

## **Proposed changes to Harding's Way, King's Lynn, Norfolk**

# **Draft equality assessment - early findings and recommendations**

**4 May 2018**

This assessment helps you to consider the impact of service changes on people with protected characteristics. You can update this assessment at any time so that it informs ongoing service planning and commissioning.

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## The purpose of an equality assessment

1. The purpose of an equality impact assessment is to enable elected members to consider the potential impact of decisions on different people and communities prior to decisions being taken. Mitigating actions can be developed if detrimental impact is identified.
2. It is not always possible to adopt the course of action that will best promote the needs of people with protected characteristics. However, assessments enable informed decisions to be made, that take into account every opportunity to minimise disadvantage.

## The Legal context

3. Public authorities have a duty under the Equality Act 2010 to consider the implications of proposals on people with protected characteristics. The Act states that public bodies must pay due regard to the need to:
  - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act<sup>1</sup>;
  - Advance equality of opportunity between people who share a relevant protected characteristic<sup>2</sup> and people who do not share it<sup>3</sup>;
  - Foster good relations between people who share a relevant protected characteristic and people who do not share it<sup>4</sup>.
4. The full Act is available [here](#).

## The assessment process

5. This assessment comprises three phases:
  - **Phase 1** – evidence is gathered on the proposal, to examine who might be affected and how. This includes reviewing the findings of contextual information about local populations and other relevant data. Public consultation takes place.
  - **Phase 2** – the results are analysed, making sure that any potential impacts are assessed. If the evidence indicates that the proposal may have a detrimental impact on people with protected characteristics, mitigating actions are considered.
  - **Phase 3** – the findings are reported to Environment, Development & Transport Committee on Friday 6th July 2018, to enable any impacts to be taken into account before a decision is made by elected members.

## The proposal

### Overview

1. This proposal seeks to make changes to Harding's Way in King's Lynn, through a Traffic Regulation Order (TRO).
2. The TRO was triggered by a decision by King's Lynn and West Norfolk Borough Council on 6 September 2017 to grant planning permission for the construction of three new access roads off the southern end of Harding's Way (planning reference 17/01008/F). The TRO was one of eleven conditions required by the Borough Council to enable the scheme to go ahead.

### Summary of the proposal

3. The technical detail of the proposal is set out later in this assessment. However, in summary, Harding's Way is not currently a residential area of King's Lynn but it can be used by pedestrians and cyclists as a shared path/cycleway to access King's Lynn town centre (as an alternative to London Road) and Harding's Pits, a 'doorstep green'.
4. Harding's Way can be used by buses. Other vehicles are prohibited.

### What will happen if the proposal goes ahead?

5. If the proposal goes ahead, three new access roads will be created off the southern end of Harding's Way, to create access to a new development (not yet built). At this stage, initial designs by King's Lynn Borough Council indicate that the development will be primarily residential, with provision for around 90 parking spaces.
6. This would mean that:
  - Instead of pedestrians being able to get from the southern end of Harding's Way to the northern end via the path/cycleway, with only one crossing point to navigate<sup>1</sup>, pedestrians will have to navigate an additional new crossing point at the southern end of Harding's Way, via a non-signalled crossing.
  - It is difficult to estimate how much traffic would cross this new crossing point, as this information is not yet available. However, initial designs by King's Lynn Borough Council indicate that the proposed development will be primarily residential, with provision for around 90 parking spaces.
  - Bus drivers and cyclists currently using Harding's Way will have to observe revised road markings when using the amended route.

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<sup>1</sup> This current crossing point is situated towards the northern end of Harding's Way, near the bridge. All pedestrians are required to cross Harding's Way at this point because the path/cycle way on the western side of the carriageway ends, so pedestrians must cross the road to re-join it on the eastern side.

