

**DRAFT GUIDANCE – AUGUST 2010  
ACCESSIBILITY ON PUBLIC RIGHTS OF WAY AND  
COUNCIL LAND IN WIGAN**

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## 1.0 INTRODUCTION

Within the Borough of Wigan there are hundreds of access control points on public rights of way, in addition to those on public and private land. The aim of these guidance notes is two fold:

- To provide guidance on procedures to follow in authorising new and replacement barriers, and
- To provide examples of structures which have and are being trialled to benefit the effective management of land and rights of way.

This document will be regularly reviewed in line with new legislation, new designs and changing demands.

## 2.0 BACKGROUND

2.1 Accessibility on public rights of way and other permissive routes is an issue for disabled users, people with pushchairs or young children, the elderly and less able people, who may not necessarily be considered to have a disability. No assumptions can be made about the capabilities of disabled path users as disabilities are wide ranging and not always obvious; they can include mobility impairment, sensory impairment (e.g. sight or hearing problems) and learning difficulties. Approximately 20% of the UK population have a disability and only 5% of those are wheelchair users. The varying degree of ability and desire to experience challenge mean that disabled users can be expected to make use of any route open to the public.

2.2 The Disability Discrimination Act (DDA) places a duty on service providers to;

- Promote equality of opportunity between disabled people and other people,
- Eliminate discrimination that is unlawful under the DDA,
- Promote positive attitudes towards disabled people,
- Encourage participation by disabled people and,
- Take steps to meet disabled people's needs, even if this requires more favourable treatment.

2.3 There is no expectation or desire to change the nature of routes to make them 'easy access' However the least restrictive option should always be sought, when considering access controls, having regard for what can be considered 'reasonable' in terms of the available resources, terrain, land use and character, plus the effect on other user groups.

2.4 Public rights of way are categorised as footpaths, bridleways, restricted byways and byways open to traffic. In Wigan there are approximately 480km of public rights of way comprising approximately 440km of footpaths; for people on foot and 40km of bridleways for people on bicycle, horse and foot. It should be noted that people using a wheelchair or mobility scooter have a right of access on both public footpaths and bridleways.

### 3.0 ACCESS CONTROLS

3.1 Historically a gate or stile was installed on a public right of way for the benefit of the landowner, to enable them to enclose land and manage livestock. Therefore in the majority of instances it is the responsibility of the landowner to maintain any structure that is on a public right of way across their land. The Council has a duty to ensure that a public right of way is not obstructed by a structure that is in disrepair, or unauthorised.

It is only possible for the council to authorise a new access control if it meets specific legal requirements set out in the Highways Act 1980:

- A highway authority may provide and maintain in a highway maintainable at the public expense by them which consists of a footpath or bridleway, such barriers, posts, rails or fences as they think necessary for the purpose of safeguarding persons using the highway.
- To place objects or structures on, in or over a highway for the purpose of:
  - (i) Enhancing the amenity of the highway and its immediate surroundings; or
  - (ii) Providing a service for the benefit of the public or a section of the public.
- Power to authorise erection of stiles, etc. on a footpath or bridleway ... for preventing the ingress or egress of animals.

Careful consideration must be given where issues of safety conflict with disabled access, evidence will need to be provided identifying the extent of the risk and therefore justifying any more restrictive barriers on the route.

3.2 If a barrier is installed on a public right of way or other permissive route that inhibits the passage of any legitimate user, discrimination will have taken place. It is possible that a disabled person could seek redress in the courts under the provisions of the Disability Discrimination Act. Section 175A of the Highways Act 1980 places a duty on local authorities to have regard for the needs of blind and disabled people when carrying out works or erecting structures on a public right of way. Section 147(2) (a) places a further duty on local authorities to consider the needs of persons with mobility problems when authorising structures on public rights of way.

3.3 In light of this the following principles of least restrictive access will be followed when considering installing or reviewing barriers on public rights of way, as well as other routes on Council owned land in Wigan Borough. The basic preference is no barrier at all, however a hierarchy has been identified; Gap, Bollard, Chicane, Swing Gate and Kissing Gate. Stiles are no longer being considered appropriate for public access.

