

Effective Community Engagement in Local Development Planning Guidance

Impact Assessments

May 2023

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1. Introduction

1.1. These Impact Assessments relate to the effective community engagement in local development planning guidance (ECEG) prepared under the Town and Country Planning (Scotland) Act 1997¹ (The 1997 Act) section 16C.

1.2. In preparing the ECEG consideration has been given to its impacts. The following assessments have been undertaken and are considered to be partial assessments at this stage as they have been prepared in relation to the draft guidance for consultation, although some early stakeholder involvement has been undertaken:

- Child Rights and Wellbeing Assessment;
- Equality Impact Assessment (including Human Rights Assessment);
- Islands Communities Impact Assessment; and
- Business and Regulatory Impact Assessment.

1.3. The following assessments have been subject to a screening process which has concluded that assessment is not required under the terms of its legislation or guidance. Further information on the screening can be seen in Annex A:

- Strategic Environmental Assessment;
- Fairer Scotland Duty; and
- Future Proofing Legislation.

1.4. Impact assessments and data gathering are presented in a combined form where appropriate to do so as a proportionate approach to the assessment.

2. Responding to this consultation

2.1. The ECEG consultation paper asks a series of questions, some of which relate to impact assessments, or the matters raised within this report. We welcome your views in response to the consultation paper and these impact assessments by 13 September 2023. Details on how to respond to the consultation can be found in the ECEG consultation paper available from the [Scottish Government's consultation hub, Citizen Space](#).

2.2. In responding to this consultation, you are encouraged to not include personally identifiable information about the protected characteristics listed in the assessments, in particular the Child Rights and Wellbeing Impact Assessment and Equalities Impact Assessment. Where you feel sensitive information must be referenced in your response, we encourage you to tick the 'Do not publish response' box in the Respondent Information Form.

¹ [Town and Country Planning \(Scotland\) Act 1997](#)

3. What are the Impact Assessments?

3.1. Child Rights and Wellbeing Impact Assessment (CRWIA). CRWIA is used to identify, research, analyse and record the impact of a proposed policy on children's human rights and wellbeing. CRWIA helps the Scottish Government consider whether it is advancing the rights of children in Scotland and protecting and promoting the wellbeing of children and young people.

3.2. CRWIA is a Ministerial duty under the Children and Young People (Scotland) Act 2014 and in relation to the United Nations Convention on the Rights of the Child (UNCRC).

3.3. Equalities Impact Assessment, Including Human Rights Impact Assessment. The public sector equality duty requires the Scottish Government to assess the impact of applying proposed new legislation. Equality legislation covers the characteristics of age, disability, gender reassignment, sex including pregnancy and maternity, race, religion and belief, and sexual orientation.

3.4. An Equalities Impact Assessment (EQIA) aims to consider how a policy may impact, either positively or negatively, on different sectors of the population in different ways. A policy can cover activities, functions, strategies, programmes, and services or processes.

3.5. The Equality Act 2010 harmonised existing equality legislation and includes a public sector duty ('the Duty') which requires public authorities to pay due regard to the need to:

- eliminate discrimination, harassment, victimisation or any other prohibited conduct;
- advance equality of opportunity; and
- foster good relations between different groups – by tackling prejudice and promoting understanding.

3.6. Whilst there is not currently a specific Human Rights Impact Assessment, human rights considerations should be embedded throughout the policy making process. These considerations are set out within the EQIA.

3.7. Business and Regulatory Impact Assessment (BRIA). BRIA looks at the likely costs, benefits and risks of any proposed primary or secondary legislation. It also covers voluntary regulation, codes of practice, guidance, or policy changes that may have an impact on the public, private or third sector.

3.8. The BRIA explains:

- the reason why the Scottish Government is proposing to intervene;
- options the Scottish Government is considering, and which one is preferred;
- how and to what extent new policies may impact on Scottish Government, business, and on Scotland's competitiveness; and
- the estimated costs and benefits of proposed measures.

3.9. Island Communities Impact Assessment (ICIA). Section 7 of the Islands (Scotland) Act 2018 provides for a duty on the Scottish Ministers that they must have regard to island communities in exercising their functions and in the development of legislation. ICIA tests any new policy, strategy or service which is likely to have an effect on an island community which is significantly different from the effect on other communities.

3.10. The 2018 Act lists the following areas that are relevant considerations for islands and islands communities:

- depopulation;
- economic development;
- environmental protection;
- health and wellbeing;
- community empowerment;
- transport;
- digital connectivity;
- fuel poverty;
- land management; and
- biodiversity.

3.11. Strategic Environmental Assessment (SEA). In Scotland, public bodies and private companies operating in a public character, such as utility companies, are required to assess, consult on, and monitor the likely impacts their plans, programmes and strategies will have on the environment. This process is known as SEA.

3.12. SEA helps to better protect the environment, aims to ensure that any development is sustainable, and increases opportunities for public participation in decision-making. It ensures that expert views are sought at various points in the preparation process from the public and the consultation authorities, who are:

- NatureScot;
- Scottish Environmental Protection Agency; and
- Historic Environment Scotland.

3.13. Fairer Scotland Duty Assessment (FSD). FSD is set out in legislation as Part 1 of the Equality Act 2010 and came into force in Scotland from April 2018. The aim of the duty is to help the public sector to make better policy decisions and deliver fairer outcomes. The duty focuses on socio-economic inequality issues such as low income, low wealth, and area deprivation. FSD applies to 'decisions of a strategic nature' – these are the key, high-level choices or plans that the public sector makes.

3.14. Future Proofing Legislation. This assessment considers the impact of changing technology to help legislation remain relevant over time.

4. Overview / Framing

4.1. Once finalised the ECEG will be the Scottish Government's high-level expectations on how planning authorities can comply with their legal duties to engage with the public when developing their local development plans.

4.2. The ECEG will:

- set a framework for and influence the level of engagement pursued by planning authorities at different stages in the local development plan process;
- clarify the stages of the local development plan process where communities and stakeholders are more or less likely to be involved; and by doing so
- highlight where community and stakeholder engagement (time and contribution) may be most effective.

4.3. The Planning (Scotland) Act 2019² (The 2019 Act) includes enhanced opportunities for engagement of the public and identifies that certain groups should be engaged with in development planning. The strategic decision to enable production of the ECEG was taken as part of the 2019 Act and the relevant legislation is implemented through Section 16C of the 1997 Act.

4.4. Engagement undertaken through the review of the planning system and onward into the Planning Act preparation, preparation of National Planning Framework 4, and preparation of local development plan regulations and guidance has highlighted that people wish to engage in shaping the places they live in, that engagement can lead to better outcomes for people, that there is a desire for engagement practice to be improved and that different groups in society have different levels of engagement with the planning system. Whilst the ECEG is not a major piece of guidance, it is anticipated by some stakeholders who have responded to earlier engagement on planning legislation, national planning policy, and guidance.

4.5. In preparing the ECEG consideration has been given to the impacts within the framing already provided by the associated impact assessments³ undertaken for the Town and Country Planning (Development Planning) (Scotland) Regulations and associated guidance, as well as reported impact assessments undertaken for the 2019 Act (which provides the overarching statutory framework for engagement in the planning system). The Local Development Planning Guidance⁴ refers to the ECEG and its focus on the levels of engagement.

4.6. As such the ECEG can be considered to be a sub-set of the Local Development Planning Guidance as it applies to the preparation of local development plans rather than engagement across the wider planning system. The ECEG is narrowly focused on identifying the levels of engagement anticipated to be pursued by planning authorities at the different stages of local development plan

² [Planning \(Scotland\) Act 2019](#)

³ [The Town and Country Planning \(Development Planning\) \(Scotland\) Regulations 2023 & Guidance, Impact Assessments \(2023\)](#)

⁴ [Local Development Planning Guidance \(2023\)](#)

preparation to help ensure that the statutory duties of the planning authority, and where relevant the community body, have been met.

4.7. Importantly, this guidance is intended to be of positive benefit to people and organisations. It helps establish a common framework for expectations of the levels of engagement between planning authorities and in particular communities, but in practice also including organisations, at the different stages of local development plan preparation.

4.8. The ECEG does not have an influence on defining which groups of people should be included in legislation for the purposes of engagement. It does highlight those groups that must be engaged with to accord with the Planning Act (the 1997 Act contains duties for planning authorities to engage with children and young people, Gypsies and Travellers, disabled people, and community councils) and includes a non-exhaustive list of groups that may be engaged with beyond the statutory requirements.

4.9. While guidance is provided on the statutory requirements for who may be engaged with in the preparation of a local development plan, the ECEG does not contain or intend to contain guidance on the detailed methods of engagement that may be necessary. It is intended that over time the Scottish Government will signpost examples of practice on community engagement as they emerge. Furthermore, the guidance does not contain policy or guidance on thematic topics that will be included in local development plans.

4.10. The ECEG will contribute to the following performance indicators contained in the National Performance Framework:

- we live in communities that are inclusive, empowered, resilient, and safe; and
- we respect, protect and fulfil human rights and live free from discrimination.

4.11. Although the planning system has a role to play in the development and use of land in the long-term public interest, including the future development of communities, and so may have a relevance to each of the considerations listed for ICIA, this guidance is about engagement and so it really focuses on the community empowerment aspect.

4.12. Whilst the guidance itself has no resource implications for planning authorities as engagement is required to be undertaken in any case, it should help to inform deployment of resources for engagement appropriately throughout the preparation of the local development plan.

4.13. Although applying to planning authorities and anyone else involved in preparing local development plans wherever they are in Scotland, evidence suggests that some groups of people face challenges in engaging with the planning system, including disabled people, children and young people, women, and black and ethnic minority groups. The challenges include those that relate to physical mobility and access, caring responsibilities, or language and communication.

4.14. The context set here applies to the impact assessments that follow and won't be repeated for each assessment. The assessments will focus on areas where the ECEG goes beyond the content that was assessed in the local development plans regulations and guidance. The degree to which the ECEG goes beyond the local development plans regulations and guidance is focused on the levels of engagement (otherwise known as the spectrum of participation). The assessments build from and advance, where possible, the relevant evidence linked to participation in the planning system which has been used in informing previous relevant impact assessments.

