

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Planning (Scotland) Bill
Summary of aims and desired outcomes of Policy	The Bill provisions will improve the system of development planning, give people a greater say in the future of their places and support delivery of planned development.
Directorate: Division: team	Local Government and Communities Planning and Architecture Division

Executive summary

The public sector equality duty requires the Scottish Government to assess the impact of applying a proposed new or revised policy or practice. Equality legislation covers the protected characteristics of: age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, sex, sexual orientation and religion and belief.

The Equality Act 2010 harmonised existing equality legislation and includes a public sector duty ('the Duty') which requires public authorities to pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation or any other prohibited conduct;
- Advance equality of opportunity; and
- Foster good relations between different groups - by tackling prejudice and promoting understanding

This Equality Impact Assessment (EQIA) has considered the potential impacts of the Planning (Scotland) Bill (the Bill) on each of the protected characteristics. The provisions and how they impact on people across the protected characteristics are set out under Key Findings.

Since the Bill is intended to be of positive benefit to Scotland's communities, regardless of whether they fall into one or more protected groups, the EQIA has not identified any Bill provisions that would adversely impact on such groups. The evidence gathered and data analysed indicate that overall the Bill provisions will have a positive impact on equality

issues. As a result, it is not considered that any changes to the provisions should be made as a result of the assessment. However, the EQIA has identified a range of matters which would be best considered in the implementation of the resultant Act.

Background

The Bill provisions will strengthen processes, engagement and participation right across the planning system and in delivery of the planning service. In short, it will:

- Focus planning, and planners, on delivering the development our communities need, rather than focus on continuous writing of plans.
- Empower people and communities to get more involved and to have a real influence over future development.
- Strengthen the strategic role of planning in coordinating and supporting the delivery of infrastructure needed to support development, including much-needed housing.
- Reduce complexity, improving accountability and trust in planning processes and decision-making.

The case for the Bill is set out fully in the Policy Memorandum published alongside the Bill on its introduction to the Scottish Parliament. The Bill introduces:

- Revised procedures for the preparation of development plans;
- Procedures for the preparation and adoption of local place plans;
- New procedures for Simplified Development Zones;
- Amended requirements on the scrutiny of planning applications including enhanced community engagement on applications for national and major developments;
- Requirements for training for planning decision-makers;
- Provisions to introduce an Infrastructure Levy;
- Assessment of a planning authority's performance or decision-making;
- Revised enforcement procedures

The proposals will support a range of National Outcomes including:

- We live in a Scotland that is the most attractive place for doing business in Europe.
- We realise our full economic potential with more and better employment opportunities for our people.

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The Scope of the EQIA

The likely effects of the policy were informed by a range of evidence, including two public consultations, various pieces of research, stakeholder engagement which included an online survey of the views of children and young people, plus the use of the Scottish Government's Equalities Evidence Finder.

Key Findings

Age:

Projections in Scotland's Population (2016) suggests that Scotland's population will rise to around 5.7 million in 2041. The population is also projected to age, with people aged 75 and over projected to be the fastest growing age group in Scotland. The number of people aged 75 and over is projected to increase by 27% over the next ten years and increase by 79% over the next 25 years to 2041..

It was suggested that the planning system should consider issues relating to an ageing population. This particularly included housing with support for the delivery of well located and managed specialist housing for older people through, it was suggested, planning guidance. Housing was also an issue raised by young people, with issues of safety raised.

A survey by YoungScot (2017) showed that children and young people were keen to engage in how their communities developed. This included through the new model of local place plans but also on the development plan. This was supported by a range of bodies which represented children and young people.

Disability:

A number of bodies representing disabled people expressed concern about the quantity of accessible housing. The figure of 10% of new developments

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being built to wheelchair accessible standard was referred to. Evidence from the consultation suggests that the number of local authority wheelchair adapted houses had decreased over the past few years. This was extended to accessible places by some consultees.

There was support for enhanced engagement in the planning system for disabled people, including a suggestion that access panels be made statutory consultees in order to improve community engagement. A concern was expressed that planners and other professions did not fully understand issues around accessibility.

Sex:

There is limited evidence concerning differing experiences of men and women of the planning system.

Gender Reassignment:

There is limited evidence concerning transgender or intersex peoples' experience of the planning system.

Race:

Concerns were expressed that the planning system did not adequately consider the accommodation needs of gypsy / travellers, and specifically that there should be a presumption in favour of small private sites. There was some evidence of bodies such as PAS supporting gypsy / travellers through the provision of online guides to the planning system which were also aimed at decision-makers.

Sexual Orientation:

There is limited evidence of the potential impact on the sexual orientation protected characteristic and the planning system.

Religion and Belief:

The main evidence of the planning issues under this characteristic arose from a report (2016) by the Faith and Place Network which set out recommendations for English and Welsh planning authorities. This did not

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focus on legislative change but the application of policy and guidance by local authorities.

Recommendations and Conclusion

The evidence collected indicates that, in itself, the Planning (Scotland) Bill is not likely to have adverse impacts on those with protected characteristics. However, the EqIA has identified and summarised equality issues affecting communities and individuals which will need further consideration as both secondary legislation and policy are developed.

With regard to eliminating unlawful discrimination, harassment and victimisation, concern was expressed that in relation to their accommodation needs, gypsy / travellers are currently treated less favourably due to their protected characteristics. Similar issues were raised in relation to access to accessible housing for disabled people. Whilst the proposals in the Bill will not directly mitigate against these concerns, more engagement and robust evidence for the content of the local development plan, linked with a more robust national development framework, will support local assessment of the need for such developments.

It will be necessary to revisit this EQIA to take account of any changes to Bill provisions resulting from the parliamentary scrutiny process. As a consequence the EQIA will become a living document requiring regular review and updating.

We will ensure that in the development of further legislation and policy, is accompanied by appropriate assessment of the potential impacts.