

Access Statement guidance

(relating to applications for planning permission
and listed buildings consent)

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Equal Access for All

Hygyrchedd Cyfartal i Bawb



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This guidance booklet can be downloaded from:

www.planningaidwales.org.uk/access

It can also be made available in alternative formats.

Please contact Planning Aid Wales on 02920 625 009,
or by email to: info@planningaidwales.org.uk

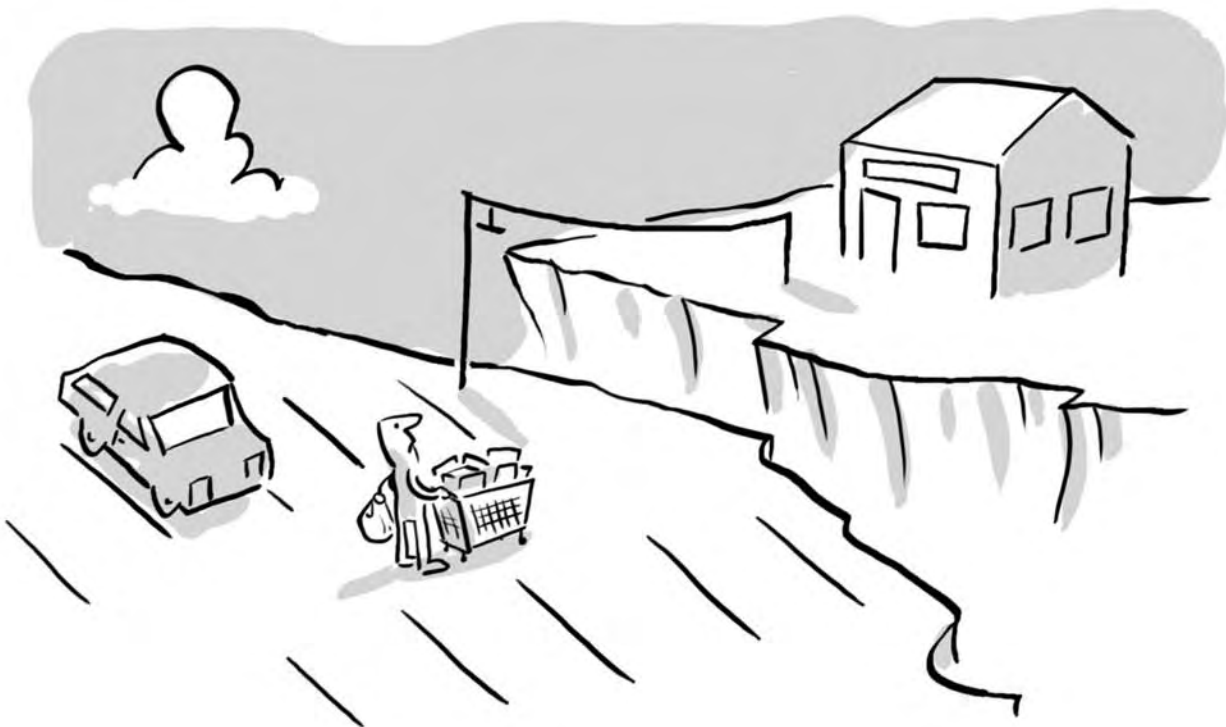
What is an Access Statement ?

What is Access ?

‘Access’ means giving all people the ability to enter and make full use of buildings or land. Inclusive design helps to achieve good access into and around new developments.

What is ‘Inclusive Design’ ?

Inclusive design (see text note 1, page 20) means providing inclusive access into and around new developments for everyone. ‘Everyone’ includes parents with buggies, older people, people with less than perfect sight, less than perfect hearing, less than perfect mobility or less than perfect understanding of the world around them. Inclusive design puts people at the heart of the design process, aiming for good access into and around places and buildings so everyone can use them safely, easily and with dignity.



Design and Access Statements

The law requires that most planning applications **must** now be accompanied by a combined Design and Access Statement.

