

ACTIVE TRAVEL (WALES) ACT 2013

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Active Travel (Wales) Act 2013 which was passed by the National Assembly for Wales on 1 October 2013 and received Royal Assent on 4 November 2013. They have been prepared by the Department for Economy, Science and Transport of the Welsh Government to assist the reader of the Act. The Explanatory Notes should be read in conjunction with the Act but are not part of it.
2. The Explanatory Notes are not, and are not meant to be, a comprehensive description of the Act. Where a section or part of a section is self-explanatory, no further explanation or comment is provided.
3. The powers to make the Act are contained in Part 4 of, and Schedule 7 to, the Government of Wales Act 2006. The National Assembly for Wales has legislative competence to make provision for and in connection with the Active Travel (Wales) Act 2013 by virtue of Schedule 7, subject 10 (highways and transport).
4. A reference to a local authority in these Explanatory Notes is a reference to a county council or a county borough council.

COMMENTARY ON SECTIONS

Section 2 – Meaning of “active travel route” and “related facilities”

5. **Section 2** sets out the meaning of an active travel route and of related facilities. An active travel route for the purposes of the Act must be within a designated locality in a local authority area. Designated localities (such as towns and cities) will be specified by direction of the Welsh Ministers. It will be for local authorities to determine which routes within those localities are appropriate to be regarded as active travel routes.
6. An active travel route comprising a highway may be a highway used by motorised vehicles or it may be another type of highway such as a footpath, cycle track or bridleway. It may also be a route not comprising a highway where the landowner allows the public to have access. However, private roads where the public are not allowed access are not capable of being active travel routes.
7. For the purpose of the Act, “walkers and cyclists” means people who walk, people who use pedal cycles (including electronic bicycles/e-bikes but excluding motorised cycles) and people who use mobility aids (including motorised wheelchairs and mobility scooters).
8. Localities within which active travel routes are to be situated will be designated by direction of the Welsh Ministers. They may specify a locality by name. They may also specify a description of localities with reference to criteria, including those listed in subsection (5). They may for example designate towns with a population greater than a specified amount, settlements within a certain radius of such towns, or areas with a population density greater than a specified number of people per km².

9. Subsection (6) requires a local authority to consider whether potential travel routes are suitable for active travel. In doing so, a local authority should consider whether the route facilitates the making of active travel journeys and whether the location, nature and condition of the route makes it suitable for safe use. The Welsh Ministers intend to issue guidance under this subsection, to which local authorities must have regard.
10. Subsection (7) sets out what is meant by an active travel journey. For the purpose of the Act, an active travel journey is a journey made to work or education or to access health, leisure or other services or facilities.
11. Subsection (8) sets out what is meant by related facilities in relation to active travel. These might for example include shelters and storage for cycles and toilets and washing facilities, as long as they are available for use by walkers and cyclists. The Welsh Ministers intend to issue guidance on related facilities under subsection (9).

Section 3 – Existing routes maps

12. Every local authority must prepare a map showing the existing active travel routes and related facilities in their area. Local authorities will be required to consult on these maps, which will then need to be approved by the Welsh Ministers. The Welsh Ministers intend to issue guidance under this subsection, which might include how the routes are depicted, the form of the maps and the process that must be undertaken to prepare and consult on the maps.
13. Local authorities must submit their existing routes maps to the Welsh Ministers for approval within one year of the commencement of section 3, or by a later date where this is specified by a direction of the Welsh Ministers. At the same time as submitting their existing routes maps, local authorities will be required to also submit a statement detailing any active travel routes that have been included on the maps that do not meet standards specified in guidance and explaining why it is considered appropriate to nevertheless regard these routes as active travel routes. If the Welsh Ministers do not approve the maps, they may direct the local authorities to revise them and resubmit them by a date specified in the direction. If the maps are still not to the required standard, this process can be repeated. In approving the maps, the Welsh Ministers will be considering whether the local authority has mapped the routes and related facilities in accordance with their guidance and whether the local authority has consulted in line with such guidance. The Welsh Ministers will also consider the content of any statement and explanation.
14. Local authorities must update and submit the maps to the Welsh Ministers for approval each time they submit their integrated network maps. This will mean that on the first occasion the maps will need to be re-submitted within two years, and from then onwards the maps will need to be re-submitted every three years. However, local authorities are free to update and revise the maps between submissions without the approval of the Welsh Ministers. The Welsh Ministers will issue guidance on the maps to support the local authorities in completing this task.