4.15. These impact assessments consider the potential impacts of the ECEG which is aimed at planning authorities, communities, and community bodies in particular - but can apply to anyone involved in or seeking to engage in the preparation of local development plans across Scotland.

4.16. Unless otherwise stated, evidence supporting the assessments is captured in Annex B – Data Bank. Evidence in Annex B addresses the protected characteristics set out in equality legislation, supported by the Public Sector Equality Duty, of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (gender) and sexual orientation. The data-capture exercise was largely undertaken in 2022, with modest updating in 2023 ahead of finalising the consultation draft guidance.

4.17. In relation to the Child Rights and Wellbeing; Equalities; and Human Rights Impact Assessments, supporting information was considered using the Scottish Government's Evidence Finder⁵ as well as additional information considered relevant.

4.18. The 1997 Act requires local development plans to be prepared on a 10-year cycle. It is anticipated that new local development plans prepared in response to changes to the planning system will be in place within 5 years from the adoption of National Planning Framework 4 (2023). Using the experience built over those five years may be an appropriate time to review the ECEG. In the meantime, it is intended that the Scottish Government will signpost examples of engagement practice.

4.19. The Scottish Government is currently considering the future format and role of Planning Performance Frameworks with regards to implementing the 2019 Act provisions, which places annual reporting by authorities on a statutory basis. We will actively consider how a planning authority's approach to community engagement can be measured and the outcomes achieved can be assessed through these statutory reports.

⁵ [Equality Evidence Finder](#)

5. Engagement

5.1. These assessments have been desk based, framed by the Impact Assessment work already undertaken in relation to the local development plans regulations and guidance. The ECEG development involved the Community Engagement Working Group, Heads of Planning Scotland (HoPS), and is now subject to a public consultation exercise along with these impact assessments.

5.2. Given the partial nature of the assessments to allow for engagement to happen, your responses to the impact assessments are welcomed. Information on how to respond to this consultation can be found in Section 2.

6. Partial Child Rights and Wellbeing Impact Assessment

6.1. This is a partial assessment as public engagement on the draft guidance and associated impact assessments remains to be undertaken.

Key findings / evidence from the local development plans regulations and guidance impact assessment

6.2. In relation to the 'Participation' consideration it was noted that the local development planning guidance will refer to a range of societal groups, including children and young people (particularly school pupils, youth councillors and youth parliament representatives). The ECEG also refers to these groups.

6.3. The local development plan regulations and guidance impact assessment found that the regulations had particular relationship to Articles 3, 12, 23, 24, 27, 28 and 31 of the United Nations Convention on the Right of the Child (UNCRC). Given the more limited scope of the ECEG it is not intended that further articles be considered here. Indeed, the ECEG can be said to have most direct relationship to:

- Article 3 'Best Interests of the Child' - The best interests of the child must be a top priority in all decisions and actions that affect children;
- Article 12 'Respect for the Views of the Child' - Every Child has the right to express their views, feelings and wishes in all matters; and
- Article 23 'Children with a Disability' - A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

6.4. The local development plan regulations and guidance were found to have the potential to have a positive impact on children's rights.

CRWIA Stage 2: Assessment of Impact Compatibility

Question 1: What evidence have you used to inform your assessment? What does it tell you about the impact on children's rights?

6.5. Existing legislation requires children and young people to be included in the preparation of local development plans, with the focus being on schools, youth councils and youth parliament representatives. Annex B includes the data sources informing the Child Rights and Wellbeing Impact Assessment, the EQIA, and the Human Rights Impact Assessment, in addition to the findings of the Planning (Scotland) Act impact assessment and the local development plan regulations and guidance impact assessment.

6.6. The evidence points to a desire for children and young people to have access to greater involvement in decisions within the planning system. The guidance would have positive effects in that children and young people are specifically highlighted and the levels of engagement can help them to understand where their involvement in the local development plan process is likely to be most influential. This will help

the involvement of children and young people to be more targeted and therefore more effective in enabling their voices to be heard at appropriate points during the process and for them to be kept informed throughout, which will have positive effects for Articles 3, 12 and 23.

Question 2: Evidence from Stakeholders / Policy Colleagues.

6.7. The National Planning Framework 4 (NPF4) Position Statement included a section 'A Plan for Resilient Communities' which included encouraging engagement, highlighting the importance of engaging with children and young people. The consultation sought comments on the approach to resilient communities.

6.8. The Draft NPF4 Integrated Impact Assessment⁶ for the Draft NPF4 recognised that certain factors disproportionately impact people due to a protected characteristic and considered that this would be reflected in the ECEG. The guidance is clear that a range of groups of people need to be involved and that appropriate methods of engagement will need to be deployed.

6.9. In terms of participation in the planning system, the analysis of responses by stakeholders to both the NPF4 Position Statement and the Draft NPF4 point towards desire for improved engagement with children and young people. The guidance is about improving expectations around engagement levels at different stages within the local development plan process. As such it positively responds to stakeholder comments about engagement in the planning system and includes direct acknowledgement of the role of children, young people, carers, and families with young children.

6.10. The Consultation Draft NPF4 asked whether stakeholders agreed that the policy on human rights and equality effectively addressed the need for planning to respect, protect and fulfil human rights, seek to eliminate discrimination and promote equity. The analysis of responses expressed support for the principle of promoting human rights and equality across the planning system and included strengthening suggestions. One such theme was a view that change is required to ensure that planning decisions take better account of communities' views by strengthening planning service resources and skills to deliver meaningful engagement. Other suggestions in relation to the responsibility to consult and engage collaboratively, meaningfully and proportionately within the planning system included calls for guidance including around approaches to engagement, identification of key stakeholder groups, and provision of examples of proportionality. The ECEG identifies key stakeholder groups, including children and young people, and will help to aid proportionality in establishing expectations for the level of engagement anticipated to occur at different stages of the development planning system.

6.11. The Community Engagement Working Group, in the development of the approach, were asked whether they had thoughts on the range of individuals, groups and organisations beyond those listed in planning legislation who could be referenced in the draft guidance. Responses included that reference to women and

⁶ [Scotland 2045: fourth National Planning Framework – draft: society and equalities impact assessment](#) (2021)

girls as well as families with young children could be considered. These have been included in the guidance.

Question 3: Evidence from Children and Young People.

6.12. The guidance will apply to all groups involved or who wished to be involved in the preparation of local development plans. The consultation on the guidance will be targeted to particular representative groups, including for children and young people, and where possible, families with young children. A question in the consultation paper invites views on the impacts on people.

6.13. Previous sections of this assessment have set out that stakeholders responding to previous consultations about the planning system have indicated a desire for improved community engagement, including with children and young people.

6.14. In consulting on the NPF4 Position Statement youth engagement was undertaken by PAS and a 'Youth Engagement Report'⁷ was published. In relation to empowering places, comments included having community groups, spaces and events that are noticeable and inviting for all people and having people around including through clubs, groups and organisations helps people feel connected to the wider community. Whilst the ECEG is not intended to consider particular methods of engagement, it does highlight particular groups of people who should be engaged with.

6.15. Broader data contained in Annex B in relation to age captures information about children and young people with regard to engagement in decisions that affect them and their place. It is clear that there is appetite for improvement in the taking account of the views of children and young people, including disabled people. These groups are directly included in the ECEG.

Question 4: How have the findings outlined in Questions 1-3 influenced the development of the relevant proposal?

6.16. The ECEG is an option provided for in the 1997 Act. There are also certain groups that the Act requires to be included in the preparation of local development plans, including children and young people. The Act also sets out how the duties for engagement with children and young people in relation to local development planning should be discharged in the first instance.

6.17. The consultation proposal for levels of engagement to apply to different stages of the planning system also includes proposals for groups of people to be included in engagement. This responds to statutory requirements and those that have been identified through engagement to date on the preparation of the approach. Although applying to anyone involved or who wants to be involved in the process of preparing a local development plan, the choice to provide the guidance at this time and the approach proposed is considered to help support expectations

⁷ [National Planning Framework 4: Position Statement, Youth engagement Report](#) (2021)

around engagement to make engagement undertaken to be effective by all groups, including children and young people and disabled people.

Question 5: Assessing for compatibility against UNCRC requirements. What impact does/will your relevant proposal have on children's rights (Please tick positive, negative or neutral)

Article 1 Definition of the child Positive | Negative | Neutral

For the purposes of the present Convention, a child means every human being below the age of eighteen years.

Article 2 Non-discrimination Positive | Negative | Neutral

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all 15 forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3 Best interests of the child Positive | Negative | Neutral

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4 Implementation of the Convention Positive | Negative | Neutral

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5 Parental guidance and a child's evolving capacities

Positive | Negative | Neutral

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6 Life, survival and development

Positive | Negative | Neutral

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7 Birth registration, name, nationality, care

Positive | Negative | Neutral

1. The child shall be registered immediately after birth and shall have the right from birth to a name, and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field.

Article 8 Protection and preservation of identity

Positive | Negative | Neutral

1. States Parties undertake to respect the right of the child to preserve his or her identity, including name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

Article 9 Separation from parents

Positive | Negative | Neutral

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

Article 10 Family reunification

Positive | Negative | Neutral

A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents.

Article 11 Abduction and non-return of children

Positive | Negative | Neutral

States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

Article 12 Respect for the views of the child

Positive | Negative | Neutral

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13 Freedom of expression

Positive | Negative | Neutral

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others; or
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14 Freedom of thought, belief and religion

Positive | Negative | Neutral

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15 Freedom of association

Positive | Negative | Neutral

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16 Right to privacy

Positive | Negative | Neutral

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks

Article 17 Access to information from the media

Positive | Negative | Neutral

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18 Parental responsibilities and state assistance

Positive | Negative | Neutral

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19 Protection from violence, abuse and neglect

Positive | Negative | Neutral

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20 Children unable to live with their family

Positive | Negative | Neutral

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21 Adoption

Positive | Negative | Neutral

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22 Refugee children

Positive | Negative | Neutral

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organisations or non-governmental organisations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23 Children with a disability

Positive | Negative | Neutral

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24 Health and health services

Positive | Negative | Neutral

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take 20 appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary healthcare, though, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;
- (f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25 Review of treatment in care Positive | Negative | Neutral

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26 Social security Positive | Negative | Neutral

1. States Parties shall recognize for every child the right to benefit from social security, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27 Adequate standard of living Positive | Negative | Neutral

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the making of appropriate arrangements.

