

Aberdeen City and Shire Strategic Development Plan

Equalities and Human Rights Impact Assessment

Introduction

Section 270B of the Town and Country Planning (Scotland) Act 1997, as amended, requires planning authorities to “*perform their functions...in a manner which encourages equal opportunities*”. This complements a range of legislation which applies to public and private sector organisations to underpin equal opportunities and human rights.

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

The Aberdeen City and Shire Strategic Development Plan is an evolution of the Aberdeen City and Shire Structure Plan (2009). That plan went through an Equalities and Human Rights Assessments as well, so this assessment builds on that experience.

All Equalities and Human Rights Assessments 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 Equalities and Human Rights Assessment 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.

Process

The initial (Stage I) assessment was conducted in September 2011 on basis of the changes envisaged to the Structure Plan by the Main Issues Report. The Main Issues Report and its Equalities and Human Rights Assessments were published for consultation on 7 October 2011.

Stage II (consultation) was undertaken between October and December 2011. No responses were received to the Equalities and Human Rights Assessments.

Stage III of the process was carried out in 2012 as the proposed strategic development plan was prepared. In late 2012 there will be further opportunity to respond to the proposed strategic development plan which will be accompanied by this revised Equalities and Human Rights Assessment.

The proposed strategic development plan will be submitted to Scottish Ministers in mid-2013 who will approve it with or without modifications on the basis of an ‘examination’ into unresolved objections. The impact of any modifications to the plan prior to approval would be for Scottish Ministers to determine. However, if modifications are proposed, the SDPA will request that this assessment is updated prior to approval.

STEP 1: Identify essential information

1. Name of proposal.

2. Officers completing this form.

Name	Designation	Service
David Jennings	Strategic Development Plan Manager	Aberdeen City and Shire SDPA

3. Date of Impact Assessment.

4. When is the proposal next due for review?

5. Committee Name.

6. Date the Committee is due to meet.

7. Identify the Lead Council Service and who else is involved in the delivery of this proposal. (for example other Council services or partner agencies)

Aberdeen City and Shire Strategic Development Planning Authority. Planning and Sustainable Development (Aberdeen City Council) as well as Planning and Building Standards (Aberdeenshire Council) will have a very important role to play in delivery, along with a range of other services of the two councils including housing, economic development and transportation. A range of partnerships, agencies and the private sector will also have an important role to play.

9. Please summarise this Equality and Human Rights Impact Assessment, (EHRIA). This must include any practical actions you intend to take / have taken to reduce, justify or remove any adverse negative impacts.

The assessment has identified positive impacts on a range of equality target groups, along with neutral impacts on the others.

10. Where will you publish the results of the Equality and Human Rights Impact Assessment?

- ✓ Full EHRIA will be attached to the committee report as an appendix.
- ✓ Full EHRIA will be available on the SDPA website, at all public libraries and on request from the SDPA.

STEP 2: Outline the aims of the proposal

11. What are the main aims of the proposal?

To guide the future development of Aberdeen and Aberdeenshire over the period to 2035 in such a way that it becomes more prosperous, sustainable and inclusive.

12. Who will benefit most from the proposal?

The strategic development plan is intended to be of benefit to the whole of Aberdeen City and Aberdeenshire - residents, businesses and visitors.

13. Tell us if and how the proposal will increase equality of opportunity by permitting positive action to redress disadvantage?

N/A

14. What impact will the proposal have on promoting good relations and wider community cohesion?

Sustainable mixed communities are a key component of the way development is envisaged to take place – meeting the needs of all in the community through the provision of a wide range of housing options with high quality design and community facilities.

STEP 3: Gather and consider evidence

15. What evidence is there to identify any potential positive or negative impacts in terms of consultation, research officer knowledge and experience, equality monitoring data, user feedback and other?

The 'Monitoring Statement' identifies the scale of change in Aberdeen City and Shire over recent years, particularly focusing on the targets in the current structure plan. This identifies the scale and nature of population growth across the area.

