

Disability Rights Commission

1st Floor, Riverside House, 502 Gorgie Road, Edinburgh EH11 3AF

Direct Line: 0131 527
Telephone: 0131 527 4000
Text Phone: 0131 527 4002
Fax: 0131 527 4001

Helpline Tel: 08457 622 633
Text Phone: 08457 622 644
Web Site: www.drc-gb.org

6 August 2004

John Stuksis
Making Development Plans Deliver
Scottish Executive Development Department
Planning Division
Area 2-H
Victoria Quay
EDINBURGH
EH6 6QQ

Dear John

DRC response to Making Development Plans Deliver

Please find attached a copy of the DRC's response to the above consultation.

Please feel free to contact me if you require any further information on any of the detail within the submission.

Yours sincerely



Kelly Curran
Policy Analyst



INVESTOR IN PEOPLE



Making rights a reality

Disability Rights Commission

DRC response to “Making Development Plans Deliver”

Introduction

1. The Disability Rights Commission (DRC) welcomes the opportunity to comment on “*Making Development Plans Deliver*”, giving us the opportunity to share our views on the proposals for local development plans (LDPs) across Scotland and City Region Plans (CRP) for the four largest city regions in Scotland. We welcome the focus on promoting more urgency and confidence in the planning system, as well as a greater emphasis on content and outcomes. The review of the planning system offers the perfect opportunity to build on existing good practice and represents a timely and crucial opportunity to increase access to participation in the planning system for disabled people as both users and potential users. We appreciate the goal of this consultation is not to make legislative or procedural change, but we do believe that change will be required to make the planning system deliver for disabled people.
2. The Disability Rights Commission (DRC) was established by the Disability Rights Commission Act 1999 as a Non-Departmental Public Body and launched in April 2000. The DRC believes that all disabled people should have the same rights, choices and opportunities as non-disabled people. We see the creation of a fully inclusive built environment as fundamental to achieving our overall vision of a “society in which all disabled people can participate fully as equal citizens.” The DRC believe that truly accessible buildings and environments can only be delivered through the planning process and the proper application of building standards. Thus, we have sought to frame our response to the consultation in terms of the rights-based approach, which we believe is necessary if disabled people are to achieve equality as citizens. It is therefore crucial that future practice resulting from these proposals takes account of:

- the need to address accessibility at the earliest possible stage by effectively mainstreaming disability issues throughout the development planning process;
 - effective techniques for engaging and consulting with communities and disabled people as stakeholders; and
 - the accessibility of the development plan process and the need to make alternative arrangements available as a matter of course.
3. The DRC is very much aware of the existing good work of the Scottish Executive Planning Department and many Local authority planning officers on disability access issues, but would like to see this good work extended and consistently applied throughout Scotland. We realise that disability access is becoming more of a priority within the planning process, particularly in light of the forthcoming changes to the Disability Discrimination Act in October 2004. We would like to take this opportunity to note the recent collaborative good practice between the Scottish Executive Planning Department and their colleagues in the Building Standards Agency with their work on a forthcoming Policy Advice Note specifically covering issues related to disability access and an accessible built environment. We welcome this positive and proactive approach and hope the final document is used as the foundation, on which future good practice can be generated, and disability issues mainstreamed effectively

How can development plans improve access for disabled people?

4. We welcome the timely and essential review of the system of development planning and support the aims of:
- speeding up the preparation and approval process;
 - engaging individuals and agencies more effectively;
 - making plans shorter and targeted on key spatial issues; and
 - focusing on delivery.
5. The DRC believe that these aims have the potential to improve disabled people's involvement and access to the planning system, as well as access to participation within their neighbourhoods, communities and society as a whole. We note the various proposals of the consultation which were formed

around the key themes of modernisation: *Managing the Plan Process; Consultation and Engagement; Content of Plans and Ensuring Effective Delivery*. We feel that by adopting a firm commitment to an inclusive approach to development plans, and by establishing a stronger focus on each of these themes, development plans should be able to effectively deliver for all. An inclusive approach to development planning should mainstream disability issues throughout the whole process, seeking the appropriate expertise and advice to make it work. The approach should also consider actively engaging with disabled people and communities to gauge a true reflection of experience and interests. Finally, the approach must actively seek to make the development planning process more accessible to all.

