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# York Disability Rights Forum’s Response to the Draft Local Transport Strategy. 1st February 2024

**Introduction**

We welcome the chance to contribute to this consultation and have opted to do so in this format.

We support the aspiration for improved air quality and for a city where traffic flows more easily and in principle agree with the 10 proposals as aspirations that need to be implemented in a way that does not marginalise disabled people. As a disabled people’s led organisation, such issues are of huge importance. There are many aspects of this strategy that we support and on those aspects where we offer critiques or suggestions, we trust that they are received in that light.

In the limited time available to us we decided to focus predominantly on the latter (and then not in full as there is more we could say) as that is where change to what is proposed will have the most beneficial impact for us. Being part of a group of people with protected characteristics means that we are often in the position of having to advocate for our needs to be considered where they are overlooked or marginalised. We look forward to a time when this becomes less necessary.

We were pleased that the new Council Plan has adopted Equalities and Human Rights as one of its 4 core commitments. You’ll see that much of what we say below uses that lens to consider where we believe that the Strategy could be strengthened. As well as paying attention to equalities and our protected characteristics as disabled people and in particular the Equality Act 2010 and the Public Sector Equality Duty 2011, we’ve drawn on the following core principles of human rights and the Human Rights Act 1998:

* *Dignity* – intrinsic value of people because they are human rather than because they are economically or otherwise ‘useful’
* *Autonomy* – each person should be allowed and supported to make choices about their lives; a person should be placed at the centre of all decisions affecting their life
* *Equality* – of all, irrespective of differences
* *Solidarity* – a need of society to provide appropriate social support to make sure everyone can enjoy their human rights

And the core principles of UN Convention on the Rights of Disabled People 2006:

* Respect
* Choice and Control
* Equality
* Participation and Inclusion
* Access

We are also pleased that the Council recently accepted a plan to implement the social model of disability that was co-produced with members of the disability community in York. The social model teaches that disabled people are disabled not by our impairments, health conditions, functioning of body or mind, or other social difference, but instead by societal systems, services and structures which do not include us. This is in direct contrast to a medicalised individual approach that holds that people are disabled by their impairments and are therefore themselves the cause of their non-inclusion in society.

The social model draws on the concept of ‘ableism’. Ableism is defined as the prejudice and discrimination, be it unintended or deliberate, that results in disabled people being excluded by policies, systems, services and structures in our society. Eco-ableism is defined as the prejudice and discrimination, be it unintended or deliberate, that results from those policies pursued by environmentalism that result in systems, services and structures that further exclude us in the name of sustainability and Net Zero agendas.

