

RBWM Local Access Forum

Accessibility of Public Rights of Way for People with Disabilities

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Sept 2017 **with 2018 updates**

RBWM LAF PRow Accessibility

- ▶ Equality Act 2010 and its application to Public Rights of Way
- ▶ Disabilities and Impairments
- ▶ Barriers to greenspaces for people with disabilities
- ▶ Elements of PRow that can impact accessibility
- ▶ “Standards” for PRow accessibility
- ▶ What Next ?

Equality Act 2010

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Equality Act 2010

- ▶ Replaced the Disability Discrimination Act 1995 (DDA)
- ▶ As well as... Equal Pay Act 1970, Sex Discrimination Act 1975, Race Relations Act 1976, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Age) Regulations 2006.
- ▶ Key areas relating to disability that have changed in the Equality Act
 - ▶ Definition of disability
 - ▶ Associative discrimination
 - ▶ Discrimination arising from disability
 - ▶ Indirect discrimination
 - ▶ Reasonable adjustments
 - ▶ Public bodies have more duties

Equality Act 2010 continued

- ▶ Public authorities must make reasonable adjustments to ensure that a disabled person is not put at a substantial disadvantage in comparison with persons who are not disabled.
- ▶ Section 149 imposes a duty, known as the “public sector equality duty”, on public bodies to have due regard to three specified matters when exercising their functions :
 - ▶ eliminating conduct that is prohibited by the Act;
 - ▶ advancing equality of opportunity between people who have a disability and people who do not; and
 - ▶ fostering good relations between people who have a disability and people who do not.
- ▶ As well as the public bodies listed in Schedule 19, the section also imposes the public sector equality duty on others that exercise public functions, but only in respect of their public functions.

Equality Act 2010 continued

- ▶ Subsection (6) makes clear that complying with the duty might mean treating some people more favourably than others, where doing so is allowed by the Act.
 - ▶ This includes treating people who have a disability more favourably than people who do not.
- ▶ The discrimination provisions are subject to certain exceptions, which contain an element of reasonableness.
- ▶ All of this applies only to functions within the authority's powers and will not apply where a public authority is exercising a statutory power and has no discretion as to whether or how to exercise that power, or no discretion as to how to perform its duties,
 - ▶ for example: adding an existing right of way with its existing limitations to the definitive map and statement

Equality Act 2010 : Defra Guidance to Local Authorities (Excerpts)

B.1 The DDA ... has now been repealed and its provisions broadly replicated in the Equality Act 2010.

- ▶ There are numerous references to “the public” or “persons” in rights of way legislation; these terms will encompass those members of the public with a disability and the Equality Act therefore applies to all public rights of way.
- ▶ Section 146(1) of the Highways Act 1980 for instance requires a landowner to maintain a gate or stile to a standard that prevents unreasonable interference with the rights of the persons using the way.

B.2 The Equality Act applies to those who are “service-providers”, to those who “exercise public functions” and to every “public authority”.

- ▶ All functions of rights of way departments must therefore consider that the provisions of the Act apply to their service.

Equality Act 2010 : Defra Guidance to Local Authorities (Excerpts)

B.3 It is important to understand the full scope of the term “disability” in relation to the legislation.

- ▶ For the purposes of the Equality Act the definition provided is that a person has a disability if he or she has a physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities.

B.11 The Equality Act applies to a highway authority’s provision of public rights of way services.

Equality Impact Assessments

- ▶ An Equality Impact Assessment (EIA) is an analysis of a proposed organisational policy, or a change to an existing one, which assesses whether the policy has a disparate impact on persons with protected characteristics.
- ▶ They are carried out primarily by public authorities to assist compliance with equality duties.
- ▶ The practice of carrying out EIAs is widespread.
 - ▶ They have been described as “a valuable tool to encourage service managers to consider the equality issues within their service and to act upon the findings of the assessments”
- ▶ An example of a relevant EIA produced by West Berkshire Council is included in the Appendices

Equality Impact Assessments

Guidance from the Equalities and Human Rights Commission :

- ▶ Assessing the impact on equality of proposed changes to policies, procedures and practices is ... a positive opportunity for public authorities to ensure they make better decisions based on robust evidence.
- ▶ It helps the public body to demonstrate compliance with its PSED :
 - ▶ Ensures a written record of the equality considerations that were taken into account
 - ▶ Ensures the decision-making includes a consideration of the actions that would help to avoid or mitigate any negative impacts on particular protected groups.
 - ▶ Make decisions based on evidence
 - ▶ Make the decision-making process more transparent.