Considering the impact of the Draft Disability Discrimination Bill

6. The Draft Disability Discrimination Bill was published in December 2003 by the Westminster Government. The Draft Bill proposes to implement many of the outstanding recommendations of the Disability Rights Taskforce. The Bill will amend the Disability Discrimination Act 1995 (DDA) in a number of very significant ways and will have a major impact on public authorities, such as Local Authorities. Probably the most significant proposal in relation to the built environment will be the inception of a duty to promote disability equality placed on the public sector (this parallels the Race Relations Amendment Act). This new legislation means that local authorities and other public bodies, such as planning authorities of national parks, will have to think proactively about disability access. In practical terms it may place responsibility on the Planning Authorities to reduce the proportion of disabled people who experience difficulties in accessing services and the built environment and specified public bodies will be expected to publish a scheme on disability equality. A Code of Practice is due to be produced by the DRC which will set out the detail of the approach by public bodies in Scotland in this regard. It is expected that the new discrimination laws will be on the statute books before the next general election and will likely be in force by 2006, which parallels with the expected inception of the new system for development planning. It is sensible therefore, that any implications of this Disability Bill are thoroughly thought through

to ensure that the appropriate arrangements are put in place from the onset of the new planning system.

7. The Bill provides that every public authority shall in carrying out its functions have due regard to: the need to eliminate discrimination and harassment that is unlawful under this Act; and the need, where opportunities for disabled persons are not as good as those for other persons, to promote equality of opportunity between disabled persons and other persons by improving opportunities for disabled persons. This wording is broadly similar to that in the Race Relations (Amendment) Act 2000 (RR(A)A) which introduced an equivalent duty on the public sector to promote race equality. As with RR(A)A the Secretary of State has the power to impose specific duties “for the purpose of ensuring the better performance by that authority of its duty”. In the race context specific duties apply to employment, education and to require authorities to draw up equality plans showing how they will carry out this duty.

Mainstreaming disability throughout the development plan process

8. The DRC agrees that a modernised system of effective development planning is not dependent on legislation. The key to taking forward disability considerations within the new development planning system will be to effectively mainstream the issues from the onset by examining all policies, practices and procedures of the system and ensuring that disability considerations are sufficiently addressed. Without mainstreaming, success is dependent on individual local authorities to take this forward.
9. Currently, the issue of disabled access is generally not addressed until a development requires Building Control approval or the building standards are being applied. By which time some fundamental decisions that impact upon a buildings level of accessibility, such as it's orientation or location in relation to accessible transport provision, have already been taken. Not only does this practice compromise the quality of access achievable, it is also likely to result in the developer incurring additional costs through having to employ more expensive design or planning gain solutions than would have been the case if the issues had been considered from the outset. Not only are disabled people disadvantaged by

inaccessible environments; the occupants of these building's such as private or public providers of services face subsequent resource outlay to remove physical barriers or provide reasonable alternatives to access to their services and goods. Service providers (such as local authorities) may be less able, for example, to fulfill their legal duties, to capture the spending power of disabled people or to readily ensure diversity across their staff population or to be socially inclusive.

10. Good performance is where development plans are fully accessible, and as a matter of course have mainstreamed disability considerations from the onset of the preparation stage of the plan and throughout all subsequent stages of the cycle: implementation, monitoring and review. We support the introduction of a statutory provision of supplementary guidance to provide additional detail where there has been a public consultation to support such guidance. For development plans to be effective and inclusive, we feel it is necessary to produce clear guidance on the mainstreaming of disability issues throughout the development planning system either within the Policy Advice Note which is intended to be published with the inception of the new system, or any equivalent policy or legislation. Guidance should include specific advice on how the new system should take forward an inclusive approach to development planning.
11. Furthermore, we believe Scottish Ministers should have the power to direct certain development plans to be updated, based on key areas of growth or national priorities, but also areas that should be mainstreamed into the core, such as the consideration of disability access and information about this requirement should be contained within the Policy Advice Note or any equivalent supplementary guidance.

Involving Disabled people and communities

12. We particularly welcome those proposals within the consultation paper that will increase involvement of users and local communities at all levels. We are aware that development planning is a way of understanding and guiding the dynamic processes of land use change so that these serve the public interest. We would therefore expect that the development plans reflect the experience and interests of all members of the public.

