



Enterprise and Learning Committee

EL(3) 29-08 (p2) : 26 November 2008

The National Assembly for Wales Proposed Draft (Legislative Competence) (Traffic Free Routes) Order 2009

Play Wales' evidence on Proposed Legislative Competence Order

1.1. Play Wales welcomes the opportunity to provide evidence in support of the above Order. As requested our evidence is focused on the consultation questions in Annex 2. 'Traffic Free Routes LCO - Consultation letter questions'

1.2. Play Wales is the national organisation for children's play. We are the charity that provides advice, support and guidance for all those in Wales who have a concern or responsibility for any environment where children and young people might play. We uphold children's right to play. Freely chosen play is critically important in the healthy development of all children and young people. All children are entitled to quality play provision within their communities and we work strategically to achieve this goal on their behalf. We have been closely involved in drafting the national Play Policy (2002) and in providing recommendations for Play in Wales (2006) the Welsh Assembly Play Policy Implementation Plan. Play Wales membership is drawn from a wide constituency including local and regional voluntary organisations, local authorities and individuals, employers and playworkers.

2.1. Question: What are your views on the general principle that legislative competence in the area identified in Matter 10.xx be conferred on the Assembly?

2.2. Play Wales supports the proposal to confer legislative competence on the Assembly in this regard.

2.3. Children are often the hidden members of our society when it comes to considering general policy matters and it is often the case that their needs are considered last when thought is being given to matters such as planning and traffic management. In fact it is clear that policy and strategy related to transport is currently determined by technical experts who, whilst no doubt 'good at their jobs', are in a mind set that simply does not accommodate the needs of children as pedestrian and cycling users of public space.

2.4. The Assembly Government has adopted the UN Convention on the Rights of the Child as the basis of all its work for children and young people. This is expressed in 7 Core Aims that all children and young people.

2.5. Of particular pertinence in this instance is the fourth Core Aim which makes a commitment to ensure children and young people 'have access to play, leisure, sporting and cultural activities'; the third Core Aim 'enjoy the best possible health and are free from abuse, victimisation and exploitation'; and the sixth Core Aim 'have a safe home and a community which supports physical and emotional wellbeing'.

2.6. The facility that it is proposed be conferred by this LCO has the potential to enable the Assembly Government to further contribute to the commitments made under these 3 Core Aims.

2.7. Whilst the Assembly Government has gone a long way to ensuring that there is a vehicle for the voice of children to influence policy and strategy, through its support for Funky Dragon, the Children's Commissioner and participatory initiatives, the recent concluding observations of the United Nations Convention on the Rights of the Child (UNCRC) Committee considering the third and fourth periodic reports of the UK and Northern Ireland, made it clear there is a long way to go in 'guaranteeing the right of the child to rest and leisure, to engage in play and recreational activities.'

2.8. In successive consultations undertaken by the Children's Commissioner and others, children have identified the lack of opportunities to play out as one of their top 3 issues. This encompasses both the issue of travel to areas where they might play, for example parks, and also the opportunity for them to play on highways and pavements in much the same way that many of us did as children in the past.

2.9. In fact one may be mistaken for thinking that in some communities children's presence outside is not regarded any longer as a legitimate activity. That is to say, if they are neither accompanied by a responsible adult and engaged in some meaningful and 'safe' activity, that they are either at risk or present an unnecessary risk for road users, that is to say drivers.

2.10. It is for the Assembly Government to address this perception and provide a strategic lead in providing an environment where the

presence of our children outside, playing in their communities is celebrated rather than criticised.

2.11. Whilst efforts are being made across Wales to provide outdoor settings where children might play, we are at risk of creating small isolated areas, play ghettos, where children can play, but are unable to get to them without being driven by their parents.

2.12. Whilst the broadening of the Assembly Government's 'Safe Routes to Schools' initiative to 'Safe Routes in Communities' is a welcome development that might be strengthened as a result of the proposed LCO.

2.13. In 2002 the Welsh Assembly Government adopted its Play Policy in which it stated that 'play is so critically important to all children in the development of their physical, social, mental, emotional and creative skills that society should seek every opportunity to support it and create an environment that fosters it. Decision making at all levels of government should include a consideration of the impact of those decisions, on children's opportunities to play.'

2.14. In 2006 in its Play Policy Implementation Plan the Assembly Government set itself an Action to 'encourage those involved locally with transport and play to co-operate in taking forward the Home Zone policies of the Road Safety Strategy for Wales.'

2.15. The proposed LCO has the potential to enable subsequent legislation that could significantly contribute to the realisation of both the policy aim and the strategic action and thus create an environment that will better ensure the actualisation of children's right to play as conferred by Article 31 of the UNCRC.

3.1. Question: What are your views on the terms of the proposed Order? For example, are they too narrowly or too broadly drawn? If necessary how should the proposed Order be re-drafted and why?

3.2. It is important to allow flexibility at the Assembly Measure stage. It is vital that any Measure which flows from the LCO is also applicable to on-road provision. In some urban areas it may be difficult to create new infrastructure and it is important therefore that measures are developed to utilise existing highway space for walking and cycling.

4.1. Question: Would the terms of the proposed Order allow for the development of traffic free routes in Wales by means of Measures?

4.2. We note that the draft LCO refers to the development and maintenance of networks of highways. Play Wales supported the petition sponsored by Sustrans calling for a network of 'traffic free paths'. We believe it is critical that the LCO allows for the development of disused railways and other green corridors into paths for walkers and cyclists, and would like to be reassured that the use of the term 'highways' does not restrict this in any way.

5.1. Question: The proposal is "Provision imposing duties on highway authorities in Wales in relation to the development and maintenance of networks of highways for the use of users other than motor vehicles." What are your views on this?

5.2. Aside for our concerns about the way the term 'highways' could be defined, we welcome the provisions to allow the development and maintenance of a network. We believe these three elements are critical to encouraging people to travel more actively. To encourage people to replace car journeys, the alternative must be perceived to be more convenient. Paths need to provide an attractive alternative to the car, for short journeys in particular. They need to be well maintained, signposted and direct. They should form a network, rather than the current practice in many instances where short pieces of coloured tarmac next to a busy road suddenly stop. The imposition of a duty is particularly important in order to encourage highway authorities to consider provision for pedestrians and cyclists are a key part of their role.

6.1. Question: Should the terms 'development' and 'maintenance' be defined?

6.2. These should be defined at the Measure stage.