

Onshore Wind Energy: Supplementary Guidance

Equalities Impact Assessment

March 2012

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## Introduction

This screening report has been produced for the Onshore Wind Energy: Supplementary Guidance.

The purpose of the guidance is to provide a spatial framework and guidance for assessing applications for On-shore wind energy developments as a supplement in particular to Policy 67 – Renewable Energy of the Highland wide Local Development Plan.

There is potential that it may have a negative impact on certain groups due to the way in which the guidance 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.

### Equal Opportunities

The Scotland Act 1998 gives the following broad definition of Equal Opportunities:

*“the prevention, elimination, or regulation of discrimination between persons on the grounds of sex or marital status, or racial origins, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes including beliefs or opinions, such as religious beliefs or political opinions.”*

### Legislation

The Equality Act 2010 brings together more than forty years of equality legislation and aims to make Britain a more equal society. It protects many people from unlawful discrimination. It covers “protected characteristics” which include

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

We call people covered by the protected characteristics “equality groups”.

The Equality Act 2010 requires that all public bodies take account of the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality
- Foster good relations between different groups

While equality legislation is a reserved matter, the Equality Act 2010 gives Scottish Ministers powers to introduce ‘Specific Duties’ through Regulations. Specific duties are duties that a public authority must follow in order to best perform the general duty. It is expected that new specific duties will be agreed in Scotland by early 2012.

## 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 the Equality Act 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 Onshore Wind Energy Supplementary Guidance. 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;

## **Assessment**

On the following pages is a completed screening template for the Onshore Wind Energy: Supplementary Guidance.

Lead Officer for Policy: David Cowie				Service: Planning and Development			
Name of Policy: Onshore Wind Energy Supplementary Guidance				Date screening conducted: 06 March 2012			
1. Briefly describe the aims of the policy (function etc): To supplement the Local Development Plan, providing further detail on how the Council will give planning consideration to applications for proposed onshore wind energy schemes and setting out a spatial framework which identifies areas of constraint and criteria to enable assessment.							
	2.	3.	4.	5.	6.	7.	8.
	Which of the elements of the General Duties apply? (No. 1 – 3, refer to page 2 of EQIA guidance)	Potential to affect groups differently?  <b>Yes or No</b>	Any evidence or concerns that the policy has, or could have, an adverse or differential affect on a particular group or groups?	Could the adverse effects on any particular group be significant? <b>Yes or No</b>	Degree of relevance to General Duties <ul style="list-style-type: none"><li>• High</li><li>• Medium</li><li>• Low</li></ul>	Priority Level <ul style="list-style-type: none"><li>• High</li><li>• Medium</li><li>• Low</li></ul>	Is a full EQIA to be carried out? <b>Yes or No*</b>
<b>Age</b>	1, 2	No	It is unlikely that this approach will have a significant impact	No	Low	Low	No
<b>Disability</b>	1, 2	No	It is unlikely that this approach will have a significant impact	No	Low	Low	No
<b>Gender reassignment</b>	1, 2	No	It is unlikely that this approach will have a significant impact	No	Low	Low	No
<b>Marriage and civil partnership</b>	1, 2	No	It is unlikely that this approach will have a significant impact	No	Low	Low	No
<b>Pregnancy and maternity</b>	1, 2	No	It is unlikely that this approach will have a significant impact	No	Low	Low	No
<b>Race</b>	1, 2,3	No	It is unlikely that this approach will have a	No	Low	Low	No

			significant impact				
<b>Religion/Belief</b>	1, 2, 3	No	It is unlikely that this approach will have a significant impact	No	Low	Low	No
<b>Sex</b>	1, 2	No	It is unlikely that this approach will have a significant impact	No	Low	Low	No
<b>Sexual Orientation</b>	1, 2	No	It is unlikely that this approach will have a significant impact	No	Low	Low	No
<b>Other (specify) - NONE</b>							

**Brief statement below to support the decision to undertake a full EQIA or not:**

The Supplementary Guidance sets out an approach to deal with development proposals. Those proposals are for electricity generation equipment rather than for land and buildings used by people. Any impacts of such development can be expected to be of relevance to the population in general rather than being specific to a particular group(s). The Guidance does not in any way differentiate between those groups, in terms of the approach taken or opportunities and constraints identified.

**Remedial action to be taken based on available evidence and there is no requirement to proceed to a full EQIA, please list the actions below:**

None.

**Name and position of person(s) carrying out screening:** David Cowie, Principal Planner (Development Plans Team)

Please send a copy of this screening to:

Equal Opportunities Officer

Chief Executives Office

Glenurquhart Road

Inverness

[Equal.opportunities@highland.gov.uk](mailto:Equal.opportunities@highland.gov.uk)

## Conclusion

This EqIA Screening has identified areas where our policy approaches may have an impact on different groups. Given the stage at which this screening has been carried out, it has been possible to change planning policy approaches (where necessary) to ensure there will be no adverse affect on any particular group.

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