Living with risk: promoting better public space design

Over-sensitivity to risk can have a profound effect on the quality of public space. It can restrict innovation, leading to more standardised designs and less interesting places.

CABE believes that good design can help manage risk, rather than being compelled to eliminate it. Design can help people to be risk aware rather than risk averse.

To deal with risk, some things are vital. One is a clear design vision for a scheme, supported by strong design leadership. It is easier for those engaged in making decisions about schemes, especially clients, to justify a decision that avoids risk than a decision that uses risk creatively. So the balance needs to be swung the other way: we need to challenge the justifications for the easy solution as opposed to being warned off a more demanding one. Finally, in communicating across different professional groups and the public, it is essential to express clearly the positive opportunities as well as the risks.
Risk has become a prominent feature of our society. Changes in public attitudes, legislation and media coverage have produced an environment in which there is a much greater awareness of risk as an issue. Public organisations and businesses now give greater priority to risk management, and there is a perception that the public is more willing to attribute blame for accidents and seek compensation. One of the many activities that this affects is the design of public space. CABE’s 2004 report What are we scared of? highlighted how concern about risk could affect professional designers and their clients and reduce the potential to create stimulating and innovative public spaces. This study takes the issue further by asking how the management of risk, in relation to ensuring public safety, influences the design quality of urban public space.

Risk management can act as a constraint on choice and flexibility in public space design. Furthermore, the bureaucratisation of risk management within organisations can lead to the adoption of unduly restrictive and poorly understood interpretations of health and safety regulations. Something has to change.

A relative risk: implications for public space design

Importantly, risk is a matter of judgement rather than an absolute standard. Individuals and organisations perceive risk in different ways and it is subject to debate and judgement and can change over time. There is evidence, though, that people will accept higher degrees of risk in activities that offer them benefits, and where the activity is voluntarily undertaken.

This is relevant to public space design, since such spaces are often used voluntarily and provide benefits such as exercise, entertainment, leisure or shopping. Thus, people are likely to be less anxious about risk in these situations.

An element of risk can generate exciting spaces, giving people new and interesting experiences.

For instance, water jets spraying up unpredictably from a flat surface introduce risk in a stimulating way.

So, public space designers face the challenge of designing for variety rather than the norm or lowest common denominator in terms of risk perception.

Our approach

The study, Living with risk: promoting better public space design, focuses on three issues:

- What pressures are driving the greater emphasis on minimising risk in public space design and what is helping steer organisations towards a more proportionate approach?
- How does risk impact on the different stages of the design process and how do professionals, clients and other stakeholders respond to this?
- What are the implications for the quality of public space in the future?

We explore views from national organisations concerned with risk and public space, while 10 case studies of public space schemes help establish how consideration of risk impacts on the different stages of the design process and the implications for the choices of professionals, clients and the public.

The study reconsiders approaches to risk and sets out an agenda for risk-aware, not risk-averse, public space design.

For copies of the full report visit www.cabe.org.uk/publications

‘When individuals or organisations become over-sensitive to risk they consider most or all hazards to be risks that need minimising’
Is there a compensation culture?

A strong and popular – though perhaps unfounded – belief in a 'compensation culture' fuels disproportionate responses to risk. This is the perception that individuals are now more willing to make claims for negligence against bodies they believe are responsible for their injuries. It is a powerful idea, reinforced through the media and the growth of 'no win, no fee' practices by legal firms.

However, the reality is hard to establish. The Better regulation task force concluded that the phenomenon was 'all in the mind', because the number of personal injury claims is going down.\(^3\)

The task force did recognise, however, that there is a strong belief in the compensation culture due to media coverage (sometimes inaccurate), claims management companies, people's desire to find someone to blame for their accidents, and the repetition of the term by public commentators.

The Select committee on constitutional affairs also concluded that: 'The evidence does not support the view that increased litigation has created a "compensation culture"'\(^4\)

Moreover, it is an oversimplification of a more complex situation:

- Long-term trends in personal injury claims have remained relatively stable since the late 1990s\(^5\)
- Mean damages awarded in cases brought by 'no win, no fee' companies fell between 2002 and 2005\(^6\)
- There has been little change in the volume of new claims. However, the cost of claims has risen dramatically\(^7\)

• Most claims against highway authorities relate to alleged deficiencies in maintenance. Claims for design faults are relatively rare\(^8\)
• Local authorities and other public authorities are now more aware of the problem of claims for negligence and are introducing policies and procedures that both reduce the number of claims (such as design guides for public space or improved inspection and maintenance regimes) and enable them to successfully repudiate non-genuine claims.

Whether or not the compensation culture exists, 71 per cent of citizens surveyed agree or strongly agree that 'health and safety compensation claims have gone too far'.\(^9\) People are now developing more critical attitudes to our risk culture.

