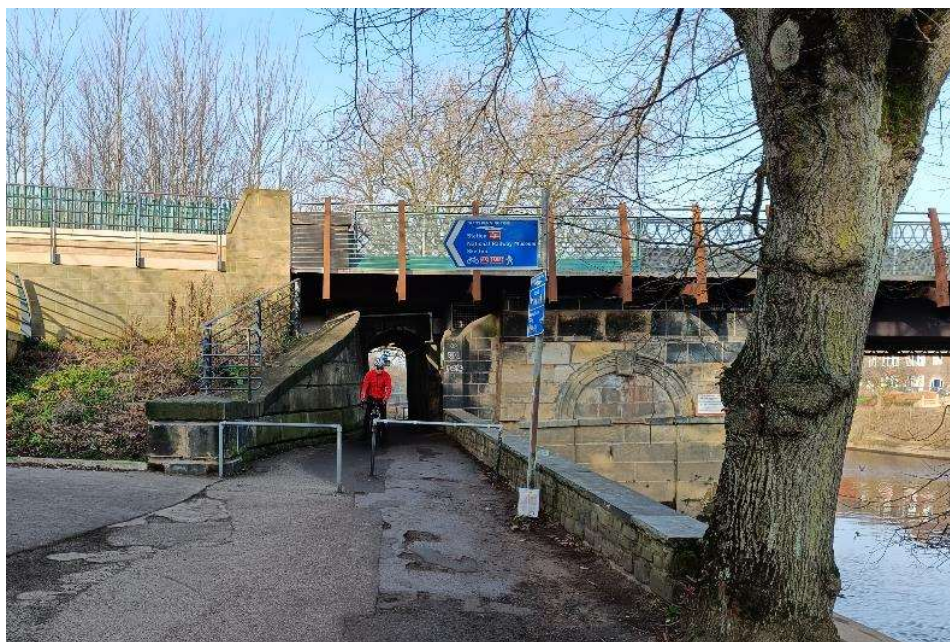


Report:

For: *City of York Council*



York Access Control Barrier Review



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August 2023

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Draft Report:



York Access Control Barrier Review

Contents

Main report

- 1. Executive summary 2
- 2. Introduction 5
- 3. Audit stage 7
- 4. Review stage 13
- 5. Stakeholder engagement 24
- 6. Conclusions and next steps 29
- 7. Design templates..... 33

- Appendix A: Barrier types..... 39

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1. Executive summary

1.1 Definition of barriers

Within the context of the work detailed in this report the term barrier refers to any vertical measure introduced on an otherwise horizontal path that is intended to either control access or mitigate against safety hazards. Details of the type of “barriers” this includes are listed in section 3.4 below.

1.2 Executive summary

The York Access Control Barrier Review will help the City of York Council to meet its Public Sector Equality Duty set by The Equality Act 2010. It will improve access for people with **protected characteristics** which may result from age, disability and pregnancy or maternity. The duty requires the council to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Remove or minimise disadvantages suffered by people due to their **protected characteristics**

In relation to physical features that would put a “disabled person at a substantial disadvantage”, such as an access control barrier, the council is expected “to take such steps as it is reasonable to have to take to avoid the disadvantage.” (Section 20, paragraph 4, Equality Act 2010). Failure to take reasonable steps would contravene the law and could therefore be challenged in court. This is the context within which the Council must address the issue of access control barriers.

Since the Equality Act replaced other pieces of anti-discrimination legislation in 2010, further Government guidance, specifically Local Transport Note 1/20 (LTN 1/20, July 2020) and Inclusive Mobility (December 2021) have provided design guidance on the minimum requirements for access on various types of path for all users including people with protected characteristics.

A survey of otherwise accessible paths in York (the first part of the access control barrier review) has identified, photographed, mapped and detailed over 800 barriers. Over 600 of these barriers are not compliant with the minimum design guidance and therefore the council has a considerable task to either remove or replace these and to ensure that no new non-compliant barriers are installed in future. While this process will be straightforward on council owned land and the highway for barriers on land owned privately by persons or bodies without a public sector equality duty the council can only encourage and advise. The access control barrier review has undertaken to clarify policy for existing and future access control and to establish a process to tackle existing barriers. Following a review of practice elsewhere in the UK and continental Europe there have been two meetings with relevant stakeholders in York, the first to establish a consensus on policy and the second to begin a process for prioritising action on that policy.

The Equality Act, LTN 1/20 and Inclusive Mobility leave little doubt about what a compliant policy on barriers should entail. This was clearly set out to the stakeholders. The policy is therefore:

1. There should be a general presumption against the use of barriers. The only exceptions would be where there is either:
 - a. A proven persistent safety issue that cannot be mitigated by other design solutions
 - b. A proven persistent problem of illegal access by motor vehicles that cannot reasonably be mitigated by enforcement or other design solutions. This does not include illegal access by two wheel motor vehicles as the minimum standard for Equality Act compliant barriers (1.5 metre gap) would not exclude these
 - c. Where egress by livestock needs to be controlled
2. Where there are existing barriers that are not compliant these should be:
 - a. Removed where there are no genuine safety or persistent illegal access issues
 - b. Replaced with a design that is compliant
3. Where there are existing barriers that are compliant they should be either:
 - a. Retained if they serve a genuine purpose such as restricting unauthorised vehicle access
 - b. Removed at a later date once all non-compliant barriers have been dealt with

There was a strong consensus in support of this policy in the stakeholder groups. The policy should therefore be put forward for formal adoption as council policy and resources identified to implement it. Official guidance should be drawn up and provided to developers to ensure that the policy is adhered to in new developments, this guidance should also be made available to other groups and landowners, as appropriate, to inform them of their duties under the Equality Act and the potential consequences of ignoring this and to give them examples of potential solutions.

A recommendation from the second stakeholder meeting was that a stakeholder advisory panel should be set up to guide the implementation of the policy, in particular to assist with prioritising which barriers are dealt with first. A number of stakeholders representing a range of interests have indicated their willingness to join such a panel. A first task will be to set this group up formally and agree its' terms of reference. It should be able to help first in the triaging of the over 600 non-compliant barriers already identified to decide what action should be taken with each and then in the prioritisation of these interventions. Whilst the number of sites which can be addressed will be dependent on available funding the slide below is a suggested guide as to how prioritisation could be achieved.

Prioritisation process

1. High

- On core network and fails access guidance
- High existing or suppressed use/demand
- Significant complaints or Equality Act challenge
- Safety hazard

2. Medium

- May be on core network but on less used routes with moderate suppressed demand and/or does not fail access guidance
- Might be a few complaints

3. Low

- Not on core network and/or does not fail access guidance
- Might be one or two complaints

Whilst the legislation and design guidance is clear about how the issue of barriers should be addressed there is still a likelihood of considerable resistance to this policy and its implementation, especially in areas where barrier installation has been the default solution to numerous issues in the past. Carefully prepared publicity that is sensitively released should help reduce opposition to the policy and the Advisory Panel should be a useful ally in preparing and disseminating this. However, the bottom line is that the council has a legal obligation to deal with barriers or it risks being challenged and paying a much higher price than that of dealing with the barriers properly, both in terms of litigation and reputation.

2. Introduction

2.1 Summary

In late 2022 **City of York Council** (CoYC) commissioned **Transport Initiatives** (TI) to develop a process to improve access on the city's path network, as part of a city-wide review of access controls and barriers. The review set out a four stage approach to the work as set out below. TI was commissioned to undertake stages 2, 3 and 4.

1. **City-wide audit** of current access control measures (not part of this commission but site list and map provided for context in Appendices A & B)
2. **Reviews of:**
 - Existing legislation and guidance
 - Outputs from the Stage 1 citywide audit
 - Use of access controls elsewhere in the UK and examples of best practice from continental Europe.
3. **Round-table discussions with stakeholder group(s)** about use and design of access controls to draw up draft policies and designs (either in-person, online or a hybrid of the two if necessary).
4. Using the same stakeholder group(s), devise a **draft site prioritisation methodology** to enable officers to identify the highest priority locations.

2.2 Background

Since the establishment of CoYC as a result of the Local Government Reorganisation in 1996, the council's officers have had to deal with conflicting requests from the public and elected members to either remove, amend or introduce barriers on paths within the authority area. Barriers have also been introduced by several other agencies including Parish Councils, developers and private landowners.

There are a great number of barriers on York's active travel networks, of a variety of types. Many of these are very restrictive, not just for Disabled people but also for people walking (especially if pushing buggies) or cycling.

The introduction of the Equality Act in 2010 and publication of more recent design guidance mean that these barriers must now be viewed through the lens of the Local Authority's Public Sector Equality Duty (PSED). Where barriers restrict access for people with protected characteristics listed in the Equality Act (Equality Act 2010, Part 2, Chapter 1, Section 4) these can be challenged, ultimately in court.

In view of the changing legal landscape regarding use of barriers CoYC was already reviewing the local picture when a first legal challenge to a specific barrier was made. This helped to highlight the need for the council to identify the location and nature of barriers and formulate a policy to address them and to prioritise its implementation.

The four stage review as set out in 2.1 above is described in more detail below.

1. **Audit Stage**

A formal audit of physical barriers on otherwise accessible paths was substantially complete by the time TI's commission began. The audit identified over 800 barriers, with their dimensions and other relevant details recorded in an Excel database. CoYC officers continued to add to this

number and more barriers have been identified. At the time of writing this report, the number of barriers was over 1000 and more were still being identified.

2. Review Stage

TI was contracted to carry out a desktop review of current legislation and guidance relating to:

- a. Where access controls should and shouldn't be used
- b. Designs which may be appropriate in different scenarios
- c. The number and types of access control measures in use currently in York. The stage one audit informing this review indicated the level of compliance of existing measures with current legislation / guidance and highlight the prevalence of different types of issues with the current infrastructure.