Section 4 – Integrated network maps

15. Local authorities will have to prepare a second map, which will show the new and improved active travel routes and facilities that they consider are necessary for the purpose of developing or enhancing an integrated network. This will be a forward looking map which will show how the existing network could be advanced in future years. The period to which the map is to relate will be included in guidance to be given by the Welsh Ministers under section 4.
16. The same arrangements for Ministerial approval, revision of the maps and guidance will apply to the integrated network maps as apply to the existing routes maps. However, there will be no requirement for the submission of a statement and explanation, and the integrated network maps will be required to be resubmitted every three years.

Section 5– Publication etc. of maps

17. **Section 5** sets out the publication requirements in respect of the maps. Local authorities will be required to publish the maps and make them available free or at cost price on request. They will also be required to circulate the maps amongst people who they consider appropriate and bring the maps to public attention via notices. The Welsh Ministers will issue guidance to local authorities to support them in determining what is appropriate for the circulation of their maps.

Section 6 – Developing transport policies with regard to integrated network map

18. Local authorities are required to produce local transport plans under the Transport Act 2000. These are currently prepared jointly by local authorities on a regional basis. These plans set out the local transport policies for the region, including policies for the implementation in the region of the Wales Transport Strategy prepared by the Welsh Ministers pursuant to section 2(1) of the Transport (Wales) Act 2006.
19. **Section 6** requires that local authorities must have regard to their integrated network maps in developing policies forming the basis of local transport plans. They will not be required to deliver all of the schemes within the maps, recognising that these are reliant on other factors, including statutory processes. However, the policies and plans in the local transport plans will need to be set out in such a way as to facilitate the delivery of the routes and facilities in the integrated network maps.

Section 7 – Securing continuous improvement in active travel routes

20. Local authorities will be required in every year to secure new active travel routes and related facilities together with improvements to the existing routes and facilities for active travel. This means that local authorities will be expected to make year on year improvements to their routes and facilities by expanding the amount that is available and by upgrading existing provision. The Welsh Ministers will issue guidance to support local authorities in carrying out this duty. Local authorities will also be required to make a report to the Welsh Ministers setting out the costs that they have incurred in each financial year in performing their duty under this section.

Section 8 – Reports by Welsh Ministers on active travel

21. The Welsh Ministers will be required under this section to make and publish annual reports on the extent to which walkers and cyclists make active travel journeys in Wales.

Section 9 – Provision for walkers and cyclists in exercise of certain functions

22. **Section 9(1)** requires the Welsh Ministers and local authorities to take reasonable steps to enhance provision for walkers and cyclists when exercising certain functions under the Highways Act 1980, where it is practicable to do so. Functions where the duty will apply include the construction, maintenance, or improvement of roads. **Section 9(2)** further requires the Welsh Ministers and local authorities to have regard to the needs of walkers and cyclists in the exercise of their functions under certain other highways legislation e.g. traffic regulation under the Road Traffic Regulation Act 1984.

Section 10 – Duty to exercise functions to promote active travel

23. This section requires the Welsh Ministers and local authorities to exercise their functions under the Act in a manner designed to promote active travel journeys and secure new and improved active travel routes and services. A report must be prepared by each local authority specifying what it has done in each financial year in the performance of this duty.

Section 11 – Review of operation of Act

24. Section 11 requires the Welsh Ministers to review the Act within five years of the deadline for the first submission of the integrated network maps. This review should assess the success of the Act in creating new and improving existing routes and facilities.

Section 12 – Directions and guidance

25. The Welsh Ministers will issue guidance to support the delivery of the Act. They will also be making a direction to specify which settlements are to be covered by the Act. They may also need to make directions regarding the existing routes maps or the integrated network maps, if the maps submitted to the Welsh Ministers are not of sufficient standard. The Welsh Ministers may make changes to the guidance and directions or revoke them.

Section 14 – Commencement

26. The provisions in the Act surrounding the maps, the development of local transport plan policies, the continuous improvement duty, the provision for walkers and cyclists in highway construction and improvement and guidance about disabled walkers and cyclists will come into force following a commencement order. This is to reflect to amount of time it will require for each local authority to prepare their maps. The other provisions will come into force once the Act has received Royal Assent.

RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES

27. The following table sets out the dates for each stage of the Act’s passage through the National Assembly for Wales. The Record of Proceedings and further information on the passage of this Act can be found on the National Assembly for Wales’ website at:

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?IId=5750>

| <i>Stage</i> | <i>Date</i> |
|--|------------------|
| Introduced | 18 February 2013 |
| Stage 1 - Debate | 4 June 2013 |
| Stage 2 Scrutiny Committee – consideration of amendments | 4 July 2013 |
| Stage 3 Plenary - consideration of amendments | 1 October 2013 |
| Stage 4 Approved by the Assembly | 1 October 2013 |
| Royal Assent | 4 November 2013 |