

## **Planning, buildings, streets and disability equality**

**A guide to the Disability Equality Duty and Disability Discrimination Act 2005 for local authority departments responsible for planning, design and management of the built environment and streets**



**This guidance has been produced by the Disability Rights Commission in conjunction with:**



**Tom Lister**



## **Foreword**

**We all want to live in communities where we can participate fully and equally. We all want our buildings, streets and spaces to be well-designed, safe places, we all want to be able to use services and facilities within our neighbourhoods and town centres and not to be excluded. We know that for many disabled people this hasn't yet happened and there remains considerable work to be done to reach this objective.**

**To ensure we do so we have the Disability Equality Duty for the public sector. This new legal duty will mean that any public body must look at ways of ensuring that disabled people are treated equally. A similar duty was introduced on race equality a couple of years ago.**

**This new law requires organisations like yours (whether you may be a Local Authority Highways/Roads Department, Regional Planning Authority or a Building Control Body) to be proactive in ensuring that disabled people are treated fairly.**

**However, this duty is not necessarily about changes to buildings or adjustments for individuals. Other parts of the Disability Discrimination Act have always dealt with these areas. It's about weaving equality for disabled people into the culture of public authorities in practical and demonstrated ways. This means including disabled people and disability equality in policy development and actions from the outset, rather than focusing on individualised responses to specific disabled people. It is about planning for equality at the beginning rather than trying to add it at the end.**

**It will not only improve your performance on disability equality, but will help you to meet your wider objectives and strategic priorities.**

**Bert Massie  
DRC Chairman**

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# **1. Introduction**

Those in the public sector who make decisions about the planning and maintenance of our environment exercise tremendous influence. For too long, in too many parts of the country, disabled people have not benefited from this influence. Developments, building and highways works and programmes have been designed and carried through with no real consideration of the sizeable proportion of the population who are disabled. The result has been to severely and unnecessarily restrict many people's ability to use and benefit from public spaces, creating social exclusion.

This has begun to change in recent years in many places, and the Disability Equality Duty (DED) now requires all public authorities to use their influence over the environment to promote equality for disabled people. This guidance explains what this might mean in practice.

## **What is this guidance about?**

This guidance explains the new Disability Equality Duties introduced by the Disability Discrimination Act 2005 (DDA 05), which amended the Disability Discrimination Act 1995 (DDA). It takes a practical look at what the promotion of disability equality means in relation to Planning, Building Control/Standards and Highways/Roads Authorities. It also explains the new non-discrimination requirements as they relate to these public functions.

The new rights and duties apply equally in England, Wales and Scotland.

The DED applies to all public authorities. The specific Disability Equality Duties, at the heart of which lies the requirement to develop a Disability Equality Scheme (DES), apply to most public authorities, with limited exceptions (eg parish, town or community councils).

## **Who is the guidance for?**

This guidance is intended to inform those professions responsible for planning, design and management of buildings, the street environment and public spaces, about practical ways in which they may implement their duties under the provisions of the DDA (as amended by the DDA 05). This guidance will be of assistance to:

- Planning officers
- Highways/roads officers – maintenance and management
- Building control/standards (including Approved Inspectors and Verifiers)
- Access officers
- Conservation officers
- Other professional, administrative or technical staff looking after the built, street and public environment.

These professions provide essential services and carry out essential functions that impact upon disabled people. This guidance will support them in the effective implementation of the DED and assist in meeting their overall strategic objectives.

Planning, Building Control/Standards and Highways/Roads Authorities are expected to work together to fulfil their duties under the DDA. This co-working will extend to other authority departments, for example Highways/Roads with Refuse Collection and the Police.

## **What is the guidance for?**

This guidance document is one of a series of documents that is being produced to accompany the statutory Codes of Practice and support the implementation of the DED. The ‘Duty to Promote Disability Equality: Statutory Code of Practice for England and Wales, and the Scotland Code of Practice are available to order from the Stationary Office, or to download from the DRC website [www.dotheduty.org](http://www.dotheduty.org). Additional guidance is being provided for local authorities and Central Government, including the Scottish Executive, that will consider the DED at a corporate or national level. Within these wider frameworks, specific departments within the authority (including Planning, Building Control/Standards and Highways/Roads) will

need to consider how this will affect their individual services and functions.

## **How to use the guidance?**

The Disability Rights Commission (DRC) recognises that the broader legislative framework in relation to planning, building control and highways varies between different parts of the UK, and there are differences in how authorities operate. The exact detail of the examples used in this document may not always apply but the principles described have equal relevance across the UK. All references to government regulations or guidance are by way of example. Authorities will be aware of the relevant regulations or guidance for their own area.

## **2. The Disability Discrimination Act 1995, as amended by the DDA 2005**

There is a wealth of information available on the duties of a public authority under the DDA, in relation to:

- employment
- the provision of goods, facilities, services and premises
- education.

Information can be found at [www.drc-gb.org](http://www.drc-gb.org) or by contacting the Disability Rights Commission (DRC) Helpline (See Appendix B for details).

This guide does not aim to repeat information already available, but to highlight areas of particular importance to Planners, Building Control/Standards and Highways/Roads Officers.

### **DDA 2005: Key Requirements for Planners, Building Control/Standards and Highways/Road Officers**

There are two elements of the DDA 05 in force from 4 December 2006 which are of particular interest and relevance:

- non-discriminatory requirements in relation to public authority functions
- the duty to promote disability equality.

These two areas are not mutually exclusive and it is for this reason that both elements are included within many of the examples provided. Public authorities will find that complying with the Disability Equality Duty will help avoid discrimination. For further detail, reference should be made to the 'Code of Practice – Rights of Access: services to the public, public authority functions, private clubs and premises', but for clarity, a brief explanation of these elements is provided below.<sup>1</sup>

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<sup>1</sup> DRC (2006) Code of Practice – Rights of Access: services to the public, public authority functions, private clubs and premises, [www.drc.org.uk/pdf/4008\\_448\\_CON5.pdf](http://www.drc.org.uk/pdf/4008_448_CON5.pdf)

## **Non-discriminatory requirements in relation to public functions**

Part III of the DDA, as originally passed, prohibited discrimination in connection with the provision of goods, facilities and services to the public, and in relation to premises. The DDA 05 has amended the DDA so that the same underlying principles now apply to public authority functions.

The DDA will prohibit discrimination by public authorities in carrying out their functions. Discrimination will occur where there is:

- less favourable treatment, for a reason relating to a person's disability, without justification
- a failure to make reasonable adjustments in specified circumstances, without justification.

Broadly speaking, public authorities, which include Planning, Building Control/Standards and Highways/Roads Authorities, must make adjustments to the way in which they carry out their functions. The purpose of this is to ensure that disabled people are not disadvantaged by the way in which those functions are carried out.

In practice, there are likely to be few public authority functions that are not also a provision of a service to the public. This new legislation fills any gaps and is essentially a 'residual' provision so that public authorities are in no doubt as to whether they are covered.

## **Examples of non-discrimination requirements in relation to public functions:**

A highway/roads authority is installing a new pedestrian crossing at a busy junction. The highway authority is likely to be carrying out a public function in determining that the crossing is required, where to site the crossing and what type of crossing it will be. It will thus be covered by the public authority function provisions. When designing the crossing the authority considers the design requirements of disabled people. Consequently, it consults with disability groups and ensures that the crossing has a flush kerb, is fitted with audible, visual and tactile indicators and that the appropriate tactile paving is installed. It also ensures that there is adequate time allowed for the 'safe to cross' phase.

A housing development company applies to the planning department for the provision of housing for people with autism. The residents around the development contact the planning department sharing their concerns about the proposed residents. The planning officer has had training on the Disability Discrimination Act and recognises that the suggestions being made would be discriminatory if the authority were to act upon them. Instead it takes steps to alleviate residents concerns (in line with its duty to promote positive attitudes towards disabled people).

## **The duty to promote disability equality**

This new legal duty will mean that all public bodies will need to actively look at ways of ensuring that disabled people are treated equally. This new law requires organisations across the public sector (including local authorities) to be proactive in ensuring that disabled people are treated fairly. A similar duty was introduced with regards to race equality, within the Race Relations (Amendment) Act 2000 although there are some significant differences between the two (for example, the requirement in the disability equality duty to involve disabled people in the development of the Scheme).

**There are two main elements to a public body achieving disability equality:**

- **the general duty**
- **the specific duties.**

**More detail on the general and specific duties are set out in Chapters 4 and 5 and practical examples provided.**

### **3. Key recommended action points**

This section provides recommended actions for authorities to consider for inclusion within the Action Plan that is required as a core element of a Disability Equality Scheme (described in more detail below). In the DRC's view, implementation of these action points will be central to ensuring that disability equality is adequately promoted in relation to planning, buildings and streets.

