

# Child Friendly Planning in the UK

A Review



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# Contents

Summary

Section 1: Introduction

Section 2: England

Scotland

Wales

Northern Ireland

Section 3: Comparison of the Four Nations

Section 4: Recommendations

Section 5: Conclusions

References



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Jenny has a BSc (Hons) in Urban and Regional Planning, and seven years of experience in engaging, consulting and researching with and for children. She completed her PhD at Heriot-Watt University in 2016, entitled 'Space to Participate: children's rights and the Scottish town planning system'. This was the first Scotland-based study on planning and children, and one of few in the UK context.

In 2018, Jenny co-founded Scottish Charitable Incorporated Organisation, A Place in Childhood (APiC), to promote and conceive inclusive child friendly environments through practice-based research, advocacy and action. When not engaged with APiC, Jenny works at I-SPHERE, Heriot-Watt University, contributing to a range of projects and publications on poverty, homelessness, and child-friendly policy.

### **Dinah Bornat, Co-director ZCD Architects, and design advocate for the Mayor of London**

Dinah's practice in East London includes a variety of projects, from house extensions through to medium sized housing developments, office and commercial buildings. The practice is passionate about socially inclusive architecture and urban design and has published Housing design for community life in 2016 and Neighbourhood design, working with children towards a child-friendly city in 2019. Both use observational techniques to better understand how children use space. The latter involved working with local school children and has led to the Mayor of Hackney's manifesto commitment to becoming a child-friendly borough.

ZCD Architects are delivering quality engagement programmes arising out of their research that aims to bridge the gap between child and young people's lived experience and built environment objectives. Dinah is a Design Advocate for the Mayor of London, a design review panel member of Harrow and Hounslow Councils and works with a number of local authorities across the country.

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Design and layout ZCD Architects: London 2019

# Executive Summary

Planning policy and practice is ultimately about serving the public good, and should therefore ensure the needs of both current and future generations. With that intention, the needs of children must be central in plan and decision-making. Yet, a quick examination of national planning policies reveals children are currently most visible through their absence. Nevertheless, children are afforded rights, ratified by the UK, which are relevant for planning policy and can act as an organising factor to address deficiencies.

This report is a careful analysis of how children's rights are presented within the national planning policies and supporting guidance of each UK nation. It looks specifically at three key human rights as stipulated in the UN Convention on the Rights of the Child (UNCRC). These are the right to participate in decision-making (Article 12); to gather in public space (Article 15); and to play, rest leisure, and access cultural life (Article 31).

We refer to the applications of these rights as the 'child-friendliness' of planning policy. We believe that every UK nation should be aiming for a child friendly approach in order to meet children's needs and rights and give nine recommendations on how to do so.

Our findings suggest that a clear application of children's rights and an emphasis on well-being and future generations, currently most strong in Wales, offer the best support for national child friendly planning policy. In addition, the Welsh Play Sufficiency Duty can provide a complementary tool, and recent planning reforms in Scotland are increasingly aligning with the child-friendly agenda. Guidance in Northern Ireland provides further hope, but there is room in all four nations to consider children more centrally. Each country has the opportunity to collaborate and learn from the others, drawing as well on good practice at a regional and local level, to improve the outcomes for children across the UK.

Our nine recommendations are shown on the opposite page.



### The rights to gather, play & participate

1. Play, recreation, leisure and assembling in public space should be at the heart of what national planning policy promotes for children.
2. Children's needs for movement and independence should be given central prominence in national planning policy.
3. National planning policy in each UK nation should stipulate that children have a right to be included in planning decision-making. Guidance should also be available to planners to help them implement this duty.



### Recognising children as a distinct group

4. Governments across the UK should give appropriate training and weight to Equalities Impact Assessments (and equivalents) that include the specific needs of children as part of the 'age' protected characteristic.
5. National planning policies should explicitly acknowledge the differences amongst children and young people.



### Focusing planning towards child-friendly outcomes

6. National planning policies should endorse the design of new developments and of local and regional planning policy that aims for desirable social outcomes. Secured by Design guidance should be reviewed in light of child friendly principles to ensure alignment.
7. 'Play Sufficiency', as first adopted in Wales and now moving to Scotland, is a concept that can be adopted across UK jurisdictions, with Play Sufficiency Assessments and Action Plans a robust and child-centric tool for understanding children's human rights.



### Learning and collaboration

8. Governments should set up clear links and mechanisms for collaboration between the policy spheres of planning, early years and childcare, play, education, housing and transport.
9. Policymakers and professionals in planning should have networking opportunities with childhood and youth professionals to encourage collaboration, learn engagement skills, and to help them advocate for the rights of children.







# Introduction

Town planning systems across the UK aim to manage land and related resources in the public's long-term interest. The planning profession must therefore contend with economic, social and environmental considerations, and balance competing interests to determine both the shape of policy, and individual development decisions. Whilst the public interest can have varying interpretations, and is not easy to define, it is now common-place across the profession to understand that the needs of the public are diverse and should be reflected in both the process and outcomes of planning.

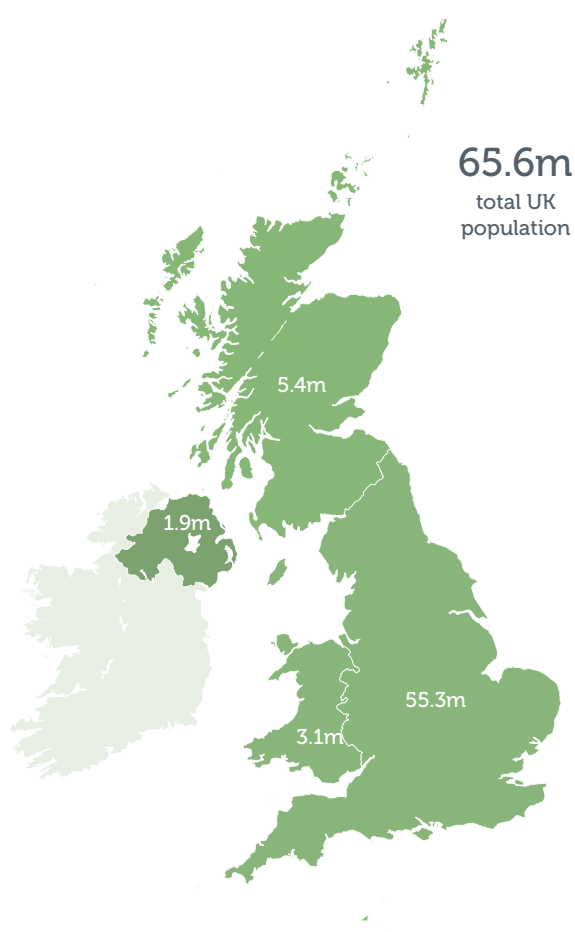


Figure 1: Population of UK countries, mid-2016

Source: Office for National Statistics, National Records of Scotland Northern Ireland Statistics and Research Agency

Given the broad mission of town planning, all communities should be served, with communities defined by geographic area (e.g. of Newcastle), interest (e.g. the gaming community) or characteristic (e.g. women). This includes children who, despite having more limited democratic rights than their adult counterparts, have a vital stake in both the present and future of placemaking. This research therefore reflects a commitment to understand and review the extent to which national planning policies in each UK nation serve the needs of children, and whether planners and planning policy have robust mechanisms through which to work with child-focused policy and policymakers to reach overlapping aims. For these purposes we primarily assess children's needs through the lens of children's human rights. We refer to this as the 'child-friendliness' of planning policy, drawing on UNICEF's conception of the Child-Friendly City, which we explore in the following section.

It is commonplace to use the phrase children and young people when referring to the full spectrum of ages and stages in the under 18 age group. However, for ease of readability and focus, we use the term 'children' here to refer generally to the full age group, and wherever possible draw on more specific language to designate particular age ranges that may be affected differently by the approaches to planning we review.



photo credit: Madeleine Waller

We envisage this review of national planning policies across the UK as serving two dual functions:

1. For planners, planning policy-makers, architects and developers it serves to introduce children's human rights; how they relate to planning; and how children can be robustly included within policymaking and related procedures.
2. For children's rights activists and childhood professionals, it can serve as an introduction to how planning operates in each respective system, and how children are and are not currently centred in planning delivery.

For both groups, we hope this can serve as a tool through which to begin and further conversations about what one may need from the other, and how constructive partnerships could be formed to improve children's place-based experiences going forward.

This review consists of four sections:

- section one provides a brief exploration of children's human rights, town planning and sets out the method of this policy review;
- section two describes the planning systems of each of the UK's four nations;
- section three offers a comparison of the extent of child-friendliness across the nations; and
- section four draws together recommendations for more child-friendly town planning in the future.

We hope this structure allows the reader to focus on their own contexts, whilst also enabling policy-learnings between each UK nation. Whilst we focus on the national-level of policy, where possible, we draw on good practice examples from UK local authorities that have taken the spirit of child-friendliness into their practice.

## Children’s Human Rights and the Child Friendly City Model

The UN Convention of the Rights of the Child (UNCRC) (1989) sets out 42 internationally developed and recognised rights (and three optional protocols) for all people below the age of 18. It provides a framework for bringing about the ‘three Ps’ of protection, provision, and participation for all, through a range of interrelated and mutually reinforcing articles. These fall within the guiding principles of non-discrimination (Article 2), pursuing the best interests of the child (Article 3), and respect for the views of the child (Article 12). The UK ratified the UNCRC in 1991, but has not integrated it directly into domestic law. Instead, it commits to meet the convention through legislative and policy measures, mostly addressed in children’s services such as education and social work.

With citizen participation now at the forefront of planning, it is vital to ask the extent to which children are included in this. Indeed, when talking about children’s human rights, the term ‘participation’ is usually used to describe only active influence in the decision-making process (encapsulated in Article 12 of the UNCRC). However, as Gillespie (2013) highlights:

‘The true test of children’s inclusion and the development of adult capacities to genuinely engage children may rest more on children’s [re]integration into the informal aspects of public space, rather than their formal participation in planning processes’.

Children’s participation in planning is thus both about participation in the process of planning and in the outcomes of planning. Therefore, we speak across this report to the concept of child participation, paying close attention to:

- Article 12 – A right to be heard and taken seriously in all matters affecting them;
- Article 15 – A right to gather and use public space, providing no laws are broken; and
- Article 31 – A right to play, rest, leisure and access cultural life. In essence, this is a right for children to participate in places, linking participation in process to participation in outcome.

Approaches to the built environment that focus on children have evolved over recent history. Pivotal examples include the two UN-initiated Growing Up in Cities Projects (Lynch and Banerjee 1977, Chawla and Unesco 2002), one of which was led by renowned urban designer Kevin Lynch who wrote influential books on how people navigate the city. Meanwhile, Jane Jacobs, in her seminal book ‘The Life and Death of Great American Cities’ described how children’s use of space and their play brings life to the city, and that planners should create places with natural surveillance to allow it to happen safely (Jacobs 1967).



photo credit: Elsa Osman

More recent efforts have been focused around the Child Friendly City model, a concept initiated and championed by UNICEF. This centres on the social and spatial enactment of children's human rights in the context of the city (UNICEF Innocenti Research Centre 2004). As per the Child Friendly City model, a child-friendly city is where children:

- 'Are protected from exploitation, violence and abuse.
- Have a good start in life and grow up healthy and cared for.
- Have access to quality social services.
- Experience quality, inclusive and participatory education and skills development.
- Express their opinions and influence decisions that affect them.
- Participate in family, cultural, city/community and social life.
- Live in a safe secure and clean environment with access to green spaces.
- Meet friends and have places to play and enjoy themselves.
- Have a fair chance in life regardless of their ethnic origin, religion, income, gender or ability' (Unicef 2019)

Children's human rights are not the only driver of child friendly city projects across the world (Gill 2019) and other agendas may take precedence in some city strategies. However, the rights-based approach offers a baseline for which city authorities can aim to promote inclusion for all. It is for this reason that in our assessments we refer primarily to the UNCRC framework.



In the UK, UNICEF began an official Child Friendly Cities and Communities Initiative in 2017. The six partner localities are Aberdeen, Barnet, Cardiff, Derry City & Strabane, Liverpool, and Newcastle. With this, UNICEF acts as a partner to help the local authority align its policies with the UNCRC, with the city authority choosing to focus on three out of ten particular ‘badges’, alongside three that are mandatory: ‘Culture’, ‘Co-operation & Leadership’, and ‘Communication’. Both ‘Place’ and ‘Participating’ are badges from which a city can choose to focus (UNICEF n.d). UNICEF then undertakes an independent review after three to four years. It is at this point the city can be officially named ‘Child Friendly’. Currently, no UK city has received this title. Three further cities are known to the authors to be pursuing the agenda independently - Belfast, Bristol and Leeds, as well as the London Borough of Hackney. For these cities, it is unclear how, when and whether an assessment will be made to determine if they meet the threshold to be considered ‘Child Friendly’.

Though child friendly city advocates widely recognise that planning is a key driver of child-friendliness, is not always robustly addressed in child friendly city schemes. Indeed, most prominent examples of child-friendly planning currently available through written documentation and evidence take place outwith the UK. Concerns abound about the applicability of non-UK initiatives to the UK context, with town planning constituting different things in different contexts. For instance, the UK system is particularly driven by the regulation of privately proposed development, rather than large-scale, publicly funded development approaches seen in other parts of Europe. As a result, to further child friendly planning in the UK, we need to understand the structure of the UK’s four systems, their capabilities, points of convergence with child-friendly ideals, and routes to further integration of children’s interests within our governance structures. The fact that planning and (many to most) aspects of child welfare are devolved across the UK provides unique insights and ample opportunity for cross-nation comparison and learning.

## **Town Planning and Children in the UK**

The UK planning system evolved from a need to manage increasingly complex demands on space in our towns and cities. Though its routes trace back further, the nationalisation of development rights in 1946 led to the birth of a modern planning system, and encapsulated an understanding that land (as a public good) needed robust management as part of the welfare state. With this, rapid urbanisation and the development of New Towns birthed a modern economy that required a structured land use approach if it was to continue growing. In many ways, this created a need for streets, spaces and places to become conduits of efficient movement, and not necessarily places to meet, play, and hang out.

