Rialtas na hÉireann
Government of Ireland

Preliminary Regulatory Impact Analysis

DRAFT Proposal for the Provision of a Changing Places Toilet in Certain Buildings

Prepared by the Department of Housing, Local Government and Heritage
gov.ie/housing

Draft for consultation

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1.0 Summary and Recommended Option

Department / Office:	**Title of Legislation:**
Department of Housing, Local Government and Heritage	• DRAFT Building Regulations (Part M – Amendment) Regulations 2022, and • DRAFT Technical Guidance Document M – Access and Use 2022
Stage: Public Consultation	**Date:** February 2022
Related Publications: 1. Building Regulations, 1997 (S.I. No. 497 of 1997) 2. Technical Guidance Document M – Access and Use 2010	
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Introduction

This preliminary Regulatory Impact Analysis (RIA) has been prepared to evaluate the proposal to amend the Building Regulations by making provisions for a changing places toilet in certain buildings.

A changing places toilet is an accessible sanitary facility with a toilet, hoist, basin, adult-sized changing bench and optional shower, with adequate space for use by persons with a range of abilities who may require assistance.

What are the policy objectives?

The promotion of community participation and social inclusion of people by :

- increasing the provision of changing places toilets in certain buildings and
- further enhancing the health and safety of people in and around buildings.

What policy options were considered?

A. Do nothing;

B. Introduce amendments as proposed to the Building Regulations and associated minimum standards in Technical Guidance Document M – Access and Use (TGD M);

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C. Promote provision of changing places toilets by means of voluntary guidance, hoping that those involved in design and construction of buildings adopt it.

What is the recommended option?

B. Introduce amendments as proposed to the Building Regulations and associated minimum standards in Technical Guidance Document M – Access and Use.

Benefits	Estimated costs	Impacts
• The needs of a proportion of the population will be met by the proposed regulatory provision of this sanitary facility in large publically accessible buildings and spaces where standard accessible WCs do not meet their needs. • National Disability Authority research indicates that between 17,100 to 37,700 people (or between 1 in 132 to 1 in 291 people), excluding their assistants, would benefit from the provision of a changing places toilet. • Regulating for the provision of a changing places toilet in certain buildings such as hospitals, schools, museums, galleries etc. as listed in Table 1, on page 18, may provide as many as 80 changing places toilets per annum. • Regulating for the provision of a changing places toilet will encourage adoption of the principle in other developments. This would assist current broader action to deliver changing places toilets on a voluntary basis.	• The cost of a changing places toilet (the combined construction and additional equipment costs i.e. hoist, adjustable basin, adjustable adult-sized changing bench) will range from € 33,215 to € 67,550 depending on the building type and size (average cost of € 50,000). • Based on the installation of 82 changing places toilets it is estimated that construction costs would be in the region of € 4.125 million per annum. • For new buildings, the cost increases range from 0.05 % to 1.57% with an average construction cost increase of 0.16% (average cost of € 50,000). • The annual operation costs, including maintenance, servicing and cleaning, of a changing places toilet are expected to be about € 3,500 per annum (excluding VAT).	• Regulating for the provision of a changing places toilet will improve community participation and social inclusion. • It will increase the nationwide provision of such facilities in a proportionate manner and contribute to a more equitable society. • It will allow users to attend to their hygiene needs with dignity. • Buildings in which a changing places toilet may be required represent an average of 3% of all buildings, other than dwellings, commenced per annum. • Provision of a changing places toilet may result in increased trade[1] for businesses by allowing them to cater for a wider range of customers. • Irish Building Regulations relating to access and use of buildings will be favourably comparable with international good practice.

[1] Unquantified

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2.0 Introduction

A changing places toilet is an accessible sanitary facility with a toilet, hoist, basin, adult-sized changing bench and optional shower. It offers larger supported facilities that address the needs of people for whom current accessible sanitary accommodation is inadequate.

Adequate provision of these facilities enables people with complex care needs to take part in everyday activities such as travel, shopping, family days out or attending a sporting event allowing people to plan activities with confidence around where such facilities are located and when they are open (see Figure 1 for a photograph of a typical changing places toilet).

National Disability Authority research indicates that between 17,100 to 37,700 people (or between 1 in 132 to 1 in 291 people), excluding their assistants, would benefit from the provision of a changing places toilet.

Since 2014, an advocacy, carers and end-user group called Changing Places Ireland[2] has campaigned to seek the introduction of changing places toilets in buildings frequented by the public in response to the lack of adequate accessible sanitary facilities. Despite their efforts, there are approximately seventeen publically accessible changing places toilets in Ireland[3]. There is no current legislation requiring the provision for a changing places toilet in publically accessible buildings in Ireland.

In support of Government policy on advancing the rights and inclusion of people with disabilities, in December 2020, the Department of Housing, Local Government and Heritage established a Working Group to examine the provision of a changing places toilet in certain buildings.

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[2] Changing Places Ireland (https://changingplaces.ie/) is supported by the following organisations:
- Enable Ireland
- Central Remedial Clinic
- Inclusion Ireland
- Disability Federation Ireland
- InterAcT (Accomplish and Thrive)
- Spina bifida hydrocephalus Ireland (SBHI)
- Irish Wheelchair Association (IWA)

[3] https://changingplaces.ie/find-changing-places/

The following organisations are represented on the Working Group:

1) Changing Places Ireland;[4,5]

2) National Disability Authority;

3) Royal Institute of the Architects of Ireland;

4) Society of Chartered Surveyors of Ireland;

5) Office of Public Works;

6) Health Service Executive – Estates;

7) Construction Industry Federation; and

8) Department of Education;

9) Building Control Authorities[6].

The working group have now recommended the types and sizes of buildings where a changing places toilet should be required, along with the technical requirements (equipment, room size and layout) of a changing places toilet. The needs of a proportion of the population will be met by the provision of this sanitary facility in large publically accessible buildings and spaces.

The implementation of the recommendations of the working group will necessitate changes to the Building Regulations 1997 to 2021 and to Technical Guidance Document M – Access and Use.

Draft documentation, which includes DRAFT Building Regulations (Part M Amendment) Regulations 2022, DRAFT Technical Guidance Document M – Access and Use 2022, a Preliminary Regulatory Impact Analysis and an easy read consultation document have been prepared to reflect the recommendations of the working group and to support a public consultation on the matter.

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[4] The UNCRPD requires State parties to actively involve people with disabilities in policy development. It is vital that Government hears the voices of people with lived experience of disability. The experiences and perspectives of people with disabilities are essential to the development of policies and programmes that meet their needs effectively.

