

## Pinch Points around Midsummer Common

At the Cambridge City Council West/Central Area Committee meeting held on 25 October 2007 it was decided to defer proposed alteration and removal of “pinch points” around Midsummer Common until all interested parties had been consulted. The following is the response of the Friends of Midsummer Common.

Background. Midsummer Common is enclosed by a metal fence which serves to keep grazing cattle in and unauthorised vehicles out. Public access to the Common through this fence is provided at various places and in various forms (see pictures below).



To comply with the Disability Discrimination Act, the Council has decided to remove or alter some of these pinch points to make them passable by those persons using wheelchairs or mobility scooters and those with wide pushchairs. The Council's stated aim is to make gaps no less than 1.0 m wide and to do this progressively: every pinch point will be assessed individually in order to avoid conflict of interest between users.

Access to the Common for disabled persons. Under section 21 of the Disability Discrimination Act 1995:

(1) Where a provider of services has a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled persons to make use of a service which he provides ... to other members of the public, it is his duty to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change that practice, policy or procedure so that it no longer has that effect.

(2) Where a physical feature ... makes it impossible or unreasonably difficult for disabled persons to make use of such a service, it is the duty of the provider of that service to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to-

- (a) remove the feature;
- (b) alter it so that it no longer has that effect;
- (c) provide a reasonable means of avoiding the feature; or

(d) provide a reasonable alternative method of making the service in question available to disabled persons.

Nothing in this section requires a provider of services to take any steps which would fundamentally alter the nature of the service in question or would cause him to incur excessive expenditure.

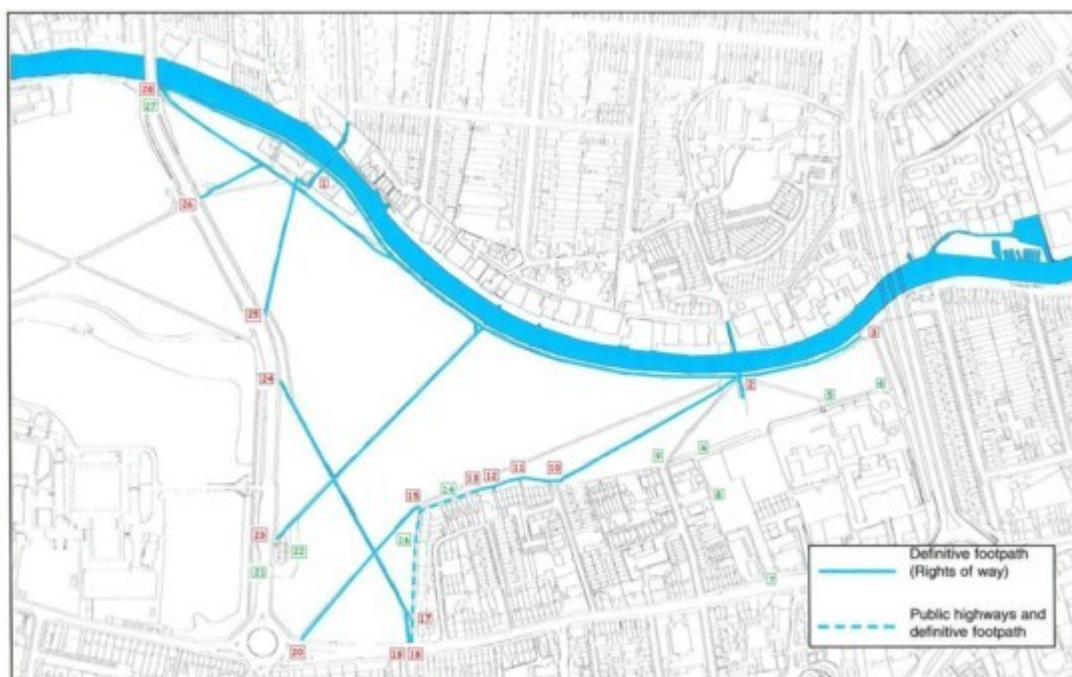
Under the Disability Discrimination Act 2005, the scope of the 1995 statute is extended and section 3 introduces a new duty on public authorities requiring them to eliminate unlawful discrimination against disabled persons and to promote equality of opportunity between disabled persons and other persons.