The 'Housing Need and Demand Assessment' seeks to identify the housing needs of the various equalities groups (p103 – 143). The assessment identified for example an increasing percentage of the population in older age groups (a 200% increase in the over 85 age group for example between 2008 and 2033) and that ethnic minorities generally require homes with more bedrooms. At the strategic planning level, need is generally generic (with a few exceptions), but it is at the delivery phase where services and individual products need to be tailored to the needs of individual groups. It will be local housing strategies in particular which focus on these individual needs but the role of the strategic development plan is to ensure that the framework is in place to be best able to meet these needs in land use planning terms. The main exception relates to the housing needs of the gypsy/traveller community which are already identified explicitly in the structure plan (and there is no proposal to change this). In a few cases, such as within the LGB community, it was not possible to identify particular housing needs due to a lack of data – but it is thought unlikely that any need would require a distinctive response in the strategic development plan.

Customer feedback has expressed concern over a lack of progress with dealing with the housing needs of the gypsy/traveller community on the ground. However, the structure plan saw local development plans as the main delivery mechanism to help meet their housing needs. Both local development plans have responded positively to this and have recently been adopted by both councils. As a consequence, it is too early to tell whether there is a need to change the framework in the strategic development plan. However, early indications are that sites are being identified through the masterplans prepared for some of the larger housing allocations in line with these policies.

No additional impacts were identified in response to the Equalities and Human Rights Impact Assessment published alongside the Main Issues Report in 2011.

Any unresolved objections to the Proposed Strategic Development Plan will be considered by an independent Reporter who will prepare a report with recommendations for Scottish Ministers outlining if and how the plan should be changed. Scottish Ministers are responsible for the final approval of the plan.

STEP 4: Assess likely impacts on equality strands

16. Which, if any, equality target groups and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box.

(Positive +, neutral 0, - negative)

Equality Target Group					
Race*	+	Disability	+	Gender**	0
LGB***	0	Belief	0	Younger	+
Older	+	Others e.g. poverty	+/0		

* Race includes Gypsies/Travellers

** Gender includes women, men, Transgender

***LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on the groups you have highlighted above? Detail the impacts and describe the groups affected.

Positive impacts (describe groups affected)	Negative Impacts (describe groups affected)
<p>Race – explicit recognition in the structure plan of the specific housing needs of gypsies / travellers. Improved quality of life and life chances in regeneration areas.</p> <p>Disability – increased accessibility to new developments by non-car modes of transport, including buses.</p> <p>Young People – economic growth will increase employment opportunities. Increased affordability and availability of housing. Increased accessibility of new development by non-car modes of transport. Reduced energy demand from new homes will reduce costs.</p> <p>Older People – Increased accessibility of new development by non-car modes of transport. Reduced energy demand from new homes will reduce costs.</p> <p>Other (poverty) – affordable housing for low income groups / young people / people with families / single people. Economic growth will increase employment opportunities. Regeneration will increase the quality of life and life chances.</p>	

STEP 5: Apply the three key assessment tests for compliance assurance

18. Does this policy/procedure have the potential to interfere with an individual’s rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and how. **If you answer “no”, go to question 22.**

<input type="checkbox"/> Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment <input type="checkbox"/> Article 6 – Right to a fair and public hearing <input type="checkbox"/> Article 8 – Right to respect for private and family life, home and correspondence <input type="checkbox"/> Article 10 – freedom of expression <input type="checkbox"/> Other article not listed above
How?
No

Legality

19. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

N/A

Legitimate aim

20. Is the aim of the policy a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

N/A

Proportionality

21. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

N/A

STEP 6: Monitor and review

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

Monitoring is an essential part of the implementation of the strategic development plan. The plan will contain a monitoring framework directly related to the targets in the plan (as well as changes to the context) which will include a monitoring statement as well as more regular reports to the SDPA on individual subjects.

23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

This impact assessment has been produced to accompany the proposed strategic development plan, building on the assessment of the main issues report and previous structure plan. Any response to this assessment will be taken into account in the assessment of representations to the proposed plan itself. Any modifications to the proposed plan will be assessed by Scottish Ministers before approval of the strategic development plan (expected in late 2013 or early 2014). Monitoring will inform the review of the plan in 5 years' time.

Local development plans are a key means of implementing the strategic development plan. These are also subject to Equalities and Human Rights Assessments so the detailed implementation of the plan will also be subject to assessment by both Aberdeen City Council and Aberdeenshire Council.

STEP 7: SIGN OFF

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment. At this stage the assessment is interim in nature and subject to consultation.

Person(s) completing the impact assessment.

Name	Date	Signature
David Jennings	14 September 2012	