#### **Appoint an access officer/specialist**

Specific individuals should be employed as advisors/facilitators in relation to access issues for disabled people. They should act as a point of contact for council departments/service areas and provide support to access 'champions'. They are also a point of contact for voluntary groups, such as the local access group/panel. They must have sufficient seniority to be influential within the authority and be appropriately resourced.

Some authorities employ only one designated access officer located in a particular department and adopt the approach that access issues will be mainstreamed into the responsibilities of all relevant staff in other areas. Others employ dedicated access officers in each of the relevant departments.

#### **Identify an access 'champion' in each department**

Planning, Conservation, Building Control/Standards and Highways/Roads departments should identify an officer responsible for providing access expertise within their discipline. The access champions should meet regularly and ensure cross-departmental working. This is particularly applicable where authorities have only one designated access officer and have sought to mainstream responsibility for access into the duties of all relevant staff.

## **A key elected member should champion the interests of disabled people**

All elected members involved with building, street, historic and public environment issues should be trained in disability equality. Key selected member(s) should be chosen to promote and champion the interests of disabled people.

You should value, support and develop the technical expertise and experience of voluntary access groups/panels

Each department should value the experience of their local access groups/panels and develop effective working protocols with them. The groups/panels should be supported financially and through the provision of training.

## **All officers should be trained and appraised in disability equality**

Every member of staff (professional, administrative or technical) who has a responsibility for the built, street and public environment should undertake Disability Equality training, including the principles and practice of Inclusive Design, in the case of technical staff, by a recognised, reputable organisation.

In addition, staff should be retrained as part of a rolling programme and their personal training requirements reviewed within the Appraisal process.

Inclusive Design should be adopted as an overriding principle in planning, building and managing the environment as a key means for achieving successful compliance with the disability equality duties.

## **Disability equality must be addressed within all decision making**

This applies to all decisions in this area – for example in relation to applications for change of use. To ensure that this is done all schemes/projects (including highways/roads developments) should prepare and submit a design and Access Statement with scheme proposals at each stage of the development process. These should be assessed by regulators for an Inclusive Design and impact on

disability equality.

**Consistent application of access requirements must be ensured**

**In England and Wales Building Control Departments/Approved Inspectors could undertake a bi-annual internal Part M audit. This monitors the application of Part M across the department/company for quality, consistency and takes into account any new technical developments/guidance.**

**In Scotland Building Control Departments/Verifiers could undertake a bi-annual internal audit of how the access requirements in the Regulations and Technical Handbook are being met.**

## **4. The Disability Equality Duty: The general duty**

### **Coverage of the duty**

The duty to promote disability equality applies to all public authorities (bar limited exceptions), including planning, building control/standards and highways/roads bodies. The duty will also apply to any person or organisation that is exercising a function of a public nature. This may be in partnership with, on behalf of, or instead of a local authority. Where a public authority is contracting out services – as opposed to contracting out a public function – it will need to ensure that it builds the duty into the procurement process and that the contract is designed to ensure compliance by the authority with its duties.

### **Examples of building disability equality into procurement of services and functions:**

A private planning practice has been employed to produce a development brief on behalf of the local authority planning department. The local planning authority ensures that the tender documents include reference to the disability equality duty and in particular ensures the brief considers Inclusive Design principles.

A local authority highways/roads department does not have sufficient staff resources to undertake effective bus shelter renewal within their area. A private maintenance company is contracted to undertake this task. The highways/roads department recognises that it has a duty to ensure that the way in which the renewal work is procured promotes equality of opportunity. It therefore ensures that the maintenance company fully understand disability equality when selecting and awarding the contract. The contract requires the company to comply with the latest good practice guidance in relation to the design of bus stops within the Department for Transport's guidance 'Inclusive Mobility'.

**In Scotland Verifiers are approved under section 7 of the Building (Scotland) Act 2003 by the Scottish Ministers, whilst in England and Wales Approved Building Inspectors are approved under section 49 of the Building Act 1984 and maintained by the Secretary of State. Verifiers and Approved Inspectors are likely to be carrying out functions of a public nature, in relation to the interpretation and implementation of Building Regulations.**

## **What does the duty to promote disability equality mean?**

The duty requires public authorities, when carrying out their functions, to have due regard to disability equality in the following elements:

- the need to promote equality of opportunity between disabled people and other people
- the need to eliminate discrimination that is unlawful under the DDA
- the need to eliminate disability related harassment
- the need to promote positive attitudes towards disabled people
- the need to encourage participation by disabled people in public life
- the need to take steps to meet disabled peoples needs, even if this requires more favourable treatment.

Due regard means that authorities should give due weight to the need to promote disability equality in proportion to its relevance.

## **Examples to illustrate promotion of disability equality within each element:**

Please note: The exact detail of the examples used in this document may not always apply in different parts of the GB but the principles described have equal relevance across the GB. All references to government regulations or guidance are by way of example. Authorities will be aware of the relevant regulations or guidance for their own area. A more detailed explanation of the broader policy context can be found in Appendix A.

### **The need to promote equality of opportunity between disabled people and other people**

A local authority ensures that within their Local Transport Plan and Supplementary Planning Guidance on the Pedestrian Environment, there are references to inclusive design and that they adopt the use of standards within current good practice guidance documents.

Useful reference material includes:

- Department for Transport (DfT) ( 2005) Inclusive Mobility, [www.dft.gov.uk/stellent/groups/dft\\_mobility/documents/page/dft\\_mobility\\_503282.hcsp](http://www.dft.gov.uk/stellent/groups/dft_mobility/documents/page/dft_mobility_503282.hcsp)
- Department for Transport (1999) Guidance on the use of Tactile Paving Surfaces [www.dft.gov.uk/stellent/groups/dft\\_mobility/documents/page/dft\\_mobility\\_503283.hcsp](http://www.dft.gov.uk/stellent/groups/dft_mobility/documents/page/dft_mobility_503283.hcsp)

A local authority includes reference to Inclusive Design within accompanying information supplied with all planning application forms. This ensures that applicants may be aware that this will be a material consideration before submitting an application. The information provided to applicants also encourages pre-application discussions, where appropriate advice can be provided about inclusive design early in the process. Applicants are also required to include design and Access Statements with their application.

See Appendix A for more detail on design and Access Statements.

A local planning authority wishes to have robust, positive design and access policies as required by PPS1 and PPS12 and the Town and Country Planning (Local Development) (England) Regulations 2004. These stipulate that a local authority's local development documents should include a statement of objectives relating to design and access, and that the authority should use access and design statements to check that development proposals meet these policies. The local planning authority works with the local access group/panel to develop and agree the wording for the draft access policies and statement of objectives. The local planning authority then consults on the draft with a wider range of local disability group/panels.

The local highways/roads authority decides to encourage all of its contractors to be 'Considerate Contractors' and offers an annual award for the contractor who demonstrates consistent good practice with regards to accommodating the needs of disabled people during its operations.

A developer applies for permission to erect a retail development, but has not taken account of the inclusive access policies within the development plan. Permission is refused on the grounds that the scheme does not comply with the development plan.

A local council is working with its major bus operator to improve the accessibility of its bus services. To that end it has raised the kerb at the stops on a number of routes where the bus operator has agreed to run low floor accessible buses. However, the council receives a number of complaints that buses are unable to get to the kerb at these stops because cars are parked in the bus stops. As a consequence, passengers face continuing difficulty boarding and alighting from the bus. They review their activities and develop a co-ordinated plan to discourage parking in bus stops, which includes:

- requiring the contractor to whom they have outsourced parking enforcement to prioritise enforcement at bus stops
- securing agreement with the police force that their approach to motoring offences will prioritise stopping blocking of bus stops
- place posters in bus stops warning motorists of the problems caused by parking in stops

- undertake a media campaign to raise awareness of the issue
- put advice about bus stop parking in with letters issuing blue badges to disabled people.

A local authority in Wales currently accepts Access Statements from developers at Building Control stages. However, it recognises that requesting an Access Statement at planning stage will be a useful way of encouraging the developer to consider their duties under the DDA. This also encourages the planning and building control departments to work together early on the design process.

A local authority arranges training for officers on how to deliver inclusive environments and sets a framework for effective communication between the various functions throughout the development process. It recognised that the relationship between planning and building control/standards departments is particularly important to facilitate disability equality so that 'best' solutions can be agreed from the beginning rather than compromises adopted.

### **The need to eliminate discrimination that is unlawful under the DDA**

A local authority instructs staff dealing with applications from businesses providing services to the public for building works or change of use to provide information regarding the requirements of the DDA, in particular the need to make reasonable adjustments to premises. Appropriate staff training is provided.

