Developing a Regional Marine Plan for the Clyde

Equality Impact Assessment (EQIA)



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Version Control

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Equality Impact Assessment

Title of Policy	Clyde Regional Marine Plan (CRMP)
Minister(s)	Gillian Martin, Cabinet Secretary for Climate Action and Rural Affairs
Lead official	Clyde Marine Planning Partnership Officer Chris Cutts
Directorate	Marine Directorate
New policy/revision to an existing policy	New policy

Introduction

The Equality Act 2010 provides the legal framework which protects the rights of individuals and advances equality and opportunity for all. The Act protects people from discrimination on the basis of the following nine **protected characteristics**: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, sex and sexual orientation.

The public sector equality duty requires that equality considerations are integrated into all the functions and policies of Scottish Government Directorates and Agencies. The duty requires all Scottish public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. It covers people in respect of all aspects of equality (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation).

We would like your views on this draft impact assessment, which is part of the consultation on the Clyde Regional Marine Plan; available electronically on the Clyde Marine Planning Partnership website.

Your responses to the questions included will help us to carry out a full Equality Impact Assessment of the Clyde Regional Marine Plan. Responses by email should be sent to cmpp_info@nature.scot and responses in writing should be sent to:

Clyde Marine Planning Partnership
5 Atlantic Quay
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Screening

Policy Aims

The Clyde Regional Marine Plan (CRMP) will reflect the requirements for regional marine planning under the Marine (Scotland) Act 2010 and associated Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Clyde) Direction 2017.

The CRMP will be in line with Scotland's National Marine Plan (NMP) (2015) and will contribute towards managing the competing demands for the use of the Clyde Marine Region (CMR), while protecting and enhancing the marine environment.

The CRMP will provide a statutory policy framework to support effective decision-making and appropriate inward investment, enabling delivery of the Plan's long-term vision and aims. The policy framework in the CRMP will be used to inform decision-making by public authorities, including in marine licensing and land-use planning (to Mean Low Water Springs).

Policies in the CRMP aim to achieve the Plan's vision and objectives. The Plan's vision is 'The marine and coastal environment of the Clyde Marine Region is clean, healthy, safe, productive and biologically diverse, with improved fair access. It is managed sustainably to support thriving resilient local communities, promote multiple use and allow nature to flourish'.

The Plan also includes recommendations for marine users/local management. These inform the general management of all activities within the Region, including those which are not managed through planning or licensing, such as marine and coastal sport, recreation and tourism.

The key outcomes of the CRMP will be to:

- provide a policy framework that promotes sustainable development in the CMR;
- maintain, and where appropriate, enhance the health of the CMR;
- promote socially inclusive development and use of marine and coastal resources;
- minimise conflicts between the competing demands of different marine users, activities and developers; and
- contribute to the mitigation of, and adaptation to, climate change.

Who will it affect?

The CRMP will affect a range of sectors and groups with an interest in the marine environment. These may include:

- Marine activities/businesses
- Developers of licensed activities
- Marine nature conservation, coastal defence and marine heritage activities/conservation
- Coastal communities and visitors to the Region
- The Scottish Government (through Marine Scotland's Planning and Licensing functions)
- Local Planning Authorities
- Regional Marine Planning Partnerships
- Crown Estate Scotland
- The Ministry of Defence

Marine developments and activities have the potential to affect these groups in many ways. For example, coastal communities around the Clyde may benefit economically and socially from successful local economies based on marine and coastal developments and/or activities, such as fishing, port infrastructure and tourism. However, these communities may also suffer from adverse effects, associated with being close to the marine and coastal environment, like noise pollution, visual intrusion, coastal erosion and flood risk.

These effects may impact equality target groups embedded within these communities; however, at the scale of the CRMP, there is no clear differentiation between the potential effects upon target groups and non-target groups.

What might prevent the desired outcomes being achieved?

The aims of the CRMP relate to climate change mitigation and adaptation, sustainable development, supporting a healthy and biologically diverse marine and coastal environment and supporting the wellbeing of communities around the CMR.

A key challenge for the CRMP will be supporting economic growth of marine industries and activities whilst ensuring growth occurs sustainably in balance with the protection and enhancement of the marine environment and historic and cultural heritage. The Plan's vision, aims, objectives, policies and recommendations have been developed in accordance with a set of overarching Guiding Principles which act as a top level filter for plan development. The Guiding Principles are: sustainable development; support delivery of Good Environmental Status; the ecosystem approach; adding value, not complexity; and multiple responsible use of marine space. The CRMP embodies a sustainable approach to planning, development and use of the marine area which should support its successful implementation and enable the aims of the Plan to be met.

