

Engender response to the Scottish Government consultation on Local Place Plan Regulations

June 2021

1. INTRODUCTION

Engender welcomes this opportunity to respond to the Scottish Government's consultation on Local Place Plan Regulations. While women often play a central role in local community organising, they continue to be underrepresented in formal decision-making around planning and development, and consideration of women's distinct needs remains almost entirely absent from Scottish Planning frameworks. While we recognise that Local Place Plans (LPPs) aim to support community-led and collaborative approaches to management and development of local places,¹ we are concerned that the proposals perpetuate this exclusion and offer no plan to ensure the inclusion of women.

Women and men have very different experiences of public space and its uses. For example, an equitable use of public space is undermined by provision of housing that doesn't include sufficient space for children to live and play; use of open space for leisure is affected by men's violence against women and issues of lighting and visibility, especially at night; access to facilities can be limited by inaccessible routes where woman's greater provision of care for children or for elderly and disabled people makes it harder to utilise prams or wheelchairs; and decisions about use of land for commercial purposes fail to consider the types of work woman can easily commute to because of the care they do at home or their greater reliance on public transport.

In this submission we have not focused on the content, registration and form of a Local Place Plan, believing this to be beyond the scope of our expertise. Instead, we have drawn attention to some critical considerations regarding women's representation in community planning processes and the extent to which gender considerations can be ensured. We have also commented on the 'partial equality impact assessment'. We strongly urge the Scottish Government to include a duty and framework for proactive consultation with communities of interest, including women, within the regulations for LPPs.

¹ Scottish Government (2021) Proposals for Regulations on Local Place Plans. Available at <<https://www.gov.scot/publications/proposals-regulations-local-place-plans-consultation/>>

2. COMMUNITY-LED PLANNING AND WOMEN

The right of communities to produce Local Place Plans (LPP) is set out in section 12 of the Planning (Scotland) Act 2019. A community in this context is defined either as a community council or “a community-controlled body within the definition given in section 19 of the Community Empowerment (Scotland) Act 2015”, i.e. bodies such as community / development trusts.

It is well recognised that women are vastly under-represented in local government. Less than 30% of councillors elected at the last local government elections were women.² Figures are not available for community councils nor for community development trusts. The Community Council Framework notes that community councils should represent a full cross-section of the community and encourage the involvement of people regardless of gender, race, age, disability, nationality or sexual orientation.³ Studies by the Women’s Design Service show an under-representation of disabled women in consultation processes.

Women experience and navigate public space very differently to men due to gender roles and inequalities that shape patterns of movement, including: the dynamics of paid and unpaid work, the use of different public services and buildings, drivers of the gender pay gap, and women’s lack of safety and security. Design of urban space and infrastructure perpetuates women’s exclusion from public life and continues to overlook their needs. Equipment in public spaces used by children and young people is estimated to be used by boys 80% of the time.⁴ Women, especially older women, are also less likely than men to have access to ICT and digital skills, impacting their freedom to participate in consultation solely conducted virtually. However, women are more likely than men to report that they feel a sense of belonging to their local neighbourhoods,⁵ indicating that women have strong knowledge about their place and its people that should be drawn upon.

As a result, a gendered approach to planning in Scotland should consider how different types of activity including care, paid work and leisure are carried out by women and by men and how this affects their participation in the various aspects of community life and their daily use of physical spaces. This may mean speaking directly with groups such as mother and baby groups in the community or undertaking research which

² Engender (2020) Sex and Power 2020. Available at:

<https://www.engender.org.uk/content/publications/Engenders-Sex-and-Power-2020.pdf>

³The Community Council Framework. Available at <<https://www.communitycouncils.scot/what-is-a-community-council/the-community-council-framework>>

⁴ The Developer (2021) Councils spend more on dog waste than teenage girls. Available at <<https://thedeveloper.live/podcasts/councils-spend-more-on-dog-waste-than-teenage-girls>>

⁵ Scottish Household Survey (2020) <https://www.gov.scot/publications/scottish-households-survey-2019-key-findings/pages/6/>

enables the community to understand how women regularly utilise specific space because of underlying inequalities between women and men. This means understanding that as a group, women generally have less access to resources, safety, and power, continue to provide a majority of care for others and to be streamed into types of work which are lower paid and undervalued. This has historically constrained them to domestic spheres as opposed to men's priority use of public space. These inequalities are further augmented because of women's other personal characteristics, including race, disability, age and sexual orientation.