Article 28 Right to education Positive | Negative | Neutral

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29 Goals of education

Positive | Negative | Neutral

1. States Parties agree that the education of the child shall be directed to:
- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30 Children from minority or indigenous groups

Positive | Negative | Neutral

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous

shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31 Leisure, play and culture

Positive | Negative | Neutral

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32 Child labour

Positive | Negative | Neutral

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33 Drug abuse

Positive | Negative | Neutral

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34 Sexual exploitation

Positive | Negative | Neutral

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35 Abduction, sale and trafficking Positive | Negative | Neutral

States Parties shall take all appropriate national measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36 Other forms of exploitation Positive | Negative | Neutral

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37 Inhumane treatment and detention Positive | Negative | Neutral

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38 War and armed conflicts Positive | Negative | Neutral

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39 Recovery from trauma and reintegration Positive | Negative | Neutral

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such 5 recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40 Juvenile justice Positive | Negative | Neutral

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

- (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
- (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - (i) To be presumed innocent until proven guilty according to law;
 - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
 - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - (vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.

3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

Article 7

Positive | Negative | Neutral

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations.

2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

Second Optional Protocol

Article 1

Positive | Negative | Neutral

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Article 2

Positive | Negative | Neutral

For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 3

Positive | Negative | Neutral

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organized basis:

- (a) In the context of sale of children as defined in article 2:

- (i) The offering, delivering or accepting, by whatever means, a child for the purpose of:
 - a. Sexual exploitation of the child;
 - b. Transfer of organs of the child for profit;
 - c. Engagement of the child in forced labour;
- (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
- (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
- (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

2. Subject to the provisions of a State Party's national law, the same shall apply to an attempt to commit any of these acts and to complicity or participation in any of these acts.

3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.

4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, this liability of legal persons may be criminal, civil or administrative.

5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

Article 4

Positive | Negative | Neutral

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

- (a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;
- (b) When the victim is a national of that State.

3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the above-mentioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.

4. This Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

Positive | Negative | Neutral

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 7

Positive | Negative | Neutral

States Parties shall, subject to the provisions of their national law:

- (a) Take measures to provide for the seizure and confiscation, as appropriate, of:
 - (i) Goods such as materials, assets and other instrumentalities used to commit or facilitate offences under the present Protocol;
 - (ii) Proceeds derived from such offences;
- (b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a)(i);
- (c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

Article 8

Positive | Negative | Neutral

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

- (a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
- (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
- (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
- (d) Providing appropriate support services to child victims throughout the legal process;
- (e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
- (f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
- (g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.

5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.

6. Nothing in the present article shall be construed as prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

Article 9

Positive | Negative | Neutral

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.

2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

Article 10

Positive | Negative | Neutral

4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

Nothing in the present Protocol shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

- (a) The law of a State Party;
- (b) International law in force for that State.

Question 6: Impact on Children and Young People

6.18. The ECEG applies to anyone who is or wishes to be involved in preparing a local development plan. It does flag a range of groups of people who should be involved, including children and young people, and disabled people. Whilst the guidance does not intend to cover methods of engagement, it is clear that these should be appropriate to the subject, context and groups being engaged.

6.19. Consistent with the findings of impact assessments related to other aspects of the planning system reform referred to in this assessment, the potential is for a positive effect on children and young people in so far that the ECEG seeks to support the implementation of existing and enhanced community engagement opportunities within the preparation of local development plans.

Question 7: Negative Impact

6.20. The 'Hard to Reach, or Easy to Ignore' research highlighted in Annex B highlights language, confidence and dominant characters can indirectly discriminate against some people in community consultation exercises, including young people. This guidance does not intend to address methods of engagement but is clear that approaches that are appropriate to the subject, context and groups being engaged should be used. This enables methods to be cognisant of the need to be designed to include those who may be indirectly discriminated.

Question 8: Options for modification or mitigation of negative impact

6.21. Negative impacts have not been identified. Although the ECEG does not intend to cover methods of engagement, the consultation paper does include a statement that those designing engagement approaches should ensure that they are appropriate to the subject, context and groups being engaged and highlights issues identified in this assessment as particular potential for indirect discrimination, which also applies to children and younger people, that should be included in the approach taken to engagement.

Question 9: Positive impact – giving or further effect to children's rights in Scotland

6.22. In so far as the ECEG seeks to support current and new opportunities for engagement in the preparation of local development plans, and in responding to stakeholder views that a greater focus on engagement, including for children and young people, the guidance helps to inform those who are involved or wish to be involved in the preparation of a local development plan to help clarify expectations of engagement at different stages in the local development plan process. This can help avoid engagement fatigue by identifying opportunities to join-up engagement

processes where appropriate. It also gives those involved a stronger awareness of where their input will have most effect.

Question 10: Impact on Wellbeing – does or will the relevant proposal contribute to the wellbeing of children and young people in Scotland?

6.23. In relation to SHANARRI indicators it is considered that the ECEG links primarily to the Respected, Responsible, and Included indicators.

6.24. It is not anticipated that the guidance will have an improvement in wellbeing in relation to the following wellbeing indicators:

- safe - growing up in an environment where a child or young person feels secure, nurtured, listened to and enabled to develop to their full potential. This includes freedom from abuse or neglect. (Although see the 'respected' indicator for 'listened to');
- healthy - having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices;
- achieving - being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community;
- nurtured - growing, developing and being cared for in an environment which provides the physical and emotional security, compassion and warmth necessary for healthy growth and to develop resilience and a positive identity; and
- active - having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community.

6.25. It is anticipated that that the guidance will have an improvement in wellbeing in relation to the following wellbeing indicators:

- respected - being involved in and having their voices heard in decisions that affect their life, with support where appropriate;
- responsible - having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision; and
- included - having help to overcome inequalities and being accepted as part of their family, school and community.

6.26. It is envisaged that the guidance will potentially positively impact on the opportunity of all children and young people to become more actively involved with the planning system. There is the potential for people's intersectional issues (overlapping social identities) to affect the perceptions of engagement, for example young disabled people.

6.27. The consultation offers the opportunity for further evidence to be gathered on how the guidance affects or could affect children and young people in practice.

Question 11: Communicating impact to children and young people

6.28. Communication of potential impacts will occur primarily through consultation exercises that target representative groups for children and young people. Revisions to the proposed approach will be considered in response to the engagement exercise. However, communications will also occur through the onward use of the guidance by planning authorities and those involved or wishing to be involved in the preparation of local development plans.

6.29. An analysis of consultation comments will also be undertaken and published.

Question 12: Planning for the review of impact on child rights

6.30. The production of local development plans has moved to a 10-year review cycle under new regulations arising from amendments to the 1997 Act. It is anticipated that new local development plans prepared in response to change to the planning system will be in place within 5 years from the adoption of National Planning Framework 4 (2023). Using the experience built over those five years may be an appropriate time to review the ECEG and prepare a Child Rights Impact Evaluation, so in 2028.

6.31. Consultation questions in the consultation on the draft ECEG are open to comments being added beyond yes / no responses. A question in the consultation paper is included to seek views about impacts of the guidance on groups of people and or about any part of the draft guidance.

Compatibility and signoff Statement

Policy Lead Signature and Date of Sign Off:

Signed: Simon Bonsall

Date of Sign Off: 13 March 2023

Deputy Director Signature & Date of Sign Off:

Signed: Fiona Simpson

Date of Sign Off: 14 March 2023

7. Partial Equality Impact Assessment, including Human Rights

7.1. This is a partial assessment as public engagement on the draft guidance and associated impact assessments remains to be undertaken.

Stage 1 – Framing

7.2. The framing set out in Section 4 will directly affect people wishing to participate in the preparation of local development plans and as such an EQIA is required.

7.3. Beyond the framing set in Section 4 we have not identified any factors that might prevent the desired outcomes.

Stage 2 – Gather evidence and consult

7.4. The evidence gathered to support this assessment is presented in Annex B. Given the narrow focus of the ECEG and its relationship with the wider regulations and guidance on local development plans, the impact assessment reports⁸ for the local development plan regulations and guidance also form a basis for this assessment. The local development plan regulations and guidance equalities impact assessment concludes that the regulations and guidance are not likely to have adverse impacts on those with protected characteristics. Indeed, positive impacts were anticipated for those with age and disability characteristics. The potential for adverse impacts identified were related to the accommodation and housing needs of some groups, but those are matters that do not apply to this guidance.

7.5. A public consultation will be undertaken for the draft ECEG and questions relating to equalities factors are included within it. This will help identify if there is further evidence on its impact on the protected characteristics.

Stage 3 – Assess impact, identify mitigations

7.6. Annex B identifies data, findings and gaps. The findings are summarised here.

7.7. Age. Older people, adults, young people and children want opportunities to be involved in their communities and decisions that shape their places to a greater or lesser degree. Greater opportunities for involvement of young Gypsy Travellers and young disabled people are sought.

7.8. Disability. There should be opportunities for disabled children, young people and adults, including those with long term illnesses to be involved in decision making that affects them. There are equal proportions of disabled people living in rural and urban areas.

⁸ [The Town and Country Planning \(Development Planning\) \(Scotland\) Regulations 2023 & Guidance, Impact Assessments \(2023\)](#)

7.9. Sex. Women are more likely to be involved in the planning system but can find it more difficult to do so due to caring responsibilities and event timing reasons. However, they are more likely than men to say they have a very strong feeling of belonging to their community.

7.10. Pregnancy and Maternity. There is limited evidence of the potential impact of the planning system on this characteristic. Evidence points to physical arrangements at engagement events.

7.11. Gender Reassignment. We have not been able to gather any information of the potential impact of the planning system on this characteristic.