**Our comments**

* Being alert to the needs of all disabled people. Throughout our response and our discussions, we are especially aware of disabled people that do not have a Blue Badge – either because they have not applied for one or who have not yet reached the eligibility criteria - but who nevertheless have access needs in relation to transport matters.
* Terminology: the use of ‘walking, wheelchair users, wheelers and cyclists’ – inconsistency and time for a rethink?. We have been told through York Access Forum that the Council had agreed, at its request, to replace the phrase ‘walking, wheeling and cycling’ with ‘walking, wheelchair users, wheelers and cyclists‘, (with wheelchair users taken to include anyone using a mobility aid). However this is not routinely in place in this document (see for example 3.1 3.4, 3.5, 6.1, 7.1) and anyway is inconsistent grammatically with mixtures of verbs and nouns. In addition, although we accept that the intention of this new terminology was to be more inclusive – and some of us were part of this discussion – we increasingly believe that it needs revisiting. Apart from it being rather cumbersome, we are concerned that it runs the danger of making invisible the access needs that arise from the wide range of impairments that disabled people have – we are not an homogenous group! So both sets of terminology contribute to a failure to take sufficient account of the range of access needs that should be considered in relation to say, the length and layout of ‘walking’ journeys in the transport strategy, including those of people whose access needs relate to invisible disabilities such as neuro-diversity or mental health, largely absent in the document. In other words needs relate not only to physical impairments that impact mobility (including stamina, terrain, difficulty in transferring between different types of transport/movement, visual and hearing signals, and so on) but also to visual and hearing impairments, neuro-diversity, learning difficulties, mental health conditions (including need to avoid anxiety-provoking public spaces, fear of collisions; sensory overload, coping with unexpected crowds and so on). Negotiating a space differs also according to whether a disabled person is alone, carrying bags, has less predictable access needs but also, crucially whether they have to cope with hostility, ableism and lack of awareness from those around them.
* The need to identify all potential and actual adverse impacts for disabled children, young people and adults. A key thread running through our response is the need for this strategy to take more fully into account, and hence identify, where any proposals carry potential or actual adverse impacts for disabled children, young people and adults if implemented. By prioritising ‘walking, wheelchair users, wheelers and cyclists‘ over all other forms of moving around (2.2), for example, the needs of blue badge holders are immediately at risk, as are those who may be able to use mobility aids for short distances only. This is further illustrated in the hierarchy pyramid, which places cyclists above public transport users (disabled and non-disabled) and BB holders (we assume this is what is meant by disabled car drivers and passengers). We did not understand what was meant at 2.1 by ‘accessibility will be considered collectively…..’ and couldn’t anyway see how accessibility could be at the ‘… top of …. the hierarchy’ if such a pyramid was to be used. We also suggest it is incorrect to re-categorise pedestrians as bus passengers if they are waiting to enter or bus or are leaving one, thus obscuring the particular impact that this may have on disabled people using buses alongside what you call ‘continuous cycle lanes’ (and what elsewhere are commonly called ‘floating bus stops’ or ‘shared use bus boarders’).
* Terminology - clarify the term ‘active travel’, how does it apply to disabled people? The term ‘active travel’ is now in popular usage. But we suggest that there is a danger that it’s seen as predominantly aimed at non-disabled people. Some examples throughout of where and how disabled people might be included under the ‘active travel’ label and where the strategy more generally would benefit them would help avoid the likelihood of disabled people feeling or being made to feel that they ‘get in the way’ of active travel, clean air and traffic enhancing initiatives.
* Explain who has, and who does not have ‘choice’ in their modes of transport. There’s the implication in a number of places that taking up alternatives such as reducing car journeys is a matter of ‘choice’ (for example the wording at proposals 2 and 3; the use of ‘equal access’ at 2.7; the wording about car free days at 7.3). For some disabled people it is not a choice but by implying that choice is available to all, this can not only alienate disabled people themselves but also runs the danger of scapegoating them in the eyes of others. Changes to wording to make clear that there is not always a choice for everyone is crucial to achieve an inclusive approach (and see previous point).
* Could the ability to implement some parts of the plan have a negative impact on disabled people? The absence of any indication of which parts of the strategy the Council considers to be contingent on other parts is troubling. In other words, we would like to have seen whether certain proposals simply would not be progressed unless and until other parts were already in place. We believe this is vital. One example is the core significance of cheap, regular, reliable and accessible public transport systems. Without these our worry is that others parts of your strategy will prove ineffective for all, including those disabled people for whom their only choice of transport beyond ‘walking’ is public transport (and see elsewhere our suggestion that vehicles should be classed as essential when displaying a blue badge). We are acutely aware of the current very real context of diminishing bus provision, the poor performance the rail industry in relation to disabled passengers, the recent example of First Bus penalising many disabled passengers (and others) by stopping cash payments etc, the demise of Dial a Ride and so on.

We noted several places where there was reference to the need to ‘seek funding’ (including 1.3, 2.4, 2.6, 4.1, 6.6, 10) and the only place we could find which indicated a timetable for implementation was at 2.3. This makes our point all the more important as the availability of funding streams coming on line may not fit the stages at which the different parts of the strategy need to be introduced in an accessible, inclusive way, bringing the temptation that steps are carried out that have adverse impacts.

