



## What is meant by 'reasonable steps'?

The Act does not specify that particular factors should be taken into account in determining what steps are reasonable.

However, the Code of Practice to the Act (3) suggests that what is a reasonable step will vary according to:

- The type of services offered
- The nature of the service provider and its size and resources
- The effect of the disability on the individual disabled person
- The extent to which it is practicable to take the step.

In other words, it may not be seen as reasonable for a large public body to fail to take certain steps to make a path more accessible, whereas it may be seen as reasonable for a small voluntary group to fail to take the same steps, based on the resources available. Also, what may be reasonable on an urban path, may not be appropriate on a path in a remote countryside area.

Until a conclusive definition of 'reasonable steps' is established, we recommend following best practice.

### RADAR gates

In some places, the provision of a by-pass gate locked with a RADAR key has been advocated as a reasonable alternative. These are unlikely to be acceptable under the Act since many disabled people find them impossible or extremely difficult to use. Consequently they should not be considered to be a 'reasonable' alternative.

## What are the implications of not complying with the DDA?

A path provider must take reasonable steps to avoid committing an act of unlawful discrimination. Unlawful discrimination could be claimed in circumstances where:

- The path provider fails to do what is required; and
- That failure makes it impossible or unreasonably difficult for that disabled person to access any path provided by the path provider to the public; and

- The service provider cannot show that such a failure is justified in relation to the disabled person.

## Best practice – an 'inclusive' approach

Although the Disability Discrimination Act does not place the different options for overcoming a physical feature in any form of hierarchy, it is recognised best practice for a path provider to consider first whether a physical feature which creates a barrier for disabled people can be removed or altered. This is because removing or altering the barrier is an 'inclusive' approach to adjustments - it makes the path accessible to everyone in the same way. It is also essential that when new paths are designed and built, they are built so as to be 'inclusive'. For example, it is best not to have any gate or access barrier onto a path, but rather to have a gap of at least 1.2m. Also, where possible, a smooth, firm path should be constructed since this makes the path accessible to everyone.



*Best practice: a bollard excludes cars but not legitimate path users.*

## How to make a path more accessible

The first step on the path to accessibility is to identify any necessary improvements required to bring a path up to standard - in other words, to undertake a disabled access audit. You can do this yourself, using the Access Audit Checklist (see below) or other published guides (4) or you can hire a professional access consultant to undertake the audit on your behalf (see contacts). One of the outcomes of the audit will be an action plan, or list of the work required to bring the path up to standard. Some work identified by

the audit will be relatively easy to carry out - for example, removing access barriers. Other work may involve engineering - for example, removing steps from a path. Some may be impossible - for example, widening a narrow canal path in an urban area.



*Conducting a path audit.*

## Factors to be considered

It is often assumed that removing the access barriers to a path will automatically make a path accessible. However, in order for the widest variety of people with disabilities to be able to use a path, a number of additional factors should be considered. These include:

- Path width
- Path surface
- Ramp gradients and rises
- Resting places
- Need for handrails
- Path camber / cross slope

For further details, including instructions on how to conduct a disabled access audit, see the Millennium Miles pack (4) or the Countryside for All Standards and Guidelines (5).

## Preventing use by unauthorised users

Motor vehicles, especially cars and motorcycles, are not permitted to use traffic free paths. Historically, access barriers to prevent illegal use by motorbikes have been considered an essential component of path design and construction. Sometimes they have even been included as a condition of landowners granting access, and this may require re-negotiation of some agreements. Experience indicates, however, that they are rarely successful in excluding motorbikes.

A high level of legitimate usage is the best form of deterrent when considering issues such as motorcycles. However, where a persistent problem exists, the most effective way of dealing with the problem is through close liaison with the local police. This is because motorcyclists who can legally use a motor bike on the roads usually prefer to do so - only the irresponsible minority use paths. In Scotland, Local Authority Access Officers can also help resolve such issues. For more information on preventing motorbikes on paths, including case studies, see Sustrans information sheet FF22, "Access Controls" (6).



Example of an inaccessible access barrier.

### Segregated paths

Sustrans constructs all of its paths to be for shared pedestrian/cycle use. In some situations where isolated sections of path are hazardous (because of reduced width or restricted forward visibility, for instance) segregation of pedestrians and cyclists has been implemented. However, research suggests that reports of conflict between path users on shared use paths are exaggerated. Path users - both pedestrians and cyclists - naturally move over to give each other room (7). Attempting to force different user groups into separate marked lanes can actually lead to more conflict and confusion than allowing people to share space in restricted situations. Segregation should therefore only be used in circumstances where the benefit can be quantifiably justified. Where this occurs, use of tactile surfaces and delineators should be used in accordance with guidance from the Department for Transport (8). Where there is a need to reduce the speed of cyclists on the approach to a potential conflict point, bollards, warning signs and surface markings should be used. If these methods are used, care should be taken not to restrict access to the path.

### Possible funding sources

Funding may be available to help make paths more accessible. Potential funding sources from charitable trusts can be found in the "Guide to the Major Trusts" (9). Additional information on possible funding sources may be available from Sustrans.

### Access audit check list

If you are conducting an audit, these are the recommended standards.

The appropriateness of each measure for the location and its physical features should also be taken into consideration.