7.12. Sexual Orientation. There is limited evidence of the potential impact of the planning system on this characteristic. Evidence points to the views of people with this protected characteristic being representative of the wider population, but that having a gender lens on planning processes can help voices to be heard.

7.13. Race. Language barriers, and a lack of confidence, community engagement, and experience of systems, were the main impacts on engagement for ethnic minority groups.

7.14. Religion or Belief. Barriers identified for the race characteristic may apply here as well. Otherwise, the initial indication is that there is a similar degree of agreement (1/5 to 1/4) across religious groups that they could influence decisions affecting their local area.

7.15. Marriage and Civil Partnership. The planning system is not related to this characteristic.

Analysis (Encompassing Stage 3 of the EQIA Assessment 'Assessing the impacts and identifying opportunities to promote equality')

7.16. Scotland-wide and all-person application of the levels of engagement, plus reinforcement of engagement duties for specific groups mean that the guidance will positively help clarify and frame the potential for engagement opportunities for a wide range of people in Scotland. This guidance does not intend to address methods or approaches to engagement nor the physical or timing arrangements for those. However, it is intended that the Scottish Government will signpost engagement practice examples as they emerge, which can be cognisant of practice which advances human rights and equalities.

7.17. Annex C considers the potential for positive and negative impact from the ECEG.

7.18. Evidence has not been identified that suggests identification and application of the ECEG would have a negative effect on protected characteristics and human rights. Although it is noted more generally that the impact assessment undertaken for the local development plan regulations and guidance reported less favourable treatment of the Gypsy and Traveller community and disabled people in relation to

their accommodation needs. Application of the ECEG can help reinforce opportunities for engagement within the planning system as a positive measure for those groups seeking to be involved in the planning system and decisions about their area. As a result, positive impacts on the characteristics are anticipated, in particular where the method of engagement is appropriate to the context and groups being engaged with. That point is reflected in the ECEG.

8. Partial Islands Community Impact Assessment (ICIA)

8.1. This is a partial assessment as public engagement on the draft guidance and associated impact assessments remains to be undertaken.

Step 1 – Develop a clear understanding of your objectives

8.2. The application and scope of the guidance is set out in Section 4. Whilst applying to all of Scotland, it will be for planning authorities to consider what is appropriate in their local circumstances.

8.3. The guidance will have the strongest link to the National Islands Plan⁹ Strategic Objective 10 ‘Empowered Island Communities and Strong Local Partnership’.

Step 2 – Gathering data and identifying stakeholders

8.4. An intensive island proofing exercise was undertaken through a collaborative workshop, held in September 2017 and in advance of publication of the Planning Bill. The results of this workshop are set out below.

8.5. Specific to this consultation, the following primary stakeholders have been identified:

- community councils, development trusts, and other individuals and organisations with an interest in shaping the development of local communities;
- societal groups such as disabled people, children and young people plus Gypsies and Travellers; and
- relevant local authorities.

8.6. Desk top analysis was undertaken of the evidence gathered for the development of the Planning Bill, including the equality impact assessment¹⁰ and ICIA,¹¹ plus the integrated impact assessment accompanying draft NPF4.¹² Key data from the analysis is set out below.

8.7. The National Plan for Scotland’s Islands¹³ was published in December 2019. It noted the following:

- island communities face many different transport challenges when carrying out their daily lives compared to those living in less rural areas of the mainland and urban areas;

⁹ [The National Plan for Scotland's Islands](#) (2019)

¹⁰ [Planning Bill - post stage 2: equality impact assessment](#) (2019)

¹¹ [Planning Bill - post stage 2: island communities impact assessment](#) (2019)

¹² [Scotland 2045: fourth National Planning Framework - draft: society and equalities impact assessment](#) (2021)

¹³ [The National Plan for Scotland's Islands](#) (2019)

- the importance of community was a key theme from the consultation and respondents provided a range of examples that highlighted the uniqueness of the islands and the strengths they provide for cultivating innovative initiatives and projects on a small scale;
- many of the islanders said that they felt remote from where decisions were taken and expressed a desire for more considered decision-making which included them; and
- island communities indicated that although the progress with broadband connectivity was a positive, further advancement was needed given the variation of both mobile and broadband connection between, and within, the islands of Scotland.

8.8. The Planning Bill ICIA was published in June 2019. It noted that:

- there were concerns about the practicalities of getting more people involved in planning, including capacity and the volume of information that community councils already have to deal with;
- the resources available to engage with people was also a concern. Many island communities are already very engaged, but it can still be difficult to involve people at the development plan stage (as opposed to applications);
- greater efforts to involve children and young people could relate well to wider demographic objectives that aim to ensure more people stay on the islands; and
- community trusts could be particularly well placed to provide a long term view.

8.9. Population demographics: National Records of Scotland Mid-Year Population Estimates Scotland, Mid-2020 (2021)¹⁴ indicates that:

- rural and island areas tend to have an older age profile; and
- in mid-2020, islands and mostly rural areas had some of the highest proportions of people aged 65 and over.

8.10. Transport and Travel in Scotland Results from the Scottish Household Survey 2020 Telephone Survey (2022)¹⁵ indicates that:

- a little over half of people surveyed (55%) had travelled the day before their survey interview; and
- fewer people travelled in the oldest age groups, with 45% of those over 70 and just 22% of the over 80s travelling the previous day.

8.11. Settlements data: National Records of Scotland - Population Estimates for Settlements and Localities in Scotland, Mid-2020 (2022)¹⁶ states that:

- Nah Eileanan Siar had the lowest proportion of people living in settlements (29.4%); and
- both Orkney and Shetland are the other areas with the proportion of people living in settlements below 50%.

¹⁴ [Mid-year Population Estimates, 2020: Report](#) (2021)

¹⁵ <https://www.transport.gov.scot/publication/transport-and-travel-in-scotland-2020-results-from-the-scottish-household-survey-pdf-version/> (2022)

¹⁶ [Population Estimates for Settlements and Localities in Scotland, Mid 2016](#) (2018)

- 8.12. The Connected Nations Scotland Report (2019)¹⁷ for internet use notes that:
- island communities have older populations and that internet use is less in older age groups than younger ones; and
 - there is a gap between premises in the islands able to access superfast and fibre broadband when compared to premises in other parts of rural Scotland.
- 8.13. The National Islands Plan Survey Final Report (2021)¹⁸ notes:
- island residents generally perceive that they have little influence over decisions made by local and national organisations, and more influence over community organisations and community councils, particularly in the Outer Isles of Orkney and Shetland, where around half of residents feel they can influence decisions made by their community council; and
 - 42% of younger people (aged 18 to 35) compared to 30% of older people (aged 66 and over) report that they can influence decisions made by community organisations such as Development Trusts and community groups.
- 8.14. Young People and the Highlands and Islands Maximising Opportunities (2018)¹⁹ report notes:
- levels of community participation varied by geography, with the highest levels reported by young people in Orkney (81%), Shetland (72%) and the Outer Hebrides (70%).
- 8.15. Analysis of responses to Draft NPF4 (2022)²⁰ notes that:
- around 20 respondents made a comment on the partial ICIA. It was suggested that there needs to be more proactive engagement with island communities about planning;
 - respondents highlighted a range of issues that affect island communities, including: housing, childcare provision, lack of stable employment; fragility, and isolation; and
 - highlights that it is essential that island people and communities are involved in planning their future development and that this should be reinforced through NPF4 policies to enable island specific issues to be addressed in local development plans and local place plans.
- 8.16. Local development plan guidance and regulations – ICIA²¹ notes:
- 34.5% of responses to the partial assessment were from planning authorities including islands and 10.3% from communities and individuals. Island authorities responding included Comhairle nan Eilean Siar, Shetland Islands, Orkney Islands, and Argyll and Bute;
 - matters about Gypsy Travellers;

¹⁷ [Connected Nations 2019 Scotland report](#) (2020)

¹⁸ [National Islands Plan Survey Final Report](#) (2021)

¹⁹ [Young People and the Highlands and Islands: Maximising Opportunities](#) (2018)

²⁰ [National Planning Framework 4 - draft: consultation analysis](#) (2022)

²¹ [The Town and Country Planning \(Development Planning\) \(Scotland\) Regulations 2023 & Guidance, Impact Assessments](#) (2023)

- more young people feel able to influence decisions made by community organisations than older people (included in Annex B);
- consultation methods are well suited to island communities, including online as well as newspaper promotion of proposed plan engagement, and that 'Planning Advice Note 3/2010: Community Engagement'²² is already in place and includes guidance relating to the needs of minority groups and provision of information in alternative languages which could include Gaelic; and
- concludes that: the provisions offer flexibility for local circumstances including island communities and are not likely to have an impact that is significantly different from the rest of the country; and that the local development plan system will enable tailoring specific to island circumstances / local circumstances, and this is likely to have benefits for Island communities in terms of increased flexibility to tailor plans to local circumstances.

8.17. Potential for differential impacts on island communities of the draft guidance. All of the relevant local authorities (Comhairle nan Eilean Siar, Highland Council, Shetland Islands Council, Orkney Islands Council, Argyll & Bute Council and North Ayrshire Council) are covered by local development plans prepared under the provisions contained in the Town and Country Planning (Scotland) Act 1997. They will be required to have regard to the guidance when preparing their local development plans.

8.18. There is the potential that in locations with more scattered and / or older communities, there may be difficulties in interested members of the public getting involved.

8.19. Given a more scattered and older population and the availability of, and reliance upon, public transport, may mean island populations may be less able to attend events linked to the preparation of a local development plan, or that it is more difficult and costly to do so. However, it is hard to make any conclusion as to the significance of any such challenges compared to other more remote parts of mainland Scotland, where populations may also be more scattered, older and where access to public transport at least may be more difficult compared to larger urban areas.

8.20. The guidance does not intend to address methods of engagement and references Planning Advice Note 3/2010: Community Engagement. However, the Islands Communities Impact Assessment for the local development plans regulations and guidance found the proposed approaches well suited to island communities. The guidance also refers to appropriate engagement techniques, further reinforcing the potential for tailoring to local circumstances of the engagement that is undertaken.

