

Women and Equalities Select Committee

Oral evidence: [Disability and the built environment](#), HC 631

Wednesday 7 December 2016

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Members present: Mrs Maria Miller (Chair); Tracy Brabin; Angela Crawley; Mrs Flick Drummond; Jess Phillips; Mr Gavin Shaker

Questions 106–190

Witnesses

I: Bob Ledsome, Deputy Director, Building Regulations and Standards, Department for Communities and Local Government, Jennifer Peters, Strategic Planning Manager, Greater London Authority, Andrew Gibson, Vice Chair, Habinteg, Nick Rogers, Design Director for Taylor Wimpey, Home Builders Federation

II: Lord Holmes of Richmond MBE, Andrew Hugill, Director of Policy and Technical Affairs, Chartered Institution of Highways and Transport, Benjamin Hamilton-Baillie

Written evidence from witnesses:

- [Department for Communities and Local Government](#)
- [Greater London Authority](#)
- [Habinteg](#)
- [Home Builders Federation](#)
- [Lord Holmes of Richmond MBE](#)
- [Chartered Institution of Highways and Transport](#)
- [Benjamin Hamilton-Baillie](#)

Examination of Witnesses

Bob Ledsome, Deputy Director, Building Regulations and Standards, Department for Communities and Local Government, Jennifer Peters, Strategic Planning Manager, Greater London Authority, Andrew Gibson, Vice Chair, Habinteg, Nick Rogers, Design Director for Taylor Wimpey, Home Builders Federation

Q106 **Chair:** Good morning. Can I thank our panellists in the first session this morning for coming along? I know it always takes a great deal of time to prepare for these sessions and we are very grateful indeed for the time that you have taken to do that and the time that you have taken to be with us today. Before we start our session, could I just ask each of you to say your name and the organisation that you represent?

Jennifer Peters: Hello, I am Jennifer Peters and I work in the London Plan team at the Greater London Authority.

Nick Rogers: Good morning. Nick Rogers; I am Design Director for Taylor Wimpey.

Bob Ledsome: I am Bob Ledsome and I am Deputy Director for the Building Regulations and Energy Performance division at the Department for Communities and Local Government.

Andrew Gibson: I am Andrew Gibson. I am Vice-Chair of Habinteg Housing Association which specialises in independent living for people with disabilities.

Chair: Again, thank you for your time this morning. We are going to have a series of questions, started by my colleague, Jess.

Q107 **Jess Phillips:** Hello. Thank you for coming. We are going to start off with the supply of housing. I wanted to ask if you wanted to briefly outline whether accessibility is currently a feature in the Government's plans to increase the supply of housing.

Andrew Gibson: The English Housing Survey in 2016 highlighted that only 7% of properties in England were built to a visitable standard, which is the basic category 1 standard criteria. In terms of whether the new standard will increase the supply of housing, we certainly welcome the inclusion of optional standards—category 2 and category 3 in the new building regulations—but they are optional. Category 2 is broadly equivalent to the Lifetime Homes standard. With regard to the category 1 standard, our view is that it is not fit for purpose in terms of improving accessibility.

Q108 **Jess Phillips:** Sorry. It is very technical and difficult to understand. Is that M4(1)?

Andrew Gibson: Correct.



Bob Ledsome: Picking up the statistic that Mr Gibson quoted, it is quite interesting to compare the results in the most recent English Housing Survey Adaptations and Accessibility report with the previous report and the report before that. You can see an increase in the trend of homes that have the visibility features. It was 7% in the most recent report and 5% in 2012, then 3% in 2007. It is showing an upward trend, which I am sure will be welcomed.

Q109 **Jess Phillips:** Is that in standard 1?

Bob Ledsome: That is in the visibility features as defined as in the English Housing Survey, which is broadly around the sorts of things you would see in M4(1). There has been an increase in the trend, which is good, and you might say that that is broadly in line with the build rate. As new homes come through we can say that they are being built to the M4(1) or the Part M standards, which is to be welcomed.

In terms of the optional requirements, it is worth remembering that prior to the introduction of the new optional requirements in 2015, local authorities were applying Lifetime Homes policies but they were doing that through the planning system, and as now the optional requirements are applied through the planning system so there was not actually any change in the broad conceptual approach pre the move to optional requirements as happened before.

Nick Rogers: As a company and an industry, we were involved with the housing standards review, so we were very aware of where this is going, the implementation through the NPPF, the optional requirements and how they are going to be implemented. We know this is coming. We expect it to be a greater requirement on us when we are building. We have jumped in and designed a whole new portfolio of homes that comply with both the space standards and M2. We are getting ready to be able to deliver.

Q110 **Jess Phillips:** Would all of you feel that accessibility is something that should appear in the forthcoming White Paper alongside affordability as a requirement.

Jennifer Peters: Yes, it could do. In London we are in quite a unique position because we have had the Lifetime Homes and wheelchair standards since 2004, and we translated those into the new M4(2) and M4(3) earlier this year. We have taken on board the Government's approach. Putting it out into building regulation helps in terms of enforcement because there is that after-development process to check that it is built to those standards, which is good. It would put it on an equal footing if it was talked about in the White Paper as well as affordable housing. We will come onto it later but this issue of viability and whether access standards should be contingent on whether they are viable or not is an interesting point.

Q111 **Jess Phillips:** I would ask all of you—and, Nick, if you could comment on



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the commercial basis—about the fact that currently 19% of people with a long-term disability that require adaptations to their homes feel that their home is unsuitable. Why does the panel think that there are not enough accessible homes to meet the need?

Nick Rogers: That probably takes into account people living in the existing housing stock. Early in my career I was adapting existing homes to be accessible and I know the problems that are involved with that. We are beyond even the standard option. As a developer, we are reliant on local authorities to identify the need in their areas and then meet that need. We expect that need to be identified in greater amounts throughout the country, taking the lead from the GLA who have already said we need this percentage.

Andrew Gibson: Just to provide some context, we completed a Freedom of Information request earlier this year just to look at asking local authorities two basic questions. One is: within their planning policies is there a standard? It was a Lifetime Homes question. The second part was whether, in the last six years, they have actually recorded the number of homes built. If we exclude London—because as Jennifer rightly said, London is an exemplar in terms of the position it takes—there are only nine local authorities across England out of 266 that responded that meet that standard.

Q112 **Chair:** Do you think the need for local authorities to be proactive is something we should be covering in the White Paper?

Andrew Gibson: Absolutely.

Chair: Do you want to elaborate on that?

Andrew Gibson: As I mentioned earlier, it is good that there is an optional standard now and the M2 and M3 within that. However, certainly in our experience, and particularly that of our sister organisation that trains access consultants, there is a degree of confusion. The optional standard for local authorities will create this patchwork across England in terms of whether they build or not and whether the standards are consistent. There is also certainly an opportunity for Government to take a lead in terms of supporting the local authorities with some really clarity. The opportunity, as you rightly said, is in the housing White Paper.

Chair: Bob, do you agree with that?

Bob Ledsome: I would like to make a few comments. The first is that we did some work as part of the housing standards review when we surveyed local authorities as to whether they had a “firm” policy to apply the Lifetime Homes standard or an aspiration. Our figure is a lot higher than the figures that Habinteg had. It may be that the question was slightly different and therefore was answered in a different way but we did do some work that suggested that a significantly higher number of



local authorities had that policy in their plan. Whether and how they are applying that is an interesting question. That is the first point.

The second point is that when you had Mr Quartermain a couple of weeks ago he went through and described for you the National Planning Policy Framework and the policies therein to encourage inclusive design and accessible housing. The Government would feel that we have a very strong planning policy vision in place for local authorities to address these issues and through the optional requirement we provided the mechanism and a means to deliver that. There is also the point that Jennifer made: by putting that in building regulations, as opposed to that being done through planning conditions and just being enforced through the planning conditions process, you bring the full panoply of enforcement and compliance checking that you get under building regulations to apply.

Q113 Chair: Can I just make sure I have understood that? You think the policy is okay and therefore probably there is not a need for that to be included in the White Paper. What you are saying is that enforcement is what the White Paper might need to focus on.

Bob Ledsome: Forgive me but I am not in the position to anticipate what may or may not be in the White Paper. All I can say is that the policy, which has been established in the National Planning Policy Framework to encourage local authorities to look for inclusive design policies, has some very strong messages about that through the new arrangements for optional requirements. We feel we have a robust framework for implementing that on the ground.

Q114 Jess Phillips: What I wanted to pick up on as well is the issue of tenure of the properties. What we are all talking about here when we are talking about building the properties is largely properties for people to buy or local authorities to buy. Currently the supply of accessible homes for rent—and lots and lots of disabled people will want to rent a property—is even worse, and one wonders if you had any comment on how that could be tackled.

Jennifer Peters: In London our standards apply to all tenures and we did have some debate, at our examination in public where we were arguing to bring in these policies, about whether they should be applied to build-for-rent developments. Some people felt that they should not whereas we were very strongly saying, “Why should there not be a choice across all the different tenures?”

Bob Ledsome: I would echo that. It is about all tenures but it is about identifying which tenures have the greatest need. That is going to change area by area.

Jess Phillips: Local authorities again.

Nick Rogers: It is fair to say from the English Housing Survey report that in the rented sector, and the private rented sector in particular, there was more dissatisfaction amongst the tenants with whether their



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properties had been adapted as opposed to the owner-occupied sector. Clearly there is an issue there about tenure.

Andrew Gibson: We certainly support the standard across all tenures. If I link it to accessible homes it is about employment of young disabled people. Social mobility is seriously affected and it has happened to me. If you cannot find the right home close to your job you are less likely to be employed. Certainly the statistics say that a disabled person is four times more likely to be unemployed, which lends itself to the social and the rented market. It needs to be across all sectors.

Jess Phillips: Connectivity as well.

Andrew Gibson: Exactly.

Nick Rogers: Just for clarification, can I just say that the building regulations are tenure-neutral? If it is a new build, the building regulations will apply whether it is owner-occupied or rented.

Q115 **Jess Phillips:** I suppose this question is mainly to Nick. Do developers build to a higher standard of accessibility without being required to by a local authority, or do you do what you are told?