One concern for planners in creating modern, efficient urban environments was idle children hanging around on city streets, and with the rise of compulsory schooling across childhood, they needed to allocate more schools and find ways to organise children outside of school hours (Gillespie 2013). Parks, playgrounds and skateparks have arisen over time to constitute the main, and almost naturalised, land use needs of children. However, a consistent and growing evidence base reminds us that these adult-creations do not necessarily chime with the self-reported spatial needs and understandings of children (Hörschelmann and Van Blerk 2012, Bishop and Corkery 2017). They range from free-form and adventurous, to unimaginative and poorly-maintained. Indeed, ask many

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1. The badges are: ‘Healthy’; ‘Place’; ‘Participating’; ‘Innovation’; ‘Equal & Included’; ‘Education & Learning’; ‘Flourishing’; ‘Family & Belonging’; ‘Safe & Secure’; and ‘Child-friendly Services’. UNICEF provides a framework that explains what is involved in pursuing each (UNICEF n.d).



photo credit: Elsa Osman

adults where their favourite places to play were as a child, and you are more likely to hear tales of ‘wild’ adventures and unstructured activities in places chosen for some natural or adaptive feature that sparked the imagination. Children may be considered ‘out of place’ in urban environments, but towns and cities are where the vast majority of children and their families live, which makes it vital we find ways to include them as part of development planning and management (Horsechelmann & Van Blerk, 2013).

Looking beyond parks and playgrounds, a range of social and physical issues hamper the freedom children are given to explore outdoor environments, particularly by themselves. First and foremost, independent outdoor play and children’s independent mobility (ability and permission to move around by themselves) have been in rapid decline since the 1970s (Shaw et al., 2015), and urban environments have become increasingly car-intensive. A plethora of child-focused research explores how outdoor play is fundamental to children’s immediate wellbeing and long-term development, as well as improving community cohesion (Lester et al. 2008, Lester and Russell 2010, Gleave and Cole-Hamilton 2011). Indeed, growing evidence shows a child’s local environment, and therefore the layout of developments, has a significant impact on children playing outside and wider social use (Barclay and Tawil 2013, Bornat 2016, ZCD Architects 2017). In 2019 this was the subject of national scandal when children in social housing on an estate in the London Borough of Lambeth were excluded from a communal play area (Grant 2019a, 2019b). Meanwhile, limited independence reduces a child’s sense of self efficacy and can lead adults to underestimate their competence (Hart 1992).

A key way to envisage child-friendliness in the built environment is through the work of Marketta Kyttä (2004). She provides a conceptual understanding of children's use of outdoor space in her 'fields of action' theory. A child friendly environment offers a range of affordances for children (Gibson 2011), where affordances are defined as opportunities in the environment for action that are perceived by its users. For children, the environment has three overlapping 'fields of action'. On one side, the 'field of promoted action' contains types of environmental exploration encouraged by adults such as organised sports. On the other side, the 'field of constrained action' contains the explorations that adults limit such as climbing trees or other structures. For adults, these lie at opposite ends of what a child should and should not do. In the middle lies the 'field of free action', in which a child freely chooses their activities. This overlaps to an extent with the fields of promoted and constrained action, but also sits within its own sphere of 'other' activities that they undertake without adult intervention. For instance, this could be playing fantastical, uninterrupted games, or collecting leaves or pebbles to add to a growing collection. The child will seek to increase the time they spend in the field of free action, and here they experience the actualised affordances of a given environment. Related to child-friendly planning, the challenge is to increase the size of the 'field of free action' whilst reducing the 'field of constrained action', without turning all of children's activities into promoted actions.

Another theory from Kyttä (2006) looks at the different types of environments children may experience. It characterises child-friendliness on a matrix in terms of the experiences on offer in a neighbourhood, and children's ability to access those experiences. The worst outcome in a city can be the 'cell' where children have low independent mobility and a low number of affordances, similar to a prison cell in which an inmate is denied the freedom to explore a, largely sterile, environment. The other two options - 'wasteland' and 'glasshouse' - treat children as either unworthy of enriching experience, or incapable of navigating the outside world. A wasteland being an empty plane with little to do but not a lot of danger, and a glasshouse being a metaphor for the ability to look out of a window and see a wide range of opportunities for which you are not able to partake.



Photo credit: CRE Kingston





photo credit: Madeleine Waller

For example, Wood (2016) puts forward a child-centric view of one area of a Scottish city as based on views of sixty 9-12 year olds. She found the children had very limited independent mobility, slightly more when with friends, but that the vast majority of children's outdoor movement was dependent on accompaniment by adults. Coupled with popular play and recreation facilities often requiring entrance fees, the children were living in what the model would conceive as a Cell at worst, and a Glasshouse at best.

As children become less visible in the public sphere and cultural norms emphasise structure and education over freedom and participation, it becomes ever easier to dismiss children's environmental needs. This relationship between children's independence and the licenses granted them by adults lead Mikkelsen & Christensen (2009) and Nansen et al., (2015) to view children's mobility as interdependent; a complex grouping of social, environmental and economic issues. It is thus vital that a critical perspective is taken of planning to determine the extent to which it can and should meet the needs, wants, and rights of children. This includes understanding that whilst we often talk of play and implicitly refer to younger children, teenagers have recreation needs in public space that extend beyond what we provide the youngest. Hanging out and being idle is a right extended to this age group in Article 15, and should also be valued by a child-friendly planning system. Indeed, it is simplistic to assume that single areas can accommodate the needs of the full under 18 age group, necessitating a need for a wider approach to understanding the varying needs of children with different characteristics.



## UK and Devolved Government Policy on Children

The Equality Act (The UK Government, 2010) made age a protected equality characteristic in Great Britain. This requires that public policy prevent unlawful discrimination, pursue ways to further equality between groups, and foster good relations between those sharing a protected characteristic and those that do not. All public bodies are held accountable, but additional regulations are more prescriptive in Scotland and Wales about how to ensure the duty is upheld (see Pyper 2019).

Other protected characteristics in the Act are: disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. These characteristics can all be held by children, meaning sensitivity is required in understanding the needs that differ amongst this age group and how they both conceive of their own rights, and how professionals should understand specific rights in relation to different children. For example, the spatial needs of early years children and teenagers are not comparable, and early years children have differing levels of capability and independence than children in middle childhood (ages 6-12). Indeed, evidence shows that boys and girls can have differing play preferences and needs, with boys' preferences often better served. A study in Sweden found adolescent girls to be around ten times more scared in public space than their male counterparts (Akerman et al. 2017).

The Equality Act does not apply in Northern Ireland, instead Section 75 of the Northern Ireland Act 1998 places a statutory duty to consider the potential impact of decision making on protected groups, of which age is one. Beyond these, devolved nations of the UK have competencies with regard child-focused legislation and policy. In Scotland and Wales, the trend is for these to be focused around children's human rights, improving child wellbeing, and reducing child poverty. However, the narrative of rights is weaker in policy that applies only to England, with Northern Ireland having a mix. In the case of all four nations, education and the gap in attainment between children in the richest and poorest families is high on the political agenda. To understand the child-friendliness of planning policy, it is thus also vital to engage in understanding how and whether these different policy spheres and professionals within them interact with planning.



photo credit: ZCD Architects

## Methods

This review assesses the extent to which national planning policy across UK nations can be considered 'child-friendly'. In each nation, we located the policies with the greatest strategic standing at the national level, and any supporting guidance that may make reference to children and their spatial needs. The policy analysis is driven by the following themes:

1. Recognition of children as a distinct group from adults, but with differing needs across the broad age range
2. A Right to Participate (Article 12)
3. A Right to Gather and Play (Articles 15 and 31)

Within this, we also seek to understand the extent to which child friendly policies are enforceable, and how links are made or not made across the policy areas we know to be of most relevance to children's lives.

The purpose of this review is not to say that all best practice must be driven by a top-down policy approach, but to ascertain what a local authority planner might achieve for children when sticking purely to the statutory requirements of their job. We recognise and commend that much innovation comes from the local level with planners and related professionals seeking to improve their own practice and begin their own initiatives that give prominence to children. Indeed, we commend planning authorities and officers that find space and time to go above and beyond their statutory remit to enable a wider variety of planning-based responses and approaches. We hope that through this, the need for child-friendly planning policy is highlighted, and examples of how planning can better facilitate children's rights are presented.



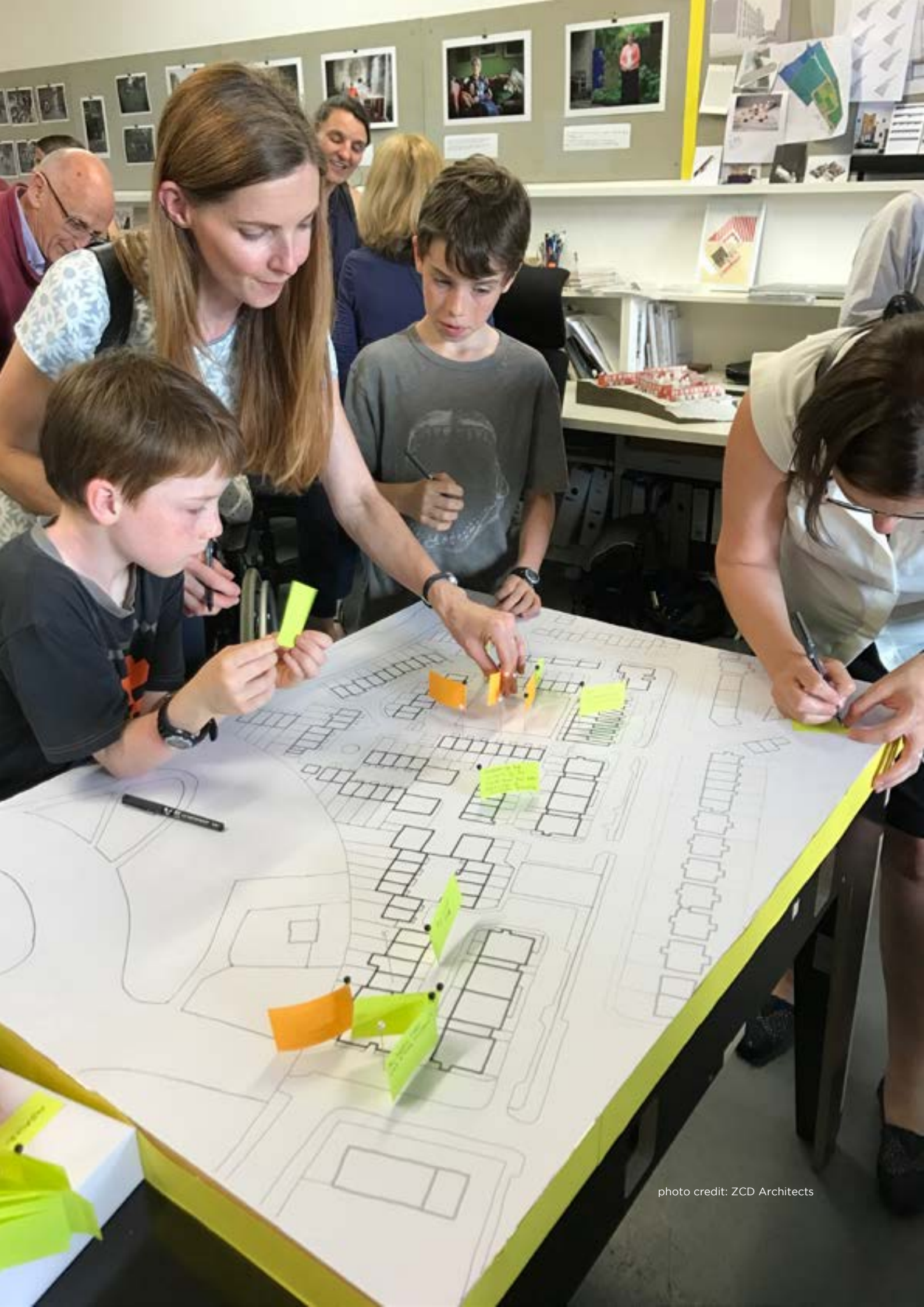


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# England

## The Structure of the English Planning System

There are two main ways that local government is organised in England: either as unitary authorities or as County Councils, with corresponding District/Borough Councils that cover smaller areas of the wider county. In unitary authorities, all local government responsibilities fall in their remit, including planning applications, transport, strategic planning and minerals and waste. Unitary authorities are also responsible for preparing a 'Local Plan'. Local Plans comprise a suite of documents to help planners make decisions on new developments.

In areas with County Councils and District/Borough Councils, a county council assumes responsibility for county-wide matters, including transport, strategic planning and minerals and waste, while district councils are responsible for planning applications and prepare a Local Plan to direct development in their area. In all local government configurations, there is an additional duty on these authorities and on neighbouring authorities to work together to make suitable local plans and decisions on development (the duty to cooperate). In some areas of England, town and parish councils may also operate as a third tier, looking after parks, allotments and community centres. These have an important role in commenting on plans and developments, but they have no formal responsibilities for planning.

In London, the Greater London Authority assumes responsibility for highways, transport planning and strategic planning, and prepares a 'London Plan' which all boroughs must comply with when making their own Local Plans and taking decisions based upon these plans. The London Plan is supported by Supplementary Planning Guidance (SPGs).

All local plans should comply with national planning policy. This planning policy centres on the National Planning Policy Framework (NPPF) published by the Ministry of Housing, Communities and Local Government (MHCLG). It has at its core a 'presumption in favour of sustainable development' (paragraph 11), drawing from three objectives: economic, social and environmental. The publication of the first NPPF by the 2010 to 2015 coalition government replaced a suite of Planning Policy Statements (PPS) and Planning Policy Guidance Notes (PPG), with the much simplified and reduced national policy. See Figures 2 and 3 for the setup and timeline of the English planning system.

The NPPF states that the planning system should be genuinely plan led and directs local authorities to produce their own Local Plans. The NPPF stipulates that planning decisions should be taken based on these, unless 'material considerations' indicate otherwise (paragraph 2). 'Succinct and up-to-date plans should provide a positive vision for the future of each area and a framework for addressing housing needs and other economic, social and environmental priorities.' (NPPF P.8).

The National Planning Practice Guidance (NPPG) supports the NPPF and should be read alongside it. It covers the needs of children in relation to the provision of school places, the allocation of land for education and the health of the food environment, particularly where children congregate. Whilst the NPPG covers open space and sports and recreation provision it has no direct mention of children.

In 2011, the Localism Act abolished Regional Development Strategies that once proposed broad directions for development of specific regions and handed over greater power to local communities and businesses with the introduction of Neighbourhood Plans. A Neighbourhood Plan can be prepared by a town or parish councils, or a constituted group of local people. Once prepared and voted upon by a majority of local residents, it becomes formal planning policy within the local authority's Local Plan. However, neighbourhood plans must be aligned with the Local Plan.