A Design and Access Statement explains in detail how the design process for a proposed development has evolved. This includes the development's visual appearance, its scale and its relationship to the local surroundings and wider context.

The Statement has two inter-related elements. One is the design element, which explains the vision and design aspirations for the proposed development scheme; it shows how the scheme's design responds to the site, and to the physical character and context of the surrounding area. The other is the access element, which explains how issues relating to access have been dealt with; it shows how the proposed development will address the principles of inclusive design while responding to factors such as the existing topography of the site or constraints such as the shape of an existing building.



This booklet gives guidance on just the second of these, the Access element, which we refer to as ‘Access Statements’ for simplicity.

Please do remember that **inclusive design** must be considered as an integral part of the overall design for a new development. Page 21 gives sources of detailed guidance for preparing Design and Access Statements.

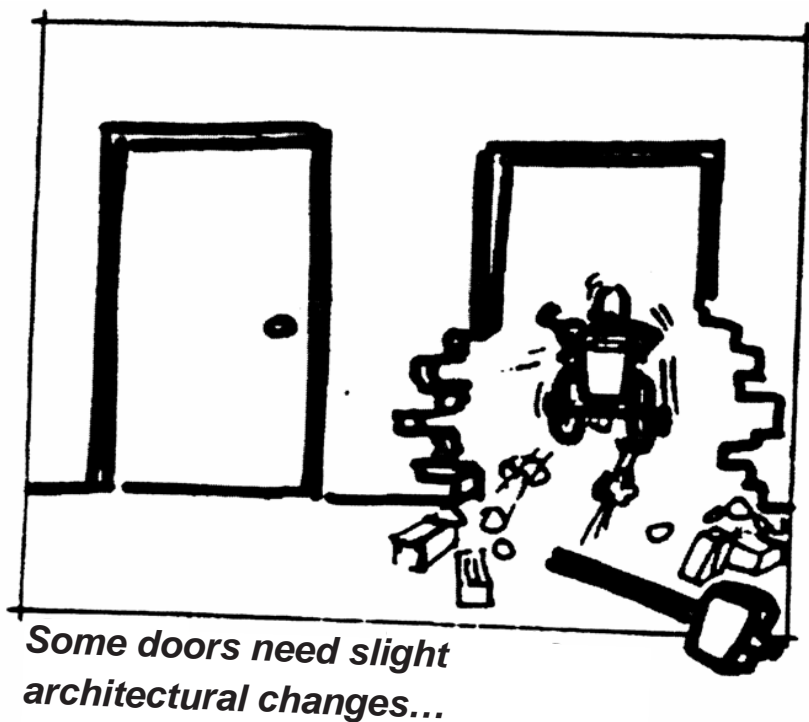
There are some differences in the requirements for Design and Access Statements in Wales and England; you should make sure your Statement will conform with the Welsh requirements (see text note 3, page 20).

What do we mean by ‘Access’ ?

In Design and Access Statements, ‘Access’ means much more than just ‘entrance’ or ‘the way in’. ‘Access’ involves giving all people the means to enter and make full use of buildings or land. So your first reaction to the word should always be that ‘access’ means **inclusive** access. Inclusive access considers the access needs of all sectors of society including older people, children and disabled people. It also takes account of how people will travel to the building or the land concerned by public transport, car, bicycle and on foot.

The planning stage is crucial to make sure that a new development will not create obstacles or limitations on anyone’s ability to access any part of the built environment. Development proposals need to show inclusive access for everybody.

For example, a doorway with a step can be a real barrier for a range of people seeking to use a building, including older people, wheelchair users, people with mobility difficulties, people with visual impairments and children being pushed in pushchairs. It’s much easier to avoid the need for the step during the early design stages than it is to juggle all the implications of designing out the step later in the development process.



What is an Access Statement for ?

Anyone making a planning application needing an Access Statement should understand that without an appropriate Access Statement their application will almost certainly not be accepted (see text note 2, page 20). If their Access Statement does not show that the development will incorporate inclusive design principles from the outset, the application may be refused.

