

Title of Report:	Consultation Proposals for amendment to the Building Regulations, Technical Booklet Guidance to Part R (Access to and use of buildings) – Changing Places Toilet Provision
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	12th October 2021
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Healthy, Active & Engaged Communities
Outcome	To provide accessible sanitary facilities for people with complex and multiple disabilities
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	YES/NO N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No N/A	Date:
	EQIA Required and Completed:	Yes/No N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No N/A	Date:
	RNA Required and Completed:	Yes/No N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No N/A	Date:
	DPIA Required and Completed:	Yes/No N/A	Date:

1.0 Purpose of Report

- 1.1** The purpose of this report is to provide members with a Council response to the consultation in relation to proposals for amendment to the Building Regulations, Technical Booklet Guidance to Part R (Access to and use of buildings) – Changing Places Toilet Provision

2.0 Background (to include any previous decisions of Council)

- 2.1** The Department of Finance (DoF) intends to implement amendments to local Building Regulations technical guidance that would ensure new/relevant large buildings commonly used by the public are fitted with Changing Places Toilet (CPT) facilities in a properly targeted and proportionate manner, thus enhancing equality and inclusion within the built environment.

This consultation has been issued by the DoF, which has responsibility for maintaining the Building Regulations for Northern Ireland and is looking to receive comments and views concerning any of the proposals contained in this consultation with a closing date of the 20th October 2021.

3.0 Proposals

- 3.1** In conjunction with BCNI a response has been prepared to Questions 1-6 for consideration by Council and may be found at Appendix 1 to this report.

4.0 Recommendation

It is recommended that the Environmental Services Committee recommends to Council the adoption of the response found at Appendix 1 to the consultation in relation to the Changing Places Toilet Provision.



Department of

Finance

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The Building Regulations (Northern Ireland) 2012

PUBLIC CONSULTATION DOCUMENT C.2

Consultation Proposals for amendment of Technical Booklet Guidance to Part R (Access to and use of buildings) – Changing Places Toilet Provision

July 2021

(closing date for receipt of responses is Wednesday 20 October 2021)

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AMENDMENTS TO TECHNICAL BOOKLET GUIDANCE TO PART R - CONSULTATION

1. BACKGROUND



Example of a Changing Places Toilet facility.

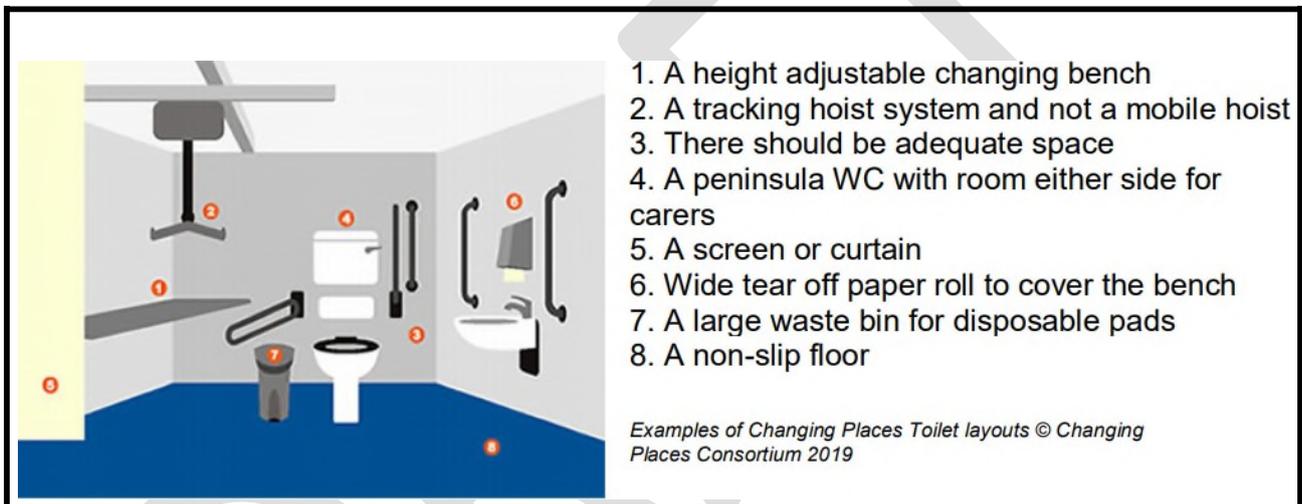
Image from Changing Places Consortium

CHANGING PLACES TOILETS (CPTs)

- 1.1 Changing Places Toilets (CPTs) meet the needs of people with profound and multiple learning disabilities, as well as people with other physical disabilities such as spinal injuries, muscular dystrophy and multiple sclerosis. These toilets provide specific equipment including a height adjustable adult-sized changing table, a tracking hoist system, adequate space for a disabled person and up to two carers, a peninsular WC with room either side and a safe and clean environment including tear off paper to cover the bench, a large waste bin and a non-slip floor. These facilities enable people with complex care needs to take part in everyday activities such as travel, shopping, family days out or attending a sporting event.
- 1.2 A standard-sized CPT facility as set out in BS 8300-2:2018, which is a room with a floor area of 12m² (3m wide and 4m long, with a ceiling height of 2.4m). A room of 3m x 4m gives a rectangular space to allow users and carers to move between each piece of equipment in the toilet.
- 1.3 It is important for a wheelchair user to be able to move in a wheelchair between each item and to have the space for up to two carers, to transfer or hoist the user

from the wheelchair on to the fold down bench or from the wheelchair on to the peninsular toilet, or from the toilet to the adjustable changing bench. These movements between sink, bench and toilet will vary given the size of the adult or child and the size of their wheelchair. Hoists lift (and lower) the user and ease manual handling for the carers. BS 8300 Part 2 new Code of Practice sets out CPT layout and fixtures detail standards.