*National*



*Regional: Greater London*



*Local*

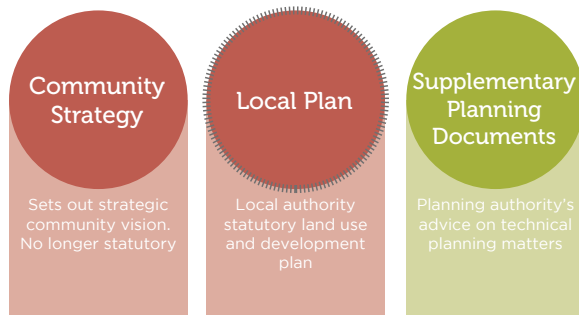


Figure 2: The structure of the English planning system

## Where would (or does) child-friendliness fit into national planning policy?

Most pivotal in determining the child-friendliness of national English planning policy is the **NPPF**, but in a significant departure from former approaches to English planning, the NPPF is not a prescriptive document. It is deliberately designed with broad and aspirational statements that are left for local authorities to interpret for themselves making plans and taking planning decisions. Policy must derive from evidence and local authorities need to carry out integrated impact assessments (IIA) in order to ensure outcomes are considered. There is also a need to justify local policy decisions based on national policy objectives. Chapter 8 on Social infrastructure offers the most relevant hooks with regards children. Additional documents of relevance are offered by Design guidance in **Manual for Streets** (MfS), and accompaniment **Manual for Streets 2** (MfS2) and **Building for Life 12** (BfL12). BfL 12 is a self-accreditation tool, which aims to improve urban design on new developments. The following sections therefore review these documents, exploring how planners may use and interpret them, and what this means for the realisation of children's rights.

### Recognition of children as a distinct group

It is disappointing that little mention is made of children in the NPPF. The word 'child' or 'children' appears twice, in a sentence describing 'families with children' and in the glossary referring to childcare workers as an 'Essential local worker'. Section 8, 'Promoting Healthy and Safe Communities' is most relevant for children where it states that policy and decisions 'should aim to achieve healthy, inclusive and safe places' which:

- Promote social interaction
- Are safe and accessible
- And enable and support healthy lifestyles (p. 27)

Design guidance in Manual for Streets (MfS), and accompaniment Manual for Streets 2 and Building for Life 12 are relevant with regard children's needs in the design of development. MfS contains three references to children. Firstly, where it suggests local policy should enable 'local children to walk and cycle unaccompanied from all parts of a development to a school, local park or open space' (p. 26). Secondly, where it recommends 'balancing the need to provide facilities for young children and teenagers overlooked by housing, with the detrimental effects of noise and nuisance that may result.' (p. 57) Thirdly, when it talks about accommodating different users: 'A street design which accommodates the needs of children and disabled people is likely to suit most, if not all, user types.' (p. 63). This second statement is repeated in Building for Life (BfL) 12, which recommends not 'locating play areas directly in front of people's homes where they may become a source of tension due to potential for noise and nuisance.'

Under the 2010 Equalities Act, children and young people are a protected group (see Section 1 'UK and Devolved Policy on Children'). However, it should be noted that under-18s are only protected against age discrimination in relation to work (Children's Rights Alliance for England, 2019). As part of the review process, the 2018 NPPF was analysed to assess 'the cumulative impacts on people who share protected characteristics, which may arise from changes to the existing policy.' The assessment made reference to Section 8 and concluded that:

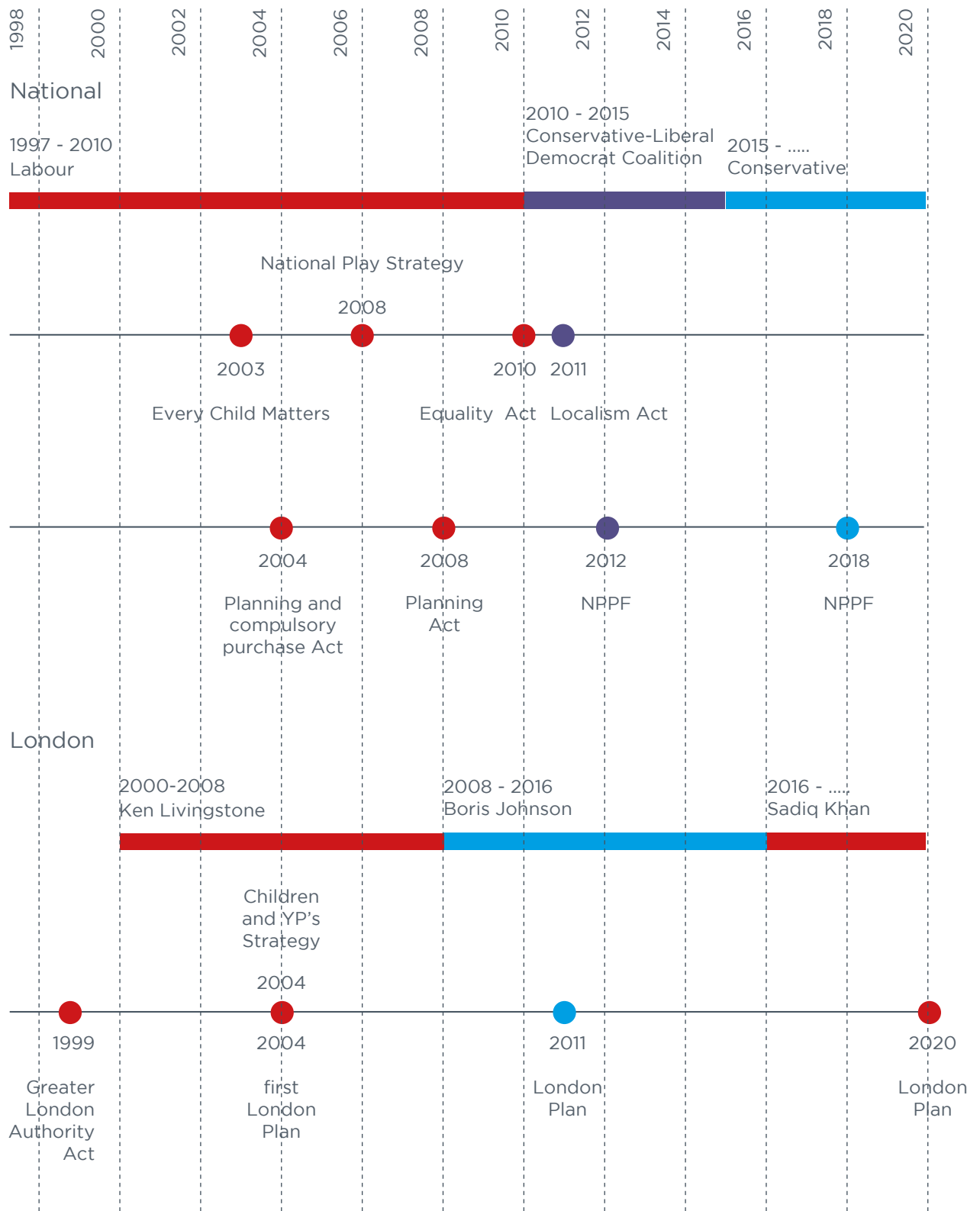


Figure 3: Timeline of relevant policy and legislation in England

‘The changes giving more explicit recognition to the way that planning can promote social interaction are likely to benefit groups with protected characteristics, including on grounds of age, disability, race and religion – as they should support environments that make it easier for people to mix and move around, thus providing greater opportunities for the fostering of good relations between those with protected characteristics and the rest of the population, and advancing equal opportunities between protected and non-protected groups.’

Although there is reference to age as a protected characteristic, it is not clear as to whether this is noting older age groups, younger age groups, or both. In addition, or as a result, it makes no reference to the differing needs across the under 18 age group. It further makes a general assumption, without substantiation, that planning for social interaction will have a positive impact on children.

### **A Right to Participate - Article 12**

The NPPF has repeated emphasis on effective engagement with communities, both in the plan-making and the pre-application stage. Community engagement is not a legal requirement for developers, but it is strongly encouraged. The NPPF also recognises the importance of pre-application engagement for enabling ‘better coordination between public and private resources and improved outcomes for the community’ (paragraph 39). It also states that ‘effective engagement between applicants, communities, local planning authorities and other interests’ is ‘essential’ for achieving well-designed places (paragraph 124).

Community engagement is a requirement for local authorities and neighbourhood forums preparing local plans and neighbourhood plans respectively. Paragraph 16 stipulates that, inter alia, ‘plans should be shaped by early, proportionate and effective engagement between plan-makers and communities’. A consultation statement submitted for inspection will need to show this has been carried out early with the local community. There are no direct stipulations for this to include children and young people.

There is guidance available for communities drawing up neighbourhood plans which are an optional element of the planning system in England. The guide suggests that children, along with other residents, can be asked ‘what is good about the area and what is bad about the area?’. It goes on to say, ‘a technique that works particularly well with school children is to ask them to draw and/or describe how they would like the area to be in the future.’ Whilst we welcome the recognition of children as a stakeholder group here, we question the effectiveness or utility of this method without further guidance, context or purpose. In such a scenario, children are being asked to engage not on their own terms, but in what are abstract physical terms. Answers to these types of questions may be less helpful than gaining an understanding about the way in which they live and use the local area, such as are being used in Wales through the Play Sufficiency Assessments (Barclay and Tawil 2013) and in Hackney in London (Bornat & Shaw 2019). By focusing on lived experience planning can then respond more appropriately.

### **A Right to Gather and to Play - Article 15 and Article 31**

When it comes to emphasising the importance of planning for children and play, the NPPF provides scant guidance or support, mostly leaving this up to local authorities to determine for themselves. Paragraphs 96-101 discuss open space and recreation, but not specifically in terms of children’s opportunities to utilise these facilities. Paragraph 96 recognises the importance of these spaces ‘for the health and wellbeing of communities’, and paragraph 97 expresses a presumption against building on open space, sports and recreational land unless exceptional circumstances apply.



Both MfS and BfL12 mention the importance of providing for children's play, but at the same time emphasise areas set aside for these activities as potential sources of conflict. Overall, both MfS and BfL12 are testament to the fact that without due prominence (Forman 2017), further detail and more strategic aims it is very easy for children's needs and their movement patterns to be misunderstood and overlooked. Indeed, although a Cardiff University study showed higher levels of play on 'home zone' style streets, promoted by MfS (Biddulph 2011), in practice, these streets can become dominated by parked cars and the level of use subsequently drops (Bornat 2016). This is compounded by the low take up of the MfS guidelines by highways teams, with up to 36% of new build schemes still applying outdated Design Bulletin 32 standards, which were first published in 1977 and in effect removed in 2007 (Forman 2017 and Urban Design Group 2018). The impact of this will be that many streets will not be designed with children in mind and remain unsafe for play or independent movement, despite current guidance to the contrary.

Sport England is a statutory consultee and has a Playing Fields Policy which protects playing fields as places for 'team sports on outdoor pitches' which they say, 'form part of a network of open spaces and wider green infrastructure in an area'. Whilst the emphasis is on sport, there is room for a broader definition of use, for example it makes reference to Section 8 of the NPPF, that playing fields provide 'social, recreational and cultural facilities and services the community needs.' However, play is distinguishable from recreation and physical activity and as an activity is not mentioned at all in the document. Indeed it could be argued that play might conflict with organised sport and as such the Playing Fields Policy does not offer protection for play at all.

### **Child-centred policy and planning**

Under the Labour government of 1997, strides were made in areas of policy concerning children, starting with the initiative Every Child Matters, in 2003. This was significant in that it placed children at the heart of policy as well as joining up services. The 2008 National Play Strategy made clear mention of planning for play and stated that Play England, its partner, would be providing advice and guidance to local authorities. This move towards embedding play successfully in policy had already been taken up at a London level with the Children and Young People's strategy, and the London Plan published by the Mayor of London in 2004. This gave children a more prominent place in policy and agenda setting.

The coalition government abolished a large number of quangos in 2010, including the National Housing and Planning Advice Unit (NHPAU) and Infrastructure Planning Commission. It also made significant funding cuts to the Commission for Architecture and Built Environment (CABE). This, alongside cuts to Play England's funding, swept aside the 2008 Play Strategy removing the progressive agenda regarding play, planning policy and guidance. Certainly at a national level, this work has stalled ever since (Voce 2015).

An informal All Party Parliamentary Group (APPG) report in 2015 stated that:

'Constraints on children's opportunities to play have increased in recent decades, with a proportionate impact on their wellbeing, future life chances and, ultimately, the health of the nation, with social and economic ramifications that are detrimental to society.' (p.7)

It asked for:

1. Timely, straightforward and trustworthy information and advice to be provided to professionals and families about enabling outdoor play and creating an outdoor environment to facilitate it; and
2. Training for professionals such as planners, landscape architects, architects, engineers, housing developers and housing managers to help them develop an understanding of the importance of play in the outdoor environment and how to plan, design and manage for it.

In 2018 the Children's Commissioner for England also published a report on 'The importance to children of play and physical activity', beginning the foreword referring to playing out and calling for better access to parks and public spaces, more streets with 'play zones'.

The planning system itself is under a great degree of strain, owing in part to a reduction in capacity and resources in local government (Local Government Association 2018) and coupled with a lot of political pressure for it to reform. In 2018, the Town and Country Planning Association (TCPA) undertook a review of the system, led by Nick Raynsford. It was not child-focused, but it did ascertain that children currently lack a voice in planning and suggested more robust outcomes are needed for planning that would enable it to meet the varying needs of communities in the present and future, and contribute to social equity (Raynsford 2018).

### **Other relevant policy, guidance and practice**

Given the dearth of policy and guidance at a national level, it is difficult for local authorities and communities to focus specifically on children and young people in relation to urban planning, play and the environment unless they are specifically minded to do so. However, there are areas in which leaps are being made. For example, the mayor's office in London has changed from thinking about play as a distinct activity carried out in designated areas, towards a more holistic urban approach. In 2008 the then-Mayor Ken Livingstone published Supplementary Planning Guidance (SPG) on Play and informal recreation, which set minimum size standards for play spaces on new developments over ten dwellings in size. It was republished under the subsequent Mayor, Boris Johnson, in 2012 and currently remains an SPG alongside the London Plan.

The London Plan in its current draft form now more clearly defines play and children's independent mobility, taking its policy 'hooks' from Section 8 of the NPPF, 'Promoting healthy and safe communities', choosing to interpret social interaction for children as part of their play activity and for this to need to be continuous and easily accessible. Through incorporating wording from the SPG it will elevate children's play and independent mobility, for example making space standards for play a requirement rather than best practice guidance.

