

**Lake District**  
National Park



**Lake District National Park**  
**Guidance on Access Structures**  
**Approved - 2011**



# LAKE DISTRICT NATIONAL PARK AUTHORITY

## PARK MANAGEMENT

### GUIDANCE ON ACCESS STRUCTURES

#### PRINCIPLES

The rights of way and access network is the biggest asset in enabling people to experience the special qualities of our National Park. The rugged nature of much of our terrain can make access to the countryside difficult for people with limited mobility, but man-made barriers such as stiles, steps and gates can also restrict access.

The Equality Act 2010 requires us to make reasonable adjustments to ensure that it is not impossible or unreasonably difficult for people with limited mobility to benefit, as others would do, from the services and functions we provide – or to show that there are good reasons for not doing so.

One of the key ways of enabling and encouraging more people to access the countryside more often is by removing or minimising man-made barriers wherever possible.

The emphasis behind our policy and this guidance is on adopting the 'Least Restrictive Option' for the specific circumstances at each site. This principle will mean that improvements will benefit all users, not only those with restricted mobility.

The key guidance here was published by Defra in October 2010, "Authorising structures (gaps, gates & stiles) on rights of way"

<http://www.defra.gov.uk/rural/documents/countryside/prow/gpg-equality.pdf>

Some of the most relevant sections are below:

Improvements that would make it easier for people with disabilities to use rights of way would also make it easier for other users, for example: parents with young children in buggies. But these have to be balanced against the operational needs of landowners. Authorities will need to take account of the wider context, such as the accessibility of the route as a whole and also need be aware that some rights of way are valued, by those who use them, because of their challenging nature or intrinsic character. Other local factors that may need to be taken into account, when considering potential improvements, include the historical or aesthetic character of the existing structures and landscape features and local custom and practice. Authorities will need to take all these factors into account in deciding what structure is appropriate in each case.

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. A disabled person is a person who has a disability or who has had a disability in the past.

For the purposes of this guidance it is important that anybody involved with the potential implementation or maintenance of structures on rights of way does not restrict their Equality Act considerations purely to, for instance, the effect on people in wheelchairs. A non-exhaustive list would also encompass ensuring that the needs of those with problems of: mobility, sight loss, learning difficulties, manual dexterity or physical coordination are considered and catered for. Within this context, gates that require excessive force to open, or have latches that are difficult to operate would fall within the ambit of the Equality Act.

The Equality Act 2010 requires (broadly) that in carrying out their functions, 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.

The discrimination provisions are subject to certain exceptions, which contain an element of reasonableness.

More than most of the other legislation affecting rights of way, the Equality Act requires an authority to interpret the requirements when deciding how it applies to the provision of the service. While guidance and case law will provide information on which individual authorities can base their decisions, each case is a matter of judgement.

## NATURE OF DISABILITY AND IMPACT ON USE OF ACCESS FURNITURE

As mentioned in the above guidance, disabilities can be wide ranging – and each disability will impact differently on the person’s ability to use different types of access furniture. The following table is from Scottish Natural Heritage guidance.

Nature of a Person’s Disability	Effects	Examples
Visual (Blind & Partially Sighted People)	May walk into or trip on structure.	Vehicle barriers
	May find it difficult to use, or work out method of use, or may use incorrectly.	Kissing gates Latched gates
Dexterity	May not be able to grip or turn to operate a mechanism.	Latched gates
Reach	May not be able to reach forward, back, up or behind to operate.	Latched gates
	May have insufficient reach to operate.	Kissing gates
Balance	May not be able to manoeuvre without a hand hold.	Stiles
	May not be able to balance on one foot or may be unsteady and lacking in confidence.	Stiles
	May not be able to negotiate without a handrail.	Steps & Ramps Boardwalks
	May not have the strength to operate.	Self-closing gates Heavy timber gates
Mobility (Ambulant disabled people with mobility difficulties)	May not be able to raise feet to required height.	Stiles Steps
	May not be able to manoeuvre.	Kissing gates
	May need to rely on sticks at all times.	Stiles, Steps & Ramps
	May have difficulty sitting down or raising up from seat.	Seats Picnic tables
Wheelchair Users (Classes I, II & III)*	May not be able to get chair into available space.	Gates
	May need manoeuvring space	Kissing gates
	May not be able to reach to operate.	Latched gates

*\*as defined under Statutory Instrument (1988) No 2268 Road Traffic - The Use of Invalid Carriages on Highways Regulations*

## LEAST RESTRICTIVE OPTION

The least restrictive option appropriate to the circumstances must be chosen.

The British Standard (BS5709: 2006) explains this as ***“The selection of a gap, gate, or stile, which permits people to use a path crossing a field boundary such as a hedge, fence, or stone wall, shall result in as little restriction as possible for potential users, while meeting the actual agricultural needs of the landowners.”***

- “Potential users” – this means all legitimate users, including the mildly or seriously disabled, the elderly, children, mobility vehicles (pushchairs, wheelchairs) – together with their normal accompaniments (dogs, rucksacks, and so on).
- Just because other parts of the path are impassable to some, should not, in itself, be used as total justification for not installing the most accessible item of furniture. By improving access at one point, it will help make the path more usable overall, and will make it easier to achieve access for all in the future.
- It is not for us to decide who can / cannot, or should / should not use a particular path. Every user has different levels of ability and confidence, and we should be making the whole network more accessible – which will enable each user to make their own minds up as to which paths they can use.

## Bridges

- Bridge specifications have not been included within this document, as they are governed by Cumbria County Council.
- We know that narrow bridges, or bridges with steps, often act as a barrier for people with pushchairs, wheelchairs, and electric scooters. Therefore we will always attempt to improve (widening and ramping) bridges when they are due for repair as this is a cost-effective and proactive way of making the countryside more accessible.
- New bridges should always be built with this in mind.