- 1.4 A network of 42¹ CPT facilities exist across Northern Ireland but there is no current legislative requirements for their provision within buildings. The vast majority of these facilities were installed on a voluntary basis, or as part of ongoing property redevelopment initiatives in the Health Trust Estate.
- 1.5 There are over 1,600 Changing Places toilets across the UK, up from just 140 in 2007. Although the increase in numbers and action by forward looking building owners is to be welcomed, provision is still haphazard, and so we need to go further. This consultation seeks views on options to increase the provision of CPT facilities.



BUILDING REGULATIONS

- 1.6 The Department of Finance has policy responsibility for maintaining the Building Regulations.
- 1.7 The Building Regulations apply to most building work and are made principally to secure the health, safety, welfare and convenience of people in or about buildings, and the conservation of fuel and power, for the protection and enhancement of the environment and promotion of sustainable development.
- 1.8 Building regulations are only applicable at the time that building work takes place. Regulations do not apply retrospectively for existing buildings, because these should comply with the Regulations in force at the time they were built. Building regulations do not impose ongoing management requirements.

¹ As of June 2020 from Changing Place Toilet Map <https://changingplaces.uktoiletmap.org/>

- 1.9 The Regulations set mainly functional requirements and are supported by Technical Booklets giving statutory guidance, including performance standards and design provisions, relating to compliance with specific aspects of the Building Regulations for the more common building situations.
- 1.10 Part R (Access to and use of buildings) of the Building Regulations sets minimum access standards for all new buildings. These requirements are supported by statutory guidance in Technical Booklet R.
- 1.11 Northern Ireland building regulations do not require the provision of toilets for sanitary convenience, beyond that required for a dwelling (regulation 85 of Part P). Section 6 of Technical Booklet R the statutory technical guidance on the provisions for Part R, ensures that when sanitary accommodation and/or associated sanitary facilities are being provided in a building, these are no less available for disabled people than for non-disabled people. Therefore other legislation sets sanitary provision requirement for non-dwellings, where building regulations set the technical standards for those sanitary facilities to be accessible and inclusive.

BUILDING REGULATIONS CURRENT POSITION AND BS 8300 CPT DESIGN

- 1.12 The Building Regulations statutory guidance (Technical Booklet R: Access to and use of buildings: October 2012²) already sets out minimum standards for accessible toilets in new buildings used by public/employees. That includes standards for unisex wheelchair-accessible toilets with a corner WC (even in small buildings) and additional provision in larger buildings.
- 1.13 After consultation with MENCAP and other interested groups, Changing Places were referenced for the first time within the Northern Ireland Building Regulations Part R guidance in 2012 under the new Appendix A 'Informative – Facilities for people with profound and multiple learning disabilities' to Technical Booklet R. The Appendix points to information that will assist the designers in their developments, where they have opted to provide such a facility.
- 1.14 Therefore Appendix A is informative guidance as opposed to compliance guidance within Technical Booklet R.
- 1.15 The informative guidance within Appendix A also points to MENCAP for specialist advice or information provided by the Changing Places Campaign website (www.changing-places.org) on how to provide a new Changing Places toilet. It also refers to a British Standard BS 8300, which provides good practice guidance on the design of an accessible and inclusive built environment. This standard was updated in January 2018 and guidance on Changing Places toilets is now in Clause 18.6 (along with supporting Annexes) of the new "BS 8300-2:2018 Design of an accessible and inclusive built environment. Buildings. Code of practice".
- 1.16 The BS 8300-2 guidance includes recommendations on the types of building within which a CPT facility should be considered. This list recognises the benefits of provision in buildings that are open to the public, have a managed environment and

²<https://www.finance-ni.gov.uk/sites/default/files/publications/dfp/Technical-booklet-R-Access-to-and-use-of-buildings-October-2012.pdf>

will generally have consistent opening hours when the facility can be accessed. The list includes examples of buildings visited by the public, commercial premises, buildings associated with the transport network and larger 'destination' buildings.

- 1.17 Interested groups and individuals have asked Government to follow this list and use this as the starting point for statutory provision.

The following extract from BS 8300-2: 2018 (Code of Practice, text is copyright BSI, 2020) illustrates this;

Changing Places toilets should be provided in buildings and complexes such as:

- a) major transport termini or interchanges, e.g. large railway stations and airports;
- b) motorway services;
- c) sport and leisure facilities, including large hotels;
- d) cultural centres, e.g. museums, concert halls and art galleries, and faith centres;
- e) stadia and large auditoria;
- f) large commercial retail premises and shopping centres;
- g) key buildings within town centres, e.g. town halls, civic centres and main public libraries;
- h) educational establishments;
- i) health facilities, such as hospitals, health centres and community practices;
- j) other visitor attractions, such as theme parks, monitored beaches and parks.

- 1.18 Nonetheless the Changing Places information along with the BS 8300 Changing Places design standard referenced in Appendix A, is currently good practice guidance, not a specified standard for compliance within TBR statutory guidance.