Bob Ledsome: We pretty much do what we are told. It comes back to the fact that we are competitive when we are buying land and we are selling, and if we made all of our houses bigger and more expensive than our competitors we would not be able to buy the land. Having said that, for the new homes that we have just designed to the space standards, I am hoping that our regions will look and say, "These are better homes. We want to build these." Things are changing now.

Q116 **Jess Phillips:** So it is entirely commercial. Is it the case that the standards that are set for the market as the bare minimum will be the driving force? I do not mean to do you down; it is difficult. For want of a better word, there is a minimum standard and whilst all have to do that, that is what will be the driving force.

Bob Ledsome: Yes, but it helps us when local authorities are clear and say, "This is the standard. We need to achieve it here." The only problem we have with the current policies are that there is challenge to the standard being imposed on viability grounds, both at plan stage but also at site stage. We are in a slightly difficult commercial position where we are not sure whether our competitors bidding on a piece of land are thinking, "We can go back and challenge this on viability and not provide that later." We are having to consider risks.

Jess Phillips: You are at risk of being in a tender situation with the local authority for new homes and one person—

Bob Ledsome: Could potentially go back and challenge it later.

Jess Phillips: Because currently it is unclear.



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Bob Ledsome: Yes, or it is open through the current guidance to challenge on viability grounds.

Jess Phillips: Excuse me. It is very complicated. I am trying to get to where it can be understood. It is driven commercially.

Bob Ledsome: Yes.

Q117 **Tracy Brabin:** This is building from the evidence we had from the GLA where there seems to be lots of support for the GLA adopting the M4(2) as mandatory. The question is: why are the higher standards of accessibility provided for in Part M categories—M2 and M3—optional? We may have covered this earlier on but I would just like to get your opinion on that.

Bob Ledsome: The Government took the view that it was right to have these as optional requirements because the local needs would differ, and it was right that local authorities should have the opportunity to take their own decisions based on their circumstances and their housing needs. They need to do a housing needs assessment as part of their general planning policy development process anyway. Furthermore, they had to take account of viability issues as well, and therefore local authorities could determine how and to what extent they would wish to apply the higher optional standards rather than them just being applied in a blanket way across all development.

As I said earlier on, that was no different from the situation before the optional requirements, because the Lifetime Homes policies were applied through planning policies, and to do that, obviously, that would need to be based on need and viability testing because that is required under the National Planning Policy Framework anyway. There was no conceptual difference when we introduced the optional requirements.

Clearly, London has demonstrated that it is perfectly possible for local authorities to make the case for a significant proportion of their new buildings to be M4(2) and indeed M4(3). No doubt Jennifer will tell you more about that process and what was involved in that process but the Government sees that and sees that it can actually work.

Q118 **Tracy Brabin:** Building from that, should it exist at all, given that it is questionable whether M4(1) provides a home suitable for today's and future populations?

Bob Ledsome: There has obviously been recognition for a number of years that it is right that there are basic access standards, for all the reasons we have already discussed and looking at the English Housing Survey result. That is why the Government were very clear when they did the housing standards review that the basic standards of accessibility were not up for grabs, as it were. That is why the M4 requirements are maintained.



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Jennifer Peters: From a London point of view, we obviously argued through our process that M4(2) is a basic standard and the arguments we made in London, although obviously the guidance talks a lot about it being based on need, are quite applicable across the country. We have a slightly different situation in that we have a lot of high density flatted developments that may suggest a greater need for the access standards but in general our arguments could apply across the country.

In terms of the process that we went through, introducing new planning policies was quite a bureaucratic process; we had to do quite a lot of evidence-gathering and that is quite resource-intensive. However, M4(2) is more opt-out than opt-in. That might make more sense in terms of the consistency that the housebuilders are looking for and the clarity for access standards.

Andrew Gibson: Just on a practical level, Mr Ledsome rightly mentioned, the Category 1 standards are what were there before. It is a visibility standard and quite often there is some confusion around the word "accessibility" and what it actually means. What it means to me practically, as a Category 1 statement, is I can get in the front door, probably move around downstairs and I might or might not be able to use the toilet. This is not just about homes. This is also about being able to visit friends and family. It is a standard that in our view is not fit for purpose. Yes, it is visitable but it means you probably cannot stay there. You probably cannot use the facilities. If you are there for a party you leave after an hour.

Again, supporting the London position, that is why the M2 standard is much more applicable, because, as you pointed out, it broadly meets today's needs but I think fundamentally the future needs. It is not just about disabilities now but we have got an aging population. The number of over-65s I think is going to be doubled to 20 million in the next decade. Twenty percent of those are likely to have some form of mobility issues. A lot of those people do not want to move to another house. The ability now to have houses built means that they can put a grab-rail in much cheaper; they can put a wet room in downstairs, because the infrastructure is within an empty home. It is not just about now but it is about the future and why the current standard actually does not meet those needs. It is a very short-term approach to housing.

Q119 **Tracy Brabin:** Just moving on then, I have a question that is probably for Nick. Have housing developers had any difficulties applying or building to the optional accessible housing standards in practice?

Nick Rogers: No. It is actually easier than what it was before. When Lifetime Homes supplied there was no framework about how you got that assessed consistently across the country. Every agent for a housing provider would interpret it differently, or local authorities would interpret it differently. Now that it is in building regulations we can get that type of approval through the NHPC. It makes our lives a lot easier to say we can do the same thing throughout the country to the same consistent



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quality. It makes our lives a lot easier. We are early days. We have not built many homes to it yet but the process is going to help us.

Q120 Angela Crawley: Just to come in on the point you made earlier about Category 2 and Category 3—M4(2) and M4(3) —the wording that you used is “reasonable”, “sufficient” and “optional” requirement. I am interested to know, Bob—and perhaps, Andrew, you would have a view on this—if you could scope out the kind of suggestions that would be in the White Paper, how you would strengthen those requirements if you could.

Bob Ledsome: As I say, I am not in a position to anticipate the White Paper. The wording that we use in the actual regulatory requirements is a well-established wording in terms of reasonable provision for access and that is a long-established provision. However, what we do do is we provide detailed guidance in what is called an approved document, which has statutory basis so that if the developers follow the guidance in the approved document that is going to be taken as evidence of compliance with the requirements.

The key thing—and perhaps colleagues would support this—is that it is not so much the regulation. It is what is in the approved document because that is the key document that developers will be looking to in terms of the detail of the standards and the detail of the things that we would—

Q121 Angela Crawley: How much is that adhered to, then, given that you are saying that it is in guidance and in writing?

Bob Ledsome: Nick may have a view on how developers work with the approved documents. However, the approved documents have formal statutory basis. They are approved by the Secretary of State so they are Government-approved guidance, but, under the Building Act, if a developer demonstrates to the building control body that they are following the guidance in the approved document then the building control body would say, “Okay, that meets the regulatory requirements.” A developer could do something different if they so chose, but then they would have to justify that to the building control body on a case-by-case basis.

Andrew Gibson: I would absolutely support DCLG providing detailed guidance, because one of the dangers in moving from Lifetime Homes to the new standards is there is some is a degree of confusion. There is already some anecdotal evidence where outline planning has been given to Lifetime Homes standard. East Hampshire is an example. Because of the confusion they then just build to the default standard of Category 1. Fundamentally, there is a role for central Government to be very clear and support local authorities in terms of interpreting new guidelines and how that actually applies to your point practically.



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Furthermore, local authorities across the country have reduced the number of access officers so the expertise is lost at the local planning level. Again, from our point of view a practical approach is greater detail and greater direction from the centre.

Q122 Chair: When local authorities decide to adopt a certain standard—say, for instance, a local authority decides to adopt M4(2) or M4(3) like London has—what evidence do they have to have in place so that a builder cannot just challenge that? Could it be challengeable? If so, what evidence do they have to have in place?

Jennifer Peters: In terms of adopting the standards, just quickly going back to the point before, regulations in the approved document Part M are really good. That is not really the issue. It is the fact that it is optional and the local authorities have to go through the process of adopting them that is slowing things down.

In terms of the challenge, we have to get together our evidence; the national planning policy guidance sets out what kind of evidence you need to bring together about why you need these standards. As I mentioned before, we looked at the whole gamut of access needs, not just disabilities. Through your life you need different levels of access and to make sure that homes are fit for purpose in the long term we felt that was necessary for all homes. We went through that process. We developed a needs evidence document, which we got consultants to do but as officers we contributed a lot to. We can send you that, if you are interested in seeing what that actually looked like and the process we went through.

We then had to go through an examination in public defending our policy, and at that stage we had the Home Builders Federation there, challenging our approach and saying that they did not agree with our evidence of need and particularly talking about the impact on viability. Through the examination in public process, we managed to argue and were successful in keeping our policies and there is an inspector's report that sets out that in terms of evidence of need he felt that it was robust.

On a case-by-case basis, it can be challengeable but mainly on viability grounds, not really on needs grounds.

Q123 Chair: Is London any different to the rest of the country in terms of the need for adopting these higher standards?

Jennifer Peters: In terms of M4(2), as I said before, no, not really. That level of access is a good level of access to have everywhere. London has quite a diverse range of ages and mixes, which you could argue means there is a greater need. Generally, though, no; that standard should and could be a baseline everywhere.

Q124 Chair: That standard could be a baseline everywhere but it is not. I do not know if Bob or Nick could elaborate on that. London has obviously gone through a huge process of examination in public and faced



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challenges on a regular basis; why have other authorities not got these higher standards in place? Is it because the process is simply too overwhelming and the odds are stacked against them?

Bob Ledsome: I would not say that. It would be a question of local authorities determining what worked for their situation. We have to accept that M4(2) and M4(3) have higher costs and that can impact on the viability of development. It may well be that for local authorities in other areas where there is lower land-values as opposed to London, which is much more easily able to absorb increased costs for design standards, etc, it is perfectly legitimate to take the judgment that, "In this case, we may not be able to apply M4(2) or M4(3) to the extent that it has been done in London." That is absolutely the role of the local authority, the planning authority, to be able to do that.

Q125 **Chair:** The needs of the disabled people are not any less. Why would it be legitimate that they would be able to build homes that do not meet the needs of the resident?