The legislation requires that the applicant submits an Access Statement with every application to which the requirement applies. However, if there are linked applications, a combined single statement may be submitted provided that it deals clearly with all issues arising from each application.

Building Regulations and British Standards set out the basic access considerations for new developments, but the circumstances of the development may mean that it is not enough simply to comply with these. The wider law also protects people from unlawful discrimination. This includes ensuring that disabled people do not face unreasonable barriers in the physical environment (the section 'Meeting equality law' on page 8 gives more detail about unlawful discrimination).

An Access Statement is your chance as a developer, architect or designer to identify the inclusive design aspects of your proposed development at an early stage. It also helps planning and building control officers and Access Groups to understand and assess how access is going to be achieved. If you are forced to build differently from best practice, the Access Statement gives you an opportunity to explain your reasons, together with alternatives that you feel meet the required standard of access.

When is an Access Statement needed ?

Access Statements are needed to support most planning applications and all listed building consent applications for external works (see text note 3, page 20). However, some types of proposed development do not need an Access Statement, such as applications for:

- engineering and mining operations.
- householder development, such as extensions.
- change of use of land or buildings, unless employees will need to access the site or if goods and services will be provided to the public.
- works to protected trees or display advertisements.

If you are in any doubt about whether you will need to prepare an Access Statement, you should seek guidance from your local planning authority.

Some key principles

New development should be accessible to everyone

New development should be accessible to the widest possible range of people. Everyone should be able to participate in everyday activities fully, equally, confidently, independently, safely and with dignity. So you need to think about the access needs of the widest possible range of people who might use the development in the future.

Start early

Writing an Access Statement should start when the development is just a gleam in the architect's eye and continue right through to the management, maintenance and upkeep of the completed project. This applies also to what is actually built: it is no good producing a splendid Access Statement if you do not then build what you have promised.

To achieve this, it is vital that earlier and greater attention is given to avoiding building-in the obstacles often experienced by many users. This applies to public and private spaces, public transport, leisure facilities and individual buildings.

Do your research

Research will usually be needed to get your Access Statement right. You will need to show how the proposed development meets the inclusive access requirements of all anticipated users, including disabled people. The development should also take account of the local planning authority's access policies (possibly contained in the Local Development Plan or Supplementary Planning Guidance) as well as the relevant British Standards, Approved Documents (Building Regulations) or other approved guidance on accessibility. The local planning authority may well have its own guidance on Design and Access Statements.

Seek advice

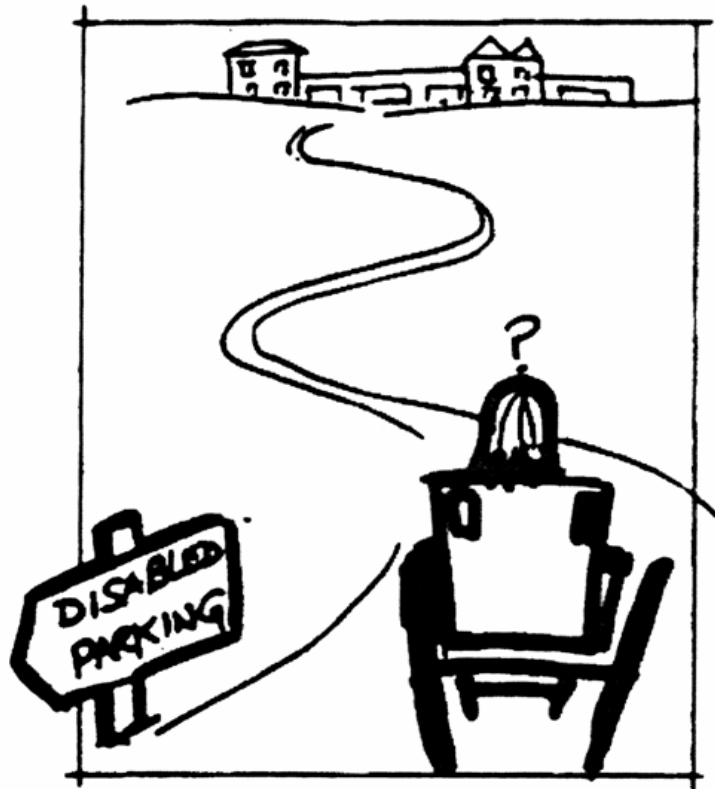
You will benefit from talking to equal access experts such as a suitably qualified Access consultant, your local authority's Access Officer or the local Access Group, especially for larger developments. Pages 23 and 24 give sources of contact information for these. Consulting experts early on can save you time and money later on - they spend their working lives resolving the sorts of problems that you may only consider once and can usually help to identify solutions to potential access problems.

