

Review of Design and Access Statements in Wales



Collaboration by design

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1. Introduction

1.1 The commission

Powell Dobson Urbanists were commissioned with Cardiff University School of Planning and Geography and Keith Bright Consultants to undertake a study into the effectiveness of Design and Access Statements (DASs) in Wales. The purpose of this project was to gather credible evidence to establish whether and how DAS contribute to better design of development in Wales.

The research brief identified a number of known, or assumed, issues that were to be explored. These can be categorised as follows:

Delivery: how are the documents produced, how are they interpreted and used and also what kind of impacts do they have on design processes and development outcomes?

Complexity: how are DAS interpreted by people that produce and read them and also are they creating delays or efficiencies in the process of gaining planning permission?

Duplication: Are there are other aspects of the regulation of development that are trying to achieve the same objectives as Design and Access Statements, most particularly Part M of the Building Regulations in relation to access, and required BREEAM or Code for Sustainable Homes assessments in relation to more specific sustainability criteria?

1.2 Purpose of the report

A comprehensive review of design and access statements has been undertaken that looks at the elements that have proved to be effective as well as areas where they are not performing as anticipated or desired. The study has therefore taken a broader scope than just

looking at the impact of DASs on improving design and these conclusions are presented in this report.

The report sets out the findings from each element of the research including a literature review, questionnaire, workshop and number of case studies. In response to these findings the project team has developed a set of recommendations promoting changes to the use of DAS that will ensure that this requirement of the planning process is clearer, more effective, and less burdensome.

2. DAS: A Literature, Guidance and Policy Review

2.1 Introduction

Various sources of published research help us understand the significance of Design and Access Statements (DAS). There is a wide literature on design and the planning system – which embraces inclusive design - that provides an important context for other studies focusing specifically on DAS. There are various sources of guidance for practitioners on preparing DAS and which elaborate on the requirements set out in legislation. Concerns with the effectiveness of DAS have also featured as part of wider reviews of the operation of development management in England and Wales. References are provided in Appendix A.

The review is organised into the following sections:

- Design criteria and the planning system
- Inclusive Design
- Managing design in the planning system
- Design and Access Statement requirements in Wales
- The role and function of Design and Access Statements
- Good practice and related guidance on Design and Access Statements
- Research evaluating the use of Design and Access Statements in England
- Research evaluating the use of Design and Access Statements in Wales
- Recommendations for changes to Design and Access Statements
- Conclusions

2.2 Design criteria and the planning system

General design criteria

The commitment to considering design as a material consideration in planning decisions in England and Wales was established in Planning Policy Guidance Note 1 in 1992 (Department of the Environment, 1992). Carmona (1996) discusses the earlier entrenched and divergent professional and government opinions about the role of planners in trying to affect the design of development. He notes the gradual consensus that planners should have knowledge of and be concerned about urban design issues, rather than matters related exclusively to architectural style or visual appearance. Following the establishment of the Commission for Architecture and the Built Environment (CABE) a raft of policy and guidance documents emerged outlining the ways that the planning system might be used to shape design outcomes. Of these, *By Design* (CABE /Department of the Environment Transport and the Regions, 2000) established initial and widely accepted objectives for judging design quality, and discussed aspects of the development form through which the design quality might be evaluated. Punter (Punter, 1990; Punter and Carmona, 1997) illustrates how this normative thinking about a diverse range of topics and issues is linked to the work of key urban design authors produced since the 1960s.

The objectives for evaluation design quality established in earlier documents are echoed today in Wales in the current versions of Planning Policy Wales (Welsh Government, 2012) and Technical Advice Note 12 (Welsh Assembly Government, 2009), where the objectives of good design are presented from a Welsh perspective. These documents state that design involves all of the relationships between elements of the natural and built environment. Good design will help to deliver sustainable development, but that to do this it must embrace not just a concern for aesthetics, with a typical focus on what things look like, but include concern for social, environmental and economic aspects of the development, including how buildings are constructed, operated and managed, as well as relationships between schemes and their surroundings. It is noted,

or possibly hoped, that good design should be the aim of all those involved in the development process (Welsh Government 2012, p. 59).

TAN 12 is very clear that well designed schemes will be based on a suitably thorough analysis of any context, and will exhibit designs that show a suitable response to issues of access, character, community safety, environmental sustainability and movement. These terms form the basis for any discussion of design quality in a DAS, whatever the nature of a scheme or its setting.

Design criteria and housing development

Housing developments have more specific criteria which emerge from UK debates about the quality of residential developments delivered by what tends to be a volume house building industry (Carmona, 2001). CABE developed the Building for Life criteria which have established a comprehensive framework for judging the merits of residential schemes (CABE, 2005a, 2008a; Building for Life Partnership, 2012). In Wales the Planning Officer's Society for Wales (POSW) commissioned the production of a *Model Design Guide for Wales: Residential Development* (Planning Officers Society for Wales and LDA Design, 2005). This guide highlights that residential schemes should show concern for natural heritage, compactness (as opposed to an English concern for density), accessibility and ease of movement, legibility, character and context, continuity and enclosure, public realm, variety and diversity, adaptability and resource efficiency. Some authorities have rewritten and re-illustrated this guide to suit their local circumstances. Subsequently the Design Commission for Wales wrote a councillor-friendly guide on designing residential schemes, and edited down the issues of concern for residential developments to include context and character, movement, public realm, built form and material and details (Design Commission for Wales, no date). These residential guides show the variability of the language and criteria used to present the case for judging the merits of residential schemes in Wales. They also show the wide range of potential issues

considered in the public interest in relation to the design of development.

Design criteria and householder development

In addition, and reflecting their importance to the planning process, POSW also commissioned a national *Design Guide for Householder Development* (Planning Officers Society for Wales, 2005) to provide design advice on small or householder applications. In contrast to the *principles-based* approach considered relevant to larger schemes and which have urban design implications, this guide is organised thematically, with advice for types of common development (including advice for schemes which might not need planning permission): extensions and conservatories, garages and outbuildings, dormer windows and roof lights, boundary treatments, planting, providing for access and parking, raised decks and balconies, resource efficiency, and crime prevention. The guidance is targeted at people with few design skills. It is often acknowledged that many smaller planning applications are submitted by applicants with no specific design training.

Design and the historic environment

In relation to the issue of character, Cadw has developed a specific methodology for understanding local identity and sense of place, with a view to helping manage change in historic settings. Such methodologies underpin character assessments for conservation areas in Wales. The studies look at how the history of a town is expressed in its plan and topography, in areas of archaeological potential, and in specific aspects of its architectural character (Cadw, 2009). Conservation area appraisals based on such methods will typically inform the notion of character used to judge the suitability of developments in designated conservation areas.

2.3 Inclusive design

Planning Policy Wales (2012, edition 5) states at paragraph 4.11.4 that “Good design is also inclusive design”. It also highlights a series of principles of inclusive design. It states that inclusive design:

- places people at the heart of the design process;
- acknowledges diversity and difference;
- offers choice where a single design solution cannot accommodate all users;
- provides for flexibility in use; and
- provides buildings and environments that are convenient and enjoyable to use for everyone.

This is reinforced by other sections of Planning Policy Wales, most notably section 3.4, that aim to ensure access for all. This highlights that local planning authorities have a duty when granting planning permission to draw applicants’ attention to their own statutory obligations under the Equality Act 2010. Planning Policy Wales also states that developers should consider providing accessibility for all, even in cases where a DAS is not required (paragraph 3.4.3). Access audits are highlighted as being useful in assessing accessibility. The additional considerations on access and historic buildings are also outlined (paragraph 3.4.5). Guidance published by the Design Commission for Wales (2011) on the production of DAS also argues for the adoption of an inclusive design approach, and emphasises that inclusive design should be integrated as part of the wider design process.

A draft document entitled Planning for Inclusive Access in Wales, Good Practice Guidance Toolkit prepared by Disability Wales and Access Design Solutions brings together the issues and lessons from the ‘Way to Go’ project to provide an online resource for planners to enable them to plan for inclusive access and to engage effectively with access and disability groups. The toolkit helps its users understand the rationale for inclusive design, including relevant policy and legislation. Relevant social/equality policies

(such as the Framework for Action on Independent Living) and planning policies (such as Planning Policy Wales) are 'joined up', so that it is clear that, in relation to inclusive design, they are pulling in the same direction. This should enable professionals and stakeholders such as Access Groups to see how development plans and development management can play a part in creating a barrier-free, enabling environment.

In relation to DAS, the toolkit provides advice on what they might contain, including a vision and objectives for achieving good inclusive access, how identified access problems have been dealt with in the design of the scheme, as illustrated by the design drawings, and why particular design proposals may not meet recognised standards, but will still provide inclusive access to at least a good standard.

Planning policy and related guidance therefore support the consideration of access as a central issue in the design and evaluation of all development proposals. Yet, despite such statements being featured in planning policy, studies have suggested that developers and designers do not routinely think in terms of an inclusive environment (Imrie and Hall, 2001; Imrie, 2006; Imrie and Street, 2011). Prevailing attitudes towards the design and delivery of inclusive environments help to explain the introduction of Access Statements in June 2007 as a formal requirement for many planning applications submitted in Wales. DAS were introduced in Wales from June 2009 with the intention of combining both design and access considerations in a single document. Standalone access statements are now only required in relation to certain changes of use where, in effect, there are no design issues to consider (see below on DAS requirements in Wales).

One of the purposes of statements in relation to access is arguably to provide a regulatory framework to help developers and local planning authorities to fulfil their duties under other legislative frameworks, including the Equality Act 2010. Practical guidance available to local planning authorities and developers sets out the background to these duties (Design Commission for Wales, 2011), as well as how to help fulfil them through the production of a DAS.

This legislative framework - and the associated duties and obligations that they impose on public bodies, developers and others – is important in reinforcing the importance of access considerations within a DAS. Evidence points to developers being resistant to affording inclusive design principles any significant status in their development proposals (Imrie, 2006). Consequently, DASs might be expected to play an important part in promoting inclusive design principles, where they may otherwise be neglected in the design of a proposal.

2.4 Managing Design in the Planning System

The planning system in Wales can deal with design issues by using a number of policy and guidance tools and procedures. These are introduced in TAN 12. These tools and procedures are nuanced and well established across the UK. They combine in what we will call a *hierarchy of design control*. Design and Access Statements form one part of this hierarchy, at the most detailed and site specific scale. At a strategic level designs can be controlled or guided through the use of design policies in development plans (Punter and Carmona, 1996; Punter et al. 1996; Punter and Carmona, 1997; Carmona et al. 2002; Carmona 2003; CABE 2005b), or with design strategies for significant area such as a town or city centre (Biddulph and Punter, 1999; Evans, 1999). Thematic design guidance (eg. residential or shop front) might be produced to shape all forms of development of a particular type, whatever it setting (Carmona, 1998, 1999; Rudlin, 1999; Carmona, 2001). The residential guides discussed above fall into this category. Master plans and related design codes or development briefs might be produced for key development sites (Cowan, 2002; Bell, 2005; CABE, 2008b; Carmona, 2009; CABE, No date). Conservation area appraisals should be prepared for designated areas (English Heritage ,2006; Cadw, 2009). Pre-application negotiation processes are used to provide responsive advice to developers and designers prior to the submission of a planning application. Design review processes, such as those offered by the Design Commission for Wales, might be used to enhance schemes as they progress from inception to

detailed design (Punter, 2006, 2008). A planning authority that is proactive in its attempts to manage the design quality of development will adopt these tools available to them, as considered suitable or necessary, including suggesting that some schemes might be subject to a design review.

Design policies in development plans tend to be relatively generic but underpin the statutory planning process and can refer to other forms of document. Other requirements such as supplementary planning guidance are non-statutory, but can go into more detail and constitute a material consideration where they have been subject to public consultation and the approval of a planning committee. In contrast to all of the above tools, the DAS is a reactive tool. This means that rather than be based on a clear view of what might be necessary from a planning authority perspective, the DAS is produced by the developer or designer, and is something to which the planning authority reacts as they see fit.

