

Annex A – Consultation Response Form

Please send completed copies to:

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Deputy Committee Clerk,
Legislation Office,
National Assembly for Wales,
Cardiff Bay, CF99 1NA.

The consultation is running until the 5 April, and responses are accepted up until that date. Responses are welcome in electronic or hard-copy.

Consultation Response Form

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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.

Yes

Increased levels of walking and cycling provide significant health, environmental, economic, and community benefits, but as the Welsh Government acknowledges, efforts under Wales' Walking and Cycling Action Plan have so far failed to achieve this¹. Brake agrees that the introduction of an Active Travel Bill could make a significant difference.

Road danger is a major barrier to active travel. For example, our own research suggests 35% of people could be convinced to commute by bike if roads were safer². Road danger creates a barrier not only to people choosing walking and cycling as a transport choice to get from A to B, but also to people, particularly children and families, simply being able to 'get out and about' and walk and cycle in their neighbourhood for leisure, exercise and social reasons. A 2012 Brake survey found many children are being prevented from walking and cycling due to parents' fears for their safety³. Conversely, studies have shown that where safety measures are

¹ As stated in the introduction to this consultation document

² Brake and Bolt Burdon Kemp survey of parents on cycling, 2012

³ Brake and Bolt Burdon Kemp survey of parents on cycling, 2012, and Brake and Churchill survey of parents on walking, 2012

implemented to offer greater protection and safe passage for people on foot and bike, it can lead to significant rises in walking and cycling^{4,5}.

The Walking and Cycling Action Plan contains some strong proposals for encouraging cycling and walking, for example prioritising walking and cycling in public transport investment decisions. However, because it is not a legislative instrument it can only encourage local authorities and other bodies to prioritise and implement active travel projects. To truly effect a cultural change in the way walking and cycling are viewed and adopted in Wales, Brake agrees it will be more effective for Welsh Ministers to compel authorities to engage with and prioritise active travel. The action plan is unlikely to achieve significant and speedy alterations to road and path engineering, decreases in traffic speeds, and provision of facilities throughout Wales as it lacks the teeth to ensure these kinds of improvements are made. Such alterations are necessary to make walking and cycling safe across the country and thus key to creating a modal shift toward active travel.

Introducing an Active Travel Bill could go a long way to addressing this lack of safe facilities and routes because it will require active efforts to improve facilities, and remove barriers to local authority action. At the same time, enshrining a commitment to active travel in statute will help to create the desired cultural shift in favour of walking and cycling by emphasising the government's commitment to making active travel easier, safer, and more enjoyable.

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);**

Brake welcomes the requirement for local authorities to prepare and publish these maps, with one reservation. The Bill does not contain any stipulation of what constitutes a ‘suitable’ route for pedestrians or cyclists. Brake is concerned that local authorities might class some unsafe routes as ‘suitable’, leading to people assuming they are safe, thereby encouraging cyclists or pedestrians onto routes where they may be in danger. To address this concern, Brake recommends the Bill ought to require route maps give as much information as possible about the characteristics of the routes they display so that people might make an educated judgement on whether the route is suitable for them. Brake suggests traffic-free or fully segregated cycle paths should be classed as safe routes, whereas on-road lanes should be given a lesser classification (e.g. marked route) to avoid misleading the public and clouding transparency around progress made. This is critical in creating trust among the public in the maps authorities create, and enthusiasm for the route development work they carry out.

⁴ Where widespread 20 limits have been introduced levels of walking and cycling increased by 20% [Citywide Rollout of 20mph speed limits](#), Bristol City Council Cabinet, 2012

⁵ Making the Case for Investment in the Walking Environment, University of the West of England and Living Streets, 2011

the requirement on local authorities to have regard to integrated network maps in the local transport planning process (section 6);

Brake supports the requirement on local authorities to have regard to integrated network maps in the local transport planning process, but recommends the Welsh government extend this duty to all civic development, including housing, retail, workplaces and community facilities, and redevelopment of existing roads and facilities. If walking and cycling are to become the norm, then providing for safe walking and cycling needs to be a primary consideration in all development work that will create or influence people's need to travel.