It is acknowledged that many stiles exist on public rights of way, mainly for reasons of stock control, and it is council policy that these will be phased out as they fall into disrepair and are removed or replaced with more accessible structures:

- Where possible a gap will be the preferred option, presenting no restriction or inconvenience to legitimate path users.
- Where there is a desire to prevent or slow the flow of traffic on a route a chicane or bollard will be the preferred option. This will prevent access for motor vehicles and act as a deterrent to illegal motorbikes making the route less attractive to them whilst not excluding legitimate path users. If the route is a bridleway this would also act to slow down cyclists and horse riders using the route.
- Signs will be used as appropriate on site to inform users that motor vehicles are not permitted and how users of the route can log a complaint should they experience problems.
- Should a barrier be required a two way self-closing gate with an easy-latch will be the preferred option. This will provide for stock control needs as well as making routes less attractive for illegal motor vehicle users, whilst allowing access for legitimate path users.
- Where significant evidence exists in the form of reported incidents to the Police or Council and safety is an issue, more restrictive barriers against motor vehicles and nuisance will be considered. However these may inhibit access for some legitimate users.
- Any barriers installed will comply with the principles of 'British Standard 5709: Gaps, Gates and Stiles' as a minimum. However where possible the Council would seek to install more inclusive barriers in consultation with disabled users. Those barriers that have been successfully trialled are included as an appendix to this policy.
- Where a new structure abuts a vehicular road efforts should be made for the structure to be set back at least 4 metres from the carriageway for bridleways and at least 2 metres for footpaths to allow users to traverse the structure without risk of being struck by vehicles. For footpaths likely to be used by groups of walkers and in all cases where a footpath directly crosses a road (i.e. to another path), the structure should be set back 4 metres. (BS 5709:2006, 4.1.6)

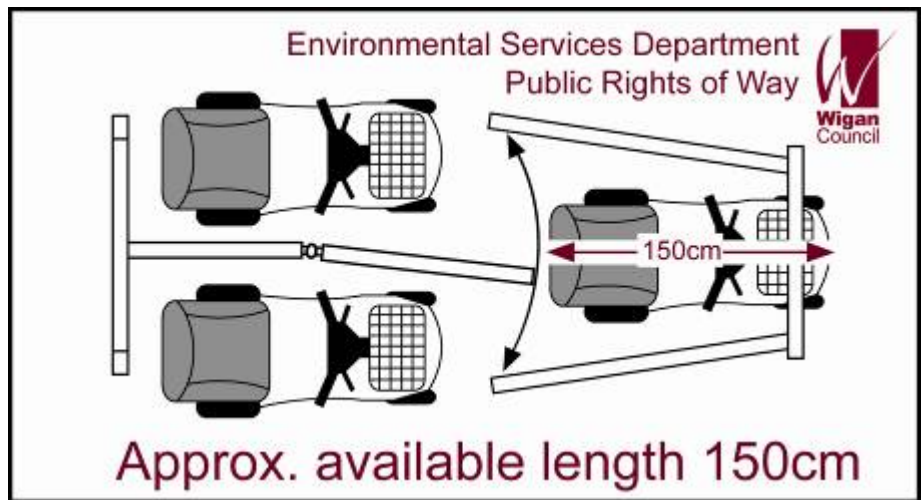
The Council will continually review and monitor this policy as new issues and guidance arise.

- 3.4 Whilst the Council will endeavour to follow this guidance on public rights of way, and certainly on Council owned land, it should be noted that where public rights of way cross privately owned land the landowners permission will need to be sought in order to change an existing barrier. The Council has no

powers to enforce this, only to ensure that any barriers that exist are in a good state of repair and do not cause an obstruction to a public highway. If there is an obstruction then the Council will be under a duty to take enforcement action.

- 3.5 In all cases the least restrictive option possible will be sought, i.e. no barrier. The specifications detailed in the appendix comply with the principles of the 'British Standard 5709: Gaps, Gates & Stiles' and have been approved for disabled access by local user groups. The information plate pictured will be fixed to new metal swing gates to provide information on the length of mobility scooter the barrier can accommodate.

