

Access for Disabled People

RTPI Practice Advice Note 3

1. Introduction

This practice advice note was first published in 1988. Whilst the issues surrounding disabled access have become much more complex and high profile in recent years many of the principles of good practice contained in this note are still relevant today, even though the accompanying legislation may not be.

The Disability Equality Duty was introduced in the UK in December 2006. It aims to prevent disability related discrimination from occurring and to promote equality of opportunity for disabled people. Public bodies are expected to proactively take account of disability equality in the ways they serve the public, employ people or more generally carry out their work, for example through establishing and operating regulatory frameworks, making planning decisions etc. This has significant implications for all planners, therefore the RTPI will publish new advice taking account of the new Duty in the near future.

A section containing hyperlinks to [sources of further information](#) and [key publications](#) is available at the end of this document.

Through planning policies and development control, the town planner and the local planning authority can do much to assist disabled people. Members of the profession are in a good position to promote better design and to prompt policies and actions which can enable disabled people to get about more freely.

The skills and ideas - and the legislation - which can improve access are being developed. There is still a long way to go, a lot to learn; but here and there, very positive progress is being made, new ideas tried out and design improved. The Institute wishes to impress on all its members that a better deal for disabled people, like other members of the community who may suffer from some special and/or physical disadvantage, starts with an attitude of mind, a constant awareness of differing needs. In a nutshell, a good start comes simply from being thoughtful.

2. The scope to provide equal opportunity

Our towns and cities have not been designed with the needs of disabled people in mind, yet about one person in twenty has some form of permanent or temporary disability which makes mobility difficult. Disability includes a

wide range of conditions: it covers more than the obvious such as blindness or confinement to a wheelchair. Breathlessness, pain, the need to walk with a stick, difficulty in gripping because of paralysis or arthritis, lack of physical co-ordination, partial sight, deafness and pregnancy can all affect a person's mobility in the environment.

As medical treatment and care advances and social attitudes change, the numbers of elderly and disabled people wishing to follow an independent life will increase: design for them must improve, otherwise raised expectations are likely to be disappointed.

3. Legislation

There are three Acts concerned with access provisions for disabled people and two Circulars (MHLG 12/70 and DOE 10/82).

Section 4 of the Chronically Sick and Disabled Persons Act (1970) and Amendment Act (1976) required that 'in so far as it is in the circumstances both practicable and reasonable' provision should be made for the needs of disabled people visiting buildings to which the public are to be admitted, where people are employed at work, or places of education. Neither of the Acts incorporated any enforcement provision and the phraseology was in any case weak. As a response to pressure from individuals and organisations representing the interests of individuals, Section 6 of the Disabled Persons Act (1981) was proposed to amend the CSDP Act. This amendment would have strengthened the wording of the Chronically Sick and Disabled Persons Act and set up a 'statutory body' with the authority to enforce the legislation. Following consultation during 1981 and 1982 the 'statutory body' proposition was dropped, and the Government announced early in 1983 that the instrument to enforce the CSDP Act would be Building Regulations. Part T to the Building Regulations 1976 came into force in August 1985. This became Schedule 2 to the Building Regulations 1985 and was recast as Part M, which came into force in December 1987. In Scotland the Building Standards (Scotland) Regulations - Part T.

The 1981 Act did introduce Sections 29(A) and 29(B) into the Town and Country Planning Act (1971) which state that when planning permission is granted for any development covered by Section 4 of the 1970 Act (see above) the planning authority has a duty to draw attention to the relevant provisions of the 1970 Act and the BSI Code of Practice BS 5810 1979 (The Code of Practice for the Access of the Disabled to Buildings). Section 29(B) makes similar provision in relation to educational buildings. DOE Circular 10/82 suggests that developers might be made aware of their obligations by means of a note accompanying the grant of planning permission. However, we would recommend, when the opportunity occurs, that a note should also accompany sets of application forms. BS 5810 is at present under review.

