



Engender response to the Scottish Government Consultation on Proposed Changes to Pre-Application Consultation Requirements in Planning

November 2020

1. INTRODUCTION

Engender welcomes this opportunity to comment on the Scottish Government's proposals for Changes to Pre-Application Consultation Requirements in Planning. In order to ensure that planning processes result in places that are more inclusive, diverse and empowering, communities of women must be involved in planning processes. Women experience and navigate public space very differently to men because of systemic gendered roles and inequalities that shape patterns of movement, the dynamics of paid and unpaid work, the use of different public services and buildings, participation in public and domestic spheres, drivers of the gender pay gap, and women's lack of safety and security.

However, existing planning processes, including community consultation, and guidance are almost entirely gender-blind, and the sector remains dominated by men and male perspectives, resulting in women's continued exclusion from public spaces. Scotland needs to learn from municipalities and states that have integrated consideration of the needs of women and girls into their planning processes.

Pre-application consultation is one small element of the overall planning system. Engender has relatively few comments to make on the contents of the draft regulations and the content of PAC reports provided in the consultation paper. However, we have taken this opportunity to highlight the need to consider women's capacity to engage in consultation processes as well as specific thoughts in relation to the development of future guidance and the accompanying Equality Impact Assessment (EQIA).

In our response to response to the Scottish Government 'Call for ideas' for the National Planning Framework 4, we set out a vision for a future Scotland where all groups of women have equal access to public spaces, and women feel safe in their town and city

centres.¹ This followed our briefing on the Planning Bill where we set out key issues regarding women's equality and planning.² In each, we describe how built environment sectors are dominated by men, and how urban space and infrastructure is rooted in women's exclusion from public life and continues to overlook their needs. The integration of gender equality and the realisation of a public environment that is shared between women and men requires gender perspectives to be sought and meaningfully integrated into planning processes and decision-making.

2. COMMUNITY ENGAGEMENT AND GENDER

General overview

In Scotland, women are often at the heart of initiatives centred around improvements to their communities,³ but gender equality concerns are all but absent from statutory planning guidance, including the existing guidance for PAC processes.⁴

Women and men have different access to and use of public space:

- Women undertake around two thirds of unpaid care work worth an estimated £10.8bn per year to the national economy.⁵
- Women are the majority of public transport users, and the minority of drivers and cyclists, and tend to make more complex and frequent journeys due to caring roles and part-time working patterns.⁶
- Women combine care and childcare responsibilities in greater numbers than men, pushing them into part-time and low-paid work and away from employment opportunities. High-paid and high-status work is more likely to be available in central business districts that are farther away from residential areas.
- The scale of men's violence against women, including street harassment, requires women to do 'safety work' when navigating public space. Women

¹ Engender (2020) Response to the Scottish Government 'Call for ideas' for the National Planning Framework 4. Available at: <https://www.engender.org.uk/content/publications/Engender-Call-for-Ideas-Response-March-2020.pdf>.

² Engender (2018) Local Government and Communities Committee briefing on the Planning (Scotland) Bill. Available at: <https://www.engender.org.uk/content/publications/Engender-Parliamentary-Briefing---Planning-Scotland-Bill-March-2018.pdf>.

³ Victoria K. Gosling (2008) Regenerating Communities: Women's Experiences of Urban Regeneration. Available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.845.9877&rep=rep1&type=pdf>.

⁴ Scottish Government (2013) Circular 3/2013 Development Management Procedures. Available at: <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2015/09/planning-series-circular-3-2013-development-management-procedures/documents/00485277-pdf/00485277-pdf/govscot%3Adocument/00485277.pdf>.

⁵ Carers UK (2015) Valuing Carers 2015. Available at: <https://www.carersuk.org/professionals/policy/policy-library/valuing-carers-2015>.

⁶ OECD (2018) Understanding urban travel behaviour by gender for efficient and equitable transport policies. Available at: <https://www.itf-oecd.org/understanding-urban-travel-behaviour-gender-efficient-and-equitable-transport-policies>.

change the way they use public space, including public transport and streets, to manage safety risks and avoid men's violence.⁷

Each of these factors influences the different ways that women and girls use public space compared with men and boys. The experiences and specific needs of women need to be reflected in planning decisions and design of land use, yet women and girls remain largely absent from Scottish planning policy. The Planning (Scotland) Act 2019 does include a high-level commitment to equality and non-discrimination in relation to the National Planning Framework, but this is yet to be reflected in updated guidance.