**Information plate  
for metal swing gate**



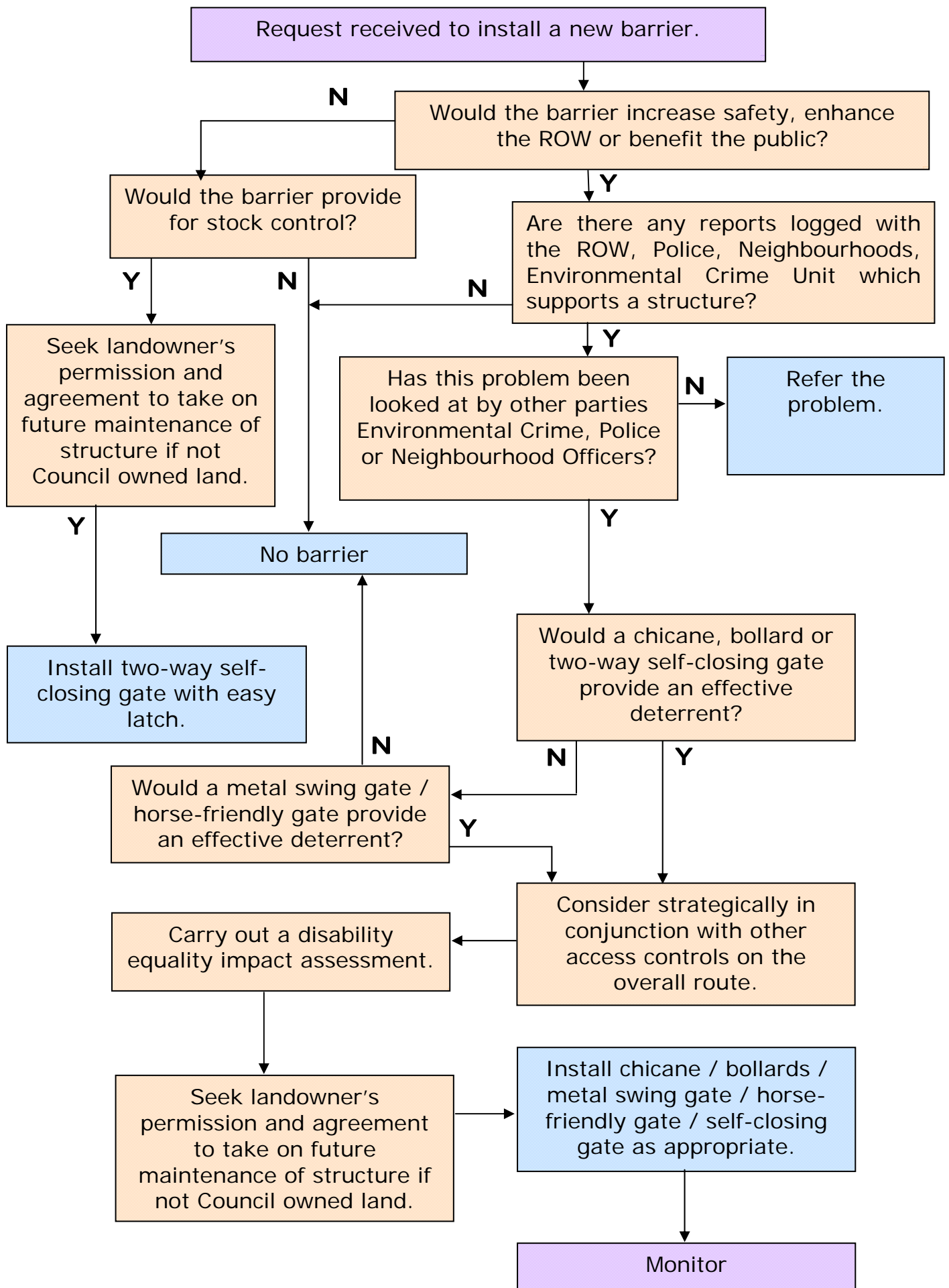
## **4. DECISION PROCESS FOR INSTALLING AND IMPROVING BARRIERS**