However, **nothing is proposed to tackle the exclusion of people and perspectives within the requirements of an LPP**. The consultation paper only notes that 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", proposing no solutions to underrepresentation.

In our earlier briefing on the Planning (Scotland) Bill published in 2018, Engender set out our view that ***"If designed and implemented accessibly*** to include a full diversity of women's perspectives, empowering communities so that people have "real influence over future development", increased engagement and participation in the planning system, better alignment between local and community planning objectives, and prioritising outcomes over process could lead to better placemaking for women in Scotland."⁶ (Our emphasis added in this submission)

In theory, LPPs could help to address women's exclusion from planning processes and reflect their involvement in their local communities. However, this is not automatic. LPPs must be adequately supported and resourced and the communities behind them provided with the necessary framework to ensure that women are included and that gender is robustly considered as part of their processes. This means utilising the power in the Planning (Scotland) Act to clearly set out the steps that must be followed in the content, preparation, submission and registration of LPPs. These steps should include gender-sensitive consultation practices, such as active outreach to different groups of women, flexible meeting times, women-only spaces, childcare support, accessibility and different participation formats.

Without specificity in relation to the views and engagement of women and other groups under-represented in planning, community-led planning may be lauded as representative while continuing to speak only to the needs of a subset of residents and users. Women, and particularly women from further marginalised groups and communities, will not see their needs met. In the worst case, reliance on an

⁶ Engender (2018) Local Government And Communities Committee Planning (Scotland) Bill Briefing. Available at: <https://www.engender.org.uk/content/publications/Engender-Parliamentary-Briefing---Planning-Scotland-Bill-March-2018.pdf>

unrepresentative community view may in fact diminish the already weak focus on gender evident in more centralised processes.

3. SPECIFIC QUESTIONS

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

Yes.

Ministers may require community bodies to have regard to matters beyond the Local Development Plan in preparing an LPP.⁷ However the consultation suggests that the given examples of community led plans demonstrate that “community bodies have taken engagement with their communities seriously and have taken positive steps to engage with their communities to ensure that they have evidence of their community’s aspirations and views. This has already been happening without a requirement in law. It may therefore be reasonable to consider whether or not, in terms of maintaining light touch legislation, there is a need for a legal requirement to engage, and if so, in what way?”

Despite this claim, our own review of the documents offered as non-exhaustive examples in the consultation paper (including the 15 Planning Aid Scotland (PAS) supported LPPs⁸ and the 49 Coalfields Community Futures Action Plans)⁹ found that none included a summary of women’s experiences, wants or needs in their local communities. While a small minority of the examples list one or more women’s organisation in the groups they have consulted, it is extremely rare to see this translate into any visible gender analysis.¹⁰ A tiny minority of the documents mentioned

⁷ Planning (Scotland) Act 2019 section 14. Available at <
<https://www.legislation.gov.uk/asp/2019/13/section/14/enacted>>

⁸ List of Planning Aid Scotland (PAS) supported LPPs - <https://www.pas.org.uk/localplaceplans/>

⁹ <https://www.coalfields-regen.org.uk/funding-and-programmes/coalfields-community-futures/>

¹⁰ We found just two – a lack of women’s clothing shops is recognised in the Cupar plan (Available at <https://www.pas.org.uk/wp-content/uploads/2019/09/Cupar-Could-Charrette-report.pdf>) and a desire to “Improve facilities to allow girls/women to take up this sport” in Gorebridge (“Improve facilities to allow girls/women to take up this sport”, available at: <https://www.coalfields-regen.org.uk/wp-content/uploads/2019/10/Gorebridge-Community-Action-Plan-2015-2020.pdf>). The Dumfries and Galloway Local Outcomes Improvement Plan also mentions women as part of a list of groups for whom increased employability support is a pursued outcome.

women¹¹ or sex / gender,¹² at all. A handful did mention gendered considerations such as childcare availability¹³ within their local communities, but none did so with specific reference to a gendered analysis (e.g. facilitation of employment and leisure opportunities for women in the locality because of unequal distribution of unpaid work) or any references to women's perspectives in their processes.