This review also took into account current legislation and government guidance, including:

- Equality Act 2010
- Antisocial Behaviour, Crime & Policing Act 2014
- Highways Act 1980
- DfT Local Transport Note 1/20 Cycle Infrastructure Design
- Design Manual for Roads & Bridges
- Manual for Streets 1 & 2
- Inclusive Mobility

This desktop review was informed by site visits to York so that the team carrying out the review could familiarise themselves with the types of barriers currently in use in York and the issues that may arise from these.

3. Round-table Discussions / Debate Stage

In this stage TI, with the assistance of CoYC, identified a list of relevant stakeholders and invited them to two meetings for round-table discussions and debate about the use and design of access control measures in York. The intention was to form a consensus on the policy that should be adopted to address existing barriers in the authority. This policy will also address how access control at new sites should be addressed and the design of any measures where these were deemed necessary.

4. Prioritisation Methodology Stage

Using the same stakeholder group as Stage 3, this group has been established to discuss the factors which could be used to prioritise the list of access control sites for removal / redesign etc. This includes formulating a methodology for prioritisation which could be adopted by the council and used to deliver changes to the existing infrastructure.

2.3 Report

While a written report was not specified as a desired outcome it is nonetheless the clearest way to finalise and document the stated desired outcomes.

3. Audit stage

3.1 Independent audit

The initial audit of barriers was undertaken by a contractor working for CoYC. It was almost complete when stages 2-4 began. Some 820 individual 'barriers' were located and the details of these were recorded in individual Excel files. Each of these included a photograph and some key measurements of gaps etc.

Since the contracted audit was completed CoYC officers have continued to map and measure additional barriers at sites which were identified after the contractor's commission was completed. The result of this is that over 1000 barriers have now been identified. The analysis below restricts itself to the original 820 barriers in the contracted audit as these are more than representative of the scale and variety of barriers that need to be addressed.

3.2 Analysis

In analysing the 820 barriers in the contracted audit, some caveats need to be stated regarding their nature and the data that was collected. These arise from viewing the audit data through the lens of the review of legislation and design guidance and are therefore not a criticism of the work of the auditors. There are also issues regarding the limitations of the recording process, particularly that when viewing them through the lens of a single photograph the context beyond the barriers cannot be seen. This is often a key factor in assessing their effect on access or understanding the circumstances which led to the barrier's initial installation.

The caveats include:

a. *They are not strictly barriers to pedestrian or cycle access*

This is particularly the case where the 'barrier' recorded featured a bollard or bollards. A number of these are clearly intended to prevent parking in spaces that are not paths (such as in the photo below), and do not restrict access along a path.



Barrier 256

b. The photo and/or measurements do not give enough information to make a full assessment of accessibility

This is again particularly where the 'barrier' in question has multiple bollards. The data recorded in the Excel file gives the maximum and minimum gap widths between bollards but is not specific about which pair of bollards this refers to.

The photos below display examples of this. The first shows a traffic filter with five bollards at each end and a cycle bypass through the centre. The maximum gap between bollards at this site at each end is cited as 1.6m and the minimum 1.4m. However, it is not clear which bollard gaps these refer to even if we can make a visual guess.

In effect this location features barriers at six access points, two pedestrian and one cycle path at each end. This makes the gap to the side of each of the outside bollards critical in judging accessibility on that particular path. This may be adequate on the right hand side but the hedge on the left clearly narrows the path significantly.



Barriers 229 and 230

The second site on Skeldergate is again one where bollards do not constitute a barrier to pedestrians or cyclists, although the absence of dropped kerbs particularly exclude the latter. However, the gaps in the brick archways do raise questions as these pose the potential for access restriction. These were not measured but a visit to Google Streetview suggests they are not an issue.

Furthermore, the archways on the far side of the road are not recorded as a barrier (see bottom photo) and the gap there is potentially non-compliant.





'Barriers' at Skeldergate (Picture above Google)

At some other sites where the gap between bollards was noted, there was still insufficient information to assess the access issues. For example, where the path had a camber or crossfall, or where a skewed approach is required to move through the gap (see the two photographs below).



Skewed barriers

- c. ***The path itself is the barrier (i.e. regardless of any bollard, gate etc., the path forms a barrier to access either due to width or surface quality)***

3.3 Level of compliance

Notwithstanding the caveats set out above, the audit provides a very clear overall picture of the scale of the barrier issue in York. The details of the legal and design parameters that form the assessment framework will be set out in Section 3, but when these are applied to the 820 audited barriers to assess their compliance with legislation and best practice, they can be split into three categories:

1. Compliant
2. Not compliant
3. More information is needed to determine their compliance

A handful of barriers that were judged compliant will fall into category c) of the above caveats where the path in itself was narrower than the minimum stated in the relevant design guidance. This also applies to some of the barriers that are not compliant, which is important in deciding which should be prioritised for action. There is less urgency in removing or making a barrier compliant if the path beyond it is not also being made compliant at the same time.

By category the 820 barriers were:

1. **Compliant** – 135 barriers (16.5%)
2. **Not compliant** – 589 barriers (72%)
3. **Not yet determined** – 96 barriers (11.5%)

While more information on the 96 undetermined barriers is required, based on the barriers that have been categorised it is likely that many will be judged as non-compliant.

Overall, the true proportion of non-compliant barriers is likely to be in excess of 75%. How these should be addressed is discussed in later sections of this report.

3.4 Types of barrier

There were six distinct types of barriers identified in the audit, plus an “other” category.

Bollards

Bollards or barriers including bollards are by far the most common type identified in the audit, accounting for 388 of the 820 barriers. Of these we have assessed 110 as compliant, 224 non-compliant and 54 undetermined.

Bollards will tend to be less restrictive on balance than other barriers and this explains why there are a higher proportion of compliant examples than the overall average, 28% compared to 16.5%.



Chicanes and half-chicanes



These are the second most common type of barrier identified in the audit. There are 196 full or half chicanes recorded. A handful of these included other measures such as bollards. Of the 196 only 8 are deemed compliant, 5 are undetermined and 183 (93.5%) non-compliant.

The high level of non-compliance is unsurprising as chicanes are by nature very restrictive measures.

Gates



102 barriers included some form of **gate**. Of these only 5 were compliant, 85 were non-compliant and 12 undetermined. Where these were farm gates or similar wider gates we made the presumption that they would be closed, even if shown open in the photograph and unless there was an adequate bypass of the gate they would be considered non compliant or undetermined, the latter if the width of the bypass was not clear. Again a minority of the gates were in conjunction with other measures such as cattle grids or gaps.

Gaps



There were 43 barriers described as either **gaps** or including a **gap**. 7 of these were compliant, 26 non-compliant and 10 undetermined.

Hoops



41 barriers were recorded as a **hoop, hoops** or including these. 1 was compliant, 37 non-compliant and 3 undetermined.

Cattle grids



14 barriers were recorded as including a **cattle grid**. 12 of these were deemed non-compliant and 2 undetermined.

Other



The remainder of the barriers were a mix of different types (some listed purely as 'barrier').

In general, the message from the audit and the additional sites that have been added since its completion is that there is a considerable task ahead to make the paths of York properly accessible to all and compliant with the Equality Act.

4. Review stage

4.1 Why barriers have been introduced in general

Before looking at the legislative framework and the design guidance that flows from it, we must first try to understand the intended purpose of barriers and the processes that have led to their introduction.

Historically, barriers have primarily been introduced with the intention of:

1. Discouraging illegal or unwanted access or egress (including by livestock)
2. Improving safety
3. Increasing security

It is important to distinguish between the intended or desired outcome and what impact the barrier has actually had.

Illegal or unwanted access

The illegal access that barriers are intended to prevent is most frequently by moped and motorbike users, and to a lesser extent four wheeled motor vehicles.

Some are also intended to discourage the use of bicycles on pedestrian only paths. In York there are also paths over strays (common land) that are grazed by farm animals and on these cattle grids at accesses control animal egress from these areas.

Safety

Barriers can be introduced to try to slow down path users, particularly where paths are downhill and/or approaching T junctions with other paths or roads and/or where there is poor visibility on the approach.

Barriers on the kerbside opposite the mouth of such junctions, intended mainly to stop children running into the road, will narrow the pavement and thus can be a barrier to those progressing along it. Note these barriers are only very localised and clearly do not prevent the unwanted behaviour a short distance along the path/pavement.

Security

Barriers are now being introduced in the UK to protect public areas from potential security threats, notably terrorist attacks. At the time of writing this report there was only one example of this type of barrier in York, on Parliament Street but we are aware of plans to introduce more of these at other access points into the “Footstreets” pedestrianised area in the city centre. There are older examples of bollards installed on footways elsewhere in the city to protect exterior cash machines from ram-raiders but the majority of these tend to be on private forecourts of businesses so have not necessarily been included in this review.

4.2 Why barriers have been introduced at specific sites

The section above sets out the three main intended purposes of barriers. However, we also need to ask why barriers have been introduced at specific sites. In addition, we need to ask what process has been followed to decide that a barrier should be introduced and whether this has been documented.

From our experience there are several answers to this question:

1. No formal policy in place

This is borne out by the piecemeal nature and application of barriers in the UK. It is the purpose of this review to remedy this situation in York and create a clear policy to address existing barriers and new sites where these would previously have been considered the obvious solution.

2. Actual (or just as likely, perceived) problem at the site

Barriers have been introduced in locations where there is no record of illegal or unwanted access, but where it “could” be possible. They should only have been considered where there was a real documented problem that could not be addressed by other options.

3. Actual or perceived issue with illegal or unwanted access at the site (new developments/paths)

Many barriers have been introduced, particularly in new developments, where it is assumed that there might in future be an issue of anti-social behaviour. If the path is wide enough for a car to use it then the assumption has been that it needs to have a barrier, even if the likelihood of a vehicle being driven along the path is low.

4. General presumption that barriers are the standard approach

The presence of so many existing barriers has created a culture that uncritically accepts that barriers are the solution because “*that’s what we have always done*”, without even questioning whether this is really the case. This instinctive view that barriers are the best solution creates a culture where other, possibly more effective, solutions are not even considered, even where they may actually be needed.