A local authority instructs staff dealing with applications for building works or change of use from businesses providing services to the public to provide information regarding the requirements of the DDA, in particular the need to make reasonable adjustments to premises. Appropriate training is provided for staff dealing with these applications.

## **The need to eliminate disability related harassment**

A local mental health charity submits an application for supported accommodation in the community for mental health service users who are leaving hospital. The local planning authority and the local primary care trust work with the charity. They ensure that, when the planning application is advertised to neighbouring properties, the residents are aware of the nature of the accommodation and the need for it, as well as the positive benefits to the community that the residents will bring. The planning authority is acting proactively to prevent potential 'not in my back yard' reaction or harassment of the mental health service users.

## **The need to promote positive attitudes towards disabled people**

In a local area there has been a history of protracted decisions around planning requests for residential units or supported housing schemes for people with mental health issues. As part of their DES the local authority decide to monitor the outcome of such applications but also to provide training for both planning officers and committee members on disability equality and mental issues to ensure that they have a full understanding of the equality context in which these decisions are being requested.

A highways department is running an advertising campaign on road safety. They ensure that they include images of disabled people but not just as pedestrians who could be potentially victims of accidents but also in other roles such as teachers, parents or drivers.

## **The need to encourage participation by disabled people in public life**

A parish council considers local planning applications and is concerned that it does not adequately consider access for disabled people when looking at applications. The council runs a short training session for councillors on accessibility and co-opts a member of the local disability group as an adviser onto its planning sub-committee. It sets up a comprehensive programme of training and personal development for the disabled co-optee in order to develop their capacity to participate in local decision making and formal committee procedures.

## **The need to take steps to meet disabled peoples needs, even if this requires more favourable treatment**

A local planning authority has worked with local disability groups and taken steps to ensure its public participation events for the Unitary Development Plan are accessible. Following requests from people with learning disabilities the Local Planning Authority also arranges to hold small meetings with advocates. Due to limited resources, BSL interpreters are only available for a few selected meetings. To overcome this, the authority offers transport for BSL users from areas where a BSL service could not be arranged.

A local bank, which has Listed Building status, has stepped access to its front entrance and applies to the local planning authority to provide ramped access to enable its customers with mobility impairments to access its services. The local highways authority objects to the application on the grounds of it obstructing the footway. The planning, listed buildings and highways officers look at each case on its own merit and work with the applicant to agree a revised appropriate design, which does not restrict movement on the footway, meets accessible design requirements, and is in keeping with the character of the building. In some instances, where this is the only feasible way to provide access, it may be appropriate to raise the level of the footway.

A local council serving an area, which has many villages with narrow roads, is experiencing problems with parked cars blocking traffic, particularly larger vehicles such as lorries and buses. In order to reduce the problem they adopt a policy of limiting parking and vigorously enforcing restrictions in the worst affected villages. This policy includes a ban throughout the district on providing individual parking spaces for disabled residents adjacent to their homes. This policy causes acute hardship for disabled residents who find it very difficult to park near their homes. As a result of complaints the council agrees to review this policy. It agrees to lift the ban and adopt a case by case approach to assessing applications from disabled people for a designated parking space. Where they cannot agree to a request from an individual, they undertake to designate a proportion of the nearest approved parking spaces for blue badge holders.

## **5. Disability Equality Scheme and the specific duties**

A number of public bodies are subject not only to the general duty but also have a set of specific duties, which are designed to help them effectively meet the overall general duty. At the heart of this is the Disability Equality Scheme, which must be published no later than 4 December 2006.

The DES is a framework to assist authorities in planning, delivering, evaluating and reporting on their activities to ensure compliance with the general duty. Those public bodies who are listed in regulations (and in DRC Statutory Codes of Practice) must publish a Disability Equality Scheme demonstrating how they intend to fulfil their disability equality duties.

The essential elements that the Disability Equality Scheme must cover are:

- a statement of how disabled people have been involved in developing the Scheme
- the Action Plan – steps, which the authority will take towards fulfilling its general duty
- arrangements for gathering and using information about performance of the public body on disability equality
- arrangements for assessing the impact of the activities of the authority on disability equality
- details of how the authority is going to use the information gathered, in particular in reviewing the effectiveness of its action plan and preparing subsequent Schemes.

It would be beneficial if an introduction to the authority is included, which outlines its general values and objectives and existing disability equality provision.

The DES must be published and easily accessible. It can be contained within other documents, eg an annual report, but it is essential that

disabled people (and other interested parties) know where to find it and that the essential elements of the Scheme are in one place. A report on the implementation of the Scheme needs to be published annually. Public bodies must review and revise their Scheme every three years.

## **Department-wide disability equality Action Plan**

Planning, Building Control/Standards and Highways/Roads departments are a distinct area of activity within the authority. Whilst each local authority will produce an overarching Scheme for all its departments and functions, the DRC strongly recommends that each individual Department considers its own evidence base and draws up its own Action Plan.

It is clearly important that the separate departments fit together to achieve a co-ordinated outcome and that the Action Plans link back to the principles of the overall Scheme. Actions should be specific and directed towards outcomes.

For example, Social Services/Work will normally work with the Highways/Roads department on Blue Badge issues relating to administration of the Scheme, concessions and provision of accessible parking bays.

## **Involving disabled people**

Involving disabled people is not only a requirement of the duty, it should also bring tremendous benefit in terms of expertise to the organisation. However, in many cases it will be a challenge both for the public body and for disabled people to ensure the involvement is focused, straightforward and effective. The process should be clear about where the authority/department has scope to make changes and what resources are available.

Involvement should not be confused with consultation. It requires a much more active engagement of disabled stakeholders at all stages. This includes ensuring that disabled people are regularly informed as to the outcomes of their involvement. This transparency will assist in maintaining ongoing commitment to involvement by disabled people. Budgets for engaging with disabled people must take realistic

account of the often significant costs associated with ongoing communication and collaboration.

There are likely to be different levels of involvement from strategic policies and plans to local schemes and specific local issues. Consideration needs to be given as to who/which groups are most appropriate.

‘Involvement-overload’ is a major concern of many voluntary groups whose members give their own time to improving access in their locality. Consider cross-departmental and cross-authority involvement where possible to relieve pressure on voluntary groups.

A diversity group set up to consider the Disability Equality Scheme brings together a range of public bodies including Police, Fire and Ambulance Services, parish and community councils, national parks and primary care trusts or health boards and the local authority to provide an area-wide forum for involvement. The Group seeks advice from a range of community groups including disability groups and adopts an involvement programme that aims to group issues and enable community involvement in a publicly available clearly timed plan.

The DRC has producing guidance for public authorities on involving disabled people, which is available from the DRC website [www.drc.org.uk/employers\\_and\\_service\\_provider/disability\\_equality\\_duty/getting\\_started/involving\\_disabled\\_people.aspx](http://www.drc.org.uk/employers_and_service_provider/disability_equality_duty/getting_started/involving_disabled_people.aspx).

Also see Appendix A of this guidance, which considers ‘Community Involvement’ within the broader national policy contexts and 2004 and ‘Involvement of Stakeholders’ within Local Transport Plans and strategies.

### **Access groups/panels**

The public authority as a wider entity is likely to have mechanisms for involvement of disabled people. Planning, Building Control/Standards and Highways/Roads must consider the most appropriate involvement techniques for their work, and there must be an absolute commitment to using accessible methods that enable a wide range of disabled people to be involved.

Access groups/panels are likely to be a particularly important

mechanism for Planning, Building Control/Standards and Highways/Roads. They not only provide expertise from people with personal experience of impairment but also have often been trained and/or developed expertise in Planning, Building Control/Standards and Highways/Roads issues. The authority should also consider how they may involve hard to reach groups or individuals and should ask for advice from the Scottish Disability Equality Forum (SDEF) in Scotland, local access groups/panels and other disability groups on how they might achieve this.

In England and Wales, Planning and Access for Disabled People (DCLG)<sup>2</sup> and Planning Advice Note 78, (Scottish Executive) strongly encourage local authorities and developers to undertake regular liaison with local access groups.<sup>3</sup> Involvement of access group/panels will not replace the need to seek wider involvement in the community but will be useful for considering specific planning, building control/standards and highways/roads issues.

Research published in the DRC's report 'Towards Access Standards: the work of local access groups in England and Wales' showed the wide variation in the support available to local access group/panels and highlighted the pressure access group/panels are under to respond to all the demands placed on them.<sup>4</sup> In Scotland, the Scottish Council of Voluntary Organisations carried out similar research on behalf of the Scottish Executive.<sup>5</sup> This led to the SDEF, being funded to take a national co-ordinating function in support of the ongoing development of local Access Panels.