## LEAST RESTRICTIVE OPTION HEIRARCHY

	<b>Barrier type</b>	<b>Who is excluded by it?</b>
<b>A</b>	Gap	-
<b>B</b>	Two-way gate	Gates may be difficult for some people with reach or dexterity difficulties.
<b>C</b>	One-way gate	As above - and may be less easy to use – especially if in wheelchairs or on horseback
<b>D</b>	Large kissing gate	Some outsize wheelchairs, scooters and pushchairs
<b>E</b>	Smaller kissing gate (box-type)	Most wheelchairs, scooters and pushchairs
<b>F</b>	Smaller kissing gate (triangle type)	The above plus some child carrying backpacks and rucksacks
<b>G</b>	Squeeze stile	All wheelchairs, scooters and pushchairs plus some others with limited mobility
<b>H</b>	Step stile	A larger proportion of the above
<b>I</b>	Stone step stile	A larger proportion of the above including more who are unsteady on their feet
<b>J</b>	Ladder Stile	Almost all except the fully mobile

A-C – All rights of way and open access land with greater than foot rights

D-F – Footpaths and open access land with foot rights only

## CRITERIA TO CONSIDER

- Every time a piece of furniture is replaced, or new furniture installed, a hierarchy assessment should be carried out (see below).
- The starting point should always be that a gap (of at least 3') should be provided.
- If a barrier is necessary, then it should be a gate unless it is unreasonable to require one in that specific location. The gate should be the highest up the hierarchy as possible.
- If no form of gate can be used, a stile will be the last resort. But there will have to be strong and justifiable reasons for replacing or installing a new stile.

## ASSESSMENT

If a gate, kissing gate or stile is to be provided, we must assess whether this action is **reasonable**. Such an assessment of reasonableness should include at least the following:

1. Alternative measures that could be taken to avoid the need for a structure or a particular type of structure;
2. The likelihood of the structure, taken in the context of its environment, causing some restriction to users;
3. The extent of any restriction which will be created (eg: a stile will be a total barrier to wheelchair users, but less of a barrier to those with only minor limits on mobility).

This assessment should be briefly described on the Job Sheet.

The following criteria may help when carrying out the relevant assessment

- **Land use** – in sheep dominated areas, kissing gates may be more appropriate than wickets to balance the land use requirements with public access. In some instances, stiles may be acceptable – especially on fell paths where significant intermingling problems could occur if stock got free.
- **Gradient & topography** – lowland paths should, in general, contain only gates to ensure that they are as accessible as possible. Where the natural gradient and topography is such that it is unlikely that the path network as a whole will be fully accessible, there is a lesser expectation that wicket gates will be required as standard.
- **Path surface** – in general, we should be attempting to ensure that the surface of the path is accessible to as many as possible. But in some instances the path surface will not yet have been upgraded. The furniture and surface should be considered together.
- **Historic & environmental value** – for instance, there are a large number of ancient stone stiles on the rights of way network, and on open access land. These stiles are part and parcel of the special qualities and features of the National Park and due consideration should be given before these are removed (we have a working group especially for this topic). Other examples could be garden or church gates – where there is no longer a specific livestock need, but the gates make up part of the cultural fabric of the area.
- **Wider network considerations** – for instance, the proximity to a town, village, car park, railway station or bus stop, and the condition of any linking paths which could help create circular walks or linear routes of worthwhile length or interest.
- **Other public interests** – has the route been identified in the Rights of Way Improvement Plan as a route for improvement or upgrading.
- **Cost and resources available** – for instance, if there is a bridge already existing on a footpath to be dedicated, it would be reasonable not to expect it to be replaced or modified (in the short term anyway) to be accessible to all because of inhibitory costs.

## SPECIFICATIONS

There are no statutory designs, heights or widths to which stiles and gates must comply. Mainly because each site is different (ground condition, slope, type of boundary, materials, and so on). The existing diversity of gates and stiles is generally considered to be an attractive feature of the access network. However, there are guidelines that should be followed. The British Standard (BS5709, current version 2006) provides specifications – which form the basis of most other specifications.

Some conditions will relate to all new installations or replacement of furniture on the access network.

- There should be no barbed wire or electric fencing inside the gap or structure or close to the structure. (Electric fencing should be discontinued, or covered – and barbs should be blunted or removed).
- The ground under the structure and in the immediate vicinity (about 1-2 metres) should be free of standing water and be a firm surface.
- Fingerposts should not be part of, or attached to, the structure – they should be separate and should not overhang the structure.
- Waymarkers should be fixed to the structures where appropriate (on the posts, not the gate) – and especially if there is a directional change.
- Efforts should be made to set back structures from roads to provide an adequate safety margin for users. This is especially important on bridleways and routes used by large groups of walkers. (Suggested – 4 metres for bridleways and 2 metres for footpaths).
- There should be no projections such as bolts inside the gap or structure.
- Where gates are attached to bridleway bridges, the bridge should be 3 metres wide to allow the rider to turn their horse to close the gate.
- Where bridleways are enclosed up to the gate, sufficient turning space (3 metres width) should be provided.

We have produced some simple specifications for the standard items of furniture commonly installed on the rights of way network in the National Park. For greater detail for some items of furniture, and for generally acceptable specifications for other items (boardwalks, fences, steps, ramps and so on, one of the best places to look is [www.snh.org.uk/publications/on-line/accessguide/intro.asp](http://www.snh.org.uk/publications/on-line/accessguide/intro.asp) )