



# Active Travel (Wales) Act 2013

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# Active Travel (Wales) Act 2013

An Act of the National Assembly for Wales to make provision for the mapping of active travel routes and related facilities and for and in connection with integrated network maps; for securing that there are new and improved active travel routes and related facilities; for requiring the Welsh Ministers and local authorities to take reasonable steps to enhance the provision made for, and to have regard to the needs of, walkers and cyclists; for requiring functions under the Act to be exercised so as to promote active travel journeys and secure new and improved active travel routes and related facilities; and for connected purposes. [4 November 2013]

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

## *Introduction*

### **1 Overview**

This Act makes provision—

- (a) for approved maps of existing active travel routes and related facilities in a local authority's area,
- (b) for approved integrated network maps of the new and improved active travel routes and related facilities needed to create integrated networks of active travel routes and related facilities in a local authority's area,
- (c) requiring local authorities to have regard to integrated network maps in preparing transport policies and to secure that there are new and improved active travel routes and related facilities,
- (d) requiring the Welsh Ministers to report on active travel in Wales,
- (e) requiring the Welsh Ministers and local authorities, in the performance of functions under the Highways Act 1980, to take reasonable steps to enhance the provision made for walkers and cyclists and to have regard to the needs of walkers and cyclists in the exercise of certain other functions, and

- (f) requiring the Welsh Ministers and local authorities to exercise their functions under the Act so as to promote active travel journeys and secure new and improved active travel routes and related facilities.

**2 Meaning of “active travel route” and “related facilities” etc.**

- (1) For the purposes of this Act a route in a local authority’s area is an active travel route if—
  - (a) the route is situated in a designated locality in the area, and
  - (b) the local authority considers that it is appropriate for it to be regarded as an active travel route.
- (2) In this section “route” means a highway, or any other route to which the public has access, (including a crossing of a highway or any such route) and which may lawfully be used by, or by any description of, walkers and cyclists.
- (3) In this Act “walkers and cyclists” means—
  - (a) people who walk,
  - (b) people who use pedal cycles, other than pedal cycles which are motor vehicles for the purposes of the Road Traffic Act 1988, and
  - (c) disabled people not within paragraph (a) or (b) who use motorised wheelchairs, mobility scooters or other aids to mobility.
- (4) In this Act “designated”, in relation to a locality, means specified, or of a description specified, in a direction given by the Welsh Ministers.
- (5) The Welsh Ministers may, in particular, specify a locality, or description of locality, by reference to—
  - (a) density of population,
  - (b) size,
  - (c) proximity to densely-populated localities above a particular size,
  - (d) position between such localities,
  - (e) proximity to community services and facilities, or
  - (f) potential for other reasons to be a locality, or description of locality, in which more travel is undertaken by walkers and cyclists by active travel journeys.
- (6) In considering whether it is appropriate for a route to be regarded as an active travel route, a local authority must take into account—
  - (a) whether the route facilitates the making by, or by any description of, walkers and cyclists of active travel journeys, and
  - (b) whether the location, nature and condition of the route make it suitable for safe use by, or by any description of, walkers and cyclists for the making of such journeys,

and must have regard to guidance given by the Welsh Ministers.

- (7) In this Act “active travel journey” means a journey made to or from a workplace or educational establishment or in order to access health, leisure or other services or facilities.
- (8) For the purposes of this Act “related facilities”, in relation to an active travel route, means –
- (a) facilities for shelter, resting or storage,
  - (b) toilets or washing facilities,
  - (c) signage, or
  - (d) other facilities,
- which are available for use by, or by any description of, walkers and cyclists using the active travel route.
- (9) In determining whether anything constitutes related facilities for the purposes of this Act a local authority must have regard to guidance given by the Welsh Ministers.

### *Maps*

## **3 Existing routes maps**

- (1) Each local authority must –
- (a) prepare an existing routes map, and
  - (b) submit it to the Welsh Ministers for approval.
- (2) For the purposes of this Act, “existing routes map”, in relation to a local authority, means a map showing the active travel routes and related facilities in the local authority’s area.
- (3) In preparing its existing routes map a local authority must consult –
- (a) all persons who have requested the local authority that they be consulted about its existing routes map, and
  - (b) any such other persons as it considers appropriate.
- (4) In preparing its existing routes map a local authority must have regard to guidance given by the Welsh Ministers as to –
- (a) the consultation and other steps to be taken in preparing it,
  - (b) the matters to be shown on it, and
  - (c) its form.
- (5) A local authority must submit its existing routes map to the Welsh Ministers for approval –
- (a) before the end of the period of 1 year beginning with the day on which this section comes into force, or
  - (b) if the Welsh Ministers by direction given to the local authority specify a date after the end of that period as the date by which it must be submitted to them, no later than that date.

