

# Statutory Guidance for the delivery of the Active Travel (Wales) Act 2013

## Sustrans submission to Welsh Government consultation on the Delivery Guidance

July 2014

### Introduction

Sustrans is a leading UK charity enabling people to travel by foot, bike or public transport for more of the journeys we make every day. We work with families, communities, policy-makers and partner organisations so that people are able to choose healthier, cleaner and cheaper journeys, with better places and spaces to move through and live in.

We welcome the opportunity to comment on the draft delivery guidance. Overall we feel the guidance gives an appropriate level of information to ensure that Authorities, in meeting the Duties of the Act, strive towards a progressive standard. However we strongly recommend that further development of the guidance is undertaken around the areas of monitoring, consultation and promotion as currently these areas are weak and are therefore unlikely to lead to the culture change that the Act seeks to establish.

We also have some concerns relating to inconsistencies between the Delivery Guidance and the Design Guidance – these will need to be resolved. In most cases, we believe the Design Guidance to have the appropriate guidance, and the delivery guidance should be amended to reflect this.

From discussions we are having with local authorities it is clear that there is some confusion around timescales and specific requirements. The Delivery Guidance would benefit from a simple flow-chart to illustrate the process and milestones.

### General Questions

#### **Question 1: Does the draft delivery guidance provide the information local authorities will need to meet their duties under the Act? If not, what else needs to be covered?**

Sustrans believes the delivery guidance falls short in providing appropriate levels of information in a number of areas; notably monitoring, consultation, data and funding. We have provided a detailed response on the issue on consultation in Specific Question 2.

Either more information is needed in the delivery guidance to help local authorities' fulfil their monitoring duties meaningfully or Welsh Government should provide additional national support centrally to guarantee robust monitoring. There is a lack of clarity and some inconsistency around the need to monitor individual schemes, and monitoring of walking and cycling levels overall, and whether this responsibility will lie with Welsh Government or with local authorities.

Monitoring of individual schemes has often been lacking in Wales and there is very little, if any, purposeful reporting. As a rule, Sustrans installs cycle counters on all new routes that it has programme management responsibility for, but this has not been the case with Welsh Government funded schemes. The guidance now calls for all schemes brought forward for funding to include monitoring (5.3.1 and 5.3.2), but it should be noted that in previous years Welsh Government funding has not allowed monitoring costs to be included. Further clarity is needed as to how future funding pots (for example the next iteration of the Local Transport Fund) will enable this requirement to be met.

Through our work throughout the UK, where Sustrans is often commissioned to provide monitoring systems, we have developed a range of methods for data collation within infrastructure and behaviour change programmes, including online heat mapping for trip journeys – which looks at journey frequency by start and end point to understand where people are travelling to and from on a regular basis. Including specific examples within the Guidance may encourage local authorities to see the value of using monitoring information to inform network planning and route development, as well being more innovative in the way data is used as a promotional tool e.g. the “Bicycle Account” now used by Cardiff County Council – good practice also used in Copenhagen.

Section 3.4.2 highlights baseline data that is being provided by the Welsh Government. However, we are concerned that local authorities have no clarity over exactly what this data is and when they can expect to receive it. With local authorities having a year to produce their first Existing Route Map (ERM), it is vital that there is clarity over these issues, otherwise local authorities risk either duplicating work or having to rush work to meet the deadline.

It is also important that there is consistency in the information supplied to each local authority across Wales. Authorities need to have the opportunity to start from the same place, which will help to support joint working (or procurement of external services), as well as ensuring fairness between across authorities.

We also believe there is a lack of information about how local authorities will be asked to deal with new developments, in particular as part of the Local Development Plan (LDP) process. How will the specified Built Up Areas (BUAs) be amended to include new settlements that meet the requirements to be mapped under the Act? And further clarity would be welcomed as to whether the Planning Inspectorate will take into account ERMs and Integrated Network Maps (IRM) when assessing LDPs across Wales. We note that although the Active Travel Act is mentioned in guidance to local authorities on preparing their Local Transport Plans, details are scarce and direction towards prioritising active travel is not as strong as we would expect given the legal duty placed on Authorities.

In the section on funding (2.5) there is a limited amount of information on potential funding sources for funding active travel schemes, for example smaller funding pots at a European level, or indeed working with public transport operators in Wales to fund promotional schemes. Broader information, and potential case studies, would be welcome in assisting local authorities to understand the varied opportunities for funding work as part of the Act.

Section 2.5.5 should be altered to reflect the different nature of each organisation. While Government funds schemes directly, organisations such as Sustrans and Groundwork help to access grants or find match funding, rather than funding schemes directly.

