

NDA submission to An Bord Pleanála regarding proposed road development consisting of the construction of the BusConnects Clongriffin to City Centre Core Bus Corridor Scheme

## May 2022

# Introduction

The National Disability Authority (NDA), as the independent statutory body, provides information and advice to the Government on policy and practice relevant to the lives of persons with disabilities. We have a role to assist the Minister for Children, Equality, Disability, Integration and Youth in the co-ordination of disability policy. We work through our [Centre for Excellence in Universal Design](http://universaldesign.ie/) to promote the universal design of the built environment, products, services and information and communication technologies so that they can be easily accessed, understood and used by everyone, including persons with disabilities.

The NDA submitted responses to the BusConnects proposals to the National Transport Authority (NTA) in 2018, 2019 and 2020 based on our areas of expertise and competency. The NDA wishes to make a submission to An Bord Pleanála with regards to the proposed road development consisting of the construction of the BusConnects Clongriffin to City Centre Bus Corridor Scheme.

The NDA notes with concern that this proposal has not clearly demonstrated the implementation of a universally designed approach to designing this Core Bus Corridor:

* There is no detailed explanation of how the proposed corridor will improve accessibility and support persons with disabilities, older people and other travellers to complete their end to end journey safely with ease and efficiency. The NDA wishes to highlight to An Bord Pleanála that we have previously highlighted to the NTA that accessibility is not simply about distances to bus stops and should be understood using the definition of accessibility as detailed in **International Organisation for Standardization’s (ISO) and the International Electrotechnical Commission’s (IEC) Guide 71: 2014 (E), a Guide for addressing accessibility in standards which is** “the extent to which products, systems, services, environments and facilities can be used by people from a population with the widest range of characteristics and capabilities to achieve a specified goal in a specified context of use”[[1]](#footnote-1) [[2]](#footnote-2) [[3]](#footnote-3);
* There are no details to show that the needs of persons with disabilities and older users have been considered in each step in the development and delivery of the Bus Connects programme up to this point of the process.

In all submissions on this plan to the NTA, the NDA has advised on the importance of implementing a universal design approach to designing the Core Bus Corridors. By adopting a universal design approach to planning, development and delivery of the BusConnects programme, the NTA will ensure that they provide a sustainable transport service that is accessible to a wider range of the population regardless of age, size, ability or disability and minimise the likelihood of having to retrofit in the future.

The documentation submitted mentions that aspects of the proposed corridor works are universally designed and a universal design approach has been taken. The NDA welcomes this commitment, however, we note that there is no detail provided in the document as to how a universal design approach to this project has been carried out.

While the NDA understands from the submissions provided that the NTA aims to incorporate universal design into this plan, without proper consultation this would need to be retrofitted onto plans, and the current plans do not therefore include the expertise and lived experience from people with disabilities and older people. The NDA also wishes to stress to An Bord Pleanála and the NTA that early, continuous and inclusive engagement is central to universal design.

This submission will therefore focus on the following points which we feel should be considered at this phase of development of this element of the BusConnects corridor but are also applicable to the BusConnects project as a whole. The key points of our submission are:

1. Universal design considerations in Core Bus Corridor plans
2. BusConnect’s commitments under the Public Sector Duty and Our Public Service 2020
3. The Code of Practice on the Accessibility of Public Services and Information provided by Public Bodies and the associated statutory obligations which the BusConnects project must consider
4. The Disability impact assessment on the Core Bus Corridor

The NDA will expand on these points below.

# 1. Universal Design Considerations in Bus Corridor Plans

The NDA notes with concern that the NTA has failed to carry out a fully accessible consultation process with persons with disabilities and older people.

We welcome the fact that the NTA provided consultation materials in **accessible formats** on their website, including an Easy-to-Read HTML, and Audio versions of information and videos with captions. We also note that as part of the BusConnects consultations the NTA did hold community forum webinars regarding each of the sixteen bus corridor routes. However, at the time of these webinars, the NDA noted that the membership criteria for participating in the webinars excluded members of the public who were independent from associations and special interest groups. The NDA also noted that information regarding details of how to join the webinars was not promoted on the NTA site creating a barrier to those who were interested in participating.