* What is a ‘community’ and the importance of recognising communities of interest’. The strategy uses ‘communities’ to be synonymous with localities, i.e. as a geographical entity (for example at 3). We’d like there to have been acknowledgement of other types of community, for example ‘communities of interest’ where people come together on shared interests or need. This is not restricted to disabled people of course but for disabled people it means that their needs for any specialist shopping, services and social contacts are arguably less likely to be met sufficiently within localities close to their home. Some recent examples in relation to healthcare alone include changes to the locations of GP practices and health facilities whereby they become further away; the closure of pharmacies; and the introduction of charges for home deliveries of medicines and equipment.
* Current and future demographics – disabled people currently account for around 20% of the population and growing. In terms of context, it might also have been useful to consider population projections and how that will be taken into account. Disabled people currently account for around 20% of the population and that proportion is predicted to increase. This also means, for example, that the number of blue badge holders is likely to increase so maintaining current levels of BB parking will soon lead to a net reduction in provision.
* Where are references to the Dept. of Transport ‘inclusive mobility standards’, designed to provide good access for disabled people and many others? YDRF has advocated for some time for the adoption of the government guidance contained within *Inclusive Mobility* and we were disappointed not to see that in here. We are aware of even recent examples in York where lack of such adherence has impacted negatively on disabled people.
* It seems low/no parking zones will discriminate against disabled people, especially blue badge holders. In similar vein, we have advocated for the adoption of inclusive design and lifetime home standards for new build and for any alterations to existing buildings. None of us know if and when a member of an existing household without a disabled member becomes one with a disabled member. It is therefore crucial in our view that the designs of buildings and our road infrastructures do not marginalise or exclude disabled people. It’s difficult for us to see how the proposed requirements for low/no parking zones take account of the need to enable disabled people to live (or continue to live) in such zones and also to enable disabled people to visit their family or friends etc living in those areas. The right to a private, family and social life, to maintain or enter employment and so on should be a core feature of our city.
* In relation to the last two points, we can’t see how these fit into the safe streets proposals as set out at 3.4 and 3.5 and at 7.8.
* What priority is being given to pedestrians? There are little or no data in the document on ‘walking’ or pedestrians in general. While we are not unsupportive of cycling and cyclists – and acknowledge the good work done in the city to promote disabled cycling – strategies are in danger of being skewed when there are insufficient data to consider their needs against those of others sharing the spaces. In addition there is nothing in the strategy about how to encourage and enforce safer behaviours by motorists, micro-mobility scooter users and cyclists that are respectful of other users of the space. This is an area that attracts much debate in the media and in conversations among disabled and older people, in our experience.
* Why is it thought acceptable for Blue Badge holders to mobilise over greater distances from home? Why is parking for cyclists away from home given a higher priority than that for Blue Badge holders? It is quite astounding to us that the strategy suggests that an alternative to a BB holder being able to park close to their own home is for them to be allocated a parking slot up to 150 metres away (7.6). Clearly this is unacceptable given that the majority of BB holders are granted one on the basis of not being to walk unaided for more than 50 metres! It’s a suggestion that has shaken the trust of many of us that the council understood the arguments put forward by ‘reverse the ban’. It also makes no reference to the exclusion of BB holders who are visitors to residents or others in these areas. Further the ‘solution’ is made even more astounding by the fact that in another part of the document there is an aim to allow cyclists to get to within 50 metres of a range of destinations (1.2) whereas BB holders are only thought to need to reach a far smaller number of destinations and, again, within 150 metres (1.1) perhaps reflecting a view of the narrowness of disabled peoples’ lives! (note that we fully support greater provision for disabled cyclists and are open to discussion about how their access into and through the footstreets could be improved).
* Acknowledging that a vehicle displaying a blue badge is an essential vehicle. Many of the arguments about the need to consider vehicles displaying a BB as being ‘essential’ were rehearsed during the campaign to reverse the ban which the current administration supported. If they were to be so classified in this strategy then that would be testament to the understanding of that. We would welcome York allowing BB vehicles to use bus gates for example.
* Adopting the Street Charter for York. Street Charter – YDRF signed up to the final version of the Street Charter that was developed by My Sight York several years ago. We are aware that it is yet to be adopted but if it were to be – and rigorously implemented – then it would improve the active travel of disabled people.

