



## Oireachtas Joint Committee on Disability Matters

14<sup>th</sup> October 2021

### **Opening Statement**

#### **REVIEW Part M (Section 3 Access and Use) of the Building Regulations 2010**

#### **Call to REVIEW Part M (Section 3 Access and Use) of the Building Regulations 2010**

Irish Wheelchair Association urgently calls on the Irish Government to conduct a review of [Part M \(Section 3 Access and Use\) of the Building Regulations 2010](#), in so far as it refers to dwellings, ensuring that the minimum accessibility standard for new houses in Ireland is much higher and provides for people who require wheelchair liveable housing.

Believe it or not, Part M of the Building Regulations only requires housing to be visitable for a wheelchair user but not liveable i.e., provide access to a habitable room and a toilet at entry level. Consider a 3-bed semi-detached house with a small toilet under the stairs and the bedrooms upstairs.

A consequence of the current Part M is the lack of availability of wheelchair liveable social housing and private housing in the community, resulting in wheelchair users being homeless, involuntarily living with family and friends, in nursing homes, not having control over their lives, as well as not having choices equal to others in society.

This review of Part M should take the form of a public consultation process so that disabled people in the first instance, together with disability organisations and sectoral partners, and all people impacted by the lack of suitable wheelchair liveable housing, can have their voice heard.

## **ABOUT IWA [www.iwa.ie](http://www.iwa.ie)**

Irish Wheelchair Association is a community of people with physical disabilities across Ireland founded on the belief that everyone should be able to live a life of choice and equality.

Our services support people with physical disabilities to live independently, and our campaigns demand equal rights and opportunities for people with physical abilities.

The work of Irish Wheelchair Association is underpinned by the UN Convention on the rights of persons with a disability which was ratified by Ireland in 2018.

Article 19 recognises the right of disabled people to live in the community and to have the opportunity to choose their place of residence. Furthermore, Article 28 includes the right of disabled people to access public housing programmes.

People who have a mobility impairment and who are, or who may become, full-time wheelchair users require appropriately designed and future-proofed housing that is located within mixed tenure sustainable housing developments, that are perceived to be safe, in locations of peoples' choosing, and situated in close proximity to services, transport and family/friends.

Currently, new dwellings are merely designed to be visitable under Ireland's Building Regulations, Part M 2010 (Section 3 Access and Use).

### **Dublin Housing Development**

Earlier this year Irish Wheelchair Association was contacted by a developer enquiring about IWA's interest in purchasing 16 new apartments proposed to be built in an existing development in Dublin. The existing 100+ apartments across 6 blocks were compliant with the Part M of the building regulations and all 100+ apartments were one bed. Planning permission was granted for a further 16 apartments which the developer was offering IWA, again all one bed Part M apartments. So, this development totally excluded wheelchair users outright. We were invited to another site where a planning application had been submitted for over 100 one bed Part M apartments also.

According to the Irish Human Rights and Equality Commission (IHREC) report; ['Discrimination and Inequality in Housing in Ireland, June 2018'](#),

people with disabilities are:

- More than twice as likely to report discrimination relating to housing
- Over 1.6 times more likely to live in poor conditions, such as living in damp housing, lacking central heating, or living in an area with neighbourhood problems
- More than one in four homeless people have a disability

## **Technical Guidance Document, Part M Building Regulations (Access and Use 2010)**

Technical Guidance Documents were first introduced in 1991 to provide guidance, in this case, with respect to Part M of the Building Regulations. Originally the guidance had an emphasis on disability but did not include dwellings.

Part M was reviewed in 2000 and was expanded to include dwellings making them visitable but did not provide information on designing homes for people using wheelchairs or lifetime adaptable homes.

Part M was further expanded in 2010 to include some sensory impairments and catered for age, size, and disability with reference only to Universal Design, but there were many areas of accessibility, inclusion and Universal Design which were not addressed in this review.

Visitable dwellings are the **mandatory baseline** developers must adhere to when constructing housing units in Ireland under the current Building Regulations.

In the UK Part M document detailed guidance was provided for three categories of dwellings

1. Visitable dwelling
2. Accessible and adaptable dwellings
3. Wheelchair user dwellings

Irish Technical Guidance Document, Part M falls well short of UK only catering for visitable dwellings.

The aim of the new [Housing for all Government housing policy](#) is:

*“Everyone in the State should have access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. “*

If social and private houses continue to be built to the current building regulations standards Part M, there will be no provision made for wheelchair liveable homes and local government will have to continue to retrofit the existing stock and will also have to increase the budget for the disabled persons housing grant which is a foolish and false economy.

Government must review Part M of the Building regulations to ensure wheelchair liveable homes are included in the 9,500 new social houses planned annually for the next 5 years. Money does not appear to be an issue; Part M policy is the barrier for wheelchair users.

The cost of Building homes to a higher accessibility standard is lower at design stage than retrofitted at a later stage.

#### **Irish Wheelchair Association Representatives**

Opening Statement presented by Tony Cunningham, National Director IWA Funded Services, accompanied by the following witnesses: Rosaleen Lally, IWA National Access Programme Manager, Joan Carthy, IWA National Advocacy Manager, and Eoin O’Herlihy, O’Herlihy Access Consultancy.

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