

National Assembly for Wales
Environment and Sustainability Committee
PB 26
Planning (Wales) Bill
Response from Disability Wales

Written Response to the Consultation:- General Principles of the Planning (Wales) Bill.

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1. Disability Wales (DW) is an independent, not for profit organisation established in 1972. We are a membership organisation of disability groups and allies from across Wales.
2. As the national association of disabled people's organisations, Disability Wales strives to achieve equality, rights and independence for all disabled people, regardless of physical, sensory or neurological impairment, learning difficulty or mental health condition. We recognise that many disabled people have different identities and can face multiple-discrimination.
3. The Social Model of Disability is at the core of our value base, recognising that people are disabled more by poor design, inaccessible services and other people's attitudes than by their impairment. We are recognised as the lead organisation in Wales in promoting the understanding, adoption and implementation of the Social Model.
4. Disability Wales cannot comment in great depth on planning specific issues however we will endeavour to highlight key access issues affecting disabled people that need to be addressed
5. **Need for legislation:** Yes, there is a need for legislation in all areas linked to access. Fully inclusive access should be discussed at the earliest stage of the planning process during the front loading development management stage. Liaison with disabled individuals, groups and organisations is paramount to ensure access issues are fully taken into account and solutions found before any construction begins.
6. Any changes to procedures, and not only appeal procedures, have to be fully communicated to the general public in accessible formats. Any type of service and at every stage of the planning process should be made accessible for disabled people who wish to appeal, for example: that

includes physical access to the building as well as online information and dissemination of information in alternative formats.

7. Streamlining management could assist disabled people by ensuring fewer levels of 'red tape', thus enabling issues with accessibility of plans to be raised directly with the very top, the decision makers, without going through numerous levels of staff before an access query is answered. It is hoped that 'getting lost in the system' could become a less frequent occurrence.

Specific Parts of the Bill:

8. **Part 3 of the Bill – provision that a consultation to be carried out by a prospective applicant for planning permission.**

9. Active engagement with disabled people is of paramount importance at the very start of any planning process. Early engagement is usually more meaningful than a consultation exercise.

10. **Part 5 of the Bill – development management – requirements relating to planning applications, including provision of appeals where a local planning authority give notice that an application does not comply with certain requirements.** Accessible information is paramount to ensure information is shared in a way that facilitates disabled people's understanding of all aspects of the planning process.

11. **Also Part 5 - Consultation in respect of applications for approval of reserved matters and certain other applications.**

12. Active engagement could possibly be achieved by holding events for stakeholders and other interested parties to encourage discussions using face to face methods rather than relying on consultation procedures. Events / Activities' could encourage hard-to-reach sectors of society to contribute their views in way that paper-based consultations may not. For example, an event could aid explanation of complicated planning procedures for attendees such as older and disabled people, some of whom may find planning applications and the related processes difficult to understand.

13. **Part 6 of the Bill – Enforcement, Appeals and certain other planning proceedings.**

14. Greater transparency and clarity in the planning process is a positive development. The appeals process should be made accessible to all disabled people across the disability spectrum. Appeals information has to be made available in accessible formats like EasyRead, Braille, Large Print, British Sign Language and pictorial information etc. Accessible information should be available online and in print / film / 3D model format. Accessible formats and provision of alternative formats is essential, thus enhancing inclusivity of the planning process. Accessible formats should

be produced and distributed accordingly. Producing information in accessible formats is a 'reasonable adjustment' as made obligatory by the Equality Act 2010.

15. **Part 2 statement of public participation:** Disability Wales are pleased to note that information relating to the consultation process will be documented by the Welsh Government. This element may enable the Welsh Government to ensure that a proper engagement process will be carried out.
16. Throughout the Bill as a whole disabled peoples' access to the planning process and the built environment is key.
17. **Barriers / issues in the implementation of these provisions:**
Design and Access Statements should remain a mandatory requirement at least until there is something better to replace them with. The Welsh Government commissioned a report by Cardiff University and other consultants entitled 'Review of DAS in Wales,' published in the latter part of 2013. See:
<http://wales.gov.uk/topics/planning/planningresearch/publishedresearch/review-of-design-and-access-statements-in-wales/?lang=en>
18. Feedback contained in the report was positive; many professionals such as architects and planners supported DAS. "It is valued as a communication device and it is evident that planners feel that their focus on design issues is important." However, the report did state that there is some confusion around DAS. Perhaps this shows that additional training for planners / designers / architects and planning departments is required.
19. Disability Wales is pleased to note that DAS remains for secondary legislation. Previously we stated that any alternative proposals would have to take into account Equality legislation such as the Equality Act 2010 to ensure disabled people's access requirements are met. Alternatives must be analysed and compared by suitably qualified, professionals / consultants (including access consultants) and other stakeholders in the building, design and planning field. We do not support potential removal of mandatory DAS completely, i.e. from Secondary legislation. The Welsh Government must ensure that it is the use or purpose of the public building rather than the size should be the main consideration as to whether the building requires a DAS or not, including buildings of employment.
20. Lack of mandatory, ongoing training linked to access and disability equality could be a barrier. Further follow up training could be required to compliment Disability Wales' Way to Go Project; a four year project designed to bring together local disabled people and planning departments. Six training sessions were held across Wales, two mediation sessions took place and a paper Toolkit (Planning for Inclusive Access in Wales - Good Practice Guidance Toolkit) was produced to assist Local

