

Equality Impact Assessment Record

Title of policy/ practice/ strategy/ legislation etc.	General Permitted Development Order – Amendments – Active Travel, Digital Communication, Agriculture and Peatland Restoration	
Minister	Minister for Local Government, Housing and Planning	
Lead official	Neil Langhorn	
Officials involved in the EQIA	name	team
	Chris Sinclair	Planning and Architecture Division: Development Delivery
Directorate: Division: Team	Local Government and Communities: Planning and Architecture Division: Development Delivery	
Is this new policy or revision to an existing policy?	Revision to Existing Policy	

Screening

Policy Aim

Permitted development rights (PDRs) refer to those forms of development which are granted planning permission nationally through legislation, meaning they can be undertaken without having to make an application to the planning authority in the usual way. They are, however, subject to specific conditions and limitations to protect amenity and to control the impacts of the development to which they relate. Current PDRs in Scotland are governed by the [Town and Country Planning \(General Permitted Development\) \(Scotland\) Order 1992](#) (“the GPDO”).

In November 2019 we consulted on a proposed work programme for substantially reviewing and extending Permitted Development Rights in Scotland along with the Sustainability Appraisal undertaken by consultants to inform the work. The consultation paper together with responses received are available to view at this link <https://consult.gov.scot/localgovernment-and-communities/reviewing-and-extending-pdr/>.

The Sustainability Appraisal considered the scope for reviewing permitted development rights for 16 separate development types, and provided an assessment of expected benefits that could be realised by extending PDR, as well as any disadvantages.

The Covid-19 pandemic has resulted in our work programme being reprioritised to support our recovery from the pandemic. There are 4 key areas we intend to initially take forward:

- Agriculture
- Digital
- Active Travel
- Peatland Restoration

It is widely acknowledged that the Planning System can play an integral role in achieving all of the outcomes included in the National Performance Framework. The changes we are proposing to bring forward relating to agriculture, digital communications, active travel and peatland restoration can contribute to the specific outcomes of Economy, Environment, Fair Work and Business, Health and Children and Young People.

By removing some elements from requiring to submit an application for planning permission means that development can be progressed more swiftly, taking advantage of improvements to technology or react to situations.

Who will it affect?

Extending PD rights will help to improve certainty of outcome for developers, and can help to reduce timescales for securing any necessary permissions or approvals. By removing more proposals from the planning application process, the proposals will also help free up resources for Planning Authorities. Where prior approval is required, these benefits may be offset in part by the need to submit an application for prior approval.

However, the fee for prior approval would be less than that for an application for planning permission.

Extending PD rights could:

- encourage development and improve digital connectivity,
- allow farmers/landowners to erect larger buildings to house machinery or convert existing buildings to residential or commercial uses, allowing them to diversify their current business,
- allow residents to erect containers to store bikes/scooters or other mobility devices, freeing up space within stairwells in tenement properties or within residential properties; and
- restoring peatland as a means to offset carbon emissions.

All of this will benefit both businesses and the general public.

What might prevent the desired outcomes being achieved?

The key factor which may prevent the desired outcomes being achieved is if the proposed developments are not being brought forward. The Scottish

Government can put in place the framework in which the need to apply for planning permission is not required however, to achieve the outcomes which we expect to be delivered will require individuals as well as businesses taking advantage of the relaxation.

Stage 1: Framing

Results of framing exercise

The initial framing exercise has shown that the key areas where PDR will have an impact on Equality groups are primarily Active Travel and Digital Communication. We consider that these impacts will be positive and have not identified any negative impacts. However, we will highlight the consultation and invite comment from representative organisations to assist with the completion of the full EQIA.

The evidence which we have identified shows that rates of active travel and of the internet reduces with age and that there can be differences across sexes as well. We will ensure that the consultation paper is highlighted to relevant representative groups to identify if they can provide more insight into how the changes we are proposing may impact directly or indirectly on equality groups.

