

To: Business Committee
From: Andrew Davies AM
Minister for Enterprise, Innovation and
Networks

Explanatory Memorandum

Transport, Wales

The Regional Transport Planning (Wales) Order 2006

Summary

Local authorities are under a duty to produce a Local Transport Plan (LTP) for their area setting out their transport policies. This Order will require authorities to produce these plans on a regional rather than individual authority basis. The Transport Act 2000 section 108 requires each Local Transport Authority to develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within their area and to carry out their functions so as to implement those policies. The Order will also require the replacement of local transport plans produced prior to 1st August 2001 by a date to be specified in the Order.

This Memorandum is submitted to the Assembly's Business Committee in relation to The Regional Transport Planning (Wales) Order 2006, in accordance with Standing Order 24.6.

A copy of the Instrument is submitted with this Memorandum.

Enabling Power

The powers enabling this Instrument to be made are contained in sections 108, 109C and 113A of the Transport Act 2000. These powers have been conferred on the National Assembly for Wales. Responsibility for issues relating to the contents of the Order has been delegated to my portfolio as Minister for Enterprise, Innovation and Networks.

Effect

The intended effect of the Instrument is to ensure that transport services are planned and implemented on a regional basis to more effectively meet the travel needs both of individuals and businesses. Developing and maintaining transport networks is a key strategic objective for the National Assembly for Wales. If the Assembly is to succeed in improving accessibility to work, leisure and welfare facilities, as well as the efficient distribution of goods it needs to support the development of an

efficient and effective transport network in Wales.

Welsh local authorities generally cover smaller geographical areas than their English equivalents. The effective exercise of some local authority transport functions often requires a wider perspective than the individual authority area. Therefore, since 1996, local authorities have organised themselves into voluntary regional consortia to collaborate on some transport projects. There are currently four transport consortia in Wales, covering South East Wales (SEWTA); South West Wales (SWWITCH); Mid Wales (TraCC); and North Wales (TAITH).

Section 108 of the Transport Act 2000 places a duty on each local authority to produce a local transport plan (LTP) for their area. The National Assembly for Wales wishes to use its power in section 113A of that Act to modify this duty. Instead of the current statutory requirement on each of the 22 Welsh local authorities to produce an individual LTP, they will instead be under an obligation to work together to produce joint plans, which will be known as Regional Transport Plans (RTPs). These RTPs will be prepared for regions consistent with the areas covered by the voluntary transport consortia.

Target Implementation

It is intended that this Order be made on 14 November 2006 and come into force on 23 November 2006.

If the intended target date is not met, it will delay the implementation of the new regional arrangements for transport planning which will underpin the new statutory Wales Transport Strategy. Also, Local Authorities would be in breach of their statutory duty to produce LTPs under the Transport Act 2000.

Financial implications

There are no additional net financial implications for the National Assembly for Wales or Local Authorities associated with the making of this Order. The Regulatory Impact Assessment prepared for the Transport (Wales) Act 2006 confirmed that the proposals may incur a small additional resource (perhaps £5,000) involved in appraising the plans to ensure consistency with the Wales Transport Strategy but a similar sum would have to be spent on assessing 22 LTPs. In any case, this additional expense would be more than offset by the streamlining of the plans from the current 22 to 4, which would also have some administrative savings. Generally the making of this Order will be broadly cost neutral.

Regulatory Appraisal

A Regulatory Appraisal (Doc 3) has been carried out in relation to this Instrument and is attached.

Consultation

With Stakeholders

A public consultation on the provisions of this Order was carried out between 5 June 2006 and 28 July 2006. Local transport authorities, as key stakeholders, were consulted, as were the Voluntary Consortia, National Parks, the Environment Agency and Countryside Council for Wales, transport professional bodies and members of the Wales Transport Forum. A list of the consultees is attached at annex A.

The 21 respondents are listed at Annex B were received.

All respondents are in favour of the Order and the proposal to have 4 RTPs based on the existing consortia areas and a summary of the responses is attached at Annex C.

The South West Wales Integrated Transport Consortium does not think that the making of the Order will be cost neutral and 3 local authorities associated themselves with this comment. A similar comment was received from the South East Wales Transport Consortium. A minimal increase of £5,000 in costs has been estimated but that is not a consequence of the Order.

Network Rail, Pembrokeshire Coast National Park Authority, Plaid Cymru and the Railway Development Society Ltd have noted the absence in the Order of specific aspects of RTPs which will be covered in the RTP Guidance.

The Railway Development Society Ltd suggests that 'local' and 'Group' be replaced with 'regional' and 'Region' in the Order but LS have advised against.