Meeting equality law

The legislation (see text note 4, page 20) to prevent unlawful discrimination places responsibilities on a very wide range of people who may own or occupy a proposed development to provide an inclusive environment. This includes anyone employing staff, anyone who may be providing goods, facilities or services, or any body carrying out a public function. So the law covers all sorts of businesses and professions, schools, offices, health centres and many more.

A local planning authority considering whether or not to grant planning permission is carrying out an important public function that helps to shape the quality of the built environment in Wales. The general law which prohibits unlawful discrimination applies to public authorities, including local planning authorities when considering planning applications. And there is a further duty on public authorities in exercising all their functions to have due regard to the need to eliminate unlawful discrimination and to advance equality of opportunity and foster good relations between relevant communities. Planning authorities should therefore have due regard, within the context of the development plan and other relevant material considerations, to any positive contribution which an application for development might make towards the objectives of the duty.

The Access Statement helps the local planning authority and other interested parties such as Access Groups to assess and monitor whether a development will be inclusive.



Don't worry - it's not too far is it?

Make it fit for purpose

The size and complexity of a good Access Statement is usually determined by the scale and intricacy of the proposed development. As a general rule, more complex or larger applications will usually require more detailed statements.

An Access Statement is a 'living' document

A good Access Statement is a dynamic series of 'living' documents that are able to grow with the project and will be relevant over its lifetime, extending to show how good access will be maintained during the construction phase, and the arrangements that will be in place to ensure that good access continues into the future.

What is necessary for a good Access Statement ?

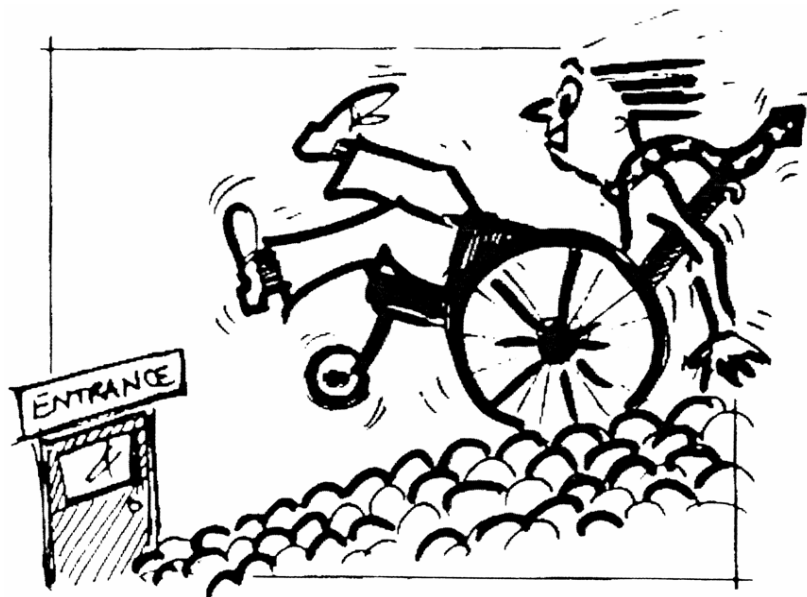
What to include

The points listed below are intended as a prompt and do not include everything which might be needed (text note 3 on page 20 gives pointers to more information on the requirements).

You should carefully explain ...