8.21. Notwithstanding this, it is noted that some island communities may not have access to the same levels of internet connectivity as other parts of Scotland or the UK. The Ofcom Connected Nations Scotland Report indicates a gap between premises in the islands able to access superfast and fibre broadband when compared to premises in other parts of rural Scotland. Also, in their response to the

²² [Planning Advice Note 3/2010: community engagement](#) (2010)

'Call for Ideas' on the Scottish Government's National Planning Framework 4, Orkney Islands Council highlighted poor broadband and mobile phone connectivity speeds.²³

8.22. Na h-Eileanan Siar and the Orkney Islands have a higher proportion of older people in their population, and older people are less likely or able to travel. The Scottish Household Survey (2020)²⁴ refers to a clear relationship between age and use of internet, with lower rates of internet use among older adults. In 2019, nearly 100 per cent of adults aged 16 to 24 reported using the internet compared to 43 per cent of those aged 75 and over. This gap is, however, narrowing. More recently, the Scottish Household Survey 2020 telephone survey key findings (2022)²⁵ also noted that internet use varied with age, with older people less likely to use the internet. 58% of those aged 75 or above and 87% of those aged 60 to 74 used the internet whereas nearly all adults aged under 60 used the internet.

Step 3 – Consultation

8.23. This partial ICIA will form part of a package of assessments accompanying the draft ECEG consultation paper. The consultation paper invites stakeholders to comment on the impact assessments, so including contents, omissions in the evidence, and initial conclusions.

Step 4 – Assessment

8.24. It is likely that island communities would welcome the opportunities provided by the ECEG to shape their local places through engagement on the relevant local development plan. There may be some issues around ability to attend public events, given the specific nature of island communities. But the proposals offer some flexibility for individual circumstances relating to island communities. With the information we have identified at this stage, the significance of these issues, as distinct from those in other remote parts of mainland Scotland, is difficult to gauge. Although it is noted that for the broader regulations and guidance on local development plans, the conclusion was that the approaches were well suited to island communities. The ECEG can be considered as a sub-set of the broader regulations and guidance.

8.25. The ECEG does not prescribe the use of specific engagement techniques, leaving this to local circumstances. Provisions relating to engagement on the participation statement provide communities the opportunity to contribute to the participation statement, and for the local authority to have regard to such views. There remains opportunities for methods such as local media and posters in community spaces to be used as would fit local circumstances. It also leaves open the use of languages such as Gaelic / Scots and community languages as would fit local circumstances.

²³ [National Planning Framework 4 – Call for Ideas response from Orkney Islands Council](#)

²⁴ [Scottish household survey 2019: annual report \(2020\)](#)

²⁵ [Scottish household survey 2020 – telephone survey: key findings \(2022\)](#)

8.26. Our conclusion at this stage is that there does not seem to be significant implications from the proposed guidance for island communities specifically. However, as the scope of the engagement undertaken to date is relatively small, further engagement on the draft guidance enables views on the initial evidence, framing and assessment to be provided.

Signoff:

ICIA approved by: Simon Bonsall


Position: Senior Planner

Signature: Simon Bonsall

Date Completed: 13 March 2023

ICIA approved by: Tom Arthur MSP

Position: Minister for Public Finance, Planning and Community Wealth

Signature: 

Date Completed: 20 March 2023

9. Partial Business and Regulatory Impact Assessment

9.1. See Section 4 for the framing of the guidance and its objectives. This is a partial assessment as public consultation will be undertaken on the draft ECEG and the impact assessments prior to finalisation.

Consultation within Government

9.2. As procedural matters, responsibility for these issues lies mainly with the Government's Planning, Architecture and Regeneration Division. The Directorate for Planning and Environmental Appeals was also invited to comment on the draft ECEG.

Public consultation

9.3. The Scottish Government has yet to publicly consult on proposals contained within the draft ECEG. Section 2 and the draft ECEG includes details of the consultation.

9.4. As part of the arrangements for developing proposals, the Government created a Community Engagement Working Group. The framework of the proposals was shared with this group and Heads of Planning Scotland in advance of the formal consultation.

Business

9.5. This guidance is not primarily for business and does not result in additional requirements on businesses. There may be some tangential implications for community engagement practitioners and planning consultants who may see the opportunity to support communities and planning authorities in undertaking community engagement.

9.6. The public consultation period offers the opportunity for discussion with community engagement practitioners. Using the consultation period to engage with businesses is supported by the current BRIA guidance.²⁶

Options

A: Produce effective community engagement in local development planning guidance

Option 1: Do nothing

9.7. In this option, the Scottish Government would remain silent on providing updated guidance on effective community engagement in local development planning as linked to new style local development plans. Current advice contained in Planning Advice Note 3/2010 would remain in place. Guidance would not reflect

²⁶ [Business and Regulatory Impact Assessment: Toolkit](#) (2022)

changes to the National Standards for Community Engagement. This option would not offer support for planning authorities to comply with their statutory duties under planning and other legislation.

Option 2: Develop guidance on effective community engagement

9.8. There is strong support for a plan-led planning system in Scotland. The Scottish Government wants plans to be informed by consultation and collaboration so that they are relevant, accessible and interest people.

9.9. Planning authorities already engage with their local communities on local development plans. The 2019 Act has introduced a range of new provisions designed to enhance community engagement in the Scottish planning system. These provisions primarily focus on enhancing engagement with the public at large at the evidence report stage. Further provisions relate to enhanced opportunities for children and young people, Gypsies and Travellers, disabled people and community councils to be more involved in shaping the places they stay.

9.10. With changes to legislation and to the National Standards for Community Engagement, we see value in providing new guidance that sets the framework for expectations for engagement in the preparation of local development plans.

9.11. We are therefore proposing to take forward Option 2.

B: Include guidance on linking associated strategies and assessments

Option 1: Do nothing

9.12. In this option, the guidance would focus on the engagement on the core local development plan only. It would remain silent about engagement on other strategies and assessments which support the preparation of the local development plan. These include Open Space Strategies, Play Sufficiency Assessments, Forestry and Woodland Strategies plus environmental and societal impact assessments. The integration of the engagement processes would be for the planning authority to consider.

Option 2: Include guidance on associated strategies and assessments

9.13. As noted above, a range of strategies and assessments sit alongside the preparation of the local development plan. These extend beyond planning legislation and cover the potential for both environmental and societal impacts. The Government is looking to support planning authorities to comply with their statutory duties under both planning and other legislation, offering opportunities to link engagement processes to better use resources and reduce the potential for consultation fatigue.

9.14. We are therefore proposing to take forward Option 2.

Sectors and groups affected

9.15. Communities. The focus of the guidance will be to support communities to engage effectively in local development planning. The guidance will recognise that people have the right to contribute to, and to influence, the decisions that affect their places, lives, choices and life chances. People also experience a variety of challenges in both engaging with the planning system, and having the system meet their needs. It will provide clarity on the nature of engagement at each stage in the process, helping manage expectations and allowing people to make an informed choice about getting involved.

9.16. Planning authorities. Planning authorities have a range of new and existing duties to engage with their communities. This extends throughout the preparation of the local development plan. New engagement requirements have the potential to have significant impacts on local authority teams involved in the local development plan process and how they take this work forward. The guidance stems from legislative changes that were intended to strengthen local development plans, reducing the time spent on producing plans and giving them a greater focus on place and delivery.

9.17. Business. The focus on the guidance is engagement with the community. The contents of local development plans will however be relevant to all business sectors across Scotland. The most significant impacts will be on those businesses that are dependent on the planning system for identifying new sites for their ongoing operations. This will, in particular, include housebuilders, business, retail and commercial property developers, the renewable energy sector, digital network providers, tourism and culture, and the minerals and aquaculture sectors. However, the ECEG does not address thematic topics for inclusion in local development plans nor does it address where sites should be allocated, so those businesses affected by the themes and allocations addressed in a local development plan won't be affected by the guidance in that regard.

9.18. There may also be some tangential implications for community engagement practitioners and planning consultants who may see the opportunity to support communities in their engagement. There may also be scope for planning authorities to use engagement techniques where a third party is well placed to provide support.

9.19. Agencies and Public Bodies. Whilst the focus of the ECEG is on planning authorities engaging the public at large / communities, there is the potential for some effects for agencies and public bodies where individual agencies and bodies are looking to progress projects through the local development plan. Agencies and public bodies may also have experience in engaging communities on large projects which may have a cross over with the work planning authorities will undertake to engage communities.

Benefits

A: Prepare guidance on effective community engagement in local development planning

9.20. There is a significant opportunity to support a plan-led planning system in Scotland. Plans will be informed by engagement so that they are relevant, accessible and interest people.

B: Include guidance linking associated strategies and assessments

9.21. Associated strategies and assessments cover the potential for both environmental and societal impacts. The guidance has the opportunity to support planning authorities to comply with their statutory duties under both planning and other legislation, offering opportunities to link engagement processes to better use resources and reduce the potential for consultation fatigue.

Costs

A: Prepare guidance on effective community engagement in local development planning

9.22. There is limited information in the public domain on the costs of individual elements of developing a local development plan, including the costs of engagement.

9.23. In support of the Scottish Parliament's scrutiny of the 2017 Planning Bill, the Scottish Government prepared an accompanying Financial Memorandum which was updated following the Stage 2 scrutiny.²⁷ Though not an exact fit due to changes in provisions at Stage 3 of the Bill scrutiny process, it noted that while much of the engagement is likely already to take place, there will be additional costs for some of the specific requirements of the Bill. It estimated that the production of and consultation on the additional draft evidence report will require the equivalent of one senior planner for nine months, and the other requirements together will require similar effort. This gives a total of around £80,000 per plan, or £2.7 million in total over 10 years. However, the ECEG does not set out the method or total extent of engagement to occur, rather it provides a framework within which engagement can occur and resources be appropriately targeted.

9.24. These costs do not reflect potential additional costs for communities or the public at large of the enhanced engagement on the local development plan. Such costs may include travel, time away from work, arrangements for caring responsibilities, and access to the internet. However, these costs would be incurred in any case. The guidance helps people prioritise the stages of the local development plan process when they may incur costs but can make most effective use of their time and contribution. This may avoid people incurring costs through time and effort in engaging at points in the process where the engagement is likely to be less effective.