Disabilities and Impairments

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Models of Disability

- ▶ **The Medical Model** : Sees the disabled person's impairment or health condition as 'the problem'.
 - ▶ The focus is therefore on 'fixing' or 'curing' the individual.
- ▶ **The Social Model** : Based on the principle that disabled people do not face disadvantage because of their disabilities, but experience discrimination because of the way we organise society.
 - ▶ This includes failure to make public services accessible, failure to remove barriers of assumption, stereotype and prejudice, and failure to outlaw unfair treatment in our daily lives.
 - ▶ The social model looks beyond a person's disability to all the relevant factors that affect their ability to be a full and equal participant in society

Types of Impairment

Impairment	Examples
Vision	Light and movement perception, field of vision, distortion of vision, eye movement, light sensitivity, distance perception
Hearing	Most common form is age-related hearing loss
Mobility	Stroke, Arthritis, Spinal Cord injury, Cerebral Palsy, MS
Dexterity	Arthritis, Tremor
Social or Behavioural	Autism, Attention deficit disorder, Asperger's syndrome
Learning, understanding or concentrating	Dementia, Downs
Memory	Dementia, Stroke
Mental Health	Depression, Anxiety
Stamina / Breathing / Fatigue	COPD, MS, Cystic Fibrosis

Barriers to greenspaces for people with disabilities



Barriers to green spaces encountered by people with impairments

Psychological

- ▶ Going into a sparsely populated green space can increase the sense of vulnerability to harassment, anti-social behaviour or crime
- ▶ People with mental health conditions, behavioural or cognitive impairments experience relatively high levels of disability-related harassment
- ▶ Some people with disabilities may find it harder to cope with situations because they cannot see or hear very well, are unsteady on their feet or use wheelchairs.
- ▶ People may also feel unwelcome if the site looks neglected or badly managed.

Information

- ▶ Provision of information - where they can go, what facilities and activities to expect there

Summary of information formats is included in the Appendices

Barriers to green spaces encountered by people with impairments

Resources

- ▶ Additional equipment required to access greenspaces
- ▶ Financial : Transport costs, car parking charges, entrance fees, etc
- ▶ Support : Needing a companion at the greenspace

Physical : Getting to the greenspace

- ▶ People without access to a car may have difficulty if no suitable public transport is available.
- ▶ There may be busy or dangerous roads acting as a barrier to greenspace.

Physical : At the greenspace

- ▶ we will focus on this...

Physical barriers at the site

Man Made

- ▶ Access Controls : gates, stiles, barriers
- ▶ Path materials and condition
- ▶ Seats
- ▶ Car Parking
- ▶ Toilets
- ▶ Signs

Natural

- ▶ Terrain
- ▶ Vegetation
- ▶ Gradients
- ▶ Erosion
- ▶ Weather
- ▶ Water

Elements of PRowWs that can impact
accessibility

PRoW characteristics that may affect its accessibility for People with Disabilities

- ▶ Path surfaces
- ▶ Surface changes
- ▶ Path widths
- ▶ Vertical clearance
- ▶ Permissive width restrictions
- ▶ Barriers
- ▶ Surface breaks
- ▶ Ramp gradient
- ▶ Height rise of ramp between landings
- ▶ Cross slope
- ▶ Passing places
- ▶ Resting places
- ▶ Signage

Accessibility Standards

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Accessibility Standards

There are no statutory or mandatory standards relating to PRow accessibility ... but there are good sources of information and guidance

- ▶ **BS 8300-1:2018** Design of an accessible and inclusive built environment.
 - ▶ This is a new British Standard that replaces BS 8300:2009*
 - ▶ It would be very useful to purchase this document
- ▶ **Inclusive Mobility 2005**
 - ▶ Produced by the Department for Transport
 - ▶ Gives guidance of dimensions (width, length, turning space) needed by various types of mobility support
- ▶ In the 1990s some disabled groups and charities developed what could be described as the Gold Standard for the various parameters on different types of footpaths.
 - ▶ Standards developed by Fieldfare Trust are shown in the appendices of this presentation

Minimum Widths Required by Various Types of Pedestrians

Pedestrian Type	Minimum Widths
Pedestrian	700mm
Pedestrian with walking stick	750mm
Pedestrian with crutches or walking frame	900mm
Pedestrian with guide dog or long cane	1100mm
Pedestrian guided by another pedestrian	1200mm
Wheelchair user guided by a pedestrian	1500mm

Dimensions of typical wheelchairs & mobility scooters

Chair Type	Dimensions of wheelchair & user (mm)			Turning space (mm for a 90° turn)	
	Length	Width	Clearance Required	Length	Width
Attended Propelled	1750	656	856	1200-1800	1200-1800
Self-Propelled	1183	702	902	1345	1450
Electric Wheelchair	1328	706	906	1600	1625
Mobility Scooter	1402	685	850	1400-2500	1300-2500

Based on p9, Inclusive Mobility (Department for Transport, 2005) and section C3 of BS 8300:2009 (British Standards Institute, 2009)

Hazards for Visually-Impaired People

- ▶ Where there is an obstruction at a level between ground and 1000mm height, this will lie outside of many people's field of vision and thus risks forming a trip hazard.
- ▶ An obstacle with a gap from ground level of more than 400mm may be a hazard to visually-impaired people who use a cane, as the cane may not strike the obstacle.
 - ▶ In such instances, the problem can be addressed by altering the obstacle so as to present a tapping rail within the sweep of the cane.
 - ▶ Alternatively, the provision of a tapping rail, at least 150mm deep and no more than 200mm clear of ground level can assist people in detecting the obstacle
- ▶ All access controls should be clearly colour contrasted from their surroundings.

