



Department for
Communities and
Local Government

Evaluating access statement requirements in Part M of the building regulations and minor technical amendments to Part M of the building regulations

Impact assessment

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Title: Evaluating Access Statement Requirements in Part M of the Building Regulations and Minor Technical Amendments to Part M of the Building Regulations IA No: DCLG 0079 Lead department or agency: Department for Communities and Local Government Other departments or agencies:	Impact Assessment (IA)				
	Date: 17/12/2012				
	Stage: Final				
	Source of intervention: Domestic				
	Type of measure: Secondary legislation				
Contact for enquiries: Richard Harral					
Summary: Intervention and Options					RPC Opinion: Validated by RPC

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?
£20.6m	£18.9m	-£2.0m	Yes OUT

What is the problem under consideration? Why is government intervention necessary?
Part M (Access to and use of buildings) sets out minimum requirements to ensure that a broad range of people are able to access and use facilities within buildings. Building Regulations provide flexibility in determining what level of provision is reasonable on a case by case basis. Applicants need to communicate their proposals effectively but the existing 'one size fits all' guidance in Approved Document M, relying on submission of detailed Access Statements could be made more effective and efficient by replacement with a risk based approach. This will improve compliance and reduce cost to Industry, and as a statutory document the guidance can only be amended by Government intervention.

What are the policy objectives and the intended effects?
This policy will develop guidance on the most effective way for applicants to communicate and agree adequate provision for access to and use of buildings where works are subject to Building Regulations. Revised guidance will move towards a graduated, risk based approach proportionate to varying scale and type of development and away from reliance on Access Statements as the only tool to communicate compliance. This will eliminate unnecessary bureaucracy and cost to Industry whilst maintaining outcomes for the broadest range of users. Minor technical amendments suggested in the consultation are also being taken forward. Revised guidance will be made in October 2012 and come into effect in April 2013.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)
'Do Nothing' – Do nothing would continue to recommend the use of Access Statements which research has shown to often be ineffective and to generate unnecessary paperwork.
Preferred Option - Amend Approved Document M. Identify the most efficient approach to agreeing reasonable provision for access to and use of buildings. Engagement with Industry indicates a consensus that providing guidance on communicating and agreeing compliance remains desirable and beneficial, but that a more efficient, risk based approach could reduce administrative costs and improve quality of delivery. This IA focuses on streamlining of existing regulatory process but we will also be taking forward supporting work in parallel to improve industry engagement and skills. Minor deregulatory technical amendments to Approved

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 04/2016					
Does implementation go beyond minimum EU requirements?			No		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes

What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: Nil	Non-traded: Nil
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I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed by the responsible Minister:


_____ : Date 17 December 12
Building Regulations Minister
Rt Hon Don Foster MP

Summary: Analysis & Evidence

Policy Option 1

Description: Revise guidance to support more targeted and risk based compliance and take forward minor technical amendments to Approved Document M

Full economic assessment

Price Base Year	PV Base Year	Time Period	Net Benefit (Present Value (PV)) (£m)		
			Low: 8.2	High: 46.4	Best Estimate: 20.6

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0.9	Optional	0.9
High	4.2	Optional	4.2
Best Estimate	2.1	0	2.1

Description and scale of key monetised costs by 'main affected groups'

Transitional costs monetise the time required for professionals to acquire and familiarise themselves with revised guidance (£0.6m) and a supplementary cost associated with the development of revised approaches to guidance within individual businesses (£1.0m) and role out of training to staff (£0.5m).

Other key non-monetised costs by 'main affected groups'

None

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	1.1	9.1
High	Optional	5.9	50.6
Best Estimate	0	2.6	22.7

Description and scale of key monetised benefits by 'main affected groups'

Reduced administrative cost to industry by; i) reducing the quantity of information required by adopting a risk based (rather than proforma) approach, and, ii) providing greater flexibility in choosing method of communication. This will result in an average annual benefit of £1.0m. Consolidating guidance on temperature of handrails delivers a further saving of £1.6m per annum. Please see the tables in the evidence base for a detailed breakdown of predicted reductions in cost of demonstrating compliance.

Other key non-monetised benefits by 'main affected groups'

Reduction in on-site post completion enforcement costs (including costs of abortive design and building work) as a result of more effective communication between applicants and Building Control Bodies.

Key assumptions/sensitivities/risks

Savings are based on estimated frequency and time spent in preparing and reviewing Access Statements which are based on external research. Costs and savings also assume that Industry will adopt the most effective and proportionate approach on a case by case basis, once more flexible guidance is introduced. Furthermore it is assumed that there will be no change in the level of provision as a result of these changes which is supported by research findings.

Discount rate

3.5

Business assessment (Option 1)

Direct impact on business (Equivalent Annual) £m:	In scope of	Measure
Costs: -0.24 Benefits: +2.44 Net: +2.20	Yes	OUT

Evidence Base (for summary sheets)

Problem under consideration

Background on the Building Regulations

The Building Regulations control certain aspects of building work principally to protect the health, safety and welfare of people in and around buildings. Part M of Schedule 1 of the regulations relates to access to and use of buildings and Approved Document M (AD M) contains statutory guidance that demonstrates one way in which the provisions can be complied with.

The regulations themselves are expressed in “functional” terms and do not dictate how compliance must be achieved. However, for the benefit of both industry and building control bodies, advice on how the requirements of the Building Regulations may be met are contained in guidance approved by the Secretary of State. This covers some of the more common building situations, but there may be alternative ways of achieving compliance with the provisions. However, if followed, the guidance can be relied upon in any proceedings as tending to indicate compliance with the Building Regulations.

AD M is supporting guidance for Part M of the Building Regulations (Access to and use of buildings) which seeks to ensure that reasonable provision is made for a broad range of users to access and benefit from the provision of suitable facilities where building work takes place. The 2004 edition of AD M introduced for the first time the concept of an Access Statement, which is recommended ‘to identify the philosophy and approach to inclusive design adopted, the key issues of the particular scheme and the sources of advice and guidance used’.

Beyond compliance with the Building Regulations, employers and service providers also have duties under the Equality Act 2010 (previously the disability Discrimination Act or DDA) to make reasonable adjustments to physical features of buildings which could otherwise prevent access for disabled people. Making sound judgements as to reasonable provision at the point where building work is undertaken therefore not only benefits future building users by ensuring that appropriate access and facilities are provided, but also helps industry to reduce the likely need for expensive retro fit costs once the building is occupied.

The problem

Building Regulations control a wide variety of types of work including the erection of new buildings, and the extension or alteration of existing buildings, in both domestic (residential) and commercial sectors. Works range in scale from small modifications to components and fittings – for instance replacing a door or window – to large stand alone buildings and multi-building complexes.

The functional (rather than prescriptive) structure of the Building Regulations mean that whilst following the guidance in Approved Documents is regarded as tending to show compliance, alternative solutions can be proposed providing that they satisfy the Building Control Body that the level of provision is ‘reasonable’ and satisfies the functional requirements of Part M in each particular instance. This provides flexibility to take into account both the nature and scale of development as well as constraints and the needs of likely users.

As a result, the level of provision from one project to the next can vary significantly whilst still being considered to demonstrate compliance. Access Statements were introduced with the intention of improving communication between designers, applicants and Building Control Bodies at the design stage of building work and in particular to provide a structured approach to determine what is reasonable on a case by case basis.

Following extensive discussions with external partners it is clear that the current one size fits all approach to demonstrating compliance by submitting Access Statements has not proven effective across all types and scale of building work. In particular, Access Statements are less effective in relation to smaller and less complex works where developers, designers and builders do not have the expertise or resources available in larger scale projects. As a result, Access Statements accompanying some applications add administrative cost but are not very useful in conveying the proposed approach to achieving compliance nor in improving the quality of access in the resultant building work. In such cases, Building Control Bodies often prefer to rely on other information as a means of assessing compliance and access statements represent an unproductive administrative burden as a result. Given that a large proportion of building work is of a smaller scale (we estimate that 76% of all building work is less than £25,000 in value) this has an important impact on quality and cost of compliance in the built environment as a whole.