Bob Ledsome: Local authorities will be assessing their housing needs at the same time as looking at viability, and they may well reach a judgment in terms of the local demographics, etc, that actually a policy of blanket application of M4(2) is not needed to meet need and it could also impact on the viability of development that they would want to see in their area.

Chair: Although we have already heard that London has assessed that all homes need to be of the standard. Andrew, do you want to add to that?

Andrew Gibson: Yes, please. Certainly without doubt London is an exemplar. It is also fair to say there are other authorities across England who adopt similar policies. It is very important to mention those places. Leeds, Leicester and Reading all have a policy in place around Lifetime Homes and recording the data as well, in terms of how many are actually built. There are some other examples, and we are aware that particularly areas like Liverpool, Brighton and Newcastle are all looking at doing it at the moment. It is not a completely dark picture.

Just to pick up the comment on why, if I can be bold, fundamentally it is about leadership and the opportunity to do the right thing. London came about in 2004 with a mayor at the time who decided to do it. Subsequent mayors across parties have made that decision to maintain it. It is fundamentally about leadership.

On the cost issue, the DCLG report back in 2014 looked at the build costs associated with building to Lifetime Homes standard. They came up with a cost for a three-bed semi of around £512 a house. Nobody want to see an increased cost but I do not see that as significant in terms of actually building a house that is future-proofed for this generation and future generations.

Q126 **Tracy Brabin:** Could I just ask a supplementary question to Nick? I am



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picking on the difference of £512. Is that between 1, 2 and 3? What are the differentials in house costing?

Andrew Gibson: That is between 1 and 2.

Q127 **Tracy Brabin:** And then for 2 and 3?

Bob Ledsome: For Category 3 we are talking about £20,000.

Tracy Brabin: You can see why local authorities might avoid that.

Nick Rogers: Just to comment on that, it is wrong to take that figure in isolation, because what local authorities are doing is balancing all the different needs that they have to fulfil on community infrastructure and physical infrastructure. They are building up viability on a lot of things. That £512 is on a lot of things and there may be something else that they are missing off. I do not know why they made the decision to prioritise it where they do. That is probably something you need to look at.

Q128 **Chair:** Could I just turn your attention to one particular area that struck me when I was reading through the evidence around Part M volume one dwellings and how it applies to new dwellings and not to other forms of dwelling that might be the result of a conversion of a building. This may, for instance, be, as we see now increasingly, offices into housing accommodation. Why do we not have a level playing field in terms of requirements between new builds and conversion buildings?

Nick Rogers: I do not know. I sat in the housing standards review and these conversations went around. There should be a level playing field. I do not know why there is not one.

Q129 **Chair:** Before we come on to why it is the way it is, what problems do you think it might cause for builders?

Nick Rogers: You cannot foresee all the physical issues you are going to get in a conversion, but just to say it does not apply is the wrong thing. All things can be overcome. It just puts a cost on. There is something about the policy of conversions that is bigger than this, which this is wrapped up in.

Q130 **Chair:** Bob, why was there a carve-out for conversions?

Bob Ledsome: Historically, Part M has not applied to changes to use of dwellings, and that is recognised in that if you have an existing dwelling or existing building and you are changing use, it may actually be impractical to implement all of the things that you would need to do to meet even M4(1) in terms of the size and space that is available to do things such as converting a house to flats. That was the decision that the Government took at the time in terms of the application of Part M. In effect the status quo was maintained.

Q131 **Chair:** Can local authorities choose not to follow that route? Can they choose to have a level playing field for conversions and new builds, or would they be challenged by builders if they did that?



Bob Ledsome: They would be challenged on that. Certainly they cannot do that through the building regulations because obviously the building regulations set the scope, and building control bodies and local authorities cannot require someone to do something that which is not required in the building regulations through building regulations needs.

Q132 **Chair:** Local authorities' hands are tied because of the building regulations in terms of making sure that conversions are of the same standard as new-builds. Is that correct?

Bob Ledsome: Local authorities cannot insist through the building regulations that conversions are equal. Local authorities may want to apply that as a planning condition. I would not know how that operates in practice and that would obviously be open to appeal as any planning condition would be.

Jennifer Peters: My understanding is that when the ministerial statement about these standards came in, it was made clear that if it was not allowed for in the building regulations then you could not apply it through a condition. We have not tested that. We said, when went through EiP, that we understood that it did not apply to conversions or change of use. In terms of smaller-scale conversions, when we had Lifetime Homes and wheelchair housing standards, we often did not apply those to those sorts of developments because it was not practical. However, there are, as you mentioned, office-to-resi developments. There are some big schemes that actually could very easily include a lot of these requirements. Perhaps there needs to be a differentiation between the smaller-scale ones and the bigger ones.

Andrew Gibson: I would agree with Jenn's point. Any type of build, whether it is a conversion or change of use should be to the standards. I do accept that in some cases the viability standard might make it unaffordable, and I would endorse Jennifer's point that there are plenty of large-scale projects where it should be applied.

Q133 **Angela Crawley:** How do you respond to the concerns that an emphasis on viability has led to commercial decisions overriding the provision of accessible housing?

Nick Rogers: I would go back to what I said before. It is local authorities setting out their priorities when they are looking at viability, and if this is not at the top of their priority list, they do not want to test the viability, they are not going to impose it. London obviously has. Others have not.

Jennifer Peters: The whole point about London being different in terms of its land values is an important one but we do have quite a range of land values and the important thing is clarity and consistency. If it was a base standard that developers are expected to deliver like other building regulations, that just gets built into their modelling and that happens.



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Andrew Gibson: The viability question as it is at the moment very much takes a short-term view, and it is purely related to build costs. Again, it is perhaps more difficult to quantify but there are much wider costs associated such as the social healthcare costs. Just one statistic: there was 1.2 million hospital bed-days lost last year due to bed blockage. Fundamentally, a lot of that is about ability to discharge somebody to a home that is suitable. The viability test ought to be expanded to include social healthcare costs that are associated with slips, trips, falls, bed blockages, and access to employment, rather than a pure, very simple accounting cost.

Q134 **Angela Crawley:** You stole my thunder, Andrew. Should the setting of requirements for accessible housing take into account wider financial savings for sectors such as the NHS, social services and adaptation services, and can this be done under the current viability test?

Bob Ledsome: There are two levels on viability. One is looking at it on a strategic level. Again, one of the advantages of bringing forward the standards through building regulations is that there is a process of impact assessments that Government has to undertake to look at the costs and benefits of any regulatory change. In that respect, there is the opportunity to look at some of these wider social benefits. Obviously we have to do the impact assessments in line with the Treasury appraisal guidance. That is what we are bound by. We have no discretion around that, but there is the opportunity to consider some of the wider social benefits that Mr Gibson referred to and indeed the impact assessment we published in 2014 did discuss some of those. At that level there is that opportunity.

I have to say, though, that, as Nick has said, in terms of the viability test at the level of local planning policies and decisions, the emphasis is on the cumulative—I would emphasise the word “cumulative”—costs of accessibility requirements, Section 106, CIL, whatever it happens to be, and what that might mean in respect of the ability of a development to come forward if it is viable to do so. It is then for the local authority to determine. As Nick said, if it has a list of things that it wants to achieve, what are its priorities?

Q135 **Angela Crawley:** The point that was made well earlier was that leadership is required in this aspect and if the leadership came from the overarching principles onto local authorities, surely that would be a better way to bind the consistency across local authorities. How feasible is it, then, to put a value on wider societal benefits? Could you comment on that?

Bob Ledsome: Nick has referred to some of the evidence and some of the issues. It would be possible to quantify some of these in terms of NHS costs, etc. As I said, in the work we did in 2014, we did discuss some of those benefits. We did not quantify them. I accept that. However, we did discuss those.



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Angela Crawley: It is feasible to quantify them.

Bob Ledsome: It would be feasible to identify, I am sure, and monetise some of those benefits. I would not want to be definitive on what and how.

Q136 **Chair:** Surely London has won this battle, and you have found a way of doing it. If London can find a way of doing it, others could. To Angela's point, is it not a question of leadership?

Jennifer Peters: We did not go into that sort of detail of trades and understanding the impacts on those wider budgets. It is an interesting point but it would be difficult to do.

Q137 **Chair:** So you did not look at those bigger issues.

Jennifer Peters: No. We talked about it within the needs context but not within the viability context. The issue is that viability in the planning realm is all about how much it costs the developer and whether they will then go ahead with the development. It does not matter to a developer whether it saves money in the long term. It matters to their bottom line and their business model. They might care but when it comes down to the actual discussion of whether you are going to bring forward the development or not...

Andrew Gibson: I have one other point on leadership. As you are probably aware, the Scottish Government took a leadership position just this week where they talked about a fairer Scotland for disabled people. Recognising that in Scotland exactly the same issues apply with lack of accessible housing and an aging population, they have launched a whole review into the supply of housing, which is entirely consistent with the position in England.

Bob Ledsome: I might mention that we are doing some further research into Part M, which is including looking at some of these benefits issues. There is work underway, which the Department has instigated, to inform where policy might go in the future.

Chair: When will that be available?

Bob Ledsome: That work has not been completed. It is being finalised, so I would expect it to be available at some point in the new year.

Q138 **Jess Phillips:** Andrew, you have already said that only nine local authorities are currently requiring the new optional accessible housing standards. Has there been an increase or a decrease from those requiring the former Lifetime Homes standard?

Andrew Gibson: There is no change. It is very early in terms of the passporting, because people like London passported across very quickly.

Jess Phillips: Good old London.



Andrew Gibson: Other local authorities are looking at the passporting where they currently have it. We are in that transition phase. It is too early to say whether they are all going to passport those standards or whether new ones are going to pick it up.

Jess Phillips: Bob, you said it was going up.

Bob Ledsome: In terms of the overall number of homes that had the visibility features, that was going up in terms of what the EHS reports have been telling us. As I said, we had some slightly different numbers about the number of authorities that had policies promoting Lifetime Homes from the figures that Mr Gibson has provided. That may just be because the questions are slightly different.

Q139 **Jess Phillips:** What are your figures?

