

Enterprise and Business Committee  
Active Travel (Wales) Bill  
AT 8 - Guide Dogs Cymru

**National Assembly for Wales – Business and Enterprise  
Scrutiny Committee**

**Written Submission on Active Travel (Wales) Bill**

**Response from Guide Dogs Cymru supported by The Royal National Institute of Blind People, Wales (RNIB Cymru), Sense Cymru, Sight Cymru, Vision in Wales and Cardiff Vales and Valleys. References in this paper to blind and partially sighted people include people who are deafblind and have dual sensory loss.**

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## Consultation Questions

1. Is there a need for a Bill aimed at enabling more people to walk and cycle and generally travel by non-motorised transport?  
Please explain your answer.

### Response

Guide Dogs Cymru agrees that there is a need for better routes and facilities for pedestrians and cyclists: In our response we will explain how important it is for the pedestrian environment to support blind and partially sighted people, and how this Bill could therefore contribute to their safe independent mobility.

We see this as an essential consideration as one unintended consequence could be to make that harder, and we do not believe that this is the intention of the Welsh Government. We suggest that there is much in the Bill to support cycling and to make life easier for cyclists, but we would ask the Committee to bear in mind the challenges faced by many vulnerable pedestrians, not just those with sight loss, who cannot cycle, and will never have that choice

In Wales there are over 116,000 people with significant sight loss, of whom 20,000 are registered, (which means that they are known to Social Services and have received a needs assessment). A major element of their rehabilitation when sight loss is diagnosed will be on learning to deal with the external environment, cope with traffic, cyclists, public transport and getting around their community without sighted assistance. It is significant, therefore, that when we asked our survey group in Wales to identify the single issue which would bring about meaningful improvement in their lives they said greater public awareness and understanding. (ref. *Functionality and the Needs of Blind and Partially-Sighted Adults in the UK 2006*)<sup>i</sup>

The key to successful independent mobility for blind and partially sighted people is confidence: Going out alone with a guide dog or a long cane demands a level of experience and resourcefulness which has to be developed, learned and practiced. Accidents, trips and falls, as well as the fear of being knocked over or hit by a cyclist erodes self-belief and resilience. The less predictable the

environment, the more likely it is that blind and partially sighted people will avoid it, forcing them to find help they didn't previously need or to abandon the route completely.

This will also be the case for the many people with significant sight loss related to age who may not be registered and will therefore have received no mobility training. The number of people in this category is not known as for many older people sight loss is regarded as an unavoidable consequence of growing older, so they see no need to contact Social Services and get by in the best way they can. Many in this group will stop driving and use public transport for all but the shortest journeys. In support of this consideration, we cite the success of free bus travel for older people in Wales, and suggest that more of them would opt to use the bus rather than cycle, often because age related health conditions make walking and bus travel the only option.

For blind, deafblind and partially sighted people, the walking environment is fundamental to independent mobility, both for complete local journeys and for accessing and interchange with public transport services.

We would refer the Committee to the Welsh Government's Framework for Independent Living, which identifies public transport and the built environment as key areas for action.

To return to the specifics of how the Bill could support blind and partially sighted people, one illustrative example is the use of tactile warning surfaces to tell blind and partially sighted pedestrians that they are entering a shared walking and cycling route. We would therefore wish to see a mandatory requirement for tactile warning of this nature possibly enshrined in the guidance mentioned in point 9 of the Bill. We already have examples of where these are used successfully and in conjunction with signage for cyclists, tabled crossings and the conventional blister warning on the dropped kerb.

We are well known for our concerns about shared walking and cycling routes and so, in our response to the Committee, we have adopted a pragmatic approach. However, this does not take away from the danger and intimidation to blind and partially sighted people of sharing any route, but particularly those within a busy urban setting.

Even assuming the presence of tactile and colour contrasted warning and consistent blister paving on crossing points, a busy urban route where space is shared between pedestrians and cyclists is difficult for everyone: To quote from the Explanatory Memorandum:

“Research indicates that for many 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.”

As we have said, certain design and engineering measures can mitigate against collisions and near misses between pedestrians and cyclists. However, we know that most accidents, and certainly most near misses, are likely to be unreported. People prefer to go home when they have had a shock. If this affects their confidence they are unlikely to use the path again. Even the fear of being hit can result in avoiding these routes. In this way the most vulnerable pedestrians simply disappear from any auditing exercises.

