



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

PLANNING POLICY WALES

INTERIM GUIDANCE ON DESIGN AND ACCESS STATEMENTS

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Appendix 1: Guidance on the design and access statement

Design statements will become mandatory from 1st June 2009 onwards and therefore planning and listed building consent applications (with defined exceptions) submitted on or after this date will require a design, as well as an access statement to accompany the application.

The revised Technical Advice Note 12 'Design' will be issued on 1st June 2009. This appendix forms part of the revised TAN and provides interim guidance on the scope and content of design and access statements.

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Broad content of a design and access statement

- A1.1 A design and access statement (DAS) is not part of the planning application but is required by legislation to accompany all planning applications (outline and full) except for:
- engineering or mining operations
 - householder development (i.e. development of an existing dwelling house, or development within the curtilage for any purpose incidental to its enjoyment as a dwellinghouse) (N.B. all new dwellings will require a statement)
 - material change in use of land or buildings (**but** where the change in use of land or buildings will necessitate access by an employee, or the provision of services (including goods or facilities) to the public then **a statement dealing with access issues only will be required.**)
- A1.2 A DAS is also required by legislation to accompany **all applications for listed building consent**. Whilst a complete statement is required for exterior works, the access element of the statement is not required for interior works.
- A1.3 A DAS is not required for applications which are not for planning permission or listed building consent (e.g. applications relating to advertisement control, tree preservation orders or storage of hazardous substances).
- A1.4 An application for **reserved matters** is not an application for planning permission and, as such, a DAS is not a statutory requirement. However, for a DAS to follow the 'living document' approach (see para A2.5 below), an application for reserved matters should be accompanied by a progress statement updating what changes, if any, have occurred since the original DAS was submitted at outline stage. It may also be appropriate for conditions relating to matters contained in the DAS to be imposed when the outline permission is granted.
- A1.5 In relation to design, a DAS must explain the design concepts and principles applied to the development or works. A DAS accompanying an outline or full planning application must explain the concepts and principles in relation to (as a minimum):
- **Accessibility**
 - **Character** (including amount, layout, scale, appearance and landscaping)
 - **Community Safety**
 - **Environmental Sustainability**
 - **Movement to, from and within the development.**

A DAS accompanying a listed building consent application must explain the concepts and principles in relation to (again as a minimum):

¹ Article 4D of the Town and Country Planning (General Development Procedure) Order 1995 (SI1995/419) and regulation 3B of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI1990/1519) as inserted by The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2009 (SI 2009/[7024] W.[87]), and The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009 (SI 2009/[1026] W.[88]).

- Appearance
- Environmental Sustainability
- Layout
- Scale.

More detail is given at section A3 and table 1 below

A2 Role of a Design and Access Statement

Communication Tool

A2.1 The DAS is a communication tool showing that the objectives (see Section 3) of good design (which include the principles of inclusive design²) have been considered from the outset of the development process.

A2.2 The main roles of a DAS are:

- to ensure that the developer can provide evidence to justify proposals in terms of planning policy (national and local) and in terms of the factors listed in table 1
- to explain how the objectives of good design have been applied, or where they have not been applied, the reasons for that
- to clearly set out the established vision and principles for the scheme
- to demonstrate that the principles of sustainability have been addressed and used to inform the design of the development
- to illustrate how the developer has considered conflicting demands and the extent to which these considerations have influenced the proposed development
- to ensure that the developer has satisfactorily considered design issues (such as those considered in section 5 of TAN 12) early in the design process and that potential problems are highlighted before detailed design work commences
- to demonstrate how design decision have been influenced through the reappraisal of the design.

² See definition at paragraph 2.1

The DAS will benefit developers, applicants, local communities & local planning authorities. In essence they will:

- inform decision-making from the outset through the pre-application/application stages to implementation on site
- provide an opportunity for the applicant, and for developers and designers, to demonstrate their commitment to inclusive design and show how access arrangements make reasonable provision to ensure that all users will have equal and convenient access
- provide an opportunity for the applicant, and for developers and designers to demonstrate how they have responded to the need for sustainable buildings, in particular how they have sought to reduce carbon emissions associated with new developments to deliver low and zero carbon buildings (referencing to sustainable building standards such as the Code for Sustainable Homes)
- help all those assessing the application to understand the rationale that underpins the development proposal, assisting in their negotiations and decision-making
- enable local communities, access groups, amenity groups and other stakeholders to understand the rationale underpinning the development proposal and thus to make effective representation on proposals
- lead to an improvement in the quality, sustainability and inclusiveness of the development
- make applicants more aware of issues that should be considered.

