



Equality Impact Assessment

West Lothian Local Development Plan

The council has a duty under the Equality Act 2010, when exercising its duties and functions to:

- *eliminate unlawful discrimination, harassment and victimization and other prohibited conduct;*
- *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 protected characteristic and those who do not.*

Introduction

This background paper forms part of the evidence base and necessary documentation for the preparation of the Local Development Plan. This paper sets out the Equality Relevance Assessment and Equality Impact Assessment for that document.

The council has a duty under the Equality Act 2010, when exercising its duties and functions to:

- eliminate unlawful discrimination, harassment and victimization and other prohibited conduct;
- 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 protected characteristic and those who do not.

The public sector equality duty covers the following protected characteristics: age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, and sexual orientation.

Equality Relevance Assessment

1. Details of proposal	
Policy title	West Lothian Local Development Plan Proposed Plan
Lead officer	Fiona McBrierty, Development Planning and Environment Manager
Date relevance considered	September 2015

2. Does the council have control over how this policy will be implemented? YES

3. Do you have evidence or reason to believe that this policy will, or may potentially:

<i>General Duties</i>	<i>Impact on equality (Yes or No)</i>
Reduce or increase discrimination, victimization, or harassment against people covered by the equality protected characteristics?	NO
Reduce or increase equality of opportunity between people who share an equality protected characteristic and those who do not?	YES
Provide opportunity to improve good relations between those who share an equality protected characteristic and those who do not?	NO

4. Equality impact assessment required? (Two "Yes" above = full assessment necessary) NO

5. Decision rationale

Yes – as a discretionary decision. An Equality Impact Assessment (EQIA) involves thinking about the potential consequences of policies and functions for both the identified equality 'protected characteristics' but also the wider community, making sure that as far as possible, any negative impacts are minimized, or eliminated, and that opportunities for promoting equality and respect for all human rights are maximized.

West Lothian Council is required, by law, to produce a *Local Development Plan* (LDP). Development plans are the basis for decision making on planning applications. They contain a strategy for the future development of an area and set out policies and proposals to guide the future development

and use of the identified area. Topics are not set in legislation, but usually cover issues such as the environment, housing, built heritage, transport and infrastructure, economic development, retailing, extraction of natural resources, waste management and renewable energy development. When adopted, the LDP will replace the *West Lothian Local Plan*, which is now in force. The LDP must accord with the approved Strategic Development Plan for Edinburgh and South East Scotland (SESplan).

In preparing the West Lothian Local Development Plan West Lothian Council will engage and work with key stakeholders and the wider community. Consultation and engagement will not guarantee that those who engage in the process determine final decisions and strategic plans but it can provide opportunities for involvement in shaping the future plan.

Equality Impact Assessment

1. Details of proposal

Details of others involved	WLC services, key agencies (e.g. SEPA, SNH, Historic Scotland and Scottish Water)
Date assessment conducted	September 2015

2. Aims of the proposed change to council policy or resources

The purpose of the proposed change to council policy is the preparation of a new *Local Development Plan* (LDP) for West Lothian. The new LDP will review the existing policy framework and land use allocations in the *West Lothian Local Plan (2009)*; it includes new policies and allocates land for a variety of uses. The key aim for this function is to meet the development needs of West Lothian alongside protection of the environment. The LDP will in time, steer a sustainable growth path for West Lothian in the context of challenging issues including the economic downturn and compliance with the Climate Change (Scotland) Act 2009.

3. What equality data, research or other evidence has been used to inform this assessment?

The *Main Issues Report* (MIR) was the key consultation stage in the preparation of the LDP. The bulk of consultations and engagement took place following publication of the MIR. Information gained from consultation on the MIR has been reviewed and fed back into the *Proposed Plan* for the LDP. Prior to the publication of the MIR some consultations addressing equality matters took place. These are discussed in section 4 and in more detail in Appendix 1.

4. Details of consultation and involvement

Winter 2010/11 – press release and launch

Purpose: Raise awareness of the LDP process, set out the task that lies ahead, generate interest and identify parties interested in engaging in the LDP process.

Winter 2010/2011 – initial consultation

Purpose: Obtain initial input from interested individuals and organizations including a 'call for sites'. This input was gathered through a range of different techniques such as a key issues questionnaire; publicity in the local press and on the council's website, Facebook and Twitter pages; press releases; correspondence with all community councils; seeking expressions of interest in sites from developers and landowners; and broader identification of issues.

12/2013 – *consultation with key agencies*

Purpose: Consult with key agencies such as Scottish Water, Historic Scotland, Scottish Environment Protection Agency (SEPA), Health and Safety Executive and Scottish Natural Heritage (SNH) to assess sites submitted under the council's 'call for sites' exercise and identify any key issues for the LDP. Consultation with adjacent planning authorities and the Scottish Government also took place.

