Irish Council for Social Housing

Submission to the
Department of the Environment, Heritage and
Local Government
Regarding Part M of the Building Regulations

March 2006
1.0 Introduction

1.1 The Irish Council for Social Housing (ICSH) is the national federation of housing associations in Ireland. The ICSH has over 290 affiliated member housing associations providing accommodation for families, single people, the elderly, homeless people and people with disabilities.

1.2 The Department of the Environment, Heritage and Local Government (DoEHLG) proposes a comprehensive review of Part M (Access for People with Disabilities). It has invited public submissions and has issued guidelines on the format for submitting comments. The submission format asks the following questions:

   What area of Part M Regulations would you propose to change?
   What part of Technical Guidance Document M would you propose to change?
   What specific changes would you suggest?

1.3 The recommendations contained within this submission therefore relate to the provision of all accommodation by housing associations which currently develop some 1,600 units of accommodation a year.

2.0 Background

2.1 Voluntary housing associations have emerged, in a complementary role to local authorities, to provide housing for those who cannot meet their own accommodation needs. Housing associations are non-profit organisations established to relieve housing need and are Approved Bodies under legislation (Section 6 of the 1992 Housing Act).

2.2 Many housing associations established in Ireland are set up to deal with local housing needs in their area such as their village, parish or town. There are some housing associations that operate on a countywide level and a small number that have a national remit. It is a common feature that housing associations emerge from existing voluntary or social service organisations. For example many housing associations that provide housing for the disabled evolved from existing organisations such as mental health associations or the Irish Wheelchair Association.
2.3 Housing associations have emerged since the end of the 19th Century and to date there are approximately 400 associations in the State providing accommodation for families and special needs groups. At the end of 2005 housing associations managed around 19,500 units of accommodation. Output from the voluntary and co-operative housing sector continues to grow every year, with the sector completing a record 1,617 units of accommodation in 2003.

Summary
- C. 7,000 units of accommodation provided for elderly
- C. 5,000 units of accommodation provided for those with a specific disability
- Largely funded under the Capital Assistance Scheme (DoEHLG)
- Housing associations are ‘approved housing bodies’ operating on charitable/non-profit basis
- Located throughout country

3.0 Lifetime Adaptable Housing

3.1 The Irish Council for Social Housing (ICSH) is the national federation of housing associations and other non-profit housing organisations in Ireland. As such its members provide a significant stock of accommodation for the elderly and disabled. It is conservatively estimated that more than 1 in 10 people in Ireland have a disability. In Europe it is estimated as 1 in 8 people. Progressively moving to the concept of lifetime adaptable housing will considerably improve the life cycle of the current housing stock and make it more flexible for both existing occupants and future generations especially with changing demographic trends such as the increase in elderly people.

3.2 The ICSH believes that Part M requires considerable overhaul to make it relevant and enforceable, rather than merely tinkering with clauses within the current document radical changes should be considered. A policy towards the adoption of ‘Lifetime Adaptable Housing’ standards is the strategy the State needs to ensure full integration of disability standards into planning and design, rather than just improve on ‘wheelchair’ access to new homes and buildings.

3.3 Lifetime Housing or Lifetime Adaptable Housing, as it is sometimes called, is basically a common sense approach to house building within the philosophy of "Design for Everyone".
The concept is based on the principle that homes should be accessible to everyone, children, elderly people and people with disabilities and that they can be adapted easily to suit changing requirements throughout a lifetime, such as temporary or permanent disability.

Lifetime Homes extend people’s choice, they provide housing opportunities in the community for older people and people with disabilities and they also improve the general quality of the nation’s housing stock.

Houses incorporating Lifetime Homes standards are flexible, easy to use and they are safer. They are also both adaptable and accessible. Lifetime Homes are not difficult to achieve, costly, or significantly bigger than traditional housing stock. They also should not be confused with “wheelchair standard housing” which is built to much more stringent criteria.

3.4 Lifetime Homes Criteria

In the U.K. the Joseph Rowntree Foundation (JRF) in York has been to the forefront in promoting a set of 16 design standards for Lifetime Homes.

The 16 Lifetime Home standards developed by the JRF cover access to the home, space standards within the home and fixtures and fittings.

The criteria are quite specific and are an attempt to standardise requirements for qualification as a Lifetime Home. They take into account relatively low space standards which exist at the smaller end of the housing sector in the UK. It is worth noting that the average size of dwelling here, both newly built and existing is much higher than in Britain and that it should therefore be much easier for us to achieve Lifetime Homes standards.

3.5 Sustainability and Costs

The Joseph Rowntree Foundation have demonstrated that with skilful design Lifetime Homes Criteria can be incorporated into virtually any house type and size with little or no increase in the size of dwelling. Their research concluded that the additional costs of incorporating the standards should normally be between 0.5 and 1% of scheme building costs depending on the base specification.

Dublin City Council’s Disability Person’s Grant provision for 2005 was €10.5 million, this is a substantial sum bearing in mind that the local authority is required to contribute 33% of the cost of grant from its own resources.
Dublin City Council have developed a ‘Lifetime Home’ design but only factor in a small number of these types in their plans dependent on how disabled people they have on their waiting list at that time for that area. This obviously is a targeted approach but doesn’t address the flaws with Part M and the need to have a universally acceptable disability and accessibility building standard.

In the North of Ireland the Department of Social Development allows an increase in funding of 2% for houses which incorporate Lifetime Homes Standards.

3.6 Cost Benefit Analysis of Lifetime Housing

The DoEHLG spent €31,840,000 on Disabled Persons Grants in 2005, add to that figure the matching funding required from the local authority or private individual, if those contributions are included the capital spend is €42,344,200 annually. This figure will increase as the demographics in the State alter with an increasing elderly population and a disability sector which is no longer confined to large scale institutions.