In 2020, the third London Plan will be adopted and published along with the Housing Design Guidance. A revision to the Play and Informal Recreation SPG is likely to follow soon after. We note that there has been significant effort to move policy and guidance towards a more child friendly approach at the Greater London Authority<sup>1</sup>. For instance, the

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<sup>2</sup> One of this report's authors - Dinah Bornat - has played an advisory role on a research commission into independent mobility and child friendly cities, due to be published in 2020. She has also been given an expert advisory role reviewing the new Housing Design Guidance SPG.

draft London Plan has been amended following the Examination in Public (EIP) and it now eliminates the possibility of segregated play space and requires overlooking of play space from dwellings (Grant 2019a).

A number of local authorities – Newcastle, Liverpool and the London Borough of Barnet – have decided to sign up to UNICEF’s child friendly city initiative, although limited literature in the public domain makes it difficult to determine if ‘Place’ is one of their chosen ‘badges’.

Secured by Design produces a number of guidance documents and refers to play in its ‘Secured by Design Homes 2019’. It mentions communal areas and play spaces as having the ‘potential to generate crime’. However, it goes on to say that play spaces ‘should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go.’ It is unfortunate the play is so easily associated with anti-social behaviour, and not seen as something that could activate a space and prevent crime, evidence for this would be much welcomed. The guidance goes on to give more detail about play areas:

‘Play areas should ideally be designed so that they can be secured at night. This is to reduce the amount of damage and graffiti that occurs after dark. The type of fencing and security measures will need to vary to suit the particular area. However, consideration should be given to a single dedicated entry and exit point to enable parental/guardian control and supervision. Fencing at a minimum height of 1200mm can often discourage casual entry, provide a safe clean play area and reduce damage to the equipment.’

It is unfortunate that play areas are still seen as the predominant places for children to play and that these need to be fenced off and locked after dark (which on a winter month can be as early as 4pm). The guidelines would benefit from a more holistic attitude to playable spaces and play as being an activity that can occur throughout a development.

### **Future opportunities**

There is no planning policy and statutory legislation regarding a child friendly approach to design and engagement at a national level in England, despite a number of recommendations. Navigating the complex pushes and pulls of housing supply appears to take up much of the effort in an under-resourced system. However, without strategic emphasis on children, it is difficult to imagine robust local and neighbourhood policy emerging in this landscape, unless local areas are minded to develop it themselves. Where this has happened, green shoots are emerging and although it will be some time before the NPPF is revised again, local authorities across the country are continually rewriting Local Plans and the authors of this review are aware of a number of areas where child friendly planning policies are being introduced, such as Tower Hamlets and Hackney, who are both producing new SPGs<sup>3</sup> with child and family friendly guidance, alongside their Local Plans. This is encouraging and there is opportunity to share grass roots and local good practice across the Counties and UK countries.

# Scotland

## The Structure of the Scottish planning system

Local government in Scotland is organised into 32 local authorities and two national park authorities. Each authority has a planning department with jurisdiction over local planning policy and planning applications. It is important to note that passage of The Planning (Scotland) Act 2019 makes significant changes to the system that will be implemented in the coming years and add new measures with regard children and young people (see section on future opportunities). For the purposes of the research, however, we focus on the current provisions which are of relevance until full implementation of the new Act has taken pace.

The current Scottish planning system is based on a hierarchy of frameworks and policies, laid out in figure 4. This policy structure sets the official commitments and boundaries of planners' work, and must be understood in the context of the Scottish Government's core aim:

'To focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth' (Scottish Government 2015).

This three-tier planning system consists national planning policy that guide developments plans: Strategic Development Plans (SDPs) that cover the broad city regions of Edinburgh, Glasgow, Dundee and Aberdeen; and Local Development Plans (LDPs) that cover each local authority area. Figure 5 elaborates on the timeline of relevant planning and child-related developments in Scotland.

The third National Planning Framework (NPF3) drives the planning process, being:

'A long-term strategy for Scotland. It is the spatial expression of the Government Economic Strategy, and of our plans for development and investment in infrastructure. NPF identifies national developments and other strategically important development opportunities in Scotland' (Scottish Government, 2014a, p. iv)

All development plans must accord with NPF3, meaning its specification and focus are vital in defining how all other planning policy and practice take shape. Development plans then serve as the primary consideration in determining individual planning decisions.

Scottish Planning Policy (SPP) gives a finer level of detail around the functions of the planning system:

'Scottish Planning Policy is Scottish Government policy on how nationally important land use planning matters should be addressed across the country. As a statement of Ministers' priorities, we expect it to carry significant weight in the preparation of development plans and to be a material consideration in planning decisions' (Scottish Government, 2014b, p.iv)

This means the document is instrumental in the formulation of strategic and local development plans, but also that elements of this policy mean developments can take place even if contrary to an established development plan. This is provided there is strong evidence of its otherwise positive impact on the public's long term interest. National Architectural Guidance and Planning Advice Notes are also material considerations in the planning system, offering planners and developers greater support in formulating and assessing planning applications on technical issues.



## National



## City-Region and Local

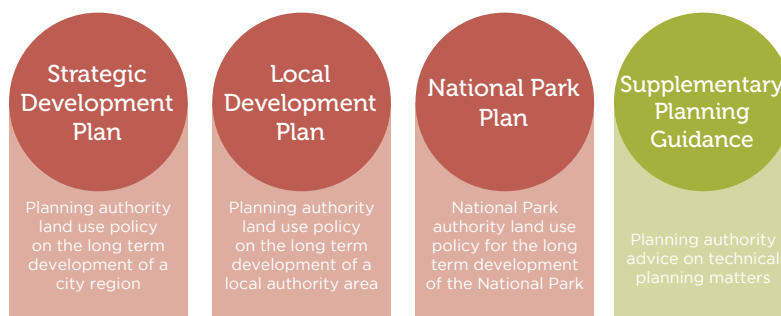


Figure 4: The structure of the Scottish planning system

## Where would (or does) child-friendliness fit into national planning policy?

**NPF3** sets out nationally important developments and priorities, but the majority of guidance and policy on creating development plans and conducting good quality planning is contained in **SPP**. With regard more specific guidance, children's involvement in decision-making would be covered in '**Planning Advice Note 3: community engagement (PAN3)**' which lays out the minimum standards for community engagement in development plans, and different types of planning application. Meanwhile, the majority of policy supporting children's use of space would be contained in, '**Planning Advice Note 65: Planning and Open Space (PAN65)**', and the architectural policies '**Creating Places**' and '**Designing Streets**'. Other elements of Scottish and UK government policy are also intended to influence planning in varying ways, with many of these alluded to in planning policies. The following sections therefore review these documents, exploring how planners may use and interpret them, and what this means for the realisation of children's rights.

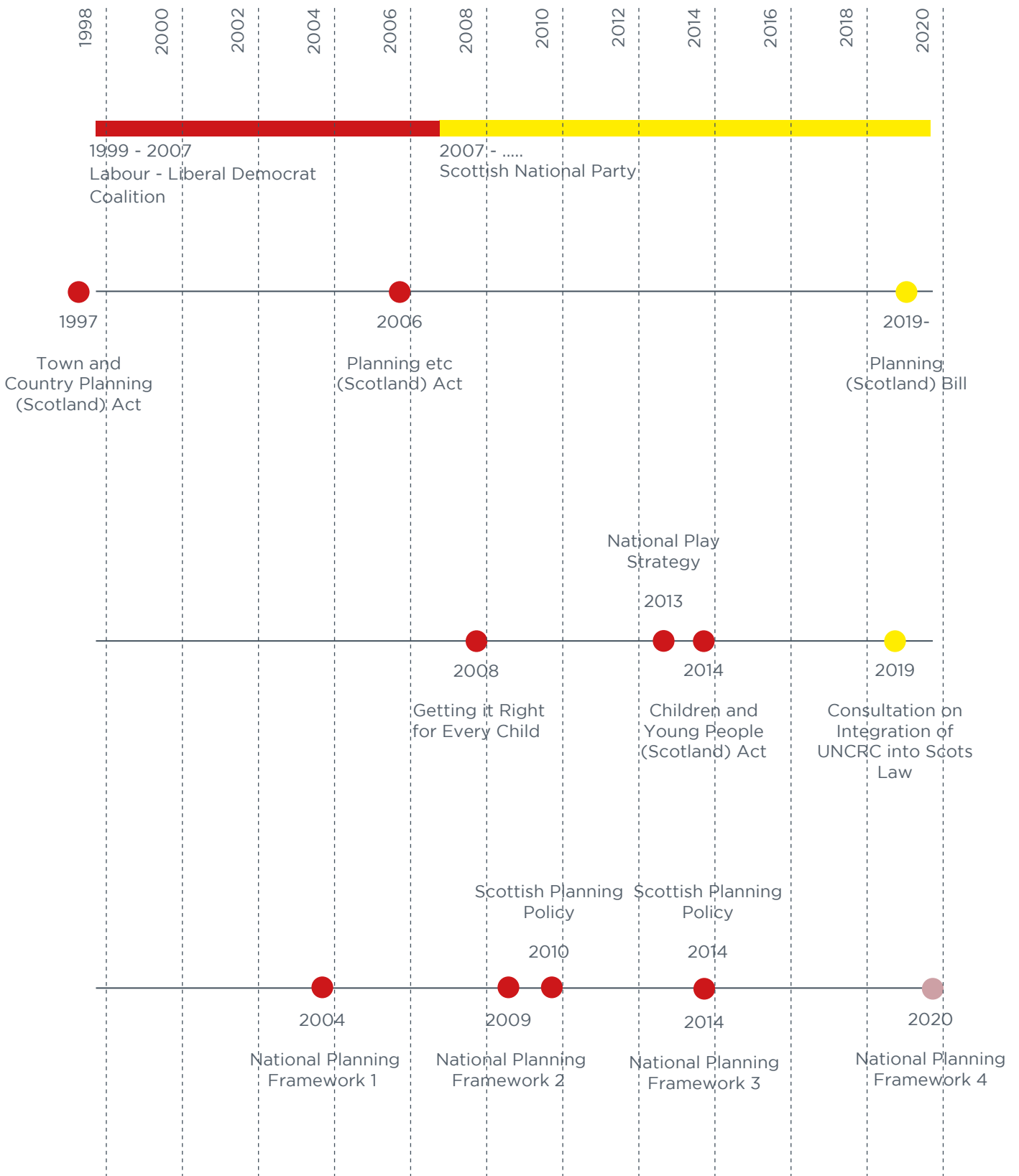


Figure 5: Timeline of relevant policy and legislation in Scotland

## Recognition of children as a distinct group

In reviewing how children are framed in Scottish planning policies, Wood (2015) identified a policy silence, and a policy myth that children are included in planning, whether or not they are explicitly consulted. This observation was noted in draft versions of national guidance, however finalised versions available now confirm the same story. National policies emphasise the principles and importance of design-led ‘placemaking’ and inclusive communities, yet children are not mentioned explicitly at any point in NPF3, and are mentioned explicitly only once in SPP:

‘Providing play space and other opportunities for children and young people to play freely, explore, discover and initiate their own activities can support their development’ (p. 30)

NPF3 focuses on economic matters and places the pursuit of sustainable economic growth as the primary consideration in planning. Meanwhile, non-statutory policies and guidance predominantly handle social and environmental considerations that are most likely to directly benefit children.

Recognition of communities of interest and of characteristic are stronger in architecture and design policies and in PAN3 and PAN65, but children still remain largely absent beyond references to play. A further lack of awareness of children is evident in the Equalities Impact Assessment (EqIA) issued for NPF3 and SPP. When considering age, it presents information from a narrow range of sources, but recognises children as the age group proportionately most likely to live in the 15% most deprived areas of the country (Scottish Government 2013a). Unfortunately, it concedes without critical reflection, that there is no negative effect from national planning policy on any protected characteristic; but that the Scottish Government’s central purpose will benefit all recognised equalities groups.

## A Right to Participate - Article 12

In relation to community engagement, NPF3 focuses on the Scottish Government’s Community Empowerment Agenda (Scottish Government 2016, p. 8). This is supported by SPP’s section ‘People Make the System Work’ where it expounds:

‘Throughout the planning system, opportunities are available for everyone to engage in the development decisions which affect them... Effective engagement can lead to better plans, better decisions and more satisfactory outcomes and can help to avoid delays in the planning process’ (p. 5)

This wording is similar in scope and aim to UNCRC Article 12, giving ‘respect for the views of the child’. This provides promising allegiance between the planning system’s idea of participation, and the UNCRC’s ideal. Indeed, providing more detailed guidance on the Scottish Government’s vision, PAN3 calls for proportional engagement, as well as dissemination of information in audience-appropriate formats. It also calls for capacity building and education for communities. With this, PAN3 includes many references to ‘people’, ‘everyone’ and ‘all’ having the right and opportunity to engage in all stages of planning. As a result, the broad scope of the Scottish planning system offers the right of children to be involved in the planning process.



photo credit: Madeleine Waller

Delving more deeply into planning policy, it becomes apparent that it does not necessarily provide adequate scope and support for children's meaningful involvement. As Wood (2015) identified in draft national policy and PAN3, there is a concerning trend in the policy documents to switch between phrasing participation as a right of communities, and as a responsibility of communities. With this, it is difficult to hold planning authorities to account for their role in facilitating meaningful engagement. Meanwhile, if members of the public fail to engage positively or do not focus on 'matters material to planning' (Scottish Government 2014, p. 5), planning authorities can justify ignoring or overruling their concerns. This is lamentable for children as a community of characteristic, as whilst these issues could prevent meaningful engagement with many groups in society, children are particularly restricted in their ability to engage proactively with planning.

In providing the finer detail of how planning authorities and developers can engage with the general public, PAN3 recommends following the national standards for community engagement (Communities Scotland, 2005). These provide a framework, but notably the document's explanation of each standard gives children no specific mention other than once as 'pupils' (who could be engaged in a 'Cognitive mapping exercise or workshop' (p. 32), without further explanation), and once in the context of child care for parents who are engaging (p. 29). This arguably backgrounds their right to participate and insinuates that their engagement is not as important as adults'. Indeed, PAN3 mentions the services provided by an active citizenship organisation - PAS - on multiple occasions, but does not



indicate the support they can provide in engaging children and young people. Therefore, by not mentioning children's involvement explicitly, PAN3 perpetuates the policy myth that either children's views and needs are less/not important, and/or that adults can understand and represent children's needs without involving them in the process (Wood 2015).