The present consultation examining PAC requirements offers an opportunity to better consider how women and girls' lives and views can influence planning processes at the point of community engagement. It is therefore disappointing that the substance of the consultation paper does not speak to changes in the PAC process or management of consultation events that may expand the consideration of broader viewpoints and gender expertise (nor other groups, with disabled people the sole and welcome exception).

The updated Equality Impact Assessment (EQIA) published as part of the Bill process ahead of the Planning (Scotland) Act 2019 acknowledges that women may have specific barriers to accessing community engagement processes. This includes the provision of unpaid care and childcare and specifically balancing this work with timing and place of consultation events, the wants of women from some minority groups to avoid mixed-sex consultation events and barriers to use of ICT and digital platforms. This is despite other evidence demonstrating that women are more active in their local communities than men, and may therefore be more expert or enthusiastic in engaging with development plans.⁸ Developers therefore risk excluding a vital source of knowledge without proactively considering whether events are accessible by diverse groups of women.

We would therefore to reiterate the following points with regard to inclusive consultation and barriers to women's participation in community forums and decision-making:

- Meeting times are often inaccessible for unpaid carers and older people (the majority of whom are women), and women with young children;

⁷ See further evidence at Engender (2019) Making Women Safer in Scotland: The Case for a Standalone Misogyny Offence. Available at: <https://www.engender.org.uk/content/publications/Making-Women-Safer-in-Scotland---the-case-for-a-standalone-misogyny-offence.pdf>.

⁸ Victoria K. Gosling (2008) Regenerating Communities: Women's Experiences of Urban Regeneration. Available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.845.9877&rep=rep1&type=pdf>.

- Locations are often inaccessible for disabled women (whose needs can differ from those of disabled men's), Black and minoritised women and women from different faith groups;
- Traditional meeting formats can be intimidating in the context of gendered power dynamics, including bullying behaviour and 'mansplaining', or presuming that women lack knowledge and expertise;
- Lack of women-only spaces may exclude victim-survivors of domestic abuse and sexual violence, and women from certain ethnic or faith communities; and
- Time-consuming processes, and lack of travel expenses or other remuneration; women are particularly poor in time and resources compared with men.

Specific consultation considerations

While Engender has little to comment on in relation to the draft regulations, we broadly support the proposals that PAC requirements include additional information in hard copy and electronic versions, increased public events and additional information directly responding to community views and including lists of consulted groups and bodies. We believe that these proposals will improve the transparency and usefulness of community engagement processes, but that these should be seen as a minimum. Extending the requirement to hold community events to two meetings may be insufficient to meet the community's specific needs if, for example, there is an absence of evidence and views from those with caring responsibilities or if there is a desire to hold a women-only discussion expressed within the community.

This requirement could therefore be usefully expanded to require developers to consider where there is an under-representation of views from specific groups in the community and to demonstrate proactive attempts to engage where two meetings has proven insufficient.

As requirement is currently focused on the need for in-person events, we welcome the additional question on use of digital engagement tools and that these may be further outlined in guidance. Online events offer the potential that more women, such as those who provide care and childcare or those in rural areas and / or who rely on public transport can participate. However, recourse to online platforms must also consider women's safety. For example, platforms that enable direct private messaging between participants have been shown to facilitate harassment and unwanted communications. Any advance in digital events must include specific guidance and standards on participant privacy and safety in addition to maximising participation.

There is also conflicting and as yet unclear evidence about the extent to which women enjoy equal access to internet devices within homes. At a time when there is more pressure amongst family members for internet access, it must be noted that women are more likely to give up other resources to support family members. Women are also

more likely to report that they have ‘no time’ to use the internet (30% compared to 16% of men.)⁹ Technology, including digital conferencing and events software, has largely been developed by men applying male perspectives to internet use.

Specific guidance for pre-application engagement

Engender recognises the need for specific engagement with disabled people within PAC processes and supports the proposal for specific guidance. This guidance should be developed with disabled people’s organisations. Additionally, this guidance should recognise the specific needs of disabled women through an intersectional approach to existing evidence and needs.

We further believe that there is good reason to include specific considerations to realise engagement with other groups, including women. The Planning (Scotland) Act 2019 envisioned a well-functioning, plan-led system where “people and communities [are empowered] to get more involved and to have real influence over future development,”¹⁰ however this vision requires specific effort to ensure that women have equal access to community decision-making. The draft Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021 and the guidance must include specific measures to ensure that women, and other marginalised groups, are supported to engage with planning in their communities.

