



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

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

Dydd Mercher, 6 Mawrth 2013
Wednesday, 6 March 2013

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Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o Weddill y
Cyfarfod
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from the Remainder
of the Meeting

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
Gwyn R. Price	Llafur (yn dirprwyo dros Julie James) Labour (substitute for Julie James)
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, Llywodraeth Cymru Lawyer, Welsh Government
Victoria Minshall-Jones	Rheolwr Tîm y Mesur Bill Team Manager
Carl Sargeant	Aelod Cynulliad, Llafur (y Gweinidog Llywodraeth Leol a Chymunedau) Assembly Member, Labour (Minister for Local Government and Communities)

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

Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Andrew Minnis	Y Gwasanaeth Ymchwil Research Service
Kath Thomas	Dirprwy Glerc Deputy Clerk
Liz Wilkinson	Clerc Clerk

Dechreuodd y cyfarfod am 9.31 a.m.
The meeting began at 9.31 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Nick Ramsay:** Good morning. I welcome Members, witnesses and the public to this morning's meeting of the Enterprise and Business Committee. This meeting is bilingual. The headsets can be used to hear simultaneous translation from Welsh to English on channel 1, or for amplification on channel 0. The meeting is being broadcast and a transcript of the proceedings will be published. I ask Members to turn off their mobile phones. The

microphones will operate automatically, so you do not need to touch those. In the event of the fire alarm sounding, please follow the directions of the ushers. We have two apologies today, one from Julie James and one from Dafydd Elis-Thomas. I welcome Gwyn Price to the committee who will substitute for Julie James; thank you for helping us out today, Gwyn.

9.32 a.m.

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

[2] **Nick Ramsay:** Today, we will be undertaking the first evidence-taking session on Stage 1 of the Welsh Government's Active Travel (Wales) Bill. The purpose of this session is to take evidence from Carl Sargeant, the Minister for Local Government and Communities. The Bill has been remitted to the Enterprise and Business Committee for Stage 1 consideration with a reporting deadline of 24 May. This is the first of several evidence-taking sessions that we will undertake on the Bill over the coming weeks in order to inform the committee's work.

[3] I welcome you, Minister, to this morning's committee. Thank you for being with us. Could you introduce your officials for the Record of Proceedings?

[4] **The Minister for Local Government and Communities (Carl Sargeant):** Good morning, Chair. I am Carl Sargeant, the Minister for Local Government and Communities.

[5] **Mr Davies:** I am John Davies from legal services.

[6] **Ms Minshall-Jones:** I am Victoria Minshall-Jones, the Bill manager.

[7] **Nick Ramsay:** Thank you. We have many questions that we would like to go through with you. So, I propose that we go straight to the questions. The first is from Alun Ffred Jones.

[8] **Alun Ffred Jones:** Bore da, **Alun Ffred Jones:** Good morning, Minister. Weinidog. Pam fod angen y Bil Teithio Why is there a need for an Active Travel Llesol (Cymru)? (Wales) Bill?

[9] **Carl Sargeant:** Good morning to you and to the committee members. We believe that while the Welsh and UK Governments have tried to make a change in how people go about their daily lives through walking and cycling, it has had minimal effect. That is why we believe that it is appropriate to put some legislation in place to develop a legislative framework that will give people a stronger framework in which to operate so that we have a more active nation in terms of walking and cycling. This process will bring huge benefits, not only to my department, but it could also have fitted quite nicely in the health department's budget. It is time to unlock the opportunities in the economy and to take steps towards more sustainable transport and this legislative vehicle will be the process that we put in place to do so.

[10] **Alun Ffred Jones:** Mae nifer o'r pwerau sydd yn y Bil eisoes yn bodoli mewn Deddfau fel y Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 a'r ddeddfwriaeth ar gyfer llwybrau beicio, beth felly y mae'r Bil hwn yn ychwanegu at y pwerau hynny? **Alun Ffred Jones:** Many of the powers contained within this Bill already exist in Acts such as the Countryside and Rights of Way Act 2000 and the cycle paths legislation, so what does this Bill add to those existing powers?

[11] **Carl Sargeant:** I recognise the issues around other legislation that is in place. What I

have tried to articulate through the launch of this Bill, and through the various areas that we have discussed, is a real-life example of why we need new legislation. I am aware—as someone who is new, or new again to cycling—that people need to feel safe when they enter into this arena. If we want people to take up the challenge of walking and cycling in a safe environment, it is key that we give them a safe route in which to do it, as well as a legislative competence around that, to ensure that it is safer. This planning system—with local authorities—goes some way to do that. Therefore, there is legislation in place in some areas, but what we are trying to do here is to give a more holistic view to Wales, so that, wherever you are, you know that there will be safe, planned routes within that local authority. Therefore, this is the game-changer—it is about moving up to the next level.

[12] **Alun Ffred Jones:** Mae'r Bil hwn yn gofyn i awdurdodau lleol greu mapiau o lwybrau diogel i gerdded a beicio arnynt. Fodd bynnag, nid oes unrhyw ddyletswyddau eraill ar awdurdodau lleol i wneud dim i annog pobl i gerdded a beicio. Pam?

Alun Ffred Jones: This Bill asks local authorities to create maps of safe routes for pedestrians and cyclists. However, no other duties are placed on local authorities to do anything to encourage people to walk and cycle. Why is that?

[13] **Carl Sargeant:** This is a starting point. We are giving the general public the framework to enable them to have the knowledge that, within their local authority area—or within the region, or nationally—there are safe places to walk and cycle. That is the ethos of this Bill. We cannot tell people that they must go on their bikes, or that they must walk from A to B. However, what we can do is provide a safe area in which to do that. If we consider the many local authorities that Assembly Members represent, we can see that there are some good ones, and some that could be better. However, we want consistency across Wales, in terms of how we develop a network of maps, so that we enable people to have access, and so that they know that they can plan their journeys better.

[14] **Alun Ffred Jones:** Pan ddaw'r Bil hwn i rym—gan gymryd y bydd hynny'n digwydd—beth yw'r amserlen ar gyfer ei weithredu?

Alun Ffred Jones: When this Bill is enacted—assuming that it will be—what is the timetable for its implementation?

[15] **Carl Sargeant:** The duties will come into force as soon as the commencement Order receives Royal Assent from the Queen. The mapping exercise will be a three-year proposal, as detailed in the Bill.

[16] **Nick Ramsay:** Can I clarify that point, Minister? It is three years for the initial mapping exercise, and then another three years before the new routes have to be provided?

[17] **Carl Sargeant:** Yes, it is a rolling three-year programme. However, local authorities can update before that, should they so wish.

[18] **Nick Ramsay:** Okay. Byron Davies has a supplementary question on this issue.

[19] **Byron Davies:** Good morning, Minister. You say that you will provide the framework, and that it is a question of providing safe routes. It is as though you believe that you will throw a switch and the whole thing will happen. However, is this not only for those who cycle at present? How are you going to get these families—the obese families, if you like, to put it crudely—onto bikes, and onto these safe routes? That is the challenge, is it not?

[20] **Carl Sargeant:** Yes, of course it is, and I am a realist. You are right to say that this is not about flicking a switch and hoping that things will change; I know that that will not happen. However, we must have ambition, and we need to create the right environment for change. I have had discussions across the UK—as well as on the international arena—with

different cycling and walking organisations and I believe that it is about changing people's attitudes. As I said at the beginning, this is about encouraging people to have a safe route. People do not cycle at present in the UK, predominantly because they do not know what a safe route is, and they do not feel safe while they are cycling. We will be able to use this mapping exercise alongside some of our softer initiatives, such as the educational opportunities. For example, I was at a school in Cardiff recently, where young students were already planning their safe routes around their community. If we can ensure such softer interventions at an early age, as well as long-term planning aspects, with mapping exercises, I believe that we can start to shift the general public in terms of a different way of doing business. However, I am with you; this is not a piece of legislation that will turn something on and fix it, but a long-term strategic plan that will make a change in the longer term.

[21] **Byron Davies:** That brings me to the question of why you need it. Why can the Government not persuade people otherwise?

[22] **Carl Sargeant:** Doing nothing is not an option. You will be aware of the Welsh Government's walking and cycling strategy; it just has not worked. There have been some small increases, but the reality is that we cannot force people to do this. We have to give people the right environment to operate in. The more friendly walking and cycling can become, the more people will adopt them.

[23] **Nick Ramsay:** Are you convinced that a Bill is the best way to do that?

[24] **Carl Sargeant:** Absolutely. The reason I say that is because we see positive action in some local authorities already, in terms of their views on developing networks. They do that for different reasons. Often, it is done for a tourism-type event. We are trying to shift this in order to have a more general solution to the delivery of walking and cycling, and the only way we can do that is by legislating.

[25] **Nick Ramsay:** There are a couple of supplementary questions.