The 'Local Place Plans Challenges and opportunities: A framework for draft guidance' report highlighted in the paper does not mention women, sex or gender, nor any issues commonly associated with women's use of public space or participation in decision-making, such as childcare or safety.¹⁴ The guide produced by PAS, 'Local Place Plan Guide, The PAS Approach',¹⁵ has no guidance on gender or supporting engagement with women and women's organisations, suggesting only that communities should "ensure your LPP process is as representative as possible. Identify all relevant groups and organisations in your area and engage seldom heard groups (e.g. young people etc.) and those most likely to be affected by any change." Similarly, the criteria for adopting Locality Place Plans in West Dunbartonshire includes no advice for including gender perspectives.¹⁶

All of this suggests that without a clear framework to ensure gender and other marginalised perspectives are integrated into the community planning process this will not happen. There are international examples that could be used as the basis for such a framework. The, now somewhat dated, 'Gender and Spatial Planning: RTPi good practice note 7' serves as an illustration of good practice considerations for gender

¹¹ Most mentions of 'women' in the documents refer to names of group's consulted in the development of the LPP rather than the issues raised by them, for example Women's Aid. These include Whitecross Community Action Plan, Kirkconnel Kelloholm Community Action Plan, Sanquhar Community Action Plan, Gorebridge Community Action Plan, Auchinleck Community Action Plan, Mayfield and Easthouses Community Action Plan, Kincardine Community Action Plan, Gorebridge Community Action Plan, Woodburn and Dalkeith Community Action Plan, Allanton Community Action Plan, Chapelhall Community Action Plan, Croy Community Action Plan, Blackridge District Community Action Plan (all available at: <https://www.coalfields-regen.org.uk/funding-and-programmes/coalfields-community-futures/>) Fauldhouse Focus, Cupar Could, Buckhaven Community Action Plan (available at) and The Dumfries and Galloway Local Outcomes Improvement Plan.

¹² Bowness and Blackness Action Plan, Methill Community Action Plan, Golden Glenrothes West and Glenboid Community Action Plan and Glenboig Community Action Plan. In almost all instances here, 'gender' is listed among identity characteristics as part of generalist equality statement or aspiration, for example "“Where you can find support and a caring environment for your needs – whatever age, gender, race or religion” (Glenboig Community Action Plan.)

¹³ For example Tranent and Elphinstone Community Action Plan, available at <<https://www.coalfields-regen.org.uk/wp-content/uploads/2019/10/Tranent-Elphinstone-Community-Action-Plan-2014-2019.pdf>

¹⁴ Nick Wright Planning (2020) Local Place Plans Challenges and opportunities: A framework for draft guidance. Available at:

<https://static1.squarespace.com/static/5943c23a440243c1fa28585f/t/5e314cbcde9c0144fe95f4f5/1580289216924/Local+Place+Plans++Challenges+and+opportunities+-+January+2020_.pdf>

¹⁵ Planning Aid Scotland (2020) Local Place Plan Guide: The PAS Approach. Available at <<https://www.pas.org.uk/wp-content/uploads/2020/01/Local-Place-Plans-Guide-PAS-Approach.pdf>>

¹⁶ https://www.west-dunbarton.gov.uk/media/4319309/wdc_ldp2_2020_web-26.pdf

and spatial planning.¹⁷ Cities in Sweden and Finland have adopted a '3 R' concept to monitor gender mainstreaming in local communities, measuring the representation of women, the resources allocated and reality of needs and values promoted.¹⁸ The city of Vienna also has decades of learning about integrating gendered considerations into planning from which to draw.

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

While local planning authorities are subject to the Public Sector Equality Duty (PSED) and are therefore required to impact assess Local Development Plans, it does not appear that the Duty will be extended to communities as described in the 2019 Act.

In our view, a requirement to seek views must extend to the full community that the body claims to represent, not only those that the community expects to be affected. In communities of geography, the needs of under-represented groups within that area must include the views of those under-represented as residents or users. The protected characteristics model of the Equality Act may provide a useful starting point, as a rigorous analysis of each group's needs should in theory provoke a comprehensive discussion. The regulations should include a duty to consult specified communities of interest in order to ensure that decision-making is sufficiently supported with a framework in the regulations that communities can apply to their individual processes to ensure that issues such as gendered provision of care are understood and account for.

Furthermore, the requirement to seek views should not be capable of being discharged without a rigorous process. An open meeting or survey which passively assumes the participation of people from groups typically excluded would not be sufficient to correct the structural exclusions of persons and perspectives from these groups. Instead, seeking views must be proactive, and this may require resource support.

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

Yes.

