

Active Travel (Wales) Bill

Due Regard to the United Nations Convention on the Rights of the Child

Step 1 – What's the piece of work?

The Active Travel Bill is a key action in the Programme for Government and is included in the Welsh Government's Legislative Programme. The Bill is intended to enable more people to walk and cycle and generally travel by non-motorised transport. We want to make walking and cycling the most natural and normal way of making getting about. We want to do this so that more people can experience the health benefits, we can reduce our greenhouse gas emissions, and we can help address poverty and disadvantage. At the same time, we want to help our economy to grow, and we want to take steps that will unlock sustainable economic growth.

There has been a lot of work over previous years to promote walking and cycling. The Walking and Cycling Strategy, published in December 2003, aimed to maximise the opportunities afforded by walking and cycling and to point out the disadvantages of using private cars, particularly for short journeys. The subsequent Action Plan, published in December 2008, set out the initiatives which the Welsh Government and key partners are undertaking or planning to undertake to support more people to walk and cycle safely and more often. Though the Walking and Cycling Action Plan Annual Report 2009-10 did show an increase in the number of people walking and cycling to work in Wales, this was not the significant growth that we had hoped to deliver.

Research indicates that for many people, including children and young people, the biggest barrier to walking and cycling is concern for their safety. These concerns relate mainly to the existing infrastructure, the speed and proximity of traffic, and concerns for personal safety. After safety, the practical difficulties of walking and cycling are the biggest barriers. These are issues such as storing bikes and outdoor clothing, both at home and at the destination; the logistics of transporting bags, children and so on by foot or by bike; and time constraints. For children and young people, parental perceptions of safety can be a significant barrier to active travel and for outdoor play.

The third significant barrier is the lack of a walking and cycling culture, where walking and cycling is seen as the most natural and obvious way of making shorter journeys. The absence of this culture leads to a perception that walking and cycling is something abnormal, done by eccentrics and enthusiasts only.

What this shows is that when it comes to actually changing the way people travel we need to be doing things differently. We need to think more broadly about how we encourage people to change their behaviour, and in doing so change the culture surrounding walking and cycling.

Behaviour change means far more than just enabling people to use active travel by providing safe routes. People need to be able to engage with the idea of walking and cycling and feel encouraged to give it a go. Finally, as a Government we need to set the example for the kind of culture change we wish to see through consistent and clear messages and activity, for example using the "Four E" model of behaviour change: Enabling, Engaging, Exemplifying and Encouraging.

The Active Travel Bill will require Local Authorities in Wales to:

- identify and map the network of routes within their areas that are safe and appropriate for walking and cycling;
- identify and map the enhancements that would be required to create a fully integrated network for walking and cycling and develop a prioritised list of schemes to deliver the network;
- deliver an enhanced network subject to budget availability and following due process;
- consider the potential for enhancing walking and cycling provision in the development of new road schemes.

We propose that under this Bill, Local Authorities would have a duty to identify the routes within their areas that are safe and appropriate for walking and cycling. These routes would consist of a combination of traffic-free routes, on-road provision and access through public spaces such as parks. Where pedestrians or cyclists would be in proximity with motorised traffic, there should be provisions in place to make these routes safe for pedestrians and cyclists, for example through traffic calming, 20mph zones or through segregated routes. Local Authorities would also have a duty to identify the facilities that are publically available to enable active journeys by foot or bike, such as cycle storage, toucan crossings and wash facilities.

Once the current routes and facilities were identified, Local Authorities would have a duty to mark them on to a map that would be publically available and promoted as appropriate. This would be an advisory map, aimed at informing the public of the location of suitable routes for walking or cycling, and the facilities they might use while making active journeys. The map would need to be updated on a regular basis to reflect the improvements that have been made to the infrastructure for pedestrians and cyclists.

Local Authorities would then be required to identify where routes do not join up within their areas and across their boundaries, and where there is a lack of facilities along those routes to support walking and cycling. Local Authorities would also be required to identify where significant numbers of shorter journeys are being made and there is no safe route for pedestrians or cyclists. They would then need to identify what enhancements, upgrades and new infrastructure would be required to enable people to make continuous and safe journeys by foot or by bike.

Local Authorities will also have a duty to create a second map, showing these proposed upgrades and enhancements. This map should set out an integrated network which will allow the majority of shorter journeys made in Wales to be made by walking or cycling, including routes to schools. This map will be an ambitious vision that will take a long term view, setting out what Local Authorities feel could be achieved over decades, rather than the next few years. Local Authorities will then be expected to deliver continuous improvements to their integrated network, subject to due process.

When new road schemes are planned, Local Authorities will have a duty to consider the potential these schemes could have for enhancing walking and cycling infrastructure. It is more efficient and cost effective to incorporate walking and cycling provision into a design than to retro-fit this provision into a completed scheme. Incorporating walking and cycling provision into new road schemes could help Local

Authorities to deliver the maps, or could present new opportunities for connecting existing infrastructure. We recognise that this may not always be the case, and we want to avoid creating isolated pieces of infrastructure for walking and cycling that do not form part of a network. However, at the same time we do not want the opportunities that new construction presents to be overlooked.

This Bill is just one tool for delivering an increase in walking and cycling and will be supported by a range of activity by central and local government. Alongside the Bill, we intend to produce new design guidance and standards for pedestrian and cycling routes (on-road and traffic-free) and for street design to enforce the hierarchy of road users, prioritising non-motorised transport users over cars. We also intend to review activities and targets set out in the Walking and Cycling Action Plan to support the delivery of the Bill. We will be consulting separately about these activities in due course. These activities are an opportunity to address equality issues related to active travel alongside the delivery of the Bill.

Step 2 – Which UNCRC rights does the work help to realise or affect?