[26] **Keith Davies:** Rwy'n cytuno â chi, yn dilyn yr hyn yr oedd Byron yn ei ofyn, oherwydd yn ystod yr haf diwethaf, bûm i a fy meibion i Lundain, ac yn ystod yr amser hwnnw roeddent eisiau gwneud pethau newydd, a bu i ni ddefnyddio'r 'Boris bikes'. Roeddwn i'n gweld hynny'n ddanjerus ofnadwy yn Llundain oherwydd nid oedd llwybrau y gallem eu defnyddio'n saff. Rwy'n gweld yr hyn rydych chi'n anelu tuag ato, ac efallai byddai hynny'n sicrhau y bydd mwy o bobl yn defnyddio beiciau.

Keith Davies: I agree with you, following what Byron asked, because last summer, I went to London with my sons, and during that time they wanted to do new things, and we used the 'Boris bikes'. I saw that to be very dangerous in London because there were no cycle paths that we could use safely. I can see what you are aiming towards, and perhaps that would ensure that more people would use their bikes.

[27] **Carl Sargeant:** I was in London on Monday, discussing issues around cycling and Get Britain Cycling, and that exact issue came up. In all our communities, the implication of a cycling lane is a strip of red paint alongside a curb, which then runs out at the traffic lights. What do you do then? We need to get safe routes from A to B, so that you, Members with families and children, can feel confident about your daily journeys being safe. At the moment, there are many routes that are made more dangerous because of the red paint drawn on the road.

[28] **David Rees:** You mentioned the Welsh Government's walking and cycling initiatives. You said that they have not worked. I know that this is a separate issue, but have we seen an increase in recreational walking and cycling as a consequence of those initiatives?

[29] **Carl Sargeant:** There have been some slight increases, and I am more than happy to provide the committee with the detail of that. However, as I said, if we are really seeking a game-changer, it is clear that that will not be the vehicle by which to do it. We have to make a positive intervention and ask, ‘What do we do next?’ Giving people the opportunity to do this has not worked as effectively as we would have liked. Sometimes, you have to put your hand up and say, ‘Look, we have to take a different direction’, and that is what we are doing.

[30] **Byron Davies:** In relation to these safe routes that you envisage and the mapping exercise, is it not the case that local authorities, planners, engineers—call them what you like—will be inclined to put them next to busy roads anyway, because there is no extra money to buy land or what have you? So, how will this work?

[31] **Carl Sargeant:** Again, in an ideal world, where finances are not an issue in terms of the ability to develop new networks et cetera, a lot of the time we would not just plan a cycle path at the side of some of these major roads; you would do it differently. However, the reality is that we have a current position and a future position of where we want to be. There are some great designers and planners in local authorities across the UK, but I think that we can all learn to do things differently.

9.45 a.m.

[32] Alongside the Bill there will be guidance issued to local authorities, which will be developed by my team and by a third party. We already have Phil Jones, who is an expert in the field of planning and design guidance on cycle networks, working alongside us to help planners and designers to develop new opportunities for the future. Notwithstanding the comments that you make, this is a Bill that will change the future. We must understand what we have now and how we get to the next stage. That is what the planning aspects of this will be.

[33] **Eluned Parrott:** Minister, with regard to designing safe and attractive routes that are not just tagged onto the side of trunk roads, apart from the financial impediment there is also a legal impediment, in that we do not currently have compulsory purchase powers for anything other than highways. We cannot compulsorily purchase land for cycle tracks. Have you sought to address this in any way?

[34] **Carl Sargeant:** We did not consult on this issue around compulsory purchase. That does present potential problems in terms of access to new opportunities. I do recognise the issue around compulsory purchase, but I do not believe that this Bill is the right vehicle for reviewing that. However, I have discussed with the Minister responsible for planning whether there is an opportunity to look at that specifically. It is a big piece of work that needs to be done properly in its own right. I do not think that that will have an effect on this Bill, because there are things within it that we can still do that are not prohibited by any other legislation. However, it is a fair point to ask whether reviewing that could bring beneficial effects. I think that it could, but I do not think that it necessarily needs to be in this Bill.

[35] **Eluned Parrott:** So, is it your understanding that those powers will be included in the planning Bill that is being considered at the moment?

[36] **Carl Sargeant:** That is not my understanding, but I have raised it with the Minister.

[37] **Eluned Parrott:** I want to look at the balance between what is on the face of the Bill and the guidance that you intend to issue. The Bill refers to statutory guidance on six occasions. Much of the detail of how this Bill will operate is in that statutory guidance, rather than on the face of the Bill. Why have you chosen guidance as opposed to regulation or

putting more detail on the face of the Bill?

[38] **Carl Sargeant:** For all the legislation that is brought forward, this is a question that I am always asked, and rightly so, by committees. I think that we have struck the right balance—otherwise we would not put it out as we have done—but the committee will have a view as to whether it believes that I have struck the right balance. In terms of the reasoning behind that, two sets of guidance are envisaged; one around the new design guidance on the standards expected for the walking and cycling element, and the other will be the delivery guidance for local authorities to support them in delivering the Bill. We need some flexibility within that, but we also need the ability for that to be influenced by the people who matter—the people who actually want to use these routes. That is why the guidance that we will be issuing to develop that will be in conjunction with the development, and with our team and third party stakeholders during that consultation process. We can be prescriptive all day long in terms of the guidance or the regulation, but if the people we want to see using this new legislation are not engaged, and it is the wrong thing, we can amend the guidance; we cannot easily amend the regulation.

[39] **Eluned Parrott:** Are you convinced that guidance is robust enough to deliver the policy objectives? After all, you are expecting other people to deliver these things for you, and they will have 22 different opinions on how to do that.

[40] **Carl Sargeant:** I believe that we have struck the right balance with what we have put on the face of the Bill and what is in guidance. However, on your last point, about the necessity for 22 different mapping statements, I believe that local authorities could up-source, if they so wish. The duty would still be with the local authority, but many places now could go to the regional transport consortia and ask them to do it so that, actually, you would have six active travel regions, as opposed to 22. So, there is some flexibility in how this will be developed, but the duty would of course remain with the current 22 authorities. However, I think that we have struck the right balance there.

[41] **Eluned Parrott:** With regard to how this is organised and how much detail is going through guidance, there is no duty in the Bill to consult on the guidance, and there will be no obligations placed on the Welsh Government as to how it would prepare that. Why have you chosen not to say that you will consult on this guidance? Clearly, so much of it is critical to the delivery of the policy objectives.

[42] **Carl Sargeant:** The process that we follow for guidance is well understood internally. There is a 12-week period—I think that I am right in saying this—in which we would do consultation anyway. That is what we do. So, to suggest that there is not a consultation period would not be accurate—perhaps the detail is needed there. There is no statutory duty, but this is what we would do anyway: we would consult with third parties in that consultation period.

[43] **Eluned Parrott:** Looking finally at this issue of it being guidance rather than regulation, one of the weaknesses from a democratic point of view of issuing so much of the detail through guidance is that there is no scrutiny process in the Assembly, for Assembly Members to be able to challenge and assess the guidance issued by you. What do you say to those who would say that this is a weakness in the process?

[44] **Carl Sargeant:** The issuing of guidance is not unique to this Bill—in the process of taking forward any legislation, the principle would be the same. A previous question of yours asked whether we have the balance right; I believe that we have, but the committee will form a view on whether you believe that we have or not.

[45] **Eluned Parrott:** On the issuing of guidance not being unique to this Bill, that is

absolutely true, but are you aware of any other Bills that issue only guidance and no statutory regulations, with so little detail on the face of the Bill?

[46] **Carl Sargeant:** I cannot answer that question now, Chair, but the issue for me is that I am concerned with this Bill, and, as I referred to in answer to the Member earlier on, I have acknowledged that the issue of guidance is not unique to this Bill.

[47] **Nick Ramsay:** Minister, can you help me to get my head around the timescales here? As soon as the Bill is enacted—if we get to that stage—this duty will be on local authorities, and they have three years for the first map, and three years for the second.

[48] **Carl Sargeant:** Yes.

[49] **Nick Ramsay:** When will the guidance be developed to be put in place?

[50] **Carl Sargeant:** I will just ask the technical team to give me some further advice on that, if I can, Chair.

[51] **Ms Minshall-Jones:** We hope that the guidance will be available to local authorities at about the same time the commencement Order comes into place. So, when the duties are placed on local authorities, the guidance will be there as well.

[52] **Nick Ramsay:** Great. Thank you.

[53] **Alun Ffred Jones:** Weinidog, hoffwn fynd yn ôl at y mater a gododd Eluned Parrott ynglŷn â phryniant gorfodol. Rwy'n ymwybodol o rai cynlluniau llwybrau cerdded a beicio sydd wedi eu dal yn ôl am flynyddoedd oherwydd bod tirfeddianwyr yn gwrthod rhyddhau'r tir. Pam yr ydych wedi dewis peidio â rhoi pwerau yn y Bil hwn ar gyfer pryniant gorfodol?

