

Child Rights and Wellbeing Impact Assessment

The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021 Date of publication:	
Executive summary	<p>Following on from the Planning (Scotland) Act 2019, the Scottish Government is proposing changes to the existing requirements for pre-application consultation (PAC) with local communities on applications for planning permission for national and major developments.</p> <p>PAC is a key element in a range of engagement opportunities, giving people a voice in shaping the places they live. It specifies minimum requirements to allow early sight and engagement by communities, and a better prospect for prospective applicants taking on board views before a proposal is finalised for the application for planning permission. The regulations amend the existing requirements.</p> <p>The aim of the regulations are to:</p> <ul style="list-style-type: none">• Improve access to information by requiring it to be made available electronically online as well as in hard copy;• Improve engagement by Increasing the minimum required number of physical public events to two and requiring feedback be provided at the second (or final event);• Improve transparency and consistency of PAC by putting the content of reports of PAC on a statutory footing; and• Ensure PAC applies proportionately – avoiding excessive requirements consultation fatigue – by allowing exemptions form PAC for applications for development similar to or part of developments previously been through PAC and an earlier application made. <p>The evidence shows that children and young people are keen to engage and shape the places where they live, go to school and play.</p> <p>We consider that of the eight wellbeing indicators (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included (known by the acronym SHANARRI)), the policy relates to:</p> <ul style="list-style-type: none">• Included: Having help to overcome social, educational, physical and economic inequalities and being accepted as part of the community in which they live and learn.• Respected: Given a voice and involved in the decisions that affect their wellbeing.• Responsible: Taking an active role in their schools and community.

	<p>We consider that Article 12 of the United Nation Convention on the Rights of the Child (UNCRC) is specifically relevant – where every child has a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.</p> <p>Other Articles of the UNCRC may indirectly be relevant such as: Article 3 - Every decision and action taken relating to a child must be in their best interests; Article 15 – a right to gather and use public space, providing no laws are broken; and Article 31 – a right to play, rest, leisure and access cultural life appropriate to their age.</p> <p>The results of this CRWIA demonstrate that there are likely to be no potentially negative impacts of the policy.</p>
Background	<p>PAC is a statutory requirement in relation to applications for planning permission for national and major developments – i.e. generally large scale development which can include housing, retail space and renewable energy developments. The aim is that local communities are made aware of proposals at an early stage, and have the opportunity to comment to the prospective applicant before the proposal is finalised and an application for planning permission is made.</p> <p>PAC can increase the likelihood of a local community’s views being taken on-board, as the ability to amend proposals to accommodate concerns is more limited once in the application process. With increased guidance and awareness of the importance of engaging communities effectively in decisions about land, it may be possible to take a more co-operative approach to proposals.</p> <p>Guidance will be prepared to accompany these legislative changes when they come into force.</p>
Scope of the CRWIA,	<p>The likely effects of the policy were informed by a range of evidence, including public consultation and stakeholder engagement. Scottish Government officials also examined evidence from a range of studies, reports and surveys, including:</p> <ul style="list-style-type: none"> Community Involvement in Scotland (2004) YoungScot Survey (2017) Responses to Places, People and Planning (2017) Hard to Reach, Easy to Ignore (2017) Young Gypsy/Travellers Discuss the United Nations Convention on the Rights of the Child - Children and Young People’s Evidence Bank (2018) Travel and Transport in Scotland 2018 (2019) Scottish Household Survey: Annual Report 2018 (2019) Children and parents: media use and attitudes report (2019)

	<p>Young people's participation in decision making: attitudes and perceptions (2020) Health Inequalities: Peer research into the role of communities (2020) Democracy Matters to Children (2020) If not now, when? - Social Renewal Advisory Board report (2021)</p> <p>We envisage that the policy will potentially impact upon the opportunity of all children and young people to become more actively engaged in the planning system. However, there is the potential for intersectional issues to effect the perception of certain groups of children and young people of engagement. Research relating to out of school groups and activities suggests this may particularly be an issue for both disabled children and older children.</p> <p>It should be noted that many children and young people may never come across PAC. We understand that there have been in the region of 330 such applications per year over the past three years with an uneven geographical spread across Scotland.</p>
<p>Children and young people's views and experiences</p>	<p>There is a lack of research directly on children's experiences of engaging in the planning system and PAC in particular. However, more widely, evidence would suggest that children want to be involved in shaping the places they live, go to school and play.</p>
<p>Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing</p>	<p>A survey undertaken by YoungScot (2017) to accompany Places, People and Planning concluded that the majority of young people feel they should be involved in planning in their local area and that their local councils should look at ways to support children and young people to do this.</p> <p>This view is supported in Young Gypsy/Travellers Discuss the United Nations Convention on the Rights of the Child - Children and Young People's Evidence Bank (2018) where recommendations include that there should be more opportunities for young Gypsy / Travellers to take part in decision making and have their voices heard.</p> <p>This is also reflected in Health Inequalities: Peer research into the role of communities (2020) which noted that children and young people want to be involved in decisions about the places they live.</p> <p>However, this desire may be frustrated. For example, Hard to Reach, Easy to Ignore (2017) noted that language barriers lack of confidence and dominant characters can discriminate against some people during community engagement, specifically including young people.</p> <p>Democracy matters to Children (2020) also noted that 'children's paths to meaningful involvement in decision-making are currently</p>

	<p>limited and many children have limited or no experience of participation in democratic processes'. It identified a number of local issues as ones which children wanted to have a say in – this included planning and the built environment.</p> <p>The Scottish Government has found that the proposals do not impinge negatively upon articles on the UNCRC or the indicators of wellbeing (SHANARRI) and that we do not consider there are issues that will impact negatively upon children and young people.</p> <p>The Scottish Government is seeking to enhance engagement with communities across the whole of the planning system. These regulations will enhance engagement in PAC.</p> <p>We recognise that the data available does not allow a complete picture of the experiences and views of children and young people. However the CRWIA has provided the opportunity to consider the potential impact of the policy on them.</p> <p>We will develop guidance for planning authorities and developers which seeks to encourage broader engagement at the PAC stage with communities, including with children and young people as well as other societal groups.</p>
Monitoring and review	<ul style="list-style-type: none"> The Scottish Government will conduct a review of the first 12 months of the operation of amended PAC requirements. As well as approaching planning authorities and the development industry, a survey of public views will also be carried out.
CRWIA Declaration	
Authorisation	
Policy lead Alan Cameron Planning Policy Manager	Date 16/02/2021
John McNairney Chief Planner	Date 16/02/2021