



Comments from Imtac about the Lisburn & Castlereagh City Council consultation on “Kerb Heights within the Lisburn Public Realm Scheme - Equality Impact Assessment.”

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About Imtac

The Inclusive Mobility and Transport Advisory Committee (Imtac) is a committee of disabled people and older people as well as others including key transport professionals. Its role is to advise Government and others in Northern Ireland on issues that affect the mobility of older people and disabled people.

The aim of the Committee is to ensure that older people and disabled people have the same opportunities as everyone else to travel when and where they want.

Imtac receives support from the Department for Infrastructure (hereafter referred to as the Department).

Comments on the draft Equality Impact Assessment

Imtac welcomes the opportunity to comment on the current consultation. The Committee is aware of the controversy created by aspects of the design of the recently completed public realm scheme in Lisburn City Centre and the subsequent legal action undertaken by a disabled person. It is not the intention of the Committee to revisit the design specifics of the scheme in its response. Instead it has restricted its comments to whether the Council has fully utilised the opportunity presented by the EQIA process.

It is the opinion of Imtac that the draft EQIA undertaken by the Council is flawed and in need of extensive revision. Rather than the “thorough and systematic analysis of a policy”¹ envisaged by guidance from the Equality Commission the document reads as a lengthy and defensive justification of actions taken by the Council.

One particularly objectionable aspect of the consultation document is repeated attempts, both implicit and explicit, by the Council to portray the issues raised by the policy as only affecting people with visual impairment, with a suggestion that the views of other disabled people and older people have been ignored. Imtac would like to make clear that this portrayal of both the policy and disabled

¹ [Practical Guidance on Equality Impact Assessment - Equality Commission 2005](#)

people is unacceptable and as the Committee will illustrate not consistent with all the available evidence.

One of the major specific flaws of the draft EQIA is that there does not appear to be clear policy aim being assessed. The title of the document refers to kerb heights but within the document itself the policy aim appears to focus on the wider public realm scheme. Imtac recommends that the Council revise its policy aim to focus specifically on kerb heights (with the wider public scheme treated as an ancillary but related policy).

In making such a revision the Committee believes it is vital the Council explain the importance of kerbs, why a kerb height of 30mm may be problematic and a potential hazard for some users and the rationale for why the Council decided to proceed with a scheme that included large sections containing 30mm kerbing.

A second major flaw of the draft EQIA is the limited and selective consideration of data and research used by the Council to reach its assessment of impact. The subject of shared space and kerb heights has been hugely controversial and subject to extensive research both predating and subsequent to the public realm works in Lisburn. The draft EQIA only partially reflects this research.

Any reasonable assessment of the available data and research highlights two important issues that must be reflected in a revised EQIA. Firstly concerns about the used of shared space were widespread and predate the current scheme. Both Imtac² and its UK wide sister committee DPTAC published statements expressing concerns about shared space and calling for a moratorium on such schemes prior to 2010. This is not reflected by the Council in the draft EQIA, with the impression given that it had followed best practice and was surprised at the resulting reaction to the design from some disabled people. Secondly all the available research around shared space illustrate this type of street design is a concern for many disabled people, older people and others. The Council has used selective data and research to infer that concerns about shared space design only relate to people with a visual impairment. Imtac recommends that the draft EQIA be revised to acknowledge and fully reflect these two important issues.

² [Statement on Shared Surface Streets - Imtac 2009](#)

The draft EQIA omits mention of significant pieces of research into the impact of shared space design on older people, disabled people and others. This includes Accident by Design: The Holmes Report on “Shared Space” in the United Kingdom³, Building for Equality: Disability and the Built Environment (Women & Equalities Committee)⁴ and Creating better streets: Inclusive and accessible places (CIHT)⁵.

These reports and others reflect the widespread concerns of disabled people and others and in particular challenge the suitability of LTN 1/11 Shared Space, used extensively by the Council in the draft EQIA to justify its design decisions. It should be noted following the publication of these reports the Department for Transport has decided to suspend LTN 1/11 and have recommended local authorities suspend further shared space schemes until further research is undertaken⁶. Given the importance and impact of the research outlined above Imtac recommends that the draft EQIA be revised, fully reflecting all the relevant research as well as the decision by DfT to suspend LTN 1/11.

The Committee welcomes the decision by the Council to employ access consultants to review the accessibility of the public realm. Gathering new evidence and data is an important part of the EQIA process. The draft EQIA contains selected recommendations from the audit report pointing out important potential hazards created by the absence of kerbs, or in the case of bus stops, the impact of a lower kerb. There is no mention or assessment, however, of the large sections of the scheme where a 30mm kerb is used. To aid transparency and for completeness Imtac recommends that the revised EQIA include the access audit report in full (perhaps as an Annex). The Committee would also request clarification from the Council as to how the consultants were appointed and whether the advice of the Imtac secretariat to use a member from the National Register of Access Consultants (NRAC)⁷ was followed.

³ [Accidents by Design: The Holmes Report on "shared space" in the United Kingdom - 2015](#)

⁴ [Building for Equality: Disability and the Built Environment - HoC 2017](#)

⁵ [Creating Better Streets: Inclusive and Accessible Places - CIHT 2018](#)

⁶ [The Inclusive Transport Strategy: Achieving Equal Access for Disabled People - DfT 2018](#)

⁷ <http://www.nrac.org.uk/>

Considering the flaws relating to a lack of clear policy aim and the selective and incomplete consideration of data and research the Committee believes that the consideration of adverse impact significantly under plays the potential negative impact of the kerb heights within current scheme on disabled people, older people, younger people and people with dependents. In revising the EQIA Imtac recommends the Council be more explicit about the specific negative impacts the use of a 30mm kerb (and areas of the public realm where footway and carriageway is flush) has on the mobility of disabled people, older people and others. This should be based on the findings of research highlighted previously in this response and largely omitted from the draft EQIA.

As with other aspects of the draft EQIA the measures to mitigate adverse impact are, in the opinion of the Committee, inadequate. Claims by the Council to have provided “evidence of good practice” in designing the scheme and those subsequent issues “could not have been foreseen at the time” do not stand up to scrutiny. The mitigating measures set out in the draft EQIA do not contain any firm commitments to make changes and do little to address the potential hazards for various users created by the design decisions around kerb heights throughout the scheme. Imtac recommends the Council revise the mitigating measures. In doing so the Committee recommends the Council carry out specific engagement with people affected by the policy around kerb heights and agreed clear actions that will reduce and remove their impact. Potential mitigating measures should include the reinstatement of kerbs of a suitable height across the public realm in Lisburn.

Conclusion

As currently drafted the EQIA on Kerb heights within the Lisburn Public Realm scheme represents a partial and selective assessment of the issues involved. The policy aim is unclear and the consideration of data and research incomplete leading to a flawed assessment of impact and weak mitigating measures. It is essential that the Council now revise the EQIA, taking on-board the comments from Imtac and others.