

TAYplan
Strategic Development Planning Authority

Equalities and Human Rights
Impact Assessment

April 2010

Contents

		Page
1	Introduction	3
2	Stage One	4
	Step 1: Identify Essential Information	4
	Step 2: Outline Aims of the Function or Policy	5
	Step 3: Gather and Consider Evidence	7
	Step 4: Assess Likely Impacts on Equality Strands	8
	Step 5: Apply the Three Key Assessment Tests for Compliance Assurance	9
	Step 6: Monitoring and Review	10
	Step 7: Public Reporting of Results	11
3	Next Steps	12

Introduction

1.1 The purpose of an Equalities and Human Rights Impact Assessment (EqHRIA) is to help ensure that we do not discriminate and that where possible we utilise opportunities to promote equality, as well as all other human rights and good relations between groups.

1.2 An EqHRIA involves thinking through the potential consequences of policies and functions on both the identified equality target groups and society at large, 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.

1.3 This document outlines the process that will be undertaken, in relation to the Main Issues Report consultation, and consists of three stages:

Stage One (February 2010)	<ul style="list-style-type: none">• Essential information is identified;• The aims of the Main Issues Report are outlined;• Information gathering takes place;• Assessment of impacts on equality;• Compliance assurance testing;• Monitoring and review; and,• Public reporting of the results.
Stage Two (May 2010)	<ul style="list-style-type: none">• Ensuring a comprehensive and inclusive Main Issues Report consultation takes place that is relevant and proportionate to the Plan process.
Stage Three (Late 2010)	<ul style="list-style-type: none">• Review of the Main Issues Report Consultation in light of the EqHRIA and its subsequent impact on the Proposed Plan.

Your Comments

1.4 **Question:** Do you have any comments on this draft Equalities and Human Rights Impact Assessment?

Main Issues Report

1.5 The Main Issues Report considers the big changes that will shape the next 20 years of our lives. It focuses on the key issues for the Proposed Plan which cannot easily be dealt with at local level alone and are best considered with at regional level where they are cross boundary.

1.6 The Main Issues Report is not a draft plan. It presents options for the scale of growth and for where development should and should not be in Angus, Dundee City, Perth & Kinross and North Fife; and it ask for your views on these and other issues. Some challenges are about implementing national responses to these issues. Engagement is more effective at this stage because the options are still open; they are less so later in the preparation process for the Strategic Development Plan.

Stage One

Step 1: Identify Essential Information

Name of function or policy:	TAYplan Main Issues Report
Lead Officer for function/policy:	Pamela Ewen, Manager
Lead Service involved in the delivery of this function/policy:	TAYplan Strategic Development Planning Authority
Lead Service taking primary responsibility for this impact assessment:	City Development, Dundee City Council
Names of Officers carrying out Stage One:	Pamela Ewen
Officer Designation(s):	TAYplan SDPA Manager
Name of Officer carrying out Stage Two and Three:	Pamela Ewen
Officer Designation(s):	TAYplan SDPA Manager
Is this function or policy:	<input checked="" type="checkbox"/> New <input type="checkbox"/> Reviewed
Date of Impact Assessment:	February 2010

Others involved in the delivery of this function or policy:

1.7 Planning and Transport (Angus Council), Development Services (Fife Council), the Environment Service (Perth & Kinross Council).

1.8 Most Council services in the four Local Authorities would be involved.

How have others (listed above) been involved in the Equalities and Human Rights Impact Assessment process?

1.9 This draft assessment will be considered and approved by the TAYplan Joint Committee and be published with the Main Issues Report, forming part of the suite of consultation documents. Responses will be used to finalise the assessment when the Proposed Plan is prepared.

Step 2: Outline aims of the function or policy

What are the main aims of the function or policy?

- 1.10 The main aims of the Main Issues Report are to:
- Take forward commitments in the Single Outcome Agreements and existing approved Structure Plans;
 - Consider the big changes that will shape the next 20 years of our lives;
 - Consider the strategic changes that are best dealt with at regional level;
 - Provide options for the scale of growth and for where development should and should not be and ask for views on these and other issues; and,
 - Consider where new strategic housing and employment land should be, beyond that already identified in approved Structure Plans.

Who are the main beneficiaries of the function or policy?