Bob Ledsome: The figures we had were from a survey done in 2013. According to them, 42% of local authorities had a firm policy, which would imply words like “should” were included—“new homes should be built to Lifetime Homes policies—and then, on top of that, a further 34% had an aspirational policy, which was more in terms of encouraging that, rather than mandating it. That was what was said in the policy and, as we have heard previously, in terms of the application of the policy, it may well be that local authorities would not have applied that policy in every instance because it may have been difficult so to do. However, the information that we had suggested that there were more local authorities for Lifetime Homes than the Habinteg information has suggested.

I would just like to re-emphasise the last point that Mr Gibson made, which is that when we moved to from the old system to the new optional requirement system, we did give those local authorities who already had a policy in place the opportunity to passport it though. That is, in effect, what London has done. It has, as it were, deleted Lifetime Homes and inserted M4(2). That facility was available, rather than local authorities having to go back to scratch to reinvent their policies.

Q140 **Jess Phillips:** London has overcome this, but what is the most significant barrier that stops local authorities adopting the optional accessible housing standards. Is it finance?

Jennifer Peters: It depends where they are in the process. In terms of whether they have adopted it or not, they may not be doing a new plan at the moment. We will see a lot of plans coming through at the moment over the next few months because there is a deadline of 2017 to get them in place. It would be interesting to see whether those policies come through. This is the point that Nick and Bob raised about the trade-offs. It you are in discussion around the viability costs of doing it, even though it is not that much of a cost, you then have to think, “What about affordable housing? What about the other asks?” Some developers—not all—are quite good at arguing that it is a cost too far.



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There are also requirements through the planning policy guidance to have a lot of evidence going through the viability assessment. It is quite a barrier. It puts the onus on the local planning authority to prove that it is needed rather than it being the other way around—that it is a good thing to have.

Q141 Jess Phillips: Could you each, if you feel you are able to, say what the one thing is that could overcome it? What you are saying there is that this proving of the need is difficult because local authorities, as you said, have had less accessibility staff, etc. Would that be the thing you would say?

Jennifer Peters: Yes, it is one of them, and the fact is that no local authority wants to embark on a policy that is then not found to be sound. You end up doing a lot more work and research than is actually needed. The work that London did was probably too much because we were the first people to do it. You may be able to get through on a lot less.

Jess Phillips: A humblebrag there.

Jennifer Peters: In that case, if local authorities can get through with a lot less evidence or even rely on some of our evidence, which might be applicable for the rest of the country, then that may help them through.

Jess Phillips: That is what I was thinking.

Bob Ledsome: It comes back to priorities and leadership on the priorities because when considering viability, there is only a certain amount of money available for all of these things—Section 106, CIL, whatever—and it is where they put in the priority. Does it come within that amount? It is not “on top of”. It is, “What do you put into that amount of money?”

Q142 Jess Phillips: Excuse my complete and utter probable ignorance around Section 106 and the CIL. Could it not be said that Section 106 did not apply in the case that you were building accessible homes, because, like affordable homes or council properties, certainly in my local authority, that limits their developer’s Section 106 requirements?

Jennifer Peters: Section 106 requirements are where any kind of mitigation is needed on the site. It is required for the development to go ahead, so if there is a big requirement for an access road within the scheme then that has to happen. You have to balance all of that and then your CIL is all of the bigger infrastructure requirements. You have your affordable housing requirements so it does all add up and local authorities have to be mindful of that. The NPPF is very clear that they have to understand that “cumulative burden”. I think that is how it is described.

Jess Phillips: Can we go back to the thing that would overcome the barrier?



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Bob Ledsome: It would be difficult for me to speculate on that. You have heard from other members of the panel about the importance of local authority leadership and all of that.

Jess Phillips: You cannot legislate for good leadership, though, alas.

Bob Ledsome: Unfortunately not.

Andrew Gibson: I will only partly repeat that it is fundamentally about leadership. It is also leadership in recognising that the current base standards is not fit for purpose and the standard that is the right thing to do is the M2 standard. Leadership recognising that removes a lot of barriers.

Q143 **Jess Phillips:** What you are saying there is that there needs to be a clarity.

Andrew Gibson: They have got to get it.

Q144 **Jess Phillips:** Do you think that it is the complexity of the system? If we all said we have to be at an M2 standard—which would be simpler, as London has proved—would that be better?

Andrew Gibson: I am not a developer so I bow to Mr Rogers' experience, but that creates a level playing field, which makes it much easier for people. Fundamentally it is about creating that level playing field.

Nick Rogers: When you increase standards, there is short-term pain. You have sites that are built under one expectation of what you are going to spend in delivering it and it is going to cost more. That is either going to affect profitability or delivery or something else. This is back to Bob's point that you have to do an impact assessment. If you suddenly raise all the standards, that will have an impact on delivery of housing. Five years down the line, we are all on a level-playing field. We are all buying land based on the new standards and it perhaps is not so much of a problem. It is transitions. Fifteen years ago, housebuilders were shocked that they had to put toilets downstairs in two-bedroom houses.

Q145 **Jess Phillips:** I do not have a downstairs toilet. I would be delighted to hear that this is a standard, which I have never in my life lived with. It is terrible. I feel below par. Even where there are optional standards on accessible housing and they are adopted, is it normal for only a proportion of new housing to meet that higher standard? How do those who require those properties find out how to get them and access that service? Is it actually just that because, say, 9% of the population—I am pulling these numbers off the top of my head—are disabled, we are only going to do 9% of properties, or is it an across-the-board standard?

Andrew Gibson: Getting back to the M2 standard, our view certainly is that it is not about whether you build 5%, 10% or 20%, because it is a standard that allows everybody to use that house. It benefits the whole



population. It is not just initially somebody with mobility needs now or in the future.

Jess Phillips: A house is not forever, like a dog is not for Christmas. I am selling my house because it does not have a downstairs toilet.

Andrew Gibson: A new lifetime home. Fundamentally, it is actually that we are building a house that many people want to grow old in. Life changes over time and people do not want to move, so fundamentally for me it is the M2 standard and it is why we have really championed that as the base standard. It allows people to live in a house and change in that house. It allows older parents to come and live in it and adapt. It allows buggies in the house. It helps younger people as well. There are all sorts of advantages.

The bit around the M3 standards is the one very much where it is the local authorities that need to review demand. This is obviously wheelchair-specific adapted housing, and certainly that is about a local assessment on needs and building it to that standard. However, certainly with regard to the M2 standard we would always advocate that it is not about percentages, because that then restricts the mobility and availability of housing.

Just to pick up on your point, if you want to find an accessible house, there is not, as far as I am aware, somewhere you can go and say, "Where are they?"

Q146 **Jess Phillips:** If a local authority built 20% of its houses as accessible, there is nothing in the market that will stop a completely able-bodied person buying that house, is there? It could have been that whilst I have buggies and things in my life, it would all have been for nought.

Nick Rogers: Other than you would have a house that is adaptable for you.

Jess Phillips: I could grow into it and have a downstairs toilet.

Nick Rogers: Yes. However, we will advertise it through the site, when we build a site. We have no way, as Andrew said, of advertising centrally.

Q147 **Jess Phillips:** We make a local authority identify a high level of need in an area, and then we do nothing currently for the supply to meet the demand.

Jennifer Peters: Because we have adopted M4(2) everywhere, we think that is right for everyone. That is not so much of an issue. M4(3), so for wheelchair housing, this came up quite a bit out of our examination in public because some developers say, "We build the wheelchair units and then no one wants them", or you end up re-adapting them for other people.

Q148 **Jess Phillips:** It is like we cannot find women for leadership positions.



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That old chestnut.

Jennifer Peters: Yes, a little bit like that. We are working, at the moment, on how we can make it clearer, at least in terms of the application stage. We are going to have, on our website, a log of each scheme and what percentage of wheelchair housing is coming through that scheme, so at least someone can look and say, "I know this scheme is coming online and there is a certain amount of wheelchair housing in that, so I will contact the developers. I will be interested in that," if that is what they need. We are working on how we can make that a stronger approach in terms of marketing. In terms of planning, which is obviously where I work, we only have so much influence on how a developer markets this scheme.

Jess Phillips: Of course, and it is a market. I understand that.

Nick Rogers: I would certainly reflect that. We have certainly had issues, not in London but in other places, where we have built wheelchair housing and it has stood empty. When it is provided under affordable housing, it is a known market. You know who is going into it and it is built with the right adaptations. To build speculative wheelchair housing is very difficult because you do not know who is going into it, what adaptations they need and who is going to want to buy it.

Jess Phillips: Making everything a certain standard for visitors and everything would alleviate some of that.

Andrew Gibson: Just to be clear, that is not building to wheelchair standard. Wheelchair standard is a further expense and that is the bit—

Jess Phillips: M4(3).

Q149 **Chair:** Local authorities already have obligations in this area, particularly around the public sector equality duty. Andrew, to what extent do you find local authorities' decisions around housing supply are affected by what they perceive as being their public sector equality duty?

Andrew Gibson: There is an argument that there is a failure in some local authorities not to meet their public equality duty. I identify two. It is to advance the equality of opportunity between people; if somebody with a disability cannot find a house that gives them access to employment or indeed just to be able to get out of the house, that is not meeting that equality duty. It also talks about taking steps to meet the need of people from protective groups. Again, they are fairly loose words and it is how they are practically applied by the local authority, and I come back to the optional standards versus mandatory standards.

Q150 **Chair:** Do local planning inspectors think about public sector equality duty when they are doing their inspections in public and their very, very professional work around interrogating local plans?

Bob Ledsome: To be honest, they would be looking at this in terms of the lens of Part M compliance and they will be looking at it specifically as



to whether the development is actually complying with Part M, whether that is the M4(1) standard, M4(2) or M4(3), whatever it happens to be. In that respect, as I mentioned earlier, whether they were following the guidance in the approved document, if they were doing something different, the expectation would be that the building control body would interrogate that further to find out, to assure themselves and to provide assurance that the standard to which that particular property was being built was going to meet the regulatory requirement.

Q151 **Chair:** Could local inspectors consider public sector equality duties?

Bob Ledsome: They are obviously bound to follow the PSED because that applies to local authorities, so it should be part of their way of working.

