

## EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy/ legislation etc</b>	<b>Miscellaneous Amendments to the Planning System 2012 – amendments to the Town and Country Planning (Scotland) Act 1997</b>	
<b>Minister</b>	<b>Minister for Local Government &amp; Planning</b>	
<b>Lead official</b>	<b>Alan Cameron</b>	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
	<b>Alan Cameron Graham Robinson</b>	<b>Planning and Architecture Division</b>
<b>Directorate: Division: team</b>	<b>Planning and Architecture Division</b>	
<b>Is this new or revision to an existing policy?</b>	<b>Amendments to existing legislation</b>	

1. The public sector equality duty requires the Scottish Government to pay “due regard” to the need to:
  - eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010;
  - advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - foster good relations between people who share a relevant protected characteristic.
2. These three requirements apply across the “protected characteristics” of age; disability; gender reassignment; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
3. Equality considerations are therefore integrated into all the functions and policies of Scottish Government Directorates and Agencies.
4. Equalities Impact Assessment (EQIA) enables us to consider how our policies may impact, either positively or negatively, on different sectors of the population in different ways.

**What is the purpose of the proposed policy (or changes to be made to the policy)?**

5. The objective is to ensure that statutory planning procedures are proportionate, efficient and effective. In particular those that relate to the development management procedures and planning appeals introduced in August 2009.
6. This EqIA relates to a number of refinements and amendments to the Town and Country Planning (Scotland) Act 1997 regarding procedures on:

Development Management

- Remove requirements for pre-application consultation on planning applications to amend conditions

Local Review Procedures

- allow applicants and planning authorities to agree an extension to the period after which the applicant can seek local review on the grounds of non-determination (as is the case with planning appeals)
- technical legal amendments to ensure the provisions of the 1997 Act are appropriately applied to applications to which new rights to local review apply.

**Who is affected by the policy or who is intended to benefit from the proposed policy and how?**

6. These changes are primarily about streamlining the planning process and ensuring requirements are clear, proportionate and effective. The main change to applications with a right to local reviews is the ability to agree extensions, thus allowing the applicant to allow more time for the planning authority to issue a decision while preserving his or her right to challenge their failure to issue a decision after the extended period. The technical amendments in relation to such applications are to ensure the mechanisms of the planning system are applied or clarify their application in such cases. With regard to the changes in development management, there will be a more proportionate requirement to consult with communities.

**How have you or will you put the policy into practice, and who is or will be delivering it?**

7. The initial consideration of these procedural requirements rests with Scotland's planning authorities, though applicants will face some reduced requirements, namely reductions in pre-application consultation in certain cases. There will be amendments as appropriate

to the guidance introduced in 2009 in relation to Development Management and Appeals.

**How does the policy fit into our wider or related policy initiatives?**

8. These changes will help improve clarity of the existing provisions and contribute to achieving a planning system which is efficient and *fit for purpose*.

**What we already know about the diverse needs and/or experiences of your target audience**

9. Equality Impact Assessments were prepared for the planning legislation these proposals seek to amend. Building on those assessments, we are not aware of any evidence that any of the equality strands will be affected by the proposals. The proposals will affect all business or individuals seeking approval of a relevant planning application proportionately.

**Do we need more information to help us understand the diverse needs and/or experience of our target audience?**

10. We recognised that there was scope to increase our knowledge as to whether and if so how the proposals in relation to the removal of pre-application consultation requirements and the ability to agree extensions in local review cases may affect particular sections of society. To assist in this, we included a specific question in the consultation paper “Miscellaneous Amendments to the Planning System 2012” seeking views on whether there are particular impacts on societal groups that we should be aware of.
11. Most respondents either did not respond at all (36 respondents) or indicated that they had no comments to make (37 respondents). The other comments largely fell into two, essentially inter-related, categories:
  - Nine respondents said that it was unlikely that the proposals would impact on equalities groups
  - Eleven respondents said that the partial EQIA was comprehensive - which might suggest, although it is not stated in these responses, that the respondents agree with the conclusions reached in the EQIA.

**Describing how Equality Impact analysis has shaped the policy making process**

12. These changes are largely technical, fine tuning measures with regard to the existing planning procedures. However, the need for this equality impact analysis has ensured we are not complacent in considering the impact of the measures involved. We did not believe

there were likely to be any such impacts and nothing has emerged to contradict that view.

### **Monitoring and Review**

13. These amendments arise from a review of the modernisation of the planning system and are designed, in part, to address some concerns around the changes. We are in regular, ongoing contact with planning system stakeholders or their representative bodies, and will take the opportunity to take views on these amendments.

### **Authorisation**

14. These changes are largely technical refinements and fine tunings of the existing procedural requirements.

- This Equality Impact Assessment has informed the development of this policy:

**Yes**  **No**

- Opportunities to promote equality in respect of age, disability, gender, gender identity/transgender, sexual orientation, race and religion and belief have been considered, i.e.:
  - Eliminating unlawful discrimination, harassment, victimisation;
  - Removing or minimising any barriers and/or disadvantages;
  - Taking steps which assist with promoting equality and meeting people's different needs;
  - Encouraging participation (e.g. in public life)
  - Fostering good relations, tackling prejudice and promoting understanding.

**Yes**  **No**

### **Declaration**

I am satisfied with the equality impact assessment that has been undertaken for Miscellaneous Amendments to the Planning System 2012 – amendments to the Town and Country Planning (Scotland) Act 1997 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

**Name: John McNairney**

**Position: Chief Planner**

**Authorisation date: 22 November 2012**