Action 33 of the **National Disability Inclusion Strategy (NDIS) 2017-2021** states that all Government Departments will embed a culture and process of early engagement with people with disabilities in mainstream service design and evaluation. Consulting with a diverse range of users is also a key principle **of Article 4 of the UN Convention on the Rights of Persons with Disabilities (UNCPRD)**. Consultation is best done directly with persons with disabilities through their representative organisations, i.e. Disabled Persons Organisations (DPOs). Therefore, we recommend that DPOs are consulted in the first instance. Following consultations with DPOs, individuals with disabilities can be consulted as well as other disability organisations that are not DPOs as they have valuable perspectives but not in place of DPOs. For more on how the UN Monitoring Committee envisions consultation being effectively managed, see [General Comment 7 of the UNCRPD](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/7&Lang=en). [[4]](#footnote-4)

The NDA was also informed at the time by **persons with vision impairments that the** **BusConnects consultation process was inaccessible** despite previous issues being raised:

* The stand-alone text-to-speech reader which was used on the BusConnects site had no navigation abilities, no speed or voice control options, making it difficult for persons with vision impairments to move through the site.
* The maps and details on the maps were not explained by alt text so it was difficult for persons with vision impairments to understand the changes, including intersections on the bus corridors, and to understand the impact these changes will have on their ability to use public transport services in the future.

# 2. Feedback from persons with disability

While the technical summary provided states that “The Proposed Scheme has been developed to ensure that the principles of universal design are integrated fully in the design, providing access for all users, and eliminating barriers to disabled people”, it is noted in the application documentation that DPOs, people with disabilities and older people are not listed in the consultations conducted.

Furthermore the NDA is aware that persons with disabilities have consistently raised a number of issues regarding the BusConnects project at these consultation meetings. Persons with disabilities also contacted the NDA regarding their concerns with BusConnects. Throughout the public consultation phase persons with disabilities continued to raise the same issues indicating that feedback and advice received from previous consultations has not been reflected in the revised plans. The NTA did not provide follow-up information to indicate where proposals have been adopted, and where it has not been possible to do so, the rationale for same.

Some of these key issues raised at the time are as follows:

* No information has been provided on **how this programme will impact on the lives of persons with disabilities, older people and other users**, in spite of continuous requests for this from multiple stakeholders. Walking and cycling may not be an option for many members of the public. This programme contains little evidence of how the needs of persons with disabilities and older people will be met. For example, there is no evidence of consideration in terms of walking distance between bus stops for older people or persons with disabilities (these groups have walking speed which is much slower than the speed of 1.3m/s which is used by BusConnects [[5]](#footnote-5)), minimisation of transfers, seating provision, ease of understanding new network and timetables, provision of accessible information on the new network, travel assistance schemes on the new network etc.
* Having **islands** near or as part of the bus stop design is compromising the safety of persons with vision impairments. They cannot safely navigate crossing over from the island through traffic to the bus stop by themselves. The inclusion of cycle lanes besides bus stops or road crossings is also an additional safety hazard, not just for persons with disabilities, but for both pedestrians and cyclists. Bus passengers and pedestrians may not see a cyclist and move in front of them causing an accident. This situation could occur for a parent with their children, an older person in addition to persons with different disabilities, including persons with vision impairments, persons with reduced mobility and persons with hearing loss. Persons with disabilities and the NDA have consistently advised the NTA that cycle lanes need to be segregated as detailed in Sections 1.9 and Sections 5.1 of the [NTA’s National Cycle Manual](https://www.cyclemanual.ie/). The British Standard [BS 8300-1:2018 Design of an accessible and inclusive built environment](https://www.thenbs.com/PublicationIndex/documents/details?Pub=BSI&DocID=320519#:~:text=Resulting%20from%20the%20restructure%20of,the%20needs%20of%20all%20who)[[6]](#footnote-6) section 6.2.2. states that pedestrians should have access to and from the bus stop without crossing cycle routes, including where these run between the pedestrian route and the vehicle carriageway. Walk San Francisco (Walk SF) also has guidance[[7]](#footnote-7) which stresses that access to the curb for pedestrians must be protected, and many safe access points with buffers must be provided. This guidance has been provided previously to the NTA to provide examples of how best to ensure pedestrians are protected if it is not possible to give access to and from bus stops without crossing cycle lanes.
* Considerable additional resources will be required to **train persons with vision impairments to navigate** the changes in the infrastructure including proposed new transition points along the Core Bus Corridor, in addition to the proposed changes in bus routes. Persons with vision impairments expressed the view that the Dublin Bus Travel Assistance Scheme may not be adequately resourced to meet the new demand. The Core Bus Corridor proposal provides little evidence regarding if and when this training will be provided.
* The NDA advises NTA to maintain the yellow bus stop poles in accordance with universal design principles and the European and International standards outlined below:
* The European Standard [EN 17210:2021 “Accessibility and usability of the built environment - Functional requirements”](https://standards.cen.eu/dyn/www/f?p=204:110:0::::FSP_PROJECT,FSP_LANG_ID:65077,25&cs=1B1F504D7DCF7711690E22BAE7CED456A)[[8]](#footnote-8), states that bus and coach stops shall be easy to identify visually at a distance (Section 20.3). Providing a bus stop that is visually contrasting to its background, such as a yellow bus stop pole, is specified as a means to meet this functional requirement, in the associated draft technical report prCEN/TR 17621:2020 “Accessibility and usability of the built environment – Technical performance criteria and specifications”, Figure 103.
* [ISO 28564-2:2016 “Guidelines for the design and use of location signs and direction signs”](https://www.iso.org/standard/56797.html)[[9]](#footnote-9) the selection of colours used to distinguish a sign from its background should ensure good contrast. Care should be exercised to avoid excessive visual complexity. The selection of colours should also consider the need of users with colour vision deficiency.
* [ISO 3864-4:2011 “Graphical symbols — Safety colours and safety signs — Colorimetric and photometric properties of safety sign materials”](https://www.iso.org/standard/51000.html)[[10]](#footnote-10) reference both background contrast and luminance as factors for consideration when choosing a sign colour.
* The [British Standard BS 8300-1 2018](https://www.thenbs.com/PublicationIndex/documents/details?Pub=BSI&DocID=320519#:~:text=Resulting%20from%20the%20restructure%20of,the%20needs%20of%20all%20who)[[11]](#footnote-11) states in section 8.2.1.2 that free‑standing posts within an access route should contrast visually with the background against which it is seen.
* Finally, there is **little reference to persons with disabilities** in the BusConnects documents, which exhibit pedestrians and cyclists as central to the design. The graphics in the documents fail to show an inclusive and diverse representation of users, e.g. there is no image of a person using a wheelchair/a walking cane/a guide dog. This can send a message to persons with disabilities and older people that their needs were not considered as important and integral to this infrastructure development which thus sends the message that the resulting service will not be for them.

