

<b>Building Control Guidance Note</b>	Subject	<b>ACCESS STATEMENTS GUIDANCE NOTES.</b>							<b>15C</b>
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<p>Changes in guidance / legislation for Planning and Building Regulation applications has introduced the concept of <b>Access Statements</b> as a way of demonstrating that design, refurbishment and product selection decisions have, or will, address the obligations of reasonableness introduced by the Disability Discrimination Act 1995 (DDA).</p> <p>Greater emphasis will now be given by Planning and Building Control to ensure that reasonable provisions are provided for access for all. As a result you will be required to submit '<b>ACCESS STATEMENTS</b>' for applications at both Planning and Building Regulation application stages.</p> <p><b>PURPOSE</b></p> <p>ACCESS STATEMENTS are seen as a way to achieving an inclusive environment to buildings, extensions and to the wider to transport / urban environment by ensuring continuity throughout the planning, design and management of buildings and spaces.</p> <p>Inclusive environment is one that can be used by everyone, regardless of age, gender or disability, thereby breaking down unnecessary barriers and exclusions.</p> <p>One key element in achieving an inclusive environment is the removal of unnecessary physical barriers imposed on people by the poor design or management of buildings and spaces.</p> <p>Access Statements provide the opportunity for developers, designers, product providers and managers of environments to demonstrate their commitment to ensuring accessibility in the work they undertake. As well as allowing them demonstrate how they are meeting, or will meet, the various legislative obligations, and how they will continue to manage accessibility throughout the delivery of the services they provide or the employment opportunities they create.</p> <p><b>Planning Legislation and Policies.</b></p> <p>The C.L.G publication '<b>Planning and Access for Disabled People – A Good Practice Guide</b>', aims to promote a more inclusive approach to the design of the environment, focusing on the disabled people and the Planning system.</p> <p>It recommends that all planning permission applications should also include an 'Access Statement' 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. This way it would demonstrate the designer's / applicants commitment to take the inclusive design seriously at the earliest stages of a project, as many of the layout and access level decisions will be required to be established at this stage. By considering access early in a design it would also reduce the risk of late alterations or the need for costly, separate, access provision having to be provided.</p> <p><b>Building Regulations.</b></p> <p>The new Part M of the Building Regulations (2004) expands the concept of Access Statements, requiring them to be provided when plans are submitted for approval or when a building notice is given. This will assist Building Control to assess what provision has been made to maximise accessibility and usability.</p>									

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***Part M identifies that the Access Statement provided for building control should be seen as complementary to, rather than totally separate from, any Statement provided at the planning application stage.***

An Access Statement can also be of use when:

- The project includes an application relating to a change of use;
- A design which does not replicate the guidance contained in the Approved Document to Part M, is being offered as being of equal, or better, in terms of addressing accessibility;
- Constraints within a site or an existing building require a proposed design to demonstrate that it is the best, or most appropriate, solution available.

### **The Disability Discrimination Act (1995).**

Your attention is drawn to the requirements of the D.D.A, which makes it unlawful to treat disabled people less favourably in employment opportunities, education, transport, and in the provision of services, goods and facilities without lawful justification. It also requires service providers to make a range of reasonable adjustments in the way that they provide services to disabled customers. From October 2004 service providers must have taken reasonable steps to overcome any physical barriers, which continue to make their services impossible or unreasonably difficult for disabled people to use.

You must be aware of these obligations and make reference to the **D.D.A Codes of Practice** when developing your Access Strategy and Access Statement, as it's scope and implications can go beyond those areas covered by the Planning and Building Regulation stages. By carrying this out it may prevent you having to apply for further applications for consent for subsequent alterations you are required to undertake.

### **PHILOSOPHY OF STATEMENT.**

The aim should be to adopt an inclusive approach, i.e. not to segregate people but seek to meet the needs of all potential users of an environment rather than a specific user group.

Inclusive does not mean treat the same – people have different needs whilst wanting to have the same opportunities to access to goods and services. The appropriate means of access should be provided for the type of building or activity. For example automated opening doors or a simply a high and low section to a shop counter in order that differing needs can be met.

