

Building inspection report

Relating to:

Baildon Mills
Northgate
Baildon
Shipley
West Yorkshire
BD17 6JY
United Kingdom

Report date: 14 March 2008

Project preface

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Job reference: ITF/INL/JW/106775

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**Identification photograph
View of entrance from Providence Row**

Executive summary

The property comprises an historic mill site within the town centre of Baildon, with current use as both start up business units, and flock manufacturing.

Generally, the structure and fabric of the property appear aged and we have noted a number of significant structural defects that will require attention. The various services installations to individual units appear to be generally operational and of modern installation.

In light of the likely cost of the works concerned and the size of the property, we would describe the nature and scope of these works as relatively large scale. Costings for the works are being considered at present and will be contained in our formal report.

Our principal concerns regarding the repair, maintenance and health & safety works are as follows:

1. The premises have been utilised for flock manufacture for a considerable number of years, with sections of the property currently utilised as offices having previously been in use as production areas. A number of chemicals are in use in flock manufacture and historically we anticipate potentially toxic chemicals will have been used. A full environmental survey should be undertaken in this instance prior to any redevelopment. Potentially costly remediation works may be required.
2. Our structural engineer has reviewed a number of areas of bulging and cracking walls. Overall it is considered that there is a need for remedial structural works to tie in various areas of walls and floors, and stabilise sections of external walling as appropriate (though in the latter respect a number of re-pointing works already appear to have been undertaken).
3. Roof coverings appear aged, and York stone coverings in particular were found to be delaminating, and breaking up. We understand that you may be considering residential use for the property and as such it is unlikely that fibre cement roofing will be aesthetically appropriate. Overall we consider a programme of phased roofing renewal should be undertaken and this should include for appropriate strengthening and re-design of roof structures, even if coverings are to be replaced on a like for like basis.
4. During the course of our inspection we noted wood-boring beetle attack to roof timbers and this appeared to be long standing. We were unable to access the majority of roof void areas due to the lack of access hatches or crawler boards, and as such we cannot confirm the extent of the infestation. It is likely given the condition of roofing that timbers will have also been subject to rot and decay and we anticipate sections will require renewal as part of re-roofing works. Detailed timber surveys should be undertaken at the time of roof covering renewal.
5. To a number of areas, in particular the elevations facing onto the millpond, we obtained elevated moisture meter readings, and in parts 100% damp readings were obtained. Given the nature of the solid stone construction to the areas concerned the presence of both penetrating and rising damp is not unexpected, though may cause some difficulty in respect of decay to future residential finishes. Where damp penetration through walling is a result of it being located below ground level it may be possible to introduce appropriate external tanking following excavation works. In addition provision of remedial damp proof courses should be considered. To other areas it may be necessary to install internal tanking and appropriate drainage systems behind dry lining.

6. The retaining wall to the south of the site is leaning outwards, and whilst not in danger of collapse, we feel is in need of taking down and rebuilding.
7. The property has been re-pointed historically and the mortar is of too stronger a mix than the original. Coupled with the re-pointing, some erosion of stone has occurred, and over time this is likely to become progressively worse. Ideally the current pointing should be removed and a more flexible mortar applied, though this is not essential at the current time.

We have identified repair, maintenance and health and safety work required to the structure and fabric of the property at a total approximate cost of £1,073,500.00, excluding VAT, fees and other factors. This work however includes a number of items such as provision of lifts to upper floors, and should be reviewed in detail.

Floor loading capabilities overall are considered suitable for residential loading, through to some areas, strengthening will be required. Inclusion of future masonry sub-division will require further consultation with a structural engineer and may require floor strengthening to some areas. One section of flooring appears to have been overloaded and renewal of the structure should be considered.

The following matters would benefit from further consideration:

1. Confirm access rights over, and maintenance obligations in respect of, shared roadways.

Consideration has been given to certain environmental hazards in the form of land contamination, flooding, radon, tree root proximity and electromagnetic fields as well as vermin and invasive plantforms.

Of these hazards, we have noted that the property is in an area that may suffer from slightly elevated radon levels, and as a precaution you may wish to undertake appropriate measurement on site. It is possible radon control measures may be required though we consider this unlikely.

In the context of the majority of properties that we inspect we do not consider the property to be exceptionally exposed to any of the above hazards.

Overall however, we have noted site production processes that are potentially contaminatory, and we do consider that a full environmental audit should be undertaken of the site.

Consideration has been given to the possible presence at the property of materials and components regarded by the UK construction and property industry as deleterious.

An asbestos survey prepared by Hutchinson Asbestos Removal Limited in 2004 has identified the presence of asbestos material to a number of services installations, fire doors, and to fibre cement roofing. Ideally as part of any re-development of the site these materials should be removed, though this is not essential if the material is effectively managed.

Pre-cast concrete floor elements are present within the property and in parts appear to be of an age wherein there is a risk of deleterious admixtures being included within their construction. In this respect given the intention for re-development of the site we consider that concrete testing should be undertaken to confirm the condition of the concrete.

The site is of an age where original decorations may have been undertaken using lead based paint systems and care will need to be taken during any re-development works.

The cladding to the production area roof appears to be composite in nature, though we were unable to confirm this on site. Given the age of the cladding, if it is composite the material is unlikely to meet the requirements of LPS 1181. Destructive testing is required to confirm the nature of the cladding and your insurers will require informing of its presence.

The property generally satisfies current legislation, however the following matters would benefit from further investigation and possible action:

1. It is possible that contaminated waste products may be discharging into the site drainage system. We recommend further investigation in this respect.
2. A number of areas of glazing onto fire escape/stair routes do not appear to be to safety standards and appropriate protection should be installed if glazing is not to the required standard.
3. The majority of areas of the site are not currently to accessible standards. The requirement in respect of the DDA will however be dependant upon your proposals for the site and the tenants service provision, if business use is retained. In particular there is no assisted access to upper floors, and steps are provided to various entrances. The site is sloping and circulation routes internally and externally include steps, which are unlikely to be suitable for wheelchair access.

We recommend that you make the following further enquiries concerning this property:

1. Confirm exact site boundaries.
2. Confirm details of the existing occupational leases, and in particular both the repairing obligations, and service charge provisions.
3. Confirm details of the break clauses applicable to the occupational leases.
4. Confirm details of the grade II property listing, which we understand is imposed upon the property.

We recognise that your decision to proceed with this acquisition is dependent on professional advice from a number of sources and not just our comments alone. From a Building Surveyor's, and Structural Engineer's viewpoint, we have noted a number of significant cost items and advise you to carefully consider and reflect on all points within this report, and that of your other specialist, before proceeding with the transaction proposed.

N.B. The above summary highlights the main points only of this Report. We advise you read this Report in full for a detailed understanding of our findings, opinions and advice.

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- 1. Limitations applying to our professional service**
- 2. Deleterious and problematic materials**
- 3. Schedule of documents reviewed**
- 4. Plans**
- 5. Access report**

1 Introduction

1.1 Instructions and brief

We received instructions to proceed with an inspection of Baildon Mills, Northgate, Baildon, BD17 6JY, from Mr Harry Lee of The Co-operative Group on 15 February 2008.

In summary, you required us to make a visual inspection of the property and to report our findings as to its general features, form of construction and state of repair. You also required us to review the structural loading of the property floors with a view to possible residential usage. Further you required us to report in respect of accessibility matters.

The limitations applicable to our inspection reporting are those included within the standard agreement made between Harry Lee of The Co-operative Group and Ian Ford of Watts Group PLC. We confirm that the anticipated limitations apply in full to our inspection and this report.

In addition, to the anticipated limitations we confirm that the following limitations also apply to our work:

- A small number of the individual units were not in occupation at the time of inspection and could not be accessed by site management. We do not consider that this is unduly restricted our inspection of the property.

1.2 Site inspection

The property was inspected on Monday 03 March 2008 by Ian Laurie BSc MRICS, Daryl Skelton BSc (Hons) MRICS and Graeme Lees Ieng AMISstructE. We were not accompanied during our inspection.

The prevailing weather at the time of our inspection was intermittent heavy snow showers with temperatures at commencement of survey in the region of 2°C. Rain had been experienced in the 24 hours prior to our inspection.

The front elevation of the site is assumed to face east and other parts of the property take their compass reference from this orientation.

Where the terms "right hand" or "left hand" are used, they assume that the reader is facing the element being described.

1.3 Terminology

Where the expressions immediate, short term, medium term, long term and very long term are used they generally mean the following:

- Immediate: within 1 year
- Short Term: within the next 1 to 3 years
- Medium Term: within the next 4 to 10 years
- Long Term: within 11 to 20 years
- Very Long term: over 20 years

1.4 Plans

We attach at Appendix 4 General Arrangement Plans for the property to assist your assimilation of this report.

2 General description of property

2.1 Generally

The property is a purpose-built mill facility with large areas of the site having been converted into starter units for small businesses.

Original construction probably dates from Victorian times, whilst the current production facility we understand dates from the 1980's. Alterations to form individual business units appear to have been undertaken from the 1980's onwards.

The property is located off Northgate within the town centre of Baildon, and is surrounded by properties in mix commercial and residential usage

The property is readily accessible by public transport comprising local bus routes.

Toilet accommodation comprises dedicated facilities to a number of the starter units, with shared accommodation to some areas.

2.2 Sub-structure

We did not expose the foundations to the property in any location and are unable to report on their form of construction and condition on the basis of our visual inspection alone.

No drawings or other design information was available at the property concerning the form of foundations. In our experience however, a property of this size and type has probably been provided with stone footings, with mass concrete or pile foundations provided to more modern sections. Exposure of the foundations would be required to confirm our expectations.

2.3 Structure and fabric externally

To the majority of the areas the external envelope includes elevations formed of natural York stone, the exception being to parts of the current production facility where factory coated profile steel cladding is in part used as elevation treatment. In addition a small area of the site adjacent to the Millpond has been clad at first floor level with timber boarding.

Roofs to the site originally appear to have been covered with York stone (identified on the site plan as buildings 4, 12 and 13), and small areas of this remain.

Roofs to the majority of the older sections of the site (including buildings 1, 2 and 11) are finished with profiled fibre cement sheeting that we understand contains asbestos. To the fibre cement sheeted areas proprietary daylight panels have also been included within the roof construction in order to provide natural lighting to within the premises, though these are largely now redundant due to the inclusion of suspended ceiling finishes.

To the more recent pitched roofs, (buildings 6-9 and the production facility building 15), factory coated profiled steel cladding has been installed, whilst the office extension (building 3) to the west of the site has a flat roof finishes with built up felt material. Small areas of the site (buildings 14) include natural slate roof coverings. The sub-station roof is asphalt covered.

Rainwater goods are predominantly of sectional metal but include areas of timber and PVCu.

Fenestration originally took the form of timber sash windows with single glazing and a number of these remain, though large areas appear to have been renewed with PVCu framing and double-glazing. Entrance doors are predominantly of timber construction, though again areas of PVCu were noted, particularly to the starter units to the northern building.

External decorations generally comprise gloss paint finishes to joinery and metal work.

External areas include a millpond to the north of the site. Yard areas are generally concrete finished and site boundaries are in parts denoted by stonewalling. To the southern elevation the production facility is at a raised level compared to the adjoining property and a stonewall in this location acts as restraining structural.

To the west of the site is a split-level car park area finished with gravel and cinder. The car park includes gabions and railway sleepers as retaining structures. To the northwest of the site there is a small row of garages provided in a mix of timber and stone construction and with fibre cement mono-pitched roof. The garages are accessed via a shared un-adopted access road known as Providence Row.

2.4 Structure and fabric internally

To the production facility the structure is of steel portal frame construction, with roofing supported of timber purlins. Original buildings to the site appear to have been of load bearing stone construction coupled with cast insitu concrete framing, and a mix of pre-cast and cast insitu concrete flooring. Sections of the property retain timber flooring.

Ceilings are of a variety of constructions including, proprietary suspended systems with mineral fibre tiles, areas of what appears to be fibreboard and areas with plaster finishes. To the production area the ceiling comprises the soffit of the roof panelling.

We were not able to remove any ceiling tiles within the majority of areas, though were able to view the roof void within building 13. The timber roof structure was visible within the ceiling void to building 13, together with various historic and current services installations.

Internal doors are predominantly of flush-faced timber construction, though a number of panelled timber doors are present. The original sliding fire separation doors are present to some areas.

Internal decorations generally comprise paint finishes throughout.

2.5 Services installations

The property benefits from mains supplies of gas, water and electricity and to the best of our knowledge soil and waste water drains into the local sewerage system.

Units are generally heated on an individual basis with individual gas boilers being provided.

Individual units are also provided with separate electrical installations.

The site is sprinklered to the majority of areas, though we could not ascertain whether the system is mains or tank fed. The site includes a fire alarm system with both automatic and manual activation.

3 General condition of property

In this section of our report, we summarise the major defects noted and principal concerns regarding the property.

Costings relating to building work associated with our observations and comments are contained in the later section of this report entitled "Approximate costings".

We understand that the property is grade II listed and as such you will need to obtain a list of building consent for any alterations.

3.1 External condition

Whilst the property overall appears to have been well maintained in recent years there is evidence of historic neglect, and in particular a number of walls were found to be cracked or are bulging or otherwise displaced. Particularly affected are:

- Southern gable to building 1.
- Chimney to the north between building 1 and 14.
- Eastern gable to buildings 11 and 12.
- Corner of building 13.
- South-eastern corner building 9.
- Archway to building 7.

Other areas of structural movement were hover noted.

Remedial structural works will be required to restrain various walls and to stitch a number of cracks together. The defects noted did not however appear to be as a result of failure or inadequacy of the building footings, and at the present time do not consider underpinning is required, though further investigation may prove otherwise.

To the rear of building 3 cracking is present to walling, and historic repairs have been undertaken. The building in this location is of framed construction and cracking appears due to differential movement between the concealed frame and the brick cladding. Exposure of the frame together with re-detailing of the junction between brickwork and the frame should be undertaken. To the rear of the production unit cladding has become heavily corroded and cladding coating overall has degraded. Consideration should be given to renewal of the cladding to the rear elevation accordingly.

York stone roof coverings appear generally aged and are starting to delaminate. In addition areas of the stone paving are broken, and various flashband, temporary, repairs are present. Overall it is considered that stone roof coverings are approaching the end of their useful life expectancy. We consider that the York stone roof should be stripped and relaid and such work will need to allow for a portion of new stone. In addition rooflines generally appear to have sagged due to warping of the structural support with time, and some strengthening, or indeed renewal, of roof structures is likely to be required.

Slate roofs exhibit various temporary fixings and again is anticipated that the roofs will require stripping and re-slating in the short term.

The fibre cement roofing to the property appears generally aged and fixings are overall exposed and corroding (though areas of relatively new fixings appear to be present to building 2). The majority of daylight panels also appear aged and have become friable and opaque. Modern poppy red fixings are not present to the daylight panel positions, and as a result a number of panel positions are difficult to identify. We understand that the fibre cement panels do contain asbestos and in a small number of areas minor damage is present.

Overall we consider stripping and recovering of the roof is likely to be required in the short to mid term. Further we consider fibre cement covering are not particularly appropriate for residential usage, and replacement with an alternative material, possibly natural slate, should be considered.

Coated profiled steel roof coverings are generally aged and extensive cut edge corrosion was noted as being present. If the covering is to be retained early treatment with an appropriate product such as Seamsil should be undertaken in order to reduce further corrosion. A number of the fixing caps to the roof areas appear to have become friable consideration will need to be given to their renewal in order to protect fixings. Again consideration should be given to a change in the roof covering for retail use.

Bitumen felt roof coverings to building 3 appear generally aged. Consideration should be given to renewal in the immediate future.

The asphalt finished roof to the sub-station is in extremely poor condition and requires renewal. Renewal is assumed to be the responsibility of the power company.

Rainwater goods in a number of areas appear to be misaligned, and there is evidence of vegetation growth and general neglect. Overall we consider complete overhauling of the gutters and rainwater fallpipes will be required in the short term.

In a small number of locations we noted double-glazed units having interstitial condensation and replacement of defective glazing should be considered. It is possible that additional units will start to suffer from this problem in the short-term and more widespread requirement for renewal may present itself in the mid-term.

Pre-cast concrete is exposed to the front of buildings 7 to 9 and is spalling. The reinforcement to the concrete is rusting and we suspect that carbonation of the concrete has occurred. Testing is recommended followed by treatment to reduce future corrosion.

Pointing to the site elevations appears to have been renewed within the last 30 years. The mortar mix appears too strong for the stone and localised erosion of the stone is occurring. The hardness of the mortar mix may accelerate erosion and ideally renewal of the pointing with a more flexible mix should be undertaken.

