

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

Consultation questions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.2 Issues that have been fully incorporated include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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