

## **Appendix 7: Equalities and Human Rights Impact Assessment**

# **Finalised Aberdeen City and Shire Structure Plan: Equalities and Human Rights Impact Assessment**

## **Introduction**

This Equalities and Human Rights Impact Assessment (EqHRIA) assesses the Draft Aberdeen City and Shire Structure Plan, with an overall purpose to help ensure that the plan does not discriminate and that where possible opportunities are utilised to promote equality, as well as all other human rights and good relations between groups.

All EqHRIA's involve three stages:

1. Assessing the impact of proposed or existing policies or functions on different equalities groups including collecting and analysing relevant data;
2. Consulting people who are likely to be affected by the policies; and
3. Reviewing and revising the policies in the light of the consultation and assessment.

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. The assessment follows the process adopted by Aberdeen City Council and identifies those changes made to the Finalised Plan as a consequence of the assessment.

## **Process**

The initial (Stage I) assessment was conducted in April 2008 on the Draft Structure Plan, which was published for consultation on 27 June 2008.

Stage II and III of the process were undertaken in late 2008 / early 2009 following the formal public consultation phase and as changes were being proposed to the draft plan.

The Finalised Structure Plan was submitted to Scottish Ministers on 27 February 2009. The finalised plan will be on deposit for objections until 24 April 2008, along with associated documents (including this assessment).

Structure plans are approved by the Scottish Ministers and they may make modifications to the finalised plan prior to approval in light of any objections received.

Although the assessment covers the period to the submission of the finalised plan to Scottish Ministers, the impact of any modifications to the finalised plan prior to approval would be for Scottish Ministers to determine.

# **STAGE I**

## **Step 1: Identify Essential Information**

<b>Name of function or policy:</b>	The Aberdeen City and Shire Structure Plan
<b>Lead Officer for function/policy:</b>	David Jennings
<b>Lead Service involved in the delivery of this function or policy:</b>	Aberdeen City and Shire SDPA
<b>Lead Service taking primary responsibility for this impact assessment:</b>	Aberdeen City and Shire Strategic Development Plan Team
<b>Names of Officers carrying out Stage I:</b>	Toby Coke, Kathryn Hossack
<b>Officer Designation(s):</b>	Planner, Trainee Planner; Aberdeen City Council
<b>Name of Officer carrying out Stage II &amp; III:</b>	Bruce Strachan
<b>Officer Designation</b>	Senior Planner; SDPA
<b>Is this function or policy:</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Reviewed
<b>Date of Stage I:</b>	29 April 2008
<b>Date of Stage II and III:</b>	23 January 2009

### **Others involved in the delivery of this function or policy:**

Planning and Infrastructure, Strategic Leadership (Aberdeen City Council)  
Planning Policy and Environment, Planning and Environmental Services (Aberdeenshire Council)  
Most Council services in Aberdeen City and Aberdeenshire would be involved. Partnerships, private sector, communities and voluntary groups could all be involved in delivery.

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

This draft assessment will be published with the draft structure plan and form part of the suite of consultation documents. Responses will be used to finalise the assessment when the finalised plan is prepared.

## **Step 2: Outline aims of the function or policy**

### **What are the main aims of the function or policy? Please list**

The main aims of the plan are to:

- provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively;
- take on the urgent challenges of sustainable development and climate change.

To support these main aims, the plan also aims to:

- make sure the area has enough people, homes and jobs to support the level of services and facilities needed to maintain and improve the quality of life;
- protect and improve our valued assets and resources, including the built and natural environment and our cultural heritage;
- help create sustainable mixed communities, and the associated infrastructure, which meet the highest standards of urban and rural design and cater for the needs of the whole population; and
- make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices.

### **Who are the main beneficiaries of the function or policy? Please list**

The citizens of Aberdeen City and Shire and those with an interest in growing the economy of the north-east.

### **What are the intended outcomes of the policy?**

The vision of the draft structure plan is that –

“By 2030, Aberdeen City and Shire will be an even more exciting, modern and sustainable European city region and an excellent place to live, visit and do business.

We will be recognised for:

- our enterprise and inventiveness, particularly in the knowledge economy and in high-value markets;
- the unique qualities of our environment; and
- our high quality of life.

We will have acted confidently and taken the courageous decisions necessary to further develop a robust and resilient economy and to lead the way towards development being sustainable, including dealing with climate change and our society being more inclusive.”