How national stakeholders see the issue

The study gathered evidence from national organisations representing design professions, risk managers, space user groups, local authorities, insurers and others. Stakeholders suggested considerable professional effort was devoted to the avoidance or control of risk in public spaces, leading to over-design, ad hoc interventions and a concern about liability. However, it was also clear that there is significant agreement that this needs changing. A proportionate and 'sensible' approach to risk management is required.

Key to challenging attitudes that are overly sensitive to risk was a greater clarity about the legal position of an organisation's responsibility for 'duty of care' and its liability in case of accidents. Initiatives by local authorities, professional bodies and others to develop more integrated approaches to reducing opportunities for claims, for instance through better street maintenance, is also helping to steer organisations towards a more balanced response to risk.

---

5 Ibid, paras 33-4.
9 HSE evidence to the select committee on constitutional affairs, 2005.
# Lessons from the case studies

## The 10 case studies

- **Brindleyplace, Birmingham**  
  A privately owned and managed city-centre leisure, residential and commercial development

- **Hofstraat, Apeldoorn, the Netherlands**  
  The restoration of watercourses and water flow in the main residential and shopping street in this Dutch town

- **Park Hill, Sheffield**  
  A major redevelopment of blocks of council-owned flats with considerable problems of crime and anti-social behaviour

- **Exchange Square, Manchester**  
  A major city-centre public square involving innovative design

- **Kensington High Street, London**  
  A bold project to improve the quality and safety of the streetscape in a major shopping destination

- **Deptford Green, London, and Heathfield Avenue, Dover**  
  Home zone schemes for two small residential areas

- **Poundbury, Dorset**  
  A privately developed and largely residential scheme

- **Handsworth Park, Birmingham**  
  The restoration of a 19th century park in an area with considerable problems of crime and anti-social behaviour

- **River Tame, Birmingham**  
  Restoration and improvements to river and footpaths in a residential area.

---

1 Unfortunately it is far easier to justify playing it safe than use risk creatively.

More evidence is needed to justify a design that uses risk as a positive feature. Risk-averse decision-making tends to rely on a weaker, less thorough, evidence base, using statements about what people may do, often in an extreme case – for example, ‘people may fall into the river.’ Risk assessment and management does require some supposition about how people may behave. However, it is important that this is as robust as possible and that public space is designed for the norm, not the exception.

---

Detailed before and after monitoring of the Kensington High Street project was done to assure decision makers that the improvement was having the desired result and reducing accidents.
2 Strong leadership helps resist decisions that are based simply on worst-case scenarios.

The impact of leadership is demonstrated in several of the case studies. In Kensington High Street, an individual politician took a personal and political chance to champion an approach that drew heavily on the innovative street designs and traffic-engineering measures of Hans Monderman. The project aimed to increase risk awareness via the removal of guardrails and similar street ‘safety’ features, to reduce accidents.

3 A strong overall design concept helps counteract pressures to avoid risk.

Pressure to avoid risk can result in protracted discussions and negotiations over specific design elements. To counteract this a strong overall design concept informing the strategic direction of the project from the outset is vital. In some cases, compromises can be reached. In others, risk reduction takes precedence, and design has to accommodate it.

4 Views about what constitutes a risk vary between different stakeholders in the design process.

Risks defined by the public are predominantly to do with personal security issues arising from the use of the space (e.g. mugging), rather than trip and fall hazards in the design. The public is also very concerned about risks relating to children. Designers can help to alleviate these risks, but generally they are not able to eliminate them. This is because they are based on people’s perceptions of what might happen as well as the way in which individuals actually behave in the space. Furthermore, there is often no overall decision-maker who can judge between these views. This means that the particular combination of factors in one scheme may lead to risk being managed more carefully than in another.
5 Involving the public in design processes results in more informed, evidence-based decisions.

Transparency about the criteria and judgements being made offers the opportunity to take decisions that are more informed and evidence-based. It also allows for design decisions to be mediated through stakeholder debate. Such debate helps all parties establish what risks are significant and how they should be managed. It is also more likely to result in an inclusive design that understands risk from the perspectives of the many different groups who will use the space.¹⁰

6 Design professionals understand the idea of ‘risk’ in ways that are different to health and safety specialists and insurers. This must be recognised and reconciled to enable mutual understanding.

Professional designers sometimes talk about ‘risk’ as a design feature that fosters the creation of exciting, varied and interesting spaces. They use the term ‘risk’ to refer to the psychological challenge for users of making sense of the way the space is constructed. This does not mean that designers want to create a dangerous or insecure environment. Health and safety professionals consider risk in a different way. They are trained to identify hazards that may harm individuals and to make judgements about risk, so might focus on potential slip hazards from wet or frozen paving. The different ways in which ‘risk’ is interpreted and used require clarity of dialogue between groups involved in the public space design process.

7 Securing enough funding for the long-term management and maintenance of public spaces must be considered from the outset.

Inadequate sources of long-term management and maintenance undermine the quality and value of public spaces and may not sustain the benefits of the initial investment. The contribution that design can make to help ease ongoing maintenance must also be considered. Maintenance is an important factor in reducing risks to quality of life that may arise once schemes are completed.