1.11 The citizens of Angus, Dundee City, North Fife and Perth and Kinross, and those with an interest in growing the economy of the region.

What are the intended outcomes of the function or policy?

1.12 The draft vision of the Main Issues Report is:

“Our vision is of a sustainable region which is beautiful, vibrant, clean and green TAYplan region where the regeneration and growth of Dundee and other settlements has made it a great place for people to live, work, invest and visit but that does not create an unacceptable burden on the planet.”

- 1.13 The objectives contained in the Main Issues Report are listed below:
- Protecting and enhancing the character and quality of these places as economic drivers;
 - Protect and enhance the quality of the area’s natural environment, biodiversity and natural resources;
 - Establish sound development principles that support well serviced and efficient urban and rural areas;
 - Ensure that development leads to improvements in the quality and availability of infrastructure, services and amenities;
 - Ensure quality of access to homes, jobs, services and facilities in good quality places;
 - Ensure that development contributes to reducing the need to consume resources to travel, live and do business;
 - Ensure that the location, design and layout of development reduces risk of flooding;
 - Ensure land use promotes sustainable food security;
 - Provide for new or improved infrastructure capable of supporting a low/zero carbon economy;
 - Promoting strategic transport linkages and route improvements;
 - Locating development in places which are well served by transport infrastructure and services (particularly public transport);

- Provide for good quality, mixed housing type, size and tenure throughout the TAYplan area;
- Design homes and neighbourhoods around the people who will use them; and,
- Provide for a stronger economy with more jobs by supporting and promoting the sustainable development of major economic drivers and emerging growth sectors.

Why is this function or policy being assessed?

1.14 This assessment will help TAYplan ensure that the Main Issues Report does not discriminate, and enables the four Local Authorities to promote equalities, as well as other human rights and good relations between groups.

Is the function of policy intended to increase equality of opportunity by permitting positive action or action to redress disadvantage?

- Yes
 No

Give details

1.15 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.

1.16 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: Gather and Consider Evidence

1.17 What evidence will you use to identify any potential positive or negative impacts?

Evidence	Details
Consultation	<p>Workshop held for Project Board to identify key issues and outcomes (June 2009).</p> <p>Workshop held for the 13 Key Stakeholders to discuss key issues and outcomes (September 2009).</p> <p>Regular meetings with the 13 Key Stakeholders to ensure full participation in the drafting of the Main Issues Report.</p> <p>Awareness Raising Initial Consultation held (August 2009).</p> <p>Information Events will be held for the general public, community groups and the public/private sector when the Main Issues Report is published (April 2010).</p> <p>The EqHRIA will be published and made available for comment alongside other consultation documents.</p> <p>Full details of the Participation Statement are set out in the Main Issues Report Communications Plan (February 2010).</p>
Research	<p>Housing Needs and Demand Assessment, National Planning Framework, Demographic forecasts and projections (GROS), Retail Study and a range of landuse and environmental research to inform the Main Issues Report.</p>
Officer knowledge and experience (including feedback from frontline staff)	<p>Professional expertise of Council officers.</p>
User feedback (including complaints)	<p>Gathered through the Awareness Raising Initial Consultation and Information Events.</p>
Other	

Step 4: Assess Likely Impacts on Equality Strands

Which, if any, Equality Target Groups and others could be affected by this function or policy?

1.18 This assessment will be based on the draft vision and preferred spatial strategy of the Main Issues Report.

Equality Target Group	Positive Impact (+)	Neutral Impact (0)	Negative Impact (-)
Race *		0	
Disability	+		
Gender **		0	
LGB ***		0	
Belief		0	
Younger	+		
Older	+		
Others	+		