5. Feeling (generally unsubstantiated) that barriers will work to restrict mopeds and motorcycles

Barriers can indeed be effective in preventing access by four wheeled motor vehicles. However, to prevent moped and motorcycle access they must be so restrictive that they prevent many more legitimate users from using paths (wheelchairs, mobility scooters, wheeled walkers, prams and pushchairs and various types of cycles on shared use paths). Even then the illegal users can often still find a way onto paths. Two riders can generally lift a moped over most barriers.

The overall experience is that historically there has been a presumption that barriers were the first and only approach to take in locations where they were requested, or where it was assumed a problem might arise.

If there was any sort of current policy regarding barriers it could easily be described as “*Act first and ask questions later, if at all*”.

It is important to note that experiences like that in York are the norm across the UK. Barriers have been introduced to curb often non-existent problems with anti-social access, but instead they have made many paths inaccessible to large numbers of legitimate users. Indeed an increased presence of legitimate users may well have been a much greater deterrent to the anti-social behaviour the barriers were intended to prevent.

The Equality Act 2010 and the design guidance that has followed it (detailed below) irrevocably change the way the use of barriers past and future should be approached.

4.3 The Equality Act 2010

The Equality Act of 2010 has established that any public or private body offering services and facilities to the public now has a **'Public Sector Equality Duty'** (PSED). Under this duty public bodies, such as City of York Council, are required to have due regard to the Equality Act when designing schemes, making decisions or setting policies.

They must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

In practical terms public authorities should therefore

- Remove or minimise disadvantages suffered by people due to their **protected characteristics**
- Take steps to **meet the needs of people** with certain protected characteristics where these are different from the needs of other people
- **Encourage people** with certain protected characteristics to participate in public life, or in other activities where their participation is disproportionately low

The Act lists a number of protected characteristics. Three of these relate to groups of people that could be particularly adversely affected by barriers:

- Age
- Disability
- Pregnancy and maternity

Where an authority fails to adequately take account of its PSED it can be challenged in court. Challenges by people with protected characteristics must be made against specific barriers that they have encountered and which have denied them equality of access.

4.4 Local Transport Note 1/20 (DfT July 2020)

Commonly known as LTN 1/20, this is perhaps the most important document giving guidance in how to deal with barriers on paths, either shared or for cycles only. The key guidance on access barriers is Section 8.3 which specifically deals with Access Controls. This is set out in full below (TI's comments in italics are to the right):

Paragraph in LTN1/20	TI comments
8.3.1 Access controls can reduce the usability of a route by all cyclists, and may exclude some disabled people and others riding nonstandard cycles. There should therefore be a general presumption against the use of access controls unless there is a persistent and significant problem of antisocial moped or motorcycle access that cannot be controlled through periodic policing.	<i>The general presumption against the use of barriers is the opposite of the past practice described in 3.1 above. The exception regarding antisocial moped and motorcycle use is paradoxical as will be explained in our comments on 8.3.5 below.</i>

<p>8.3.2 Access controls that require the cyclist to dismount or cannot accommodate the cycle design vehicle are not inclusive and should not be used.</p>	<p><i>This effectively forbids the use of gates which users, particularly those on adopted bicycles, would have to dismount to open and close. Chapter 5 of LTN 1/20 specifies the dimensions of the “cycle design vehicle” and turning circles, visibility etc.</i></p>
<p>8.3.3 Access controls should not be required simply to control cyclists on the approach to a road or footway crossing. It will normally be sufficient to provide good sightlines and road markings so that cyclists clearly understand the need to take care and give way to pedestrians and other traffic at such points.</p>	<p><i>This addresses the use of barriers for “safety” reasons. The presumption is that improving sightlines and path markings should be the preferred solution e.g. an engineering design solution rather than a barrier.</i></p>
<p>8.3.4 Chicane barriers cannot be used by people on tandems, tricycles, cargo bikes and people with child trailers. They may also be inaccessible to some types of wheelchair and mobility scooter. An access control that requires cyclists to dismount will exclude hand cyclists and others who cannot easily walk. Barriers fitted with plates that are designed to be narrower than motorcycle handlebars will also leave a gap that is narrower than many larger cycles. This will require cyclists to stop and put a foot down to pass through, which can be difficult when carrying children or heavy luggage.</p>	<p><i>This is a clear presumption against the use of chicanes, A-frames and K-barriers.</i></p>
<p>8.3.5 An alternative method is to provide bollards at a minimum of 1.5m spacing, which allows users to approach in a straight line whilst permitting all types of cycle and mobility scooter to gain access. If access is required by wider maintenance vehicles, a lockable bollard can be used.</p>	<p><i>The 1.5m spacing is the crucial guidance here as it is the only width measurement offered and becomes the key template against which existing barriers should be measured. This width would also exclude barriers from being used to restrict antisocial moped and motorcycle access as gaps of 1.5m would not stop this.</i></p>
<p>8.3.6 Bollards and barriers should contrast with the background and may be fitted with retroreflective material to ensure they can be easily seen in all conditions.</p>	<p><i>We believe that the use of retroreflective material should be standard.</i></p>
<p>8.3.7 Where it is necessary to control the movement of livestock a cattle grid should be used, in preference to a gate which will cause delay to cyclists. Experience in Cambridge showed that a cattle grid with closely spaced (100mm) threaded rod bars can be crossed by cycles without undue difficulty.</p>	<p><i>This is relevant to York and will be discussed below.</i></p>

To further expand on 8.3.1 above, chapter 5 of LTN 1/20 gives a wide range of measurements relating to cycle paths that are relevant to the discussion of barriers. In particular tables 5-2 and 5-3 (shown below). These show the 1.5m stated in 8.3.5 above and standard measurements relating to path widths and also in 5-3 additional widths that may be required where there are side constraints at the edges of paths such as walls and fencing.

Table 5-2: Cycle lane and track widths

Cycle Route Type	Direction	Peak hour cycle flow (either one way or two-way depending on cycle route type)	Desirable minimum width* (m)	Absolute minimum at constraints (m)
Protected space for cycling (including light segregation, stepped cycle track, kerbed cycle track)	1 way	<200	2.0	1.5
		200-800	2.2	2.0
		>800	2.5	2.0
	2 way	<300	3.0	2.0
		>300-1000	3.0	2.5
		>1000	4.0	3.0
Cycle lane	1 way	All – cyclists able to use carriageway to overtake	2.0	1.5

*based on a saturation flow of 1 cyclist per second per metre of space. For user comfort a lower density is generally desirable.

Table 5-3: Additional width at fixed objects

Type of edge constraint	Additional width required to maintain effective width of cycle track (mm)
Flush or near-flush surface including low and splayed kerbs up to 60mm high	No additional width needed
Kerbs 61mm to 150mm high	200
Vertical feature from 151mm to 600 mm high	250
Vertical feature above 600 mm high	500

Section 8.2.1 of LTN 1/20 states: “Where space and budget allows, the most effective way to minimise conflict and increase comfort is to provide separate routes for walking and cycling.”

This is the ideal situation, and may be particularly achievable where completely new paths are being created. However, for the majority of paths away from the highway in York the reality is that these are fully shared and will remain so for the foreseeable future. Opportunities should be taken wherever possible to provide additional width if feasible to reduce the potential for conflict between cyclists, pedestrians and wheelers.

LTN 1/20 is focussed on cycling, and to look more specifically at footways, footpaths as well as shared paths we need to refer to the DfT’s Inclusive Mobility guidance.

4.5 Inclusive Mobility (DfT December 2021)

Inclusive Mobility takes a broader look at how the built environment in general, including footways and traffic free paths, should be designed to give full access to people with protected

characteristics. This covers paths that are pedestrian only and those that are shared with cyclists either shared or separated, though for the latter it defaults to LTN 1/20:

“Local Transport Note 1/20 is clear that shared use routes in streets with high pedestrian or cyclist flows should not be used. Where it cannot be avoided, shared use may be appropriate if well-designed and implemented and where pedestrian numbers are very low. Cycle tracks and footways should be designed to be perceived as wholly separate facilities. Where it is not possible to achieve this level of separation, and the footway and cycle track are immediately adjacent and parallel to one another, the guidance in this section should be followed. This will assist vision impaired people and will also be helpful to all other users.” (Inclusive Mobility 4.6)

Applying this guidance to new paths and the conversion of existing ones will obviously affect the design of any potential access controls, particularly where cycle and pedestrian sections of paths are segregated by kerbs.

There are numerous sites in York where pedestrian-only paths are narrow and barriers have still been introduced. Two examples of these are shown below:



In section 4.2 of Inclusive Mobility the minimum width of pedestrian paths is discussed and the document states:

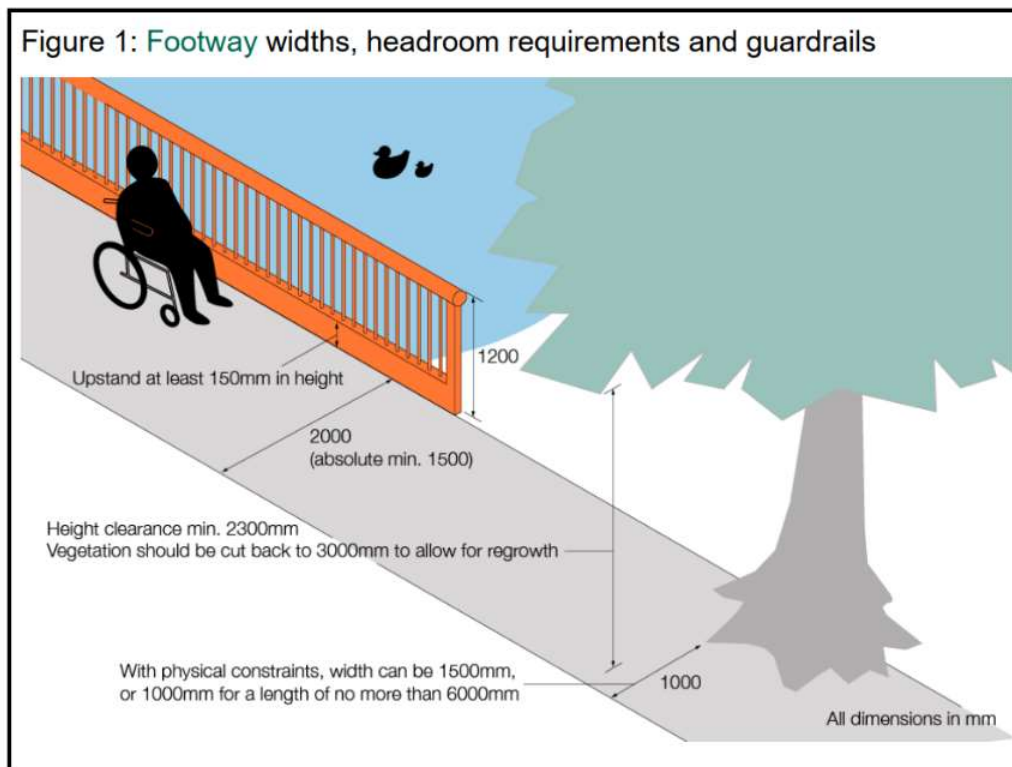
*“Footways and footpaths should be made as wide as is practicable, but under normal circumstances, a width of **2000mm** is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. If this is not feasible due to physical constraints, then a minimum width of **1500mm** could be regarded as the minimum acceptable under most circumstances, as this should enable a wheelchair user and a walker to pass each other. Where there is an obstacle, such as lamp columns, sign posts or electric vehicle charging points, the absolute minimum width should be **1000mm**, but the maximum length of such a restricted space should be **6 metres**.”*

