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4 April 2013

e-mail response sent to: [enterprise.committee@wales.gov.uk](mailto:enterprise.committee@wales.gov.uk)

Dear Sir/Madam

**Response to: Consultation on the Active Travel (Wales) Bill by the Enterprise and Business Committee**

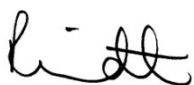
Thank you for the opportunity to respond to the above consultation. The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,100 members. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

This response has been formed drawing on the expertise of the RTPI Cymru Policy and Research Forum which includes a cross section of planning practitioners from the private and public sectors and academics from across Wales. RTPI Cymru's response to the consultation questions is set out in the accompanying response form.

RTPI Cymru would like to comment that the recent split in cabinet responsibilities between Active Travel and the remainder of transport, generates a risk of a lack of a joined up approach to transport planning across all modes, and that we would welcome assurances that appropriate arrangements will be put in place to ensure that this risk is mitigated.

If you require further assistance, have any queries relating to the enclosed or require clarification of any points made, please contact RTPI Cymru on 029 2047 3923 or email Roisin Willmott at [walespolicy@rtpi.org.uk](mailto:walespolicy@rtpi.org.uk)

Yours sincerely,



Dr Roisin Willmott MRTPI  
**RTPI Cymru National Director**

**National Assembly for Wales Enterprise & Business Committee  
Call for Evidence on the Active Travel Bill**

**RTPI Cymru Response**

**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. The Bill would provide a statutory basis upon which local authorities can take forward the active travel agenda, putting active travel on a par with other transport modes. In addition, the Bill would provide statutory backing to local authorities when considering the transport hierarchy requirements as set out in Planning Policy Wales (2012), and the implications for Local Development Plans (LDP).
- 1.2 The Bill will raise the profile of active travel, and will provide evidence of the Welsh Government's aspirations in terms of encouraging greater use of active travel modes. It will also ensure that information on the presence of routes is available, and that a more consistent approach to the identification, mapping and promotion of active travel routes is applied 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 We support the principal aim of producing maps identifying existing active travel routes and related facilities. However, there remain areas of concern which we would like to see addressed. 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.
- 2.2 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 would therefore be appropriate to include a reference in Section 2 relating to the aim of the Bill with regard to encouraging modal shift for shorter journeys. The detailed definition of what constitutes ‘shorter journeys’ would then be included within the accompanying notes or future guidance.
- 2.3 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. There will be additional costs which have not been captured in the calculation of the costs and benefits in Section 8 of the Explanatory Memorandum. Further information regarding consultation should be provided in the guidance. This would need to include a list of consultees who should be consulted, and the duration, frequency and type of consultation to be undertaken, including with the public.

There will be a need, amongst others, to consult adjoining local authorities, national park authorities (where appropriate), and Regional Transport Consortia.

- **the requirement on local authorities to have regard to integrated network maps in the local transport planning process (section 6);**
- 2.4 We are supportive of this provision. However, there will need to be careful consideration of the interface with Regional Transport Plans (RTPs) to avoid duplication, but to ensure that all proposals are able to be evaluated for prioritisation of funding, including those serving primarily local needs. In this context, the proposal that Integrated Network Maps should be reviewed every three years sits uncomfortably with the requirement for RTPs to be updated every five years. Integrated Network Maps would be likely to be more influential in terms of investment decisions for the Five Year Programmes prepared within RTPs if they were prepared and reviewed in parallel with the RTPs themselves.
- **the requirement on local authorities to continuously improve routes and facilities for pedestrians and cyclists (section 7);**
- 2.5 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. An alternative form of words such as “regularly review the need for improvements”, with a definition of the meaning of ‘regular’ would be preferable.
- **the requirement on highway authorities to consider the needs of pedestrians and cyclists when creating and improving new roads (section 8)**
- 2.6 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 highway authorities are required to demonstrate how they have fulfilled this requirement when seeking statutory consents and funding for the creation of new roads and the improvement of existing ones. Road schemes which cannot demonstrate an effective contribution to walking and cycling, or to public transport, should be unable to secure funding.
- 2.7 There will an opportunity, in the forthcoming Planning Reform Bill, to consider whether there is a need for additional requirements to be placed on planning authorities to explicitly consider the needs of pedestrians and cyclists when considering applications for planning permission for new development. This could secure significantly more rapid progress in promoting active travel, than the provisions of the Active Travel Bill alone. If not through the Planning Reform Bill, then the further development of national planning policy in this regard is a real opportunity.

**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 Some issues raised by RTPi Cymru during the consultation on the White Paper have been incorporated within the provisions of the Bill and the accompanying Explanatory Memorandum.