### **ACCESS STATEMENTS CONTENT.**

The precise form of an Access Statement and the level of detail it will contain varies according to the size, nature and complexity of the proposed development or alteration. They are project specific, although some elements of the Statement, such as those related to the underlying commitment to accessibility of a company, may be more generic.

Your statement should take the form of a written statement, together with if appropriate to the size, nature and complexity of the building or space, a marked-up plan illustrating routes into and out of the building and/or space, routes around it (both horizontal and vertical internal routes), access to car parking and public transport, and any other relevant features.

Place yourself in the position of any visitor or members of staff and to run through how they will arrive at the site or building and use all its facilities.

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View the Access Statement as a document, which ‘grows’ with the project. Starting at the strategic level, the statement will record and explain decisions on accessibility associated with the planning, design and ongoing management stages of a project. It will also provide a convenient vehicle by which particular design decisions that do not follow published best practice still, nonetheless, meet obligations of ‘reasonable provision’.

It should be updated at every stage of development, including the construction process, and whenever there is a change to the building and/or space that will have an impact on access to the building or space for any of its users or potential users. This way the end-user of the building that may have on-going obligations under D.D.A, will be provided with a record of decisions made which have an impact on accessibility, and of the rationale for such decisions.

In the event of any legal challenge, the Access Statement may be called upon as evidence. The strength of any justification for design decisions taken may be tested in the Courts. Therefore, it should be viewed as a potential defence document as well as a record of events.

## **Each statement should identify:**

- **Description of development.**

To include description of proposed works, building use, number of occupiers, perceived modes of transport etc.

- **The philosophy and approach to inclusive design.**

A brief explanation of the policy and approach to access and inclusive design being adopted, including reference to the inclusion of disabled people. This section must include specific examples of how individual design proposals within the project reflect this philosophy.

Reference to current and pending legislation may also be relevant.

- **The key issues of a particular scheme.**

The Statement must describe, through the use of text and supporting plans, how disabled people will access the building or its facilities. The accompanying checklist below, works through the way a building would be used, highlighting the relevant questions. For example: *Accessible public transport / Approach / Parking / Entrances and door design / Horizontal circulation / Vertical circulation / Access to services / Means of escape, etc*

- **The sources of advice and guidance used.**

A description of how the sources of advice and technical guidance (relevant to the building and/or space its context and use) have been followed. The Access Statement should include reference to any guidance, both statutory and non-statutory, that was used, or will be used, in the various stages of the project.

It is important that the statement identifies which parts of any scheme are to be dealt with under what area of legislation. This will ensure both regulatory staff and applicants are clear what is being dealt with at which stage in the application process and what is being done to comply.

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This will ensure that their project meets current good practice standards and recommendations. It also assists in identifying any gaps in the availability of guidance, and in deciding whether further investigation is needed or if innovative or alternative solutions can be considered.

In situations where current guidance or standards are felt to be impracticable or unreasonable, the Statement should explain why and, importantly, identify what measures have been taken to lessen the impact of any obstacles.

- **Details of any consultation planned and undertaken, including users and the degree of weight attached to it.**

A crucial element in the preparation of an Access Statement and must be undertaken as early as possible in the development process. Examples of consultations that can be made are to the visually impaired, deaf or hard of hearing, ethnic groupings, people with learning disability to list a few. It is important that the degree to which the process has been influenced by these consultations is clearly set out in the statement.

**Consultation will help in:**

- Establishing a clearer picture of the needs of potential users, what they may expect from the development, what they may require, or what they would like to gain from the use of the building or the space;
- Ensuring that important factors about how potential users may access the building, its facilities, services or employment opportunities are not overlooked;
- Enable relationships to be developed with potential users, the local authorities and the wider community at an early stage.
- Avoiding costly alterations at late stages in the project to improve accessibility, often involving costly rework or lost time.

It is difficult to quantify the extent of consultation needed, that being very much project specific and depended on several factors including, the size of the project, its complexity, and the nature of the intended use.

In smaller projects (e.g. alterations to a small retail unit) it may be a question of acquiring some informal feedback from the existing customers, or from discussions with the local Building Control Surveyor. In larger / complex projects, or those that may have a greater impact upon the local community, there will be a need for a much wider and more comprehensive consultation.