2. THE CONSIDERATIONS FOR CPT PROVISION

OBJECTIVES

- 2.1 In this consultation we are seeking to determine through statutory guidance, a standard for CPT provision, to ensure specific new/relevant large buildings commonly used by the public, are fitted with accessible sanitary facilities for people with complex and multiple disabilities – see para 1.1 (in addition to accessible toilet facilities), in a properly targeted proportionate manner and thus enhancing equality and inclusion within the building environment.
- 2.2 The overall objective of the amendment is to update the current advisory guidance on the provision of CPT facilities, changing it into compliance guidance for sanitary accommodation standards, under the existing Part R requirements of building regulations, without imposing disproportionate bureaucracy and costs on building owners, developers or on district councils whose role it is to enforce building regulations.
- 2.3 In June the Finance Minister Conor Murphy asked the Department's Building Standards Branch (BSB) to start work to introduce a requirement into building regulation for the provision of CPT facilities, as soon as possible. This consultation will seek to present proposals on this new provision for public stakeholder engagement. There are a total of six questions in the consultation. Please only answer those that are most relevant and important to you.

PROPOSALS FOR DEVELOPMENT OF CURRENT POSITION

- 2.4 In developing proposals the Department has been in continued liaison with the Technical Policy Division of the Ministry of Housing Communities and Local Government (MHCLG who are responsible for England's Building Regulations), on their development of a new CPT mandatory standard proposed within their building regulations, whilst being mindful of their Building Act's Primary legislative sanitary appliance requirements. July 2020 saw their publication of an amended guidance document ADM Volume 2 (applicable from January 2021) without the need for specific regulation.
- 2.5 The Department has also considered the development in Scottish Building Standards, of a CPT standard and their determination that provision for CPTs can be made without the need to amend the relevant mandatory standard. October 2019 saw Scottish Building Standards introduction of guidance on the circumstances where a CPT facility should be provided, the form that accommodation should take and the in scope buildings targeted in a proportionate manner. The Department is also mindful of the new CPT facility Scottish Planning legislation 'Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020' (which came into force 20th May 2020).
- 2.6 The 2019 England Changing Places toilet policy Consultation considered the range of in scope new/relevant buildings further, to define the focus in a targeted and proportionate manner. The Consultation has also tested the costs originally derived from research undertaken for previous building regulations reviews, and from the

Scottish Government building Standards CPT Consultation. The England Consultation also determined the need for further ergonomic research to establish whether a smaller 3x3m (9m²) toilet is feasible for a user of modern wheelchairs, two carers and associated equipment to be provided in existing buildings.

- 2.7 The Department's proposals have been informed by the other UK regions in their determination that the provision of CPT facilities, should be set as an accessible sanitary accommodation standard within building regulations statutory guidance, where that guidance defines in scope new/relevant large buildings commonly used by public, setting targets and proportionate triggers for those buildings.
- 2.8 In developing a proposal on a standard for CPT facility provision under the Building Regulations, we have considered (based upon current good practice guidance) where a standard of provision can reasonably be set for new building or where a building undergoes a material change of use. Technical Booklet R sanitary accommodation standards will in addition set standard criteria for CPT facility provision, specifying the types of buildings where facilities would be required as well as size, capacity or other factors which would trigger CPT provision.
- 2.9 In determining the triggers for when a CPT facility would be required, we did not consider it appropriate to set a blanket size trigger for all types of buildings commonly used by the public. A blanket size trigger would not capture the varying types of buildings/developments we think should include CPT facilities.
- 2.10 Therefore, we have used a differentiated approach with a mix of triggers (including size, and capacity) depending on the type of building. Using only a size trigger could exclude certain buildings, which should include CPT facilities. For some buildings such as shopping centres, we consider a size trigger appropriate. In others, such as a cinema or theatre, a seating capacity is a more appropriate trigger to ensure we capture those that will be visited for a certain period of time by larger numbers of people. For a few buildings there is no trigger, so all these types of buildings would be captured – e.g. hospitals, cemetery buildings.
- 2.11 Size of buildings is described by the gross internal area of a building (i.e. the footprint of the building excluding the width of the outside walls but including areas occupied by internal walls, columns and partitions). The length in metres times the width in metres gives the area. The capacity of a building is derived from the combined total of a building's publicly accessible facilities – alternatively the capacity number may be taken as the number of fixed seats provided, where the occupants of the building would normally be seated.
- 2.12 As far as it is possible, we have aimed to use triggers that are measurable by District Council Building Control. Size and capacity are tangible measures for example, and we propose to use these in most cases.
- 2.13 Based on GB Post Consultation conclusions, we consider the subsequent informed list of buildings/developments to be proportionate and practical. In setting size triggers for those in scope buildings/developments, England's Post Consultation wider-catch targeting is proposed;
 - a) for assembly, entertainment & recreation buildings with a capacity for 350 or more people; or a collection of smaller buildings associated with a site used

- for assembly, recreation or entertainment, such as zoos, theme parks and venues for sports and exhibitions, with a capacity of 2000 people or more;
- b) for shopping centres/malls or retail parks with a gross floor area of 30,000m² or more;
- c) for retail premises with a gross floor area of 2500m² or more;
- d) for sport and leisure buildings with a gross floor area over 5000m²;
- e) for hospitals and primary care centres, &;
- f) for cemetery & crematoria buildings.

