

BPF briefing info: Access requirements to Parks for Disabled People

This is an issue of particular interest to Bristol Parks Forum groups because of the particular topography of Bristol, meaning that many of our urban parks are on steeply sloping sites. This paper is an attempt to set out some of the issues with regard to making parks accessible to disabled members of our communities and the way in which we can achieve a reasonable standard, which does not compromise the enjoyment of the parks for all users.

Part 1: Background information:

see below extracts from **BCC Environmental Access Standards** and '**By all reasonable means; inclusive access to the outdoors for Disabled people**' Countryside Agency 2005.

1) **Disability Discrimination Act**

The Disability Discrimination Act 2005 was passed in April 2005 and amended the existing DDA. It brings significant changes. For example, it requires public bodies to positively promote disability equality and to have **Disability Equality Schemes** in place by December 2006

The DDA 2005 covers all functions of public bodies, not just services, and therefore includes the provision of **public footpaths and other rights of way**.

The DDA 1995 does not outline specific standards but requires that reasonable provision should be made. *Extracts from 'By all reasonable means.'*

2) **Extracts from BCC Environmental Access Standards 2006**

Introduction:

In the **Integrated Equalities Policy** of 1997, Bristol City Council made a commitment to:

- Adopt an access policy covering physical access to buildings, highways, pavements and **open spaces**.
- Plan and implement a rolling programme of access improvements within the timescale of the Disability Discrimination Act.

This document establishes a baseline standard for access to buildings, highways, pavements and **open spaces with guidance on dimensions, materials and design**.

All Bristol City Council new build, building refurbishment or **access improvement works** should meet this standard.

a) Historic Buildings and Areas p6

Bristol has a number of Listed Buildings and Conservation Areas which provide a rich and varied heritage which is important to protect and enhance. This should not be seen as an obstacle to providing a more accessible environment, though often more innovative solutions will be required to ensure that the character of such buildings and areas is respected.

Bristol's Development Plan Policy on conservation and listed buildings, will indicate the approach intended by this authority. Difficulties can invariably be overcome with thought, quality materials and informed design advice. Anyone interested in improving access within a conservation area or in a listed building should consult the local authority in question who will be able to provide further advice.

b) Variation from the Standards p7

Appropriate solutions to access barriers may vary according to the size, nature and intended use of the building or site. Where it is felt the standards cannot be met as suggested in this document, an Access Statement should be developed which will identify the philosophy and approach to inclusive design taken.

Access Statements should be developed after liaison with:

- The Strategic Access Officer
- Local access groups
- Local disability organisations
- Relevant council officers

The Statement should offer convincing argument that an alternative solution will achieve the same or better solutions to access difficulties. The Statement should set out the reasons for departing from the

guidance and why the solutions offered will meet the needs of disabled people as much as is reasonably possible.

c) Open Spaces Specifications p55

General requirements are set out here. However, acknowledging that the nature of open space can vary, variable standards are given in 6.2.6 [no such reference in this document – unclear to what this refers] which apply in different settings. Where maximum ramp gradients are given, for example, these are the preferred maximum, as the topography may constrain this. **There will always be a need for site specific solutions, but the solution should maximise accessibility.**

The design principles here as a minimum meet, and in some cases exceed, the guidance in the 'Countryside for All' good practice guide on access to the countryside. This document gives more detailed guidance and can be read alongside the BCC access standard.

Reference should be made to the principles and guidance given in "By all reasonable means: inclusive access to the outdoors for disabled people". The Countryside Agency Oct. 2005

d) Ramps / steps p56

- Where a ramp is provided it should conform to the maximum gradient for the setting.
- Steps are preferred by some ambulant disabled people – where these are provided as well as a ramp these should have handrails, textural changes at top and bottom (see 'External steps').
- Steps should not be used without alternative access by ramp.

e) Standards for paths p60

Urban and formal landscapes

- Hard, firm and smooth surfaces with very few loose stones, none bigger than 5mm.
- Paths at least 2000mm wide. Obstructed paths should retain a clear minimum width of 1200m
- Passing places provided at 50m intervals.
- Resting places provided at 100m intervals.
- Ramps 1:20 maximum.