²⁷ [Planning \(Scotland\) Bill Revised Financial Memorandum](#) (2019)

B: Prepare guidance on effective community engagement in local development planning

9.25. None anticipated. The approach would offer opportunities to link engagement processes to better use resources and reduce the potential for consultation fatigue.

Regulatory and EU alignment impacts

9.26. Like the conclusion for the Business and Regulatory Impact Assessment for the local development plan regulations and guidance,²⁸ the ECEG proposed is not likely to impact on intra-UK trade, international trade and investment, or the Scottish Government's policy to maintain alignment with the EU.

Scottish firms impact test

9.27. This is a partial Business and Regulatory Impact Assessment and the public consultation on the draft ECEG offers the opportunity for discussion with community engagement practitioners.

9.28. The Business and Regulatory Impact Assessment for the local development plans regulations and guidance notes that there has been engagement with business in their design, including a questionnaire. Responses to the questionnaire were very limited but points made in those responses about resourcing and skills in planning authorities, including differences in cost between urban and rural authorities are, in part, relevant to the ECEG.

9.29. The framework for engagement established by the draft guidance should help planning authorities target their resources proportionately at the different stages of local development plan preparation, which may help mitigate, to some degree, resource pressures being experienced.

Competition assessment

9.30. Like the conclusion for the Business and Regulatory Impact Assessment on the local development plan regulations and guidance, there are no obvious impacts on competition from the ECEG at this stage.

Consumer assessment

9.31. Like the conclusion for the Business and Regulatory Impact Assessment on the local development plan regulations and guidance, it is not anticipated that the ECEG will have any impact on consumers.

Test run of business forms

9.32. No new forms are proposed.

²⁸ [The Town and Country Planning \(Development Planning\) \(Scotland\) Regulations 2023 & Guidance, Impact Assessments](#)

Digital impact test

9.33. The guidance does not require particular methods of engagement. Publicity arrangements included in the 1997 Act are not altered by the ECEG. The Business and Regulatory Impact Assessment for the local development plan regulations and guidance did not conclude that the regulations would have any impact on digital technologies or on traditional or offline businesses.

Legal Aid impact test

9.34. It is not considered that the guidance would affect claims for legal aid.

Enforcement, sanctions and monitoring

9.35. The requirement for planning authorities to consider the guidance, once in force, is governed by the 1997 Act as amended. Although the guidance will assist planning authorities in meeting their duties for engagement in local development plan preparation, it is for planning authorities to ensure that their plans and processes are legally compliant.

Implementation and delivery plan

9.36. Like the conclusion for the Business and Regulatory Impact Assessment of the local development plans and guidance, it is expected that all planning authorities will have adopted a new style local development plan within five years of the local development plan regulations coming into force. The ECEG would be utilised by planning authorities within that timeframe to inform the approach to engagement in the preparation of their local development plans.

Post-implementation review

9.37. The potential for monitoring and review is set out in Section 4.

Summary and recommendation

9.38. It is anticipated that business related impacts will be tangentially for practitioners in community engagement and the opportunities for planning authorities to utilise the community engagement services of third parties. Both Option 2s are recommended, that is to develop the effective community engagement guidance and that the guidance should link with associated strategies and assessments. Public consultation is to be undertaken that may provide further information to inform the assessment and conclusions it makes.

Summary Costs and Benefits Table

Option	Total benefit per annum: economic, environmental, social	Total cost per annum: economic, environmental, social - policy and administrative
Produce effective community engagement in local development planning guidance		
Option 2 – preferred option	Significant opportunity to support a plan-led planning system in Scotland. Plans will be informed by consultation and collaboration so that they are relevant, accessible and interest people.	<p>The guidance helps people prioritise the stages of the local development plan process when they may incur costs but can make most effective use of their time and contribution. This may avoid people incurring costs through time and effort in engaging at points in the process where the engagement is likely to be less effective.</p> <p>The draft guidance should help planning authorities target their resources proportionately at the different stages of local development plan preparation, which may help mitigate to some degree resource pressures being experienced.</p>
Option 1 – Do nothing	No benefits.	No reflection of changes to the National Standards for Community Engagement in guidance. No support for planning authorities to comply with their statutory duties under planning and other legislation.
Include guidance on linking associated strategies and assessments		
Option 2 – preferred option	Support for planning authorities to comply with their statutory duties under both planning and other legislation, offering opportunities to link engagement processes to better use resources and reduce the potential for consultation fatigue.	None anticipated.
Option 1 – do nothing	No benefits.	None anticipated.

Declaration and publication

Partial business and regulatory impact assessment

9.39. I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.*

* Noting the opportunity for community engagement practitioner discussions highlighted in paragraph 9.6.

Signed:



Date: 20 March 2023

Tom Arthur MSP

Minister for Public Finance, Planning and Community Wealth

Scottish Government Contact point: chief.planner@gov.scot

Annex A - Impact Assessments Screened Out

Fairer Scotland Duty Assessment

Assessment not required declaration

Policy title	Effective community engagement in local development planning guidance
Directorate: Division: team	Directorate for Local Government and Communities Planning, Architecture and Regeneration Division
Policy lead responsible for taking the decision	Simon Bonsall

Rationale for decision
<p>The Fairer Scotland Duty applies to 'decisions of a strategic nature' – these are the key, high-level choices or plans that the Scottish Government makes. The duty normally applies to new: strategies, action plans, strategic delivery decisions about setting priorities and / or allocating resources, major new policy proposals, and preparing new legislation.</p> <p>The provisions that enable production of guidance on effective community engagement in local development planning, are set out in Section 16C of the Town and Country Planning (Scotland) Act 1997²⁹ as introduced by the Planning (Scotland) Act 2019.³⁰</p> <p>Having considered the Fairer Scotland Duty Guidance (October 2021), I confirm that the statutory guidance on effective community engagement in local development planning does not constitute a strategic decision and therefore an assessment is not required.</p>

I confirm that the decision to not carry out a Fairer Scotland assessment has been authorised by:

Name and job title of Deputy Director (or equivalent)	Date authorisation given
Dr Fiona Simpson, Chief Planner	14/3/23

²⁹ [Town and Country Planning \(Scotland\) Act 1997](#)

³⁰ [Planning \(Scotland\) Act 2019](#)

Strategic Environmental Assessment

Following consideration, it has been established that the guidance is likely to have no or minimal effects on the environment. Therefore, in accordance with the Environmental Assessment (Scotland) Act 2005³¹, a pre-screening notification was made and submitted to the SEA Gateway on 7 March 2023.

Future Proofing Legislation

Screening

The guidance is not legislation so may be updated as necessary over time.

The guidance is not technology specific and does not and does not intend to provide details on the methods of engagement that may be appropriate.

The guidance encourages the use of appropriate engagement methods.

On this basis a Future Proofing Legislation Assessment is not required.

³¹ [Environmental Assessment Scotland Act \(2005\)](#)

Annex B - Data Bank

Characteristic: Age

Evidence gathered and strength / quality of evidence

Scotland's population is ageing. In mid-2019, 19% of the population were aged 65 and over compared with 17% a decade earlier in mid-2009. Over the same period, the population aged 65 and over increased in all council areas.³²

Nearly 9 in 10 adults (88%) in Scotland use the internet either for work or personal use, a steady increase over time from 65% in 2007. Notably, there has been a significant increase in internet use amongst older adults aged 60+ (from 29% to 66%). There are lower rates of internet use among older adults than among younger adults. In 2019, almost all (99%) adults aged 16-24 reported using the internet compared to 43% of those aged 75+.³³

96% of island households have access to the internet from home. Older residents, aged 66 and over, report slightly but significantly lower levels of access than other age groups, at 92%. 65% of island residents agree that their internet connection at home is fast enough to do what they want online.³⁴

Older people were less likely to have travelled the previous day. Only 51% of those aged 80 and over had travelled the previous day and 65% of those aged 70 to 79.³⁵

Almost nine in 10 adults (87%) aged 75 and above said they felt a very strong or fairly strong sense of belonging to their community, compared to just over seven in ten (73%) of those aged between 16 and 24.³⁶

Na h-Eileanan Siar is one of only two councils projected to have more people leaving than arriving.³⁷

In 2019, only one in five adults (18%) agreed that they can influence decisions affecting their local area, while 30% said that they would like to be more involved in the decisions their council makes, a decrease from 38% in 2007.³⁸

Generally, older adults were more likely than younger adults to say they are satisfied with local government performance and less likely to want to be more involved in making decisions.³⁶ The percentage of people who agree with the statement "I can influence decisions affecting my local area" is an indicator under the National Performance Framework's Human Rights Outcome.³⁹ Older people want action to

³² [Mid-Year Population Estimates Scotland, Mid-2019](#) (2020)

³³ [Scottish household survey 2019: annual report](#) (2020)

³⁴ [National Islands Plan Survey Final Report](#) (2021)

³⁵ [Transport and Travel in Scotland 2018](#) (2019)

³⁶ [Scottish household survey 2018: annual report](#) (2019)

³⁷ [Population Projections for Scottish Areas 2018-based](#) (2020)

³⁸ [Scottish household survey 2019: annual report](#) (2020)

³⁹ [National Performance Framework, National Indicator Performance](#)

ensure that they have access to opportunities to remain actively engaged with, and involved in, their communities.⁴⁰

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.⁴¹

Island residents generally perceive that they have little influence over decisions made by local and national organisations, and more influence over community organisations and community councils, particularly in the Outer Isles of Orkney and Shetland, where around half of residents feel they can influence decisions made by their community council. 42% of younger people (aged 18 to 35) compared to 30% of older people (aged 66 and over) report that they can influence decisions made by community organisations such as Development Trusts and community groups.⁴² Young People and the Highlands and Islands Maximising Opportunity Report (2018)⁴³, noted levels of community participation varied by geography, with the highest levels reported by young people in Orkney (81%), Shetland (72%) and the Outer Hebrides (70%).