[5] The Working Group included three people from Changing Places Ireland, two of whom are users of Changing Places Toilets (one user of changing places toilets and one parent).

[6] Represented by Cork County Fire and Building Control Department.

Figure 1 Changing Places Toilet

Courtesy: Inclusion Ireland

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3.0 Context

3.1 Policy Context

Government policy on advancing the rights and inclusion of people with disabilities is co-ordinated through two whole-of-government strategies: the National Disability Inclusion Strategy (NDIS) 2017-2021 (extended to 2022), and the Comprehensive Employment Strategy for People with Disabilities 2015-2024. In 2018, Ireland ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

3.1.1 National Disability Inclusion Strategy (NDIS) 2017-2021

The NDIS (recently extended to 2022), takes a whole of Government approach to improving the lives of people with disabilities, their families and carers and creating the best possible opportunities for people them to fulfil their potential. The NDIS Steering Group chaired by the Minister of State with Responsibility for Disability, oversees the implementation of the Strategy.

3.1.2 Comprehensive Employment Strategy for People with Disabilities

The Comprehensive Employment Strategy for People with Disabilities (CES) 2021-2024 is the primary disability employment policy framework in Ireland. It is a cross-government approach, bringing together actions by Government Departments and Agencies to address the barriers and challenges to employment of people with disabilities. The CES's strategic priorities are to build skills, capacity and independence, to provide bridges and supports into work, to make work pay, to promote job retention and re-entry to work, to provide coordinated and seamless supports and to engage employers.

Implementation of the Strategy is undertaken through agreed action plans and is monitored by an Implementation Group.

3.1.3 UN Convention on the Rights of Persons with Disabilities (UNCRPD)

The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. The Government is committed to the principles of the UNCRPD, including Article 9 Accessibility and Article 19 Living independently and being included in the community. Meeting the obligations of the UNCRPD is one of progressive realisation, each year moving forward on key reforms.[7] Advancing the implementation of the UNCRPD is an ongoing priority.

[7] CRPD Ireland Initial Report

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3.1.4 What are the policy objectives?

The policy objectives are the promotion of community participation and social inclusion of people by:

- increasing the provision of changing places toilets in certain buildings and
- further enhancing the health and safety of people in and around buildings.

3.1.5 What policy options were considered?

The following options were considered when preparing this Preliminary Regulatory Impact Analysis:

A. Do nothing; or

B. Introduce amendments as proposed to the Building Regulations and associated minimum standards in Technical Guidance Document M – Access and Use; or

C. Promote provision of changing places toilets by means of voluntary guidance, with the hope that those involved in design and construction of buildings adopt it.

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3.2 Regulatory Context

3.2.1 Building Control Act 1990 to 2020

The design and construction of buildings in Ireland is regulated under the Building Control Acts 1990 to 2020, in order to ensure the safety of people within the built environment. The Acts set out the statutory framework for the regulation and oversight of building activity based on:

a) the minimum requirements for the design and construction of buildings as set out in the Building Regulations;

b) detailed Technical Guidance Documents to outline how these requirements can be achieved in practice;

c) clear administrative procedures for demonstrating compliance in respect of an individual building or works as set out in Building Control Regulations;

d) the responsibility for compliance with the Building Regulations resting, first and foremost, with building owners, builders and designers; and

e) the responsibility for enforcing compliance with the building regulations resting with the 31 local building control authorities.

3.2.2 Building Regulations 1997 to 2021

The Building Regulations 1997 to 2021 set out minimum standards for the design and construction of buildings and works to ensure the health and safety of people in and around such buildings. They are subject to ongoing review in the interests of safety and the well-being of persons in the built environment, and to ensure that due regard is taken of changes in construction techniques, technological progress and innovation.

Part M of the Building Regulations deals with Access and Use. The associated Technical Guidance Document M provides guidance indicating how the requirements of Part M can be achieved in practice. Where works are in accordance with TGD M, this will, prima facie, indicate compliance with Part M of the Second Schedule of the Building Regulations.

Part M of the Building Regulations aims to foster an inclusive approach to the design and construction of the built environment.

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While the Part M requirements may be regarded as a statutory minimum level of provision, the accompanying technical guidance encourages building owners and designers to have regard to the design philosophy of Universal Design[8] and to consider making additional provisions where practicable and appropriate.

3.2.3 Building Control Regulations 1997 to 2021

Separate to requirements under the Building Regulations, the Building Control Regulations 1997 to 2021 require that, in the case of commercial buildings and apartment blocks, a Disability Access Certificate is obtained from the local building control authority.

A Disability Access Certificate is a certificate, which specifies that the works or building to which the application relates will, if carried out in accordance with the plans and specifications submitted, comply with the requirements of Part M of the Second Schedule to the Building Regulations. It is an offence to occupy or use a building without having a valid Disability Access Certificate in place as required.

3.2.4 Equal Status Acts

The Equal Status Acts prohibit discrimination in the provision of goods and services, accommodation and education. The Acts require those selling goods or providing services to provide reasonable accommodation, or special treatment or facilities where without these it would be impossible or unduly difficult for a person with disabilities to avail of the goods and services, unless this would cost more than a nominal cost.

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[8] Universal Design is defined in the Disability Act 2005 as
"the design and composition of an environment so that it may be accessed, understood and used to the greatest practicable extent, in the most independent and natural manner possible, in the widest possible range of situations and without the need for adaptation, modification, assistive devices or specialised solutions, by persons of any age or size or having any particular physical, sensory, mental health or intellectual ability or disability."

3.2.5 Disability Act 2005

PART 3 of the Disability Act 2005 places an obligation on public bodies to make their buildings and services accessible. Section 25 states that

> 'a public body shall ensure that its public buildings[9], are as far as practicable, accessible to persons with disabilities and'

requires public bodies to apply Part M retrospectively to the public areas of public buildings. Section 25 states that where Part M is amended, public buildings shall be brought into compliance with any amendments not later than ten years after the commencement of that amendment.[10]

For the purposes of giving guidance to public bodies on the matter, the National Disability Authority has recently initiated the development of a Code of Practice for Accessible Public Buildings under Section 25 of the Disability Act.[11]

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[9] Public building means

> 'a building, or that part of a building, to which members of the public generally have access and which is occupied, managed or controlled by a public body'.

[10] An operational review of the effectiveness of Section 25 of the Disability Act was carried out under Action 26 of the National Disability Inclusion Strategy 2017-2021, by the National Disability Authority (NDA) and the Office of Public Works (OPW).