Mid 2014 – *public consultation on Main Issues Report (MIR)*

Purpose: Seek the views of individuals/organizations on the content of the published MIR – an opportunity to submit representations on the MIR, including the council's preferred development strategy. Consultation will also take place through the Citizens Panel in West Lothian, with local schools, Community Councils and the Association of Community Councils, and at various events/meetings, and also through publicity in the local media, council publications, at various council and other venues including partnership and shopping centres, libraries etc.

Autumn/winter 2015 – publication of proposed LDP and formal representation phase Purpose: to give stakeholders and consultees the opportunity to submit formal representations to the plan. Any representations that cannot be resolved through negotiation and are not withdrawn will be considered in a subsequent Examination of the plan.

Early 2016 - Submission of the Proposed Plan to Scottish Ministers, including the council response to formal representations and subsequent Examination.

Winter 2016 – adoption of Local Development Plan.

The above programme reflects current thinking but the timing and content of planned consultation stages may change, hence the need for an annual review or a more frequent review if deemed necessary.

5. Issues identified and 'protected characteristics' impact

(Covering: age; disability; gender; gender identity; pregnancy and maternity; race; religion or belief and sexual orientation equality)

Impacts on the 'protected characteristics' were:

Age

The LDP promotes and encourages the protection of the natural and built environment for the young as well as future generations. Economic growth and the supply of housing will also have a positive impact on all age groups, particularly for the young. A further positive impact is from the provision of open space and plays areas, resulting in healthier and higher quality lifestyles. The LDP will also bring positive impacts through increased accessibility within new developments of non-car modes of transport and local services.

Disability

Promotion of adaptable housing, and the improvement of accessibility within new developments of non - car modes of transport, brings positive impacts.

Faith or belief

No specific impacts. The positive impacts of the LDP apply irrespective of faith and belief.

Gender re-assignment

No specific impacts. The positive impacts of the LDP apply irrespective of gender re-assignment.

Pregnancy/maternity

No specific impacts. The positive impacts of the LDP apply irrespective of pregnancy/maternity.

Race

The positive impacts of the LDP will apply irrespective of race. West Lothian Council supports the provision of gypsy/traveller sites which could positively impact this group.

Sex

The LDP will impact equally on males and females.

Sexual Orientation

No specific impacts. The positive impacts of the LDP apply irrespective of sexual orientation.

Socio-economic disadvantage

Land allocations and safeguarding land for development will increase opportunities for all people in West Lothian and foster economic growth to enable reasonable livelihoods for all irrespective of circumstances. Increased accessibility within new developments for non-car modes of transport, implementation of affordable housing and the provision of open space also brings positive impacts.

There are no anticipated negative impacts identified in the Proposed Plan.

6. What measures are in place to monitor the actual impact following implementation?

The Proposed Plan will be subject to a period for representations. Those seeking a change to the plan may have their representation considered by an independent Directorate of Planning and Environmental Appeals (DPEA) Reporter. Following examination, the Reporter will prepare a report setting out their findings. The council is required to take on board the recommendations in this report and will amend the LDP in line with the recommendations.

In addition, it should be noted that, the implementation of all the policies in the plan will be the subject of an Action Programme.

7. Recommendation

Implement the proposal taking account of mitigating actions as outlined below.

8. Mitigating actions and additional outputs

There is a statutory requirement to review and replace the LDP at least every five years.

Human Rights

Human rights include:

- Freedom of expression
- Freedom of assembly and association
- Right to education
- Right to peaceful enjoyment of your property
- Freedom of thought, belief and religion
- Respect for private and family life and correspondence
- Right to marry and start a family
- Right to participate in free elections
- Right to a fair trial
- Freedom from punishment without law
- Right to liberty and security
- Freedom from torture and inhuman or degrading treatment
- Freedom from slavery and forced labour, and
- Protection from discrimination in respect of these rights and freedoms.

Whilst it is not a requirement for councils to carry out a Human Rights Impact Assessment, human rights issues have been considered alongside equalities as the objectives of both are often complimentary. These rights and freedoms are not significantly influenced by the development plan process.

Through the consultation process on the LDP, West Lothian Council will ensure that personal information is kept secure and not shared without permission, except in certain circumstances. In responding to the period of representations on the MIR and related documents, this information will be in the public domain. At minimum signatures, e-mail addresses and phone numbers will be deleted from any information published.

Appendix (1)**Main Issues Report consultation**

Consultation took place between August and October 2014. Amongst the activities carried out to keep parties informed included:

* Statutory advert in local papers advertising where we were to hold open public sessions on the LDP in Bathgate, Linlithgow and Livingston.

*LDP Newsletter (for those who have subscribed to this service, around 800 signatories at that time;

* Drop in all day events in Linlithgow (Burgh Halls), Bathgate (Partnership Centre), Fauldhouse (Partnership Centre), The Civic Centre in Livingston and the Centre (shopping centre) in Livingston (these were well attended and included maps and key documents for parties to peruse, as well as an information leaflet and questionnaire that parties could take away;

* 4 meetings with community councils on an area basis to go through the plans. These were well attended with nearly three quarters of community council's in attendance.

Development Planning consulted members of the Citizens Panel, which has some 3,000 signatories on the MIR.