

## **INTERIM ADVICE NOTE 143/11**

Supplementary Advice and requirements for the Provision for Non-Motorised Users and Accessibility during planning, design, construction and handover of Improvement Schemes

### **Summary**

This document provides additional advice and requirements for facilities for Non-Motorised Users, to supplement TA 90/05, TA 91/05 and HD 42/05.

## **1 Introduction**

This document focuses on the changes necessary to ensure that all HA contracts take due regard for the Disability Discrimination Act (DDA) and the needs of Non-motorised users. It highlights the need to carry out Non-Motorised User (NMU) Audits, ensuring that the necessary NMU Reports and Audits are integrated into schemes procured by the Highways Agency.

Evidence from the formal audits and reviews of completed schemes, where design has taken place after the introduction of the DMRB requirements, has revealed poor compliance, resulting in inferior quality and sometimes hazardous accessibility provision.

There is a legal duty on the Highways Agency to ensure that every improvement scheme, of whatever size, is fully disability compliant.

## **2. Background**

One of the Government's key transport objectives in the 1998 White Paper, Accessibility, is defined as improving access to everyday facilities for those without access to a car. It includes facilities for vulnerable users – cyclists, equestrians and pedestrians, including disabled people, as they use the road network for access to other locations, to cross it and to access public transport. It covers both recreational and utility trips, and considers the impact of community severance on those who live alongside or close to the road network.

The Agency's Strategic Plan for Accessibility "Encouraging Sustainable Travel" was published in 2000. It expanded on the 1998 White Paper and introduced new measures to encourage wider use of the network by vulnerable users, and improving facilities for all. It set out the Agency's requirements for better practice and new actions, including the introduction of advice on the provision and design of dedicated facilities and the creation of a mandatory system of auditing schemes.

## **3. Current Guidance**

The two Advice Notes, TA 90/05 "The Geometric Design of Pedestrian, Cyclist and Equestrian Routes" and TA 91/05 "Provision for Non-Motorised Users" were published in early 2005 in the Design Manual for Roads and Bridges (DMRB).

Although both documents are generally advice, they contain requirements such as the mandatory visibility requirements set out in TA 90/05. Where requirements cannot be satisfied these must be justified for approval as a Departure from Standard.

Concurrently with TA 90 and TA 91, the audit system, was issued as HD 42/05 "Non-Motorised User Audits". It provides for staged audits through the procurement and scheme development processes, which includes an integral Disability audit within the Non-Motorised User (NMU) Audit.

The Audit procedure is mandatory on all improvement and maintenance schemes, irrespective of size or value. Where there are no Non-Motorised User issues, such as some motorway widening without impacts on side roads or public rights of way, a Departure from Standard for exemption from HD 42/05 should be applied for.

It is important to clarify that the advice assumes that non-motorised users will be using the highway in a legal manner, with cyclists and equestrians following the "Rules of the Road" in the same direction as other traffic.

#### **4. Other sources of advice**

Additional sources of relevant advice, with particular reference to the geometry and the design of tactile paving, are contained in two DfT publications, "Inclusive Mobility" and "Guidance on the Design of Tactile Paving Surfaces".

#### **5 Implementation**

Project Sponsors should remind their Supply Chain members of their obligation to comply with British and EU legislation, in this case, the Disability Discrimination Act.

It is necessary that schemes currently under construction, as well as future construction, are delivered as fully compliant and conforming to the DMRB advice, plus specific advice contained in Department for Transport publications. There is a legal duty that full and proper provision of features to assist disabled users are installed.

This Advice Note is intended to provide clarification of the existing Highways Agency documents, and service providers should already be following the advice contained in the DMRB. However, following audits carried out over a 12 month period, it is clear that much advice has not been taken proper account of. Project sponsors should, therefore, ensure that proper and timely reference is made to HD 42, TA 90 and TA 91 and other relevant sections of DMRB, throughout the whole life of scheme development, highlighting the requirements put in the PCF to demonstrate compliance with the DDA.

A form of words, which emphasise the Highways Agency's Disability Discrimination Act and accessibility requirements and ensure that these are properly considered in scheme development, has been set out at Annex A. These requirements should be inserted into the Works Information section of the Form of Contract, or used in a letter or instruction to service providers. Where Managing Agents Small Works contracts (for Local Network Management Schemes) are based on the ECI Form of Contract, these additions in Annex A should also be used. Particular note should be taken of the stages of scheme development when it would be appropriate to carry out interim Non-Motorised User Audits as the scheme design evolves.