Q152 **Chair:** So inspectors should, because they are undertaking a public function, themselves have an obligation to consider whether local authorities have considered these issues.

Bob Ledsome: You are probably taking me beyond my understanding of exactly how the PSED works in terms of it how it bites on organisations as opposed to individuals working within those organisations. Certainly, the individual inspector will be responsible for checking compliance with Part M and they need to make a judgment at the end of that process as to whether that compliance has been achieved because there has to be a certificate at the end of the process that says that this particular property is compliant with building regulations.

Q153 **Chair:** Given that you are within the Department for Communities and Local Government, would I be able to ask you to write to the Committee about the obligations of planning inspectors to have considered whether a local authority has adhered to its public sector equality duty?

Bob Ledsome: Yes, of course.

Chair: Thank you. That is incredibly helpful.

Jennifer Peters: When we did the policies for the alterations where we adopted these policies, obviously we are bound by the public sector equality duty and all of our staff are trained in making sure they take account of that when we are working out policies. We also do an integrated impact assessment, which includes an equality impact assessment, and that is part of the evidence that is submitted as part of an examination in public. The inspector, in that sense, would take account of that when they are assessing the policies, proposals and evidence from all the difference parties. There is an interesting point around the focus on whether it is viable to do these things and how that rubs up against whether, in terms of your public sector equality duties, you should be doing these things in terms of improving equality of opportunity.

Q154 **Chair:** Has anyone got any examples of how the public sector equality



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duties has actually influenced local authority decision-making.

Andrew Gibson: I have not, sorry.

Bob Ledsome: No.

Nick Rogers: No.

Jennifer Peters: In terms of applications on a case-by-case basis, it is worth mentioning that we have a strategic access panel that we take cases to. They provide a view from disabled groups on the cases. That helps us with requirement of the duty.

Q155 **Chair:** That is a very straightforward way of trying to do that. Do you know whether there are examples of those making decisions on applications of the building regulations receiving training on their duties under the Equality Act.?

Bob Ledsome: I do not know that. There is a representative organisation for local authority building control bodies called the LABC, and we can certainly ask them whether they promulgate any training on that aspect.

Chair: That would be great, thank you. Can I thank you all for your contributions this morning in what is a very technically detailed area?

Jess Phillips: I understand it now.

Chair: You have shed a lot of light onto a very complex subject. Thank you very much.

Examination of Witnesses

Lord Holmes of Richmond MBE, Andrew Hugill, Director of Policy and Technical Affairs, Chartered Institution of Highways and Transport, Benjamin Hamilton-Baillie

Q156 **Chair:** Can I ask our second panel for joining us today? I know it obviously takes a great deal of time to prepare for these sessions. We are very grateful for the time that you have given to us and we know we will learn a great deal from your expertise. Before we start the session, could I perhaps suggest that both the Committee and the Panel just introduce themselves, just for everybody's clarity? Andrew, can you give your name and organisation?

Andrew Hugill: Hello. My name's Andrew Hugill and I am Director of Policy and Technical Affairs at the Charters Institution of Highways and Transportation.



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Benjamin Hamilton-Baillie: I am Ben Hamilton-Baillie. I am a practitioner, urban designer, based in Bristol, specialising in street design.

Lord Holmes: Chris Holmes, member of the House of Lords.

Jess Phillips: Hello all.

Chair: Do you want to introduce yourself?

Jess Phillips: Sorry, you want me to introduce myself. My name is Jess. I like to peak too soon and I am Member of Parliament for Birmingham Yardley.

Chair: Maria Miller and I am Member of Parliament for Basingstoke and I chair the session. We have two committee clerks.

Angela Crawley: I am Angela Crawley. I am a Member of Parliament for Lanark and Hamilton East.

Mr Gavin Shuker: I am Gavin Shuker. I am the MP for Luton South.

Q157 **Jess Phillips:** We have heard from many individuals across the country, with a wide range of disabilities, that shared space schemes have left them afraid, and many feel unable to access those areas. There has been some very damning evidence. One woman, Josie, told us that she feels that they are no-go areas. A woman called Barbara said that she feels that the work that has taken place in her local area has completely stopped her ability to go out to the shops and move around. In some of the worst cases, some people feel that there have been deaths that have been a result of what they attribute to the shared space schemes near them. Clearly, there is something going wrong with these schemes. What do the panel think that is? First of all, I suppose, I would ask Andrew to talk a little bit about the review and addressing the safety fears of those people.

Andrew Hugill: At the CIHT we have engaged for a number of years in developing guidelines for the sector, so for our members and non-members in highway authorities across the UK, in this case in England. A key strand of that work is around better streets. It really is. In our evidence, we set down a series of documentation we have developed both alone and in collaboration with others. The issue of shared space came to our attention as an issue back in 2015 as we were looking at a particular piece of work around that. We are looking at a review of a number of the shared space schemes. The aim of that review is really to understand the issues that have underpinned both the successes and the failures, and the highlight that you made, Jess, of those failures in schemes, with a view to saying, "Actually, what needs to be done to make better street design?" Shared space is a part of that.

Q158 **Jess Phillips:** Are there any specific issues that you are looking at in the review with regards to, specifically, quite a lot of our complaints coming from people with visual impairments?



Andrew Hugill: We engaged early on, when we were looking at the guidance, particularly with National Federation of the Blind, just to understand their issues and try to understand those issues that you have said people have responded to. What is clear as the review has developed and as we have worked with local authorities is that there are a key number of areas that are affected by these schemes. Quickly, for the Committee, on why these schemes are being done: ranges, so there are areas around quality of place, i.e. making better places; ease of movement; safety and public health; the perception that these are bad things—is the evidence showing that they are, or are not? Are they creating inclusive environments that people feel that they can use? Are there economic benefits? Many of these schemes are being put about to improve places and make them better places for people to live and work in.

Against those headlined objectives we have been out to a selection of shared space schemes just to understand how that evidence is there, and that is evidence that was provided from the local authority. The review is still ongoing. It is clear that there are a number of areas where we will be making recommendations about further work that needs to be done and it impacts both on safety, but on other areas out of those five as well.

Q159 **Jess Phillips:** To Benjamin and Lord Holmes, do you think that shared space schemes, as applied in practice rather than in theory, pay sufficient attention to the actual and perceived dangers?

Benjamin Hamilton-Baillie: If we are discussing the term “shared space”, it may be useful to spend a little bit of time clarifying the background to the phrase and what it is meant to describe because I suspect there is a certain amount of confusion about this. I am afraid I have to admit to being the guilty party here, in that I coined the term in 2003. That was at a time when a lot of new ideas were beginning to emerge across Europe and indeed around the world. A number of people were beginning to think how best to make streets more inclusive and accessible and safer, and a number of themes were coming together that had no common vocabulary. We had no way of describing this. Therefore, preceding a research bid for funding from the European Union I coined the term “shared space” to describe a very wide range of thoughts and practice.

The term stuck in ways it was never really meant to, but there we go. Some years later, those thoughts have emerged, but the term “shared space” is applied in all sorts of other ways. I do not have any control over the use of the term, and I suspect that many of the concerns that have been raised in some of the submissions and elsewhere stem from a variety of places that are clearly unsatisfactory, but which may or may not have some of those characteristics that we were exploring back in 2003.



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To explain briefly what that means, if you imagine a spectrum of highway types, if you like, with motorways, major dual carriageways at one end of that spectrum, and a mews court, a marketplace, car park or a campsite at the other end of that spectrum, clearly one's behaviour and how those places work varies hugely. Most of the public realm of our streets lies somewhere along that spectrum. At the motorway end, it is heavily regulated by the state and controlled by rules. We do not interact with each other apart from movement. At the other end of the marketplace, all sort of activities are going on at once and negotiations are somewhat informal, based on social protocols. "Shared space" was meant to describe a shift, exploring whether we can shift more streets along that spectrum towards the more informal end of that line, rather than heavily controlled and dominated by traffic at the motorway end of the spectrum. "Shared space" is not an urban type, like a roundabout or a public square, or something like that; it was not meant to describe a particular type of space with particular characteristics. It described a way of thinking about the design process and the engagement process, in order to improve the quality of public life.

Q160 Jess Phillips: In 2003, was how those spaces might need to account for people with visual impairments or people in wheelchairs taken into account as part of the 2003 piece of work?

Benjamin Hamilton-Baillie: Absolutely. It was central to it. The concern being addressed was that a huge majority of the public realm of which streets make up the vast majority were already very poor in terms of accessibility and getting worse as traffic increased.

Q161 Jess Phillips: You feel how it might have been used in town planning, in some of the examples in Preston that we were sent in the evidence, is not what you recognise to be shared space.

Benjamin Hamilton-Baillie: There were different schemes around the country. I have personally been involved in a few of the ones that you may have heard of: Poynton in Cheshire in particular, and I worked in Preston as well. The Preston scheme is based on a number of those principles, but it is also fair to say that there are an awful lot of the very poor bits of design or road-scape that get labelled "shared space".

Q162 Jess Phillips: Of course. That is fine. Again, do you think that the practice has paid sufficient attention to the actual and perceived dangers using some of those examples that you have just identified?

Benjamin Hamilton-Baillie: Yes, indeed. Clearly one is constantly seeking ways to improve what is a very complex environment in our streets.

Q163 Jess Phillips: How would you answer some of the issues, like Josie's and Barbara's that I read out, that the people who are living around there feel that it is hampering their life? How would you answer those criticisms?



Benjamin Hamilton-Baillie: In gathering views, you obtain views from all sorts of people, people with different, very varied circumstances. Of course, we are not dealing with a single homogenous group of people who all share the same characteristics. I cannot speak for other consultant firms, but we spend an enormous amount of time, before in preparing, during the process, and then reviewing afterwards, to see what benefits have come about. Now, on most of the schemes, the feedback from a range of pedestrians, more vulnerable pedestrians and people with disabilities in particular has been very positive. It is always the case, of course, that the voices you hear tend to be those who are less happy with their surroundings.

Jess Phillips: We are Members of Parliament.

Benjamin Hamilton-Baillie: You understand that phenomenon.