Gender-sensitive consultation practices must include requirements to proactively engage different groups of women, provide flexible times and places for consultation events and meetings as well as women-only spaces, childcare support, accessibility and different participation formats. Women who experience multiple inequalities, including disabled, older, and Black and minority ethnic women are yet further from positions of influence in community bodies.

Critically, PAC processes must include adequate time for this meaningful consultation and consideration of how to respond to women’s views, including those who require more proactive outreach, such women with caring responsibilities, lack of resources or transport, intimidating behaviour in community spaces and physical or mental health issues. Where developers and planning authorities have not been able to secure meaningful input from women or other groups, we recommend that an additional requirement to demonstrate steps taken to engage with relevant groups be included in the regulations.

⁹ Lloyds Bank (2020) ‘Lloyds Bank UK Consumer Digital Index 2020.’ Available at: https://www.lloydsbank.com/assets/media/pdfs/banking_with_us/whats-happening/lb-consumer-digital-index-2020-report.pdf.

¹⁰ Planning (Scotland) Bill Policy memorandum. Available at: <https://beta.parliament.scot/-/media/files/legislation/bills/previous-bills/planning-scotland-bill/introduced/policy-memorandum-planning-scotland-bill.pdf>.

The RTPI has previously set out good practice for gender-sensitive community engagement, which includes considerations such as “all materials are gender-proofed and that publicity material portrays women and girls as well as men and boys positively”, “Ask women directly what the environment is like for disabled women, women of different ages, minority ethnic women, lesbians and transgender people” and “Provide for caring needs, ensure that the timing of events is convenient and access to Information Communication Technology (ICT) is fully considered.”¹¹ This guidance, while relatively old, may provide a starting point for further development.

3. EQIA

Equality Impact Assessments (EQIA) should critically engage with gendered issues such as those set out above, to ensure that the legislation, policy or programme in question proactively advances equality, as well as not discriminating against those with protected characteristics. In our view, the EQIA included in this consultation fails to engage with the specific evidence and proposals in relation to community engagement and gender, and therefore limits the ambition and effectiveness of the proposals. Engender has expressed repeated concerns about the reliance on ‘partial’ EQIAs in decision-making. While it is claimed that this approach enables the Scottish Government to later augment the evidence they have included in the EQIA, it means that there is a lack of rigorous analysis to influence the development of the proposal, at least with any degree of transparency.

Evidence supplied within the EQIA is relatively limited, concerning broad statements such as “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.” Much of the evidence repeats that within the revised EQIA accompanying the Planning (Scotland) Act 2019, and while it engages with some of the crucial concerns posed above, such as the demands of care work and mixed-sex consultation events, this is again quite limited.

Finally, the EQIA summarises that there will be only positive or no impacts for any protected characteristic group. In relation to sex, it states that there will be positive impacts in relation to ‘eliminating unlawful discrimination’ and ‘advancing equality of opportunity’ and no impacts in ‘promoting good relations between men and women.’ We see no evidence to support these claims.

Crucially, the EQIA does not propose or outline changes that have or should be made to the policy in response to the evidence gathered. Instead it states that “we will be

¹¹ RTPI (2007) Good Practice Note 7: Gender and Spatial Planning. Available at: <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/112350/gender-spatial-planning-RTPI-201107-en.pdf;jsessionid=43466821E7A76C6132B4A236D6AE0E32?sequence=1>.

proactive in engaging with societal groups on the practical elements of supporting engagement.” There is in general an over-reliance on future guidance to be written, limiting the usefulness of the EQIA in developing policy proposals to improve PAC processes. While future guidance will be important and should be informed by the EQIA and present consultation process, this suggests that no equalities considerations informed the drafting of the regulations nor the proposals for reforms.

EQIA should critically engage with gendered issues such as those set out in this consultation response, to ensure that the legislation, policy or programme in question proactively advances equality, as well as non-discrimination against those with protected characteristics. This EQIA is lacking in specific evidence and proposals relating to increasing meaningful consultation with women and engagement with gendered issues in planning development.

FOR FURTHER INFORMATION

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ABOUT US

Engender is a membership organisation working on feminist agendas in Scotland and Europe, to increase women’s power and influence and to make visible the impact of sexism on women, men and society. We provide support to individuals, organisations and institutions who seek to achieve gender equality and justice.