## Information about Harding's Way

7. Harding's Way is currently restricted to all traffic for the majority of its length, bar 64 metres south of the Boal Street junction (just south of Boal Street Car Park).
8. Access is only authorised for:
  - Public service vehicles (bus) being used as part of a service under section 22 Transport Act 2000, or
  - A private service vehicle (bus) being used as part of an excursion or tour for the transport of children from the school adjacent to Harding's Way (Whitefriars Church of England Primary Academy), or
  - Bicycles.
9. The following organisations / vehicles are also allowed to access Harding's Way for specific purposes:
  - Fire Brigade, Police or Ambulance emergency purposes
  - In the service of a local authority or water authority in pursuance of statutory powers or duties
  - In connection with the maintenance, improvement or reconstruction of that length of road or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer, water, flood defence, sluice control, or gas or electricity apparatus or of any telecommunications apparatus as defined in the Telecommunications Act 1984
  - In connection with the provision of a universal postal service as defined in the Postal Services Act 2000
  - Harding's Pits Community Association Ltd and/or its nominated contractors for grounds maintenance.
10. The south end of Harding's Way is bordered either side by land owned by King's Lynn and West Norfolk Borough Council and also a small group of industrial units.
11. There are currently no residential property frontages along the length of Harding's Way.
12. The north end of Harding's Way is bordered by Harding's Pits to the west which is a five and a half acre site of green space open to the public, managed by Harding's Pits Community Association Ltd (HPCA Ltd), a not-for-profit limited company. Harding's Pits is one of the largest 'doorstep' greens in the country. The Community Association estimates that Harding's Pits serves a local population of 6,000.
13. To the east runs the River Nar.
14. A length of shared cycle/pedestrian pathway currently runs along the west of the carriageway along Harding's Way, past the Bus Gate (a series of rising bollards that only allow access to the vehicles stated elsewhere in this document). At the bridge over the River Nar, pedestrian/cyclists must cross the road to the other side to re-join the path/cycleway. The path/cycleway then continues on the east side of the carriageway along Harding's Way.

## Technical detail about the Traffic Regulation Order

15. The TRO will change the current vehicular access for the southern end of Harding's Way only (access from Wisbech Road).
16. This is to allow access to land to the west and east of Harding's Way which will be gained via three new access roads, two of which will lead to primarily residential developments (not yet built) and the third into existing commercial property (Overton's site).
17. This will mean that the first part of the road from the southern entrance to Harding's Way (before the Bus Gate) will become accessible to all traffic.
18. The access roads will have a speed restriction of 20 mph. Traffic on Harding's Way is restricted to 30mph.
19. The existing bus gate at the southern entrance to Harding's Way will be moved 15 metres north from its existing position. This is to allow HGV access to the new entrance to the Overton's site as well as access for waste collection / delivery vehicles.
20. This will mean that the remainder of Harding's Way (northern end) will remain restricted to traffic specified elsewhere in this document.
21. The junction crossing at the southern end of Harding's Way (along Wisbech Road) will remain signal controlled for pedestrians and cyclists.
22. Following implementation of the new access point to the Overton's site from Harding's Way, traffic movements from the existing access/egress arrangement on Wisbech Road should be significantly reduced, particularly for large vehicles. A reduction in movements at the existing location will benefit users of the shared use facility on Wisbech Road as there will be reduced conflict.
23. To the east side of Harding's Way there is a level grass verge with re-enforcement. Pedestrians are able to walk on the surface away from traffic but the section 'dead-ends'.
24. A shared cycle / pedestrian pathway will be built in place of this grass verge to provide pedestrian / cycle access to the Overton's site and the site to the east of Harding's Way.
25. Each of the three access roads joining Harding's Way will require vehicular access / egress over the shared use (pedestrian / cycle) pathway.
26. These crossing points will consist of dropped kerbing either side of the access road to allow easy access/egress for pedestrians / cyclists on to the access road and then back on to the shared use pathway.
27. Give Way road markings will be utilised at each of the new accesses proposed on Harding's Way. However, unlike a normal layout where the Give Way markings would be implemented at the edge of the new access adjacent to Harding's Way, they will be set back into the access behind the crossing point. Setting back the

markings will further reinforce that traffic accessing/egressing these new areas should be giving priority to those utilising the shared use facility.