We have several other more individual suggestions (though not exhaustive):

* 1.5: Budget for additional seating - . we welcome the aim to provide seating but are aware that it’s long been on the city centre access plan without much happening and we understand the budget has now been cut?
* 2.3: Guardrails are an essential safety feature - please don’t remove guardrails as these are very helpful for some disabled people

1. 2.4: -Navigable streets - large expanses of level surfaces (by the removal of differences in level and/or the absence of kerbs) can be impossible to navigate for many visually impaired people; such a change is anyway currently the subject of a legal challenge.  We advocate on behalf of all disabled people for the prioritising of the rebuilding of narrow, uneven, poorly drained and sloping pavements: this would also benefit ALL pedestrians as well as reducing the incidents of pedestrian injuries.  We note this is one of those areas for which funding would need to be sought) and we urge you to see this as a priority.

* 4.6: York Station Gateway is not an accessible environment:– you are no doubt aware of the concerns from many quarters, not only disabled people, about the current plans for the station gateway!

**FINALLY**

* We know that the Council has been striving hard to improve its approach to consultation and engagement and that has been evident in the number and range of workshops that have been run around the city and the attention to disability accessibility at those. Thank you. We were also pleased to see reference at 2.2 and 2.5 to working with disabled people – but were wholly unclear to the reference to ‘considered collectively’ at 2.1. We’d like to suggest some further improvements which we hope also contribute to better-informed responses –information is power!:
  + Terminology Please don’t use unfamiliar terms in your documents – or if you do, please explain them. Words like Movement and Place, ‘Healthy place shaping’, ‘safe streets’, ‘home zones’ and ‘vision zero’ and ‘… audits for disabled people’ don’t mean much to most people and once you’ve lost their attention or engagement then you’ve lost their involvement.
  + Misleading and discriminatory use of terminology. In similar vein, please include more common or colloquial terminology alongside technical terms – you use ‘continuous cycle lanes’ in several places but don’t mention ‘floating bus stops’ or ‘shared use bus boarders’ anywhere.
  + Please don’t use terms like ‘fully accessible’ (e.g. 1.4) unless you are wholly confident that this is what you’re aiming for! It’s a very broad claim to make and scarcely anywhere in the country currently achieves it!
  + Access to the full plan denied. Some members have told us that they couldn’t find ways to get further into the detail of proposals on your website – finding the 10 proposals was fairly straightforward but not beyond that. Past experience has told us that we need to see the detail to better understand where the barriers may be for disabled people. Having to keep clicking on links is also difficult for those using screenreaders and for most people it is anyway very easy to then lose your place when you want to go back to the substantive document.
  + Length of the survey may restrict responses. Please don’t make surveys so long. The word has gone round that it takes at least two hours to complete the survey so we know people who have decided against trying. And we at YDRF decided to use this different format for our submission.
  + Value and record all attendees/respondents’ views At your workshops, please don’t simply tell people that their ideas are unworkable and give them the impression that it’s not worth them having attended. We’ve heard varying experiences. At the best, council staff helped people fill in surveys on the spot or took down notes and promised to feed them in. At the worst, some people felt that staff were disinterested in what they had to say, took no notes at all and told them that the only way they will be heard is if they went away and filled out the survey.

**CONCLUSION**

In its report to the Human Rights & Equalities Board in October 2021 regarding the proposed restrictions on the use of Blue Badges, York Human Rights City Network pointed out that the Equality Act, the Human Rights Act and the UN Convention on the Rights of Persons with Disabilities make clear that majority preferences cannot simply override those of minority groups where this would result in systemic discrimination against individuals with protected characteristics. The report went on to say that any weighing of human rights claims and public interests must take into account the central place of non-discrimination in finding a solution. As a Human Rights City that has so recently had experience of discrimination against Blue Badge holders, we suggest that the rebuilding of trust with the disabled community and attention to their access needs is crucial so that all, disabled and non-disabled people, can benefit from the improvements that an inclusive transport strategy could bring.

York Disability Rights Forum has welcomed recent moves by the Council Administration to re-open the footstreets to Blue Badge holders and to develop plans to implement the social model in its policies and practices. We support the Council’s aspirations as set out in its 10 proposals and we have set out above those proposed implementation aspects that we consider need revisiting in order for them to be inclusive.