The Welsh Local Government Association does not support the inclusion of a date by which RTPs have to be produced. However, LS have advised that Section 109C, as inserted by the Transport (Wales) Act 2006, requires all local transport plans produced prior to 1 August 2001 to be replaced no later than a date specified in an Order and that date has been fixed as 30 June 2008.

With Subject Committees

This Order was notified to the Enterprise, Innovation and Networks Committee, via the list of forthcoming legislation, on 26 January 2006 (EDT(2)2-06(p.4). However, the temporary title was "the Orders arising from the Transport (Wales) Act". [The Order is due to be scrutinised by Committee on 20 September 2006 and the transcript is at Annex D].

The Order was also notified to the Local Government and Public Services Committee, via the list of forthcoming legislation, on 30 March 2006 (LGPS(2)06-06(p.3) item: TWA1). [The Order is due to be scrutinised by the Committee on 21 September 2006 and the transcript is at Annex E].

Recommended Procedure

Subject to the views of the Business Committee, I recommend that this Order proceed to Plenary under the Standard Procedure to give Members a further opportunity to debate it.

Compliance

The proposed legislation will (as far as is applicable):

- have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 section 120);
- be compatible with the Assembly's scheme for sustainable development (section 121)
- be compatible with Community law (section 106);
- be compatible with the Assembly's human rights legislation (section 107); and
- be compatible with any international obligations binding the UK Government and the Assembly (section 108).
- The information in this Memorandum has been cleared with the Legal Services Department (LS).

Drafting lawyer: Michael Clarke, ext. 3736

Head of Division: Simon Shouler, ext. 3839

Drafting Policy Official: Russell Dewey, ext. 6455

Andrew Davies AM September 2006

Minister For Enterprise, Innovation And Networks

Annex A

Draft Regional Transport Planning Order : Consultation List

All Assembly Members

Local Authorities

- Welsh Local Government Association
- All Welsh Local Authorities
- Cheshire County Council
- Shropshire County Council
- Herefordshire Council
- Gloucestershire County Council
- Worcestershire County Council
- Bristol City Council
- South Gloucestershire Council
- Merseytravel Passenger Transport Authority
- West Midlands Local Government Association
- National Association of Local Councils

Regional Transport Consortia

- SEWTA
- SWWITCH
- TAITH
- TraCC

Environmental bodies

- Environment Agency
- Countryside Council for Wales

Other Professional and Voluntary Groups

- Institute of Civil Engineers
- Royal Town Planning Institute
- Institute of Highways and Transportation
- Planning Officers Society Wales
- SOLACE Wales
- ATCO
- County Surveyors Society Wales

National Park Authorities

- Brecon Beacons
- Pembrokeshire Coast
- Snowdonia
- Association of National Parks Authorities

Members of the Welsh Transport Forum

- Mr Steven Baker, RoSPA Wales
- Mr Brian Bigwood, Campaign for the Protection of Rural Wales
- Ms Gwenan Davies, Wales Council for Voluntary Action
- Professor Stuart Cole, Wales Transport Research Centre
- Mr Neil Crumpton, Friends of the Earth Cymru
- Mr Brian Curtis, National Union of Rail, Maritime and Transport Workers
- Ms Anne Greagsby, The Pedestrians Association
- Mr Simon Halfacree, The Environment Agency for Wales
- Roger Geffan, CTC Cycling Touring Club
- Mr Malcolm Howitt, Arriva Trains Wales
- Assistant Chief Constable Stephen John Curtis, Association of Chief Police Officers, North Wales Police
- Mr Stephen Joseph, Transport 2000
- Mr Elwyn Thomas, Community Transport Association
- Mr Leo Markham, National Federation of Bus Users
- Mr Mike Tedstone, Network Rail

- Cllr Mel Nott, Welsh Local Government Association
- Dr Nich Pearson, The Welsh Consumer Council
- Mr John Pockett, Confederation of Passenger Transport (Wales)
- Mr Matt Price, Sustrans
- Mr David Swallow, Interim Head Integrated Delivery, DEIN
- Ms Carol Thomas, Disabled Persons Transport Advisory Committee
- Ms Penny Thorpe, Motorcycle Action Group
- Mr Stuart Watkins, Welsh Transport Strategy Group
- Mr David Rosser, CBI Wales
- Ms Stella Mair Thomas, Rail Passengers Council (Passenger Focus)
- Dr Kevin Bishop, Welsh Local Government Association
- Mr Ian Gallagher, Freight Transport Association
- Mr Jon Horne, Cardiff International Airport
- Lord Berkeley, Rail Freight Group
- Mr Jim Hancock, Transport and General Workers Union
- Mr Callum Couper, Association British Ports
- Ms Linda Lauderdale, Naleo