Our assessment is that the work helps to realise or affects the following rights:

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| Article 1 | Everyone under 18 years of age has all the rights in this Convention. |
| Article 2 | The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from. |
| Article 3 | All organisations concerned with children should work towards what is best for each child. |
| Article 4 | Governments should make these rights available to children. |
| Article 6 | All children have the right of life. Governments should ensure that children survive and develop healthily. |
| Article 12 | Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account. |
| Article 13 | Children have the right to get and to share information as long as the information is not damaging to them or to others. |
| Article 17 | Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children. |
| Article 23 | Children who have any kind of disability should have special care and support so that they can lead full and independent lives. |
| Article 24 | Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this. |
| Article 27 | Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this. |

Article 30	Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.
Article 31	All children have a right to relax and play, and to join in a wide range of activities.

Step 3 – Respecting rights and giving greater effect to the UNCRC

The Active Travel (Wales) Bill will affect children and young people living in Wales. The mapping exercise will provide them with information to assist them in travelling actively. It will lead to better routes and facilities to support active travel at schools and play services.

The following section indicates whether each of the Articles above is breached, respected or given greater effect by the proposals. It also indicates any additional action which is needed. This assessment should be read alongside the equalities impact assessment, which includes an assessment of the impact of the Bill of the people of different ages, disabilities and races. It also includes a summary of the evidence used to support the impact assessments and details of the bodies consulted.

Article 1 - Everyone under 18 years of age has all the rights in this Convention.

Article 2 - The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from

Article 3 - All organisations concerned with children should work towards what is best for each child.

Article 4 - Governments should make these rights available to children.

Respected

The products of Active Travel (Wales) Bill will apply equally to all children and young people. Guidance is being developed to support the implementation of the Bill, and this will include engagement and consultation with children and young people. Even though the Rights of the Child Measure (2011) does not apply to local authorities in Wales, the delivery guidance will reflect the importance of respecting children’s rights. The design guidance for routes will also consider the needs of children and young people.

Article 6 - All children have the right of life. Governments should ensure that children survive and develop healthily.

Article 24 - Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

Given greater effect

Children will experience both direct and indirect health and environmental benefits as a result of this Bill. It will make it easier and safer for them to travel actively, meaning that they will receive the health benefits of physical activity and they will be at lower risk

from accident or injury. They will also experience benefits of reduce greenhouse gas emissions, better air quality, lower levels of noise pollution and vibration from traffic. The shift from car centred infrastructure to pedestrian and cyclist centred infrastructure will benefit children and young people by providing them with a more child-centric environment.

Article 12 - Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

Respected

During the development of the Bill, groups that represent the views of children and young people were consulted and their views have helped form the final provisions for the Bill. Additionally, the Sustrans led consultation event on the 18 June involved primary school aged pupils from “Bike It” schools. They were actively engaged in the event, interviewing attendees and presenting poetry they had written about their experiences of cycling. The guidance on the delivery of the Bill will include consultation with children and young people so that their views can be considered in the identification of suitable routes for active travel.

Article 13 - Children have the right to get and to share information as long as the information is not damaging to them or to others.

Article 17 - Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

Given greater effect

Currently there is limited information on suitable routes for active travel for children and young people. Some schools are proactive and provide information on access, but many do not. Many facilities that are valued by children and young people (play centres, parks, leisure centres, libraries and so on) do not publicise safe and appropriate routes for access, and there is very limited information about safe routes for visiting friends and family. Google maps offer both walking and cycling maps, but these are not always appropriate routes (as the disclaimers on the site make clear).

The provisions in the Bill will lead to better information provision for all, including children and young people. Maps are more accessible than written documents to many children, meaning that they can gain a better understanding of safe routes based on reliable information. It is also likely that commercial mapping organisations will use the maps to improve their data and provide better information on safe routes.

Article 23 - Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

Respected, potentially given greater effect

The guidance to deliver the Bill will include engagement with children and young people and engagement with those with disabilities. We recognise that children with visual impairments will not be able to use paper maps, the equalities impact assessment sets out the mitigating action we are taking to address this. Disabled

children will potentially benefit significantly from the provisions of the Bill, if it gives them better access to services and facilities. Again the equalities impact assessment sets this out in more detail.

Article 27 - Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

Respected

The improvements to the local environment and improved access to services will support a standard of living that will help meet children's physical and mental needs. The Bill will also help tackle poverty by promoting better access to employment, which is a significant factor in worklessness. Families where one or more parents work are significantly less likely to be in poverty than families where parents are workless. A reduced dependency on motorised transport (both private and public) will lead to financial benefits for families that are no longer required to spend as much on transport.

For older children and young people, a safer environment will active travel will help support them to travel independently, meaning they are less dependent on others to give them lifts or paying for public transport. This will give them better access to facilities and services, including education and leisure facilities, supporting a standard of living that meets their needs.

Article 30 - Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

Respected

Maps are non-linguistic, as are the majority of road signs for walking and cycling. The provision of information on safe routes, as well as the provision of safe routes, allows children and parents to make informed decisions about appropriate routes for active travel. The Bill does not require people to use active travel or penalise those who wish to make other travel choices due to cultural preferences. Please see the equalities impact assessment for more information.

Article 31 - All children have a right to relax and play, and to join in a wide range of activities.

Given greater effect

Safer and more appropriate routes for active travel will enable children and young people to access play and leisure facilities more easily. It could also make access to activities more affordable for low income families, if they are less dependent on motorised travel. If this Bill leads to a reduction in both traffic volume and traffic speed then children will benefit from a safer environment for outdoor play, even if they are not travelling actively.

Recommendations

- The delivery guidance should include engagement and consultation with children and young people.
- The Walking and Cycling Action plan should consider the potential benefits and impacts on children and young people, and seek to maximise the benefits of the Bill for this group.