- (6) When submitting an existing routes map to the Welsh Ministers under this section a local authority must also submit to them –
  - (a) a statement of the extent (if any) to which any of the active travel routes shown on it do not conform to standards specified in guidance given under section 2(6), and
  - (b) an explanation of why the local authority has nevertheless decided that it is appropriate for them to be regarded as active travel routes.
- (7) When submitting an existing routes map to the Welsh Ministers under this section on any occasion other than the first, a local authority must also submit to them a report specifying how the level of use of active travel routes and related facilities in the local authority's area has changed since the previous occasion on which an existing routes map was submitted to the Welsh Ministers under this section by the local authority.
- (8) If the Welsh Ministers decide not to approve an existing routes map submitted to them by a local authority under this section, they may by direction given to the local authority require the local authority –
  - (a) to revise (or further revise) it, and
  - (b) to submit it to them for approval no later than the date specified in the direction.
- (9) In determining whether to approve an existing routes map submitted to them by a local authority under this section the Welsh Ministers must –
  - (a) consider whether the local authority has complied with subsections (3) and (4) in preparing it, and
  - (b) consider the content of the statement and explanation submitted under subsection (6).
- (10) Once an existing routes map prepared by a local authority has been approved by the Welsh Ministers, the local authority –
  - (a) must keep it under review,
  - (b) may revise it, and
  - (c) must submit it to the Welsh Ministers for approval on each occasion on which the local authority's integrated network map is submitted for approval under section 4.
- (11) The Welsh Ministers may by direction given to a local authority specify an occasion different from that specified in subsection (10)(c) as the occasion on which the local authority must submit an existing routes map to the Welsh Ministers for approval.

#### **4 Integrated network maps**

- (1) Each local authority must –
  - (a) prepare an integrated network map, and
  - (b) submit it to the Welsh Ministers for approval.

- (2) For the purposes of this Act, “integrated network map”, in relation to a local authority, means a map showing—
  - (a) the new active travel routes and related facilities, and
  - (b) the improvements of existing active travel routes and related facilities,that the local authority considers are needed to develop or enhance an integrated network of active travel routes and related facilities in designated localities in its area.
- (3) In preparing its integrated network map a local authority must consult—
  - (a) all persons who have requested the local authority that they be consulted about its integrated network map, and
  - (b) any such other persons as it considers appropriate.
- (4) In preparing its integrated network map a local authority must have regard to the desirability of—
  - (a) promoting active travel journeys, and
  - (b) securing new active travel routes and related facilities and improvements in existing active travel routes and related facilities.
- (5) In preparing its integrated network map a local authority must have regard to guidance issued by the Welsh Ministers as to—
  - (a) the consultation and other steps to be taken in preparing it,
  - (b) the period to which it is to relate,
  - (c) the matters to be shown on it, and
  - (d) its form.
- (6) A local authority must submit its integrated network map to the Welsh Ministers for approval—
  - (a) before the end of the period of 3 years beginning with the day on which this section comes into force, or
  - (b) if the Welsh Ministers by direction given to the local authority specify a date after the end of that period as the date by which it must be submitted to them, no later than that date.
- (7) If the Welsh Ministers decide not to approve an integrated network map submitted to them by a local authority under this section, they may by direction given to the local authority require the local authority—
  - (a) to revise (or further revise) it, and
  - (b) to submit it to them for approval no later than the date specified in the direction.
- (8) In determining whether to approve an integrated network map submitted to them by a local authority under this section the Welsh Ministers must consider whether the local authority has complied with subsections (3) and (5) in preparing it.

- (9) Once an integrated network map prepared by a local authority has been approved by the Welsh Ministers, the local authority –
  - (a) must keep it under review,
  - (b) may revise it, and
  - (c) must submit it to the Welsh Ministers for approval before the end of each period of 3 years beginning with the day on which it was last approved by them.
- (10) The Welsh Ministers may by direction given to a local authority specify a period different from that in subsection (9)(c) as the period before the end of which the local authority must submit an integrated network map to the Welsh Ministers for approval.

## 5 **Publication etc. of maps**

- (1) As soon as reasonably practicable after an existing routes map or integrated network map prepared by a local authority has been approved by the Welsh Ministers, the local authority must –
  - (a) publish it in such manner as it considers appropriate,
  - (b) send a free copy to such persons as it considers appropriate,
  - (c) supply a copy of it, or a part of it, to any person on request either free of charge or at no more than the cost of providing the copy,
  - (d) cause a copy to be made available for inspection (at all reasonable hours) at such places as it considers appropriate, and
  - (e) give notice, in such manner as it considers appropriate, for bringing the attention of the public to the places at which a copy of it is available for inspection.
- (2) In determining what it considers appropriate for the purposes of subsection (1) a local authority must have regard to guidance given by the Welsh Ministers.
- (3) Where, in connection with an existing routes map which is approved by the Welsh Ministers, a local authority has submitted to them a statement and explanation under section 3(6) or a report under section 3(7), the local authority must –
  - (a) publish it in such manner as it considers appropriate,
  - (b) send a free copy to such persons as it considers appropriate,
  - (c) supply a copy of it, or of a part of it, to any person either free of charge or at no more than the cost of providing the copy,
  - (d) cause a copy to be made available for inspection (at all reasonable hours) at such places as it considers appropriate, and
  - (e) give notice, in such manner as it considers appropriate, for bringing the attention of the public to the places at which a copy of it is available for inspection.

