

Country Land and Business Association (CLA)

The CLA represents over 35,000 members in England and Wales. Our members both live and work in rural areas; they operate a wide range of businesses including agricultural, tourism and commercial ventures – at the last count the CLA represents some 250 different types of rural businesses.

The quality of the countryside is of vital importance to our members. The three main drivers - economic, social and environmental - rely on landowners and managers for their success, and thus the CLA has a special focus on such matters.

We have pleasure in setting out our response to the consultation below.

Active Travel (Wales) 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?

We are not convinced by the need for a Bill. The aspiration for improvement could also be met by a dedicated programme coupled with appropriate funding.

2. What are your views on the key provisions in the Bill, namely –
i) 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);

We reiterate our previous concerns about the ability of authorities to prepare such maps within the restrictive timescales, and to keep such maps up to date.

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

No comments.

iii) The requirement on local authorities to continuously improve routes and facilities for pedestrians and cyclists (section 7);

This requirement suggests that an end point will never be achieved. It fails to recognise that, even if at some point in the future localities have all the facilities and infrastructure they need, they will not be able to take a local decision to (even temporarily) halt investment.

It fetters the discretion of authorities to prioritise their resources according to the requirements of their electorate.

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

No comments.

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

In our initial response we were concerned at how the proposed new maps would be presented, who would be able to see them and how they would fit with other maps, such as the Definitive Map (of public rights of way).

The question of how the proposed maps will fit with other maps has not been resolved. In addition, the status of the proposed routes remains unclear.

The White Paper indicated that the Bill would have a largely urban focus and the explanatory memorandum indicates that routes will be identified for settlements exceeding a population of 2000. We were concerned that the White Paper did not consider the impact that routes could have on landowners, and that there was no consideration of how these impacts would be taken into account when identifying routes and seeking enhancements. We expressed concern about the impact on existing uses of land if new routes were created. It is important that any new or enhanced routes or facilities are carried out under due process and take account of the impact on the landowner and occupier.

Although the Bill claims to have an urban focus it is now increasingly clear that rural areas may be affected by these proposals – either because there will be routes linking larger settlements or because many smaller settlements (of 2000 population) are located within rural areas.

It is a significant concern that a Bill which is designed primarily for urban areas will be inappropriate for the countryside.

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

No comments.

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

No comments.

6. What are your views on the financial implications of this Bill (this could be for your organisation or more generally)?

The Regulatory Impact Assessment (RIA) notes the significant costs to authorities of implementing these provisions both in terms of the mapping processes and the provision of improvements. Those costs will be borne by local authorities. The benefits that accrue are largely not to those authorities, but to other organisations, individuals and the wider economy. There does not appear to be any indication as to how these proposals will be funded.

We note that no account has been taken in the RIA of the impact of the creation or improvement of routes on landowners and occupiers.

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 Welsh Ministers?

The Bill provides very little detail and much is left to guidance and the potential whim of future Ministers. For example, the Bill is intended to encourage active travel to primarily urban locations. As this has been the intention from the White Paper onwards, it is not clear why this is not on the face of the Bill, so that “designated locality” is defined simply as populations of 2000 or more. The range of possibilities currently within section 2(3) means that future Ministers will have scope to designate virtually any type of locality, rendering the clause (and the purpose of the Bill in encouraging urban travel) largely meaningless.

The suitability of routes for active travel (section 2(4)) are also set out partly on the face of the Bill and partly within new and unspecified guidance. It would seem sensible that the Bill itself is specific about the routes that should qualify.

Although it may seem appropriate to leave to guidance matters such as (section 3(3)) the detail of the maps to be prepared, the consultation to be undertaken and the form and content of such maps, this has resulted in a lack of consideration about the status of the maps, the relationship of these maps to other documents (other than the local transport plan) including the Definitive Map, List of Streets and so on, and the impact such maps could have on land ownership, occupation, existing enterprises and uses, as well as the potential for blight.

The preparation of draft guidance alongside the publication of the Bill would have been useful in allaying fears and in establishing the level of guidance to be provided.

However, it would remain the case that such guidance is open very much to the discretion of Ministers, and consequently, greater certainty within the Bill itself would result in a better outcome.

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

Although the stated purpose of the Bill is to encourage active travel, its scope and remit is much wider than this stated aim. We have already drawn attention to the fact that a “designated locality” could encompass all of Wales.

Similarly, it is not clear why, if the aim is active travel, consideration of the suitability of the proposed route for partial recreational purposes (section 2(4)) is acceptable. The Bill should simply state “...otherwise than for recreational purposes...”.

We believe that the wording of the Bill needs to be much tighter and clearer to meet the intention expressed by the White Paper and within the Explanatory Memorandum.

The impact of the Bill on rural areas has not been addressed, largely because that is not its intended scope. However, the wording of the Bill, and the delegation of much of the detail to guidance by ministers, means that in practice it could have a significant impact on rural areas which has not currently been considered. There has not, for example, been an RIA to assess the impact on rural businesses. Either the impact on rural areas should be properly considered, or the Bill should be clearer about its intended purpose to improve transport links in predominantly urban locations.