Ensuring that Building Control Bodies and applicants are agreed on reasonable provision prior to commencing building work is also important in terms of quality and cost of outcomes:

- firstly, that physical features which help ensure good access can be hard to integrate effectively once construction work has commenced and doing so can lead to compromised solutions which reduce the resultant quality of access
- secondly, that making changes to designs during construction creates costs to applicants in terms of disruption and abortive work which can otherwise be avoided.

The policy changes in question set out a more flexible, risk based approach which reflects varying scales and types of building work and which can reduce administrative burden and cost to industry, whilst improving quality of compliance.

Results of the consultation

Sixty-seven per cent of respondents agreed with our assessment that the proposed changes to AD M would not impact the level of compliance and comments were largely supportive of the changes and the drive to achieve compliance at a lower cost and reduce unnecessary paperwork. The consultation specifically asked for the views of respondents on the assumptions presented in the consultation stage impact assessment; the vast majority agreed with the estimates presented. Further details are given in the 'Risks and Assumptions' section of this impact assessment.

This IA also covers the impact of a series of minor changes to existing guidance in AD M which were identified by consultation respondents as either having been superseded in practice since AD M was last updated in 2004 (such as references to defunct or outdated British Standards) or have been modified by supplementary guidance issued by DCLG in the form of FAQ's. Respondents suggested that the proposed changes (relating to Light Reflectance Values) would avoid unnecessary administrative costs without reducing compliance.

We have assessed the impact of these changes and consulted the Building Regulations Advisory Committee (BRAC), the statutory committee that provides advice to the Secretary of State on Building Regulations. Prior the consultation DCLG had an extensive programme of engagement with external partners through a series of informal workshops and meetings. 10 Workshops were held involving over 100 access consultants, building control surveyors, designers and disabled people to seek their views. A range of opinions were offered which have underpinned our policy to seek greater flexibility in demonstrating compliance – particularly for smaller and more simple works – whilst allowing applicants to continue to utilise Access Statements where they are perceived as being of value.

The overall outcome in terms of what the building control officer deems reasonable provision should remain the same regardless of whether an access statement is produced or not. This aligns with the approach set out by the Star Chamber during the Building Regulations element

of the red Tape Challenge where we have been urged to take forward de-regulatory or simplification measures in response to the consultation.

Rationale for intervention

Part M helps to deliver an equality objective in ensuring suitable access to buildings. Due to lock-in issues, mandating that access is suitably thought through at the point of build is much more cost effective than later making modifications to buildings. The policy intervention aims to continue to deliver the benefits of reasonable access provision but to do so at a lower cost by removing unnecessary or unproductive work.

In 2010 DCLG invited the public to comment on what future changes should be made to Building Regulations and the Building Control System. We received 67 submissions in relation to Part M varying from calls for additional measures in housing design (lifetime homes) and adult sanitary provision for people with high assistance needs (Changing Places) to detailed analysis of the functionality of existing guidance in use. Whilst respondents indicated that the scope of AD M was broadly correct, there was some concern as to the quality of compliance and the way in which Access Statements were being used to establish reasonable provision. In December 2010 DCLG therefore committed to reviewing how effective the existing recommendation to use Access Statements has been in day to day use and whether or not there is a need to consider changing the existing guidance and approach.

Extensive dialogue with a broad range of professionals involved in the preparation and use of Access Statements has resulted in detailed anecdotal evidence with some strong indicators, consistent across Industry. This suggests the need to encourage a flexible approach which responds more effectively to the range of skills and expertise available in varying scales and types of building work, rather than relying on Access Statements as the only way of communicating compliance.

Adopting this revised approach will deliver a measure of de-regulation and simplification as well as helping applicants and Building Control Bodies to focus resources on key compliance issues on a case by case basis. Enabling this shift in behaviour will be difficult if existing guidance is retained, as Building Control Bodies and applicants are likely to be deterred at least in part by the risk of adopting approaches outside those that remain within statutory guidance.

Because the guidance in Approved Document M (Access to and use of buildings) is considered statutory guidance, revisions to promote more efficient and effective behaviour necessitates amendments which can only be facilitated by Government intervention.

Policy objective

Part M of the Building Regulations is intended to ensure baseline standards to enable a broad range of people to access and use buildings and their facilities. The guidance sets out what are considered to be proportionate provisions in the most common of circumstances.

These objectives remain relevant. The aim of this current proposal is to learn from the experience of the way Access Statements have been used since 2004 to develop a more effective, efficient and proportionate approach to communicating compliance which targets risks and reduces cost.

We consulted on these proposals in December 2011 with a view to making changes to guidance in October 2012, coming into force April 2013.

Description of options considered

Option 0: 'Do nothing'

Leaving the guidance of Approved Document M as currently drafted would mean continuing with a recommendation to produce Access Statements when evidence suggests that in some circumstances the access statements submitted to building control bodies are of little material benefit in helping to determine whether proposals are compliant.

Failure to take forward amendments proposed in the consultation would leave outdated references in the Approved Document and would miss an opportunity to consolidate guidance that currently resides in FAQ's.

Option 1: 'Revise guidance to support more targeted and risk based compliance'

Following the public consultation the preferred option is to make amendments to Approved Document M which will deliver a more efficient approach. This policy option is assessed against a 'do nothing' baseline.

The starting point for the review of the policy was to consider whether it remains necessary to continue to provide advice on access statements, and if so, what form that guidance should take. Underpinning these considerations is the assumption that a Building Control Body's view of adequate provision will remain constant in relation to a given set of circumstances, though because of the functional nature of the Building Regulations the way in which this is achieved may vary. The overall outcome in terms of what the building control officer deems reasonable provision should therefore remain the same regardless of whether an access statement is provided or not.

Given that this should be the case, we have explored the possibility of removing recommendations and guidance on demonstrating compliance from AD M completely. However, extensive engagement with external partners (detailed further in the 'Rationale and IA Analysis' section), suggests that Industry as a whole does not favour this approach, noting that there are still significant gaps in skills and awareness where guidance on demonstrating compliance is of benefit.

Available evidence indicates that in larger scale construction projects, developers, designers and Building Control Bodies value and make extensive use of Access Statements to manage communication of compliance. It is therefore anticipated that, even if guidance were to be removed, in both residential and commercial development, schemes above £10m in value would be likely to continue to adopt this approach where it delivers value.

In addition, Industry (particularly service providers) will typically have equality policies requiring the audit of decisions relating to access provision and a proportion will continue to prepare Access Statements with respect to concerns as to public and professional liability. Public bodies are likely to have similar concerns as well as duties under the Equalities Act.

Access Statements will therefore remain a useful tool in certain scales and types of development. However, in smaller scale works which form the majority of notifiable projects (76% of notifiable building work has a value of less than £25,000) where skills and resources are limited, alternative approaches are needed to ease compliance.

The proposed policy does not therefore seek to preclude or prevent the use of Access Statements where applicants believe that a written statement accompanying other information (such as drawings) and as part of an application is the best and most efficient way of agreeing reasonable provision with a Building Control Body.

Alternatives to a written Access Statement will be set out where evidence suggests this would be beneficial. Revised guidance will promote efficiencies in two ways. Firstly by removing reference to prescribed content and structure of third party guidance which sets out a prescriptive list of information that should be required as part of an Access Statement. This will enable applicants and building control bodies to focus on key risks proportionate to the scale and nature of the building work; and secondly by encouraging a wider range of ways to communicate compliance which may be better suited to the skills and resources available to applicants. Combined this should improve communication and eliminate unproductive bureaucracy.