Extent/Level of EQIA required

We consider that these proposals do not give rise to negative impacts for those with protected characteristics and the responses to the consultation has confirmed that position.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic ¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE DISABILITY SEX PREGNANCY AND MATERNITY GENDER REASSIGNMENT SEXUAL ORIENTATION RACE RELIGION OR BELIEF	<p>Cycling contributes towards national and local policy objectives to reduce emissions, tackle congestion, increase tourism and improve physical and mental health. Cycling also aids accessibility and social inclusion objectives</p>	<p>https://www.transport.gov.scot/media/48026/cycling-by-design-july-2020.pdf Cycling by Design (July 2020)</p>	
AGE SEX	<p>Participation levels - increased for cycling - from 9 per cent to 13 per cent since 2007</p> <p>When walking excluded, difference levels across sex - men participated more in cycling (17 and 9 per cent respectively)</p> <p>Cycling most popular in the 35-44 age group. Falls to only 2 per cent for the 75+ group</p> <p>Participation: Most deprived 20% - 8% Least deprived 20% - 13%</p>	<p>Scottish Household Survey (Sept 2019) https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/pages/8/</p>	

¹ Refer to Definitions of Protected Characteristics document for information on the characteristics

	<p>Although older adults were less likely to use the internet, the gap in internet use between adults aged 16-24 and adults aged 60 and above has fallen over time from 57 percentage points in 2007 to 35 percentage points in 2018. This result has mainly been driven by an increase in internet use amongst adults aged 60+ (from 29 per cent to 65 per cent).</p> <p>Overall there was no significant difference in use of internet between genders</p>		
<p>AGE</p>	<p>NPF4 Call for Ideas – Analysis (Aug 2020) https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-analysis/2020/08/npf4-analysis-reponses-call-ideas/documents/national-planning-framework-4-analysis-responses-call-ideas/national-planning-framework-4-analysis-responses-call-ideas/govscot%3Adocument/national-planning-framework-4-analysis-responses-call-ideas.pdf?forceDownload=true</p>		

AGE	Young People and the Highlands and Islands (2018)	There is a deficit of young people in the Highlands and Islands – those aged 15-30 comprise 17% of the total population compared to 21%	

Peatlands restoration

Respondents pointed to the importance of restoration of peatlands, with suggestions this should increase and that, where possible, peat forming function should be restored.

Digital

It was noted that connectivity in rural areas could also help reverse depopulation and the drift to urban centres (especially of younger people)

Active Travel

With respect to active travel there were calls for a better network of good quality footpaths and cycle paths, not only linking housing developments with town centres but also connecting to longer distance paths and cycle routes. A requirement for secure cycle storage was highlighted.

	<p>https://www.hie.co.uk/research-and-reports/our-reports/2018/may/31/yp-research/#:~:text=Young%20People%20and%20the%20Highlands%20and%20the%20Highlands%20and%20Scotland.</p>	<p>across Scotland – and this is projected to continue. Much of this deficit is a result of out-migration within the 15-19-year-old age group as significant numbers leave to pursue education and employment opportunities.</p>	
<p>AGE</p>	<p>Children and parents: media use and attitudes report 2019 (February 2020)</p> <p>https://www.ofcom.org.uk/research-and-data/media-literacy-research/childrens/children-and-parents-media-use-and-attitudes-report-2019</p>	<p>Social media is central for both tweens and teens. Some 21% of 8-11s and 71% of 12-15s have a social media profile. It also noted that 2019 saw an increase in the proportion of 12-15s who use social media to support causes and organisations by sharing or commenting on posts (18% in 2019 vs. 12% in 2018).</p>	