These dimensions are important when we consider access controls on existing pedestrian paths in York. While they might be a lower standard than the 1.5m gap set in LTN 1/20, it is made clear that this is an absolute minimum to be used in limited circumstances.

In the two examples shown above, neither would meet a 1m gap width standard set out in Inclusive Mobility. (they are 900mm and 800mm respectively). Both sets of barriers are presumably intended to deter cyclists. However, if the gaps met the 1m absolute minimum, neither would prevent cycle access and hence they are pointless.

Inclusive Mobility also discusses the use of guardrail at the side of footpaths e.g. on bridges and where serious hazards lie adjacent. It concludes that where the use of guardrail is deemed necessary this should not “encroach on the minimum width required” (Inclusive mobility 4.4). A

useful diagram (below) is included which shows not only how this might be applied but also an interpretation of the 1m gap.



In section 4.7 the issue of street furniture is discussed and in particular where licences have been granted for street cafes. The document states: *“When setting conditions, determining applications (in the absence of local conditions) and when considering whether enforcement action is required, authorities should consider Section 3.2 of this guidance, where in most circumstances **1500mm** clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway.”*

In many instances in York where vertical barriers are in place there are additional “barriers” such as the absence of dropped kerbs. The example in the picture below is a perfect storm of issues under discussion here.



The barrier above has measured gaps of 800mm on either side. The real gaps are even less due to the encroachment of vegetation and access is further compromised by the absence of a dropped kerb.

All these issues in addition to vertical barriers are of relevance to access, particularly when considering how to prioritise action. Removing a vertical barrier where access is equally prevented by other factors is less effective unless those other factors are also dealt with. This would imply additional costs which will be an important consideration in prioritising action, particularly if limited funding is available.

4.6 Other relevant guidance documents

LTN 1/20 and Inclusive Mobility are now the default documents for guidance on how to approach the issue of access control barriers. This is acknowledged by the relevant minister's (Jesse Norman) response to parliamentary questions on the issue from York Central's MP Rachel Maskell. Her questions and his answer are shown below.



Rachael Maskell Labour/Co-operative, York Central

To ask the [Secretary of State](#) for Transport, what steps he is taking to ensure cycling infrastructure is accessible to (a) cargo bikes and (b) bikes for disabled people.



Rachael Maskell Labour/Co-operative, York Central

To ask the [Secretary of State](#) for Transport, if he will take steps to require local authorities to make cycling infrastructure accessible to people needing adaptations to their bicycles.



Jesse Norman Minister of State (Department for Transport)

Provision of cycling infrastructure is the responsibility of local authorities. They are bound by the Public Sector Equality Duty, and it is for them to ensure any infrastructure is provided in a way that meets legislation designed to reduce inequalities. Any measures for cycling should be designed to meet the requirements set out in the Department's 'Local Transport Note 1/20: Cycle Infrastructure Design' and in its 'Inclusive Mobility' guidance to ensure cycling schemes are accessible to people with disabilities. This guidance includes advice on designing for different types of cycles, including adapted and cargo cycles. [Active Travel England \(ATE\)](#) has responsibility for reviewing proposed Government-funded active travel schemes and will also inspect finished schemes.

One initiative which has perhaps fostered some of the attitudes towards the introduction of

barriers is “Secured by Design”. Over the past 30 years this has been the approach of the police to design guidance for developments to reduce crime, in particular burglary and theft from homes. It is fair to say that strict adherence to Secured by Design guidance is often at odds with governmental guidance on design for permeability and accessibility, particularly for people with protected characteristics.

The latest Secured by Design guidance¹ is a little more nuanced in its approach and does acknowledge LTN 1/20 in reference to design of cycle routes in developments. However, there is still an emphasis on building cul de sacs and an aversion to these being “leaky”, connecting by paths to other areas, e.g:

8.5 Cul-de-sacs that are short in length and not linked by footpaths can be very safe environments in which residents benefit from lower crime.

Where properties have rear paths and accesses there is encouragement to place lockable gates on the ends of these. This would particularly reduce access for wheelchair users.

Elsewhere the use of barriers is also discussed:

8.12 Physical barriers may also have to be put in place where ‘desire’ lines (unsanctioned direct routes) place users in danger, such as at busy road junctions. It is important that the user has good visibility along the route of the footpath. The footpath should be as much ‘designed’ as the buildings.

We would agree that footpaths should be well designed, but would hope that the they are so well designed that any need for barriers is removed.

4.7 Experience of other local authorities

TI put out a general enquiry to other local authorities on the DfT’s Basecamp LCWIP discussion forum, asking how they had addressed the issue of access control barriers. We wanted to know what policies were in place, and what if any design advice they could offer. We were particularly keen to know how other authorities had addressed the issue of access control specifically aimed at preventing egress of livestock where paths exited grazing land. This is a relevant issue in York where this is the case on several of its strays.

While there were not a great number of responses, those that were received were particularly useful. We were pointed towards the design of cattle grids on paths in Cambridge which specifically offer running lanes for wheelchair users (see Cyclestreets photo below) . An officer of Devon County Council explained their experience of these grids and also provided a useful flow chart for addressing individual barrier sites. A picture of the Devon grid and the flowchart are shown on the following pages. It should be noted that cattle are known to have got across the Devon grids by utilising the space at each side. For this reason the designs we recommend (see templates in section 7) remove this space and also continue the side railings by two metres on the livestock side of the grid. This latter should further discourage cattle from trying to cross as they are wary of confined spaces. We have shown the picture as currently it is the only example of a grid with running lanes currently on site.

¹ https://www.securedbydesign.com/images/HOMES_GUIDE_2023_web.pdf



Photo – Cyclestreets.net

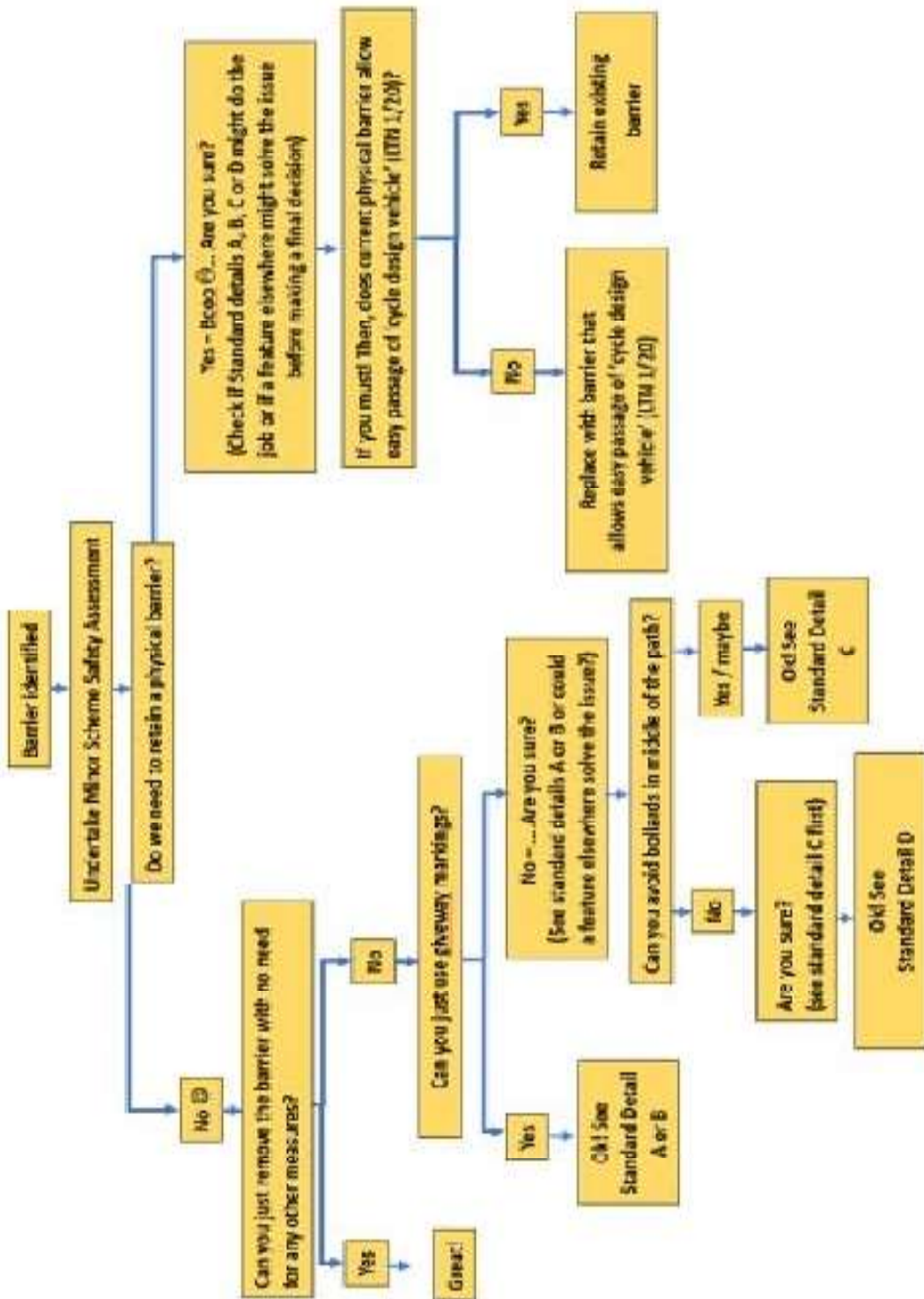


Figure 2. Devon County Council barrier assessment flow chart

5. Stakeholder engagement

5.1 Stakeholder meetings

Two stakeholder meetings were held on 7 February and 14 March 2023. The first was planned to seek to agree a consensus policy for addressing barriers and the second a process to prioritise how this policy would be implemented. A wide range of potential stakeholders were contacted for both these meetings. This included:

- City and parish councillors
- Police
- Disability groups
- Cycling and walking groups
- Community groups
- Relevant officers
- Relevant NGOs

For the first meeting the option of an afternoon or evening meeting was offered, both to be held at the Quaker Meeting House in Friargate. Invitees who were not able to attend in person were also offered the option to attend either meeting on Zoom. In the event nearly all those who responded wished to attend in the afternoon and those who had opted for the evening were also able to come in the afternoon.

5.2 First stakeholder meeting (7 February 2023)

There were twenty invited attendees at the first meeting, two of these on Zoom. Following the welcome, Transport Initiatives made a presentation which roughly covered all the issues already dealt with in this report. The content was:

1. Purpose of first and second meetings and a brief introduction to why this process was underway
2. The legislative and design guidance framework – Equality Act, LTN 1/20 and Inclusive Mobility
3. The reasons why access control barriers have been introduced, their intended purpose and the processes and thinking behind their introduction
4. What we might do with existing barriers given the legislation and design guidance. The Devon flow chart was shown to attendees
5. Introduction to small group activity

There is a Youtube version of the presentation at <https://youtu.be/inMGlrMii54>. This was recorded after the meeting so some of the issues raised at the meeting are addressed in the presentation.

Small group discussion

The attendees then broke into five small groups, four in the meeting room and one on Zoom. The groups discussed what action should be taken on twelve specific barriers from the audit stage which covered a wide variety of designs. There were pictures and measurements provided for each barrier.

The presentation had made clear that the Equality Act, LTN 1/20 and Inclusive Mobility effectively set very tight parameters for addressing the need for barriers and their design if

implemented. The overall presumption was that barriers should be a last resort once all other options were exhausted and where they might actually be effective. Where barriers would be retained or changed they should provide a 1.5m gap for access and this would mean that for all but preventing access by four wheel motor vehicles they would not work. Barriers that might prevent access by mopeds and motorcycles would also prevent legal access by legitimate users and therefore could not be used.

Given these parameters the groups were then asked to consider for each of the twelve barriers:

1. Why the barrier was there – it's purpose and what the process might have been for its introduction
2. Was the barrier really needed?
3. Should the barrier be removed, replaced or retained?
4. If the the barrier should be replaced, what with?

Once the groups had completed their discussions they fed back their decisions and any issues regarding each barrier to the whole meeting.

The overall feeling of the meeting was one of general consensus. The feedback showed that there was general agreement on what should be done with the twelve barriers, although for some it was also clear that more information was needed about the site and/or the barrier before a final decision could be made.

Other issues

Some other issues were raised regarding the work:

a. Scope of the audit

The scope of the audit was questioned i.e. whether the audit should look at barriers on all types of path including Public Rights of Way. Stakeholders asked where the line was drawn.

TI drew attention to the National Parks "**Miles Without Stiles**" walking route system, which breaks routes into three categories:

1. For all

- Suitable for everyone, including pushchairs and people operating their own wheelchairs
- Gradient: No more than 1:10
- Surface: Tarmac or smooth, compacted stone with a diameter of 10 mm or less. Path width will be a minimum of 1 metre with passing places

2. For many

- Suitable for assisted wheelchair users and families with more robust, all-terrain type buggies
- Gradient: Existing gradients no more than 1:10, although newly built gradients can be up to 1:8
- Surface: The path surface will be rougher stone of 4 cm diameter or less

3. For some

- Strong and confident wheelchair users and helpers may find routes 'for some' within their abilities. May be suitable for off-road mobility scooters
- Gradient: Gradients are not limited, but slopes greater than 1:8 will have improved surfacing, or handrails
- Surface: There may be some low steps or breaks in the surface up to 10 cm in height. Stone surface material may be up to 10 cm in diameter

The barriers in York were mostly on “Paths for all” i.e. the first of these three categories, with a small number meeting the second, except for gradients. None fell into the last category which are generally rights of way in open countryside. The council’s Public Rights of Way team have an ongoing programme of works improving access on their footpath and bridleway networks.

b. Barriers on private land

A comment was raised that there are some barriers on tracks/paths over private farmland where the landowner is not covered by the Public Sector Equality Duty. TI and CoYC officers were of the opinion that where barriers on these routes were not compliant with policy the council could request that they be made so, but had no powers to insist. Clearly there may be some scope to assist the landowners in this with design or cost but this depends on council resources.

Attendees at the meeting were informed that they would be invited to the second stakeholder meeting.

5.3 Second stakeholder meeting (14 March 2023)

The second stakeholder meeting was held at the Priory Street centre on the afternoon of 14 March. The invitation to attend was extended to all those invited to the first meeting and a few others that we had been made aware of since. Fifteen stakeholders attended the meeting with one of these on Zoom. However, there were some issues with the wifi connection and this made the Zoom link unreliable so the stakeholder left the meeting before the finish.

As before, a Youtube version of the presentation is available at <https://youtu.be/ExB2EGt6zyA>. This was recorded after the meeting so some of the issues raised at the meeting are addressed in the presentation. This presentation covered:

1. The aims of the meeting – namely to “develop a consensus approach to prioritise implementation of the access control barrier policy (agreed at the first meeting) at the 800 + sites identified by the council”
2. Brief recap of the first meeting particularly highlighting: The Equality Act 2010 and the design guidance relating to barriers following it, namely LTN 1/20 (2020) and Inclusive Mobility (2021). It was explained that these documents effectively state the policy that should be implemented for barriers namely: remove or replace restrictive chicanes and similarly inaccessible barriers e.g. kissing gates or gates that have to be opened to gain access. Where these are replaced a minimum “real” gap width of 1.5 metres should be provided. The term “real” refers to the 1.5 metre gap being one that is protected from path deterioration and the encroachment of vegetation, which means that there should be careful consideration of the design to ensure this.
3. The map of barriers identified thus far in York was shown.
4. Triaging of identified barriers. All the barriers identified need to be assessed and categorised into four categories:

- a. **To be removed.** They serve no purpose
 - b. **To be removed or replaced but more data/information was needed** to make this decision. Decision effectively deferred because more information was needed e.g. where there is a cattle grid and a need to confirm whether or not one was still needed
 - c. **To be replaced.** The barrier does not meet the design guidance and should be either amended or replaced so that it does
 - d. **To be retained.** The barrier meets the design guidance or is not an obstruction or hazard
5. The meeting then assessed a small sample group of 22 barriers to categorise them in these four categories. This will be the process applied to all the barriers.
6. Prioritisation of the implementation of decisions on barriers was then discussed so that these could be categorised into high, medium or low priority for action. The key factors for this were suggested as:
- a. **Their location on network and in relation to other barriers** – e.g. these other barriers would also need to be dealt with to maximise the benefits of dealing with the barrier in question
 - b. **Path usage.** Is the path well used or, if the barrier was changed or removed, the amount of suppressed demand that might be released
 - c. **Level of complaints about the barrier**
 - d. **Is the barrier in itself a hazard**
 - e. **There is an Equality Act challenge to the barrier**
7. The 22 barriers were then addressed again and how action on them might be prioritised was discussed.

The discussions throughout were polite and there was general consensus on how barriers should be dealt with. One particular issue raised related to how policy on barriers would be either consulted on and/or publicised. The meeting generally agreed that policy about and decisions on barriers needed to be publicised clearly in advance and not simply imposed without warning.

One of the key outcomes of the meeting was the idea of creating a stakeholder advisory panel to help guide the continuing process of developing and implementing policy on barriers. Some at the meeting expressed that they would be interested in joining this panel. This summary has been circulated to all those who attended the meeting and others who had expressed an interest. Some of these have indicated their willingness to join a stakeholder advisory panel.

Officers compiled a list of questions and issues discussed:

- Who owns the bollards?
- What is the budget for replacement bollards?
- Reporting of barriers via a portal
- What are the barriers trying to stop?
- What would be needed?
- Communication of changes to barriers needed
- Consultations could be used but there is a limit to what could be done as there is a legal responsibility to remove or change barriers

- CYC should take the lead to explain why and how these changes are being done. Ward councillors to communicate
- Collect data on anti-social behaviour collected by Police and Council

6. Conclusion and next steps

6.1 Conclusion

The Equality Act, LTN 1/20 and Inclusive Mobility effectively dictate policy on barriers. However, there is certainly room for nuance in how this policy is implemented. This will not so much change the nature of barriers where they are either installed, changed or retained, but rather be about where they are deemed necessary. It should be stated that the first presumption at sites should be that barriers are unnecessary when in the past the opposite has too often been the case. This requires a full but necessary change in mindset.

There is a significant issue with non-compliant barriers in York with over 600 needing urgent action.