The NDA wishes to stress once again that services cannot be universally designed unless they take into account a wide range of individuals. There is no “average” or “ideal” person. For example, two individuals of average height, might have very different arm lengths, leg lengths, and capabilities. Those conducting Universal Design seek to consider human variability in their work and produce designs that work equally well for everyone- this is why the NDA encourages ‘sampling the tails’ when seeking out input and feedback from the public.[[12]](#footnote-12)

Some additional considerations from a universal design perspective are as follows:

* The plans provides state that community needs were taken into account in designing this bus corridor. However, this assessment of need took place prior to the Covid-19 pandemic and the NDA wishes to stress that community needs and commuting patterns may have changed since the initial assessment.
* In the plans it is stated that ‘Bus stop locations may need to be temporarily relocated to accommodate the works. Use of buses to access community facilities will continue throughout construction, albeit there may be a change in the distance required to walk between the temporary bus stops and the community facilities.’- no detail is provided as to how these temporary bus stops and facilities will be determined but it is important to consider; universally designed communication of changes and temporary infrastructure to local residents/workers, walking speeds[[13]](#footnote-13), wayfinding in temporary landscape, visibility of temporary bus stops and information displays and seating provision[[14]](#footnote-14) as part of these temporary plans.

# 3. Public Sector Duty and Our Public Service 2020

The NDA wishes to point out the NTA’s and by extensions BusConnect’s obligations under the [Public Sector Duty](https://www.gov.ie/en/organisation-information/59bac-public-sector-equality-and-human-rights-duty/)[[15]](#footnote-15). The NTA has a responsibility to **promote equality, prevent discrimination and protect the human rights** of their employees, customers, service users and everyone affected by their policies and plans. This is a legal obligation, within the Public Sector Equality and Human Rights Duty, and is contained in Section 42 of the Irish Human Rights and Equality Act 2014.

The NTA are also responsible for meeting the following actions as set out in [Our Public Service 2020](https://www.ops2020.gov.ie/app/themes/ops2020/dist/pdfs/Our-Public-Service-2020-WEB.pdf)[[16]](#footnote-16) (OPS 2020), a policy framework that emphasises collaboration, innovation, efficiency, flexibility and evaluation in order for public sector organisations to increase their overall effectiveness and deliver better services for the public.

The NTA is responsible for meeting the following actions set in **OPS 2020**:

* Action 3 - **Make services more accessible to all** - All public services should be easily accessible by all members of the public, including those with diverse needs regardless of language, culture, literacy or ability and also migrants and people in vulnerable situations. This action identifies involving the public in the design of public service.
* Action 4 - Significantly **improve communications and engagement** with the public. The public and businesses should input into the planning, design, implementation and review of public services.
* Action 11- Embed a culture of **evidence and evaluation** where the results of evaluation and evidence-based analysis is integrated into policy decision-making, planning and design processes.

