

Equality and Human Right Impact Assessment: The Form

Aberdeen City Council

EHRIA



There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

1:Equality and Human Rights Impact Assessment- Essential Information

Name of Proposal:

Draft Nigg Bay Development Framework

Date of Assessment:

07 July 2015

Updated with comments from Equalities team on 03 August 2015

Service:

Planning and Sustainable Development

Directorate:

Communities, Housing and Infrastructure

Committee Name or delegated power reference (Where appropriate):

*Communities, Housing and Infrastructure
Committee CHI/15/188*

Date of Committee (Where appropriate):

27 August 2015

Who does this proposal affect?

Please Tick ✓

Employees

☐

Job Applicants

☐

Service Users

☒

Members of the Public

☒

Other (List below)

☐

2: Equality and Human Rights Impact Assessment- Pre-screening	
Is an impact assessment required?	Yes <input checked="checked" type="checkbox"/> No <input type="checkbox"/>
If No, what is the evidence to support this decision? (Once this section is completed, please complete section 8 of the form).	

3: Equality and Human Rights Impact Assessment

a- What are the aims and intended effects of this proposal?

- To advance the detail for the proposed new harbor facility at Nigg Bay which is identified as Opportunity Site OP62 in the Proposed Aberdeen Local Development Plan 2015.
- The Development Framework considers the site of the proposed new harbour facility at Nigg Bay and it's interaction with surrounding areas, focusing on the existing industrial areas at Altens and East Tullos.
- To ensure that the local people and stakeholders continue to shape the content of the draft Development Framework until it is finalised as the planning guidance for all development within the study area.
- To give greater certainty, clarity and confidence to the development process by setting and agreeing a series of design and development principles in order to facilitate and direct the right and most appropriate forms of development are considered for the area.
- To observe the inclusiveness afforded by the statutory and non-statutory planning processes and increase efficiency in determination.
- To ultimately be a material consideration in the assessment and determination of all planning applications and any other related consents for development within the site.

b- What equality data is available in relation to this proposal?

(Please see guidance notes)

The Draft Nigg Bay Development Framework has been prepared as strategic land-use planning guidance to inform the development of the proposed new harbour facility at Nigg Bay and its impact on and opportunities presented by the surrounding areas.

The content of the Draft Development Framework has been shaped by the findings of public consultation and engagement with the communities of the areas, and interested parties and Council Officers. This included Torry, Nigg, Cove & Altens communities (focussed on meetings with Community Councils); the local business community and harbour operations/customs. The wider Aberdeen City community also had the opportunity to become involved in the consultation through the exhibition events, which took place at Union Square, Old Torry Community Centre, Aberdeen Maritime Museum and Marischal College.

If Committee approve the Report recommendations further public consultation will be undertaken develop and finalise the development framework.

The selection of the OP62 harbour site at Nigg Bay underwent ratification by the statutory processes of creating a new Aberdeen Local Development Plan requiring public engagement and involvement through the Main Issues Report and Committee approval for public consultation, and subject to forthcoming review by Scottish Ministers to conclude the process.

ALDP Proposed Plan 2015: Main Issues Report, Publicity and Consultation

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=62540&slD=26040>

The selection of a new harbour facility in Aberdeen has also undergone assessment and consultation at Scottish Planning Policy level for the

	<p>production of the National Planning Framework 3 (NPF3) A Plan for Scotland: Ambition, Opportunity, Place. Engagement was in line with Planning Advice Note 3/2010: Community Engagement and the National Standards on Community Engagement. Details of which can be found:</p> <p>NPF3 http://www.gov.scot/Resource/0045/00453683.pdf</p> <p>Participation Statement http://www.gov.scot/Resource/0044/00441807.pdf</p> <p>If the Council are minded to support the Draft Development Framework through the formal process of adoption as Supplementary Planning Guidance its content is subject to further public involvement and engagement, which will ultimately continue through the planning application processes as proposals for buildings within the site emerge. Through that formal process proposals must comply with extensive standards and policies which translate Equality and Human Rights protection matters within the built environment.</p> <p>Approval of the Draft Development Framework for public consultation is the beginning of processes of formal assessment and review to support and shape high quality development within the site.</p>
<p>c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has</p>	<p>The preparation of the Development Framework has been informed by a wide-ranging programme of community and stakeholder engagement.</p> <p>In addition to public engagement events, workshops and update presentations were held with:</p> <ul style="list-style-type: none"> • Environmental stakeholders • Planning and Transportation stakeholders • Torry Community Council