Stage 1: Framing

The draft CRMP has been developed by the Clyde Marine Planning Partnership, which consists of over 20 Members. Wider stakeholders have been involved in plan development through sectoral working groups and issue-based workshops. The general public has also been engaged throughout plan development, such as through public dialogue sessions and public engagement events during the pre-consultation.

A pre-consultation of the draft CRMP took place between 18 March 2019 and 27 May 2019. This consultation received 49 responses from a wide range of marine sectors and stakeholders. In order to consider the Equality Act and protected characteristics, the consultation included a question on equality: "Do you believe that the Clyde Regional Marine Plan discriminates disproportionately between persons with protected characteristics?"; a supplementary question allowed respondents to expand if they answered 'yes'. Table 1 summarises the various groups who responded to this consultation overall.

Table 1: *Number (n) and type of respondents received on draft Plan and SEA report.*

Respondent group	n	%
Individuals	24	49
Aquaculture	3	6
Environment / conservation	2	4
Fisheries	3	6
Industry / transport	2	4
Planning authority	6	12
Local group	1	2
Other public sector / bodies	5	10
Recreation / tourism	2	4
Other	1	2
Total	49	100

Of the 49 consultation responses received, 34 respondents answered the question on equality. None of the respondents identified potential impacts on groups of people who share the relevant protected characteristics. Therefore, the CRMP will unlikely discriminate disproportionally against people with protected characteristics.

Extent/Level of EQIA required

The draft CRMP intends to promote sustainable and socially inclusive development and use of marine and coastal resources and encourages the reconnection of people with the sea through cultural heritage, work opportunities, educational initiatives and recreational pursuits. This indicates a positive impact on people, including those with protected characteristics. However, the policies within the Plan are general policy statements and any positive impact on people with protected characteristics is not specific to them. In addition, the impact cannot be isolated and measured.

It was determined as part of the framing exercise that a light touch assessment will be taken with this EQIA as current evidence shows that the CRMP has insignificant potential impacts and minimal relevance to equality. However, further evidence is required on the views of people potentially affected by the CRMP across all protected characteristics. Further evidence gathering and engagement will take place as part of the consultation on the CRMP. The consultation will be freely open and available to the public for anyone to provide feedback. Moreover, a range of relevant organisations will be actively consulted during the formal consultation to ensure that the CRMP will not have a discriminatory or differential impact on people with the protected characteristics as defined by the 2010 Equality Act; these include:

- *Glasgow Disability Alliance* – a membership organisation that is run by and is for disabled people.
- *Central Scotland Regional Equality Council* – works towards eliminating all forms of discrimination in Central Scotland
- *CEMVO* – a national intermediary organisation and strategic partner of the Scottish Government Equality Unit.
- *Capability Scotland* – delivers care, support and education to disabled children and adults across Scotland.

- *Coalition for Racial Equality and Rights (CRER)* – works towards eliminating racial discrimination and harassment and to promote racial justice across Scotland. They have a Glasgow Equality Forum: a Glasgow-wide strategic policy forum.
- *The Equality Network* – is a national charity working for lesbian, gay, bisexual, trans and intersex equality in Scotland.

The following questions are contained in the Consultation Form:

Consultation Questions from Consultation Form

QX. Do you believe that the creation of the Clyde Regional Marine Plan discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?
QY. If you answered yes to question X, in what way do you believe that the creation of the Clyde Regional Marine Plan is discriminatory?

Stage 2: Data and evidence gathering, involvement and consultation

This stage includes results of our 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.

The Area used for the census data consists of the following Local Authorities around the CMR: Glasgow City, Inverclyde, North Ayrshire, Renfrewshire, South Ayrshire, South Lanarkshire, West Dunbartonshire, and parts of Argyll and Bute according to the following Scottish Intermediate Zones: Bute, Campbeltown, Cowal North, Cowal South, Dunoon, Garelochhead, Greater Lochgilphead, Helensburgh Centre, Helensburgh East, Helensburgh West and Rhu, Hunter's Quay, Kintyre Trail, Knapdale, Lomond Shore and Mid Argyll. Data from the whole of Argyll and Bute is used for data on birth rates and religion.