Literature on the relationship between planning and development quality has often stressed the need to improve the quality of development in general, and often emphasises exemplary schemes to raise local expectations. These documents often stress the importance of good clients, architects, planners and councillors in delivering design and development quality. It is a fundamental, structural constraint of planning systems generally, however, that they merely approve adequate development, meaning that developers might search for the lowest common denominator in design and development quality in order to keep costs down. It is also a common complaint that many planners, often qualified with a social science background, lack any specific design skills and find it hard to judge consistently the design merits of schemes across the range of potential criteria, resorting often to norms or standards for a limited range of issues (Higgins and Forsyth, 2006). The same criticisms are also levelled at councillors and neighbours who base their judgements on lay tastes, often rejecting out of hand anything that *looks* unfamiliar (Hubbard, 1994; Hubbard, 1995). The Design Commission for Wales has tried to overcome some of these issues and deficiencies through its publications, references to exemplary

schemes on its web site, and training of planners and councillors on design issues.

2.5 Design and Access Statement Requirements in Wales

Secondary legislation sets out the requirements for design and access statements in Part 2 Article 7 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. This document does the following:

- It sets out the requirement that an application for planning permission must be accompanied by a design and access statement;
- It identifies certain categories of applications for planning permission where a design and access statement is not required;
- It sets out categories of development where an access statement is required rather than a design and access statement;
- It sets out the role of design and access statements in explaining how design principles and concepts and access considerations have been applied or taken into account;
- It establishes specific aspects of a development that must be considered in relation to design (for example, environmental sustainability, character etc);
- It establishes specific issues that must be explained for a development in relation to access (for example, how policies relating to access in the development plan have been taken into account);
- It defines certain terms for the purposes of the article, including character and context.

The Order is significant in setting the validation requirements for registering a planning application, whereas guidance and advice in TAN12 provides wider material designed to assist with the production of effective design and access statements.

Despite being a statutory requirement, the DAS does not form part of a planning application or planning permission, unless some specific aspect of its content is referred to in a planning condition. They are required for many forms of development, except engineering or mining operations, householder development of an existing dwelling house or development within its curtilage, and changes in the use of land or buildings unless it would necessitate access by an employee, or the provision of services to the public. A DAS is not required for reserved matters applications, although guidance in TAN12 states that an application for reserved matters should be accompanied by a progress statement on changes occurring since the original outline planning application was submitted (Welsh Assembly Government, 2009).

Requirements also state that a DAS must explain the concepts and principles in relation to “(as a minimum) access, character (including amount, layout, scale, appearance and landscaping), community safety, environmental sustainability, movement to, from and within the development”...or that for a listed building consent application the DAS must “explain the concepts and principles in relation to (again as a minimum) access (exterior works only), appearance, environmental sustainability, layout and scale.” (Welsh Assembly Government, 2009, pp. 66-67).

The straightforward language which defines the issues which a DAS should consider, and which appear as headings in TAN 12, is complicated by the tendency to vary this language in other publications with a national focus. The nature of developments or settings is also so varied that the suitability of these terms, or the balance between them, may not always be self-evident to clients, designers or planners. There is also a clear need to interpret the meanings of these texts relative to the features of any design in its setting. Some of these qualities might be relatively straightforward, such as noting the front of a building or the scale of a scheme

relative to its setting. Others might be more open to interpretation and discussion.

2.6 The role and function of Design and Access Statements

Central to the idea of a DAS is that they are a communication tool. They provide developers and designers with an *opportunity* to explain *whether and how* they have dealt with relevant issues. The argument is that good designers should find this easy as they will have developed design thinking and a clear rationale for their scheme, whilst others may need to raise their game to achieve the required standard of explanation and therefore design or development quality. We come back to this issue later in this study, as we found this to be a central strength of DAS for some forms of development.

DCFW advice on DAS also discusses how a DAS might contain “...*the work that should be undertaken before making a planning application...*” (2011) whilst TAN 12 notes that they should be a living document that evolves and changes with iterations of the scheme (Welsh Assembly Government, 2009, p. 17). There is some confusion therefore about whether a DAS is an explanation of process, and or a justification of the design outcome.

Beyond being presented as an opportunity to communicate, advice on the specific roles of a DAS suggests a complex agenda, especially given the range of potential types of development to which they might apply. A DAS will be required for a large urban extension or something as small as an ATM (cash machine). Despite this tremendous scope TAN 12 says that they:

- “ensure that the developer can provide evidence to justify proposals in terms of planning policy (national and local) and in terms of the listed factors
- can explain how the objectives of good design have been applied, or where they have not been applied, the reasons for that

- can clearly set out the established vision and principles for the scheme
- can demonstrate that the principles of sustainability have been addressed and used to inform the design of the development
- can illustrate how the developer has considered conflicting demands and the extent to which these considerations have influenced the proposed development
- can ensure that the developer has satisfactorily considered design issues (such as those considered in section 5 of TAN 12) early in the design process and that potential problems are highlighted before detailed design work commences
- can demonstrate how design decisions have been influenced through the reappraisal of the design.”

The potential benefits of a DAS are also wide ranging and widen their purpose further. They can:

- “inform decision-making from the outset through the pre-application/application stages to implementation on site
- provide an opportunity for the applicant, and for developers and designers, to demonstrate their commitment to inclusive design
- provide an opportunity for the applicant, and for developers and designers to demonstrate how they have responded to the need for sustainable buildings
- help all those assessing the application to understand the rationale that underpins the development proposal, assisting in their negotiations and decision-making
- enable local communities, access groups, amenity groups and other stakeholders to understand the rationale underpinning the development proposal and thus to make effective representation on proposals
- lead to an improvement in the quality, sustainability and inclusiveness of the development

- make applicants more aware of issues that should be considered.”

There is a simple idea underpinning the DAS idea which is complicated by their published potential roles and purposes. It is evident that these roles and purposes might seem disproportionate for simpler and smaller-scale proposals, such as a proposal for an ATM (cash machine). The standard information supplied as part of the planning application, and mainly the plan drawings, may be sufficient in explaining the proposal. By contrast, significant schemes which have wide ranging public impacts in design and development terms might suitably be more rigorously explained. It is worth noting that despite these statements of purpose, the guidance is clear that DAS should be concise and proportionate to the scale of development being proposed. There is scope for the meaning of this to be interpreted in a variety of ways.

2.7 Good practice and related guidance on Design and Access Statements

The preceding section highlighted the role and function of Design and Access Statements using formal publications issued by the Welsh Government or Welsh Assembly Government. This material is supplemented by a range of other documents providing practical guidance on the preparation or assessment of DAS. This material is published by a range of organisations, from professional groups and advisory bodies to charities and interest groups. The research team have reviewed these main sources of practical guidance and advice. This section of the literature review provides an evaluation of this guidance. Details of the main documents reviewed are provided in Appendix 2. This review has also assessed the additional guidance provided by individual local planning authorities in Wales. A summary of each local planning authority is provided in Appendix 3.

The review of **good practice publications and related guidance** has identified the following:

- There are a variety of different publications for different audiences. Some of these are focused on providing advice for those preparing a DAS (Design Commission for Wales, 2011). Other publications are focused on explaining to stakeholders the background to the requirements for them, as well as emphasising the importance of engaging with these stakeholders (Planning Aid Wales, 2011). Some documents include specific information for both those preparing DAS and those reviewing them (CABE, 2007).
- Good practice documents emphasise the value and benefits of preparing Design and Access Statements. There is often an emphasis in these documents on the DAS as a 'living' document relevant to several stages of the design and planning application process. The value of stakeholder engagement in preparing DAS is also emphasised (Planning Aid Wales, 2011; CABE, 2007).
- Guidance varies in how it addresses the issues of both design and access. Some documents refer to these as two separate, but related, components of DAS (CABE, 2007). In other documents, design and access are considered as more closely intertwined issues (Design Commission for Wales, 2011). There are also some useful publications addressing specific aspects of design and access, most notably those related to crime prevention (Secured by Design, 2010).
- Some of the practice documents include useful examples to help people preparing a DAS (The Disability Rights Commission, 2003). These would be helpful and useful additions to other publications where good practice examples are not provided (CABE, 2007).
- Some of the available good practice guidance is useful but outdated, and does not therefore refer to more recent changes and amendments to the requirements for Design and Access Statements. There are references in some practice documents to separate access statements and design statements, with inconsistencies in the use of these terms. Similarly, some of the early guidance focuses principally on issues of disability,

rather than the wider series of issues of relevance to a diverse range of user groups that are addressed by the Equality Act 2010 (Disability Rights Commission, 2003; Urban Design Group, 2008). Other, more recent, publications have been updated to reflect changes in the legislative and policy context (Design Commission for Wales, 2011).

- There is very good guidance available that specifically addresses Design and Access Statements in Wales (Design Commission for Wales, 2011). Along with TAN 12, this guidance is the leading source of advice on the use of Design and Access Statements that is currently available.

The review of information supplied on Welsh local planning authorities' websites has also identified the following:

- The information provided on some LPA websites is out of date, which could lead to confusion.
- The guidance provided by some LPAs is out of date and relates to previous Access Statement requirements or interim guidance that has now been superseded.
- The requirement for a Design and Access Statement to be submitted with planning applications is not always clear from the information provided on websites.
- There is significant diversity in the amount and type of information and guidance provided by LPAs. This lack of consistency could cause confusion and may indicate variation in planning application validation requirements between authorities.
- The need for guidance on DAS from each LPA is questionable, as guidance is available at a national level. Where local level guidance documents are provided they do not generally relate to local context, policy or conditions and often provide a summary or variation of what is provided in TAN 12. Therefore they provide another layer of information which may actually create confusion rather than clarity.

2.8 Research evaluating the use and effectiveness of DAS in England

Two main publications present some empirical work on how DAS are being used in England (Planning Advisory Service, 2008; Paterson, 2011). The Planning Advisory Service brought together development management, urban design, access and building control representatives from 16 planning authorities to complete a review of the procedure. It also included elected members as participants in the research and therefore reflected a public sector perspective on DAS. This work was reasonably early in the life of DAS and was based on engaging participants in focus group-style discussions. Paterson (2011) studied the use of DAS in 13 local authorities in the North East of England, interviewing local authority planning officers and developers or agents in each of the local authorities.

This work reported a range of issues and conclusions relevant to this study, which have been organised thematically:

Requirements for a Design and Access Statement

- DAS were considered *another hurdle* for developers, causing additional costs and delay at the planning application validation stage. In general, work with developers and their architects highlighted negative attitudes towards the requirement for Design and Access Statements.
- Planning officers reported that larger-scale developers had engaged better than smaller-scale developers with the requirement for and preparation of DAS.
- Too many minor applications were requiring a DAS, and the threshold for requiring them needed to change.
- There was overlap between DAS requirements and other reports submitted with a planning application, and in particular the areas controlled under the building regulations, and access management plans prepared by access officers.

- Local authority planning officers welcomed the consideration of design and access in a singular statement, not least because it required attention to design issues explicitly.

Pre-application stage

- It was found that many of the practical difficulties associated with a scheme were avoided where a DAS evolved in parallel with pre-application discussions.

Validation and quality

- There were inconsistencies in local planning authorities' approach to validation of planning applications. There was also a lack of consensus about whether planning applications should be validated if a DAS was considered inadequate.
- Many DAS statements were often barely adequate relative to expectations. There was a need amongst practitioners for a better understanding of what to include and leave out.
- There was a need for greater clarity on access issues, and especially the level of information needed at the planning and then the building control stages
- Many applicants chose to explain their scheme in the DAS, rather than explaining the process through which a scheme had evolved.

Supporting decision-making

- DAS were particularly effective in local authorities with a commitment in policy and resourcing towards good design, and which have staff with specialist skills in urban design and conservation.
- In contrast, the production and interpretation of DAS suffered from a 'tick box' mentality when used by poorly trained professionals. Developers had concerns about whether local planning authorities possessed staff with the necessary design skills to fully understand design issues.

