



Comments from Imtac on Dfl Roads “Pavement Cafes Draft Guidance – Highway Considerations”

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About Imtac

The Inclusive Mobility and Transport Advisory Committee (Imtac) is a committee of disabled people and older people as well as others including key transport professionals. Its role is to advise Government and others in Northern Ireland on issues that affect the mobility of older people and disabled people.

The aim of the Committee is to ensure that older people and disabled people have the same opportunities as everyone else to travel when and where they want.

Imtac receives support from the Department for Infrastructure (hereafter referred to as the Department).

Background

Imtac has been a key stakeholder during the development and introduction of regulation in relation to pavement cafes. From the start of this process the Committee has maintained its support of a café culture that recognises the importance of maintaining a safe and accessible pedestrian environment.

As an advisory committee Imtac seeks to ensure that it represents the best interests of disabled people and older people at all times. To do this effectively the advice that Imtac provides to Government and others must be based on sound evidence. In 2013 the Committee produced a position paper on the regulation of pavement cafes¹ that contained twelve recommendations based on (1) accepted design guidance for inclusive pedestrian environments, (2) best practice from other places where regulation was already in place and (3) the statutory equality duties placed on public bodies in Northern Ireland. The position of the Committee has not changed since and the recommendations of the 2013 paper have been used to inform its response to the current draft guidance from the Department.

¹ <https://www.imtac.org.uk/publications/position-paper-regulation-pavement-cafes-northern-ireland>

Comments on “Pavement Cafes Draft Guidance – Highway Considerations”

Imtac welcomes the opportunity to comment on the Draft Guidance. Members of the Committee previously met with officials from the Department and local Councils in October 2017 to discuss the paper, a meeting that highlighted significant differences between the Department’s proposed approach and the published position of Imtac.

Comments on “Location and Layout”

Paragraph 1.1

A key consideration for Imtac in maintaining an accessible and inclusive pedestrian environment is ensuring a suitable unobstructed pavement width around cafes to provide a safe and accessible route for all pedestrians. Design guidance is clear on this issue.

Inclusive Mobility² states:

“A clear width of **2000mm** allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances.”

Manual for Streets³ states:

“There is no maximum width for footways. In lightly used streets (such as those with a purely residential function), the minimum unobstructed width for pedestrians should generally be 2 m.”

Creating Places⁴ states the following with regard to footway width:

²

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/3695/inclusive-mobility.pdf

³

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

⁴ <https://www.planningni.gov.uk/downloads/creating-places.pdf>

“At least 2m. This will generally accommodate visibility splays, most services underground and allow wheelchair users to pass others using the footway.”

All three documents recommend that in locations where pedestrians congregate such as shops additional footway width will be required. This additional recommended width varies from 3m to 4.5m.

Inclusive Mobility contains the following caveat:

“Where this is not possible because of physical constraints **1500mm** could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be **1000mm** clear space. The maximum length of restricted width should be **6 metres** (see also Section 8.3). If there are local restrictions or obstacles causing this sort of reduction in width they should be grouped in a logical and regular pattern to assist visually impaired people. “

Clearly the term “physical constraint” is the key issue in understanding this section. Imtac has worked on numerous public realm schemes where the restricted width of the streets involved simply will not allow the desired footway widths detailed in design guidance. One such example is the streets adjacent to the city walls in Derry. The walls are physical constraint that cannot be designed out. An artificially created licensing framework should never be considered a physical constraint.

Paragraph 1.1 of the Draft Guidance states that 2m footway width will only be used in “areas of high pedestrian activity”, that 1.5m “be maintained in all other areas” and goes on to make an allowance for a further reduction in footway width to 1.2m “where there are other obstructions such as street furniture, street trees etc.”

Given the previously published position of Imtac and the evidence of design guidance detailed above it cannot accept the Department’s proposals. The Committee maintains that reducing pavement widths below recommended design standards to accommodate the interests of business will not only inconvenience

pedestrians in general but have a major negative impact on disabled people, older people and people with young children in particular. **Imtac recommends that the Department amend the Draft Guidance to set the minimum footway width at 2m with provision for additional footway width in areas of high pedestrian footfall.**

Paragraph 1.2

Imtac agrees with the statement that reducing pavement widths must never discourage the use of the footways by pedestrians and suggests that this paragraph be elevated above the section on footway width to emphasise the pedestrian not the café is the priority. The Committee would point out, however, that this statement is inconsistent with reducing pavements below the recommended design standards, which are themselves based on pedestrian requirements.