For the consultation process to be effective it is essential also to engage, listen and react positively to the views of disabled people and organisations which represent them to help ensure that social inclusion is afforded to them equitably alongside their non disabled peers. We welcome the recognition of utilizing different approaches to the consultation process by different groups of stakeholders and members of the community and agree that the emphasis should be on helping stakeholders to understand the plans and the implications of policies rather than preparing detailed plans for scrutiny.

13. It is vital that community planning is integrated with inclusive development planning from the onset. By combining the consultation processes of development planning and community planning, established disability access panels (which comprise representation of relevant knowledge and expertise or direct experience of disability) can engage in the preparation of development plans. Therefore, bringing together community and development planning, access issues and the reality of social exclusion will be heard and solutions can be thread through the system more effectively.
14. We also suggest that the proposed Development Forums should include adequate representation of expertise and knowledge of disability issues and believe there may be scope for creating a disability reference group to provide such a role.

Making the process of development plans more accessible to all

15. For the application of development plans to be successful it is crucial that the consultation process is accessible and is applied in a variety of formats that allow people to get involved and positively interact (for more information, please refer to the Scottish Accessible Information Forum's recent published standards on alternative formats). It is also vital that the preparation and publication of the development plans are also accessible to all of the public. As service providers under part III of the Disability Discrimination Act (1995), Local Authorities should be aware of their duty to make reasonable adjustments for disabled people to access their services.

The key themes of modernisation

16. The following section contains the DRC response to specific areas of the consultation paper corresponding to the key themes of modernisation.

Managing the Planned Process

17. It is crucial that the system of development planning is successful in ensuring a consistent approach to development planning across Scotland. This is particularly important for improving the level of accessibility for disabled people. We believe that to ensure that standards are raised and disability issues are mainstreamed, it is necessary for the central policy framework to guide a consistent approach to the mainstreaming of disability issues. If this approach is upheld by strong management and supported by a central Policy Advice Note, it is more likely that the good practice will be embedded throughout the planning system. We do not envisage a uniform approach to be applied to each local authority area or city region. Instead, we recognise that each development plan will be distinctive to every individual area of Scotland. Thinking about access issues from the earliest stage in planning can actually help make plans more distinctive to their local area.
18. We believe it is important that the published timetables of the local authority development plan scheme take account of disability issues when planning the engagement and consultation process, to make the process open to all stakeholders and to enable the appropriate arrangements to be put in place e.g. communication support or information in alternative formats. We also feel that project plans could provide ample opportunity to embed issues of disability access into the overall planning preparation of development plans, by assessing the requirements for administration, technical advice and additional resources at the earliest opportunity.

Ensuring Development Plans are relevant

19. In addition to the earlier recommendation of giving power to Scottish Ministers to direct certain development plans to be updated, we also feel that a Scottish Executive audit of development plans could be a useful tool. By recognising up-to-date development plans as a statutory performance indicator for

community planning, plans would be maintained and updated more efficiently. As part of good performance the plans must include consideration of the need for accessible plans and an inclusive approach to their preparation, implementation and review.

Consultation and Engagement

20. We welcome the focus on early engagement with stakeholders. and the proposal to centre the consultation process around two key stages, and do believe that the early engagement will help to improve the position for disabled people. We also believe that impact assessments for the access of disabled people should be clear within development plans and their implementation.
21. We agree that there are benefits in sharing development plan consultations with community planning. Communities may find this an easier route to get involved and voice their specific areas of concern or discuss issues that are specifically relevant to particular groups of people.
22. We welcome the proposal for a Statutory duty on key agencies to engage in the planning process. It might be helpful in ensuring adequate consideration of disability and wider equality issues if the Building Standards Agency was involved in development planning. Given its' role it could potentially lend itself to be one of the bodies included in the list of agencies. We believe it is essential to harmonise the building and planning process, considering access from the earliest stage. By doing this, access considerations will be maximised throughout the planning and building process. Access to development plans
23. We agree that it is vital that the planning process and the development plans are communicated in the best means possible and welcome the proposal to increase the use of the internet as a medium to publicise this information. We would suggest that in doing this, local authorities ensure that they uphold the guidelines on internet accessibility to ensure that the documentation is available and accessible to all users. We

welcome the reference to the consideration of producing the plans and accompanying information in a range of languages, as well as large print and Braille to meet the needs of all sections of the community. We also support investigation of other media, such as leafleting, local radio and television, which we believe may help to seek the views of many members of the community, who otherwise would not be reached.