- DAS were useful in explaining a proposal to a planning committee, and in particular unconventional schemes.
- Conditions on outline permissions could ensure that reserved matters applications follow the principles established in a DAS, to address concerns that subsequent applications were ignoring previous commitments.

Achieving good design

- Good design was mainly the outcome of the priority and commitment given to it by the authority and applicant. Many planning officers nevertheless believe that DAS had helped to improve the quality of design of proposals, by drawing attention to design issues in the planning consent process.

2.9 Research evaluating the use and effectiveness of DAS - Wales

There are also a small number of studies of Design and Access Statements in Wales, either focusing specifically on DAS or considering them as part of a wider study. The study by GVA Grimley for the Welsh Government (2010) cited DAS as the single most common reason for local planning authorities not validating planning applications. Focus groups conducted as part of the study also called for improvement to guidance issued by the Welsh Government, including on DAS. The study went on to make a specific recommendation on DAS. This had two components: first, that the scope and content of Design and Access Statements should be clarified; and, second, that consideration should be given to relaxing the trigger for their requirement for all types of development. This recommendation was accepted and has been partially responded to by the Welsh Government. The Welsh Government issued a clarification letter on DAS to local planning authorities, but has not yet considered relaxation of the trigger for requirement of a DAS, or provided more flexible guidance on format and content to reflect the varying scale of proposals.

The remainder of the studies addressing DAS in Wales are mainly postgraduate research dissertations completed at Cardiff University. Lankshear (2011), for example, examined a series of 26 DAS submitted to three Welsh local planning authorities. The research identified that DAS tend to follow very closely the design elements as identified by TAN12. Access and character were the most frequently addressed considerations in DAS, followed in order by environmental sustainability, movement and community safety. The majority of DAS reviewed in the study did not include any discussion of the evolution of the scheme in response to consideration of the five categories. Specifically on access, the study concluded that the DAS reviewed “could reasonably be suspected of paying lip service to the notion of inclusive design” (Lankshear, 2011, p. 53). Similarly, many DAS did not refer to consultation as part of the process of preparing the DAS. Finally, the study raised concerns about consistency of local planning authorities’ validation requirements and the use of conditions to tie the DAS in to the planning permission. Pulley’s (2012) study focused specifically on the use of DAS in planning appeals. The study examined appeals which had been declared invalid by The Planning Inspectorate on account of an inadequate or absent DAS. This amounted to 14 appeals, or 2.7% of all appeals in 2010. In five of the cases, no DAS had been provided or requested despite being a statutory requirement for the development applied for. In the remaining nine cases the DAS was determined as not meeting the statutory requirements. The very clear majority of these had been submitted by a professional agent or consultant. Appellants were in these cases provided with a standard letter requesting that the regulations be satisfied, without guidance on the specific deficiencies of the submitted DAS.

2.10 Recommendations for changes to DAS

The literature on Design and Access Statements also refers to a series of proposals for change. These include the following:

- *Proactive use of Design and Access Statements*. The Planning Advisory Service (2008) called for local planning authorities to

adopt a more proactive role in the use of DAS. It advised planning officers to see themselves as active participants in the preparation of DAS rather than simply recipients or reviewers of them. A proactive use of DAS by local planning authorities would be consistent with the adoption of a development management approach. In Wales, the earlier GVA Grimley study (2010) conspicuously avoided suggesting including DAS as part of a development management approach.

- *Improving understanding of DAS and enhancing design skills.* The Planning Advisory Service (2008) suggested the need for a stronger commitment by developers and planners to achieving good design, and that this would require an enhancement of the design expertise of local planning authorities and others (see also Punter, 2010). Other studies have made similar calls for improving design skills (Paterson, 2011), or sharing design expertise across more than one local planning authority (GVA Grimley, 2010).
- *Improving the consistency of processes for validation of DAS.* The study by GVA Grimley (2010, paragraph 7.24) recommended a standard national list of requirements for the validation and registration of planning applications, which would include requirements in relation to DAS. It also suggested that the Welsh Assembly Government (now the Welsh Government) should ensure that its requirements for validation of planning applications should be clear and unambiguous. The sharing of best practice was also identified as supporting improvement in the consistency and quality of local planning authorities' validation practices.
- *Amending the thresholds for development requiring a DAS.* The earlier GVA Grimley study (2010) argued for serious consideration of reviewing the 'thresholds' or 'triggers' for when a DAS is required. The Government's response to this study and subsequent consultation was set out in 'Streamlining the planning application process: Consultation, Government Response' (DCLG, June 2013). A key proposal

taken forward following the consultation was setting a higher threshold for when a DAS would be required, based on where a more detailed explanation of the approach genuinely adds value. The revised arrangements for DASs in England is now that they are only required for applications for planning permission which are: major development (defined below); or, where any part of the development is in a designated area (also defined below), development consisting of (i) the provision of one or more dwelling houses; or (ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.

‘Major development’ follows the definition set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010 including: proposals for 10 or more dwellinghouses (or 0.5 ha if the number of units is not known); development with a site area of 1 hectare or greater; 1,000 sq m or more. ‘Designated area’ is defined in the Order as: (i) a conservation area; and (ii) property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and National Heritage (a World Heritage Site).

These changes were implemented via the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013 which came into force on 25th June 2013.

This change was considered appropriate following consultation, as the definition of major development is clear and understood, and that the design and access considerations and implications of development below this threshold can be adequately understood without the need for a Design and Access Statement. The justification states that, furthermore, the removal of the need for DAS would not affect a LPA’s ability to set out design and access policies in its development plan and use these appropriately in determining planning applications.

A further element of the changes in England was a simplification of the content requirements. This arose from concerns relating to proportionality and effectiveness. The 2013 DMO deleted the requirement for a DAS to explain the design principles and concepts that were applied to: amount, layout, scale, landscaping, and appearance of development proposals. This is replaced with a broader requirement to explain the design principles and concepts that have been applied to the development.

The access requirements in a DAS remain as per the DMO 2010, however the need to explain how prospective users will be able to gain access to the development from the existing transport network; why the main points of access to the site and the layout of access routes within the site have been chosen; and how features which ensure access to the development will be maintained – have been deleted. This can now be covered under the requirement to explain more broadly how any specific issues that might affect access to the development have been addressed.

The recent changes also included a simplification of DAS content requirements for applications for listed building consent which remove the requirement for Design and Access Statements to explain the principles and concepts that have been applied to the scale, layout, and appearance of the works to be carried out to listed buildings, and it also removes the requirement for a Design and Access Statement to explain how features which ensure access to the building will be maintained. These changes were implemented via the Planning (Listed Buildings And Conservation Areas) (Amendment) (England) Regulations 2013

- *Reducing the scope and content of DAS.* In England, the consultation issued by the Department for Communities and Local Government (2013) on streamlining planning application processes proposes ‘a more proportionate approach’ to DAS (paragraph 32). This approach proposes that the requirements of a DAS be adapted to the complexity or simplicity of the proposed development. Smaller-scale and simpler forms of

development would demand less information and explanation than a more elaborate, more complex or larger proposal. The consultation identifies specific requirements to be removed as part of a more proportionate approach. In Wales, the Policy Clarification Letter CL-03-10 issued in August 2010 by the Welsh Assembly Government also emphasised that “a DAS should be proportionate in length and complexity to the type and scale of development proposed”, citing the relevant sections of TAN12.

These proposals will be considered later in this project in the formulation of recommendations to the Welsh Government.

2.11 Literature review conclusions

This review of literature shows that there is evidence of wider work which help us understand how to judge the role of DAS in shaping design outcomes in Wales. The Design and Access Statement is one instrument for the promotion of well-designed development through the planning system, supported by a hierarchy of policy, guidance and good practice. TAN 12 in Wales does a good job in outlining the issues to be considered and the means by which they might be achieved. DAS are a reactive tool, in that Planning Authorities rely on the commitment of the designers and their clients in the production of good documents. Despite the wide ranging and complex purposes of a DAS, as expressed in a variety of guidance, their principal role in the planning process is as a communication tool; allowing a designer to explain their work relative to guidance issues and in response to a context.

There is general support for DAS. Planners like the fact that they require attention to design and access issues, and provide a means for a developer or designer to communicate to others the design and access qualities of a scheme. This is of particular value for larger forms of development, or for development on sites in sensitive locations.

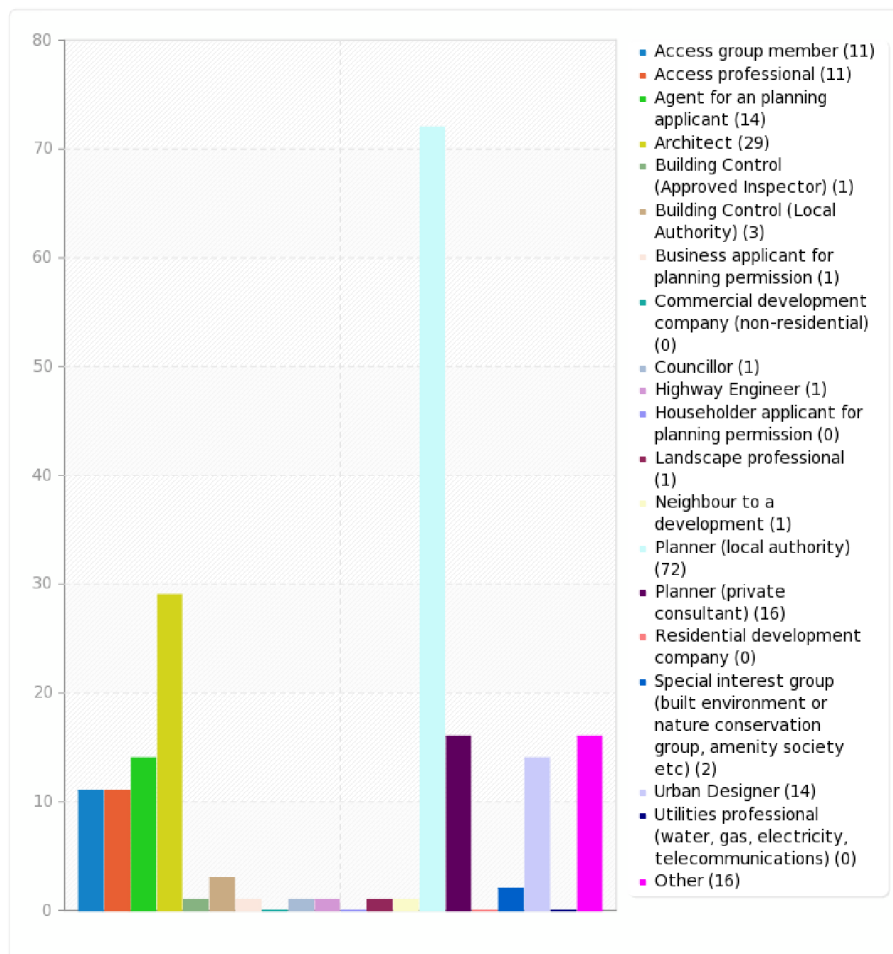
There are some issues with DAS, however, in terms of what is expected from them and how they operate in practice in England. Policy and guidance in Wales states that good design is inclusive design, yet there remains a concern that access and equality considerations do not always feature strongly in the design of development. In England there is evidence of inconsistent interpretation of DAS requirements by local planning authorities, of varying skills and expertise in preparing and being able to interpret DAS, and concern about the thresholds for requiring a DAS to accompany a planning application. In general the quality of DAS produced has not met expectations, not least because applicants cannot understand their relevance for smaller forms of development. This seems to undermine their wider purpose for schemes in which design issues are more prominent and need explaining.

3. Questionnaire Survey Results

A survey of people who use Design and Access Statements was undertaken to collect opinions about the effectiveness of the documents. This section presents a summary questions and the findings. The questionnaire was circulated to a wide range of professional bodies in Wales as well as all of the local planning authorities and was advertised in national publications. A total of 172 responses were received. Not everyone answered all questions and so the statistics relate to the questions answered.