Engagement with Industry also suggests that including this revised approach within the Approved Documents would be necessary to engender behaviour change as Building Control Bodies and applicants would tend to maintain current practice unless given a new sense of direction.

Providing revised guidance will;

- encourage Building Control Bodies and Industry to have confidence in and adopt more efficient, targeted approaches to communicating compliance to ensure that unnecessary or irrelevant information is not required as part of the Building Control application. Communication will therefore become more focused on project critical issues, delivering better outcomes and removing requirements for unnecessary or irrelevant administrative exchanges between applicant and Building Control Body;
- reduce administrative burden whilst focusing available resource on improving quality of compliance as the number of poor quality and ineffective Access Statements produced, particularly for smaller scale work, will be replaced by more effective and lower cost methods of communication.

We recognise that in order to capture these benefits other work is necessary to promote behavioural change. We therefore propose to engage with professional bodies outside the regulatory context to develop revised approaches to guidance and roll-out training to members

Current practice and anticipated future practice on Access Statements

The Disability Rights Commission has published full guidance on the production of Access Statements¹, and section 8.3 of the sets out the key pieces of information that an access statement should contain, which includes:

- the project sponsor's approach to access with particular reference to the inclusion of disabled people;
- the sources of advice on accessibility and technical issues;
- details of consultations undertaken;
- details of professional advice or audits;
- specific issues affecting accessibility;
- details of management and maintenance policies;
- a plan of the environment including accessible car spaces; and,
- details of instances where good practice cannot or may not be met with implications for users and the information on methods to be used to lessen the impact.

Research and anecdotal evidence suggests that access statements can have a big impact on larger or more complex projects but can involve unnecessary paperwork in the case of smaller projects where they are produced when the guidance is followed to the letter without making it easier to assess compliance with the Building Regulations.

The intention is that in the future only the last bullet point from the list above would need to be covered in a separate access statement, and then only where there was specific deviation from the guidance in Approved Document M. Instead reliance will be placed on drawings, informal engagement with building control and planning access statements, thereby delivering similar levels of access provision without the production of details relating to other issues in the guidance.

Technical updates to AD-M taken forward in response to the consultation

In order to deliver the maximum benefit from amending AD M we are also taking forward a number of minor technical updates that were suggested by respondents to the consultation. A number of respondents identified areas where current guidance within AD M is outdated, either as a result of updated British Standards such as revisions to BS8300 (Code of Practice for the design of Buildings and their approaches to meet the needs of disabled people) on which much of the guidance in AD M is based or because DCLG have clarified guidance through FAQ's on the DCLG website. We are taking forward these limited and minor updates on the basis that they will not materially affect the level of provision, or where updated advice would be best placed in the main AD text. The specific issues are;

1. Update reference to British Standards on toilet seat design (current reference is redundant)

Guidance in AD M currently sets out provisions that WC pans should conform with Bs 5503-03 or BS 5504-04 in order to ensure they are compatible with a variable height toilet seat riser (to equalise height of a wc pan with that of a wheelchair seat to make transfer easier).

These British standards have now been superseded and the reference should be updated to ensure that suitable pans are installed in accessible wc's.

2. Incorporate guidance from British Standard BS 8300 (Design of buildings and their approaches to meet the needs of disabled people) on Light Reflectance Values.

Currently AD M requires a difference in the Light Reflectance Value of critical elements in buildings of a minimum of 30 points. BS8300 requires a minimum value of 20 points having been updated in 2009 on the basis of more recent research.

Aligning these measures will have no negative impact on accessibility (as it will reflect current best practice) but will allow industry greater flexibility in specification of finishes and materials.

3. Incorporate current FAQ on Door opening forces in to main body technical guidance.

AD M currently requires that doors require an opening force of only 20N at the leading edge of the door.

DCLG have also published an FAQ which sets out a higher acceptable opening force at the leading edge (where resistance from door closers and door seals is greatest) which is deemed achievable and has been widely adopted by industry and as also been adopted in the 2009 update of BS8300. This does however regularly cause unnecessary confusion and dispute between designers and building control officer where awareness of the FAQ is low.

4. Update reference to 'cold to touch' handrails in AD m to align with exemption in BS8300

Currently AD M requires that all handrails are not cold to the touch both internally and where associated with the building externally. This provision was based on guidance in British Standard BS8300 when AD M was last updated in 2004, and the requirement is typically met by using special paint coatings or timber or nylon sleeved handrail designs. The 2009 edition of BS8300 amended guidance to recognise that handrails fabricate from metals with a relatively low thermal conductivity, such as stainless steel, are more suitable in locations where low maintenance and/or resistance to vandalism are key factors. It would be sensible to align guidance in ADM with that in the British standard as this would effectively enable greater flexibility of specification in some circumstances.

5. Update guidance on diameter of hand rails.

AD M currently stipulates a handrail dimension of between 40-45mm for circular handrails, and 50mm max for oval handrails. BS8300 allows for a dimension of 32-45mm and we propose to align guidance. We propose that regulatory guidance be aligned with the more flexible British Standard.

Research informing the final-stage impact assessment

To inform the evidence base for the proposed changes to Approved Document M regarding Access Statements DCLG commissioned EC Harris, working in conjunction with PRP architects and Adroit Economics, to evaluate how access statements are currently used and to advise on the costs and benefits of the amendments to Approved Document M proposed in the consultation document. DCLG made reference to this piece of work in the consultation-stage impact assessment.

The final report from this research project has been used to inform this impact assessment and as such there have been some fairly substantial changes to the estimated costs and benefits presented at consultation stage. These estimates are considered to be considerably more robust than those presented at consultation stage. The overall impact of the policy, a net benefit to business and a regulatory 'out', remains the same although the revised estimate of the magnitude of this impact is now smaller. Primarily, this is the result of findings from the fieldwork undertaken that access statements are being used less in practice than was previously thought to be the case. This corroborates comments made by a number of respondents to the consultation who questioned whether 50% of projects in the £25,000-£500,000 value band and 100% of projects in the £500,000-£2,000,000 value band would produce access statements and suggested lower assumptions would be more appropriate.

The key fieldwork elements of the research, upon which the assumptions made in this impact assessment are based, included:

- a web based survey of building control bodies. This recorded basic details of 1,333 building control applications and whether they were accompanied by an access statement
- a survey of 18 volunteer Building Control officers exploring their views of access statements
- a case study review of 128 access statements by PRP architects against a standard proforma in order to record a number of details about each statement and, perhaps more importantly, to assess the impact of the access statement on the resulting design.

The research highlighted that access statements are only rarely received in practice; less than recommended and less than estimated for the consultation stage IA. Whilst this does reduce the monetary deregulatory benefit of the proposal, it also provides evidence that the current approach is working differently in theory than in practice. The key findings included:

- only 2.7% of applications to building control were accompanied by an access statement (despite being recommended in 33% of cases)
- the quality of access statements varied strongly with the size of the project
- for many smaller projects access statements tended to be used explicitly to justify deviation from the requirements of approved document M (confirmed via the qualitative survey)
- more than 50% of access statements were adjudged to have no or marginal benefits in assisting building control bodies to determine whether solutions were compliant.
- access statements are most commonly produced by architects

Costs and benefits of the policy

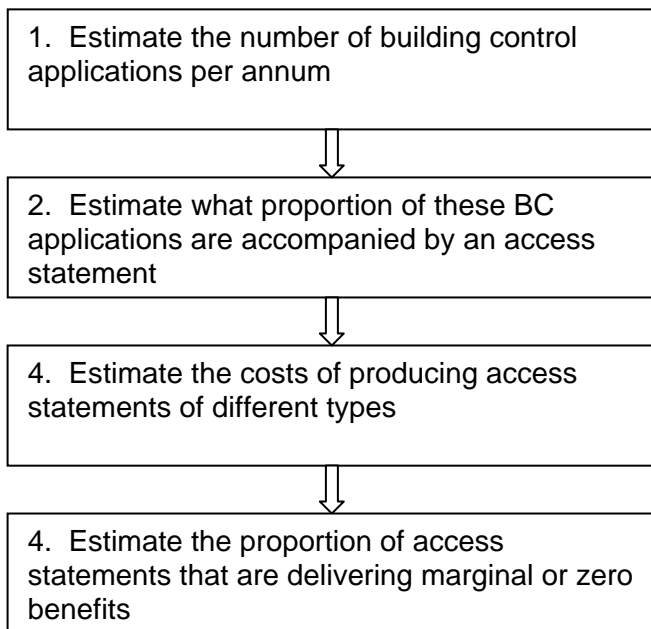
The estimated costs and benefits of the policy have been revised significantly from those presented at consultation stage on the basis of the additional research which found that access statements were being used less in practice than assumed for the consultation.