Other

- Alice Baker, Local Transport Planning and Funding, Regional and Local Transport Policy Directorate, Department for Transport
- Rowland Pittard, Rail Future
- Natash Farrell, Transport Directive, Scottish Executive

Annex B

Responses To The Consultation Were Received From The Following

- Carmarthenshire County Council
- Environment Agency Wales
- Gloucestershire County Council
- Guide Dogs for the Blind Association and RNIB Cymru
- Isle of Anglesey County Council
- Merseyside Passenger Transport Authority and Executive
- National Association of Licensing and Enforcement Officers
- Neath Port Talbot County Borough Council
- Network Rail
- Pembrokeshire Coast National Park Authority
- Pembrokeshire County Council
- Plaid Cymru
- Railway Development Society Ltd
- South East Wales Transport Consortium (SEWTA)
- South West Wales Integrated Transport Consortium (SWWITCH)
- The Road Haulage Association Ltd

- Torfaen County Borough Council
- Vale of Glamorgan Council
- Wales Council for Voluntary Action
- Welsh Consumer Council
- Welsh Local Government Association

Annex C

The Regional Transport Planning (Wales) Order 2006

Summary of consultation responses

Comment From:	Comment	Conclusion
Carmarthenshire County Council	Same as for SWWITCH below	See below
Environment Agency Wales	Content	Noted
Gloucestershire County Council	No comment	Noted
Guide Dogs for the Blind Association and RNIB Cymru	Fully support	Noted
Isle of Anglesey County Council	A positive step but may not be a significant staffing resource saving.	Agreed
Merseyside Passenger Transport Authority and Executive	The principle of joint Local Transport Plans is sensible and fully supported.	Noted
National Association of Licensing and Enforcement Officers	More efficient and, to increase joint working between LAs, can only benefit transport providers and users. Should also reduce the burden on each LA to submit and review plans.	Noted
Neath Port Talbot County Borough Council	Fully endorse the response from the SWWITCH Consortium.	Noted

Network Rail	Can see potential benefit and under Sec 4 of the Order we support the sub-division of Gwynedd responsibilities. However, we note that the Order does not make provision for the way in which local transport authorities will work together to produce cohesive regional plans.	To be covered by the Regional Transport Plan (RTP) Guidance
Pembrokeshire Coast National Park Authority	It would appear reasonable to base RTPs on the existing transport consortia. But it is concerning to note that whilst the Regulatory Appraisal identifies public transport as being important for those without access to cars, there is no mention of needing to reduce travel by car and encourage use of public transport.	To be covered by the RTP Guidance
Pembrokeshire County Council	Same as for SWWITCH below	See below
Plaid Cymru	It is better to plan regionally than locally but it would make more sense for authorities to liase along major routes	Route Development Strategies will be incorporated into RTPs
Railway Development Society Ltd	Concerned about the use of 'local' and 'regional' in the Order and suggest that 'local' and 'Group' be replaced with 'regional' and 'Region'. We are concerned that the Order does not cover working between the 4 consortia for cross border services	Legal advice is NO change. To be covered by the RTP Guidance
South East Wales Transport Consortium (SEWTA)	Support the Order but do not agree that it is cost neutral.	A minimal increase of £5,000 in costs has been estimated but that is not a consequence of the Order.

South West Wales Integrated Transport Consortium (SWWITCH)	Generally support the move to RTPs but do not believe the making of the Order will be cost neutral.	A minimal increase of £5,000 in costs has been estimated but that is not a consequence of the Order.
The Road Haulage Association Ltd	Support fully the proposal.	Noted
Torfaen County Borough Council	Agree to basing the RTPs on the 4 areas covered by the voluntary Transport Consortia	Noted
Vale of Glamorgan Council	Agree to basing the RTPs on the 4 areas covered by the voluntary Transport Consortia	Noted
Wales Council for Voluntary Action	It is sensible to recognise the regional structures and move to the production of RTPs.	Noted
Welsh Consumer Council	Transport planning areas should generally conform to people's travel needs and patterns. In so far as the existing 4 consortia are seen to do that, it is appropriate to base RTPs on the 4 areas covered by the existing voluntary Transport Consortia.	Noted
Welsh Local Government Association	We appreciate that this Order is necessary, however, we do not support including a date by which RTPs have to be produced.	Legal advice is that a date needs to be included hence 30 June 2008