Alun Ffred Jones: Minister, I would just like to return to the issue raised by Eluned Parrott on compulsory purchase. I am aware of some schemes for walking and cycling routes that have been held back for years because the landowners have refused to release the land. Why have you chosen not to provide powers in this Bill for compulsory purchase?

[54] **Carl Sargeant:** As I tried to allude to earlier on, the issue, I believe, with compulsory purchases is extremely technical and challenging in some areas, and there is a piece of work to be done there on compulsory purchase, which I do not believe fits into the framework of this Bill. I have had a discussion with the Minister responsible for planning around that. If we look at what the Bill is and what it is not, it is about mapping the existing network within all local authorities. That is not available at the moment in most areas. We do not know what is available, what is safe, and what is not. On the back of that, there will be a duty imposed on local authorities to develop the network. I do not see that the compulsory purchase element of this causes a problem in the development of those new plans. I accept that a route that they may define as a future route may have a problem around compulsory purchase, but I do not think that that is within the scope of this Bill. This is about the design and planning aspect of this. It will be for local authorities to determine the deliverability of a scheme, but as I said, we did not consult on the compulsory purchase element. I believe that that is a piece of work that needs to be looked at specifically in terms of planning regulation.

[55] **Alun Ffred Jones:** Surely, if you hope to extend the number of routes in order to achieve the purpose of the Bill, issues of land purchase will inevitably come up. I do not understand why you do not include it. Is there a technical reason for leaving it out?

[56] **Carl Sargeant:** We can give you some legal advice too, if that is helpful.

[57] **Mr Davies:** There are a range of powers available at present that may be underutilised. Local authorities can create public paths by order. They can create public paths by agreement. They may acquire land for highway purposes by compulsory purchase, and that could include a cycle track, because a cycle track would be part of the highway. The procedures are lengthy, but in a sense they need to be, because the human rights of landowners are engaged, and there is a need to ensure that objectors have sufficient opportunity to object, and for their objections to be heard before an independent inspector. So, these processes are long and drawn out, but they are there already.

[58] **Alun Ffred Jones:** Are you saying that local authorities have the power already to buy land to create cycle tracks? So there is no need for—

[59] **Mr Davies:** By agreement or through compulsory purchase, they may do so.

[60] **Alun Ffred Jones:** Is that for cycle and walking tracks?

[61] **Mr Davies:** Yes, because they have general powers to buy land compulsorily for highway purposes.

[62] **Carl Sargeant:** May I just add to that? As I said earlier, it is often contentious and very technical. There is a piece of work that needs to be done outside the scope of this Bill. This Bill is about the design and planning element of future routes. The complexities of compulsory purchase do not put up any barriers to the progression of this Bill in terms of delivery.

[63] **Joyce Watson:** Good morning, Minister. You talk about design and planning for the future. Will you be asking local authorities to match their local development plans—those that have them, of course—to fit this new active travel Bill? I am thinking along the lines, as you said, of this being about getting people active in a way that they have not been before, by walking and cycling. So if, for example, you have a proposed development, whether that is industrial or residential, will you be asking local authorities to map in, before those developments take place, these features that you expect to see to produce the outcomes that you are hoping for?

[64] **Carl Sargeant:** What is really important is to understand the scale of development within the authority, and the LDP process is part of that. I have had many questions from Eluned Parrott about a housing estate that is very internally focused—there is a great cycle network, but trying to get out of there is a nightmare. It is incumbent on local authorities to understand what their future development plans are. In terms of the integrated planning process within this, in this mapping exercise, I believe that there are clear synergies to understand what the network of development would be in the local authority, and how it can align them into that. At the moment, it would be fair to say that there are lots of silo operations within local authorities, and sometimes within Government, in the way in which they operate. This is an opportunity to bring that together to understand what the development opportunities are, and how you plan integrated transport between A and B.

10.00 a.m.

[65] **Nick Ramsay:** Eluned Parrott, do you want to come back?

[66] **Eluned Parrott:** I want to ask about the costings of the Bill. The explanatory memorandum does not provide an assessment of the cost to the Welsh Government of developing the guidance or approving maps, and making sure that they comply with relevant guidance. Why is that?

[67] **Carl Sargeant:** I anticipate that two sets of guidance will be developed. There will be some small administrative costs around that, but they will not be significant. We are confident that we can afford that within our budgets. There is not a huge financial burden in the development of this.

[68] **Eluned Parrott:** The revenue budget for active travel in the future is not what it has been in the past. Are you convinced that you can continue with the educational work and things like the work of Sustrans on personal travel planning, and also manage the process of ensuring that local authorities are keeping up to date with their maps?

[69] **Carl Sargeant:** There were several questions in that one, Chair. I think that the original question was about the development of the guidance and whether we can afford to do that; yes, we can. In terms of the other aspects, this is down to Government budgets that policy decisions have to be made upon. I cannot give a commitment about what I am going to fund in the future to organisations on the basis of a discussion that we have had here today.

[70] **Nick Ramsay:** Could Members keep their questions succinct for the Minister?
[*Laughter.*]

[71] **Carl Sargeant:** I am okay with that; I was just trying to decipher them.

[72] **Nick Ramsay:** Byron Davies, did you have any more questions?

[73] **Byron Davies:** So, we are agreed that it is a framework for safer cycling, basically.

[74] **Carl Sargeant:** I hope so.

[75] **Byron Davies:** It is basically to get people fit and perhaps to encourage younger people to get out on their bikes and to take more exercise. Would you agree with that?

[76] **Carl Sargeant:** That is part of the Bill, yes.

[77] **Byron Davies:** Okay. So, why have you decided that active travel should be regarded as non-recreational walking and cycling?

[78] **Carl Sargeant:** I do not have a big issue with this. The more people that we can get mobile, whether that be recreational or otherwise, what we are trying to do is to get this into the main stream. We are trying to do things that we are not currently doing. One of the earlier questions was about whether this was just a Bill for people who already cycle. It is absolutely not; there are benefits to be gained for people who cycle, but what we are trying to do is to mainstream, into communities, a new opportunity for safe walking and cycling. The choice of what we would consider as an active travel route probably does not involve cycling—if you can do it—around the top of Snowdon mountain.

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

[80] **Carl Sargeant:** If it is appropriate, so be it. This is about getting people from A to B, doing their general journeys on a daily basis, so that this becomes the norm. So, I think that there is a clear difference between recreation and the main stream. However, we already do well on the recreational element of this; there are tourism opportunities et cetera that, in most cases, authorities already exploit for the benefit of that. What we are trying to do with this is to get the mainstream change in terms of everyday active travel for individuals across communities.

[81] **Byron Davies:** Okay. To change the line of questioning, you said in Plenary on 19

February that you were afraid that the Bill is not for equestrians because you have not been able to find evidence that people use horses for the types of journeys that the Bill covers. Can you expand on that?

[82] **Carl Sargeant:** There are two elements to this. I absolutely respect the fact that equestrians use the networks across Wales, and I should do all that I can as a responsible transport Minister to make sure that they feel safe in that journey process as well. I will be looking at that. I have already tasked my team to look at what we can do in terms of advice, guidance and support for the equestrian lobby—

[83] **Byron Davies:** That is extra.

[84] **Carl Sargeant:** That is nothing to do with this Bill. Our opinions may differ, but my view is that the majority of people do not use horses or ponies for the general aspect of work or travel within their community. The majority of people use cars or public transport et cetera. I expect that there are people who go to the dentist on their horse, but there are not many.

[85] **Alun Ffred Jones:** Name me one. [*Laughter.*]

[86] **Carl Sargeant:** That is why I do not believe that this broad Bill is the place for the equestrian lobby. Notwithstanding that, as I have said, I have made a commitment and I am keen to look at issues that have been raised with me, and many Members, about the concerns that the equestrian lobby has and I think that those concerns can be addressed in the general aspects of transport responsibility that I have.

[87] **Byron Davies:** I know that I have had correspondence from equestrians. Were they given the opportunity to express a view on this?

[88] **Carl Sargeant:** Yes, I met them.

[89] **Byron Davies:** Okay. I will ask one other question if I may. What are the reasons why the population thresholds to which the duties will apply have not been included on the face of the Bill?

[90] **Carl Sargeant:** Again, some flexibility within the Bill will be useful. It gives us the opportunity, because Wales is a very diverse place, to recognise that, in some areas, the population threshold may not be applicable. We need some flexibility within the Bill to make some changes should we so wish and deem appropriate.

[91] **Nick Ramsay:** We have some questions now from Keith Davies.