6.2 Stakeholder advisory panel

The formation of a Stakeholder Advisory Panel was a key recommendation of the stakeholder meetings. A number of those who attended the meetings have indicated their willingness to be on the panel. The first meeting of this should be called soon, once the May 2023 local elections are completed. While the terms of reference of the panel should be part of the agenda for this first meeting we would suggest these include:

1. Discuss barrier policy – particularly issues of what should be considered a persistent issue (see below)
2. Review the barrier survey data to triage these for action
3. Agree process for prioritising action and apply this to the triaged list of barriers
4. Oversee progress of the above and new sites
5. Discuss broader issues of accessibility
6. Guide promotion and communications strategy for new barrier policy and its implementation

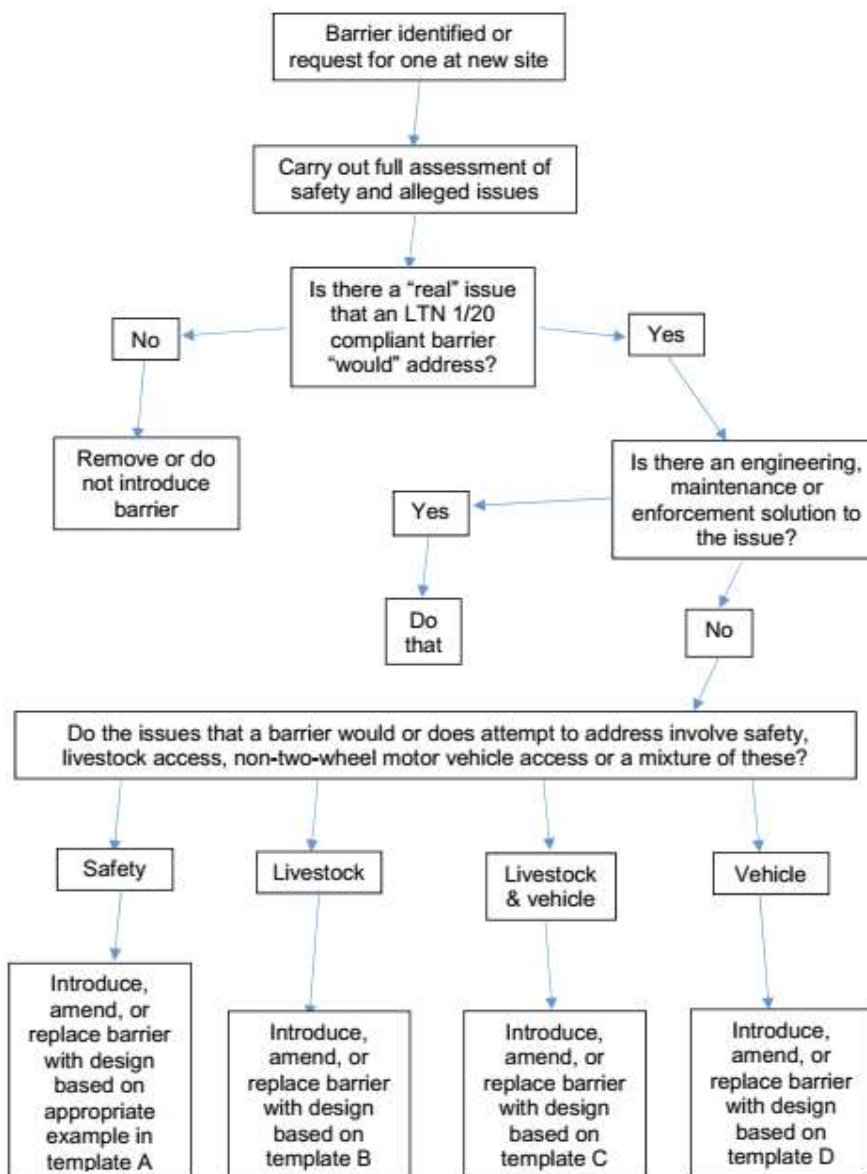
6.3 Draft barrier policy

With this in mind the policy should be:

1. Access control barriers should only be considered at locations where there is a proven and persistent issue with unwanted motor vehicle or livestock access or egress that they could control
2. All other options of engineering design and/or enforcement should be considered before the introduction, changing or retention of a barrier
3. Where a barrier is to be introduced, changed or retained it should offer a minimum real gap of 1.5m (See design templates in section 6) and conform with the design guidance given in LTN 1/20 and Inclusive Mobility

The diagram below is a flow chart for assessing barriers based on the Devon flowchart and aimed at establishing a York equivalent.

Barrier assessment flow chart:



Proven and persistent issues

With the balance of presumption against the use of barriers the fact that a path is wide enough for a car to be driven along it should not be enough to warrant the introduction or retention of a barrier. The question that should be asked is ***“will cars be persistently driven along the path if a barrier is not installed or retained?”***

Hence the issue becomes how “persistent” is defined and this is where the nuance of the barrier policy is found. The council should make its own definition of how “persistent” should be defined. As suggested above we recommend that the Stakeholder Advisory Panel should be involved in this discussion once it has been established.

The 1.5m gap

Inclusive Mobility offers the possibility of providing a gap of as little as 1m on pedestrian only paths. However, as a 1m gap will not deter unwanted moped or motorcycle access the only

purpose of a barrier will be to prevent unwanted four wheel motor vehicle access for which a minimum gap of 1.5m is more than adequate.

We would go further and say that the minimum gap should be set at 1.55m or even 1.6m. There are no generally available cars that are narrower than the former and only two narrower than 1.6m, the Smart ForTwo (1.559m) and the Hyundai i10 (1.595m). There are likely to be very few Smart ForTwos in York. Given that there is very little theft of these cars and that the Hyundai i10 would have only a 5mm clearance, the balance of probabilities is that a 1.6 metre gap would be adequate to prevent unwanted access. We would therefore suggest that a minimum gap of 1.6 metres should be the York standard.

6.4 Prioritisation of barrier actions

The slide below was used at the stakeholder meeting on 14 March. This was an initial template of the issues that should be considered when seeking to prioritise, triage action on barriers.

Prioritisation process

1. High

- On core network and fails access guidance
- High existing or suppressed use/demand
- Significant complaints or Equality Act challenge
- Safety hazard

2. Medium

- May be on core network but on less used routes with moderate suppressed demand and/or does not fail access guidance
- Might be a few complaints

3. Low

- Not on core network and/or does not fail access guidance
- Might be one or two complaints

6.5 Formal adoption of barrier policy

The very first step that should be taken is for the council to formally adopt the draft barrier policy set out in 6.3 above. Once adopted the council will then be able to fully implement the policy with a planned programme of works to address existing barriers and any new ones not yet identified. The adopted policy should be clearly set out in planning guidance to developers to ensure that no new non-compliant barriers are installed.

6.6 Publicising barrier policy and works arising from its implementation

Regardless of the council's legal obligations to remove or amend barriers there will be opposition to this. The historical acceptance that barriers are the solution to unwanted access, discussed in section 4.1 above will undoubtedly be encountered and while this cannot derail the council from its legal obligations it has the potential to make the passage of the policy less

smooth than would be desirable. The council does, however, have powerful allies in local walking, cycling, disability and access groups, and potentially local police. Working with these groups in advance of the policy's public unveiling, including with those in the advisory panel, should ensure that the council is well prepared for any opposition that will arise. The evidence clearly shows that barriers seldom work, certainly not against unwanted two wheel motor vehicles and that, on the contrary, they prevent access by legitimate users whose presence is more likely to deter the unwanted use.

It is clear to TI, working with a range of local authorities around the UK, that York is at the forefront in dealing with this issue. The council will therefore be setting an excellent precedent that others will have to follow, sooner or later.

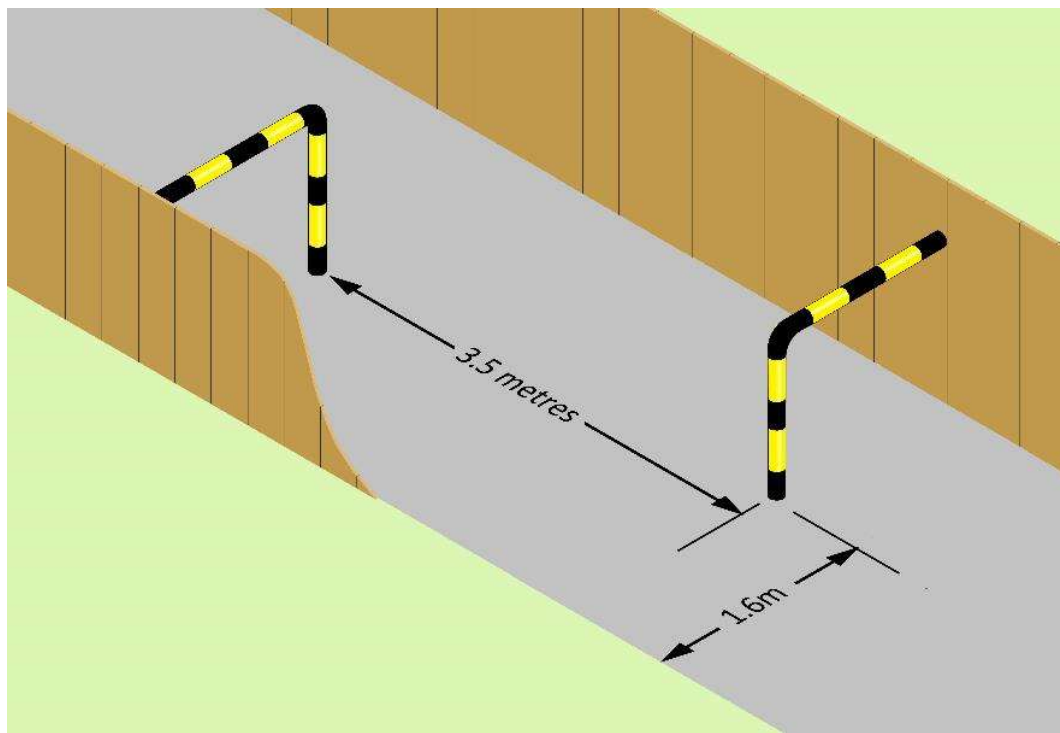
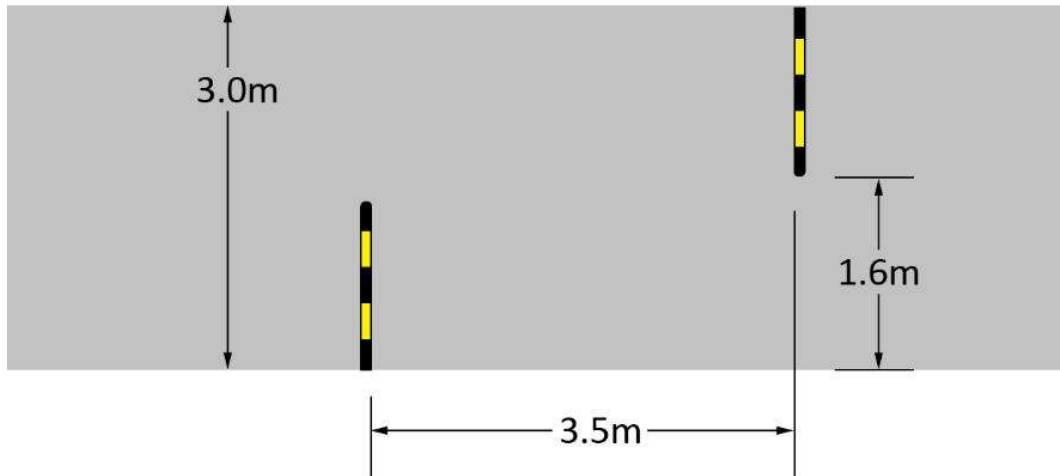
7. Design templates