An effective local access group/panel must be well supported and

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<sup>2</sup> DCLG (2003) Planning and Access for Disabled People, a good practice guide, [www.communities.gov.uk/index.asp?id=1144644](http://www.communities.gov.uk/index.asp?id=1144644)

<sup>3</sup> Scottish Executive PAN 78 (2006) Planning and Building Standards Advice Note: Inclusive Design, [www.scotland.gov.uk/Publications/2006/03/07164427/0](http://www.scotland.gov.uk/Publications/2006/03/07164427/0)

<sup>4</sup> DRC (2006) Towards Access Standards; the work of local access groups in England and Wales, [www.drc.org.uk/library/policy/access\\_to\\_services/towards\\_access\\_standards.aspx](http://www.drc.org.uk/library/policy/access_to_services/towards_access_standards.aspx)

<sup>5</sup> SCVO (2003) Recommendations on the future of access panels in Scotland, [www.scvo.org.uk/equalities/resource\\_base/disability/recommendations\\_access\\_panels.htm](http://www.scvo.org.uk/equalities/resource_base/disability/recommendations_access_panels.htm)

resourced by the local authority, while remaining independent.

### **Examples of support required to ensure effective involvement of access groups/panels:**

A local planning and highways/roads authority sets up a working group with representatives of the local access group and local disability groups to consider the support they may require in order to be effectively involved in consultations on planning and highways/roads matters. Together they prepare an Action Plan to support and resource the access group to enable them to be as representative as possible. This includes providing information, resources and administrative help so that the group can get input from, and provide feedback to, a wide range of local disability groups.

A local authority in England would like to involve a local access panel on planning and highways/roads issues, but there is not a panel established locally, as the previous panel disbanded some time ago. A working group is set up consisting of local authority officers, and representatives of local disability groups and individual disabled people, who have expressed an interest in these issues. Where in Scotland the working group would simply consult the SDEF, there is no such national co-ordinating body in England so they contact access panels in neighbouring authorities to identify good practice and the support needed for an access panel. The local authority then offers support to local disability groups to help them establish an access panel, while ensuring widespread publicity in the local community to attract members. The local authority access officer works with the new panel to identify the support required to enable the panel to be independent and arranges for a start up grant to help meet the identified support needs. The local authority access officer offers to help provide a channel of communication between the access panel and relevant officers and arranges for officers to attend meetings, as requested by the panel.

A local access group identifies a requirement for training on key planning and highways/roads issues and seeks support from the local authority. The Local Planning Authority develops, with the access group, an ongoing training programme for access group members to be delivered through a range of channels and at times to suit group members. Local Authority officers, who will themselves have training

to equip them for this role, may deliver some of this training. In addition the Local Planning Authority sets aside a budget and arranges for the access group to be able to use the budget to purchase external training.

## **Statements of Community Involvement**

In England, the Planning and Compulsory Purchase Act 2004 requires regional planning bodies and local planning authorities to prepare a Statement of Community Involvement. Within the Statement they set out their policy on involving their community in the preparation of regional spatial strategies, local development documents, and on consultation on planning applications.

Guidance on Statements of Community Involvement, together with details of the Government's overall approach to community involvement, is set out in more detail in Department for Communities and Local Government (2004) Community Involvement in Planning: The Government's Objectives, [www.communities.gov.uk/pub/472/CommunityInvolvementinPlanningTheGovernmentsObjectivesPDF256Kb\\_id1144472.pdf](http://www.communities.gov.uk/pub/472/CommunityInvolvementinPlanningTheGovernmentsObjectivesPDF256Kb_id1144472.pdf)

For further information on community involvement and the Planning etc (Scotland) Bill proposals for increased community involvement see the Scottish Executive website [www.scotland.gov.uk/Home](http://www.scotland.gov.uk/Home).

An inclusive approach should be taken to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Identifying and understanding the needs of groups, who find it difficult to engage with the planning system is critical to achieving sustainable development objectives.

### **Examples to Ensure Involvement is Accessible:**

As part of its preparation for the Statement of Community Involvement, the local planning authority seeks advice from local disability groups to ensure that the involvement strategies will be easily accessible. A range of measures are agreed, including information in accessible formats and an accessibility checklist for meetings. A review process is agreed to ensure that the local planning authority learns from experience and changes its arrangements where necessary.

**A Regional Planning Body is preparing its Regional Spatial Strategy. It seeks advice on producing summary documents in a plain English format, avoiding unnecessary technical jargon and provides training for the responsible planning officers.**

**A local authority has developed a good working relationship with a local access group/panel. The access group/panel has complained about the number of consultation documents they are asked to comment on. The local authority seeks ways to streamline their consultations. The planning department wants to consult on a major proposed redevelopment of the town centre; the highway department will also need to consult on highways/roads implications. This is likely to involve large numbers of plans and revisions over a period of time. The local authority prepares a consultation strategy with the access group/panel to ensure the two departments work together on this with adequate notice, time frame, summaries of relevant information and a streamlined, accessible process for the access group/panel to input and receive feedback.**

**A local planning authority is preparing for a series of public participation events for the draft Development Framework. The local planning authority works with local disability groups to develop an accessibility checklist and action plan. The local authority have already audited local venues having taken advice from local access and disability groups to ensure the venues were accessible. Officers also consult on travel arrangements and arrange for wheelchair accessible buses to run from a range of locations in the area and from the back of venues. Trained staff will be available on the buses to provide guidance and support if required. Publicity about the events is disseminated through a range of local channels, including local radio and talking newspapers. In addition, information on accessibility and travel arrangements is provided, which includes advice for disabled people who require door to door transport on how to book this. Information, including easy read summaries, is made available in a range of formats, including large print, tape, BSL and Braille. Trained staff are available at the events to provide guidance and information and speakers are briefed to ensure their presentations are accessible. The local planning authority also seeks feedback on the events to enable any necessary improvements to be made for future events.**

## **The Action Plan**

A core requirement within Disability Equality Schemes is to have an Action Plan setting out the steps that a public authority is going to take to meet the general duty. It will set out the key actions that the authority will take to promote disability equality over the period of the Disability Equality Scheme.

The Action Plan should be aimed at making practical improvements to obtain equality for disabled people and that is why the specific outcomes must be clearly identified.

A public authority must, within three years of the Scheme being published, take the steps set out in its Action Plan unless it is unreasonable or impracticable for it to do so.

### **Examples of specific practical actions within the Action Plan:**

The local authority has included within its Action Plan a statement that over the period of the Scheme, everyone employed by the authority will have received basic Disability Discrimination Act training. The Highways/Roads department has identified, and set aside, a budget to ensure that all staff involved in 'scheme design', will also receive training on access in the pedestrian environment over two years. Members of the local access group/panel will also be invited to attend.

The local authority has a 'Social Inclusion' group whose remit is to consider all equality policy issues across the whole of the authority. A sub-group has been set up to consider disability equality, which includes representatives from all relevant council departments. The planning department has an access officer who deals with the technical design aspects of access but recognises that there is a need for an access officer who deals with the policy aspects of access. When preparing its action plan the department states, after discussing the issue with the relevant budget holders and the Personnel department, that a post will be created, or existing officers seconded into this role with appropriate training.

Whilst carrying out their impact assessment local authority highways/roads identifies a need to raise awareness amongst the local constituents about the effect their behaviour has upon local disabled residents. As a result of this, it decides that its Action Plan will set a target to include an article within the council newsletter every six months. The articles advise constituents about the consequences for some disabled people of overhanging hedges/trees, litter, dog fouling, bins, bicycles and parking on footways. Departments responsible for refuse collection give clear advice to householders and businesses on where, how and when to put bins out for collection and then removing them as soon as possible after collection. Waste collection operatives are given training in returning bins to suitable locations.

## **Gathering information**

Within the Disability Equality Scheme the authority must set out its arrangements for gathering information on the effect of its policies and practices on disabled people.

Information gathering is not an end in itself. It is a process, which exists to help the authority make decisions about what actions would best improve disability equality. The information will help the authority assess its performance; identify areas where it is doing well on promoting disability equality and areas where the performance is not so good. It should be sufficient to inform the authority about their delivery on disability equality and to assess their performance and priorities.

Often information will show up a particular pattern, trend or experience and it will act as a trigger to investigate this further. Gathering information is an ongoing process and only having a limited amount of information should not be an excuse for inaction.

Disabled people with different impairments can experience fundamentally different barriers, and have very different experiences according to their impairment type. It will often be necessary, therefore, to monitor outcomes according to the nature of their impairment to capture this information.

Guidance on gathering evidence has been produced by the DRC, and is available to download from the DRC website [www.dotheduty.org](http://www.dotheduty.org).

