



Proposed changes to Hardings Way, King's Lynn, Norfolk

Equality impact assessment - findings and recommendations

July 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 people with protected characteristics 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 Act¹;
 - Advance equality of opportunity between people who share a relevant protected characteristic² and people who do not share it³;
 - Foster good relations between people who share a relevant protected characteristic and people who do not share it⁴.
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 and 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 Hardings 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 Hardings 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 in the report to Environment, Development and Transport Committee, and therefore is not replicated again here. However, in summary, Hardings Way can be used by pedestrians, cyclists and buses as a route to access King's Lynn town centre, Hardings Pits, Whitefriars Church of England Primary Academy School and other local amenities.
4. If the proposal goes ahead, three new access roads will be created off the southern end of Hardings Way, to create access to a new development.
5. This would mean that:
 - Instead of pedestrians being able to get from the southern end of Hardings Way to the northern end via the path/cycleway, with only one crossing point to navigate¹, pedestrians will have to navigate an additional new crossing point at the southern end of Hardings Way, via a non-signalled crossing.
 - It is not possible to estimate how much traffic would cross this new crossing point, as this information is not yet available (planning permission has not yet been granted).
 - Bus drivers and cyclists currently using Hardings Way will have to observe revised road markings when using the amended route and will share the available highway space with other users.

Who is affected by the proposal?

6. This proposal affects all current users of Hardings Way - pedestrians, cyclists, public transport users and bus drivers. This includes users with protected characteristics, e.g. disabled and older users, younger people and parents.
7. There is no formal data on the numbers or characteristics of the pedestrians, cyclists or public transport users currently using Hardings Way. However, local intelligence

¹ This crossing point is situated towards the northern end of Hardings Way, near the Nar Bridge. All pedestrians are required to cross Hardings 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.

suggests that Hardings Way is well used by people as a pedestrian route to access King's Lynn town centre, Whitefriars Primary School and Hardings Pits. It is relevant to note when considering the population of King's Lynn and West Norfolk that [levels of moderate and severe physical disability](#) are higher in this area compared to the Norfolk and England average.

Potential impact

8. If the proposal goes ahead, it may have a significant detrimental impact on some disabled pedestrians – specifically blind and visually impaired people, people with multi-sensory impairments (e.g. people who are blind and deaf), and people with mobility impairments. This may include older people, who may not consider themselves disabled, but whom have age-related health conditions or mobility issues that affect their ability to get about.
9. There may also be a detrimental impact on some younger children, whose parents may not wish to continue letting their children walk to Whitefriars Primary School alone via Hardings Way if they have two crossing points (rather than one) to cross unsupervised by an adult.
10. At this stage there is no evidence to suggest that the proposal would have a detrimental impact on people with other protected characteristics, e.g. Black and minority ethnic people or parents with prams (who tend to be women).
11. The section below explains the reasons for this.

Impact on people with visual/multi-sensory impairments

12. 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 used by sighted people – e.g. 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.
13. 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. However, it is likely that this will be addressed by future changes in legislation, which will require electric cars to emit a noise.
14. However, it should be noted that although the proposed new crossing will not be a signalled crossing, it will have some accessibility considerations in place, to assist disabled (and other) people to cross:
 - a. Give Way road markings will be utilised at each of the new accesses proposed on Hardings Way. However, unlike a normal layout where the Give Way markings would be implemented at the edge of the new access adjacent to Hardings 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.

- b. 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 onto the access road and then back again.
 - c. Limitation of vehicular speed to 20mph for the three access roads (traffic on Hardings Way is restricted to 30mph).
 - d. Following implementation of the new access point to the Overton's site from Hardings Way, traffic movements from the existing access/egress arrangement on Wisbech Road should be significantly reduced, particularly for large vehicles. Those vehicles will access the highway network from one of the proposed new purpose built accesses on the east side of Hardings Way. 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.
 - e. Parked vehicles along Hardings Way will not be allowed to obstruct the shared path/cycle way, as double yellow lines will remain in place.
 - f. Existing street lighting will remain unchanged.
15. Although, as stated above, visually/multi-sensory impaired people find non-signalised crossings challenging (or impossible) to use, it must be noted that if they use Hardings Way they already have one non-signalised crossing to navigate by the Nar Bridge. Whilst this crossing at Nar Bridge is restricted to buses and cycles only (as opposed to other vehicles, like cars and lorries), it is still a crossing, and because cycles are silent they present a hazard for visually/multi-sensory impaired people.
16. This should not be construed in any way to diminish the difficulties that visually/multi-sensory-impaired people have when using non-signalised crossings, but it *does* indicate that current users of Hardings Way already have a degree of confidence in using non-signalised crossings.
17. As noted in the technical summary of the TRO, 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). This is important to note, because the use of tactile material to indicate the presence of a crossing is an important factor in the ability of a visually/multi-sensory impaired person to navigate it. However, this decision was 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.
18. It should also be noted that tactile materials, whilst they assist blind people, 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 and older people with restricted mobility, long term health conditions, learning disabilities or other issues

