

Consultation Response

Guidance on Inclusive Design for Town Centres and Busy Streets

28 March 2024



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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful, and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Planning Law and Equalities Law sub-committees welcome the opportunity to consider and respond to Transport Scotland's consultation: *Guidance on Inclusive Design for Town Centres and Busy Streets* (the "**Consultation**").¹ They have the following comments to put forward for consideration.

Consultation Questions

Part One - Inclusive Engagement for Street Design

Question 1. Please give us any comments relating to Principle 1 and what it is trying to achieve

We would welcome greater discussion in the Guidance of Equalities Law and the relevant considerations in this context. In particular, we consider that the discussion of Principle 1 – "The need for engagement" – would benefit from a more substantive explanation of the Public Sector Equality Duties ("**PSED**").

Whilst the guidance refers to engagement and consultation, it would be helpful for discussion of the difference between the two concepts and the applicable duties. We also consider that the Guidance would merit further information and clarity on the PSED and/or signpost those consulting the guidance to additional appropriate information on the PSED.

Questions 2-5

We have no specific comments to make.

¹ [Guidance on Inclusive Design for Town Centres and Busy Streets](#)

Part Two - Physical Design Measures for Inclusive Design

Question 6. Please give us any comments relating to Principle 6 and what it is trying to achieve

We note that Principle 6 appears to suggest a departure from the concept of shared surfaces in this context, and that a “strong justification” would be required for this concept to be followed. We note that this appears to be a slight change of approach from that previously adopted – and if so, there would be merit in this being made clear in the Guidance.

Question 7. Please give us any comments relating to Principle 7 and what it is trying to achieve

We note the discussion of the considerations in relation to pavement cafes, for example the need for sufficient width, and pavement studs. We would highlight the interaction of the Guidance with the Permitted Development Rights regime in this context, and consider that a co-ordinated and consistent approach would be welcomed.

Questions 8-9

We have no specific comments to make.

Question 10. Please give us any comments relating to Principle 10 and what it is trying to achieve

We note that the Guidance provides that an Equality Impact Assessment must be undertaken where changes to physical design features are proposed. As this appears to be moving towards a more formalised process than currently in place, we would welcome this being noted clearly in the Guidance.

For further information, please contact:

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