



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:

Scottish Government Review of Planning – response to the Place, people and planning consultation paper

The purpose of this report is for the Planning Committee to agree the Council's response to the Scottish Government consultation on the review of the planning system in Scotland. The report sets out the main changes being proposed and the Council's response to these issues.

Service Area	Division	Head of Service	Service Area Reference No.
PLACE	Planning and Transport	David Leslie - Chief Planning Officer	2017P51

(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. The Scottish Planning System and the services provided by planning authorities and other Council services.	06/02/17

(c) ERIA Team

Please list all ERIA Team Members:

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

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. Previous reviews of the Scottish Planning system	

(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 review of the Scottish planning system provides an opportunity for an enhanced planning process to the benefit of all stakeholders, including members of the public, community/amenity groups, investors, developers and elected members.

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 review of the Scottish planning system offers an opportunity to involve more people and interest groups in the planning process and changes to the built environment which impact on them. The proposals contained with the review document aim to deliver positive changes such as building more homes, improving how infrastructure (schools, roads/streets, health and community facilities) are provided. The review actively seeks to be inclusive regardless of the above characteristics. There are 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
<p>The review of the Scottish planning system provides an opportunity for an enhanced planning process to the benefit of all those who engage in the system. The review is based on the delivery of more positive outcomes for people, delivering better places and homes for communities.</p> <p>The consultation paper sets out a number of areas where improvements are proposed in relation to engaging people in the planning process. Section 2 of the paper (People Make the System Work) includes a number of proposals to give everyone the opportunity to get involved in planning. This includes proposals such as</p> <ul style="list-style-type: none"> - Giving people the opportunity to plan a place of their own, preparing their own 'local place plans' - Building local community capacity through design-led charrette (workshop) programmes for communities to prioritise where change is needed most and giving community councils a stronger role through a duty to consult them in preparing plans. Support is also proposed in the form of training and guidance to help community councils contribute to the planning process. - Getting more people involved in planning, and in particular young people in the preparation of development plans. The Scottish Government intend to bring forward more detailed proposals about how planning authorities will be required to consult more widely. <p>The proposed changes also include reference to the private sector improving consultation on proposed development.</p>
Negative Impacts
The review is ongoing with the consultation paper being the start of the process to prepare a Planning Bill late 2017/early 2018. Consultation and engagement will continue on the proposed Bill with further details being made available. The review of the Scottish Planning system has raised issues with some groups and individuals on the matter of equal rights of appeal. The review does not intend to pursue this aspect but refers to much earlier and more meaningful engagement to reduce conflict in the system. There is no evidence of a direct

negative impact on the duty to advance equality of opportunity.

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 review of the Scottish planning system is an opportunity for an enhanced planning process to benefit all stakeholder groups. The proposed review sets out a number of high level objectives which promote the better understanding of the planning system and how people can get involved in the planning process. The consultation paper has a focus on 'people' and includes a number of proposals which will ensure greater involvement in the planning process from a wide range of backgrounds and help to improve peoples understanding of the system.

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)
16/02/17	Damian McAfee (Senior Planning Officer)	(i, ii, iv)
29/3/17	Paul Lawrence, Exective Director of Place (gillian.johnston@edinburgh.gov.uk)	i-iii