Q164 **Jess Phillips:** Having said that, we have to listen to that evidence that we have been presented with as a Committee and not assume it is just a vocal minority, but is the evidence that we have gathered in this instance and take account of that. Lord Holmes, would like to come in, sir?

Lord Holmes: Certainly. Thank you, Chair and thank you, Jess. To go back to the beginning of this is informative to enable us to understand how, in so many of the schemes up and down the country, we have ended up in this situation we are in; this was a concept that was designed and conceived of in the Netherlands for areas that were of very low traffic load. Even in those areas, you may have seen a fair amount of backlash now against the effectiveness of the deployment of shared space in those environments. Even accepting that, if we then consider that was the environment in which this concept was conceived, then imported to the United Kingdom and applied in situations of significant multiples of traffic densities, to absolutely revitalise town centres, create economic growth and reduce traffic flow—we would all be in favour of economic growth, revitalising the high street for economic growth, leisure and general ambience. The difficulty becomes whether this conceptual approach can be applied to those areas without that creating exclusion, accessibility issues and serious questions around inclusion.

If the aim is to dramatically reduce traffic in those areas, that may well be a legitimate aim, but that needs to be clearly stated and arguments made on that point. It may well be a legitimate aim that using pedestrians as unconsenting human shields in that process certainly is not a legitimate way of achieving that end.

Why did I get involved in this area? It was for two very clear reasons, and two alone. First, public realm—public spaces should be inclusive for all for every reason, not least the underpin of legislation that I know we will come on to later. Secondly, how can we go about enabling spaces to be accessible, enjoyable and open to all? From my point of view, previous spaces that I could access independently now become non-inclusive, and I would need assistance to go and navigate those areas.



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How can that be the right way to go about things? That was my reason for getting involved. When we look at the application, there are indeed a whole series of schemes.

I agree entirely with Ben around whether “shared space” is helpful as a term. It does not much matter what we call these things on one level, because it is about what the essential features are, and what is the impact of those features? At the moment, it matters massively what we call these schemes, because the Department uses the phrase “shared space”; the planners and local authorities are looking to that and going through that route on shared space. That is where we currently are and later we will come onto what I believe needs to be achieved in that area in terms of guidance and the role of DfT.

What we currently have, unquestionably the case, are schemes that actively exclude large sections of the population. I make no great claims for my research. I am not in any sense suggesting that it is of university quality. All I will say for it is it was put out, open for all to participate in the research, and what I gathered was over 600 individual personal testimonies of experience. The reason why I did that was because there is a paucity of data in this area, and that is one of the recommendations we should consider: gaining more data across the piece, across all the elements and in totality of shared space. I wanted to undertake research to understand all users’ experience, whether you are blind or fully sighted, disabled or non-disabled, driver, pedestrian or cyclist, and understand people’s experience.

As I say, that research is personal testimony and shows that 63% of people said they had a negative experience, and perhaps more concerning for the Committee is that 35% of people said they actively avoid shared space. That is over a third of the local community planned out of their local areas. As I say, I am not making grand claims as to the research. Whether it is 35%, 25% or 40%, that does not matter much. What is clearly the case is that there is a significant percentage of people having a negative experience and a significant percentage feel excluded and actively avoid these shared space schemes.

Q165 **Jess Phillips:** Ben, what would you say to that?

Benjamin Hamilton-Baillie: I am afraid I do not want to get into an argument about a piece of the report.

Q166 **Jess Phillips:** I do not want you to argue. I have got two children, so I will handle it.

Benjamin Hamilton-Baillie: There is a considerable amount of boring but thorough academic research in this area; there has been some 20 years of it and I will not bother to list it all out, though I mention some in my submission. Gathering views on this subject is of course extraordinarily difficult because it is wrapped up in the fact that, obviously, for people, generally, mixing with traffic is uncomfortable. For



those with disabilities, particularly visual disabilities, it is extremely uncomfortable. One starts at the point where much of the existing built environment is pretty uncomfortable. The background to our work is to try to improve that. It is very difficult but I always try to speak to people who live close to or use the spaces that we redesign and try to transform. For example, I had a letter from a blind man who lives in the closest house to the central point of the scheme that we rebuilt in Cheshire and he has written to me to give us his feelings: "I am registered as a blind person, lost all sight in one eye and 95% in the other." He said, "The changes to Poynton and especially to Fountain Place have completely transformed my life and my ability to get into the town and the village. Previously the junction was just an area of waiting aggressive traffic, controlled by traffic signals, but cars held back with revving engines until the green light gave them the go-ahead when they would surge across. Across this mayhem, pedestrians had to make their way across as best as they could, which, for me, was very uncomfortable and hazardous. Even Park Lane, the shopping street, was dominated by traffic and a no-go area for us blind people. On my return to Poynton, I was amazed by the change. The traffic now flows smoothly and slowly through the village; the centre has more space for pedestrians, seems larger, more open. The traffic seems to move without blockages or raised tempers. I can tell exactly where I am thanks to various navigational clues."

What emerges from this is not just that he is able, for the first time in the time that he has been blind, to get into this town, but more importantly, he is able to engage with people and with the other participants in a way that he never could before. This is not an isolated example. We get feedback, obviously in a huge range, which is completely at odds with the internet-based survey asking, "What do you think about shared space?"

Q167 Jess Phillips: It is also completely at odds with the evidence that this Committee has received from that community. We have examples from Preston, which, as you say, you were involved with, that are completely counter to the one that you have just read out and say the exact opposite. Whilst I do not want to get into an argument about research methods, there is clearly an issue for parts of the community.

Certainly from Preston, the evidence was not just from the infirm, the elderly and those with visual impairments; it was from families, parents, and there are able-bodied people who have said they have found it more difficult to navigate around in that space. If I could push you, Ben, at what point do you think there is a majority that benefits, and therefore the minority who do not like it will just have to put up with it?

Benjamin Hamilton-Baillie: No, I do not think there ever is. It is essential that when you are trying to juggle all of the difficult aspects of the street design, as far as is absolutely possible, you meet the needs of all potential users. Of course, you can never do that perfectly. However, what is fundamental about shared space principles is to try to affect the most important overall factor in the safety environment, which is speed of traffic. As soon as you do that, the whole comfort and safety of the



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environment clearly improves. The links between safety and speed are of course very well-established.

The test, if you like, is whether or not you can create a more forgiving environment. That is at the heart of shared space. It is so that if you were to make a mistake, or forget where you are, or whatever, it may be embarrassing, it may be difficult, but you do not get killed or injured. Of course, if you can bring speeds down, then you create a much more forgiving environment.

Just one more point on this. It is a difficult area, because it involves a slightly counterintuitive approach to safety. This is difficult to describe in a short soundbite. It was best described by an early mentor of mine in this subject, a Hungarian-Dutch traffic engineer with whom I worked. I cannot do his Hungarian accent, but he said, "The only way you ever make a street safe is you must make it dangerous, and then it will be safe". In other words, by making a perception of danger slightly higher, you actually create a safer environment.

This paradox gives us a difficulty, because with every scheme I go back to review, lots of people will come up to me and say, "I do not feel comfortable in this". Drivers, particularly, will often say, "I do not feel safe driving through here", to which my response is always, "I am very, very glad; thank goodness for that." If you are driving half a tonne of metal, you should feel a little bit unsafe. That is very important.

Q168 Chair: Is there not a fundamental problem with the principle that you are following there? You very clearly set out the principle of shifting from regulated to unregulated space, and that is where the principle of shared space comes in, trying to make that movement. If negotiations of social space are regulated by social conventions, and particularly the ability of people to be able to see traffic moving around, do you not inherently risk excluding people who cannot easily recognise or easily participate in those social conventions from being able to get eye contact with other road users, or, as you say, recognise a heightened risk?

I understand what you mean by the removal of white lines in roads or the removal of signage. However, if one cannot see other road users and that raised level of risk, how are you not inherently excluding particularly people who are partially sighted or blind?

Benjamin Hamilton-Baillie: Again, it is a very good question. I could bore for England on this, I am afraid, so I will try to keep it concise. What you are principally trying to do in applying shared space principles is to affect the behaviour and expectations of drivers. Pedestrians get on with doing whatever they need to do and going where they need to go, but what we are trying to do is to alter the way that drivers respond to their surroundings and what they expect to encounter.

A lot of people have misunderstood the necessity for eye contact. It comes from a mistranslation, I am afraid, from a Dutch paper. This is



not the case. What you are trying to do is influence the responses—what is coming into the eyes of the driver, and how they react to it. You hope that pedestrians simply get on with doing what they are doing. Whenever I talk on this subject, I use a number of video clips of a place not that far from here: Seven Dials in Covent Garden. It is a very busy space with lots of traffic and people moving around. What is interesting, as you observe that place, is that pedestrians do not really take a lot of notice of the traffic; they just get on with doing what they are doing and going where they are going. There is no eye contact between pedestrians and drivers. However, the drivers are behaving differently to the way you would expect at the conventional junction nearby. They are sitting slightly further forward in their seats and are very aware of the individual circumstances of those around them. Whilst an elderly person might not be able to communicate directly, their presence and their circumstances become very evident to the driver themselves.

This question about how you participate in the social protocols and interactions is, of course, a fundamentally important one. This is why behavioural psychology is so firmly embedded in this area of street design in a way that it simply was not in the conventional street design that makes up the bulk of our streetscapes.

Lord Holmes: I would just like to raise a couple of helpful points. The counterintuitive argument is problematic in the sense that it goes so far for people who are still prepared to be in those spaces, but says nothing about people who determine, as a result of that, to not go anywhere near those spaces as a result of the change. That is one point. In Ben's answer, there was something incredibly important. This is predicated on the behaviour of the drivers, thus everything is in the hands of the drivers in a space that can become wholly deregulated and wholly uncontrolled. I do not see how that in any sense fits with an equitable working of that space.

I respect Ben for his commitment to this, and I am certainly in no sense a Luddite or not willing to see innovation or change. In fact, I convened a summit in Parliament last December with all parties to push forward on this. My only aim is to get solutions that work for all members of the community. Perhaps it is best for the Committee to look at the *Breakfast* news piece on this a couple of months ago. It was actually in Poynton and so relevant to Ben's comments.