The 'Living' Design and Access Statement

A2.5 Consideration of design and access matters should influence decision making throughout the life-time of building projects. It is considered good practice that a DAS is seen, and used, as a dynamic series of 'living documents' that 'grow' as a project develops. The statutory requirement is to submit a statement at the application stage; however, good practice is that a statement is initiated at the briefing stage – the strategic level (a time when decisions can have important implications for the success of any development) – and, where appropriate, 'grows' as the various stages that inform and influence the design process are reached.

A2.6 A well-constructed DAS for a project will clearly identify how the objectives of good design will be addressed as the development progresses, with the series of statements being complementary to, rather than in isolation from, each other. It should be borne in mind that a statement can have considerable value in the context of other regimes, particularly building control, for example in relation to access³. To realise this potential, it may be appropriate for the statement to include content which addresses this, and for that to be updated as the project progresses. However, this must not be at the expense of the statutory basis and purpose of statements.

³ Approved Document M of the Building Regulations recommends that building control access statements are provided for all domestic and non-domestic buildings, extensions and where there is a change of use.

A2.7 Care should be taken to ensure that the statement is “fit for purpose” when submitted. The statement may be used for consultation purposes to accompany the planning and listed building consent application and will be taken into account by the decision-maker at the time the application is determined; it follows that content relevant to the planning or listed building application should not be materially amended once submitted. The priority must be to ensure that the submitted statement is sufficiently comprehensive and far-sighted to fully inform the decision on the application and enable resolution of any access and design issues in a transparent and accountable manner (for example by imposing conditions requiring further detail to be submitted and approved before the project progresses beyond a defined stage).

A3 Content of a Design and Access Statement

Content of a DAS for planning permission and listed building consent

A3.1 A DAS will explain and justify the objectives and concepts of good design on which a development proposal is based and how these will be reflected throughout the scheme. The following table indicates the broad content of a DAS.

Table 1 - Broad Content of a Design and Access Statement

Applications for Planning Permission and Listed Building Consent (LBC):

1	2
Design	Accessibility
<p>For planning applications (unless excepted) and all LBC applications</p> <p>1A The DAS must explain the design principles and concepts that have been applied to the development or works. As a minimum, the DAS must explain those principles and concepts in relation to the following aspects:</p> <p>For planning applications:</p> <ul style="list-style-type: none"> • environmental sustainability • movement to, from and within the development • character (including amount, layout, scale, appearance and landscaping⁴) • community safety. <p>For LBC applications :</p> <ul style="list-style-type: none"> • appearance⁵ • environmental sustainability • layout • scale. <p>1B The DAS must also :</p> <p>For planning applications:</p> <ul style="list-style-type: none"> • demonstrate the steps taken to appraise the physical, social, economic and policy context of the development, • explain how the design of the development takes that context into account in relation to its proposed use and each of the aspects specified above. <p>For LBC applications :</p> <ul style="list-style-type: none"> • explain how the design principles and concepts take account of the special architectural or historic importance of the building, the features that justify its listing and the building’s setting. 	<p>For planning applications (unless excepted) and LBC applications (exterior works only) the DAS must:</p> <ul style="list-style-type: none"> • explain the policy or approach to access; • explain how any policies relating to access in the statutory development plan have been taken into account; • explain how any specific issues which might affect access to the development or listed building have been addressed; • detail how features which ensure people’s access to the development or listed building will be maintained. <p>In all aspects of the access requirements of the DAS, applicants should adopt the “inclusive design” approach set out in section 5 of this TAN.</p> <p>Regard should also be had to relevant local design guidance.</p>

⁴ “Layout”, “scale”, “appearance” and “landscaping” are further defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) as amended by Article 3(1) of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2008 (SI 2008/2336 (W.199))

A3.2 The following matters are appropriate to the preparation of DAS in practice, but in considering them it is advisable to be mindful of the need for proportionality (what type of development and is it a major or minor scheme) in terms of the proposal:

- It is good practice to explain how the applicant's approach in relation to good design fits into stages of the design process from inception (including procurement) to management of the finished development and will thus facilitate the DAS's role in being a "living statement".
- For planning applications, the DAS should not extend to internal aspects of individual buildings. However, this does not mean that internal arrangements should not be considered as part of the design process at the application stage. For example, the location and design of doors, windows etc. will depend on an understanding of the internal layout of a building.
- For listed building consent applications, the design element of the DAS must extend to any internal works proposed.
- For planning applications, in defining the approach, the applicant must explain how the proposal has appraised and taken into account national/local policy and other relevant aspects of the context of the site. So in addition to defining how the development's design responds to policy, the DAS should also demonstrate how the design concept responds to the local physical context and to the social and economic background of the site and its surrounding, and what effect the development will have on those aspects.
- In defining the policy or approach to inclusive design in the DAS, it should explain how access arrangements make reasonable provision to ensure that all users will have equal and convenient access, **both into the site from its boundaries to all of the new or extended buildings, and within the site**. Where an applicant considers such provision is not appropriate, then reasons should be provided in the DAS to support the case. The design of any parking spaces and parking layouts is an aspect of inclusive design that should be considered in the DAS or by a cross reference to other accompanying material.
- In defining the policy or approach to **environmental sustainability**, it should explain how the design of the development has applied the energy hierarchy and reduced the carbon emissions associated with the development. It should also explain how the design of the development will meet or exceed sustainable building standards where required, or expected in policy.
- In defining the policy or approach to good design, it is good practice to address the need for **flexibility of the development** and how it may need to adapt to the varying requirements of inclusiveness and sustainability over time or/and adapt for example to changing surroundings, whether in use or in relation to the changing climate.
- For **outline applications** where 'access' is reserved, the application must include indicative access point(s) to the site. Statements accompanying such applications should clearly explain how the principles of good design will be