In order to redress this gap in evidence Guide Dogs commissioned a report by the social research company TNS-Social (now TNS-BMRB), examining the impact of shared use pedestrian/cycle paths on the safety, mobility and independence of blind and partially sighted people in the UK. Telephone interviews took place between 21 July and 1 November 2009. In total 500 interviews were achieved with blind and partially sighted respondents from around the UK and on average the telephone interviews lasted around 15 minutes.(ii)

The majority of respondents (86 percent) had concerns about using shared use pedestrian/cycle paths. Most respondents were able to provide specific explanations as to how their experiences of, or their feelings towards, shared use pedestrian/cycle paths have affected their independence and mobility. One of the factors mentioned is that they felt less confident and less safe, in regards to shared use pedestrian/cycle paths and that they caused wariness, anxiety or stress. 28 percent of respondents said they would go out of their way to avoid using shared use pedestrian/cycle paths.

65 percent of all respondents had had a collision or a near miss with a cyclist at some point. 88 percent of these accidents and near misses had not been reported: nearly 9 out of 10.

The vast majority of respondents in Wales (83 percent) had had an accident or a near miss involving a cyclist on a pavement or path, compared to 67 percent in England, 47 percent of respondents in Northern Ireland and 43 percent of respondents in Scotland.

*“It makes you feel very uncertain about walking and don't feel safe all the time because I'm worried bikes will ride into me.”*

*Blind respondent, England, with experience of shared use paths.*

*“I feel less confident at times and also it affects your confidence when a cycle whizzes past and you feel the speed of the bicycle quite near you sometimes.”*

*Blind guide dog owner, Wales, with experience of shared use paths.*

*“I think it dents your confidence. It makes for a most unpleasant experience. They are very, very frustrating and it is exhausting work.”*

*Blind long cane user, Wales, with experience of shared use paths.*

Annex 1 to this paper contains generalised feedback and verbatim comments from blind and partially sighted people, called together to discuss the implications of the Active Travel Bill on their freedom and safety.

In conclusion, we wish to make it clear that we support the intention of the Bill, as long as the detail and guidance for local authorities includes safeguards for vulnerable pedestrians and a recognition that careful consideration needs to be given to the environment where shared routes are proposed. We hope that it goes without saying that engagement with blind and partially sighted people is essential and a requirement within the Equality Duties in Wales.

2. What are your views on the key provisions in the Bill?  
Namely:

- The requirement on local authorities to prepare and publish maps identifying current and potential future

routes for the use of pedestrians and cyclists (known as “existing routes maps” and “integrated network maps”) (sections 3 to 5);

- The requirement on local authorities to have regard to integrated network maps in the local transport planning process (section 6);
- The requirement on local authorities to continuously improve routes and facilities for pedestrians and cyclists (section 7);
- The requirement on highway authorities to consider the needs of pedestrians and cyclists when creating and improving new roads (section 8)

Response to points 2.1 and 2.2.

We understand that mapping routes can encourage walking and cycling, and we agree that there is a need for more easily available reliable information. We would however point out that blind and partially sighted people walk to their destinations because they have no other choice. They do this without maps and often without any assistance, except the use of a long cane or a guide dog, using routes they have been taught by friends and family or by Social Services Rehabilitation Officers.

This reliance on “mind maps” is augmented by landmarks, which can be as obvious as junctions or as subtle as changes in the surface under foot. For a map to be of any value, therefore, it would have to indicate this kind of detail making it completely different from a conventional print map.

We are not clear how a local authority would, therefore, map routes which are “safe and appropriate” for blind and partially sighted pedestrians who would also want to know about obstacles on the route which are a significant risk to their safety.

These might include seats, signs, and trees, as well as the potential for junctions or intersecting paths, which can lead them in different directions. Currently, there is no system for mapping routes in a way, which is accessible to blind and partially sighted people, (except for one off tactile plans which are bespoke and

expensive). It would therefore seem that either local authorities would have to disregard them and their access requirements in designing the maps, or develop some other measure to ensure that their needs are taken into account.

