

Review of proposal to permanently relocate Blue Badge parking bays in Lichfield City Centre

Background

Lichfield District Council are looking at ways to improve and extend access to the pedestrianised area. As part of this they are proposing the permanent relocation of the previously quite extensive provision of on-street Blue Badge parking bays, which were temporarily relocated due to the separation requirements of the Covid pandemic. The desire is to use these bays to allow better social distancing for pedestrians using the retail and hospitality venues in the City Centre and to enhance access to the city for all visitors.

The Council contacted AccessAble to provide an independent view on the 'reasonableness' of this proposal with regard to the Council's duties under the Equality Act 2010 (formerly the Disability Discrimination Act (DDA)). The initial report was compiled in July 2020 from information provided by the Council and a further appraisal was requested in Autumn 2022 with a view to making any changes permanent. A site visit was undertaken on Saturday 8th October 2022 by Barbara Harrison (Access Consultant, AccessAble), in dry, bright conditions, to assess the feasibility of the proposals.

Background legislation and influencing factors

The Equality Act 2010 superseded the Disability Discrimination Act of 1995 (DDA) and Regulations and Codes of Practice were produced to replace the duties of the DDA (although it should be noted that many of the previous duties were integrated into the Act). The Act brought together, harmonised and in some respects extended pre-existing Equality law. It aimed to make it more consistent, clearer and easier to follow in order to make society fairer.

The Equality Act 2010 has introduced protection from three new forms of disability discrimination:

- Direct discrimination because of a disability in relation to goods, facilities and services
- Indirect discrimination, and
- Discrimination arising from disability

Direct discrimination is where a disabled person is treated less favourably than someone else because they have a disability. Indirect discrimination could apply when a policy, criterion or practice is applied or introduced to all individuals; but it has an effect that particularly disadvantages disabled people e.g. requiring a specific type of ID or a medical certificate. The Act also introduced a new form of discrimination, known as discrimination arising from disability. This occurs when a disabled person is treated unfavourably because of something connected to the disability e.g. lack of provision of information in accessible formats.

Service providers (in this case the Council) are required to make changes, where needed, to improve services for disabled customers or potential customers and the Act sets out three requirements for making reasonable adjustments:

- Adjustments to the way things are done (such as changing a policy),
- Adjustments to physical features (such as making changes to the structure of a building to improve access)
- Adjustments involving the provision of auxiliary aids and services (such as providing information in accessible formats, hearing enhancement systems, special computer software or additional staff support when using a service).

Previously adjustments to premises and to policies practices and procedures had to be made by service providers only where it would otherwise be ‘impossible or unreasonably difficult’ for a disabled person to use the service. Under the Equality Act, adjustments must be made where disabled people experience a ‘substantial disadvantage’.

Positive action – the use of positive action is voluntary and allows organisations to use a range of measures to meet the particular needs of people when they are providing goods, facilities and services. This will enable organisations to target their services to meet the needs of particular disadvantaged groups or even particular disabilities, if they wish to in order to address disadvantage, particular needs or low participation.

The provision of the extensive on-street parking bays (36) would potentially be considered as a positive action as they allow people with Blue Badges to park close to the services they wish to access.

It should be noted that the Equality Act 2010 (formerly the DDA) does not override any other legislation and that there are exemptions – Health & Safety, making contracts, providing a service to others, charging more, protecting the fundamental nature of a business or service. The Council may consider that their proposed measures would be for everyone’s health and safety but if challenged this may be for the courts to decide.

In reviewing the proposal to relocate these parking bays the needs of disabled people need to be taken into account to be able to assess whether the proposal is a ‘reasonable’ one.

This proposal came about due to the unusual circumstances following the Covid 19 outbreak and the introduction of social distancing across the UK which required a distance of 2m (1m plus from 4th July 2020) between unrelated individuals. It is anticipated that the outbreak may recur in some measure for some years to come and that, therefore, steps should be taken to provide protection for the public with minimum disruption or delay when required.

Whilst the original proposal took into account the need for social distancing it did not necessarily take into account the impact of lockdown on disabled, elderly or other mobility limited people who use the Blue Badge Scheme, some of whom may have been self-isolating or shielding for extended periods of time. Many people, including some disabled people expressed anxiety and concern at the return to ‘normal’ activities, particularly with regard to travelling and spending time outside of their homes.