[92] **Keith Davies:** Gwnaf ofyn yn Gymraeg eto. Mae nifer o'r llwybrau sydd gyda ni nawr yn cael eu defnyddio ar gyfer pwrpasau hamdden. Pa hawl sydd gan yr awdurdodau i roi'r rheini mewn fel llwybrau teithio llesol?
Keith Davies: I will ask my questions in Welsh again. Many of the routes that we have now are used for leisure purposes. How can local authorities put those in as active travel routes?

[93] **Carl Sargeant:** It will be around the guidance that we issue to local authorities and what is appropriate to be designated or not. We will have a discussion with them on that, so it will not just be us telling them, 'You can include this' or 'You can't include that'. What we are trying to do with the powers within the Bill is give local authorities the opportunity to assess the overall network. So, if they think that it should be included in active travel, based on the guidance issued, that would be appropriate, but it will be down to the guidance that we produce.

[94] **Keith Davies:** Gallaf feddwl am rai Llanelli a fyddai'n gallu cael eu defnyddio felly. Rydych yn asesu ac rydych yn dweud y bydd awdurdodau yn gorfod sôn am natur a chyflwr y llwybrau hyn. Beth yr ydych yn ei feddwl wrth hynny?

Keith Davies: I can think of some routes in Llanelli that could be used in that way. You assess and you say that the authorities will have to talk about the nature and condition of the routes. What do you mean by that?

[95] **Carl Sargeant:** There are lots of elements to that, which we are considering again in discussion with the design experts around the appropriateness of the route. Some of the areas that we would consider in terms of nature and condition appropriateness would be around things such as the proximity of any dangers in the area, such as cliff faces, or whatever that may be locally, path width, the location of the route compared to local facilities, connectivity and so on. So, there are lots of areas. The list is not exhaustive, but it will be based upon the guidance that will be developed. As I said, I am very keen that we all understand that this guidance will be developed with people who have great knowledge in this field. This is not about the Government issuing a directive about what we think is the right thing to do. This will be about working with third parties to ensure that we are able to give consistent guidance to all authorities in Wales.

[96] **Keith Davies:** Bob bore pan wyf yn Llanelli, rwy'n cerdded ar lwybr sy'n mynd heibio ysgol gynradd ac yna byddaf yn dod i heol fach. Mae'r ysgol wedi ysgrifennu 'heol' ar gyfer y plant gan mai ysgol Gymraeg yw hi. Heol fach yw hi. Felly, a ydych yn meddwl am rywbeth tebyg? Beth pe bai'n heol fawr? Beth fyddech yn erfyn ein bod yn gweld yn y fan honno?

Keith Davies: Every morning when I am in Llanelli, I walk on a path that goes past a primary school and then I come to a small road. The school has written 'road' or rather 'heol' in Welsh, as it is a Welsh school, for the children. It is a small road. So, are you thinking of something like that, namely putting up signs? What if it were a main road? What would you want us to see happening there?

[97] **Carl Sargeant:** Again, Wales is a very diverse place. I am sure that there are roads in Llanelli that are very similar to roads in Connah's Quay, where I live. The weather is always sunny in Connah's Quay; I do not know what it is like in Llanelli. [*Laughter.*]

[98] An important point to make is that local authorities have to consider what their local need is and what is considered to be safe. I have given this much consideration. There are already aspects in place, for example, Safe Routes in Communities, which are developed in conjunction with schools. That is a small part that we could build on in terms of the active travel Bill. What are the routes around our communities and schools? What is the passage of transport? Again, we have to be realistic in that there is a road network across all our communities. That has to be considered in the proposals on when and how these routes are designed and what is the safe passage through. There are some issues of competency in terms of what I would have liked to have seen in the Bill, but we just do not have some of the competencies around those issues. However, we have what I believe to be a very comprehensive Bill. Are there other things that we could have done if we had the powers to do them? Yes, and one of the simple ones relates to cyclists' ability to use pedestrian crossings—that power still rests with Westminster.

[99] **Nick Ramsay:** It is a pretty succinct Bill, is it not?

[100] **Carl Sargeant:** It is comprehensive.

[101] **Keith Davies:** I orffen, rydym wedi sôn yn barod bod y Gweinidog Addysg a

Keith Davies: To finish, we have already mentioned the fact that the Minister for

Sgiliau wedi bod yn sôn am lwybrau diogel i ysgolion. Faint o drafodaeth a ydych chi wedi ei chael gyda'r Gweinidog addysg ar y pethau hyn? Gallai llwybr diogel i ysgol gael ei greu na fyddech chi'n meddwl ei fod yn ddiogel.

Education and Skills has been talking about safe routes to schools. How much of a discussion have you had with the Minister for education on these matters? There could be a safe route to school that you would not think was safe.

[102] **Carl Sargeant:** Safe routes to school lie with me, so I—I was going to say that I often talk to myself, but that is not right thing to say, is it? *[Laughter.]*

[103] I talk to my department regularly on how we build in integration across the department between Safe Routes in Communities, the Learner Travel (Wales) Measure 2008 and now the active travel Bill. We consider what the synergies are and what the potential conflicts are. We have to ensure, when we design these programmes, that there are no conflicts.

[104] **Nick Ramsay:** Minister, may I ask you a question on some of the language of the Bill? Can a route that is mostly, but not wholly, recreational be an active travel route? How would a local authority define that?

[105] **Carl Sargeant:** Say that again.

[106] **Nick Ramsay:** We are getting down to the language of the Bill now. Can a route that is mostly, but not wholly, recreational be an active travel route?

[107] **Ms Minshall-Jones:** If it meets the criteria, yes. We know that a lot of the most popular active travel routes will be those that are also very popular for recreation.

[108] **Nick Ramsay:** You are confident that a local authority will be able to define that itself, legally.

[109] **Ms Minshall-Jones:** Yes, I think so.

[110] **Alun Ffred Jones:** A yw hynny'n golygu na fydd llwybrau sy'n bennaf ar gyfer hamdden, a gallaf feddwl am nifer yn fy ardal i, yn cael eu cynnwys, ac felly ni fyddant yn rhan o'r map a fydd yn cael ei gyflwyno gan lywodraeth leol?

Alun Ffred Jones: Does that mean that routes that are mainly recreational, and I can think of a number in my area, would not be included, and therefore would not be included on the map that would be brought forward by local government?

[111] **Carl Sargeant:** No. As I explained, the active travel route's purpose is to allow people to travel from destination A to destination B and one local example would be the Taff Trail. That is a recreational route that is used a lot by commuters. So, that would be a good example of the opportunities to include it in the Bill. So, it is about understanding what that route is or is not. If it is predominantly a recreational mountain-bike-type of journey, I would not expect that to be included in the active travel mapping. However, if it was a route that was being used as an A to B transfer journey, and that it happened to go through that process, I would be comfortable with that.

10.15 a.m.

[112] **Alun Ffred Jones:** However, you could end up with a map that shows a route that then stops, when, in fact, it does not stop—it just goes over the mountain. The Taff Trail is one example of that.

[113] **Carl Sargeant:** Yes. Continuity is part of the consideration that local authorities would have to include in the mapping exercise. It is about the journey profile—where does it start, and where does it end, and that is based not entirely on recreational use. It does not prohibit local authorities from not including that in their mapping process.

[114] **Nick Ramsay:** I believe that David Rees has a question on this point.

[115] **David Rees:** I wish to clarify one point. Victoria talked about, ‘if it meets the criteria’. Will those criteria include safety aspects? Some of these recreational routes are done on old railway tracks, where there is no lighting. If we are talking about active travel routes being opportunities for people to go back and forth to work, as well as going back and forth to school, will the criteria look at safety aspects?

[116] **Carl Sargeant:** Yes, absolutely. That is part of the consideration that has to be factored in. Because a cycle track, or a walkway, does not have lighting, it does not necessarily make it unsafe. It is about the appropriateness of what that route is used for. As I said earlier, we must be clear about what this is, and what it is not. There are things in place—and many Members have raised different issues—that I have concerns about, and we must ensure that that works. There are issues around the Learner Travel (Wales) Measure 2008 and safe routes in communities around schools, and we must ensure that, where we have a process of design, it is appropriate for the purpose for which it is designed. If we are talking about young people getting from A to B to go to school, on a safe route around their school, that must be appropriate, and must be to the levels of safety where they feel safe. It is not about what a local authority or what Government would suggest was safe, but about whether people feel safe using that route. That is the key. If people do not feel safe using that route, they will not use it.

[117] **Keith Davies:** Hoffwn ychwanegu at y pwynt hwnnw. Yr ydych wedi sôn am dri chyfleuster cysylltiedig. Fodd bynnag, efallai y byddai rhieni eisiau golau ar lwybr er mwyn sicrhau ei fod yn ddiogel i blant. Efallai y byddai'r awdurdod lleol wedyn—a gallaf feddwl am sawl enghraifft o hyn—yn penderfynu bod hwnnw'n gyfleuster cysylltiedig iddynt hwy fel awdurdod. A fydddech yn derbyn yr hyn y mae'r awdurdodau yn ei ddweud yn y cyd-destun hwnnw?

