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For Information	

## ITEM 7 – PROPOSED PLAN EQUALITIES AND HUMAN RIGHTS IMPACT ASSESSMENT

Report by: Ian Angus, SDP Manager

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### Purpose

This report presents the Equalities and Human Rights Impact Assessment relating to the preparation of the Proposed Plan for consideration by the Joint Committee.

### Recommendations

It is recommended that the Joint Committee notes the Equalities and Human Rights Impact Assessment attached as Appendix 1 to this paper.

### Resource Implications

As set out below.

### Legal and Risk Implications

All risks are detailed in the SESplan Risk Register and reported to Joint Committee on an annual basis.

### Policy and Impact Assessment

No separate impact assessment is required.

## 1. The Equalities and Human Rights Impact Assessment

1.1 The Equalities and Human Rights Impact Assessment (EqHRIA) is prepared to help to ensure that SESplan does not discriminate and that, where possible, SESplan takes opportunities to promote equality as well as human rights and to foster good relations between groups. The EqHRIA considers the potential consequences of policies and functions on both identified equality target groups and the general population, making sure that as far as possible, any negative impacts are minimised or eliminated and that other opportunities for promoting equality and respect for all other human rights are maximised.

1.2 The first draft EqHRIA was published alongside the Main Issues Report. The responses received to the Main Issues Report and supporting documents including the draft EqHRIA have informed the preparation of the Proposed Plan. The EqHRIA will be published alongside the Proposed Plan.

1.3 The EqHRIA concludes that the Proposed Plan will have a positive or neutral impact on equalities groups and explains the reasons for this assessment. There is no requirement for SESplan to carry out a Human Rights Impact Assessment but human rights issues have been considered alongside equalities as the objectives of both are complimentary. The Human Rights Impact Assessment concludes that the Proposed Plan has no significant impact on human rights.

## **2. Next Steps**

3.1 The EqHRIA will be published with the Proposed Plan for the Period for Representations and made available online or on request from SESplan.

## **Appendices**

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Appendix 1 Proposed Plan Equalities and Human Rights Impact Assessment

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**Report Agreed By:** Ian Angus, SDP Manager

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## **APPENDIX 1: Proposed Plan Equalities and Human Rights Impact Assessment**

# Equalities and Human Rights Impact Assessment: Proposed Strategic Development Plan 2016



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## 1 Introduction

The purpose of this Equalities and Human Rights Impact Assessment (EqHRIA) is to help ensure that SESplan does not discriminate and that, where possible, SESplan utilises opportunities to promote equality as well as other human rights and foster good relations between groups.

The EqHRIA considers the potential consequences of policies and functions on both identified equality target groups and the general population, making sure that as far as possible, any negative impacts are minimised or eliminated and that opportunities for promoting equality and respect for all other human rights are maximised.

The first draft EqHRIA was published alongside the Main Issues Report. This was part of a 10 week consultation from 21 July to 30 September 2015.

The responses received to the Main Issues Report and associated documents, including the Draft EqHRIA, have informed the preparation of the SESplan Proposed Strategic Development Plan. This EqHRIA has been published alongside the Proposed Plan.

### Assessment Process

The process of undertaking the EqHRIA of the SDP consists of three stages which are set out below:

**Table 1.1 The EqHRIA Assessment Process**

Stage	Information
<p><b>Stage One:</b></p> <p>Assessing the impact of existing policies or functions in different equality groups including collecting and analysing relevant data.</p>	<p>Step 1: Essential information is identified;</p> <p>Step 2: The aims of the project are outlined;</p> <p>Step 3: Information gathering takes place;</p> <p>Step 4: Assessment of impacts on equality;</p> <p>Step 5: Compliance assurance testing;</p> <p>Step 6: Monitoring and review; and</p> <p>Step 7: Public reporting of the results.</p>
<p><b>Stage Two:</b></p> <p>Consulting people who are likely to be affected by the policies.</p>	<p>Ensuring a comprehensive and inclusive consultation takes place that is relevant and proportionate to the Strategic Development Plan process.</p>

## 1 Introduction

Stage	Information
<p><b>Stage Three:</b></p> <p>Reviewing and revising the policies in light of the consultation and assessment.</p>	<p>Review and revise policies in light of consultations responses and the EqHRIA assessment.</p>

Stage One is undertaken ahead of key stages in preparing the Strategic Development Plan.