The current requirements for eligibility for a Blue Badge are:

- you cannot walk at all (or cannot walk more than 50m)
- you cannot walk without help from someone else or using mobility aids

- you find walking very difficult due to pain, breathlessness or the time it takes
- walking is dangerous to your health and safety
- you have a terminal illness, which means you cannot walk or find walking very difficult
- you have a severe disability in both arms and drive regularly, but cannot operate pay-and-display parking machines
- you have a child under the age of 3 with a medical condition that means the child always needs to be accompanied by bulky medical equipment
- you have a child under the age of 3 with a medical condition that means the child must always be kept near a vehicle in case they need emergency medical treatment
- you are constantly a significant risk to yourself or others near vehicles, in traffic or car parks
- you struggle severely to plan or follow a journey
- you find it difficult or impossible to control your actions and lack awareness of the impact you could have on others
- you regularly have intense and overwhelming responses to situations causing temporary loss of behavioural control
- you frequently become extremely anxious or fearful of public/open spaces

The proposal

The Council are proposing the permanent relocation of the previously quite extensive provision of on-street Blue Badge parking bays in the pedestrianised city centre. The desire is to use these bays to allow better social distancing for pedestrians using the retail and hospitality venues in the city centre.

There would be no reduction in the number of spaces (there were (36) on-street parking bays and 36 of these would be relocated to alternative car parks around the city). The re-provision would be in Bird Street Car Park and Cross Keys Car Park. Bird Street Car Park is approximately 70m from Bird Street itself and approximately 55m from Market Street (one of the main shopping streets), Cross Keys is approximately 130m from the adjacent Market Square. They also have relatively flat access routes into the town centre or to the Cathedral. The previous on-street provision was located more conveniently for some of the services that Blue Badge holders might wish to use, although the proposed parking would provide access to the whole area.

An examination of a street map of Lichfield showing the car parks would indicate that the Cross Keys car park is at a fair distance from Market Street, however, on-site there are a number of walkways which give reasonably direct access.

Existing Parking, No Proposed Change:

Redcourt Car Park, Tamworth Street

There are three spaces in the car park, close to the entrance, The spaces are of minimum size with narrow side transfer zones and no end transfer zone.

Railway Station Car Park

There is a single space in the car park, at the furthest point from the station building. The space is less than the minimum size recommended with a narrow side transfer zone and no end transfer zone.

Bus Station Car Park

There are four spaces in the car park, close to the entrance. The spaces are clearly marked with adequate transfer zones to side and rear. Two of the spaces only benefit from a transfer zone to one side which may prove difficult depending on whether the driver or the passenger needs the transfer space.

Multi Storey Car Park

There are ten spaces in the car park, close to the entrance. The spaces are clearly marked with adequate transfer zones to side and rear.

Friary and Friary Inner Car Parks

No changes are proposed and these car parks were not visited.

Wade Street on-street parking

The single space for Blue Badge users on Wade Street is not clearly marked. It is a single on-street bay with a faded sign saying 'Disabled'. There is no dropped kerb adjacent to the space, making it of limited use. This is most likely used by people familiar with the city centre who would know the limitations.

There are other parking options close by, some privately provided, which would offer suitable alternative.

Spaces opposite Lombard Car Park

There are five spaces adjacent to the roadway on Cross Keys, opposite the entrance to the lower car park. These are below the minimum recommended size and have no end transfer zone. There is a kerb at the back of the space (with a minimal grass verge) and no dropped kerbs to allow people who park there to get onto the pavement without travelling on the roadway into traffic approaching the car park. The lack of protected space to the end of the space is especially hazardous where vehicles will be swinging into the car park entrance with traffic coming up the wooded lane.

All the spaces were occupied at the time of the visit but only two vehicles were displaying Blue Badges (this should be monitored to discourage abuse).

Recommendations:

- Mark out the space on Wade Street in accordance with guidance (including transfer zones) and install dropped kerb access to the pavement level.
- Relocate the five spaces on Cross Keys to a safe and secure position, preferably within the Lombard Car Park.

Appraisal of Proposed Changes:

Bird Street Car Park

Some of the relocated spaces have been marked out but, apparently, not all so far. 11 spaces are marked out close to the footpath between the car park and Market Street.

The spaces are well placed, full sized, have transfer zones to the sides and rear of each space and markings are clear.

It is not evident where the additional 7 spaces will be placed. It would be helpful to have clear signage showing where Blue Badge facilities are available.

Currently there is no charge for Blue Badge holders. If a charge were to be introduced changes would need to be made to payment machines to allow access.

The link path to Market Street is signposted but, to a visitor, it is not immediately evident whether access is through the Iceland store. The path is reasonably level with a good surface but might seem threatening to a mobility impaired person due to the blank walls and blind corners. The path is approximately 75m long, without any resting point. The site visit was carried out in daylight, and it was not evident how well the path would be lit in poorer light conditions.

At the junction with Market Street there is a fingerpost directing to various attractions and facilities but not to the car park which would be helpful for visitors to the area.

Street maps do not highlight the pedestrian route so visitors would be most likely to follow the much longer road layout.