We note from the Explanatory Memorandum that all these costs fall to the local authorities, and we are concerned that the need to take a different approach to mapping routes to ensure that blind and partially sighted people understand and are involved in what is happening in their communities will lead to their specific needs being overlooked. We recommend that the “Guidance” which will be “provided by the Welsh Government to facilitate the mapping exercises” will stipulate the requirement for engagement with blind and partially sighted people and that the costs of that process be regarded of equal importance to the publication of print maps.

Response to points 2.3 and 2.4

- The requirement on local authorities to continuously improve routes and facilities for pedestrians and cyclists (section 7)
- The requirement on highway authorities to consider the needs of pedestrians and cyclists when creating and improving new roads (section 8)

Response

To answer the questions on the requirement to continuously improve routes and considering the needs of pedestrians and cyclists when creating new roads, we wish to draw attention to the specific duties around engagement and Equality Impact Assessment (EIA) in Wales. The Equality and Human Rights Commission (EHRC) guidance for public authorities on EIA states that:

The requirement to assess impact means that listed bodies must consider relevant evidence in order to understand the likely or actual effect of policies and practices on protected groups.

This includes:

- Ensuring the policy or practice does not unlawfully discriminate
- Identifying any adverse impacts on protected groups
- Considering how the policy or practice could better advance equality of opportunity
- Considering whether the policy will affect relations between different groups.

Having considered this, listed bodies must have ‘due regard’ (i.e. give appropriate weight) to the results of such assessments. This requires listed bodies to consider taking action to address any issues identified, such as addressing negative impacts, where possible.

With regard to ensuring that the policy or practice “does not discriminate”, we refer first to our concerns regarding access to the proposed maps. It would be extremely challenging for an authority to produce an accessible map (in a range of formats including tactile and large print), which would be of any practical use to blind and partially sighted people. The authority would therefore have to find an alternative method, which, we suggest, would have to take the form of rigorous engagement.

The EHRC guidance in this respect is clear:

#### Engagement when assessing impact

The specific duties require listed bodies to meet the engagement provisions as part of assessing the impact on protected groups. This will help listed bodies to understand better the impact of their proposals on different groups.

Engaging with blind and partially sighted people typically takes the form of face-to-face meetings, assuming, that is, the existence of a representative local group with whom the relevant local authority offices could meet. We have extensive experience of where engagement fails because there is no such group, or, much like Access Groups, there is no support from the local authority for meeting venues or transport.



Cardiff Council Access Focus Group is an excellent model of good practice where the authority funds an Access Officer and covers the cost of meetings and transport. The group (which represents people with a range of impairments and life situations) facilitates engagement on various Council proposals including the city's cycling strategy. Maps are not appropriate, as the blind and partially sighted members, and some of those with learning difficulties, or those who are dyslexic, could not read them. Instead site visits are arranged where new developments affect the public realm. Sadly, this example is not replicated across Wales, and is certainly not seen within the Transport Consortia.

It is therefore not clear to us as to how, in line with the engagement duties, local authorities will go about identifying "adverse impact", in creating new or improving existing walking and cycling routes. Our strong recommendation would be that further thought needs to be given to how local authorities will meet the engagement duties when the mechanisms for engaging are so poor regarding disabled people and those who are blind and partially sighted.

We do not feel that the Explanatory Memorandum helps in this regard:

#### Section 9. Guidance about Disabled Walkers and Cyclists.

Section 9 allows the Welsh Ministers to issue guidance to authorities on how the provisions of the Bill should apply to disabled active travellers. This is to ensure that the specific needs of walkers and cyclists who use mobility aids and / or adapted bicycles are properly considered and accommodated in the delivery of these schemes.

We are bound to point out that a guide dog and a long cane are mobility aids, so will the Welsh Ministers be issuing guidance to ensure that the specific needs of those who use them are "properly considered and accommodated"?

Linked to this point, we come secondly to the impact on infrastructure where new routes are being created or improved. It is hard to see how these could fail to impact negatively on the safe independent mobility of blind and partially sighted people if they are not appropriately segregated and delineated.

Safe and convenient routes should be provided for cyclists on the carriageway. Where this is not possible off-carriageway routes for cyclists should be separate, or clearly segregated from, pedestrian routes.

