

Report of the Director of Place

Rights of Way and Commons Sub-Committee – 18 June 2014

ACTIVE TRAVEL (WALES) ACT PROGRESS REPORT

Purpose: The report presents an update on the works associated with the Active Travel (Wales) Act 2013.

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FOR INFORMATION

1. Introduction

1.1 The Active Travel (Wales) Act 2013 received royal assent in November 2013 but is not yet in force; the commencement order is expected to be made by the end of 2014. The Act, which is considered to be a world first, makes it a legal requirement for local authorities in Wales to map and plan for suitable routes for active travel, and to build and improve their infrastructure for walking and cycling every year. It creates new duties for highways authorities to consider the needs of walkers and cyclists and make better provision for them. It also requires both the Welsh Government and local authorities to promote walking and cycling as a mode of transport.

1.2 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.¹

2. Requirements

2.1 The legislation contains three principal requirements to which Local Authorities must conform.

2.2 First, that the Local Authority will provide a map of currently available Active Travel Routes. The routes contained in the map must either conform to the Active Travel Standard (discussed below), or where it provides a link to a key service such as schools,

¹ Welsh Government, November 2013. "Active Travel Wales Act"

hospitals, places of employment and/or retail. The maps will cover all communities with a population of 2,000 or greater and the communities considered to conform to this threshold have been identified by the Welsh Government in a Consultation document published in November 2013. Whilst the Local Authorities are now awaiting the outcome of this consultation and the formal list of communities, it is expected that largely the whole of the City & County of Swansea area will be included, with the possible exclusion of Gower.

- 2.3 This map is to be published as a hard copy and distributed to the public.
- 2.4 The second element of the legislation requires that the local authority will prepare a second map which sets out all of the programmed and anticipated Active Travel schemes which may be delivered over the next five years (2014 – 2018). These routes also need to be publicly accessible, but does not need to be published in hard form and can therefore be presented electronically if appropriate.
- 2.5 The final element of the Act is to make good progress against realising the elements defined in the second map to ensure that the routes are continually improved and built upon. This does not therefore require simply that new routes will be constructed each year, but that the network will be improved in some way.
- 2.6 Whilst these are the principle requirements of the Act there is a further significant implication. The Active Travel (Wales) Act also interfaces directly with the Highways Act and principally with sections 3, 4, 9 and 12. These sections deal with the 'Creation', 'Improvement', 'Maintenance' and 'Interference' of the Highway and require that when any works are undertaken that consideration be given as to how measures which promote Active Travel could be incorporated.

3. Guidance

- 3.1 The Welsh Government is currently preparing a draft guidance document to advise on the Active Travel (Wales) Act standard infrastructure. The guidance will therefore describe best practice and the forms of route which are required in order to conform to the expectations of the Act. This draft guidance document is due to be published in May 2014 and will be subject to a 12 week public consultation prior to being revised and formally published in the autumn of 2014.

4. Equality and Engagement Implications

- 4.1 Compliance with the Active Travel Act will require that a network of routes are identified which will meet the requirements of the Active Travel Act Design Guidance. The standards set out in this document are expected to advocate routes which are usable by users of all physical abilities.
- 4.2 It is expected that the Council will need to thoroughly consult with Local Disability Groups in particular to ensure that the needs of those represented by the groups are recognised and accommodated.
- 4.3 An overall Equality Impact Assessment for the programme will be produced detailing how improvements will be designed to address the needs of the various groups.

5. Legal Implications

- 5.1 The Active Travel Act imposes duties upon the local authorities in Wales. While non-compliance does not carry any penalty as set out as set out within the legislation, it could be used as a legal challenge in any planning dispute.

6. Financial Implications

- 6.1 The requirements of the Active Travel Act are being part funded by the Welsh Government, inasmuch as the baseline mapping cost has been grant funded. The second phase of mapping may or may not be funded directly by the Welsh Government.
- 6.2 The construction of new infrastructure or the improvement of existing routes are to be funded wholly by the Local Authority, whether that be from Council budgets or through conventional grant funding streams. The Council currently spends over £100,000 in support of walking and cycling each year and whilst based on current knowledge it is probable that the continuation of this level of funding is likely to satisfy this new statutory requirement this cannot be confirmed until the act is enabled and the implication of its introduction together with the WG guidance is fully understood.

FOR INFORMATION

Background papers: None.

Appendices: None.