3.1 Experience in using DAS

When asked what best describes respondents' role in the planning and development process 42% were local authority planners, 17% were architects, 9% were private sector planners and 8% work in urban design. There is also representation from access group members and professionals and agents for planning applications. The majority of these people have either produced (42.5%) or used (61%) a DAS. 5% have also commissioned them. Most of these people have a lot of experience of either producing or interpreting DAS, with a large majority having done this on more than 5 occasions.



3.2 Importance of Design Issues

A group of questions asked respondents to comment on which design issues they felt were most important from the list produced in TAN 12: access, character, community, safety, environmental sustainability and movement. 85% of people who answered the question said that the issues could be ranked. In the first ranking, character was considered most important by 61%, with access being considered most important by 23%. In the second ranking environmental sustainability (37%) came before access (25%) and movement (20%). When considered as a whole, and weighted according to their position in all 5 rankings, character (27%) was considered slightly more significant than access (22%) and environmental sustainability (21%), with movement generally being ranked lower (18%) and community safety coming last (12%).

Looking at particular groups we can see their own preoccupations. 77% of architects thought character was most important, and 53% thought environmental sustainability came second. 39% of access professionals ranked access first, and 27% wouldn't rank the issues.

3.3 Producing a Design and Access Statement

A group of questions then explored opinions about the process of producing a DAS.

- When asked if DAS requirements are easily adapted to match all forms and scale of development 70 respondents said no, and 47 said yes.
- When asked if producing a DAS adds unnecessary cost to the planning application process 75 respondents said yes, and 48 said no. 66% of architects said yes.
- When asked if they think a scheme is designed and then someone else produces a DAS 90 said yes and 23 said no. 69% of planners said yes.
- When asked if there are certain locations and types of development for which requiring a DAS makes little sense 101 respondents said yes and 23 said no.

All of these answers suggest that people using DAS are sceptical about the general requirements, and the nature of this scepticism varies according to the professional position.

- When asked if schemes produced by registered architects should be exempt from the need to produce DAS 101 said no and 22 said **yes**. 45% of architects liked this idea, but 75% of planners didn't.
- When asked if schemes produced with the assistance of an access consultant should be exempt from producing a DAS 97 said no and 20 said yes.

In general there was agreement that no particular types of professional involved in the production of a design should then remove the need for a DAS to be submitted.

- When asked if the interpretation of the requirements for DAS varies between planning authorities 93 said yes and 5 said no.

This shows the very strong opinion that there are big inconsistencies between authorities in terms of how they are interpreting the requirements.

- When asked if a poor DAS is evidence of a poor design 72 said no and 48 said yes. 64% of urban designers agreed with this, but other groups were less clear.

This reflects the view amongst some that the relationship between the quality of a scheme and the quality of a DAS is not always clear, and that sometimes a good scheme might have a poor DAS.

- When asked if a scheme with a poor DAS should not be registered into the planning process, 78 said yes it should not, and 44 said no that it should be registered. 79% of urban designers agreed with this, 53% of planners, and only 34% of architects.

There seems to be an area of inconsistency in terms of how local authorities deal with DAS statements, as some have lower expectations before registering an application, whilst others will return a planning application if they feel that a DAS is not adequate. Design officers in local authorities are most concerned about this issue, as they are most interested in the agenda presented in a DAS.

3.4 Individual comments on the process of producing a DAS

Many people spent time writing comments on the process of producing a DAS. A full list of the comments made in this section is provided in Appendix 4 but below are the top ten comments when ordered by how common the points were.

- They are often treated as a box ticking exercise
- There are certain scales of development where requiring a DAS makes very little sense: [the following list is amalgamated from a number of responses] house extensions, signage

applications, extended opening hours for a takeaway, shelters, electricity sub stations, solar panels, exterior furniture and fittings, variation of condition applications, agricultural buildings, domestic listed building consents, section 73 applications

- The requirements of DAS should be varied and made proportionate to the type and scale of development proposed
- They are often cut and paste documents
- DAS are fairly irrelevant for minor developments, but a useful tool for major ones.
- It is very evident that the vast majority of DASs are written after the scheme has been designed
- The best examples are usually limited to sensitive locations ... where DAS can be helpful in understanding the approach taken; however these are few and far between.
- The DAS should be perceived as a way of selling a scheme to lay members of planning committees, planning officers and other interested parties. It should therefore be a way of presenting design ideas simply, accessibly and concisely.
- A DAS should be short and to the point, explaining concisely the key constraints and opportunities of the site and its context and how the design responds creatively to these constraints and opportunities.
- Most DAS I have ever seen do not explain how the development relates to its context, at whatever scale. They are often just text based! ... It is often difficult to argue for improvements to the DAS given the time pressures Development Management are under.

3.5 The Impact of Design and Access Statements

The next group of questions explored the impact of DAS. The clear consensus is that many people value DAS. A number of people think they are currently ineffective and should be abolished. There is a very clear consensus that the DAS does not replace the use of

design professionals in judging the design merits of schemes. There is reasonable agreement about the communicative value of DAS in helping designers explain their scheme, and the idea that DAS have encouraged greater attention to all design issues and therefore also delivered better development. Having said this, there is also a view that access issues are not dealt with properly at this level. On balance however, many people didn't think the documents were really valued or used by councillors, although members of the public can find them useful.

- When asked to comment on whether DAS are a useful tool in the design and planning process, 107 answered yes and 13 said no. 85% of urban designers, 72% of planners and 58% of architects said yes.

This is a clear endorsement of the requirement, and is a significant finding for this research.

- When asked whether DAS help people judge the merits of a design in its context, 92 people said yes and 27 people said no.
- When asked if DAS had helped designers explain the difficult decisions involved in their work, 91 said yes and 24 said no.

These responses stress the value of DAS as a communication device.

- When asked if even a good DAS can create delay in the planning decision, 56 said no and 55 said yes.
- When asked whether DAS have helped deliver better design in development, 72 said yes and 41 said no. 64% of urban designers, 51% of planners and only 28% of architects agree with this.
- When asked if DAS haven't encouraged more attention to access issues in planning applications, 79 said they hadn't and 31 said they had. 71% of urban designers, 67% of access professionals or groups, 52% of architects and 50% of planners agreed that they had not helped.

- When asked if DAS have improved attention to the other design issues, 69 said yes and 43 said no. 71% of urban designers agreed, but others had mixed responses.
- When asked is DAS are useful for selling a scheme through impressive graphics, 72 people said yes and 40 said no. Views between groups on this issue were mixed.
- When asked to judge the statement DAS are no replacement for a design professional in judging the design merits of a planning application, 100 said they agreed and 14 people disagreed. 93% of urban designers, 76% of architects, and 69% of planners agreed with this.
- When asked if a DAS was a benefit to planning committee members, 53 said yes and 56 said no. Responses to this were very mixed.
- When asked if a DAS was a benefit to members of the general public, 72 said yes and 40 said no. 64% of urban designers agreed with this, but others had more mixed views.
- When asked if DAS encourage applicants and designers to think beyond basic design and access requirements, then 70 said yes and 43 said no. 72% of access professionals and groups agreed with this, other opinions within groups were very mixed.
- When asked bluntly if DAS are considered ineffective and should be abolished then 48 said yes (15 completely agree, 33 partially agree) and 69 said no. 85% of urban designers and 73% of access professionals and groups said no, other groups had more mixed opinions, with architects having 45% saying yes and 34% saying no.

3.6 Individual comments on the impact of DAS

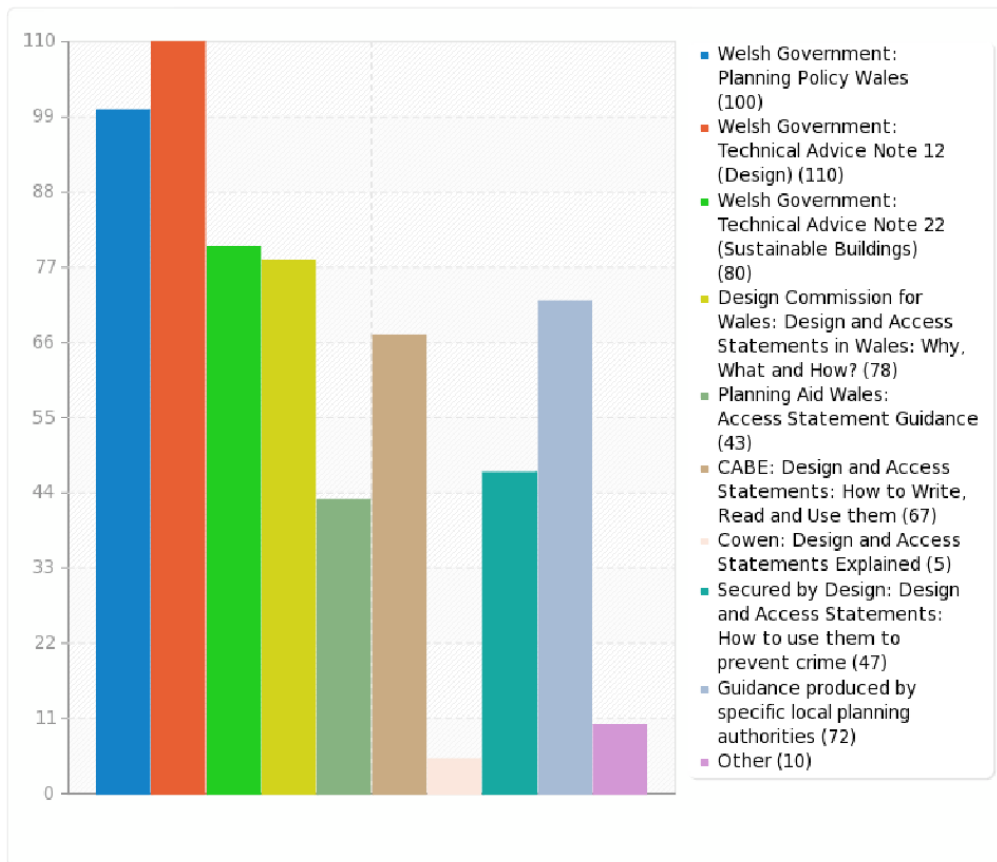
Many people also spent time writing comments on the impact of DAS that offer additional insights into what people think that they

have achieved. Below is a summary of the top ten points raised, with additional comments provided in Appendix 4.

- DAS is a useful tool for explaining schemes to the public and council members.
- I have found them to be very useful for major developments.
- DAS requirements keep design a priority for developers.
- The DAS process is fine, but often the resulting DAS is of a poor quality.
- DAS should be abolished for minor schemes.
- There are many poor DAS submitted, and they are of no value to the planning process.
- DAS are often “cut and paste” documents, and are therefore meaningless.
- Poor DAS typically contains too much pointless information unrelated to the design of the development.
- DAS are treated as a tick box exercise.
- DAS can be visually impressive and this can distract their readers from the substance.

3.7 Guidance and Training

In the next section issues surrounding skills, training and the value of guidance were explored. In general people felt that they had the necessary skills to commission, produce or interpret a DAS, depending on their role. 11% felt that the available guidance on DAS was good, 40% thought it could be improved, and 13% thought it was inadequate. A range of sources have been referred to for guidance as presented in the graph. A majority refer to material produced by the Welsh Government or Design Commission for Wales. Many have also seen CABE guidance and used material produced by local authorities.



3.8 Alternatives to Design and Access Statements

The next section looked at alternatives to DAS and looked at overlaps between DAS and other regulatory regimes.

- When asked if legal access requirements are best dealt with by the Building Regulations 95 said **yes** and 18 said **no**.
- When asked whether the Code for Sustainable Homes should replace DAS as the basis for judging some of the merits of residential schemes, 33 said **yes** and 72 said **no**. All urban designers said no to this, whilst planners and architects had more mixed opinions.

- When asked whether a BREEAM assessment should replace DAS as the basis for judging some of non-residential buildings, 34 said **yes** and 74 said **no**. As above, all urban designers said no to this, whilst planners and architects had more mixed opinions.

There was a high degree of consensus that DAS requirements overlap with Building Regulations requirements in relation to the access requirements of schemes. Other regulatory regimes were considered to be more discrete in their focus.