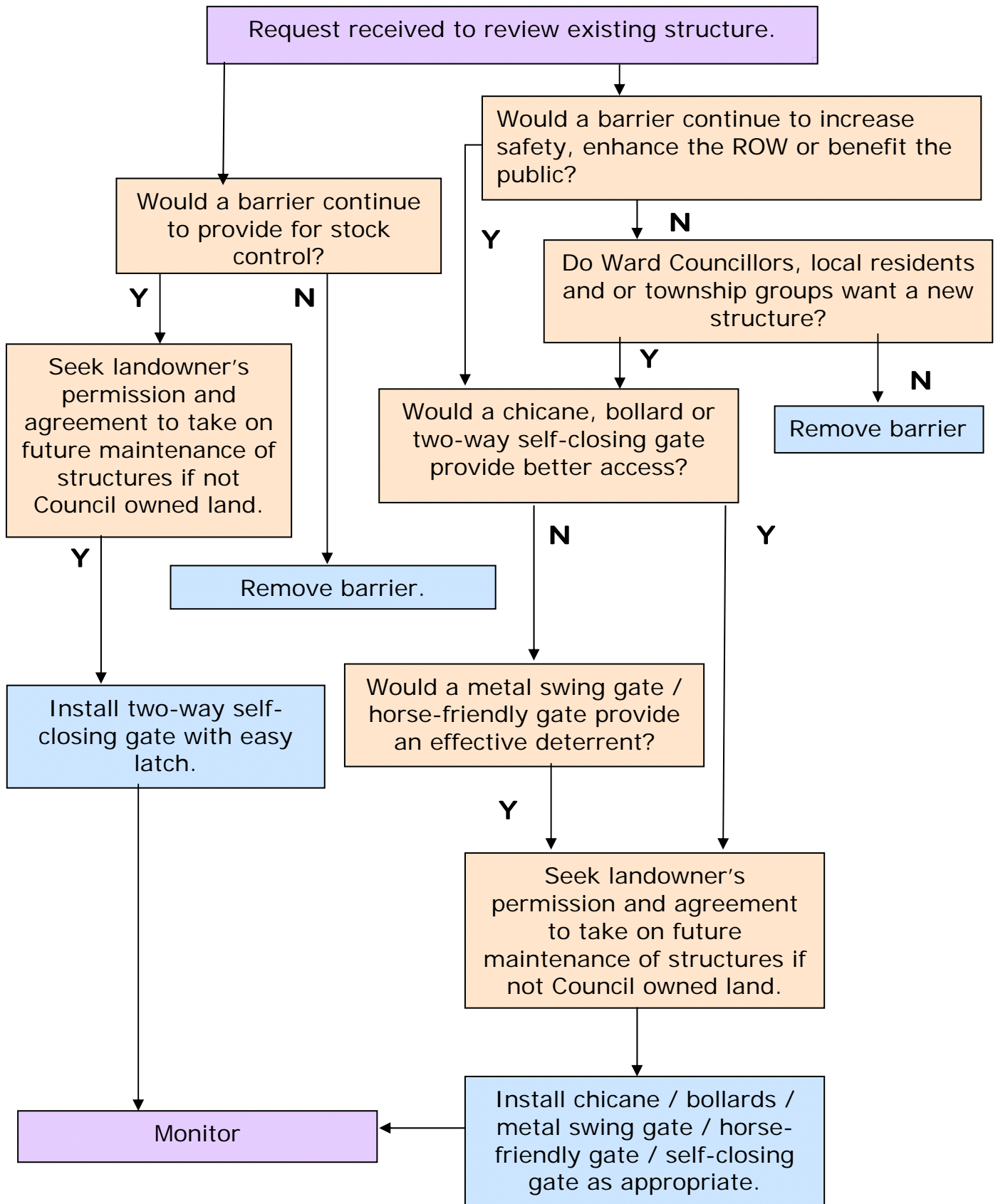
4.1 Whilst the Council aspires for all barriers to comply with this guidance it is not practical for all existing barriers, over 700 on public rights of way alone, to be dealt with in the short term. However the process set out here will be applied when considering requests for new barriers and when looking at making changes to existing structures. In this way and by taking advantage of all opportunities that present themselves, assessment and subsequent improvement of barriers will have the cumulative effect of extending the accessibility of the network to all legitimate users over time. By looking at routes strategically it will be possible to work towards improving access on connected sections as a priority.

- In areas where a problem with fly tipping or illegal motor vehicle use has happened or is perceived an investigation should be carried out on the route and considered alongside evidence of the extent of the problem in the form of specific complaints that have been logged with the Environmental Crime Unit, the Police or the ROW and Neighbourhood Teams.
- When considering possible solutions it is preferable to work with the Police and Council Officers in line with Council Policies to address the source of the problem; installation of barriers should be a last resort.
- Where the above measures have not reduced the problem consideration can be given to the possible installation of barriers. The extent of any discrimination such barriers will cause should be clearly identified and weighed against the severity of the risk caused by the level of illegal motor vehicle use, or other nuisance to users of the network.
- Where barriers are installed that restrict some disabled users they should be installed strategically. Don't create a situation where a disabled user can travel along a route only to find they can't access the other end, causing them to take a lengthy detour or back track their previous route. There can be benefits in restricting access at one access point to prevent use by motor vehicles as a through-route, whilst leaving alternative access points unrestricted to allow access to a particular destination such as a beauty spot or other facility.
- Where barriers are installed that restrict legitimate users they should be reviewed periodically. When the initial reason for installing the barrier is no longer present (such as stock control) or the problem of illegal motor vehicle use or other nuisance may have dissipated, consideration should be given to removing the barrier or replacing it with a less restrictive barrier. In this scenario consultation with ward councillors and local residents should be considered where appropriate.