Localised damage and spalling of stone was noted, appearing due to general weathering or localised damage. Patch repairs only are required.

3.2 Internal condition

Internally the condition of the property varies with usage, with some areas appearing generally dilapidated and in need of refurbishment. It is understood that your intention would be to undertake significant alterations to the premises and our inspections have therefore concentrated predominantly on structural matters.

Various cracking was noted to the floor structure within building 1, however the upper floors in the areas concerned are of pre-cast concrete construction and cracking noted appears to be confined to panel joints. Renewal of the screed will be required to various areas though it is assumed that this will be accounted for within your rehabilitation proposals. Repairs to the floor screeds will nevertheless need to be considered.

To areas within the building 1, and in particular the south gable, we noted cracking to window mullion positions and this reflected external cracking noted. We do consider that ongoing movement is occurring, and that stabilisation works will be required.

A number of cracks were noted at the junction between blockwork and building frame within the building 1. Overall cracking appears to be due to differential thermal movement, and is not considered a significant cause for concern.

To the link area building 4 between the main building, and production facility, a mezzanine floor has been added within the roof space. Significant deflection of trusses was noted to this area and appears to be potentially due to overloading of the structure. Additional loading for residential use may cause further deflection to occur and overall it is considered that alterations will be required to support the floor in an alternative fashion. The roof structure itself will require remedial strengthening works also.

Within the office building 13 we noted damage to the roof structure due to wood boring beetle. Whilst to the area inspected the beetle attack appeared to be of long-standing we do consider that further inspection of the timber should be undertaken once appropriate access can be obtained. It is likely that a number of timbers will require renewal. Given the presence of beetle attack to part of the site we feel it is likely that further timber decay will be found in concealed areas and that remedial timber repairs will prove necessary. Overall however timber elements appear limited in nature and the presence of wood boring beetle attack in itself is unlikely to add significantly to development costs as remedial structural works are required for other reasons.

Within unit 8 we noted rot to the skirting adjoining the entrance door, though could not ascertain whether the attack was due to dry or wet rot. The affected timber should be removed and the area treated to prevent moisture penetration. The areas of timber concerned is relatively small and even if proved to be dry rot we do not consider there to be significant cause for concern.

To various areas we obtained elevated moisture meter readings. Given the solid construction of walling the presence of both rising and penetrating damp is not unexpected, though may lead to problems with residential finishes in the future. To a number of areas (such as the lower floor to building 13) damp appears to be penetrating partially as a result of inadequate tanking between the walling and external high ground levels and consideration should be given to appropriate excavation and provision of external tanking accordingly. Where penetrating damp is occurring to walls above ground level consideration will need to be given to either provision of an external render finish or to suitable internal tanking and appropriate drainage. The property listing may result in application of external render being prohibited by the local authority and provision of internal tanking methods may prove necessary (with the associated loss of space).

3.3 Sub-structure condition

The property is built on a sloping site and a number of external walls were found to be bulging and tilted. The defects do not however generally appear to be due to failure or inadequacy of the building footings, but rather due to inadequate restraint of walling. Whilst further structural investigations and remedial works are required at the present time we do not consider that these are likely to require alteration of the building footings, though further investigations may prove otherwise.

To the south of the production facility the retaining wall is leaning and some ground movement has occurred. There does not appear to have been any associated movement of the building structure however. Immediate remedial works should be considered with regards to the retaining structure to ensure further movement does not occur, and ideally the structure should be taken down and re-built.

3.4 Superstructure condition

Overall the buildings superstructures appear to be in fair condition. A number of rooflines appear to have sagged and deflected and remedial works will be required at the time of the roof covering renewal.

In the event of changes in the roof coverings it will be necessary to undertake loading calculations and we anticipate that a number of roof structures will require upgrading.

The floor constructions throughout the buildings vary between buildings and appear to have been constructed at different times.

Buildings 1, 2, 3, 4 and 11: These are the taller buildings on the site. The floors are of various forms of concrete construction.

Building 1 has concrete floors supported on steel beams and central steel columns. The floors appear to be performing satisfactorily under their present office type use. Further investigation will be required to confirm the suitability of the floor construction if masonry partitions are to be introduced in areas not directly above beams, however, the floor construction is considered likely to be acceptable to accommodate residential loading.

Building 2 floors appear to be similar to Building 1 and the above comments apply.

Building 3 is of newer construction than Buildings 1 and 2, and has pre-cast concrete floor units supported on steel beams on what appears to be a reinforced concrete frame. The floors are of relatively modern construction and appear to be performing satisfactorily under the present loading. Pre-cast concrete floor units of this type normally have sufficient capacity for what would be required for residential loading.

Building 4 has been extended to provide accommodation within the roof space. The floor at this level is of timber construction and appears to be supported on the original timber trusses. There is significant deflection of the trusses and we consider it possible that this is due to overloading. Currently the office space in this area is only lightly loaded and therefore the continued use of this space will be dependant on detailed investigation of the supporting construction and possible strengthening. The lower floors (ground and first) of this building appear acceptable for residential use, although again any proposals for division walls between residential units will need to be assessed on an individual basis.

Generally, with the exception of the floor within the roof space of Building 4, the floors in Buildings 1, 2, 3, 4 and 11 are considered likely to be acceptable for residential use. Where masonry walls are used between individual residential units, the floor constructions will need to be investigated to ensure they can support the walls, particularly if the walls are not on beam lines. It is possible that localised strengthening may be required to support division walls.

In the smaller buildings, the floor constructions vary, with both concrete and timber having been used. If the buildings are individually converted to form single residential units (e.g. Buildings 6, 10 and 14) then it is considered that the floors are capable of supporting domestic loading. However, where larger Buildings are likely to be sub-divided to form several residential units (e.g. Buildings 12 and 13) with the consequent need for new separating walls, and possibly acoustic separation between floors, we consider it likely that strengthening will be required. Complete renewal of the floors may be preferable in this case and we recommend that appropriate allowance be made. Although the floors in Buildings 7, 8, and 9 are considered likely to be capable of supporting residential loading, new floors may be necessary if significant reconfiguration, for example to combine any of these buildings, were to be considered.

Building 19 is an industrial building with a ground floor and partial mezzanine. We consider that in view of the building use and relatively modern construction the floors will have been designed to support loadings in excess of those normally used for residential use.

Our comments relating to the load capacities of the floors are based on visual inspection, without the benefit of any opening-up or testing. We have therefore considered the form of construction and the current use and made appropriate judgement to assess the likely capacity of the floors in the various buildings. Drawings made available to us on site did not include detailed information on floor construction or on load capacities and have therefore not been used. A number of the floors appear to be of relatively recent construction and we consider it would be prudent to ensure that the vendors release all available construction information on the buildings. Such drawings may make planning future alteration simpler and therefore less costly, by reducing the amount of detailed investigation required on site.

3.5 External areas/Boundaries

Garages to the northwest of the site appear to be generally in poor condition. In particular we noted extensive vegetation build up on the mono-pitched roof to the garage areas and this will be causing damage to the fibre cement roofing, which in turn is likely to have an asbestos content. Removal of the vegetation coupled with treatment of the sheeting should be considered. Timber bearers to the mono pitched roof of the garage appear in poor condition and in parts are likely to require renewal in the short term. We understand that the garages are individually let and details of these leases should be confirmed by your legal advisors.

The Providence Row access road and hardstanding in front of the garages is of compacted earth, and a number of significant potholes were noted as being present. We understand that the roadway and hardstanding are not adopted at this point, and that the access road is shared with the neighbouring properties. Confirmation should be sought with regards to your maintenance liabilities in respect of this area.

Concrete hardstanding in the main appear to be in serviceable condition but with areas being crazed and localised repair required.

The handrails to various stairs are however generally considered inadequate and consideration should be given to their replacement in line with current building regulations.

3.6 Services installations

Overall services installations appear to be to modern standards and with individual electrical and heating installations provided to areas as appropriate. The requirement for services installations for your future development will depend upon your proposals.

Exact power availability from the on site sub-station should be confirmed with the service provider, as replacement of the transformer if required could prove costly. We would however be surprised if power availability was not adequate for your intended development.

Within the basement of building 11 we noted the presence of a sump pump to the cold store areas. The drain fed by the pump appears to be partially blocked and we consider requires clearing. The area generally will require cleaning of contamination arising from the blocked drain.

4 Deleterious and problematic materials

In Appendix 2, we provide background information relating to the nature of materials and components that are regarded by the UK Property and Construction Industry as deleterious or, in some way, problematic.

We had regard to the presence of these materials and components during our inspection and, where necessary, we comment as follows:

- **Composite cladding panels.**

Insurance companies may take a cautious view of the use of composite panels in buildings and weight their premiums accordingly. In some cases, insurance cover may be refused, or offered only on specific terms and so it is important that the existence of these panels be disclosed as soon as is practicable and before contract.

Certain forms of insulation (mainly thermoplastic materials such as expanded polystyrene) can contribute to a serious fire that has already developed in a building and can, if insecurely fixed, permit facing panels to delaminate explosively. Such problems are more likely to occur with large, self supporting panels such as are found in food stores than with external wall or roof panels which are mechanically fixed to sheeting rails, but unless the panels can be shown to have approval to LPS 1181, the panels may attract adverse attention.

In this instance, composite panels appear to have been used in roof construction of the production facility. We were unable to determine the type of core material utilised, or its thickness.

Given the age of the property we anticipate that, if the material is confirmed as being composite cladding, the core will not be to the requirements of LPS 1181 part one. We do consider however further inspection of testing should be undertaken in this respect.

If confirmed as being composite in nature, the presence of the panels will need to be made known to your insurers and it is possible that premiums will be raised as a result. The production facility has nevertheless been provided with a sprinkler system throughout its area.

In addition we noted the presence of the composite panels form in cold stores within the basement of building 11. It is assumed that these panels will be removed, as part of your proposed alterations and indeed the cold store appears generally disused. Whilst we do not consider the presence of panels to cold stores to be significant with regards building insurance disposal of the panels could prove costly.

- **High alumina cement (HAC) in concrete.**

The property includes pre-cast concrete elements is appeared to be of an age where in deleterious add mixtures may have been used. Whilst we did not note any specific decay to pre-cast concrete installations we do consider that testing should be undertaken to confirm that the material is free from deleterious additives.

- **Asbestos** in any raw form or asbestos based products.

An asbestos survey on site does record the presence of asbestos material in various locations and specifically within roofing sheets and various services. We anticipate that old fire doors may also contain the asbestos material. Prior to undertaking significant alterations to the buildings you should consider further asbestos testing and surveys.

- **Lead-based paint** when the paint concerned could be used in locations that could result in the ingestion, inhalation or absorption of the material.

The property is of an age wherein sections are likely to have been decorated utilising lead-based paint systems. Within a number of concealed areas we did note the presence of a number of aged paint finishes that are likely to contain lead, and as such care will need to be taken during any redecoration to ensure that the material is not inhaled, absorbed or otherwise ingested.

5 Compliance with legislation

5.1 Building regulations

The building will not satisfy a variety of contemporary standards of construction and performance criteria set out in the current Building Regulations such as, for example, thermal insulation. This statement is true of the vast majority of buildings in the UK.

The statute under which the Building Regulations are made in the UK is the Building Act 1984. Neither this Act, nor the Regulations themselves are applicable retrospectively. This avoids the need for constant improvement of properties to satisfy current standards.

5.2 Planning permission

We have not been requested to investigate and set out in detail the planning history of this property. We have not been provided with any Planning documents on which to comment. Consequently, from our inspection, we cannot comment on the existence or otherwise of any infringements of any Planning Consents or conditions attached to such Consents.

We assume that this matter will be considered by solicitors. Change of use permission will likely be required for change from B1 Business use to C3 residential if this is your intention.

5.3 Listed building consent

We have contacted the local planning authority to ascertain whether the property is listed or if listing of the property is being considered. According to their records, the property has a Grade II listing.

5.4 Conservation area consent

We have contacted the local planning authority to ascertain whether the property is located within a conservation area. According to their records, the property is located in a Conservation Area.

5.5 Workplace safety legislation

Much of the current legislation dealing with Health and Safety is aimed at the employer/employee relationship. The legislation is not heavily prescriptive, it relies on risk assessment procedures to establish what protective measures and building work are or are not reasonable in given circumstances.

The preparation of Risk Assessments is beyond the scope of this report. Our comments with regard to workplace health and safety matters are made on the basis of cursory reviews of the property as a whole. Our observations deal with those issues, which are, in our experience, of most interest to persons acquiring property whether this be for their own occupation or as an investment.

5.5.1 Artificial lighting

In the UK, Regulation 8 of the Workplace (Health Safety and Welfare) Regulations 1992 concerns lighting in the work place. It requires Employers to ensure that every workplace has suitable and sufficient lighting, which shall, so far as is reasonably practicable, be by natural light.

In our experience, all buildings used as workplaces require some degree of artificial light. It is important to ensure that the correct type of artificial lighting is installed in order to reduce the risk of ailments arising from glare and eyestrain such as headaches, nausea and the like. The Society of Light and Lighting (formerly the Chartered Institute of Building Services Engineers) provides advice on lighting design by reference to general good design practice where luminance limits are checked against the specific requirements of an installation.

Properties without adequate light fittings can be perceived as less attractive by new tenants who might consider the provision of new light fittings necessary, or indeed essential, to their use of the premises, if they are to comply with the Regulation. Under such circumstances, prospective tenants might seek some sort of financial adjustment from their would-be landlord for the cost of installing the new light fittings.

It is difficult to identify, from a visual inspection alone, the specific luminance limits of most light fittings without laboratory testing. This notwithstanding, from the age of the interior of the office areas we consider that the light fittings in the offices are probably adequate by contemporary standards.

5.5.2 Protection against falling

In the UK, The Work at Height Regulations 2005, which came into force on 6 April 2005, revoked sub-sections (1) to (4) inclusive of Regulation 13 of the Workplace (Health Safety and Welfare) Regulations 1992. (Sub-sections (5) to (7) of inclusive of Regulation 13 remain in force.)

The Work at Height Regulations applies to all work at height where there is a risk of a fall liable to cause personal injury. The Regulations bring together all existing regulations applicable to working at height and state the minimum health and safety requirements for the use of equipment for work at height.

Regulations 3 and 14 of The Work at Height Regulations 2005 place a duty on employers, the self-employed, and any person who controls work of others where there is a risk of a fall liable to cause personal injury. Employers have a duty to ensure that work at a height is properly planned, appropriately supervised and carried out in a manner that is safe.

Under Regulation 6, there is a hierarchy of control for determining how to work at height safely, which has to be followed systematically.

In order to satisfy this regulation the duty holder must:

- avoid work at height where they can
- use work equipment or other measures to prevent falls where they cannot avoid working at height; and
- where they cannot eliminate the risk of a fall, use work equipment or other measures to minimise the distance and consequences of a fall should one occur

The Regulations are based on a risk assessment approach, which examines the likelihood that harm will result from working at height and the severity of the potential harm. This assists in identifying the necessary precautions required to prevent harm.

We did not identify any unusual features or peculiarities in the design of the property, which could give rise to serious injury through falling, or from being struck by a falling object.

5.5.3 Toilet provision

In the UK, since 1 January 1996, Regulation 20 of the Workplace (Health Safety and Welfare) Regulations 1992 has required employers to provide within workplaces readily accessible sanitary conveniences suitable and sufficient in number.

For existing buildings there is a minimum number of sanitary conveniences required to satisfy this requirement. We stress that the numbers given are a minimum requirement only.

Based on the current occupancy provision of toilet accommodation appears generally adequate, though generally we did not note the presence of accessible toilet provision.

The requirement for toilet provision in the future will be dependant upon your rehabilitation proposals.

5.5.4 Safety glazing

In the UK, Regulation 14 of the Workplace (Health Safety and Welfare) Regulations 1992 requires, where such measures are necessary for health and safety reasons, certain window, door or other translucent surfaces in a wall or partition to be formed from a safety material, or to be protected against breakage and appropriately marked.

Laminated glass, toughened glass or wired glass are considered to be safety materials. Ordinary float or annealed glass is not a safety material, but might satisfy the regulations if of a certain size and thickness. Protection can be provided in the form of a physical barrier or by applying a thin plastic safety film to the glazing concerned.

Glazing in workplaces must comply with the Regulation if an employer is to discharge its statutory obligations. In practical terms, this means that, when measured from floor level most glazing below 1500mm, in respect of doors, and below 800mm, in respect of glazed screens/partitions, must satisfy the Regulation.

It is difficult to identify, from a visual inspection alone, the specific nature of some types of glazing if it is not already marked appropriately (which is often the case in older properties). Testing equipment does exist, but a detailed test of all glazing in this property is beyond the scope of our inspection. Nevertheless we consider that there might exist non-compliant glazing in the following areas:

- Glazing on staircases.