- your vision and objectives for achieving good inclusive access.
- the planning policies (local and national) and building regulations which you have taken into account in designing the scheme.
- how identified access problems have been dealt with in the design of the scheme, as illustrated by the design drawings, including:
 - a) that entrances and exits are accessible and easy to find;
 - b) that circulation routes and access to buildings are sufficiently level and firm, and that safe, accessible crossing points will be provided;
 - c) the details and materials to be used for external features such as parking, open spaces, street furniture, external lighting and access routes;
 - d) that parking will link safely with footpaths to avoid unnecessary vehicle / pedestrian conflicts, and storage areas (e.g. for waste bins) will not create obstructions;
 - e) how accessibility by different modes of transport has been considered, from drop-off point to the door.

- how access will be maintained during the construction phase, and give details of maintenance and management policies to ensure continuing good access throughout the life of the building.
- how access arrangements make reasonable provision for equal and convenient access for all users, even where particular design proposals may not meet recognised standards.
- alternatives that have been considered, especially when one design solution doesn't meet all the access requirements.
- the people and groups consulted during the design process to help identify and overcome potential access problems.
- how the objectives of inclusive design will be addressed as the development progresses.
- that the statement clarifies if there are no accessibility issues.



Some surfaces are great to look at ... but

Tips for preparing a good Access Statement

Be objective, accurate and honest

A good Access Statement is objective, accurate and honest about what is on the site already, who you have consulted, how the project will meet the standards you have quoted, and what you will build. The length and detail should match the job.

Measure twice - cut once

All good craftspeople know that preparation is at least as important as construction. Time spent preparing a comprehensive and carefully considered Access Statement can save time, money and materials later on in a project, as well as protecting against potential litigation.

Your Access Statement should be sufficient to fully and clearly detail your approach to access issues which will then inform the decision on the application.



Don't re-invent the wheel

The most efficient way to prepare a good Access Statement is to apply the latest innovative standards for inclusive access produced by authoritative sources. Pages 21-24 of this guidance list sources of detailed information on applying these standards.

Ask yourself these five questions before putting pen to paper:

1. Can I prepare the Access Statement myself, or should I get someone with the appropriate experience to do it ? If you think you will need professional help, there is a link to accredited access consultants on page 24.
2. Have I visited the site and its surroundings to identify all the access issues ?
3. Have I spoken to members of the local community about how they would like to gain access to, and move around the site ?
4. Have I looked at the local planning authority's policies on inclusive design and spoken with a planning officer ?
5. How can I go about making the new development or building convenient and user-friendly for everyone ?

Make it user-friendly

Your Access Statement should be clear and concise, avoiding jargon, acronyms or technical terms, so that everyone is able to consider it alongside the submitted planning application and make effective comments on the application if they consider there to be problems with it.

Reference to recognised access standards from authoritative sources will make it easier for planning officers and other people reviewing the Access Statement to understand your access proposals.

Invite comments from an early stage

For larger developments particularly, we recommend you follow these three steps for effective consultation on proposed access arrangements:

1. Engage as early as you can with the local community and clients about your ideas, keeping a record of who you talked to and what they said. Use local libraries, community voluntary councils and Access Groups to gauge local opinion on access issues.
2. Taking account of the comments made and opinions expressed during step 1, prepare a more detailed Access Statement for consultation, keeping a record of who you consulted and the comments made.
3. Fine-tune your Access Statement before including it with your planning application.



Relationship between planning and building regulations

There are two different types of Access Statement. One is needed for planning; the other is needed for building control.

Planning

As a general rule, planning regulates the design and appearance of the outside of a new building and its relationship with its surroundings.

An Access Statement for planning permission demonstrates how inclusive access will be obtained to, onto and throughout the site and into the building(s). This includes movement by public transport, car, foot and bike, and car parking and entry into the building(s).

Building regulations

Building regulations deal with the technical performance of a building's structure and services. Approved Document M of the building regulations (a link to this is provided on page 22) recommends that building regulations Access Statements are provided for all domestic and non-domestic buildings, extensions and where there is a change of use.