24. We note the forthcoming Planning Advice Note (PAN) on E-Planning and expect that the PAN will include guidance on accessibility issues related to the internet and specific programmes used by this project in order to maximise the accessibility of the relevant websites and programmes. As local authorities are providing a service to the public through the delivery of the planning system, the Scottish Executive Planning Department may find it helpful to include a reminder of their duties and responsibilities under part 3 of the DDA within the guidance for Development Plans.

Content of plans

25. We welcome the proposal for the use of model policies, which we believe will help to harmonise plans and act as a means of sharing best practice across Scotland, while being flexible enough to vary to reflect the unique circumstances of the area. We believe that the use of model policies could provide the opportunity to establish an overarching policy on disability access and other equality issues as we proposed earlier.
26. We welcome the proposal for the formation of a development planning forum. To enable disability access issues to remain a priority on the agenda of the forum, we believe it is crucial for the appropriate representation of expertise and knowledge of disability issues to be established. The DRC welcomes the potential role of the development planning forum within the planning system. We feel that given the importance of disability access issues in the planned environment that the forum should include specific expertise on disability issues to help it in its work, as well as including disabled people themselves as users of the system. We also feel that there could be scope for the Planning Forum to establish a disability reference group in order to create a core body of knowledge and expertise for advice to guide the development planning system.

Ensuring effective delivery

27. We support the proposal for the statutory requirement for the preparation of action plans for local development plans and city region plans. The action plans must be developed in partnership with local disability access groups and disabled people to consider how it should relate specifically to their local circumstances.

Integrating disability issues within the context of Local development plans (LDPs) and City Region Plans (CRPs)

28. We support the provision for an area-wide development plan to set the overall context in areas where there continues to be an assortment of local development plans outside the city regions. We agree that the emphasis should be on accessible focused plans that make a real difference, which are relevant to the local area, reviewed regularly and are kept up-to-date, providing a coordinated approach to decision-making. We also believe that the local development plans offer a perfect opportunity to engage with the processes of community planning, allowing communities to take greater ownership of the development plans and to ensure that the broad range of issues relevant to the local area, such as: demography, transport, employment, housing, etc. are taken into account.
29. We welcome the commitment to the broader strategic considerations within the city region plans, such as transport, housing, employment etc. we believe there is also a need for analysis of the demography of each city region. The development of land use in an area such as a city region yields wider equality issues which require consideration. City region plans must be able to take into account the broad spectrum of issues, such as transport, housing, demography etc, that are available and accessible to all. It therefore makes good sense to examine the diversity of the demography and consider such issues as disability access and inclusion at the earliest point in the process, so that the city region plans are relevant to all members of the community they are designed to serve. For example, although latest statistics state that around 1 in 7 of the population of Scotland has a disability, this figure is known to stand at around 1 in 5 in areas such as Glasgow. This may have a significant impact on how we view the priorities of the

land use in this area. A modern effective approach to planning needs to be responsive and proactive to building in accessible transport, housing etc for disabled people as well as their non-disabled peers.

30. In addition to this, we note that the city region plans aim to identify major areas for development, redevelopment and regeneration, consistent with Scottish Executive priorities such as sustainable development and social inclusion. We believe that this is a useful lever to enhance the opportunities of disabled people by tackling the disabling barriers of the physical environment through the development of the city region plans. The DRC also welcomes the commitment to look beyond the boundaries of the four main city regions and consider the distinctiveness and commonalities between the regions. We believe that a responsive system needs to consider the linkage between regions, e.g. accessible transport links and availability of employment, for the city region plans to yield overall success. We therefore welcome the reference to the approval of city region plans alongside the development of regional transport partnerships.
31. We note the proposal for the establishment of the joint committees for the preparation of city region plans. We welcome the cross-boundary involvement of the neighbouring local authorities on the committee to provide a wider perspective of the priorities for the city region. We would also like to see specific representation of expertise and knowledge of disability access feed into such committees to provide the committees to aid them in their work.