If this is a particular matter of concern to you, we recommend that you seek clarification of the specification of the glazing concerned from the vendor or seek their consent to conduct tests on the glazing.

5.5.5 Asbestos regulations

On 13th November 2006, the Control of Asbestos Regulations 2006 (CAR 2006) replaced the Control of Asbestos at Work Regulations 2002. Regulation 4 of the CAR 2006 imposes a duty to manage asbestos in all non-domestic premises (this includes the common parts of housing developments and blocks of flats). Management of asbestos includes the assessment of the actual existence of or likelihood of asbestos containing materials, the preparation and implementation of a written Plan to manage the risks arising, and periodic review of the arrangements and monitoring of remaining asbestos.

The dutyholder is any person who by virtue of a contract or tenancy has, to any extent, responsibility for the repair or maintenance of the premises, including access thereto and egress therefrom, or in the absence of such documents, anyone who has physical control over them. It is possible for employers, tenants and landlords alike to fall into the category of dutyholder. The circumstances relating to each building must be considered individually.

You should consider whether, in the circumstance of this acquisition, you will constitute a dutyholder.

Asbestos surveys and the production of management Plans require specialist knowledge and skills and are outside of the scope of this report.

We were provided with a copy of an Asbestos Report prepared by Hutchinson Asbestos Removal Ltd before our inspection of the property.

The asbestos survey records the presence of asbestos materials in various areas, and in particular to roof coverings and within various services installations. We do consider that the asbestos management plan should be prepared for the premises in accordance with the control of Asbestos Regulations.

Prior to undertaking alterations to the property a further type III asbestos survey should be undertaken in accordance with MDHS 100 "surveying, sampling and assessment of asbestos in premises", published by the HSE.

During our building inspection, we noted some areas of materials that we suspect may contain asbestos and these are listed in the previous section headed "Deleterious Materials".

You should also consider seeking advice in connection with the production and implementation of a plan to manage asbestos as has been required by law since May 2004.

We will be pleased to provide further advice on this subject if required.

5.6 Fire precautions and means of escape

5.6.1 Legislative background

In England and Wales, The Regulatory Reform (Fire Safety) Order (RRFSO) came into force 1 October 2006. The main effects of the Fire Safety Order are a move towards greater emphasis on fire prevention in all non-domestic premises and a reform of all the current fire safety law, which is contained in over 100 separate pieces of legislation.

Under the reform, fire certificates have been abolished and cease to have legal status. Instead, under the RRFSO, the "responsible person" for each premises is required to carry out an assessment of the risks of fire and take reasonable steps to reduce or remove the risk. Previously prepared fire risk assessments, which were required under the former Fire Precautions (Workplace) Regulations 1997 and (Amendment) Regulations 1999 (which have been revoked), will need to be kept under review.

5.6.2 Means of alarm

The property is provided with fire alarm systems, which appear to be of a mix of ages. Significant alterations to the building layouts are likely to require alteration of the alarm systems, and dependant upon the age of the fire alarm control panels this may prove difficult. Ideally consideration should be given to provision of new fire alarm systems as part of your alterations.

5.6.3 Means of fighting fire

The majority of the site is provided with sprinkler protection, though a number of sprinkler heads appear to have not been maintained. It is unclear as to whether the sprinklers are mains fed, or whether an underground tank or other water source is provided. Further investigation is recommended with regards to sprinkler provision water supply.

Supplemental first aid fire fighting appliances are provided to various areas and these will need to be maintained under contract. At the time of inspection handheld fire extinguishers were generally found to be within test date.

5.6.4 Means of escape

To the majority of areas alternative means of escape appears to be provided and we have no significant concerns in this respect. We did however note that fire exit routes generally include provision of stairs and that no means of evacuation for persons of limited mobility is provided. In addition there were no appointed assembly areas or refuge areas.

Fire exit signage itself appears generally outdated. A review for fire exit provision and means of escape will need to be undertaken as part of your redevelopment proposals.

Fire exit stairs are not well highlighted and consideration should be given to highlighting stair nosings in contrasting colours.

Limited emergency lighting is provided to the site and you should consider upgrading of the same.

To building 1 we noted the step at the head of one stair was considerably different in height than the stair overall flight. Re-levelling of the stair is recommended.

5.6.5 Fire certificate

A fire certificate was available for the property issued by West Yorkshire Fire Service. It must be noted that this certificate no longer has legal status but nevertheless confirms that previously, the local authority had approved the fire safety provisions at the property.

5.6.6 Fire risk assessment

Existing fire risk assessments were available for review at the time of inspection for the John Peel management offices only. To remaining areas we were not provided with copies of the tenants or general fire risk assessments and as part of your acquisition we do consider that further attention be given to this matter. Risk assessments will need to be prepared for common parts, and tenants will need to be reminded of their obligation to provide risk assessments for their individual tenancies

5.6.7 Protection of structure, fabric and services

Overall we did not note the presence of specific fire stopping to the premises, and in a number of areas service penetrations do not appear to have been provided with adequate fire separation. As part of the redevelopment works it will be necessary to undertake suitable fire separation works.

5.6.8 Summary of fire precautions

Overall we consider fire precautions to the site whilst adequate would benefit from some upgrading. In particular significant upgrading may be required depending on the exact nature of your proposals

5.7 Disability discrimination legislation in the UK

The Disability Discrimination Act 1995 (as amended by the Special Educational Needs And Disability Act 2001 and the Disability Discrimination Act 2005 (the DDA), imposes duties on employers, trade organisations, qualifications bodies, service providers, private clubs, public authorities, education providers and landlords (amongst others) not to discriminate against

disabled people. They must not treat disabled people less favourably than non-disabled people, and must comply with the duties under the DDA together with its supporting Regulations and Orders. The disability can be physical, sensory or cognitive, and not just those who are wheelchair users who represent only approximately 5% of the 8.5 million disabled people in the UK. In addition, a person who has cancer, HIV infection or multiple sclerosis is now also deemed to have a disability from the point of diagnosis under the DDA 2005.

The Act together with its supporting Regulations and Orders is complex and has already been substantially amended from when it was originally passed by Parliament in 1995. Legal advice may need to be sought in establishing duties under the DDA.

Those that provide services to members of the public (service providers), and private clubs fall under Part 3 of the DDA. They have an anticipatory duty to make reasonable adjustments to their practices, policies and procedures in addition to physical features of buildings or, provide a reasonable alternative method of making the service available.

Under Part 2 of the DDA, employers are not required to make changes in anticipation of employing a disabled person. However, the Code of Practice suggests that employers should take opportunity to make improvements as they arise, e.g., as part of planned maintenance or refurbishment works. In addition, employers must not unjustifiably discriminate against current employees, or job applicants, on the grounds of disability, and may have to make reasonable adjustments to their employment arrangements, or premises, if these substantially disadvantage a disabled person. Trade organisations and qualifications bodies have similar duties.

Landlords duties under the DDA are unclear. Duties may exist under the DDA on the common parts of a building to make reasonable adjustments. Landlords might constitute service providers for the purposes of the Act.

The duty is to take such steps as are reasonable in all the circumstances of the case to change arrangements or physical features of the premises if these put a disabled person at a substantial disadvantage in comparison with persons who are not disabled. The "reasonableness" will include the extent to which it is practical, the cost and disruption, and the funds and resources available to take these steps.

We have undertaken an access survey of the premises in connection with its current usage and draw your attention to the appended report in this connection.

6 Environmental hazards

We indicate below our findings and advice regarding certain issues of an environmental nature. The issues identified below should not be considered an exhaustive list of matters to be considered.

6.1 Land contamination

We were not instructed to, and hence have not undertaken, a detailed study of the site for potential contamination. We understand that you are not commissioning directly a separate report by other specialist consultants concerning this issue. There are however certain features of the site which we believe should prompt you to reconsider the commissioning of a Environmental Audit (Phase One Report). These features are as follows:

- Current production processes involve the use of various hazardous chemicals.
- Production processes have we understand been present in areas of the property currently utilised for offices.
- A number of chemicals appear to be seeping into the ground.

Our environmental division, Envest, would be pleased to provide further assistance in this respect.

6.2 Flooding risk

We have not undertaken detailed investigations into the potential for flooding of the land on which the property lies. However we have consulted the website at www.environment-agency.gov.uk of the Environment Agency and their information regarding the potential for flooding suggests that the property is not within a known flood plane.

6.3 Tree proximity

The proximity of trees to buildings can give rise to concern because structural damage can be caused by root systems growing around, under and sometimes through foundations and subterranean walls. The risk of damage caused by tree roots depends on;

- the proximity of the tree to the building concerned
- the height, age and species of tree
- the design and depth of a building's foundations
- the type of sub-soil

There are trees in close proximity to the structure of the property, but the foundations to a property of this size are, in our experience, likely to be of substantial construction and able to withstand the affects of root growth.

6.4 Radon risk

Radon is a radioactive gas that occurs naturally in the ground. It occurs when uranium decays. Uranium is found in small quantities in all soil and rocks. Decaying uranium turns

into radium and when radium, in turn, decays, it becomes radon. Uranium can also be found in building materials derived from the rocks.

Radon rises through cracks and fissures in the ground into the air. Outdoors, radon is diluted and the risk it poses is negligible. Problems occur when it enters enclosed spaces, such as a building, where concentration levels can build up. When this happens, it can cause a significant health hazard to the occupants of a building by increasing the risk of lung cancer.

Radon is everywhere, but usually in insignificant quantities. General technical information on Radon can be obtained from the Health Protection Agency. Their website address is www.hpa.org.uk

Data, published by the NRPB, has been available since the late 1990's for levels of Radon found in England, Wales and Northern Ireland. A copy of the Radon Atlas for England and Wales can be downloaded from the following website address. www.hpa.org.uk/radiation/publications/w_series_reports/2002/nrpb_w26.pdf

We have not measured the levels of Radon inside the property, but the property is located in an area identified by the NRPB as potentially susceptible to higher levels of radiation. In this instance you may wish to consider further investigation to ascertain whether radon reduction measures are required for this particular building, though we would anticipate that such measures are not necessary. Without however measures of radon levels within the property we cannot confirm this as being the case.

6.5 Electromagnetic fields and microwave exposure

6.5.1 Electromagnetic fields (overhead and buried cables)

There has been concern that electromagnetic fields from both natural and artificial sources can cause a wide range of illnesses such as blackouts, insomnia and headaches to depression, allergies and cancer. Artificial sources commonly comprise overhead or subterranean high voltage electrical power cables.

It is suggested that the electrical discharges from these high voltage cables upset the balance of minute electrical impulses employed by the human body to regulate itself in much the same way as television and radio signals can be disrupted.

Controversy and uncertainty prevail with regard to this matter; no strong evidence that is generally accepted to be conclusive has been developed to prove or disprove this alleged hazard. More information is available from the National Radiological Protection Board's website. You should be aware that the presence of power cabling in the vicinity of a building can affect its value and liquidity in addition to the health of those occupying the property.

For this reason, during our inspection we looked for any visual indications that electrical power cables are located under, on or over the property or adjacent to it. We have not undertaken any separate inquiries with the relevant statutory authority however.

We noted the presence of an electrical sub-station within the boundaries of the property and it is likely that high voltage cabling will therefore be present below ground.

6.5.2 Microwave exposure

Health concerns exist with regard to microwave emissions from transmissions masts forming mobile phone networks. Conclusive guidance is not available at present regarding the health risks.

During our inspection we did not note the presence of any mobile phone transmission masts affixed to either the land or buildings comprising the property.

Ofcom provides information regarding the location of each operational externally sited mobile phone base station in the UK. This and other information can be accessed by their website address <http://www.sitefinder.ofcom.org.uk> .

For the purposes of confirming the existence and location of base stations only, we accessed the Sitefinder website. It confirms that there are three base stations within a radius of 500 metres from the property.

6.6 Vermin

Excepting for the presence of birds to the Millpond area we did not note the presence of vermin during the course of our inspection.

6.7 Invasive vegetation (Japanese Knotweed and Giant Hogweed)

We did not note the presence of any invasive plantforms during the course of our inspection.

7 Legal interest

We understand that you are proposing to purchase for investment purposes the freehold interest in the property.

Legal enquiries should confirm whether or not the freehold interest is burdened or fettered by any unusual restrictive covenants on the title of the property. Such covenants can take many forms and, although not common, are normally imposed for the benefit of other properties in the immediate vicinity.

We have not been provided with copies of any leasehold documents. Legal enquiries should also confirm the nature of any leasehold interests existing and their terms. If leasehold interests do exist, you should be mindful of, amongst other things, the repairing covenants imposed on the lessee(s) and the service charge provisions.

Legal enquiries should confirm whether or not the headlease interest is burdened or fettered by any unusual restrictive covenants on the title of the property. Such covenants can take many forms and, although not common, are normally imposed for the benefit of other properties in the immediate vicinity.

8 Review of documents

In the Schedule of Documents Reviewed, which forms Appendix 3, we identify those documents, if any, that have been reviewed in the course of preparing this report.

Some of the documents concerned might have been available at the property on the day of inspection only and we do not necessarily hold copies of the documents on our files.

9 Approximate costings

Section 9.1 contains schedules identifying defects and shortcomings noted at the property and approximate repair costings for the associated remedial works. These costings are for budget purposes only.

Section 9.1 indicates building works of a repairing, maintenance and redecoration nature. In this section are also included health and safety works. We would generally expect a tenant to be liable for the costs of these types of building work under the terms of a typical Full Repairing and Insuring property lease.

When reviewing the costings, please take note of the important assumptions made in the footnotes to the schedules.

9.1 Repair, redecoration and health and safety works

The schedule of Approximate Costs is not a Planned Maintenance Schedule. For this reason, we do not identify those items of work that are of a cyclical planned nature such as clearance of gutters and lift servicing. Redecoration work, although cyclical in nature, is treated as a special case and, where the existing decorations require re-application now, we have included (only once) costs for this in the schedule below.

Item/Defect		Repair	Approximate Costs (£,000's)				
			Within 1 Year	1 - 3 Years	4 - 10 Years	Not Used	TOTAL
EXTERNALLY							
1.	York stone roof coverings decayed.	Renew York stone roof coverings.		150.0			150.0
2.	Fibre cement roof coverings decayed	Renew fibre cement roof coverings with slate. Includes allowance for roof strengthening.		80.0			80.0
3.	Slate roof covering decayed.	Renew slate roof covering.		4.0			4.0
4.	Cut edge corrosion to steel roofs.	Undertake cut edge corrosion treatment.	3.5				3.5
5.		Allowance for renewal of cladding roofs with alternative material			70.0		70.0
6.	Decayed bitumen felt roof covering.	Renew bitumen felt covered roofs.		12.0			12.0
7.	Rainwater goods poorly maintained.	Allow for overhauling of rainwater goods.	2.0				2.0
8.	Fogged double glazing.	Renew fogged double-glazing.	1.5				1.5
9.	Pointing incorrect to elevations.	Re-point elevations.			250.0		250.0
10.	Localised damage to stonework	Provisional allowance for stone repairs.	1.0	1.0			2.0
11.	Various glazing not to safety standards.	Allow for testing and remedial work,	1.0				1.0
INTERNALLY							
12.	Minor cracking to floor screed building 1.	Allow for making good floor screed.	1.0				1.0
13.	Damp evident in particular to mill side of building 1 and to the basement of building 13 and lower level to building 10.	Provisional allowance for external tanking. NOTE: General tanking not allowed.	10.0				10.0
14.	A minor outbreak of rot was noted to unit 8	Undertake remedial works. Including localised damp proofing.	0.8				0.8
15.	Poor fire signage.	Improve fire signage	0.2				0.2
16.	Lack of highlighting to stair nosings	Highlight stair nosings.	1.0				1.0
17.	Limited fire stopping present.	Allowance for additional fire stopping.	2.0				2.0

Item/Defect	Repair	Approximate Costs (£,000's)					
		Within 1 Year	1 - 3 Years	4 - 10 Years	Not Used	TOTAL	
STRUCTURE							
18.	Various cracking and bulging to elevations.	Allowance for structural investigation and repairs. Provisional	40.0				40.0
19.	Possible deleterious content to pre-cast concrete elements present.	Undertake concrete testing.	1.5				1.5
20.	Collapsing retaining wall to south.	Allowance fore rebuilding retaining structure.	10.0				10.0
21.	Wood boring beetle attack to roof timbers.	Allowance for timber inspection and limited remedial works.	5.0				5.0
22.	Floor to upper level building 4 appears inadequately supported.	Renew floor and support.		15.0			15.0
EXTERNAL AREAS/BOUNDARIES							
23.	Main car park not surfaced.	Consider provision on appropriate tarmacadam surfacing.			50.0		50.0
24.	Localised damage to hardstandings.	Repair allowance for hardstandings.	1.0				1.0
DDA Matters				59.0			59.0
25.		Costs from DDA report					
STRUCTURE AND FABRIC SUB TOTAL			81.5	321.0	370.0		772.5
SERVICES INSTALLATIONS							
26.	ELECTRICAL						
27.	No works noted						
28.	MECHANICAL						
29.	No works noted.						
30.	PUBLIC HEALTH						
31.	Possible blocked drain to basement of 11.	Clear and survey drain. Allowance included for minor repairs.	1.0				1.0
32.	LIFTS						
33.	No lifts provided.	Consider provision of new lifts.			300.0		300.0
SERVICES INSTALLATIONS SUB TOTAL			1.0		300.0		
GRAND TOTAL			82.5	321.0	670.0		1073.5

FOOTNOTES

With regard to each of the figures contained in the attached schedules please note that the costings:

1. include allowances for preliminaries, main contractor's overhead costs and profit

2. are based on approximate quantities estimated from the visual inspection we carried out on the day of our inspection and are not based on detailed measurements
3. have not been corroborated by tenders from the marketplace and it should be noted that market conditions and tender factors are likely to produce figures which might differ from those given hereafter
4. have been prepared on the basis of general rates prevailing in the marketplace at present and are exclusive of:
 - Financing Charges, if any
 - Value Added Tax
 - Professional Fees
 - Statutory Fees
5. assume that all building work will be undertaken to similar details and using materials similar to those existing
6. assume each item of work will be carried out under separate building contracts with appropriate contractors and at different times. It should be noted however that, if some works are carried out together under a single building contract, certain savings might accrue due to economies of scale. However where a set of works under a particular cost column all necessitate access scaffolding it is assumed that all items in the set of works will be undertaken simultaneously using the same scaffolding.