Stage Two includes periods of consultation on the MIR and Proposed Plan. The Proposed Plan Period for Representations will be held in Autumn 2016.

Stage Three of the assessment is to assess responses then review and revise policies.

## 2 Stage One

### Step One: Identify Essential Information

**Table 2.1 Identify Essential Information**

<b>Name of Function or Policy</b>	SESplan Proposed Plan
<b>Lead Officer for Function or Policy</b>	Ian Angus, SDP Manager
<b>Lead Service Involved in the Delivery of this Function or Policy</b>	SESplan, South East Scotland Strategic Development Planning Authority
<b>Lead Service Taking Primary Responsibility for this Impact Assessment</b>	SESplan, South East Scotland Strategic Development Planning Authority
<b>Is this Policy Function New or Reviewed</b>	Reviewed
<b>Date of Impact Assessment</b>	Stage One - April 2016 Stage Two - Autumn 2016 Stage Three - Autumn/Winter 2016
<b>Others Involved in the Delivery of this Function or Policy</b>	All six member authorities have been involved.
<b>How have the others been involved in the EqHRIA Process</b>	This draft assessment will be considered and approved by the SESplan Joint Committee and be published along with the Proposed Plan.

### Step Two: Outline Aims of the Function or Policy

#### What are the Main Aims of the Function or Policy?

The main aim of the Proposed Plan is to guide future development of the Edinburgh and South East Scotland City Region over the period to 2038.

## 2 Stage One

### **Who are the Main Beneficiaries of the Function or Policy?**

The citizens of the six Member Authority areas and those with an interest in growing the economy of the SESplan region.

### **What are the Intended Outcomes of the Function or Policy?**

The Vision of the Proposed Plan is:

*'Sustainable growth has been achieved by carefully managing those assets that provide the most benefits and by making well designed, successful places where people can thrive. More people are able to afford a home in a place near where they work. A series of cross-boundary transport projects has made travel by public transport easier and more people are cycling and walking to work. The economy continues to grow and the region remains an outstanding place to live, work and visit. Communities in the region are healthier and there is less inequality and deprivation.'*

The key aims of the Proposed Plan are listed below:

- Enable growth in the economy by developing key economic sectors and supporting local and rural development;
- Set out a strategy to enable delivery of housing requirements to support growth and meet housing need and demand in the most sustainable locations;
- Integrate land use and sustainable modes of transport, reduce the need to travel and cut carbon emissions by steering new development to the most sustainable locations;
- Conserve and enhance the natural and built environment;
- Promote green networks including through increasing woodland planting, enhance biodiversity and create more attractive, healthy places to live;
- Promote the development of urban brownfield land for appropriate uses;
- Promote the provision of improved sustainable infrastructure to enhance connectivity within the area, between the area and other parts of the UK and elsewhere to support economic growth and meet the needs of communities; and
- Contribute to the response to climate change through mitigation and adaptation and promote high quality design and development.

### **Why is the Function or Policy being Addressed?**

This assessment helps SESplan ensure that the Proposed Strategic Development Plan does not discriminate and enables the six Member Authorities to promote equality, as well as other human rights and good relations between groups.

### **Is the Function or Policy intended to increase equality of opportunity by permitting positive action or action to redress disadvantage?**

Yes

## Stage One 2

**Give Details**

The Planning etc. (Scotland) Act 2006 places an obligation on Scottish ministers and planning authorities to perform their functions under the Act in a manner which encourages equal opportunities and observe current equal opportunity requirements. This legislation came into force in early 2009.

The Scotland Act 1998 defines equal opportunities as *'the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.'*

**Step 3: Information Gathering Takes Place****What evidence will you use to identify any potential positive or negative impacts?**

- Regular discussion with the Project Board and Operational Group to identify key issues and outcomes;
- Events held for the key agencies to discuss issues and outcomes;
- Non-statutory 'Influence the Plan' Consultation (Spring 2014);
- Housing Needs and Demand Assessment consultation (Summer 2014);
- Main Issues Report Consultation (Summer 2015);
- Housing Needs and Demand Assessment;
- National Planning Framework;
- Scottish Planning Policy;
- Demographic forecasts and projections (National Records for Scotland);
- Land use and environmental research; and
- Responses received from the Proposed Plan Period for Representations (Autumn 2016).