We recognise that most cyclists will be considerate of pedestrians. However even a considerate cyclist may find it difficult to avoid a blind or partially sighted pedestrian who steps in front of them because they did not see or hear their approach, or were disorientated by their approach and moved the wrong way. Just one near miss can affect the confidence of a blind or partially sighted person. Where pedestrians and cyclists share a route there should be a central delineator (a raised (with sloped sides) white line) and corduroy paving to denote each side, laid in a ladder-like pattern for the pedestrian and tram-like for the cyclists. See Department for Transport 'Guidance on the use of tactile paving surfaces' this can be downloaded at :  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/3622/tactile-pavement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/3622/tactile-pavement.pdf)

Segregated routes were designed to enable blind and partially sighted pedestrians to use shared routes safely and independently. Using just a painted white line as a delineator is not effective for partially sighted pedestrians as it is not textured enough to feel underfoot or with a cane and for blind pedestrians it does not exist.

The introduction of new cycling routes on footways and pavements could mean that no safe walking route remains, and that even on pavements that were previously safe from traffic the risk of being hit by a cyclist becomes yet another factor to take into account.

- 3 Have the provisions of the Bill taken account of any response you made to the Welsh Government's consultation on its White Paper? Please explain your answer.

## Response

We are disappointed at how little account has been taken of our response to the consultation. We have referred in our answer to question one to the potential to enhance the environment for all

vulnerable pedestrians. There does however seem to be very little in the Bill to suggest that this will be the case. Regarding the maps, we are slightly encouraged to read the following in the Explanatory Memorandum:

“Each local authority will be required to make the map publically available and to promote the map ‘as appropriate’. There is some flexibility in how local authorities choose to publicise their map, however, it is assumed that a web version and a number of hard copies will be made available. The maps will also need to be produced in accessible formats. It is assumed that each local authority will print 1 map for every 10 members of the population of the relevant towns for distribution through schools, leisure centres, libraries and council offices etc.”

There is however no recognition here of the costs of meeting with blind and partially sighted people to facilitate engagement, and so it is likely that all available funding will be put into creating and distributing print maps.

We are also disappointed that there is no evidence that the feedback from the focus groups of blind and partially sighted people (attached here as annex 1), has been taken into account.

4 To what extent are the key provisions the most appropriate way of delivering the aim of the Bill?

Response

We have already made it clear that we believe this Bill to be biased towards cyclists rather than pedestrians. This is interesting as it would seem to contradict the Welsh Government’s commitment to caring for the more vulnerable members of society. As the population ages, and people live longer, we are more likely to need good quality walking routes. Generally, people are more mobile for longer on foot than on a bicycle, cycling can be prohibited by the natural consequences of age, such as diminishing sight and arthritis.

- 5 What are the potential barriers to the implementation of the key provisions and does the Bill take account of them?

#### Response

We have mentioned what we believe to be the major barrier in our answer to question 4.

- 6 What are your views on the financial implications of the Bill (this could be for your organisation, or more generally)? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

#### Response

Guide dogs are trained to stop at kerbs or at the tactile blister surface commonly found on dropped kerbs. These are strong navigational aids to the dog and the blind or partially sighted person and form the basis of how we maintain orientation and safety. On a pavement, a dog will take a central position, as this is the most likely clear route. It will avoid lighting columns and other solid obstructions allowing clearance for its owner by estimating how much space it needs to pass by safely. A dog cannot analyse the danger of a moving object or person in the same way: Cyclists are therefore a very real danger as a guide dog cannot judge what path they will take.

For a long cane user, the mobility technique involves sweeping the space ahead keeping the tip of the cane on or very close to the ground. In contrast to a guide dog owner, a cane user will often seek the building line for orientation. The cane will always be well out in front describing an arc more than shoulder wide to protect its user from brushes with obstacles with each side to side motion. Cane users detect tactile surfaces only when they are prominent and consistent and if they were not installed on a shared route both cane users and guide dog owners would have no warning of the presence of cyclists.