28. These crossing points will not be signal controlled and material either side of the crossing will be the same material as that used in the rest of the pathway (i.e. not tactile paving).

### **Accessibility and safety considerations to be incorporated into the TRO**

29. A number of measures are proposed to facilitate accessibility and safety for pedestrians:
- In order to prioritise the shared path/cycle way, each of the three access roads joining Harding's Way will include the following control measures for vehicular access/egress:
    - As mentioned earlier, Give Way road markings will be utilised at each of the new accesses proposed on Harding's Way. However, unlike a normal layout where the Give Way markings would be implemented at the edge of the new access adjacent to Harding's Way, they will be set back into the access behind the crossing point. Setting back the markings will reinforce that traffic accessing/egressing these new areas should be giving priority to those utilising the shared use facility.
    - Dropped kerbing either side of the access road to clearly define where the shared pathway and access road cross and to allow easy access/egress for pedestrians / cyclists moving from the shared pathway on to the access road and then back again.
    - Limitation of vehicular speed to 20mph for the three access roads.
  - The crossing which links both sides of Harding's Way across Wisbech Road will remain signal controlled, providing pedestrians and cyclists with an alternative other than crossing the carriageway to gain access from one side of Harding's Way to the other before any of the access roads.
  - Following implementation of the new access point to the Overton's site from Harding's Way, traffic movements from the existing access/egress arrangement on Wisbech Road should be significantly reduced, particularly for large vehicles. A reduction in movements at the existing location will benefit users of the shared use facility on Wisbech Road as there will be reduced conflict.
  - Existing street lighting will remain unchanged.
  - Parked vehicles along Harding's Way will not be allowed to obstruct the shared path/cycle way, as double yellow lines will remain in place.

### **Who is affected by the proposal?**

30. This proposal affects all current users of Harding's Way - particularly pedestrians, cyclists, public transport users and bus drivers. This includes users with protected characteristics, e.g. disabled and older users, younger people and parents.

31. There is no formal data on the numbers or characteristics of the pedestrians, cyclists or public transport users currently using Harding's Way. However, local intelligence suggests that Harding's Way is well used by people as a pedestrian route to access King's Lynn town centre and Harding's Pits.
32. The population of King's Lynn and West Norfolk is approximately 147,451 (2011 census).
33. The health of people in King's Lynn and West Norfolk is varied compared with the England average. Life expectancy for both men and women is similar to the England average, although life expectancy is 5.8 years lower for men and 2.5 years lower for women in the most deprived areas of King's Lynn and West Norfolk than in the least deprived areas. Levels of moderate and severe physical disability are higher in King's Lynn and West Norfolk compared to the Norfolk and England average.
34. According to the 2011 Census, King's Lynn & West Norfolk has a similar proportion of people belonging to ethnic minorities as in the county. Some 7.4% of the population belong to an ethnic group other than White British or White Irish, as against around 15 per cent in England and 7 per cent in Norfolk as a whole.

[Note: this section on the profile of King's Lynn is being developed and the final equality assessment to be presented to Environment, Development & Transport Committee on 6 July 2018 will set out full details of the local area.]

## Potential impact

35. This proposal will affect all users of Harding's Way (e.g. those identified in paragraph 30 above). However, it is only likely to have a *detrimental* impact on disabled pedestrians – particularly blind and visually impaired pedestrians, and pedestrians with multi-sensory impairments (e.g. people who are blind and deaf).
36. At this stage there is no evidence that the proposal would have a significant detrimental impact on people from other groups – e.g. parents with prams, younger children or older people without disabilities.
37. The section below explains the reasons for this.