The targets contained in the draft plan against which actions and monitoring arrangements are identified are listed below:

- For at least 75% of all homes built, and employment land developed, to be in the strategic growth areas (SGAs) by 2030.
- For at least 50% of all homes built to be in Aberdeen City by 2030.
- For all strategic developments meeting the needs of the city region to be in SGAs.
- To make sure there is at least 60 hectares of land available to businesses at all times in a range of places within Aberdeen City.
- To make sure there is at least 60 hectares of land available to businesses at all times in a range of places within SGAs in Aberdeenshire.
- For at least 20 hectares of land available to businesses in the SGAs to be of a standard which will attract high-quality businesses or be suitable for company headquarters.
- For Aberdeen to be one of the top-25 retail areas in the UK by 2030.
- For all new development in SGAs to use modern, up-to-date high-speed telecommunications networks (such as fibre optics).
- For all new buildings to be carbon neutral by 2016.
- For the city region's electricity needs to be met from renewable sources by 2020.
- To avoid having to increase the amount of water Scottish Water are licensed to take from the River Dee, as a result of the new developments proposed in the plan.
- For all new developments to use water-saving technology.
- To avoid developments on land which is at risk from coastal or river flooding (as identified by the Scottish Environment Protection Agency), except in exceptional circumstances.
- By 2020, for no more than 54,000 tonnes a year of biodegradable municipal waste (BMW) to be sent to landfill.
- To increase the population of the city region by 9% to 480,000 by 2030.
- To increase the population of people who are of working age (16 to 65) by 15% by 2030.
- To build at least 2,500 new homes each year by 2014 through the development plan.
- To build at least 3,000 new homes each year by 2020.
- To make sure that development improves and does not lead to the loss of, or damage to, built, natural or cultural heritage assets.
- For all water courses in the structure plan area to achieve 'good ecological status' under the Water Framework Directive by 2015.
- To carry out a green-belt boundary and policy review by 2010.
- To increase the range and quality of housing and the residential environment in the 'community regeneration areas'.
- For 40% of all new housing in Aberdeen City to be on brownfield sites.
- For all housing development of over one hectare in SGAs to be in line with approved supplementary guidance and generally have no less than 30 dwellings per hectare.

- For the quality and design of new developments in the city region to be nationally recognised (including developments recognised under the Scottish Sustainable Communities Initiative – Framework Document to be published by the Scottish Government in summer 2008).
- For new housing to meet the needs of the whole community by providing at least 25% of affordable housing (see the note below) and an appropriate mix of types and sizes of houses, in line with local development plans and approved supplementary guidance.
- For all developments to meet the accessibility standards set out in the local transport strategies by 2013.
- For major employment and service developments in strategic growth areas to show that they are easy to access by walking, cycling or using public transport. The travel plans produced for these developments should reduce the need for people to use cars.
- To reduce the percentage of journeys which are made by car.

### **Why is this function or policy being assessed?**

This assessment will help Aberdeen City Council and Aberdeenshire Council ensure that this joint policy document does not discriminate, and enables both Councils to promote equalities, 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**  **No**

### **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 (s51) came into force on 1 April 2007, although it does not apply to the plan currently in preparation.

However, planning authorities are already covered by the requirements of equal opportunities legislation. 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.'

One element of the vision of the plan is for our society to be more inclusive. The spatial strategy of the plan identifies regeneration priority areas in the North-East (including the city's community regeneration areas and many coastal communities in Aberdeenshire) as requiring concerted action on a range of fronts to address sometimes deep-seated inequality.

### Step 3: Gather and Consider Evidence

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

(Evidence could include: consultations, surveys, focus groups, interviews, pilot projects, user feed back (including complaints made), officer knowledge and experience, equalities monitoring data, academic publications, consultants' reports, Citizens' Panel etc)