¹⁷ RTPI and Oxfam (2007) <https://policy-practice.oxfam.org/resources/gender-and-spatial-planning-rtpi-good-practice-note-7-112350/>

¹⁸ EIGE. '3R/4R'. Available at: <https://eige.europa.eu/gender-mainstreaming/methods-and-tools/sweden/3r-4r#:~:text=The%203R%20method%20involves%20surveying,of%20Representation%2C%20Resources%20and%20Realia.>

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

A duty to **proactively** seek views from underrepresented groups within the particular community.

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

Yes.

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

The “Partial Equalities Impact Assessment” fails to critically engage with evidence and analysis in any meaningful way. Evidence supplied within the EQIA is extremely 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.” 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 “It is proposed to carry out consultation on the proposed regulations required to implement the policy intention and this will inform further development of the regulations, and where necessary, associated guidance.”

Specifically in relation to sex, the partial EQIA states a series of facts about Scotland’s demographic split by sex; men’s greater likelihood of travel, internet and gender-based violence, among other things. The relevance of these statements to planning is not articulated. No analysis is provided. In relation to identifying and filling data gaps, under the sex heading the partial EQIA states “we will be proactive in engaging with societal groups on the practical elements of supporting engagement.” However, the partial EQIA concludes that the proposals for local place plans will have a positive impact on women across all three limbs of the Public Sector Equality Duty (PSED) because of the aim to increase engagement through their use. While some inference can be drawn between women and participation in community processes, formal or informal, and the facts stated in the earlier section of the EQIA, these links are not actually made and do not appear to be well understood by the authors.

In addition to the lack of analysis, no specific proposals for the content of the regulations nor mitigations are identified. The partial EQIA does acknowledge that “in order for the potential positive impact to be fulfilled, there should be a consideration of how people use public places and spaces differently, irrespective of their gender”. However, this consideration of women and other groups, which is the purpose of

equality impact assessment, does not actually take place. For other groups, the partial EQIA predicts 'no impacts' on the basis of extremely limited or unavailable evidence.

Engender has previously criticised Scottish Government's increasing use of 'partial', 'initial', 'working' and other interim or placeholder EQIAs. These tend to be limited in scope, not capable of informing the policy process, and rarely updated. While EQIA should to some extent be iterative as policy is developed and revised, this is not the same as publishing information that Scottish Government knows to be incomplete without clearly describing a process for its further development and use. The concept of partial EQIA or similarly named devices does not appear to be grounded in the regulation or formal guidance on EQIA. Their continued use by Scottish Government suggests a lack clarity of purpose about how EQIA should inform policy design.

It is unclear how anything in the partial EQIA has informed the proposal in the consultation document and equalities considerations are left entirely to the consultation exercise. This suggests that the Scottish Government has not adequately ensured gender and other equalities competence at the beginning of the process. Acknowledging the existence of generalised barriers is entirely insufficient. We would also challenge the statement in the partial EQIA that 'lack of confidence' is a reason for women and other groups' exclusion from community and planning decision-making - this fails to recognise the impact of socialised gender norms, discrimination and violence and other structural barriers to participation.

In previous engagements with planning, Engender has additionally highlighted:¹⁹

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

¹⁹ Engender (2020) Engender response to the Scottish Government Consultation on Proposed Changes to Pre-Application Consultation Requirements in Planning. Available at <<https://www.engender.org.uk/content/publications/Engender-response-to-the-Scottish-Government-Consultation-on-Proposed-Changes-to-Pre-Application-Consultation-Requirements-in-Planning.pdf>>

In terms of community driven processes, we would also note the role of facilitation and good practice or minimum standards in ensuring that women and gendered concerns are not excluded.

The partial EQIA duplicates much of the content of previously published EQIAs relating to planning, including relying on the same evidence in relation to protected characteristic. None of the points Engender has previously made in response to those EQIAs have been picked up here despite the Government's obligation to consider all evidence provided to it. We are concerned that the partial EQIA will again follow a pattern of suggesting consultation as a solution to gaps in the evidence and then failing to remedy or alter practice when that evidence is supplied by stakeholders. Continued consultation and failure to incorporate feedback reinforces our sense that the purpose of EQIA is being poorly understood.

FOR FURTHER INFORMATION

Contact: Eilidh Dickson, Policy and Parliamentary Manager, Engender

Email: eilidh.dickson@engender.org.uk

ABOUT US

Engender is Scotland's feminist policy and advocacy organisation, working to increase women's social, political and economic equality, enable women's rights, and make visible the impact of sexism on women and wider society. We work at Scottish, UK and international level to produce research, analysis, and recommendations for intersectional feminist legislation and programmes.