3.2 Issues that have been fully incorporated include:

- Provision of a clear hierarchy between the proposed Network Maps and Local (Regional) Transport Plans;
- The proposal for the maps to be applicable over a specified 15-year period;
- Paragraph 161 of the Explanatory Memorandum sets out how the Welsh Government intend to monitor the outcomes of the Bill;
- 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;
- Retaining the emphasis on the promotion of modal shift.

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

- Clarification has been provided regarding the level of improvement required by local authorities;
- The Explanatory Memorandum confirms that the delivery of improvements will be funded within the constraints of budget availability, as well as the funding sources available from the Welsh Government. However, reference should be made to other funding sources which local authorities could utilise, such as the inclusion of improvements within development schemes, and the use of agreements under Section 106 of the Town and Country Planning Act 1990, and the Community Infrastructure Levy;
- The costs of the legislation have been partially identified within the Explanatory Memorandum, although confirmation that additional funding will be provided to allow local authorities to carry out the provisions within the Bill is still required. There may also be additional costs related to consultation which have not been considered.

3.4 Issues that have not been taken account of within the Bill:

- The need for Integrated Network Maps to adopt common time horizons for preparation and review with Regional Transport Plans.
- The benefits of proposals set out within Integrated Network Maps being captured within Local Development Plans, thereby identifying and protecting any land requirements, and facilitating provision through the development of land.

We strongly suggest that these issues are reconsidered as a result of this consultation exercise to avoid a lack of coherence between concurrent land-use processes.

**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 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 resources to deliver the requirements of the Bill is likely to be the most significant barrier, both for the development of the plans and the delivery of the identified routes and related facilities. In particular this relates to both the availability of funding and the availability of staff resources within local authorities. The Bill fails to effectively address this barrier.
- 5.2 Another potential barrier is the issue of third party land. There is no recognition of this within the Bill, which should refer to mechanisms for overcoming the barrier represented by landownership issues on delivery of the integrated network.

**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. The main 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.
- 6.2 There needs to be provision in the Bill for funding to be made available by the Welsh Government to enable local authorities to meet the requirements of the legislation. As Paragraph 59 of the Explanatory Memorandum states: "all of the direct costs associated with the legislation are expected to fall on the local authorities in Wales." 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.
- 6.3 Paragraph 95 of the Explanatory Memorandum properly indicates that delivery of improvements will have to be within the constraints of budget availability. As indicated in Paragraph 96, Regional Transport Consortia will be expected to allocate a proportion of their funding specifically to develop integrated networks. It is important, however, that investment in active travel proposals is able to be

evaluated by consortia against investment in other transport schemes, in order to ensure the best use is made of limited transport budgets. Effective approaches to transport planning require an integrated approach between all modes of transport, including the appraisal and prioritisation of investment between modes. This is the approach taken by the RTPs, and it will be important to ensure that the proposed new arrangements for active travel do not undermine this integration.

- 6.4 An additional section should be included within the Bill, worded along similar lines to Section 6 of the Transport (Wales) Act 2006, which confirms a financial commitment from the Welsh Government.
  - 6.5 Whilst funding provided by the Welsh Government is likely to remain the principal funding stream through which improvements will be made, the Explanatory Memorandum should also include a reference to the potential of local authorities to utilise other funding sources.
  - 6.6 A key concern 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. Costs are likely to vary significantly between authorities, given the wide variations in their population sizes and dispersal. There is a need for a more effectively evidenced estimate that recognises this diversity.
- 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.
- 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. This could provide an independent body to consider all major issues related to walking and cycling.
  - 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.

### Cycles on Buses and Trains

- 8.3 A key constraint on extending the use of cycles in transport is the difficulty in transporting cycles on buses and trains. Experience in other more cycle-friendly countries indicates that these constraints are not insurmountable. While beyond the scope of the current Bill, these issues require some focused research. The impending replacement of most of the rail rolling stock in South East Wales, with stock which is likely to be comprehensively refurbished, presents an opportunity to make real progress on this issue.

### Older People - Seats at Bus Stops

- 8.4 A key constraint in encouraging people to walk to the bus stop rather than make the whole journey by car, is the facilities available at the stop. It is an extreme irony, at a time when older people are heavily encouraged to use buses through the use of concessionary fares, that many stops lack any seating facilities. This element of transport infrastructure needs higher priority.

### Demand Management of Car Travel

- 8.5 Ultimately, mechanisms to encourage more foot and cycle journeys will only be fully effective if balanced by mechanisms to introduce effective demand management of car travel.