3.9 Individual comments on the alternatives to DAS

Individual comments on the topic provide additional insight into the issue and the main points are included:

- BREEAM and Code for Sustainable Homes may not be well suited for judging environmental performance in relation to the adaptation, alteration, re-use or extension of historic buildings.
- Access (in terms of ramps, steps into houses etc) should be covered by building regulations as it is technical and needs to be judged accordingly. Who should judge access in terms of dropped kerbs and zebra crossing etc around a wider development? This often slips through the net.
- DAS allows people (including statutory consultees) to comment on planning applications. Other regimes do not.
- All the above options were designed for specific elements and agendas other than presenting an overall view of a development. There are imperfections with some of the above [regimes] which tend to tick the box on issues without giving an explanation of how issues would be addressed. ... A good DAS really assists in explaining what impact a development is likely to have.
- Compliance with building regulations is not necessarily compliance with the Equality Act 2010. It is necessary for all DAS and design drawings to display the designer's intention in order that people with knowledge of the requirements of disabled people may point out changes if necessary.

- Planning and building regulations are separate functions so a purely building regulations approach would not address poor design, only compliance with the regulations. The DAS for Listed Buildings should be re-jigged to put far less emphasis on the access element and far more on the design, linking them to the principles and guidance of Welsh Office Circular 61/96.
- Keep the DAS, but modify it. Provide more exemptions and make it properly scalable. Strip out things like accessibility that are covered by Building Regulations. Do not include any link to BREEAM. BREEAM does not necessarily produce genuinely sustainable buildings and it is not the only methodology for assessing sustainability. DAS should concentrate on the core principles of appearance and character, vehicular access and sustainability.
- CSH and BREEAM provide a more objective/quantitative way of demonstrating the DAS principles, which may be more consistent, however they are likely to replicate forthcoming Building Regulation changes.
- Code and BREEAM don't deal with the "design process" but [are concerned with] the functioning of property. The analysis of the planning application by a planning professional, with specialist design input if needed, should be sufficient to determine if good or reasonable design solutions above been achieved.
- Code and BREEAM do not cover all design issues, only really environmental sustainability. It could be Code 6 and look hideous and not relate to its surroundings or be accessible. A box with no doors would be very energy efficient!

3.10 Exceptions from DAS Requirements

The survey explored exceptions to DAS requirements with reference to specific types of development or categories of setting. The settings included conservation areas or sites affecting a listed building, sites in a National Park or Area of Outstanding Natural Beauty, sites in an otherwise built up area, and sites in the open

countryside. 106 people provided responses. The majority were planners and so this biases the response towards people who like control. Categories of development were created to give a feel for the types of development that might be considered suitable for exemption within a range. In general the willingness to provide exemptions was low. Most exemptions were suggested for built up areas with no special designations. A good proportion (21% – 41%) thought that there should be no exemptions, with the highest percentage (41%) for developments in conservation areas, or affecting Listed Buildings, National Parks or Areas of Outstanding Natural Beauty. Of the rest, there was support for the notion of exemptions for smaller household developments, shop front and signage developments, and small non-domestic developments in built up areas. Very few people thought that any groups of homes (2 or more) or larger commercial schemes should be exempt. Few thought that farm buildings should be exempt.

Type of Development	Built up area (%)	Conservation Area or Listed Building (%)	National Park/ AONB (%)	Open Countryside (%)
None	21	41	41	27
Developments not visible from a neighbouring dwelling, public highway, publicly accessible building or right of way	39	28	27	36
Small householder development such as an extension	66	50	46	60
An individual dwelling	29	21	19	26
Between 2 and 10 dwellings (including an	10	9	8	11

apartment building)				
More than 10 dwellings	3	4	4	4
Shop front or signage developments	47	30	36	39
Small non-domestic developments (extension or new building under 50 sq m of new floor space)	50	34	35	42
Non-domestic developments between 50 and 200 sq m of new floor space	25	22	20	22
Larger non-domestic developments over 200 sq m of new floor space	4	6	4	6
Farm Building			23	27
All non-domestic developments in an area designated as exempt from DAS	21	19	18	16
Development of waste and waste management facilities	19	15	13	13
Development associated with mineral workings	27	23	19	24

The survey then asked for any additional types of development that people thought might be given exemption. The following suggestions were made:

- Developments which are largely uninhabited or uninhabitable - electricity sub stations, security booths, fences, boundaries, barriers, etc.
- Variation of condition applications
- Changes of use
- Retrospective applications
- Boundary applications
- Garages
- Applications for air conditioning units or similar
- Equine applications
- Small additions to industrial buildings.
- Minor applications for a listed building – painting it or installing a satellite dish
- Renewable energy applications that have a landscape assessment
- Section 73 Applications to vary conditions or to extend the period of time for submission of reserved matters.
- Renewals of a previous consent
- Certain types of development should be exempt from certain aspects of the DAS due to their nature or scale - such as agricultural buildings (exempt from access, environmental sustainability and movement issues).

3.11 Questionnaire Conclusions

In general the DAS is supported as a tool. It is valued as a communications device and it is evident that planners feel that their focus on design issues is important. But the quality of DAS statements can be poor and the poorer ones are not useful in the determination of a planning application. Some forms of DAS are dealt with inconsistently by planning authorities, create delays in the planning consent regime and are considered as unnecessarily expensive. Poor DAS tend to be criticised for referring to too much contextual, historical and policy related material, rather than simply explaining a scheme relative to an understanding of the opportunities and constraints of a context or site. The value of a DAS for larger schemes seems to be much less controversial.

It is clearly felt that the types of development to which DAS apply are unnecessarily broad, and that smaller forms of development should be exempt, with people relying for their judgements of any design merits of the submitted plans alone. The research started to highlight particular categories of development that might be made exempt, although in general the respondents tended to suggest exemption for only relatively small schemes. There also seems to be some agreement that good examples of DAS might be usefully circulated and publicised and that some variation in requirements for different scales of scheme might be considered. This would benefit people both submitting and reviewing schemes.

In general there is agreement that DAS requirements overlap with the Building Regulations in relation to access issues, but that other regulatory regimes have a different focus or purpose. In relation to the Building Regulations the overlap only relates to discrete aspects of a development (access into buildings), and the Building Regulations regime does not allow involvement or comment from Access Groups in particular. It is noteworthy that access is considered an important issue in design terms, but is weighted below character and roughly equal to environmental sustainability in the assessment of design matters. Overall it is felt that the use of DAS does not replace the availability of properly trained professionals in judging the design qualities of a development scheme.

4. Issues Scoping Workshop

4.1 Format

A workshop was held on 23rd April 2013 as one component of the research process. The intention of the workshop was to bring together people involved in the commissioning, writing, reading and using of DAS in order to quickly capture a range of views about them. A list of those who attended is provided in Appendix 5.

Attendees were divided into three groups according to their involvement with DAS. The intention of grouping people in this way was to promote conversation and develop understanding, rather than to debate issues or generate consensus. The three groups were:

1. people involved in writing and commissioning DAS
2. people who receive, respond to and use DAS
3. people who contribute to the development of proposals, respond to consultation and represent building users

A summary of all of the comments made within each of the groups is provided in a table in Appendix 6. This section provides an overview of the key points to emerge from the discussions.

4.2 Summary of Benefits

- There was a general level of consensus that Design and Access Statements are a good tool and if utilised effectively.
- Design and Access Statements have improved the ability of people to understand a scheme and for designers to explain or justify their design decisions.
- Greater consideration is being given to the context of a development and other design considerations which helps to ensure that a scheme is “future-proofed”.
- There was agreement that DAS had been successful in increasing concern for design in planning decisions. A full range of design considerations is now integrated into the decision making process. It was felt by some that we are now

beginning to see the benefits of this in improved designs, but that this was not always the case.

- Opportunities for, and the integration of, engagement with a variety of consultees such as access groups was seen as a benefit at the planning application stage, however there remains scope for improvement in this activity.

4.3 Summary of Issues

Along with the benefits raised in the initial discussion, it is clear that there are some frustrations with the current process which reflect on how effective DAS are. The issues that were identified can broadly be categorised under the following headings: Threshold for need, lack of/poor understanding, resulting quality and enforcement.

- Threshold for need
 - There was consensus between those writing and receiving DAS that they are currently required for too many forms of development. This makes the process inefficient and undermines the credibility of the requirements. This reflects the findings of the questionnaire.
 - Lack of or poor understanding of requirements of a DAS
 - Validation inconsistencies between local planning authorities create confusion and has a knock on effect on the quality of the documents submitted (see below).
 - The potential benefits to design quality are recognised, but some DAS appear to be processed with a tick-box mentality.
 - There is a perceived lack of clarity regarding who should be consulted and when during the process of producing a DAS.
 - Those representing access groups and accessibility officers felt that access had slipped down the design agenda and is considered an 'add-on' rather than integrated into design as intended.
 - Resulting Quality
-

- The poor quality of submitted DAS was raised as an issue.
- Sometimes there are signs that elements of a DAS are cut and pasted from other documents to the extent that the DAS does not relate closely to the given scheme.
- As a result of inconsistencies in the validation process some writers of DAS are over cautious and provide too much information. As a result the documents are too long and lack focus.
- Use and Enforcement
 - The way in which the DAS are used in the decision-making process was considered by some to be inconsistent and confusing. If they are not used in decision making then the question was asked who are they for?
 - There was debate whether they should be statutory or whether their status as a material consideration was sufficient.
 - Concern was expressed that the principles set out in a DAS are not always carried through to construction and there is a lack of monitoring and enforcement.

4.4 Summary of Overlaps

- The discussion on whether there are overlaps between DAS and other requirements suggested that there is overlap between DAS and the EIA process with the former often duplicating what is provided within the Environmental Statement.
- There was a lack of consensus concerning the overlap between DAS and building regulations. Those writing DAS felt it was not appropriate to cover things in the DAS that would be dealt with by building regulations but it would be useful to have building control comments relating to Part M on some applications. There was less of a concern in relation to Part L requirements, with some feeling that issues should not be

covered in the DAS if they are going to be considered by the building regulations regime.

- Future regulations on sustainable drainage design will need to be considered in the context of DAS requirements and it needs to be clear how the two will work together.

4.5 Summary of Suggested Changes

- Changes to requirements
 - Changing the requirements for a DAS based on the scale or significance of a proposal was suggested and recommended by many, but not all, as some felt that even small changes have an impact on character, accessibility and safety.
 - It was suggested that the requirements for DAS are changed for applications requiring an EIA, to reduce duplication.
- Changes or additions to guidance
 - Further clarity and consistency in validation will enable more focused, relevant content within the DAS.
 - Additional guidance was recommended to reduce the amount of unnecessary information contained in documents and enable some headings to be covered by less or no content where they are less relevant.
 - The need to integrate consultation into the process should be reiterated.
 - Further training was suggested for those writing and receiving DAS.

5. Case Studies

5.1 Purpose of case studies

We undertook research into case studies to find out what part, if any, the Design and Access Statement (DAS) played in the development process for particular projects, and how it fitted into that process. This was done by examining how, when, where and by whom DAS were used in the development process for each of the chosen projects.

The purpose of examining a small number of projects in depth and over time was:

- To avoid a broad or static snapshot of DAS.
- To avoid an over reliance on impressionistic evidence.
- To be able to examine how DAS relate to planning in actual cases.

The purpose of examining individuals project was:

- To follow that project through all stages of the process from inception to completion and beyond. This was to determine what part the DAS played from stage to stage.
- To find out how the content of a DAS affected its subsequent use.

The purpose of examining different projects of different size, use, and full and outline applications was to explore whether these differences affected the way the DAS was used and the part it played in the development process, and if so, in what way.

5.2 Methodology

A number of categories for the case studies were selected to ensure the exploration of a wide range of issues. These categories emerged from the earlier stages of the review. A number of projects in each category were obtained from a variety of sources: data from Stage Two above, LPA and consultant suggestions, trawling of online

planning registers and other research projects. The development needed to have started the application process since DAS were introduced and ideally also be built. Additionally, the main participants in the project, including the architect, planning applicant and planning officer needed to be available and willing to be interviewed for the study.

