

SPPS Team
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28 April 2014

Dear Sir/Madam

Planning for Sustainable Development Public Consultation Draft February 2014

Thank you for your invitation to respond to this consultation.

While on this occasion, I will not be providing a detailed response, however, in considering the issues addressed in the consultation, I would urge the Department of Environment to take account of the four guiding principles of the United Nations Convention on the Rights of the Child (UNCRC). The UK Government, including Northern Ireland, is a signatory to the Convention and it has agreed to uphold the rights of children and young people based on the Convention. The UNCRC provides the overarching framework which guides NICCY's work, in advising government on these matters. The principles, which I urge you to take account of are:

- **Article 2:** 'Children shall not be discriminated against and shall have equal access to all articles in the UNCRC'. This means every child within a jurisdiction should be able to enjoy the provisions and protections enshrined in law, policy and practice, without discrimination of any kind and irrespective of their or their parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- **Article 3:** 'All decisions taken which affect children's lives should be taken in the child's best interests'. Essentially, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child should be a primary consideration.'
- **Article 6:** 'All children have the right to life and to the fullest level of development'. The rights contained in this article are linked to an enjoyment of the 'highest attainable standard' of health and living and to specific issues including child protection, poverty and care.
- **Article 12:** 'Children have the right to have their voices heard in all matters concerning them'. This article asserts that 'States shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting them, the views of the child being given due weight in accordance with their age and maturity'. Children and young people should therefore be afforded genuine opportunities to participate in decision making in relation to matters affecting their lives.

Additionally, I would urge the Department of Environment to take account of the following issues relevant to children and young people:

- As new councils will have responsibility for community planning under the Review of Public Administration, it is essential that a statutory requirement be placed on them to involve children and young people in the Community Planning process, in an appropriate and meaningful manner;
- Planning Policy should highlight the importance of the provision of green space and play facilities in the assessment of planning applications;
- Planning Policy should reflect an additional requirement on developers to involve children and young people in the design of residential areas and play spaces;
- It is also imperative that adequate monitoring systems are introduced at council level to ascertain and monitor both the quantity and quality of play and leisure facilities, and spaces and opportunities available to children and young people in their local community;
- As well as identifying and implementing appropriate mechanisms for addressing the ongoing religious segregation in play and leisure facilities/activities, similar mechanisms must be identified and implemented in order to address the continued exclusion of many children with disabilities and/or those living in poverty, from play and leisure opportunities.

I would strongly advise that the key articles from the UNCRC and the above issues pertaining to children and young people inform Department of Environment's decision-making. This is in respect of all matters arising in the Planning for Sustainable Development Public Consultation, which may impact directly or indirectly on children and young people. Also as I've outlined in the first point above, **specific emphasis and responsibility should now be placed on councils, under the Review of Public Administration, to involve children and young people in community planning.**

Yours sincerely



Patricia Lewsley-Mooney
Commissioner