Benefits

The benefits of amending Approved Document M (to remove the recommendation to produce an access statement) result from the time savings. In particular, by removing the recommendation, it is felt that access statements which were not generating a benefit will no longer be produced in future. By removing those access statements with the least impact the benefits of inclusive provision can be retained but at a lower cost.

In order to estimate the benefits of the changes a simple calculation structure is used. The detailed calculations are available in the Appendix A of the EC Harris report but the overarching principles are restated here. The flow diagram illustrates the four steps in the process.

Fig. 1 – The impact assessment calculation structure



At consultation stage we assumed that there would be 300,000 applications to building control bodies per annum, covering both newbuild and refurbishment projects, based on a conservative extrapolation of results from the 2008 Survey of Building Control¹².

¹ <http://www.communities.gov.uk/publications/planningandbuilding/surveybuildingcontrolrpt>

² Since the consultation the Building Control Alliance have published a new piece of research on Compliance Actions carried out by building control bodies which found that 200,000 projects were visited or inspected in one working month, suggesting that the total number of applications to building control bodies in a whole year could be greater than 300,000. It remains a suitable assumption for the 'low' scenario in this impact assessment. <http://www.buildingcontrolalliance.org/wp-content/uploads/2012/03/BCA-Compliance-Actions-Research-from-LABC-ACAI-14-March-2012.pdf>

This impact assessment presents three scenarios for the benefits delivered by the policy (low/central/high). Primarily this is due to the fact that the number of applications to building control that are accompanied by access statements is uncertain and only incomplete data is available to make a suitable estimate. The three scenarios considered here are:

- 1) 8,000 access statements per annum
- 2) 10,000 access statements per annum
- 3) 20,000 access statements per annum

The first scenario is based on the results of the logging exercise conducted by EC Harris. This suggested that 7% of applications to building control were in respect of new building (the remainder being extensions or refurbishment) and that 4% of new-build applications and 2.6% of refurbishment applications were accompanied by access statements. Assuming 300,000 building control applications per year gives an estimate of 8,000 access statements per annum. The second and third scenarios assume that only construction works with a value above £25,000 submit access statements (of which there are approximately 100,000. The proportion of these submitting access statements in scenario 2 (3) is assumed to be 10% (20%) on the basis of the mean (median) average of a DCLG web survey of building control³.

Based on the PRP review of access statements 33% of newbuild access statements are detailed and 67% are simple. For refurbishment or extension applications 5% are detailed and 95% are simple. The cost of producing different types of access statement are calculated based on estimates of the length of time it takes to produce the statement, for building control to review the statement and to consult on the statement if necessary. This marks another refinement from the estimates presented in the consultation stage IA which included only the costs to the firm preparing the access statement. However, any increase in the estimated costs arising from including these additional stages in the process is dominated in terms of overall impact by lower number of access statements that are assumed here.

Table 1 – Time required to prepare, review and consult on access statements

Stage	Type	Complex Access Statements(hrs)	Simple Access Statements (hrs)
Preparation	New Builds	39	3
	Refurbishments	21	2
Building control review	New Builds	7	2
	Refurbishments	2	1
Consultation	New Builds	3	2
	Refurbishments	2	1

Source: PRP Architects

The preparation of access statements is assumed to be performed by architects hour and for the other stages by building control professionals. Estimates of hourly costs are based on two sources, the EC Harris database of professional fees and the Annual Survey of Hours and Earnings⁴. Hourly rates have been calculated for the central case by attaching a 50% weighting

³ An assumption of 10,000 access statements per annum, derived from the results of the web survey of building control, produces very similar results to an assumption of 350,000 applications to building control allied with the results of the EC Harris logging exercise (4%/2.6% of building control applications accompanied by an access statement). This strengthens the case for using 10,000 access statements per annum as the central case scenario.

⁴ ONS, ASHE, 2012, <http://www.ons.gov.uk/ons/rel/ashe/annual-survey-of-hours-and-earnings/ashe-results-2011/ashe-statistical-bulletin-2011.htm>

to wage rates from the EC Harris professional fees database and a 50% weight to wage rates derived from the Annual Survey of Hours and Earnings⁵.

The EC Harris database has been used as a source of evidence on the cost for workers in the construction industry. This reflects the value by the market of a professional including wage, on costs and other business costs to the organisation. This approach is widely used in the construction industry. However, there is a risk that this may overstate the cost savings. For instance in some situations, the saving may result in the professional being employed for fewer hours and delivering less than the full business cost savings assumed in the charge out rates. We have therefore also used the Standard Cost Model to estimate costs based upon the Annual Survey of Hours and Earnings (ASHE) plus an additional estimate of 30% for additional overheads such as pension contributions and national insurance contributions. It is our assessment that this approach underestimates typical benefits of time for professionals in the construction industry.

So for our central estimate we have assumed an hourly rate half way between the EC Harris industry estimate and the ASHE plus 30% approach. We feel this estimate reasonably reflects that some time savings of key professionals have a high value reflected in the charge out rate for carrying out other priorities while in other situations the business cost saving might be more constrained.

In the low scenario hourly rates are based on the Annual Survey of Hours and Earnings and for the high scenario hourly wage rates have been based on the EC Harris professional fees database.

As an example table 2 shows how the cost of producing detailed access statements in relation to newbuild. Similar calculations are performed in each scenario for refurbishment applications and for both simple and detailed access statements.

Table 2 – Cost of producing access statements: illustrative calculations

Number of building control applications – p.a.	300,000
of which newbuild	7%
of which accompanied by access statement	4%
of which are detailed access statements	33%
Number of detailed newbuild access statements	277.2
Hours taken to produce detailed statement	39
Cost per hour	£51
Total cost	£ 291,892

To estimate the proportion of access statements submitted that deliver no benefits, or only marginal benefits, the results of the access statement review conducted by PRP architects is relevant. Based on this review it is assumed that 60% of simple access statements would deliver marginal or zero benefits in the absence of the policy change. The results of applying the methodology above are shown in Tables 3-5. The current policy on Access Statements is estimated to cost £27m over 10 years and the revised policy £18m.