We welcome the direction that the duties of the Act apply to the “entire authority” and not just a specific department. If the Act is to be a success then at all levels of government it’s vital that departments such as health, planning and education are involved in the delivery of the Act.

In section 3.3.6. (as part of sources of information for producing the Integrated Network Map), the list provided is comprehensive in terms of planning and transport functions, but could be broadened to include information from other areas, for example school improvement plans and sports facilities reviews.

In section 2.3.3, the guidance provides information on appropriate distances for walking and cycling – and a time of a 45 minute journey. The document suggests that 3 miles can be walked in this time, which Sustrans would suggest is too high an estimate. Sustrans promotional work looks at encouraging people to cycle journeys of 5 miles and under (although in some circumstances longer journeys can be appropriate depending on conditions), and would recommend local authorities receive guidance to focus on this length of journey.

Sustrans believes the guidance contains insufficient information with regards to the promotion of active travel. We cover this in more detail in the specific question related to promotion.

**Question 2: Are the approaches in the guidance the most appropriate way of delivering the requirements of the Act? If not, what approaches would be more appropriate and why?**

Sustrans believes that the definition of active travel has been made too narrow, specifically with the exclusion of scooting in section 2.4.2. Scooting is popular among young people, in particular in travelling to school.

Sustrans has good evidence from our Welsh Government funded programme, Bike It, that learning skills to use a scooter safely and responsibly is a stepping stone to confident cycling.

The use of scooters is an invaluable incentive for families to get more active and can be easily incorporated into a park and ride format – a ‘park and scoot’ format – that would ease congestion outside school gates, which will lead to increasing general safety for children and families going to, and leaving, school. It is certainly an ‘active’ form of transport as you expend more calories than you would do sitting in a car, on the school run, or on a bus.

If scooting is excluded from the definition, there is a risk that local authorities will fail to recognise the benefits, and funding for related facilities - such as storage – may become more difficult to access.

In section 2.8.3, Sustrans has significant concerns that the indicators referred to in the Action Plan are not appropriate for monitoring the outcomes and successes of the wider programme, and therefore we do not agree this is an appropriate way to deliver the Act. Our response to the Action Plan will outline our concerns in greater detail.

Section 3.2.4. Our extensive experience of producing high quality and popular Active Travel maps tells us that the list of features to be marked on Existing Route Maps (ERM) is too exhaustive. We suspect this comes from the map being expected to serve two different purposes; a data record as well as being a promotional tool. Our understanding is that the ERM should be a promotional tool that is easily accessible and understood by the public. Having too much information will make the maps cluttered and reduce their usability, defeating the purpose of the maps being a public facing tool. Our extensive experience, through many years of providing specialised active travel map services, tell us the suggested approach to ERMs being a data recording tool is the wrong approach. We suggest the features defined on a public facing ERM should be limited; to

- Business parks and city centres (main office locations?)
- Stations, bus stations (public transport nodes)
- Library
- Post Office
- Stadiums
- Level crossings
- Leisure centres
- Parks
- Religious buildings
- Hospitals

- Schools & colleges
- Main public buildings
- TICs

Most of these will be symbols, but could be named if there is space (eg secondary schools and colleges, but not primaries)

As well as locations, information on the type of cycling or walking route should be provided:

- On road route (with NCN number if applicable)
- Traffic-free route (with NCN number if applicable)
- On road cycle lane
- Footpath only
- Gradient arrows (on routes only)
- One-way route (including contraflow)
- Pedestrian area (time limited)
- 20 mph zones
- Toucan/Pelican/Zebra crossings
- Bridges and subways marked by under/over cartography
- Steps (by symbol)
- Cycle parking (by symbol)
- Cycle shops/hire (by symbol)

In section 5.2 on the involvement of landowners, Sustrans is concerned that the proposed guidance affords landowners potentially too much latitude, to the extent that they will be able to block future routes. As a third party, we (and other organisations) work with local authorities to deliver new routes. The level of engagement with landowners, set out in the proposed guidance, is cumbersome and would lead to delays, particularly as it requires third parties to have access to considerable information about the landowners.

We continue to have concerns that planning guidance does not support the objective of the Act, in particular when it comes to Compulsory Purchase Order (CPO) powers. We suggest that new guidance, suitable for active travel routes, is provided. For example, the guidance may reject the premise for buying land on the basis that an appropriate alternative is available, but this alternative is the public highway, which is (in the particular instance where an alternative route is applied for) unsuitable for active travel, hence the need for the new route. Guidance should reflect the aims of the act in creating safe space for active travel.

We have particular concerns related to ongoing future maintenance of routes marked as Active Travel Routes, and future liability of those routes, which we believe is not covered within the guidance.

