

**PE1595/SSS:
Petitioner submission of 12 September 2017**

You recently asked me for a response to the following:

- The most recent submission from Sustrans.
- The recent shared spaces seminar
- The report from the House of Commons Women and Equalities Committee that refers to shared space

I attach my response to Sustrans submission, my colleague Sarah Gayton will forward photographs referred to in my report and I would be grateful if you will accept these and include them with my report to members of the Petitions Committee.

The members of the Petitions Committee will be aware of the Report by the Women and Equality committee which was published on 25th April. This report fully supports my position and that of thousands of people who submitted evidence to the Committee.

The Seminar Report which was published on 28th July 2017, endorses the Commons Select Committee Report and states, "We recommend that the Scottish Government takes a clear lead and urgently updates the Designing Streets guidance on shared spaces with new guidance, founded on an inclusive design approach to ensure that any resultant schemes are inclusive, navigable and welcoming for disabled people". This vindicates my position and makes all the recommendations asked for in my Petition.

It is hoped that the Scottish Parliament will urge the Scottish Government to adopt these recommendations with great urgency, to avoid further damage to our towns and their people.

I will be writing to the Transport Minister Mr. Humza Yousef MSP, urging him to make this a reality.

On Tuesday 5th September I joined colleagues from RNIB, The Guide Dogs Association and other members of The National Federation of the Blind, who handed in a letter at 10 Downing Street. I attach our "Press Release" for your interest.

I am grateful to you and members of your team for your patience, understanding and advice throughout proceedings.

ANNEX: Response to Sustrans Submission 9th February 2017

[Sustrans response](#) stated that Petitions Committee had been given highly misleading representations regarding the Cowgate Scheme in Kirkintilloch stating the evidence was an incomplete picture of the scheme. It goes to great lengths to explain how consultation was undertaken for the scheme and how the scheme was modified to concerns raised during this consultation.

The scheme is now operational and it is very clear that serious problems exist in the scheme for people who are blind, deaf-blind, partially sighted, disabled and vulnerable pedestrians.

Removal of controlled crossings and lowering of the kerbs:

- Is preventing independent access to their town centre and along and around its high street.
- Created road safety hazards for disabled people as:
 - Not able to cross Cowgate Street independently
 - Kerbs are too low to prevent blind, deaf-blind or partially sighted people from walking from the pavement into carriage way
- Kerbs have some colour contrast with adjoining road and pavement, but kerb faces are too low in height to provide enough of a difference in reflectance for car and bus drivers to steer clear of them, with the result that vehicles over-ride and pose hazards to pedestrians

New hazards have been designed into the scheme with use of inappropriate materials causing a trip hazards and vehicles now parking on pavements.

Very clear concerns of raised during consultation process by people who are blind, visually impaired and disabled were not acted upon and serious questions need to be asked why this was allowed to happen?

It is not clear how this scheme could meet funding requirements detailed in Section 2 'Funding Criteria' as it clear the scheme has not met the needs of local community, not created an enabling environment for active travel and it has not raised the standard of infrastructure for walking in the town for people with disabilities.

It is not clear how the scheme could meet the requirements under the Equality Act 2010 detailed in Section 4 as to remove a physical feature that a disabled person relies on is prima facie evidence of non-compliance with the Equality Act.

The short video 'Problems with shared space in Kirkintilloch' – which can be viewed on YouTube – explains the problems in the scheme

Since the publication of the Sustrans response, the Women and Equalities Select Committee [called for all shared space schemes to be halted in April 2017](#) due to the overwhelming evidence on the problems these schemes are causing people with disabilities. It is clear this recommendation should override Sustrans conclusions to why a moratorium on shared space should not take place in Scotland.