⁵ The meaning of "appearance", "layout" and "scale" for the purposes of a DAS are defined in The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009 (SI 2009/[1026] W.[88]).

used to inform the detailed proposals. A DAS accompanying an outline application should clearly explain and justify the objectives which will be used to inform the detailed proposals, demonstrating an understanding for what is appropriate and feasible for the site in its context, even if all reserved matters are to be considered later⁶.

Specific Requirements Relating to Listed Buildings (see Table 1)

A3.3 Table 1 indicates the broad content of the DAS relating to a listed building consent application. The statement will need to explain and justify the approach taken to ensure that the listed building preserves or enhances its special historic and architectural importance. Existing national policy contains advice on such issues, and the DAS should thus include a brief explanation of how the approach to design and access takes account of:

- WO Circular 61/96 (*Planning and the Historic Environment: Historic Buildings and Conservation Areas*), and
- BS 7913:1998 – The Principles of the Conservation of Historic Buildings.

The DAS should detail the range of design and access solutions considered and give reasons why the chosen solution is the best, both for respecting the character of the listed building and (where relevant to the application) for improving people's accessibility. WO Circular 61/96 advises the applicants for listed building consent must be able to justify their proposals, indicating why works that would affect the character of the listed building are desirable or necessary. The 'justification statement' (see WO Circular 61/96) could usefully refer to the DAS required by the LBC Regulations, and would anyway be expected to address and explain the design and access considerations that had resulted in the application proposal being considered the most appropriate solution.

A3.4 '*Overcoming the Barriers, Providing Physical Access to Historic Buildings*' (Cadw, 2002)⁷, provides advice relevant to inclusive design to those involved in the process and all viable alternatives need to be fully investigated so that such facilities are achieved without prejudice or damage to the character of the listed building. A satisfactory solution can almost always be found so long as imaginative and innovative approaches are fully explored. As stated in the guidance (referred to in the previous table) the applicant needs to be able to justify their proposals, indicating why works which would affect the character of a listed building are desirable or necessary.

A3.5 The access content of a DAS relating to a listed building consent application should make clear how the approach to inclusive design has balanced the duties imposed by the Disability Discrimination Act 1995 (as subsequently extended, including by the Disability Discrimination Act 2005), where the proposal is subject to those, and the particular historical and architectural significance of the building. The statement should detail any specific issues that arise particularly with regard to the fact that the building is listed, the range of options considered and where inclusive design has not been fully provided, an explanation as to the reasons why this was not possible. Where alterations to existing buildings are proposed, and the fabric of the structure restricts the ability to meet minimum levels of

⁶ The definition of reserved matters is set out in article 1(2) of the GDPO

⁷ *Overcoming the Barriers, Providing Physical Access to Historic Buildings*, Cadw, 2002

accessibility, details could be provided of other adaptations or procedures that will allow duties imposed by the DDA to be met. These might include, for example, the use of portable equipment or changes to management practices.

A3.6 Although it is not a statutory requirement that the access element of the DAS extends to internal aspects of proposed works to listed buildings, it would be preferable for applicants to clarify the approach that had been taken to any internal access proposals; this is particularly of relevance where the public visit the building and services are provided.

A3.7 It is acknowledged that a DAS needs to be proportionate and it is likely that for a number of applications for listed building consent a DAS would be short, as it is recognised that many applications involve discrete alterations to private domestic dwellings, such as replacement windows. Design solutions (e.g. the preferred window choice) already require a justification statement under existing policy, and statements should cross-refer and not duplicate content.

Historic Parks and Gardens, Scheduled Ancient Monuments, World Heritage Sites, Conservation Areas and Locally Important Historic Assets

A3.8 A DAS accompanying planning applications affecting historic parks and gardens included on the first part of the 'Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales', and scheduled ancient monuments should provide sufficient detail to justify the approach taken to ensure that the development does not compromise the historic, archaeological or architectural integrity of such assets. In addition, proposals physically affecting scheduled ancient monuments will separately require scheduled monument consent. DAS for planning applications affecting the historic environment, including world heritage sites, conservation areas and non-scheduled archaeology should be considered in the context of *Planning Policy Wales*; locally designated assets in the context of a local planning authority's development plan.