Consultation is unlikely to be a suitable method for gathering technical advice and guidance. The purpose of consultation is to assist the developer in identifying the main issues and the practical impact of the development. This, in turn, will help in identifying the appropriate guidance to follow and complement the design and management process as a whole.

- **Details of any professional advice being followed, including recommendations from access audits or appraisals.**

Include references to the relevant British Standards.

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- **An explanation of any specific issues effecting access to the particular building and/or space or service**

Where good practice is not met, the Access Statement should say why and what the implications are for users and what other methods are being taken to lessen the impact?

Where environmental factors act to constrain compliance with the relevant design guidance an explanation of the individual constraints should be included. These may include constraints imposed by an existing structure during an extension, or geographical constraints on new and existing developments.

The responsibility will be on the developer to explain why the relevant design guidance can't be achieved in any particular situation and to provide material evidence to this effect.

In the case of refurbishments of existing buildings/ historic buildings and spaces, the Access Statement will allow the designer to identify the constraints and opportunities of the existing features and show what measures have been taken to ensure that the building or space facilitates inclusion, both in terms of any proposed physical features and management practices.

- **Proposed access solutions for overcoming identified constraint, (including those which deviate from recognised sources of good practice).**

Where deviation from the relevant design guidance is proposed as a solution an explanation of how the relevant barrier can be 'reasonably' overcome should be explained.

One alternative solution that has been considered should also be described for each instance in which the design is felt to deviate from the relevant guidance.

- **Details of all management and maintenance practice necessary to maintain the accessibility of the building.**

For example, lighting, colour and luminance contrast, door closing forces etc, specialist equipment (e.g. induction loops, audible and visual fire alarm systems etc), and staff training;

Explain the steps taken by the designer to ensure the above access philosophy and information particular to the building is fully integrated into the long term building management.

It is recommended that the Access Statement be developed and signed by a person that has the responsibility for employment and buildings service provisions. This person should be able to control and influence the use and maintenance of the building.

It is recommended that any references to access issues, should held in a dedicated Access File for that building and that a designated individual is made responsible for its maintenance.

- **Additional material information.**

Add any additional information in support of the development.

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## **STAGES OF ACCESS STATEMENT DEVELOPMENT:**

Listed below is an indication of the various stages an access statement development might take:

### **Stage One – The Strategic Access Statement.**

The preparation of an Access Statement should commence at the project brief stage. This 'strategic' statement could include an expression of the level to which accessibility is considered in the management procedures of the initiator of the project. It should also include a strategic overview of the legislation that is considered important for the particular project and the scope and level of the guidance that will be adopted. Comments should be made on how accessibility issues will be addressed at both the operational and the ongoing management phases of the development and how the DDA responsibilities are to be met. This may include comments, for example, on staff development and training.

### **Stage Two – The Access Statement at Planning.**

This should build on and include the initial Statement – developing the issues raised in the Strategic Statement and may include, for example:

An overview of the size, scale and potential uses included in the development;

Details of the site plan i.e. location and footprint within the site. (The location and orientation of buildings within sites can influence access and the overall distance people need to travel to reach services located within them. Careful design can minimise access problems associated with, for example, gradients, the distance needed to walk or move, and the number of potential conflicts with cars, cyclists or those using other modes of travel.)

- What access issues have been considered in formulating the planning application;
- Further, more in-depth, information of the planning guidance and legislation that has been considered for the project;
- Details of the consultations which have taken place, including, for example, those with user/potential user groups and other disability groups;
- Information on any professional advice which has been gathered;
- The suitability of public and other transport links with the development;
- A statement of the accessibility of those public and other transport links;
- An overview assessment of the technical guidance which it is proposed will be used to develop the design at detail stage;
- An overview assessment of how means of escape, if appropriate, will be addressed;
- Other issues which may be particular to the site, such as accessible car parking (number and distance from the main entrance), travel distances and route accessibility to the building from bus stops, stations etc.
- An information and communication strategy for both the development and those who will potentially be using it.