### **A right to gather and play – Article 15 and Article 31**

National policy supports improving active travel opportunities. This is framed through both social and environmental lenses, highlighted as a key aspect of design, and could greatly benefit children if implemented successfully. However, these policies do not highlight the specific needs of children with regard travel. Drawing attention to this in policy could lead to more sensitive exploration by planning authorities of how to integrate active travel opportunities; align more clearly with other initiatives such as safe routes to school; and further emphasise the need for active travel as the child population represents a group that are legally not allowed to drive.

A lack of attention to children's specific needs in this regard can therefore reinforce the dependence children have on adults to help them travel. Promisingly, Scottish Government recently doubled the active travel budget and Sustrans Scotland have been entrusted through Transport Scotland to support local authorities in implementing new schemes. Indeed, Sustrans Scotland have recently embedded a design principle in these grants to design for the independent 12 year old (Sustrans Scotland 2019). In time, this could lead to improved opportunities for children's independence but extrapolation into statutory and prominent national policy would add further weight to this cause.

Another salient issue for children is the protection of open space for which they may seek informal and unstructured play and leisure. Yet, national policy means that open space that lacks specific economic purpose can become disregarded. PAN65 states the importance of open space for quality of life and well-being, and recognises that new areas of good quality open space are the exception rather than the norm. Meanwhile, SPP and NPF3 are positive about protecting and enhancing the country's natural resources and promoting 'green infrastructure'. Planning authorities are required to produce open space audits and strategies, and should categorise spaces by their use, and assess their quality. This should help them determine where maintenance needs to take place, and where development should and should not happen. However, NPF3 and SPP suggests that, whilst supportive of allowing vacant and derelict land to become open space, 'green' land uses require specific circumstances to make them a suitable option, with economic uses given prominence in both policies.

Supporting the economic focus for space, SPP states 'Planning should direct the right development to the right place', and as part of this strategy, should focus on compact, higher density development, prioritise brownfield development over greenfield development, and consider if greening of unused space permanently or temporarily may be a good option for land with low economic viability. Though densification and temporary uses for sites can have positive impacts on children's ability to travel, and to participate in outdoor leisure in the short term, in the long term densification can erode the opportunities for children's independent exploration and play (Björklid and Nordström 2007). Indeed, PAN65 states the needs of vulnerable groups (including children) should be considered. However:

'In some cases, it may be better value to promote a consolidated high quality network of open spaces, rather than a more extensive pattern of spaces where management and maintenance of many areas are neglected.'(Scottish Government 2008a, p. 13)

Whilst this may make economic sense for the local authority, it can ignore the value of small pockets of open space, that are more likely to allow children to play outside near their homes and for older children to meet friends and hang out. Most strikingly, this is also at odds with the Scottish Government's social policy aims for children's play.

## Play Policy and Planning

The Scottish Government's (2013b) vision for play is set out in the national play strategy:

'Children's play is crucial to Scotland's wellbeing; socially, economically and environmentally. Our people are our greatest resource and the early years of life set the pattern for children's future development.' (p. 6)

This strategy recognises the role of the planning system in delivering children's play opportunities, noting a need for both informal and formal play provision. This is a first step to aligning the two policy areas, and from it suggests three ways planning policy supports the play strategy. However, examining SPP shows it makes only one explicit reference to children's play:

'Local development plans (LDPs) should identify sites for new indoor or outdoor sports, recreation or play facilities where a need has been identified in a local facility strategy, playing field strategy or similar document. They should provide for good quality, accessible facilities in sufficient quantity to satisfy current and likely future community demand.' (p. 51)

This shows a lack of strategic alignment, as whilst it is important that it does help facilitate play, the policy focuses on specific facilities, rather than children's wider spatial needs. Moreover, it subsequently lists requirements for safeguarding outdoor sports facilities, but not for play facilities or informal open space. This lack of statutory support arguably makes the ability of planning authorities 'to protect valued open space' (Scottish Government 2013b, p. 20) weak, particularly in relation to the economic focus on open space already discussed.

Another concerning element in linking play and planning approaches is that, whilst SPP references the Play Strategy as a 'key document' under the heading 'Green Infrastructure' (p. 50), a planner would be going beyond their statutory remit to consider it in their own policy and practice. Similarly, *Designing Streets*, and *Creating Spaces* acknowledge how good design allows children to play outside, and suggests prioritising their needs over road traffic, but has no statutory standing. This means that whilst national planning policy in Scotland goes some way to supporting children's play, developments can gain planning permission without considering, or adhering to play policy and guidance. Furthermore, the play strategy receives only cursory attention in SPP, whilst PAN65 introduced in 2008, cannot account for provisions within the play strategy (Scottish Government 2008a). Therefore, it is unlikely planners will be aware of its content and relation to their own practice.

Though the planning system is currently weak on play, the Scottish Government (2013d) set out an action plan for achieving the play strategy vision that relays some actions related to planning, though predominantly to Community Planning Partnerships (CPPs). These publicly led, local partnerships co-ordinate cross-departmental issues and engage with local communities, and both NPF3 and SPP emphasise the importance of linking land use and community planning. If these can work effectively across policy and departmental spheres, they may begin to help the planning system recognise the rights of children.

Part of an approach to joining up policy areas is the development of 'The Place Standard Tool' (Architecture & Design Scotland et al. 2015), which aims to provide a structure for people's conversations about place. This can be used by individuals, community groups, planners, grant funders etc, with the aim of being adaptable. The 14 criteria set a common framework for what makes a 'place'. 'Play and recreation' is included as an indicator, and Scottish Government has commissioned the development of a child and a young person friendly versions of the tool to be completed in 2020<sup>1</sup>. If of suitable quality for effective use across planning, and linked with opportunities to improve spaces this may improve the situation for children going forward.

The other main approach pursued by the Scottish Government for play and the outdoors is a focus on early years intervention and improving provision and opportunities for outdoor learning. This is primarily framed around closing the attainment gap between the richest and poorest children. These goals are laudable and could be supported by an enabling planning system. Notable however is that the Early Years Framework (Scottish Government 2008b), refers to the planning system as an 'adult' service (Scottish Government 2008b, p. 5). This is further indication of the fundamental problem in the structure of public services, viewing them separately as child and adult services, rather than child and universal services.

The Scottish Government wishes to make Scotland the best place to grow up on the one hand, but positions children and their rights as a distinct social policy issue in current arrangements. The Children and Young People (Scotland) Act 2014 means ministers must give 'due regard' to steps they could take to better implement children's rights and report on these every three years. It also integrates into legislation the 'Getting it Right for Every Child' (GIRFEC) approach that has been in Scottish policy since 2008. This could be positive for planning, however the duty to report on steps that have been taken is not equivalent to a duty to progress children's rights. Meanwhile, the Place Standard Tool, Creating Places, and Designing Streets make efforts to encourage planners and developers to consider play in placemaking, but are of limited influence in comparison to SPP and NPF3 which do not. This means planners could take a robust approach to furthering children's rights, but it would be voluntary, and could be overridden by statutory concerns contained in NPF3.

## Future Opportunities

Upcoming changes to children's and planning legislation provide hope. The reformulation of the Place Standard Tool for Children and Young people is one hopeful move. The Planning (Scotland) Act 2019 has successfully incorporated clauses that both give children and young people a statutory right to participate across the local development planning process, and introduces the need for planning authorities to conduct play sufficiency assessments (see section on Wales for further details).

Equally relevant is that Scottish Government is consulting on full incorporation of the UNCRC into Scots law. If and when these changes come together, Scotland will provide the strongest protections for children's rights in the UK, and provide a clear route through which children and young people are included in matters related to the built environment. It should also be noted that Aberdeen City Council is a partner in Unicef's news Child Friendly Cities and Communities Scheme. This is noted in their City Centre Masterplan (Aberdeen City Council 2017) and they are currently working towards achieving the 'badges' of Child Friendly Services, Place, and Participating.

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<sup>3</sup> The tool is being produced in partnership by Play Scotland and a A Place in Childhood.

# Wales

## The Structure of the Welsh planning system

Wales has 25 Local Planning Authorities, comprising 22 unitary authorities and three national park authorities. Each authority has a planning department with jurisdiction over local planning policy and planning applications. The Welsh planning system is based on a hierarchy of frameworks and policies, laid out in figure 6. This policy structure sets the official commitments and remit of planners' work, and must be understood in the context of the Welsh Government's mission to deliver prosperity for all (Welsh Government 2017).

Two documents provide the structure of national planning policy - Planning Policy Wales (PPW) (Welsh Government 2018) and The National Development Framework (NDF) which at the time of writing is in draft form and out for consultation (Welsh Government 2019a). These set out how planning at all other scales should be addressed and formulated in strategic and local development plans:

'Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales... The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well being of Wales' (Welsh Government 2018, p. 6)

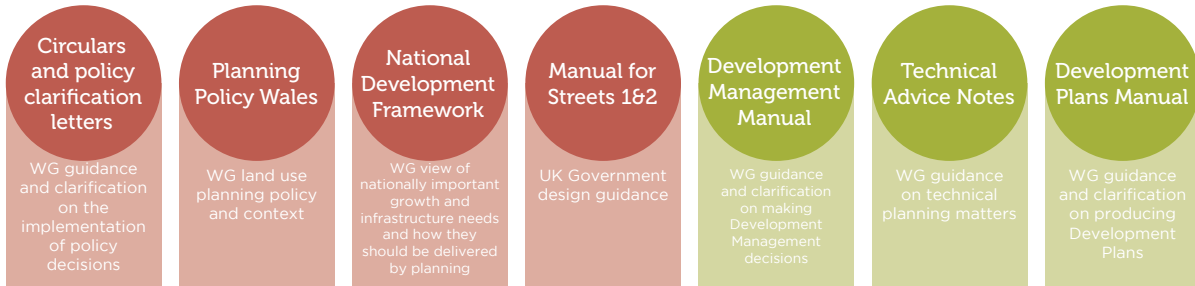
The NDF will set out:

'Welsh Government land use priorities and provide a national land use framework for SDPs [Strategic Development Plans] and LDPs [Local Development Plans]. The NDF concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes' (Welsh Government 2018, p.11)

National policy is thus the driving force of planning in Wales, but no document has statutory standing and all serve as 'Material Considerations'. Other elements of the system that serve as guidance and material considerations are National Architectural Guidance (which is shared with England but does not appear to be in common usage) and Technical Advice Notes (TANs).



*National*



*City-Region and Local*



Figure 6: The structure of the Welsh planning system

Due to the passing of The Well-being of Future Generations Act 2015, all new planning policy is oriented around improving the well-being of the people of Wales. The Well-being Goals are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh Language
- A globally responsible Wales

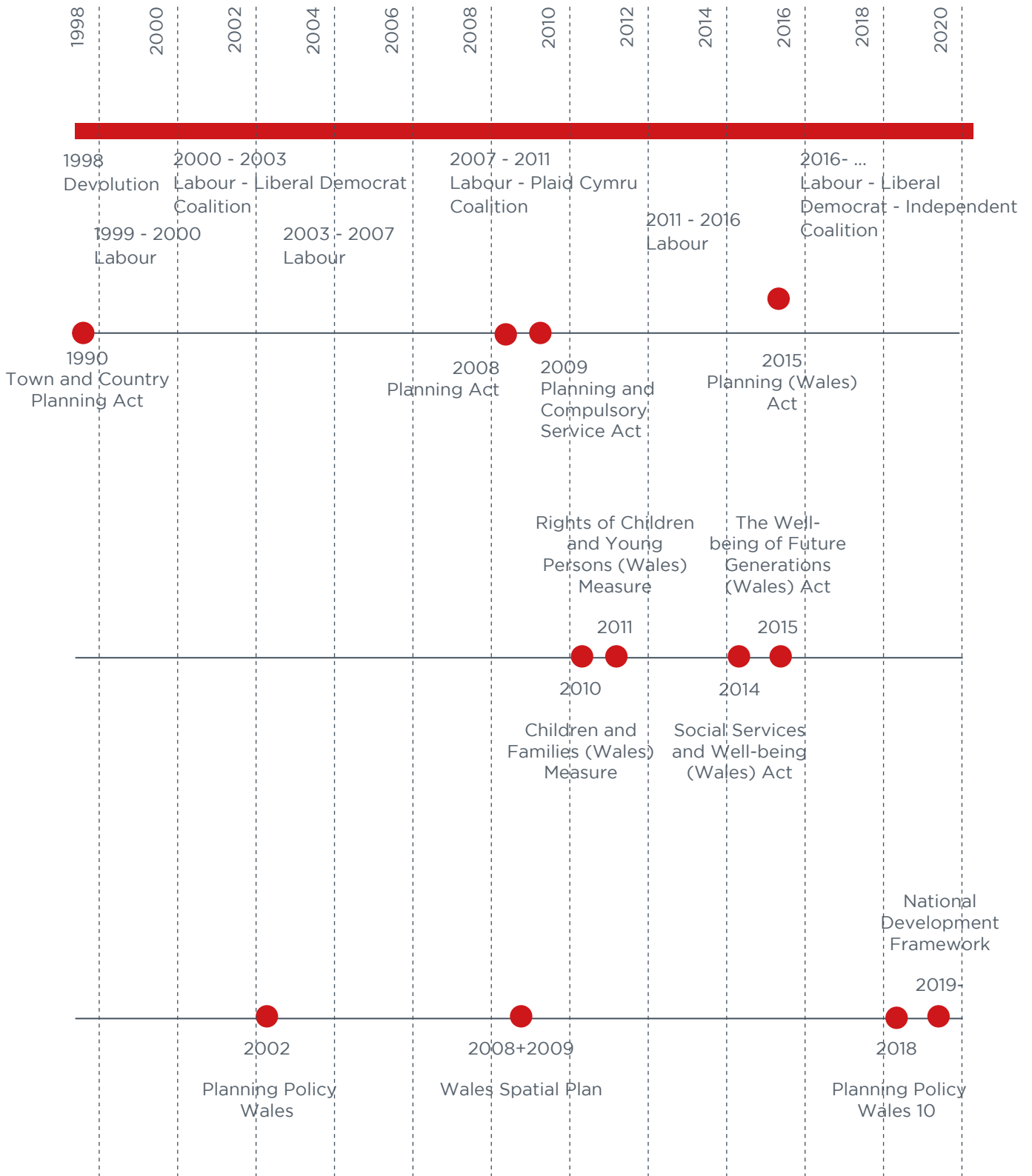


Figure 7: Timeline of relevant policy and legislation in Wales

This is underpinned by five ways of working: Long Term; Prevention; Integration; Collaboration; Involvement (Welsh Government 2016a). Planning is aligned with this through the principles of ‘placemaking’ which should be seen as a tool towards greater well-being. The timeline in Figure 7 shows the evolution of the current planning system. The documents reviewed in this report are explored in the following section.