Respected indicator

Children and young people want their views to be heard and to make a meaningful contribution to making things better. Involving young people in decision-making requires supporting them to take meaningful, responsible, age-appropriate roles, working in co-operation with professionals and parents / carers. Participation in civic engagement groups has been found to be associated with increased confidence and mental wellbeing as well as positive health and wellbeing outcomes for children and adolescents. Involving people in decision making can further improve service and policy design to meet the needs of young people, leading to longer term positive impacts.⁴⁴

Responsible indicator

Participation in positive activities has been shown to improve psychological wellbeing, self-perception and self-esteem, and skills development. Volunteering also has wider benefits, strengthening community cohesion and public services, which in turn act as protective factors for young people's health and wellbeing.⁴⁴

Included indicator

Consultation with children and young people shows the value they place on being included within their community, interacting with, and being treated well by, those in the local area, such as shopkeepers and neighbours. Such positive relationships are described as a pre-requisite for health and wellbeing by young people themselves.⁴⁴

⁴⁰ [A Fairer Scotland for Older People: framework for action](#) (2019)

⁴¹ [Planning Review: Young Scot survey results](#) (2017)

⁴² [National Islands Plan Survey Final Report](#) (2021)

⁴³ [Young People and the Highlands and Islands: Maximising Opportunities](#) (2018)

⁴⁴ [Child and adolescent health and wellbeing: evidence review](#) (2018)

Around six in ten of young people surveyed (58%) agreed that adults were good at taking their views into account when making decisions that affect them.⁴⁵ This was an increase from 2017, when 53% agreed. Of note:

- boys were more positive on both questions;
- older children, for example pupils in S6, were more negative; and
- respondents with a mental or physical health condition were less positive.

Democracy Matters to Children (2019)⁴⁶ noted that “children’s paths to meaningful involvement in decision-making are currently limited and many children have limited or no experience of participation in democratic processes”. A number of local issues were identified as ones which children wanted to have a say in – this included planning and the built environment.

Recommendations include that there should be more opportunities for young Gypsy / Travellers to take part in decision making and have their voices heard.⁴⁷

This is also reflected in peer research which noted that children and young people want to be involved in decisions about the places they live.⁴⁸

A commitment to better and more meaningful engagement between Government and children and young people is sought.⁴⁹

Analysis found that fewer disabled young people agreed that adults were good at taking their views into account than non-disabled young people in 2019 (54% vs 62%).⁵⁰

In relation to NPF4, comments included that there should be more of a focus of engagement in the planning system on children and young people, recognising statutory duties.⁵¹

Comments also included that improvement is needed to how communities are engaged in the planning system, with calls for guidance considering recommended engagement approaches, identification of key stakeholder groups, and provision of examples. Young people, older people, those who are digitally excluded, women, those from more deprived communities, disabled people, ethnic minorities, people with first languages that are not English, and people without time to read and respond to lengthy documents, were identified as groups likely to have difficulty engaging with planning system.⁵²

⁴⁵ [Young people's participation in decision making: attitudes and perceptions](#) (2020)

⁴⁶ [Democracy matters to children](#) (2019)

⁴⁷ [Young Gypsy/Travellers Discuss the United Nations Convention on the Rights of the Child - Children and Young People's Evidence Bank](#) (2018)

⁴⁸ [Health Inequalities: Peer Research into the role of communities](#) (2020)

⁴⁹ [Scot Youth and COVID 2: Young People's Participation Through Crisis - The Children and Young People's Commissioner Scotland](#) (2021)

⁵⁰ [National Performance Framework - disability perspective: analysis](#) (2021)

⁵¹ [Fourth National Planning Framework Position Statement, Analysis of Responses to the Consultation](#) (2021)

⁵² [Our Fourth National Planning Framework, Analysis of Responses to the Consultation Exercise](#) (2022)

Data gaps identified and action taken

Evidence would suggest that people wish to engage in planning though they are not always able to do so.

As part of the consultation on the Scottish Government's proposals, we will be proactive in engaging with societal groups which may include the practical elements of supporting engagement, although the guidance does not focus on methods of engagement.

Characteristic: Disability

Evidence gathered and strength / quality of evidence

In 2011, the proportion of people in Scotland with a long-term activity-limiting health problem or disability was 20%, the same as reported in the 2001 Census.⁵³

There are a range of recommendations from the House of Commons report 'Building for Equity' (primarily aimed at England) including:⁵⁴

- preparation of guidance on how and when to engage disabled people;
- dedicated section in policy on access and inclusive design;
- plans not to be considered as 'sound' without evidence that they address access for disabled people;
- permission granted only where sufficient provision for accessibility and inclusion; and
- remove any requirement to prove immediate need for accessible housing.

97% of disabled people or those with a long-term illness considered that people should be involved in making decisions about how local public services are planned.⁵⁵

Digital and offline engagement and capacity building can raise disabled people's aspirations and opportunities to fulfil their potential, and strengthen participation and democracy⁵⁶.

71% of adults who have some form of limiting long-term physical or mental health condition or illness reported using the internet, lower than for those who have some form of non-limiting condition or illness (90%) and those who have none (94%).³³ Initial indication that there is an equal proportion (30%) of adults with long term illness or disability living in rural areas compared to urban areas.⁵⁷

⁵³ [2011 Census: Key Results from Releases 2A to 2D | Scotland's Census](#) (2021)

⁵⁴ [House of Commons Women and Equity Committee: Building for Equality: Disability and the Built Environment](#) (2017)

⁵⁵ [Scottish Social Attitudes Survey 2015: Attitudes to Social Networks, Civic Participation and Co-production](#) (2016)

⁵⁶ [Supercharged: A Human Catastrophe • Glasgow Disability Alliance](#) (2020)

⁵⁷ [Equality Evidence Finder: Rural and Environment](#)

Data gaps identified and action taken

Evidence would suggest that people wish to engage in planning though they are not always able to do so.

As part of the consultation on the Scottish Government's proposals, we will be proactive in engaging with societal groups which may include the practical elements of supporting engagement, although the guidance does not focus on methods of engagement.

Characteristic: Sex

Evidence gathered and strength / quality of evidence

Scotland had a relatively even split between genders in 2018, with 51% females and 49% males, although this varied amongst age groups.⁵⁸

Women are slightly more likely than men to become involved in the planning process. This was focused on development management.⁵⁹

Language barriers, lack of confidence and dominant characters can discriminate against some people during community engagement specifically women, minority ethnic groups, young and old people, and people with disabilities.⁶⁰

Overall, in 2015 there was no significant difference in use of internet between genders.⁶¹

Men were more likely to have travelled than women (74% vs 72%).³⁵

Most journeys were for the purpose of commuting (24%), shopping (23%) or visiting friends or relatives (10%).³⁵

In 2018 women were more likely than men to walk or catch the bus to work. Men were more likely to cycle to work.³⁵

Gender-based violence against women occurs in all spaces and spheres of human interaction, including in the context of public spaces.⁶²

⁵⁸ Mid-2018 population estimates Scotland, [All Tables, estimated population by age and sex](#) (2019)

⁵⁹ [Planning and Community Involvement in Scotland - Research Findings](#) (2004)

⁶⁰ ['Hard to reach' or 'easy to ignore'? Promoting equality in community engagement – Evidence review | What Works Scotland](#) (2017)

⁶¹ [Scotland's People Annual Report: Results from the 2015 Scottish Household Survey](#) (2016)

⁶² [United Nations Committee on the Elimination of Discrimination against Women \(CEDAW\): General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19](#) (2017)

Do you feel able to influence planning decisions which affect your local area and how it is being developed? Findings on no influence / some influence were similar for male (61%, 35%) and female (59%, 36%).⁶³

Although the First Minister's National Advisory Council on Women and Girls Report and Recommendations⁶⁴ do not make a direct link with planning and the built environment, note should be taken of the references to:

- women have better cultural participation and sense of community belonging;
- women are somewhat more likely than men to say that they have a very strong feeling of belonging to their community (38% vs 34%);
- more women (28%) than men (25%) volunteer for groups or organisations;
- women do less physical activity - women are significantly less likely than men to meet physical activity guidelines, just 62% of women do the recommended amount of activity per week, compared to 70% of men; and
- women are much less likely to feel safe walking alone in their neighbourhood after dark (66% vs 89% of men).

In 2017 COSLA noted that 29% of Scotland's 1227 councillors are women. It also notes that other key parts of our communities are underrepresented.⁶⁵

There is indication that women can find it more difficult to engage in planning processes, since they are more likely to provide unpaid care and the timing and places of consultation may not recognise caring responsibilities.⁶⁶

Data gaps identified and action taken

Evidence would suggest that people wish to engage in planning though they are not always able to do so.

As part of the consultation on the Scottish Government's proposals, we will be proactive in engaging with societal groups which may include the practical elements of supporting engagement, although the guidance does not focus on methods of engagement.

Characteristic: Pregnancy and Maternity

Evidence gathered and strength / quality of evidence

Pregnant women may find standing difficult and need facilities to sit down.⁶⁷

⁶³ The National Trust for Scotland Heritage Observatory briefing note (2017) referenced in [Consultation Paper: Guidance on the promotion and use of Mediation in the Scottish planning system \(2020\)](#)

⁶⁴ [First Minister's National Advisory Council on Women and Girls 2019 Report and Recommendations \(2019\)](#)

⁶⁵ Referenced in the [Planning \(Scotland\) Bill – Post Stage 2: Equality Impact Assessment, Updated June 2019, Executive Summary \(2019\)](#)

⁶⁶ [Gender and Spatial Planning: Royal Town Planning Institute good practice note 7 - Oxfam Policy & Practice \(2007\)](#)

⁶⁷ [Scottish Health and Inequality Impact Assessment Network \(SHIAN\) Report, Health Impact Scoping of Public Places Guidance \(2020\)](#)

Data gaps identified and action taken

The consultation includes an open question inviting the identification of further evidence to enhance the impact assessment.

Characteristic: Gender Reassignment

Evidence gathered and strength / quality of evidence

We have not been able to gather any information regarding this characteristic.