The Proposed Period for Representations will include:

- A minimum of six weeks for interested parties to make representations on the Proposed Plan and Supporting Documents including the EqHRIA;
- Awareness raising through email mail-outs, advertisements, press releases, social media, the SESplan website and other appropriate publicity.

Further details of the SESplan Engagement Strategy and Participation Statement are set out within the [Development Plan Scheme 8](#) available to download from the SESplan website.

**Step 4: Assess the Likely Impacts on Equality Standards****Which, if any, Equality Target Groups and others could be affected by this function or policy?**

This assessment was based on the vision and spatial strategy of the Proposed Strategic Development Plan.

## 2 Stage One

Equality Target Group	Positive Impact (+)	Neutral Impact (0)	Negative Impact (-)
Race <sup>(1)</sup>		0	
Disability	+		
Gender <sup>(2)</sup>	+		
Lesbian, Gay, Bisexual		0	
Belief		0	
Children, Young People and Families	+		
Older People	+		
Mental Health Illness	+		
Religious/Faith Groups		0	
Low Income	+		
People Living in Rural Areas	+		
Homelessness	+		
Criminal Justice System		0	
Staff		0	
Others	+		

1 Includes Gypsies / Travellers

2 Includes Transgender

Stage One 2

**From the groups you have highlighted above. What positive and negative impacts do you think the function or policy might have?**

**Table 2.2**

Equality Target Group	Positive
Disability	New development will be located in sustainable locations and better integrated with existing communities. Increased supply and broader range of house types and sizes. Increased energy efficiency in new developments will reduce living costs and fuel poverty. Increased accessibility to new developments by non-car modes of transport including public transport. Improved quality of place and access to the natural environment.
Children, Young People and Families	Economic growth will increase employment opportunities and provide an Increased supply and broader range of house types, sizes and costs. New development will be located in sustainable locations and better integrated with existing communities. Increased accessibility to new developments by non-car modes of transport including public transport, walking and cycling. Increased energy efficiency in new developments will reduce living costs and fuel poverty. Improved quality of place and access to the natural environment.
Older People	New development will be located in sustainable locations and better integrated with existing communities. Increased supply and broader range of house types and sizes. Increased energy efficiency in new developments will reduce living costs and fuel poverty. Increased accessibility to new developments by non-car modes of transport including public transport. Improved quality of place and access to the natural environment.
Gender	New development will be located in sustainable locations and better integrated with existing communities. Increased accessibility to new developments by non-car modes of transport including public transport.
Mental Health Issues	New development will be located in sustainable locations and better integrated with existing communities. Improved quality of place and access to the natural environment.
Low Income	Economic growth will increase employment opportunities and provide an Increased supply and broader range of house types, sizes and costs. Increased accessibility to new developments by non-car modes of transport including public transport, walking and cycling. Increased energy efficiency in new developments will reduce living costs and fuel poverty.

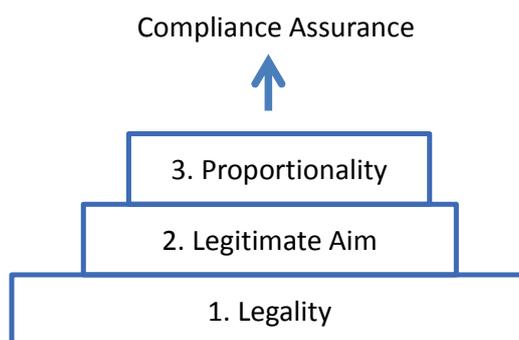
## 2 Stage One

Equality Target Group	Positive
People Living in Rural Areas	Increased economic growth, access to jobs, services and facilities.
Homelessness	Increased supply of affordable housing.
Other	Economic growth will increase employment opportunities and provide an increased supply and broader range of house types, sizes and costs. New development will be located in sustainable locations and better integrated with existing communities. Increased accessibility to new developments by non-car modes of transport including public transport, walking and cycling. Increased energy efficiency in new developments will reduce living costs and fuel poverty. Improved quality of place and access to the natural environment.

### Step 5 - Apply the Three Key Assessment Test for Compliance

Step 5 draws together all the steps of the EqHRIA tool to ensure that the application of policy is non-discriminating and human rights compliant.

**Figure 2.1 Tests for Compliance**



**Which of the human rights or equality rights may be directly or indirectly affected as identified in steps 3 and 4?**

Not applicable.