10 Fire insurance valuation (estimate of rebuilding cost)

We have not been requested to, and hence have not prepared a fire insurance valuation for these premises.

We would be pleased to provide further advice in this respect if requested.

11 Energy Performance Certificates

The majority of the UK building stock predates the current concerns regarding climate change and use of renewable resources. Nevertheless, sustainability in construction is considered to be an area that is becoming increasingly important in the life cycle, from inception to demolition, of commercial property.

In April of 2008 the requirement for Energy Performance Certificates (EPCs) will be extended to commercial property in England and Wales. The requirement for certification was introduced in 2007 to comply with the EU Energy Performance of Buildings Directive 2002/92/EC, and is undergoing phased implementation through to 2011.

For England and Wales the certification will in the first instance be required in the case of sale or letting of all new or refurbished commercial buildings, and for existing commercial buildings over 10,000m². From October 2008 the requirement will extend to all commercial property in England and Wales.

The certificates will include a rating system from A to G, with the A rating signifying the best performance and, unlike their residential counterparts, will be valid for ten years. Advisory reports will be included as to how improvements can be made to the property, and hence its rating. Importantly, the certificates will remain valid on transfer of ownership, so there will not be an automatic requirement to renew the certificate within the ten year period.

The property is under 2,500m², and will require an EPC by October 2008.

In January 2009 the Directive requires air conditioning systems larger than 12kW to undergo inspection, the requirement being extended to all air conditioning systems by January 2011 for all UK regions.

We have been unable to confirm the size of the building air conditioning system and this will need to be confirmed by the vendor. It is possible the building air conditioning system is above 12kW and will require inspection by January 2009. Thereafter the system will require inspection every five years, or within three months of a change of ownership should a certificate not be transferred with that ownership.

In addition to the above an Advisory Report will need to be prepared for the property, indicating areas of potential improvement with regards energy efficiency.

Enforcement of the system will fall to local weights and measures authorities (whose duties, and powers are enshrined within the Directive), and includes financial penalties.

Preparation of Energy Certificates and advisory reports requires specialist training and accreditation and is beyond the scope of this report. We will be pleased to provide further advice in this respect if requested.

12 Further enquiries and investigations

12.1 Legal

We consider that you should bring to the attention of your solicitors and agents for further consideration and investigation the following legal issues.

- 1 Confirm exact site boundaries.
- 2 Confirm access rights and repairing obligations in respect of the un-adopted side roadway.
- 3 Confirm details of tenants' leasehold provisions and in particular repairing obligations and service charge provisions.
- 4 Confirm details of the property listing.
- 5 Confirm details of the local conservation area.

12.2 Technical

We consider that the following technical issues require further consideration and investigation.

- 1 Undertake concrete testing.
- 2 Undertake further structural investigations with regards to required remedial works.
- 3 Confirm whether the composite cladding panels have been utilised in the production facility roof construction, and the type of core material if this is the case.

13 Conclusions and recommendations

13.1 Summary of report

This property is a former mill site currently utilised as a mix of manufacturing and office units.

The materials and forms of construction employed in the building have resulted in a property characteristically requiring medium levels of maintenance.

Whilst we have noted defects in the superstructure of the property such as fractures, deformations, and distortions, these do not appear to be associated with failure of the foundation, but rather with inadequate tying in of walling with the internal structure.

The major defects noted and principal concerns pertaining to this property are highlighted in Section 3 of this report

Regarding deleterious materials (Section 4 of this report) we believe that asbestos is present within the property. It is also possible that composite cladding material and lead-based paint systems are present. The property includes pre-cast concrete elements that may include deleterious admixtures. General further investigation with regards to deleterious materials is considered to be warranted in this instance.

We have Identified failures in compliance with legislation and we would refer you to Section 5 of this report, which identifies issues of concern.

To summarise our comments in Section 6, we do consider that further environmental inspections should be undertaken in relation to land contamination.

In Section 9 of this report, we identify repair, maintenance and health and safety work required to the structure and fabric of the property at a total approximate cost of £1,073,500.00, excluding VAT, fees and other factors.

With regards to energy performance certificates you need to confirm the exact size of the property in order to determine when it is likely that an energy performance certificate will be required, though we anticipate that the requirement will not come into effect until October.

We have recommended in Section 12 of this report that you make certain further enquiries and consider further investigations.

13.2 Recommendations

We recognise that your decision to proceed with this acquisition is dependent on professional advice from a number of sources and not just our comments alone. From a Building Surveyor's, and Structural Engineer's viewpoint, we have noted a number of significant coat items and advice you to carefully consider and reflect on all points within this report, and that of your other specialist, before proceeding with the transaction proposed.

Photographs



1. Roof to building 3



2. Patch repair to junction of building 4 and 16



3. Example of decay to stone roof coverings



4. Corrosion to steel roofing



5. Overview of roof to building 4



6. Roofs to buildings 12/13



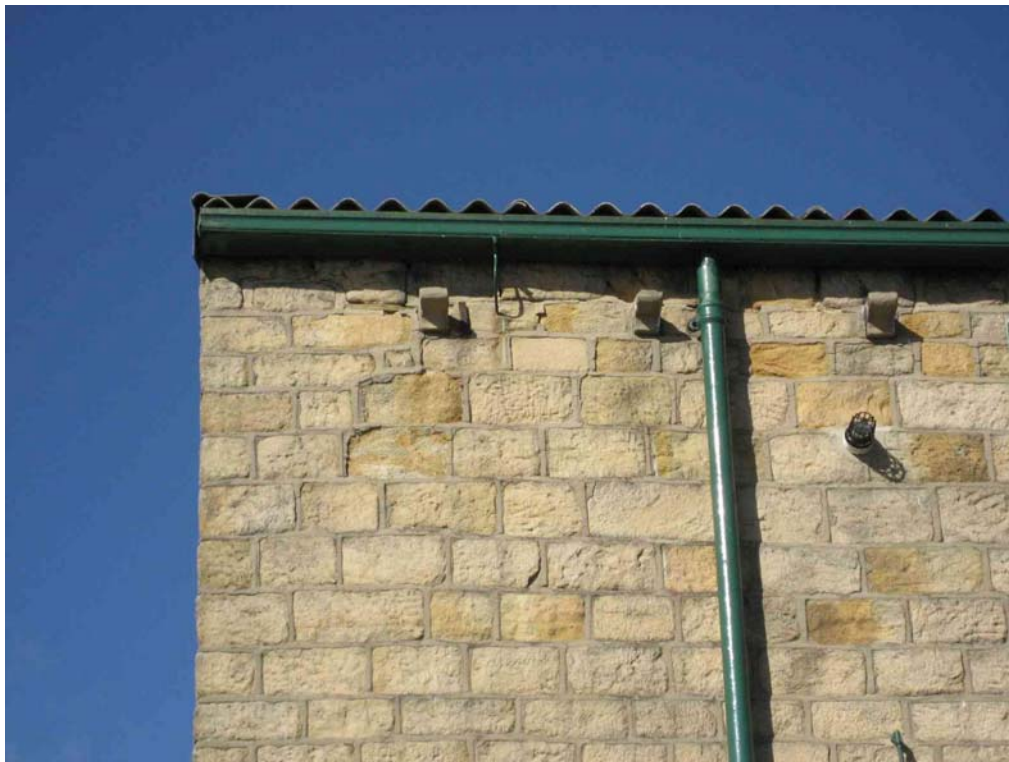
7. Rear of garages



8. Roof to sub-station



9. Spalling and corrosion to exposed pre-cast concrete units



10. Example of erosion of stone



11. Example of cracking



12. Example of cracking to elevation



13. Example of spalling



14. Corrosion to cladding



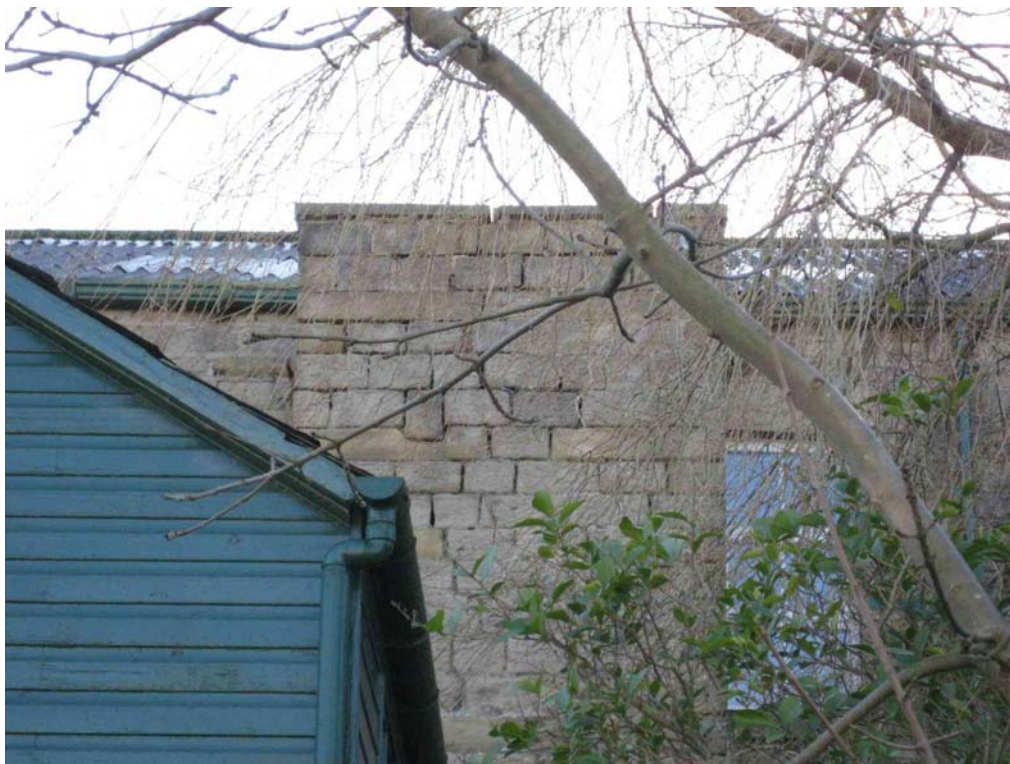
15. Historic crack to building 3



16. Missing stone



17. Example of cracking



18. Open joints to corner of building 14



19. Cracking to building 12



20. Leaning retaining wall to production area



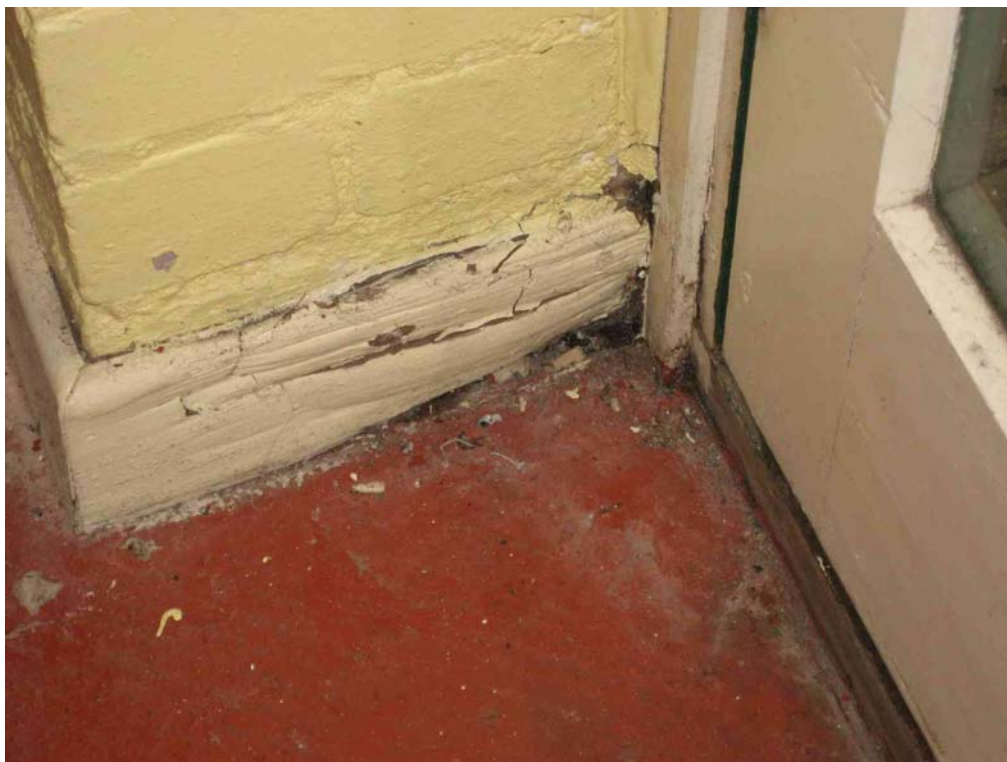
21. Balustrading to estate office stair



22. Soffit to production area roof



23. Covers to pit in production area



24. Rot to building 8



25. Evidence of wood boring beetle attack to building 13



26. Sump to basement building 13



27. Example of internal cracking

Appendix 1

Limitations applying to our professional service

The Limitations applicable to our work have already been confirmed to you. These Limitations are repeated on the pages that follow.

Appendix 2

Deleterious and problematic materials

Since the early 1980s the property and construction industry has evolved and adopted a list of materials, which, for one reason or another, have been labelled deleterious and/or hazardous to health and safety. Some of these materials only become deleterious and hazardous due to the particular circumstances of their use and are not inherently deleterious or hazardous in themselves.

Materials that have been branded “deleterious” have usually been so classed because they either:

- (a) pose a direct risk to the health and safety of persons occupying or visiting a particular property (e.g. asbestos) or
- (b) can be detrimental to the structural performance of a building (e.g. High Alumina Cement in concrete) or
- (c) are generally perceived by the property investment market as undesirable features of a building, which can affect the liquidity of the property concerned (e.g. calcium silicate bricks) or, in the case of composite panels, its insurability.

Some deleterious materials might fall into more than one of the forgoing three categories above.

Few of the deleterious materials given below can be detected with the naked eye alone. Often sampling and testing of a component or element is required to confirm the presence, or absence of a material. The materials marked with an asterisk below are, in general, those materials that require sampling and testing to establish their existence with certainty.

At present, the list of deleterious and problematic materials comprises the following:

- Composite cladding panels to roofs and walls.
- Nickel sulphide inclusions in toughened glazing
- High Alumina Cement (HAC) when used in load-bearing concrete components and elements.*
- Chloride additives when used in pre-cast or in situ cast concrete.*
- Calcium silicate bricks or tiles (also known as sand/lime or flint/lime bricks).
- Mundic blocks and Mundic concrete.
- Woodwool slabs when used as permanent shuttering to in situ cast structural concrete.
- Lead-based paint used in locations that could result in the ingestion, inhalation or absorption of the material.*

- Lead used for drinking water pipework except when used as solder to pipe fittings.
- Sea dredged aggregates or other aggregates for use in reinforced concrete which do not comply with British Standard 882: 1992 and aggregates for use in concrete which do not comply with the provisions of British Standard Specification 8110: 1985.*
- Asbestos in any raw form or asbestos-based products.*
- Manmade mineral fibres in materials when these fibres are loose and have a diameter of 3 microns or less and a length of between 5 and 100 microns.*
- Urea Formaldehyde foam in large quantities used, in particular, as cavity insulation (due to vapours released from the foam).

