

Clackmannanshire Council

Partial Equalities Impact Assessment

Clackmannanshire Local Development Plan



**Clackmannanshire
Council**

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Introduction

This document is a partial Equality Impact Assessment for the Clackmannanshire Local Development Plan. It has considered the plan's policies in terms of their potential for differential impacts on people and groups with protected characteristics. The conclusion drawn from this exercise is that there is the potential for some policies to have negative differential impacts, but that this risk can be minimised through consultation with relevant groups, so a full Equality Impact Assessment is not needed.

The Local Development Plan

Under the Planning Etc. (Scotland) Act 2006, Clackmannanshire Council is required to prepare and keep under review a Local Development Plan.

The Local Development Plan will guide the use and development of land within Clackmannanshire. It contains a vision which sets out the Council's aspirations for the area; a spatial strategy which identifies broad areas where certain development strategies will be promoted; and policies which set criteria for future development. These policies cover the nature and location of new development, plus protection and enhancement of Clackmannanshire's built and natural heritage.

The Local Development Plan will be a material consideration in determining planning applications.

Why have we done a partial Equality Impact Assessment?

Under the Equality Act 2010, Clackmannanshire Council has a duty to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between people in relation to age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

The purpose of Equality Impact Assessment is to work out whether a group or individual with one or more of the protected characteristics listed above will be adversely affected by a Council policy or procedure. The aim of an Equality impact Assessment is to facilitate openness in the way that Council policies are designed and delivered, and to be accountable to the public for decisions which affect them.

Equality Impact Assessment and the Local Development Plan process

Main Issues Report stage

Preparation of the Local Development Plan is an iterative process, with a number of opportunities for formal and informal consultation and discussion. The plan has been developed in consultation with the Scottish Government and national agencies throughout.

The first main opportunity for public consultation on the Local Development Plan was the Main Issues Report stage. The Main Issues Report (MIR) set out a suggested vision and spatial strategy for Clackmannanshire, described the main issues affecting the area, and suggested options for addressing these issues.

Consultation on the Main Issues Report ran from January to March 2011: the MIR was made available on the Council's website and there were a series of drop-in sessions at venues throughout the area. Although this consultation was not targeted particularly at any groups or individuals who might be subject to discrimination or differential impacts, it was intended to be open to all and inclusive. Efforts were made to make the consultation appealing to range of people who might not normally comment on development plans.

Proposed Plan stage

Following consultation on the Main Issues Report, a Proposed Local Development Plan is being prepared. Draft policies are being developed, taking into account the comments received during the MIR consultation. These draft policies have each been assessed to determine whether they could have differential impacts on people or groups with the protected characteristics identified in the Equality Act 2010:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Appendix 1 shows the results of this screening exercise. Most of the Local Development Plan policies are considered unlikely to have any impacts on any of the protected characteristics, because the policies are intended to be applied regardless of gender, race, disability, age, religion / belief, and sexual orientation. However, the screening exercise identified that five policy areas had the potential for differential impacts:

- *Gypsy / travellers' sites*: there is the potential for differential impacts with regard to race
- *Residential care facilities*: there is the potential for differential impacts with regard to age and disability
- *Integrated and sustainable transportation*: there is the potential for differential impacts with regard to disability
- *Development proposals (transportation)*: there is the potential for differential impacts with regard to disability
- *Layout and design principles*: there is the potential for differential impacts with regard to disability

These five policy areas were considered in more detail and the draft policies were scrutinised for their likely impacts on people and groups with the protected characteristics. The table below shows the quality issues associated with each policy, and the action we propose to take to address the potential for differential impacts; see Appendix 2 for more detail.