In drawing up the Local Development Frameworks section regarding future housing provision, a local authority in England involves local disability groups who raise the issue of the chronic shortage of accessible housing. They argue the need for all new housing to be constructed to Lifetime Home standards, and for a proportion to be built to wheelchair housing standards.

local authority staff investigates the evidence base to support these proposals. They find, from the Housing Need Surveys, substantial information about the regional prevalence of disabled people, and in particular people with mobility impairments who would especially benefit from Lifetime Home standards. However, there is no statistical information about the regional prevalence of wheelchair users. Rather than using this absence as an excuse for inaction, they seek further evidence of the extent of the specific shortfall in provision of wheelchair accessible housing from local groups, and also from Registered Social Landlords, local housing, social services and health authorities. They also consider the relevance of the evidence base of other regions. On this basis they set a target of 20 per cent wheelchair accessible housing provision. They also look at steps to improve the regional evidence for housing need of people with a variety of impairments.

### **Examples of how gathering information can improve disability equality:**

A city council identifies through customer feedback that inconsistency in street design and maintenance is having a major impact on many disabled people's ability to do what other people take for granted. The council's existing streetscape manual focuses purely on aesthetics. In a revision of the guidance, it was possible to establish standard details and pallets of materials for use in different areas of the city, including historic areas. These details ensure disabled peoples needs are considered consistently along with the other demands on the street environment. The publication refers to Inclusive Mobility and disability organisations, including the local access group/panel who were consulted when producing the document.

A local planning authority decides to carry out research on Planning and Listed Building Consent applications to identify listed building consent applications, which include access improvements. However, the research identifies a limited description of the proposed development on the planning application form and a lack of data

entered on the Council's Planning database. This makes it very difficult to monitor how the authority is dealing with access improvements to listed buildings. The authority decides to improve this recording process so that this exercise can be more easily undertaken in future. They decide to keep quantitative evidence on the number of listed building applications which included access improvements, the number refused and reasoning given. The number of relevant planning appeals and the reason given for accepting/rejecting.

## **Impact Assessment**

Public authorities must include in their DES, details of their methods for assessing the impact of their existing policies and practices or likely impact on proposed policies on equality for disabled people.

The purpose of these impact assessments is to ensure that an authority's activities do not disadvantage disabled people and to identify where they can best promote equality of opportunity.

Where the assessment identifies a negative impact or missed opportunity to achieve a more positive impact, the authority should look at what it can do to remedy both of these.

Clearly any authority will have a significant 'back catalogue' of existing policies and activities that will need to be assessed. An achievable and reasonable timetable for doing this over the period of the DES and a prioritisation system is essential.

### **Examples of assessing impact and making changes:**

Council staff receive Inclusive Design training to better understand how people are disabled by their environment. A list of all of the Highways/Roads policies and procedures is established and an initial assessment of the impact these have on disabled people's lives is made. Those policies and procedures that have the greatest impact and those which are easiest to change, are targeted first. A programme of review and adjustments is established for those policies that are more complex or more costly to change. The access group/panel is involved in making a final judgement on the prioritisation of the review and adjustment to policies and procedures. An Action Plan for the review and adjustment of policies and procedures is established.

The Highways/Roads Authority has prioritised planned changes to streets and public areas for disability equality impact assessment. The assessment identifies that the proposed works wouldn't in fact improve access and in some cases would actually have worsened it. Highways/roads officers regularly carry out safety audits before and after such developments on the highway. Officers agree to adapt the safety audit process to encompass access audits and consult with the local access group/panel to ensure access improvements are built into proposed work. Regular reviews are planned.

A planning department receives an application for residential development, which includes affordable housing. The developer is proposing charging a yearly fee for car parking spaces, which are limited for reasons of sustainability. The impact assessment establishes that this policy is likely to have a disproportionately negative effect on many disabled people who may wish to live in this development and who are likely to be dependant on a car. As it has clearly stated targets regarding provision of parking for disabled people within its access and inclusion policy section of its Local Development framework, the authority insists that the developer include a set number of designated parking bays for disabled people (for which there is no charge) within the development.

When developing a flood prevention programme a council identifies during its impact assessment that there will be an impact on disabled people's use of the footpaths and bridges along a stretch of river prone to flooding. The council involves the access group/panel in making decisions on the available options to mitigate any adverse impact and then publishes the results of this.

A local planning authority has decided to engage the local access group in assessing the impact of developments seeking planning approval. The local access group/panel only have limited time to scrutinise and provide comments on the many applications that are presented on the weekly lists. To ensure that the process is as productive as possible, The access officer agrees to help prioritise those applications where the access group/panel may have the most impact so they are not overloaded. Once the applications that members would like to consider are chosen, the case officer will make a short and concise presentation to the group (no more than five to ten minutes) to enable time for discussion and comments.

**Presentations will include:**

- **Summary details from the weekly list of applications including location details, a brief description of the application including uses, floor space, size of buildings etc.**
- **Details of any consultation with the Access Officer.**
- **Whether an Access Statement has been submitted.**
- **Whether a suitably qualified access consultant is involved in the scheme.**
- **Where possible ground floor plans (and any other relevant plans) will be displayed (if available on CD they will be projected onto the meeting room wall).**

**Summary details of the scheme will where possible include:**

- **the approach to the site**
- **circulation routes through the site identifying step free routes**
- **transport and parking provision**
- **entrance details including secondary and fire exit routes**
- **details of landscaping**
- **any specific facilities or issues which could have a particular impact on the accessibility of the scheme**
- **an assessment of whether the scheme has met the Development Plan policies regarding inclusive design principles**
- **areas where the officer could particularly benefit from advice or comment from the group/panel members experience and expertise.**

**A note will accompany the minutes to provide a brief update on schemes considered at previous meetings.**

**An historical town with a number of tourist attractions experienced acute congestion because of the volume of visitors. Particular problems arose around the bus station, which is conveniently situated in the heart of the town. The bus station is small and cannot cope with the number of tour coaches as well as scheduled bus services. Consequently the local council banned tour coaches from the bus station, requiring them to park on the outskirts of the town. However, a number of coach companies express concerns about the policy. When the policy is impact assessed, following the introduction of the DED, the authority establishes that a significant proportion of**

the passengers on coach tours are elderly and have mobility problems. This causes severe problems for these visitors, resulting in some coach drivers making unauthorised stops in the centre of the town to drop off disabled passengers. Although these visitors are not residents of the local authority the council recognises that within its broad duty to promote disability equality this ban on tour coaches is having a disproportionate effect on disabled visitors. It reviews its policy and agrees to formally establish a drop-off/pick-up point in the centre of town for up to three coaches at a time. Furthermore, it clears the area of unnecessary street furniture to allow new coaches fitted with wheelchair lifts to deploy their lifts when required. Tour coaches are still required to park on the outskirts of town to reduce congestion.

## **Appendix A: Policy Context**

There are differences in legislation, regulatory frameworks and local government structures in England, Scotland and Wales. Some of the policy issues referred to in this section may, therefore, strictly only be applicable in one part of Great Britain. In the interests of clarity, geographical relevance is stated accordingly. However, the principles (which are discussed further within the examples provided throughout this guidance) can and should be applied in all public authorities when considering ways of promoting and achieving disability equality. Reference should also be made to the relevant current Government policy guidance.

### **Inclusive Design**

Good design can only be achieved if the environment created meets everyone's needs. Everyone at some point will experience some form of limited mobility – as a tourist laden with bulky luggage, a parent with young children, an older person or an individual with injuries. Inclusive Design recognises and accommodates differences in the way that people use their environments and aims to remove the barriers that create undue effort and separation. It enables everyone to participate equally, confidently and independently in everyday activities. Inclusive Design is about equality for all and not about dealing with the needs of one individual as opposed to another. Inclusive Design encourages equality to be built in from the outset and not something to be added on afterwards when problems arise.

An inclusive environment is created by surveyors, architects, planners, building control/standards, engineers, access consultants and facilities managers working to the same principals and goals.

Inclusive Design builds in recognition not only of disabled people's needs but those of women, children and older people. In terms of disability it is necessary to understand the barriers experienced by people with learning difficulties, mental health conditions, visual impairments and hearing impairments as well as those with mobility impairments.