What Next ?

Suggested actions for RBWM LAF

- ▶ Form working group to produce recommendations on accessibility improvements
 - ▶ With reference to BS8300-1 : 2018 and other sources, propose the accessibility standards to be used
 - ▶ Identify key PRow in the Borough that could be reasonably expected to be accessible for many people with disabilities
 - ▶ Audit the characteristics of those PRow against the proposed standards
 - ▶ Report back to the LAF

Appendices

Fieldfare Trust “Standards” for PRow Accessibility

- ▶ Path Surface
 - ▶ Surface must be hard and firm
 - ▶ Very few loose stones (none bigger than 10mm)
- ▶ Surface Changes
 - ▶ Pot holes, cobbles or slabs, changes in path surfaces, and at the start of ramps and gates
 - ▶ Max high gain 5mm
- ▶ Path Width
 - ▶ 1200mm minimum width.

Fieldfare Trust “Standards” for PRow Accessibility

- ▶ Vertical clearance
 - ▶ A tunnel clear of overhanging or encroaching vegetation and other obstructions should be a minimum of 1200mm wide and 2100 high.
 - ▶ **Inclusive Mobility 2005 advises “Where trees overhang a footway it is advisable to cut them back to at least 3000mm clear height to allow room for regrowth. “**
- ▶ Permissive Width Restrictions
 - ▶ 815mm minimum width for no more than 300mm along the length of path
 - ▶ 1000mm width for no more than 1600mm along the length of the path.
- ▶ Barriers
 - ▶ No stiles, steps, fences, hedges etc., blocking the path.
- ▶ Surface Breaks in path surface (boardwalks, grates, grilles etc.)
 - ▶ no more than 12mm measured in the direction of travel along the path

Fieldfare Trust “Standards” for PRow Accessibility

- ▶ Ramp Gradients
 - ▶ Maximum of 1:12
- ▶ Rise of ramps
 - ▶ Where the place is steeper than 1:20 a level resting place should be provided.
 - ▶ The maximum height rise between landings is 830mm
- ▶ Cross Slope
 - ▶ 1:45 maximum

Maximum distance between landings	
Gradient	Max Distance between Landings
1:18	14.94
1:16	13.28
1:14	11.62
1:12	9.9

Fieldfare Trust “Standards” for PRow Accessibility

▶ Passing Place

- ▶ There should be a passing place every 100 metres along the path.
- ▶ The minimum width of the path should be 1500mm for 2000mm along the length of the path

▶ Resting Places

- ▶ There should be a resting point every 200m along the path.
- ▶ Each resting point should have a seat or perch which is placed on surfaced, level ground.
- ▶ Resting points should be set back from the path and, in addition to the path width, be at least 1200mm wide and 1500mm long.

▶ Signage

- ▶ should be clear, concise and where possible to include a tactile element

West Berkshire Council EIA

- ▶ Double click on the document to open the full file

Equality Impact Assessment

Name of item being assessed:	Public Rights of Way (PROW) Case Programmes
Version and release date of item (if applicable):	March 2014
Owner of item being assessed:	Elaine Cox
Name of assessor:	Elaine Cox
Date of assessment:	10 March 2014

1. What are the main aims of the item? (What does the item try to achieve?)
Improvement of the public rights of way network and ensuring ease of use.

2. What are the results of your research?
Note which groups may be affected by the item. Consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Older people	Inaccessible structures, e.g. stiles, and uneven PROW surfaces, exist on the PROW network. Some PROW may therefore be difficult to negotiate.	Work planning involves EIA and often consultation with local people, parish councils and the Local Access Forum
Physically disabled/ pregnancy and maternity	Inaccessible structures, e.g. stiles, and uneven PROW surfaces, exist on the PROW network. For the blind or partially-sighted, there may be trouble reading promotional information.	Work planning involves EIA and often consultation with local people, parish councils and the Local Access Forum
Race	For those who are unable to read English, some PROW signs and literature may be unclear.	Work planning involves EIA and often consultation with local people, parish councils and the Local Access Forum

Further comments relating to the item: Those managing the public rights of way (PROW) network are legally obliged to ensure that all PROW are maintained in a suitable condition for those who wish to use them. There is a network of 700 miles of

Accessible Information Formats

	Visual	Learning & Literacy	Hearing	Co-ordination
Audio or Audio Description	X	X		X
Telephone	X			X
Large Print	X			X
Makaton		X	X	
Subtitles			X	
Braille or Moon	X			
Easy Read or Easy Access		X		
British Sign Language			X	
Textphone			X	
SMS			X	