4. Development control

DOE Circular 10/82 states that: "The arrangements for access to buildings can be a planning matter and the arrangements for use by the public, which

include disabled people, raises issues of public amenity which ... can be material to a planning application ... conditions may be attached to a grant of planning permission to deal with the matter ... in the case of any appeals ... it is (the Secretary of State's) intention...to take account of the considerations set out above in deciding whether to allow or dismiss the appeals". Town planners should be aware of the contents of this Circular and no opportunity should be lost to press for every reasonable fulfilment of the advice it contains. Case law would suggest that disabled access is recognised as a material consideration. In addition, Development Control Policy Note 16: Access for the Disabled states that 'where appropriate the planning authority may impose conditions requiring access provision for disabled people'.

We need to apply the advice on the one hand and advance design expertise on the other. Advice covering the provision of access should be included in development briefs.

5. Development plans should include policies for access

Development plans should give a general indication of what and how policies to secure access for disabled people will apply. Structure plan policies for transport, shopping, employment, housing, recreation, community services and the countryside could all include a reference to provision for disabled people.

Local plans provide scope for a more detailed consideration of all aspects of the subject. For example, the Hove District Plan includes a section on provision for disabled people covering such issues as policy in determining planning applications, requirements in places of work or in the street and policy where the change of use of buildings is proposed. Changes in plan making now being introduced will now mean that with the preparation of unitary development plans and district plans, planning authorities will have an excellent opportunity to introduce provision for disabled access into their plans.

Housing is not covered by the Chronically Sick and Disabled Persons Acts or the Disabled Persons Act but the local authority could set out its aims to secure a proportion of mobility housing within housing developments. (Mobility housing is defined in Housing Development Directorate Occasional Paper 2.74 as General needs housing modified to a minor extent to make it accessible for most people with disabilities.) This would increase the range of housing available to disabled people and allow greater scope for visiting other people in their homes. The value of purpose-built mobility housing will be greatly enhanced if site access and the use of nearby amenities is also part of the scheme of things.

6. Local authorities should designate an access officer to look after the needs of disabled people

The Silver Jubilee Committee on Improving Access for Disabled People in its report: 'Can disabled people go where you go?' recommended that local authorities should appoint an access officer to co-ordinate matters relating to

access and to provide a point of reference for disabled people. A number of authorities have created full-time posts, in others the work is part of another officer's duties. The first full-time job was established in the Planning Department at Leicester (population 280,000) in 1981. Many initiatives have stemmed from this appointment and the City Council operates a programme for improving access, including street improvements and grants to help in the adaptation of buildings. A strong liaison has been established with local organisations for disabled people. An access officer has been appointed to all Building Control Authorities in Scotland.

It is difficult to say where a full-time appointment would be appropriate and small authorities may find it more appropriate to designate the role combined with other duties. It is essential however that the task should be developed: a token gesture should be avoided.

In a county or other appropriate area, there will be every advantage in designated access officers meeting regularly to exchange notes and to share experiences. There will be areas of common policy to agree and it is likely that they will often be dealing with the same organisations for disabled people. They may often also be conducting business with the same local architects and builders: therefore, a consistent approach to access considerations should be promoted.

7. Where possible there should be local contact with disabled people

The Silver Jubilee Committee also advocated the establishment of local "access groups", to provide advice on the needs of disabled people. The Access Committee for England's advice on the composition of Access Groups (working together for Access: a guide to the work of local access groups; C.E.H. 1987) recommends that:

'Membership must comprise disabled consumers - wheelchair users, people who walk with difficulty and people with impairments of sight and hearing - and those who are responsible for creating and maintaining the built environment - an architect, planner, building control officer, environmental health officer, member of the Council, and local business and trade union'.

The Access Committee for Wales has also produced guidance on the formation of Access Groups. The planning authority should seek the Access Group's comments on relevant planning applications. Local authorities are increasingly taking the initiative in prompting the formation of Access Groups and in many cases provide them with meeting facilities and administrative support. There are 30 Access Panels presently working in Scotland.

8. Other professionals have an equally important role in design and policy work

With increasing concern to secure better access for disabled people, many "professionals" - not only town planners and architects - will have distinct and

valuable contributions to make. Together, all concerned could build up and share in a growing body of design skills and policy guidance. Clearly, together with the architect and the planner, the civil engineer and building control officer could make particularly valuable contributions to increasing access in and around buildings, in streets and all other places where disabled people should be able to go. But the idea underlying access goes further. For instance, public transport services could assist in helping to convey those confined in wheelchairs to and from shopping centres. Those responsible for public relations can ensure that information, on street works and changes to streets and buildings, for instance, is put out regularly by local radio stations. The scope for imaginative schemes, innovation and experiment by local authorities is very great indeed. Much can be done at modest costs.