Keith Davies: I wish to add to that point. You have mentioned three related facilities. However, parents may want lights on a route to ensure that it is safe for children. The local authority then—and I can think of many examples of this—might decide that that is a related facility for them as an authority. Would you accept what the authorities said in that context?

[118] **Carl Sargeant:** If we bring it back to the specifics of this Bill, this will be based on the guidance on consultation—consultation with the community. That is not confined to a particular group; it is about understanding what the community and interest groups would consider appropriate as a development. We have two stages—what do we have now and where do we want to be in the future, and then how that operates through consultation.

[119] **Nick Ramsay:** On that point, why have you chosen to define the three specific related facilities for use by walkers and cyclists?

[120] **Carl Sargeant:** That is an interesting question. In terms of significance, you can have a list of what is important and what is not. I would hope that the three that we have listed are things that local authorities would consider including.

[121] **Nick Ramsay:** So there could have been others?

[122] **Carl Sargeant:** Yes, absolutely. What we are trying to develop here is a community network. It is about what local authorities believe is appropriate.

[123] **Nick Ramsay:** You could have left it completely to them.

[124] **Carl Sargeant:** Yes, absolutely. It is not critical to the Bill, but I believe that this adds value. What I would like to see is that local authorities can also consider adding other elements to this. There might be things such as a tourist information point along with a toilet facility—things that can add value to the map. I want to get some consistency, and that is why there is some prescription. Again, I would certainly welcome the committee's thoughts on whether we should expand or contract that and have a broader instruction within the Bill. I am very comfortable with that. It is not an issue for me.

[125] **Joyce Watson:** David Rees raised the issue of safety. Will you be giving some direction in terms of speed limits when we talk about safety? There is evidence from Sustrans that if you reduce the speed limit you automatically increase people's feeling of being safe, and consequently the likelihood that they will walk or cycle.

[126] **Carl Sargeant:** I will not be. We have limited powers in terms of what we can do. However, I absolutely recognise the point that you raise. I also have concerns about that. I mentioned that I was in London on Monday giving evidence to a committee. Prior to my appearance, the Association of Chief Police Officers was giving evidence to the committee. I was slightly surprised with the discussion that took place. I am cautious about what I say because I do not want to say that people said things that they did not say. However, the general gist of the conversation was that 20 mph zones were not a priority in terms of the enforcement of the police at that particular time. That was the instruction from ACPO, as I understand it. I have nothing to substantiate that, but that was the general discussion. If that is the case, I have some real concerns about that. Further to that meeting on Monday, I have written to the four police commissioners in Wales asking what their current position is within their forces. If we are going to have a Government policy of reducing speed outside schools et cetera and implementing 20 mph zones, it should be enforced. I think that there is a duty to do that. I want clarity from the Welsh forces around that. You have raised a very important question.

[127] **Nick Ramsay:** Do you have a supplementary question, Eluned Parrott?

[128] **Eluned Parrott:** Yes, just briefly again, Minister; I would like to return to the question of the division between an active travel route and a recreational route. We want to change people's behaviour, so the starting point should be the individual. From the user's point of view, would they not want to use the same map during the week as they use at the weekend? What is the point in dividing the different kinds of routes that are available to them? Is that not a false economy?

[129] **Carl Sargeant:** I recognise your argument. In terms of our current position, in most cases there is no weekday map. That is the problem. There is some recreation, which varies across Wales. Again, it varies in terms of quality and effectiveness of distribution et cetera, and in terms of mapping routes within the communities. With this Bill we are creating a standard across Wales, which we know will be replicated across the 22 authorities in terms of what you can and cannot expect. There is a statutory position of what the Bill is, but I would not resist the fact that local authorities could add value to the map by including that recreational aspect on top of that. It might be just something that we could also do. However, we must establish the mainstreaming of walking and cycling provision. That is what this does. To put your question in reverse, I suppose, on whether they could add value in that way, the answer would be, 'Yes, they could'. I would not resist that.

[130] **Gwyn R. Price:** Could you tell me whether the integrated network map is intended to be a delivery plan, given that the explanatory memorandum refers to it as a visual representation of the local authorities' plans for an active travel plan over a 15-year period?

[131] **Carl Sargeant:** It is a map; it is not a plan. As I mentioned earlier to the committee, this will enable communities to bring together some of the development opportunities, as Joyce Watson mentioned earlier, when they are considering new estates et cetera or the LDP planning process. The integrated plan will be a useful tool in bringing that together to understand what the local authority effect is. That is why I said that this is not a strategic plan; this is about a map that will, hopefully, be useful for people to understand.

[132] **Gwyn R. Price:** Could you tell me why three years is an appropriate period of time for the development and later resubmission of both maps?

[133] **Carl Sargeant:** I do not want this to become an overly burdensome task for an authority. Three years is a reasonable amount of time to develop and re-test that process. The committee might think that four or two years is appropriate. I think that three years is an appropriate period, and that is why we have put that in.

[134] **Gwyn R. Price:** Will Welsh Ministers consider whether maps are of sufficient quality and fit for purpose before approving them?

[135] **Carl Sargeant:** Local authorities will have to submit the proposals to Welsh Ministers. Then, subject to that discussion, making sure that the consultation process has been done properly and effectively, that will be the process of approving them. Does that answer your question?

[136] **Gwyn R. Price:** Yes, in a roundabout way. The Bill defines what is meant by an 'integrated network' map, in terms of the routes and facilities that are needed to create an integrated network. Can you explain what is meant by 'integrated network'?

[137] **Carl Sargeant:** Definitions are always difficult to explain on paper, are they not? The 'integrated' part of that refers to continuous routes in central places, and the 'network' part refers to getting routes joined up so that the A to B transfer of people, whether through walking or cycling, from home to the shops, or from work to the pub—if anyone might do that—is clearly defined.

[138] **Nick Ramsay:** Byron Davies, do you have a brief supplementary question on this?

[139] **Byron Davies:** My question is slightly out of context now. However, I know that Edinburgh has targets for increasing levels of walking and cycling. Do you not think that it would have been a good idea to have done that in this Bill?

[140] **Carl Sargeant:** No.

[141] **Byron Davies:** Can you tell me why?

[142] **Carl Sargeant:** We have had targets in the past, and, usually, targets relate either to success or failure. You either meet them or you do not. This Bill is about changing the way our communities operate. This is a social Bill and is about how we get a transfer of people. I accept, right from the beginning, that this is not a matter of switching a light on and it will work; it is about how we change our communities to develop and increase a pattern of more people taking part in active travel through walking and cycling.

[143] **Byron Davies:** You have to be able to measure that.

[144] **Carl Sargeant:** The mapping networks will have data sets attached to them, but I will not say to you that I want to see a 5% increase, because if I achieve an increase of 4.99%, you will say that I have failed, but I think that getting a—

[145] **Nick Ramsay:** Minister, how will you know whether the Bill has worked?

[146] **Carl Sargeant:** We will know through the improvement process of the mapping exercise. Local authorities will have to be able to demonstrate, when they plan for future proposals, what their benchmarking is, what level they are at and how they will get to the next level of improvement, with improvement being more people using the networks. Part of that interesting proposal of design and planning will be about local authorities not doing what it is easy to do, but what they will have to do to get a better impact. It might be tougher, but they will have to consider the benefit of doing that to get more people walking and cycling.

[147] **Alun Ffred Jones:** Is there anything in the Bill telling local authorities to measure the outcomes? That is, an increase in activity.

10.30 a.m.

[148] **Carl Sargeant:** It will be in the appropriate guidance, which will be issued with regard to driving improvement forward.

[149] **Alun Ffred Jones:** If you are not saying exactly how you will measure it, should it not be in the Bill that they will have to monitor and measure? Otherwise, you will have no idea whether the effort will have been worth while.

[150] **Nick Ramsay:** Would it have been wise to have something about that measurement in the Bill itself, rather than just leaving it to the guidance?

[151] **Carl Sargeant:** Again, we have presented a Bill that we believe is appropriate, and I am more than happy to take recommendations from committee. I am trying to explain the fact that there is a target-based element to this. I hope I was pretty clear. Those hard-and-fast processes of 5% or 10% rules, or whatever the numbers are—when you do not trigger those numbers, you would consider that the Bill has failed, or the legislation has failed, or the Minister has failed, at worst. My view is that this is about progression. If we can change the way that people operate to move to a more active travel process, that is success in itself.

[152] **Nick Ramsay:** You are getting a lot of interest from Members there. Byron Davies is next, and then Eluned Parrott. I ask you to be brief because we need to move on.

