



## Children's Rights Impact Assessment (CRIA) Template

<b>Title / Piece of work:</b>	<u>Planning (Wales) Bill</u>
<b>Related SF / LF number (if applicable)</b>	
<b>Name of Official:</b>	Planning Bill Team
<b>Department:</b>	Natural Resources
<b>Date:</b>	April 2015
<b>Signature:</b>	

Please complete the CRIA and retain it for your records on iShare. You may be asked to provide this document at a later stage to evidence that you have complied with the duty to have due regard to children's rights e.g. Freedom of Information access requests, monitoring purposes or to inform reporting to the NafW.

Upon completion you should also forward a copy of the CRIA to the Measure Implementation Team for monitoring purposes using the dedicated mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

If officials are not sure about whether to complete a CRIA, they should err on the side of caution and seek advice from the Measure Implementation Team by forwarding any questions to our mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

You may wish to cross-reference with other Impact Assessments undertaken.

**NB.** All CRIAs undertaken on legislation must be published. All non-legislative CRIAs will be listed on the WG website and must be made available upon request. Ministers are however, encouraged to publish all completed CRIAs.

# Six Steps to Due Regard



## **Step 1. What is the piece of work and its objective(s)?**

You may wish to include:

- A brief description of the piece of work
- What the time frame for achieving it is?
- Who are the intended beneficiaries?
- Is it likely that the piece of work will affect children?
- Will the piece of work have an affect on a particular group of children, if so, describe the group affected?

The Welsh Government's Programme for Government (Legislative Programme 2011-16) includes a commitment to introduce a Planning Bill during this Assembly Term. The draft Planning (Wales) Bill and associated Consultation Paper Positive Planning proposals to reform the planning system in Wales were published at the end of 2013. The Planning (Wales) Bill ('the Bill') was introduced into the National Assembly for Wales on 6 October 2014 with Royal assent due in July 2015.

The Bill will create sustainable places for people to live and work. The Bill will streamline and simplify the planning system and make it more consistent and transparent reflecting the needs of the people of Wales. The aim of the proposed legislation is to enable appropriate development that helps to provide the jobs, infrastructure, homes and communities that Wales needs. The Bill includes the following measures:

- A new scale of development application to be determined by the Welsh Ministers called Developments of National Significance.
- Notifying the Welsh Ministers and the appropriate Local Planning Authority of the intention to submit a planning application for Developments of National Significance.
- Local Development Plan withdrawal in specified circumstances.
- A power for the Welsh Ministers to direct the preparation of Joint Local Development Plans.
- A power, subject to Assembly approval of regulations, for the Welsh Ministers to extend existing provisions to enable joint planning boards to exercise the development management functions of National Park Authorities. .
- The preparation and revision of a National Development Framework (NDF) for Wales. The spatial expression of Welsh Government's national land use priorities and infrastructure requirements.
- Power to designate strategic planning areas and establish strategic planning panels.
- A duty to assess the likely impact on Welsh language, as part of the Sustainability

Appraisal, when preparing the National Development Framework, Strategic Development Plans and Local Development Plans.

- A duty to consider whether to review Local Development Plans.
- An option for an applicant to make a planning application (including connected consents) direct to the Welsh Ministers where the local planning authority has been designated as poorly performing.
- No variation of application following service of notice of appeal.
- To add applications for consent, agreement or approval to the types of planning applications in Wales that are subject to service of a notice where the planning authority considers the application in question is not valid.
- Allowing the Welsh Ministers to make regulations which prevent appellants from raising new matters at an appeal which have not been previously raised during the application stage unless the appellant can demonstrate that the matter could not have been raised at that time.
- Provision for costs to be awarded in respect of an appeal or reference to the Welsh Ministers.
- Provision for costs to be awarded in respect of an appeal or reference to the Welsh Ministers which is examined by means of written representations.
- Pre-Application Consultation to be carried out by prospective applicant for planning permission.
- Pre-application service / advice to be provided to a prospective applicant for planning permission.
- To extend the scope of the stopping up or diversion of public paths and highways provisions to include direct applications made to the Welsh Ministers and to allow an order to be made in anticipation of planning permission in respect of the stopping up or diversion public paths.
- Consulting with statutory consultees on planning applications.  
*[Statutory consultees can be defined as organisations and bodies as specified in legislation that must be consulted in respect of certain types of planning applications. They provide specialist, technical advice on development proposals.]*
- Introduces a restriction on the right to register land as town or village green only where planning permission or development consent is granted, a local development order is adopted by the local planning authority or an order granting development consent is made under the Planning Act 2008.
- An enabling power for landowners to submit declarations to the commons registration authority which allows recreational use of land by communities, whilst protecting the land from registration as a town or village green where certain criteria are met.