Development Planning In The National Parks

32. We note the arrangements for the responsibility of the preparation of development plans for the National Parks in Scotland and we welcome the proposal for inclusion of the planning authorities for national parks as a public body specifically covered within the terms of the public sector duties under the Draft Disability Discrimination Bill.
33. The DRC would like to take this opportunity to highlight the excellent practice of the Cairngorms National Park with their

work on access in the design and planning of the park. We refer to the establishment of the committee which looked at such matters as access and inclusion and we also note the positive impact and progression that this work has brought for disabled visitors to the park. This work is an excellent example of how access can be improved for disabled people to make use of and visit the countryside. Given the complexity of such issues, it makes sense that access should be considered at the planning stage of the development, redevelopment or regeneration.

Conclusion

34. The DRC believes, that many of the proposals within the consultation paper have potential to extend the best practice and provision of public authorities in relation to planning issues and their inclusion of disabled people. This we believe can be best delivered by disability considerations being made part and parcel of the system, rather than as additions as happens in parts of the system at present. We welcome the recent engagement with the Scottish Executive and look forward to engaging further in the detail of the forthcoming Planning Bill to maximise the effectiveness of the planning system for disabled people. For further information on any aspect of this consultation response, please contact Kelly Curran on 0131 527 4018 or kelly.curran@drc-gb.org.

Stuksis J (John)

From: Kelly Curran [Kelly.Curran@drc-gb.org]
Sent: 06 August 2004 16:38
To: Stuksis J (John)
Subject: Making Development Plans Deliver



final response to
planning con...

This email has been received from an external party and
has been swept for the presence of computer viruses.

Dear John,

Please find attached a copy of the DRC's submission to the "Making
Development Plans Deliver" consultation. Thank you for agree to the
extended deadline of today.

Please don't hesitate to contact me if you require any further
information.

Best wishes

Kelly Curran
Policy Analyst
0131 527 4018

PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.

On entering the GSi, this email was scanned for viruses by the Government Secure Intranet (GSi) virus
scanning service supplied exclusively by Energis in partnership with MessageLabs.

Please see <http://www.gsi.gov.uk/main/notices/information/gsi-003-2002.pdf> for further details.

In case of problems, please call your organisational IT helpdesk

RESPONDEE INFORMATION FORM

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

Name Kelly Curran :

Postal Address: Riverside House, 502 Gorgie Rd, Edinburgh, EH11 5AF

Title of consultation: *Making Development Plans Deliver*

1. Are you responding as:
on behalf of a group or organisation (go to 2c)

2a. **INDIVIDUALS:**

Do you agree to your response being made available to the public (in SE library and/or on SE website)?

Yes (go to 2b below)

No, not at all

2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**Please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

2c. **ON BEHALF OF GROUPS OR ORGANISATIONS:**

Your name and address as respondees **will be** made available to the public (in the SE library and/or on SE website). Are you content for your response to be made available also?

Yes

3. We will share your response internally with other SE policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future for consultation or research purposes?

Yes

Signed:



Organisation: Kelly Curran

Date: 9 August 2004

RESPONDEE INFORMATION FORM

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

Name: Kelly Curran (CORC)
Postal Address: 502 Gorgie Rd, Edinburgh

Consultation title: *Making Development Plans Deliver*

1. Are you responding as: (please tick one box)

- (a) an individual (go to 2a/b)
- (b) on behalf of a group or organisation (go to 2c)

2a. INDIVIDUALS:

Do you agree to your response being made available to the public (in SE library and/or on SE website)?

- Yes (go to 2b below)
- No, not at all

2b. Where confidentiality is not requested, we will make your response available to the public on the following basis (please tick one of the following boxes)

- Yes, make my response, name and address all available
- Yes, make my response available, but not my name or address
- Yes, make my response and name available, but not my address

2c. ON BEHALF OF GROUPS OR ORGANISATIONS:

Your name and address as respondees will be made available to the public (in the SE library and/or on SE website). Are you content for your response to be made available also?

- Yes
- No

SHARING RESPONSES/FUTURE ENGAGEMENT

3. We will share your response internally with other SE policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

- Yes
- No

Apologies, I thought I had already completed this
Thank you
Kelly