**Legality - Where there is a negative impact is there a legal basis in the relevant domestic law?**

Not applicable.

**Legitimate Aim - Is the aim of the Policy identified in Steps 1 and 2 a legitimate aim being serviced in terms of the relevant equality legislation or the Human Rights Act?**

## Stage One 2

Not applicable.

**Proportionality - Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?**

Not applicable.

### **Step 6 - Monitoring and Review**

**How will the implementation of the Function or Policy be monitored?**

The implementation of the Strategic Development Plan will be monitored through the annual Monitoring Statement.

**How will the results of the monitoring be used to develop the Function or Policy?**

The Monitoring Statement will be used to inform preparation of future iterations of the Strategic Development Plan.

**When is the Function or Policy due to be reviewed?**

The Proposed Plan will be reviewed after the Period for Representations in Autumn 2016.

### **Step 7 - Public Reporting of Results**

**Summarise the results of the EqHRIA. Include any action which has been taken as a result of the EqHRIA. You must note if you have modified or consulted on the Function or Policy.**

A non-statutory consultation exercise ('Influence the Plan') was undertaken between April - May 2014 and provided early engagement with interested parties. The MIR consultation was undertaken from June - September 2015. The results from this consultation have helped inform the Proposed Plan.

**Positive Impacts - There will be positive impacts for some of the equality target groups in the following ways.**

**Disability** - Increased accessibility including non-car travel, range, type and cost of housing, energy efficiency, community integration and access to nature.

**Children, Young People and Families** - Increased accessibility including non-car travel, range, type and cost of housing, energy efficiency, community integration and access to nature..

**Older People** - Increased accessibility including non-car travel, range, type and cost of housing, energy efficiency, community integration and access to nature.

**Mental Health Illness** - Increased accessibility including non-car travel, range, type and cost of housing, energy efficiency, community integration and access to nature.

## 2 Stage One

**Summarise the results of the EqHRIA. Include any action which has been taken as a result of the EqHRIA. You must note if you have modified or consulted on the Function or Policy.**

**Low Income** - Economic growth will increase employment opportunities and increased housing supply will provide a wider mix of house types, size and cost. Targets to reduce demand for energy from new developments will reduce living costs.

**People Living in Rural Areas** - Increased access to jobs, services and facilities.

**Homelessness** - Increased supply of affordable housing.

**Other** - Economic growth will increase employment opportunities especially in regeneration areas. Improving quality of place.

## Human Rights Impact Assessment 3

### 3 Human Rights Impact Assessment

#### Human Rights Impact Assessment

Whilst it is not a requirement for SESplan to carry out a Human Rights Impact Assessment, human rights issues have been considered alongside equalities as the objectives of both are complimentary.

Human rights include:

- Right to life;
- Freedom from torture and inhuman or degrading treatment;
- Right to liberty and security;
- Freedom from slavery and forced labour;
- Right to a fair trial;
- No punishment without law;
- Respect for your private and family life, home and correspondence;
- Freedom of thought, belief and religion;
- Freedom of expression;
- Freedom of assembly and association;
- Right to marry and start a family;
- Protection from discrimination in respect of these rights and freedoms;
- Right to a peaceful enjoyment of your property;
- Right to education; and
- Right to participate in free elections.

Many of these rights cannot be influenced through the development plan process. The right to the peaceful enjoyment of your property, however, could be influenced through planning policies and proposals. There are no proposals arising from the Proposed Plan that are known to require compulsory purchase of property. Any project involving the compulsory purchase of land would need to prove that it would be in the public interest and in such instances anyone that would have land acquired would generally be entitled to compensation. This process would be carried out separate to the development plan process.

### 3 Human Rights Impact Assessment

Through the consultation process SESplan will ensure that personal information will be kept securely and not shared without permission, except in certain circumstances. In responding to the period of representations on the Proposed Plan and related documents, this information will be in the public domain. At a minimum signatures, email addresses and phone numbers will be deleted from any information published.

## 4 Next Steps

### Next Steps

This assessment is published with the Proposed Plan for a Period of Representations and is available online or on request from SESplan. The responses to the Period of Representations will be reported to the SESplan Joint Committee and used to inform any amendments before submitting the Strategic Development Plan to Scottish Ministers.

### Sign Off

The final stage of the EqHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