4.2 The following flow charts and a pro-forma provide a guide for recording the decision-making process according to the principles outlined above. This will be followed in all cases when considering the installation of barriers on public

rights of way and other routes on Council owned land and will act as a disability equality impact assessment on the structure.





Would a barrier provide for stock control?	
Would a barrier increase safety, enhance the ROW or benefit the public?	
What is the status of the route (i.e. footpath / bridleway / permissive etc)	
Who is the landowner?	
Is this a new barrier or review of an existing structure?	
What would be the impact (+ / -) of the proposed barrier on access to the route for each user group?	
Wheelchair/Mobility Scooters:	
Blind/Partially Sighted:	
Pedestrians:	
Pushchairs:	
Cyclists:	
Equestrians:	
Illegal Motor Vehicles:	
Other (e.g. anglers):	
Are there any reports logged with the Police, Environmental Crime Unit, Neighbourhoods or ROW Team of illegal activity or misuse of this route? Who has made these reports – local residents or users of the network?	
Has any illegal activity or misuse been investigated by Police, Neighbourhoods or ROW Team or Environmental Crime Unit, if so what was the outcome. If not pass on the details.	
If reviewing a structure have the ward councillors, local residents and or township groups been consulted. If not why not?	
Can access be gained to this route at other points? Is the route used as a through-route for motor vehicles or is illegal activity focussed on the area in general?	

Would a chicane, bollard or two-way self-closing gate provide an effective deterrent?
Would an approved metal swing gate / horse-friendly gate provide an effective deterrent?
Has the level of access on the overall route been considered? If the proposed barrier could restrict some user groups, will it be installed strategically, restricting entire sections of path? If not what is the reason (e.g. access to a destination such as a beauty spot or other facility)?
Would any particular user group experience obvious increased difficulty using this route as a result of the proposed barrier?
Does the wider route conform to the specifications for disabled access contained in this document?
Could a less restrictive option be employed successfully?
Recommendation and additional comments. Consider the full impact on all user groups with particular attention to disabled users. Summarise the overall impact of this recommendation including both positive and negative effects. Should there be any negative impact on disabled access as a result of this recommendation how can this be justified? If further information is required to make a decision where/when can this be obtained? (Continue on a separate sheet if necessary).

**5.0 GAPS, SURFACING & GRADIENTS**

5.1 The twelve specifications below (identified by the Fieldfare Trust) should be used as a guide when improving routes or creating new routes. It will not be possible to meet these specifications on all routes for reasons outlined in section 1 of this document, however they should be met as far as is reasonable in each location. These specifications apply for disabled access, other specifications may apply on public rights of way, however where possible they should be at least as accessible as the specifications set out below.

- a) **Path Surface** Surface should be compact some loose material is acceptable (stones no bigger than 10mm) but should not cover the entire surface.
- b) **Path Width** 1500mm minimum for a public footpath.  
3000mm minimum for a public bridleway.  
Permissive paths may be narrower with passing places.
- c) **Gaps and Width Restrictions** 815mm minimum width for no more than 300mm length.  
915mm width for no more than 1600mm length.  
Restrictions of less than 1100mm could still present a barrier to guide dog users.
- d) **Barriers** See above.
- e) **Ramps & Gradients** 1:20 maximum slope gradient.  
1:12 maximum ramp gradient except in rural/working landscapes where the maximum ramp gradient can be 1:10 in exceptional circumstances.
- f) **Ramp rise** Where the gradient of a ramp is greater than 1:20 a level resting place or landing of at least 2.9m length should be provided. The maximum rise between landings is 950mm.

Maximum distance between landings for 950mm vertical climb at the following gradients.	1:18	17.10 metres
	1:16	15.20 metres
	1:14	13.30 metres
	1:12	11.40 metres
	1:10	9.50 metres

- g) **Cross Slope** 1:35 maximum.
- h) **Steps & Kerbs** 15mm maximum step/kerb height for wheelchair access.  
165mm maximum step height for pedestrian steps.
- i) **Surface Gaps** Gaps in path surface structures such as boardwalks, grates, grills etc should be no more than 12mm measured in the direction of travel along the path.

- j) **Clear Walking Tunnel** A tunnel clear of overhanging / encroaching vegetation and other obstructions should be a minimum of 1500mm wide and 2100mm high for a footpath and 3000mm wide and 3700mm high for a bridleway.
- k) **Passing Places** Where a section of path is less than 1500mm wide there should be a passing place every 50 to 150 metres along the path depending on the type of landscape. The minimum width of the passing place should be 1500mm for a 2000mm length.
- l) **Resting Places** Providing a resting point approximately every 300 metres along a path can enable less able people to make greater use of the path network. A resting point can consist of a seat or perch placed on level ground on an area of 1200 x 1500mm to the side of the path. It may not always be possible to provide resting places and it is not a requirement on public rights of way, however they should be given consideration on Council owned land.