Similarly, the adjusted listings have informed our proposals in defining assembly, entertainment & recreation buildings, capturing;

- Amusement arcades;
- Art galleries;
- Cinemas;
- Concert halls;
- Conference centres;
- Further education colleges;
- Hotels that provide function, sport or leisure facilities;
- Libraries open to the public;
- Motorway service areas;
- Museums;
- Places of worship;
- Theatres;
- University buildings open to the public.

Or any other buildings or sites as defined by these thresholds, which are open to the public and used for the purpose of assembly, entertainment or recreation.

- 2.14 All transport providers have duties under disability discrimination law in relation to transport infrastructure such as their buildings (and associated facilities such as accessible sanitary accommodation provision). The NI Equality Commission's Code of Practice on the Provision and Use of Transport Vehicles and Code of Practice on Rights of Access, Goods, Facilities, Services and Premises - provide guidance and a full explanation of the legal duties on transport providers. Transport licensing regulators for Railway or Aviation infrastructure, may also set accessible sanitary accommodation requirements as part of the licensing arrangements.
- 2.15 The expectation (in England) would be that transport termini or interchanges with an estimated or actual footfall of at least 10 million per annum would install CPT facilities, where they are newly built or subject to material change of use. Nonetheless the provision of any CPT facility for transport patrons, has primarily to determine if the transport system actually caters for the transport of customers with complex and multiple disabilities... is their vehicle stock designed to safely accommodate specialised wheelchair seated passengers? This service aspect is beyond the scope of building regulations, therefore any associated infrastructure sanitary provisions would have to be determined by the Transport licensing authorities - who determine if the transport carriages are licensed to safely carry specialised wheelchair seated passengers.

3. CONSULTATION PACKAGE – CONTENTS AND RESPONSE

- 3.1 This consultation has been issued by the Department of Finance, which has responsibility for maintaining the Building Regulations for Northern Ireland. This document, together with the other consultation documents, is available online at:

<https://www.finance-ni.gov.uk/consultations>

The consultation documents are:

- Consultation Document
- Regulatory Impact Assessment (Draft for Consultation)
- Technical Booklet R (draft): Access to and use of buildings

- 3.2 We look forward to receiving your comments and views concerning any of the proposals contained in this consultation. We ask you to exercise care and refrain from the inclusion of any potentially defamatory material as it is our intention to publish responses on the Departments website. We will not publish the names or contact details of respondents, but will include the names of organisations responding.

We would encourage you to respond to the consultation using the on-line facility on [Citizen Space](#), accessible via NI Direct.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

- 3.3 If you require a hard copy of this consultation document or have any other enquiries please email your request to info.bru@finance-ni.gov.uk or you can write to us at:

Consultation Co-ordinator
Department of Finance
Building Standards Branch
6th Floor
Goodwood House
44 - 58 May Street
Belfast
BT1 4NN

The Department will consider all the responses to this consultation received on or before the closing date, which is 20 October 2021.

Submissions made after this date cannot be considered.

NEXT STEPS IN THE CONSULTATION PROCESS

- 3.4 Where respondents have given permission for their response to be made public, and after we have checked that they do not contain personal information or product names, responses will be made available to the public at <https://www.finance-ni.gov.uk/publications> If you use the consultation hub, citizen space to respond, you will receive a copy of your response via email.
- 3.5 We may also wish to make responses to this consultation available to the Northern Ireland Assembly and for public inspection at the Building Standards Branch office.
- 3.6 Following the closing date, all responses will be analysed and the Department will publish a summary of responses to the consultation.
- 3.7 All information will be handled in accordance with the General Data Protection Regulations.

CONFIDENTIALITY AND DATA MANAGEMENT

- 3.8 If you ask for your response to be regarded as confidential and not to be published, you will be asked to explain to us why you regard the information you have provided as confidential.
- 3.9 Information provided in response to this consultation, including personal data (see Annex A), will be published or disclosed in accordance with the access to information regimes (These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection ACT 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004. If we receive a request for disclosure of confidential information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.
- 3.10 The Department of Finance will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us at info.bru@finance-ni.gov.uk or write to the following address:

Building Standards Branch
Department of Finance
6th Floor
Goodwood House
44 - 58 May Street
Belfast
BT1 4NN

4. PROPOSALS TO AMEND TECHNICAL GUIDANCE TO THE BUILDING REGULATIONS (NORTHERN IRELAND) 2012 –

PART R STATUTORY GUIDANCE STANDARD FOR CHANGING PLACES TOILET (CPT) FACILITIES PROVISION

REGULATIONS

- 4.1 The Department's proposals have been informed by outcomes in other UK regions, where provision for CPTs can be made without the need to amend the relevant regulations - in Northern Ireland Building Regulations, that relevant regulation being regulation 91 'Access and use' for people to have access to, into, within and to use a building and its facilities (in this instance sanitary facilities).
- 4.2 Part R (Access to and Use of Buildings) of the Building Regulations sets minimum access standards for all new buildings. These requirements are supported by statutory guidance in Technical Booklet R. The Technical Booklet sets out performance standards and design provisions - a way in which new building work, or material change of use or extensions to buildings, dwellings and workplaces in most common situations should make reasonable provision for accessibility.
- 4.3 CPT facilities were referenced for the first time within Northern Ireland Building Regulations Part R guidance in 2012 under the new Appendix A "Informative – Facilities for people with profound and multiple learning disabilities" to Technical Booklet R. However Appendix A is informative guidance as opposed to compliance guidance within Technical Booklet R.
- 4.4 Northern Ireland building regulations do not mandate the provision of toilets for sanitary convenience, beyond that required for a dwelling. Sanitary requirements for buildings other than dwellings are set by other legislation, where building regulations set technical standards for those sanitary facilities to be accessible and inclusive, within Section 6 of Technical Booklet R compliance guidance. Therefore regulation amendment is not necessary, rather a standard for CPT facilities provision needs to be included, in addition to the current accessible sanitary provision standards within the statutory guidance.