- **the requirement on local authorities to continuously improve routes and facilities for pedestrians and cyclists (section 7);**

Brake welcomes the requirement on local authorities to continuously improve routes and facilities for pedestrians and cyclists, but has concerns there are no deadlines or targets for achieving such improvements. Brake's recommendations for how to strengthen the requirement in section seven are dealt with in the answer to question four, below.

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

Brake welcomes the requirement on highway authorities to consider the needs of pedestrians and cyclists when creating and improving new roads, with the caveat that the duty in its current form is not strong enough. Brake has concerns that local authorities are merely required to *consider* the needs of walkers and cyclists under the terms of the Bill, not to actually make provision for them wherever relevant. We recommend the Bill require local authorities to prioritise and cater to the needs of pedestrians and cyclists, particularly in relation to offering safe passage and making walking and cycling a more appealing option, when creating new roads. Brake's recommendations for improving section eight are dealt with in answer to question four, below.

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

Partly.

The Welsh Government has dropped language stating that improvements to facilities and routes should only be undertaken should funding permit, in line with Brake's suggestion. Brake welcomes the Welsh Government's rejection of such limiting language, and the commitment in the Explanatory Memorandum to providing funding to local authorities for active travel projects. However, Brake suggests the Welsh government go further and legislate for a fund for active travel projects within the Active Travel Bill. This recommendation is discussed further in response to question 5.

Secondly, the Welsh Government has introduced regular three-yearly reviews of local authority plans, in line with Brake's suggestion that regular reviews of progress are necessary to ensure the aims of the Bill are achieved. However, currently the Bill does not state local authorities must have achieved any level of improvements within the three year periods, simply that they must draw up new maps every three years. Brake is concerned this

may limit the Welsh Ministers' ability to hold local authorities to account if they fail to deliver improvements in a timely manner.

The Bill discusses the definition of an 'active travel route' and guidelines for identifying which routes ought to be improved for active travel, in line with Brake's recommendations. However, the Welsh Assembly has left the task of defining what constitutes an active travel route to local authorities, meaning there is likely to be great variation in standards across Wales. Brake recommends the Welsh Government should put forward a definition (or definitions for varying levels/standards of route), making safety central to this. A universal definition or definitions should be possible since we have a good understanding of the measures that are important in protecting vulnerable road users. Similarly, the Explanatory Memorandum states:

“In approving [maps of current active travel routes and proposed improved routes], the Welsh Ministers are largely concerned about the form of the maps and they will not be assessing the appropriateness of the inclusion of individual routes.”

This leaves the inclusion or exclusion of routes entirely up to local authorities, and gives Welsh Ministers no opportunity to challenge authorities if their maps are inadequate or misleading. This is concerning from a safety point of view firstly because of the risk of local authorities describing unsafe routes as suitable for active travel leading to people unwittingly putting themselves in danger by walking or cycling on these routes after viewing the maps, and secondly because it could mean vital and reasonable improvements to routes that could be made significantly safer are omitted from local authority plans.

Finally, the provisions of the Bill take no account of Brake's contention that active travel routes are not enough to encourage active travel, but that communities fit for active travel are also of central importance. As stated in our previous consultation response, while Brake agrees that creating a safe active travel network is vital, Brake is concerned about the lack of mention of the need to also create safe communities in the proposals. A good active travel strategy should also include making whole communities safe enough for people to get out and about on foot or bike in their local area for recreational purposes, as well as for making journeys.

Particularly in areas that are densely populated and/or have a lot of people moving about (or the propensity for such), the movement and safety of pedestrians and cyclists should be prioritised across whole areas where people live, work and spend recreational time, so they can move relatively freely without being endangered. If only a safe route network is created, even if this is made much more comprehensive, inevitably most people will still need to travel part of their journey on routes not covered by this network, because they don't live/work/play exactly on a safe route. Brake believes making whole communities safer for walking and cycling is critical in achieving the cultural shift the Welsh Assembly is looking for, because this is key to bringing about modal shift on short, local journeys, and in making families and children feel able to walk and cycle as a natural, every day activity. For example, whole towns, villages and cities can be made safer for pedestrians and cyclists by successful implementation of town/village/city-wide 20mph limits⁶. Brake very much welcomed the Welsh government's move to encourage more 20mph limits across Wales,

⁶ 20mph speed reduction initiative, Scottish Executive Central Research Unit , 2001; 20mph Speed Limit Pilots Evaluation Report, Warrington Borough Council, 2010

and urges the Assembly to seize this opportunity to take the next step. Brake recommends the Assembly creates duties on local authorities to invest in safer walking and cycling across whole towns, villages and cities as well as along routes connecting communities and homes with workplaces and facilities, including through creating more 20mph limits.