### Where would (or does) child-friendliness fit into national planning policy?

The **NDF** will be a vital part of determining the child-friendliness of the Welsh planning system, as it will form part of the development plan, upon completion, and the draft version currently out for consultation at the time of writing is reviewed here. **PPW** also serves an important role and a selection of TANs add further relevant detail. These are ‘**TAN16: Sport, Recreation and Open Space**’ (Welsh Assembly Government 2009), **TAN12: Design** (Welsh Government 2016b); and **TAN18: Transport** (Welsh Assembly Government 2007). Other elements of Welsh and UK government policy are also intended to influence planning in varying ways, with many of these alluded to in planning policies. The following sections therefore review these documents, exploring how planners may use and interpret them, and what this means for the realisation of children’s rights.

### The Play Sufficiency Duty in Wales

Unlike other UK nations, Welsh Government takes a rights-based approach to children’s policy, presenting seven core aims for children and young people that align with the UNCRC. Of these, Core Aim 4 is entitled ‘Play, sport, leisure and culture’, and focuses on achieving Article 31, whilst Core Aim 5 is entitled ‘Be listened to, treated with respect and have their race and cultural identity recognised’ which they map directly to Article 12 (Welsh Government, 2015). With this, Welsh Government have two important pieces of legislation- The Children and Families (Wales) Measure 2010, and The Rights of Children and Young Persons (Wales) Measure 2011. The Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers to have due regard to the UNCRC when exercising their functions. It requires that the Welsh Government sets out a ‘Children’s Rights Scheme’ to detail their arrangements for complying with the duty (Welsh Government 2014).

Vital to this review is a measure in the Children and Families (Wales) Measure 2010 that means Wales is the first country in the world to legislate for children’s play. Their approach is known as ‘the Play Sufficiency Duty’, but takes a broad approach to the concept stating “play” includes any recreational activity; and “sufficient”, in relation to play opportunities, means sufficient having regard to quantity and quality’ (Welsh Assembly Government, 2010, p. 8). This duty is organised into two parts, with the first commencing in November 2012, requiring that each local authority produce a Play Sufficiency Assessment (PSA) every three years, from 2013. This followed guidelines that laid out nine matters for detailed consideration (Play Wales & The Welsh Government, 2012). The second part commenced in July 2014, requiring that ‘A local authority must secure sufficient play opportunities in its area for children, so far as reasonably practicable’ (Welsh Assembly Government, 2010, p. 8). Since this time, Welsh local authorities have been producing PSAs and action plans every three years. Fulfilment of this duty necessitates the cooperation of planning departments.



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### Recognition of children as a distinct group

The NDF focuses on infrastructure needs and a spatial strategy for each region of Wales. It places at its fore Well-being, as stipulated by the Well-being of Future Generations Act 2015, along with responding to the climate emergency. It concentrates on placemaking as a route through which planning can support well-being for all. It does not mention children explicitly, but gives central status to a number of issues likely to be of benefit to children, such as sustainable travel; protection of natural resources; increasing biodiversity; reducing pollution; promoting culture; and tackling health and socio-economic inequalities. The NDF related closely to PPW and it is this document where more specific mentions of people and planning are made. However, it is vital to note that Welsh Government have produced a Young Person's summary of the NDF which sets out the broad strategy in clear and understandable language and colourful illustrations (Welsh Government 2019b). This is a very positive move towards child-friendliness, though we recognise that without the input of young people we cannot determine how understandable and relevant it is.

Children are mentioned four times across PPW in relation to ensuring placemaking is inclusive, children's legislation and policy is adhered to, and specifically mentioning that children's play must be a consideration. Besides these explicit mentions, the wellbeing-approach taken by Welsh Government means that people are at the heart of the framing of planning policy and wellbeing goals are explored explicitly throughout:



'The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all' (p.14)

PPW requires all those engaged with the planning system to embrace the concept of placemaking in order to achieve the creation of sustainable places and improve the well-being of communities. A key planning principles is 'Facilitating accessible and healthy environments', noting that:

'High quality places are barrier-free and inclusive to all members of society. They ensure everyone can live, work, travel and play in a way that supports good physical and mental health' (p.18).

However, in referencing groups to specifically be considered in design, the document does make reference to 'people with children' (p28). Whilst this group is a vital consideration, the framing suggests that the word people does not explicitly include children, and that children lack their own agency in placemaking and public space. Beyond PPW and the NDF, all three TANs reviewed for this project reference children. Particularly strong is TAN16 which explores children and young people as an explicit group in a specified section.

## **A Right to Participate – Article 12**

'Involvement' is a key principle of the Well-being of Future Generations (Wales) Act 2015, with the statutory guidance noting explicitly that children and young people should be involved in all decisions that affect them (Welsh Government 2016a). Involvement of communities is mentioned throughout PPW and the NDF but no specific mention is made of children's participation. However, the Engagement Plan (Welsh Government 2019a) notes that three workshops were held with organisation Children in Wales in Cardiff, Bangor and Wrexham during the formulation of the framework to understand children's needs and views. To support understanding and engagement, Welsh Government has also produced resource packs for primary and secondary school stages to help children understand planning (Welsh Government 2019b, 2019c). The involvement of children and young people is also mentioned explicitly in TAN16 in relation to sports, play and recreation. However, at present there is no participation-specific technical advice note to review in relation to its adherence to child-friendly principles.

Through the Rights of Children and Young Persons (Wales) Measure 2011, children's right to participate is an element of what ministers should be seeking to promote. Meanwhile, the involvement of children in the creation of PSAs is expected, and national participation standards for children and young people integrate a rights-based approach across public services (Youth Forum & Young Wales 2016). Publication of a Young Person's summary of the NDF also signifies increasing commitment to make it more possible for younger age groups to have their say. Combined, these provide strong foundations for the rights-based engagement of children in planning. However, it cannot be confirmed how common-place this practice is in reality, and the raft of new policy around both planning and children means that the joining-up of such approaches may take time to bed down.

## A Right to Gather and to Play – Articles 15 and 31

The NDF and PPW are oriented around using the process of placemaking to improve the well-being of everyone in Wales. In the NDF this focuses on a need for more sustainable energy infrastructure to respond to the climate emergency; reforesting parts of the country and improving biodiversity and resilience of natural areas; and improving sustainable transport connections between the main settlements where further population growth will be concentrated. In PPW, this includes sections on soundscapes and air pollution with regard health, as well as the provision of facilities and participation of communities. Play and recreation that includes both formal and informal provision is made an explicit requirement in PPW, the NDF emphasises the promotion and sustainment of vibrant local cultures (which could include children’s cultures); and public transport is emphasised in both documents as a key element of a system that works for wellbeing and inclusion.

There is clear link with Play Sufficiency Assessments and Action plans made in PPW, along with The Active Travel (Wales) Act 2013 which places a statutory duty on Welsh Local Authorities to improve active travel infrastructure and promote its use. Through this, local authorities have been required to deliver active travel plans that set out a strategy for improvement of walking and cycling infrastructure and to encourage more people to engage in active travel. Local authorities have been able to bid into a pot of £30m for infrastructure improvements. This is another level of statutory protection for one of the issues of most salience to children’s rights. However, evidence suggests there has been limited improvement in modal share of active travel since the passage of the Act (seneddresearch 2018).

TAN 18 also gives specific credence to children and young people with regard a need for streets segregated from traffic, and careful design and integration of parking so as to provide spaces inclusive of children’s play and safety. Meanwhile, TAN 12 emphasises a need to create genuine alternatives to car travel through design, to recognise that



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segregation from traffic is particularly important for children to be able to play and move around independently, and to pay particular attention to groups with more limited mobility and specific requirements such as children.

Previously mentioned is the strong emphasis on Article 31 in Welsh Government children's policy and a rights-based approach to children and young people. TAN16 was produced in collaboration with Play Wales, and notes that children's play and young people's recreation stretches beyond consideration of specific facilities. It has a section set aside on the needs of children and young people, references child-based legislation such as reducing child poverty and current play policy, and standards for children's play space are suggested for Open Space Strategies which planning authorities must produce in collaboration with other relevant local government departments.

TAN16 also highlights the range of types of provision important to children such as ball games, areas for informal play, woodlands, the need for play opportunities very close to the homes of younger children, and that provision for children should include disabled children. Indeed, the document states 'Throughout the TAN, references to recreation should be taken to include children's play' (p.5) and notes the advice that Play Wales can provide to planning authorities.

### **Future Opportunities**

The PSA process outlined earlier is expected to include all partners in a local authority that impact on children's opportunities for play. This includes planning departments, and based on the first round of PSAs from 2013, Wood (2017) found evidence that the process appeared to be helping some local authority planners better understand children's play and recreation. Indeed, reviews of the duty and its progress suggest that collaboration around this agenda is increasing, even within a tight funding landscape. It is clear, however, that the duty may not lead to clear joined-up thinking between planners and 'play leads' if there is a gap in implementation of the partnerships envisioned by the Act. The extent to which planners are involved in the delivery of improved opportunities for children as a result of the duty is also largely unknown (Russell and Lester 2013, 2014). Yet, this development does mean that regardless of national planning policy, there is now imperative for local authority planners to help assess and secure sufficient opportunities for children's play which should also involve the views of children.

Notably, TAN16 was produced prior to implementation of the play sufficiency duty, showing that Wales has long had a policy-environment more sensitive to the specific needs of children. PSAs and related action plans should be helping planning authorities to understand and realise their responsibilities towards children's use of outdoor space in both formal and informal settings. However, there is a gap for an updated TAN that can link planning more robustly with the PSA process and obligations. This may help reduce any implementation gaps arising from non-collaboration. Notably, provisions of The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 place a duty for Play Wales to be consulted in the disposal of any playing fields (Welsh Government 2015). However, through personal correspondence, it arises that this has occurred only a small number of times so far.

Cardiff is currently seeking to become a child friendly city as part of UNICEF's initiative. The City Council have released a strategy and road map to guide this development (Cardiff City Council 2019). It will be interesting and important to see how planning responds to the challenge of child-friendliness in the years to come.

# Northern Ireland

## The Structure of the Northern Irish Planning System

The Good Friday Agreement in 1998 and the subsequent Northern Ireland Act has enabled the country to begin forming its own policy and legislation. The structure of the government is different to the other UK countries in that ministers are given full executive authority in their department, although they must achieve broad agreement from the Northern Ireland Executive (Winter 2016). The politics of Northern Ireland are complex and since the Good Friday Agreement the government has been suspended twice, with the current suspension in place since March 2017. It is impossible to pass new legislation during these periods and also difficult for policy and guidance to be developed.

The structure of the planning system is shown in figure 8. It is similar to the other UK countries, having a largely decentralised two tier plan-led system, although central government has held on to regionally significant applications, housing allocation, transport and regeneration. The former Department of the Environment (DoENI) transferred responsibility for assessing planning applications and producing local policy from central government to 11 local councils under the 2011 Planning Act, who are now responsible for the development of Local Development Plans (LDPs).

LDPs are made up of two documents - the plan strategy and the local policies plan which is similar in nature to other UK LDPs. At a national level, the Department of Regional Development (DRD) produced the Regional Development Strategy 2035 (RDS 2035) in 2010, and in 2015 DoE introduced the Spatial Planning Policy Statement for Northern Ireland (SPPS). Note that the Department for Infrastructure (DfI) has replaced the DRD, and also includes the planning functions of the now dissolved DoENI.

The RDS and SPPS documents are non-statutory but have 'material consideration' status. The existing 16 Planning Policy Statements (PPS) sit alongside the SPPS, although these will cease to apply at a local level once each of the 11 local councils have adopted their own LDP Plan Strategy. All 11 councils are working towards the adoption of the first stage plan, the Plan Strategy. A number of draft Plan Strategies have been published for consultation to date, but none have yet been through the independent examination process to adoption.

The 2014 Local Government (Northern Ireland Act) placed a statutory duty on local councils to produce a Community Plan for their area, which is more directly linked with their LDP than in other UK nations (see Section 77). Like the LDP, this must be based on engagement with the local community. In turn the LDP is intended to be a spatial definition of the Community Plan.

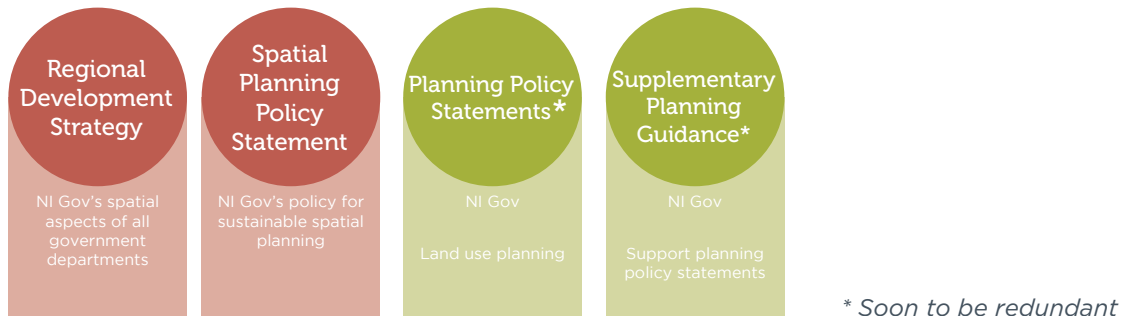
## Where would (or does) child-friendliness fit into national planning policy?

Sustainable development is at the heart of SPPS and the Northern Ireland planning system. Alongside this are five core planning principles:

- Improving Health and Well-being;
- Creating and Enhancing Shared Space;
- Supporting Sustainable Economic Growth;
- Supporting Good Design and Positive Place Making; and
- Preserving and Improving the Built and Natural Environment.



*National*



*Local*

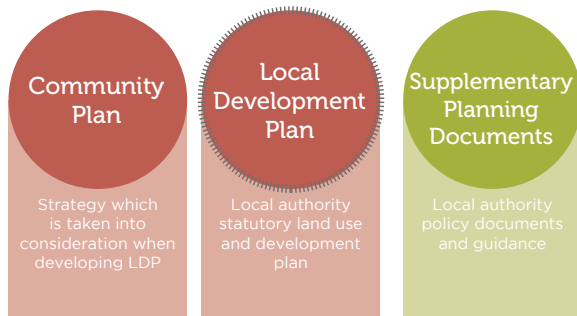


Figure 8: The structure of the Northern Ireland planning system

‘Shared Space’ has a particular and important meaning for the peace process in Northern Ireland aiming to heal physical divides, for example but not exclusively, to meet targets for removal of the peace walls in Belfast, Derry and Portadown. The SPPS explains:

‘Shared spaces are places where there is a sense of belonging for everyone, where relationships between people from different backgrounds are most likely to be positive, and where differences are valued and respected.’