Q1: Do you support the proposal to introduce criteria for Changing Places Toilets (CPT) facilities provision (in addition to the current accessible sanitary provisions), in certain buildings through building regulations statutory guidance?

Causeway Coast and Glens Borough Council (CC&GBC):

- Supports proposals to introduce criteria for Changing Places Toilets (CPT) facilities provision (in addition to the current accessible sanitary provisions) through building regulations statutory guidance.
- Accepts that the existing evidence base identifies certain buildings. However, further consideration needs to be given to the building types included in the list compiled to date to be appropriate and relevant in Northern Ireland so as to be targeted and proportionate. For example, new public toilet facilities are not listed as an appropriate place for consideration of CPT's. CC&GBC with representation within Building Control NI (BCNI) would have evidence to suggest that many of the

CTP's already installed would not necessarily be in locations that would be required under these Building Regulation amendment proposals. It also notes that many of the current CPT's have been provided as a direct result of Central Government funding through "inclusivity funding" and would support this approach although would be concerned that, unlike other regions in the UK, Northern Ireland does not have a dedicated Changing places Fund which developers/property owners could avail of to assist with providing CPT facilities as required.

- Concludes that ambiguity and inconsistency exists within Technical Booklet R in so far as the Guidance applies to Building Work associated with provision of CPTs in New Build and Material Change of Use scenarios but does not apply to Building Work associated with extensions and alterations to relevant buildings? This has a high likelihood of presenting issues for the Building Control Profession in administering and enforcing Regulation 91 and more critically 93 when applied to certain buildings.
- Has reservations regarding the wording proposed in Technical Booklet R. In particular the "Should" vs "shall" argument still remains and can be open to interpretation.. eg point 6.14A "*at least one Changing Place Toilet should be provided.....*"

TECHNICAL BOOKLET

- 4.5 The Department proposes to amend the statutory guidance in Technical Booklet R on "Sanitary accommodation and associated sanitary facilities in buildings other than dwellings" (Section 6), updating the current accessible and usable performance criteria for accessible sanitary provision standards to include relevant criteria for where a CPT facility should be provided in certain buildings.

4.6 The Department intends to publish a Draft Amendment Slip to Technical Booklet R, with the guidance in the Amendment Slip addressing Section 6, to;

- a) Include a CPT facility provision standard within the accessible sanitary accommodation standards to Part R of the Building Regulations statutory guidance, having removed Appendix A Informative guidance on CPT facilities;
- b) Define in scope new/relevant large buildings commonly used by public, such as shopping centres, retail premises, sports/leisure buildings, hospitals/primary care buildings, cemetery/crematorium buildings and more specifically places of assembly, entertainment and recreation;
- c) Set criteria for the defined in scope buildings, to trigger CPT provision based on variables such as the building function and its people capacity or gross floor area; and
- d) Identify further specialist guidance sources on specific aspects of CPT facility layout and equipment, available from;
 - the Changing Places consortium campaign website;
 - BS 8300-2:2018 Clause 18.6 guidance, diagram 48 as well as Annexes F and G

4.7 The Department welcomes views on the draft Consultation version TBR (also see Annex B Draft Amendment slip) – particularly whether it would be helpful to include any other information.

Q2: Do you agree with the defined in scope/relevant types of large buildings commonly used by the public, where a CPT facility should be provided for a new building or where a building is formed by a material change of use?

Although it is recognised that the selection of certain buildings is based on evidence from across a number of UK jurisdictions, CC&GBC is not in complete agreement that the scope of the list of certain buildings is entirely appropriate for Northern Ireland.

As previously mentioned in answer to Q1, there are for example seemingly appropriate facilities such as new public toilets, which are not listed as an appropriate place for consideration of CPT's. CC&GBC with representation within Building Control NI (BCNI) would have evidence to suggest that many of the CTP's already installed would not necessarily be in locations that would be required under these Building Regulation amendment proposals. It also notes that many of the current CPT's are as provided as direct result of Central Government funding through "inclusivity funding". BCNI would support this approach although would be concerned that, unlike other regions in the UK, Northern Ireland does not have a dedicated Changing places Fund which developers/property owner could avail of to assist with providing CPT facilities as required.

In light of this, although CC&GBC accepts the existing evidence base from other jurisdictions identifies certain building types, further consideration needs to be given to the building types included in the list compiled to date for application in a Northern Ireland setting.

A Cemetery building is one example to illustrate this:

A small rural graveyard proposing to build a single toilet for visitors will be required to construct a changing place facility which in many cases would appear to be excessive or disproportionate in this scenario... this additional approx. £30+k cost may preclude any facilities being offered.

No provision of toilets therefore no requirement for CPT facility– this then goes against trying to provide some convenience for public.