They also do not take into account other less obvious costs such as the cost of residential care for people who might otherwise stay at home if their homes were more accessible, or the cost of carer’s whose services might not be needed if elderly or disabled people were better able to care for themselves, independently.

Detailed analysis in the UK has shown that the average cost of major adaptations to conventional dwellings could be reduced by over 55% if Lifetime Home features were introduced at the outset.

3.7 The revised regulations and Technical Guidance Document (TGD) should be based around clear and measurable standards. It is suggested that Technical Guidance should be based on the amended British Standard 8300:2001 and other recent international guidance and standards. The guidance needs to be user friendly with good use of clear diagrams and illustrations. The Reference section of the TGD needs to be revised and up-dated. At present it does not refer to the most relevant standards or authoritative guidance documents.

3.8 There is a need to ensure that anomalies between Part B or the Building Regulations (Fire) and Part M are removed and that the regulations are consistent and not contradictory.
4.0 Compliance and Enforcement

4.1 The success or failure of any new access and use standard for homes and buildings will only succeed if the appropriate level of enforcement is attached to the measures adopted. Experience to date has illustrated that compliance rates for Part M are currently poor. This can be attributed to inadequate enforcement by building control and a knowledge deficit amongst architects to the actual requirements of the building code.

4.2 Consideration should therefore be given to how additional enforcement and compliance with any new measures is ensured. The ICSH would ideally like to see additional resources targeted at Building Control at local authority level to enable adequate monitoring of schemes to take place. However we are aware of the budgetary constraints that exist preclude any additional recruitment of staff.

4.3 If no new additional staff are to be recruited the ICSH would like to see enforcement linked effectively to other statutory requirements. Greater compliance could therefore be achieved by linking Part M (or equivalent measures) to either some or all of the state agencies listed below:

- Fire Certification, the Fire Officers role to be expanded to include Part M compliance.
- Link building control more closely to planning control, ensure that planning control is used as an effective tool to achieve greater Part M compliance.
- Incorporate Part M and building control into Planning Development Plans.
- Use Section 49 planning levies of the Planning and Development Act 2000 to fund more building control and compliance checks.

Section 49 levies do specifically deal with the infrastructural costs as associated with the development of residential accommodation, the section as stated below does state:

‘(2) (a) The amount, and manner of payment, of a contribution under subsection (1) shall be determined in accordance with a supplementary development contribution scheme.
(b) the public infrastructure project or service’

There an opportunity to use Section 49 Levies as a funding mechanism therefore to get the construction industry to regulate it compliance itself.
- The Architect to certify as part of their sign off of any building that it is Part M compliant, this certification to be linked to their professional indemnity insurance. Self certification should only be considered if appropriate sanctions are established to deal with fraudulent or negligent certification.
- The local authority to check Part M compliance as part of its taking in charge of estates procedures.

5.0 DoEHLG ‘Social Housing Design Guidelines’
5.1 The DoEHLG are responsibility for the design and development either directly through the Local Authority building programme or through the Voluntary Housing Association’s build programme of some 6,000 + units of accommodation. Even without the adoption of changes to the building regulations elements of ‘Lifetime Adaptable Homes’ could be adopted very easily and incorporated into the revised ‘Social Housing Design Guideline’ which are currently being prepared.

5.2 Any adoption of changes in building standards or ‘Social Housing Design’ standards will have some cost implication. These implications should be viewed as part of the overall costs and should be viewed in terms of the considerable costs attached to retro fitting and the large sums currently being paid out through the local authorities of the Disable Persons Grant.

6.0 Conclusion
A number of ancillary issues also require examination, in particular:

- The anomalies between wheelchair specific accommodation and those with a sensory disability that are not catered for in the regulations.
- The increasing prevalence of the duplex housing type especially in higher density estates, will the exemption be continued to this building type despite it increasing popularity amongst builders (this is related to density and to exemption from Part M, popularity amongst home purchasers is more difficult to conclude) and the problems it poses to those with a disability.
- The wider environment (kerbs, street furniture etc) should be given equal consideration.
- The need to draft a document which gives designers clear and unambiguous guidance.
- Clarification around ‘Building for Everyone’ and Part M.
- If Lifetime Adaptable Housing Standards are not to be adopted, then some view or preferably a timetable as to how and when a form of Lifetime Housing can be achieved.
7.0 Summary

7.1 In summary the ICSH is strongly committed to the introduction, even on a gradual scale of the Rowntree ‘Lifetime Adaptable Housing’ Standards. We wish to see any review of Part M examined in its entirety and anomalies between the Disability Act and the Equality Act resolved.

- Part M should be overhauled in its entirety and not in a piecemeal fashion.
- Lifetime Adaptable Housing standards should be adopted with the clear caveat that any additional cost implications should viewed in light of the increasing Disabled Persons Grant Allocation.
- Technical Guidance Document (TGD) rewritten and made clearer and reflect the UK British Standard 8300:2001 and other recent international guidance and standards.
- Consideration be given to greater enforcement, linking enforcement and building control to planning.
- Consideration of using Section 48 and 49 Development Levies to fund greater enforcement.
- Consideration to linking building control, Part M to fire safety certification.
- Any self certification system to be linked closely to building control, adequate checks on compliance but established at the outset and substantial penalties put in place for fraudulent or negligent certificates.
- Awareness of the DoEHLG’s ‘Social Housing Design Guidelines’ which are currently being reviewed, any commitments made through the amendments to the building regulations must be adequately incorporated into the DoEHLG guidance document and adequately financed.
- House type and the wider environment needs particular consideration as does the promotion of innovative design solutions to deal with low cost accessibility.