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### **Stage Three – The Access Statement at Design.**

Building on the previous two Statements, this will identify the more detailed nature of the design in terms of:

The philosophy of the design team in terms of accessibility;

Which guidance and legislative standards have been adopted as the basis for design decisions.

***Examples of some relevant publications are given in Appendix B below.***

What is important to demonstrate the scope and quality of the guidance chosen. In some cases, such as with the Approved Document M, BS 8300:2001, this quality and scope will be obvious. For some other guidance sources adopted, a brief resume of the guidance should also be given.

Details of those design issues, which deviate from the details published in established guidance sources of good or best practice. It is important to identify the reasons why and, importantly, the design team's justification that the proposed deviation provides an accessibility standard which is the same as, or is an improvement on, the established guidance;

To existing buildings alterations, those areas in which constraints in the use of, the nature of the user, or the fabric of the structure restrict the ability to meet minimum levels of accessibility. Details should be given of what solutions have been, or will be, put in place to lessen the impact for disabled people. These may include managerial and procedural solutions as well as physical ones;

Stage One Access Statements from suppliers of services and equipment demonstrating their strategic aims and objectives for the accessibility of their products or installations for the project (for example, the provision of audible and visual fire alarm systems);

How an ongoing document of accessibility issues will be developed for use by managers and decision-makers in the post construction phases.

### **Stage Four – The Occupancy Access Statement.**

Demonstrates the commitment to the ongoing suitability of measures, which have been introduced in the original design to enhance accessibility. Issues covered might include:

- Policies to ensure the appropriate maintenance of internal and external environments, such as pedestrian route;
- An acknowledgement of those areas that were introduced into the original design to improve, or create, accessibility and for which on-going management and maintenance will be required. These might include, for example, the need to ensure ongoing colour and luminance contrast in future changes in colour scheming, the need to maintain lighting levels, ongoing appraisal of information to potential users, staff training etc;
- Details of a suitable management approach to the ongoing maintenance of essential facilities such as lifts, stair lifts, induction loops etc., and evidence of the management practices and policies that have been put in place to ensure appropriate prioritisation of repairs and maintenance.

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<b>Appendix A– USEFUL CHECKLIST.</b>								
<b>Section 1: Travel to Site.</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Subject to Planning, Highways &amp; Building Regulations</i></li> <li><input type="checkbox"/> Car parking,</li> <li><input type="checkbox"/> Drop off points,</li> <li><input type="checkbox"/> Taxis.</li> <li><input type="checkbox"/> Tram and bus stops and routes to stops.</li> </ul>							
<b>Section 2: Building Environment.</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Subject to Planning, Highways &amp; Building Regulations</i></li> <li><input type="checkbox"/> Locations and orientation of entrances.</li> <li><input type="checkbox"/> Hard and soft landscaping.</li> <li><input type="checkbox"/> Width/Gradients to footways.</li> <li><input type="checkbox"/> Lighting.</li> </ul>							
<b>Section 3: Building or Structures.</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Subject to Planning &amp; Building Regulations</i></li> <li><input type="checkbox"/> <i>Materials</i></li> <li><input type="checkbox"/> Construction – walls, doors etc.</li> <li><input type="checkbox"/> Internal floor surfaces.</li>   <li><input type="checkbox"/> Entrances</li> <li><input type="checkbox"/> Approach.</li> <li><input type="checkbox"/> Steps and ramps.</li> <li><input type="checkbox"/> Door design.</li>   <li><input type="checkbox"/> Movement within building</li> <li><input type="checkbox"/> Provision of lifts.</li> <li><input type="checkbox"/> Stairs.</li> <li><input type="checkbox"/> Corridor design – widths, changes in level.</li> <li><input type="checkbox"/> Reproduction of key facilities on each floor e.g. toilets.</li>   <li><input type="checkbox"/> Key features of activity or building use</li> <li><input type="checkbox"/> Receptions.</li> <li><input type="checkbox"/> Specialist equipment. (Fitness equipment, pool hoists)</li> <li><input type="checkbox"/> Activities, e.g. shop counters / changing areas in sports facilities.</li> <li><input type="checkbox"/> Staff rooms.</li> </ul>							
<b>Section 4: Means of Escape.</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Subject to Building Regulations</i></li> <li><input type="checkbox"/> Design for independent means of escape.</li> <li><input type="checkbox"/> Provide facilities for physical evacuation, e.g.: places of refuge, staff training, audio-visual alarm systems.</li> </ul>							
<b>Section 5: Signs and Wayfinding.</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Subject to Building Regulations</i></li> <li><input type="checkbox"/> Type and position of signs.</li> <li><input type="checkbox"/> The use of differing tactile materials.</li> <li><input type="checkbox"/> The layout of the building.</li> <li><input type="checkbox"/> Internal décor.</li> </ul>							