As also referred to in answer to Q1, It would have evidence to suggest that many of the CTP's already installed would not necessarily be in locations that would be required under these Building Regulation amendment proposals, but rather, they are provided as direct result of Central Government funding through "inclusivity funding". Again, CC&GBC would support this approach although would be concerned that, unlike other regions in the UK, Northern Ireland does not have a dedicated Changing places Fund which developers/property owner could avail of to assist with providing CPT facilities as required.

Q3: Do you agree with the set criteria (the building function, its people capacity or gross floor area) for the defined in scope/relevant buildings?

No. In addition to the relevant points raised in answer to Q2, Although CC&GBC accepts that the existing evidence base from other jurisdictions identifies certain buildings, further consideration needs to be given to the set criteria proposed for application in a Northern Ireland setting.

This could take the form of a survey of where CPTs have been provided on a voluntary basis to date. This would then be used to ensure provision and control of future installations in similar buildings in Northern Ireland maybe in addition to those identified..

A building holding 350 people as defined is not necessarily "a large building" and may result in requirement for many more changing place facilities than initially proposed.

Q4: The Department acknowledges that there may be complexities associated with CPT provision in existing buildings undertaking extension or alteration works, but would welcome further views and supporting evidence. Do you agree with the Department on the need for further supporting evidence and can you provide such, regarding CPT retro-fit installation to existing buildings undertaking extension or alteration works?

CC&GBC do not agree with the Department on the need for further supporting evidence relating to extensions and alterations before including extensions and alterations in this amendment of Part R..

There are complexities and challenges for designers in according with Guidance in Technical Booklets in many scenarios associated with Building Regulations compliance across a wide range of building regulations.

With respect to compliance of CPT installs with the requirements of Part R (access and use of buildings) Regulations 91 (access and use) and 93 (sanitary accommodation in extensions) there is no obligation to follow the requirements set out in Technical Booklet R. However, it is recognised that for the majority of cases (common building situations) this will be possible.

Where specific complexities exist these would not be considered common building scenarios and recommendations contained within the Technical Guidance may not be reasonable or appropriate.

Alternative proposals can be submitted to and considered by Local Councils in support of these specific cases. These could include an access statement in support of the proposals.

Those provided as part of alterations within the footprint of an existing older property are identified as those presenting particular challenges.

However, this is no different from alterations required to provide a CPT in an existing building undergoing a material change of use.

With the well established functional nature of Building Regulations it is the responsibility of the designer to use innovation to overcome these complexities and Building Control professionals to assess compliance of the proposals with the requirements of Regulations 91 and 93.

Due consideration also needs to be given to the following regarding clarity and consistency of Guidance provided:

Proposed Guidance in Building Regulations (Northern Ireland) 2012 Technical Booklet R Access to and use of buildings October 2012 as amended and included as part of this consultation clarifies the principles of inclusive design within the built environment as being based on provision of “an inclusive environment ... one that can be used by everyone, regardless of age, gender or ability....Buildings designed to be inclusive should be...usable by all people.”

Within Section 1.2 the scope of Technical Booklet R includes giving provisions for generic solutions to the more common building scenarios to enable people to get access to and use the facilities (toilets, changing rooms) that are provided in a building.

Section 1.3 states provisions for access to and use of a building other than a dwelling are for the benefit of people who are customers or visitors to the building or who work in it.

Section 1.4 states an extension should be treated in the same manner as a new building, and where sanitary accommodation is provided in a building that is being extended-

- Then suitable sanitary accommodation should be provided within the extension; or
- Existing sanitary accommodation should also be suitable and accessible by the users of the extension.

This appears confusing and contradictory where CPT provision is concerned in so far as this is at variance to the remainder of the document.

DRAFT REGULATORY IMPACT ASSESSMENT

- 4.8 The Department intends to publish a consultation stage DRAFT Regulatory Impact Assessment (RIA) alongside this consultation paper. In summary:
- a) The impact assesses the proposed inclusion of a CPT facility provision standard in addition to accessible toilet provision, by amendment to the associated Technical Booklet R statutory guidance on “Sanitary

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accommodation”. It will mean moving the current CPT guidance status from advisory to that of a being a compliance standard – setting criteria and triggers for in scope new/relevant buildings, where a CPT facility should be provided.

- b) The provision standard will specifically define in scope new/relevant large buildings by, listing the targeted types of buildings commonly used by the public (formed by new build or material change of use). The criteria will also set triggers for CPT provision based on variables such as the building function and its people capacity or gross floor area.
- c) The analysis compares the amendment (Option 2) against the option of doing nothing (Option 1).
- d) Option 1 was not considered valid as it would not set a clear compliance standard for CPT provision.
- e) Option 2 may result in an overall cost implication however, this option targets new/relevant large building types, whilst setting clear criteria in a proportionate manner via defined triggers.
- f) It is anticipated at this stage, that there will be a minimal cost impact given that the guidance change is targeted at large new build or material change of use buildings (commonly used by public), where this type of building development is less frequent in Northern Ireland. The current pandemic may also effect the development of these targeted new/relevant buildings.
- g) The amendments apply to relevant large buildings (where building regulations apply) and therefore have an effect on the major developments construction sector, developers, Building Control professionals etc. The Rural Needs Act (NI) 2016 requirements considered, will not be adversely impacted, where building regulations objective in this matter is to make sanitary provision more inclusive, in relevant buildings whether rural or urban based. This policy does not determine the locality for a building or locality for any type of buildings.
- h) The Department does not expect an Environmental Impact from the preferred Option to affect the wider environment outside the relevant buildings, and it will not result in additional greenhouse gases being emitted.
- i) The preferred Option is primarily focussed on improved equality and inclusion, to address a known need within our population/communities. This amendment under Section 75 equality categories (disabled and old people) will have a positive effect on those peoples equality of opportunity. Increasing provision will bring a number of non-monetised social benefits enabling more people with complex care needs to take part in everyday activities – with significant quality of life benefits for both disabled people and their carers.

