

Built Environment Accessibility: The Irish Experience

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Abstract

This paper is concerned with examining the extent and nature of how the issue of accessibility to the built environment has been addressed in the Irish context. Accessibility of the built and external environment is a key factor in people with disabilities achieving autonomy, inclusion and participation. However, many people with disabilities face barriers in respect of their equal participation in society. The paper reviews some of the recent attempts to facilitate greater inclusion through improved accessibility of the built environment. In this review, the emergence of a rights-based approach to disability and the impact this has had on the broad area of access to the built environment will be discussed. The paper concludes with some general observations on the progress that has been made to address the issue of built environment accessibility in Ireland.

Keywords: Built Environment, accessibility.

Introduction

An accessible built environment has been recognised as a core element for the realisation of a society based on equal rights. An accessible environment provides citizens with autonomy and the means to pursue an active social and economic life (EC Expert Group on Accessibility, 2003).

Although the right to access the built environment is universal, the opportunity to access the built environment is not. Many people with disabilities are faced with barriers that exclude them from participating as equal citizens. These barriers can be attitudinal and societal as well as physical and affect people with different impairments at different times of their lives.

For example, it is well documented that the prevalence of most forms of impairment increases considerably as one gets older. This significantly impacts on an older person’s ability to effectively access the built environment. Over the next few decades, almost all of OECD countries will experience substantial increases in the proportion of older people in their populations. In Ireland, the proportion of people aged over 65 is set to reach 690,000 by 2026 - an increase of about 72% on current figures (Fahey and Fitzgerald, 1997). Furthermore, over 40% of the disabled population in Ireland is aged over 65 and it is estimated that this figure is also set to increase by over 70% over the next 30 years (CSO, 2003).

Thus, an ageing population, with a high risk of experiencing mobility impairments presents a significant challenge to those responsible for facilitating improved access to the built environment. However, it is not only older people that may experience barriers to accessing the built environment.

For young people, the barriers are also significant. Accessibility of the built environment is a vital element in every child's development. Children with disabilities have the same right as non-disabled children to play, to go to school, to enjoy and experience the benefits of their external environment. Yet many children with disabilities are faced with barriers to participation on a daily basis. According to the most recent census figures, 22,346 children in Ireland have a disability or long-standing health problem (CSO, 2003). Many of the barriers faced by children, and by older people relate to access to the built environment. Thus, the issues of built environment accessibility must not be viewed as a minority or specialist concern, but rather as an essential component of an equal and just society. These are issues affecting all members of society - young and old alike.

The remainder of this paper will highlight some of the recent attempts at improving built environment accessibility in an Irish context.

The Irish Experience: An Overview

Building Control

Historically, issues relating to accessibility of the built environment in Ireland were dealt with by 19th century building byelaws, originally introduced in the interests of public health. This was in keeping with the view at the time that disability was a 'medical problem'. Consequently, until the introduction of building control legislation in the early 1990's, the issue of built environment accessibility was virtually ignored. The Building Control Act of 1990 provides the framework on which the modern Irish building control system is based. This legislation made a significant impact on the issue of built environment accessibility for people with disabilities in that through the introduction of building regulations it regulated standards in building construction and design.

The principal aim of building regulations is to provide for the health, safety and welfare of people in and around buildings. Part M of the Irish Building Regulations (1997-2000), requires that all buildings be constructed to minimum standards to facilitate access for people with disabilities. Based on the principle of universal accessibility, Part M was revised in 2000 and an amended regulation came into effect in 2001. Part M now requires that all dwellings should be 'visitible' by people with disabilities, and that access to new non-residential buildings by people with disabilities should be 'adequately' provided. Guidance on how to comply with Part M is issued with the regulation.

However, despite the introduction of Part M, and notwithstanding recent revisions made to the regulation, the effectiveness of Part M at improving access to buildings has been strongly criticised by people with disabilities and the wider disability community. In response to these concerns, the National Disability Authority (NDA) has recently commissioned independent research into the effectiveness of Part M. Preliminary findings from this research lead NDA to be concerned that the monitoring mechanisms of Part M lack the rigour required to be fully effective. The findings also suggest that for many people with disabilities, Part M has not improved access to the built environment. The findings of this research are due for publication in March 2005.