⁵ Estimates from the ASHE have been up-rated by 30% to allow for pensions, national insurance contributions and other variable costs of labour employment (see Standard Cost Model, BERR, 2005, <http://www.berr.gov.uk/files/file44503.pdf>)

Table 3 – Ongoing costs of existing access statements policy

Costs of current Access Statement Arrangements	Scenario 1	Scenario 2	Scenario 3
	8,000 p.a.	10,000 p.a.	20,000 p.a.
Value of time to prepare Access Statement	£ 915,260	£ 2,135,932	£ 6,282,153
Value of time to review Access Statement	£ 267,068	£ 567,527	£ 1,583,795
Value of time to consult on Access Statement	£ 95,604	£ 415,664	£ 1,159,993
Total Annual Cost	£ 1,377,931	£ 3,119,123	£ 9,025,941
10 year PV	£ 11,860,796	£ 26,848,432	£ 77,692,474

Table 4 – Ongoing costs of the revised policy on access statements

Costs of revised Access Statement arrangements	Scenario 1	Scenario 2	Scenario 3
	8,000 p.a.	10,000 p.a.	20,000 p.a.
Value of time to prepare Access Statement	£ 664,629	£ 1,551,039	£ 4,561,879
Value of time to review Access Statement	£ 146,814	£ 311,984	£ 870,654
Value of time to consult on Access Statement	£ 102,353	£ 217,502	£ 606,983
Total Annual Cost	£ 913,796	£ 2,080,525	£ 6,039,516
10 year PV	£ 7,865,668	£ 17,908,511	£ 51,986,260

Table 5 – Summary table of benefits from revised policy on access statements and updates to the technical provisions

Benefits from revising guidance on Access Statements	Scenario 1	Scenario 2	Scenario 3
	8,000 p.a.	10,000 p.a.	20,000 p.a.
Time saving (preparing Access Statements)	£ 250,630	£ 584,893	£ 1,720,274
Time saving (reviewing Access Statements)	£ 120,254	£ 255,542	£ 713,142
Time saving (consulting on Access Statements)	£ 93,251	£ 198,162	£ 553,010
Total Annual Benefit of revised guidance on access statements	£ 464,135	£ 1,038,597	£ 2,986,426
10 Year PV Benefits	£ 3,995,128	£ 8,939,921	£ 25,706,214

Source for Tables 3-5: Adroit Economics, DCLG calculations

Updates to the technical provisions

Consultation responses suggested a number of areas where AD-M could be amended, simplified or clarified in a new Approved Document M. EC Harris, built asset consultants, estimated the potential savings from taking forward various simplification measures related to AD-M. Findings from this research found that for the majority of the potential simplification measures neither a cost nor a benefit would result. However, the research did suggest that savings would be achieved by removing the requirement for handrails to be 'not cold to the touch' in certain areas.

1. Update reference to British Standards on toilet seat design (current reference is redundant): **no cost impact**

2. Incorporate guidance from British Standard BS 8300 (Design of buildings and their approaches to meet the needs of disabled people) on Light Reflectance Values: **no cost impact**
3. Incorporate current FAQ on Door opening forces in to main body technical guidance: **no cost impact**
4. Update guidance on diameter of hand rails: **no cost impact**
5. Update reference to 'cold to touch' handrails in AD m to align with exemption in BS8300: **£1.6m per year (outlined below)**

Currently the British Standard allows for handrails in areas likely to be subject to vandalism to be exempt from the requirement to avoid being cold to touch. AD M does not permit this consideration and it would be sensible to align guidance in ADM with that in the British standard as this would effectively enable greater flexibility of specification in some circumstances.

AD M currently stipulates a handrail dimension of between 40-45mm for circular handrails, and 50mm max for oval handrails. BS8300 allows for a dimension of 32-45mm and we propose to align guidance. We propose that regulatory guidance be aligned with the more flexible British Standard.

The report estimates that for buildings where the savings are achievable (i.e. because they have stair and toilet facilities which would be covered by the provisions of ADM) the measure will save £250 for each small office or retail building, £350 for large retail buildings, £600 for medium offices and £650 for large offices. This savings results from not having to use specialized paint coatings on surfaces subject to the requirements (primarily handrails but also door handles).

There is uncertainty over what proportion of projects in each category would achieve the savings, for which estimates were made by PRP architects and EC Harris in their report, and also over the number of new developments of each type built per year.

As a cyclical industry, construction output varies significantly year-to-year (investment in commercial offices was over £12billion in 2007 and just £3.3billion in 2009), so there is a wide margin of uncertainty over development rates for the appraisal period. Three core scenarios are therefore analysed, based on the estimated stock of existing buildings⁶ and assumed building lifetimes of 40/60/80 years for commercial buildings, 50/75/100 for large retail units and 60/120/180 for small retail units. The retail unit asset life lengths have been increased since a significant proportion of the existing stock of retail units is contained in city centres and historic buildings and therefore is less likely to be replaced to a typical timeframe as might be expected of out-of-town and warehouse style developments. The build rate assumptions are set out as percentages in table 6 and the absolute number is shown in table 7.

⁶ Non-domestic buildings data is available in the datasheets accompanying the 2007 Energy Performance of Buildings Directive Regulatory Impact Assessment, available at: <http://www.communities.gov.uk/archived/publications/planningandbuilding/regulatoryimpactenergyperformanc>

Table 6 – Build rate assumptions

Building type	Stock of existing non-domestic buildings	Build rate - low	Build rate - central	Build rate - high
Small commercial office (<250 m ²)	201,113	1.25%	1.67%	2.50%
Med. commercial office (250-1000m ²)	40,613	1.25%	1.67%	2.50%
Large commercial office (1000m ²⁺)	9,268	1.25%	1.67%	2.50%
Small retail (<100 m ²)	354,918	0.56%	0.83%	1.67%
Large retail (>100 m ²)	167,494	1.00%	1.33%	2.00%

To validate these assumptions several further sources have been considered. Adroit Economics analysis of the ONS construction statistics suggests in the order of 3600 new commercial units per year⁷. Work performed to accompany the regulatory impact assessment for the Energy Performance of Buildings Directive estimated 1500 new commercial offices and 3200 new retail developments per year. Furthermore, planning statistics collected by DCLG suggest 3,387 major and minor office developments in the year to March 2011 and 8,574 retail, distribution and servicing units. These three sources help to confirm that the estimates presented below are a reasonable representation of construction rates for the different building typologies, particularly given the volatility of investment and construction over time. The central scenario is reasonably cautious, which is appropriate for quantifying the impact of a regulatory 'OUT'.

Table 7 – Assumed annual build rates for commercial and retail developments

Build rate	Scenario 1	Scenario 2	Scenario 3
Small commercial offices	1900	2400	3200
Medium commercial offices	500	600	1000
Large commercial offices	100	150	200
Small retail	1900	2800	5600
Large retail	1500	2100	3100

Source: EC Harris, Adroit Economics, DCLG Calculations

Table 8 – Applicability assumptions for commercial and retail developments

Applicability	Scenario 1	Scenario 2	Scenario 3
Small commercial offices	30%	66%	80%
Medium commercial offices	30%	66%	80%
Large commercial offices	70%	90%	100%
Small retail	30%	50%	70%
Large retail	60%	100%	100%

Source: EC Harris, PRP architects, Adroit Economics

Table 9 – Benefits of updates to the technical provisions

Benefits of revised guidance	Scenario 1	Scenario 2	Scenario 3
Cost saving per annum	£ 593,000	£ 1,596,350	£ 2,895,000
10 year NPV	£ 5,104,358	£13,740,880	£ 24,919,252

Source: EC Harris, Adroit Economics, DCLG Calculations

⁷ Adroit Economics: CBA of Proposed Changes to Lighting Diffusers, available at [WEBLINK]. ONS construction statistics are available at: http://www.ons.gov.uk/ons/taxonomy/search/index.html?newquery=*%26nsc1=Building+and+Construction%26nsc2=Building+and+Construction&content-type=publicationContentTypes&sortDirection=DESCENDING&sortBy=pubdate

In the central case scenario the benefits of the revised policy on access statements are estimated to be £1.0m per year. The updates to the technical provisions deliver a further benefit of £1.6m per year, a total annual benefit of £2.6m per year as shown in table 10.