Recommendations

- Provide clear direction signs to the Blue Badge parking bays
- Provide clear signage to direct pedestrians to/from the parking
- Ensure that good even lighting is provided
- Consider the provision of resting places (seating) at least every 50m

Cross Keys / Lombard Car Park

Some of the relocated spaces have been marked out but, apparently, not all so far. 12 spaces are marked out on the upper level, close to the pedestrian exit. The spaces are well placed, full sized, have transfer zones to the sides and rear of each space and the markings are clear. It is not evident where the additional 6 spaces will be placed. It would be helpful to have clear signage showing where Blue Badge facilities are available.

Currently there is no charge for Blue Badge holders. If a charge were to be introduced changes would need to be made to payment machines to allow access.

The pedestrian exit comprises stepped and ramped access. The ramp is 125cm width, which would not allow two wheelchairs to pass each other and, due to the curve, the opposite end of the ramp is not in sight as you enter. There are handrails each side, which is particularly helpful on a curved ramp.

The ramp from the upper deck is longer and steeper than best practice would recommend at a gradient of 1:8 where 1:12 is the steepest gradient for safe use, and such a ramp should be no more than 2m long between landings. The existing ramp is approximately 7 metres long with no

intermediate landings, which would make it difficult for many independent users and some carers to negotiate safely. There is a section of corduroy tactile paving at the foot of the ramp which is potentially confusing as this signifies steps or a hazard and a ramp is not regarded as such. The adjacent steps down to the lower car park level have, correctly, tactile warnings, handrails and good contrast step nosings. The vehicle ramp to the upper deck is steeper than the ramp and, being straight and into traffic, is not suitable as an alternative.

Currently there are no Blue Badge bays marked in the lower car park, but it may be possible to provide some with direct level access to the adjacent park. If Blue Badge parking is made available in the lower section there should be clear headroom of a minimum of 2.6m to allow for adapted vehicles or clear signage far enough from the entrance to prevent confusion. There is a long ramp, with intermediate landings, from pavement level to the lower car park but this too is steeper than required and may well be inaccessible to independent users of manual wheelchairs.

As both ramps are smooth surface tarmac and exposed to the weather it would be advisable to warn of icy conditions as well as providing grit. (Please note that grit can be hazardous as it is loose and may roll underfoot. If used it should be swept clear as soon as possible).

Recommendations

- Provide clear direction signs to the Blue Badge parking bays
- Provide clear signage to direct pedestrians to/from the parking
- Remove the corduroy tactile paving from the ramp
- If works are carried out in the area consider improvements to the ramps
- Consider the provision of Blue Badge spaces within the lower car park
- Provide clear signage regarding the headroom

The pedestrian pathway from Cross Keys and the Lombard Car Park to Market Street is not signposted to allow visitors to find a convenient route.

Street maps do not highlight the pedestrian routes either, so visitors would be most likely to follow the much longer road layout. The return route does not show a direction to the car park which could be confusing for people visiting the area. The route needs to be well lit and attention given to the dropped kerbs which have upstands greater than 6mm in places and no tactile warnings.

Recommendations

- The five on-street spaces at Cross Keys are not adequate as Blue Badge Parking and it is suggested that further provision is made in the Lombard Car Park with the five spaces converted for use by vans or larger vehicles. The spaces existing are well below minimum requirements and place users in a dangerous position when loading or unloading mobility aids and when accessing the pavement level.
- The walkways from both Bird Street and Lombard Car Parks should be well lit in all conditions, signposted, made evident on the street maps and, if possible, made to feel more

inviting. In particular, the section between Bird Street and Market Street, which is on a double, blind corner, could be disorienting and would benefit from signage or artwork.

- If at any time payment is required from Blue Badge holders the pay machines would need to be accessible. Where machines are placed in narrow bays between parked vehicles it is essential that there is sufficient room for a wheelchair or mobility aid user to turn without causing harm to the vehicles. A minimum turning circle is 1.5m but, without a wall barrier, at least 2m is advisable.
- The Wade Street on-street space is not adequate for Blue Badge use, being too narrow and not served by dropped kerbs.
- Monitor the use of the Blue Badge bays and ensure they are kept solely for the use of Blue Badge holders.

Conclusion

An appraisal from a map would suggest that the proposed removal of the Bore Street and other on-street spaces and their relocation to more remote car parks would be unreasonable.

Appraisal on-site shows that the pedestrian links from the car parks are good and that the distances involved are not in excess of the existing situation. It is however vital that the pedestrian routes are accessible and clearly signposted, particularly in a city which attracts so many tourists.

It is evident that the pedestrianised area extends far beyond just Market Street and that general access is good. Care must be taken to ensure that correct tactile warnings are installed as well as adequate dropped kerbs on the access routes.