Later this year, the Irish government plans to amend building control legislation, which will have a significant impact on the issue of built environment accessibility. Some of the measures in the proposed legislation aim to strengthen the enforcement of the building regulations and to

simplify the process of seeking legal redress where breaches of the rebuilding regulations are found. It is also proposed to introduce a Disability Access Certificate in the forthcoming legislation. Although the merits, or otherwise, of certification are beyond the scope of this paper, it is hoped that by introducing such a measure, accessibility can be considered early in the design stages. Although recognising the significant role of an appropriate building control system can play at improving access to the built environment, regulations alone cannot address the barriers to accessing the built environment.

Emergence of a Rights-based Approach to Disability

We now turn our attention to examining a number of other key developments, which have had a significant impact on how the issue of built environment accessibility has been addressed in the Irish context.

These developments can be traced to the emergence of a rights based approach to disability in Ireland. One of the most significant factors contributing to this change came in the mid 1990's with the work of the Commission on the Status of People with Disabilities and the publication of its report: A Strategy for Equality in 1996.

A Strategy for Equality (1996)

Involving extensive consultation with and participation of disabled people the Commission's work marked a momentous shift in how issues affecting disabled people were to be considered. The subsequent acceptance by government and policy makers of the Commission's report officially recognised a rights-based approach to disability.

The Commission identified access as the gateway to full participation in society for people with disabilities and an entire section of the Commission's report focused on this area. A number of key recommendations were offered by the Commission and contained in its final report. In 1999, the government published a report on its short-term progress in implementing the Commission's recommendations. The report found that the Commission's [recommendation](#) for mandatory [inspections](#) for compliance with building regulations had not been introduced. Neither was there any significant progress in establishing [a national committee around accessibility](#), which was another of the key recommendations on the Commission. The Commission also recommended that all legislation and guidelines, which refer to any aspect of the built/external environments, should be reviewed. The progress report acknowledged that little advance had been made in implementing this key recommendation.

However, since then, significant progress has been made in respect of some of the Commission's recommendations. For example, the NDA is charged with improving accessibility to public buildings and the previously mentioned Disability Access Certificate is another initiative to realise the accessibility goal. There is also some evidence of the government putting into practice the Commission's recommendation that ['universal access become](#) a key guiding principle in [all relevant legislation, policy and practice](#)'. For example, the recently published National Play Policy recognises universal design principles as a key element in ensuring that all new local play facilities cater for children with disabilities and their families.

Despite the varying degree of progress in implementing some of the Commission's main recommendations, a significant [amount](#) of work has been done in recent times to address the issues of built environment accessibility.

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Barcelona Declaration Project

The Barcelona Declaration - the main outcome of a European Congress, which took place in Barcelona in 1995 – is further acknowledgement of the acceptance of a rights-based approach to disability. The declaration advocates the right of disabled people to equal opportunities. It

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also recognises the contribution people with disabilities can make to the society and environment in which they live. In 2001 the Irish government established a process for the promotion, adoption and practical implementation of the Barcelona Declaration among all local authorities in Ireland. The National Disability Authority (NDA) was charged with the responsibility of facilitating this process. The aim of this three-year initiative - the Barcelona Declaration Project - was to facilitate local authorities in creating a more inclusive society.

The tangible outcomes of the Project include the endorsement of the Barcelona Declaration by the majority of local authorities in Ireland (the highest number in any EU country). By endorsing the declaration, local authorities made a commitment to 'adopting measures towards the necessary adaptation of urban spaces, buildings and services of all types, in order to allow full use by disabled persons'. Another tangible outcome of the Project was the formulation of a disability-proofing template, which provides local authorities with a framework for ensuring their policies; plans; projects and actions are cognisant of the needs of people with disabilities. Throughout Ireland, a number of local authorities have now introduced pilot projects to implement various elements of the Barcelona Declaration. These measures have now firmly placed the issues of built environment accessibility on the agenda of local government structures.

National Policy Agreements

Social partnership is another area of Irish policy making which has recently addressed the issue of built environment accessibility. Social partnership provides a structure through which the government and the social partners (including trade unions, employers and NGOs) reach consensual agreement on matters of national social and economic policy. In the national agreement reached in 2000, a commitment was made to the effect that every government department and public body would take reasonable steps to make its services accessible. This commitment addressed one of the recommendations made by the Commission on the Status of People with Disabilities, that 'all public buildings and services should become accessible to all. The NDA Public Service Accessibility Initiative (PSAI) was subsequently established to implement this government commitment.

Public Service Accessibility Initiative (PSAI)

The purpose of the PSAI is to develop guidelines in accordance with international norms to facilitate effective action and acceptable standards and to award a symbol of accessibility to compliant public offices. Built environment accessibility is one of three key areas specifically addressed under the PSAI initiative, which has developed an 'Excellence Through Accessibility Award'. The award recognises improvements in the way in which public services are delivered and is based on the highest standards of accessibility for the internal and external customer. All public service providers that have taken sustainable and measurable steps to make their services more accessible will be rewarded. The built environment criteria of the award system cover management; external environment; horizontal and vertical circulation; facilities; interior design and evacuation. The 'Excellence Through Accessibility Award' will be introduced in 2005.

Equality Legislation

An appropriate equality framework is another key element to achieving an inclusive and equal society. In Ireland, much work has been done to introduce an equality framework. The Equal Status Act (2000) outlaws discrimination in the disposal of goods and delivery of services. This makes it illegal for people to discriminate when they are providing goods or services to the

public. The legislation outlaws discrimination on nine grounds including disability. The Employment Equality Act (1998) also outlaws discriminatory practices in relation to and within employment. Again, the Act outlaws direct and indirect discrimination and victimisation in employment on nine grounds including disability.

The equality legislation provides a person with a disability a system of redress if he/she is discriminated against in respect of built environment accessibility. However, one of the limitations of this legislation is that service providers need only make reasonable accommodation for people with disabilities.

The Disability Legislation Consultation Group (2003)

Another recent process that has had an impact on bringing the issue of built environment accessibility to the political agenda has been debate around disability legislation. To facilitate the views and needs of people with disabilities a consultative process was established. An expert group - the Disability Legislation Consultation Group (DLCG) - was set up to report to government. Their report, *Equal Citizens: Proposals for Core Elements of Disability Legislation* was presented to government in 2004.

The report specifically addressed the issue of built environment accessibility, by recommending that 'the accessibility of public and private services provided to the public need to be guaranteed in the legislation within the broadest possible definition so that it includes the right to physical, information and communications accessibility and to genuine reasonable accommodation. This, according to the report, 'must be given the highest priority and be set within acceptable timeframes. All bodies public and private, that come into contact with the public should be covered'.

National Disability Strategy (2004)

The report of the DLCG fed into the government strategy for disability, which was published in September 2004. The strategy includes a Disability Bill, which proposes a number of measures that will have significant impact on built environment accessibility. Some of the proposals included in the Bill are that 'access to public buildings must be compliant with Part M by 2015' and that heritage sites are made accessible to all.

However, one of the most significant proposals in the bill is the establishment of a Centre for Excellence in Universal Design (CEUD). The centre will ensure that universal design plays a key role in a number of key areas including standards development, education, training and professional development. The centre will also engage in practical and theoretical work in respect of matters relating to universal design.

The disability strategy also includes six draft sectoral plans, which outline various positive measures, which will be taken to address the issue of built environment accessibility. These measures cover all transport providers who will be charged with providing the highest possible degree of accessibility (Department of Transport). The provision of access to appropriate health and personal social services for people with disabilities is also addressed.

The sectoral plan of the Department of the Environment, Heritage and Local Government, if implemented, will have the most impact on built environment accessibility. Included in the plan are measures to promote universal access to public spaces, buildings and services owned and operated by local authorities; to review and update the standards set out in Part M; promote universal access to heritage sites and make improvements to facilitate greater access to the built environment. The plans, along with the Disability Bill are currently being debated in the Oireachtas (Irish Houses of Parliament).

Conclusion

Limited or restricted access to the built environment is one of the greatest barriers to the equal participation of people with disabilities in society. The right to access the built environment is fundamental to ensure the full and equal participation of people with disabilities in society. The purpose of this paper has been to provide a summary of the Irish experience to date. It has indicated how various initiatives to promote built environment accessibility have coincided with the emergence of a rights-based approach to disability in Irish governance. This has undoubtedly been a contributing factor in the promotion of an accessible built environment. Much positive change has taken place in Ireland over the past 15 years at both a national and local level. This change has resulted in the removal of some of the barriers to access the built environment and has promoted equality of opportunity. However, the NDA is cognisant of the considerable barriers that remain. Removing these barriers, in collaboration with people with disabilities, will continue to be a cornerstone of our work.

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