

REPORT OF ACCESS & RIGHTS OF WAY MANAGER

SUBJECT: ACTIVE TRAVEL (WALES) ACT 2013

Purpose of Report

For information; to bring Members' attention to the Active Travel Act and its implications for the work of the National Park Authority.

Introduction

The Active Travel Act received Royal Assent on 4th November 2013. Members will recall that they initially responded to the consultation on the Active Travel Bill White Paper in August 2012 and were also updated on the Active Travel Bill and its progress through the Committee stages of the National Assembly for Wales (NAW) at their meeting in July 2013. The Act will come into force in mid 2014. Over the winter of 2013/14 there will be public consultations on the statutory guidance needed to implement the Act and the geographic coverage of the Act.

Summary of the main provisions of the Active Travel Act

The Act continues to focus on the development of cycling and walking as a means of travel rather than for leisure and recreation, with the objective of encouraging a culture of walking and cycling in Wales so that more journeys and trips are taken on foot and bicycle rather than by motorised transport. By connecting key sites such as workplaces, hospitals, schools and shopping areas with active travel routes, the Act will encourage people to rely less on their cars when making short journeys

The main provisions of the Bill are to be found in the Act, however, a number of significant changes have been made and are highlighted in the summary below:

- A new duty for local authorities to prepare two separate maps of "active travel routes" relating to "designated localities".
- "Active travel routes" are to be defined as routes suitable for utilitarian rather than recreational use that provide opportunities for travel by walking and cycling. "Designated localities" are to be defined in guidance by WG and will include urban areas with a threshold population of 2000 residents.
- One map of existing provision for cycling and walking must be prepared by local authorities, called the "Existing Route Map" which is to be reviewed every three years. There will not be a duty on local authorities to map active travel opportunities across the whole of Wales as the maps

will be focused on urban areas. Following publication of the first map, the Act has now added the requirement for a report to accompany every subsequent map specifying how the level of use of active travel routes has changed since the submission of the previous map. This implies that local authorities will have to set up a system to monitor progress and develop some performance measures to report every three years.

- In addition, one aspirational map must be prepared by local authorities known as the "Integrated Network Map" listing desirable network improvements and is also to be reviewed every three years. "Integrated Network Maps" are to be embedded in the strategic transport planning process.
- There will be a duty to consult widely on map preparation and publicise these maps.
- In comparison to the Bill, the Act has introduced the scope for a greater level of scrutiny by the Welsh Ministers of the new duties for local authorities, especially in relation to the preparation of Maps.
- Unlike the Bill there will now be a clear duty to implement the improvements identified in the mapping process with the Act being drafted to ensure that every year, local authorities create new active travel routes and improve existing active travel routes. Again, local authorities will have to demonstrate progress in this sphere of activity.
- The Act also requires local authorities to enhance walking and cycling provision in new road schemes unless it would be unreasonable to do so and have regard to the needs of walkers and cyclists in exercising a range of highway authority functions in a manner that will promote active travel journeys. This particular duty will apply across Wales and not just to the designated urban areas.

Implications for the National Park Authority

National park authorities are not defined as local authorities for the purposes of this Act and accordingly there would be no requirement for this Authority to adopt the new duties. There is, however, an opportunity for the National Park Authority to work closely with its host and neighbouring local authorities in implementation of the new duties.

Through its experience gained in the management of public rights of way and development plan duties, the National Park Authority can provide valuable assistance in the preparation of the new maps by identifying suitable existing routes for active travel and potential improvements for inclusion in the integrated maps.

The Welsh Government is currently consulting on which settlements in Wales will be mapped as designated urban areas. Only two settlements in the National Park, Tenby and Saundersfoot, have been identified by the Welsh Government as having a population over the 2,000 threshold.

Elsewhere of course a number of settlements in the county and adjoining counties will include parts of the National Park within their sphere of active travel routes. It is likely therefore that large parts of the National Park will be affected by the mapping process. The Act therefore has the potential to improve “Town to Park” links in the county by providing options to access the Park by walking and cycling or start a recreational walk/cycle ride from towns and villages outside the National Park.

The Act defines active travel as being non-recreational in purpose. While it is acknowledged that active travel routes can be used for multiple purposes including health, exercise and leisure, there is a danger that recreational issues will be overlooked in the map preparation and subsequent improvements programmes. There is an opportunity here to encourage local authorities to closely integrate the development of active travel with their other duties in respect of tourism and leisure, economic development and public rights of way management.

Comparisons

This innovative piece of legislation will introduce a new duty in relation to walking and cycling development without comparison or precedent.

Financial considerations

It is noted that the National Park Authority will not be liable to implement the new duties, however, in terms of staff time there would certainly be an involvement of officers in advising on suitable routes for cycling and walking as part of the mapping process. In seeking to provide non-recreational cycling and walking opportunities, the Park Authority is usually only able to undertake significant improvements to public footpaths and bridleways with external grant aid and often in partnership with Pembrokeshire County Council.

Risk considerations

Given that the Park Authority is not required to implement the new duties, the corporate risks of the legislation are limited. There may, however, be implications for the rural landscape if walking and cycling improvements are introduced in the countryside with materials and design of an urban character. Close liaison between the National Park Authority and local authorities is needed to ensure that any active travel improvements complement the natural landscape of the National Park.

Compliance

The core proposals of the White Paper comply with several Corporate Strategy Objectives notably Outcomes 1, 2, 3, & 5. National Park Grant letters from the WG minister in recent years have also specified the need to make progress in the provision of more cycling opportunities.

Human Rights/Equality issues

Walking is free at the point of use and cycling has become increasingly affordable, accessible to the majority of the population and evidently increasing in popularity. More facilities for safe walking and cycling can therefore help address poverty and disadvantage.

Biodiversity implications/Sustainability appraisal

Proposals to improve cycling and walking opportunities will clearly complement sustainability aims by reducing the use of motorised transport and accordingly cutting carbon emissions. Improvement schemes may require to be screened for potential impact of protected species and habitats.

Welsh Language statement

No issues.

Conclusion

The Active Travel Act provides the opportunity for the National Park Authority to assist Pembrokeshire County Council to plan for the provision of improved cycling and walking opportunities in the urban areas of National Park and establish improved links to the centres of population within the county of Pembrokeshire.

RECOMMENDATION

That members note the report in relation to the Active Travel Act.

Background Documents

Active Travel (Wales) Bill; Regulatory Impact Assessment & Explanatory Notes; Active Travel Act (Wales) 2013.

(For further information, please contact Anthony Richards, Access & Rights of Way Manager extn 4849)

Author: Anthony Richards, Access and Rights of Way Manager