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## Appendix B – References, other useful publications, and sources of information

### References

**ODPM (2003)**, 'Planning and Access for Disabled People: A good Practice Guide', Authors: Drivers Jonas, Publisher: C.L.G -

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

**L.C.G (2004)**, The Building Regulations (2000), Part M, Access to and use of Buildings, 2004 Edition, and the Approved Document to Part M (2004), Pub: TSO (The Stationery Office). - (Available on line [www.tso.co.uk/bookshop](http://www.tso.co.uk/bookshop) or in hard copy from TSO, PO Box 29, Norwich, NR3 1GN, or from TSO Shops or accredited agents).

**DPTAC (2003)**, 'Inclusive Projects', Department for Transport. - (Available free from Department for Transport, PO Box 236, Wetherby LS23).

**Commission for Equality and Human Rights** Codes of Practice,

- Code of Practice, Rights of Access, Goods, Facilities, Services and Premises;
- Code of Practice, Elimination of Discrimination in the Field of Employment against Disabled Persons or Persons who have a Disability;
- Code of Practice, Duties of Trade Organisations to their Disabled Members and Applicants;

(Available on line <http://www.drc-gb.org>)

**Department for Education and Skills (2001)**, Special educational needs, Code of Practice. ISBN 1 84185 5294 - (Available from email: [dfes@prolog.uk.com](mailto:dfes@prolog.uk.com) quoting reference DfES 581/2001)

### Relevant Publications

**Access Audit Price Guide (2003)**, Pub: Building Cost Information Service Ltd., London. ISBN 1 900858 72 X.

**BS5588: Part 8:1988**, Fire Precautions in the design, construction and use of buildings – Code of Practice for means of escape for disabled people, BSI, 1988.

**BS8300:2001**, Design of Buildings and their approaches to meet the needs of disabled people, Code of Practice, BSI, 2001.

**Buildings for all to use (2004)**, CIRIA, London, Author, Bright, K.T., et al.

**Building Sight (1995)**, Barker, P., et al, Pub: RNIB. HMSO. ISBN 011 701 993 3

**Colour and Contrast – a design guide for the use of colour and contrast to improve the built environment for visual impaired people, (2001)**, JMU Access Partnership, The University of Reading and ICI Paints, Pub: ICI Paints, Slough, Berkshire. (CD Format).

**Colour Contrast and Perception (2004)**, 2<sup>nd</sup> Edition, Bright, K.T., et al, Pub: The Research Group for Inclusive Environments, The University of Reading, UK.

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**Designing for Accessibility (2004)**, Pub: Centre for Accessible Environments, London.

**Disability: Making Buildings Accessible** – Special Report (Second Edition) (2004), Ed. Bright, K.T: Pub: Workplacelaw Network, Cambridge. ISBN 1-900648-84-9.

**DRC (2004), Good Signs** – Improving signs for people with a learning disability, ([www.drc-gb.org](http://www.drc-gb.org)).

**Easy Access to Historic Properties**, 1995, English Heritage (Shortly to be updated)

**Employers Forum (2003)**, Open for Business – Taking the risk out of 2004, Bonnett, D., et al, Pub: The Employer’s Forum on Disability, London.

**Housing Sight (2003)**, Rees, L., and Lewis, C., Pub: RNIB and JMU Access Partnership

**Inclusive Mobility (2003)**, Oxley, P., Cranfield Centre for Logistics and Transport, Pub: Department for Transport, ([www.mobility-unit.dft.gov.uk](http://www.mobility-unit.dft.gov.uk)).