[11] The development of the Code is a commitment under action 105 of the National Disability Inclusion Strategy, which states that 'we will develop a code of practice for accessible public areas of public sector buildings'.

4.0 Statement of Objectives

The proposed amendment aims to secure adequate standards of health, safety and welfare for persons in and about buildings without imposing disproportionate bureaucracy and costs.

The key objectives of the proposed amendments are as follows:

a) To increase the provision of changing places toilets in certain new buildings, subject to their size and use,

b) to ensure adequate standards of accessibility and usability in changing places toilets,

c) To improve the accessibility and usability of existing building stock by making provision for a changing places toilet, where there is a significant extension or material change of use, subject to the building size and use,

d) To support and complement the aims of the Equality Act 2004, the Disability Act 2005, and the UN Convention on the Rights of Persons with Disabilities.

e) To further the achievement of UN Sustainable Development Goals by reducing inequality and promoting an inclusive society.

f) To support and underpin the philosophy of Universal Design.

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5.0 Proposed Changes to Regulations and Technical Guidance Documents

The introduction of the requirement to provide a changing places toilet in certain buildings will necessitate changes to the Building Regulations 1997 to 2021 and to Technical Guidance Document M – Access and Use.

The requirement to provide a changing places toilet does not apply to residential or buildings or dwellings.

5.1 Summary of Amendments to the Building Regulations 1997 to 2021

The DRAFT proposal for the provision of a changing places toilet in certain buildings includes:

- Amending Part M of the Building Regulations to require the provision of a changing places toilet in buildings, having regard to the buildings use and size;

- Amending Article 5(4) of the Principal Regulations to include a definition of a ‘changing places toilet’, and to amend the definition of an ‘institutional building’;

- Amending Article 13 of the Principal Regulations to require Part M4 to apply to an existing building or part of a building which undergoes a material change of use having regard to the use and size of the building;

- Revocation of Building Regulations (Part M Amendment) Regulations 2010 (S. I. No. 513 of 2010);

- Identifying an operative date of the Regulations subject to the transitional periods cited.

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5.2 Summary of Amendments to Technical Guidance Document M

The DRAFT proposal for the provision of a changing places toilet in certain buildings includes the following proposed amendments:

- Update of Section 0 (Application of Part M), to provide guidance on the application of the DRAFT Regulations to works and buildings subject to their size and use.

- Update to Section 1.4 (Sanitary facilities) to provide minimum standards for changing places toilet in new buildings (including consequential changes throughout the technical guidance document).

- Update to Section 2.4 (Sanitary facilities) to provide minimum standards for changing places toilet in existing buildings.

- The opportunity has also been taken to make other minor editorial corrections, where appropriate.

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6.0 Proposed Buildings Where a Changing Places Toilet Should Be Provided

The Working Group considered a wide range of relevant building uses and sizes to ensure that the requirement to provide a changing places toilet would be appropriate and achieve the policy objectives.

The DRAFT proposal generally applies to large new buildings, existing buildings undergoing significant extensions and buildings undergoing a material change of use, where the provision of a changing places toilet would increase community participation and advance social inclusion.

It is proposed that a changing places toilet should be required where sanitary facilities are provided for people other than staff, and the relevant building use exceeds the size criteria identified in Table 1.

Table 1 DRAFT Proposal for the Provision of At Least One Changing Places Toilet in New Buildings

Item No.	Relevant Building Use **Note: the relevant building use refers to the building or part of the building in which a changing places toilet may be required**	Size Criteria **(Applies where sanitary facilities are being provided for use by people other than staff)**
1.	Hospital.	All new Hospital buildings, with a relevant floor area[1] ≥ 500 m^2. The changing places toilet should be in an accessible location close to the main waiting area.
2.	Primary care centre for the treatment or care of persons who do not sleep on the premises overnight.	Relevant floor area ≥ 500 m^2.
3.	Places of assembly used for social or recreational purposes such as: • an amusement arcade, concert hall, theatre, public library, hall, cinema, gallery, museum, conference centre, leisure or sports centre, place of public worship, • public house, restaurant, or similar premises used for the sale to members of the public of food or drink for consumption on the premises, or • other building of public resort.	**(i)** Relevant floor area ≥ 1,000 m^2, or **(ii)** includes leisure facilities with a relevant floor area of more than 500 m^2 that includes a swimming pool of ≥ 10 m in length.

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4.	Sports pavilion, stadium, grandstand buildings.	Relevant floor area ≥ 5,000 m^2.
5.	Roadside service facility that provides food hall / dining and sanitary facilities.	Relevant floor area ≥ 800 m^2 and the relevant floor area of the food hall / dining area is ≥ 200 m^2.
6.	School (primary, secondary or special schools)[2].	All new school buildings with a relevant floor area ≥ 1,000 m^2.
7.	Third level college, University, or other building for the provision of education.	All new buildings with a relevant floor area ≥ 1,000 m^2.
8.	Terminus, station or other facility for air, rail, road or sea travel.	Relevant floor area ≥ 800 m^2.
9.	Office.	**(i)** Relevant floor area ≥ 20,000 m^2, and **(ii)** where sanitary facilities, for use by people other than staff, i.e. visitors to the building, are provided to serve the main entrance reception area.
10.	Shop.	Relevant floor area ≥ 2,500 m^2.
11.	Shopping centre or retail park.	Relevant floor area ≥ 5,000 m^2.
12.	Hotel.	**(i)** Relevant floor area of ≥ 8,000 m^2, or **(ii)** includes leisure facilities of more than 500 m^2 that include a swimming pool of ≥ 10 m in length, or **(iii)** includes conference or function facilities for ≥ 350[3] people other than staff.
13.	Building that provides sanitary facilities for use by the public in a public park, heritage site or adjacent to a beach.	All buildings (or part thereof) providing sanitary facilities.
14.	Building that provides sanitary facilities as part of a collection of smaller buildings associated with an outdoor amenity primarily used for assembly, recreation or entertainment such as zoos, amusement parks and theme parks.	All buildings (or part thereof) providing sanitary facilities when the capacity of the outdoor amenity is ≥ 2000 people (excluding staff).

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(1) Relevant floor area means the space bounded by the inner finished surfaces of the enclosing walls, or, on any side where there is no enclosing wall, by the outermost edge of the floor on that side.

The calculation shall:

a) include the space occupied by any walls, shafts, ducts or structure within the area being measured.

b) exclude dedicated storage rooms, or food preparation areas that are not normally accessible to the public.

(2) In the case of Item 6 – The changing places toilet should be in an accessible location close to the main entrance to serve both the school users and visitors to the school.