Table 10 - Summary table of Benefits

	Scenario 1	Scenario 2	Scenario 3
Annual Savings from Access Statements	£ 464,135	£ 1,038,597	£ 2,986,426
Annual savings from technical provisions	£ 593,000	£ 1,596,350	£ 2,895,000
Total Annual Savings	£ 1,057,135	£ 2,634,947	£ 5,881,426
10 year NPV Access Statements	£ 3,995,128	£ 8,939,921	£ 25,706,214
10 year NPV technical provisions	£ 5,104,358	£ 13,740,880	£24,919,252
10 year NPV	£ 9,099,486	£22,680,802	£50,625,467

Non-monetised benefits

There may be some non-monetised benefits of the policy in addition to those monetised above. The monetised benefits only cover the reduction in administrative costs and this does not include the potential spill-over benefits on the whole process of building control. In particular these proposals should help to reduce the costs of enforcement and minimise disruption. Ensuring that access has been suitably thought through *before* building work progresses is more cost effective than making alterations later and the savings from improving the process will be shared between builders and building control bodies.

Current practice means that Access Statements actually make the job of building control body more difficult as deviations from guidance are buried within text on a variety of issues. In the future builders and designers will instead engage with building control to agree access provision without the submission of an access statement, speeding up the process of identifying issues and rectifying them. Because issues will be identified more quickly, costs of enforcement and of rectifying non-compliant work could be reduced.

However, there is no evidence or data available to identify the value of the costs which might be avoided as a result of the policy. Although anecdotal evidence is available to indicate that such costs do arise and can be extremely significant when they do, recovering formal evidence on these figures would require a substantial piece of research which appears disproportionate to take forward a deregulatory measure.

Respondents to the consultation could not provide evidence on the magnitude of these benefits, although there were references to the potential benefits amongst the written comments. For example, one noted the '*significant cost-savings to be gained from the promotion of systematic early participation by Building Control and Construction bodies in the development of a single, proportionate and evolving access strategy*'.

Costs

The policy changes do not affect what constitutes reasonable provision in relation to any specific element of building work; that decision will continue to be made by the relevant Building Control Body and should remain constant. As a result, annual costs to industry should not rise as there is no material change in the level of provision they would be asked to provide. The costs to industry therefore relate solely to the costs of familiarising themselves with the changes and embedding them in ongoing working practice. Adroit Economics have estimated these transition costs by considering three potential costs to professionals working in the area:

- time to read new guidance (15 minutes per professional)

- time to amend in-house approaches (2.5%-5% of staff required to revise their firm's approach to access statements and other aspects of Approved Document M, thought to take 8 hours)
- time to attend training (up to 25-45% of staff depending on profession could be required to attend 30 minute training sessions on the changes).

The costs will fall on 4,500 building control officers⁸, 32,000 architects, 25,000 surveyors and 2,000 other professionals, leading to a total estimated year one transitional cost of £3 million as shown in table 6.

Hourly rates have been calculated for the central case by attaching a 50% weighting to wage rates from the EC Harris professional fees database and a 50% weight to wage rates calculated from the Annual Survey of Hours and Earnings⁹. These sources represent slightly different sources for calculating the cost of worker time but both are relevant. Where work is undertaken by an outside expert and bought in to perform a role by the firm the charge out rates most accurately reflect the cost to the business of extra burdens. Where a cost involves marginally more time expended by an existing employee an approach based on ASHE might be appropriate. Since both cases may be relevant as regards access statements a 50% weighting has been attached to both sources in the central case.

Table 11 – Transitional Costs

Time to read new guidance

Profession	Number of Persons	% involved	No. involved	Hourly Fee	@ 15 min	Total Cost
Building Control Officer	4,500	80%	4,000	£43	£11	£38,250
Architects	32,000	80%	25,600	£51	£13	£326,400
Surveyor	25,000	80%	20,000	£43	£11	£212,500
Other	2,000	80%	1,600	£43	£11	£17,000
Total						£594,150

Time to amend in-house approaches

Profession	Number of Persons	% involved	No. involved	Hourly Fee	@ 8 hours	Total Cost
Building Control Officer	4,500	5.0%	250	£43	£340	£76,500
Architects	32,000	5.0%	1,600	£51	£408	£652,800
Surveyor	25,000	2.5%	625	£43	£340	£212,500
Other	2,000	2.5%	50	£43	£340	£17,000
Total						£958,800

Time to undertake training in new approaches

⁸ At consultation stage it was assumed that there are 4000 building control officers nationally, extrapolated from the survey of building control. A more recent submission of information from LABC provides more definitive evidence that there are 3,500 building control officers in England and Wales (with, perhaps, 3,300 in England). There is more uncertainty about the number of approved inspectors. The 2008 survey of building control recorded 1,200 technical staff members whilst a recent submission of evidence from the CIC estimated 700 qualified professionals. This could be an underestimate since there will also be part-qualified and unqualified staff performing roles in inspections. 4,500 is therefore a revised best estimate of the number of building control officers.

⁹ ASHE, ONS, 2012, <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-235202>

Profession	Number of Persons	% involved	No. involved	Hourly Fee	@30 min	Total Cost
Building Control Officer	4,500	45.0%	2,250	£43	£21	£43,031
Achitects	32,000	45.0%	14,400	£51	£26	£367,200
Surveyor	25,000	22.5%	5,625	£43	£21	£119,531
Other	2,000	22.5%	450	£43	£21	£9,563
Total transition cost						£539,325
Total transition cost						£2,092,275

Source: Adroit Economics

To extend this analysis we have conducted sensitivity testing on the familiarisation time and the proportion of professionals required to read the new guidance as these are the more uncertain assumptions in the analysis. We have also conducted the sensitivity analysis using an approach based on ASHE in the low scenario and using the EC Harris fees database for the high scenario. In the low scenario we have assumed that only 60% of professionals read the new guidance and assumed that 2.5% of *all* professionals are involved in amending in-house approaches to the guidance, giving a one-off cost of £0.9m. In the high scenario we have assumed that professionals spend 30 minutes reading the new guidance rather than 15 and that 5% of *all* professionals are involved in amending in house approaches to give a one-off cost of £4.2m. Full tables are presented in Annex B.

Summary table of costs and benefits

The summary table of costs and benefits shows a **net present benefit** over ten years of approximately **£20.6m** in Scenario 2. This is shown in the summary sheet of the impact assessment.

Table 12 – Summary table of costs and benefits

Costs and benefits from revising guidance on Access Statements	Scenario 1	Scenario 2	Scenario 3
	8,000 p.a.	10,000 p.a.	20,000 p.a.
One Off Transition Costs - Year 1	£ 873,675	£2,092,275	£ 4,215,000
Annual savings from Access Statements	£ 464,135	£ 1,038,597	£ 2,986,426
Updates to the technical provisions	£ 593,000	£ 1,596,350	£ 2,895,000
Total Annual Savings	£ 1,057,135	£ 2,634,947	£ 5,881,426
10 year NPV	£ 8,225,811	£ 20,588,527	£ 46,410,467

Source: Adroit Economics, DCLG calculations

Comparison with consultation-stage estimates

At consultation stage estimates were presented that suggested an annual benefit of £18.8m and a NPV of £159.35m over 10 years. The savings on Access Statements presented here therefore represent less than 10% of the level originally estimated. This stems from the fact that the additional research work has discovered that access statements are used less in practice than was originally believed to be the case. Therefore, the amount of work avoided through these changes is lower than previously estimated.

The finding that only 2.7% of applications to building control in the sample were accompanied by an access statement confirms an issue raised by several respondents to the consultation, who suggested that the number of projects submitting access statements in practice was lower

than estimated in the consultation stage impact assessment. The central case in this impact assessment assumes 10,000 access statements per annum, in contrast to the consultation stage impact assessment which assumed that circa 40,000 access statements per annum are produced. These concerns have therefore been addressed.

The consultation identified a number of technical provisions of Approved Document M which could be clarified when making amendments to the document. Based on research by EC Harris in 2011 the majority of these technical amendments are estimated to have no cost impact but there is thought to be a cost saving from removing the requirement for handrails and handles to be 'not cold-to-the-touch' and this cost saving contributes about half of the value of the policy.