* Race includes Gypsies/Travellers

** Gender includes Transgender

*** LGB: Lesbian, Gay and Bisexual

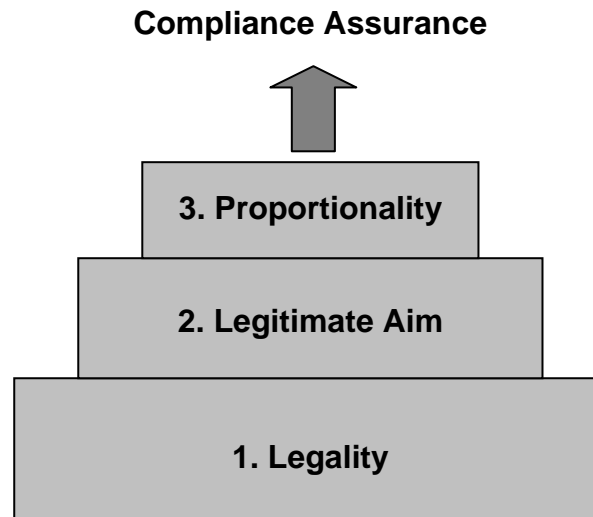
1.19 From the Groups you have highlighted above, what positive and negative impacts do you think the function or policy might have?

Positive Impacts	Negative Impacts
Disability – Increased accessibility to new developments by non-car modes of transport including buses.	-
Younger People – Economic growth will increase employment opportunities. Providing a supply of housing. Increased accessibility to new developments by non-car modes of transport. Targets to reduce demand for energy from new developments will reduce livings costs. Improving quality of place.	-
Older People – Increased accessibility to new developments by non-car modes of transport including buses. Targets to reduce demand for energy from new developments will reduce living costs and fuel poverty. Improving quality of place.	-
Other – Economic growth will increase employment opportunities especially in regeneration areas. Improving quality of place.	-

If you have **not** identified any potential negative impacts go to Step 6 and detail your monitoring, reviewing and publishing arrangements.

Step 5: Apply the Three Key Assessment Tests for Compliance

1.20 Step 5 draws together all the steps of the Equalities and Human Rights Impact Assessment tool in ensuring that the application of a Council policy is non-discriminating and human rights compliant.



1.21 Which human rights or equality rights may be directly or indirectly affected as identified in Steps 3 and 4?

Not Applicable

1.22 Legality – Where there is a negative impact is there a legal basis in the relevant domestic law?

Not Applicable

1.23 Legitimate Aim – Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

Not Applicable

1.24 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?

1.25 The Main Issues Report is not a draft Plan, and therefore does not include any policies or targets that require to be implemented.

How will the results of the monitoring be used to develop the function or policy?

1.26 The results of all monitoring will inform the Proposed and finalised Strategic Development Plan as well as the Local Development Plans of the four Local Authorities.

When is the function or policy due to be reviewed?

1.27 The Main Issues Report is due to be published in April 2010 and representations received will inform the subsequent Proposed Plan.

1.28 Work on the second Strategic Development Plan will commence in 2013, which will include the production of a second Main Issues Report, and will replace the first Plan by approximately 2017.

Step 7: Public Reporting of Results

Summarise the results of the Equalities and Human Rights Impact Assessment. Include any action which has been taken as a result of the Equalities and Human Rights Impact Assessment. You must note if you have modified or consulted on the function or policy.

1.29 An Awareness Raising Initial Consultation undertaken in August 2009 provided early engagement with interested parties which has helped to identify any potential issues with consultation practice.

Positive Impacts

1.30 There will be positive impacts for some of the quality target groups in the following ways:

1.31 Disability – Increased accessibility to new developments by non-car modes of transport including buses.

1.32 Younger People – Economic growth will increase employment opportunities. Providing a supply of housing. Increased accessibility to new developments by non-car modes of transport. Targets to reduce demand for energy from new developments will reduce living costs. Improving quality of place.

1.33 Older People – Increased accessibility to new developments by non-car modes of transport including buses. Targets to reduce demand for energy from new developments will reduce living costs and fuel poverty. Improving quality of place.

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

1.35 This assessment will be published with the Main Issues Report for consultation and will be available online or on request from the Strategic Development Plan Team. The responses to the assessment will be reported to the TAYplan Joint Committee and used to inform the preparation of the Proposed Plan for submission to Scottish Ministers.

Next Steps

1.36 The initial (Stage One) assessment was conducted in January 2010 in advance of the publication and consultation of the Main Issues Report in April 2010. Following this consultation, Stage Two and Three of the Equalities and Human Rights Impact Assessment can take place from April to July 2010; detailed explanations of how the consultation was carried out and a review of consultation practice in light of feedback.

1.37 The final Equalities and Human Rights Impact Assessment will be produced in late 2010 and will provide detail of the representations received.