On the letter that was read out, everybody as an individual is entitled to give testimony. The gentleman there is partially sighted rather than blind, so obviously he has a point of view. He personally finds this space more accessible, but he is not a blind user of the space. Putting that to one side, one in no sense can doubt Ben's commitment to this. In the broadcast he almost gave his life for shared space by attempting to cross the road walking backwards, with only the reporter encouraging him to quickly get out of the road to avoid a truck heading towards him.



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There are clear issues that it is worth us all grappling with to make better public space and better public realm. However, it is worth nothing if inclusive design is not at the outset, if everybody is not able to access that space independently and have a good experience of it, and if at any point utilitarian concepts come in, they are always necessarily bankrupt on every front.

Andrew Hugill: One thing in the review today is clear. If we actually look for evidence of whether those schemes have created inclusive environments, that evidence is very hard to find. One might suspect that is because it has not been an objective of the scheme from the start. There is a clear area where that clarity of objective means that the engagement gets carried out on these types of changes. The point about change is an important one. We are not talking about building new things from scratch, but changing existing public spaces that include highway, and that have very definite rights for the public to use in different ways.

One of the areas that the review is about, as well as everything that has been discussed today, is how we change those places for the better. That is going to be a combination of different changes, some of which are quite complex. Ben's spectrum of highway law is that streets are more than just routes for transport. That is the direction of the work that we have been engaged in over a number of years.

It is about trying to change that perception; they are also about place as well as movement. There is actually still a huge piece around drivers perceiving that this is a place also for transport. Those people driving do not see that it is a place where they might want to walk about in. There is a huge area of change that shared space as a concept and as an issue is only part of. It is a bigger change in our places.

Q169 **Angela Crawley:** If I could perhaps just illustrate for Ben, one of my colleagues in the Scottish Parliament, Rona Mackay MSP, recently heard before the Public Petitions Committee the issues around the shared space that exists in Kirkintilloch. Specifically, Sandy Taylor, who is a visually impaired campaigner, launched the petition, spoke at great length on 10 November about the issues, and gave evidence. At that point, the Minister there committed to discussing safety and equality with the local authority in that area. What I am interested in is, when you coined the shared spaces and considered reducing traffic and safety, did you at any point specifically consider the design principles in relation to those with disabilities? Was that your consideration when you designed shared spaces?

Benjamin Hamilton-Baillie: Absolutely, yes. It was central to it.

Q170 **Angela Crawley:** To follow that up, what are the features of shared spaces that cause the most significant problems for disabled people, if you have taken it into consideration already?



Benjamin Hamilton-Baillie: In terms of the new schemes or existing schemes? One of the things that is difficult here is that any measures to change a street, whether it is in Kirkintilloch, Poynton, or anywhere else, have to be seen against what was there before; otherwise, you have no comparator. If you simply look at Poynton now, it has got far too much traffic going through the middle of the town. There are ridiculous amounts, but we cannot do anything about that. There is no bypass on the horizon for 20 years, so we have to cope with the hand of cards we have been dealt. I am afraid I do not know the town itself. I have never had the pleasure of going there.

- Q171 **Angela Crawley:** Ben, perhaps if I could bring you back to the question. Your principle of shared spaces is relying on responsibility of road users and it places a role on the individual to be able to navigate their way around the shared space. Specifically when you designed shared spaces as a concept—and you have already told us that you considered people with disabilities within that concept—what are the features of shared space that caused the most significant problems for disabled people, given that you have clearly given consideration to this?

Benjamin Hamilton-Baillie: There are two principal areas. Lord Holmes will know this much more from direct experience. First of all, there is the question of navigation: how do you find your way around? How do you know where you are and where you are trying to get to, and how do you get there? That is an area that requires very careful design. It is still fairly poor in large parts of the country and has historically been pretty poor, and so a lot of effort goes into both using and also developing and exploring new ways of improving navigational clues, analogues, and all sorts. Incidentally, we are working currently with Guide Dogs for the Blind on programmes that will use a number of new technology ideas to improve navigation. That is one area.

The second is how to maximise the comfort and safety of crossing the road, because we always have to cross the road somewhere. Fundamentally it is about, as I said before, the speed of traffic. If you can reduce traffic down to a sufficient speed whereby the driver can respond to, read, and understand the space that they are using, then not only does the whole environment become safer, but of course it becomes much more comfortable to use at the same time. Speed is absolutely central to this. As a general flippant observation, most of the schemes that have claimed some shared space label fail because they fail to address the approach speeds to the surrounding areas sufficiently to give you the basic framework.

- Q172 **Angela Crawley:** Ben, those are the ideals of shared space. In reality, are there models of shared space that have been applied in areas that work well and could comfortably be used by disabled people? Could you give me some positive examples of where you know that your ideal of a shared space is working in practice for all users?



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Benjamin Hamilton-Baillie: First of all, it is worth saying that shared space is not a new concept; it has been the way all of our streets have been ever since we have had settlements. It is not something new that has emerged. Any city to this day, or indeed any mews court, Italian hill town, town centre, and miles upon miles of rural country lanes are all shared space.

Q173 **Angela Crawley:** Ben, can I bring you back to specific examples of where your concept of shared space is working well?

Benjamin Hamilton-Baillie: A good example is New Road in Brighton, a street that serves the two theatres in the Lanes area of Brighton. It is a street that still has to accommodate traffic such as taxis and buses. It is not a huge volume of traffic, but they still come through. However, the street has been remodelled to give pedestrian activity, in its relationship to the theatres and other activities there, a strong dominance.

Any driver moving through that space does so through careful negotiation. Incidentally, I was there recently and got into conversation, as I try to do, with a blind pedestrian. Interestingly, I said, "Do you feel comfortable here?" He said, "No, I do not; not at all." However, then he said, "But I feel infinitely more comfortable in this street than in any other street in Brighton."

Q174 **Angela Crawley:** Let me bring you back to the different impairments that an individual may have, ranging from neuro-diverse conditions such as autism to dementia, cerebral palsy, visual impairment, audio impairment, and also wheelchair users. Given that example of where you believe it works well, perhaps specifically in Brighton, how do you think that would work well for all individuals?

Benjamin Hamilton-Baillie: Clearly one can overcome those problems. They come with particular difficulties. However, in a space where traffic does not represent a serious threat to life, and where drivers do not assume that they have priority, then you create a more forgiving environment. Anybody who has any form of impairment or indeed simply children, or older people, or somebody who has had too much to drink is not likely to be injured in that space or come to harm, because it is a slow speed environment.

Q175 **Angela Crawley:** The principle of shared spaces, in ideal terms, relies on drivers to drive responsibly and on individuals to be able to use the space available to them with full awareness and acute ability to navigate around traffic, as we have outlined earlier. However, in reality, is your concept of shared space working?

Benjamin Hamilton-Baillie: The proof is in the pudding. Poynton has been finished for four and a half years; in February it will be five years. There are things, looking back, that I would have done differently, but overall it has succeeded in its aim. Preston is early days and is more recent, but I am pretty pleased with the feedback we are getting from



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blind people and access groups, contrary to the evidence that you have been given, incidentally.

Q176 Angela Crawley: Let me ask a final question. Lord Holmes' report has specifically indicated that there are serious issues of safety and great concerns to all users within the community. How do you measure the success of your shared spaces, and how do you adapt that accordingly to make it accessible for all, which is ultimately, I would hope, the aim?

Benjamin Hamilton-Baillie: There is a whole range of different parameters that you use to measure a scheme. You can imagine that there are different priorities. It comes back to correcting a misassumption. All the evidence that we have got—and it is difficult to measure—is that successful schemes do not exclude people from the public realm.

On the contrary, the footfall numbers in Poynton high street, for example, have hugely increased, far ahead of the increase as a result of economic recovery since 2008. With it, the numbers of empty shops have reduced, and so on and so forth. The people using the town centre in Poynton have increased, including all of the people that I know—and I got to meet most of them—who are physically or visually disabled.

To date, we have two reasonably thorough attempts at an academic or research-based look at this. One study in URBAN DESIGN International, called "Shared Space Streets: Design, Users' Perception and Performance", could find no evidence that people were being excluded or not using spaces as a result of schemes that are coming; on the contrary, the numbers seem to have increased. There is a similar piece of work that looked at a scheme in Hereford.

If in Poynton people had been excluded from that space, then the scheme would have failed. However, it did not do so. Of course, you then have to look at safety issues; are there problems with safety? That means that you have to have quite a long timescale involved. We understand regression to the mean and difficulties in statistics. So far the evidence seems to be very positive. You would expect that, because what you see is a reduction in the severity of accidents. In particular, of course, that is related to speed.

Of course, streets are dangerous places. Today, somewhere between four and five people are likely to be killed on the roads of Britain. Over 60 people will be seriously injured. These things happen as a result of a whole number of factors. So far, all of the meta-studies that have looked at the accident rates of schemes that might have shared space characteristics have been positive.

Q177 Chair: Lord Holmes, can I just bring you in here? It is very difficult when you are looking at the evidence that we have received, and then hear the meta-analysis that Ben has just gone through. We are at risk of potentially saying on one level that traditional streetscapes are absolutely



perfect, and we should not be having shared spaces. On the other end, we could say that shared spaces are the thing that we should be going for, and traditional roads are not.

If you walk outside of here today or indeed, as I did this morning, walk from Waterloo Station to here almost being mowed down two cyclists going over a red light, it is difficult enough on traditional streetscapes. What would you have if you could change what is out there now but not adopt shared spaces? What is it that you would change to help create more inclusive spaces?

Lord Holmes: It is about a start-point of inclusive design. I am charmed by Ben's comments there, because I realise in many ways we are standing on the same ground. As I say, I make no great claims for my research, but so much of Ben's comments there, rightly, were, "I chatted to a bloke in Brighton," "I got a letter from somebody else." That is all good; it is individual testimony. We are talking about the same stuff: individuals giving their thoughts and views on this, and no less or greater merit or methodological critique than that.