Urban fringe and managed landscapes

- Hard, firm and smooth surfaces with very few loose stones, none bigger than 10mm.
- Paths at least 2000mm wide. Obstructed paths should retain a clear minimum width of 1200m
- Passing places provided at 100m intervals.
- Resting places provided at 200m intervals.
- Ramps 1:20 maximum.

3) Guidance on what is reasonable: Taken From BCC webpage: This page applies to 'Employment' – there is no guidance on what is reasonable for open spaces.

Reasonable adjustments:

Factors which might be taken into account when considering what are 'reasonable' adjustments include

- How effective will the adjustment be in removing the discriminatory barrier?
 - How practical it is to make the adjustment
 - The extent of disruption.
 - Time and effort needed to make the adjustment
 - The cost and the ability of the service provider to pay
 - The amount already spent on adjustments
 - The availability of financial or other assistance.
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4) From the Countryside Agency publication

'By all reasonable means' [referred to in BCC Environmental Standards]

a) Disability Discrimination Acts

The Disability Discrimination Act 1995 (DDA 1995)⁸ makes it unlawful to discriminate against anyone on the grounds of his or her disability in connection with employment, public transport, education and the provision of goods and services. Parts II and III of the DDA 1995 apply to service providers' premises, a term that includes land.

The DDA 1995 affects all those responsible for providing access to the countryside as 'service providers' but also often as employers and sometimes as educational institutions. It covers the whole range of countryside services including guided walks, events, visitor centres, information, interpretation, signage, paths and trails and so on. The Act also covers everyone involved in providing a service to the public, including volunteers.

****The DDA 1995 does not outline specific standards but requires that reasonable provision should be made.** What is meant by reasonable will ultimately rely on the courts but the Disability Rights Commission's (DRC) Code of Practice gives helpful guidance (DRC, 2002).⁹

The Disability Discrimination Act 2005 was passed in April 2005 and amended the existing DDA. It brings significant changes. For example, it requires public bodies to positively promote disability equality and to have Disability Equality Schemes in place by December 2006

The DDA 2005 covers all functions of public bodies, not just services, and therefore includes the provision of public footpaths and other rights of way.

The framework for action in this guide is appropriate for most types of outdoor space open to the public including:

- Country and urban parks and green spaces
- Long distance and other trails, paths and rights-of-way
- The wider countryside, including open access land

b) Least Restrictive Access P11

The Framework for Action in this guide is based on the principle of Least Restrictive Access (LRA). **This requires that all work, whether planned improvement or ad hoc maintenance, must meet the highest possible access standards for that piece of work.**

Where the highest access standards cannot be achieved – for example, because of insufficient funds, lack of consent by a landowner or practical difficulties – **there should always be a clearly reasoned and documented justification for the decision to use a lower standard.**

c) No one size fits all approach but Benchmarks P12

It is widely agreed that it is inappropriate to use a one-size fits-all approach to standards in the outdoors. Such an approach would lack sensitivity to the special and varied character of open spaces and countryside, wherever it is. But standards are important in identifying benchmarks for access improvements.

Currently, there are no statutory benchmarks for reasonable practice in the outdoors in regard to the DDA 2005 – not surprising given the enormous diversity of greenspace and countryside. This makes it challenging for managers and owners to know what standards to apply when planning access improvements.

d) Existing standards

This guide recommends the following standards, selected according to the context of the particular site or route.

- **BT Countryside for All Accessibility Standards** – for more information, see Appendix 1.
- **Countryside Agency Management Zones** – see Appendix 1.
- **Part M of the Building Regulations** – the only standards currently recognised by the DDA. They relate to the built environment but provide a useful insight into what is currently considered good practice. They include valuable details on features such as car parks, toilets, handrails etc.