4.9 The Department welcomes views on the draft RIA – particularly further evidence to inform the analysis/principal assumptions, costs and impacts.

Q5: Do you agree with the analysis/principal assumptions, costs and impacts set out in the Part R consultation stage RIA?

CC&GBC (Building Control Dept.) experience of estimated costs associated with installation of CPTs is limited to estimates provided or calculated in the assessment and checking of fees associated with giving of notices and deposit of plans under Building Regulations.

For these purposes, estimates are generally accepted as reasonable where they are similar to figures produced in the BCIS Quarterly Review of Building Prices adjusted for the region of Northern Ireland.

These are based on costs per square metre of floor area and have a wide mean and modal range depending on the nature and type of building within which the unit is to be incorporated.

Local Authority Building Control Offices are currently using BCIS Figures from Sept 2018 for Northern Ireland. Presuming £15000 for equipment, based on CPT floor area of 12m², build costs would vary from £8,388 (equating to £23,388) in a shopping centre to £19,176 (equating to £34,176) in a hospital.

Based on these figures the costs included in the analysis provided appear reasonable. However, given the recent and current price increases being experienced for construction materials and labour, we recommend a further evidence based analysis could be undertaken for each of the building types proposed based on the latest version of BCIS figures.

ADDITIONAL COMMENTS

4.10 The Department encourages consultees to respond on any aspects of the proposals, therefore the last question is completely open to enable consultees to make suggestions or observations on relevant issues that are not addressed by answering the preceding questions.

• **Q6: Have you any additional comments on the proposals you wish to provide?**

- The Disability discrimination Act was introduced in Northern Ireland in 1995 and the Special Educational Needs & Disability (NI) Order in 2005.
- General public expectations of what constitutes minimum acceptable standards of provision of inclusive services and facilities including sanitary accommodation provision have increased in recent years. It is now widely accepted the built environment should be accessible and usable for all people.

- There is significant evidence of the voluntary provision of CPTs particularly over recent years. Although a significant proportion of those installed to date have been in Local and Central Government buildings some have been provided within private sector buildings. Many of these installations have been encouraged and supported by Central Government funding being made available.
- Proposals for bringing CPTs into Building Regulations is one progressive step forward to establish CPTs as the acknowledged minimum acceptable standard required to facilitate integration of more severely disabled or those with complex needs into main stream society. People in this group make a significant contribution in terms of financial spend, working and socialising in the public square.
- This new minimum acceptable standard should include provision of CPTs when public sanitary facilities and/or those provided within all public buildings and workplaces are being constructed.
- Part R (Access to and use of buildings) Regulation 91 (Access and use) states “Reasonable provision **shall** be made for people to have access to, into, within and to use a building and its facilities”.
- The proposals for amendment to Technical Guidance in Technical Booklet R creates ambiguity in so far as the Guidance incorporates minimum acceptable standards for the more common building situations as including access to (level approaches, steps and ramp details), into (widths of doors and corridors and lobby dimensions) and within every building. However, when sanitary accommodation is provided in a building which is likely to be accessed by individuals with severe physical disabilities, in many cases they will not be able to access and use the sanitary facilities due to the absence of a CPT?
- This ambiguity is exacerbated in contradiction within Guidance contained within Technical Booklet R for the following reasons:
 - the Proposed Guidance in Building Regulations (Northern Ireland) 2012 Technical Booklet R Access to and use of buildings October 2012 as amended and included as part of this consultation clarifies the principles of inclusive design within the built environment as being based on provision of “an inclusive environment ... one that can be used by everyone, regardless of age, gender or ability....Buildings designed to be inclusive should be...usable by all people.”
 - Within Section 1.2 the scope of Technical Booklet R includes provisions for generic solutions to the more common building scenarios to enable people to get access to and use the facilities (toilets, changing rooms) that are provided in a building.
 - Section 1.3 states provisions for access to and use of a building other than a dwelling are for the benefit of people who are customers or visitors to the building or who work in it.
 - Section 1.4 states an extension should be treated in the same manner as a new building, and where sanitary accommodation is provided in a building that is being extended-
 - Then suitable sanitary accommodation should be provided within the extension; or

- The existing sanitary accommodation should be provided within the extension; or
 - The existing sanitary accommodation should also be suitable and accessible by the users of the extension.
- This appears confusing and contradictory where CPT provision is concerned in so far as the proposals do not include installations in Extensions but do include installations when material change of use is proposed to relevant buildings? This is at variance to the remainder of the document and principles stated.

For these reasons it is recommended due consideration is given to further amendment and clarification in guidance rather than acceptance that exceptions exist.

