



Response to the National Assembly for Wales Enterprise and Business Committee – Call for evidence on the general principles of the Active Travel (Wales) Bill.

Respondent's name: Ele Hicks
Respondent's Role: Social Policy Officer
Organisation: Diverse Cymru

Contact details

Email: Ele@diversecymru.org.uk
Phone: 029 20 368888
Address: 3rd Floor
Alexandra House
307-315 Cowbridge Road East
Cardiff
CF5 1JD

Organisation Background

Diverse Cymru is an innovative new organisation in the Welsh Third Sector, created in recognition of the realities faced by people experiencing inequality in Wales.

Diverse Cymru promotes equality for all. We believe that we can work together to challenge discrimination in all its forms and create an equitable future for the people of Wales.

Diverse Cymru aims to make a real difference to people's lives through delivering services that reduce inequality and increase independence; supporting people to speak for themselves and to connect with decision makers; creating opportunities for participation and development; raising awareness of equality issues; and inspiring people to take action against inequality.

Our current services include direct payments, self directed and independent living support, befriending and advocacy. We produce information resources, run a service user involvement project and co-ordinate volunteer placements. We facilitate forums

and groups that work on various issues, from improving disability access to equality impact assessments. We provide consultancy services and deliver a range of training courses on equality related topics.

We would be delighted to assist with the development of specific work programmes, and with engaging service users in future. We are happy for our response to this consultation to be published and would be happy to present oral evidence to the committee if desired.

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.

We agree that there is a need for a Bill to enable more people to walk and cycle. Progress in this area has been slow without legislation, and in particular the safety concerns of people from protected characteristic groups and the accessibility concerns of disabled people have generally not been met even within active travel schemes. Therefore we feel that legislation is required to be able to achieve the aims of this Bill.

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 requirement on local authorities to have regard to integrated network maps in the local transport planning process (section 6);**
- **the requirement on local authorities to continuously improve routes and facilities for pedestrians and cyclists (section 7);**
- **the requirement on highway authorities to consider the needs of pedestrians and cyclists when creating and improving new roads (section 8)**

We remain concerned that barriers to implementing safe active travel routes for people from protected characteristic groups have not been taken into account on the face of the Bill.

As stated in our response to the White Paper our experience indicates that the definition of ‘safe’ is usually interpreted as safe for the majority of people or experiencing low crime rates and therefore often does not account for issues such as feelings of safety and security, which are experienced differently for people from protected characteristic groups.

Many people of faith, disabled, BME, LGBT, and older people experience higher rates of fear of crime and indeed are more prone to becoming victims of violence against the person and hate crime in the community. These experiences leads to them feeling unsafe and at risk of hate crime or incidents in areas which are considered to be safe by other members of the community.

Therefore it is essential that the needs and issues of all communities of interest and protected characteristic groups are taken into account when planning safe and appropriate routes for walking and cycling.

This includes ensuring all walking and cycling routes are well lit, avoid isolated or dark areas and ensuring that routes do not pass through areas, without appropriate alternative routes, where particular communities or individuals are fearful to enter.

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.

In our response to the Welsh Government's White Paper consultation we highlighted several areas of concern with regard to people from protected characteristic groups and equality. Whilst some improvements have been made in the Bill, we feel that many of these issues have not been adequately addressed.

We feel there is a need to ensure that all Local Authorities include equality considerations, safety concerns, accessibility and inclusion within planning processes and procedures as part of the duties within this Bill. This should include full Equality Impact Assessments of all cycling, pedestrian, road and public transport schemes and developments and involvement of individuals and organisations from across the Protected Characteristic Groups as an absolute minimum. We are disappointed that the Equality Impact Assessment for this Bill has not been published alongside the Bill, given the clear potential for discrimination and inappropriate implementation of active travel planning, design and delivery if not thoroughly assessed with the involvement of people from all protected characteristic groups.