**Question 3: Would the actions in the delivery guidance incur costs on you, your organisation and/ or the people your organisation represents?**

As the Act places duties on Local Authorities, it is unlikely that Sustrans would incur any direct costs through the actions in the delivery guidance, although as a landowner there may be potential costs incurred through owning routes defined as Active Travel Routes.

There will be increased costs for local authorities in delivering some of the duties under the Act (including the duty to include monitoring in all funding bids), and we hope the information garnered

from this question can be used to aid Welsh Government in providing appropriate funding allocations in future years.

**Question 4: Are the links between the delivery guidance and the design guidance sufficiently clear?**

Sustrans has identified some inconsistencies between the two sets of guidance. As highlighted in our answer to question one, there are inconsistency issues in relation to monitoring between the two sets of guidance. The design guidance has greater clarity on monitoring, and the need to monitor, and we would recommend that the delivery guidance be brought in line with this approach.

In particular, section 3.2 talks about ‘zero-rating’ the monitoring of new routes, which does not link with the approach taken in the design guidance. Sustrans believes this reference should be removed from the delivery guidance.

Signage and way marking features prominently in the design guidance, but is not covered in the delivery guidance. As well as being a design aspect of routes, good way marking acts as an effective promotional tool, aiding people in finding the appropriate active travel routes and providing information on approximate timings. Good signage also draws attention to the presence of routes, this can be particularly effective on roads with high traffic congestion as it makes car drivers aware that convenient active travel alternative routes exist. We feel the role of signage as a promotional tool should be given greater prominence in the delivery guidance so that local authorities are eligible to bring forward high quality signage schemes.

An inconsistency, and indeed a deviation of the Delivery Guidance from the ambition of the Act is in Section 2.4.5. where the phrase that active travel routes should “not disadvantage motorists” is used. This is expressly not the view expressed in the design guidance document. In a number of cases it will be wholly appropriate to disadvantage motorists to provide a safe, direct and comfortable route for active travel. Progressive design is essential to seeing an increase in active travel, the inference in the delivery guidance as written is that the increase will come not at the expense of a decrease in motorised modes – whereas this is part of the ambition of the Act. It is Sustrans’ view that these references should be removed from the Delivery Guidance and that the Design Guidance, exclusively, should deal with the issues of network planning.

Although the section of the Delivery Guidance does refer back to the Design Guidance, there is a risk that this wording could undermine the design guidance.

**Question 5: We have asked a number of questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

Section 4.4, describes the duty on local authorities to publish reports on levels of use and costs of continuous improvement. We believe that this report should also include a cost benefit analysis of progress, to showcase the long-term benefits of the Active Travel (Wales) Act. Alternatively, the Welsh Ministers’ report should include an overall cost benefit analysis of the duties in relation to the whole of Wales.

We have concerns about the definition of Continuous Improvement in the delivery guidance. During scrutiny of the Bill, Welsh Government Ministers and Officials were regularly questioned on this issue and in response highlighted that the guidance would tackle this. However, in our view it does not. For example, what could constitute improving an existing route (e.g. improved signage); and how Welsh Government funding programmes will enable continuous improvement to take place.

The guidance referring to Section 106 agreements could be improved by including reference to how it can be used to support improvements to Active Travel Routes near to developments, and not just on-highway improvements directly linked to a new development.

Sustrans also believes further guidance on Welsh Government timescales would be appropriate. For example it is not clear how long a local authority is expected to wait to hear back from Welsh Government on the approval (or otherwise) of their ERMs and INMs. This could lead to uncertainty, especially in bringing together the first iteration of the INM. Clarity on Welsh Government's proposed timescales would assist local authorities in planning their work. The addition of a flow chart clearly setting out the stages and milestones would enhance the readability of the Guidance.

We remain concerned that the Built Up Areas (BUAs) highlighted in the guidance are overly prescriptive and mean that opportunities to increase active travel will be missed. While we understand local authorities can map additional areas in their communities, in reality the clear prescriptive nature of the BUAs makes this unlikely.

To give an example, in Carmarthenshire, the communities of Cross Hands, Gorslas, Penygroes and Tumble are all just a few miles apart. have a significant population and Cross Hands is also a strategic employment site, yet these communities not part of a BUA. We would ask the Welsh Government to reassess the prescriptive nature of the BUAs.

## Specific Questions

**Question 1: Do the features and facilities listed for inclusion in the maps capture all those that would be necessary for people to decide where to travel? Do any not need to be included?**

Sustrans believes that different guidance is needed for the ERM and the INM, as both maps should serve a different purpose. Providing high quality, easily accessible and clear mapping is a crucial promotional tool in aiding people to learn more about the active travel routes that are available for their journey.