Further information in relation to Inclusive Design is provided within:

- Department for Communities and Local Government (2003) Planning and Access for Disabled People: Good Practice Guide, [www.communities.gov.uk/index.asp?id=1144644](http://www.communities.gov.uk/index.asp?id=1144644)
- Disability Rights Commission (2003) Creating an inclusive environment, [www.drc.org.uk/library/publications/services\\_and\\_transport/creating\\_an\\_inclusive\\_environment.aspx?basket=add&pub=Creating+an+Inclusive+Environment%7cFOCUS7](http://www.drc.org.uk/library/publications/services_and_transport/creating_an_inclusive_environment.aspx?basket=add&pub=Creating+an+Inclusive+Environment%7cFOCUS7)
- Scottish Executive (2006) Planning and Building Standards Advice Note: Inclusive Design, [www.scottishexecutive.gov.uk/Publications/2006/03/07164427/0](http://www.scottishexecutive.gov.uk/Publications/2006/03/07164427/0). This considers specific planning and building standards issues in Scotland
- English Partnerships (2005) Inclusive Design guidance note, [www.englishpartnerships.co.uk/inclusivedesign.htm](http://www.englishpartnerships.co.uk/inclusivedesign.htm)

## **Training in Inclusive Design**

The Disabled Persons Transport Advisory Committee's (DPTAC) Charter on Training and Education in Accessibility<sup>6</sup>, which is based on the European Charter on Access to Transport Services and Infrastructure<sup>7</sup>, recognised the need for accessibility principles to be followed in all projects. The Council of Europe Resolution advocated the inclusion of universal (inclusive) design principles in education of professionals.<sup>8</sup>

This underlines the need for Inclusive Design principles to be included within training for all transport and built environment

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<sup>6</sup> DPTAC (1999) Charter Training and Education in Accessibility, [www.dptac.gov.uk/charter.htm#fn](http://www.dptac.gov.uk/charter.htm#fn)

<sup>7</sup> ECMT (1999) Charter on Access to Transport Services and Infrastructure, [www.cemt.org/topics/handicaps/pdf/tphCharter.pdf](http://www.cemt.org/topics/handicaps/pdf/tphCharter.pdf)

<sup>8</sup> Council of Europe, 2001, Resolution ResAP(2001)1 on the introduction of the principles of universal design into the curricula of all occupations working on the built environment, [www.cm.coe.int/ta/res/resAP/2001/2001xp1.htm](http://www.cm.coe.int/ta/res/resAP/2001/2001xp1.htm)

occupations to secure an inclusive environment. Without this, access for disabled people will continue to focus on rectifying needless problems and be seen as reactive and not proactive in promoting and achieving disability equality.

The Department of Trade and Industry funded the Partners in Innovation project, 'Social inclusion through training', led by JMU Access Partnership. This brought together professional institutes such as Royal Town Planning Institute (RTPI), Royal Institute of British Architects and Royal Institute of Chartered Surveyors and representatives of users of the environment, to develop training resources that meet the needs of both sectors. This has resulted in participative training resources including a 'Planning for Access' course.<sup>9</sup>

## **Sustainability**

The social aspect of sustainable development provides scope and opportunity to improve accessibility for disabled people. Accessibility for disabled people is often only considered in terms of detailed design. This is no longer sufficient and strategic decisions, investment and policies must be underpinned by consideration of accessibility for disabled people, with evidence of how diversity has been considered in decision making.

## **Access and Design Statements**

### **England**

The Planning and Compulsory Purchase Act 2004<sup>10</sup> has introduced a requirement for access and design statements to accompany certain categories of applications for planning permission, giving effect to a new section 62 of the Town and Country Planning Act 1990<sup>11</sup>, and listed building consent under section 10 (4) of the Planning (Listed

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<sup>9</sup> JMU Access Partnership, Training Courses,  
<http://www.jmuaccess.org.uk/15.asp>

<sup>10</sup> Planning and Compulsory Purchase Act 2004 (2004)  
[www.opsi.gov.uk/acts/acts2004/20040005.htm](http://www.opsi.gov.uk/acts/acts2004/20040005.htm)

<sup>11</sup> Town and Country Planning Act 1990 (1990)  
[www.opsi.gov.uk/ACTS/acts1990/Ukpga\\_19900008\\_en\\_1.htm](http://www.opsi.gov.uk/ACTS/acts1990/Ukpga_19900008_en_1.htm)

Buildings and Conservation Areas) Act 1990.<sup>12</sup>

One statement should cover both design and access, allowing applicants to demonstrate an integrated approach that will deliver inclusive design while addressing a full range of access requirements throughout the design process.

An access and design statement is required for outline or detailed applications and will be a material consideration. Local authorities may specify parts of the statement through conditions, which must follow (DoE) Circular 11/95 and be necessary, relevant to planning and to the development, enforceable, precise and reasonable.<sup>13</sup>

DRC advice on Access Statements states that they should be viewed as a document, which ‘grows’ with the project. <sup>14</sup> Starting at the strategic level, the statement will record and explain decisions on accessibility associated with the planning, design and ongoing management stages of a project. It will also provide a convenient vehicle, by which particular design decisions that do not follow published best practice still, nonetheless, meet obligations of ‘reasonable provision’.

## **Wales and Scotland**

From summer 2006 the policy on Access Statements in Wales and Scotland is under consideration. For further information see the websites of the National Assembly for Wales [www.wales.gov.uk/index.htm](http://www.wales.gov.uk/index.htm), or the Scottish Executive [www.scotland.gov.uk/Home](http://www.scotland.gov.uk/Home). As you will see in the examples provided within this guidance, the use of Access Statements is considered a useful tool in achieving disability equality, and should be considered by all authorities throughout Great Britain.

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<sup>12</sup> Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) (1990)

[www.opsi.gov.uk/ACTS/acts1990/Ukpga\\_19900009\\_en\\_1.htm](http://www.opsi.gov.uk/ACTS/acts1990/Ukpga_19900009_en_1.htm)

<sup>13</sup> DCLG (1995) Circular 11/95: Use Of Conditions In Planning Permission [www.communities.gov.uk/index.asp?id=1144452](http://www.communities.gov.uk/index.asp?id=1144452)

<sup>14</sup> DRC (2004) Access Statements: Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of buildings and spaces, [www.drc-gb.org/docs/15\\_97\\_access\\_statements.rtf](http://www.drc-gb.org/docs/15_97_access_statements.rtf)

# **Community Involvement**

## **England and Wales**

The Planning and Compulsory Purchase Act 2004 requires regional planning bodies and local planning authorities to prepare a Statement of Community Involvement, in which they set out their policy on involving their community in preparing regional spatial strategies, local development documents and on consultation on planning applications. Guidance on Statements of Community Involvement, together with details of the Government's overall approach to community involvement, is set out in more detail in 'Community Involvement in Planning: The Government's Objectives' by DCLG.<sup>15</sup>

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<sup>15</sup> DCLG (2004) Community Involvement in Planning: The Government's Objectives, [www.communities.gov.uk/pub/472/CommunityInvolvementinPlanningTheGovernmentsObjectivesPDF256Kb\\_id1144472.pdf](http://www.communities.gov.uk/pub/472/CommunityInvolvementinPlanningTheGovernmentsObjectivesPDF256Kb_id1144472.pdf)

## Scotland

From summer 2006 the Planning Advice Note (PAN) is under development. See the Scottish Executive website for more details [www.scotland.gov.uk/Home](http://www.scotland.gov.uk/Home).

The publication of the PAN will form part of a campaign to inform people about the full range of changes to the planning system and how they can be more involved. The PAN will outline the new requirements for inclusion and how the planning system can encourage greater engagement. This will bring together existing consultation measures with new provisions contained in the Bill. It will highlight examples of best practice in community engagement in planning, to assist planning authorities and developers in involving with communities of interest, including disabled people, in the most effective way.

## Funding

### England and Wales

The DRC undertook research on access groups/panels, which showed the wide variation in the support available to local access groups/panels.<sup>16</sup> Furthermore, it highlighted the pressure access groups/panels are under to respond to all the demands placed upon them. An effective local access group/panel must be well supported and resourced by the local authority, while remaining independent.

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<sup>16</sup> SURFACE (Salford University) (2004) Towards Access Standards: The Work of Local Access Groups in England and Wales, [www.66.102.9.104/search?q=cache:-JcEZdAmLvOJ:www.drc-gb.org/uploaded\\_files/documents/10\\_596\\_Final%2520report%2520for%2520web%2520with%2520ISBN%2520info.doc+towards+access+standards](http://www.66.102.9.104/search?q=cache:-JcEZdAmLvOJ:www.drc-gb.org/uploaded_files/documents/10_596_Final%2520report%2520for%2520web%2520with%2520ISBN%2520info.doc+towards+access+standards)

## **Scotland**

The Scottish Executive has funded the Scottish Disability Equality Forum to act as an umbrella body for Access Panels. The SDEF channel Scottish Executive funding to the panels for training and development.

## **Local Transport Plans**

The Transport Act 2000 gave local authorities a statutory requirement to produce Local Transport Plans (LTPs).<sup>17</sup> Where it is recognised that the Transport Act 2000 is specific to England only, the principles outlined, regarding LTPs are still relevant within Wales and Scotland.

LTPs should set out a strategy to improve the quality of the travelling environment for disabled people. They are the mechanism by which Local Transport Authorities are required to set out their policies and plans, for changes to the transport system, over a five-year period. They seek to ensure implementation of integrated transport policies.