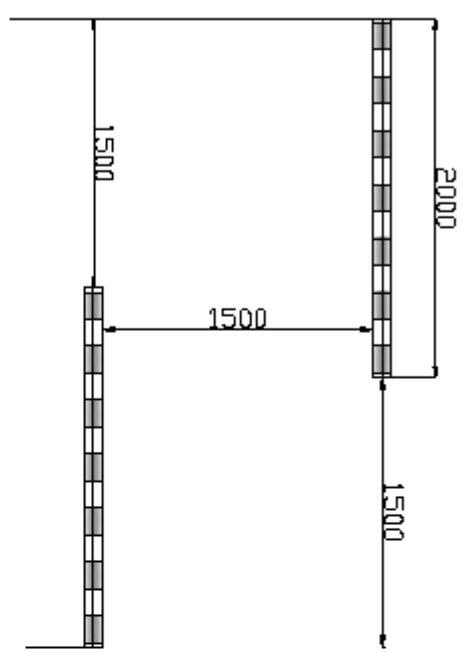
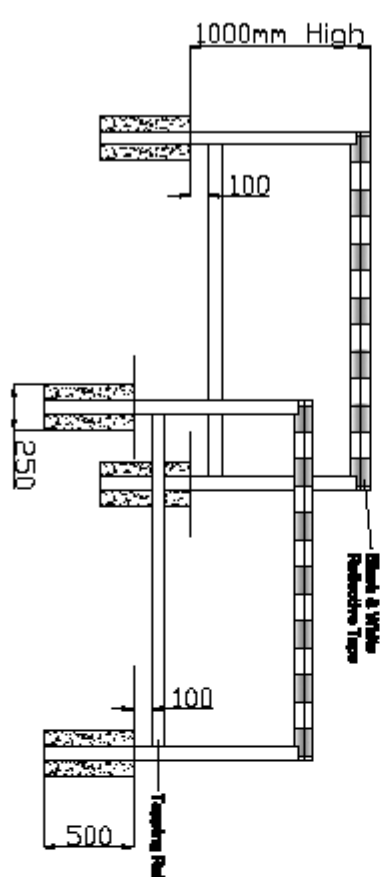
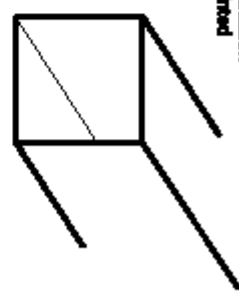
## **Appendix A**

### **Approved Specifications**

The specifications on the following pages have been approved for use on Public Rights of Way and other routes on Council land in Wigan.

It should be noted that in some instances a combination of barriers will be required to accommodate the needs of both the landowner and the users. However it is inevitable that in order to provide access for a legitimate user, undesirable users; such as mini motos and small motorbikes will still be able to get through.