The twelve selected projects provide a geographical spread across Wales, and are examples of different application or development types such as change of use, redevelopment, new development, and produced by public and private sectors, in order to be as representative as possible of developments in Wales.

For each case the same information was collected, using a proforma. The case studies started with a desk based study of publicly available planning documents followed by a structured telephone interviews with the key stakeholders and participants based on a standard questionnaire. The case studies explored three stages of the development process: preparing the planning application – when, how and by whom the DAS was written; considering the planning application – reviewing, validating and using the DAS; and implementing the approved planning application and post construction use of the building – the evolution and use of the DAS.

A summary write up of each of the case studies is provided in Appendix 7.

5.3 Key Findings

Document Format

Given the range of schemes being considered, it is obvious that there would be significant variations in the choice of DAS content between cases, but the five TAN 12 themes were regularly addressed. The DAS content varied between projects, reflecting their varying quality, from the good ones that contained relevant and site specific information, to weaker ones relying on generalisation, or irrelevant and even inaccurate information. The number of relevant factors that the DAS addressed for a project also varied from case to case with some addressing most factors and others addressing

fewer. The case studies confirmed the view from the questionnaires about validation, as it was found that the lack of substantive content was treated differently by LPAs at the validation stage.

The DAS were of variable length and format, ranging from one and a half pages to 60 pages, all text or a mix of text and illustrative material, A4 or A3 and portrait or landscape formats. Length was sometimes related to the complexity of the project but not to the type or size of project. DAS containing illustrative material were more useful for general communication purposes but the length and format of the document had less bearing on the value of DAS beyond this.

Design Evolution and Description

DAS were most often used to describe, explain or justify a design. There was less evidence of DAS being used to show the design evolution of a project. Details about the evolution of the design rationale were provided in some cases where the author/designer wanted to influence perceptions of the project in some way. For example, for the listed building the DAS was used to provide a strong justification for changes to the building and in the case of the agricultural project the DAS was used to explain and describe the farming activity of the proposal to enable the planning officer to understand the proposal. In the majority of cases the DAS appeared to have been written with the planning officer as the audience in mind although it was recognised that there is a lack of clarity regarding who the target audience is.

Many participants across all cases found the content of the DAS – both its text and illustrations - useful for providing a general overview or picture of the project. These included planning officers, statutory consultees, amenity groups, neighbours and councillors. This was particularly the case for participants who are less technical. For the listed building project the DAS was also issued as information for contractors to provide reasons for what was specified and what could not be compromised in initial costings or subsequent variations.

Impact on Design

At the pre-application stage the DAS was invariably written after most of the key design decisions had been made, in order to explain the design. Sometimes the TAN 12 themes appeared to be retrofitted into the description of the proposal, as they were not always all relevant for all forms of development.

In a quarter of cases the DAS author was not part of the design team. In two of these cases the author had no direct contact with the designers and relied on insufficient information provided via the client to prepare the DAS. Consequently in one of these cases the DAS conflicted with the plans and application form.

When asked what they saw as the purpose of the DAS, in interview, most of the applicants cited the validation of the application as one its main purposes. In the small cases the DAS appeared to have had little value beyond being a tick box exercise on both sides to get the application registered.

During the post registration phase of the application the DAS were rarely referred to in comments, objections, committee reports or decisions. The only exception to this was for the outline application for the large in-town commercial scheme where the DAS effectively acted as a masterplan for the scheme. Consequently in this case it was the focus of comments for all consultees, but its use in this case was not typical. For the most part planning officers, professional consultees and others relied on other more detailed and technical documents such as plans and supporting information to effect changes to design at the post registration stage of the project.

There was less evidence that DAS were used as a mechanism to actually improve design quality. In our cases design quality and improvements resulted from: the use of an environmental statement in the PDR project, via good project briefs and other national and local authority design guidance in two of the residential projects, through a good design process including extensive stakeholder and user consultations in the public building project, through pre-application discussions with planning officers and post registration responses to comments, and most critically through the use of a good designer or good design team as in the single dwelling project.

The quality of the DAS typically reflected quality elsewhere in the process.

A Living Document

In some cases there were amendments to the design during the planning process which affected information in the DAS, however the planning officer did not require the DAS to be updated to reflect these changes. Therefore in few cases did the DAS evolve during the process and in no cases did it become a 'living document' beyond the construction of the project.

Content

There was a general lack of site analysis in the DAS. Policies were often listed or reproduced in full but the policy context itself not analysed. The physical context of the site was often described, and sometimes quite well, but again, rarely analysed. The economic and social contexts were barely mentioned. Consequently there was a lack of discussion of opportunities and constraints in most of the DAS.

DAS requirements appear to have done little to broaden designers' perceptions of access. There was little evidence of a genuine understanding and commitment to inclusive access in the DAS. More commonly the access section of the DASs consisted of a short list of generalised and not very site specific statements restricted to access for the disabled. For example, "level access will be provided" irrespective of the topography or layout of the site. In two cases, for example, this statement was contradicted by the design that did not actually provide level access at application submission stage. Such generalised statements often read as if they had been copied and pasted from elsewhere.

DAS requirements appear to have had little influence on environmental sustainability, which is for the most part, covered reasonably well by other regulatory regimes such as building regulations and quality standards such as BREEAM. The DAS frequently made reference to both. In addition to these references, this section of the DAS often contained short lists of generalised statements which were not terribly reliable or site specific, and again, read as if they had been copied and pasted from elsewhere.

The community safety sections of the DAS suffered from some of the same problems as above.

5.4 Case Study Conclusion

DASs were found to be useful for general communication purposes for a number of different audiences, and in this respect they were considered very valuable for significant schemes in particular. This reflects the findings from the questionnaire. However, some of the expected roles of a DAS are not being realised in practice. In particular, DAS are not being used as living documents, and therefore being updated to reflect changes or amendments to a scheme. Instead they represent the form of a development when it is submitted for planning permission. The requirement for all forms of development requiring a DAS to refer to all of the headings in TAN12 is particularly onerous and undermining the value of DAS generally. Whilst it is inevitable that DAS will vary in length, substance and quality, it does seem to be the case that the requirements are creating a tick box mentality, as both applicants and planning authorities try and make sense of the requirements for a range of schemes. This is leading to different ways of treating them, and inconsistencies at the registration stage between LPAs. Finally, the case studies included a number of smaller schemes which tended to confirm the findings elsewhere, that there are forms of development for which a DAS seems unnecessary. This is reflected in the cynicism towards, and the quality of the documents. We also, however, found that some smaller schemes do benefit from the production of a DAS, where the designer sees the benefit of conveying a rationale, and so there is value in keeping DAS optional for all submissions.

6. Summary of Findings

This section brings together the findings of the literature review, workshop, questionnaires, and case studies and provides a series of issues to be considered in terms of future recommendations.

6.1 Producing the DAS

The findings suggest that the procedural significance of the DAS, i.e. the fact that it is essential to produce one in order for an application to be considered, is dominating its production. This has a number of consequences, including:

- Some statements contained unnecessary or superfluous information which was not material to the consideration of the planning application;
- applicants had produced large, glossy documents for small developments that were disproportionate to their complexity;
- DAS could be unreflective or superficial about design,
- DAS followed the headings in TAN 12, whether these were applicable or not to a particular application.

One of the factors which was found to contribute to this was that applicants who had little or no experience of the planning system often felt officers were all but writing a DAS for them. Clearly, in those cases, producing the DAS was tending to be an exercise in satisfying the system rather than getting the designer to think about the development. This indicates that, in a large number of generally smaller applications by inexperienced applicants, the kind of reflection on design and access that DAS are meant to encourage is not happening. The requirement to prepare a DAS for such schemes was therefore found not to contribute in any measured degree to the design decision-making process. In these cases it was felt that the requirement to produce a DAS was ineffective and therefore this requirement should be reviewed.

The overwhelming majority of the case studies involved a DAS written by a professional with some experience of producing

documentation for the planning system. For the majority, the writer was part of or close to the design team, in the other cases the author had little or no contact with the design or construction of the development. The cases where writers of DAS were disengaged from the design process tended to produce a DAS that was of very limited value in explaining the project. They were inconsistent in how they met planning guidance and could also include factual errors about the development itself. These examples showed no indication of the applicant and designer having reflected upon the design of their development, particularly in relation to key dimensions of design from TAN 12. It is concluded that, for such cases, a DAS was often perceived as a 'box-ticking' exercise.

On occasion, an application needs a very explicit and public case made to explain its design qualities. These kinds of cases can include significant changes to listed buildings, development in conservation or other specially designated areas, new housing in small rural villages, proposals which may be subject to a design review (for example by DCfW), large housing schemes and major city centre developments. The research found that in such cases the DAS was more likely to be thoughtful, reasonably comprehensive, and give a fairly clear rationale for the project.

Some of cases showed that, experienced and relatively well-resourced applicants (such as major house builders, national retailers, and infrastructure providers) produced DAS that were competent and useful. These were applicants who had experienced design teams. By contrast, applicants for smaller applications wish to avoid any delays to the consideration of an application, which might arise from wrangling over the content of a DAS. They are sensitive to variations between local planning authorities in how DAS are scrutinised before the validation of an application. Overall, it was found that many such applicants tend to prepare a DAS that either meets only the minimum possible requirements to ensure validation, or contains a lot of superfluous material in order to cover all possible requirements.

6.2 Using the Design and Access Statement

The requirements for a DAS are over-elaborate for some schemes. Secondary Legislation requires all DAS to refer to the five headings

presented in TAN 12. The rationale for this is to encourage greater attention to a wide range of design issues prior to the planning application being submitted. There is no evidence that encouraging or requiring this is educating people, who may be less committed to design quality, to improve the development outcome. Additionally for many schemes the design drawings are adequate for helping people understand the proposal and the headings are not considered to be relevant.

Referring to each heading in TAN 12 in a DAS is often undertaken in order to meet a LPA's planning validation requirements, and not because each heading is relevant to the explanation of a scheme. This requirement tends to make applicants cynical about the planning process, undermines the integrity of DAS, creates additional costs for some applicants and sometimes delays the process of registering schemes. A more thoughtful and selective approach, which places the onus on the designer of a relevant scheme to decide which issues are relevant, would be more appropriate and effective. This can, and should be informed by pre-application discussions.

For significant schemes the TAN 12 headings were found to be relevant and designers had little trouble explaining the proposals with reference to them. In such situations a DAS brings together and organises a rationale for a development and explains the features of a scheme. This is most effective when the client and designer recognise the value of the DAS as a means to convey their understanding of the site in its context, and their development requirements or the specific design qualities of a scheme. A deficient DAS (i.e. one that does not meet the planning guidance requirements for structure and content) for a significant scheme, is a missed opportunity for the client and designer to assist in the planning decision-making process.

The guidance on DAS encourages them to be treated as a "living document". Authors are encouraged to illustrate the process through which a design has emerged in order to help explain and justify the scheme. Changes to the scheme should also be reflected in subsequent revisions to the DAS. In practice, whilst plans are amended through the planning approval process, the DAS is typically not. As a result the DAS produced with the planning

application does not reflect all aspects of the final approval. There is therefore currently little ability to enforce what is written or illustrated in the DAS to ensure that it is translated into the built form. It seems that this expectation of a DAS can be removed.

DAS do have value as a communication tool submitted alongside relevant plans. This was found to be the case for design officers, police architectural liaison officers, some development managers, access groups, members of the public and committee members. This is reflected in the very positive attitude towards the DAS by these groups in the survey. A good DAS can bring together an explanation or justification of a scheme, and make the scheme represented in the drawings easier to understand. This is particularly the case for significant schemes that are large, complex or possibly smaller but in sensitive locations. In general a DAS is always read by the design and police architectural officers, for significant schemes that they were interested in. It is typically read by the development manager, although its content is not referred to explicitly in committee reports or planning conditions. Other statutory consultees, such as highways officers, sometimes read it but not always. The ability of a DAS to communicate helps support the substantive debates surrounding design issues which run through planning decisions. It benefits both applicants and public authorities and should make the planning process more transparent and informed. Poor DAS statements also have a place in this system as they expose a lack of knowledge or design ability to all concerned.