19. People with restricted mobility, who are wheelchair users or who have conditions that mean they walk slowly or need longer than usual to make decisions can also find crossing points challenging. This is because they may be concerned or fearful that they will not be able to cross fast enough or they may not be able to judge distance or time effectively.
20. However, these users should still be able to cross the proposed new crossing point, albeit with more care, planning and greater difficulty than people who are not disabled. As noted above, in order to use Hardings Way, they already have to navigate the non-signalised crossing point on the Nar Bridge, which suggests they should have *some* degree of confidence in using non-signalised road crossings.
21. However, as already highlighted above, this fact should not be construed to diminish the difficulties or fears that some wheelchair users or people with mobility impairments may feel about using the proposed new crossing point. In developing this equality impact assessment, two site visits were undertaken, one of which included observing a disabled parent navigate the area. This highlighted the issues that many disabled parents face when using road crossings, namely that it is very challenging to cross the road as a wheelchair user (or blind person etc) when also holding the hand of a child to keep them safe on the road. It was evident that Hardings Way presented the only accessible route to Whitefriars Primary School for wheelchair users in the area, as London Road was not viable or accessible due to a lack of dropped kerbs and uneven, obstructed pavements. For these parents, the prospect of having to negotiate a new crossing point on a route with currently only one crossing is understandably deeply concerning. This is not just because they are worried that they may not be able to cross it safely with their child, but because if they can't cross it, they lose their independence to take their child to school.
22. If the proposal goes ahead, one way to help mitigate this issue is to offer disabled parents at Whitefriars Primary School (and other disabled people) the opportunity to discuss their concerns with the Council's Road Safety Officers, who will be able to provide advice and support on using the new crossing point. This is proposed as a mitigating action later on in this assessment.

Impact on people with long term health conditions

23. Some people with respiratory health conditions such as severe asthma have advised that they currently use Hardings Way as a route to the town centre, because Hardings Way has less traffic pollution than London Road. They have raised concern that if Hardings Way is opened to higher traffic levels this could trigger a worsening of their respiratory conditions – either because Hardings Way may become more polluted, or because they have to use London Road as an alternative route.
24. Data from King's Lynn and West Norfolk Borough Council indicates that current levels of nitrogen dioxide are significantly lower on Hardings Way than those on London Road and have been falling. There are well below current DEFRA targets.
25. However, the view of King's Lynn and West Norfolk Borough Council and those from County Council traffic planners suggest that if the proposal goes ahead, increases in

traffic following the change would be small and not increase pollution levels significantly.

26. Consequently, although the proposal will increase the level of traffic on the southernmost end of Hardings Way, the overall volume will remain relatively low. On this basis, and data from the Borough Council, there is minimal risk of Hardings Way exceeding Department of Environment, Food and Rural Affairs (DEFRA) targets for safe air quality.
27. It is also important to note that air quality monitoring on London Road shows that air quality at this location is currently within the target levels set by DEFRA and improving.

Impact on children and young people

28. The public consultation has highlighted a number of concerns by adults that it will not be safe to continue to let their children walk to Whitefriars School by themselves via Hardings Way if the proposal goes ahead.
29. This is a difficult issue to make a judgement about, mainly because the decision about whether or not to let a child walk to school by themselves is a personal choice for every parent and carer, and has to be balanced alongside many factors to ensure the child's safety. However, it should be noted that although the proposal will mean that children would have to navigate an additional crossing point on their route, they already have to navigate the crossing point by Nar Bridge, alongside buses and cycles, and be mature enough to remain alert to personal safety issues when traversing Hardings Way.
30. It is clear that the new crossing point will inevitably expose children to more traffic when crossing the road (cars, vans and lorries, rather than just buses and cycles), which will always carry an increased level of risk. However, as detailed elsewhere, safety considerations will be used at the crossing point, e.g. the 20 mph speed limit. Ultimately, it will be a personal judgement for each parent or carer about whether or not to let their child continue to walk the route to school by themselves.

Potential impact on parents with prams

31. Parents with prams may be anxious about navigating two instead of one crossing points on the route.
32. However, these users should still be able to cross the new crossing point, albeit with more care, planning and some greater difficulty than others.

Impact on cyclists

33. Cyclists will be affected due to increased traffic movements at the southern end of Hardings Way. This will be a mixture of existing buses, HGV's and vehicles. This impact will be restricted to the first part of Hardings Way after which the route will remain closed to all traffic except that mentioned elsewhere in this document.
34. Additional provision for cyclists not wishing to use the carriageway will be provided through an additional shared cycle/pedestrian pathway to the east of Hardings Way.

35. The provision of a shared cycle/pathway on both sides of Hardings 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 help mitigate some of this.

Impact on bus passengers

36. 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.

Conclusions

37. 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.
38. However, it is possible to conclude that the proposal may have a significant detrimental impact on some disabled people, for the reasons set out in this assessment. There may also be a detrimental impact on some children.
39. Environment, Development and Transport Committee is therefore advised to take these impacts into account when making a decision about whether or not the proposal should go ahead, in addition to the mitigating action recommended below:

Recommended actions

	Action	Date
1.	If the proposal goes ahead, offer people concerned about their ability to use the proposed new crossing point the opportunity to discuss their concerns with the County Council's Road Safety team, to obtain advice and support on using the crossing point.	From the date of construction

Evidence used to inform this assessment

- [The Equality Act 2010](#)
- 2017 Public Health profile for King's Lynn and West Norfolk, 4 July 2017
- Hardings Pits Community Association Ltd website
- 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
- 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)
- [Air Quality Information Annual Status Report for King's Lynn](#)
- [Department of Environment, Food and Rural Affairs \(DEFRA\)](#) targets for safe air quality
- Two site visits (2nd May 2018 and 18th June 2018)

Further information

If you have any questions about this assessment or need this document in large print, audio, Braille or an alternative format please contact Norfolk County Council's Equality & Diversity team on:

- Tel: 0344 800 8020 (Monday to Friday 9am - 5pm)
- Fax: 0344 800 8012 (Monday to Friday 9am – 5pm)
- Text message: 07767 647670 (Monday to Friday 9am - 4.45pm)
- Text Relay: 18001 0344 800 8020



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.

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.