In order to meet these obligations, the NTA will need to adopt a universally designed approach to ensure the BusConnects programmes provides integrated public transport services that are easy to access, understand and use for everyone. As stated in previous submissions to the NTA, transport projects need to consider and communicate:

* The impact that the development and delivery of these projects will have on a diverse range of users, including persons with disabilities
* How these projects will improve accessibility and support persons with disabilities, older people and other travellers to complete their end to end journey safely with ease and efficiency

While the above pointes may have been considered, the NDA can find no evidence that the experience of persons with disabilities and older people were taken into account as part of this project, nor can we see clear evidence that comprehensive stakeholder consultation with these groups was pursued in any way. Indeed, the feedback which the NDA has received indicates that many feel they will be adversely affected by the development which has not taken their transport needs on board and has not communicated clearly and consistently.

Transport projects such as BusConnects need to clearly demonstrate that the needs of persons with disabilities and older users have been considered in each step in the development and delivery of the BusConnects programme.

# 4. Code of Practice on the Accessibility of Public Services and Information provided by Public Bodies

The NDA’s [Code of Practice on the Accessibility of Public Services and Information provided by Public Bodies](http://nda.ie/Good-practice/Codes-of-Practice/Code-of-Practice-on-Accessibility-of-Public-Services-and-Information-Provided-by-Public-Bodies-/)**[[17]](#footnote-17)** outlines the statutory obligations public bodies have in providing accessible services and information under section 26, 27 and 28 of the **Disability Act 2005**. These sections of the Disability Act 2005, incorporate the core elements of an integrated universally designed public transport service: Access to services; Accessible procurement processes; and Access to information. The NDA advises the NTA to use this Code of Practice as their framework to design and deliver an integrated universally designed BusConnects service and also to develop an approach to monitor effectiveness in the provision of universally designed services.

The NDA appreciates that the NTA may have taken into account this code of practice in designing the service, however, from the documentation provided and in observing the consultation process the NDA is concerned there are some gaps in implementation which the NTA should address.

# 5. Disability Impact Assessment

The NDA wishes to point out to An Bord Pleanála that we have advised the NTA several times throughout the BusConnects consultation process of the importance of conducting and presenting a disability impact assessment on the BusConnects programme. A disability impact assessment is an obligatory requirement of all substantive proposals requiring Government approval as stipulated in [The Cabinet Handbook](https://assets.gov.ie/6813/2a580791a7b24decb97a550539a0faff.pdf)[[18]](#footnote-18) when there is:

* a change in policy;
* the introduction, abolition or significant change in an existing scheme; or
* a decision which impacts on the public at large, or
* on a significant subset of that population.

The requirement for such an assessment for a scheme of the scale and significance of BusConnects is therefore evident.

The NDA notes that we have yet to see evidence of a BusConnects disability impact assessment in the publically available material. If the NTA has not yet produced a disability impact assessment, the NDA advises the importance of doing so before progressing any further in the BusConnects programme. We request that the disability impact assessment on the BusConnects programme is promptly made publically available.

The Department for Justice and Equality provides [Guidelines on How to Conduct a Disability Impact Assessment](http://www.justice.ie/en/JELR/20120305%20DIA%20Guidelines.pdf/Files/20120305%20DIA%20Guidelines.pdf)[[19]](#footnote-19) as outlined below:

* The disability impact assessment involves a comprehensive examination of how any proposed policy, legislation, programme or service impacts on a person with a disability. The analysis considers all potential impacts, both positive and negative. **The disability impact assessment starts as early as possible in the process of developing a proposal, and is used as the basis for consultation. This is so that fundamental issues are identified early, therefore informing later stages of the process.**
* The **disability impact assessment for the BusConnects programme** should demonstrate that decisions are made with full awareness of the impact of those decisions on persons with disabilities. A disability impact assessment provides the opportunity, where needed, for the redesign and delivery of the Core Bus Corridors, to better meet the needs of persons with disabilities.
* The disability impact assessment document is a living document subject to change. As the BusConnects programme progresses and further significant issues for persons with disabilities may become apparent**, the draft is updated as often as required** before a final version is complete and submitted to Government.
* The disability impact assessment requires the NTA to provide answers to a set of five essential questions regarding the BusConnects programme as follows:
  + Step 1: Will the proposed decision have an impact on people with disabilities? Yes or No?
  + Step 2: Outline the evidence on which your initial assessment of potential impact is based;
  + Step 3: If you consider that the decision may have an impact for people with disabilities, outline what that impact will be;
  + Step 4: If the potential impact for persons with disabilities is negative, outline how you intend to alleviate that negative impact;
  + Step 5: Outline any action being taken to monitor impact for persons with disabilities over time.

