



**25 June 2021**

## **Local Place Plans: Proposals for Regulations**

### **Children in Scotland**

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do.

By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced, and independent voice. We create solutions, provide support, and develop positive change across all areas affecting children in Scotland.

We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

### **Background**

Children in Scotland has increasingly taken an interest in planning and placemaking. We recently submitted a response to the Scottish Government's consultation on the National Planning Framework 4: Position Statement detailing the approach we believe that the Scottish Government should take to provide a planning system that works for people and places<sup>1</sup>.

Our response to the consultation on the Local Place Plans regulations will focus on how to ensure that children and young people's views are heard in local planning decisions.

As the Scottish Parliament has now voted to fully incorporate the United Nations Convention on the Rights of the Child into Scots Law, children's right to be heard in decisions that affect them (Article 12) will have stronger legal backing. The planning system is one of many places that can help children realise these rights.

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<sup>1</sup> <https://childreninScotland.org.uk/wp-content/uploads/2021/02/National-Planning-Framework.pdf>

The consultation document highlights that currently, the vast majority of adults do not think they can influence local decision making<sup>2</sup>. While data was not provided for children and young people, we see no reason why children and young people would feel more able to engage with these processes.

In a broad sense, Children in Scotland believes that to support children and young people to engage with the development of Local Place Plans, the system needs to be made as simple as possible and that appropriate support to engage with the process must be provided by Planning Authorities.

### *Community Bodies*

The consultation document identifies that Local Place Plans must be prepared by a community body, defined as either:

- A community council
- A 'community controlled' body, as defined under the Community Empowerment Act<sup>3</sup>

While Children in Scotland appreciates the need for a structured approach for groups wishing to submit Local Place Plans, we are concerned about how readily children and young people are able to engage with either community councils or 'community-controlled' bodies. We know from our own experience that adult-focussed structures and procedures can be hard for children and young people to engage with unless specific effort is made to reach out to include them.

We believe that guidance and support will be necessary to ensure community bodies are taking steps to include and engage with children and young people. One way to do this may be to consider how existing groups that work with children and young people locally could be brought into the process.

To aid participation, we would also recommend the development of visual tools such as flowcharts that lay out the process for developing the Plan. Visual aids such as these will be beneficial for children in young people as well as a range of groups within the community.

### *Approach to Participation and Engagement*

Our response will mainly explore how children and young people can be involved in developing Local Place Plans. Children in Scotland has our own guidelines for the Meaningful Participation and Engagement of Children and Young People<sup>4</sup>.

We would encourage Scottish Government to use the guidelines with further developing guidance on how groups can engage children and young people. The guidelines provide practical support on the different considerations and information on how to deliver meaningful engagement work that is accessible to children and young people.

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<sup>2</sup> <http://whatworksscotland.ac.uk/publications/hard-to-reach-or-easy-to-ignore-promoting-equality-in-community-engagement-evidence-review/>

<sup>3</sup> <https://www.legislation.gov.uk/asp/2015/6>, part 3, section 19

<sup>4</sup> <https://childreninscotland.org.uk/wp-content/uploads/2019/09/CiS-Participation-2019.pdf>

It is vitally important that children and young people's engagement must not be tokenistic. Poor quality engagement work may cause them to lose faith in the professionals around them and disengage from future opportunities. Children and young people must be heard early in the process, and their views must be given equal weight to adults. We would welcome the opportunity to work with Scottish Government and local partners to develop a process which supports this.

**1. Do you agree with the proposal that community bodies should have regard to any Locality Plan that is in place for the area under consideration when preparing their Local Place Plan?**

- **Yes**
- **No**
- **No view**

**Please comment on your answer (particularly if you do not agree)**

Yes. It is important that community bodies have regard to Locality Plans when developing their local place plans. However, this must be balanced with the need to ensure that community bodies have a meaningful opportunity to co-produce Local Place Plans. If there is an expectation that groups will have regard for the Locality Plan, this must be available in an accessible form and, ideally, with the availability of someone involved in working on the plan to discuss the contents. This will support groups, in particular children and young people, to engage in the process in an informed fashion.

The consultation document also rightly highlights that Locality Plans may now be out of date. It is important that older plans do not overrule new local place plans when the needs of the area may well have changed.