Appendix 3

Schedule of documents reviewed

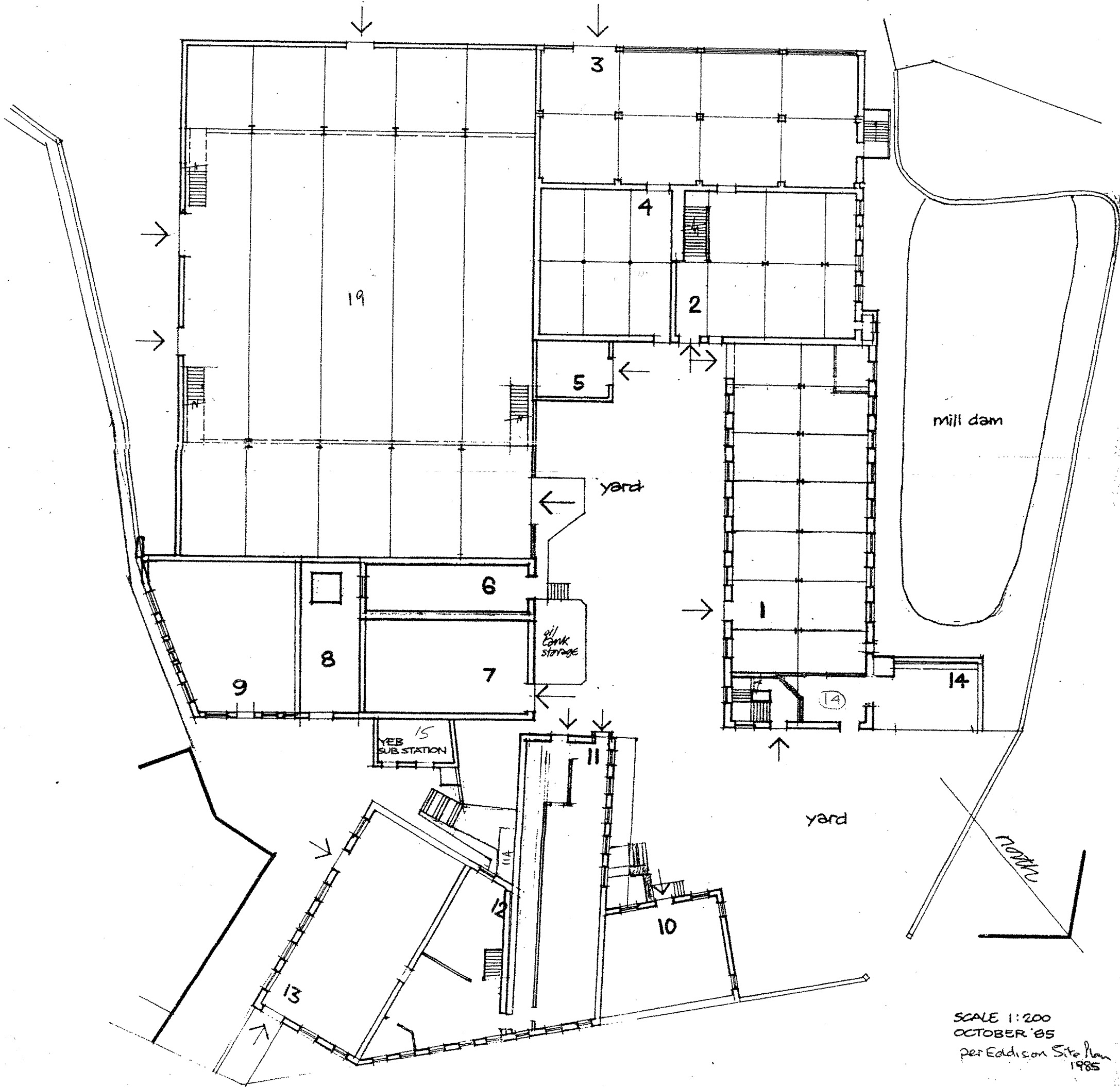
Watts Group PLC reviewed the documents identified in the schedule below in the course of preparing this report.

Type of document	Detail nature of document	Location
Asbestos Survey	Asbestos report prepared by Hutchinson Asbestos Removal	On site
Fire certificates	West Yorkshire fire service fire certificates	On site.

Appendix 4

Plans

JOHN PEEL AND SON LTD. BAILDON MILLS. BAILDON : Survey of existing premises



SCALE 1:200
OCTOBER '85
per Edison Site Plan
1985

NO.	AREA	USE	TENANCIES
1	3 FLOORS @ 275m ²	warehouse	
2	3 FLOORS @ 138m ²	warehouse	
3	3 FLOORS @ 250m ²	warehouse/works/laboratory	
4	2 FLOORS @ 108m ²	works/dyehouse	
5	1 FLOOR @	

common floor levels {

Appendix 5

Access report

Access overview report

Relating to:

Baildon Mills

Northgate

Baildon

ShIPLEY

West Yorkshire

BD17 6JY

United Kingdom

Report date: 14 march 2008

Project preface

Client name: The Co-operative Group

Client address: PO Box 53
New Century House
Manchester
M60 4ES

Supervising Director: Ian Ford

Prepared at: 60 Fountain Street
Manchester
M2 2FE

Document prepared by: Ian Laurie

Job reference: ITF/INL/JW/106775

Reviewed by: Paul Fernley



**Identification photograph
View of front elevation from Northgate**

Executive summary

It should be noted that it is the service provision and NOT the buildings that need to comply with the requirements of the DDA. Our findings and recommendations are based on current occupation and significant change in site usage may result in alterations to the recommendations.

Generally the site has not been adapted to modern accessible standards and there are a number of significant items where review is considered to be appropriate:

1. There is a lack of designated accessible parking.
2. There are various steps and stairs to negotiate
3. There is no assisted access to upper levels.
4. There is no accessible emergency egress provision.

The total cost of improvement works identified is £59,000.00, excluding VAT and fees. This figure will vary significantly depending on the standard of specification. As the building is multi-tenanted, you may constitute a "service provider" under the Disability Discrimination Act 1995 in respect of common parts.

Following your assimilation of this audit, it will be necessary to develop a plan to address our findings and recommendations and, in particular, to consider priorities further. This plan should be integrated with redevelopment proposals for the site and the asset management plan. The access issues identified within this audit report will need to be addressed, taking account of those factors likely to be used in determining the relative reasonableness of undertaking any physical adjustments to the property or implementing management procedures. Typically, these factors include:

1. Available resources - financial and staffing;
2. Impact on other building users;
3. Impact on the operation of your business;
4. Impact on the viability of your business;
5. The practicality of addressing them;
6. Resources already spent on making access improvements.

The extent of improvements will also depend upon the use of the building, exact extent of tenant and landlord responsibilities and the needs of its users, which may result in some observations not being relevant.

A range of options should be considered. If any of these prove to be not economically viable, and the decision making process is recorded to demonstrate this, it will be difficult for a disabled claimant to demonstrate that you have not acted reasonably.

Any actions that have been taken to improve access should be recorded and can be used to support your defence of any claim for discrimination.

It should be noted that access improvements are likely to make the property more attractive to occupying tenants, all of whom have duties as employers under the DDA 1995 and possibly also as service providers.

N.B. This Summary highlights the main points only of our report. You are advised to read our report in full for a detailed understanding of our findings, opinions and advice.

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C Implementation of access improvement works	
D Reference material and further reading	

1 Introduction

1.1 Instruction and brief

This Access Audit report Overview report has been prepared for Baildon Mill, Northgate, Baildon, BD17 6JY. The audit report was undertaken by Ian Laurie BSc MRICS and Daryl Skelton BSc (Hons) MRICS on Monday 3rd March 2008. The property was generally occupied at the time of audit.

Preparation of the report was instructed by Mr Harry Lee of Co-operative Group and has been carried out in accordance with the standing agreement between Watts Group Plc and Co-operative Group.

This Access Audit report is based on inspection of the following physical parts and areas of the property 3:

- All areas

We understand that this audit report is required in connection with acquisition of the property for investment and redevelopment purposes and not for direct occupation. The purpose of this audit report is to identify and report upon access issues for disabled users of the property.

1.2 Disability Discrimination Legislation

Details of the legislation and duties placed on employers and service providers are given in Appendix B.

1.3 Terminology used in this audit

Given below is the meaning of certain terms and abbreviations used in this audit.

“DDA” means Disability Discrimination Act 1995

“Instigator” means the person, or persons, responsible under the DDA for considering discrimination issues and for deciding on any changes required to working practices or physical adjustments required to buildings and property. In multi-tenanted properties this responsibility can fall upon landlords as well as occupying tenants

“Access Policy” means a written document setting out a building occupiers managerial approach to avoiding discrimination against disabled people.

“Access Plan” means a written document setting out the approach for considering and planning access improvements identified within the Access Audit report. This is effectively a plan setting out the proposed strategy for improving access.

1.4 Methodology and report format

This audit report is based on a visual inspection of the property on foot.

Our inspection and reporting has been carried out against a comprehensive checklist of issues derived from:

- BS8300:2001; Design of buildings and their approaches to meet the needs of disabled people - Code of Practice
- Approved Document 'M' of the Building Regulations 2004, and
- Current best practice and guidance

Our findings and recommendations are presented in the form of a table and comprise section 5 of this audit report. In the table we detail the particular area and item of concern, our comments on this item, our recommendations, budget costs to provide an indicative value of works required, a category rating together with photograph and drawing references where applicable.

Our audit report prioritises our recommendations in accordance with the criteria explained in section 3.

1.5 Implementation of recommendations

This audit report focuses, primarily, on potential shortcomings in the physical features of the property and the adjustments required to alleviate the shortcoming. Whilst we are not familiar with the individual building occupier's management practices and procedures, or the service delivery systems, we believe some of the issues that we have identified might be addressed by adjusting management practices and procedures, or the service delivery systems, rather than by physical adjustments to the building. We have suggested some adjustments to management procedures in section 5 of this audit report, but these will need further consideration by the instigator.

We have made an initial assessment of, and recommendations for, improvements required to reduce the potential liability of both you and the building occupiers under the DDA 1995. When further prioritising implementation of our recommendations, the priorities we suggest in this audit report will need to be reviewed by the instigator. The instigator will need to consider:

- reasonableness of cost (which might be negligible if new management procedures can be adopted or existing procedures altered)
- how areas of the building are being used and by whom.
- how any changes in use of the premises will be affected by duties under the DDA 1995

As a part of implementing our recommendations, the preparation of an Access Plan should be considered and developed to address the delivery of accessible services and the associated management issues.

Duties to effect adjustments to the property, or to alter management procedures and practices, will require reconsideration, if use of the property changes.

1.6 Limitations

1.6.1 Compliance with legislation

Watts Group PLC have used their best endeavours when providing advice to enable the instigator, to minimise their exposure to claims of discrimination under the DDA.

The DDA does not prescribe a detailed set of requirements, which, if satisfied, enable the avoidance of liability for discrimination. Furthermore, the DDA does not contain any certification procedures. Consequently, compliance with the DDA cannot be guaranteed and it should be noted that a property cannot be certified as being "DDA Compliant".

While the advice provided in this audit report does not offer immunity from litigation under the DDA, it will demonstrate, that the instigator has taken reasonable measures to discharge their obligations under the DDA by commissioning a specialist report. This is even more the case, if recommendations in this audit report are implemented.

1.6.2 Evolving law

Please note that application in the real world of the provisions of the DDA is complex. The legislation has already been substantially amended from its original form approved by Parliament in 1995 including the introduction of the DDA 2005 and various associated regulations and codes of practice. You would therefore be advised to keep up to date with the changes in the legislation and you may also wish to speak further with your solicitors in respect of interpretation of the law.

Case law concerning the application of the DDA 1995 is not yet well developed.

1.6.3 Existing disabled employees

It should be noted that this Access Audit report does not take account of the specific needs of any existing disabled employees and accordingly; these needs should be addressed separately.

1.6.4 Purpose of audit

Please note that this audit report specifically concerns the existing disability discrimination legislation and the related access issues associated with buildings and property generally. While there is an element of overlap between access issues and general health and safety issues, it must be appreciated that this audit report is not a Health and Safety Audit, nor a Fire Risk Assessment.

If health and safety or fire risk issues are of concern, we recommend that separate inspections and reports are commissioned.

1.6.5 Exclusion of third parties

Our inspection of the property and production of this audit report has been undertaken for Co-Operative Group and should not be relied upon by any third parties.

2 General description of property

The property is a purpose-built mill facility with large areas of the site having been converted into starter units for small businesses.

Original construction probably dates from Victorian times, whilst the current production facility we understand dates from the 1980's. Alterations to form individual business units appear to have been undertaken from the 1980's onwards.

The property is located off Northgate within the town centre of Baildon, and is surrounded by properties in mix commercial and residential usage

The front elevation of the site is assumed to face east and other parts of the property take their compass reference from this orientation.

Where the terms "right hand" or "left hand" are used, they assume that the reader is facing the element being described.

3 Categorization of recommendations

Consideration should be given to the execution of all recommendations in order to provide accessible facilities and to minimise existing and prospective occupiers exposure to claims of discrimination against employees and service users alike.

Our recommendations have, however, been categorised using the designations and criteria in the table below.

Category	Description of issue
"A"	A potential deficiency associated with health and safety, which requires immediate, or urgent, attention to eliminate a severe barrier, or a health and safety hazard, to disabled people. The issue concerned, if of a health and safety nature, might also be relevant to non-disabled persons.
"B"	A potential deficiency in respect of which a landlord might be liable as a "service provider" under the DDA 1995.
"C"	A potential deficiency in common parts in respect of which a landlord might be found liable but which could be more appropriately addressed as part of a more comprehensive refurbishment scheme or maintenance works.
"D"	A potential deficiency in respect of which a tenant might be found liable as a "service provider" under the DDA 1995 and which might therefore give rise to anticipatory duties to avoid discrimination, or a potential deficiency requiring attention to meet the needs of an existing or potential employee under Part 2 of the DDA 1995.
"E"	A potential deficiency that might be more appropriately addressed by implementing a new, or modifying an existing, management procedure or policy, rather than carrying out physical adjustments or alterations.

We have categorised items based upon our understanding of the current use of the property. Categories given in respect of potential deficiencies provide a general indication only and may, therefore, require further consideration by the instigator. Some further checking may be required to establish whether earlier consideration may be required, dependent upon use of the area. An illustration on the use of category ratings within the report table is shown below:

C - Category C alone is generally applicable

C/D - Both category C and D are applicable or, consideration should be given to carrying out works under both categories

4 Summary of approximate costs

The total approximate cost of implementing our recommendations is **£59,000.00** plus VAT and fees.

This figure is compiled as follows:

- Category A items sub-total: £6,000.00 plus VAT and fees
- Category B items sub-total: £25,000.00 plus VAT and fees
- Category C items sub-total: £15,500.00 plus VAT and fees
- Category D items sub-total: £6,500.00 plus VAT and fees
- Category E items sub-total: £6,000.00 plus VAT and fees

Please note that the total approximate cost includes all costed categorised items. Recommended items of work will require further consideration and prioritisation on the basis of the benefit that they will bring to disabled users, the building maintenance and development plan and the available financial resource of the instigator. The instigator will need to establish the reasonableness or otherwise of implementing the recommended works, (see also Appendix C).

With regard to all approximate cost figures given in this audit, please note that the costings:

1. include allowances for preliminaries, main contractor's overhead costs and profit
2. are based on approximate quantities estimated from the visual inspection we carried out on the day of our inspection and are not based on detailed measurements
3. have not been corroborated by tenders from the marketplace and it should be noted that market conditions and tender factors could produce figures that might differ from those given in this audit
4. have been prepared on the basis of general rates prevailing in the marketplace at present and are exclusive of:

Financing charges, if any
Value added tax
Professional fees
Statutory fees

5. assume that all building work will be undertaken to similar details and using materials similar to those existing
6. assume each item of work will be carried out under separate building contracts with appropriate contractors at different times. It should be noted however that, if some works are carried out together under a single building contract, certain savings might accrue due to economies of scale

5 Audit and recommendations

The tabular report below contains a drawing reference column to assist your cross-referencing. It should be noted that it is the service provision and NOT the buildings that need to comply with the requirements on the DDA. Our findings and recommendations are based on current occupation, with an allowance for you intended future alterations, and significant change in site usage may result in alterations to the recommendations.

