

AQS27 Cross-Party Group on the Active Travel Act

Senedd Cymru | Welsh Parliament

[Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith](#) | [Climate Change, Environment, and Infrastructure Committee](#)

[Bil yr Amgylchedd \(Ansawdd Aer a Seinweddau\) \(Cymru\)](#) | [The Environment \(Air Quality and Soundscapes\) \(Wales\) Bill](#)

Ymateb gan Grŵp Trawsbleidiol ar y Ddeddf Teithio Llesol | Evidence from Cross-Party Group on the Active Travel Act

General principles

What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

In their Clean Air Plan, the Welsh Government state that ‘Transport is now the largest source of NO_x in Wales, predominantly due to emissions from road transport, accounting for approximately one third of emissions.’ (The Clean Air Plan for Wales, p11). Motor vehicles are also a major source of noise pollution: ‘Our 2017 noise maps suggested the homes of more than 200,000 people across Wales are exposed to road traffic noise levels exceeding the WHO’s 2009 Night Noise Guidelines’ (Explanatory Memorandum to The Environment (Air Quality and Soundscapes) (Wales) Bill, p9). It is therefore clear that to be effective the Bill will need to tackle pollution from motorised traffic. One of the most effective ways to do this, particularly in urban areas where the problems tend to be most acute, is by facilitating modal shift from the car to active travel. Walking and cycling emits none of the noxious pollutants produced by motor vehicles and produces dramatically less noise.

The Senedd (then the Assembly) recognised this when it passed the Active Travel Wales Act in 2013. However, the recent review of the effectiveness of that Act by the Cross-Party Group on the Active Travel Act (CPGATA) demonstrated that a number of the provisions of the Act had not delivered the intended outcomes and required reform. Given the importance of active travel to the effectiveness of the new Bill, the CPGATA strongly believes that the Bill should seek to rectify the shortcomings in the Active Travel Act by including specific measures relating to active travel within its provisions. The most important of these we believe to be the urgent need to improve the promotion of active travel in Wales; a measure that is entirely compatible with the purpose of the Bill set out in paragraph 3.84 of the Explanatory memorandum: ‘placing a duty on Welsh Ministers to take steps to promote awareness of i) the health and environmental impacts of air pollution and ii) ways to reduce or limit air pollution’. Using the Bill to improve the effectiveness of a previous Act is also very much in line with the statement in paragraph 8.31 of the Explanatory Memorandum: ‘The Bill includes changes to existing legislation which will streamline, strengthen and complement existing processes to make them more effective and accessible.’

The duty of the Welsh Government and local authorities to promote active travel did not appear in the Active Travel Bill as first published, it was added as an amendment during the Bill’s passage through the Assembly. The wording that was used confined the duties of the Welsh Ministers and local authorities to promoting active travel when ‘exercising their functions under this Act’. Had the amendment accurately reflected the wishes of the Assembly at the time, the duty would have been

much more wide ranging, requiring the Welsh Ministers, local authorities and other public bodies to promote active travel wherever a relevant opportunity arose. This would have extended the duty to, for example, promoting active travel in all matters relating to travel to school; in building regulations and planning guidance; in administering the rail franchise. Had such a duty been in place for the past nine years the development of an active travel culture in Wales might now have been far more advanced. A simple requirement that all public bodies in Wales shall give consideration to how they might promote active travel in any actions they undertake related to transport, clarified and supported by helpful guidance, should not be too arduous and could easily be incorporated into standard processes such as integrated impact assessments.

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What are your views on the Bill's provisions (set out according to sections below), in particular are they workable and will they deliver the stated policy intention?

National air quality targets (sections 1 to 7)

(Continuation of our answer to 10)

We would therefore wish to see the Bill amended to ensure that the promotion of active travel was highlighted as an effective measure for the reduction of emissions and noise and that the duty to promote was extended across the public service and widened to include all relevant opportunities, the detailed measures to be set out in guidance.

Another significant failing of the Active Travel Act is that the Act stipulates the sections of the legislation on which Welsh Ministers can issue guidance. This has given rise to parts of the guidance being statutory and parts non-statutory. For example, the Act does not give Welsh Government powers to make guidance on the reporting, promotion, or provision for active travellers when alterations are made to the highway, sections of the Act. During the drafting of the Bill, it was suggested that making the standards within the Design Guidance statutory would make the guidance inflexible and unable to cope with the myriad problems encountered when building routes in the real world. Consequently, it was decided not to stipulate compliance with the Design Guidance within the legislation. This has weakened the guidance whilst the problem of inflexibility was already effectively addressed by the inclusion of clauses in the guidance that permit variance from standards where appropriate.

The result of this has been that routes are only required to be built to the standards in the guidance when the work is being funded by the Welsh Government. Works funded by a local authority from its own resources or section 106 ('planning gain') funding can be built to a standard below that required by the guidance. Even when funded by the Welsh Government, failure to adhere to the guidance is only a breach of a funding arrangement, not a breach of the Act. Consequently, citizens who are provided with substandard infrastructure have no obvious legal redress. Were the standards within the design guidance statutory, they could apply to all infrastructure in Wales, however funded, and non-compliance could, conceivably, result in legal action. The CPGATA strongly believes that including small amendments within the Bill to rectify these shortcomings in the Active Travel Act would significantly improve the effectiveness of the Act, thus increasing modal shift away from the motor car and consequently improving air quality.

Promoting awareness about air pollution (section 8)

National air quality strategy (sections 9 to 11)

Air quality regulations (section 12)

Local air quality management (sections 13 to 15)

Smoke control (sections 16 to 18)

Vehicle emissions (sections 19 to 21)

National soundscapes strategy (sections 22 and 23)

Strategic noise map and noise action plans (sections 24)

General provisions (sections 25 to 28);

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

Are any unintended consequences likely to arise from the Bill?

What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?