# Conclusion

The NDA has previously provided extensive guidance and advice to the NTA on developing and implementing integrated universally designed public transport services that meets the needs of all users, especially persons with disabilities and older people. However, the Clongriffin to City Centre bus corridor plans do not adequately demonstrate the implementation of a universally designed approach to design or delivery of this BusConnects corridor or of the BusConnects Programme as a whole.

We would again stress that in considering the BusConnects programme it is important that a disability impact assessment is carried out prior to further works. This disability impact assessment helps to ensure full awareness of the impact the proposals have, and identifies any negative consequences to, persons with disabilities. The disability impact assessment outlines the ways in which the issues identified as negatively impacting persons with disabilities are addressed. We advise that the NTA makes a disability impact assessment of the BusConnects programme publically available. In the event that a disability impact assessment has not been developed, the NDA recommends that it is progressed as a matter of urgency before this corridor and the BusConnects programme is progressed further. The NDA would be happy to provide further information or any clarification to An Bord Pleanála with regards to this submission should this be required.

1. ISO 26800, Ergonomics — General approach, principles and concepts [↑](#footnote-ref-1)
2. ISO/TR 9241-100, Ergonomics of human-system interaction — Part 100: Introduction to standards

   related to software ergonomics [↑](#footnote-ref-2)
3. ISO/TR 22411, Ergonomics data and guidelines for the application of ISO/IEC Guide 71 to products

   and services to address the needs of older persons and persons with disabilities [↑](#footnote-ref-3)
4. <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/7&Lang=en> [↑](#footnote-ref-4)
5. [The Irish Longitudinal Study on Ageing (TILDA) - Trinity College Dublin (tcd.ie)](https://tilda.tcd.ie/news-events/2015/1515-research-road-crossing/) [↑](#footnote-ref-5)
6. https://www.thenbs.com/PublicationIndex/documents/details?Pub=BSI&DocID=320519#:~:text=Resulting%20from%20the%20restructure%20of,the%20needs%20of%20all%20who [↑](#footnote-ref-6)
7. [getting-to-the-curb-report-final-walk-sf-2019.pdf (walksf.org)](https://walksf.org/wp-content/uploads/2019/12/getting-to-the-curb-report-final-walk-sf-2019.pdf) [↑](#footnote-ref-7)
8. https://standards.cen.eu/dyn/www/f?p=204:110:0::::FSP\_PROJECT,FSP\_LANG\_ID:65077,25&cs=1B1F504D7DCF7711690E22BAE7CED456A [↑](#footnote-ref-8)
9. https://www.iso.org/standard/56797.html [↑](#footnote-ref-9)
10. https://www.iso.org/standard/51000.html [↑](#footnote-ref-10)
11. https://www.thenbs.com/PublicationIndex/documents/details?Pub=BSI&DocID=320519#:~:text=Resulting%20from%20the%20restructure%20of,the%20needs%20of%20all%20who [↑](#footnote-ref-11)
12. <https://universaldesign.ie/products-services/guidelines-on-body-size/> [↑](#footnote-ref-12)
13. <https://tilda.tcd.ie/publications/reports/pdf/Report_AmberCrossCode.pdf> [↑](#footnote-ref-13)
14. <https://standards.cen.eu/dyn/www/f?p=204:110:0::::FSP_PROJECT,FSP_LANG_ID:65077,25&cs=1B1F504D7DCF7711690E22BAE7CED456A> [↑](#footnote-ref-14)
15. https://www.gov.ie/en/organisation-information/59bac-public-sector-equality-and-human-rights-duty/ [↑](#footnote-ref-15)
16. https://www.ops2020.gov.ie/app/themes/ops2020/dist/pdfs/Our-Public-Service-2020-WEB.pdf [↑](#footnote-ref-16)
17. http://nda.ie/Good-practice/Codes-of-Practice/Code-of-Practice-on-Accessibility-of-Public-Services-and-Information-Provided-by-Public-Bodies-/ [↑](#footnote-ref-17)
18. https://www.gov.ie/en/publication/05c2e2-cabinet-handbook/ [↑](#footnote-ref-18)
19. http://www.justice.ie/en/JELR/20120305%20DIA%20Guidelines.pdf/Files/20120305%20DIA%20Guidelines.pdf [↑](#footnote-ref-19)