Specific comments are given to the points raised in Section III Specific clarifications for the Petitions Committee - Section 1: Consultation

Statement 1: Reduced crossing distance through narrowing of roads and junctions along street

Comments:

- Road may be narrower, however, all controlled crossings removed from Cowgate Street, except 1 at the very Southern end of the 400m long scheme.
- Several requests were made before, during and after the consultation for controlled crossings to be left by blind, partially sighted people, disabled, vulnerable people and members of the community.
- Blind people and visually impaired have been affected by these changes, with members of the East Dunbartonshire Visually Impaired Forum having to take taxis as they cannot cross the road.
- The National Federation of the Blind of the UK Guidance Note "[Access for Blind People In Towns](#)" explains why blind people are scared to cross the roads without safe footways and crossings.
- This newspaper article '[Half-mile trek for blind if traffic lights removed](#)' explained that blind people would have to take a long detour if they want to cross the road and visit different shops in town centre.

Statements 2 and 4:

2 - Greater accessibility through pavement widening and rationalisation of street clutter, to remove hazards, and

4 - Creation of a clear circulation space to ensure that street furniture, which can be viewed as a barrier to movement, is located in a space which does not impede pedestrian movement

Comment: New hazards and barriers for disabled now exist:

- Parking on pavements is now a problem as there are no lay-by's for vehicles to pull into, as illustrated in photographs 4 to 6.
- Uneven square cobbles, as shown on Photographs 8 to 10, have created a trip hazard and causing problems for people in wheel chairs, as they jerk the chair as they go over the cobbles.
- Kerbs have been reduced to 20mm in 60% of scheme, which is not high enough to stop blind or partially sighted people from wandering into carriage way (see response to Statement 5 below).
- Other types of street clutter is appearing on high street for example temporary barriers are being erected over bent bollards at the Catherine Street / Kerr Street Junction, as shown on Photograph 7.
- Cafes are still using space on pavements for outside seating, although not all were checked, one did have a protective barrier around the seating while another did not.

Statement 3: Improved legibility for people with visual impairments through the provision of tactile and visually contrasting paving materials to mark crossing points and demarcate the footway from the highway

Comments

- Tactile has been used for the courtesy crossings, however on courtesy

crossings drivers control pedestrians by deciding whether or not to stop to allow them to cross. People who can see little or nothing are usually frightened to step in front of approaching vehicles they can't see, which may have no legal obligation to stop, so they consider these as "No Go" places to be avoided. The tactile used on courtesy crossings do not extend to the building line as seen in Photographs 11 to 13.

- Visually contrasting materials used to mark crossing points and demarcate the footway from highway cannot be seen by blind people.

Statement 5: Retention of kerbs at the junction and other raised areas to help in the demarcation of space

Comment:

- It is understood that 60% of the kerbs now have 20mm. This height is not sufficient for people who are blind, deaf-blind and partially sighted to independently navigate the urban environment.
- Vehicles are running over the kerbs on Catherine Street / Kerr Street junction and are knocking over the bollards as shown in photographs 14 and 15.
- Photograph 16 shows the lack of kerbs on a junction leading onto Cowgate Street.
- A [local authority in Northern Ireland has just lost a legal case taken by a person who is blind](#), due to low kerbs being installed in a regeneration scheme in Lisburn.
- Guide dogs research document "[Effective Kerb Heights for Blind and Partially Sighted People](#)" stated kerbs need to be a minimum height of 60mm
- National Federation of the Blind of the UK [recommends the use of full height kerbs in high streets](#).

Other Problems With Scheme in Kirkintilloch

Other serious problems with the design and use of materials in the scheme, which include:

1: Traffic Calming Rumble Strips

The upturned bricks in the carriage-way which have been used to slow the vehicles down are causing serious problems for taxi drivers and I would be very surprised if cyclists could ride over them. Also it has been pointed out by a wheelchair user during the Kirkintilloch Canal Festival, that they would not be able to attend as the stalls face into the high street and people walk in the high street, she would not be able to pass over these upturned bricks in the high street. Photographs 17 to 18 illustrate this design feature and photograph 19 shows already structural damage to one of these rumble strips.

2: The Catherine Street / Kerr Street Junction on Cowgate Is Too Narrow

The junction is too narrow - the vehicles cannot make the turn until it is clear for them to move forward. The [bollards are being knocked over](#) as there is simply not enough room at the junction for vehicles to get around. Large vehicles have to wait until

junction is clear of vehicles to let them pass through. Photographs 7, 14 and 15 show the problems of the bollards being knocked over and photograph 20 illustrate this problem of the buses trying to get around the corner.