# Chicane

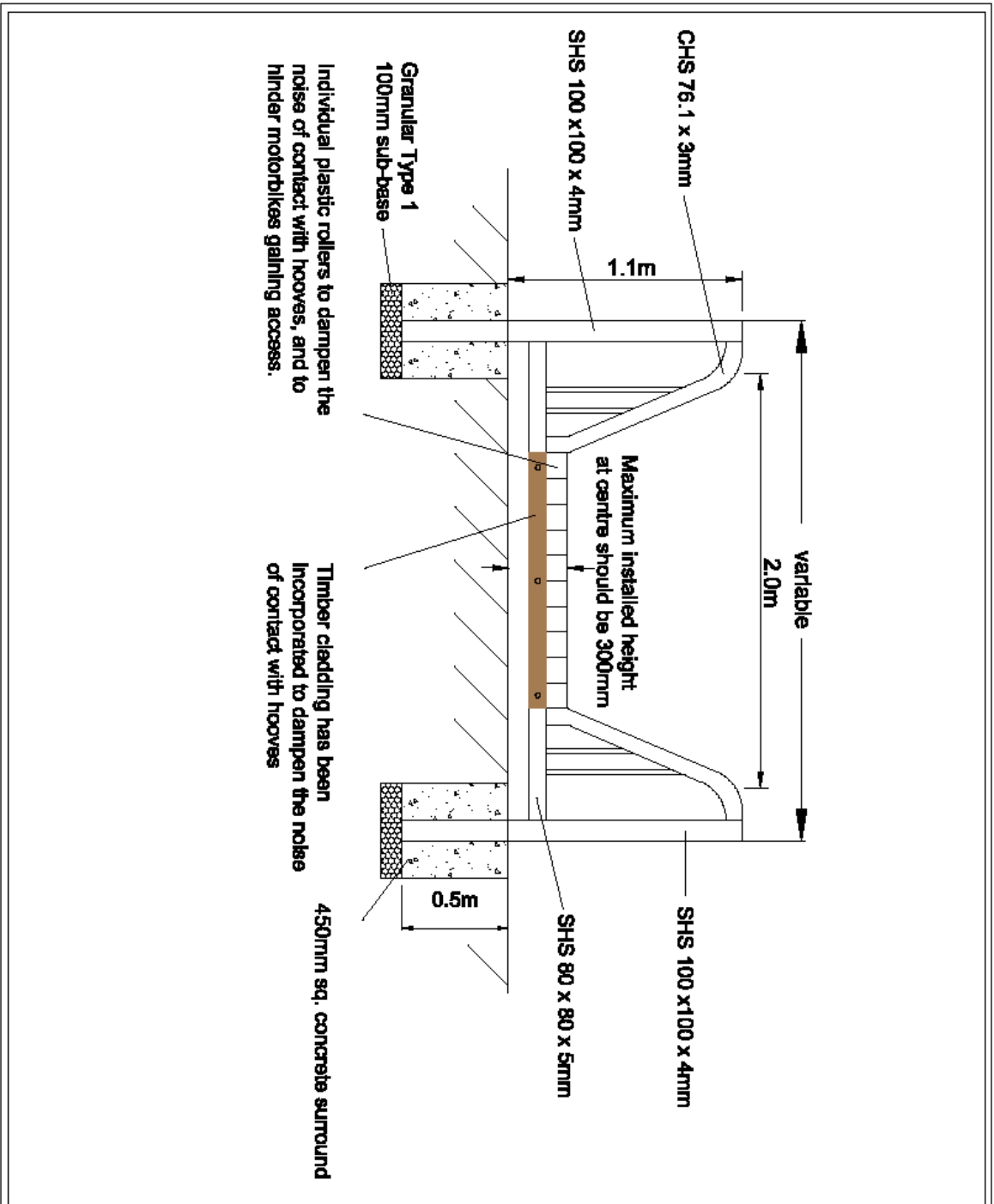
 <p style="font-size: 8px; margin: 0;">DEPARTMENT OF INFRASTRUCTURE, PLANNING AND ENVIRONMENT ROADS AND MOTORWAYS ROADS DIVISION 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100</p>	<h2 style="margin: 0;">STANDARD DETAILS</h2>	<h2 style="margin: 0;">Chicane</h2> <p style="font-size: 8px; margin: 0;">DRAWING NUMBER HRS7/SRW/8</p>				
		<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p style="font-size: 8px; margin: 0;">2000 1500 1500 1000mm High 100</p> </div> <div style="text-align: center;">  <p style="font-size: 8px; margin: 0;">100 250 100 500 Tapering Foot Black &amp; White Reflective Tape</p> </div> </div> <p style="text-align: center; font-size: 8px; margin-top: 10px;">75 mm Square Box Section galvanneal then polished</p> <div style="text-align: center; margin-top: 20px;">  </div> <p style="font-size: 8px; margin-top: 10px;"><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>1. Fabrication drawings are to be approved by the Project Manager prior to fabrication.</li> <li>2. All requirements to be those required by relevant standards listed to BS EN 1901:2004-1, BS 7077-2:1 (retainers) and surface profile guidelines as per OLE in Specification for Highway Works Clause 1004.</li> <li>3. All standards to be hot dip galvanized to BS EN 10481:2009 and de-greased.</li> <li>4. All posts to be 70mm square section and are to be treated a minimum 600mm in ground, set on foundations to project completion, with a concrete surround.</li> <li>5. Unless otherwise stated in the Bill of Materials the Contractor should ensure that the surfacing to the approach and at the location of the Chicane should be graded, level and corrected to the satisfaction of the Project Manager.</li> </ol>				
		<table border="1" style="width: 100%; border-collapse: collapse; font-size: 8px;"> <tr> <td style="width: 50%;">DESIGN P/2/D</td> <td style="width: 50%;">CHECKED</td> </tr> <tr> <td>DATE: 15/04/08</td> <td>SCALE: NTS</td> </tr> </table> <p style="font-size: 6px; margin-top: 5px;">Road Lines to be indicated on drawings with a green line. All dimensions are in millimetres unless otherwise stated. All dimensions are to be given to the nearest millimetre. All dimensions are to be given to the nearest millimetre. All dimensions are to be given to the nearest millimetre. All dimensions are to be given to the nearest millimetre.</p>	DESIGN P/2/D	CHECKED	DATE: 15/04/08	SCALE: NTS
DESIGN P/2/D	CHECKED					
DATE: 15/04/08	SCALE: NTS					