Policy	Issues	Action
Gypsy / travellers' sites	This policy sets out criteria for the development of gypsy / travellers' sites. It has the potential to discriminate against gypsies and travellers by allocating sites that do not adequately meet their needs	Consult the site manager at Clackmannanshire's existing gypsy/travellers' site in the first instance, and any appropriate experts or groups he recommends, in order to gather views on the draft policy. Amend the policy, taking these views into account.
Residential care facilities	This policy sets out criteria for the development of residential care facilities. It has the potential for differential impacts on elderly people and people with disabilities; however, since the intended outcome of the policy is high quality residential facilities, it is considered that any differential impacts will be positive.	No further action required: this policy is intended to have beneficial impacts on elderly people and people with disabilities; research has been carried out as part of the development of the Clackmannanshire Housing Need and Demand Assessment.
Integrated and sustainable transportation	These policies set out development criteria relating to transport infrastructure. There is the potential for people with disabilities to be affected by changes to transport infrastructure; however, these policies are intended to support the Clackmannanshire Local Transport Strategy, which includes actions and policy to improve accessibility for people with impaired mobility.	No further action required: these policies implement the Local Transport Strategy, which states that all new and improved infrastructure will be audited to provide compliance with the Disability Discrimination Act 2005 (DDA).
Development proposals (transportation)		
Layout and design principles		

This exercise shows that any risks of differential impacts associated with these policies have either already been minimised, or can be minimised through targeted consultation and discussion of the policies with relevant groups and experts. Therefore, we conclude that a full Equality Impact Assessment is not required.

Next steps

In preparing the proposed plan, we will consult with experts and groups representing gypsies and travellers to ensure that their views and needs are taken into account.

We will consult on the Proposed Local Development Plan in late 2012 / early 2013, and will seek the views of all people likely to be affected by the plan and its policies.

Appendix 1 - pre-screening table

The matrix below was used to review each draft policies, with a view to determining whether it was likely to have differential impacts on any of the protected characteristics specified in the public bodies' equality duties in the Equality Act 2010.

Topic	Policy	Protected characteristic								Comments
		Age	Disability	Gender reassignment	Pregnancy and maternity	Race	Religion or belief	Sex	Sexual orientation	
Housing	Maintaining a housing land supply	0	0	0	0	0	0	0	0	
	Windfall housing development within urban areas	0	0	0	0	0	0	0	0	
	Affordable housing	0	0	0	0	0	0	0	0	
	Gypsy / travellers' sites	0	0	0	0	?	0	0	0	This policy is intended to meet the accommodation needs of gypsies and travellers. It should be developed in consultation with representatives of these groups
	Residential care facilities	?	?	0	0	0	0	0	0	This policy is intended to support the development of residential care facilities to meet the needs of elderly people and people with disabilities.
	Layout and design principles	0	?	0	0	0	0	0	0	This policy could have impacts on people with impaired mobility.
	Additional design information	0	0	0	0	0	0	0	0	
	Development density	0	0	0	0	0	0	0	0	

Key:

- X** policy is likely to have a differential negative impact on the protected characteristic
- ?** policy has the potential to have a differential negative impact on the protected characteristic
- 0** policy is unlikely to have a differential negative impact on the protected characteristic

Topic	Policy	Protected characteristic								Comments
		Age	Disability	Gender reassignment	Pregnancy and maternity	Race	Religion or belief	Sex	Sexual orientation	
	Energy efficiency and low carbon development	0	0	0	0	0	0	0	0	
Social Infrastructure	Developer contributions	0	0	0	0	0	0	0	0	
	Education and community facilities	0	0	0	0	0	0	0	0	
	Open space and outdoor recreation	0	0	0	0	0	0	0	0	
Services	Integrated and sustainable transportation	0	?	0	0	0	0	0	0	This policy could have impacts on people with impaired mobility.
	Promoting sustainable travel choices	0	0	0	0	0	0	0	0	
	Development proposals	0	?	0	0	0	0	0	0	This policy could have impacts on people with impaired mobility.
	Core paths plan	0	0	0	0	0	0	0	0	
	Parking	0	0	0	0	0	0	0	0	
	Energy	0	0	0	0	0	0	0	0	
	Decentralised energy	0	0	0	0	0	0	0	0	
	Renewable energy	0	0	0	0	0	0	0	0	
	Wind energy development	0	0	0	0	0	0	0	0	
	Hydro development	0	0	0	0	0	0	0	0	
	Biomass	0	0	0	0	0	0	0	0	
	Large solar arrays	0	0	0	0	0	0	0	0	
	Deep geothermal	0	0	0	0	0	0	0	0	
Water and drainage infrastructure and capacity	0	0	0	0	0	0	0	0		
Pipeline and hazard consultation zones	0	0	0	0	0	0	0	0		