For some smaller schemes the option of explaining and justifying the development by a designer was welcomed. An explanation of the requirements of an unfamiliar use will allow a planning officer to understand the form of a building. An explanation of a contemporary design will allow a designer to illustrate how they have responded to the circumstances of a sensitive context or responded to neighbours' concerns. Some architects positively welcomed the opportunity to explain their designs. It seems valuable to stress the communication value of a DAS for all applicants so they have an option of producing one, even if not all headings in TAN 12 are referred to. Respondents committed to DAS did suggest that new guidance should provide useful relevant examples for different types or scales of development, and make reference to the five headings discretionary for less significant schemes.

The research did not identify any examples where a DAS was referred to by building control officers. The research found that access groups support the concept of the DAS, although none were found to have been involved in any of the case studies. Access officers (where local authorities employ them) are not resourced to comment on relevant planning applications, but might be consulted on the production of design guidance. As a result, in relation to planning applications, the DAS is not helping to address accessibility issues, due to the lack of knowledge of the participants, and the lack of resourcing for expert input on the issue at the right stage. As a result we feel that we need to find another mechanism to introduce expertise on accessibility into the planning system.

The lack of engagement with Building Control on Part M requirements of the Building Regulations at the planning stage means that the kind of sensitivity to access required under the Equality Act might not be followed through from planning permission to implementation. Evidence was found of planning officers requiring features of a development which contradicted Part M requirements, and which would create tensions later at the Building Control stage. The DAS requirements were not overcoming this type of situation.

For the design and police architectural liaison officers, and members of access groups, the value of the DAS is most evidently reflected in its focus, insofar as these groups are interested in design issues. Nevertheless, participants in the case studies were interested in the drawn plans for approval, and typically had their own way of interpreting and judging them, and in this respect the DAS was less central to the planning approval process.

6.3 Design Outcomes

Based on the research undertaken there was no evidence that the preparation of a DAS had explicitly led to an improvement to the design of any of the developments considered in the case studies. In general it was recognised that good designs emerged from a combination of circumstances outside of the DAS preparation process. The size of the scheme, or a sensitive context or listed building meant that all participants took greater care with the design. Other factors shaping the quality of the outcome included a good

client and brief, and most critically, the quality of the designers who are involved. Planning could proactively shape the design through the use of master plans, design guidance, design briefs and, importantly, through the use of pre-application negotiations.

The quality of the DAS typically reflected these factors, rather than influencing them. In general it was recognised that the planning system benchmarks a standard of design and development that is considered to be adequate, and that subsequently it was at the discretion of the developers and designers which delivered improvements above this benchmark, including in the form of a better DAS.

The requirement for a DAS does not give anyone working in the planning system more authority to improve a design. It was found that the nature of the applicant and supporting team, and the degree to which they followed a pre-application process / used proactive planning tools, really allows the planning system to shape the quality of the design to an acceptable standard, either through pre- or post-application negotiations or design review. A good DAS can help inform this process and expose the design decisions that have been made. Appendix One of TAN 12 states that a DAS *“is a communication tool showing that the objectives of good design (which include the principles of inclusive design) have been considered from the outset of the development process”*. For significant schemes, or schemes in a sensitive location, DAS do this well. For less significant schemes they are not as relevant, not least because plan drawings are often adequate in conveying the details of a design.

In relation to access, outcomes appear to reflect the nature of the applicant and the development sector in which they operate, rather than being affected by DAS requirements. For example major retailers have a well-established set of design and management approaches to making single storey stand-alone stores useable by a broad sector of the population. Developers of commercial office space, houses, roads, and so on, have their own approaches. These approaches have emerged from customary practices which have been occasionally challenged, and modified, by outside pressures, such as changing needs of clients/users, pressure groups (such as the disability movement) and government regulations. There is no

evidence, however, that DAS is a vehicle for relaying such pressures. Consequently, access outcomes reflect the strengths and limitations of particular kinds of designers working for particular clients in a given sector. The outcomes of the case studies were mixed, but they appeared to owe little to DAS in terms of actually improving the designs. Moreover, there was little evidence that inclusive design was being adopted as a structuring perspective in the development of a scheme. It was the existence of regulations – notably Part M – that appeared to be significant. This meant that access was isolated from broader considerations of usability. For example, a superstore development might be designed adequately in relation to Part M, and be very usable for all those (car-borne) shoppers who can reach it, but not well connected to public transport and pedestrian links. In some cases a general comment stated a commitment to inclusive design but consideration of the detail how this translates into the design of the site and/or building is left too late. This suggests the need for an alternative means to ensure that accessibility issues are dealt with through the planning system.

7. Recommendations

7.1 Recommendations

This section sets out a suite of recommendations that respond to the findings of the research. As summarised in the previous chapter, the research has identified significant limitations in the effectiveness of DAS as a mechanism for improving design. However, the broad assessment of their value has shown that there have been some positive outcomes following the introduction of the requirement for DAS in 2009. It is therefore considered to be worthwhile adapting the requirements rather than abolishing DAS as a tool in the planning process completely. These adaptations must address the aspects of the DAS requirements that have been identified as causing frustration and are considered to be overly burdensome. It is anticipated that addressing these factors will make the more refined use of DAS more effective.

Presented below are the recommendations together with what issues are addressed, the anticipated benefits, and the alternatives that were considered.

Recommendation 1

The requirement for a design and access statement should be amended to reduce the number of applications that require them. Where they are not a requirement they can be submitted with an application on a voluntary basis. In both cases their primary function will be as a communication tool.

It is evident from the research that DAS are useful as a communication tool, particularly for larger, more complex applications, however, the requirement for a DAS for small applications can cause frustration and add an additional burden to the application process. Therefore a revision to the requirement is proposed.

A suitable threshold for DAS requirements will need to be established. Options for this have been considered and the

preferred option is set out in Recommendation 2 below.

The existing secondary legislation only requires a DAS to be submitted, with certain exemptions, for ‘an application for planning permission’. Consequently, applications to remove or vary a condition under section 73 of the Town and Country Planning Act 1990 do not require a DAS. Similarly, applications for approval of reserved matters do not require a DAS, although guidance advises that an application for reserved matters should be accompanied by a progress report updating any changes since the DAS was considered as part of the outline planning application. The research has not identified any significant concerns that demand an extension of DAS requirements to other forms of application for which a DAS is not currently required and therefore it is recommended that this remains the same.

Issues Addressed	Anticipated Benefits	Alternatives Considered
<p>The research found that requirements for a DAS are overelaborate for some schemes and the need to provide a document that covers the same information for a very ‘minor’ development as a ‘major’ development causes frustration, thus reducing the overall effectiveness of</p>	<p>This would remove the burden of providing DASs for the smallest forms of development, thus streamlining the planning application process for these developments.</p> <p>It will retain the requirement for DAS for larger more complex projects and those in sensitive areas (see</p>	<p>A number of alternative documents as a replacement for DAS were considered. This included consideration of a technical issues document that includes access considerations. Paramount in considering the removal of DAS requirements for some developments was the need to ensure that access considerations were raised rather than lost in the planning process and therefore the provision of a document that demonstrated that these issues had been addressed was considered. However this concern has</p>

<p>DASs. In some cases it adds unnecessary costs to the application process whilst adding little to the design or decision making process. 101 out of 134 people who responded to the questionnaire agreed that there are certain locations and types of development for which requiring a DAS makes little sense.</p> <p>However, DASs have been identified as a useful tool for communicating the qualities and components of a proposed development.</p>	<p>recommendation 2) where the benefit of setting out the development in the form of a DAS has been evident.</p> <p>This recommendation needs to be considered in the context of those that follow, as matters relating to access considerations will be picked up in other recommendations .</p>	<p>been addressed in other ways (see Recommendations 5 and 6) that have negated the need for an additional document.</p> <p>It was considered that the introduction of an alternative document under an different title would add complexity and confusion to the process rather than clarity. Completely new guidance and training would be necessary to ensure that those preparing and using the alternative document understood their content and purpose. It was therefore considered to be more effective to revise the use of the current DAS document.</p> <p>The use of a proforma or form as an alternative to the DAS document for applications that are not required to provide a DAS was considered. This would help direct people to the main issues that need to be covered, encourage take up, and support those who infrequently write them. However, introducing a proforma could create a two tier system that may cause confusion and the proforma may be considered to be too restrictive to those wishing to</p>
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		elaborate on certain aspects of the development. This should be considered as an option.
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Recommendation 2

Establish the appropriate threshold for applications that will require a DAS.

Should Recommendation 1 be adopted it will be necessary to establish an appropriate threshold for the requirement of a DAS. A number of options have been considered and further consideration and consultation will be required to fully define the threshold but set out here is the recommended preferred option.

This option has two categories: applications where the submission of a DAS remains mandatory and applications for which the submission of a DAS is not mandatory. Where a DAS is not mandatory, it will be voluntary but recommended for all but very small schemes. Revised guidance will set out the benefits and best practice of providing one.

Applications for which the submission of a DAS **remains mandatory**: Developments of a size over a threshold that is recognised in planning legislation or practice. This threshold could be based on the recognised definition of 'major development' (as defined in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 i.e. proposals for 10 or more dwellinghouses (or 0.5 ha if the number of units is not known); development with a site area of 1 hectare or greater; and building or buildings of 1,000 sqm or more). DAS will also be mandatory for applications for listed building consent and those in designated areas with the exception of development proposals that do not create additional floor space such as repainting external

walls etc.

Applications for which the submission of a DAS is **not mandatory**: All those that fall outside the developments identified above.

The threshold that has been proposed is that of ‘major development’ as defined in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. This is proposed because it is well understood. We recommended that consultation be undertaken to determine an appropriate threshold. The threshold for major development, and its distinction from minor and other forms of development, is not necessarily one that is fully appropriate to establishing the requirement for a DAS. There is, therefore, merit in the above Order providing a more refined series of scales or types of development so that requirements such as DAS could be related more appropriately to these scales of development. These different scales – beyond major, minor, householder etc – would in time become similarly well understood and allow for a more nuanced framework that could be linked to thresholds or trigger requirements for a DAS.

Issues Addressed	Anticipated Benefits	Alternatives Considered
This relates to the issues that Recommendation 1 seeks to address.	<p>The recommended distinction of those applications that will require a DAS as set out here will offer clarity and certainty to applicants as it is simple and easy to understand.</p> <p>Enabling applicants to submit a DAS on a</p>	The option to remove the requirement for a DAS for all applications was considered but not taken forward. The research has shown that, whilst DASs have had a limited impact on improving design quality, they do still have value, particularly as a communication tool. 41% of respondents to the questionnaire supported the complete abolition of DASs but 107 out 120 people (89%)

	<p>recommended/ voluntary basis for developments where they will no longer be required will maintain the opportunity to explain and justify the development. Architects will maintain the ability to explain and clarify features of the design, particularly if they are smaller but radical schemes.</p>	<p>agreed that DAS is a useful tool in the design and planning process. This suggests a willingness and desire to see DAS utilized more effectively in the planning process.</p> <p>An alternative option for the threshold at which a DAS would be required was considered. This option identifies three categories of application: those for which the submission of a DAS remains mandatory, those for which the submission of a DAS is optional but not required (as outlined in this recommendation), and those where the requirement for a DAS is to be determined by the LPA based on the individual circumstances of the development.</p> <p>Applications where the need for a DAS will be determined through pre-application discussions with the LPA would be those developments that fall between the two other thresholds.</p> <p>This alternative option creates complexity and uncertainty for the applicant and therefore it was not the preferred option.</p>
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Recommendation 3

Exclude from the Order the specific aspects of a development that *must* be considered in relation to design (i.e. environmental sustainability, access, movement, community safety and character.)