7.1 Template A

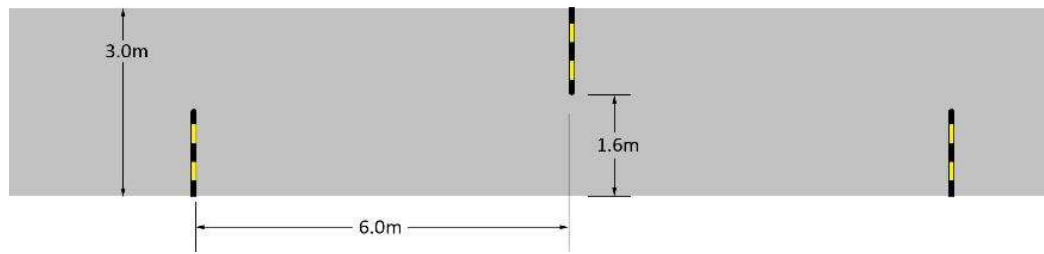
The generic designs in this template are intended specifically to slow cyclists approaching potential hazards.

Half and full chicanes, Dremfels

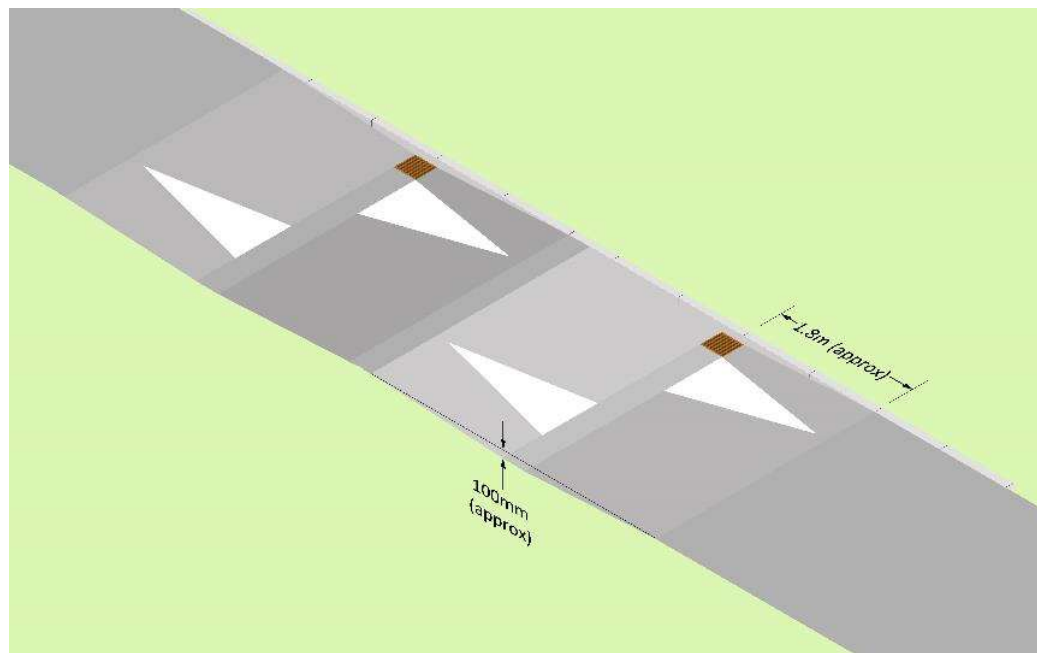
Half chicane



Full chicane

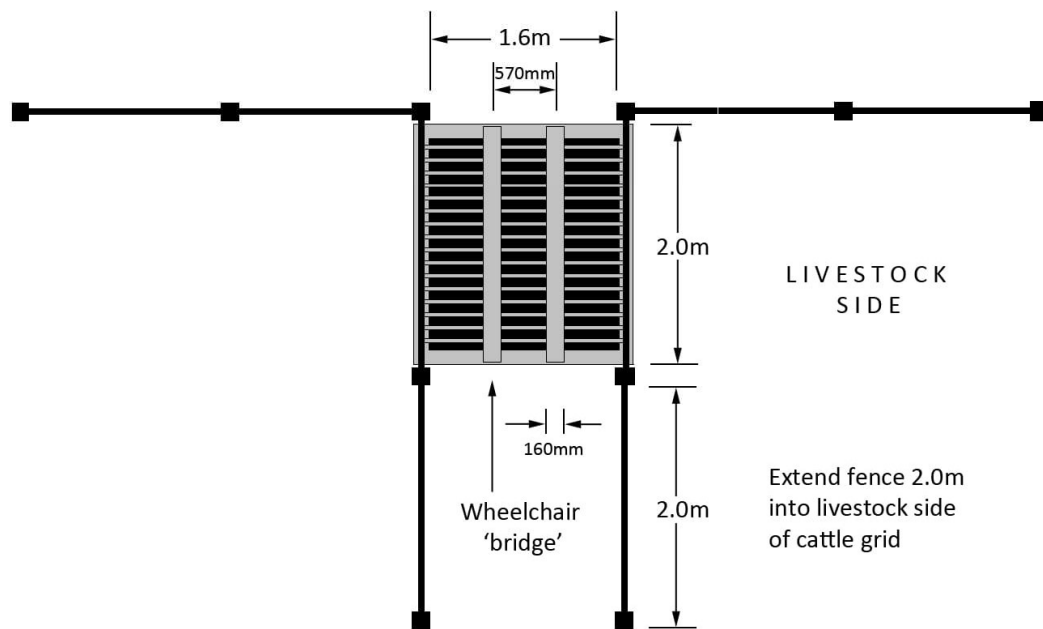


Drempels – a depression rather than a hump. Laid in pairs.