**6 Developing transport policies with regard to integrated network map**

Each local authority must, in developing policies under section 108(1)(a) or (2A) of the Transport Act 2000 (policies forming basis of local transport plans), have regard to the integrated network map for its area.

*Other provisions***7 Securing continuous improvement in active travel routes**

- (1) Each local authority must in every year secure that there are –
  - (a) new active travel routes and related facilities, and
  - (b) improvements of existing active travel routes and related facilities,in its area.
- (2) A local authority must, in performing the duty imposed by subsection (1), have regard to guidance given by the Welsh Ministers.
- (3) Each local authority must make a report to the Welsh Ministers specifying the costs incurred by it in each financial year in performing the duty imposed by subsection (1).

**8 Reports by Welsh Ministers on active travel**

The Welsh Ministers must make and publish annual reports on the extent to which walkers and cyclists make active travel journeys in Wales.

**9 Provision for walkers and cyclists in exercise of certain functions**

- (1) The Welsh Ministers and each local authority must, in the exercise of their functions under Parts 3, 4, 5, 9 and 12 of the Highways Act 1980 (creation, maintenance and improvement of highways, interference with highways and acquisition etc. of land), in so far as it is practicable to do so, take reasonable steps to enhance the provision made for walkers and cyclists.
- (2) The Welsh Ministers and each local authority must have regard to the needs of walkers and cyclists in the exercise of their functions under –
  - (a) Parts 1, 2, 4 and 7 of the Road Traffic Regulation Act 1984 (general and special traffic regulation, parking places and obstructions),
  - (b) Part 3 of the New Roads and Street Works Act 1991 (street works), and
  - (c) Part 2 of the Traffic Management Act 2004 (network management by local traffic authorities).

**10 Duty to exercise functions to promote active travel**

- (1) The Welsh Ministers and local authorities must exercise their functions under this Act in a manner designed to –
  - (a) promote active travel journeys, and
  - (b) secure new active travel routes and related facilities and improvements in existing active travel routes and related facilities.

- (2) Each local authority must make a report to the Welsh Ministers specifying what it has done in each financial year in the performance of the duty imposed on it by subsection (1).

### *Supplementary*

## **11 Review of operation of Act**

The Welsh Ministers must, no later than the end of the period of 5 years beginning immediately after the end of the period mentioned in section 4(6)(a), carry out a review of the operation of this Act with a view in particular to assessing its success in securing new active travel routes and related facilities and improvements of existing active travel routes and related facilities.

## **12 Directions and guidance**

- (1) Any directions or guidance given under this Act by the Welsh Ministers may be varied or revoked by them.
- (2) In giving (or varying or revoking) directions or guidance under this Act the Welsh Ministers must have regard to the desirability of –
  - (a) promoting active travel journeys, and
  - (b) securing new active travel routes and related facilities and improvements in existing active travel routes and related facilities.

## **13 Interpretation**

In this Act –

“active travel journey” (*“taith teithio llesol”*) has the meaning given by section 2(7);

“active travel route” (*“llwybr teithio llesol”*) has the meaning given by section 2(1);

“designated” (*“dynodedig”*) has the meaning given by section 2(4);

“existing routes map” (*“map llwybrau presennol”*) has the meaning given by section 3(2);

“financial year” (*“blwyddyn ariannol”*) means the period of 12 months ending with 31st March;

“integrated network map” (*“map rhwydwaith integredig”*) has the meaning given by section 4(2);

“local authority” (*“awdurdod lleol”*) means a county council or county borough council in Wales;

“related facilities” (*“cyfleusterau cysylltiedig”*) is to be construed in accordance with section 2(8) and (9);

“walkers and cyclists” (*“cerddwyr a beicwyr”*) has the meaning given by section 2(3).

**14 Commencement**

- (1) Sections 3 to 11 come into force in accordance with provision made by the Welsh Ministers by order made by statutory instrument.
- (2) The other provisions of this Act come into force on the day after the day on which this Act receives Royal Assent.

**15 Short title**

The short title of this Act is the Active Travel (Wales) Act 2013.

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