We welcome the provision of guidance and directions from Welsh Ministers with regard to not only the form and matters to be shown on both existing route maps and integrated network maps, but also to requirements to consult. However in order to ensure that active travel can be widely promoted and accessible to all, thereby ensuring that all citizens of Wales can take advantage of the health benefits and reduction in poverty we feel **it is imperative that active consultation and engagement should be required on the face of the Bill with regard to sections 3, 4 and 6 in particular.**

This should include an explicit, specified link to fulfilling the Specific Duties for Wales under the Equality Act 2010 and the requirement to engage people from across the protected characteristics where plans, strategies or policies have a significant impact on them.

We feel that mapping the routes and facilities available will be the only effective method of ensuring a step-change with regard to use of available cycling and pedestrian routes and promoting a change of mind set towards more people cycling and walking. We also welcome the duty to publish information publically in section 5 of the Bill. However this requirement does not explicitly require local authorities to publish maps and information in accessible formats and locations, such as utilising third sector organisations and networks and local community groups to reach all communities, including protected characteristic groups such as BME groups, LGBT communities and people of faith. As part of this duty it will be essential to ensure that routes and facilities that are accessible to disabled people and the exact accessibility details of those are fully identified on maps, in order to ensure that disabled people can and are encouraged to use available walking and cycling routes.

Our experiences indicate that many Local Authorities are still unaware of many of the accessibility and safety issues highlighted elsewhere in this response.

Therefore we feel that specific, detailed guidance will be essential to ensuring the inclusion of equality issues and that walking and cycling routes can be safe, appropriate and accessible for all citizens of Wales, in addition to an amendment to Section 5 of this Bill to balance flexibility for local authorities to publish and publicise maps as they deem appropriate, with a requirement to ensure that this takes account of the differing needs of protected characteristic groups and provides accessibility to all citizens and communities, including older, disabled, LGBT, BME people and people of faith.

Whilst we welcome the explicit consideration of the needs of disabled walkers and cyclists contained in section 9, we are concerned at the narrow focus of this section. The reference within Section 9 is to “the application of the provisions of this Act that refer to walkers or cyclists to disabled persons using motorised or other wheelchairs, mobility scooters, electrically assisted cycles or other aids to mobility.” As many organisations and individuals have highlighted throughout the development and discussion surrounding this Bill deaf pedestrians and cyclists and blind pedestrians and cyclists face specific barriers and issues surrounding the use of shared pavements; the design of active travel networks; appropriate signage; accessible crossings and various other aspects of active travel route and facility design. However these disabled people would not usually be considered as utilising an “aid to mobility.”

In order to ensure that active travel can benefit all citizens of Wales, including disabled people across the vast impairment spectrum, it is imperative that section 9 be amended to address all the various barriers and adjustments required. We therefore recommend that Section 9 be redrafted to reflect this stating “The Welsh Ministers may give guidance to local authorities about the application, interpretation and implementation of the provisions of this Act that refer to walkers or cyclists to disabled persons, including those disabled persons using motorised or other wheelchairs, mobility scooters, electrically assisted cycles or other aids to mobility, people with sensory impairments, and learning disabled people.”

Guidance issued under this section should clearly address accessibility and inclusion issues, including safety concerns for people from protected characteristic groups, not only disabled people; accessible signage; avoiding the use of shared spaces where possible; providing accessible crossings, tactile paving and other access improvements; providing access for mobility scooters, wheelchairs, mobility aids and adapted bicycles; and ensuring the proactive involvement of the communities, including people and organisations representing all the protected characteristic groups.

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

Regarding considering the potential for enhancing walking and cycling provision in the development of new road schemes, it is our experience that cycle lanes in particular tend to be added onto road scheme developments and therefore are often neither safe nor appropriate for cyclists to use. This contributes to inappropriate implementation of shared pavements, which can create significant issues for disabled pedestrians, because safe cycling routes are not built into the planning stage of new road schemes. We recognise and welcome the requirement in section 8 of the Bill for local authorities and the Welsh Ministers to “have regard to the desirability of enhancing the provision made for walkers and cyclists” in the exercise of their functions under the Highways Act 1980. However we feel that that factors influencing the desirability of such provision, such as integration with public transport and with existing and planned active travel routes will not necessarily be taken into account. We are concerned that issues such as safety for disabled walkers, especially those with sensory impairments, and the impact on car-based travel times of having multiple pedestrian crossings and dedicated cycle lanes and routes, may be used to justify not building active travel, and in particular the needs of all citizens of Wales including protected characteristic groups, into new road schemes.