## **LTP guidance and disabled people**

DfT guidance to local authorities, on what it expects within LTPs, includes the following with regard to disability issues:

‘Local authorities should address issues that affect disabled people and those with impaired mobility in the pedestrian environment and in and around public transport services and infrastructure, by working with operators and infrastructure owners.

Disabled people are particularly at risk of social exclusion. Increasingly, new transport vehicles must meet the technical requirements of the Disability Discrimination Act. But the design of the pedestrian environment, and public transport and highways infrastructure, is as important for the mobility of disabled people, as the ability to get on and off vehicles. Also for some disabled people,

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<sup>17</sup> Transport Act 2000 (Chapter 38 )(2000)  
[www.opsi.gov.uk/ACTS/acts2000/20000038.htm](http://www.opsi.gov.uk/ACTS/acts2000/20000038.htm)

particularly those with mental health conditions, accessible transport information and suitably trained transport staff are the key factors in enabling them to access public transport. Authorities should work closely with travel operators to ensure infrastructure improvements and access policies complement the introduction of more accessible vehicles and maximise the benefits for disabled people.’<sup>18</sup>

## **LTP’s Accessibility Strategies**

The Government’s LTP Guidance, provides a new requirement for accessibility strategies, including local targets for accessibility improvements.

Authorities should have include their framework accessibility strategies within their 2005 provisional LTPs submitted their completed accessibility strategies as part of their final LTPs in March 2006. DfT provides accessibility guidance and technical support<sup>19</sup>.

The Accessibility strategy should:

- set out the high level vision and objectives for accessibility
- identify local accessibility priorities
- consider changes to the provision of services, not just transport solutions
- be developed with partners and stakeholders
- include locally determined targets.

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<sup>18</sup> DfT (2004) Full Guidance on Local Transport Plans: Second edition,  
[www.dft.gov.uk/stellent/groups/dft\\_localtrans/documents/page/dft\\_localtrans\\_504005.hcsp](http://www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_504005.hcsp)

<sup>19</sup> DfT (2004) Guidance on accessibility planning in public transport plans,  
[www.dft.gov.uk/stellent/groups/dft\\_control/documents/contentserve\\_rtemplate/dft\\_index.hcst?n=12569&l=4](http://www.dft.gov.uk/stellent/groups/dft_control/documents/contentserve_rtemplate/dft_index.hcst?n=12569&l=4)

## **Involvement of stakeholders**

One of the criteria for assessing LTPs, will be the effectiveness of consultation and involvement of stakeholders in local transport. This must include companies delivering transport services, other local businesses, local public services, local communities and special interest groups.

It is essential that access and disability groups are fully involved in the development of LTPs. The DfT Guidance states that authorities should ensure LTPs are available to disabled people and should consult on their needs, such as formats and languages required. Authorities are also instructed to make provision for disabled people wishing to comment on, or ask about, the LTP.

Further information is available from the DfT's website [www.dft.gov.uk](http://www.dft.gov.uk), on a pedestrian environment audit tool for England and Wales, which will enable Local Highways/Roads Authorities to assess accessibility generally, of the street environment for disabled people. In addition, this will enable specific issues to be assessed, which affect certain groups, for example, way-finding clues for people with learning difficulties and audible/tactile signals at crossings for people with sight loss.

## **Local Transport Strategies**

### **Scotland**

The equivalent to the LTP in Scotland is the Local Transport Strategy (LTS).<sup>20</sup> However, this is not a statutory document. There is a requirement that all local authorities in Scotland should be a member of a Regional Transport Partnership, involving a number of local authorities working together with private sector, public transport service providers. These partnerships have a statutory duty to produce a Regional Transport Strategy (RTS).

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<sup>20</sup> Scottish Executive (2005) Guidance on Local Transport Strategies, [www.scotland.gov.uk/Publications/2005/03/20775/53775](http://www.scotland.gov.uk/Publications/2005/03/20775/53775)

Further information on LTS is available from:

- **Transport Scotland - set up to plan for transport in Scotland**  
[www.transportscotland.gov.uk/](http://www.transportscotland.gov.uk/)
- **The Mobility and Access Committee for Scotland (MACS) - a committee with representatives from a wide range of stakeholders, set up to advise Scottish Ministers on how best they should take account of the interests of disabled people in transport policies. Further information about MACS can be found at [www.macs-mobility.org/](http://www.macs-mobility.org/)**

## **Regional Transport Strategies**

### **Scotland**

The Transport (Scotland) Act 2005 requires that regional transport partnerships include provision on how transport will be provided, developed, improved and operated, so as to, amongst other things, encourage equal opportunities and, in particular, the observance of the equal opportunities requirements in the Scotland Act.<sup>21</sup>

Therefore, as an integral part of the development of the RTS, it is suggested that each Transport Partnership undertake an equality impact assessment. Involvement with representatives of equality groups, at an early stage of the development, is essential to achieve equality of opportunity. This will help to ensure that the strategy does not have an adverse impact on equality groups.

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<sup>21</sup> Transport Scotland Act (2005)  
[www.opsi.gov.uk/legislation/scotland/acts2005/20050012.htm](http://www.opsi.gov.uk/legislation/scotland/acts2005/20050012.htm)

## **Regional Spatial Strategies (RSS)**

### **England**

Regional Planning Bodies (RPBs) are required under the Regulations to consult with bodies that represent the interests of disabled persons in the region, before submitting their draft RSS revision to the Secretary of State (to the extent they consider it appropriate to do so). There is also a new requirement to hold an Examination-in-Public for the draft revision of the RSS, once it has been submitted by the regional planning. The venue or venues should have good access for disabled people.<sup>22</sup>

## **Local Development Frameworks**

### **England**

Local planning authorities in England must produce an Annual Monitoring Report on progress/performance, which would include recording the success of policies and service delivery. As part of this, consideration should be given to the needs and requirements of disabled people and disability equality.

## **New Roads and Street Works Act (1991)**

A street/road authority may attach to a street/road works licence such conditions as they consider appropriate to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability).<sup>23</sup>

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<sup>22</sup> DCLG (2005) Planning Policy Statement 11: Regional Spatial Strategies, [www.communities.gov.uk/index.asp?id=1143839](http://www.communities.gov.uk/index.asp?id=1143839)

<sup>23</sup> New Roads and Street Works Act 1991 (C.22) (1991) [www.opsi.gov.uk/ACTS/acts1991/Ukpga\\_19910022\\_en\\_1.htm](http://www.opsi.gov.uk/ACTS/acts1991/Ukpga_19910022_en_1.htm)

## **Countryside Rights of Way Act (2000)**

Section 60 (2) Rights of way improvement plans must ‘consider the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems’.<sup>24</sup>

## **Land Reform (Scotland) Act (2003)**

In Scotland the legislation means that access rights apply to disabled people as they apply to everyone else. The only specific reference to disabled access is to make provision that the only motorised vehicles, which have access rights are 'a vehicle or vessel which has been constructed or adapted for use by a person who has a disability and which is being used by such a person' (section 9(f)).<sup>25</sup>

The Scottish Outdoor Access Code makes several references to the subject, at 2.14, 4.10, 6.6, and particularly on disabled access in part 5, page 83, '... identify routes, including core paths that can be easily used by people with a disability. Wherever reasonably practicable provide gates rather than stiles on paths and tracks. This will help some disabled people such as wheelchair users.'<sup>26</sup>

## **The Highways Act (1980)**

This places a duty on highways authorities to maintain roads and footpaths for the safety of users and covers obstructions.<sup>27</sup>

## **Planning Policy Statements (PPS), Scottish Planning Policies (SPP) and Planning Policy Wales (PPW)**

Within many of the Government’s policy documents on nationally important land use and other planning matters, there are numerous references to accessible and inclusive environments. All authorities

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<sup>24</sup> Countryside Rights of Way Act 2000(C37)(2000)  
[www.opsi.gov.uk/Acts/acts2000/20000037.htm](http://www.opsi.gov.uk/Acts/acts2000/20000037.htm)

<sup>25</sup> Land Reform (Scotland) Act (2003)  
[www.opsi.gov.uk/legislation/scotland/acts2003/20030002.htm](http://www.opsi.gov.uk/legislation/scotland/acts2003/20030002.htm)

<sup>26</sup> Scottish Outdoor Access Code (2005), [www.outdooraccess-scotland.com/default.asp?nPageID=26&nSubContentID=0](http://www.outdooraccess-scotland.com/default.asp?nPageID=26&nSubContentID=0)

<sup>27</sup> The Highways Act (1980) [www.glass-uk.org/pub-library/acts/ha80/](http://www.glass-uk.org/pub-library/acts/ha80/)

must make best use of these when developing their regional and local development frameworks.

