

Consultation into the General Principles of the Planning (Wales) Bill

Response from the Guide Dogs for the Blind Association (Guide Dogs Cymru)

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Introduction

Guide Dogs Cymru welcomes the opportunity to respond to this consultation, and would be pleased to give evidence to the Committee.

Guide Dogs' vision is for a society in which blind and partially sighted people enjoy the same freedom of movement as everyone else. Our purpose is to deliver the guide dog service and other mobility services, as well as breaking down barriers, both physical and legal, to enable blind and partially sighted people to get around on their own terms.

In this response to the Committee, we argue that the proposed removal of Design and Access Statements (DAS), means that there are "unintended consequences arising from the Bill".

The Explanatory Memorandum states -

- 1.4 The purpose of the provisions is to remove the specific requirement that a development order makes provision for a DAS to be submitted as part of planning and listed building consent applications. They do this by repealing Section 62 (5) and (6) of the TCPA 1990 and equivalent provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.5 This will not mean that DAS will no longer need to be submitted with an application but instead give greater flexibility for a future review to consider

as wide a range of options as possible. The existing general powers in Section 62 of the TCPA 1990 and Sections 10 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 will continue to provide the legislative basis for DAS while consideration of the options takes place.

Intended effect

- 1.6 The intended effect of the provisions is to remove the specific legal requirement for a development order to provide for DAS to accompany applications for planning or listed building consent.

In response, we repeat the point we made in the “Positive Planning, Proposals to reform the planning system in Wales” consultation:

We acknowledge that DAS are not always completed to a satisfactory standard but they can ensure that access for everyone is taken into account. For blind and partially sighted people in particular, the design of a building, colour contrast, appropriate warning for steps and flights of stairs, good lighting, and helpful location of reception areas, toilets and other vital public facilities are all very important.

The consultation document we commented on then stated that there will be alternative measures to promote good design and access for all, but we still see nothing to reassure us. So, without any detail as to these alternatives, we cannot support the proposal to remove DAS.

Guide Dogs Cymru would also strongly support points made by another respondent to that consultation, Michael Riddulph, Cardiff University School of Geography and Planning:

“This statement contradicts the conclusions and recommendations of Welsh Government commissioned research which recommended that Design and Access Statements should remain mandatory for significant schemes. The consultation claims that the Welsh Government remains committed to achieving good design. It has a robust policy and guidance but gives no support to actual mechanisms for delivering design quality, with the exception of its support to the Design Commission for Wales, and in particular the design review process for some schemes. Consequently the issue of design is dismissed at the local authority level, apart from in the small number of locations where officers have some design training and can employ it in all important pre-application negotiations (Swansea is a good example of where design officers are senior staff).

Unpublished research for the Design Commission from about 5-8 years ago highlighted inconsistent commitment to design quality within planning authorities. This research was not published because the findings were considered too negative. If the Welsh Government is committed to design quality it might be timely to invest in new research to explore the extent to

which their policy objectives are being realised, if not with the use of DAS, then via other mechanisms. The commissioned research on DAS found that when asked to comment on whether DAS are a useful tool in the design and planning process, 107 respondents to a questionnaire answered yes and 13 said no. That is a resounding endorsement of the tool generally.

When asked whether DAS help people judge the merits of a design in its context, 92 people said yes and 27 people said no. When asked if DAS had helped designers explain the difficult decisions involved in their work, 91 said yes and 24 said no (pg. 29). The research found that the main benefits relating to a DAS were for significant schemes where the DAS helps people navigate the proposal and understand what is being proposed and why. Significant schemes include large developments within a relative context, or smaller schemes in a sensitive location. Removing the DAS requirement will mean that anyone interested in a proposal will have no explanation or justification, and will instead need to look at a plethora of technical plans which, for most people, will be meaningless. As a communication device the DAS remains a key tool, as endorsed by the research, for significant schemes for which their adoption remains uncontroversial. In removing DAS, the Welsh Government are either suggesting that Welsh people have excellent plan reading skills and real insight into design decision making, or they are dismissing the need to communicate properly, and disenfranchising many people from understanding significant schemes."

Guide Dogs Cymru has first-hand experience of when blind and partially sighted people are "disenfranchised" in the planning process through lack of accessible consultation. This has been the case in regeneration schemes that brought about significant change in Abertillery, Pontypridd, Newport Bus Station and Kings Street, Wrexham. The attached report gives detailed examples, and we believe that the removal of DAS will exacerbate this situation. Crucially, we would draw the committee's attention to the cost of retro fitting Aberystwyth Bus Station, which will now have to be met by Ceredigion County Council. The original layout is so dangerous that blind and partially sighted pedestrians were constantly at risk. The scheme did not comply with standard technical guidance; there was No DAS and no appropriate Equality Impact Assessment, (EIA).