Direct costs and benefits to business (One In One Out)

The direct benefits to business from the policy are the annual savings for no longer preparing access statements reported in table 5 and assuming that 25% of the costs of reviewing access statements falls on private sector building control bodies (approved inspectors) rather than on local authority building control bodies¹⁰. The direct costs to business of the policy are the transitional costs in table 6, other than those falling on public building control bodies. According to OIOO methodology the direct costs and benefits should be reported on an 'annual equivalent' basis in 2009 prices for standardised comparison across policies. Prices in this impact assessment are 2012 values and have therefore been adjusted using a factor of 0.927 to express them in terms of 2009 prices. The annual equivalent net benefit to business from this policy is estimated to be £2.0 million (in 2009 prices)¹¹. This figure appears in the summary sheets of the impact assessment.

Table 13 – Direct costs and benefits to business

Direct costs to business	Scenario 2
Direct costs to business (transition costs) (£2012)	£ 2,092,275
Direct annual benefits to business (£2012)	£ 2,443,291
Present benefit (10 yr NPV) (£2012)	£ 21,031,080
Net present benefit to business (10 yr NPV) (£2012)	£ 18,938,805
AE Cost (£2012)	-£ 243,071
AE Benefit (£2012)	£ 2,443,291
Annual Equivalent Net Benefit to Business (£2012)	£ 2,200,220
AE Cost (£2009)	-£ 225,326
AE Benefit (£2009)	£ 2,264,930
Annual Equivalent Net Benefit to Business (£2009)	£ 2,039,604

Source: Adroit Economics, DCLG calculations

Direct costs and benefits to housebuilders

In the 2010 Comprehensive Spending Review¹² the Government also committed to reduce the total regulatory burden on the house building industry over the Spending Review period (which runs to March 2015). Like the One In One Out rule, this means that any new regulation must be **at least** matched by deregulatory measures of the same value.

One of the findings of the research report was that overall **16%** of access statements were produced for residential projects, most of which will be of the simple type and will therefore no longer be recommended in the revised approach to access statements. The estimated direct

¹⁰ This roughly corresponds to our understanding of the size of the two building control routes, see <http://www.communities.gov.uk/publications/planningandbuilding/surveybuildingcontrolrpt>

¹¹ Figures have been converted throughout into 2009 prices using a GDP deflator of 0.927, see: http://www.hm-treasury.gov.uk/data_gdp_index.htm.

¹² http://cdn.hm-treasury.gov.uk/sr2010_completereport.pdf paragraph 2.31

costs and benefits to homebuilders have therefore estimated as 16% of the direct costs and benefits to business arising from the revised guidance on access statements. The benefits of the consolidation and update exercise are assumed not to fall to homebuilders. This suggests an annual equivalent net benefit to homebuilders of £0.1 million (in 2009 prices) as a result of these changes.

Table 14 – Direct costs and benefits to housebuilders

Direct costs to housebuilders	Scenario 2
Direct costs to business (transition costs) (£2012)	£ 334,764
Direct annual benefits to business (£2012)	£ 135,511
Net present benefit to business (10 yr NPV) (£2012)	£ 831,668
Annual Equivalent Net Benefit to Business (£2009)	£ 96,619

Source: Adroit Economics, DCLG calculations

Benefits to home builders are likely to reflect the broader benefits derived from the proposed change in approach, namely that fewer poor quality access statements will be submitted (research by EC Harris suggests at least half of access statements submitted are of no material use in demonstrating compliance), and where statements are provided these will contain only that information needed to assess compliance of technical approaches which sit outside the guidance in AD M, rather than setting out how compliance has been achieved universally. In essence, there will be fewer access statements, and those that are submitted will be more concise. Potentially, this benefit seems more likely to accrue to smaller firms engaged in house building rather than national developers who apply very similar approaches across larger numbers of new dwellings. This corresponds to the one respondent to the consultation who mentioned this point, a building control officer who suggested that *‘For volume housebuilders an access statements submitted are likely to be relatively repetitive requiring minimal alteration for each project. The cost savings might therefore be minimal’*.

Risks and assumptions

The assumptions used in arriving at the costs of pursuing Option 2 are dealt with in turn in the preceding paragraphs and have been updated in line with the research completed by EC Harris and by the result of consultation, which has given the figures an additional level of rigour.

Future commercial and retail build rates and the applicability of savings on cold-to-touch handrails are uncertain and have been explored through ranges based on estimates from the consultant team.

We have also benefited from responses to our consultation seeking industry and public views on both the proposals and the evidence base of costs, benefits and impacts. Sixty-seven per cent of respondents supported the revised approach, but there was some concern that both the frequency with which access statements are submitted and the cost of preparing access statements were high. This aligns well with the findings from research work completed by EC Harris and the findings of this work are reflected in this revised final Impact assessment.

The most significant risk associated with the measures set out in the Impact Assessment remains that the proposed approach will be less effective in ensuring reasonable provision for access to and use of buildings than the existing policy. However, the subjective analysis of access statements undertaken by EC Harris supports our view that a reduced quality of outcomes would be unlikely. Where Access Statements currently deliver good value, typically in larger or more complex schemes, they will continue to be used and revised guidance will continue to support this. But many of the access statements that are submitted and are not of material use in either assessing compliance or in ensuring that reasonable provision for access

is made, and we believe there is therefore merit in suggesting alternative approaches to ensure that this is achieved.

Whilst 67% of consultation responses were supportive of the proposed revisions to guidance on submitting Access Statements, some concerns were expressed those who did not support the proposals that the Consultation Stage Impact Assessment did not take into account costs to industry arising from the need to make Reasonable Adjustments to the physical features of properties where claims are made under the terms of the Equality Act. This was based on a view that the revised approach to demonstrating compliance would result in less accessible buildings and building work. We do not agree that this is likely to be the case. The net overall effect of this policy will be to reduce the cost of compliance by focusing on more complex aspects of access provision without reducing the resultant accessibility of buildings. Of those responding 'no' to the question under discussion only two provided verbatim comments to explain the answer and neither discussed the potential scale of benefits.

Building Control Bodies who responded to the consultation were strongly supportive of the revised approach (85% of those with a view were in favour), precisely because they typically believed it would make the task of ensuring reasonable provision easier. We have not therefore sought to assess the costs to industry of subsequent reasonable adjustments, as we do not believe that this policy will materially impact on the frequency or cost of such adjustments in reality.

We do recognise that there is a need to explore the cost and nature of reasonable adjustments required of building owners and businesses, in order to understand whether the current guidance in AD M adequately reflects the needs of disabled people. A part of our proposed longer term review considering whether guidance in AD M continue to be fit for purpose we will seek to identify or quantify the cost of reasonable adjustments so that they can be properly accounted for in future Impact Assessments.

Wider impacts

The wider impacts of simplifying the guidance surrounding the use and application of Access Statements and clarifying the relationship between AD M and the Equality Act have been considered through a series of specific impact tests.

Equalities impact test

An initial equalities screening of the proposed policy was carried out and determined that a full equalities impact test was required due to the sensitivity of issues surrounding this policy. The Full Equalities Impact Assessment confirmed that whilst a number of the equality groups could be directly affected by this policy it is considered unlikely that there will be any negative impacts overall in terms of the level of provision in the completed building work. This is supported by the findings of research completed since the consultation was launched . This consultation stage Equality Impact assessment was published alongside the consultation stage impact assessment. We have reviewed and updated the Equalities Impact Assessment in the light of both consultation responses and more recent research and it is published alongside this final Impact Assessment.