See P 38 Table 1 - BT 'Countryside for All Accessibility' Standards

e) Auditing and prioritising paths p30/31 *[note this sets priorities and does not preclude bringing paths up to highest standards- just allows for them to be less high priority]*

Paths with the following characteristics would typically be assigned to lower standards and audited accordingly:

- Paths where the natural site constraints do not allow for fully accessible paths
- Paths in locations with high landscape value, where the visual impact of a fully accessible path cannot be overcome
- Paths where the cost of improving and maintaining to the highest access standards cannot be justified

f) Maintenance p35

Maintenance of routes, facilities and information should use the principle of **LRA**. = Least restrictive access.

Where routes or sections of routes need to be maintained, the highest standard should be applied. LRA maintenance should be used to gradually improve paths that are in lower settings or zones by maintaining them to a higher standard.

The standard will be determined by a number of factors including route importance and budget.

Reasons for not using the highest standards should be documented.

Where facilities need to be maintained, they should be improved to the highest appropriate standard. Most building work should meet or exceed the standards provided in Part M of the Building Regulations. Part M Approved Document and BS8300 contain useful design guidance.

From examination of these sources it is clear that there are no hard and fast rules about accessibility; there is reference in the documents to there not being a one-size-fits-all approach, reasons for not using highest standards, and reasonable adjustments.

There are two issues arising from this:

What is BCC process for assessing how far full compliance with the accessibility standards is 'reasonable'?

What is BCC process for assessing the visual impact on the park of a fully compliant scheme and agreeing whether it is acceptable?

Currently officers take particular cases to the Disability Equalities officers in the Equalities and Community Cohesion Team on an ad hoc basis. There is very limited capacity for the equalities officers to take on cases. They give their opinion on a case-by-case basis about whether a particular solution requires eg handrails, steps etc The Disability Equalities team has done training for Landscape Design and Planning officers to ensure that they are fully aware of Accessibility Standards.

There is no definition of how far a requirement to comply with Accessibility standards is reasonable; so it could be argued perhaps that

- in some cases, the cost of providing an accessible solution may be financially unviable. If a path needs work to maintain it at the existing standard and is becoming dangerous, it may be impossible to keep the path safe because a fully accessible solution is too costly.
- in some cases, there may be alternative access points or routes which already give acceptable access to different areas of a park, though a route between those areas is not accessible. It could then be argued that it is unreasonable to use funding to achieve full accessibility where funds are limited.

There is also the visual impact on a park of a highly engineered accessible solution.

BCC is not only the local authority in charge of achieving compliance with Accessibility standards but also the local Planning Authority, but usually works to parks have not been submitted for LPA approval.

Development Management Planning officers confirmed that

'quite often the works are 'permitted development' and therefore do not require planning permission hence the reason why we (i.e. DM) may not have any in put. [Steve H's] Landscape Design team do have some involvement but only when they have been commissioned by Parks.'

The Landscape Design team, formerly part of the Parks department are now required to self fund their work by charging other departments for their input. There is therefore a cost implication of asking the design team for their input in works in parks.

As a result there is therefore frequently no in-house design input from Landscape or Planning officers.

The lack of a formal planning approval requirement means that there is currently no public consultation requirement for works to parks to be debated, though Parks officers do discuss works with Parks groups. However it is not clear what scope there is for Parks groups to debate what is 'reasonable' in each case.

in some cases where the impact on the amenity and appearance of a park has such an adverse impact it may not be 'reasonable' to require compliance with the accessibility standards eg in a Historic Landscape, the setting of a Listed Building or in a Conservation area.

There is no identifiable standard process for how a proposed design is currently assessed to be reasonable or not, and how other pressures eg financial and visual impact are weighed against the Accessibility standards.

ACTION:

A process for this needs to be agreed and must include input from design professionals eg Landscape Design officers as well as parks officers, equalities officers and community parks groups so that over-engineered solutions which have an unacceptably adverse visual impact on the city parks do not become the norm.

Paper drawn up using information sources above and discussions with Eamonn McClelland, Strategic Access Officer, Disabilities and Community Cohesion team and Julie Seaton, Devt. Management service manager [in discussion with, Andy Gibbins, Service manager City Design Group, and Steve Hardiman, Landscape Design Team Manager]

Alison Bromilow 28 Jan 2011.