsay:** There were limitations with the Swansea mapping exercise. Have you taken account of them, in a word?

[205] **Ms Minshall-Jones:** Yes.

[206] **David Rees:** Can we, therefore, expect a different figure in Stage 2 as a consequence of some of the points that have been raised?

[207] **Ms Minshall-Jones:** Potentially. It depends on whether any of the avenues that we are exploring for delivery are going to be suitable and viable and will meet the aims of the

Bill.

[208] **David Rees:** Estimates that are bang-on are rare.

[209] **John Griffiths:** I think that I would accept that.

[210] **David Rees:** You have itemised the figures there and noted that there is sufficient funding, but the WLGA has indicated to us that, verbally, it has been given assurances that funding will be available, but it has not received anything in writing as of yet. Are you able to clarify whether the Welsh Government will underwrite the funding for this exercise?

[211] **John Griffiths:** I can confirm that Welsh Government, through the funding that I mentioned earlier, will cover the costs of the mapping exercises.

11.00 a.m.

[212] **Keith Davies:** Mae rhai pobl wedi dweud wrthym y dylai awdurdodau lleol, wrth gyhoeddi a hyrwyddo mapiau, ystyried gwahanol anghenion grwpiau, fel pobl anabl. Oni ddylai'r gofynion ar awdurdodau lleol i wneud hynny fod yn rhan o'r Bil?
Keith Davies: Some people have told us that local authorities, as they publish and promote maps, should take account of the different needs of particular groups, such as disabled people. Do you not think that that requirement on local authorities should be part of the Bill?

[213] **John Griffiths:** I think that that is most appropriately dealt with through guidance and involving disability groups in developing that guidance, so that we can be sure that all the issues that they have are properly considered. We must ensure that local authorities work very closely with disability groups when they go through their mapping exercises and create the infrastructure. As I said earlier, they have their statutory equality duties that drive them in this regard in any event.

[214] **Nick Ramsay:** Just to backtrack on the cost of maps, Minister, how did you arrive at the estimate of £20,000 per local authority to prepare the integrated network maps?

[215] **John Griffiths:** As I understand it, it is an estimate of the time involved for officers within the local authorities to do the necessary work. I do not know whether Victoria can add to that.

[216] **Ms Minshall-Jones:** It was an estimate of time, based on what we thought the likely tasks would be. It includes the work that would need to be done.

[217] **Nick Ramsay:** Have you done a breakdown of the time for each piece of work, or is it just a general estimate?

[218] **Ms Minshall-Jones:** It was an estimate based on a knowledge of the sort of plans that are out there already, what kinds of tasks officers would need to undertake to scrutinise those plans and bring them together in a consultation.

[219] **Nick Ramsay:** As soon as I asked that, I thought that a general estimate does not make much sense.

[220] **David Rees:** Alun Ffred mentioned the limitations on particular authorities, and you have estimated £20,000 per authority. You have averaged it out, I assume, because I would assume that the cost would be greater for some authorities.

[221] **Ms Minshall-Jones:** Some local authorities are further ahead in this agenda than others, so it will be a simpler task for them.

[222] **Keith Davies:** Rwy'n edrych ar adran 6 yn awr. Rydych yn gofyn i awdurdodau lleol ystyried y mapiau rhwydwaith integredig pan y byddant yn paratoi cynlluniau trafndiaeth lleol neu ranbarthol. Y cwestiwn yw: sut y byddwch yn gwybod eu bod wedi gwneud hynny? Mae rhai pobl yn dweud nad yw'n ddigon clir.

Keith Davies: I am looking at section 6 now. You are asking local authorities to consider the integrated network maps when they prepare local or regional transport plans. The question is: how will you know that they have done that? Some people say that it is not sufficiently clear.

[223] **John Griffiths:** We will carefully peruse the plans that come forward and will ensure that active travel is a proper part of those. If that is not the case, they are not plans that are likely to be met with approval. I think that there is a clear ability there to ensure that the necessary approach and work take place.

[224] **Eluned Parrott:** I want to turn to a question on section 7 and continuous improvement. You will be aware that there has been some discussion about what continuous improvement is; a number of people have raised concerns that it really is not clear at this point in time. What do you intend to publish in the guidance to help local authorities to understand how they are going to meet your standards? Are you going to publish specific criteria and targets against those criteria that they will have to match?