Data gaps identified and action taken

The consultation includes an open question inviting the identification of further evidence to enhance the impact assessment.

Characteristic: Sexual Orientation

Evidence gathered and strength / quality of evidence

As a whole, this group had no special needs or requirements when it came to planning. Their views were representative of the general population.⁶⁸

However, more recent research and guidance suggests that our understanding of the needs of marginalised groups is developing and that "...planning with a gender lens can ensure full participation of underrepresented voices."⁶⁹

Data gaps identified and action taken

The consultation includes an open question inviting the identification of further evidence to enhance the impact assessment.

Characteristic: Race

Evidence gathered and strength / quality of evidence

Language barriers, lack of confidence and dominant characters can discriminate against some people during community engagement specifically women, minority ethnic groups, young and old people and disabled people.⁶⁰

⁶⁸ [Consultation on the Modernisation of the Planning System with 'Seldom Heard' Groups](#) (2009)

⁶⁹ [Handbook for Gender-Inclusive Urban Planning and Design](#) (2020)

Some people from specific communities of interest and identity described finding it difficult to get involved in decisions or having no experience of involvement at all.⁷⁰ For example, some asylum seekers, EU citizens, foreign language groups, and some people from different ethnic minority groups described experiences of being detached from the wider community and formal decision-making organisations and forums. They did not know about local groups or understand whether and how they could get involved.

Of those whose ethnicity was recorded as white, 78% expressed a very or fairly strong feeling of belonging compared to 71% of those whose ethnicity was recorded as minority ethnic.³⁶

In 2011 Gypsy / Travellers in Scotland, compared to the population as a whole, were more likely to report a long-term health problem or disability and were more likely to report bad or very bad general health.⁷¹

The same 2011 analysis⁷¹ suggests that English language skills for Gypsy / Travellers aged 3 and over were generally lower than for the population as a whole. Only 83% of Gypsy / Travellers could speak, read and write English compared to 94% of the whole population.

Reporting of young Gypsy / Traveller discussion on rights of the child⁷² contains the recommendations of young people with regards to the Concluding Observations published in 2016, and the issues which they feel continue to impact upon their lives, and those of their families, friends and communities. The recommendations included:

- “We should be consulted about where sites should be”;
- “We should be part of the planning process to allow us to say what type of sites and facilities we want”; and
- “There should be more opportunities for us to take part in decision making and have our voices heard”.

Data gaps identified and action taken

Evidence would suggest that people wish to engage in planning though they are not always able to do so.

As part of the consultation on the Scottish Government’s proposals, we will be proactive in engaging with societal groups which may include the practical elements of supporting engagement, although the guidance does not focus on methods of engagement.

⁷⁰ [Local Governance Review: analysis of responses to Democracy Matters](#) (2019)

⁷¹ [Gypsy/Travellers in Scotland - A Comprehensive Analysis of the 2011 Census](#) (2015)

⁷² [Young Gypsy/Travellers Discuss the United Nations Convention on the Rights of the Child - Children and Young People’s Evidence Bank](#) (2018)

Characteristic: Religion or Belief

Evidence gathered and strength / quality of evidence

Some people from specific communities of interest and identity described finding it difficult to get involved in decisions, or having no experience of involvement at all.⁷⁰ For example, some asylum seekers, EU citizens, foreign language groups, and some people from different ethnic minority groups described experiences of being detached from the wider community and formal decision-making organisations and forums. They did not know about local groups or understand whether and how they could get involved.

There is indication that the percentage of adults who agreed that they could influence decisions affecting their local area was similar for all religious groups: Other religion 25%, Christians 20%, no religion 21%.⁷³

Data gaps identified and action taken

Evidence would suggest that people wish to engage in planning though they are not always able to do so.

As part of the consultation on the Scottish Government's proposals, we will be proactive in engaging with societal groups which may include the practical elements of supporting engagement, although the guidance does not focus on methods of engagement.

Characteristic: Marriage and Civil Partnership

This characteristic is not applicable to the guidance.

⁷³ Scottish Household Survey 2019 as referenced in the Local Government and Third Sector section of the [Equality Evidence Finder](#)

Annex C - Initial assessment of impacts on protected characteristics forming Stage 3 of the Equalities Impact Assessment

Characteristic Age - Do you think that the policy impacts on people because of their age?

Impact: Eliminating unlawful discrimination, harassment and victimisation

Positive | Negative | None

Reasons for your decision

The aim is to have increased engagement for all sectors of society in the Scottish planning system. There is evidence that people wish to engage and shape the places that they stay.

However, evidence would also suggest that, particularly for children and young people, their voices may not be captured and reflected in decision making. It is recognised that to create this positive impact, people's views must be gathered and reflected upon irrespective of their age.

A negative impact could be caused should the views of people not be sought and reflected in the local development plan.

Impact: Advancing equality of opportunity

Positive | Negative | None

Reasons for your decision

We will not be prescriptive about the use of specific consultation methods and will suggest that the method chosen is appropriate to the particular circumstances. This acknowledges that older people, amongst others, are slightly less likely to use online technologies whereas an online approach may work better with younger people.

Impact: Promoting good relations among and between different age groups

Positive | Negative | None

Reasons for your decision

The guidance will encourage planning authorities to reflect wider community views in their local development plans including those of older people plus children and young people.

Characteristic Disability - Do you think that the policy impacts disabled people?

Impact: Eliminating unlawful discrimination, harassment and victimisation

Positive | Negative | None

Reasons for your decision

The aim is to have increased engagement for all sectors of society in the Scottish planning system. There is evidence that people wish to engage and shape the places that they stay.

However, it is recognised that to create the positive impact, the barriers which disabled people encounter should be challenged, so that disabled people's views are gathered and reflected upon.

Impact: Advancing equality of opportunity

Positive | Negative | None

Reasons for your decision

As above. Local development plans offer an opportunity for disabled people's aspirations for a place to be captured and reflected. We will not be prescriptive about the use of specific consultation methods and will suggest that the method chosen is appropriate to the particular circumstances. This acknowledges that disabled people, amongst others, are less likely to use online technologies.

Impact: Promoting good relations among and between disabled and non-disabled people

Positive | Negative | None

Reasons for your decision

The guidance will encourage planning authorities to reflect wider community views in their local development plans including those of disabled people.

Characteristic Sex - Do you think that the policy impacts on men and women in different ways?

Impact: Eliminating unlawful discrimination

Positive | Negative | None

Reasons for your decision

Evidence from Hard to Reach, or Easy to Ignore⁶⁰ would suggest that women can find engagement with planning more challenging. The aim is to have increased engagement for all sectors of society in the Scottish planning system. There is evidence that people wish to engage and shape the places that they stay.

However, it is recognised that for the potential positive impact to be fulfilled, there should be a consideration of how people use public places and spaces differently, taking note of how gender may impact this.

Impact: Advancing equality of opportunity

Positive | Negative | None

Reasons for your decision

As above.

Impact: Promoting good relations between men and women

Positive | Negative | None

Reasons for your decision

The guidance will encourage planning authorities to reflect wider community views in their local development plans including those of women and men where they may differ.

Characteristic Pregnancy and Maternity - Do you think that the policy impacts on women because of pregnancy and maternity?

Impact: Eliminating unlawful discrimination

Positive | Negative | None

Reasons for your decision

No relevant information available.

Impact: Advancing equality of opportunity

Positive | Negative | None

Reasons for your decision

No relevant information available.

Impact: Promoting good relations

Positive | Negative | None

Reasons for your decision

No relevant information available.

Characteristic Gender Reassignment - Do you think your policy impacts on transsexual people?

Impact: Eliminating unlawful discrimination

Positive | Negative | None

Reasons for your decision

No relevant information available.

Impact: Advancing equality of opportunity

Positive | Negative | None

Reasons for your decision

No relevant information available.

Impact: Promoting good relations

Positive | Negative | None

Reasons for your decision

No relevant information available.

Characteristic Sexual Orientation - Do you think that the policy impacts on people because of their sexual orientation?

Impact: Eliminating unlawful discrimination

Positive | Negative | None

Reasons for your decision

No relevant information available.

Impact: Advancing equality of opportunity

Positive | Negative | None

Reasons for your decision

We will not be prescriptive about the use of specific consultation methods and will suggest that the method chosen is appropriate to the particular circumstances.

Impact: Promoting good relations

Positive | Negative | None

Reasons for your decision

No relevant information available.

Characteristic Race - Do you think the policy impacts on people on the grounds of their race?

Impact: Eliminating unlawful discrimination

Positive | Negative | None

Reasons for your decision

The aim is to have increased engagement for all sectors of society in the Scottish planning system. There is evidence that people wish to engage and shape the places that they stay.

However, it is recognised that to create the positive impact, the potential barriers, some of which are set out in the above evidence, should be challenged, so that people's views are gathered and reflected upon.

Impact: Advancing equality of opportunity

Positive | Negative | None

Reasons for your decision

We will not be prescriptive about the use of specific consultation methods and will suggest that the method chosen is appropriate to the particular circumstances.

Impact: Promoting good race relations

Positive | Negative | None

Reasons for your decision

The guidance will encourage planning authorities to reflect wider community views in their local development plans.

Characteristic Religion or Belief - Do you think the policy impacts on people because of their religion or belief?

Impact: Eliminating unlawful discrimination

Positive | Negative | None

Reasons for your decision

Evidence from the work to support Democracy Matters⁷⁰ would suggest that people may wish to engage in planning though they are not always able to do so. The barriers may be language but also of being detached from the wider community and formal decision-making organisations and forums. However, it is recognised that to create the positive impact, the potential barriers, some of which are set out in the above evidence, should be challenged, so that people's views are gathered and reflected upon.

Impact: Advancing equality of opportunity

Positive | Negative | None

Reasons for your decision

As above.

Impact: Promoting good relations

Positive | Negative | None

Reasons for your decision

The guidance will encourage planning authorities to reflect wider community views in their local development plans.

Characteristic Marriage and Civil Partnership - Do you think the policy impacts on people because of their marriage or civil partnership?

Impact: Eliminating unlawful discrimination

Not assessed. In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example human resources policies and practices.



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