[153] **Byron Davies:** To me, this is the black hole in the whole thing: how you will measure this. With great respect, I am not sure that I understood your answer previously to the Chair. Can you explain? You talked about benchmarking; how? Who is benchmarking?

[154] **Carl Sargeant:** I will ask the techie team that support me to give me some support in responding to this, but what is really important is that local authorities understand what the progression of improvement is. That is why we have a condition map: what is the state of the nation? Where are we? What are the facilities that we have in place? Then that moves on to the integrated network plan to look at what those proposals are. Why would a local authority seek to create another route that will not drive improvement? That is what I said earlier. There is a provision here in the Bill to promote active travel. By not doing that effectively, you do not deliver more people walking and cycling. That is why I said that, sometimes, the local authority will have to decide on the best route to take as opposed to the easiest route to take. In terms of the measurement proposals within the guidance, I will ask Minnie to speak on

that.

[155] **Ms Minshall-Jones:** Alongside the Bill, we have the walking and cycling action plan, which is being developed at the moment, and will include stuff about how this Bill will be measured, and how we will look at improvements in the rate of walking and cycling. We did that for what was then the walking and cycling action plan, so we have some baseline measurements for how many people are walking and cycling now. In terms of any improvements made in individual schemes, this is something that could be looked at as part of conditions of grant funding. There are lots of different ways of measuring and monitoring it, and those will be put in place.

[156] **Eluned Parrott:** Coming back to the idea of targets and the lack thereof, there will be measures. There will be measures, perhaps, of how many more miles of cycle path have been created, how many more people are using active travel, and there will be a level of improvement that you will be happy with, and a level of improvement that you will not be happy with. Is it not the case that you have a target in mind but you are not sharing it with us because of this rhetoric of success and failure?

[157] **Carl Sargeant:** That is a great conspiracy theory, but there is nothing accurate in it at all. The fact of the matter is that I believe that any improvement—a 1% increase year on year—would be fantastic, but we may have a 10% increase. This is a progression Bill, about changing the way people operate in terms of safer routes, and I am hopeful that the longer this Bill is in place, the more the effects will be positive, introducing more people to safe cycling and walking routes. That is for no other reason than I think we should have targets for a purpose. I do not believe that adding a 1%, 5% or 10% target to this Bill would have any more effect on delivery. What we have to do is change the way that people operate, and that is what I hope the provisions of this Bill will do. Success will be more people doing this. In terms of numbers, as long as they are on an upward trajectory, I would be quite happy.

[158] **Eluned Parrott:** So, you would be absolutely content with 1 inch of cycle track delivered every year as an improvement, and one additional person on a bike.

[159] **Carl Sargeant:** No.

[160] **Eluned Parrott:** But that is an improvement, Minister.

[161] **Carl Sargeant:** Of course it is, but let us be realistic here. A duty will be placed on a local authority to develop a mapping process that will have a positive effect on active travel. Now, of course, 1 inch of network or one more person engaged in active travel is better than none, but I believe, in putting this legislation in place, there is a broad consensus among local authorities, Government and third party interest groups that this is the right vehicle to do this. As I said, I am not getting hung up on targets; I do not think that they will add value to the progression of this Bill. This is about changing the way people operate in their communities. Measuring that by saying, ‘I want 5% to do this’, does not make this Bill a failure if we have only 4.95%.

[162] **Alun Ffred Jones:** Gan fynd yn ôl at y pwynt hwn ar feincnodi, a fydd gofyniad ar awdurdodau lleol i fesur y datblygiad—hynny yw, faint o bobl sy'n cerdded a faint sy'n beicio—wedi pasio'r Bil hwn? **Alun Ffred Jones:** Coming back to this point about benchmarking, will there be a requirement on local authorities to measure the development—that is, how many people walk and how many cycle—when the Bill has passed?

[163] **Carl Sargeant:** We already have an assessment through the walking and cycling action plan, which colleagues are familiar with, of the activity rate across communities. What

we do not have currently is a process by which local authorities can assess locally what value they can contribute to this proposal. We do not have the mapping exercises in place, and that is why we are doing this. So, on that basis, we already understand what the activity rate is, and we believe that, by increasing opportunity through this mapping exercise, giving people a safe place to walk and cycle should have a positive effect by increasing the number of people who walk and cycle.

[164] **Nick Ramsay:** Just to be absolutely clear, Minister, on the purpose of this Bill, there is no duty under this Bill to promote active travel. The duty will be on local authorities to provide the mapping exercise that will then lead to active travel. I just want that to be clear for the record.

[165] **Carl Sargeant:** That is accurate, Chair.

[166] **Nick Ramsay:** Thank you.

[167] **David Rees:** As we are on the question of duty, let us stick with it. Measurement is obviously a way by which we can assess whether the Bill will have been successful in getting people back on the road and with regard to access, but it has been pointed out that the duty on local authorities is in the Bill. How are you going to measure that duty? How will you know whether a local authority is failing in its duty?

[168] **Carl Sargeant:** Through the planning proposals, we will know what their current provision is. So, they will have a duty to map out their existing network and facilities. Alongside that will be the integrated plan, which will understand what the future proofing of development and opportunity is within the local authority or within the region, working beyond the boundaries of the local authority. When you see the development of a new network—a new, consulted-on network, with individuals and communities considered in the proposals—that will have a positive effect on the outcome of increased usage. The Minister, whoever it is, will not pass the plans based on the quality of things, as I said earlier on, around the consultation element of that. There has to be evidence that there has been an engagement process where there is a positive effect from a local authority to develop a positive plan for futureproofing the network.

[169] **David Rees:** Do you therefore expect future plans in every three-year cycle to be reflective of improvement in those years?

[170] **Carl Sargeant:** Yes.

[171] **David Rees:** Okay. You mentioned regional aspects. Where does that duty lie when we have a situation where there are regional transport consortia and therefore regional transport plans being developed?

[172] **Carl Sargeant:** As I mentioned earlier, the duty is placed with the 22 local authorities currently in place, but that does not prohibit them, while they still own the duty, to work on a different model of development and design. I would encourage local authorities to work beyond their boundaries on the basis of regional planning—it just makes more sense. We are doing that with bus travel integration in terms of what the bigger picture is in terms of integrated transport across all our regions. It would fit quite nicely for a development of individual network plans to link up. False boundaries do not mean that a safe walking and cycling route should stop at the border of an authority. It makes sense for that to continue. So, I would encourage the planning process of this to engage the regional transport consortia as well.

[173] **David Rees:** So, for example, if local authorities and the regional transport consortia

are involved, and let us say, for argument's sake, that three of the four have come up with improvements as a consequence of the regional transport plan but the fourth has not because that is how it has worked out, is that a problem in terms of the duty for the fourth one?

[174] **Carl Sargeant:** Not at all. They will still have to comply with the duty. Local authorities have grown up a lot—they actually talk to each other now. Some are better than others, but it makes a lot of sense that they talk to each other in terms of planning assessments around this. However, if one authority does not want to talk to its neighbour because they do not, it does not prohibit the development of this mapping exercise. It would probably not give best value, because they could be missing a trick as regards what the neighbouring authorities are doing.

[175] **David Rees:** The duty places a responsibility on local authorities, which usually end up spending money as a consequence of that. Going back to the mapping costs, the explanatory memorandum gives a reasonable amount of detail on some of the cost benefits, and it highlights Swansea, Newport and Cardiff as authorities that have already done this. You have based some of the costs on Swansea; why Swansea and not an average of the costs of the three authorities, for example? Secondly, are those fair costs considering that those three authorities are large urban areas, when there is a lot of rurality across Wales?

[176] **Carl Sargeant:** Wales is a very diverse place, so it is a very fair question. We believe that Swansea is probably the most advanced in this process in terms of delivering the closest example of what we are proposing in the Bill. We have made some general assessments around that, and we are still looking at other intelligence that might help us to develop tighter knowledge around the financial aspect of this. However, we think that we are pretty close; it has not been a prescriptive discussion—it has been an engaging discussion with authorities. They always say to me, 'We haven't got enough money', no matter what I introduce.

[177] **David Rees:** The explanatory memorandum talks about £500,000 for the initial mapping exercise. Is the Welsh Government going to cover that cost, because you also mentioned that there will be economies of scale and secure low cost the more collectively you put it together? On an all-Wales picture and a Welsh Government picture, might there be therefore better economies of scale?

[178] **Carl Sargeant:** The duty is with local authorities in terms of the delivery of this; that is what the expectation is. We believe that the finances that we have modelled are appropriate for the delivery. However, I am always looking for unique opportunities to work with my colleagues in local government, and I would be happy to engage with any cost benefits that could be accrued.

[179] **David Rees:** My final question is on costings. Has there been any consideration of the cost implications to local authorities as they develop routes, not the ones that are part of the mapping exercise, but the later additional costs as they develop new systems and new schemes that they may have to face as a consequence?