This is the planning system in Northern Ireland’s first reference to shared spaces and is not accompanied by any supporting guidance or best practice documentation.

Meanwhile, the RDS 2035 should drive the overall development of the country in the next 15 years. Additionally, the 2014 supplementary planning guidance (SPG), Living Places was published and intended to be aspirational about placemaking, broadening the conversation about shared space and read by ‘everyone’. It sits alongside the SPPS and says:

'Its content will be a Material Consideration in the determination of planning application and planning appeals for development affecting all urban places.'  
(P4)

Unfortunately, there is no mention of children at all in Living Spaces which makes it hard to see how their needs will be met from an urban design and placemaking perspective across Northern Ireland.

### **Recognition of children as a distinct group**

There is opportunity for reference to be made in the SPSS under 'Shared Space' and 'Place Making', which is defined as a 'people-centred approach to planning, design and stewardship'. However, there is currently no particular mention of children as a distinct group. The RDS also has no mention of children. Relevant sections could be:

- RG2: Deliver a balanced approach to transport infrastructure
- RG6: Strengthen community cohesion

The Equalities Act does not apply to Northern Ireland. However, the 1998 Northern Ireland Act defines nine equality categories, of which 'age' is one.

### **A Right to Participate – Article 12**

The participation of children is not specifically mentioned in SPPS, although there is a requirement for 'an inclusive approach to engagement to ensure that different groups within a community are given the opportunity to participate and are not disadvantaged by the process' (p23). However, guidance has been produced by the Equality Commission Northern Ireland, 'Lets Talk Lets Listen' (2008), which sets out how public authorities must meet their duty under section 75(1) of the Northern Ireland Act. Significantly, it refers to the UNCRC in several instances. In terms of consultation, engagement and active participation it says:

'The guidance takes account of the United Nations Convention on The Rights of the Child... a set of basic rights that children have by law. These rights have been approved by the UK Government, and the most relevant parts of these rights are referred to throughout this guidance'. (p.13)

It makes reference to Articles 12 and 13 (p15-16) and continues in more detail under 'what we mean by consultation' to say that:

'It is vital that you take effective measures to carry out your duties under Section 75 of the Northern Ireland Act 1998 and the United Nations Conventions on the Rights of the Child, and to make sure that you gather and take account of the views of children and young people when you develop your policies. These measures will help you develop a culture where consulting children and young people on matters which affect their lives is a standard practice for your organisation.' (p.19)

It gives guidance on 'Feedback' saying:

'Public authorities must give 'due regard' to the child's views (that is, take them into account). However, under Article 12 (1) of the United Nations Convention on the Rights of the Child, public authorities must give 'due weight' to the

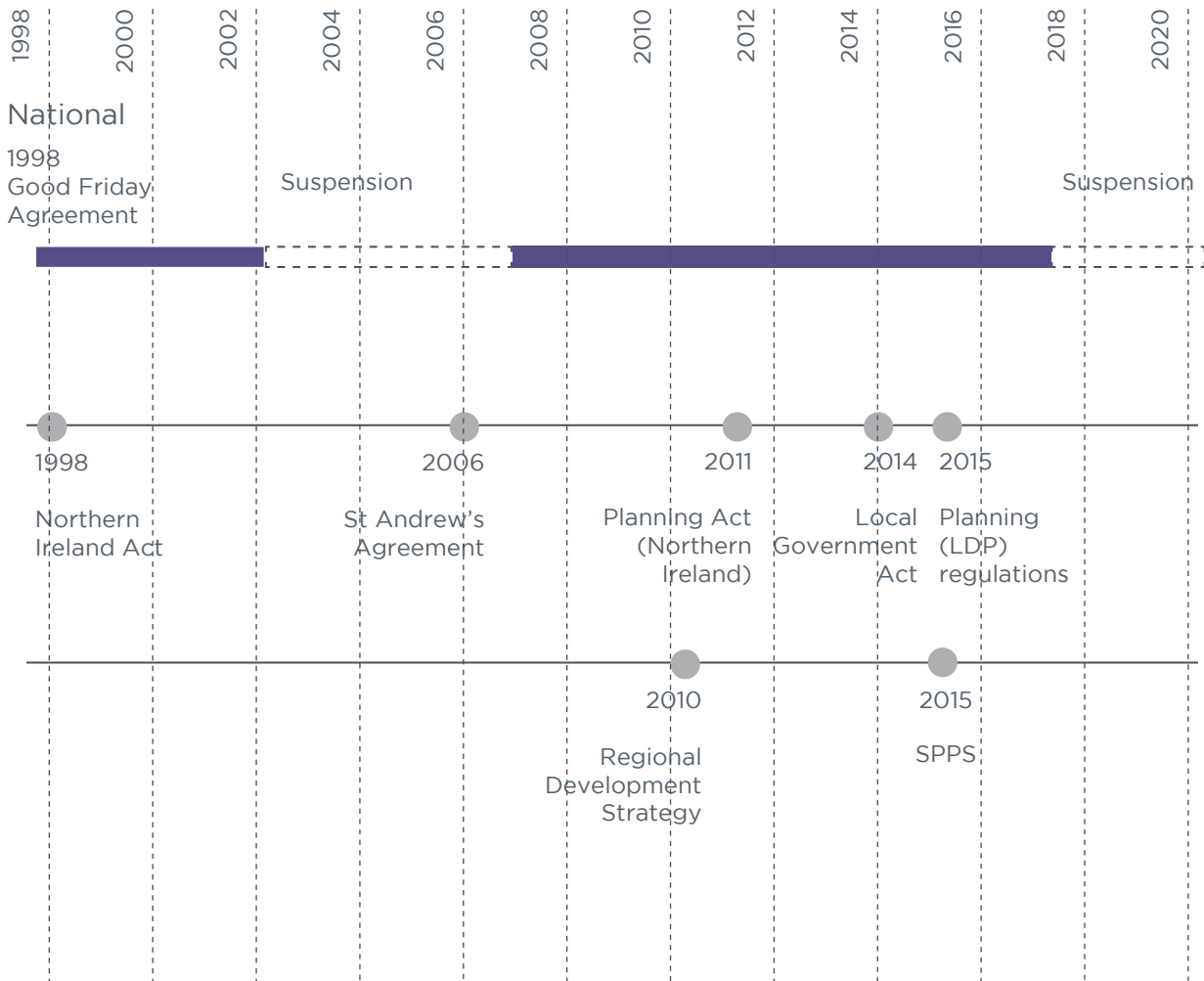


Figure 9: Time line of relevant policy and legislation in Northern Ireland

child’s views, ‘in accordance with their age and maturity’. In other words, public authorities should consider the views of an older and more mature child (for example, a teenager) more fully than the views of a younger child (for example, a four-year-old).’ (p.79)

### A Right to Gather and to Play - Articles 15 and 31

In terms of the right to play, rest, leisure and cultural life Section, 6.199 of the SPPS ‘Open Space, Sport and Outdoor Recreation’, states ‘Government recognises that open space, sport and outdoor recreation is important to society now and in the future’ (p86). It goes on to say ‘Everyone, particularly children....should have easy access to open space and the opportunity to participate in sport and outdoor recreational activity’. It makes a link back to RDS 2035, which has the ‘need to provide adequate provision for green and blue infrastructure’.

## Other relevant policy, guidance and practice

Produced by the Department for Education (DE), 'Our children and young people our pledge 2006 to 2016' has been updated to cover 2019 to 2029, but is yet to be consulted on due to the suspension of the government. Its aim is 'To work together to improve the well-being of all children and young people in Northern Ireland - delivering positive long lasting outcomes'. Its main focus is on children in low-income households, although it does recognise play and play facilities. The policy was produced under the Children's Services Co-operation Act (Northern Ireland) 2015, which places a duty on the Executive to adopt a strategy to improve the well-being of children and young people.

Playboard NI (Northern Ireland's equivalent to Play England, Play Scotland and Play Wales) is active in Northern Ireland, focusing on supporting local authorities to develop play strategies as well as delivering training, play sessions and programmes. As yet, there appears not to be a crossover with the built environment sector. There are no adventure playgrounds in Northern Ireland, playwork is largely peripatetic, taking place outside adventure playgrounds, with playworkers offering loose parts play in a small number of communities across the country.

Given the small population of Northern Ireland and the concentration of people in Belfast and Derry/Londonderry, it is relevant to highlight local initiatives in these cities. Derry City and Strabane District Council are adopting UNICEF's child friendly city programme. It is set out in the local community plan 'Derry City and Strabane District's Inclusive Strategic Growth Plan' published in 2017. A programme of activities around this work began in 2018, but firmer details on how this may impact built environment policies are currently unknown.

In Belfast, it is vital to note the interesting work focusing around the international efforts of the World Health Organisation (WHO) healthy cities programme and the 100 Resilient Cities programme, both of which have been used to furthermore progressive agendas around child friendly cities. Belfast became one of the 100 resilient cities in 2016, along with Bristol, Glasgow and London. In Belfast, the resilient cities commissioner, Grainia Long, whose position is funded by the grant for two years, has a background in housing and was also a previous chief executive of Irish Society for the Protection of Cruelty to Children (ISPCC), the national child protection charity in Ireland. Long has chosen 'child friendliness' as one of the resilient city's themes, which is significant.

Belfast Healthy Cities arises from the WHO healthy cities movement. The organisation has been working to promote children's views on their built environment since 2011 and published the action plan Taking Action for Child Friendly Places to address a gap in local policy concerned with children and urban development in 2016. Examples of initiatives pursued under its Child friendly Places programme include the organisation of pop-up play events throughout the city and the development of a teaching resource that aims to help children develop and share improvement proposals for their school environment.

In 2018 the European conference on WHO Healthy Cities was held in Belfast, and one of the nine strategic goals agreed includes a commitment to:

'fostering health and well-being and reducing inequalities through.... designing urban places that promote and protect health, and that deliver equity and community prosperity and the healthy development of people throughout their lives, including when they are children and adolescents'.

Highlighting children and adolescents as part of a strategic goal represents a significant step forward.

The Belfast Agenda (2019) is a community plan produced under Section 68 of the Local Government Act (NI) 2014. It is divided into four main sections: Growing the economy, Living here, City development and Working and learning. Under 'Living Here', support for younger people is highlighted and it makes specific reference to the UNCRC:

'The city's Youth Forum, informed by the United Nations Convention on the Rights of the Child, works to ensure the voice of young people is heard in how the city is run and how its future is shaped' (p.29).

The Belfast Agenda will drive the Local Development Plan.

### **Future opportunities**

The political structure and operation of Northern Ireland, a growing skills gap in government departments, and a lack of political will in some areas, create a difficult context for Northern Ireland. Perhaps most significantly the Equality Commission guidance on the rights of children to participate gives the clearest indication and direction for councils to follow and should be commended. Other UK countries would benefit from being aware of the guidance and following a similar approach. Following on from this, both Belfast and Derry and Strabane are both appearing to adopt a child friendly approach in their local community plans and it will be interesting to watch the impact this will have. In this respect, children's right to participate appears to be well taken care of from a policy perspective in Northern Ireland. We recommend policy makers apply the same emphasis to play and begin to address this right with equal vigour.



photo credit: Elsa Osman



# Comparison of the Four Nations

This section explores the similarities and differences across the four UK planning systems, and how they include or exclude children. A key feature of this discussion is how planning policies connect with non-planning policies that also have relevance to children's human rights.

## Structure of the four systems

There is a combination of two tier and three tier statutory planning systems within the four countries:

- Scotland has a three-tier system;
- England has a mixture of two and three-tier systems, depending on location;
- Northern Ireland has a two-tier system; and
- Wales has a two-tier system with optional SDPs that would constitute a third-tier if any were in operation.

Scotland and Wales each have two national policies that drive forward their planning agenda – one that focuses on a range of factors which SDPs and LDPs should cover, and another that sets out nationally significant developments and priorities. It is the former that mentions more matters of immediate significance to children's rights.

Scotland and Wales have more guidance than England and Northern Ireland at a national level to support their national planning policies. This is partly a result of England and Northern Ireland having abolished guidance documents as part of their most recent planning reforms. However, Community Planning in Northern Ireland is given more prominence with regard town planning than in the rest of the UK, and guidance outside of the planning system does instruct policymakers to conduct engagement with children. Nonetheless, from a purely spatial and land use planning perspective, these two nations have considerably shorter national planning policy documents overall. The amount of policy and guidance around children displays a similar trend, with rights-focused child policy emerging most prominently from Scotland, Wales, and Northern Ireland, and a dearth at the national level for England.

It is vital to note whilst all national planning policies in the UK carry heavy-weight as 'Material Considerations' with regard the planning system, it is only in Scotland where any element of the system has full statutory standing. A rights-based approach to children in planning would require protection in statutory policy to recognise that human rights are inalienable – either in planning policy itself or in children's policy with clear connections made between the two. It is within the guidance from Wales and Scotland that we were able to pull-out the most child-friendly considerations of policy. Thus, Scotland and particularly Wales have the most child-friendly national planning policy at present. However, we feel it important to note this does not mean they adhere clearly or adequately enough to children's human rights to be promoted as child-friendly planning policy. We feel more specific mention, integration and clear routes to implementation are required for such a title.



photo credit: CRE Kingston

## The focus of each planning system

The Welsh planning system is guided by the Well-being of Future Generations (Wales) Act 2015, which means that, unlike other nations, there is a further overarching framework that specifically orients planning policy around well-being. This underlines all approaches of the Welsh Government going forward, for which they and all public bodies mentioned in the Act (including local authorities) are held accountable by The Well-being of Future Generations Commissioner. Wales's national planning policy also places the climate emergency as central to the planning agenda.

At present, Scotland, England and Northern Ireland are guided by the concept of sustainability – social, environmental and economic. However, the loose definition of these concepts and economic drive of other policies leads to systems driven most prominently by economic matters. This has implications for children, as they generally lack their own economic resources and are not considered active economic agents (Wood 2015).

In Scotland there is not much in planning that recognises children as a distinct group with distinct needs, apart from recommendations about play space. The economic bias of national policy is likely to be contributing to this. Whilst Planning Advice Notes address social needs more adequately, they hold lower weight in the determination of planning decisions, and offer limited advice beyond the potential to include children in planning decision-making, and the need to have specific play areas within developments.