The building regulations Access Statement provides information about inclusive access arrangements in and around the interior of the building, and also some of the access arrangements outside the building but within the site.

If only life was so simple !

The distinction between planning and building regulations is not clear-cut. This is because the design and external appearance of a new building

(covered by planning) is usually influenced by the need to satisfy building regulations.

For example, to get the internal access arrangements of a building right it may be necessary to alter some external elements. This might mean changing the height of windows, or providing a level entrance on a sloping site, or relocating outward opening windows to avoid obstructing access routes. You can save time and money by thinking through the interplay between internal and external plans at an early stage as this will avoid changing the external design later on.

Please note that local authority planning and building control teams are usually located in separate departments, often in different buildings. It is your responsibility to make sure that you have all the information you need from each for your development to comply with all the relevant legislation.

Also, please remember that pre-application discussions with planning officers, building control officers and equal access organisations can prove a cost-effective way of avoiding expensive alterations further down the line.



Frequently asked questions



How long should my access statement be ?



This will depend on the type, scale and complexity of the proposed development. As a general rule, more complex or larger applications will usually require more detailed statements. If there are no accessibility issues then the statement needs to explain this.



I want to use a building that was a shop as my new office. I will be the only person working there and my business is done entirely online and by phone. Do I need an Access Statement ?



Yes, because the change of use of the building to office will mean an employee (you in the first instance) needing to gain access. Most planning permissions are not personal to the applicant, so the planning authority has to consider the accessibility needs of any potential future occupiers.



Our local National Park has a prestigious new building underway and my Access Group has asked to comment on the Access Statement. But they say it's a 'design-and-build' project and there will be little opportunity to affect the finished building. What should we do ?



Ask to see the Access Statement as this type of development needs one and it's a public document. If planning permission has not yet been given, make your comments as constructively as you can, suggesting improvements where possible. If planning permission has

already been granted, the best you can do is to check how the access arrangements set out in the Access Statement have been carried forward into the planning permission, and make sure that what the planning permission requires is actually provided



I'm only applying for outline planning permission – surely I don't need an Access Statement for that ?



Access Statements are required for most outline and detailed planning applications, so unless your outline application is exempted (see the list on page 6 of this guidance) you will need to prepare an Access Statement.



What will happen if the local planning authority officers won't register my planning application on the grounds that the Access Statement is deficient ?



The officers should clearly communicate the reasons for any deficiency and specify what further information is required for you to make a valid application.



I want to install replacement windows in a listed building. Do I need to produce an Access Statement ?



All applications for listed building consent need to be accompanied by a Design and Access Statement. Applications for external works such as replacement windows need a full statement, while only the design element of the statement is required for internal works. So yes, you do need to produce an Access Statement, even if it simply explains that there are no relevant accessibility issues, should that be the case.



The Access Statement for a new house said it would have level access, but now the house is completed it has two steps up to the front door. Who can enforce the Access Statement ?



The answer to this question is in two parts:

a) Many factors influence the outcome of a planning application, and it is the actual terms of the planning permission as granted that are binding and enforceable.

b) With the above in mind, you need to know whether the house has been built in compliance with the approved planning permission. So ask your local planning authority to look into the matter before coming back to you with an explanation and, if appropriate, proposals to resolve any problem.



My local planning authority appears to have accepted planning applications for new buildings without Access Statements. What can I do ?



First, assemble your evidence about the specific applications. Then ask your local planning authority to investigate these applications before coming back to you with an explanation. If you do not get a reasonable response, you can make a complaint using the authority's formal complaint procedure.

If the problem continues you can contact the Local Government Ombudsman for Wales, who has power to investigate planning decisions and procedures. The Ombudsman will decide if the local authority has complied with its own policies and those of the Welsh Assembly Government. Ultimately, a planning permission can be challenged in the courts by anyone who considers that the decision on it (and actions leading to that decision) by the local planning authority was not correct in law. Please note that this process, called Judicial Review, can be a long and expensive process.