10.45 a.m.

[180] **Carl Sargeant:** That is already in place. Local authorities consider what their future plans are in terms of developing walking and cycling routes. We fund the regional transport consortia appropriately to do that already—and local authorities—and there are investments. What this will do is gather some focus on what is expected from them, bearing in mind that they will be the people who develop these plans. I am not asking them to do something that they would be uncomfortable with, providing that they can demonstrate, working with their communities, that there is an improvement in the network going forward.

[181] **David Rees:** What I am asking is, as new developments come on board and as new highways are developed, will there be an additional requirement to consider these? There may be additional costs, of course, associated with the extra work required.

[182] **Carl Sargeant:** Generally, retrofitting is much more expensive than upfront design. I have instructed my transport team to ensure that, when we look at new, significant transport infrastructure, it is part of the planning process upfront. I would expect that to be the norm for local authorities, too.

[183] **Nick Ramsay:** Minister, I just want to pick up on something you said a few minutes ago. You said that you did not consider it to be the role of either yourself or a future transport Minister, in approving the Act, to judge the quality of the process that the local authority has gone through. However, section 4(3) of the Bill says that:

[184] ‘In preparing its integrated network map a local authority must have regard to guidance issued by the Welsh Ministers’.

[185] If it is not the Minister’s role to judge the quality of what is provided, then whose role is it?

[186] **Carl Sargeant:** Sorry, Chair, I was probably not very clear. I did not say ‘didn’t’; I said that I did see it as a role of the Welsh Minister. It is a duty of the Welsh Minister.

[187] **Nick Ramsay:** Sorry, I thought you said that you did not.

[188] **Carl Sargeant:** I am sorry if it was not very clear.

[189] **Nick Ramsay:** That is a good clarification. I was scratching my head as to exactly who was going to fulfil that.

[190] **Carl Sargeant:** Sorry for the confusion.

[191] **Nick Ramsay:** That is okay. If you have finished your questions, David Rees, we will move on to Ken Skates.

[192] **Kenneth Skates:** Thank you, Chair. Good morning, Minister. Moving to section 7, what would constitute continuous improvement in the range and quality of routes and facilities? Can you explain what informed your decision not to define continuous improvement?

[193] **Carl Sargeant:** Again, it goes back somewhat to the discussion that we had earlier on what targets are and what they are not. We believe that the development of the integrated mapping process will be able to define new routes. As I said, I am very keen that we ensure that local authorities do not consider the easy route as opposed to the most effective route development in that process. By defining what is available and what they want to have in the future, in consultation with stakeholders, the development of the map should have a positive effect on access and we should see an increase. You will be aware that, with regard to the coastal path in north Wales, just by developing that with Sustrans and other agencies, there has been a huge shift in people using it. That is predominantly for recreational purposes in that area, but we could have the same effect by mainstreaming. Having good quality routes has an effect and that is what we believe the planning process will develop.

[194] **Kenneth Skates:** Do you consider any elements of the outcomes of the Bill to be worthy of inclusion in local government performance indicators? When we talk about measuring, it might assist if we can compile evidence. I am thinking in particular of this in

terms of Eluned Parrott's question about one inch more in terms of cycle paths. Much of the success or failure of this will be determined by how well a local authority performs against an adjoining, or any other, local authority. There may be scope, potentially, therefore, for including elements in delivery and performance indicators.

[195] **Carl Sargeant:** I do not think that there is an issue in terms of developing that. It is about openness and transparency, is it not? If we can show what the development is, then I would be relatively comfortable with that process.

[196] **Kenneth Skates:** Okay. Grand. On the £14.3 million per year at the moment provided for active travel projects, how will that be reprioritised to develop integrated networks and what do you envisage the impact to be on existing projects?

[197] **Carl Sargeant:** We have had to look very carefully at funding streams. You will be aware that there has been a significant reduction in the budget to Welsh Government. That has a consequence in terms of what we can and cannot deliver. We have already brought separate funding streams together, including sustainable travel centres, the regional transport consortia and the bus service operators grant. We have brought those closer together to align that whole integrated transport element.

[198] This Bill is only a part of the Welsh Government's vision for transport in Wales. There are several elements running side by side. We have the renewal of the franchise coming forward in 2018, and we are looking closely at how bus operations take place in Wales. As I said, we have shifted the subsidy from being fuel-based to route-based. That will have a positive effect. Working with and alongside active travel integration, it becomes a package of sustainable transport in the future. This is a key part of the jigsaw along with what we are doing elsewhere in the transport department. The fact that this is how we used to do things does not make it the right way now. That is something that I have charged my team with, namely, how we get best value from working together across the department.

[199] **Kenneth Skates:** I have one final question. Are you confident that a duty to have regard to the desirability of enhancing the provision made for walkers and cyclists when creating and improving highways will be more effective than the Welsh transport planning and appraisal guidance in practice?

[200] **Carl Sargeant:** WelTAG is a transport planning tool where the question posed at the beginning was, 'Is it desirable?', whereas the assumption with the new duty in this Bill is that it is desirable, so the question that arises is, 'How will we deliver it?' So, it is slightly the other way around, really. WelTAG is a different type of tool.

[201] **Nick Ramsay:** You mentioned WelTAG and that takes me back to my days on the Standing Order No. 25 Committee. Thank you for evoking those memories. Alun Ffred Jones has a supplementary question.

[202] **Alun Ffred Jones:** Hoffwn fynd yn ôl at bwyntiau Ken Skates. Os edrychwch ar wyneb y Bil ac adran 7, mae'n dweud yn glir: **Alun Ffred Jones:** I would like to go back to Ken Skates's points. If you look at the face of the Bill and section 7, it clearly states:

[203] 'Sicrhau gwelliant parhaus i lwybrau teithio llesol.' 'Securing continuous improvement in active travel routes.'

[204] Fodd bynnag, nid oes dim yn adran 7 i sicrhau gwelliant parhaus. Yr unig beth y mae'n son amdano yw adolygu, diwygio a chyflwyno cynlluniau i Weinidogion Cymru. However, there is nothing in section 7 to ensure continuous improvement. The only thing it talks about is reviewing, revising and presenting plans to the Welsh Ministers. Why

Pam nad oes dim yno i sicrhau gwelliant? is there nothing there to ensure improvement?

[205] **Carl Sargeant:** The term that we use is ‘continuous improvement’, which means making year-on-year improvements to infrastructure and facilities for active travel. That will be demonstrated in the plans that are subject to ministerial approval at the start of this process and in any changes to the plans within a three-year period.

[206] **Alun Ffred Jones:** Derbyniaf fod ‘sicrhau gwelliant parhaus’ ar wyneb y Bil, ond nid oes dim yn adran 7 i sicrhau gwelliant. Mae’n ddibynnol mewn gwirionedd ar agwedd y Gweinidog ar y pryd. Nid oes dim yn y cyfarwyddiadau, hyd y gwelaf, sydd yn sicrhau’r gwelliant yr ydych yn sôn amdano ar wyneb y Bil.

[207] **Alun Ffred Jones:** I accept that ‘securing continuous improvement’ is on the face of the Bill, but there is nothing in section 7 to ensure improvement. It really depends on the attitude of the Minister at the time. As far as I can see, there is nothing in the directions that secures the improvement that you talk about on the face of the Bill.

[208] **Carl Sargeant:** The guidance that will be provided will be the tool to drive that improvement forward.

[209] **Alun Ffred Jones:** Ar bwynt arall Ken Skates, sef yr hyn y mae’r Bil yn ei gynnwys am roi,

Alun Ffred Jones: On Ken Skates’s other point, namely what the Bill includes about the,

[210] ‘sylw i ddymunoldeb gwella’r ddarpariaeth ar gyfer beicio a cherdded’,

‘desirability of enhancing provision for cycling and walking’,

[211] gan ein bod yn sôn am ffyrdd newydd, ac am sicrhau bod darpariaeth ar gyfer cerdded a beicio, pam na wnewch chi hi’n orfodol ar bob ffordd newydd—ac eithrio traffyrdd, mae’n debyg—i sicrhau bod llwybr beic a cherdded yn gyfochrog?

as we are talking about new roads, and about ensuring that there is provision for cyclists and walkers, why do you not make it a requirement for all new roads—with the exception of motorways, I suppose—to ensure that there is a cycle and walking route alongside?

[212] **Carl Sargeant:** It is because I do not know where the routes will be. That is why I said earlier that it is important for us to have a journey from A to B. Sometimes, we may build a new road, or an enhanced road, which does not deliver the community benefit of what active travel may deliver on. The scheme works around proposed journeys of 10 miles and three miles for cycling and for walking. Some of our networks extend beyond that, within local authorities and otherwise. To ask an authority to develop a case for a road that may span 30 miles would probably be inappropriate in terms of what we are trying to develop in the Active Travel (Wales) Bill. Therefore, it is about what is appropriate according to the style of route and—[Inaudible.]—for the future, and about how that would be developed.