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission. It is considered that this should not raise any issues with regards to discrimination, harassment or victimisation.
Advancing equality of opportunity	X			It is considered that by extending permitted development rights to allow for the erection of storage for bikes, scooters and other mobility devices in front gardens could be beneficial to those who may be able to and willing to cycle as a means of transport, however they are restricted due to the lack of access to safe, secure and easily accessible storage. For Instance people who live on the first floor or above in tenements or flatted developments.
Promoting good relations among and between different age groups			X	Improving the availability of Digital Communication technology will provide benefits for all. For young people this could improve access to learning and create new job opportunities.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission. It is considered that this should not raise any issues with regards to discrimination, harassment or victimisation.
Advancing equality of opportunity	X			It is considered that by extending permitted development rights to allow for the erection of storage for bikes, scooters and other mobility devices in front gardens could be beneficial to those who may be able to and willing to cycle as a means of transport, however they are restricted due to the lack of access to safe, secure and easily accessible storage. For instance people who live on the first floor or above in tenements or flatted developments.
Promoting good relations among and between disabled and non-disabled people			X	Improving the availability of Digital Communication technology will provide benefits for all. For disabled people this could have a transformative effect on job opportunities for instance by reducing the need to travel for work for instance. The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission. It is considered that it would not have any impact on relations among disabled and non-disabled people.

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission. It is

				considered that this should not raise any issues with regards to discrimination.
Advancing equality of opportunity	X			It is considered that by extending permitted development rights to allow for the erection of storage for bikes, scooters and other mobility devices in front garden could be beneficial to those who may be able to and willing to cycle as a means of transport however they are restricted due to the lack of access to safe, secure and easily accessible storage. For Instance people who live on the first floor or above in tenements or flatted developments.
Promoting good relations between men and women			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission. It is considered that it would not have any impact on relations between men and women.

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission. It is considered that this should not raise any issues with regards to discrimination.
Advancing equality of opportunity			X	
Promoting good relations			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission.

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term 'transsexual people' but 'trans people' is more commonly used)

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission. It is considered that this should not raise any issues with regards to discrimination.
Advancing equality of opportunity			X	
Promoting good relations			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission.

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission. It is considered that this should not raise any issues with regards to discrimination.
Advancing equality of opportunity			X	
Promoting good relations			X	

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission. It is

					considered that this should not raise any issues with regards to discrimination.
Advancing equality of opportunity				X	
Promoting good race relations				X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission and we do not believe that this will have an impact positively or negatively on race relations.

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission. It is considered that this should not raise any issues with regards to discrimination.
Advancing equality of opportunity			X	
Promoting good relations			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission.

Do you think the policy impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership²	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The proposals we are bringing forward relate to the ability of individuals and businesses to take forward development without needing to apply for full planning permission and we do not believe that this will have an impact positively or negatively on eliminating discrimination.

² In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

Have positive or negative impacts been identified for any of the equality groups?	Positive impacts have been identified relating to Active Travel and Digital Communication in the Age and Sex categories.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ³ ?	No
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

Describing how Equality Impact analysis has shaped the policy making process

This EQIA formed part of the consultation paper and we invited stakeholders to play a key role in highlighting if there are any issues which we may not have considered. We specifically highlighted the consultation to a number of equality groups to ensure that they had the opportunity to respond and make any views known. Only 2 respondents specifically commented on the EQIA with the first comment expressing surprise that no negative impacts had been identified, however, the respondent did not offer any suggestions for negative impacts. The other respondent considered that extending PDRs could impact accessibility and inclusive design principles. We consider that accessibility and inclusive design can be implemented under other processes and should not be impacted by the granting of PDR.

Monitoring and Review

We have committed to monitoring how the new Permitted Development Rights operate in practice and will make any necessary amendments if required both with regards to the operation of the PDR and if it is recognised that there are issues arising which discriminate against a person or people with a protected characteristic.

Monitoring will involve various approaches and combinations of approach, such as liaison with planning authorities, developers and statutory bodies, as well as

³ See EQIA – Setting the Scene for further information on the legislation.

commissioning research. Subsequent Phases of the PDR programme will consider changes to PDR for other development types.

Stage 5 - Authorisation of EQIA

Please confirm that:

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

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation 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

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes No Not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken for the General Permitted Development Order 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, Scottish Government

Authorisation date: 15th December 2020