Residents involved in the regeneration of Handsworth Park, Birmingham, initially requested the installation of extensive security measures in the park. Their requests were modified as people’s perceptions of risk changed over the course of the design process.

The redesign of Exchange Square, Manchester, included an open water feature. Despite concerns of some stakeholders about the risk of people slipping, the water feature was constructed and has proved to be a major attraction in the square.

Key to the ongoing sustainability of the River Tame restoration scheme, Birmingham, is the maintenance of trees and shrubbery and ensuring that the river channel is free from debris. Without ongoing maintenance the site would have implications for the safety of its users.¹¹

10 CABE (2006) The principles of inclusive design (they include you) London: CABE.

11 For more information on the link between adequate management regimes and the reduction in vandalism and anti-social behaviour see CABE Space (2005) Decent parks? Decent behaviour? The link between the quality of parks and user behaviour London: CABE.
Next steps towards risk-aware public space design

The design of public space exists in a world of uncertainty: about how different groups will view a risk; whether risky or risk-averse behaviour can be predicted; whether the risks of today will be the risks of tomorrow; and where the legal requirements relating to liability start and finish.

These uncertainties do not inevitably lead to a culture that purposely avoids risk in public space design. Safety is achieved through active use, citizen surveillance and an engendered sense of personal and social responsibility and ownership. A safe place can still be physically challenging and exciting, and push the boundaries of accepted design.

1 Risks present opportunities that developers, clients, designers and other stakeholders can harness to deliver high-quality public space.

Designers, their clients, developers, and other stakeholders should explicitly consider how to focus on design innovation and excellence where risk is managed, not eliminated altogether.

Practically, this could involve:
- Clearly distinguishing between hazards and substantial risks, and being creative in the way substantial risks are managed. This should be based on the best available information on legal responsibilities, including the Tomlinson case.12
- Being robust in challenging weak evidence for the worst-case scenario happening
- Not demanding a disproportionate weight of evidence to show that positive risk-taking is appropriate
- Ensuring that innovation and excellence are encouraged through appropriate mechanisms. This could be a design competition to procure a good designer or setting standards for design quality to ensure that everyone signs up to the design vision at the outset.

2 Judgements about risk are best taken in a process that involves all stakeholders.

Different groups involved in public space design think about risk in different ways. Interactive design enables an informed debate on what constitutes ‘risk’ in a particular scheme and how it should be managed. This is particularly important in creating an inclusive environment, so designers minimise assumptions about how specific groups may encounter the space. Some risks are only identified late in the design process – during implementation or once patterns of use are established, for example. Interactive design processes will highlight these risks.

Practically, this could involve:
- Designing and managing a space for the way people would normally use it and not reducing the overall quality to accommodate exceptional or freak incidents
- Ensuring that opportunities for positive risk-taking are clearly communicated to other stakeholders within a risk assessment process
- Using tools that allow a visual and tangible communication of design outcomes and changes to the built environment (CABE’s ‘Spaceshaper’ for instance13)
- Using a phased design process which allows for learning. This enables professionals to develop a greater understanding of lay perceptions of risk and use of a new public space and respond accordingly.

3 Further promoting the Health and Safety Executive’s (HSE’s) ‘sensible’ approach to risk management14 will enable stakeholders to understand the legal and regulatory context in which they operate.

National organisations concerned with public space recognise that the pressures to avoid risk, if left unchecked, will damage the quality of the environment and the capacity for citizens to benefit from stimulating urban design. These organisations should promote principles of sensible risk management to people making decisions about public space design. This should concentrate on explaining how a proportionate approach to risk can also enable high-quality design.

Practically, this could involve:
- Helping to train decision-makers to prioritise more effectively, so that attention is focused on the real risks
- Emphasising that managing risks should be about identifying and taking practical steps – not generating paperwork for its own sake
- Sharing practical examples of how a sensible approach to risk management has helped enable high-quality design.

‘Professional designers sometimes talk about risk as a design feature that fosters interesting spaces... health and safety professionals consider risk in a different way’

12 Tomlinson v Congleton Council and Cheshire County Council. For more information see www.publications.parliament.uk
13 Spaceshaper is a practical toolkit for use by anyone – whether a local community group or a professional – to measure the quality of a public space before investing time and money in improving it. For information see www.cabe.org.uk/spaceshaper
Is it a popular myth that we’re becoming more averse to taking risks? How is this reaction to health and safety concerns affecting the quality of our streets, parks and squares? Is it creating an environment in which encouraging design innovation and risk-taking is becoming harder? This briefing summarises our research into these questions, canvassing the views of national organisations and examining 10 recent schemes to improve public spaces. We find clear lessons for maintaining high quality and for boosting people’s confidence to navigate risks in the design process.

Design better streets

Living with risk is part of a wider CABE programme that provides research, guidance and case studies aimed at promoting high-quality street design. For more information see www.cabe.org.uk/streets