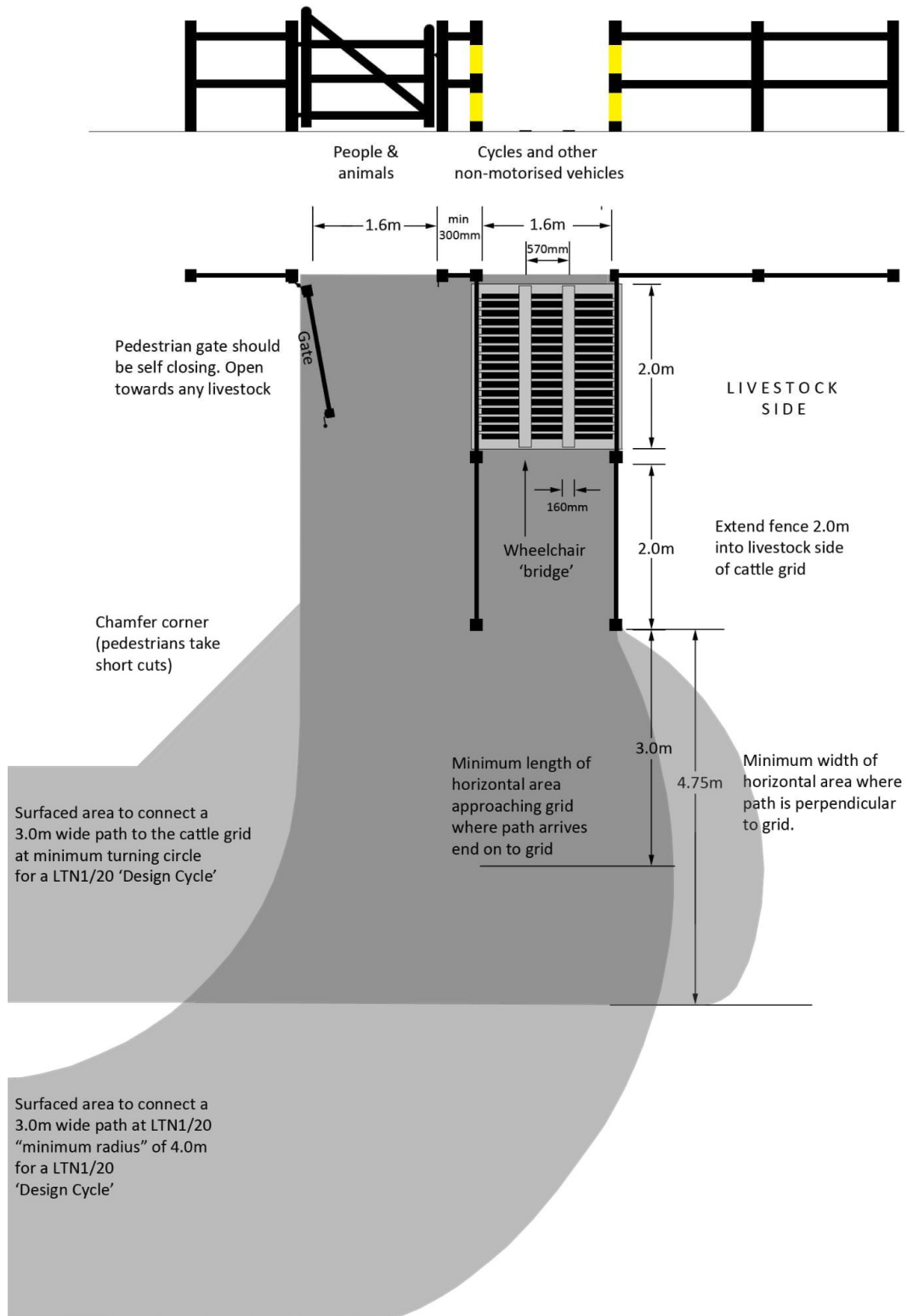
7.2 Template B

Accessible cattle grid without pedestrian gate

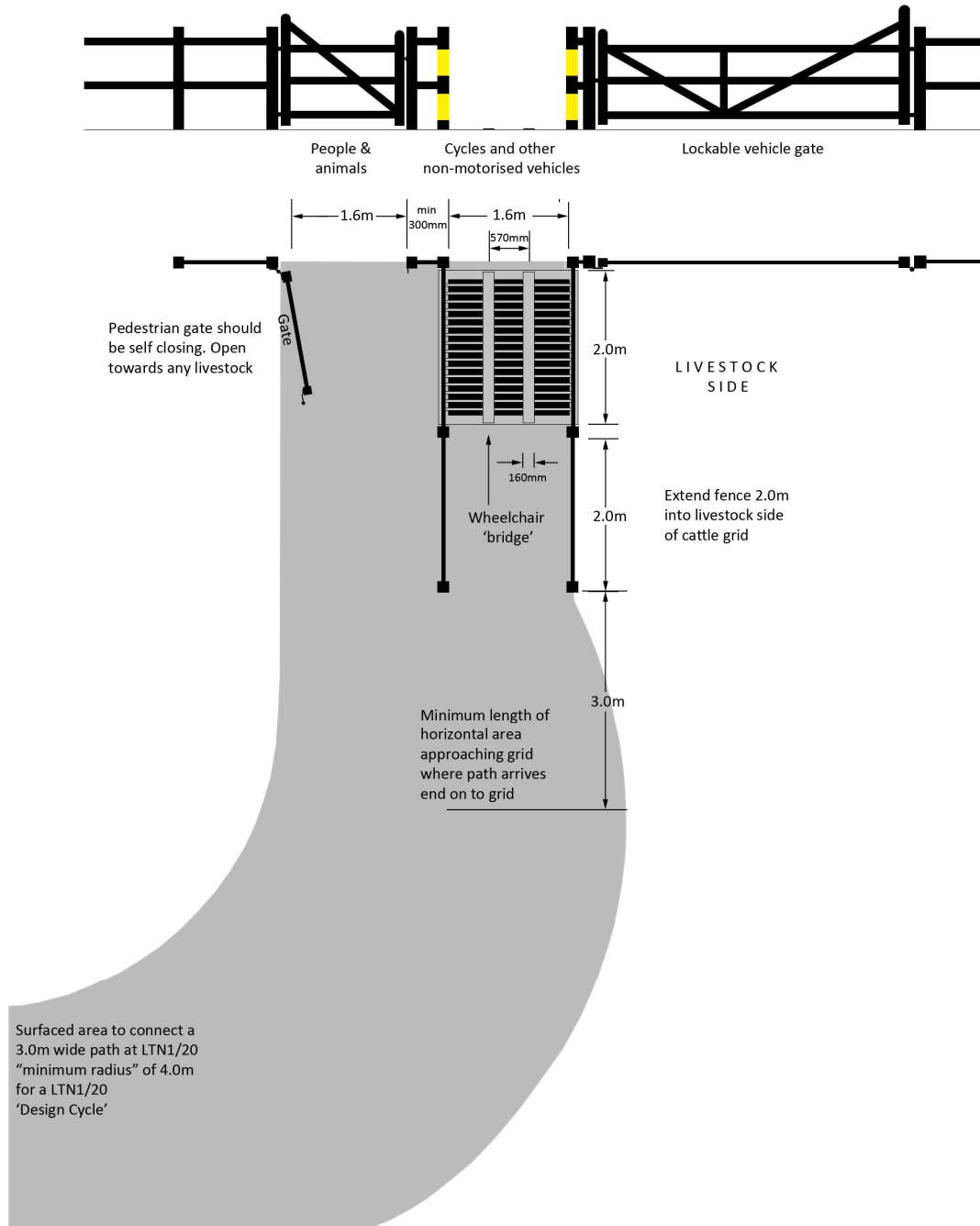


7.3 Template C

Accessible cattle grid with pedestrian gate

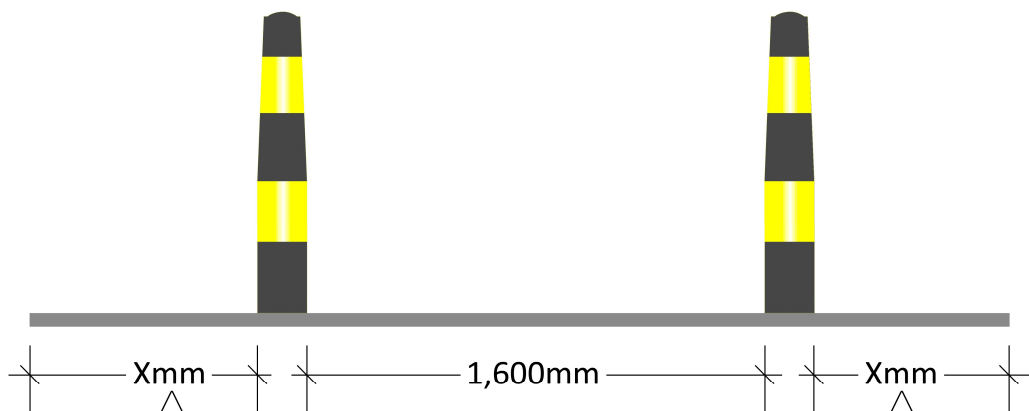
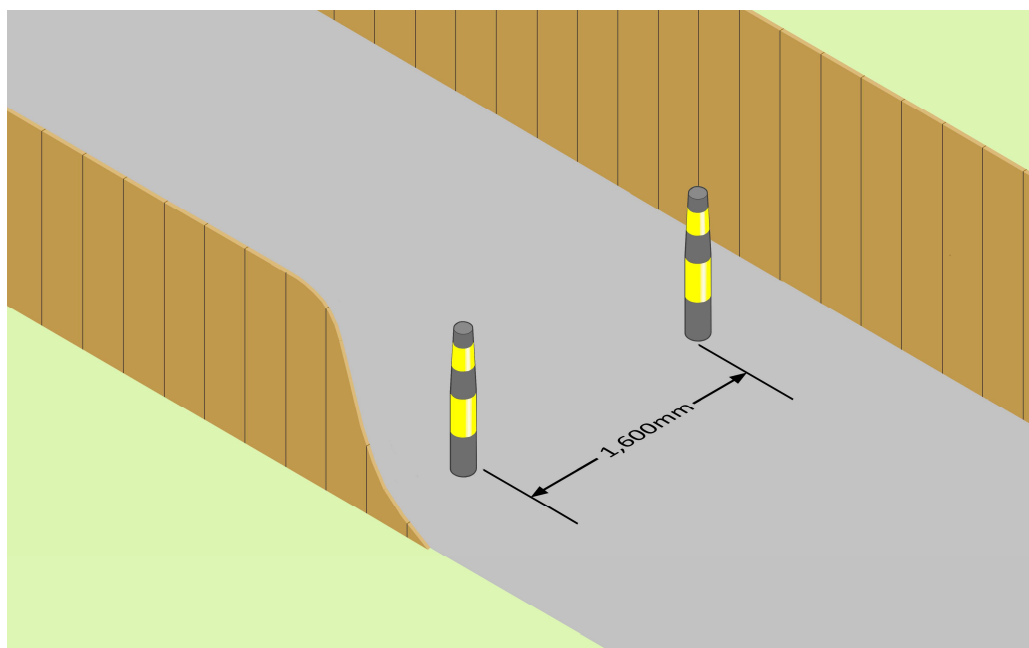


Accessible cattle grid with pedestrian gate and vehicular gate



7.4 Template D



Pair of bollards, may be lockable if also private vehicular access



Minimum gap outside of bollards should be 100mm and maximum gap 1,600mm. Where this would be exceeded an extra bollard should be introduced which can be in the centre of the path.




Gap is placed centrally to guarantee a width of 1.6m of good surfacing. Sides of path can suffer from surface deterioration and vegetation encroachment.



Appendix A - Barrier Types

Barrier type	Example
<p>A frame & horse stile</p>	
<p>Anti-vehicle and gap</p>	
<p>Barrier</p>	
<p>Bollard or bollards</p>	

Barrier type	Example
<p>Bridle gate</p>	
<p>Cattle grid with kissing gate</p>	
<p>Central fence</p>	

Barrier type	Example
<p>Chicane</p>	
<p>Half chicane</p>	
<p>Concrete blocks</p>	

Barrier type	Example
<p>Cycle bypass</p>	
<p>Field gate and gap</p>	
<p>Gap</p>	

Barrier type	Example
<p>Gate</p>	
<p>Guardrail</p>	
<p>Hoop</p>	

Barrier type	Example
<p>K barrier (A frame)</p>	
<p>Kissing gate</p>	
<p>Lamp column</p>	

Barrier type	Example
Low hoops	
Narrow bridge	
Narrowing	

Barrier type	Example
Pipe barrier	
Point closure	
Single barrier	

Barrier type	Example
York barrier	