Because of their duties under the Building Regulations 1985 (Part M Access for Disabled People, and the Building Standards (Scotland) Regulations - Part T) close liaison with Building Control should be held in respect to providing access to new buildings.

9. Access committees

Access Committees have now been set up for Scotland, England, Northern Ireland and Wales which can offer useful guidance to the planner on the needs of disabled people. The main aim of these committees is to promote improved access for disabled people by removing the physical and attitudinal barriers which prevent disabled people from full participation in the life of society.

The Access Committee for England and the Committee for Access in Scotland have produced Access Guidance Notes which give comprehensive advice on how to design a more accessible environment for disabled people. The notes explain the main problems disabled people encounter offering practice advice on how to design external features (such as parking, paths, kerbs, street furniture) entrances and buildings, ramps, doors and lobbies and internal features (such as corridors, floor surfaces, lifts, toilets, hand-rails, seating, signs and the induction loop system for the hard of hearing). Several planning authorities have devised their own guidance notes which are normally given free of charge to planning applicants - a simple cost-effective way of fostering better standards of design for disabled people. The Committee for Access in Scotland's Access Guidance Notes are presently under review.

Authorities which do not produce their own guidance notes should obtain them from the appropriate national Committee and ensure that they are available to developers at an early stage in the design process.

10. Schemes for improving access should be designed for towns and an annual programme of street works implemented

Outside buildings, within the street and in parks and other open spaces, the case for special attention is equally strong. Improved circulation for disabled people is a matter for distinct design solutions for any particular place.

Good access should not be confined to town centres – disabled people should be able to enjoy facilities and amenities at other places such as the countryside, parks etc., as much as anyone. Design should be worked out in consultation with access groups or others and a programme of implementation drawn up. Pedestrian schemes should always be designed with the needs of disabled people in mind – adequate parking, preferably no further than 50 metres from the shops, and several seats or benches provided. Dropped kerbs and even surfaces are essential for mobility and should form part of the circulation plan for the town generally, both within and outside the pedestrian preference areas. Some authorities have designed ‘clearway routes’ for disabled people, indicating where the ground is reasonably level and where ramps are provided. There can be conflict between the needs of blind people and those confined to wheelchairs because of the importance of kerbs to the blind in defining a carriageway. Tactile surfaces are available to indicate hazards or crossings ahead. Anything which may involve changes or obstacles affecting pedestrian circulation should be communicated to the blind via local radio and through appropriate organisations.

10. Sources of further information

For more information please visit:

Disability Rights Commission www.drc.gov.uk/

Commission for Equality and Human Rights www.cehr.org.uk/

The Access Association www.access-association.org.uk/

Centre for Accessible Environments www.cae.org.uk/index.html

Key publications

The Disability Discrimination Act

www.direct.gov.uk/DisabledPeople/RightsAndObligations/YourRights/YourRightsArticles/fs/en?CONTENT_ID=4001068&chk=eazXEG

The Disability Equality Duty: Draft Guidance for Public Authorities on How to Effectively Involve Disabled People DRC (2006)

www.drc.gov.uk/Files/DraftDEDInvolvementGuidanceJune06.rtf

Circular 01/06: Guidance on Changes to the Development Control System DCLG (2006)

www.communities.gov.uk/pub/715/Circular0106DCLGGuidanceonChangestothedevelopmentControlSystem_id1500715.pdf

Design and Access Statements: How to Write, Read and Use Them - CABE (2006) www.cabe.org.uk/AssetLibrary/8073.pdf

Diversity and Equality in Planning: A Good Practice Guide

www.communities.gov.uk/pub/506/DiversityandEqualityinPlanningAgoodpracticeguidePDF1415Kb_id1144506.pdf

Promoting Effective Citizenship and Community Empowerment

www.communities.gov.uk/index.asp?id=1163365

GLA Disability Equality Scheme

www.london.gov.uk/mayor/equalities/docs/disability_equality_scheme.pdf

This guidance is written for chartered town planners working within the English and Scottish systems, however much of the advice is relevant to all parts of the UK.



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