Authority planners gain an understanding of disability issues and allowed disabled people to gain an understanding of Local Authority planning professionals. Funding for staff training at a time of Council cuts could also be a barrier.

21. The aim of the Way to Go Project was to bring disabled people and planners together in order for both parties to gain an insight into what the other does. Managing realistic expectations and limitations on both sides was crucial throughout the project. An online Toolkit was then produced to enable a wider audience to access the Good Practice Guidance for reference.
22. During the course of the training another barrier identified was lack of staff time and cover in the planning departments. It is worth noting that many Local Authorities did not have the capacity with increasing workload and fewer staff to release planners / planning department staff for training purposes, even when available at no cost to them.
23. New builds which are not accessible would hinder project completion because of added extra costs required to ensure accessibility at a later date. More money would have to be spent correcting access issues. Some developers may not have extra funds available and this could mean further delayed access for disabled people resulting in frustration for disabled people, groups and organisations.
24. Other organisations such as Mencap, Learning Disability Wales and other members of the Disability Equality Forum in December 2013's meeting agreed that DAS should not be scrapped without having something adequate in its place.
25. The Welsh Government's Framework for Action on Independent Living was published in September 2013. One of the key priorities of Independent Living is 'Accessible and Inclusive places' - During engagement events it was reported that poor design of buildings and places limits people's ability to participate in everyday life (Page 58). The Framework for Action on Independent Living is a 'living' flexible document and is something that the Welsh Government have committed to taking forward.
26. Fully inclusive access to the built environment is of paramount importance. Accessible buildings increase disabled peoples' opportunities and enhance their lives and their independence in the community; this has been (and still is) a key campaigning issue for Disability Wales . The launch of the Independent Living Manifesto in 2011 was a positive step in the right direction, which lead to the Framework for Action on Independent Living, and towards disabled peoples' furthering opportunities, increasing choice and increasing control of their lives. In short: Empowerment.

27. Design and Access Statements are absolutely crucial to the implementation of independent living; a full inclusive society for all, and is at the core of the Social Model of Disability, which the Welsh Government has supported for over 10 years. Any move to completely abolish Design and Access Statements could hinder the progress made on disabled people's access requirements and there would be a very real danger that accessibility will regress. Furthermore, the Equality Act 2010, and the UN Convention on the Rights of Disabled People place a legal duty to provide accessible venues - something which would mean extra cost incurred if builders are trying to rectify an inaccessible building due to noncompliance with the law.
28. The Welsh Government Bill should advocate good practice rather than the minimum standards documented in Part M Building Regulations. Sizes of mobility aides, scooters, wheelchairs and other equipment are increasing; this may mean that the bare minimum standards are no longer adequate to meet the access requirements of disabled people who use larger mobility scooters, manual wheelchairs and powered wheelchairs.
29. **C)** We cannot comment fully however the revised Bill should **take into account the committee's recommendations** relating to disabled peoples' access requirements to planning procedures, the appeal process and that information is provided in accessible formats etc.
30. **D) Unintended consequences:** Any consequence intended or otherwise, must maintain access requirements suitable for disabled people across the disability spectrum. This should be at the core of the decision making process and any decisions made must not detriment this.
31. **E)** Disability Wales cannot specifically comment on the **financial implications:** However, costs should not be a barrier to building fully inclusive accessible constructions nor to information provision in accessible formats such as Braille EasyRead, Large Print, Audio, pictorial information etc, which are common access requirements.
32. **F) Subordinate Legislation:** Again we cannot fully comment, however any legislation must ensure disabled peoples' access is improved on from all stages of planning in general, i.e. its process, from the start to the finish, to the engagement events, commenting on issues, and to the 'walk through' viewings upon completion. All types of legislation must be robust to ensure it is complied with and that any legislation, primary or secondary, should assist clarity if ambiguity exists.
33. **G) Measurability of the outcomes.** Qualitative information, such as disabled peoples' experiences could be used in case-studies: this method is often just as effective as quantitative statistical facts, and perhaps are more impactful. By using disabled peoples' experience of using the planning departments, the planning process and accessibility for disabled

people of proposed designs the Welsh Government could holistically assess whether the Bill to improve the whole planning process has been successful: Insofar as to becoming fully inclusive and accessible for disabled people.