The Bill applies equally to all citizens in Wales. One specific group addressed in the proposed National Development Framework for Wales and potentially Strategic Development Plans which will cover cross border issues, will be Gypsy and Traveller communities and the provision of permanent and transit sites.

## Step 2. Analysing the impact

- What are the positive and/or negative impacts for children, young people or their families?
- Where there are negative impacts; what compensatory measures may be needed to mitigate any negative impact?
- How will you know if your piece of work is a success?
- Have you developed an outcomes framework to measure impact?
- Have you considered the short, medium and long term outcomes?
- Do you need to engage with children & young people and/or stakeholders to seek their views using consultation or participatory methods?
- Do you need to produce child friendly versions of proposals/consultations?

The Planning (Wales) Bill is concerned with the streamlining and simplification of the planning system to enable jobs, homes and infrastructure growth in Wales whilst protecting our built, natural and historic environment.

By supporting appropriate development, the Bill will deliver national, local and community objectives for children, young people and their families in Wales. The overall impacts of the Bill on the rights of the child are therefore considered to be positive.

The Bill will introduce a performance monitoring framework to measure local planning authorities' performance. If a local planning authority is considered to be failing to reach the indicators set out in the framework and is therefore considered poorly performing, the Welsh Ministers have the powers to remove their planning functions.

Another mechanism to measure the outcomes is the annual monitoring review. The Local Development Plan for each local authority will be reviewed annually from implementation through the life of the plan (15-20 years).

The draft Planning Bill and supporting paper on the proposals to reform the planning system in Wales were issued for public consultation in December 2013 for a period of 12 weeks and placed on the Welsh Government website. As far as we are aware, no responses were received from children or young persons. Key stakeholders, representatives from each local planning authority and elected members were all invited to comment on the consultation and draft Bill. There was also television and newspaper media coverage to make children and young people aware of the consultation and how to comment.

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. Whilst the work of a number of these groups takes account of the interests of children and young persons, no submissions were received from organisations that directly represent children or young persons. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

It is not anticipated that there will be any further consultation in relation to the Planning (Wales) Bill in its entirety.

Future consultations on proposed changes to existing and new secondary legislation will be available on the Welsh Government's website.

### **Step 3. How does your piece of work support and promote children's rights?**

Dependant upon the impact of your piece of work, use balanced judgement to assess:

- Which UNCRC articles are **most** relevant to the piece of work? Consider the articles which your piece of work impacts upon. <http://uncrcletsgetitright.co.uk/images/PDF/UNCRCRights.pdf>
- How are you improving the way children and young people access their rights?
- What aspects of children's lives will be affected by the proposal?
- What are the main issues that the CRIA should focus on?
- Does the piece of work help to maximise the outcomes within the articles of the UNCRC?
- If no, have any alternatives to the current piece of work been considered?

Due regard has been given to the United Nations Convention on the Rights of the Child (UNCRC) in the development of the legislation for the Planning (Wales) Bill.

Our assessment is that the Planning (Wales) Bill helps to promote the following articles:-

Article 2: The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

Article 12: Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

Article 24: Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy.

Article 27: Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

Article 30: Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

The Planning Bill is about making changes to the existing regime for managing land use planning here in Wales. Land use planning is about setting the policy and providing guidance to help good planning which can contribute to economic development, nature conservation and improve quality of life for all, including children and young people.

The planning system manages the development and use of land in the public interest, contributing to the achievement of sustainable development. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of

land, and protecting natural resources and the historic environment. A well functioning planning system is fundamental for sustainable development.

New consultation arrangements will be in place. The arrangements for Strategic Development Plans will reflect established arrangements for Local Development Plans, including the preparation of a community involvement scheme, describing when and how communities can engage in the plan preparation process. In addition to this local planning authorities and National Park authorities will be required to be open to the possibility of being instructed to prepare a Joint Local Development Plan. In the case of National Park authorities, the joint planning board provisions will only extend the development management functions.

The Bill will require assessment of the likely impact on the Welsh language to be a mandatory element of the Sustainability Appraisal for the National Development Framework, Strategic Development Plans and Local Development Plans. This ensures that the Welsh language is recognised at the outset of the plan-making process and that development plans support the use of the Welsh language.