The secondary legislation should be simplified to retain the requirement to explain how design concepts and principles have been applied and access considerations have been taken into account, but the categories to be addressed in a DAS should be advised in technical advice rather than in secondary legislation. The existing categories that a DAS at present ‘must’ explain – environmental sustainability, community safety, etc – if deleted from the Order could adequately be addressed as categories in the advice provided in TAN12. As an advice document, TAN12 would be a suitable vehicle for explaining that these categories should be addressed where they are relevant to the development being proposed.

Issues Addressed	Anticipated Benefits	Alternatives Considered
The research has identified that many DAS address each of the categories that the Order specifies must be explained, even where there are no specific issues arising (often in response to validation requirements). The consequence of this is	This change is intended to address the twin issues of DAS being seen as a box-ticking exercise and DAS documents containing irrelevant and unnecessary information. The transfer of the design and access considerations that	Revision of the five key headings of access, character, community safety, environmental sustainability and movement that must currently be covered in a DAS was considered. However these are now established

<p>inclusion of sometimes lengthy but unnecessary material in a DAS.</p> <p>The research has not identified any concern with the categories used, but it has identified a hierarchy of relevance in the way that participants in the questionnaire understand them.</p> <p>The existing categories are well understood and removing or changing them could undermine the work that has been undertaken to establish these principles.</p>	<p>may be taken into account into advice and guidance will reduce the perception that 'boxes have to be ticked' simply for validation purposes. The rephrasing of the present legislative requirement that a DAS must address certain categories, to one in advice and guidance that advises that these categories should be addressed where they are relevant, will also lead to streamlined and more relevant content in DAS.</p>	<p>terms that are embedded in TAN 12 and not just DAS requirements. Varying or removing them could cause confusion and have a negative impact on the work that has already been done to raise the profile of these design considerations.</p>
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Recommendation 4

Revise and consolidate the guidance on Design and Access Statements into one document and/or web-based facility.

Whether or not the requirements for DAS are revised as set out in the above recommendations it is advised that the guidance on DAS is stripped back to provide a central, single reference point for information and guidance on design and access statements. This could be hosted on a dedicated, interactive web site that is up to date and simple to use.

The guidance should be concise and clearly set out what is

expected, including:

- Which applications must be accompanied by a DAS
- The benefits of providing a DAS for various applications where they are not required
- Consolidated guidance on preparing DAS
- Examples of DAS for different types of development to provide guidance on what is expected
- What information is to be provided about the context, site and proposed development
- Whether planning policy should be covered and how (to avoid unnecessary restating of policy)
- Provide clarity that it is acceptable to identify section headings as 'not applicable' if this is the case

This guidance could be hosted and kept up to date by DCfW on behalf of Welsh Government although Welsh Government would undertake any review of, or changes to, the official guidance.

Issues Addressed	Anticipated Benefits	Alternatives Considered
<p>The research identified that the guidance provided by some individual Local Planning Authorities is out of date and that the plethora of guidance documents available can be confusing rather than helpful.</p> <p>Currently the content of many DAS is not proportionate to the size or type of development</p>	<p>Consolidated guidance would help to create greater consistency between Local Planning Authorities' expectations and the documents created.</p> <p>Clear guidance on what is required and consistency in requirements will help to reduce uncertainty and make the provision of a DAS less burdensome.</p>	<p>Whilst DAS will be required for fewer applications, the need for clear, up to date and relevant guidance is still considered to be important to ensuring quality and providing clarity.</p>

<p>proposed. A lot of unnecessary information is provided to ensure that the DAS covers all of the headings set out in TAN 12 whether they are relevant or not.</p> <p>There is significant variation and inconsistencies in the form and content of DASs that are being submitted. Whilst this will be less of an issue if DAS are no longer required for many types of development, it is important that where they are required they are prepared and utilised to maximum effect.</p>		
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Recommendation 5

Role out a programme of training and capacity-building across the relevant bodies including conferences, seminars and articles.

A training programme would include an update on the revised requirements for DAS and the other changes to support this to ensure that those writing and receiving them have a clear understanding of proposed changes. The aspirations for high

quality design in Wales should be re-emphasised through this process.

Issues Addressed	Anticipated Benefits	Alternatives Considered
<p>There is significant inconsistency in the validation of DAS with applications which causes confusion and frustration amongst applicants.</p> <p>Changes in requirements will need to be clearly understood by all.</p>	<p>Ensures that those writing, receiving and using DAS are aware of the changes to requirements and guidance.</p> <p>Training would help to overcome some of the bad habits that have developed in writing DAS and reassert their purpose.</p>	<p>N/A</p>

Recommendation 6

Integrate Building Control as a source of advice for matters of access at the planning application stage for all buildings other than dwellings.

The relationship between Development Management and Building Control should be reinforced for matters of access. Decisions at the planning application stage can have implications for the detailed design and building regulations stage. A review should consider how this might be achieved, whilst recognising that building control services may be provided by Local Authority Building Control or an Approved Inspector where one has been commissioned at an early stage. This representative would advise on access matters that would affect the design of a proposal in a similar way to a police architectural liaison officer.

One way to improve early engagement might be to integrate Building Control as a statutory consultee. The potential resource implication for the Local Authority or Approved Inspector may be covered by way of an additional fee, however, this cost can be offset by a reduced workload in creating a mandatory Design and Access Statement, and avoiding re-design, re-work, and possible amendments to obtained planning permission brought about by subsequent changes, all of which should represent a nil additional cost burden to the applicant.

Issues Addressed	Anticipated Benefits	Alternatives Considered
<p>The research found that key access considerations are not being made at the planning application stage.</p> <p>With the removal of the requirement of a DAS for certain developments it is important that there is not a loss of access and inclusive design considerations at the planning application stage.</p>	<p>This change would raise the profile of access considerations at the planning application stage. It ensures that access and circulation considerations are made at the planning stage so that they can be adequately covered at the building regulations stage.</p> <p>The involvement of Building Control during the Planning process should speed up subsequent Building Regulations approvals by allowing early identification of design issues that would otherwise need to be addressed at a later stage. This will reduce</p>	<p>Including Building Control as a consultee on all applications was considered to be too onerous. Therefore, to maximize the effectiveness of input by Building Control, a threshold is proposed to limit their involvement to non-housing applications.</p>

	the cost of re-design, re-work and making applications for amendments to previously granted Planning permissions.	
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Recommendation 7

Expand Building Regulations Part M to include *all* external areas within the boundary of the development.

Given that some applications will no longer require a DAS (see Recommendation 1), to help ensure that appropriate consideration is given to equality of access to all external areas it is recommended that the scope of Part M be expanded. Currently routes from the site boundary to main entrances are covered but to ensure that consideration is given to accessible access to all relevant parts of the site it is recommended that the scope of this part of the regulations is expanded.

Issues Addressed	Anticipated Benefits	Alternatives Considered
Access issues relating to external areas that are not considered until Building Regulations stage can result in poor or inappropriate design issues that are difficult to address technically and can incur additional financial burdens.	This small amendment would help to ensure that decisions that are made about the external appearance (and the interaction with internal layout i.e. where entrances are located), siting, level and orientation of buildings and the design of external areas enable inclusive access.	N/A

With the proposed changes to DAS requirements it is important that the consideration of site-wide access issues are not overlooked.		
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Recommendation 8

Continue to promote effective pre-application meetings to support improved design and the consideration of access issues.

To support the changes to DAS requirements, the importance of pre-application meetings should be re-emphasised through published material and resourcing of LPAs.

Issues Addressed	Anticipated Benefits	Alternatives Considered
<p>One of the benefits of DAS as stated in TAN 12 is that it should inform decision-making from the outset through the pre-application/application stages to implementation on site, however the research shows that DAS is rarely used at the pre-application stage.</p> <p>The research did,</p>	<p>Design and access issues are identified earlier in the process and can be addressed in the design stages rather than when the planning application has been submitted.</p> <p>The pre-application meeting can also be used to establish whether the application would benefit from a DAS if one is not required.</p>	<p>A more formalised process of pre-application registration was considered that would inform development management and statutory consultees of up coming applications. However this would add additional procedures to the planning application process and was considered to be</p>

<p>however, indicate that pre-application meetings can contribute to improved design.</p> <p>The quality of a DAS was found to generally reflect the quality of pre-application meetings rather than influence them.</p>		<p>too onerous.</p>
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<p>Recommendation 9</p> <p>Maintain and develop other mechanisms to improve design quality.</p> <p>The research has identified that, in the majority of cases, the use of DASs has not led to improved design. Therefore other mechanisms to promote good design should be examined. Some of the following proactive design intervention tools were identified as having a positive influence on design:</p> <ul style="list-style-type: none"> • Local policy • Encouraging at least one professional with a design qualification in each Welsh planning authority • Masterplans/design codes • Development briefs • Use of pre-application meetings (as set out above) • Design training and education • Design review 		
<p>Issues Addressed</p>	<p>Anticipated Benefits</p>	<p>Alternatives Considered</p>

<p>The research has shown that in most cases the requirement to produce a DAS has not evidently had a significant impact on design quality.</p> <p>Design and access statements have not provided a mechanism to improve design through the planning system.</p>	<p>Whilst the number of applications requiring a DAS may be reduced it will be prudent to ensure that the principles of good design, that are now more commonly understood, remain embedded in the planning process.</p> <p>The use of other mechanisms should continue to build the skills and knowledge of those involved in the planning and design process.</p>	<p>N/A</p>
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Recommendation 10

Encourage the use of planning conditions to ensure that, where pertinent, key elements of the DAS are delivered.

There is a need to ensure that proposals that are set out in the DAS (where they are required) are carried forward appropriately and proportionately into the built development.

The elements of a DAS that are important or relevant to the granting of planning permission will vary with each development depending on the specific considerations of the proposals (such as the form of the development, planning considerations, impact, site sensitivity etc.). LPAs should therefore be encouraged to apply a condition(s) to ensure that whatever elements of the DAS are material to the granting of planning permission are carried through

to the completion of the development.

This form of condition needs flexibility to ensure that it is only applied to those critical / relevant areas. With an outline permission, for example, it may be conditioned that the reserved matters submissions shall be in accord with the design principles set out in Chapter X of the DAS, whereas for a full permission it may be appropriate to require, say, that materials (to be submitted for approval prior to use) are to be in accord with the materials schedule set out in Chapter Y of the DAS.

The form of condition could be as simple as: Development hereby approved to be undertaken in accord with [design principles / access arrangement / materials pallet, et al] as set out under [Chapter / Section / paragraph / figure et al] of the Design and Access Statement [ref] submitted on [date].

Issues Addressed	Anticipated Benefits	Alternatives Considered
<p>The research found that in some cases the principles set out in the DAS are not always delivered.</p> <p>As the DAS does not form part of the planning application there is a lack of enforceability of what is contained within a DAS.</p>	<p>The use of conditions will enable LPAs to ensure that specific principles and proposals set out in the DAS can be enforced.</p>	<p>N/A</p>

7.2 Conclusions

Following the research that has been undertaken through the questionnaire, workshop and case studies, and supported by the findings of the literature review, conclusions have been drawn about the effectiveness of Design and Access Statements as set out in Section 6. In response to these findings a number of recommendations have been made that seek to resolve the key issues and refine the purpose and scope of DAS.

The recommendations include a change to the **requirements** for DAS thus reducing the number of applications for which they will need to be prepared but maintaining them as communication tool for more significant developments. This will help to address the negative perception of the existing process. Improved **guidance and new training** will support the changes to DAS requirements. Access considerations will be maintained through earlier involvement of **Building Control** and proposed changes to **Building Regulations**. The current weakness of DAS in improving design will need to be addressed through other mechanisms.

The anticipated benefit of implementing these recommendations is that the use of DAS will be clearer, more focused and therefore more valuable to the planning system and other mechanisms will be put in place to ensure that design and access remain important considerations in the planning process.

The interrelation between the recommendations requires that they are considered and taken forward in a coordinated way. Of particular importance is that changes to DAS requirements should be supported by the measures set out in relation to the role of Building Control and changes to Building Regulations to ensure that access is given due consideration.