(3) Refer to the methodology in Technical Guidance Document B – Fire Safety, for calculation of the occupant capacity of a building or part of a building.

Extensions to Existing Buildings

Subject to Part M4, at least one changing places toilet should be provided when:

a) an existing building, or part of a building, with a relevant building use is extended by more than 25% of the floor area of a new building with the same relevant building use1,2 as described in Items 1 to 14 of the table above, and

b) the combined floor area of the existing building, or part of a building, with a relevant building use and the extension is ≥ the floor area of a new building with the same relevant building use as described in Items 1 to14 of the table above.

(1) In the case of Item 13 - at least one changing places toilet should be provided when the floor area of the sanitary facilities are extended by more than 25% of their existing floor area.

(2) In the case of Item 14 – at least one changing places toilet should be provided when the floor area of the sanitary facilities are extended by more than 25% of their existing floor area and where the capacity of the overall amenity is ≥ 2,000 people.

Examples

A. A shop (where sanitary facilities are provided for use by people other than staff) having a **relevant** floor area of 2,000 m^2 is extended by 700 m^2. The floor area of the extension > 25% of the new building floor area criteria and the combined floor area of the extended building is ≥ 2,500 m^2. With reference to Item 10, at least one changing places toilet should be provided.

B. A shop (where sanitary facilities are provided for use by people other than staff) having a **relevant** floor area of 1,000 m^2 is extended by 1,000 m^2. The **relevant** floor area of the extension > 25% of the new building floor area criteria and the combined floor area of the extended building is 2,000 m^2. With reference to Item 10, as the combined relevant floor area of the extended building is < 2,500 m^2, the provision of a changing places toilet is not required.

Material Change of Use

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Subject to Part M4, at least one changing places toilet should be provided in an existing building (or part of an existing building) that undergoes a material change of use, when the **relevant** floor area is ≥ the area required for a new building with the same proposed use, as described in Items 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12 and 14 of the table above.

Examples

C. A building (relevant floor area 9,000 m^2) changes use to become a hotel. With reference to Item 12, at least one changing places toilet should be provided.

D. A building (relevant floor area 3,000 m^2) changes use to become a hotel and incorporates conference facilities for ≥ 350 people. With reference to Item 12, at least one changing places toilet should be provided.

6.1 Impact of the Proposed Size Criteria

The Working Group carefully considered the building use and size criteria outlined in Table 1, which set the trigger level (building use and size criteria) for the provision of changing places toilets.

Commencement Notice data[12] for 6,667 valid commencement notices submitted from January 2018 to December 2020 was analysed in order to determine the potential number of buildings affected by the proposal.

From the analysis it was concluded that if the past three years of construction activity were to continue, roughly 80 buildings/works per annum (56 New, 21 Extensions and 5 Material Changes of Use) would exceed the trigger levels in Table 1 and may be required to provide a changing places toilet. This represents an average of 2.8% of all of the building uses identified in Table 1 for which a valid commencement notice was submitted (January 2018 to December 2020).

A summary of the analysis is included in Table 2, with a detailed breakdown of each building type provided in Table A.1 of Appendix 1.

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[12] See Open Data Portal for building control activity data.

Figure 2 illustrates the expected distribution of changing places toilets across the various types of buildings.

Table 2 Summary of Average Number of Buildings/ Works Estimated to Require the Provision of a Changing Places Toilet

Type of Building or Works for Which a Commencement Notice Was Submitted (2018-2020)	Average Number of Buildings/Works per year In Accordance With Building and Size Criteria Outlined In Table 1	Average Number of Buildings/Works per year In Accordance With Building and Size Criteria Outlined In Table 1	Average % of Buildings/Works per year in Accordance With Building and Size Criteria Outlined in Table 1
New	1,333	56	4.2%
Extension	655	21.2	3.2%
Material Alteration	713	N\A*	N\A*
Material Change of Use	235	5.2	2.2%
	2936	**82.4**	**2.8%**

Notes:

*Material alterations were not included within the criteria to activate the provision of a changing places toilet.

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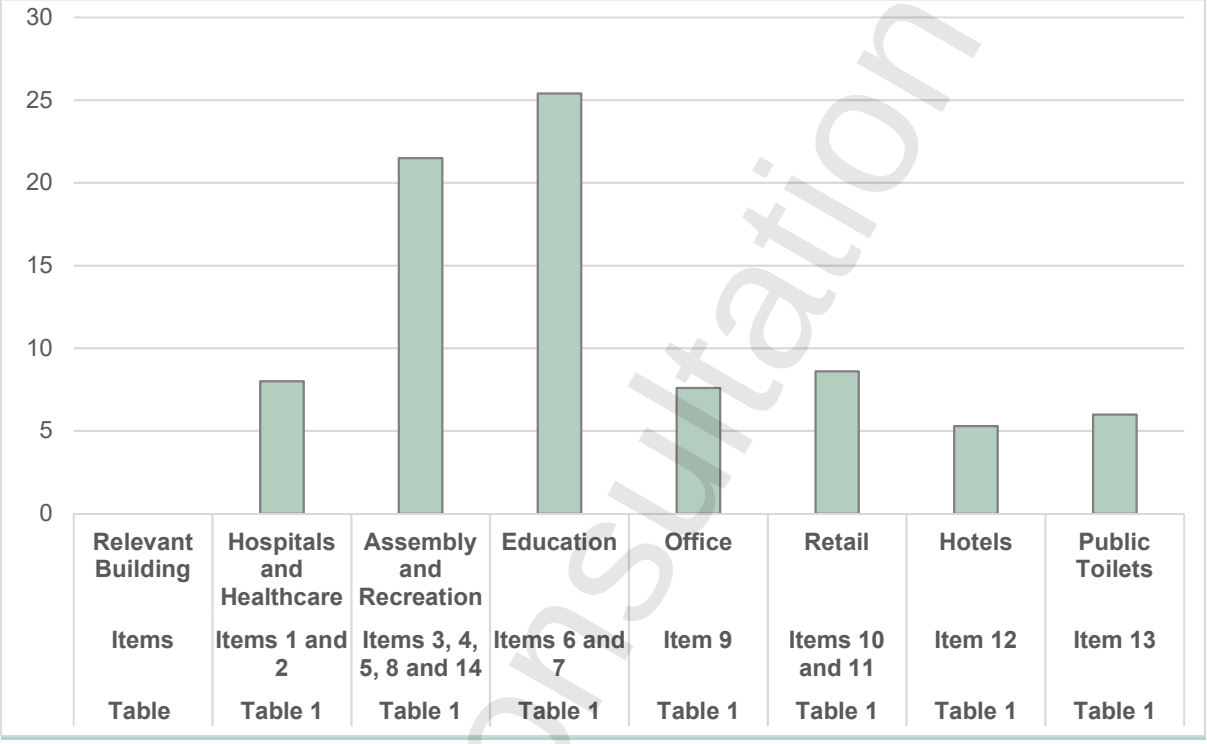
Figure 2 **Estimated Distribution of Changing Places Toilet by Building Type**



Note:

It is estimated that up to 80 changing places toilets per year may arise from the proposed regulations.