Ideally, going forward, Local Place Plans and the Locality Plans will be aligned and point in similar directions. Locality Plans that have been developed with the involvement of children and young people for example are much more likely to be attuned to children and young people's priorities that emerge through Local Place Plan preparation. This should ensure that there are few situations in which Local Place Plans and Locality Plans are in opposition.

Again, we would refer those with responsibility for planning Children in Scotland's Principles and Guidelines for the Meaningful Participation and Engagement of Children and Young People<sup>5</sup>. These provide important practical support to practitioners when considering how to engage with children and young people. They could provide a useful tool to planning authorities in developing a process for mainstreaming participation.

We would also encourage Scottish Government to consider what can be learned from the development of the recent Children's Services Plans. Our Supporting the Third Sector project worked with local partners across the country to ensure the views of children and young people were heard in the plans. This will provide practical examples of how you can engage young people in these processes. Most of these plans have not been formally agreed with Scottish Government yet, but we

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<sup>5</sup> <https://childreninscotland.org.uk/wp-content/uploads/2019/09/CiS-Participation-2019.pdf>

would encourage the consultation team to explore whether they can engage with these plans going forward.

We know from our work with children and young people that accessible information is key to their participation. Our work with the Children and Young People's Panel on Europe has highlighted the importance of this when engaging in complicated policymaking. It is important that Planning Authorities consider this and ensure they provide information that is accessible and presented in ways that children and young people want to and are able to engage with, e.g., short videos and animations.

Finally, planning authorities must consider the support that they can provide to community bodies to facilitate these engagement processes. We would advocate for specific engagement focussed roles to be created to support the engagement of community bodies in the development of Local Place Plans. Ideally, these roles would have some independent role from the Planning Authority so they can operate impartially.

## **2. Do you consider that community bodies should have to have regard to other additional matters beyond the Locality Plan when preparing their Local Place Plan?**

- **Yes**
- **No**
- **No view**

**Please comment on your answer, giving examples (particularly if you agree)**

Yes. We agree that community bodies should have regard to additional matters beyond the Locality Plan when preparing their Local Place Plan. As argued above, it is important that these different processes are aligned with one another. However, as we have clearly articulated it is important that children and young people have a meaningful opportunity to engage in Local Place Plans.

The participation and engagement of children and young people should be mainstreamed within all local decision making. This will make it easier to align different areas of work and ensure that when children and young people are able to engage with local plans, they already have the views of other children and young people at their heart.

One key area to consider that may support the participation and engagement of children and young people in local place plans is the work already undertaken on Children's Services Planning. These plans may draw on transferrable evidence from children and young people of use in the development of local place plans.

The consultation document also provides some evidence of community engagement, including with children and young people within the Local Outcome Improvement Plans (LOIPs)<sup>6</sup>. These could be used as a reference point for starting work on Local Place Plans to ensure alignment. However, it is also important that

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<sup>6</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2021/03/proposals-regulations-local-place-plans-consultation/documents/proposals-regulations-local-place-plans/proposals-regulations-local-place-plans/govscot%3Adocument/proposals-regulations-local-place-plans.pdf?forceDownload=true>

when local plans, such as the Local Outcome Improvement Plans, are renewed that the participation and engagement of children and young people become a central focus of these.

As with our response to Q1 regarding Locality Plans, it is important that any additional documentation or information that community groups are required to consider is presented in an accessible manner and appropriate support is provided to engage with this.

**3. Do you agree with the proposal that an LPP should contain a statement setting out the community's proposals plus a map of the area, setting out the LPP boundary?**

- **Yes**
- **No**
- **No view**

**Please comment on your answer (particularly if you do not agree)**

Yes. It would be valuable for LPPs to include a statement of the proposals plus a map with the boundary of the LPP. We know from our work on the Health Inequalities: Peer research project that visual prompts such as maps can be helpful in supporting children and young people to engage with their local community and what they think of it<sup>7</sup>.

Having a map along with a statement may support children and young people to engage with Local Place Plans developed by others and allow them to identify if it will meet their needs. Maps should also help provide a visualisation of the space that they would be developing an LPP for, should they be actively involved in the development.

**4. Do you think a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP should be set out in law?**

- **Yes**
- **No**
- **No view**

**Please comment on your answer**

Yes. As we have highlighted in our background information, we are concerned about how representative community bodies currently are of children and young people. It is essential that community bodies are required to engage with children and young people to ensure Local Place Plans are reflective of the needs of the whole community. This will form part of their responsibilities as duty bearers when incorporation of the UNCRC into Scots Law commences.