### Impact on people with visual/multi-sensory impairments

38. The potential detrimental impact on people who have visual or multi-sensory impairments arises because people from these groups find non-signalled crossings challenging (or impossible) to navigate. This is because they cannot use the cues utilised by sighted people - they cannot use sight to judge speed, distance or the intention of the driver, or hear whether a vehicle is approaching. Visually/multi-sensory impaired people argue that it is unreasonable to ask them to 'trust' that drivers will always comply with speed limits or road markings and stop if they see someone waiting to cross the road, because it is impossible to guarantee that they will not be exposed to a level of risk when they step out into the road.
39. The introduction of silent electric vehicles is an additional factor to be taken into account, because sound (where someone does not have a hearing impairment) cannot be used to alert a person that a vehicle is approaching.



40. In addition, the use of tactile material to indicate the presence of a crossing is an important factor in the ability of visually/multi-sensory impaired person to navigate it. As noted above, the material at either side of the proposed crossing point will be the same material as that used in the rest of the pathway (i.e. not tactile paving).
41. The decision not to use tactile paving and to maintain the same materials along the route has been made in order to reinforce the understanding that the shared use facility has priority across the new accesses. Implementation of tactile paving would suggest that the path should be giving way to vehicles turning in and out of the side road, which is contrary to what is trying to be achieved.
42. It should also be noted that tactile materials sometimes cause significant problems for people in wheelchairs, due to the friction and vibration they trigger when the wheelchair passes over them, which can be very painful. At a national level, this issue is being debated to find a solution that meets the needs of all.

#### **Impact on disabled people with restricted mobility, long term health conditions, learning disabilities or other issues**

43. People with restricted mobility or who have conditions that mean they walk slowly or need longer than usual to make decisions can also find non-signalled crossings challenging. This is because they may be concerned that they will not be able to cross fast enough or they may not be able to judge distance or time effectively.
44. However, these users should still be able to cross the road, albeit with more care, planning and some greater difficulty than people who are not disabled.

#### **Potential impact on parents with prams, or young people with no adult present**

45. Parents with prams or younger people without an adult or carer present may be anxious about navigating a crossing point in the event of a high volume of traffic.
46. However, these users should still be able to cross the road, albeit with more care, planning and some greater difficulty than others.

#### **An important factor to take into account when considering the impact on pedestrians**

47. Whilst it is important to recognise that all non-signalled crossings are challenging (or impossible in some cases) for disabled people to navigate, it must be noted that all pedestrians of Harding's Way already have to navigate at least two non-signalled crossings when using Harding's Way to access the town centre:
  - Pedestrians must cross Harding's Way from the west side to the east side near the bridge on Harding's Way, when the path/cycle way ends and requires pedestrians and cyclists to cross to the other side to re-join a new path/cycle way. This crossing is marked by tactile paving.
  - Pedestrians must navigate at least one other non-signalled crossing after exiting Harding's Way at the northern end to access the town centre (e.g. crossings located at The Friar's, Bridge Street, Boal Street etc). None of these crossings have the enhanced level of safety/accessibility proposed for Harding's Way (e.g. a Give Way line set back from the crossing point; fully dropped kerbs).

48. Whilst these factors do not diminish the disadvantage that crossings place on disabled people (or others), it does mean that pedestrians who use Harding's Way as a route to the town centre are already required to navigate at least one challenging crossing. Based on the evidence currently available, the crossing points proposed as part of the TRO will not be as challenging as the crossing points at the northern end of Harding's Way.

#### **Impact on cyclists**

49. Cyclists will be affected due to increased traffic movements at the southern end of Harding's Way. This will be a mixture of existing buses, HGV's entering Harding's Way in order to gain entry to the Overton's site and vehicles accessing the two sites, both during construction phase and afterwards. This impact will be restricted to the first part of Harding's Way after which the route will remain closed to all traffic except that mentioned elsewhere in this document.
50. Additional provision for cyclists not wishing to use the carriageway will be provided through an additional shared cycle/pedestrian pathway to the east of Harding's Way.
51. The provision of a shared cycle/pathway on both sides of Harding's Way does have the potential to create conflict between some pedestrians (disabled users, including those with sensory impairments, children, elderly people) however the continuation of an alternative route for cyclists along the carriageway will mitigate some of this.

