

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	The Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020
Summary of aims and desired outcomes of Policy	The Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020 (the Order) contains amendments to the Planning system in Scotland to help address the need for additional healthcare related facilities during the current COVID-19 outbreak.
Directorate: Division: team	Local Government and Communities, Planning and Architecture Division

Executive summary

The public sector equality duty requires the Scottish Government to assess the impact of applying a proposed new or revised policy or practice. Equality legislation covers the protected characteristics of: age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, sex, sexual orientation and religion and belief.

The Equality Act 2010 harmonised existing equality legislation and includes a public sector duty ('the Duty') which requires public authorities to pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation or any other prohibited conduct;
- Advance equality of opportunity; and
- Foster good relations between different groups - by tackling prejudice and promoting understanding.

This Equality Impact Assessment (EQIA) has considered the potential impacts of The Town and Country Planning (General Permitted Development) (Scotland) (Coronavirus) Amendment Order 2020 on each of the protected characteristics. The provisions and how they may impact

on people across the protected characteristics are set out under Key Findings.

In order to determine the potential equality impact of the proposals the Government undertook a review of equality issues in the Government's Equality Evidence Finder alongside evidence from the Planning Bill, with certain evidence updated where new information has become available.

Background

In view of the current crisis with COVID 19 and the related public health policy the Government intends to amend the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and creates a new class of permitted development to allow various development by, or on behalf of, local authorities and public health bodies. The Order grants permitted development rights for the construction of new buildings, extension of existing buildings and change of use of land or buildings required in connection with preventing, reducing, mitigating or controlling or otherwise an emergency affecting public health.

Certain other controls over development such as the requirement for Environmental Impact Assessments where appropriate and to obtain Listed Building Consent in relation to listed buildings remain in place.

The main thrust of the policy in this emergency context is driven by public health requirements rather than a desire to change these particular planning requirements. These changes are intended to be temporary.

The Regulations will support a range of National Outcomes including:

- We live in communities that are inclusive, empowered, resilient and safe.
- We are healthy and active
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy

The Scope of the EQIA

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Within the emergency timetable, there was no opportunity to undertake any wider consultation,

Key Findings

Government guidance on COVID-19 has focussed on enhanced risks for those aged over 70 and people with underlying health risks. Pregnant women are also advised to take additional precautions because of an increased risk from viral infections generally.

The evidence suggests that those people with those protected characteristics may be disproportionately positively impacted by these measures. With regard to underlying health risks, this includes disabled people and people with the Gypsy/Traveller community.

Recommendations and Conclusion

The EQIA has shown that the policy will potentially have positive outcomes across a range of protected characteristics. It did not note any direct or indirect discrimination.

These changes are a necessary consequence of the public health policy during the current COVID 19 outbreak, if the Planning system is to support development which required in connection with preventing, reducing, mitigating or controlling or otherwise an emergency affecting public health..