External Areas								
Ref No.	Item	Comment	Recommendations	Cost (£,000s)	Category	Photo	Drg Ref No.	Misc.
Site Approach								
1	Site approach	The site sloping and approaches generally are at significant gradients. Wheelchair and semi-ambulant access may prove difficult.	Ensure suitable accessible parking bays are provided.	1.0	E	1		
2	Parking provision.	At the time of inspection no accessible parking bays were provided to the property.	Provide accessible parking bays	inc	C	3		
2.1		Further car park areas were generally over utilised and manoeuvring is difficult.	Ensure adequate turning areas are marked out and policed.	inc	C	3		
2.2		Parking obstructs the majority of entrance doors positions.	Revise parking provision to ensure entrances are free from obstruction.	-	B			
2.3		Surfacing to main parking area and paths leading from the same is not consolidated.	Consider provision of appropriate surfacing. Cost included in main report	inc	B	12		
2.4		Path from main parking area unsuitable for persons with limited mobility. Restricted width makes path unsuitable for wheelchair users	Insufficient room to widen path. Consider provision of alternative pathway.	inc	B	11		
3	Transition lighting	No transition lighting provided. Limited general estate lighting provision.	Provide appropriate estate and transition lighting.	10.0	B	5		
4	Site circulation	The property is on a sloping site with various changes in level. In particular steps are provided outside of building 13.	Consider provision of ramp in place of steps.	4.0	E	10		

External Areas								
Ref No.	Item	Comment	Recommendations	Cost (£,000s)	Category	Photo	Drg Ref No.	Misc.
4.1		Handrails and balustrading to the steps are not to accessible standards.	If steps to be retained renew handrail and balustrading with accessible standard installation.		A	9		
5	Building approaches	Accesses to buildings 3 (lower floor to the west), 6, 7, 10, 12, 13, and 16, are via steps and are unsuitable for wheelchair users. The steps may also prove difficult for semi-ambulant user	Consider provision of ramps to some areas. To other areas provision of ramps is not considered feasible and service provision will need to account for this. Provisional allowance.	15.0	B			
5.1		A number of entrances include small thresholds or steps that may prove difficult to negotiate for wheelchair users or the semi-ambulant.	Consider re-levelling of thresholds.	6.0	D			
5.2		Timber doors in particular were found to be difficult to open, both due to weight and the presence of a variety of ironmongery.	Simplification of latches together with provision of accessible standard ironmongery should be considered. In addition you may wish to consider provision of assisted opening devices.	5.0	C			
5.3		Intercom systems were present or inappropriately sited for wheelchair users. Call buttons inappropriate for those with limited dexterity.	Re-site and replace intercom call points.	0.5	D			

Internal Areas								
Ref No.	Item	Comment	Recommendations	Cost £	Category	Photo	Drg Ref No.	Misc.
1	Circulation.	Access to the upper floors is via steps with no assisted provision.	Consider requirement for lifts of other forms of assisted access to upper floors. Included in main report	inc	C			
1.1		Good contrast in colour schemes noted.	Ensure colour schemes retain contrast.					

Internal Areas								
Ref No.	Item	Comment	Recommendations	Cost £	Category	Photo	Drg Ref No.	Misc.
1.2		Corridors are not provided with slip resistant surfacing.	Consider provision of slip resistant surfacing to corridors at next refurbishment. Appropriate warning signs to be utilised in interim. Cost excluded		A			
1.3		Corridors to building one of appropriate width to allow wheelchair circulation.	Maintain corridor widths during redevelopment proposals.					
1.4		Sliding fire doors inappropriate for an accessible environment.	Hinged fire doors or appropriate width should be provided in place of sliding doors.	1.0	A			
1.5		Handrails and balustrading to the steps are not to accessible standards.	If steps to be retained renew handrail and balustrading with accessible standard installation.	2.0	A			
2	Lighting	Lighting levels vary with usage, with strong shadows cast to some areas.	Ensure lighting to circulation routes does not provide glare or strong shadows.	1.0	C			
2.1		Light switches are not generally well positioned for wheelchair users. Switch mechanisms in parts not suitable for those with limited dexterity.	Relocate and renew light switches during alteration works.	6.0	C			
3	Wayfinding	No tactile or audio wayfinding present.	Consider provision of tactile wayfinding in particular to stair positions.	1.5	C			
4	Room access	Door widths whilst generally acceptable would benefit from widening.	Widen entrance doors. Cost included in threshold works above.	inc	C			
4.1		Doors and door closers appear to be of appropriate weight.						
4.2		Ironmongery not generally to accessible standards and locking mechanisms inappropriately sited.	Renew ironmongery to accessible standards.	2.0	C			
5	Emergency egress	No assisted egress mechanisms (such as 'Evac' chairs) or refuge points.	Use of evacuation chairs requires specialist training, consider provision of evacuation chairs only if on site management staff available to use. Alternatively form/designate refuge points.	3.0	A			

Internal Areas								
Ref No.	Item	Comment	Recommendations	Cost £	Category	Photo	Drg Ref No.	Misc.
5.1		No tactile exit signage.	Include tactile fire exit signage. Included in main report.		E			
5.2		Lacking highlighting to stair nosings.	Provide suitable contrasting nosings. Included in main report.		A			
5.3		Audible warning only to fire alarm system.	Consider provision of warning beacons or vibrating alerts to fire alarm as appropriate.	1.0	E			
6	Facilities	The site is not provided with accessible toilet or staff facilities.	Consideration will need to be given to future inclusion of appropriate facilities. Cost excluded.		C			
7	Power	Socket positions are not suitably placed for wheelchair users.	Consider Relocating outlet positions. Included under 2.1	inc	C			

Total	59.0
-------	------

Note: costs shown are intended to be for guidance only. Exact costs will vary significantly depending on the specification of works.

6 Conclusion and recommendations

Overall limited consideration has been given to accessibility matters on the site at the present time. It should be remembered however that it is the service provision and NOT the buildings that need to comply with the requirements of the DDA. At the time of our inspection tenants did not report any access difficulties and as such our recommendations are for consideration only.

We understand you intend to redevelop the site and during the design phase appropriate consideration will need to be given to accessibility alterations.

It should be appreciated that this audit report is effectively the start of a process of analysis and action focused on generally improving accessibility and also avoiding discrimination against disabled persons.

The parties holding duties under the legislation will next need to consider the development of an Access Plan in order to set a strategy for maximising, to a subjectively reasonable level, the accessibility of a property over a subjectively reasonable period of time.

We recognise that you are acquiring this property for investment, and not for occupation. Notwithstanding this, we believe that you are likely to have a direct duty, as a "service provider" under the DDA 1995, to consider our findings and recommendations in respect of the following items:

- Access to entrances.
- Access to upper floors.
- Wayfinding.
- Emergency egress
- Sanitary and staff facilities.

The total approximate cost of implementing works to deal with the issues indicated above is £59,000.00. You should review the service charge provisions of the various occupational leases granted on this property to establish whether the cost of implementing the works indicated above can be recovered from the tenants.

In respect of the remaining findings and recommendations in this audit, we believe that these fall to the individual tenants to consider and, if appropriate address. Both you, as landlord, and the occupying tenants might therefore constitute instigators of different items of work.

The decision to implement each of our recommendations will be reliant on consideration of all relevant factors to determine the reasonableness, or otherwise, of such implementation. Relevant factors for you to consider in connection with the works indicated above will include:

1. Available resources- financial and staffing;
2. Impact on other building users;
3. Impact on the operation of your business;

4. Impact on the viability of your business;
5. The practicality of addressing them;
6. Resources already spent on making access improvements.

Similar considerations will apply to your individual tenants to the extent that we have recommended works to their demised property.

The instigator, whether this be you or your tenant(s), might also wish to implement recommendations that go beyond the test of reasonableness in order to meet specific needs of individuals.

The instigator should review the recommendations, taking account of programmes of planned maintenance and refurbishment works proposed. It might be possible to modify the proposed maintenance or refurbishment works in a way that enables recommendations to be implemented at no, or relatively little, extra cost. Items such as changes in the use of colour have generally not being costed and should be undertaken during any proposed maintenance and refurbishment work.

Although the report, and indeed the costings may appear daunting, the recommended items of work should be carefully considered and prioritised on the basis of the benefit that they will bring to disabled property users and visitors. Similarly, other items identified within the audit report can be undertaken as part of an on-going maintenance plan. Improving the accessibility of the site does not necessarily need to be a costly burden.

In conclusion, we would recommend that the instigator(s) review the contents of this report to ensure that issues identified are considered and implemented according to duties under the Disability Discrimination Act 1995.

The requirements arising out of the DDA 1995 are subject to the subjective test of "reasonableness". There is currently, limited legal interpretation on the issue of reasonableness. It is expected that with the full provisions of Part 3 of the DDA now in force (from October 2004) the courts will provide further interpretation through case law of "reasonableness".

It is for a duty holder to demonstrate the reasonableness of their actions (or indeed inactions) and factors such as cost, practicability, relative benefit and the like are all relevant factors to take into consideration.

Appendix A

Photographic schedule



1. Access to main car park



2. View showing slope



3. Example of parking



4. Access road to side



5. Example of strong external shadows



6. Access to management office



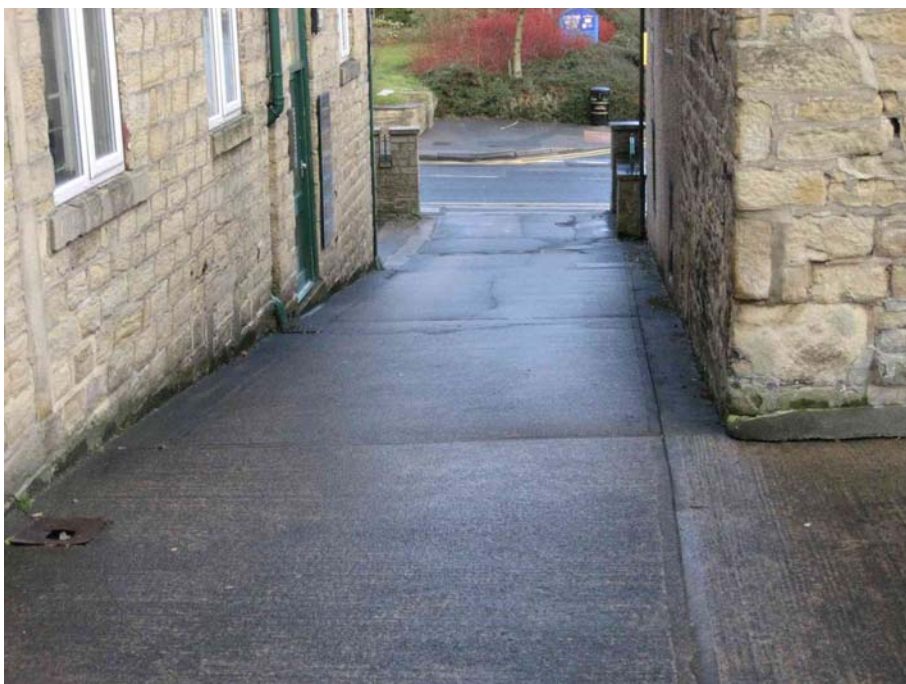
7. Example of PVCu entrance door



8. Further example of entrance



9. Steps by building 12



10. Further view showing sloping to site



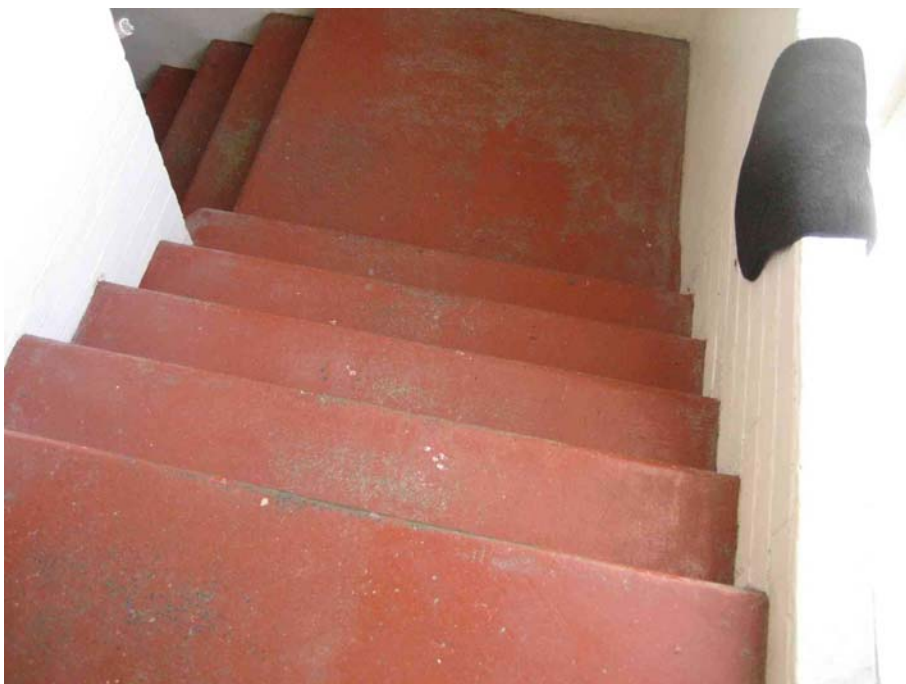
11. Access path to rear building 3



12. Main car park



13. Example of corridor



14. Lack of highlighting to steps



15. Shallow step to stairs to building 1



16. Example of staff facilities

Appendix B

The Disability Discrimination Act 1995 – An overview

The Disability Discrimination Act 1995

The purpose of the Disability Discrimination Act 1995 is to address the needs of disabled people, where previously very little consideration has been given. This is not just about carrying out alterations to buildings but affects many other aspects and issues that impact upon disabled users in their everyday life, whether in the workplace, the local shops, leisure facilities or even going on holiday. The DDA drives a new and much greater focus on disability, striving towards achieving inclusion and eliminating discrimination that unfortunately is still prevalent in today's society.

The DDA gives new rights to those with disabilities to ensure that they are not discriminated against because of their disability. The DDA is far-reaching and with the subsequent Disability Discrimination Act 2005 will extend this further still.

Furthermore, legislation covering human rights (The Human Rights Act 1998 (HRA)) and equal opportunities places further requirements on the need to address the needs of disabled people and provide accessible environments. However, it must be noted that the HRA cannot be directly enforced against the private sector.

The Disability Discrimination Act 1995

The Disability Discrimination Act 1995 places duties on service providers and Employers to remove barriers to disabled people by taking reasonable steps to make changes to policy, practice, procedure, by providing auxiliary services or aid and to alter physical features of buildings. The purpose of the Act is to prevent Discrimination against disabled people. Disabled people should not be treated less favourably in connection with employment, the provision of goods, facilities or services to the public or by those selling, letting or managing premises. The DDA 2005 places additional duties on public authorities and also now includes private clubs.

Territorial coverage of the DDA

The DDA 1995 applies to England, Wales, Scotland and (with modifications) Northern Ireland. The DDA 2005 extends to Great Britain only with the exception of section 9 ("blue badge" parking provisions). The 2005 Act does not extend to Northern Ireland since disability discrimination and transport are classed as "transferred matters" under the Northern Ireland Act 1998.

The provisions on rights for disabled people in education extend to England, Wales and Scotland although there is no duty to produce an accessibility strategy or plan in Scotland. The education provisions (SENDA) do not extend to Northern Ireland.

Compliance with the duties of the Disability Discrimination Act

The DDA and associated codes of practice do not require any physical alterations or set any standards for the level of access to be provided. Employers and service providers are required to take reasonable actions to avoid discriminating against disabled people. This will invariably (but not necessarily) will involve physical alterations.

An access audit report is the first stage in identifying barriers to disabled people and assisting the client in deciding what action to take.

The client responsibility as an employer or provider of goods, facilities and services is to consider the identified access issues and recommendations in the audit report and plan to make reasonable adjustments.

The DDA and the Building Regulations

Where a physical feature of a building is covered by Approved Document M of the Building Regulations, if that feature conforms or is deemed to conform to the requirements of the edition current at the time of approval or installation, a 10-year exemption applies to that specific feature from the date of installation or construction, usually 'practical completion'. This exemption applies to service providers only. Furthermore, this only applies to works that comply with the objectives, design considerations and provisions of the then current edition of Approved Document M. It also used to apply to the employment provisions of the DDA although on 1 October 2004 the Building Regulation exemption was removed from the Part 2 (Employment provisions) of the DDA.

In addition to the above, it is important to remember that the service provider still has to consider avoiding the feature or providing the service in some other way during that 10 year period if the feature is causing unreasonable difficulties.