**PPS1 - Paragraph 16 “Delivering Sustainable Development”:**  
‘Development Plans should promote development that creates socially inclusive communities... Plan policies should ...seek to reduce social inequalities and take into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability or income’.<sup>28</sup>

Scottish Planning Policy 1 ‘The Planning System’ states that the planning system should promote ‘Strong vibrant and healthy communities’. This can be done by ‘Considering the diverse needs of the local communities in development plan policies’.<sup>29</sup>

Planning Policy Wales states that one of its key policy objectives is that ‘planning policies and proposals should foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone which the development of land and buildings provides (2.3.2).’ It also affirms that ‘local planning authorities and developers should consider the issue of accessibility for all, including the needs of those with visual and hearing impairments and those with limited mobility such as wheelchair users, elderly people and people with young children, at an early stage in the design process (2.9.5).’<sup>30</sup>

The exemplar document by the Greater London Authority ‘Accessible London’ provides detailed guidance on the policies contained in the London Plan, regarding the promotion of an inclusive and accessible environment.<sup>31</sup> Issues covered include

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<sup>28</sup> DCLG (2005) Planning Policy Statement 1: Delivering Sustainable Development, [www.communities.gov.uk/index.asp?id=1143805](http://www.communities.gov.uk/index.asp?id=1143805)

<sup>29</sup> Scottish Executive (2002) Scottish Planning Policy SPP1: The Planning System  
[www.scotland.gov.uk/Publications/2002/11/15751/12817](http://www.scotland.gov.uk/Publications/2002/11/15751/12817)

<sup>30</sup> Welsh Assembly Government (2002) Planning Policy Wales  
[www.wales.gov.uk/subiplanning/content/planningpolicy/planningpolicy-e.htm](http://www.wales.gov.uk/subiplanning/content/planningpolicy/planningpolicy-e.htm)

<sup>31</sup> Greater London Authority, 2004, Accessible London: Achieving an inclusive environment, the London Plan Supplementary Planning Guidance,  
[www.london.gov.uk/mayor/strategies/sds/accessible\\_london.jsp](http://www.london.gov.uk/mayor/strategies/sds/accessible_london.jsp)

housing, employment, education, health, retail, culture, sport and leisure, tourism, countryside, open spaces, transport, pedestrian environment, historic buildings and environments.

## **Good Practice Guidance**

### **DCLG Planning and Access for Disabled People**

A key publication for planning officers is the good practice guide, DCLG (2003) Planning and Access for Disabled People, [www.communities.gov.uk/index.asp?id=1144647](http://www.communities.gov.uk/index.asp?id=1144647). This document provides 19 good practice points that local authorities and developers should adopt.

Some of the recommendations in the good practice guide advise planning authorities to:

- include appropriate inclusive access policies at all levels of the development plan supported by a specific strategic policy
- develop and implement supplementary planning guidance encourage pre-application discussions with applicants
- encourage applicants to submit Access Statements with their applications
- make sure planning officers receive appropriate training on all aspects of an inclusive environment
- appoint an Access Officer and use a suitable access consultant
- encourage regular liaison with local access groups

### **DCLG Diversity and Equality in Planning**

For background information on diversity in the planning system see the DCLG website 'Equality and diversity in DCLG policies' [www.communities.gov.uk/index.asp?id=1123235](http://www.communities.gov.uk/index.asp?id=1123235).

## **Scottish Executive PAN 78 Inclusive Design**

The Scottish Executive published a Planning Advice Note (PAN) 78: Inclusive Design in March 2006.<sup>32</sup>

The aim of the PAN is to highlight that an inclusive environment is one that can be used by everyone – regardless of age, gender or disability. It offers advice to a wide range of people who are involved in creating and maintaining inclusive environments, including local authority officers, developers and design professionals.

## **DfT Inclusive Mobility**

This is a guide to best practice on access to pedestrian and transport infrastructure.<sup>33</sup> The overall objective of this guide is to provide inclusive design, and through this, achieve social inclusion. Beginning with the pedestrian and street environment, it progresses to addressing public transport buildings and infrastructure. The first section begins with basic information on the space needed by people walking, using wheelchairs, walking with sticks etc. Towards the end of the guide, there is a list of the sources of information used in its preparation, sub-divided by subject area.

## **DfT Guidance on the Use of Tactile Paving Surfaces**

This document relating to the use of blister paving as a warning device at controlled and uncontrolled pedestrian crossing points is now well established.<sup>34</sup> In this document, guidance is given on the use of a number of additional types of tactile surface to give warning of potential hazards, and for amenity purposes, to give guidance and information. Each type of tactile paving surface should be exclusively

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<sup>32</sup> Scottish Executive (2006) Planning and building standards advice note: Inclusive Design, [www.scotland.gov.uk/Publications/2006/03/07164427/0](http://www.scotland.gov.uk/Publications/2006/03/07164427/0)

<sup>33</sup> DfT (2005) Inclusive Mobility, [www.dft.gov.uk/stellent/groups/dft\\_mobility/documents/page/dft\\_mobility\\_503282.hcsp](http://www.dft.gov.uk/stellent/groups/dft_mobility/documents/page/dft_mobility_503282.hcsp)

<sup>34</sup> DfT (1999) Guidance on the use of tactile paving surfaces, [www.dft.gov.uk/stellent/groups/dft\\_mobility/documents/page/dft\\_mobility\\_503283.hcsp](http://www.dft.gov.uk/stellent/groups/dft_mobility/documents/page/dft_mobility_503283.hcsp)

reserved for its intended use and consistently installed in accordance with these guidelines.

## **JCMBPS Policy Statements**

The Joint Committee on Mobility of Blind and Partially Sighted People (JCMBPS) is an independent body consisting of representatives of the principle organisations of and for blind, deaf/blind and partially sighted people with a specific interest in access and mobility. The Joint Committee believes that blind, deaf/blind and partially sighted people should be able to move around safely, independently and without undue restriction.

Policy statements on the following topics are available from the Joint Committee's website [www.jcmbps.org.uk/index.php?id=2384](http://www.jcmbps.org.uk/index.php?id=2384).

- walking strategies
- concessionary fares
- bus stops
- pedestrian crossings
- level crossings
- adjacent facilities for pedestrians and cyclists
- taxis and private hire vehicles.

## **DPTAC Inclusive Projects**

Guidance on writing project briefs, issued by DPTAC in 2003, stresses the need to commit to, and integrate, Inclusive Design principles at all stages of the project briefing process.<sup>35</sup>

## **National Assembly of Wales TAN 12 Design**

More detailed advice on how good design can be facilitated within the planning system including promotion of inclusive design.<sup>36</sup>

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<sup>35</sup> DPTAC (2003) Inclusive Projects: A guide to best practice on preparing and delivering project briefs to secure access, [www.dptac.gov.uk/inclusive/guide/index.htm](http://www.dptac.gov.uk/inclusive/guide/index.htm)

<sup>36</sup> National Assembly of Wales (2002) Technical Advice Note 12 Design, [www.wales.gov.uk/subiplanning/content/tans/tan12/design-e.pdf](http://www.wales.gov.uk/subiplanning/content/tans/tan12/design-e.pdf)

## **Appendix B: DRC Guidance**

**Other DRC guidance documents in this series include:**

- **Central government briefings (England)**
- **Disabled people**
- **Education - HE & FE**
- **Education - Schools (England and Wales)**
- **Education - Education Authorities (Scotland)**
- **Employment**
- **Evidence gathering**
- **FAQ for Education in Schools in Scotland**
- **Health (England and Wales)**
- **Health (Scotland)**
- **Housing**
- **Impact assessments**
- **Involvement**
- **Listed Bodies – a list and explanation (Scotland)**
- **Local authorities**
- **Overview and introduction**
- **Procurement – a technical note**
- **Scottish Executive Departments and Agencies (Further chapter in future for Scottish Ministers, 2006)**
- **Social care (England)**
- **Social care (Wales)**

**All guidance documents (except guidance for disabled people, overview guidance and guidance on involvement which will be published in a range of formats) are purely online documents and can be downloaded free of charge from the DRC website. You can get a copy of the published guidance by contacting the DRC Helpline, details of which are below.**

**Copies of the Act and regulations made under it can be purchased from The Stationery Office. Separate codes covering other aspects of the Act, and guidance relating to the definition of disability are also available from The Stationery Office. The text of all the DRC's codes can also be downloaded free of charge from the DRC website [www.drc-gb.org](http://www.drc-gb.org)**

## **DRC Contact details**

**Telephone: 08457 622 633**

**Textphone: 08457 622 644**

**Fax: 08457 778 878**

**Post:**

**DRC Helpline**

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## **Disclaimer**

**The information in this guidance is based on the law but its main purpose is to help authorities to comply with and make the most of the Disability Equality Duty. The Statutory Code of Practice on the Disability Equality Duty provides further detail of the legislation.**