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Topic	Policy	Protected characteristic								Comments
		Age	Disability	Gender reassignment	Pregnancy and maternity	Race	Religion or belief	Sex	Sexual orientation	
	Hazardous substances consent	0	0	0	0	0	0	0	0	
Development in the countryside and the rural economy	Development in the countryside and the rural economy	0	0	0	0	0	0	0	0	
Business and employment	Strategic land for business	0	0	0	0	0	0	0	0	
	Business proposals	0	0	0	0	0	0	0	0	
	Mixed uses and home working	0	0	0	0	0	0	0	0	
	Green business	0	0	0	0	0	0	0	0	
	Telecoms infrastructure and integrating technology into new development	0	0	0	0	0	0	0	0	
	Protection of minerals resources	0	0	0	0	0	0	0	0	
	Minerals - general principles	0	0	0	0	0	0	0	0	
	Surface coal extraction	0	0	0	0	0	0	0	0	
	Aggregate minerals	0	0	0	0	0	0	0	0	
	Coal bed methane	0	0	0	0	0	0	0	0	
	Woodlands & forestry	0	0	0	0	0	0	0	0	
Retail & town centres	Retail network centre and hierarchy	0	0	0	0	0	0	0	0	
	New retail and commercial leisure development	0	0	0	0	0	0	0	0	
	Supermarket and superstore development	0	0	0	0	0	0	0	0	

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Topic	Policy	Protected characteristic								Comments
		Age	Disability	Gender reassignment	Pregnancy and maternity	Race	Religion or belief	Sex	Sexual orientation	
	Food and drink	0	0	0	0	0	0	0	0	
	Siting of mobile snack bars	0	0	0	0	0	0	0	0	
	Motor vehicle sales and service areas	0	0	0	0	0	0	0	0	
	Local shops	0	0	0	0	0	0	0	0	
	shopfront design, security and advertising	0	0	0	0	0	0	0	0	
	Promoting town centre regeneration	0	0	0	0	0	0	0	0	
The natural environment	Habitat networks and biodiversity	0	0	0	0	0	0	0	0	
	Protection of designated sites	0	0	0	0	0	0	0	0	
	Special Landscape Areas	0	0	0	0	0	0	0	0	
	Geological review sites	0	0	0	0	0	0	0	0	
	Hedgerows, trees and tree preservation orders	0	0	0	0	0	0	0	0	
	Green belt	0	0	0	0	0	0	0	0	
	Coastal planning	0	0	0	0	0	0	0	0	
	Managing flood risk	0	0	0	0	0	0	0	0	
Protecting environmental resources	Environmental quality	0	0	0	0	0	0	0	0	
	Water environment	0	0	0	0	0	0	0	0	
	Significant soil resources	0	0	0	0	0	0	0	0	
	Supporting the delivery of community growing spaces	0	0	0	0	0	0	0	0	

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Topic	Policy	Protected characteristic								Comments
		Age	Disability	Gender reassignment	Pregnancy and maternity	Race	Religion or belief	Sex	Sexual orientation	
	Classification of land that has been used for community growing	0	0	0	0	0	0	0	0	
	Waste management facilities	0	0	0	0	0	0	0	0	
	Energy from waste facilities	0	0	0	0	0	0	0	0	
	Minimising waste in new development	0	0	0	0	0	0	0	0	
The built environment	Scheduled monuments	0	0	0	0	0	0	0	0	
	Other archaeological resources	0	0	0	0	0	0	0	0	
	Historic gardens and designed landscapes	0	0	0	0	0	0	0	0	
	Listed buildings	0	0	0	0	0	0	0	0	
	Conservation areas	0	0	0	0	0	0	0	0	
	Buildings at risk and non-designated heritage assets	0	0	0	0	0	0	0	0	
	The development of brownfield and contaminated land	0	0	0	0	0	0	0	0	