It is important to recognise that Approved Document M does not cover all aspects of access for disabled people and a feature may have to be altered because part of it, not covered by the Approved Document M, presents a barrier to disabled people. For example, signage, lighting and colour are not covered under the current AD 'M', (at least not in any detail). Therefore, an improvement may be required, for example, where the use of colour does not provide the necessary contrast in colour and luminance.

The DDA and planning legislation

The need to provide access under the duties of the DDA does not remove the need for planning permission and listed building consent for any works to the building or within the curtilage of the building that affect its heritage value.

The listing of a building does not in itself preclude access improvements. Where a solution to improving access conflicts with the need to preserve the heritage value of a property, it would be reasonable to adopt the approach outlined in the English Heritage guidance note, "easy access to historic buildings", when considering improvements.

From 10 August 2006, design and access statements are required to be submitted with all planning applications with the exception of householders, changes of use and engineering and mining operations. These changes have been brought about the Department for Communities and Local Government's (DCLG) Circular 01/06 (DCLG): Guidance on Changes to the Development Control System.

When a planning application is submitted in parallel with an application for listed building consent, a single combined statement is likely to address the requirements of both.

There is also a new duty (as of 10 August 2006) to submit such a statement with any application to a local planning authority for listed building consent. Details of what should be included within the statement can be found within Statutory Instrument 2006 No 1063: The Planning (Applications for Planning Permissions, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006. (This can be downloaded at www.opsi.gov.uk/si/si200610.htm).

Applicants should submit an access statement with their application. This demonstrates a designer's commitment to access to the development control officer, the planning policy team and the planning committee. This will show that access has been considered at the earliest stages of design, rather than as an after thought.

Landlord obligations under the DDA

The DDA 1995 duties have been extended under the DDA 2005 to include a duty to make reasonable adjustments to policies, practices and procedures and to provide auxiliary aids and services, where reasonable to do so. Landlords will therefore have a duty to take reasonable steps to facilitate access for disabled tenants and leaseholders.

The reasonable adjustment duty applies only in relation to let premises or to those that are to be let.

Since December 1996, there has existed a duty on those disposing of and managing premises although this did not include a duty to make reasonable adjustments. This was introduced through the DDA 2005 and from 4 December 2006, Landlords have a duty to make reasonable adjustments in relation to their premises.

The duty to make adjustments in respect of let premises is owed directly to the individual disabled person once certain conditions have been met and only arises when requested by the disabled person. It is not an anticipatory duty. The request for the adjustment does not have to be in writing and furthermore, does not need to refer to the DDA.

Landlords have an obligation under the DDA to change letting terms, where reasonable to do so, to enable a tenant to undertake alterations which ordinarily might not be permitted under the lease.

Note: It is important not to confuse the duties in respect of selling, letting or managing premises with those provisions relating to services to the public.

Legislation

The Disability Discrimination Act 1995

<http://www.legislation.hmso.gov.uk/acts/acts1995/1995050.htm>

Note: Amendments have been introduced through the introduction of the DDA 2005, see also section below on the DDA 2005.

The Disability Discrimination Act 1995 is arranged in the following sections:

- Part 1 – Disability

- Part 2 – Employment (Including Trade Organisations and also from October 2004, Qualifications Bodies)
- Part 3 – Goods, facilities and services
- Part 4 – Education
- Part 5 – Public Transport
- Part 6 – The National Disability Council
- Part 7 – Supplemental
- Part 8 – Miscellaneous

Part 1 – Disability

This defines disability as having *“a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out day-to-day activities.”*

Part 2 Employment, Trade Organisations and Qualifications Bodies

Employment

Employers are not required to make changes in anticipation of employing a disabled person, however the Code of Practice suggests that Employers should take opportunities to make improvements as they arise, e.g., as part of planned maintenance or refurbishment works. In addition, Employers must not unjustifiably discriminate against current employees or job applicants on the grounds of disability, and may have to make reasonable adjustments to their employment arrangements or premises if these substantially disadvantage a disabled person.

The Act gives examples of adjustments that an employer might have to make. Whilst this may include physical adjustments to the premises, this may also include relocating an employee. Reasonable adjustments for example might also include altering a persons working hours, providing additional training or providing specialist equipment. It is not always about making physical adjustments to buildings.

Part 2 of the DDA applies to all employers, although excluding the armed forces.

The employment provisions also include people who are not technically employees whereby a contract of employment does not exist. This includes contract workers, office holders, police officers, partners in firms, barristers and advocates and people undertaking practical work experience for the purposes of vocational training. Others to whom Part 2 of the Act applies are contained within the Code of Practice.

Trade Organisations and Qualifications Bodies

Qualifications Bodies is an alteration to the trade association provisions of the DDA. These have come about as a result of a European Directive on discrimination in employment, which includes disability. These changes are contained in the Disability Discrimination Act 1995 (Amendment) Regulations 2003, which became effective as of October 2004. The legislation can be obtained from www.legislation.hms.gov.uk. The draft Code of Practice

for Trade Organisations and Qualifications Bodies can be obtained from http://www.drc-gb.org/thelaw/new_codes_101004.asp.

Part 3 Goods, facilities and services

Part 3 places duties on service providers. Section 19(2a and 2c) of the Act defines this as “a person is “a provider of services” if he is concerned with the provision, in the United Kingdom, of services to the public or to a section of the public; and it is irrelevant whether a service is provided on payment or without payment”. The introduction of the DDA 2005 has extended these duties to include private clubs and public authority functions.

The introduction of DDA duties on service providers was phased in as follows:

Since 1 October 1999, a service provider has had to take reasonable steps to:

- Change a practice, policy or procedure, which makes it impossible or unreasonably difficult for disabled people to make use of its services;
- Provide an auxiliary aid or service if it would enable (or make it easier for) disabled people to make use of its services;
- Provide a reasonable alternative method of making its services available to disabled people where a physical feature makes it impossible or unreasonably difficult for disabled people to make use of the services

From 1 October 2004, where a physical feature makes it impossible or unreasonably difficult for disabled people to make use of services, a service provider will have to take reasonable steps to:

- Remove the feature; or
- Alter it so that it no longer has that effect; or
- Provide a reasonable means of avoiding it; or
- Provide a reasonable alternative method of making the services available.

It is suggested that where possible these be considered in the order in which they are listed. In the unlikely event that it is not possible to identify reasonable steps to providing the service in any of these ways taking no action would be reasonable.

Physical Features

Physical features include:

- Any feature arising from design or construction of a building on the premises occupied by the service provider.
- Any feature on those premises, or any approach to, exit from or access to such a building.
- Any fixtures, fittings, furnishings, furniture, equipment or materials in or on such premises.

- Any fixtures, fittings, furnishings, furniture, equipment or materials brought on to premises (other than those occupied by the service provider) by or on behalf of the service provider in the course of (and for the purpose of) providing services to the public.
- Any other physical element or quality of land comprised in the premises occupied by the service provider.

Typical building elements covered are steps, stairways, kerbs, exterior surfaces and paving, parking areas, building entrances and exits (including emergency escape routes), internal and external doors, gates, toilet and washing facilities, public facilities (such as telephones, counters or service desks), lighting and ventilation, lifts and escalators, floor coverings, signs, furniture, and temporary or movable items (such as equipment and display racks). This is not an exhaustive list and other elements are also likely to be considered physical features.

“Reasonableness”

What is reasonable is dependent upon the circumstances of a particular case. Reasonable action for one provider may not be so for another. Factors influencing what is reasonable include:

- The type of services being provided;
- The nature of the service provider and its size and resources;
- The effect of the disability on the individual disabled person;
- Whether taking any particular steps would be effective in overcoming the difficulty that disabled people face in accessing the services in question;
- The extent to which it is practicable for the service provider to take the steps;
- The impact on the viability of the business or each unit;
- The financial and other costs of making the adjustment; The extent of any disruption which taking the steps would cause;
- The extent of the service provider’s financial and other resources;
- The amount of any resources already spent on making adjustments;
- The availability of financial or other assistance;
- The impact on the dignity of disabled people;
- The inconvenience caused to disabled people.

The access audit report is the first stage in deciding what action is reasonable for the client to take.

Part 4 Education, as amended by the Special Educational Needs and Disability Act (SENDA)

<http://www.hmso.gov.uk/acts/acts2001/20010010.htm>

Provision of education was excluded from Part 3 of the Disability Discrimination Act (Provision of Goods, Facilities and Services) as the Education Act 1996 made comprehensive educational provision for children with special educational needs, to which LEA's and governing bodies have a duty to comply. However, the Special Educational Needs and Disability Act (SENDA) was given royal ascent on 11 May 2001 and came into force from 1 September 2002. The Act removes the previous exemption of education from the Disability Discrimination Act 1995, ensuring that discrimination against disabled students will be unlawful. The Act is an amendment to the existing DDA 1995 and only protects people defined as "disabled" according to that legislation. This definition is based on an individual's ability to carry out normal "day to day" activities, and so may exclude some students who are usually considered disabled by the support systems within their institutions. Education providers need to be aware of the Learning and Skills Act 2000, as they may need to make different provision for people covered by this legislation.

SENDA (Post 16 duties)

The duties of SENDA are being implemented in three stages:

- The main new sections of the Act came into force on 1 September 2002. These sections make it unlawful to discriminate against disabled people or students by treating them less favourably than others. In addition, they require responsible bodies to provide certain types of reasonable adjustments to provision where disabled students or other disabled people might otherwise be substantially disadvantaged.
- A duty on responsible bodies to make adjustments involving the provision of auxiliary aids and services came into force on 1 September 2003.
- The duty on the responsible body to make adjustments to physical features on premises where these put disabled people or students at a substantial disadvantage is 1 September 2005.

Duties under SENDA applies to Higher Education, Further Education, Adult and Community Education, Schools providing Further Education for adults (but excluding 6th Form) and youth and community services.

SENDA (Schools)

Education forms part 4 of the DDA, as amended by the Special Educational Needs and Disability Act 2001 (SENDA).

Provision of education was excluded from Part 3 of the Disability Discrimination Act (Provision of Goods, Facilities and Services) as the Education Act 1996 made comprehensive educational provision for children with special educational needs, to which LEA's and governing bodies have a duty to comply. However, the Special Educational Needs and Disability Act 2001 (SENDA) was given royal ascent on 11 May 2001 and came into force from 1 September 2002. The Act removes the previous exemption of education from the Disability Discrimination Act 1995, ensuring that discrimination against disabled students will

be unlawful. Separate provision is made for schools, in addition to higher and further education.

The Act is an amendment to the existing DDA 1995 and only protects people defined as 'disabled' according to that legislation. This definition is based on an individual's ability to carry out normal 'day to day' activities, and so may exclude some students who are usually considered disabled by the support systems within their institutions. Education providers need to be aware of the Learning and Skills Act 2000, as they may need to make different provision for people covered by this legislation.

Discrimination occurs either as a result of 'less favourable treatment' or, failing to make a 'reasonable adjustment'.

More recent changes to the education provisions have been made by the Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006 which implement the European Employment Framework Directive in respect of vocational training within the further and higher education sector. These new duties came into force September 2006 and affect further and higher education providers in addition to local education authorities securing higher and further education which includes adult and community education. The new duties also apply to other specific institutions listed in the regulations. The post-16 Code of Practice has been revised to reflect the changes.

Part 5 Public Transport

Part 5 of the Act allows the Government to set access standards for buses, coaches, trains, trams and taxis. Regulations have been introduced by the Government to apply minimum access standards. Part 5 of the DDA applies specifically to the actual means of transport and does not include for example railway stations, ferry terminals, bus stations, airports and the like. This is covered under Part 3 of the Act. The transport provisions apply to all aspects of transport including timetables, booking facilities and waiting rooms.

Part 5 of the DDA applies specifically to the actual means of transport and does not include for example railway stations, ferry terminals, bus stations, airports and the like. This is covered under Part 3 of the Act. Under the Code of Practice, the following example is given; *"A wheelchair user has no protection under Part 3 of the Act if a ferry on which he wishes to travel is not accessible. However, if he is refused service in the buffet bar of the ferry terminal because of his disability, this is likely to be unlawful."*

The Disability Discrimination Act 2005

This is arranged in the following sections:

- Section 1 - Councillors and members of the Greater London Authority
Implementation date: December 2005
- Section 2 - Discrimination by public authorities
Implementation date: 4 December 2006
- Section 3 - Duties of public authorities
Implementation date: 4 December 2006
- Section 4 – Police
Implementation date: 4 December 2006
- Sections 5-9 Transport
Implementation date: June 2006 – revised rail vehicle accessibility regulations come

into force; December 2006 – Extension of Part 3 duties to include all forms of public transport; 2020 – All rail vehicles to be accessible.

- Section 10 – Discriminatory advertisements
Implementation date: December 2005
- Section 11 – Group insurance
Implementation date: December 2005
- Section 12 – Private clubs
Implementation date: December 2005 - (duty to make reasonable adjustments to policies, practices and procedures); December 2006 – (duty to make reasonable adjustments to physical features).
- Section 13 – Discrimination in relation to letting of premises
Implementation date: December 2006
- Section 14 – Power to modify or end small dwellings exemptions
- Section 15 – General qualifications bodies
Implementation date: December 2006
- Section 16 – Improvements to let dwelling houses
- Section 17 - Generalisation of section 56 of the 1995 Act in relation to Part 3 claims.
Implementation date: December 2005
- Section 18 – Meaning of 'disability'
Implementation date: December 2005

Sections 19/20 – Supplementary sections

Appendix C

Implementation of access improvement works

Disability Discrimination Act - implementation

The concept of "reasonableness" is central to the interpretation and implementation of requirements contained in the DDA. What is "reasonable" must be assessed subjectively in each case and will depend on amongst other factors the financial resources available. Thus, it is very difficult to determine what is "reasonable" in the context of a particular employer or service provider without access to full financial and other information about the operation of that employer or service provider. What is reasonable in each circumstance will depend on a largely unique set of factors and a process of assessment. Without going through the process it is possible that sums could be expended unnecessarily.

An audit report identifies the barriers to access; the instigator then has to make a judgment based on available resources. It might not be reasonable for the instigator to address all issues identified in an audit report, but the instigator must decide which works they can afford to do now, which work is not commercially viable and cannot reasonably be done and which work it is possible to do in the future. The instigator should record the reason for their decisions. For example, a building will generate X profit over Y amount of time. If the cost of undertaking the works (or loss of income if lettable area is reduced) would reduce the profit below that considered commercially viable, it is unlikely to be considered reasonable.

The instigator should also consider whether it is likely that an improvement in rental value and marketability will result. It should be noted that accessibility might be a factor in rent reviews.

To inform the process items can be identified as:

- Health and safety issues, these should be regarded as high priority,
- No or low cost issues, which it would be reasonable for the company to do quickly as they do not have major resource implications
- Significant barriers to access for disabled people
- Maintenance issues which can be tackled as part of routine maintenance.
- Items that might be addressed as part of planned refurbishment.
- Structural and high cost items should be investigated so that it can be demonstrated that they have been considered. If technical, operational or economic reasons indicate that it is unreasonable to address them the client should then consider other options such as alternative solutions, or by providing the service in another way.

