

Highland Wide Local Development Plan

Equalities Impact Assessment  
(Revised Screening)

October 2010

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## Introduction

This revised screening report has been produced to update the previous Equalities Impact Assessment (EqIA) for the Highland wide Local Development Plan (HwLDP).

The Highland Wide Local Development Plan (HWLDP) will set out the strategic vision for Highland for the next 20 years. The plan will cover a range of strategic issues including land allocations for major developments, transport, open space, housing, renewable energy and crofting.

The HWLDP will have an impact on the lives of people throughout Highland. There is potential that it may have a negative impact on certain groups due to the way in which the policy is written. It is therefore appropriate that at this stage in the preparation of the plan we have carried out an Equalities impact Assessment (EqIA) in order to identify these groups.

New statutory duties have been introduced to encourage a pro-active approach to the promotion of equal opportunities. These duties are introduced by;

- The Race Relations (amendment) Act 2000: The Race Equalities Duty, enforced April 2001;
- The Disability Discrimination Act 2005: The Disability Equality Duty, enforced December 2006; and
- The Equality Act 2006: The Gender Equality Duty, enforced April 2007.

By identifying groups which this plan may have a negative impact upon it will be possible to mitigate and minimise these impacts in the preparation of the plan.

### ***What is an Equalities Impact Assessment?***

An EQIA is a systematic analysis of policies. It is a way of identifying if a service or policy (existing or proposed) affects different groups of people in different ways. An EQIA seeks to find out if a policy has an adverse impact on people in the following groups:

- Racial Groups (on the grounds of race, colour, nationality (including citizenship), national or ethnic origins). This would include Gypsies and Travellers, asylum seekers and refugees;
- Disabled people (defined by the DDA as "having a disability if there is a physical or mental impairment, with a substantial long term (i.e. lasts for 12 months or more, or is recurring) and has an adverse effect on ability to carry out normal day to day activities");
- Gender (women and men, married people and including in employment and training, people going gender reassignment);
- Lesbian, Gay, Bisexual or Transgender people (Transgender describes people who do not conform to common ideas of gender roles including transsexuals, transvestites and cross-dressers);
- Groups covered under Religion, Faith or Belief and those with no religion;
- Age (There is no single definition of age groups, but young or older people should be particularly considered);
- Other groups you may identify and wish to include that are impacted upon by the policy, for example, carers, people affected by homelessness, literacy, people on low income etc.

Any policy targeted at particular groups will, by its nature, have differential impact and the assessment must take into account whether it is lawful and justifiable. Adverse impact is when a policy is shown to disadvantage one or more groups of people, for example by different access to opportunities or representation, or outcomes between different groups. If it is judged that a policy has, or may have, an adverse impact the Council must consider options to modify the policy. This could be simple steps to change practices, or if there is potentially unlawful discrimination a new policy may be necessary.

Authorities must give "due regard" to each part of the general duties and consider two linked elements of proportionality and relevance. In all decisions due weight should be given to the need to promote equality in proportion to its relevance. Not all policies and practices will be relevant, some will be more relevant than others and this will inform decisions about the extent and scope of an EQIA. Proportionality requires greater consideration to be given to policies that have the most effect on particular groups.

Depending on the nature and extent of the possible impact identified by an EQIA, you may decide to let the policy stand (if an existing one) or proceed (if a proposed one), possibly subject to further review when additional evidence becomes available. In other cases especially if the impact could constitute unlawful discrimination, you may decide that the policy should be immediately amended or its implementation delayed until you have further information.

## **Methodology**

Working in partnership with the Council's Equalities Officer and using a template approved by the Equalities Working Group at the Highland Council it has been possible to create a balanced EqIA for the HWLDP. The plan has been assessed as a whole to ensure the cumulative affect of the policies and suitable mitigation can be secured.

The following table summarises the General Duties that apply to each of the statutory duties located in the aforementioned Acts and which public bodies must pay due regard to in carrying out their functions;

	<b>Duty to Pay Regard to:</b>	<b>Race</b>	<b>Disability</b>	<b>Gender</b>
<b>1</b>	Eliminate unlawful discrimination	■	■	■
<b>2</b>	Eliminate unlawful harassment		■	■
<b>3</b>	Promote equality of opportunity	■	■	■
<b>4</b>	Promote good relations	■		
<b>5</b>	Take account of disabilities		■	
<b>6</b>	Promote positive attitudes		■	
<b>7</b>	Encourage Participation in public life		■	

## **Assessment**

On the following pages are completed screening templates for each of the aforementioned topics which are included in the Highland Wide Local Development Plan.



## Conclusion

This EqIA Screening has identified areas where our policy approaches may have an impact on different groups. Having previously carrying out screening at the Main Issues Report stage of the Highland wide Local Development Plan it has been possible to change planning policy approaches to ensure there will be positive affects on a number of groups but not having an adverse affect on other groups.

These potential impacts will be considered alongside potential impacts on the environment as identified in the Strategic Environmental Assessment - Environmental Report (available online at <http://www.highland.gov.uk/developmentplans>) and the responses to the consultation on the Highland wide Local Development Plan - Main Issues Report to formulate balanced planning policies which will form part of the Highland wide Local Development Plan.