Therefore, the list of items suggested to be included would not be suitable for the ERM, leading to a cluttered document that would be difficult to use. As long as the design guidance is followed, people should have the confidence that an ERM will only map routes that are suitable for an active travel journey, and much of the other information will be superfluous.

The INM, on the other hand, as a network planning document, should include a wider array of data – as a technical document that, although accessible to the public, is not designed as a promotional tool to increase levels of active travel.

Sustrans recommends that guidance on each map be separate, with new guidance on the ERM clearly focussing on the map's use as a promotional tool and therefore removing a significant number of the features that "need" to be indicated.

**Question 2: What are your views on the consultation processes for the existing routes maps and the integrated network maps?**

We believe meaningful consultation begins from inception, prior to the publication of the map. This should be reflected in the guidance.

It is a significant concern that the guidance appears to indicate that consultation will only take place after the map has been produced by the local authority. This is of particular concern in relation to the INM, where engagement with local people prior to a map being published will lead to the production of a network plan that the local community will have shaped.

Sustrans work across the UK, including building new routes and community street design schemes, follows this model, working with the local community in advance of a detailed scheme being brought forward. This meaningful consultation also acts as an important promotional tool, leading to increased community buy-in to the proposals.

Consultation with young people should be deeper and broader than simply an easy-to-read consultation document. Sustrans has, to good effect, developed strong, comprehensive and interactive resources to encourage children and young people to become aware of their immediate surroundings and environment, linked strongly to the demands of the Active Travel (Wales) Act.

For example, Sustrans Cymru has developed a Literacy and Numeracy Framework resource as well as a stand-alone Smarter Journeys resource, which include lesson plans and a child-friendly “on our patch” active travel route planning and audit tool.

### **Question 3: What are your views on the guidance on how local authorities should deliver their duties to make year on year improvements to active travel routes and facilities?**

As mentioned in our response to Question 5 of the General Questions, we have some concerns that the guidance on what constitutes continuous improvement is not clear enough, and could provide an increased number of options to highlight what might constitute continuous improvement. Further, there needs to be clarity as to the processes and timescales over which Welsh Government will sign off a local authority’s continuous improvement. Maintenance is not mentioned in the Guidance, which is an oversight. Ongoing maintenance of routes will be important in ensuring that potential and new users have full confidence in using them.

We also have a concern that annual reporting may become overly burdensome, and that a three year report on continuous improvement (linked to the mapping cycle) would prove more appropriate for local authorities.

### **Question 4: What are your views on the circumstances when it would be unreasonable to make enhancements for walkers and cyclists in exercising functions under the Highways Act?**

In Sustrans’ view, a comprehensive INM would identify where highways were not part of the active travel network (current or planned) and could remain unaltered when functions are exercised under the Highways Act.

If the INM has provided for a comprehensive network, and therefore there is an appropriate off-highway route that facilitates the same journey – then on-highway provision would not be necessary.

However, a poor network plan may throw up questions about potential gaps in the network, and we would refer back to our answer about meaningful consultation before the maps are drawn up.

It is important that the INM also considers schemes which fall under the duty to consider major infrastructure developments, such as trunk roads. Interfaces with strategic or local cycling and walking networks are particularly important and Non-Motorised User (NMU) audits should be undertaken as standard for these schemes, as specified under the Design Manual for Roads and Bridges (DMRB), to link effectively with Active Travel Act considerations.

### **Question 5: What are your views on how local authorities can promote active travel in exercising their functions under the Act?**

Promotion will be crucial to creating the culture change that was talked about at the Green Paper stage of the legislation. While infrastructure is of great importance, there is a whole range of wider programmes that will maximise on the building of new active travel routes. The delivery guidance

has very little to say on promotional activities, lists very few options and gives no indication as to organisations that local authorities could turn to for advice and good practice. There is also nothing to commend a joined up approach across the authority (or authorities, where working together), involving other departments in active travel promotional activities e.g. Communities First, Education, Leisure Services.

Sustrans has a wealth of experience in promoting active travel and would be pleased to support the Welsh Government in expanding the guidance in this area. We would also recommend involving Living Streets and other members of the Active Travel Board.

Additional promotional devices that could be included in the guidance are:

- Direct school engagement (direct information sharing, active travel awareness activities)
- Active Travel Hubs
- Personalised Travel Planning
- Bike to School Week
- Walking / Cycling Months
- Active Travel Festivals
- Bike Week / Cycle Days / Play Days on Streets / community events
- Comprehensive marketing, including outdoor billboards etc.
- Social media, online development of active travel advice on websites
- Dr Bike, bike maintenance sessions
- Led bike and walking rides
- Mentoring service for new cyclists
- Free national standards training
- Free bike marking with local police
- Personalised travel planning information stalls
- 'Bicycle Account' monitoring.

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