Evidence	Details
<b>Consultation</b>	<p>Workshop held for Communities of Interest Forum to identify 'Main Issues' – 7<sup>th</sup> Nov 2006</p> <p>Additional Workshops held to identify 'Main Issues' with Key Stakeholder Reference Group, stakeholders and communities.</p> <p>Issues report (which achieved the Crystal Mark from the Plain English Campaign) sent to Community Groups, private/public sector and made available to general public (see Appendix 3-6 of Development Plan Scheme) for comment.</p> <p>Workshops will be held for the general public, community groups and the public/private sector when the draft plan has been published.</p> <p>The Communities of Interest Forum will be engaged again, with this assessment as part of that engagement exercise. The EqHRIA will be published and made available for comment alongside the other consultation documents.</p>
<b>Research</b>	National Planning Framework, Demographic forecasts and projections (GROS & Aberdeen City and Shire Strategic Forecasts)
<b>Officer knowledge and experience (including feedback from frontline staff)</b>	Professional expertise of Council officers
<b>Equalities monitoring data</b>	Regeneration Strategy, Community Plans
<b>User feedback (including complaints)</b>	Gathered through workshops.
<b>Other</b>	None

## Step 4: Assess Likely Impacts on Equality Strands

Which, if any, Equality Target Groups and others could be affected by this function or policy? Place the symbol in the relevant box. Consider also the relationship between belonging to an Equality Target Group and the effect of wider cross-cutting issues, for example, a gay homeless person.

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

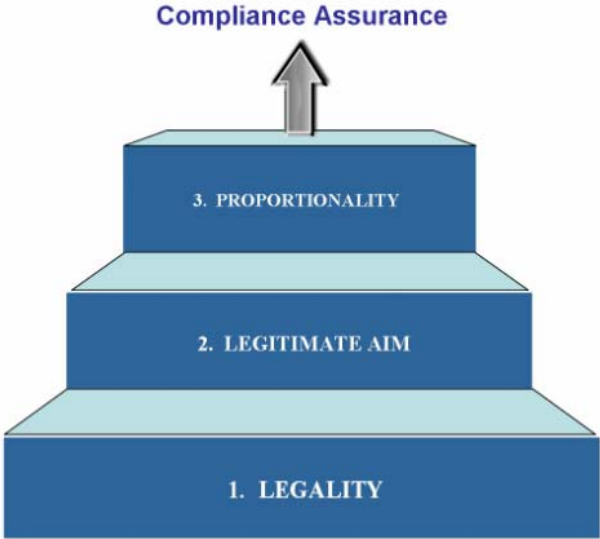
From the Groups you have highlighted above, what positive and negative impacts, do you think the function or policy might have? Detail the impacts and describe the groups affected.

Positive impacts	Negative Impacts
<p><b>Older People</b> - 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.</p> <p><b>Disability</b> - Increased accessibility to new developments by non-car modes of transport including buses.</p> <p><b>Young People</b> – Economic growth will increase employment opportunities. Increased affordability 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.</p> <p><b>Other</b> - Affordable housing for low-income groups/young people/people with families/single people. Economic growth will increase employment opportunities especially in regeneration priority areas.</p>	
<p>If you have NOT identified any potential negative impacts go to Step 6 and detail your monitoring, reviewing and publishing arrangements.</p>	



# Step 5: Apply the Three Key Assessment Tests for Compliance Assurance

Step 5 draws together all the steps of the impact Assessment tool in ensuring that the applications of a Council policy is non-discriminating and human rights compliant.



**Which 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 served in terms of the relevant equality legislation or the Human Rights Act?**

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? (for example, customer satisfaction questionnaires)**

The draft plan includes an integrated monitoring framework directly related to the targets of the plan.

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

They will inform the next Aberdeen City and Aberdeenshire Local Development Plans and feed back into the new Strategic Development Plan.

### **When is the function or policy due to be reviewed?**

The structure plan was submitted to Scottish Ministers on 27 February 2009. It is likely to be approved by Scottish Ministers in the second half of 2009.

The structure plan is likely to be replaced by a strategic development plan by 2013.

## 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.**

The EqHRIA on the draft structure plan highlighted the extensive consultation and research which has taken place in developing this plan. Early engagement with the Communities of Interest Forum (before the formal work on the plan began) helped to identify the type of issues likely to be identified.

Care has been taken to ensure that the wording of the draft plan is inclusive, for example using the term 'homes' rather than 'houses'. It also has a 'crystal mark' for plain English and text identifying its availability in different formats and languages if required.

### **Positive Impacts:**

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

**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.

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

**Young People** – Economic growth will increase employment opportunities. Increased affordability 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.

**Other** - Affordable housing for low-income groups/young people/people with families/single people. Economic growth will increase employment opportunities especially in regeneration priority areas. Targets to reduce demand for energy from new developments will reduce living costs and fuel poverty.