3: No Bus Lay-by's - Leading To Congestion Behind the Buses

The lack of bus lay-by's and the road being narrowed has led to traffic not being able to pass the buses and having to wait behind the bus to carry on their journeys. Photographs 21 and 22 below illustrate the many vehicles while waiting for the bus to drop off and pick up passengers on Cowgate Street.

Section 2: Funding Criteria

For the Kirkintilloch scheme it is very hard to establish how the new scheme could meet the funding criteria as described in this section. It has had the opposite affect for people who are blind, visually impaired, disabled and vulnerable. The scheme has actively added hazards into the high street for pedestrians, removed controlled crossing and kerbs that people who are blind use to independently navigate the high street. It has meant that people who are blind, deaf-blind and visually impaired taking taxis to get from A to B. Sustran as a funding agency for a statutory body like the Scottish Government and is just as bound by the general public duty in the Equality Act as the statutory body itself.

Section 3: Comments Regarding Tackling Road Danger

- Without controlled crossings and at least 60mm kerbs (with full size kerbs preferred) blind, deaf-blind and visually impaired people do not have the infrastructure to keep themselves out of danger in Kirkintilloch high street.
- It is not understood why key safety audits, reports and professional people in the planning and design of the scheme failed to take on board the concerns which local blind, deaf-blind and partially sighted, disabled and vulnerable representatives explained to them about the need for controlled crossings and proper kerbs.
- Living Streets have previously used a film to promote the perceived benefits of shared space in Coventry. It was published on 25th April 2012 and focused on the Hales Street junction, however the film failed to explain a [partially sighted pensioner](#) had died in the same junction in January 2012, just a few months before the film was uploaded.

Section 4: Compliance with Equalities Act 2010

- Given the evidence in this short report, I personally do not know how the new scheme could be complaint with any legislation aimed at protecting the rights of people who are disabled.

Section 4: Conclusion

- Sustrans conclusion does not describe the scheme in Kirkintilloch as the scheme is not accessible to all.
- The consultation failed to act on concerns raised by disabled people.

- Many shared space schemes have u-turned and have, or are putting back controlled crossings back into schemes, including schemes in Kinross, Grimsby, Blackpoll, Hackbridge, Tolworth Broadway, Ahsford (did not want to put controlled crossing but did from start), Warwick, Coventry, Dunstable, Corby and Bath.
- Kerbs have been put back in Tolworth Greenway, some back into Blackpool, and kerbs that were causing people to trip have been replaced in Cheltenham and Hanley in Stoke on Trent.
- Some schemes have cracked up and have been replaced by Tarmac including Blackpool and Grimsby, with many other schemes undergoing some form of structural failures.
- The Women and Equalities Select Committee clearly recommended that all shared space schemes should be halted, and for all schemes to be audited and remedial works undertaken to make them accessible for all and the underpinning guidance be



Photos 1, 2 and 3: Illustrating no controlled crossings on Cowgate Street, and Catherine Street / Kerr Street Junction.



Photos 4 to 6: Pavement parking along Cowgate as no laybys for vehicles to use



Photo 7: Street clutter re-appearing as bent bollards are given temporary barriers





Photographs 8 to 10 Rough cobbles used along the entire length of the Cowgate scheme. Trip hazard to pedestrians and problems for wheelchair users.



Photographs 11 and 12 Illustrating the tactile used at informal crossings with none extending to building line on Cowgate, at the Catherine Street / Kerr Street junction



Photographs 13 Illustrating the tactile used at informal crossings with none extending to building line at informal crossing on Cowgate Street.



Photographs 14 – 16 illustrating lack of kerbs on Junctions in Cowgate Street



Photographs 17 to 19 illustrate the upturned bricks along Cowgate Street



Photograph 20 showing the bus using all carriage way to turn the corner at Catherine Street / Kerr Street Junction on Cowgate Street



Photographs 21 and 22: Congestion behind bus on Cowgate Street