#### **Impact on bus passengers**

52. The scheme should have a minimal impact on existing bus users as it does not include any suggested changes to the existing service and no additional bus stops are planned within the scheme.

#### **Initial conclusions**

53. There is no legal impediment to installing the crossing point. It would be implemented in full accordance with planning and highway design national guidance and policy, and as part of this, measures will be adopted (detailed above) to facilitate access and safety for pedestrians. Similar crossings are replicated across the UK.
54. However, at this stage of the process, it is possible to conclude that the proposal may have a detrimental impact on some disabled pedestrians (particularly people with visual/multi-sensory impairments) for the reasons sets out in this assessment – namely that disabled pedestrians will have three instead of two crossings to navigate when using Harding's Way as a route to access the town centre.

It is important to note that this is an early equality impact assessment and that public consultation on the TRO may highlight unforeseen issues or impacts on disabled people or other users that are not currently apparent.

Where this is the case, this equality assessment will be updated to ensure that it is accurate and fully captures all relevant issues so that Environment, Development & Transport Committee is apprised of these before elected members make a decision on 6 July 2018.

## Recommended actions

	Action	Date
1.	Public consultation on the proposal to take place from 18th May to 12th June 2018. As part of the consultation, the views of people with protected characteristics who may be affected (disabled people; older people; parents of children and with prams etc) will be analysed, to enable any impacts to be explored further in this equality impact assessment.	By 12 June 2018
2.	Following the end of public consultation, designers and planners to consider the findings and whether any additional measures could be taken to mitigate or remove any disadvantage.	By 22 June 2018
3.	A final equality impact assessment to be published setting out the findings, conclusions and any recommended mitigating actions that could be taken, and reported to Environment, Development and Transport Committee on 6 July 2018.	By 29 June 2018

## Evidence used to inform this assessment

- Equality Act 2010
- Public Sector Equality Duty
- Relevant business intelligence
  - Harding's Pits Community Association Ltd website
  - 2017 Public Health profile for King's Lynn and West Norfolk, 4 July 2017
  - King's Lynn Riverfront Development Plan – consultation document March 2017
  - Overcoming barriers and identifying opportunities for everyday walking for disabled people – Living Street May 2016
  - Manual for streets (2007)
  - The Women and Equalities Select Committee Report, 'Building for Equality – Disability and the Urban Environment' (April 2017) / Government response (March 2018)
  - Creating better streets: Inclusive and accessible places – CIHT (2018)
- Data and information about Norfolk's population

## Further information



If you need this document in large print, audio, Braille, alternative format or in a different language please contact Beverley Herron on 0344 800 8020.

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## 1 Prohibited conduct:

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

Indirect discrimination occurs when a condition, rule, policy or practice in your organisation that applies to everyone disadvantages people who share a protected characteristic.

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

2 The protected characteristics are:

**Age** – e.g. a person belonging to a particular age or a range of ages (for example 18 to 30 year olds).

**Disability** - a person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**Gender reassignment** - the process of transitioning from one gender to another.

**Marriage and civil partnership**

**Pregnancy and maternity**

**Race** - refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Religion and belief** - has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as Atheism).

**Sex** – e.g. a man or a woman.

**Sexual orientation** - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

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3 The Act specifies that having due regard to the need to advance equality of opportunity might mean:

- Removing or minimizing disadvantages suffered by people who share a relevant protected characteristic that are connected to that characteristic;
- Taking steps to meet the needs of people who share a relevant protected characteristic that are different from the needs of others;
- Encouraging people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such people is disproportionately low.

4 Having due regard to the need to foster good relations between people and communities involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.