Paragraph 1.3

Imtac recommends that this paragraph be amended to read “Any part of a pavement café, including A-boards and Menu Boards, cannot be located....”

Paragraph 1.4

The Committee acknowledges that pavement cafes should not obstruct the visibility of infrastructure designed to support and assist vehicle drivers. Equally infrastructure designed to support and assist pedestrians should also be protected. In particular pavement cafes should not be allowed to obstruct tactile paving which is essential to making the pedestrian environment a safe place for people with sight loss. **Imtac recommends that paragraph 1.4 be amended to specify that no part of a pavement café should be allowed to obstruct tactile paving.**

Paragraph 1.5

Imtac agrees that it is vital to ensure that emergency services can access pedestrian zones and that there is a need for a minimum of a 4m unobstructed route in these areas. The Committee does have concerns that the Department proposes to increase this width only in “areas of high vehicular activity.” In the opinion of Imtac the

determining factor in increasing unobstructed widths in pedestrian zones is the number of pedestrians using the area. **Imtac recommends that paragraph 1.5 be amended to read “This may be increased in areas of high pedestrian activity. The Guidance must also make clear that pedestrian routes in these areas must be in line with adjacent contiguous routes and not introduce significant direction changes”**

Paragraph 1.7

The Committee agrees that additional unobstructed footway width should be provided around areas such as bus stops where people may queue. The Committee does not, however, believe that 2m will be sufficient width in many of these areas. By way of practical illustration the Department should carry out an assessment of the impact pavement cafes has on pedestrian flows around the bus stops currently located in Donegall Square West. **Imtac recommends the following sentence be added to 1.7 – “In many cases additional pavement width may be required in these areas.”**

Enclosures

Paragraph 1.10

Imtac agrees and supports the requirement for cafes to be enclosed. This is in line with its published position. The Committee does not, however, agree that in some cases enclosures should be permissible at each end of the café only. Such an approach would inevitably lead to the creation of obstructions and hazards for pedestrians. **As with other areas of the Draft Guidance Imtac recommends that the Department prioritise the requirements of pedestrians over that of businesses and remove the final two sentences of this paragraph.**

Paragraph 1.11

Imtac welcomes mention of the inclusion of a tap rail in enclosures but is concerned that wording of this paragraph suggests its inclusion is recommended rather than required. **Imtac recommends that the paragraph be amended to read “The enclosure must incorporate ...”. The Committee also recommends that reference to “the visually impaired” be**

amended to read either people with sight loss or people with a visual impairment.

Paragraph 1.12

The Committee agrees and supports this paragraph.

Paragraph 1.14

Imtac recommends that the wording of this paragraph be amended to read “The use of planters for enclosure is acceptable provided they confirm to requirements set out above including provision of a tap rail and being easily moved for access.”

Paragraphs 1.15 & 1.16

Imtac welcomes and supports the requirement on pavement cafes to ensure that all equipment associated with the café should be positioned within its footprint.

Paragraph 1.17

The word removed should be changed to remove in the third line of this paragraph.

Screening for equality impact

As a new policy with potential impacts on disabled people, older people and others, Imtac recommends that the Department undertakes a screening exercise for equality impact. The Committee has raised specific concerns in this response about the major negative impact on disabled people, older people and people with dependants of the Department’s proposals, particularly those which will potentially reduce footway widths below minimum design standards. These concerns must be included in the screening exercise. Imtac requests that the screening exercise addresses each of the points raised in this response and either recommends an amendment to the Guidance or provides clear and robust evidence as to why the Department proposes to take no action.

Conclusion

Imtac thanks the Department for the opportunity to comment on the latest version of the Draft Guidance. As currently drafted the Committee does not believe the Department's proposed approach offers adequate protection for pedestrians and disabled people and older people in particular. The Committee hopes the Department will give due consideration to its recommendations and is more than willing to continue dialogue with officials to develop an agreed way forward.