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Appendix 2 - Screening tables

Policy:	Gypsy/travellers' sites
What are the main aims of the policy?	To set criteria for the provision of sites for gypsies and travellers
Who are the main target groups / beneficiaries?	This policy is intended to benefit everyone.
What are the intended outcomes of the policy?	The allocation of sites that are appropriate for the current and future needs of gypsies and travellers in Clackmannanshire
Which prescribed protected characteristics might the policy have an impact on?	Race
What are the potential differential impacts, and what evidence is there to suggest this?	There is the potential for the policy to discriminate against gypsies and travellers by allocating sites that do not adequately meet their needs.
Given the differential impacts identified, what are the risks associated with introducing the policy?	There is the risk that the policy could discriminate against gypsies and travellers. However, the potential impact is considered to be fairly low, since the policy commits the Council to providing sites for gypsies and travellers
What are the benefits associated with introducing the policy?	The policy will set a clear framework for the allocation and development of sites for gypsies and travellers
Are there any experts and / or relevant groups that you can approach to explore the views on the issues? If yes, please list the groups and detail how their views will be obtained.	The Site Manager at Clackmannanshire's Westhaugh gypsy/travellers' site should be able to suggest the appropriate experts / groups to contact.
What are the views of the experts and / or relevant groups?	The draft policy will be offered to the relevant experts / groups for their opinion, and any suggestions will be taken into account.
Taking into account all of the above, please clearly state the risks associated with the policy, weighed against the benefits of the policy, and whether any additional information / evidence is required.	The policy has the potential for differential impacts on the grounds of race; however, it is considered that the likelihood of this can be minimised by consultation with relevant experts and groups.

Policy:	Residential care facilities
What are the main aims of the policy?	To set development criteria for residential care facilities
Who are the main target groups / beneficiaries?	People living in residential care facilities
What are the intended outcomes of the policy?	That new residential care facilities provide a good residential environment, provide access to community facilities, are accessible by public transport and active travel, and meet the needs identified in the Housing Need and Demand Assessment
Which prescribed protected characteristics might the policy have an impact on?	Age Disability
What are the potential differential impacts, and what evidence is there to suggest this?	The policy aims to provide high quality residential care facilities that meet the needs of elderly people and people with disabilities. These needs have been identified and modelled through the Clackmannanshire Housing Need and Demand Assessment, providing an evidence base for requiring that developers provide residential care facilities. Any differential impacts, therefore, should be positive
Given the differential impacts identified, what are the risks associated with introducing the policy?	There are no risks associated with the policy
What are the benefits associated with introducing the policy?	This policy should enable elderly people and people with disabilities to live in appropriate housing
Are there any experts and / or relevant groups that you can approach to explore the views on the issues? If yes, please list the groups and detail how their views will be obtained.	Research has already been carried out in the preparation of the Clackmannanshire Housing Need and Demand Assessment
What are the views of the experts and / or relevant groups?	These views should already have been taken into account through the Housing Need and Demand Assessment
Taking into account all of the above, please clearly state the risks associated with the policy, weighed against the benefits of the policy, and whether any additional information / evidence is required.	This policy is intended to benefit elderly people and people with disabilities, so no further assessment is considered to be required.

Policy	Integrated and sustainable transportation
What are the main aims of the policy?	To set development criteria relating to transport infrastructure.
Who are the main target groups / beneficiaries?	This policy is intended to benefit everyone.
What are the intended outcomes of the policy?	A reduction in the need to travel; active travel and sustainable travel as a first choice local journeys; transport supporting the Council's objectives for sustainable economic growth.
Which prescribed protected characteristics might the policy have an impact on?	Disability
What are the potential differential impacts, and what evidence is there to suggest this?	There is the potential for people with disabilities to be affected by changes to transport infrastructure.
Given the differential impacts identified, what are the risks associated with introducing the policy?	The policy explicitly seeks to ensure accessibility and equal opportunities; the policy aims to support the Local Transport Strategy, which includes actions to improve accessibility for people with impaired mobility.
What are the benefits associated with introducing the policy?	The policy should reduce the environmental impact of transport and provide a quality transport network.
Are there any experts and / or relevant groups that you can approach to explore the views on the issues? If yes, please list the groups and detail how their views will be obtained.	Research was carried out as part of the development of the Local Transport Strategy, and the strategy contains a commitment to develop a Roads Disability Equality Scheme and Action Plan.
What are the views of the experts and / or relevant groups?	These views are assumed to have already been taken into account in the development of the Local Transport Strategy
Taking into account all of the above, please clearly state the risks associated with the policy, weighed against the benefits of the policy, and whether any additional information / evidence is required.	The policy is closely aligned to the Local Transport Strategy, which includes actions to improve accessibility, so no further assessment is considered to be required.

