

Environment, Planning and Countryside Committee

EPC(2) 14-06 (p4) Annex B

Access Statements: Key Issues For Draft Statutory Instruments Arising From Consultation Responses

When should the statutory requirement for Access Statements be introduced?

The SIs are programmed to be made on 13 December 2006.

Consideration of coming into force date relates to:

- when it would be reasonable to make the requirement statutory in terms of the implications for developers (including individual applicants) and decision makers (mainly local planning authorities);
- whether any guidance should be in place first, and if so, what degree of guidance, and any related consultation;
- making allowance in the timetable for the Assembly elections in 2007.

Minister's Decision – come into force on 30 June 2007

Reasons:

- This would enable the provision of a guidance framework (upon which there would be a short targeted consultation) in advance of coming into force of the requirement for access statements.
- That guidance could refer to other guidance documents, those cited by respondents are produced by DCLG (formerly ODPM), Cabe and the Disability Rights Commission.
- In England there was a similar lead in time to allow developers and LPAs to ensure they took on board the new requirements.

What, if any, changes should be made to the proposed scope of the draft SIs?

Current proposals are that mandatory access statements are required to accompany outline and detailed planning applications except for:

- existing householder development (such as loft extensions).
- material changes of use,

- engineering or mining operations;

They are required to accompany all listed building applications except those that only relate to interior works.

There is a requirement in the draft Order for an access statement to accompany householder applications where the development is located in a designated area (such as national parks or conservation areas). This requirement was included to be consistent with England. However although it is pertinent to the design aspect of the combined Design & Access Statements introduced in England, it is not pertinent to access statements in Wales.

Consideration of changes relate to:

- whether a mandatory access statement would be unacceptably and unnecessarily onerous if required in all instances;
- a requirement for an access statement does not mean that access provisions need to be made – it ensures that consideration is given to accessibility issues at the earliest stages and would be proportional to the development proposed;
- to what degree should there be consistency with England.

Minister's Decision –

To remove the exception relating to designated areas.

To include all change of use where the new use would include access by employees (and the public by implication).

Reasons:

- To include all householder applications would be unacceptably onerous and over-regulatory (e.g. loft conversions, garden sheds); designated areas are not relevant to access statements.
- To include all changes of use applications would be unacceptably onerous and over-regulatory. The proposal relating to 'access by employees' would be stronger than the England mandatory requirement which excludes all material change of use.
- Local planning authorities can already ask for specific information to accompany applications or further details, so can be specific about requiring accessibility information where relevant to any application not covered by the statutory access statement requirement.