- On a number of occasions in the consultation documents, reference is made to the fact that Building Regulations do not require the provision of toilets – this lies elsewhere in other legislation. Therefore if not providing sanitary accommodation, there is no requirement to. An informative in Technical Booklet R containing information and links to the appropriate legislation would be helpful to both Building Control Professional and Designers and other Stakeholders alike.
- The proposals indicate a CPT should be “separate and in addition to” other sanitary accommodation– can they be combined i.e CPT / accessible WC ?
- Material change of use may raise some issues depending on what the scale of work proposed is... more clarity around the intent of this proposal is perhaps required?
- Appendix B introduces BS 8300-2 2018 but still retains BS 8300:2009+A1:2010 which has been superseded by BS 8300-1: 2018. What is the rationale for not quoting this newer BS ?
- Although it is acknowledged only the direct “Building Control Profession costs” have been considered on page 21 of the Regulatory Impact Assessment Document, particular consideration must be given to the fact that multiple changes to Building Regulations and Guidance have been introduced since the last substantive review and revision of the Building (Prescribed Fees) Regulations (Northern Ireland) 1997. As a consequence the aggregated additional work in assessment of plans and inspection of work has now reached a critical point where Building Control staffing resources and time available for staff to carry out their duties professionally are not sufficient to effectively deliver the four prescribed functions. A timely full review and revision of fees and staffing resources is urgently required and should run parallel with current proposals to amend Building Regulations.
- The documents allude to the fact that smaller businesses and owners of smaller commercial property would be negatively impacted to an unacceptable financial degree if these buildings were included as relevant buildings. It also is recognised this could present financial challenges for Smaller and Medium sized businesses and Local Government Authorities and Departments alike.

As previously mentioned in answers to Q1 & Q2, due consideration should be given to joint departmental cooperation in provision of innovative financial support to these businesses to provide this valuable asset in the workplace, retail or other commercial setting.

TIMING AND NEXT STEPS

- 4.11 The Department proposes that these amendments to the Technical Booklet should come into operation some 6 months after the response to public consultation.

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Annex A

Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally), not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Department of Finance (DoF) is the data controller. The Data Protection Officer can be contacted as follows:

**Data Protection Officer
Department of Finance
Room 23, Dundonald House
Upper Newtownards Road
Belfast
BT4 3SB**

Tel: 028 9052 4961

Email: dataprotectionofficer@finance-ni.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, DoF may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation. In addition to the statutory requirement in the Building Order to consult on building regulations matters there is an expectation of appropriate public consultation on substantive changes to the Building Regulations.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected

d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

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Annex B

DRAFT TBR AMENDMENT SLIP - PROPOSED AMENDMENTS

Contents

Page 3

Appendix A

Delete the title “**Appendix A: Informative – Facilities for people with profound and multiple learning disabilities 77**”

Section 6 Sanitary accommodation and associated sanitary facilities in buildings other than dwellings

Page 51

Sanitary accommodation

Delete the second paragraph to 6.11 and replace with:

“The provision of an enlarged cubicle in a separate sex toilet washroom can benefit ambulant people who have a disability, people with assistance dogs, as well as people with children and people (e.g. those with luggage) who need an enlarged space. In large building developments (see paragraph 6.14A) an enlarged unisex toilet incorporating an adult changing table is desirable. Changing Places toilets, facilities designed for individuals with complex and multiple impairments who may require the help of up to two assistants, should be provided in addition to any wheelchair accessible unisex toilet facilities and baby changing provision (where provided). Further guidance on layout and equipment is available from the Changing Places Consortium campaign website (www.changing-places.org) and by reference to guidance in Clause 18.6, diagram 48 and Annexes F and G of BS 8300-2: 2018.”

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Sanitary accommodation

After paragraph 6.14 insert new paragraph 6.14A:

6.14A At least one Changing Places toilet should be provided in the following types of building:

- (a) assembly, entertainment and recreation buildings (see Note) with a capacity of 350 people or more; or a collection of smaller buildings associated with a site used for assembly, entertainment and recreation, such as theme parks, zoos and venues for sport and exhibitions, with a capacity of 2000 people or more;
- (b) shopping centres/malls, or retail parks with a gross floor area of 30,000 m² or more;
- (c) retail premises with a gross floor area of 2500 m² or more;
- (d) leisure and sport buildings with a gross floor area of 5000 m² or more;
- (e) hospitals and primary care centres;

(f) cemetery and crematorium buildings. “

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Sanitary accommodation

After new paragraph 6.14A insert new paragraph Note:

“Note: Assembly, entertainment and recreation buildings can be defined as buildings such as;

- (i) amusement arcades;
- (ii) art galleries;
- (iii) cinemas;
- (iv) concert halls;
- (v) conference centres;
- (vi) further education colleges;
- (vii) hotels that provide function, leisure and sport facilities;
- (viii) libraries open to the public;
- (ix) motorway service areas;
- (x) museums;
- (xi) places of worship;
- (xii) theatres;
- (xiii) university buildings open to the public;

or any other buildings or sites as defined by these thresholds, which are open to the public and used for the purposes of assembly, entertainment or recreation. Capacities should be derived from the combined total of a building’s publicly accessible facilities.

Alternatively, the capacity number may be derived from the number of fixed seats provided, if the occupants of the building will normally be seated. Technical Booklet E provides a method of estimating the capacity of a building where this is not known.”

Appendix A: Informative – Facilities for people with profound and multiple learning disabilities

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Delete Appendix A Heading.

Delete all associated paragraphs to Appendix A.

Appendix B: Publications referred to

Page 77

After publication **BS 8300: 2009+A1: 2010** insert new publication reference:

“**BS 8300-2: 2018** Design of an accessible and inclusive built environment. Part 2 Buildings - Code of practice”