

## REPORT OF ACCESS & RIGHTS OF WAY MANAGER

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### **SUBJECT: CONSULTATION ON ACTIVE TRAVEL (WALES) BILL**

#### Purpose of Report

This Report is to bring Members' attention to the Active Travel Bill and its implications for the work of the National Park Authority.

#### Introduction

Members will recall that they considered a response to the consultation regarding the Active Travel Bill White Paper in August 2012. The White Paper Consultation generated over 350 responses, which have helped to inform the drafting of the Bill.

The Active Travel (Wales) Bill was published on 18<sup>th</sup> February and subject to progress, it is likely to become law later this year. The Enterprise and Business Committee of the National Assembly for Wales (NAW) is considering evidence on the general principles of the Bill and has invited responses to its consultation by 5<sup>th</sup> April. A response of the three National Park Authorities of Wales, coordinated by this National Park Authority is to be found in the appendix to this report.

#### Summary of the main provisions of the Active Travel Bill

Most of the main provisions of the White Paper are to be found in the Bill. The Bill 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.

The main provisions of the Bill are as follows:

- 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.
- The focus of the Bill will be on active travel as a mode of transport for journeys with a maximum duration of approximately 45 minutes from "designated localities". The Regulatory Impact Assessment accompanying the Bill equates this journey time of 45 minutes to walking routes of about three miles and cycling routes of around 10 miles.
- "Designated localities" are to be defined in guidance by WG and are likely to be urban areas and settlements with a population threshold of 2,000. Using this criteria the Welsh Government expects that 77% of Wales' population can be served by the improvements.
- 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. The maps will be user focused and concentrate on settlements rather than rural areas although rural areas around settlements may be included if they fall within the 45 minute journey time.

- 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.
- There will be a duty to publicise these maps widely.
- "Integrated Network Maps" are to be embedded in the strategic transport planning process.
- There will be a duty on Local Authorities to consider provision for pedestrians and cyclists when planning road improvement schemes.
- There is no clear duty to implement the improvements identified in the mapping process but there is a duty on Local Authorities to make continuous improvements to the range and quality of active travel routes, presumably in the context of the new statutory maps.

#### Implications for the National Park Authority

Clarification has been received from WG that National Park Authorities are not defined as Local Authorities for the purposes of this Bill, and accordingly there would be no requirement for this Authority to adopt the new duties. There is, however, an expectancy that National Park Authorities would work closely with their host and neighbouring Local Authorities in implementation of the new duties.

The Bill therefore provides the National Park Authority with the opportunity to work closely with Pembrokeshire County Council in the implementation of their new duties. Through its experience gained in the management of public rights of way and development plan duties, the National Park Authority could provide valuable assistance in the identification of suitable existing routes for active travel and potential improvements. Any public rights of way that become designated as active travel routes would have to be improved to a standard to make them suitable for daily utilitarian use by pedestrians and cyclists. The improvement and on-going maintenance of such routes would therefore have to be formalised to ensure that adequate resources are allocated to their upkeep by the appropriate body.

With regard to the designated localities that would act as hubs for route development, only two settlements in the National Park, Tenby and Saundersfoot, have 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 45 minute journey time (three miles on foot and 10 miles on bicycle). It is likely therefore that a large part of the National Park will be affected by the mapping process. The Bill would therefore help greatly 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 or cycle ride from towns and villages outside the National Park. In the National Park consideration should also be given to the inclusion of major centres of visitor accommodation as well as settlements in planning for active travel opportunities.

There is concern that the target walking distance of three miles appears to be rather high. The Institute of Highways and Transportation Guidelines for Providing Journeys on Foot (2000) suggests that a target distance for a range of facilities is between 300 metres and 600 metres and an acceptable distance for those same

facilities is between 600metres and 1000 metres. Consideration should be given to a shorter more achievable walking distance that would encourage more pedestrian trips.

The Bill defines active travel as being non-recreational in purpose and there is concern that recreational routes have not been included in the definition. 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 planning process. 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.

It should be noted that a contentious proposal in the original White Paper relating to public rights of way has been omitted from the Bill. The White Paper asked whether changing the classification of public rights of way could increase active travel opportunities. This generated a large response that was in general opposed to the proposed introduction of a new right to cycle on public footpaths as it would be difficult to implement and not provide suitable opportunities for active travel. The issue is, however, likely to be included in the Environment Bill White Paper which is expected in Autumn 2013.

#### Comparisons

The innovative proposals by WG would introduce a new duty in relation to walking and cycling development without comparison or precedent.