This assessment will be published with the draft structure plan for consultation and will be available online, at libraries and Council Offices and on request from the Strategic Development Plan Team. The responses to the assessment will be reported to committee and used to inform the preparation of a finalised plan for submission to Scottish Ministers.

## **STAGE II**

This stage is concerned with ensuring people likely to be affected by the policies are consulted. The full consultation process is outlined in the accompanying Publicity and Consultation Statement. In order to engage with the identified equality target groups early in the plan preparation process, two tailored meetings were held to encourage dialogue between members of these groups and Council officers; one on the main issues and one on the strategic options. The latter meeting did not attract any members of the target groups.

The draft plan consultation period commenced on 27 June 2008; at this point copies were sent to around 30 organisations representing minority groups. A total of 14 public meetings were organised in late August / early September to consider the Draft structure plan and each of these organisations were sent letters inviting their attendance. Unfortunately, it was not possible for the Strategic Development Plan Team to attend separate meetings with these organisations prior to the deadline for responses. Relevant contacts in Aberdeen City and Aberdeenshire Council were also made fully aware of the process.

A phone call was received during the consultation period expressing some concern about the lack of regard paid to Gypsy / Travelers in the EqHRIA. Four comments to the EqHRIA were received during the 11 week consultation period; two of these were from one individual and two from organisations. These comments and agreed responses are set out in Appendix 1.

These representations raised some concerns about the way the EqHRIA had been produced and highlighted a number of perceived deficiencies. In particular, it was not felt that the increasing numbers of Gypsy / Travelers and issue of inward migration generally had been fully addressed, nor had race been sufficiently considered. Particular comments relating to affordability and access to housing were received from one organisation.

## **STAGE III**

This stage is concerned with reviewing and revising policies in the light of the assessment and public consultation. It has been reported in step 4 of Stage I that positive impacts should be felt by disabled, older and younger groups, whilst neutral impacts will be felt by race, gender, sexual orientation and religion / belief groups. No negative impacts were found on any group.

The consultation responses have raised a small number of issues, particularly in relation to Gypsy / Travellers within the race group, which it was felt should have recorded a negative impact due to ongoing work in identifying transit sites in each Council area and seeking a commitment in the structure plan to this effect.

Whilst it is not the role of a development plan at the 'regional' level to discuss issues, irrespective of their importance, in such detail, it was agreed that some mention could be made of the specific needs of this minority group. This would not go to the extent of site identification, but would explicitly refer to the issue and allow subsequent local development plans or supplementary guidance to take this forward.

It is therefore proposed that wording of the draft plan be amended to make it clear that the specific needs of Gypsies/Travellers should be met.

A paragraph in the "sustainable mixed communities" section of the draft plan will be modified as follows:

*"It is important that new development meets the needs of the whole community, including the specific needs of Gypsies/Travellers. With an ageing population and smaller households, new development will need to meet the changing needs of society over its whole life."*

## **Conclusion**

It is important to note that this EqHRIA is part of an ongoing process of assessing planning policy documents to ensure they do not disadvantage any equality target group.

The original assessment undertaken (Stage I) highlighted the impacts on the range of target groups identified. None of these showed a negative impact, with positive and neutral impacts anticipated. The positive aspects on older, younger and disabled groups are welcome and neutral impacts, whilst permissible should be developed into a positive impact where possible.

The key issue raised by those who responded to the EqHRIA related to the Gypsy / Traveller minority group and as a result a change to the plan is proposed, which will ensure the issue can be picked up in following plans. This wording should give greater emphasis to any planning / land-use proposal relating to this group that emerges in the Aberdeen City or Aberdeenshire Council area.

## Appendix 1 – Consultation comments on the EqHRIA

<b>Representation No.</b>
416.1
<b>Summary</b>
<p>Found the assessment deficient in many ways and believe that some assistance should be sought in completing it. It would not stand up to any scrutiny.</p> <p>It is deficient in relation to many of the equality streams:</p> <ul style="list-style-type: none"><li>• impact on race is not considered at all</li><li>• issues to do with inward migration have not been addressed in view of the major impacts that this has had on all service provision in the north east</li></ul> <p>Impact assessments are not tick box exercises - they should be done properly and with some thought using existing research and evidence etc to ensure that we do not repeat the mistakes of the past.</p>
<b>Response</b>
<p>The EqHRIA has been produced following the principles set down in the guide published by Aberdeen City Council and is robust in its analysis of the structure plan and its potential impacts on the identified minority groups.</p> <p>Inward migration has not been explicitly mentioned in this document, but is included in the race category. In terms of quantifying in-migration, this has been covered in the Report of Survey and the Population and Household Forecasts and Projections in the Background Paper.</p> <p>The process for producing the EqHRIA has been thorough and resulted in a change to the plan; this is evidence that it was more than a 'tick box exercise'. The amended assessment is also clear that this is part of an ongoing assessment of development plans.</p>