As part of this requirement, it is essential that guidance is provided for community bodies in how to deliver meaningful engagement so that children and young people can engage with the development of the plan. The methods used for gathering the views from adults may not be suitable for children and young people, for example. There should also be support provided by planning authorities to ensure effective delivery, including dedicated engagement-focused staff.

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<sup>7</sup> <https://childrenscotland.org.uk/wp-content/uploads/2020/02/Health-Inequalities-Report-Chris-Ross.pdf>

Our only concern in this area is the potential for the views of children and young people to be consistently overruled by other members of the community. While we appreciate that children and young people are not the only stakeholders in their community, they are significantly more limited in their opportunities to engage and influence.

It is also important that community bodies are encouraged to work in a similar spirit to that outlined in the National Planning Framework 4: Position Statement. The statement took an intersectional approach to planning and spoke about the need to target communities that may usually be missed or have specific needs<sup>8</sup>. The importance of such an approach has also been reflected in the Impact Assessment for the regulations. We would encourage Scottish Government to make sure that community bodies take this approach and ensure they engage with everyone in the community when developing Local Place Plans.

This approach is particularly important when considering which groups of children and young people to engage with. Children and young people are not a homogenous group, and it will require different approaches to engage with different groups. We know that groups such as younger children, young people experiencing poverty or from ethnic minority backgrounds are more likely to be excluded from opportunities to share their views. Steps must be taken to ensure these seldom heard voices are included.

Children and young people with additional support needs will also likely require additional support in order to take part in developing plans and indeed may have specific needs within the community that Local Place Plans can support with. Again, it is vital that planning authorities are can, and are willing to, provide the additional support required for them to share their views.

**5. If a requirement to seek the views of people is put into law, what should any minimum requirement be?**

Children in Scotland is not in a position to comment on the exact minimum requirement to seek the views of people in law. However, to bring it in line with the Equalities Act 2010, it should include a requirement to engage with individuals across all protected characteristics, including children and young people.

We would also recommend that any minimum requirement should include a requirement to provide feedback to all those engaged about how their views and experiences have influenced decision making.

**6. Do you agree with the proposal that there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting an LPP?**

- Yes
- No
- No view

**Please comment on your answer (particularly if you do not agree)**

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<sup>8</sup> <https://www.gov.scot/publications/scotlands-fourth-national-planning-framework-position-statement/>

Yes. As above, we are concerned about how representative community bodies are of children and young people. Having such a requirement would ensure that they community can see how their views have been used and whether they have been reflected.

We know from our work with children and young people that closing the feedback loop is vital. It supports them to understand how their views have been used and what will happen next. We lay out how this should work in our Principles and Guidelines<sup>9</sup>.

It is particularly important that this information is provided in an accessible manner. It cannot be jargon-heavy adult-focussed language which children and young people will likely struggle to engage with. Maps and other visual aids could be particularly useful at this stage.

**7. If a requirement to consult across the community on the content of a draft LPP is to be put into law, what should any minimum requirement be?**

As with Q5, Children in Scotland is not in a position to comment on the exact minimum requirement to seek the views of people in law. However, to bring it in line with the Equalities Act 2010, it should include a requirement to engage with individuals across all protected characteristics, including children and young people.

We would also recommend that any minimum requirement should include a requirement to provide feedback to all those engaged about how their views and experiences have influenced decision making.

**8. Do you agree with the proposal that the community body should seek the views of ward councillors when preparing the LPP?**

- Yes
- No
- No view

**Please comment on your answer - particularly if you do not agree or have a view as to how ward councillors' views should be taken into account or reported?**

Yes. it is important to seek the views of ward councillors when developing Local Plan Plans as they will have good understanding of views across the community. However, it is important to recognise that ward councillors are not elected by children and young people under the age of 16 and as such, the system cannot be overly reliant on their views. Other forms of local democracy, which are open to people under the age of 16, should also be prioritised. It is also important that the views of individual ward councillors are not prioritised over other groups in the community.

Involving ward councillors could however be a good opportunity to link children and young people with local elected officials and provide opportunities for their views to be heard. If this process is to develop, it is vital that elected representatives are

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<sup>9</sup> <https://childreninscotland.org.uk/wp-content/uploads/2019/09/CiS-Participation-2019.pdf>

willing to meet with children and young people on their terms. Children in Scotland has a range of experience on supporting young people to engage with decision makers and would be happy to provide support and guidance on this for Scottish Government and Planning Authorities.

