

REPORT ON: DEFRA GOOD PRACTICE GUIDANCE ON DISABILITY DISCRIMINATION ACT AND STRUCTURES ON RIGHTS OF WAY FOR LOCAL AUTHORITIES

1. PURPOSE OF REPORT

For information and to agree future recommendations to Slough Borough Council

2. BACKGROUND

- 2.1 This guidance is concerned with structures on rights of way that interfere with the unrestricted public right of passage.
- 2.2 It is meant to offer good practice to help local highway authorities realise their obligations under the DDA legislation. The DDA applies to a highways authority's provision of public rights of way services. So that in carrying out their functions, authorities must make reasonable adjustments to ensure that it is not impossible or unreasonably difficult for people with disabilities to benefit from those functions, ie; use of rights of way.
- 2.3 Considerations extend to not only people in wheelchairs, but also; those with problems of mobility, manual dexterity and physical co-ordination.
- 2.4 Three main reasons for lawful existence of barriers, like gates and stiles on a public right of way.
 - A right of way came into being with structures already on it
 - An authority may agree to structures in making an order to create a new right of way or in diverting an existing right of way.
 - For footpaths and bridleways, structures may be authorised later by the authority under S147 Highways Act 1980 where there is a need to control stock for agricultural reasons.
- 2.5 The principle of "least restrictive access" needs to be followed in determining and balancing the needs of users, residents and landowners.

3. DEFRA GUIDANCE RECOMMENDATIONS

- 3.1 As a matter of good practice authorities should;
 - a) Have a published policy on how they will meet the requirements of the DDA in relation to public rights of way.
 - b) Ensure that any structures they give lawful authority to are clearly specified and documented
 - c) Consider including in any specification, provision to remove or vary the structure when the need for it changes or ceases
 - d) Consider displaying information on all lawful structures (including the accessibility) to enable somebody with limited mobility to plan routes other than just those that are officially designated as "easy access"

4. LAF ACTION TO BE AGREED

4.1 When the guidance is fully ratified from its draft form the Slough Local Access Forum make the following recommendations to Slough Borough Council;

- a) A policy is developed on how it will deal with structures on rights of way. This could be a stand alone document, part of a wider DDA or access policy or addressed within the Rights of Way Improvement Plan.
- b) Ensure that all available information on structures and limitations on rights of way in the borough be displayed on the map based internet site where and when possible.