<p>taken place in relation to the proposal.</p>	<ul style="list-style-type: none"> • Nigg Community Council • Cove and Altens Community Council <p>The programme of stakeholder and public engagement so far, which has been undertaken by the consultants Barton Wilmore, for the Development Framework was split into two phases. The first phase ran from August 2014 to November 2014 and reached in excess of 300 individuals. The second phase, which was a follow up, ran from February 2015 to June 2015 and reached in excess of 200 individuals.</p> <p>Page 25 Section ‘People’ in the Development Framework contains a detailed timeline showing the dates and engagement events which have taken place.</p> <p>The full and detailed findings and outcomes of the workshops and community engagement events are set out in a separate Engagement Report, which supplements the summary information contained within the Development Framework document.</p> <p>Key messages from the engagement so far are outlined below:</p> <ul style="list-style-type: none"> • Infrastructure upgrades required • Impact on local infrastructure • Scope for revitalisation of East Tullos • Consider rail access • Existing businesses can expand and could attract new business to the area • Community benefits for the people of Torry • Need to balance the various interests and offer balanced consideration of economic, environmental and social issues <p>Upon Council’s approval to authorise the draft Development Framework for formal public consultation the results of that consultation will be evidenced to ensure consistency with the findings of the initial public consultations. Should</p>
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	<p>there be a divergence in the findings of the public consultation undertaken by Council the draft development framework will be further reviewed taking into account the most recent findings</p> <p>The professional expertise of Council Officers and Architecture and Design Scotland, as formal consultees, was used during the consultation processes of the draft development framework. Approval of this report leads to a further period of formal public engagement.</p>
<p>d- Financial Assessment</p> <p>If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p>Costs (£)</p> <p>Implementation cost £ N/A</p> <p>Projected Savings £ N/A</p>
<p>e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?</p>	
<p>As this planning process seeks to put people at the core of planning matters promoting good relations and wider community cohesion through good development, this proposal contributes to fostering good relations.</p>	

f- How does this proposal link to the Council's Equality Outcomes?

The Council's Equality Outcomes relevant to the Draft Nigg Bay Development Framework are:

Outcome 3 "An accessible city" and Outcome 6 "Housing and Infrastructure which takes into account the different needs of different communities".

The Draft Nigg Bay Development Framework has been prepared by the consultant team in an open, fair and inclusive manner adhering to the statutory requirements of the Planning (Scotland) Act 2006 which supports many of the objectives of Aberdeen City Council's Equality Outcomes.

The objectives of the Draft Development Framework are to provide a series of strategic design and development principles to guide the right and most appropriate forms of development are considered for the area.

4: Equality Impact Assessment - Test

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	Neutral Impact: Please √	Positive Impact: Please √	Negative Impact: Please √	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *(see completion terminology)
Age (People of all ages)	X			
Disability (Mental, Physical, Sensory and Carers of Disabled people)	X			
Gender Reassignment	X			
Marital Status (Marriage and Civil Partnerships)	X			
Pregnancy and Maternity	X			

Equality Impact Assessment Test:

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	Neutral Impact: Please √	Positive Impact: Please √	Negative Impact: Please √	Evidence of impact and if applicable, justification where a '<i>Genuine Determining Reason</i>'* exists *(see completion terminology)
Race (All Racial Groups including Gypsy/Travellers)	X			
Religion or Belief or Non-belief	X			
Sex (Women and men)	X			
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)	X			
Other (e.g: Poverty)	X			

5: Human Rights Impact Assessment Test

Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate

Article 2 of protocol 1: Right to education

Yes

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No

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Evidence:

The proposal is for Committee to approve a Draft Development Framework for public consultation

Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment

Yes

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No

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Evidence:

The proposal is for Committee to approve a Draft Development Framework for public consultation