**9. Do you agree that, alongside the LPP itself, the community body should submit a statement on how it has complied with the legal requirements?**

- **Yes**
- **No**
- **No view**

**Please comment on your answer (particularly if you do not agree)**

There obviously must be oversight of how the community body and the LPP comply with legal requirements. However, without support, this is not a viable option for children and young people who are less likely to know the legal requirement. Requiring them to engage without appropriate support would be creating a significant barrier to their participation.

If we want a truly open planning system, it needs to be simple and easy to engage with. It is unreasonable to expect community bodies to have a full working understanding of the legal duties and requirements that they may interact with.

However, we fully appreciate that compliance with legal requirements is necessary. Ultimately, it lends further weight to the need for full support for community bodies preparing Local Place Plans. This is particularly important for those which are working with or being led by children and young people.

Providing support upfront and early in the process should save administrative issues later in the process where planning authorities may need to return to community bodies with LPPs that are not compliant.

**10. Do you agree the requirements planning authorities have to keep the register of local place plans should be aligned to the existing arrangements for registers?**

- **Yes**
- **No**
- **No view**

**Please comment on your answer (particularly if you do not agree)**

Children in Scotland has no views on Q10 as it outside our area of expertise.

**11. Do you agree that the additional information provided by the community body alongside the LPP should be kept on the register of local place plans?**

- **Yes**
- **No**
- **No view**

**Please comment on your answer (particularly if you do not agree)**

Children in Scotland has no views on Q11 as it outside our area of expertise.

**12. Please provide your views on the level and content of information to be placed on the register.**



Children in Scotland has no views on Q12 as it outside our area of expertise.

**13. Do you agree with the proposal that a planning authority may remove an LPP from the register once it has been taken into account in the LDP, and must do so when requested by the community body that prepared it?**

- Yes
- No
- No view

**Please comment on your answer (particularly if you do not agree)**

Children in Scotland has no views on Q13 as it outside our area of expertise.

**14. Do you agree the requirements planning authorities have for making the map of local place plans available should be aligned to the existing arrangements for registers?**

- Yes
- No
- No view

**Please comment on your answer (particularly if you do not agree)**

Children in Scotland has no views on Q14 as it outside our area of expertise.

**15. Please give us any views you have on the content of these partial assessments.**

Children in Scotland was pleased to see a rigorous assessment of how the regulations for LPPs will support equalities. It is encouraging to see this being used as an assessment rather than a justification for decisions taking. However, we would encourage Scottish Government to consider conducting a full Child Rights and Wellbeing Impact Assessment of these regulations.

We welcome specific reference to Local Place Plans as a route for realising children's rights to be heard in decisions that affect them, acting as a key route for giving children and young people a say in their community. However, to ensure these rights are realised, it is important we get the process right. Without appropriate support for engagement, and the provision of accessible materials, children and young people will likely struggle to engage in the development of Local Place Plans. We would encourage Scottish Government to fully consider how the system can be made as accessible as possible. This includes consideration of children and young people with a range of additional support needs.

Scottish Government should also consider how it plans to measure the impact of the regulations on children's rights and wellbeing. We would encourage a clear plan for monitoring the impact of local place plans on children's rights and wellbeing after they are developed. There is a range of experience across the children's sector that could support Scottish Government with this work.

**16. Do you have or can you direct us to any information that would assist in finalising these assessments?**

Several areas of Children in Scotland's work may support you in finalising the assessments. We would encourage Scottish Government to consider the following projects.

- Health Inequalities: Participative Research<sup>10</sup>
- CHANGE<sup>11</sup>

**17. Please give us your views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents and our conclusion that full assessments are not required.**

Children in Scotland has nothing more to add here.

**18. If you consider that full assessments are required, please suggest any information sources that could help inform these assessments?**

Children in Scotland has nothing more to add here.

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<sup>10</sup> <https://childreninscotland.org.uk/wp-content/uploads/2020/02/Health-Inequalities-Report-Chris-Ross.pdf>

<sup>11</sup> [https://childreninscotland.org.uk/wp-content/uploads/2021/02/CHANGE-Report\\_FINAL\\_3.1.pdf](https://childreninscotland.org.uk/wp-content/uploads/2021/02/CHANGE-Report_FINAL_3.1.pdf)