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7.0 Cost Benefit Analysis

7.1 Estimated Costs

A. Do nothing

There is no cost associated with this option.

B. Introduce amendments as proposed to the Building Regulations and associated minimum standards in Technical Guidance Document M – Access and Use

There are additional costs associated with this option. The assumptions, methodology adopted by the Working Group and the outcome of the analysis of the estimated costs are as follows:

a) The Working Group recommend adopting the room size layout from **I.S. EN 17210:2021 Accessibility and Usability of the Built Environment - Functional requirements**' that indicates a minimum room size of 4.2 m x 3 m (12.6 m^2 floor area).

b) The typical average costs per square metre of floor area for new buildings[13], dependent on building type, were based on the averages of the ranges given in the **Buildcost Second half 2020 Construction Cost Guide**[14], **The Linesight Ireland Handbook 2021**[15] and cost data supplied directly by the Department of Education[16], with the following costs being used:

- Retail (unit)[13] - € 1,525 per m^2
- Retail (shopping centre mall areas)[12] - € 3,100 per m^2
- Hotel[12] - € 3,050 per m^2
- Education (primary and second level)[14] - € 1,640 per m^2
- Education (third level)[12] - € 3,050 per m^2
- Healthcare (hospital)[12] - € 4,250 per m^2
- Healthcare (Primary care)[12] - € 2,250 per m^2
- Offices[12] - € 2,850 per m^2
- Restaurants[13] - € 2,925 per m^2
- Cinemas[13] - € 2,450 per m^2

[13] Based on average construction build cost only and excludes fixtures furniture & equipment, site works, VAT, professional fees, future inflation and other developer costs etc. Refer to Buildcost or Linesight reports for all cost assumptions made.

[14] Refer to https://buildcost.ie/Buildcost-Construction-Cost-Guide-2nd-Half-2020.pdf

[15] Refer to https://www.linesight.com/en-us/reports/europe-2021/#costsirl for average Irish construction costs 2021

[16] Provided directly by the Department of Education

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A figure of € 2,612 per m^2 was used when typical average construction costs were not available for a particular building use. This was the average of the construction costs across all the building types that construction costs data was available for.

Due to the individual nature of each building extension, average construction costs are not available for this category of work.

c) The cost of additional equipment over and above a typical unisex accessible WC i.e. hoist, adjustable basin, adjustable adult-sized changing bench was established by a market tender to be on average € 14,000 per installation (excluding VAT).

d) Using the above costs, the following estimated costs have been identified:

(i) The cost of a changing places toilet (the combined construction and additional equipment costs i.e. hoist, adjustable basin, adjustable adult-sized changing bench) will range from € 33,215 to € 67,550 depending on the building type and size (average cost of € 50,000) [17].

(ii) Based on the installation of 82 changing places toilets (56 New, 21 Extensions and 5 Material Changes of Use) it is estimated that construction costs would be in the region of € 4.123 million per annum.

(iii) For new buildings, the cost increases range from 0.05 % to 1.57% with an average construction cost increase of 0.15% (average cost of € 50,000).

(iv) Whilst the provisions of the Building Regulations do not relate to management, it should be noted that the annual operation costs, including maintenance, servicing and cleaning of a changing places toilet is estimated at approximately € 3,500 per annum (excluding VAT).

A summary of the estimated costs are included in Table 3, with a detailed breakdown per building type provided in Table A.1 of Appendix 1.

C. Promote provision of changing places toilets be means of voluntary guidance, with the hope that those involved in design and construction of buildings adopt it.

[17] In all cases the costs of equipment is constant, but the average construction costs for the type of building vary as per 7.1.B.b).

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There are no implementation costs associated with this option. However, where a person chooses to follow any advice on non-mandatory provision, the likely costs would be as indicated under option B above (where an equivalent specification is provided).

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Table 3	Summary of Average Cost Impact of the Provision of Changing Places Toilets								
Building Description (Item 1 to 14 as listed in Table 1)	**Type of Building or Works**	**Average Number of Buildings/ Works per year (Other Than Dwellings) That Were Analysed**	**Average Number of Buildings/ Works per year In Accordance With Table 1**	**Average % of Buildings/ Works per year In Accordance With Table 1**	**Average Construction Cost[(a)] per m^2 for Buildings in Table 1**	**Average Construction Cost[(a)] of Buildings in Accordance with Table 1 € (Millions)**	**Average Cost[(a)] of Provision of a Changing Places Toilet (€)**	**Average % Increase in the Cost[(a)] of Buildings in Accordance with Table 1**	**Avg. % Increase in the Cost[(a)] of All Buildings of the Same Use**
Total (Averages per year)	**New**	**1,333**	**56**	**4.2%**	**€ 2,714**	**€ 33.349**	**€ 50,000**	**0.15%**	**0.12%**
	Extension	**655**	**21.2**	**3.2%**	**(b)**	**-**	**-**	**-**	**-**
	Material Alteration	**713**	**N\A**	**N\A**	**(c)**	**N\A**	**N\A**	**N\A**	
	Material Change of Use	**235**	**5.2**	**2.2%**	**(d)**	**-**	**-**	**-**	**-**
		2936	**82.4**	**2.8%**		**-**			

NOTES:

- **(a)** Based on average construction build cost only, and excludes fixtures furniture and equipment (except for those associated with a changing places toilet), site works, VAT, professional fees, future inflation and other developer costs etc. Refer to Buildcost or Linesight reports for all cost assumptions made.
- **(b)** Due to the individual nature of each building extension, average construction costs are not available for this category of work.
- **(c)** Material alterations were not included within the criteria to activate the provision of a changing places toilet.
- **(d)** Constructions costs are not available for changes of use, as the building subject to the change of use have already been constructed.

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7.2 Benefits

A. Do nothing

No benefit is expected from this option.