[225] **John Griffiths:** Measurement is very much going to be around the rates of walking and cycling in the area and modal shift. We are about year-on-year improvement to routes and facilities for pedestrians and cyclists. I hope that that will be absolutely clear. It is also about that network of continuous, direct and comfortable routes, which will encourage people to make short journeys on foot or by bike. It is clear what we expect in terms of continuous improvement. If we measure rates of walking and cycling and modal shift, that will clearly demonstrate whether we are seeing that continuous improvement or not.

[226] **Eluned Parrott:** With respect, I do not think that it is that clear what people understand by 'continuous improvement' because we have had SEWTA—one of your consortia—and we have had local authorities and the Royal Town Planning Institute all telling us that they do not believe that it is clear what 'continuous improvement' actually looks like. I know that you are aware of the exchanges that we have had with the previous Minister on the subject. Critical to this is how you monitor and evaluate success. Is that something that you will ask the local authorities to do for themselves, and to self-assess, if you like, or is that something that the Welsh Government will do to monitor the success of this policy area? If so, what criteria are you measuring against?

[227] **John Griffiths:** It will be a partnership approach, but, ultimately, I think that the Welsh Government will want to monitor and see that necessary improvement has taken place, working with local authorities. The Bill will be very much linked with the active travel action plan in terms of monitoring and delivery. As I say, it will be about increasing those rates of walking and cycling and getting the modal shift. We need to work up the detail of that, but local authorities are now very accustomed to working on an outcomes basis. They are also very familiar with continuous improvement as a concept. Although there will be different views as to what should rightly be expected if continuous improvement is to be demonstrated, it is not exactly an alien or a not-understood concept for local government, which will be crucially delivering on so much of this. So, through that action plan, and through working with local authorities and being very clearly focused on outcomes, I think we will see that continuous improvement.

[228] **Nick Ramsay:** So, Minister, there is no requirement to have continuous improvement spelled out, and you think that it is well enough versed—

[229] **John Griffiths:** I think so. It is about what it states on the tin, really, is it not?

[230] **Eluned Parrott:** However, previously, continuous improvement has been delivered through policy and strategy areas, and this is legislation that we are talking about now. Perhaps we could have a legal definition of what continuous improvement actually is.

[231] **Mr Davies:** Section 7 has a precedent in section 3 of the Local Government Act 1999, which imposed a general duty on certain authorities to secure continuous improvement in the way that their functions are exercised. Continuous improvement was not defined there, and it is not defined in this Bill. In the 1999 Act, it provided that, in deciding how to fulfil the duty, authorities must have regard to guidance issued by the Secretary of State. So, it is a sort of mirror provision, and continuous improvement is to be the subject of guidance. It is not a term that will be defined.

[232] **Eluned Parrott:** So, there is no legal definition.

[233] **Mr Davies:** No.

[234] **Eluned Parrott:** But you will be making the criteria absolutely plain in the guidance so that local authorities understand, without any doubt, what they have to do to be able to satisfy the notion of continuous improvement.

[235] **John Griffiths:** We will make it crystal clear that we expect a greater quality of route and a greater quantity of route.

[236] **Eluned Parrott:** Okay. Thank you.

[237] **Nick Ramsay:** I will just return briefly to section 6. There has been a suggestion that it is too vague to be useful. Should it be strengthened? Who is the best person to take that question? We have received evidence that states that it is too vague. I just wondered what your opinion is on that, briefly.

[238] **John Griffiths:** We do not accept that that is the case, obviously, otherwise, we would not have put it forward. So, we do not think that it needs to be strengthened. Basically, our view is that it is significantly strong to create the necessary link with the regional transport plans and the integrated network maps. That is in order for necessary funding to be delivered for active travel to go forward as we would want. So, we are reasonably confident in that respect. I know that there are concerns among local authorities about the impact that a stronger duty might have.

[239] **Nick Ramsay:** In terms of the balance with the current commitments of the regional consortia?

[240] **John Griffiths:** Yes, I think so, and that schemes would only be shown on the integrated network maps if there was absolute confidence that they could be delivered. We would not want that degree of caution to feature.

[241] **Nick Ramsay:** How will you expect highway authorities to demonstrate that they have met the duty to have regard to the desirability of enhancing walking and cycling provision in highway schemes?

[242] **John Griffiths:** We will look at the highway schemes and make sure that they have a

necessary element of active travel incorporated within them. There is an element of funding that is earmarked to make sure that active travel does feature. I think that, with the duty and the availability of funding, we can expect that to take place.