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

Brake is concerned that sections seven and eight of the Active Travel Bill are not strong enough to truly deliver the active travel revolution the Welsh Government clearly seeks. Brake highlights that section seven includes no function for providing deadlines to local authorities on achieving improvements to active travel networks in a timely manner. Indeed the Bill has dropped the requirement listed in the original consultation for local authorities to develop a prioritised list of projects against which works could be measured. Brake has concerns over how local authorities will prioritise works, and how they are to be held accountable for achieving progress in building safe active travel routes and facilities. Brake recommends the Bill be amended to require local authorities to set and meet targets at their three yearly map reviews. These reviews are an excellent opportunity for local authorities to set timescales and targets for delivering work and to be measured against previous such targets. This would provide clarity for the general public on what should be achieved when, and ensure benchmarks are in place against which to assess progress.

In addition, Brake is concerned the language of the Bill is too weak, leaving local authorities with too much discretion to avoid creating or improving facilities. Section eight of the Bill states that local authorities should 'have regard to the desirability of enhancing facilities'. Brake contends that this vague language could lead to local authorities not providing vital active travel facilities, and claiming to have discharged their duty by going through the motions of considering enhanced facilities.

Brake endorses the creation of a duty to include provision of walking and cycling facilities in the creation of *all* relevant new road schemes, as outlined in the initial proposals. But as stated in our response to those proposals, Brake recommends this duty should be extended to include all civic development, including housing, retail, workplaces and community facilities, and redevelopment of existing roads and facilities. If walking and cycling are to become the norm, then providing for safe walking and cycling needs to be a primary consideration in all development work that will create or influence people's need to travel.

Further, the key provisions in the Bill will not, in Brake's opinion, achieve the stated aim of making walking and cycling the 'norm' for short journeys in Wales because they do not address the safety and pleasantness of active travel within and across communities. Making cycling and walking the automatic choice for shorter journeys, as the Welsh Assembly intends, requires that people feel familiar and comfortable with walking and cycling in their immediate local area. As discussed above, in response to question 3, making communities as a whole welcoming for walkers and cyclists, rather than simply providing safe routes from A to B, will encourage people to get more active in their leisure time⁷. By helping people to feel more confident and comfortable walking and cycling in their immediate local area for leisure and very short journeys, people (including children) are more able to build up the

⁷ Pucher, J. and Buehler, R., 'Making Cycling Irresistible: Lessons from the Netherlands, Denmark, and Germany.' *Transport Reviews*, 2008.

fitness, skills and confidence necessary to undertake other journeys like commuting on foot or by bike⁸.

Finally, if Welsh children are to be brought up with walking and cycling as the normal way to take short journeys, they need to be able to walk and cycle for school and leisure purposes, to get used to those activities safely⁹. Children are safer where traffic is 20mph or slower, or where they can travel and play away from traffic entirely, i.e. on segregated routes. Children are not often allowed to choose how they travel to school, but if they are provided with safe routes, they are more likely to be allowed to travel actively and play outside¹⁰, making them more likely to stay fit and healthy, and more likely to choose active travel for their shorter journeys when they are older¹¹. Thus Brake recommends introducing 20mph limits and segregated routes in communities to allow children to practice and get used to active travel.