England and Northern Ireland are similar to Scotland in their economic focus, but without the support of guidance notes. Yet, the focus on ‘shared spaces’ and guidance on including children in community engagement in Northern Ireland does provide impetus for a focus on social aspects of planning. In England, other than recommendations in ‘Building for Life 12’, there is nothing to support children’s rights. Manual for Streets and Manual for Streets 2 take an outcome-based approach to design, which could benefit children. However, Bornat has observed that in practice they can endorse anti-social parking behaviours on shared surface streets, which further restrict children’s use of space. This highlights the tension in both relegating social matters to guidance with lower standing in the planning hierarchy, and the difference that implementation and enforcement can make on child-friendly planning.

### **Equalities**

In planning terms, there is very little across the four nations that explicitly addresses children’s rights. In all cases, we could either not locate the Equalities Impact Assessments (EQIAs) and equivalents for planning policies, or they made overall assumptions that a focus on principles of sustainability will have a positive impact on all protected groups. Furthermore, it remains that the law is used to assess the impact of a policy (or a change) once it has been drafted. This approach means that Government is not necessarily tasked to begin with an approach of furthering equality, but to retrospectively assess policies that have different goals. This stands counter to an approach that would allow for critical reflection on the efficacy of planning policies towards furthering children’s needs as a protected group.

At present, the targets for planning are generally set around the speed and number of decisions made by planning authorities, and not social or environmental thresholds. However, Kraftl et al. (2018, p. 15) suggest:

‘Developing a series of ‘childhood and youth principles’ that could cascade through each stage of the planning process. For instance, Local Authorities could bring together the multiple stakeholders at a site to develop an integrated ‘children and young people’s engagement strategy’

Indeed, there is a wealth of planning-relevant knowledge with regards children that can come from professionals that work with them every day.

Though both Wales and Scotland have requirements for Child Rights (and Well-being in Scotland) Impact Assessments, the relevant planning policies were either produced before these requirements came into place or were not publicly accessible for review. In Northern Ireland there is guidance around children’s participation, however we are unaware as to how this is applied to planning. Overall we feel these are key and missed opportunities to use existing mechanisms to improve the suitability of planning approaches for furthering children’s human rights.

### **Defensible Space**

A lack of focus on children in UK planning systems is compounded by the police-championed guidance of Secured by Design, which helps designers and developers meet building regulations around security and crime reduction across the UK. Laudable in its aims, the latest guidance endorses the building of playgrounds and areas for young people to hang-out. However, it is highly prescriptive with regard fencing of play areas and suggests young people’s spaces be segregated away from homes and other people so as to avoid potential noise nuisance and people feeling threatened (Secured by Design 2019). This advice gives credence to the view that children and young people cannot be trusted to organise their own spaces and reinforces stigmatising beliefs that the presence of young people in public space constitutes a threat.

Criticisms of the Secured by Design system explore how the creation of highly defensible spaces both creates feelings of distrust around users and reinforces feelings of territoriality (Minton and Aked 2013). The simplicity with which Secured by Design approaches recognise crime reduction does not attend to the complexity of spaces, places and what citizens need from them (Cozens and Love 2015). We feel this system promotes anti-child design approaches and neglects to recognise that intergenerational spaces foster greater community spirit and collaboration. Moreover, fear of crime becomes entrenched in communities where security features are favoured above the diverse needs of residents and visitors.

First and foremost, the myth that the presence of young people constitutes a threat to public order is misplaced and must be challenged if Articles 15 and 31 of the UNCRC are to be upheld (Cahill 1990). To illustrate, when you are a teenager you tend to meet and enjoy socialising in larger groups, and this natural behaviour is characteristic of adolescence across the world. Yet, young people gathering in public space is often found threatening by adults for reasons based largely on misunderstanding than genuine threat (Bell et al. 2003, Hörschelmann and Van Blerk 2012, Cele and van der Burgt 2015). If we design for adults, then young people's rights and needs will consistently be ignored and often designed out.

### **Citizen Participation**

Across all four nations, participatory processes in planning are regularly criticised for not giving adequate voice to communities (for example from Scotland see yellow book Ltd 2017). The introduction of neighbourhood plans in England and Place Plans in Wales respond to some of these calls, and Local Place Plans are now set to be introduced in Scotland with the Planning (Scotland) Act. Whether more localised planning policies are effective tools with regard child-friendly planning is beyond the scope of this review, though we would suppose that without adequate guidance they may not fare well and are unlikely to be initiated by children.

Research shows children have wide-ranging interests and insights that can be accessed by engaging with them on their terms and at their level. This can involve both gathering of information to frame planning policy; engagement of children in the development of policy; and engaging children in evaluating masterplans and designs (both pre and post development). Relating directly to the participation of children:

- Scotland gives passing and non-specific mention of children in its community engagement advice, but it is uncommon in practice (Wood 2015, 2016);
- Wales references it in sections on 'involvement' in PPW and there is some limited guidance outside of planning guidance (Youth Forum & Young Wales 2016);
- Northern Ireland has no planning-specific guidance but also has non-planning guidance that involves children; and
- England has nothing specific in their planning or wider guidance on involving children.

Nonetheless, moves towards Child Friendly City initiatives in a number of UK cities may be changing this situation.

Specific guidance aimed at the planning audience would lead to better understanding and engagement from the sector. Existing ideas and initiatives such as Bornat and Shaw (2019), Derr et al. (2018), and Peacock et al. (2018) offer initial insights to policymakers on how they may shape such guidance. The following seven golden rules of participation, produced by the Children and Young People Commissioner for Scotland's (SCCYP 2013), also offer a strong foundation for the meaningful involvement of children and young people in place-based projects:

1. Understand my rights
2. A chance to be involved
3. Remember – it's my choice
4. Value me
5. Support me
6. Work together
7. Keep in touch

This final point, 'Keep in touch' is a vital consideration, and meaningful participation includes a link to both design and process focused outcomes, and these should be communicated to participants in clear and understandable ways.

### **Play and Independence**

To enable wide take-up of recreational opportunities for children, it is vital that children are able to travel to and from their chosen locations. To fully meet a child-rights-based approach, children need opportunities to access these without parental or adult support; utilising public transport and active travel. However, despite widespread understanding of the value of active travel for health and wellbeing, reducing pollution, and widening access to people on lower incomes, congestion and car-oriented developments remain a key feature of the UK. This stems from a view that transport is primarily about efficient movement of people, of which children are often adjuncts. Whilst adults are most likely to be moving into and out of major population centres in their day-to-day travel, children are more likely to have localised transport needs, and to move more within settlements.

The diagram in Figure 10 (opposite) shows how child-friendly outcomes and processes in planning require time, space and attitudes that support children's use of public space. This shows how all three elements are clearly linked and must be considered in tandem. We believe this can provide a guiding framework for all nations to critically assess how they respond to children's needs.



Time to participate in place can be indirectly influenced by the structure of space. It may make some spaces quick to get to, and others not, so that children have less time to interact with the outdoors.

Time to participate in process can be influenced by the demands that planners and children have on their time. For planners this could be other requirements of their work, and for children this could be the educational demands of school.

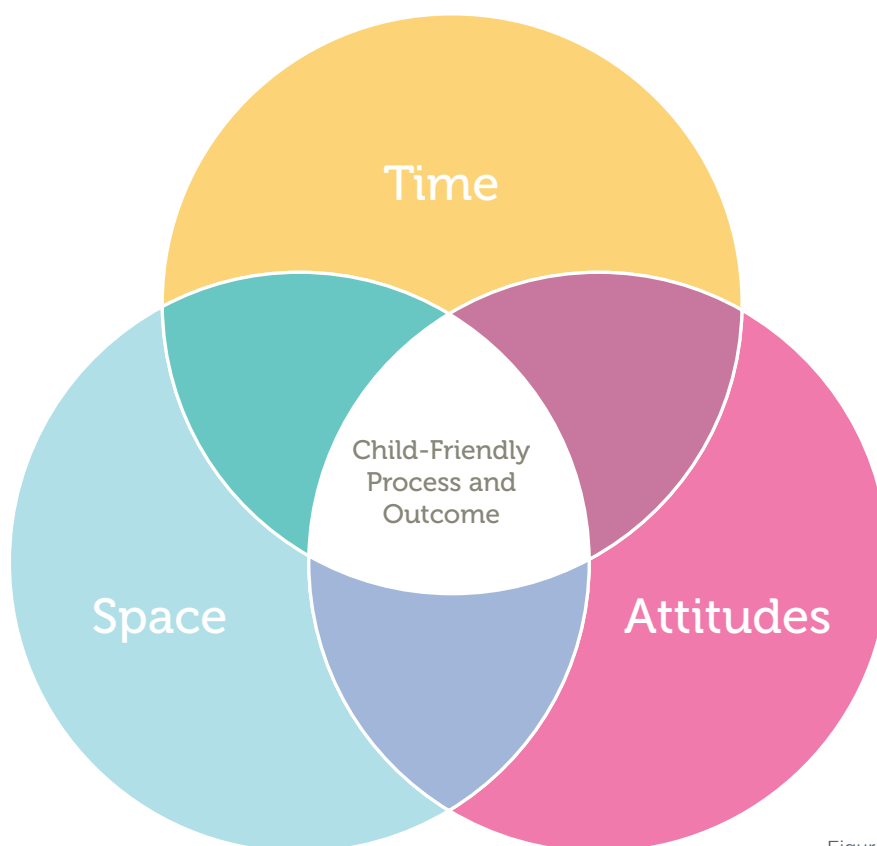


Figure 10

Space to participate in place is affected by:

- existing space;
- its distribution;
- planning policy; and
- policy implementation.

Space can also affect the attitudes of children and other adults towards their outdoor endeavours.

Space to participate in process is affected by the emphasis of involving children across the profession, and the skills of and support for planners to involve children in their work.

Attitudes of planners affect:

- the policy development process;
- policy itself; and
- the implementation of policy.

However, the attitudes of planners may be influenced by existing policy. This can have an affect on both participation rights, as it underlies their overall approach to their work.

# Recommendations

Below we set out nine recommendations under four themes that we believe will make positive change to planning systems across the UK and the realisation of children's human rights. We set these out as both elements that could apply to each individual nation, and the UK as a whole.

## The rights to gather, play & participate

Children's play and ability to gather in public space is given too little prominence, with Wales a notable exception. Indeed, active travel needs to be promoted and enhanced as a viable option for children to increase their independence. Children's views are also often not gathered with regard planning matters, which goes against their right to participate. We believe that children's participation has significant value for both children themselves, and for the wider public interest. We therefore propose three recommendations under this theme.

- 1.** Play, recreation, leisure and assembling in public space should be at the heart of what national planning policy promotes for children.
- 2.** Children's needs for movement and independence should be given central prominence in national planning policy.
- 3.** National planning policy in each UK nation should stipulate that children have a right to be included in planning decision-making. Guidance should also be available to planners to help them implement this duty.



photo credit:Elsa Osman

## Recognising children as a distinct group

Children are rarely mentioned in any UK national planning policy, beyond narrow needs for play and recreation. We have also found that there is limited differentiation of the needs that exist amongst the under 18 age category. We therefore propose two recommendations to address this inequality.

**4.** Governments across the UK should give appropriate training and weight to Equalities Impact Assessments (and equivalents) that include the specific needs of children as part of the ‘age’ protected characteristic.

**5.** National planning policies should explicitly acknowledge the differences amongst children and young people.

## Focusing planning towards child-friendly outcomes

Recognition of children’s needs and rights, and the differences amongst this age group should be integrated with a focus on policy that can produce real outcomes for children. This includes challenging existing outcomes that may be leading to children’s exclusion from public space. We therefore propose two recommendations under this theme.

**6.** National planning policies should endorse the design of new developments and of local and regional planning policy that aims for desirable social outcomes. Secured by Design guidance should be reviewed in light of child friendly principles to ensure alignment.

**7.** ‘Play Sufficiency’, as first adopted in Wales and now moving to Scotland, is a concept that can be adopted across UK jurisdictions, with Play Sufficiency Assessments and Action Plans a robust and child-centric tool for understanding children’s human rights.

## Learning and collaboration

There is a wealth of existing knowledge and understanding of children’s needs from planning in professions that work more regularly with children. This provides a vital opportunity for collaboration and support to planners that should be harnessed. We therefore make two recommendations.

**8.** Governments should set up clear links and mechanisms for collaboration between the policy spheres of planning, early years and childcare, play, education, housing and transport.

**9.** Policymakers and professionals in planning should have networking opportunities with childhood and youth professionals to encourage collaboration, learn engagement skills, and to help them advocate for the rights of children.

# Conclusions

Children make up a significant portion of the UK's population and have distinct needs with regard the places they live. However, since at least the 1970s there has been a drastic reduction in children's use of outdoor space without the presence of an adult (independent mobility), and the UK compares poorly with many of our European counterparts (Shaw et al. 2013, 2015).

In this report we have assessed the planning policies across the four UK nations with regards the UNCRC, focusing on children's right to participate in the process of planning (Article 12); the right to gather in public space (Article 15); and the right to play, rest, leisure and access cultural life (Article 31). Planning systems across the UK have obligations to meet children's needs through both UK government commitments to the UNCRC, and Equalities and child-specific legislation. However, this review has revealed that at present, children are most notable in national planning policies through their absence.

There are notable and commendable practices occurring at the national, regional and local level with regard an orientation towards children in planning. Wales and Scotland in particular are making strides for which it is too early to evaluate, and a number of local authorities are taking it upon themselves to consider child-friendly planning in the absence of strategic impetus from the UK or their devolved government. This is especially noteworthy in Northern Ireland.

We note that the UNICEF Child Friendly Cities and Communities Initiative, and other independent local initiatives around child friendly cities provide impetus for robust, evidence-based change. We commend these practices, which are mostly in the early stages, and look forward to witnessing the effects in future. However, we also note that despite commitments to child-friendliness, it can still be difficult to affect planning processes and outcomes and planning is often not top of the agenda with regard orienting services towards children.

Through this analysis, we hope to contribute to ongoing discussions in both the planning sector and children's sectors around what children want, need and have a right to from planning. This needs to start with how children view and use public space and how policy can drive evidence-based outcomes that contribute to children's inclusion. We believe that the UNCRC framework provides a relevant and clear basis for future action and orientation of policy, and encourages all people with an interest and stake in child friendly environments to continue conversations around children's inclusion. This framework is increasingly important in Scotland and Wales, but clear articulation of what it means for planning is often missing from the debate.

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