<b>Representation No.</b>
416.2
<b>Summary</b>
<p>Does not believe that the assessment has been undertaken in a professional way. Believes that there are adverse impacts that have not been considered nor addressed.</p> <p>Particular area of concern is in relation to Gypsy Travellers. There has been an increase in numbers in recent years taking to the roads and a decrease in service provision in terms of pitches on official sites. Also there has been little or no progress (progress on paper maybe) on delivering halting sites for them.</p> <p>Suggest that the assessment is done again be a little more open and honest about it. Planners have already been advised on some of these matters but appear to be ignoring them. Gypsy Travellers have considerable difficulties in relation to planning matters.</p> <p>Has already been in contact with the EHRC about this matter and suggested discussing this issue with them, the Scottish Gypsy Traveller Law Reform Coalition and Planning Aid.</p>
<b>Response</b>
<p>An amendment to the sustainable mixed communities section of the plan is proposed to refer to Gypsy / Travellers. Amend 3rd paragraph to read:</p> <p><u>"It is important that new development meets the needs of the whole community, including the specific needs of Gypsies / Travellers. With an ageing population and smaller households, new development will need to meet the changing needs of society over its whole life."</u></p> <p>Planning Aid have provided a research findings paper on the 'Reach Out' project, which provides factual information, advice on involving Gypsy / Travellers in the development plan process and facilitating site delivery instead of constructing planning policies around blocking sites. The proposed wording change in the plan emphasises the fact that "the whole community" includes groups whose needs may be different and emphasises the importance of meeting those needs.</p> <p>It will be for the local development plans and/or supplementary guidance and local housing strategies to address these issues in greater detail.</p>

<b>Representation No.</b>
453.2
<b>Summary</b>
<p>Surprised no negative response has been recorded against “Race” as Gypsy/Traveller is included here. It is important to recognise the needs of the Gypsy/Travellers and not encroach on land they already use as part of their nomadic way of life. By setting targets in relation to allocation of land for housing and business etc. travellers may become squeezed out of sites currently used and become victims of hostility or harassment. No authorised sites at present.</p>
<b>Response</b>
<p>Although the text of the draft plan was written in an inclusive manner, an amendment to the sustainable mixed communities section of the plan is proposed to refer to Gypsy / Travellers. Amend 3rd paragraph to read:</p> <p>"It is important that new development meets the needs of the whole community, <u>including the specific needs of Gypsies / Travellers</u>. With an ageing population and smaller households, new development will need to meet the changing needs of society over its whole life."</p> <p>The issues of identifying the need for authorised sites and site identification are for local housing strategies and local development plans rather than the structure plan.</p>



<b>Representation No.</b>
454.3
<b>Summary</b>
<p>Although the EHRIA carried out on the draft Structure plan in April 2008 came back having a neutral impact on gypsies, ethnic minorities etc the evidence drawn upon for this was a consultation workshop held on the 7 November 2006 for Communities of Interest Forums to identify the main issues. It is suggested that the demographics of the area has changed greatly in this time and that further consultation should be considered. Access to affordable housing was identified as a high priority issue in the findings from the Ethnic Minority Forum consultation held on 21 June 2008.</p>
<b>Response</b>
<p>The workshop on 7 November 2006 was one element of the evidence gathering process for the preparation of the stage 1 assessment. The Communities and Interest Forums have been kept up-to-date throughout the plan's development and the opportunities to engage in the process.</p> <p>Any changing demographics over the period of 18 months are very unlikely to invalidate the conclusions of this assessment given the strategic nature of the plan. However, those involved in the preparation of the assessment were involved in Communities of Interest issues over this period and would have been aware of any changes taking place.</p> <p>The issue of affordable housing is covered in the plan and amendments to the draft plan make it clear that it is critical for the delivery of sustainable mixed communities.</p>