**Sign Design Guide (2000)**, Barker, P., and Fraser, J., Pub: JMU Access Partnership and the Sign Design Society. ISBN 1858784123

**Special Educational Needs and Disabilities Act 2001(SENDA)**  
([www.legislation.hmsso.gov.uk](http://www.legislation.hmsso.gov.uk)).

**The Access Manual, auditing and managing accessible built environments (2003)**, Sawyer, A., and Bright, K.T., Pub: Blackwell Publishing, Oxford. ISBN 1-4051-0765-0

**The Code for Lighting (2001)**, Society of Light and Lighting, Pub: Chartered Institute of Building Services Engineers (CIBSE), London

**The Disability Discrimination Act 1995 (DDA)**, The Stationery Office  
([www.legislation.hmsso.gov.uk](http://www.legislation.hmsso.gov.uk)).

## **The DPTAC Access Directory.**

The DPTAC Access Directory is a web-based facility, for use by anyone searching for access design guidance.

The database of information was developed, and is being regularly updated, by the Research Group for Inclusive Environments at The University of Reading as part of an ongoing commission funded by the Disabled Persons Transport Advisory Committee (DPTAC) – Built Environment Working Group.

The Directory is publicly available free of charge and searchable though the DPTAC website on <http://www.dptac.gov.uk>

The Directory comprises a series of pull down menus in which users can search the database for design guidance on built, transport, urban and rural environments. As the Directory is regularly updated, it provides a valuable source of information on the latest design guidance available.

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## Other Sources of Information - Web sites:

Access Association	<a href="http://www.accessassociation.co.uk">www.accessassociation.co.uk</a>
Building Cost Information Service Ltd.	<a href="http://www.bcis.co.uk">www.bcis.co.uk</a>
Building Standards Institution	<a href="http://www.bsi-global.com">www.bsi-global.com</a>
Cadw: Welsh Historic Monuments	<a href="http://www.cadw.wales.gov.uk/">www.cadw.wales.gov.uk/</a>
Chartered Institute of Building Services Engineers	<a href="http://www.cibse.org">www.cibse.org</a>
Department for Transport, Mobility and Inclusion Unit	<a href="http://www.mobility-unit.dft.gov.uk">www.mobility-unit.dft.gov.uk</a>
DRC	<a href="http://www.drc-gb.org">www.drc-gb.org</a>
Disability Unit at the Dept of Works and Pensions	<a href="http://www.disability.gov.uk">www.disability.gov.uk</a>
Employer's Forum on Disability	<a href="http://www.employers-forum.co.uk">www.employers-forum.co.uk</a>
English Heritage	<a href="http://www.english-heritage.org.uk">www.english-heritage.org.uk</a>
Historic Scotland	<a href="http://www.historic-scotland.gov.uk/">http://www.historic-scotland.gov.uk/</a>
Is there an accessible loo? (ITAAL)	<a href="http://www.itaal.org.uk">www.itaal.org.uk</a>
National Disability Arts Forum	<a href="http://www.ndaf.org.uk">www.ndaf.org.uk</a>
National Register of Access Consultants (NRAC)	<a href="http://www.nrac.org.uk">www.nrac.org.uk</a>
Royal Association of Disability and Rehabilitation	<a href="http://www.radar.org.uk">www.radar.org.uk</a>
Royal Institute of British Architects	<a href="http://www.architecture.co.uk">www.architecture.co.uk</a>
Royal Institution of Chartered Surveyors	<a href="http://www.rics.org">www.rics.org</a>
Royal National Institute of the Blind	<a href="http://www.rnib.org.uk">www.rnib.org.uk</a>
Royal National Institute for Deaf People	<a href="http://www.rnid.org.uk">www.rnid.org.uk</a>
Royal Town Planning Institute	<a href="http://www.rtpi.org.uk">www.rtpi.org.uk</a>
Sign Design Society	<a href="http://www.signdesignsociety.co.uk">www.signdesignsociety.co.uk</a>
Ulster Environment and Heritage Service	<a href="http://www.ehsni.gov.uk/">http://www.ehsni.gov.uk/</a>