

**Open Report on behalf of Richard Wills - Executive Director - Development**

Report to:	<b>South Lincolnshire and Rutland Local Access Forum</b>
Date:	<b>13 January 2010</b>
Subject:	<b>Lincolnshire County Council Draft Accessibility Guidance – incorporating the Lincolnshire County Council Gaps, Gates and Stiles Policy</b>

**Summary:**

A report providing details of the Lincolnshire County Council Draft Accessibility Guidance. The guidance expands on the current Lincolnshire County Council Highways Traffic Guidance Note on Stiles and Gates on public rights of way.

**Recommendation(s):**

- i) That the forum notes the contents of the report.
- ii) That the forum provides comments as appropriate.

## **1. Background**

Lincolnshire County Council's Countryside Accessibility Guidance aims to provide a service standard for the provision and maintenance of countryside access furniture and surfaces for the Authority's rights of way network and areas of open access land.

Unfortunately access to some public rights of way is limited to some users due to the diverse nature of Lincolnshire's urban and rural landscape. Users encounter varying surfaces and different types of furniture such as stiles, hand gates, field gates and kissing gates as well as barriers erected by the Authority to maintain the safety of users or to control access, particularly by motor vehicles.

This guidance seeks to clearly outline the legal framework in relation to access to the countryside by disabled users by developing the current Highways Traffic Guidance Note on Stiles and Gates on public rights of way (HAT 12/2/06) and ensuring that working practices meet the requirements of DEFRA good practice guidance for local authorities on The Disability Discrimination Act 1995 and Structures (gates, gaps and stiles) on rights of way. The provision of accessibility guidance is also a requirement of the Lincolnshire Countryside Access and Rights of Way Improvement Plan (SOA44).

## 2. Summary

The Disability Discrimination Act 2005 aims to ensure that disabled people are treated in a fair and equal way. The Act places duties on providers of goods, facilities and services and make it unlawful for a service provider to discriminate against a disabled person. There is no specific reference in the Disability Discrimination Act to any aspect of rights of way management and, as yet, no case law that can be referred to in the application of the Act to rights of way. Nonetheless, it is clear that authorities are required to have regard to their obligations under the Act wherever changes or additions to the rights of way network are proposed and are encouraged to make improvements to structures wherever appropriate opportunities arise.

The principle of least restrictive access requires that all work, whether planned improvement or ad hoc maintenance, must meet the highest possible access standard of accessibility on a route, site or facility over a period of time. The principle of least restrictive access is applied to;

- The maintenance of existing structures,
- The installation of new structures,
- The management of other structures i.e. barriers and bollards

### **Urban Path Surface Standards**

The County Council has a duty to maintain the surface of a public right of way to a standard appropriate to its current legitimate use. The County Council also has powers to improve a public path. Consideration will be given to users with limited mobility prior to any surfacing works taking place.

Surface improvement works will be targeted towards

- Well used paths and strategic routes in urban areas and paths leading to popular destinations
- Routes which are used by 'Walking for Health' groups
- Routes where public safety could be substantially improved

In these locations surface improvement works will aim to achieve enhanced standards for

- Path Surface
- Path Width
- Gradients on newly surfaced paths
- Steps
- The provision of a clear walking tunnel

### 3. Consultation

**Scrutiny Comments**

n/a

**Executive Councillor Comments**

To follow

**Local Member Comments**

n/a

**Policy Proofing Actions Required**

n/a

### 4. Appendices

<b>These are listed below and attached at the back of the report</b>	
Appendix A	<b>Lincolnshire County Council Draft Accessibility Guidance – incorporating the Lincolnshire CC Gaps, Gates and Stiles Policy</b>

### 5. Background papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Andy Savage - Senior Countryside Access Officer, who can be contacted on 01522 782070 or [andrew.savage@lincolnshire.gov.uk](mailto:andrew.savage@lincolnshire.gov.uk).