Access Officers and Local Access Groups⁸

A3.9 The content of the DAS will benefit from engagement with local access groups and/or local authority access officers. Applicants should consider this engagement as part of pre-application work when proposals are either for significant residential development as defined by the local planning authority or for non residential development which generates intensive use by the public, such as leisure or shopping developments. Local planning authorities should consider agreeing a consultation protocol with local access groups⁹.

Presenting the Information (see also appendix 2)

A3.10 A submitted DAS:

- should be an integrated document, with the design and access elements readily identifiable as meeting the statutory requirements
- should be clear and concise and effectively cover all of the relevant principles and concepts for the proposed development
- should be proportionate in length and complexity to the type and scale of

⁸ In the context of this guidance, 'local access groups' are the independent local disability access groups.

⁹ See also section 3.9 of the consultation draft of TAN 17 on Planning and Managing Development

development proposed. The level of detail required will depend on the nature and scale of the development and the sensitivity of its location (i.e. in some cases a short written explanation may suffice, in others, detailed illustrative material may be required, but the underlying design objectives remain the same for all applications and the DAS must in all cases have sufficient content to fulfil the statutory requirements)

- does not need to duplicate other information that can be found in other assessments carried out to accompany the planning application or listed building consent application. However, the DAS should cross-refer to the relevant information, providing that the information is available and accessible
- should justify and explain the conclusion in cases where the applicant considers there may be no implications of a development, for example, vis-à-vis inclusive design in relation to the access element of the DAS. It is likely for a number of applications that this element of the statement would be short and could merely explain very briefly why there are no relevant accessibility issues. Examples would be certain applications relating to variation of conditions (under section 73 of the Town and Country Planning Act 1990), which will require a DAS, such as change of opening hours / type of goods sold, and listed building consent applications involving alterations to private domestic dwellings, and those other applications which do not involve accessibility, such as replacement windows
- may be combined for accompanying applications for planning permission and listed building consent, where there is a planning application submitted in parallel with an application for listed building consent
- should avoid using illustrative materials included with more complex schemes as a substitute for drawings that provide the necessary detail to support the approach to good design claimed by the applicant
- must demonstrate how they have appraised the physical, social, economic and policy context of the development, and how their choice of design principles and concepts takes that context into account
- should indicate how any conflicts between design issues have been resolved or what priorities have been assigned to them if conflicts cannot be resolved

Drawings

A3.11 A DAS should be illustrated, as appropriate by:

- site and context analysis
- plans, elevations and sections
- photographs of the site and its surrounding
- other illustrations such as perspectives.

A4 Procedures

Design and Access Statement in Decision Making

- A4.1 An application will not be valid where a DAS is required by the GDPO/LBC Regulations but has not been submitted.
- A4.2 A local planning authority must not enter an application on the Planning Register unless accompanied by a DAS (where one is required) which meets the requirements of the GDPO / LBC Regulations. Where a DAS meets the requirements of the GDPO / LBC Regulations the local planning authority must place it on the public register of applications with the application to which it relates and consultees must be notified that it accompanies the planning application.
- A4.3 A DAS communicates how the application proposal accounts for the objectives of good design and responds to access issues. Thus, where a DAS is required, it is a material consideration that the decision maker must have regard to when considering the application.
- A4.4 Planning permission and listed building consent should be granted only when the fundamental design principles of an application are clear and when adequate evidence of the design quality of the proposal has been provided. For this reason, local planning authorities should not impose conditions which allow the main design issues to be considered at a later date. Care should be taken to ensure that details that are subject to condition or, where necessary, legal agreement are not crucial to the overall design concept. Where appropriate, conditions and agreements should be used to secure good design and longer term maintenance of design features.
- A4.5 Planning conditions may be attached to a planning permission/listed building consent to take on board the relevant elements of the DAS and ensure that the principles and concepts are realised in the execution of the proposal. For outline applications, any design considerations that are crucial to the development should be secured through conditions on the outline permission; a planning obligation should only be used where it is not possible to attach a valid condition.
- A4.6 Although not specifically required by either the GDPO or the LBC Regulations, it is considered good practice to use a DAS as an aid to pre-application discussions. Early discussion on design should help to establish any initial issues.
- A4.7 Where an outline planning application is submitted, local planning authorities may consider that additional information, building on the original statement, will be required at the reserved matters stage (although is not crucial to the acceptability of the outline application). In such cases the local planning authority should consider setting out such a requirement through a condition on the outline planning application.