SME's Impact Test/ Micro Business etc

The potential effects of simplifying guidance in Approved Document M on competition and small firms have been assessed as creating no negative impact. Access consultants are unlikely to lose work as they are typically employed for larger scale projects where Access Statements are valued and utilised to good effect. Access Statements for smaller scale works are typically written by non-specialists who will benefit from the streamlining of guidance which encourages alternative means of demonstrating compliance through the reduction in administrative demand

placed upon them. Developers and designers will have greater flexibility in deciding how they wish to approach demonstrating compliance and will most likely see reduced costs as a result.

Competition impact

The proposed policy seeks to establish a more effective process affecting one part of the Building Regulations. As such it does not make any significant change to how the UK market will operate. The policy will not limit the number or range of suppliers, limit the ability of suppliers to compete or reduce suppliers' incentives to compete vigorously. As a deregulatory measure the intention is to reduce costs for builders and developers; if there is an impact on competition at all it should be positive.

Environmental impact tests

It has been determined that this policy will not result in additional greenhouse gasses being emitted and will have no impact on the wider environment.

Social impact tests

We do not expect the proposal to have any social implications.

Sustainable development

We do not expect the proposal to have any sustainable development implications.

Summary and preferred option with description of implementation plan

The proposed policy is to revise guidance setting out a more flexible, targeted and risk based approach to demonstrating compliance between applicants and Building Control Bodies which better reflects the resources and skills available in varying types and scales of building work. We will also update minor technical references where this eases compliance for industry.

Because Part M (Access to and use of buildings) deals with aspects of layout and provision, it is important in minimising the cost of compliance and in ensuring that building work is suitably accessible, that clear agreement as to what constitutes reasonable provision should be reached prior to commencing the building work itself.

We therefore feel that merit remains in providing guidance to both applicants and building control bodies as to the benefits of ensuring that this is the case. However, the available evidence suggests that imposing a 'one size fits all' approach focused on the provision of Access Statements is not the best way of achieving desired outcomes.

We propose:

- to simplify guidance on communicating compliance, making clear that Access Statements are not a requirement of building control applications and placing the onus on applicants and building control bodies to decide on the most efficient and suitable way of establishing a joint view of reasonable provision
- to support implementation of this approach to establish a dialogue between Government and professional bodies (such as Architects, Access Consultants, Engineers, Building Control Bodies and Surveyors) to encourage them to lead in considering how access issues can be best addressed during the design and construction process.

Implementation Plan

The simplification of guidance surrounding the use of Access Statements was formally consulted upon in December 2011, with a view to changes coming into force in April 2013. These changes will be made in parallel with a process of engagement with professional bodies to explore how they can raise the profile, awareness and skills amongst their members in order to capture the benefits of this approach, limiting transitional costs, whilst continuing to give appropriate consideration to the needs of a broad range of building users.

Annex A: Analysis of Consultation Responses

Annex B: Transition Costs

Annex A

Results of public consultation

The consultation stage impact assessment identified a need to test the assumptions through the consultation. *The estimated benefits have been reduced significantly based on the findings of the additional research but the comments relate to the estimates in the consultation stage IA.*

The time and cost to Industry in becoming familiar with revised guidance within Approved Document M. Seventy-four per cent of consultation respondents agreed and 24% disagreed with the figures for transitional costs used in the Impact Assessment. We have revised the transitional costs based on the more detailed work carried out by EC Harris and Adroit Economics.

The percentage of building control applications currently accompanied by an Access Statement, banded by project size. Twenty-four respondents answered this question with 83% supporting the figures used within the Impact Assessment and 17% disagreeing. Where additional comments were provided they largely suggested that the number of applications accompanied by an access statement appeared high, and this has been taken on board in the revised figures as the research project suggested a lower number of access statements per annum than was assumed in the consultation papers.

The extent to which revised guidance will deliver benefits to industry. Twenty respondents responded with 60% agreeing and 40% disagreeing with the benefits set out in the Impact Assessment. None of the respondents who disagreed with the estimates identified exactly which assumptions they disagreed although did suggest the estimated benefits appeared high. No additional evidence was provided. However, following the additional research the estimated benefits are now significantly lower so this concern has been addressed.

The extent to which revised guidance will impact on compliance. Thirty-three per cent of respondents disagreed with the proposed revised approach and of these a majority provided further comment suggesting that it could lead to lower levels of compliance. However, this was offset more than 2 to 1 by respondents who thought this approach would improve compliance by focusing on areas of divergence from the guidance in the Approved Documents.

Whether there are any costs not identified within the consultation stage Impact Assessment. Eighty per cent of consultation respondents responded that they did not have any evidence of further costs, whilst 20% thought that other costs remained to be identified, in one case specifically identifying post completion alterations as an area not explored in the Impact Assessment. No actual evidence was submitted.

We also stated that we would explore the extent to which revised guidance will change industry behaviour and to what extent this will be effective. This has been more difficult to draw out from consultation responses. However, the majority of respondents who supported the revised approach were architects and building control officers or organisations representing building control officers. EC Harris research suggests that architects remain responsible for the majority of access statements prepared and submitted, and given the overwhelming support from building control professionals we have a high degree of confidence that the measures as set out will be effective.

Annex B

Transition costs

Low scenario transition costs

Time to read new guidance

Profession	Number of Persons	% involved	No. involved	Hourly Fee	@ 15 min	Total Cost
Building Control Officer	4,500	60%	4,000	£25	£6.25	£16,875
Architects	32,000	60%	25,600	£27	£6.75	£129,600
Surveyor	25,000	60%	20,000	£25	£6.25	£93,750
Other	2,000	60%	1,600	£25	£6.25	£7,500
Total						£247,725

Time to amend in-house approaches

Profession	Number of Persons	% involved	No. involved	Hourly Fee	@ 8 hours	Total Cost
Building Control Officer	4,500	2.50%	113	£25	£200	£22,500
Architects	32,000	2.50%	800	£27	£216	£172,800
Surveyor	25,000	2.50%	625	£25	£200	£125,000
Other	2,000	2.50%	50	£25	£200	£10,000
Total						£330,300

Time to undertake training in new approaches

Profession	Number of Persons	% involved	No. involved	Hourly Fee	@30 min	Total Cost
Building Control Officer	4,500	45.0%	2,250	£25	£12.5	£25,313
Architects	32,000	45.0%	14,400	£27	£13.5	£194,400
Surveyor	25,000	22.5%	5,625	£25	£12.5	£70,313
Other	2,000	22.5%	450	£25	£12.5	£5,625
Total						£295,650
Total transition cost						£873,675

High Scenario Transition Costs

Time to read new guidance

Profession	Number of Persons	% involved	No. involved	Hourly Fee	@ 15 min	Total Cost
Building Control Officer	4,500	60%	4,000	£60	£30.0	£108,000
Architects	32,000	60%	25,600	£75	£37.5	£960,000
Surveyor	25,000	60%	20,000	£60	£30.0	£600,000
Other	2,000	60%	1,600	£60	£30.0	£48,000
					Total	£1,716,000

Time to amend in-house approaches

Profession	Number of Persons	% involved	No. involved	Hourly Fee	@ 8 hours	Total Cost
Building Control Officer	4,500	2.50%	113	£60	£480	£108,000
Architects	32,000	2.50%	800	£75	£600	£960,000
Surveyor	25,000	2.50%	625	£60	£480	£600,000
Other	2,000	2.50%	50	£60	£480	£48,000
					Total	£1,716,000

Time to undertake training in new approaches

Profession	Number of Persons	% involved	No. involved	Hourly Fee	@ 30 min	Total Cost
Building Control Officer	4,500	45.0%	2,250	£60	£30.0	£60,750
Architects	32,000	45.0%	14,400	£75	£37.5	£540,000
Surveyor	25,000	22.5%	5,625	£60	£30.0	£168,750
Other	2,000	22.5%	450	£60	£30.0	£13,500
					Total	£783,000
Total transition cost						£4,215,000