[243] **Nick Ramsay:** How do you respond to the suggestion that the duty is currently too weak and that a presumption of inclusion of provision, which could be rebutted, would be more effective, with highway authorities required to justify non-provision? Sorry, that is a very long way of saying that.

[244] **John Griffiths:** Sorry, Chair—

[245] **Nick Ramsay:** There has been a suggestion, going back to the weakness of the suggested duties, that a presumption of inclusion of provision would be more effective. We have been trying to get our heads around exactly what ‘have regard to the desirability of’ means. Would there be a simpler way of saying that?

[246] **John Griffiths:** I see. On this matter of a possible presumption, we would be interested in the views of the committee and the evidence that you take. A presumption is different to an absolute requirement, because it is easy to see that there are instances where active travel would not be an appropriate component. Obviously, if it is about motorways—the M4 or something—then I do not think that we would particularly want a cycle track alongside. However, a presumption is not an absolute requirement and, in those instances, it would be easy to show why the presumption should not apply. We would be interested in the views of the committee on that.

[247] **Nick Ramsay:** Why not ‘have regard to the provision’? I am trying to get my head around ‘have regard to the desirability of’.

[248] **Mr Davies:** It is so that matters can be looked at on a case-by-case basis, reflecting the fact that, very often, the physical characteristics of the road will make it impractical to make a provision.

[249] **Nick Ramsay:** So you think that ‘have regard to’—we as a committee have had discussions about what that means in law—is an accepted term?

[250] **Mr Davies:** Yes, it is quite commonly used. Authorities must actively consider those factors when arriving at their decision.

[251] **Nick Ramsay:** We have considered whether it could be strengthened, but we could end up making it weaker, so you might well be right with that terminology.

[252] **Keith Davies:** Pam nad yw adran 9 yn cynnig canllawiau ynghylch rhoi'r Bil ar waith ar gyfer pob dosbarth o bobl sydd ag anableddau? Gallai fod yn anabledd dysgu, er enghraifft, neu'n anabledd o ran clywed. Mae'n ymddangos ychydig yn rhy gul.

Keith Davies: Why does section 9 not provide guidance on the application of the Bill to all classes of people with disabilities? It may be a learning disability, for example, or a hearing impairment. It seems a little too narrow.

[253] **John Griffiths:** Is that in terms of mobility aids, Keith?

[254] **Keith Davies:** Ie. Dim ond y bobl sydd â'r anabledd hwnnw sy'n cael eu cynnwys. Mae pobl ag anableddau eraill; pam nad ydynt yn cael eu cynnwys yn yr adran hon hefyd?

Keith Davies: Yes. Only people with that disability are included. There are people with other disabilities; why are they not also included in this section?

[255] **John Griffiths:** I will ask John to come in here, but we are very much into the legalities again in terms of walkers and cyclists, which obviously includes people with various disabilities, quite clearly, and there are no legal issues there. However, people on electric scooters, for example, would not fall within the definition of walkers and cyclists, so it is important to ensure that they are included as a matter of legal definition. John, could you add to that?

11.15 a.m.

[256] **Mr Davies:** Without section 9, we could not be sure that guidance under the Act would extend to disabled persons using motorised or other wheelchairs, mobility scooters, electrically-assisted cycles or other aids to mobility, because they would not necessarily be walkers or cyclists. Therefore, the intention is to have a form of guidance that goes beyond persons who would normally be categorised as walkers or cyclists.

[257] **Keith Davies:** So, walkers and cyclists could include those people who are deaf, or who have educational needs—

[258] **Mr Davies:** Yes, indeed.

[259] **John Griffiths:** They are covered as walkers and cyclists, yes.

[260] **Nick Ramsay:** It may seem pedantic, but we are just looking to a future point where these issues could be challenged; you have been very clear. Do any Members have any closing questions? I see that you do not. In that case, Minister, you have satisfied the committee's questions. I thank you for being with us today. It has been extremely helpful and it has been interesting, because of the way things worked with the reshuffle, to have a second ministerial view of it. Thank you, John Davies and Victoria Minshall-Jones as well.

**Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o
Weddill y Cyfarfod ac o Gyfarfod 2 Mai
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from
the Remainder of the Meeting and for the Meeting on 2 May**

[261] **Nick Ramsay:** Will a Member move the motion?

[262] **Byron Davies:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(vi).

[263] **Nick Ramsay:** I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11.16 a.m.
The public part of the meeting ended at 11.16 a.m.*