We therefore feel **that section 8 should be strengthened to place a duty on Local Authorities and the Welsh Ministers to build safe, suitable active travel routes for both pedestrians and cyclists and their integration with other routes into all new road schemes, unless there is no public access to the route. A second clause to this section should specify that where a highways development or scheme is deemed to be unsafe or unsuitable for development as an active travel route the relevant authority must submit and publish reasons for this decision.**

We feel that this presumption of planning in favour of active travel will assist with the stated aim of the Bill of making cycling and walking the most natural and normal modes of travel and in increasing both safety and availability of active travel routes, whilst accounting for current and future road needs.

One of the most serious accessibility concerns, which we have been involved in, relates to the planning, design, build and use of shared pavements and surfaces. There have been several issues in Cardiff regarding cyclists misusing shared pavements or ignoring notices to dismount, and being involved in collisions with disabled people. Many of these incidents have been related to either visually impaired people who are unaware of a cyclist or cyclists travelling at excessive speeds and not accounting for how slow and difficult it may be for a disabled person to move out of their way.

Whilst we recognise that there may be some circumstances where the use of shared pavements, paths and spaces between cyclists and pedestrians may be unavoidable, we would urge the Welsh Government to be cautious when allowing any consideration of shared spaces and to ensure that the needs and concerns of older, disabled and pregnant pedestrians, in particular are addressed within schemes. This will involve both ensuring that cycle routes run alongside pedestrian routes, but that there is a clear demarcation and signage which is accessible to both visually impaired and learning disabled people. These considerations and design features to address issues should be clearly explained and exemplified in guidance.

In order to improve safety and accessibility of walking and cycling for all individuals a culture change and National awareness and education on the purpose, appropriate use and risks associated with inappropriate use of facilities and paths should be implemented as a priority. This should help to reduce incidents of cyclists injuring or knocking down pedestrians, by improving public awareness of safe cycling and walking and of why being on the wrong side of a cycling and pedestrian path, cycling too fast, or disregarding rules can be extremely dangerous. A national public awareness campaign should also assist in diffusing some of the tensions between cyclists and pedestrians and to encourage personal and community safety, whilst increasing the proportion of the population who routinely cycle or walk short

distances. Whilst we recognise that Welsh Ministers do not feel that this is within the scope of this Bill we would urge Ministers to consider whether this Bill could be more effective in changing cultures and attitudes towards active travel, a stated aim of this Bill, by including related issues and concerns which are required in order to achieve the aim of this Bill.

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

As stated above we feel that the Bill, in its current form, will not succeed in ensuring that the needs of citizens from protected characteristic groups are met. We therefore feel that opportunities have been missed and that without amendments neither the needs of disabled people nor the safety concerns of people from other protected characteristic groups will be met.

We are also concerned that no financial commitment has been made to achieving the aims of this Bill. Whilst we recognise that in this current economic climate there is no new money available and tough decisions have to be made, we do feel that some finances should be diverted from road building schemes and that integration on a strategic level with public transport would assist in ensuring that finances are dedicated to active travel. Additionally there is a need to ensure that Local Development Plans require the development of active travel routes within all new developments, to ensure that the financial resources are available.

We have concerns regarding the skills level and knowledge of transport departments and staff with regard to both active travel in general, and the potential impacts and improvements needed to address negative impacts or a failure to achieve aims for all protected characteristic groups in Wales. We therefore recommend comprehensive equality training, addressing the needs, barriers and concerns of each protected characteristic group individually, is required in order to support the implementation of this Bill.

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?

We are concerned that the majority of substance required in order to create a cultural change towards active travel and to ensure that the needs and varying barriers to active travel faced by citizens from protected characteristic groups will be met, will be delivered in guidance and directions.

We feel that it is extremely difficult to ensure that the needs of all groups are met and for us to comment on the extent to which this Bill will be effective in meeting the needs of

all citizens and groups when all information regarding maps, plans, strategies and their publication will be contained in guidance.

Additionally, as mentioned previously in this response, active engagement of people from all protected characteristic groups in the development of guidance is essential to achieving the aims of this Bill.