Article 6: Right to a fair and public hearing	<p> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> </p> <p> Evidence: <i>The proposal is for Committee to approve a Draft Development Framework for public consultation</i> </p>
Article 8: Right to respect for private and family life, home and correspondence	<p> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> </p> <p> Evidence: <i>The proposal is for Committee to approve a Draft Development Framework for public consultation</i> </p>
Article 10: Freedom of expression	<p> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> </p> <p> Evidence: <i>The proposal is for Committee to approve a Draft Development Framework for public consultation</i> </p>
Article 14: Right not to be subject to discrimination	<p> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> </p>

	Evidence: <i>The proposal is for Committee to approve a Draft Development Framework for public consultation</i>
Other article not listed above, please state:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Evidence: <i>The proposal is for Committee to approve a Draft Development Framework for public consultation</i>
6: Assessment Rating:	
Please rate the overall equality and human right assessment (Please see Completion terminology)	<div> <input type="checkbox"/> Red <input type="checkbox"/> Red Amber <input type="checkbox"/> Amber <input checked="" type="checkbox"/> Green </div>
Reason for that rating:	<p>As a result of performing this assessment conclude that the proposal does not appear to have any adverse impacts on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage:</p> <p>The Draft Nigg Bay Development Framework sets high level strategic land-use planning guidance which will inform future development for the study area through the</p>

	<p>planning and corresponding formal consenting regimes.</p> <p>Each element or individual proposal covered by the Draft Framework will be the subject of planning or other formal consenting regimes. For planning, proposals will be measured against the policies of the Aberdeen Local Development Plan and ultimately this guidance (subject to Committee approval). Each stage of assessment ensures that proposals are designed positively to redress disadvantage in the built environment.</p> <p>The Draft Development Framework principally establishes a series of design and development principles to set standards and guide the most appropriate forms of development for the study area.</p> <p>The proposed new harbour facility, which is one key element of the Nigg Bay Development Framework study area, has the potential to positively impact on the economy in terms of job creation, improve infrastructure, regeneration of existing business and industrial areas (brownfield land) and offer opportunities for environmental enhancements for the benefit of local people.</p>
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7: Action Planning

As a result of performing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
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No Risks Identified	N/A	N/A	N/A	N/A
8: Sign off				
Completed by (Names and Services) :	Rebecca Kerr – Planner (Masterplanning, Design & Conservation) Planning and Sustainable Development Communities, Housing & Infrastructure			
Signed off by (Head of Service) :				
<p>Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to:</p> <p>Equalities Team Customer Service and Performance Corporate Governance</p>				

Aberdeen City Council
Business Hub 13
Second Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk

9: Completion Terminology:

Assessment Pre-screening Rating:	This section will highlight where there is the obvious potential for a negative impact and subsequent risk of negative media coverage and reputational damage to the Council. Therefore, a full impact assessment is required, for example around sensitive issues such as marching, Gypsy/ Traveller issues, change to social care provision. It should also be completed to evidence why a full impact assessment was not required, example, there is no potential negative impact on people.
Assessment Rating:	After completing this document, rate the overall assessment as follows: Red: As a result of performing this assessment, it is evident that we will discriminate (direct, indirect, unintentional or otherwise) against one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is removed.

	<p>Red Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken.</p> <p>Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p>Green: As a result of performing this proposal does not appear to have any adverse impacts on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>
Equality Data:	<p>Equality data is internal or external information that may indicate how the proposal being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1: Application success rates by <i>Equality Groups</i> 2: Complaints by <i>Equality Groups</i> 3: Service usage and withdrawal of services by <i>Equality Groups</i> 4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i>
Genuine Determining Reason	<p>Certain discrimination may be capable of being justified on the grounds that:</p> <ol style="list-style-type: none"> (i) <i>A genuine determining reason exists</i> (ii) <i>The action is proportionate to the legitimate aims of the organisation</i> <p>Where this is identified, it is recommended that professional and legal advice is sought</p>

	prior to completing an Equality Impact Assessment.
Human Rights	The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.
Legal Status:	This document is designed to assist us in <i>“Identifying and eliminating unlawful Discrimination, Harassment and Victimisation”</i> as required by <i>The Equality Act Public Sector Duty 2011</i> . An Equality Impact Assessment is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice.