

# RNIB Scotland response to the Scottish Government Consultation on the Review of Permitted Development Rights – Phase 2

## Introduction

The Royal National Institute of Blind People (RNIB) Scotland is the country’s leading charity working with blind and partially sighted people. We support children and adults with sight loss and help them to live full and independent lives, campaigning for their rights.

While blind and partially sighted people will not be drivers of electric vehicles, individuals with sight loss will have to navigate environments where the charging units are situated. For this reason, we believe accessible and consistent design standards should be embedded within regulation and planning.

We welcome the opportunity to respond to the Phase 2 of the programme, including changes to permitted development rights (PDR), as well as the Town and Country planning (Use Classes) (Scotland) Order 1997 (UCO).

## Consultation Questions

This consultation seeks views on a wide range of issues.

We have confined this response this to questions relating to:

* Electric Vehicle (EV) Charging Infrastructure (questions 1, 11, 12, 13, 15 & 17) and:
* Change of Use in Centres: (questions 19, 20, 22, 27 & 28)

### Electric Vehicle Charging Infrastructure

#### **Question 1 - Do you agree with the removal of restrictions on Class 9EPDR, for wall-mounted EV charging outlets, in the specified areas currently listed in Class 9E (3)**

Where charging points are in off street parking locations, there should be minimum standards to ensure that wall mounted EV charging outlets do not take up vital space on footways/pavements and crossing points within off-street parking areas. Consideration should also be given to where the extended electric cables could be placed, for vehicles using points, to avoid presenting trip hazards.

#### **Q11. Would it be helpful to amend Class 30 PDR for local authorities to make clear they apply to EV charging points and any associated infrastructure?**

RNIB Scotland believes that although developments are carried out by public and private bodies, due to the changing nature of demand for services, shops, etc, all EV charging points should adhere to minimum standards to reduce the risk of injury related to the positioning and design of new EV infrastructure. Whilst visually impaired people may be particularly vulnerable to trip risks, everybody, that is, those with or without disabilities, could be affected, for example, by trailing cables.

Consideration should be given to locations of EV infrastructure, and to ensuring that charging points, do not inadvertently impact negatively on other space considerations within off street parking areas, including but not limited to:

* Bus stops
* Drop-off-pick/up points
* Accessible parking bays
* Footways and pavements
* Width of footways
* Tactile paving and depth of kerbsides
* Crossing points.

#### **Q12. Do local authority PDR need to be amended to take account of emerging models for financing, delivering and operating EV charging infrastructure, and the changing nature of private sector involvement? Please explain your answer.**

Any obvious changes to the streetscape and diversions during delivering and operating EV charging infrastructure, should remain as accessible and clear as possible. It would be helpful to ensure that private sector involvement is also subject to minimum standards when involved in operation and provision of EV charging infrastructure.

#### **Q13. Should PDR for EV charging infrastructure in roads apply to parties other than local authorities? Please explain your answer.**

All off-street parking locations owned by the private sector, including hospital car parks being returned to public ownership, and private car parking operators, should also have minimum standards to ensure that EV charging infrastructure does not take up valuable space for disabled visitors/patients/customers using shops, services, etc. This includes but is not limited to space for accessible parking bays and walk-ways to enter/exit areas and crossing points.

#### **Q15. What conditions and limitations would need to be placed on any additional PDR for EV charging infrastructure in roads? Please explain your answer.**

Whilst the implementation of EV charging infrastructure is going to be a complex process, other road users, and spaces must be taken account of, for example, where bus stops are located, drop-off and pick up points, and crossing facilities for pedestrians.

#### **Q17. Do you agree in principle with having PDR for changing existing petrol/diesel stations to EV charging only?**

Any major changes to local areas including introducing EV charging stations would need to be considerate of surroundings, particularly within in towns, cities, and villages, where there is higher footfall. The reasons for highlighting this is due to the lower sound emissions from EV vehicles. Unless vehicles have Audible Vehicle Alert System (or AVAS) fitted and activated, blind or partially sighted people could be unaware of vehicles travelling, albeit at much slower speeds in station forecourts.[[1]](#footnote-1)

### Changes of Use in Centres

We have confined this response this to question 19, 20, 22 and 26, which relate to proposed changes specifically in relation to:

* Merged use class bringing together several existing classes to support the regeneration, resilience, and recovery of Scotland’s centres.
* PDR for moveable outdoor furniture - New PDR that would permit the placing of moveable furniture on a public road adjacent to food and drink premises (Class 3).

#### **Q19. Do you consider that a merged use class bringing together several existing classes would help to support the regeneration,**

#### **resilience, and recovery of Scotland’s centres?**

RNIB Scotland believes that streets and public spaces should be safe and accessible for everyone to use.

Supporting the recovery of Scotland's town centres is crucial following the coronavirus pandemic.

However, we are also concerned that merging usage and bringing together several existing classes may impact negatively on routes which blind and partially sighted people may have already familiarised themselves with.

Prior to the pandemic the streetscape was already challenging for people with sight loss, as was travel by public transport and having accessible information. A 2020 RNIB survey found that 66 per cent of people surveyed said that they feel less independent than they did before the COVID-19 pandemic. [[2]](#footnote-2)

This was primarily because of social distancing measures which were inaccessible to blind and partially sighted people, but also changing spacing requirements, access to environments, and routes had adverse consequences for many blind and partially sighted people. The impacts on practicalities such as getting to and from places independently, as well as loss of confidence in going out of the home has been felt by many.

#### **Q20. What do you consider to be the key risks associated with such a merged use class, and do you think that non-planning controls are sufficient to address them? Please explain your answer.**

The key risks of merged use class are rapid change to street layouts and public spaces, without consideration of how this could impact on those users who are disadvantaged most due to mobility needs and sensory impairment.

People have told us of issues that were important for them to help them get around safely. In the main, these fell into three key themes:

* Avoiding moving vehicles.
* The importance of kerbs and crossings.
* The hazards of cluttered pavements. [[3]](#footnote-3)

Blind and partially sighted people rely on clear demarcations to distinguish between pavement/footways and roadsides, crossing points, bus stops, etc.

Those with navigation canes and guide dogs, use pavement and building lines as a means of orientation and navigation. We are concerned that rapid alterations in change of use of public spaces, could have negative consequences, on the confidence and independence of blind and partially sighted people to find places they need to get to.

For regular journeys – such as travelling to work or visiting the GP – people will often have memorised routes, making it essential for any change of use or layout to be communicated effectively. Many will have received support from rehabilitation services in enabling them to visit places in their local area.

Some visually impaired people also use navigation apps whilst out and about via personal smart devices, therefore any changes in use of buildings or spaces, must consider the needs of those who rely on this technology for wayfinding.

#### **Q22. Do you think that a PDR providing for a change of use to Class 4 (business) would help to support the regeneration, resilience, and recovery of centres – as well as the establishment of 20-minute neighbourhoods? Please explain your answer.**

RNIB Scotland agrees with the view expressed at recent ALLIANCE-hosted events that 20-minute neighbourhoods would be difficult to realise in every community across Scotland. One of the suggested reasons for this was due to Scotland’s geography. It was felt that this concept lends itself to a city/urban context rather than a rural one. We also agree with the view that there must be links between neighbourhoods. [[4]](#footnote-4)

Supporting sustainable growth of places across Scotland, regardless of population, geography or density is vital, but we underline rapid alterations can disproportionally affect blind and partially sighted people, who are unable to rely on visual clues to navigate streets, public spaces, and buildings.

Blind and partially sighted people throughout the pandemic suffered from increased levels of social isolation and loneliness, which also resulted in reduced confidence and independence getting around/going out independently, due to changing environments.

Public Health Scotland’s report on road space reallocation in Scotland defines 20-minute neighbourhoods as “a place designed so residents can meet their day-to-day needs within a 20-minute return walk”. [[5]](#footnote-5) Rigid adherence to 20-minute neighbourhoods would be highly unrealistic for many people with sight loss. A degree of planning and assistance is required to enable visually impaired people to get to places they need to go to. For example, accessible public transport with good availability, location of pedestrian crossings, space to walk or wheel on the footway, steps, or gradients, feeling safe, etc, all have an impact on how a person can access necessary services close to where they live.

20-minute neighbourhoods lend themselves more easily to towns and cities, as opposed to rural and remote locations. RNIB Scotland would welcome joined up approaches to make sure there is “interconnectedness” between key public services such as, businesses, public transport, and health centres.[[6]](#footnote-6)

#### **Q27. Do you agree with the proposed introduction of a PDR for moveable furniture placed on the road outside of (Class 3) food and drink premises?**

Chairs, tables, and other movable furniture placed, on the road outside of food and drink premises can have a very real and negative impact on the accessibility of spaces.

Maintaining clear pavements is key to avoid injury and loss of confidence, amongst blind and partially sighted people, whilst being able to maintain independence by walking. One RNIB survey respondent said: “I’ve had a lot of issues with having to avoid some routes. This has made me more dependent on taxis and other public transport, as it’s just not possible to safely walk to these places.” [[7]](#footnote-7)

However well-meaning changes may seem, alterations or placement of street furniture should be done in a way so as not to disadvantage space available for blind and partially sighted people to navigate, as well as other street users such as those with pushchairs/prams and wheelchair users. Clear markers/boundaries so that people do not unintentionally stray onto roads where there is moving traffic, or injury themselves while moving around local areas due to limitations in space or diversions should be avoided. This is also true for those who rely on sighted assistance, canes, and guide dogs. A survey by Insight Angels and Guide Dogs found that “83% of people with sight loss said that reducing obstacles on pavements and street clutter was important to improving their quality of life.” [[8]](#footnote-8)

#### **Q28. Are there any conditions or limitations that you think such a PDR should be subject to? Please explain your answer.**

It is essential that local authorities comply with the substantive duties of the Equality Act [[9]](#footnote-9) as well as the Public Sector Equality Duty, including not (indirectly) discriminating and making reasonable adjustments where, for example, a physical feature places a disabled person at a substantial disadvantage. It is also essential that accessible public consultations are carried out, as well as Equality Impact Assessments. Any temporary changes should be communicated effectively to residents and in accessible formats.

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1. Seeing Streets Differently Report (RNIB, May 2020) available at: <https://www.rnib.org.uk/campaigning/priority-campaigns/inclusive-journeys/seeing-streets-differently-report> [↑](#footnote-ref-1)
2. How the lockdown is affecting blind and partially sighted people (RNIB, May 2020) available at: <https://www.rnib.org.uk/sites/default/files/RNIB%20Briefing%20-%20Impact%20of%20social%20distancing%20on%20blind%20and%20partially%20sighted%20people%20-%20England%20%28002%29.docx> [↑](#footnote-ref-2)
3. Seeing Streets Differently Report (July 2021, RNIB) available at: <https://www.rnib.org.uk/sites/default/files/Seeing%20Streets%20Differently%20Report%20-%20RNIB%202021.docx> [↑](#footnote-ref-3)
4. Exploring Scotland's 20 minute neighbourhoods: The Alliance, Event Report (June 2022) available at: <https://www.alliance-scotland.org.uk/blog/news/exploring-scotlands-20-minute-neighbourhoods-final-report-published/> [↑](#footnote-ref-4)
5. https://www.publichealthscotland.scot/media/12261/road-space-reallocation-in-scotland-a-health-impact-assessment.pdf [↑](#footnote-ref-5)
6. Exploring Scotland's 20 minute neighbourhoods: The Alliance, Event Report (June 2022) available at: <https://www.alliance-scotland.org.uk/blog/news/exploring-scotlands-20-minute-neighbourhoods-final-report-published/> [↑](#footnote-ref-6)
7. Seeing Streets Differently Report (July 2021, RNIB) available at: <https://www.rnib.org.uk/sites/default/files/Seeing%20Streets%20Differently%20Report%20-%20RNIB%202021.docx> [↑](#footnote-ref-7)
8. Insight Angels and Guide Dogs, ‘The Future of Mobility in the Built Environment Survey’ (2021) quoted in [Guidance on accessible regeneration schemes | Guide Dogs](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.guidedogs.org.uk%2Fabout-us%2Fwhat-we-do%2Fresearch%2Fpolicy-and-guidance-for-businesses%2Fguidance-on-accessible-regeneration-schemes%2F&data=05%7C01%7CCatriona.Burness%40rnib.org.uk%7C8045bd6cde1849c5276d08da709bc601%7C5d45337cd19243fcaa5805557c9171bc%7C0%7C0%7C637946111580883369%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Cu7nsLOr2sWnDvblZ62%2Bhx58PnWFljIQo8Efbqjejkw%3D&reserved=0). [↑](#footnote-ref-8)
9. The Equality Act 2010 – what does it mean for blind and partially sighted people? (Available at: <https://www.rnib.org.uk/sites/default/files/Equality%20Act.docx>) [↑](#footnote-ref-9)