Policy:	Development proposals
What are the main aims of the policy?	To set out criteria relating to transport infrastructure in new development.
Who are the main target groups / beneficiaries?	This policy is intended to benefit everyone.
What are the intended outcomes of the policy?	New development includes appropriate provision for public and active transport; new developments are safe and accessible.
Which prescribed protected characteristics might the policy have an impact on?	Disability
What are the potential differential impacts, and what evidence is there to suggest this?	There is the potential for people with disabilities to be affected by changes to transport infrastructure.
Given the differential impacts identified, what are the risks associated with introducing the policy?	The policy explicitly seeks to ensure accessibility and equal opportunities; the policy aims to support the Local Transport Strategy, which includes actions to improve accessibility for people with impaired mobility.
What are the benefits associated with introducing the policy?	The policy should reduce the environmental impact of transport and ensure that new developments are safe and accessible by all.
Are there any experts and / or relevant groups that you can approach to explore the views on the issues? If yes, please list the groups and detail how their views will be obtained.	Research was carried out as part of the development of the Local Transport Strategy, and the strategy contains a commitment to develop a Roads Disability Equality Scheme and Action Plan.
What are the views of the experts and / or relevant groups?	These views are assumed to have already been taken into account in the development of the Local Transport Strategy.
Taking into account all of the above, please clearly state the risks associated with the policy, weighed against the benefits of the policy, and whether any additional information / evidence is required.	The policy aims to make develops safe and accessible for all. It is closely aligned to the Local Transport Strategy, which includes actions to improve accessibility, so no further assessment is considered to be required.

Policy:	Residential care facilities
What are the main aims of the policy?	To set out criteria that should be followed in the design of all new residential developments.
Who are the main target groups / beneficiaries?	This policy is intended to benefit everyone.
What are the intended outcomes of the policy?	New residential development is designed to high standards and contributes positively to its local environment and community.
Which prescribed protected characteristics might the policy have an impact on?	Disability
What are the potential differential impacts, and what evidence is there to suggest this?	There is the potential for people with disabilities to be affected by changes to transport infrastructure.
Given the differential impacts identified, what are the risks associated with introducing the policy?	The elements of the policy relating to transport infrastructure require development in accordance with Designing Streets, which includes guidance on inclusive design and avoiding discrimination; the policy also supports the Local Transport Strategy, which includes actions to improve accessibility for people with impaired mobility.
What are the benefits associated with introducing the policy?	The policy should reduce the environmental impact of transport and ensure that new developments are safe and accessible by all.
Are there any experts and / or relevant groups that you can approach to explore the views on the issues? If yes, please list the groups and detail how their views will be obtained.	Research was carried out as part of the development of the Local Transport Strategy, and the strategy contains a commitment to develop a Roads Disability Equality Scheme and Action Plan. Designing Streets is supported by guidance on inclusive design.
What are the views of the experts and / or relevant groups?	These views are assumed to have already been taken into account in the development of the Local Transport Strategy and Designing Streets.
Taking into account all of the above, please clearly state the risks associated with the policy, weighed against the benefits of the policy, and whether any additional information / evidence is required.	The policy is closely aligned to the Local Transport Strategy, which includes actions to improve accessibility; and with Designing Streets, which addresses issues of inclusive design; so no further assessment is considered to be required.