Typically, urban designers and developers are charged by local authorities to "consult" with the public for new schemes. This consultation often takes the form of public notices or articles in newspapers. One recent example involving Guide Dogs Cymru came about when articles in the local press around Colwyn Bay mentioned plans to regenerate the town. These were reported to local blind and partially sighted people. It took six weeks and more than ten email messages, backed up with several phone calls, to find out what is proposed, and there is still no commitment from Conwy council to meet local people with sight loss. Guide Dogs Cymru supported the group in

their efforts to get this information; otherwise it is likely that they would have failed.

The planning system in Wales must clearly reflect the Welsh Government's commitment to the Social Model of Disability, the Equality Act 2010, the UN Convention on the Rights of Disabled People, and the Framework for Action on Independent Living.

In a nutshell, DAS express the intention of a scheme to provide an inclusive environment, and we are not convinced that they present an irrelevant layer of red tape. In our experience, safeguards are essential to educate and inform architects and designers who might be driven by financial incentives to lower the priority of inclusive measures such as colour contrasted tactile surfaces to assist way finding, hand rails on steps, segregated safe footways for pedestrians.

We have discussed our response with the Access Association for Wales. Below are comments from their members:

"As someone who regularly writes DAS's I choose to read them as appertaining to the whole of the works and I believe that this is how they should be undertaken and it should be enshrined in legislation. Wales now has its own Building Regulations and this would be a glorious opportunity to make a "real Part M".

I do find that I am continually surprised to see non-compliant new developments so something must be done and at the Planning Stage every Council has enforcement Officers who can demand that works are completed to comply with the Planning Submission which is why I believe it is so important for accessibility is a planning issue."

"From an Access Group's perspective I think it would be very harmful to lose Design & Access Statements but more importantly I think it would send a disastrously dangerous message to developers that no-one cares about inclusive design so they don't need to bother."

We would also refer to the specific engagement duties for Wales. Although this consultation concerns itself with DAS, the process of engagement as explained in the Equality Act must surely be taken into account: Below is an extract from "Assessing impact: A guide for listed public authorities in Wales" (Equality and Human Rights Commission, 2011).

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What the duty requires on assessing for impact

A listed body in Wales must:

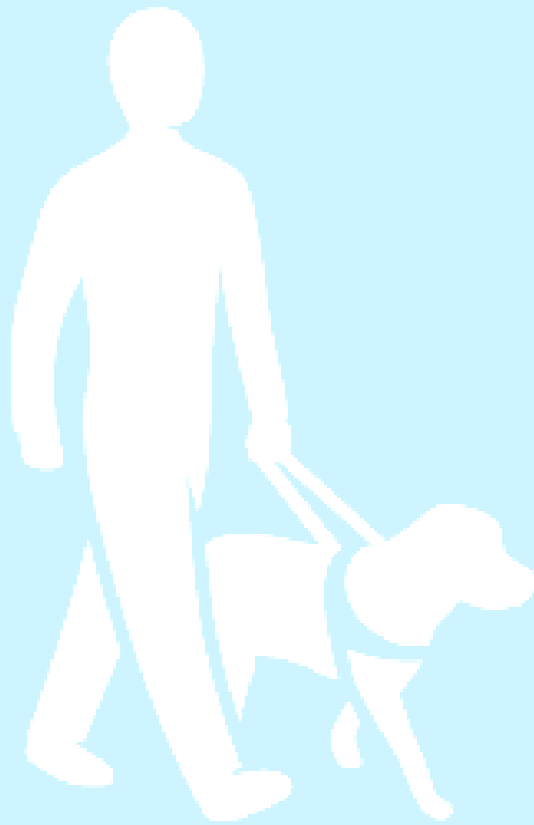
- Assess the likely impact of proposed policies and practices on its ability to comply with the general duty
- Assess the impact of any policy which is being reviewed and of any proposed revision
- Publish reports of the assessments where they show a substantial impact (or likely impact) on an authority's ability to meet the general duty
- Monitor the impact of policies and practices on its ability to meet that duty
- Reports on assessments must set out in particular
 - The purpose of the policy or practice (or revision) that has been assessed
 - A summary of the steps the authority has taken to carry out the assessment (including relevant engagement)
 - A summary of the information the authority has taken into account in the assessment
 - The results of the assessment
 - Any decisions taken in relation to those

Guide Dogs Cymru would argue that DAS support the EIA process. The Cardiff council Access Focus Group is made up of representatives with protected characteristics and regularly responds to proposals from the local authority, which affects the public realm. The provision of a DAS ensures that the key elements of inclusive design are demonstrated in the scheme, so that the EIA starts from a foundation of sound design. This is an exemplary model,

but the point we are making is that good design, set out in a DAS and used as the basis for an EIA, is the best way to ensure an environment which supports social inclusion.

We accept that DAS might need to be amended, but the proposal to move them into secondary legislation gives an unacceptable message about the commitment of the Welsh Government to inclusive design, and therefore the wellbeing, safety and inclusion of all disabled people. If they are not as effective as they could be, this is surely a signal that they should be improved, a message which is clearly supported by many of the respondents to the consultation that closed in February 2014.

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