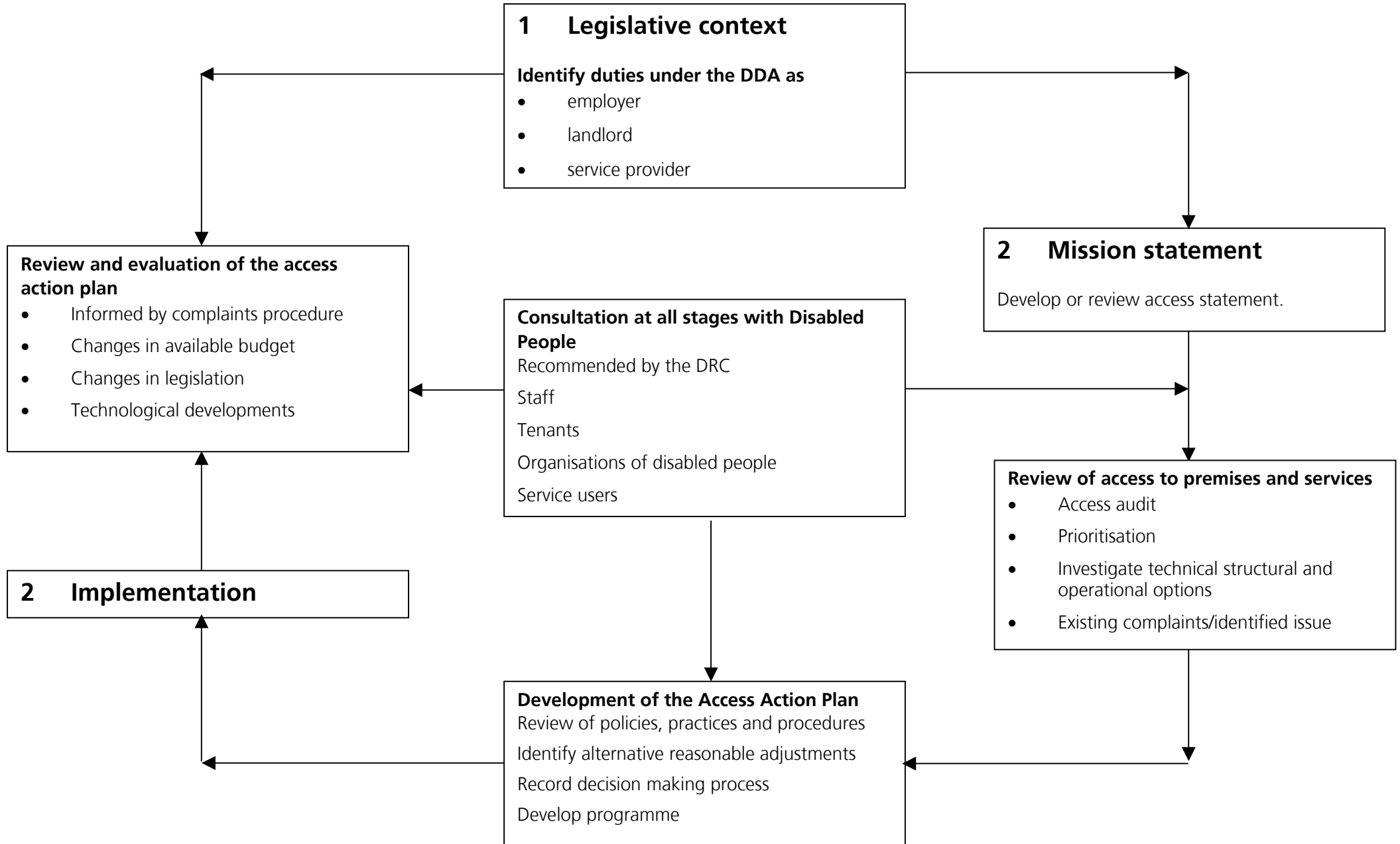
If the options have been investigated, decisions recorded and it is not possible to make an alteration then the instigator is likely to have acted reasonably, particularly, if the instigator can demonstrate that they have carried out a number of other adjustments.

The law does not require the instigator to spend money that would make a property commercially unviable; it asks that they act reasonably. The first step outlined by the DDA is having an audit report carried out to identify barriers to access; this requires comparison against available resources - to develop an action plan and prioritise issues. Instigators need to evaluate decisions made against the access implications, for example, if they redecorate a

building, colour and tone contrast should be considered. It would be advisable to put a complaints system in place and train staff in the requirements of the DDA so the instigator can respond to any barriers causing specific concern and act quickly to resolve issues.

In summary, once an access audit report has been obtained, an instigator should prioritise the issues identified in the access audit work. The instigator also needs to investigate structural, technical and operational issues to identify achievable solutions. An action plan and programme will then need to be produced, a review of policy practice and procedures should be undertaken and programme of staff training should be implemented. The implementation of the action plan should be monitored and reviewed at regular intervals. Consultation with disabled people is recommended by the Disability Rights Commission as part of this process. An effective complaints system should be developed to allow identification of issues identified by users.

The process of further consideration is shown in the flow diagram that follows.



Appendix D

Reference material and further reading

Acts, Regulations and Orders

Note: the list below is not exhaustive. Commencement Orders have not all been detailed. (Commencement Orders are regulations issued in order to bring into force an Act or part of an Act). All available at www.opsi.gov.uk/legislation

General

The Building Regulations 2000, Approved Document M: Access to and use of buildings (England and Wales), 2004 edition Office of the Deputy Prime Minister.

Disability Discrimination (Sub-leases and Sub-tenancies) Regulations 1996

Disability Discrimination (Meaning of Disability) Regulations 1996

Disability Discrimination (Questions and Replies) Order 1996

Disability Discrimination Act 1995 (Amendment) Regulations 2003

Disability Discrimination Act 2005

Disability Discrimination (Blind and Partially Sighted Persons) Regulations 2003

Disability Discrimination Act 1995 (Pensions) Regulations 2003

Human Rights Act 1998

Education

Disability Discrimination (Prescribed Periods for Accessibility Strategies and Plans for Schools) (England) Regulations 2002

Disability Discrimination (Prescribed Periods for Accessibility Strategies and Plans for Schools) (Wales) Regulations 2003

Disability Discrimination (Prescribed Times and Periods for Accessibility Strategies and Plans for Schools) (England) Regulations 2005

Rights of Access (Part 3 DDA)

Explanatory memorandum to the Disability Discrimination (Private Clubs etc.) Regulations 2005 No. 3258.

Disability Discrimination (Private Clubs etc.) Regulations 2005.

Explanatory memorandum to the Disability Discrimination (Providers of Services) (Adjustment of Premises) (Amendment) Regulations 2004 No. 1429.

Disability Discrimination (Services and Premises) Regulations 1996 (Note: Regulations 2 to 6 and 8 revoked under the Disability Discrimination (Service Providers and Public Authorities Carrying Out Functions) Regulations 2005).

Disability Discrimination (Service Providers and Public Authorities Carrying Out Functions) Regulations 2005).

Disability Discrimination (Providers of Services) (Adjustment of Premises) (Amendment) Regulations 2004.

Disability Discrimination (Providers of Services) (Adjustment of Premises) (Amendment) Regulations 2005.

Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations 2001.

Disability Discrimination (Services and Premises) (Amendment) Regulations 2002.

Disability Discrimination (Services and Premises) Regulations 1999.

Disability Discrimination (Premises) Regulations 2006.

Disability Discrimination (Service Providers and Public Authorities Carrying Out Functions) Regulations 2005.

Employment (Part 2 DDA)

Disability Discrimination (Employment) Regulations 1996.

Disability Discrimination (Repeal of section 17 of, and schedule 2 to, the Disabled Persons (Employment) Act, 1944) Order 1998.

Disability Discrimination (Exemption for Small Employers) Order 1998.

Disability Discrimination (Employment Field) (Leasehold Premises) Regulations 2004.

Transport

Disability Discrimination (Transport Vehicles) Regulations 2005.

Disability Discrimination Act 1995 (Private Hire Vehicles) (Carriage of Guide Dogs etc.) (England and Wales) Regulations 2003.

Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000.

The Private Hire Car Drivers; Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004.

The Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2002.

Disability Equality Duty

Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005.

Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005.

Codes of Practice

Provision of services

Code of Practice "Rights of Access: Services and Premises (services to the public, Public Authority Functions, Clubs and Premises)". Part 3 of the DDA has been amended by the DDA 2005. The DRC have issued a new code of practice which covers the provision of services to members of the public including public authority functions, private clubs and the housing sector. This came into force 4 December 2006.

Employment

Code of Practice – Employment and Occupation, Disability Rights Commission, 2003.
www.drc.org.uk.

Trade organisations and qualifications bodies

Code of Practice – Trade Organisations and Qualifications Bodies

The code on Employment and Occupation covers the provisions of the amended Disability Discrimination Act relating to disabled employees, contract workers, police officers, partners in firms, barristers and advocates and persons undertaking practical work experience. The other new code concerns the duties of Trade Organisations and Qualifications Bodies, and became effective from October 2004.

Definition of disability

Definition of disability - Guidance on matters to be taken into account in determining questions relating to the definition of disability. *This guidance is issued by the Secretary of State under section 3 of the Disability Discrimination Act 1995. It concerns the definition of disability in the Act.* Note: This guidance document was revoked on 1st May 2006. However, this will continue to apply in relation to any claim, whenever made or dealt with, arising out of an act of discrimination occurring before 1st May 2006. (See below).

Definition of disability - Revised guidance on matters to be taken into account in determining questions relating to the definition of disability. This came into force on 1 May 2006. (Note: see also above.)

Education – schools

Code of Practice for Schools – DDA 1995: Part 4.

Education – post-16

Code of Practice for providers of post-16 education and related services – DDA 1995: Part 4.
Note: Revised code in force from 1 September 2006.

Transport

Provision and use of transport vehicles, statutory code of practice, supplement to Part 3 Code of Practice, 2006, Disability rights Commission.

Disability Equality

The Duty to promote disability equality, statutory code of practice, England and Wales, 2005, Disability Rights Commission.

Standards and codes

BS 8300:2001 (Revised June 2005); Design of buildings and their approaches to meet the needs of disabled people – Code of practice, BSI, 2001.

BS5588-8: 1999 (incorporating amendment 1, 8 December 2004) Fire precautions in the design, construction and use of buildings – Part 8: Code of practice for means of escape for disabled people.

BS5776: 1996 Specification for powered stairlifts.

BS6440: 1999 Powered Lifting platforms for use by disabled persons – Code of practice, BSI, 1999. (*Note: platform dimensions will not be as up to date as ADM or BS8300*).

BS EN 81-70:2003 Safety rules for the construction and installation of lifts – Particular applications for passenger and good passenger lifts – Part 70: Accessibility to lifts for persons including persons with disability.

BS EN 81-28:2003 Safety rules for the construction and installation of lifts – Part 28 Remote alarm on passenger and goods passenger lifts.

BS 7997:2003 Products for tactile paving surface indicators – specification.

BS 7000-6:2005 Design Management Systems – Part 6: Managing Inclusive Design Guide.

EEC Equal Treatment Directive (1976/207/EEC).

EEC Equal Treatment Directive (Amended) (2002/73/EEC).

General guidance

Access Audit Handbook, Centre for Accessible Environments, RIBA publishing, 2005.

Access Audits: a guide and checklist for appraising the accessibility of public buildings, CAE, 2003.

Access Audits: a planning tool for business, (DVD, CD Rom, Video), CAE, sponsored by Barclays PLC.

Access Statements – Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of buildings and spaces, Disability Rights Commission. www.drc.org.uk.

Access to ATMs; UK design guidelines, Centre for Accessible Environments, 1999.

Access to air travel for disabled people – Code of practice, March 2003, Department for Transport www.dft.gov.uk.

Accessibility Planning Guidance, Department for Culture, Media and Sport, 2004 www.culture.gov.uk.

A Practical Guide for the Retail Sector – Part III of the Disability Discrimination Act 1995: What shop or store owners need to know, Disability Rights Commission, 2004 www.drc.org.uk.

Accessible London: achieving an inclusive environment (The London Plan Supplementary Planning Guidance), Greater London Authority, April 2004 www.london.gov.uk.

Access Audit Price Guide, BCIS, 2002.

Adjusting for better business, The Disability Discrimination Act – A guide for small to medium sized businesses, Department for Work and Pensions (DWP), December 2005, available at www.dwp.gov.uk/dda.

Architectural ironmongery, Alison Grant, CAE, 2005.

Automatic door systems, Alison Grant, CAE, 2005.

Building Sight: A handbook of building and interior design solutions to include the needs of visually impaired people, RNIB, HMSO, 1995.

Building Sight, A design guide for the use of colour and contrast to improve the built environment for visually impaired people, 1997, RNIB (JMU Access Partnership). The guide is available free on CD ROM from www.duluxtrade.co.uk or by telephone on 0870 242 1100. This incorporates the findings of Project Rainbow. *Contact Dulux for further details.*

Code for Lighting, CIBSE, 2002 (with additions and CD Rom version 2004).

Creating an inclusive environment – a report on improving the built environment, (FOCUS7), Disability Rights Commission, 2003. www.drc.org.uk.

Design and Access Statements – How to write, read and use them, The Commission for Architecture and the Built Environment (CABE). www.cabe.org.uk/default.aspx?contentitemid=1334.

Designing for Accessibility, CAE, 2004.

Designing for Special Needs – an architect's guide to briefing and designing options for people with learning disabilities, Maurice Harker and Nigel King for the Shirley Foundation, 2002. http://www.steveshirley.com/shirley_foundation.asp.

Disability Discrimination Act 1995 – What do guest accommodation owners need to know?, Disability Rights Commission www.drc.org.uk.

Glass in Buildings, Centre for Accessible Environments, CAE and RIBA publishing, 2006.

Guidance on the Use of Tactile Paving Services, DETR, 1998. Download at: <http://www.mobility-unit.dft.gov.uk/tactile/1.htm>.

Guidance on providing BSL and English interpreter under the DDA, (FOCUS 14), Disability Rights Commission, 2004. <http://www.drc.org.uk>.

Good Loo Design Guide, Centre for Accessible Environments and RIBA Enterprises, 2004.

Good practice guide: Staff development, (EDU 13), Disability Rights Commission, 2003. www.drc.org.uk.

Implementing Part 3 of the Disability Discrimination Act, British Bankers' Association, April 2002, (A guide produced with the assistance of a number of banks and the Disability Rights Commission specifically aimed at helping banks comply with their duties under the DDA). www.bba.org.uk.

Internal floor finishes, Centre for Accessible Environments, CAE and RIBA publishing, 2006.

Local Transport Note 2/95 'The design of pedestrian crossings', Department for Transport.

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The Museums, Libraries and Archives Council (MLA) – web based resource on access and equal opportunities for disabled people, www.mla.gov.uk (This includes a series of 12 guides on how to meet the needs of disabled people as users and staff in museums, archives and libraries including guides on the DDA, audits and accessible environments. These can be downloaded free at www.mla.gov.uk).

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Safety, security and environmental controls - a specifier's guide to Electronic Assistive Technology in the home, Andrew Lacey, CAE, 2002.

Wheelchair housing design guide, Stephen Thorpe and Habinteg Housing Association, BRE Press, 2006.

Wheelchair housing design guide, Stephen Thorpe and Habinteg Housing Association, BRE Press, 2006.

Useful organisations

Access Association, www.accessassociation.co.uk

Access and Sustainability Advisory Service – This is run by the Centre for Accessible Environments, funded by the Bridge House Trust, to advise voluntary and community groups seeking to make their premises more accessible and sustainable. Contact the CAE, tel 020 7840 5816.

Age Concern, www.ageconcern.org.uk, tel. 020 8765 7200.

British Council of Disabled People, www.bcodp.org.uk, tel. 01332 295551

Centre for Accessible Environments, tel. 020 7357 8182, www.cae.org.uk

Church Action on Disability, www.charitiesdirect.com, tel. 020 7452 2085

Disability Rights Commission, DRC helpline tel. 08457 622633, www.drc-gb.org (for their regular e-bulletin follow this link: www.drc-gb.org/newsroom/ebulletin.asp)

Department for Transport, Mobility and Inclusion Unit, tel 020 7944 3000.
www.mobility-unit.dft.gov.uk

Department for Transport (Access for disabled people) www.dft.gov.uk/access

Disabled Persons Transport Advisory Committee (DPTAC), tel 020 7944 8011.
www.dptac.gov.uk

Employer's forum on Disability, www.employers-forum.co.uk/www/index.htm

Help the Aged. Tel 020 7278 1114, www.helptheaged.org.uk

Joseph Rowntree Foundation Lifetime Homes Group,
www.jrf.org.uk/housingandcare/lifetimehomes

JMU Access Partnership, tel. 020 7391 2002, www.jmuaccess.org.uk (Supported jointly by the Royal National Institute for the blind and the Guide Dogs for the Blind Association)

Lighthouse, www.lighthouse.org

MENCAP, tel. 020 7454 0454, www.mencap.com

Mind, tel. 020 8519 2122, www.mind.org.uk

National Register of Access Consultants, tel. 020 7234 0434, www.nrac.org.uk

National Disability Arts Forum, www.ndaf.org/menu.html

Radar Access Advisory Committee, tel. 020 7250 3222, www.radar.org.uk

Royal National Institute for the Blind (RNIB), tel. 0845 766 9999, www.rnib.org.uk

Royal National Institute for Deaf People (RNID), tel. 020 7296 8000, www.rnid.org.uk

Royal Association for Disability and Rehabilitation (RADAR), tel. 020 7250 3222,
www.radar.org.uk

Scope, tel 0808 800 3333, www.scope.org.uk

Sensory Trust, tel. 01726 222900, www.sensorytrust.org.uk

Sign Design Society, tel. 01582 713556 www.signdesignsociety.co.uk
Disability Unit at the Department for Work and Pensions, www.disability.gov.uk

The ADAPT Trust (access to art galleries), www.adapttrust.co.uk

The Disabled Living Foundation, (independent living for disabled or older people) tel. 020 7289 6111, www.dlf.org.uk

The English Blind Golf Association, www.blindgolf.co.uk

The Sensory Trust, (access to outdoor space) www.sensorytrust.org.uk

Through the Roof (access to church buildings), www.throughtheroof.org

Web Accessibility Initiative, www.w3.org/WAI

Watts.