#### **6 Contacts**

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## **7. Bibliography**

HD 42/05 Non-Motorised User Audits

TA 90/05 The Geometric Design of Pedestrian, Cyclist and Equestrian Routes”

TA 91/05 Provision for Non-Motorised Users

Inclusive Mobility

<http://www.dft.gov.uk/transportforyou/access/peti/inclusivemobility>

Guidance on the Design of Tactile Paving Surfaces

<http://www.dft.gov.uk/transportforyou/access/peti/guidanceontheuseoftactilepav6167>

## **Annex A: Contract Works Information**

### **Invitation to Tender Works Information**

#### **Supplementary Clauses to be included.**

### **3. THE SUBMISSIONS PROCEDURE**

#### **3.1: Introduction**

- 3.1.5: Key Stage
- 1 - add – NMU Context Report
  - 2 - add - NMU Audit Report
  - 3 - add – NMU Audit Report
  - 4 – add – NMU Audit at Completion of Construction

#### **3.2: Design**

- 3.2.1: Add - A NMU Audit at the appropriate stage.

#### **4.13: Additional Accessibility specification**

4.13.2: The Contractor shall appoint a specialist rights of way / vulnerable user specialist who will become a member of the design team, to provide specialist input.

4.13.3: Surveys shall be undertaken of vulnerable users on all Definitive public rights of way and U and C class roads within three kilometres of the road corridor. The number of horses stabled within three kilometres shall be ascertained.

4.13.4: All designs shall be based on relevant advice in DMRB TA 90/05 and TA 91/05. Full compliance must be accorded to the provision of the Disability Discrimination Acts 1995 and 2005; design information and advice is contained within the DfT publication "Inclusive Mobility". Non-motorised User Audits must be carried out during scheme development and construction in accordance with DMRB HD 42/05. PCF stages.

4.13.5: The nature and needs of all non-motorised users should be identified and accounted for in the provision of each scheme by the designer. Future provision should be appraised and provision put into the scheme or reasonably convenient alternative routes developed in association with local highway authorities.

**Annex B: IAN 143/11 Supplementary Advice and requirements for the Provision for Non-Motorised Users and Accessibility during planning, design, construction and handover of Improvement Schemes**

When used on the M25 DBFO Scheme, this IAN is to be amended as follows:

<b>Para No.</b>	<b>Description</b>
1 1 <sup>st</sup> paragraph	Delete “all HA contracts take” and insert “is taken of” Delete “procured by the Highways Agency”
1 3 <sup>rd</sup> paragraph	Delete “on the Highways Agency”
2 2 <sup>nd</sup> paragraph	Delete “Agency’s” and insert “Highways Agency’s” on both occurrences
5	Delete heading and insert <b>“Relationship to existing HA documents and legislation”</b>
5 1 <sup>st</sup> paragraph	Delete “Project Sponsors” and insert “DBFO Co” Delete “Supply Chain” and insert “supply chain”
5 3 <sup>rd</sup> paragraph	Delete “Highways Agency documents” and insert “Department's Standards” Delete “Project sponsors” and insert “DBFO Co”
5 4 <sup>th</sup> paragraph	Delete entire paragraph and insert “Requirements of Disability Discrimination Act and accessibility requirements as set out in Annex A should be included into the Works Information section of the Form of Contract, or used in a letter or instruction to service providers to ensure that these are properly considered in scheme development. Particular note should be taken of the stages of scheme development when it would be appropriate to carry out interim Non-Motorised User Audits as the scheme design evolves.”
Annex A 4.13.3	Delete “road corridor” and insert “Project Facilities”

When used on all other English DBFO Schemes, this IAN is to be amended as follows:

<b>Para No.</b>	<b>Description</b>
1 1 <sup>st</sup> paragraph	Delete “all HA contracts take” and insert “is taken of” Delete “procured by the Highways Agency”
1 3 <sup>rd</sup> paragraph	Delete “on the Highways Agency”
2 2 <sup>nd</sup> paragraph	Delete “Agency’s” and insert “Highways Agency’s” on both occurrences
5	Delete heading and insert “ <b>Relationship to existing HA documents and legislation</b> ”
5 1 <sup>st</sup> paragraph	Delete “Project Sponsors” and insert “DBFO Cos” Delete “Supply Chain” and insert “supply chain”
5 3 <sup>rd</sup> paragraph	Delete “Highways Agency documents” and insert “Department's Standards” Delete “Project sponsors” and insert “DBFO Cos”
5 4 <sup>th</sup> paragraph	Delete entire paragraph and insert “Requirements of Disability Discrimination Act and accessibility requirements as set out in Annex A should be included into the Works Information section of the Form of Contract, or used in a letter or instruction to service providers to ensure that these are properly considered in scheme development. Particular note should be taken of the stages of scheme development when it would be appropriate to carry out interim Non-Motorised User Audits as the scheme design evolves. “
Annex A 4.13.3	Delete “road corridor” and insert “Project Facilities”