Text notes

Note 1

For more information on inclusive design, see paragraph 2.4 and section 5.3 of *Technical Advice Note 12: Design*, and paragraphs 2.18 to 2.21 of *Design and Access Statements in Wales*. Links to these are provided on page 21.

Note 2

Policy Clarification Letter CL-03-10: Design and Access Statements - see page 21 - clarifies the duties on planning authorities to ensure that submitted Design and Access Statements contain all the information required by the legislation before validating planning applications.

Note 3

Section A3 of *Technical Advice Note 12: Design* provides more detailed guidance on what Design and Access Statements should include, and sections A3.3 to A3.7 detail the requirements for listed building consent applications. A link to the Technical Advice Note is provided on page 21.

Note 4

The Equality Act 2010, which was passed in April 2010, consolidates and replaces previous equality legislation concerning discrimination including the Disability Discrimination Acts 1995 and 2005. The new Act is being brought into force in stages during 2010 and 2011.

Sources of further information and guidance

Guidance publications

All the guidance publications listed below can also be accessed from: www.planningaidwales.org.uk/access

Technical Advice Note 12: Design

Welsh Assembly Government, 2009

www.wales.gov.uk/topics/planning/policy/tans/tan12/?lang=en

Policy Clarification Letter CL- 03 -10: Design and Access Statements

Welsh Assembly Government, 2010

<http://new.wales.gov.uk/topics/planning/policy/policyclarificationletters/2010/cl0310/?jsessionid=QznwNSwFcDFVKnQSTPgpCNvFps7Qdv44sn2gWsDmWLtyS38PbTJq!-1726265782?lang=en>

Design and Access Statements (leaflet)

Welsh Assembly Government, 2009

www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/desandaccess/?jsessionid=hSD7MKwSpRqD0fKx3BVDpCvVd5jWwMf012JDTGdkhRryM6wxwTp5!-25131489?lang=en

Design and Access Statements in Wales

Design Commission for Wales, 2008

www.dcfw.org/publications/view/design_and_access_statements_in_wales

BS8300 2009 - Design of buildings and their approaches to meet the needs of disabled people

British Standards Institute, 2009 (cost: £240 or £120 to BSI members)

Tel: 0208 996 9001

Email: orders@bsigroup.com

Approved Document to Part M: Access to and use of Buildings

Department for Communities and Local Government, May 2004

[http://www.planningportal.gov.uk/buildingregulations/
approveddocuments/partm/](http://www.planningportal.gov.uk/buildingregulations/approveddocuments/partm/)

Inclusive mobility: A guide to best practice on access to pedestrians and transport infrastructure

Department for Transport, 2002

www.dft.gov.uk/transportforyou/access/peti/inclusivemobility

Access Statements

Disability Rights Commission, 2004

www.planningaidwales.org.uk/access

Planning and access for disabled people: A good practice guide

Office of the Deputy Prime Minister, 2003

www.communities.gov.uk/publications/planningandbuilding/planningaccess

Manual for Streets 2

Department for Transport, 2010

www.dft.gov.uk/pgr/sustainable/manforstreets

Inclusive Streets: Design principles for blind and partially sighted people

Guide Dogs, 2010

www.guidedogs.org.uk/inclusivestreets

The Principles of Inclusive Design

Commission for Architecture and the Built Environment (CABE), 2006

<http://www.cabe.org.uk/publications/the-principles-of-inclusive-design>

Inclusive Design: Designing and Developing Accessible Environments

Rob Imrie and Peter Hall, 2001 (ISBN 0-419-25620-2)

Useful web-links

Contact details for Access Groups in Wales

www.accessgroupresources.co.uk/index.php/access-groups/find-an-access-group/wales

Centre for Accessible Environments

www.cae.org.uk

Planning Aid Wales

www.planningaidwales.org.uk/access

The Planning Portal (Wales)

www.planningportal.gov.uk (select 'Welsh site' in top right corner)

Accredited access consultants

National Register of Access Consultants

www.nrac.org.uk

Inclusive Environments Consultants Scheme, Royal Institution of Chartered Surveyors.

www.rics.org/inclusiveenvironments