B. Introduce amendments as proposed to the Building Regulations and associated minimum standards in Technical Guidance Document M – Access and Use

The benefits from the provision of changing places toilets are as follows:

a) Currently there is no provision for a changing places toilet in publically accessible buildings. The needs of a proportion of the population will be met by the proposed regulatory provision of this sanitary facility in large publically accessible buildings and spaces, where standard accessible WCs do not meet their needs.

b) National Disability Authority research indicates that between 17,100 to 37,700 people (or between 1 in 132 to 1 in 291 people), excluding their assistants, would benefit from the provision of a changing places toilet.

c) The provision of enhanced sanitary facilities in the form of a changing places toilet will enable people with complex care needs to take part in everyday activities such as travel, shopping, family days out or attending a sporting event. People will be able to plan activities with confidence around where such facilities are located and when they are open.

d) Regulating for the provision of a changing places toilet in certain buildings such as hospitals, schools, shops, shopping centres, offices, museums, galleries, roadside service stations and so on may provide as approximately 80 changing places toilets per annum[18] where they are currently not provided.

e) Regulating for the provision of a changing places toilet will encourage the adoption of the principle in other developments. This would assist current broader action to deliver changing places toilets on a voluntary basis.

f) From the analysis of the Commencement Notice data, it is estimated that over a three-year period the DRAFT proposal may result in the provision of at least one changing places toilet in most local authority areas.

[18] Refer to Table 2

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C. Promote provision of changing places toilets by means of voluntary guidance, with the hope that those involved in design and construction of buildings adopt it.

The benefits from the provision of voluntary guidance are as follows:

a) This would help reduce the uncertainty of what constitutes best practice. However, any benefits gained by the introduction of voluntary guidance would be unlikely to deliver significant additional numbers of changing places toilets throughout the country.

b) Technical Guidance Document M 2010 already encourages building owners and designers to have regard to the design philosophy of Universal Design and to consider making additional provisions where practicable and appropriate. Despite this, and the efforts of Changing Places Ireland to promote voluntary installation of changing places toilets there are a limited amount of such facilities in Ireland.

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7.3 Impact

A. Do nothing

No positive impact is expected. The minimum standards of TGD M will not reflect current advances in international standards or help to promote a more inclusive society.

B. Introduce amendments as proposed to the Building Regulations and associated minimum standards in Technical Guidance Document M – Access and Use

The impact from regulating for the provision of changing places toilets in certain buildings are:

a) Regulating for the provision of a changing places toilet will improve community participation and social inclusion.

b) It will increase the nationwide provision of such facilities in a proportionate manner and contribute to a more equitable society.

c) It will allow users to attend to their hygiene needs with dignity.

d) Buildings in which a changing places toilet may be required in accordance with Table 1 represent an average of 3% of all buildings, other than dwellings, commenced per annum.

e) Provision of a changing places toilet may result in increased trade for businesses able to cater for a wider range of customers.

f) Irish Building Regulations relating to access and use of buildings will be more favourably comparable with international good practice and provisions in England, Scotland and Australia.

C. Promote provision of changing places toilets be means of voluntary guidance, with the hope that those involved in design and construction of buildings adopt it.

The impact from the provision of voluntary guidance are as follows:

a) This would reduce the uncertainty of what constitutes best practice. However implementation of this option would only be on a voluntary basis.

b) Continual education would be the driving force for this option's implementation and success.

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c) The voluntary uptake of the provision of a changing places toilet is not apparent, as there are fewer than seventeen changing places toilets in Ireland.

d) Other jurisdictions e.g. England, Scotland and Australia have mandated the provision of changing places toilets in recent years due to low uptake from voluntary guidance, while Northern Ireland and Wales have recently held a public consultation relating to the provision of changing places toilets.

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8.0 Other Impacts

8.1 Competition Assessment

There are no significant areas where issues of competition, restriction or imbalance have been identified. The Department of Housing, Local Government and Heritage considers that the proposal would have no significant effect on competition in any markets. The Department also considers that the proposals apply in a proportional and equitable way.

8.2 Consultation

In December 2020, the Department of Housing, Local Government and Heritage established a Working Group to examine the provision for a changing places toilet in certain buildings. The following organisations are represented on the Working Group:

1) Changing Places Ireland [19, 20, 21]
2) National Disability Authority;
3) Royal Institute of the Architects of Ireland;
4) Society of Chartered Surveyors of Ireland;
5) Office of Public Works;
6) Health Service Executive – Estates;
7) Construction Industry Federation; and
8) Department of Education;
9) Building Control Authorities[22].

[19] The UNCRPD requires State parties to actively involve people with disabilities in policy development. It is vital that Government hears the voices of people with lived experience of disability. The experiences and perspectives of people with disabilities are essential to the development of policies and programmes that meet their needs effectively.

[20] The Working Group included three people from Changing Places Ireland, two of whom are users of Changing Places Toilets (one user and one parent).

[21] Changing Places Ireland (https://changingplaces.ie/) is supported by the following organisations:
- Enable Ireland
- Central Remedial Clinic
- Inclusion Ireland
- Disability Federation Ireland
- InterAcT (Accomplish and Thrive)
- Spina bifida hydrocephalus Ireland (SBHI)
- Irish Wheelchair Association (IWA)

[22] Represented by Cork County Fire and Building Control Department.

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The plenary Working Group met six times, in addition to a number of sub-group meetings.

In addition, the working group obtained a valuable insight into the implementation of similar provisions in other jurisdictions from meetings with Regulators from Scotland and Northern Ireland, a review of the regulations in Scotland, England, and Australia and consideration of the public consultations in Wales and Northern Ireland.

The working group has now recommended the types and sizes of buildings where they consider a changing places toilet should be required. They have also identified the technical requirements (equipment, room size and layout) of a changing places toilet. The draft documents attached to this submission reflect their proposals.

The Department of Housing, Local Government and Heritage sincerely thank the Working Group for their huge personal effort and contribution to the process.

Public Consultation

The draft documentation including DRAFT Building Regulations (Part M Amendment) Regulations 2022, DRAFT Technical Guidance Document M – Access and Use 2022, this DRAFT Preliminary Regulatory Impact Analysis, an easy to read consultation document and an information video to support the easy to read consultation document were published to support a public consultation on the matter.

Consultation with the European Commission

In accordance with the notification requirements of Directive (EU) 2015/1535[23], the European Commission were notified of the DRAFT regulations/Technical Guidance Document and this Preliminary Regulatory Impact Analysis. The notification allowed the European Commission and the Member States of the EU to examine the technical regulations before their adoption.

8.3 Regulatory Burden

There will be a requirement for additional training of Building Control Officers. This will be included as part of ongoing training delivered by the National Building Control Office.