It is concluded that, provided the Cross Keys roadside spaces are replaced and the undertaking to improve dropped kerb provision from that area, as well as general improvements recommended within this document the proposals are likely to be considered 'reasonable' for the city centre.

Prepared for and on behalf of Lichfield District Council by
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AccessAble

October 2022

This report has been produced from the guidance provided by the Equality & Human Rights Commission and in BS8300 - 1:2018 (External environment) and BS8300 - 2:2018 (Buildings) Design of an accessible and inclusive built environment and if or where relevant current Building Regulations, Approved Documents K and M and other best practice guidance.

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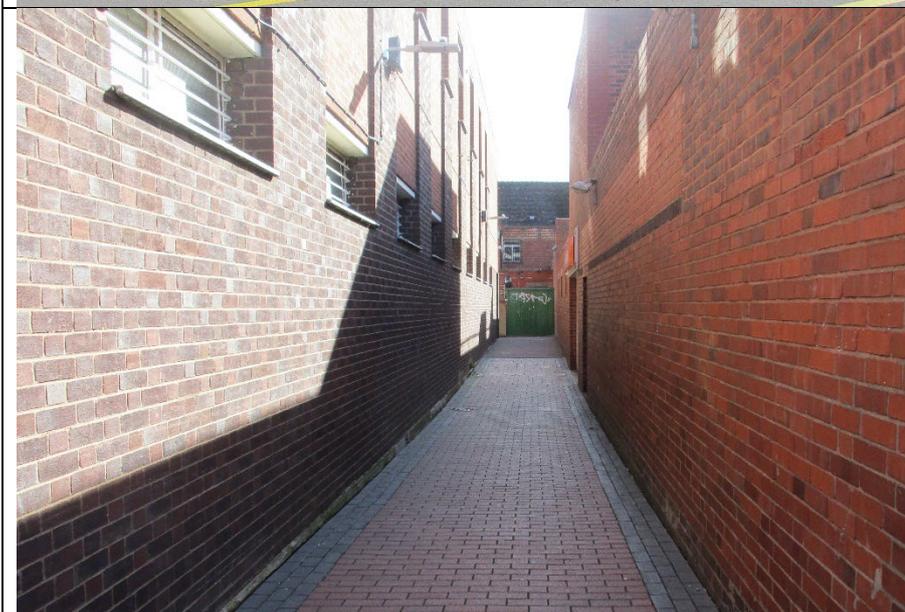
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Block of accessible parking spaces in Bird Street Car Park, adjacent to pathway to Market Street.



Entrance to pathway to Market Street with signage emphasising the Iceland store.



First section of pathway with entrance to Iceland Store to the right and no indication of the continuing path



Start of the second section of the pathway showing poor surroundings, which may feel threatening to a disabled or older person



End of the second section of pathway which may appear to be a cul-de-sac to those unfamiliar with the route



Entrance to the third section of the pathway showing the blind corner which may feel threatening to a disabled or older person



Approach to Market Street



Fingerpost signage which does not mention the Bird Street Car Park.



A section of the City Map showing that the shiny surface may cause difficulties with reflections and that there is no indication that there is footpath access from either Bird Street or Cross Keys to the Market Street area



Part of the upper level of Lombard Car Park showing position of some Blue Badge Parking Bays



Lombard Car Park Blue Badge Parking Bay



Foot of the curved pedestrian ramp showing incorrect use of tactiles. There should be no tactile warning to a ramp as it is not a hazard,



Top of the pedestrian ramp from the Lombard Car Park showing the curve, meaning that people entering from the other end cannot be seen.



Lombard Car Park lower level access ramp which is long and steep but does have level landings (it is preferred that the landings contrast with the going of the ramp).



Upper section of the Lombard Street ramp from the lower level.



Five Blue Badge Bays on Cross Keys



The end of the Blue Badge Bay showing that a person unloading a mobility aid from the rear of a vehicle would be in the path of traffic.



The head of the parking bay showing there is no space and no dropped kerb



The front of a vehicle parked in the bay showing the position of the nearest dropped crossing, which would entail moving into the path of traffic



The ground alongside the bays showing no dropped kerb access and an uneven, muddy verge



The side of the bay showing insufficient space for a passenger to transfer and no dropped kerb access



The nearest dropped kerb access showing a steep slope and insufficient level landing to allow a wheelchair to turn safely



The poor dropped kerb, with an upstand and without tactiles, in the walkway to Market Street



The dropped kerb at the footpath to Market Street across the complex private car park accesses



The footpath through to Market Street



The entrance to Market Street at the end of the footpath



The bollard at the end of the footpath which is well placed but would benefit from some contrast in poorer light conditions.

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