

Active Travel (Wales) Bill: Summary of changes made at Stage 2

Introduction

This document sets out the main changes made to the **Active Travel (Wales) Bill** ('the Bill') during Stage 2 proceedings.

Background

The Bill was introduced on **18 February 2013** by Carl Sargeant AM, Minister for Local Government and Communities, and the Business Committee remitted the Bill to the **Enterprise and Business Committee** ('the Committee') for Stage 1 scrutiny. Following a change in ministerial portfolios in **March 2013**, John Griffiths AM, Minister for Culture and Sport, took over as the new Member in charge of the Bill from 18 March. The Committee published its Stage 1 report in **May 2013**. The Constitutional and Legislative Affairs Committee also published a **report** on the Bill's subordinate legislation provisions in the same month. The Bill was approved unanimously at Stage 1 by the Assembly following a debate on its general principles in Plenary on **4 June 2013**.

Stage 2 commenced on 5 June. A total of 57 amendments were tabled, 30 of which by the Welsh Government, and a further 7 of which were opposition amendments to Government amendments. The Committee met to consider and dispose of the amendments on **4 July 2013**.

Further information about the Bill (as introduced) is available in a **Bill summary** prepared by the Research Service.

Amendments agreed at Stage 2

All the Welsh Government's 30 amendments were agreed. Of the 27 non-Government amendments tabled, 4 were agreed, 17 were not agreed, 2 were withdrawn, and a further 4 fell.

The most significant changes made to the Bill are summarised below:

Continuous improvement (active travel routes)

- **Amendment 22** removed the reference to 'continuous improvement' in the Bill and substituted a revised definition. This was to make it clearer to those who would have to comply with the provision. It was tabled in response to recommendations 12 and 13 of the Committee's Stage 1 report.
- Opposition **amendments 22B and 22B** made very minor changes to the substituted definition that was inserted by amendment 22.

Provision for walkers and cyclists

- **Amendments 2 and 23** removed the wording requiring local authorities to 'have regard to the desirability of enhancing' the provision made for walkers and cyclists, and replaced it with a requirement for them to 'take reasonable steps to enhance' such provision. This was in response to the Committee's recommendation 14 in its Stage 1 report.

'Active travel route' and 'related facilities'

- **Amendments 3 and 12** provided that crossings should be considered an intrinsic part of an active travel route rather than as facilities related to one.
- **Amendment 11** provided a definition of 'active travel journey' as a journey made to or from a workplace or educational establishment, or one made to access health, leisure or other services or facilities.

- **Amendment 14** gave the Welsh Ministers the power to issue guidance to help local authorities to determine what constitutes 'related facilities'.

'Walkers and cyclists'

- **Amendment 5** provided a definition of 'walkers and cyclists' that included disabled people who use mobility aids, in accordance with recommendation 15 of the Committee's Stage 1 report.

Designating localities

- **Amendments 6 and 7** amended section 2(3) of the Bill by adding 'the potential for other reasons' as a factor to be considered by the Welsh Ministers in designating a locality for the purposes of the Bill.
- **Amendment 7A**, tabled by Eluned Parrott AM, amended amendment 7 so as to add 'proximity to community services and facilities' as another factor to be considered by the Welsh Ministers in designating a locality for the purposes of the Bill.

Existing routes maps

- Section 3 of the Bill was amended, in response to the Committee's recommendations at Stage 1, to require local authorities to consult on their existing routes maps (**amendment 15**), to prepare existing routes maps within a year, rather than within three years (**amendment 16**), and to submit documents together with the maps showing how the authorities have applied guidance on standards (**amendment 17**).
- **Amendment 37**, tabled by Eluned Parrott AM, made the timescales for preparing existing routes maps and for their submission coterminous. This had the aim of minimising the time and cost implications for local authorities and of ensuring consistency with the changes made to the Bill by the Government.

- **Amendment 21** extended the requirement for local authorities to publish maps to include a requirement to publish the statement and explanation submitted with existing routes maps.

Integrated network maps

- **Amendment 19** required local authorities to consult certain persons when preparing their integrated network maps, as recommended by the committee in its Stage 1 report.

Review of the operation of the Act

- **Amendment 24** provided for the Welsh Ministers to review the operation of the entire Act within five years of its operation, building on a recommendation by both Committees that there should be provision for measuring and monitoring the duties for improving the network.

Commitments made by the Minister

During Stage 2 proceedings, the Minister for Culture and Sport, John Griffiths AM, made various commitments to consider and discuss issues raised by the following amendments ahead of the Stage 3 debate. The details are as follows:

The promotion of active travel

- The effect of **amendments 33, 38 and 39**, tabled by Eluned Parrott AM, would have been to require local authorities to promote active travel and their safe use to the public. The Minister said that although such a requirement might be appropriate, he had certain concerns about the impacts and wording of some of the amendments. However, he said that he believed that the principle was sound, and that he would 'look very carefully' at these matters at Stage 3.

Providing for walkers and cyclists in highway construction and improvement works

- Eluned Parrott AM tabled **amendment 44**, requiring authorities to consider the provision for walkers and cyclists in highway construction and improvement works. The Minister did not feel able to support it, as he felt that it could cause significant cost or delay with roadworks, but he gave a commitment to consider how best to reflect the principle at Stage 3.
- Eluned Parrott AM also tabled **amendment 45**, which sought to place a duty on the Welsh Ministers to consider the desirability of promoting active travel, and to encourage cross-portfolio working between the health, environment and transport portfolios in promoting active travel. However, the Minister did not support the amendment, stating that the drafting was not appropriate. He stated that the desirability of promoting active travel was a good policy, and that he would give further thought to the matter at Stage 3.

Review of the operation of the Act

- Alun Ffred Jones AM sought to amend the Government's amendment 24 with his **amendment 31**, changing the requirement to review the Act from every five years to each financial year, as it did not fully address the Committees' recommendations. Although the Minister indicated that he was willing to support amendment 31, it had already been withdrawn in advance of the meeting, and so the Minister agreed to reflect on the matter again at Stage 3.

Next steps

An **amended version of the Bill** has been prepared by the Legislation Office.

Stage 3 began on 5 July 2013 (the day after Stage 2 proceedings were completed). Members have until 6pm on Tuesday, 24 September 2013 to table further amendments to the Bill through the Legislation Office (legislationoffice@wales.gov.uk). Stage 3 proceedings will take place in Plenary on 1 October 2013.

Further information

For further information on the Bill, please contact the Legislation Clerk, Liz Wilkinson (elizabeth.wilkinson@wales.gov.uk).