We acknowledge that the development of more traffic free routes is essential to encourage more walking and cycling, but those routes need to be as safe as possible. Pavements are often the only refuge for blind and partially sighted people in busy urban environments, and if cycling on them becomes the norm there will be major implications

for how we train guide dogs and the mobility training we offer to blind and partially sighted people. These might include new techniques, new technology, where and if it can help, and high visibility clothing, and we do not know if it is possible to train a guide dog that pavements are not necessarily safe and that cyclists are as likely to collide with them and their owner as a vehicle on the road.

7. To what extent has the correct balance been achieved between the level of detail provided on the face of the Bill and that, which will be contained in guidance given by the Welsh Ministers?

In its present form, we would say that there is not enough detail on the face of the bill to protect vulnerable pedestrians. We note that Welsh Ministers can give guidance to local authorities, but this is ambiguous and falls a long way short of a demonstrable commitment to the Social Model of Disability or even a commitment to ensure that the interests and concerns of people with protected characteristics are taken into account.

8. Are there any other comments you wish to make on the Bill that have not been covered in your response?

Response

We have no further comments to make.

Annex 1

On 25 July 2012, Guide Dogs Cymru joined with RNIB Cymru, Cardiff Vales and Valleys, (CVV), formerly Cardiff Institute for the Blind, and Sense Cymru to discuss the Active Travel Bill. Blind and partially sighted representatives from CVV's local groups around Cardiff, Rhondda Cynon Taff, The Vale of Glamorgan, Neath, Port Talbot and Swansea came together to discuss the implications of the Bill and to share their experiences of negotiating space with cyclists. These individuals represent over 3000 other blind and partially sighted people who use long canes or guide dogs to get out and about, and they are elected by their groups to convey their views. The groups are made up of people from a wide age range, and include people with dual sensory loss, those who have children, and those who live alone.

Guide Dogs Cymru has collated the following comments as evidence of the strength of feeling and real experience demonstrated within the group, and given by the participants as a true record of the concerns of the groups they represent. Where general discussion prevented direct quotations being noted, a summary of the key points is given.

“What is the point of having a map of walking cycling routes when it is inaccessible to us? All a map would do in that case is tell us where we cannot go, as we would avoid shared routes!”

“My daughter was knocked over by a cyclist in Queens Street, Cardiff. She was taken to hospital with broken bones and she can see, what hope is there for me?”

There was no support for any kind of shared route. Nobody could suggest any ways of developing shared routes that are safe as everyone without exception feels intimidated by cyclists.

“When you walk you want to enjoy your surroundings not be constantly on edge in case a cyclist is coming, you can't hear them, they frighten me.”

It was generally felt that a lot is being done to make the roads safer for cyclists but not for pedestrians. Everyone was worried about any move to open up existing footpaths to cyclists.

“In Queens Street, Cardiff, yesterday I was walking with my cousin and my cane suddenly got snatched out of my hand, I didn't know what was happening, my cousin told me the ball tip on my cane got caught in a cyclists wheels, he didn't even stop to ask if I was ok, I was very shaken”.

Everyone agreed that cycling is a life style choice where having sight loss isn't, and although they understood the need to get more people walking and cycling, they do not agree that developing more shared routes is the answer. The group wanted cyclists on the road, or on separate paths to pedestrians.

Nobody would feel able to pursue a cyclist who was going too fast or was rude or behaving dangerously. So the group wondered how they would ever be able to challenge inappropriate behaviour.

“I don’t walk alone on paths where there are cyclists like the Taff Trail any more. It’s just too frightening”.

The group discussed changes to infrastructure, and there was general debate about the dangers of allowing cycling on footways and pavements. Participants felt strongly that cyclists should use the road wherever possible, and that where this was too dangerous, separate paths alongside the road should be developed so that cyclists and pedestrians could travel safely.

“The truth is that we are powerless. There are so many obstacles we have to deal with when we are out, it takes such a big effort sometimes just to go shopping on your own, and cyclists are just one more problem. We don’t want to stop them, they’ve got a right to cycle like we’ve got a right to be out, but why doesn’t anyone understand that we need to feel safe!”

References:

- i. <sup>1</sup> Functionality and the Needs of Blind and Partially-Sighted Adults in the UK, Guide Dogs, 2006
- ii TNS-BMRB report JN:197367 March 201

The impact of shared surface streets and shared use pedestrian/cycle paths on the mobility and independence of blind and partially sighted people

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