What does this mean in practice?

The way forward. Access to the Common is provided at various places and forms. It is possible to categorise the access points into 2 types:

1. where access is provided from a public highway/footpath to a public right of way on the Common; and
2. where access is provided to open land on the Common.






These are shown on the following map (based on a map taken from the Council's Midsummer Common Conservation Plan 2001) – access points in the first category are numbered in red, those in the second category in green.















Some guiding principles for the removal or alteration of these pinch points might be:






1. all access points in the first category should be made non-discriminatory unless there are good reasons to the contrary; and
2. due consideration should be given to making access points in the second category non-discriminatory but this should be a lower priority and depend on resource availability.







FoMC's recommendations for each of the 28 access points around Midsummer Common are contained in the following table:

<b>Position on map</b>	<b>View</b>	<b>Recommendation</b>
1		<p>Retain as existing. Wheeled access is already possible.</p>
2		<p>Retain as existing. Wheeled access is already possible.</p>
3		<p>Retain as existing. Wheeled access is already possible.</p>
4		<p>Retain as existing. Wheeled access is already possible.</p>
5		<p>Retain as existing. It is not a public right of way. The existing gate is only 90 cm wide and steps would make wheeled access dangerous. Redevelopment of the College site may result in closure of the access point.</p>

<p>6</p>		<p>Retain as existing. It is not a public right of way and the slope would make wheeled access dangerous.</p>
<p>7</p>		<p>Retain as existing. It is not a public right of way.</p>
<p>8</p>		<p>Retain as existing. It is not a public right of way.</p>
<p>9</p>		<p>Retain as existing. Wheeled access is already possible.</p>
<p>10</p>		<p><b>Agree with the Council's proposal.</b> Retain as existing. Wheeled access is already possible.</p>
<p>11</p>		<p>Retain as existing. Although it is a public right of way, the steps down onto the Common would make wheeled access dangerous.</p>

<p>12</p>		<p>Retain as existing. Although it is a public right of way, the steps down onto the Common would make wheeled access dangerous.</p>
<p>13</p>		<p>Agree with the Council's proposal. Public right of way. Existing gate is only 75cm wide. Reconfigure bollards with larger (1.0 m) gate.</p>
<p>14</p>		<p>Retain as existing. It is not a public right of way.</p>
<p>15</p>		<p>Agree with the Council's proposal. Public right of way. Existing gate is only 75 cm wide. Reconfigure bollards with larger (1.0 m) gate.</p>
<p>16</p>		<p>Disagree with Council's proposal to remove bollards and replace with a pedestrian gate and put in a tarmac path link. Retain as existing. It is not a public right of way.</p>
<p>17</p>		<p>Retain as existing. Although it is a public right of way, there is a wheeled access point to the Common nearby (19).</p>

<p>18</p>		<p>Agree with the Council's proposal. Retain as existing. Wheeled access is already possible.</p>
<p>19</p>		<p>Retain as existing. Wheeled access is already possible.</p>
<p>20</p>		<p>Retain as existing. Wheeled access is already possible.</p>
<p>21</p>		<p>Retain as existing. It is not a public right of way and there is a wheeled access point to the Common nearby (22).</p>
<p>22</p>		<p>Retain as existing. Wheeled access is already possible.</p>

<p>23</p>		<p>Retain as existing. Although the gate is only 80 cm wide, there is a wheeled access point to the Common nearby (22).</p>
<p>24</p>		<p>Retain as existing. Wheeled access is already possible.</p>
<p>25</p>		<p>Retain as existing. Wheeled access is already possible.</p>
<p>26</p>		<p>Retain as existing. Wheeled access is already possible.</p>
<p>27</p>		<p>Retain as existing. It is not a public right of way and the slope would make wheeled access dangerous.</p>
<p>28</p>		<p>Retain as existing. Wheeled access is already possible.</p>