# Horse Friendly Gate (Narrow)



ENVIRONMENTAL SERVICES DEPARTMENT  
STANDARD DETAILS

Horse Friendly Barrier

DRAWING NUMBER  
H/6575/RW/1b

DRAWN: PFD CHECKED:

DATE: Feb 2007 SCALE: NTD @ A3

Drawn by: Andrew SA (Ayr) 19/11/07  
Checked by: Andrew SA (Ayr) 19/11/07  
Project: Horse Friendly Barrier  
Client: Highways  
Contract: Highways  
Drawing No: H/6575/RW/1b  
Revision: 1

APPROVED BY: DATE:

WILSON  
Council

Notes:-

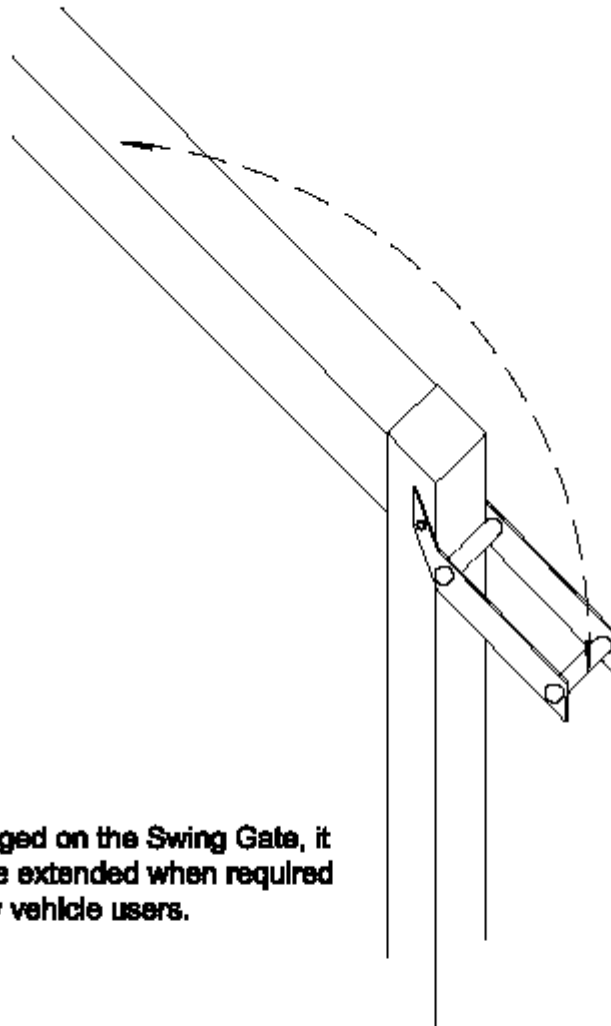
1. Fabrication drawings are to be approved by the supervisor prior to fabrication.
2. All Steelworks to be blast cleaned to visual cleanliness Sd3 to BS EN ISO 8501-1, BS 7079-A1 (minimum) and surface profile guidelines as set out in The Specification for Highways Works clause 1504.
3. All Steelwork to be hot dip galvanized to BS EN 1461 : 1998 and de-greased.





# OPTIONAL HANDLE ON SWING GATE

## DIAGRAMATIC VIEW



Handle hinged on the Swing Gate, it can also be extended when required for mobility vehicle users.

<b>Standard Details</b>	<b>Optional Handle for Small Swing Gate</b>	DRAWN: PFD	CHECKED:	SPRINGFIELD SERVICES DEPARTMENT
	DRAWING NUMBER <b>H/98575/RW/8</b>	DATE: July/08	(SOME:NTS @ AM)	Made Under SA OHS&M 8076 Ministry of Infrastructure Building Structural Steel Dept. 1001 St. 1490000000000000 Perth 6000

## **Appendix B – Consultees**

Local Access Forum  
Highways User Group  
Wigan Access Committee  
Departmental Directors