1. Path surface - surface must be hard and firm with few loose stones (none bigger than 5mm).
2. Path width - 2m minimum width, 2.5m recommended.
3. Camber/cross slope - 1:35 max. (same as 2.9cm per metre).
4. Surface gaps/breaks - gaps in surface boards, grates or grills no more than 12mm and at right angles to the direction of travel.
5. Width restrictions - isolated restrictions and obstructions 1.2m minimum.
6. Barriers - no stiles, steps, fences, gates, hedges etc blocking the path. Where it is necessary to install a chicane/stagger arrangement for safety reasons (such as a sloped egress towards a road) barriers should be 1.2m high, should contrast (in tone or luminance) against surroundings and should have an offset gap of 1.2m min.
7. Street furniture/sign posts - should be placed off the path, no closer than 1.2m apart and have rounded edges. Where possible, street furniture should be grouped together for ease of identification. Grey posts should be painted to ensure that they contrast (in tone or luminance) with the surroundings.
8. Signs or overhead structures - should be 2.4m above ground or protected with a tapping rail/barrier approximately 150mm above ground level.
9. Bollards/marker posts/litter bins - minimum height 1m with rounded edges. These should never be linked with chain or rope. Contrasting bands (minimum 150mm deep) should be applied in addition to a contrast on top.
10. Kerbs/crossing points - maximum gradient 1 in 12, minimum width of flush area 1.2m. Where an upstand is absolutely necessary for drainage etc it should be bull-nosed, have a 6mm maximum height and be painted in a contrasting tone or luminance to highlight the hazard to visually impaired users.
11. Ramp gradient - 1:12 maximum (8.3%).
12. Landings - on ramps of 1:20 or steeper, landings should be provided for every 750mm of height rise (i.e. landings every 9m along 1:12 ramps). Landings should be at least 1.2m wide by 1.5m long.
13. Ramp width - 2.5m minimum width between handrails.
14. Resting places - ideally these should be located every 100m. A minimum standard for a fully accessible route is for resting places every 300m. Each resting point should have a seat or perch set back from the path on a level surfaced ground. The area should be at least 1.2m wide and 1.5m long. All benches or seating should be 500-600mm high and painted, coated or self-coloured with a smooth, durable comfortable surface. Benches should be designed so that rainwater does not collect on them and should have rounded edges.
15. Passing/turning places - if the path is constructed to the correct width, it should be possible to pass and turn. If not, then a separate area should be provided every 100m to allow wheelchair users to turn 180 degrees and return to their start point. An area of 2m x 1.5m should allow most classes of wheelchair to turn.
16. Steps - are best avoided. However, where situation and funds permit, both steps and ramp should be provided since some find steps more convenient.
17. Handrails - these should be provided on both sides of each ramp (1:20 slope or steeper). They should be mounted at a height of 900-1000mm above the ramp's surface and extend 300mm beyond

the ramp end. They should be circular in section and 40-50mm diameter and mounted clear of any adjoining wall by 60mm. The rail should contrast tonally with its background and be coated in epoxy or plastic so that they can provide grip and are not cold or harsh to use. Where the unobstructed ramp width exceeds 2m, a central handrail can be installed as an alternative to one each side. The exposed edges of a ramp should be defined by a kerb or low rail.

### Useful contacts

The Fieldfare Trust  
7 Volunteer House  
69 Crossgate  
Cupar  
Fife  
KY15 5AS  
Tel: 01334 657708  
Fax: 01334 657978  
<http://www.fieldfare.org.uk>

Fieldfare works with people with disabilities and countryside managers to improve access to the countryside for everyone.

The Disability Rights Commission  
FREEPOST MID02164  
Stratford upon Avon CV37 9BR  
Telephone: 08457 622 633  
Textphone: 08457 622 644  
Fax: 08457 778 878  
<http://www.drc-gb.org>

The Disability Rights Commission (DRC) is an independent body, established by Act of Parliament to eliminate discrimination against disabled people and promote equality of opportunity.

National Register of Access  
Consultants  
Nutmeg House  
60 Gainsford Street  
London SE1 2NY  
Tel: 020 7234 0434  
Minicom: 020 7357 8182  
Fax: 020 7357 8183  
<http://www.nrac.org.uk>

The Register enables clients quickly and easily to locate suitable consultants and provides a quality standard for those advising on the accessibility of the built environment for disabled people.

Scottish Disability Equality Forum  
12 Enterprise House  
Springkerse Business Park  
STIRLING  
FK7 7UF  
Tel: 01786 446 456  
<http://www.sdef.org.uk>

The SDEF is a membership organisation open to all disability organisations, or any individual with any type of impairment. It is working in partnership with a range of organisations to bring about change and put equality firmly on the agenda.

The 'Scottish Outdoor Access Code' came into effect in late 2004. This legislation will give local authorities a range of new duties and powers. For more information, contact:

SNH Recreation and Access Group  
2 Anderson Place  
EDINBURGH  
EH6 5NP  
Tel: 0131 446 2400  
Email: [recreationandaccess@snh.gov.uk](mailto:recreationandaccess@snh.gov.uk)

- 5 "BT Countryside for All - Standards and Guidelines" - *Fieldfare Trust, CD-ROM edition, 2003*
- 6 "Access Controls" - *Sustrans Information Sheet FF22 (1998)*
- 7 "How people interact on off-road routes" - *The Countryside Agency Research Note CRN32, March 2001*
- 8 "Inclusive Mobility - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure" - *Philip R Oxley (Mobility and Inclusion Unit, Department for Transport) (2002)*
- 9 "A Guide to the Major Trusts" - *Directory of Social Change (9th edition, 2003)*



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Network Centre  
2 Cathedral Square  
College Green  
Bristol, BS1 5DD

Charity no. 326550

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### References

- 1 Available at <http://www.hmso.gov.uk/acts/acts1995/1995050.htm>
- 2 "Disability Discrimination Act 1995 - Code of Practice", *Disability Rights Commission, 2002 (p.75)*
- 3 *ibid* (p.46)
- 4 For example "BT Millennium Miles Information Pack" - *Fieldfare Trust*

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