



City of Edinburgh Council Record of Equality and Rights Impact Assessment

Part 1: Background and Information

(a) Background Details

Please list ERIA background details:

ERIA Title and Summary Description:

Flood Impact of New Developments - Certification Process - 30 March 2017

The purpose of this report is to seek approval to permanently implement a certification procedure in the assessment of the flooding impact of new development during the planning application process. The Council has a duty under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk. This can, in part, be achieved by ensuring that any new development is scrutinised to ensure that the adverse effects of flooding are considered at the initial stage of the planning process. A certification process has been piloted for 18 months which allows qualified professionals, on behalf of the applicant, to certify the flooding impacts of a new development prior to checking by the Council. This report details the outline principles of the procedure.

Service Area	Division	Head of Service	Service Area Reference No.
PLACE	Planning and Transport	David Leslie, Chief Planning Officer	2017P80

(b) What is being impact assessed?

Describe the different policies or services (i.e. decisions, projects, programmes, policies, services, reviews, plans, functions or practices that relate to the Corporate ERIA Title):

Policies and Services	Date ERIA commenced
1. Assessing the flood impacts of new development - certification process	19/10/2016

(c) ERIA Team

Please list all ERIA Team Members:

Name	Organisation / Service Area
David Leslie	Planning and Transport
Nancy Jamieson	Planning and Transport

Name	Organisation / Service Area

Part 2: Evidence and Impact Assessment

(a) Evidence Base

Please record the evidence used to support the ERIA. Any identified evidence gaps can be recorded at [part 3a](#). Please allocate an abbreviation for each piece of evidence.

Evidence	Abbreviation
1. Officer knowledge	
2. Consultation responses	

(b) Rights Impact Assessment – Summary

Please describe all the identified enhancements and infringements of rights against the following ten areas of rights. Please also consider issues of poverty and health inequality within each area of rights:

- Life
- Health
- Physical security
- Legal security
- Education and learning
- Standard of living
- Productive and valued activities
- Individual, family and social life
- Identity, expression and respect
- Participation, influence and voice

Please indicate alongside each identified enhancement or infringement the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Summary of Enhancements of Rights

The efficient processing of planning applications and, in particular, ensuring the flood impacts of new development are mitigated can make a valuable contribution to managing the City's infrastructure and so improve standards of living and reduce issues of poverty and health inequality.

Summary of Infringement of Rights

Can these infringements be justified? Are they proportional?

There are no infringements of rights under these proposals.

(c) Equality Impact Assessment – Summary

Please consider all the protected characteristics when answering questions 1, 2 and 3 below. Please also consider the issues of poverty and health inequality within each protected characteristic:

- Age
- Disability
- Gender identity
- Marriage / civil partnership
- Pregnancy / maternity
- Race

- Religion / belief
- Sex
- Sexual orientation

1. Please describe all the positive and negative impacts on the duty to eliminate unlawful discrimination, harassment or victimisation. Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Positive Impacts
The process for assessing the flood impacts of new developments applies to all parties equally and has no identified positive impacts on the duty to eliminate unlawful discrimination, harassment or victimisation
Negative Impacts
There are no identified negative impacts on the duty to eliminate unlawful discrimination, harassment or victimisation

2. Please describe all the positive and negative impacts on the duty to advance equality of opportunity (i.e. by removing or minimising disadvantage, meeting the needs of particular groups that are different from the needs of others and encouraging participation in public life)? Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Positive Impacts
The flood risk assessment process is part of the statutory planning process and has no positive impacts on the duty to advance equality of opportunity as it applies equally to all parties.
Negative Impacts
The flood risk assessment process is part of the statutory planning process and has no negative impacts on the duty to advance equality of opportunity as it applies equally to all parties.

3. Please describe all the positive and negative impacts on the duty to foster good relations (i.e. by tackling prejudice and promoting understanding)? Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Positive Impacts
The procedure for dealing with flood impacts can foster good relations by promoting understanding of planning processes and the expected outcomes from them
Negative Impacts
There will be no negative impacts on the duty to foster good relations

Part 3: Evidence Gaps, Recommendations, Justifications and Sign Off

(a) Evidence Gaps

Please list all relevant evidence gaps and action to address identified gaps.

Evidence Gaps	Action to address gaps
None	None.

(b) Recommendations

Please record SMART recommendations to

- (i) eliminate unlawful practice or infringements of absolute rights;
- (ii) justify identified infringements of rights; or
- (iii) mitigate identified negative equality impacts.

Recommendation	Responsibility of (name)	Timescale
None		

(c) Sign Off

I, the undersigned, am content that:

- (i) the ERIA record represents a thorough and proportionate ERIA analysis based on a sound evidence base;
- (ii) the ERIA analysis gives no indication of unlawful practice or violation of absolute rights;
- (iii) the ERIA recommendations are proportionate and will be delivered;
- (iv) the results of the ERIA process have informed officer or member decision making;
- (v) that the record of ERIA has been published on the Council's website / intranet, or
- (vi) that the ERIA record has been reviewed and re-published.

Date	Sign Off (print name and position)	Reason for Sign Off (please indicate which reason/s from list (i) to (vi) above)
20/10/16	Nancy Jamieson (Team Manager)	(i, ii, iv)
29/3/17	Paul Lawrence, Exective Director of Place (gillian.johnston@edinburgh.gov.uk)	i-iii