As the norm is to allow for a transitional lead in period, building designers will have a period of time to adapt to the proposed revisions. It is porposed that the regulations will come into effect approximately 12 months from the date of signing, subject to transitional periods. It is generally accepted in the industry that Building Standards

[23] Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

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and Codes of Practice evolve over time. This should not have any major impact on design and supervision fees.

Section 25 of the Disability Act 2005 requires public bodies to apply Part M retrospectively to the public areas of public buildings. Section 25 states that where Part M is amended, public buildings shall be brought into compliance with any amendments not later than ten years after the commencement of that amendment. This change will have implications for public bodies that own, manage or control qualifying public buildings, as they would need to bring them into compliance within ten years.

For the purposes of giving guidance to public bodies on the matter, the National Disability Authority has recently initiated the development of the Code of Practice for Accessible Public Buildings under Section 25 of the Disability Act.

8.4 Enforcement and Compliance

The primary responsibility for compliance with the requirements of the Building Regulations rests with the designers, builders and owners of buildings.

Enforcement of the Building Regulations is delegated under the Building Control Act 1990 to 2020 to the local building control authorities (i.e. the 31 local authorities) who are independent in the exercise of their statutory powers. Building Control Authorities who have a broad range of powers under the Act to investigate and, where appropriate, take action in the event that non-compliances are identified in buildings.

The **Building Control Regulations 1997 to 2021** set out the system of administrative controls to support compliance with the Building Regulations by requiring, inter alia, the submission of Commencement Notices, Fire Safety Certificates, Disability Access Certificates and Certificates of Compliance on Completion.

8.5 Sectors and Groups Affected

Sectors and groups that would be affected include:

(a) Building users who would benefit from the provision of a changing places toilet along with their families, friends, and other people providing assistance.

(b) Building owners/developers who need to consider the additional cost of a changing places toilet into the planning of a building or works that exceed the criteria in Table 1.

(c) Public bodies, who occupy, manage or control a building, or that part of a building, to which members of the public generally have access.

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(d) Building operators of certain buildings that may be required to maintain a changing places toilet.

(e) Building designers/constructors involved with building design, construction and compliance certification would need to familiarise themselves with the new regulations and technical guidance.

(f) Building Control Authorities responsible for, inter alia, approvals of Disability Access Certificates and enforcement for compliance with Parts M of the Building Regulations would need to familiarise themselves with the new regulations and technical guidance.

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9.0 Recommendations

There are three options for consideration, options A, B, or C described below.

A. Do nothing

This option imposes no additional costs, it does not provide any additional benefits either. It is likely that Part M would be regarded as being outdated in comparison with best practice.

B. Introduce amendments as proposed to the Building Regulations and associated minimum standards in Technical Guidance Document M – Access and Use

This is the preferred option as it complements Government policy and additionally:

- It will increase the provision of changing places toilets nationally (estimated at 82 changing places toilets per annum), in a proportionate manner and contribute to a more equitable society.
- It will improve community participation and social inclusion and will endeavour to improve the lives of between 17,100 and 37,700 potential end users.
- The estimated benefits to society balance the extra costs.
- Irish Building Regulations regarding access and use of buildings will be more comparable with international good practice.

C. Promote provision of changing places toilets be means of voluntary guidance, with the hope that those involved in design and construction of buildings adopt it.

This option would help reduce the uncertainty of what constitutes good practice. However, any benefits gained by the introduction of voluntary guidance would be unlikely to deliver significant additional numbers of changing places toilets throughout the country.

In conclusion, option **B**. is the recommended option.

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10.0 Appendix 1

Table A.1 Cost Impact for Buildings or Works in Accordance with Table 1

Building Description \ Use	Type of Building or Works	Average Number of Buildings/ Works per year with a Valid CN	Average Number of Buildings/ Works per year in Accordance with Table 1	Average % of Buildings/ Works per year in Accordance with Table 1	Average Construction Cost[(A)] per M² for Buildings in Table 1	Average Construction Cost of Buildings in Accordance with Table 1 €(Millions)	Cost of Provision of a Changing Places Toilet (€)	Average % Increase in the Cost of Buildings in Accordance with Table 1	Avg. % Increase in the Cost of All Buildings of the Same Use
1. Hospital	**New**[24]	3.7	3.7	18.18 %	€ 4,250	€ 23.581	€ 67,550	0.29 %	0.29%
	Ext[25]	8.0	2.3	18.18 %	(b)	-	€ 67,550	-	-
	MCoU[26]	0	0	0	(c)	-	-	-	-
2. Primary care centre for the treatment or care of persons who do not sleep on the premises overnight	**New**	3.5	1.7	47.62 %	€ 4,250	€ 10.903	€ 67,550	0.62 %	0.41 %
	Ext	0	0	0	(b)	-	-	-	-
	MCoU	0.5	0.3	66.67 %	(c)	-	€ 67,550	-	-

NOTES:

(a) Based on average construction build cost only and excludes fixtures furniture and equipment (except for those associated with a changing places toilet), site works, VAT, professional fees, future inflation and other developer costs etc. Refer to Buildcost or Linesight reports for all cost assumptions made.
(b) Due to the individual nature of each building extension, average construction costs are not available for this category of work.
(c) Constructions costs are not available for changes of use, as the building subject to the change of use have already been constructed.

[24] New buildings
[25] Extensions to existing buildings
[26] Material change of use

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Building Description \ Use	Type of Building or Works	Average Number of buildings/ Works per year with a valid CN	Average Number of Buildings/ Works per year in Accordance with Table 1	Average % of Buildings/ Works per year in Accordance with Table 1	Average Construction Cost(a) per m2 for Buildings in Table 1	Average Construction Cost(a) of Buildings in Accordance with Table 1 €(Millions)	Cost(a) of Provision of a Changing Places Toilet (€)	Average % Increase in the Cost(a) of Buildings in Accordance with Table 1	Avg. % Increase in the Cost(a) of All Buildings of the Same Use
3. Places of assembly used for social or recreational purposes such as: • an amusement arcade, concert hall, theatre, public library, hall, cinema, gallery, museum, conference centre, leisure or sports centre, place of public worship, • public house, restaurant, or similar premises used for the sale to members of the public of food or drink for consumption on the premises or • other building of public resort	**New**	64.4	12	18.63 %	€ 2,490	5.900	€ 45,375	0.77 %	0.51 %
	Ext	85.3	4.3	5.04 %	(b)	-	€ 45,375	-	-
	MCoU	43	3.3	7.67 %	(c)	-	€ 45,375	-	-

NOTES:

(a) Based on average construction build cost only and excludes fixtures furniture and equipment (except for those associated with a changing places toilet), site works, VAT, professional fees, future inflation and other developer costs etc. Refer to Buildcost or Linesight reports for all cost assumptions made.
(b) Due to the individual nature of each building extension, average construction costs are not available for this category of work.
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Building Description \ Use	Type of Building or Works	Average Number of Buildings/ Works per year with a valid CN	Average Number of Buildings/ Works per year in Accordance with Table 1	Average % of Buildings/ Works per year in Accordance with Table 1	Average Construction Cost(a) per m2 for Buildings in Table 1	Average Construction Cost(a) of Buildings in Accordance with Table 1 €(Millions)	Cost(a) of Provision of a Changing Places Toilet (€)	Average % Increase in the Cost(a) of Buildings in Accordance with Table 1	Avg. % Increase in the Cost(a) of all Buildings of the Same Use
4. Sports pavilion, stadium, grandstand	**New**	No buildings within study period							
	Ext	No buildings within study period							
	MCoU	No buildings within study period							
5. Roadside service facility that provides food hall / dining and sanitary facilities	**New**	8.3	1.3	16.00 %	€ 2,612	€ 2.981	€ 46,910	1.57 %	0.58 %
	Ext	7.3	0.3	4.55 %	(b)	-	-	-	-
	MCoU	0	0	0	(c)	-	-	-	-
6. School (primary, secondary or special schools)	**New**	135.3	14	10.34 %	€ 1,640	€ 6.473	€ 34,664	0.54 %	0.38 %
	Ext	114.7	7	6.10 %	(b)	-	€ 34,664	-	-
	MCoU	14.3	0.7	4.65 %	(c)	-	€ 34,664	-	-
7. University building or Third Level education building	**New**	2.0	1.7	83.33 %	€ 3,050	€ 58.839	€ 53,430	0.09 %	0.09 %
	Ext	2.7	1.7	62.5 %	(b)	-	€ 52,430	-	-
	MCoU	0.7	0.3	50.0 %	(c)	-	€ 53,430	-	-

NOTES:

(a) Based on average construction build cost only and excludes fixtures furniture and equipment (except for those associated with a changing places toilet), site works, VAT, professional fees, future inflation and other developer costs etc. Refer to Buildcost or Linesight reports for all cost assumptions made.
(b) Due to the individual nature of each building extension, average construction costs are not available for this category of work.
(c) Constructions costs are not available for changes of use, as the building subject to the change of use have already been constructed.

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Building Description \ Use	Type of Building or Works	Average Number of Buildings/ Works per year with a valid CN	Average Number of Buildings/ Works per year in Accordance with Table 1	Average % of Buildings/ Works per year in Accordance with Table 1	Average Construction Cost(a) per m2 for Buildings in Table 1	Average Construction Cost(a) of Buildings in Accordance with Table 1 €(Millions)	Cost(a) of Provision of a Changing Places Toilet (€)	Average % Increase in the Cost(a) of Buildings in Accordance with Table 1	Avg. % Increase in the Cost(a) of all Buildings of the Same Use
8. Terminus, station or other facility for air, rail, road or sea travel	**New**	1.0	0.3	33.33 %	€ 2,612	€ 5.746	€46,357	0.81 %	0.24 %
	Ext	0	0	0	(b)	-	-	-	-
	MCoU	0	0	0	(c)	-	-	-	-
9. Office	**New**	79.0	6.3	8.02 %	€ 2,850	€ 93.883	€ 49,910	0.050 %	0.030 %
	Ext	63.0	1.0	1.59 %	(b)	-	€ 49,910	-	-
	MCoU	40.0	0.3	0.83 %	(c)	-	€ 49,910	-	-
10. Shop. (which is not ancillary to the primary use of the building)	**New**	40.3	6.0	14.88 %	€ 1,525	€ 6.484	€ 33,215	0.51 %	0.231 %
	Ext	56.7	1.0	1.76 %	(b)	-	€ 33,215	-	-
	MCoU	26.7	0.3	1.25 %	(c)	-	€ 33,215	-	-
11. Shopping centre or retail park	**New**	3.0	0.3	11.11 %	€ 1,525	€ 101.667	€ 53,060	0.05 %	0.025 %
	Ext	6.0	1.0	16.67 %	(b)	-	-	-	-
	MCoU	0	0	0	(c)	-	-	-	-

NOTES:

(a) Based on average construction build cost only and excludes fixtures furniture and equipment (except for those associated with a changing places toilet), site works, VAT, professional fees, future inflation and other developer costs etc. Refer to Buildcost or Linesight reports for all cost assumptions made.

(b) Due to the individual nature of each building extension, average construction costs are not available for this category of work.

(c) Constructions costs are not available for changes of use, as the building subject to the change of use have already been constructed.

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Building Description \ Use	Type of Building or Works	Average Number of Buildings/ Works per year with a valid CN	Average Number of Buildings/ Works per year in Accordance with Table 1	Average % of Buildings/ Works per year in Accordance with Table 1	Average Construction Cost(a) per m2 for Buildings in Table 1	Average Construction Cost(a) of Buildings in Accordance with Table 1 €(Millions)	Cost(a) of Provision of a Changing Places Toilet (€)	Average % Increase in the Cost(a) of Buildings in Accordance with Table 1	Avg. % Increase in the Cost(a) of all Buildings of the Same Use
12. Hotel	**New**	19.0	4.0	21.05 %	€ 3,050	€ 50.376	€ 52,430	0.10 %	0.07 %
	Ext	20.3	1.3	6.56 %	(b)	-	-	-	-
	MCoU	0	0	0	(c)	-	-	-	-
13. Building that provides sanitary facilities for use by the public in a public park, heritage site or beach	**New**	4.7	4.7	100 %	-	-	-	-	-
	Ext	1.3	1.3	100 %	(b)	-	-	-	-
	MCoU	0	0	0	(c)	-	-	-	-
14. Building that provides sanitary facilities as part of a collection of smaller buildings associated with an outdoor amenity primarily used for assembly, recreation or entertainment such as zoos, amusement parks and theme parks	**New**	Accounted for within assembly and recreation buildings							
	Ext								
	MCoU								

NOTES:

(a) Based on average construction build cost only and excludes fixtures furniture and equipment (except for those associated with a changing places toilet), site works, VAT, professional fees, future inflation and other developer costs etc. Refer to Buildcost or Linesight reports for all cost assumptions made.

(b) Due to the individual nature of each building extension, average construction costs are not available for this category of work.

(c) Constructions costs are not available for changes of use, as the building subject to the change of use have already been constructed.

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