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

Brake has identified two likely barriers to the implementation of the key provisions. The first is cost and resourcing: the Bill does not fully address the need for extra funding for local authorities to provide, maintain, or alter facilities for active travel. A commitment to providing funding as contained in the Explanatory Memorandum cannot ensure funding for projects over the long-term in the way that a ring-fenced statutory fund could. Brake is concerned that a future government, less supportive of active travel, might cut off any extra funding to local authorities for active travel, leading to a lack of sustained investment. The Explanatory Memorandum states:

“Under the current system there is a lack of sustained investment in pedestrian and cycling routes. Dedicated pedestrian and cycling or active travel officers are not always employed in each local authority and in many cases the teams that do exist are reducing in numbers. Many local authorities are using project based funding from the Regional Transport Consortia, Lottery funding, regeneration schemes and so on to carry out work. This leads to a project-based approach, rather than a strategy-led approach. This makes it more difficult for local authorities to take a longer term view of what will be needed and when it will be needed by in order to create integrated routes. It means that schemes are often prioritised on the basis of what is easiest to deliver, rather than what would be most useful to deliver”

The Bill as it currently stands does not address this acknowledged deficit. As there are no provisions for targets or sanctions in the Bill, Brake is concerned that this potential lack of available funding in the future may discourage local authorities from implementing active travel programmes, without giving the Welsh Ministers any recourse to address failure to comply.

⁸ Zlot, A. and Schmid, T, ‘Relationships Among Community Characteristics and Walking and Bicycling for Transportation or Recreation’ *American Journal of Health Promotion*, 2005.

⁹ Understanding Walking and Cycling, Lancaster University, 2011.

¹⁰ Brake and Bolt Burdon Kemp survey of parents on cycling, 2012, and Brake and Churchill survey of parents on walking, 2012

¹¹ Timperio, A., Crawford, D., et al. ‘Perceptions about the local neighbourhood and walking and cycling among children’. *Preventative Medicine*, 2004.

Secondly Brake has concerns that the Bill does not address the potential barrier to implementation posed by restricting guidance, red-tape or regulation. Many local authorities already regard active travel as a key issue, and wish to do more to enable active travel, but face barriers in implementing schemes to make walking and cycling safer. To help overcome these barriers, it is necessary that guidelines and duties on local authorities are clear, simple, and don't introduce unnecessarily burdensome processes and red-tape. In our experience of working with campaigning communities, local authorities will sometimes not implement road safety initiatives because guidance on implementation can be restrictive, discouraging or impose criteria that are difficult to meet, or demand an unaffordable response to a problem.

The Welsh Assembly needs to ensure that the guidance accompanying the legislation will provide clear, practical, direction and leadership to local authorities, which remove rather than create barriers to the implementation of safe walking and cycling measures.

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.

Part 2 of the Explanatory Memorandum is comprehensive in its discussion of the possible costs and benefits of introducing the Active Travel Bill. Brake supports the recognition of the significant economic benefits of improving road safety and enabling increased walking and cycling.

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?

Brake argues that the Active Travel Bill in its current form does not achieve an appropriate level of detail: too much detail has been left for inclusion in the guidance. Brake is concerned that a future government, not so committed to active travel as the current Welsh leadership, could derail progress towards active travel as the norm by altering or 'watering down' the guidance.

The Explanatory Memorandum states one reason for passing primary legislation on active travel is to ensure long-term continuous investment in active travel facilities and routes, to ensure the desired cultural shift in favour of walking and cycling is achieved. With the Bill in its current form, without statutory quality standards for the guidelines, a future government could make the Bill ineffective simply by revising the guidance.

As mentioned in the response to question three, we know what works in terms of encouraging active travel and making roads safer for walking and cycling. In order to prevent such 'watering down' by future governments, reference to this knowledge should be included in the Bill through specification of measures local authorities need to implement or develop. In this way high-quality guidelines can be ensured.

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

Brake is concerned at the Welsh Government's use of the term 'accident' to describe road crashes or collisions. Road crashes are not accidents; they are devastating and preventable events, not chance mishaps. Calling them accidents undermines work to make roads safer, and can cause insult to families whose lives have been torn apart by needless casualties. It has been widely recognised across the road safety sector that the term 'accident' is unhelpful and insensitive, leading to many services favouring the terms 'crash', 'casualty', 'incident' or 'collision' instead. Brake would encourage the Welsh Assembly to make a commitment to not use the word accident in relation to road crashes and casualties in any documents it produces or communications it issues.