[213] **Nick Ramsay:** I suppose that the issue then is that, with a new build, if you are starting from scratch with a road, it is easier and more cost effective to build in the active travel route at that point.

[214] **Carl Sargeant:** I accept that point. However, we are aware of the false economies in developing something that we know will probably not be used in terms of active travel through pattern modelling of people’s travel plans. That is why we have the proposed journey lengths of 10 miles and three miles for cycling and walking; we know that works. However, when you start going beyond 10 miles, you have a rapid change in how many people would consider taking their bike on that journey. That is why we need to consider that—the local-route journey is important in terms of the modelling. I do not think that it would be a bad

thing, but, in terms of real-time effectiveness and given financial pressures, I do not think that it is the best way to move forward on this; we have modelled this based on specific route developments. However, I do not think that it should be not considered by people who are developing plans in the future—it would not be a bad thing.

[215] **Nick Ramsay:** Okay. Joyce Watson has the next questions.

[216] **Joyce Watson:** Good morning, Minister. I want to focus on disabled walkers and cyclists. Section 9 gives Welsh Ministers discretion to give guidance on the application of the Bill to disabled active travellers who use mobility aids. Under what circumstances would that guidance be required, and what issues would it address?

[217] **Carl Sargeant:** This is challenging in that, when you are developing new legislation, you must ensure that it is all-inclusive. As the former Minister with responsibility for equalities, I am passionate about ensuring that we can engage as many people in this process as possible. Given the difficulties and the complexities around the development of these duties, I have set up a steering group around the guidance proposals around that, which includes Disability Wales, Guide Dogs, Living Streets and Sustrans. I could issue all the guidance and regulation under the sun, but, unless the people who are affected by this have a place at the table in developing that process, what I say will make little difference. It is really important to listen to the effects of this on people who have real-life experiences in this proposal. That is why I have developed this steering group to help us through this process.

[218] **Joyce Watson:** I am pleased to hear that. Do you consider that the definition of ‘walkers and cyclists’ includes people with disabilities who use motorised or other mobility aids? If you do, why is it not clearly defined on the face of the Bill?

11.00 a.m.

[219] **Carl Sargeant:** The fact that it is not defined does not mean that I do not mean it. I have tried to shape the Bill in a way that is inclusive for all. I am reluctant to specify a group; that would possibly isolate people more. We should be trying to be more inclusive. I have tried to be more inclusive by including these groups in the design of the legislation guidance, moving forward. I think that that is a critical position to be in, engaging with people who have a real-time knowledge of the difficulties of walking and cycling, whether they are in terms of motorised vehicles or other aids.

[220] **Joyce Watson:** Finally, Minister, we have heard from the Royal National Institute for the Blind that it has real issues and concerns around any possibility of shared spaces. Is it your intention to include shared spaces within this Bill?

[221] **Carl Sargeant:** The difficult discussion around shared spaces is not new. I have instructed my department not to progress any shared space agenda on Welsh Government development property. The difficulty that we have—it goes some way back to the equestrian debate—is that there are cyclists and walkers who are very respectful in the way that they go about their daily business and there are some who are not. That applies to all walks of life. There is already legislation in place to deal with that, and disabled groups face an increased challenge in operating in this environment. What I am trying to develop is not an obstacle to any particular group. We have to be mindful of what the Bill is about: trying to develop more active travel, which includes disabled people, walkers, cyclists and users of any other provision, and having respect for each other in how we go about our daily business. I cannot legislate for telling people how they should operate; that is a social skill that everybody should have.

[222] **Nick Ramsay:** Forgive me for asking this question, Minister, but I think that it is

quite important. We have heard a lot about guidance; is this Bill, actually, nothing more than a vehicle for bringing forward guidance?

[223] **Carl Sargeant:** No. This is a game-changer. The UK Government could learn from this as well, in terms of having a united creation of active travel. It will present new opportunities for the general public to get more active as a result of the proposal to have safe cycling and walking routes in our communities. The element of guidance will be helpful in being able to deliver that.

[224] **Byron Davies:** I think that we all share that view; no-one more so than myself. However, coming back to the point that the Bill has no targets and does not impose any penalties or sanctions on local authorities, I fear that that is a missed opportunity and we will end up with a lot of very rich cartographers. [*Laughter.*]

[225] **Carl Sargeant:** I know that I will appear before the committee at a later stage as well, Chair, and I will seriously take those concerns on board. However, there are penalties for not doing this. The proposals will be considered by the Minister around the mapping exercise and if authorities are not up to standard on driving improvement forward, which will be clear in the guidance created by us and them, there will be financial penalties. I have to consider what those penalties might or might not be in terms of the transport grants that they get, but let us not underestimate the power of this legislation.

[226] You may suggest that there is a lot of guidance in here, but this is legislation that local authorities will have to take note of. I expect delivery, subject to this Bill being passed and receiving Royal Assent.

[227] **David Rees:** Clearly, I understand the reason for active travel and encouraging more people to consider alternative mechanisms to get to work or wherever, but one of the areas that we have looked at is integrated public transport. Many people will therefore want to have a mix of transportation. There is no reference to integrated public transport in the explanatory memorandum or the Bill. Will there be reference in the guidance to local authorities to ensure that that is an aspect that they need to focus upon in order to allow people to travel from home to work or wherever by a mixture of means of travel?

[228] **Carl Sargeant:** Yes, there will be. That will be included in the guidance. In addition to that, as I said earlier, the suite of transport opportunities in Wales has to reflect the vision of the Active Travel (Wales) Bill. There are not enough buses within our communities that are able to carry bikes, and there are not enough trains with the facilities to carry bikes. This is something that we have to look at in terms of the new franchise and the new opportunities with bus operators. This is a part of the jigsaw of the opportunities for new transport schemes across Wales.

[229] **Nick Ramsay:** Let me play devil's advocate once again, Minister. You have touched upon this earlier, when you spoke about your deadline for the first stage of providing the maps. You then spoke about the second three years. So, there are six years in all. You said that the reason for that time span is that you want to change things but you do not want to put an onerous burden on local authorities, particularly when funding is tight. Is it not the truth, certainly at this moment in time, that the funding is not really there to meet the objectives of this Bill?

[230] **Carl Sargeant:** That is not true.

[231] **Nick Ramsay:** That was clear. I did not expect you to agree, but I wanted you to say that.

[232] **Carl Sargeant:** I can wax lyrical about the positive settlement that local authorities have, compared with England, but I will not at the moment.

[233] **Nick Ramsay:** I probably should not have used the word ‘truth’, but it was the first word that popped into my head.

[234] **Alun Ffred Jones:** How much money is there?

[235] **Carl Sargeant:** I will send a note on the detail about the consolidation of the budgets in terms of the delivery of this Bill and other elements of travel initiatives across Wales.

[236] **David Rees:** If I remember correctly, when we had you here for the scrutiny of the budget, we saw the amount of money transferred into the Active Travel (Wales) Bill section. Will there be any additional funding for other mechanisms other than the Active Travel (Wales) Bill to encourage cycling, walking and other means of travel?

[237] **Carl Sargeant:** We already do that. As I said, there are some softer initiatives through which we support local authorities and transport consortia in terms of the development of educational programmes et cetera for cycling, but I will not sit here and suggest that the money is not an issue in terms of my budgets. They are under extreme pressure. However, I have managed to develop a piece of legislation that we believe is affordable and deliverable by local authorities. Across my whole budget and transport, I need to look carefully at our interactions and at how we fund them to make sure that we develop a positive and best-value aspect for the delivery of a change in the way that we do business.

[238] **Byron Davies:** Where does this fit in with the sustainable travel centre?

[239] **Carl Sargeant:** That funding element of this is coming into the centre, as I mentioned earlier. Sustainable travel centres and biking schemes are all part of the softer interventions. This is not just about what the Welsh Government can do; this is about what all our active partners can do, including the private sector. I must place on record, Chair, the positive interaction that we have had with external interest groups from the private sector and the voluntary sector that have been actively engaged with us in developing this Bill and guidance—and, in some areas, at no cost to the Welsh Government. They have given their time on a voluntary basis to develop a positive intervention, and I place on record my thanks to them.

[240] **Nick Ramsay:** Are there any further questions from Members? I see that there are not. You can heave a sigh of relief there, Minister. I thank you, Minister, and your officials, John Davies and Victoria Minshall-Jones for being with us today. Your evidence has been very helpful to the committee’s consideration of the Active Travel (Wales) Bill.

11.10 a.m.

**Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o
Weddill y Cyfarfod**

**Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from
the Remainder of the Meeting**

[241] **Nick Ramsay:** 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).

[242] I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11.10 a.m.
The public part of the meeting ended at 11.10 a.m.*