It is probably helpful for the Committee to look at the FOI data, which I know is in the written submissions, on some of the schemes to get to the heart of the safety issue and nail that down. It is not possible to say that shared space schemes are necessarily safer than what was there before. However, the fundamental point on this—I think Andrew and Ben would agree with me—is that there is a great need for more data and research to get a really clear picture, not least to go to the heart of one of the features of courtesy crossings, which have no legal definition. How can we make any great conclusions about them? There needs to be data on that. I hope Andrew and Ben would agree with me that we need more data on this area.

I believe that we need more leadership from the DfT. Ultimately, they are the Department for Transport. If we consider their LTN 1/11 note around shared space, there is an aching need for it to be revisited and for leadership to come from the Department. It should not be in any sense impossible to come up with streetscapes that include everybody and go to the heart of a good experience, economic growth, and increased footfall. However, it is never going to happen if the start-point of inclusive design is not there.

I take Ben at his word. He is a man of honour. He says that disabled people absolutely were right at the heart and the outset of his endeavours in this area. All I would say to that is, "What has happened in the interim?" We have seen at least 14 U-turns; I appreciate we are in the Thatcher room so talking about U-turns is somewhat problematic. We have seen reinstatement of crossings, changes to schemes, and the Grimsby scheme being ripped up.

There is obviously the point of access, inclusion, and safety that we have talked about. However, we should also not avoid the question of public



money at a time of incredible strain on the public purse, not least for local authorities. If they are going to invest in a redevelopment of the public realm, be absolutely sure that you are going to get this right; do not have an expensive retrofit on some of the schemes that were heralded as the absolute standard-bearers for shared space, which now have, thank the Lord, had crossings reinstated. That cannot in any sense be a good use of public money.

Q178 Chair: Could I just press you on that for one minute more before handing over to Gavin? We all seem to agree that the traditional scene out there is not great for people who are disabled, and that changes are good. What is it particularly about shared spaces that you feel caused the most significant problems for disabled people specifically? What specifically do you think we should be pressing for? You mentioned there about crossings.

Lord Holmes: Crossings are an incredibly significant part of this. If we look towards the back end of Ben's written evidence, it is incredibly encouraging to see the comments that he makes around the potential for red-light-only crossings and activated crossings by people who have a need for that. If we look at the research that has been done, and this will come as a bolt from the blue to everybody around the table, the more you design a crossing to look like a zebra crossing, the more effective it is. Who would have thought it? The sun will rise in the east tomorrow.

That is a good thing at heart, because that is hard evidence; good research that has been done on crossings. There are a whole series of features and issues with shared space. I agree with Ben; technology and the digital revolution has a fantastic potential as an element, but not as an overriding solution, of this, provided we never lose the sense of a principles-based approach. If we got crossings right, that would have a very significant impact on the issues that are felt not just by blind people but by all people in shared space.

Andrew Hugill: I would add, if I may, about what it is that we would change? Rather than, "We are doing this because we want a shared space scheme", what is it that local authorities are actually seeking to achieve by doing so? Do so within a clear framework that has inclusive environments at its heart.

Q179 Mr Gavin Shuker: I appreciate your honesty and your defence of shared space schemes as you have envisioned them. It is probably pretty clear that the ideal shared space scheme would be inclusive and safer for everyone. Do you also accept that there are a number of schemes that carry the definition of shared space, and that there is a wider definition than how you have tightly defined it today? In other words, the term has taken on a greater significance than how you would have originally envisaged it.

Benjamin Hamilton-Baillie: Absolutely. I could not agree more. It is rather painful for me, because I inevitably get associated with the term



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"shared space". I cannot clearly control schemes or poor or good design elsewhere in the country. I cannot even visit them; I do not have time to go to Grimsby or Kirkintilloch, or wherever it is. I find it difficult being responsible for them, because as in every field there is poor and good design; of course there is.

One example: I was in Aylesbury in Buckinghamshire, where there were very busy, very unpleasant, badly designed traffic control crossings between the car park and the town centre, which had caused a lot of problems, and the local authority had put a big sign on the approach saying, "Warning: Shared space ahead." I saw the sign and wanted to weep.

This is not shared space, but clearly that is the public perception. Indeed, in Lord Holmes' report, this is one of the areas listed as a shared space. It could not be further from those principles if it tried. There are problems and there clearly is an issue about poor design, lack of training, and an inadequate legislative framework around highways that we need to improve.

Q180 Mr Gavin Shuker: In that case, whose role is it to define what a shared space scheme is?

Benjamin Hamilton-Baillie: It clearly is not mine. I coined the term because it was helpful for a number of us researching and exploring this work. Personally, I do not care what streets are called, and if the term was dropped for public use, I would be more than happy. It has served its purpose, and I think it is more of a distraction than a helpful label as we stand.

Q181 Mr Gavin Shuker: Chris and Andrew, did you want to talk about who should define what a shared space scheme is, considering the significance the term has now brought about?

Lord Holmes: I agree with Ben in the sense that, on one level, it is wholly irrelevant what these schemes are called. All that matters is what the features are and how they impact access, safety, inclusion, experience, economic growth, etc. However, where we currently are, it is not possible to drop "shared space" because it is no longer of utility. When it was coined by Ben in 2003, it had purpose; it had currency. It was useful for what he was trying to achieve on a whole series of fronts, which was perfectly understandable.

We cannot now just drop it, because it does have currency; it is out there in the DfT's LTN 1/11 note. Things have to be done to move forward. If we are going to call shared space something else and if we are going to give shared space an honourable if not a decent burial, then there has to be the transition, definition and leadership. That is where organisations such as Andrew's absolutely have a role to play. Crucially, as with any element of the public highway, it would seem at least curious for the DfT not to have a leadership role, I would argue hand in hand with CLG.



Andrew Hugill: I agree with both.

Mr Gavin Shuker: And of course you are conducting a review at the moment.

Andrew Hugill: This whole issue of the spectrum that Ben used earlier is that there are clearly very different types of streets where the term “shared space” is being applied. Language, and coming up with a new phraseology for those different types we will have, is important. It is the same discussion about whether it is the right terminology. The key point is that the different types that have been identified in the review might lead to a different way of treating those types of crossings, materials used, and approach taken.

In terms of the leadership, I would agree with the point that we made in our evidence. Until we recognise that highways are part of the built environment, with all that entails in Government terms—if we just treat them as transport issues—then we do not solve the issue. That is fundamental. Our role is as a professional body with members engaged in trying to solve these issues. The issues are not just transport issues; there are wider issues.

Q182 **Mr Gavin Shuker:** DfT, in response to the House of Lords Committee on the Equality Act and disability, declined to review its own guidance of shared space. The reason that it gave was your review. Is that sufficient response from Government, and is your review sufficient to move us on, or does it require Government to take responsibility?

Chair: Can I have a bit of a yes or no on that, just in the interests of time? Is it sufficient?

Andrew Hugill: Does Government have a responsibility? Yes.

Q183 **Chair:** Is your review sufficient?

Andrew Hugill: Our review will make some recommendations for further areas of work. Our review in itself will not be sufficient to change everything.

Q184 **Chair:** Again, very short, sharp answers if you could. We were just going to ask how well disabled people with a wide range of impairments are involved in the decisions on whether or not a shared space is required. Just a quick sentence from each of you on that.

Andrew Hugill: Given these schemes are about change, the more engagement the better.

Q185 **Chair:** Are they sufficiently involved at the moment?

Andrew Hugill: Could be better.

Benjamin Hamilton-Baillie: It is difficult to distil into one, but clearly the more and closer engagement with people who are actually users, the better. It is a very expensive process, and it is often very difficult, with



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local authorities under huge budgetary pressure, to give sufficient time and clearly cost to that vital process. We can advise them and ask them to do so, but if, for example, you are tendering for the consultancy service for a local authority, it is very difficult if you overload: "I want another 20 days of time to make sure that I speak to a sufficient number of people to get a feel for it."

Lord Holmes: Ben has said in the past that you cannot design streets by committee, and you often need to ignore the advice of interest groups. There is a specific point here, and a broader point across public policy about what is consultation, what the characteristics of that are, and what comes about from that consultation. Certainly, in a number of these schemes, we have seen things that are called consultations but would not stack up from my and Members around the table's understanding of what a consultation is. In answer, is there need for more? Absolutely there is, because when you look at the U-turns that have happened in so many schemes and you look at the experience of these schemes, de facto, more consultation is required.

Chair: So a big tick box at the moment.

Andrew Hugill: There is clearly a point in specific schemes about engagement and consultation, quite properly. There is a wider point about understanding the wide range of needs of different groups of people. The review is likely to say that we need further research on that to be done, on a macro-level, as it were, to understand the context in which that engagement and consultation is carried out.

Q186 **Chair:** Finally from me, a couple of questions specifically for Andrew. How is your review taking into account the requirements of the public sector equality duty?

Andrew Hugill: It is not specifically trying to assess whether those schemes have or have not met that duty.

Q187 **Chair:** Will the guidance that you are producing, or Government have indicated you are producing, addressed compliance with the anticipatory reasonable adjustment duty and indirect discrimination?

Andrew Hugill: Sorry, if I can just be clear, what we are doing at the moment is a review where we will be making recommendations. It is not guidance. The reference you have got is to an earlier stage, where we were anticipating producing guidance.

Chair: So you are not producing guidance.

Andrew Hugill: We have carried out a review, which will make some recommendations.

Q188 **Chair:** What would prompt you to produce guidance?

Andrew Hugill: Having the support and resource to do so.

Q189 **Chair:** So you would only do that if you had the support and resource



from whom?

Andrew Hugill: From Government.

Q190 **Chair:** Brilliant. That is helpful. At the moment you are not producing guidance, therefore you are not really in a position to be able to answer that question. Presumably, if you did produce guidance, you would be mindful of the reasonable adjustment duty and indirect discrimination.

Andrew Hugill: Guidance would need to cover that. That area of guidance may not be just our responsibility. Clearly, this is a collaborative area of work.

Chair: Brilliant. That is wonderful. Thank you very much. I am sorry to have rushed that a little at the end. We have overrun by a little more than 10 minutes, and on a Wednesday morning that is a lot of time, so I apologise for that. Can I thank you very much for your input today? It is incredibly helpful. Can I thank people who have come to view the evidence session as well for your time and interest today?