The Bill will also make provision for statutory pre-application community consultation, in addition to existing consultation arrangements once a planning application is submitted, for defined categories of planning application (Developments of National Significance and major developments).

The Bill enhances engagement with the planning system by proposing to make it easier for citizens to influence the future of their communities. Therefore this will apply to children, young people and their families.

The Article identified as being directly affected by the Planning (Wales) Bill is:-

Article 31: All children have a right to relax and play, and to join in a wide range of activities.

Town or village greens were originally established by the Commons Act 1965. This has since been amended by the Commons Act 2006 which defines a town or village green as an area of land where local people have indulged in lawful sports and pastimes over a period of at least 20 years and in doing so established recognised recreational rights over that land without permission force or secrecy.

The proposed changes will build on existing arrangements in Wales to clarify, by additional restrictions, when an application to register a Town or Village green may be made.

In brief, the proposals will prohibit applications being made to register land as a town and village green only where planning permission or development consent is granted, a local development order is adopted by the local planning authority or an order granting development consent is made under the Planning Act 2008. It is also proposed to enable landowners to submit declarations to the commons registration authority, rendering land immune from registration, provided that certain criteria are met.

This could be perceived as a restriction on the ability of people to apply to register land as a green but this would only apply where the use to which land should be put has been through the statutory planning processes (including public consultation) inherent in development plan preparation and in the consideration of applications for planning

permission and development consent. These processes will provide people with the opportunity to put forward any arguments they may have about the use of the land concerned for town or village green purposes. Other than in these circumstances, if people consider that land within their locality satisfies the criteria for designation as a town or village green, it would remain open to them to apply in the usual way for such registration. The Bill ensures there is a balance between being able to register land as a town or village green and the need for appropriate development once adequate community engagement has taken place.

The Article identified as being affected by the Planning (Wales) Bill is:-

Article 27: Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

One of the direct impacts will be securing good quality homes for all and affordable housing. This enhances the Tackling Poverty agenda which is a Programme for Government priority. Also, this will help to address the child poverty agenda as it could help to ensure children are brought out of poverty by providing them with a good quality home.

It is proposed that the Planning (Wales) Bill includes a requirement for local planning authorities to notify the Welsh Ministers of an intention to withdraw a Local Development Plan following resolution by the authority. This would provide Welsh Ministers with an opportunity to consider whether to intervene using their existing powers. If the Welsh Ministers consider intervention is appropriate they would direct a local planning authority to submit their Local Development Plan for approval by the Welsh Ministers.

Withdrawal of the Local Development Plan would mean no policy or provisions are set for affordable housing within the relevant authority.

The Article identified as may be affected by the Planning (Wales) Bill is:-

Article 24: Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy.

The Bill will provide a National Development Framework which will ensure that the needs of the whole of Wales are reflected in a national planning framework, identifying larger than local issues and needs such as national infrastructure; together with the strategic planning introduced by the Bill will ensure the right things are built in the right places such as hospitals, schools and transport links as well as protecting our built, natural and historic environment for this and future generations.

Article 30: Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

The introduction of an enhanced requirement to consider the Welsh language as part of the sustainability appraisal at all plan levels (National, Strategic and local development plan), will ensure that the Welsh language will be considered at the appropriate level.

#### **Step 4. Advising the Minister and Ministerial decision**

When giving advice and making recommendations to the Minister, consider:

- The ways in which the piece of work helps to maximise the outcomes within the articles of the UNCRC?
- Has any conflict with the UNCRC articles within the proposal been identified?
- Consider the wider impact; does the proposal affect any other policy areas?
- With regard to any negative impacts caused by the proposal; can Ministers evidence that they have allocated as much resources as possible?
- What options and advice should be provided to Ministers on the proposal?
- In relation to your advice on whether or not to proceed with the piece of work, is there any additional advice you should provide to the Minister?
- Is it appropriate to advise the Minister to reconsider the decision in the future, in particular bearing in mind the availability of resources at this time and what resources may be available in the future?
- Have you provided advice to Ministers on a LF/SF and confirmed paragraph 26?
- Is the advice supported by an explanation of the key issues?

Implementation of the Planning (Wales) Bill aims to shape Wales' future by helping to deliver the jobs, homes and infrastructure that we need to safeguard our most important natural resources. By supporting appropriate development, the Planning (Wales) Bill will deliver national, local and community objectives for children, young people and their families in Wales.