#### Options

It could be argued that the core proposals do not require legislation to realise the desired outputs, however, the Cycling and Walking Strategy has been in place since 2009 and it appears to be the view of the WG that this strategic guidance has not been effective in the delivery of new active travel opportunities.

#### 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 White paper 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 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

In order to be compatible with the European Convention of Human Rights (the Convention) regard must be had to Convention Rights in the decision making process. Although this Authority will not be the decision maker for this proposal, this report's content and associated recommendation is considered to set out and strike a fair balance between the competing interests. 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 Bill 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 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 Bill and the response of the three National Park Authorities of Wales to the consultation by the National Assembly for Wales.**

### Background Documents

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

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

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# Active Travel Bill- Response of the three National Park Authorities of Wales

## Consultation questions

- 1. Is there a need for a Bill aimed at enabling more people to walk and cycle and generally travel by non-motorised transport? Please explain your answer.**

The information provided in the Regulatory Impact Assessment would appear to confirm the need for a Bill in order to achieve a modal shift to cycling and walking for shorter journeys. It is arguable however, that most of the objectives of the Bill could be achieved without the need to legislate. The case for legislation would be stronger if for example there was a clear duty to implement the Integrated Network Maps, although it is accepted that this would have resource implications for the Local Authorities.

- 2. What are your views on the key provisions in the Bill, namely –**

- the requirement on Local Authorities to prepare and publish maps identifying current and potential future routes for the use of pedestrians and cyclists (known as “existing routes maps” and “integrated network maps”) (sections 3 to 5);**

The preparation of maps should entail a wide consultation with stakeholders and target communities in order to promote an awareness of existing provision and fully engage the public in future development. The provisions in the Bill for the publication of maps (Section 5) are essential in order to achieve the aim of establishing a walking and cycling culture.

- the requirement on Local Authorities to have regard to integrated network maps in the local transport planning process (section 6)**

This provision is necessary in order to embed the needs of active travel in the transport planning process and is to be welcomed.

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

Again this requirement is welcomed as it has proved to be more expensive to retro fit cycle lanes following road improvements. It is appropriate to consider the needs of all non-motorised road traffic when planning road improvements.

- 3. Have the provisions of the Bill taken account of any response you made to the Welsh Governments consultation on its White Paper? Please explain your answer.**

Generally the Bill has taken account of the representations of the three National Park Authorities. National Park Authorities expressed concerns with regard to the proposed changes to the classification of public rights of way and it is noted that these have not been progressed.

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

We consider that the key provisions will result in active travel opportunities being incorporated into the planning process of new road improvements schemes. With regard to the objective of providing a fully integrated network and establishing a culture of walking and cycling, the Bill will only partially deliver this aim as implementation by local authorities is dependent on the availability of funding and securing resources through S.106 Planning Agreements or the Commuting Infrastructure Levy.

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

Resources, both staff and budgetary could be potential barriers to undertaking the principal duties of preparing maps, although the Regulatory Impact Assessment has costed the likely work entailed and it is considered to be achievable, especially in National Parks where there are few settlements with a population over the threshold of 2000.

**6. What are your views on the financial implications of the Bill (this could be for your organisation, or more generally)? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.**

With no duty to undertake the improvements needed to implement the Integrated Network Maps the financial implications of the Bill are limited. More far reaching financial implications could arise from incorporating the needs of active travel in the design of future road improvements schemes (Section 8).

**7. To what extent has the correct balance been achieved between the level of detail provided on the face of the Bill and that which will be contained in guidance given by the Welsh Ministers.**

It is considered that the Bill is concise in setting out the main principles of the legislation. The criteria for designated localities could be included in the Bill.

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

- Drawing on their local knowledge and experience in the management of access opportunities, there is a clear role for National Park Authorities to assist Local Authorities in the preparation of the two maps.
- The promotion and development of active travel opportunities contained in the Bill complement a number of objectives in the National Park Authorities' Corporate Strategies and Plans.
- Consideration should be given to the inclusion of major centres of visitor accommodation as well as settlements in planning for active travel opportunities.
- While the Bill defines active travel as being non-recreational in purpose, there is concern that recreational routes have not been included in the definition. While it is acknowledged that active travel routes can be used for multiple purposes including health, exercise and leisure, these recreational issues will be overlooked in the map preparation and planning

process. 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.

- There is concern that the target walking distance of three miles appears to be rather high. The Institute of Highways and Transportation Guidelines for Providing Journeys on Foot (2000) suggests that a target distance for a range of facilities is between 300 metres and 600 metres and an acceptable distance for those same facilities is between 600 metres and 1,000 metres. Clarification is sought on the source of evidence to support the three mile journey distance and consideration should be given to a shorter more achievable walking distance that would encourage more pedestrian trips.