No conflict with the UNCRC Articles has been identified.

The planning system is an important tool to achieve the objectives contained in a number of related Government Bills and Assembly Acts. The Well-being and Future Generations (Wales) Act 2015 the yet to be introduced Environment (Wales) Bill and the recently introduced Heritage (Wales) Bill. The Housing (Wales) Act 2014 aims to increase the supply of homes; deliver more affordable housing and improve the quality of housing stock for the people of Wales. The Planning (Wales) Bill will help to achieve this by making sustained improvements to the development plan system and improving development management procedures, to make it easier to obtain planning consent for the homes Wales requires.

A statement will be included in the Explanatory Memorandum / Regulatory Impact Assessment (EMRIA) to confirm that in producing, drafting, delivering the Planning (Wales) Bill due regard has been given to the rights of the child in line with the United Nations Convention on the Rights of the Child. The Minister for Natural Resources will be asked to approve the publication of the children's rights impact assessment to the Welsh Government website in the legislation folder submitted to him for clearance of the EMRIA in its entirety.

## **Step 5. Recording and communicating the outcome**

**Final version to be retained on i-share**

Evidence should be retained that supports:

- How the duty has been complied with **(Steps 1-3 above)**
- The analysis that was carried out **(Steps 1-3 above)**
- The options that were developed and explored **(Steps 1- 3 above)**
- How have the findings / outcomes been communicated? **(Step 4 above)**
- ‘Tells the story’ of how the assessment has been undertaken and the results **(Step 4 above)**

This Impact Assessment is saved on the Welsh Government’s electronic records system and is available online at the following web address.

<http://gov.wales/topics/planning/legislation/planningbill-old/?lang=en>

## **Step 6. Revisiting the piece of work as and when needed**

In revisiting the piece of work, consider any monitoring, evaluation or data collection that has been undertaken:

- Has your piece of work had the intended impact as set out in Step 2.
- Have you engaged with stakeholders to discuss how the policy or practice is working.
- If not, are changes required.
- Identify where improvements can be made to reduce any negative impact.
- Identify any opportunities to promote children’s rights, bearing in mind any additional availability of resources at this time.

A review of the intended impact of the Planning (Wales) Bill on the rights of the child will take place a year following the commencement of the Act. Consideration will be given to appropriateness and frequency of further periodical reviews at that time.

**Budgets**

<p><b>As a result of completing the CRIA, has there been any impact on budgets?</b>                  It is important that where any changes are made to spending plans, including where additional allocations have been made, that this has been assessed and evidenced as part of the CRIA process.</p>	<p><b>No</b></p>
<p><b>Please give any details:</b></p>	

**Monitoring & Review**

<p><b>Do we need to monitor / review the proposal?</b></p>	<p><b>Yes</b></p>
<p><b>If applicable: set the review date</b></p>	<p><b>2015</b></p>



# THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

[www.uncrcletsgetitright.co.uk](http://www.uncrcletsgetitright.co.uk)

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.



**Llywodraeth Cymru  
Welsh Government**

[www.cymru.gov.uk](http://www.cymru.gov.uk)

## Article 1

Everyone under 18 years of age has all the rights in this Convention.

## Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

## Article 3

All organisations concerned with children should work towards what is best for each child.

## Article 4

Governments should make these rights available to children.

## Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

## Article 6

All children have the right of life. Governments should ensure that children survive and develop healthily.

## Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

## Article 8

Governments should respect children's right to a name, a nationality and family ties.

## Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

## Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

## Article 11

Governments should take steps to stop children being taken out of their own country illegally.

## Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

## Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

## Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

## Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

## Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

## Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

## Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

## Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

## Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

## Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

## Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

## Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

## Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

## Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

## Article 26

The Government should provide extra money for the children of families in need.

## Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

## Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

## Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

## Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

## Article 31

All children have a right to relax and play, and to join in a wide range of activities.

## Article 32

The Government should protect children from work that is dangerous or might harm their health or their education.

## Article 33

The Government should provide ways of protecting children from dangerous drugs.

## Article 34

The Government should protect children from sexual abuse.

## Article 35

The Government should make sure that children are not abducted or sold.

## Article 36

Children should be protected from any activities that could harm their development.

## Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

## Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

## Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

## Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

## Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

## Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: [www.uncrcletsgetitright.co.uk/](http://www.uncrcletsgetitright.co.uk/)

Cic - The National Information and Advice Service for Young People [www.ciconline.co.uk/news/](http://www.ciconline.co.uk/news/)