Characteristic	Evidence gathered	Source	Data gaps identified
Age	Approximately 17 % of people living around the CMR are under 16 and approximately 16 % of people are over 65. Approximately 41 % of people living around the CMR are between 30 and 59 years old. Pre-consultation: 318 people attended the pre-consultation events. Of those who attended, 56 people completed a feedback form; 35 people were over 60 years old. Out of the 49 pre-consultation responses, no respondents were concerned that the CRMP discriminates disproportionately between people with protected characteristics.	2011 Census data on Nomisweb Pre-consultation feedback forms Pre-consultation responses	We currently have no information to suggest that the CRMP will have any significant impact on people who have this protected characteristic. The consultation will be used to gather views on any potential impacts that the CRMP may have on this characteristic.
Disability	Approximately 22 % of people living around the CMR have a long-term health problem or a disability; 12 % of people's day-to-day activities are limited a lot and 10 % of people's day-to-day activities are limited a little. Pre-consultation: 318 people attended the pre-consultation events. Of those who attended, 56 people completed a feedback form; 47	2011 Census data – Nomisweb Pre-consultation feedback forms	We currently have no information to suggest that the CRMP will have any significant impact on people who have this protected characteristic. The consultation will be used to gather views on any potential impacts that the CRMP may have on this characteristic.

	people did not identify as having a disability and five people had a disability. Out of the 49 pre-consultation responses, no respondents were concerned that the CRMP discriminates disproportionately between people with protected characteristics.	 Pre-consultation responses	
Gender reassignment	There is a lack of significant data; however, data on gender reassignment will be collected as part of the next census in 2021. Pre-consultation: Out of the 49 pre-consultation responses, no respondents were concerned that the CRMP discriminates disproportionately between people with protected characteristics.	Scotland's Census 2021 – Sex and Gender Topic Report Pre-consultation responses	We currently have no information to suggest that the CRMP will have any significant impact on people who have this protected characteristic. The consultation will be used to gather views on any potential impacts that the CRMP may have on this characteristic.
Marriage and civil partnership	Approximately 30 % of people living around the CMR are single, 49 % are married, <1 % are in a registered same-sex civil partnership, 3 % are separated, 8 % are divorced or were formerly in a same-sex civil partnership which is now legally dissolved and 9 % are widowed or have lost their partner from a same-sex civil partnership. Pre-consultation: Out of the 49 pre-consultation responses, no respondents were concerned that the CRMP discriminates disproportionately between people with protected characteristics.	2011 Census data – Nomisweb Pre-consultation responses	We currently have no information to suggest that the CRMP will have any significant impact on people who have this protected characteristic. The consultation will be used to gather views on any potential impacts that the CRMP may have on this characteristic.
Pregnancy and maternity	There is a lack of significant data; however, there were 15,677 births in the local authorities around the CMR in 2018 (31 % of births in Scotland).	National Records for Scotland – Births Time Series Data	We currently have no information to suggest that the CRMP will have any significant impact on people who have this protected characteristic.

	Pre-consultation: Out of the 49 pre-consultation responses, no respondents were concerned that the CRMP discriminates disproportionately between people with protected characteristics.	Pre-consultation responses	The consultation will be used to gather views on any potential impacts that the CRMP may have on this characteristic.
Race	Approximately 98 % of people living around the CMR are White, 1 % are Asian/Asian British, 0.3 % are Mixed/Multiple ethnic group and 0.3 % are Black/African/Caribbean/Black British. Pre-consultation: 318 people attended the pre-consultation events. Of those who attended, 56 people completed a feedback form; 55 people were white British. Out of the 49 pre-consultation responses, no respondents were concerned that the CRMP discriminates disproportionately between people with protected characteristics.	2011 Census data – Nomisweb Pre-consultation feedback forms Pre-consultation responses	We currently have no information to suggest that the CRMP will have any significant impact on people who have this protected characteristic. The consultation will be used to gather views on any potential impacts that the CRMP may have on this characteristic.
Religion or belief	The religion of approximately 31 % of people living in the local authorities around the CMR is Church of Scotland, 31 % identify with having no religion, 23 % are Roman Catholic, 4 % are Other Christian and 2 % are Muslim. Pre-consultation: Out of the 49 pre-consultation responses, no respondents were concerned that the CRMP discriminates disproportionately between people with protected characteristics.	2011 Census data – Scotland's Census Pre-consultation responses	We currently have no information to suggest that the CRMP will have any significant impact on people who have this protected characteristic. The consultation will be used to gather views on any potential impacts that the CRMP may have on this characteristic.
Sex	Approximately 51 % of people living around the CMR are female and 49 % are male.	2011 Census data – Nomisweb	We currently have no information to suggest that the CRMP will have any

	Pre-consultation: 318 people attended the pre-consultation events. Of those who attended, 56 people completed a feedback form; 20 people were female and 34 were male. Out of the 49 pre-consultation responses, no respondents were concerned that the CRMP discriminates disproportionately between people with protected characteristics.	Pre-consultation feedback forms Pre-consultation responses	significant impact on people who have this protected characteristic. The consultation will be used to gather views on any potential impacts that the CRMP may have on this characteristic.
Sexual orientation	There is a lack of significant data; however, data on sexual orientation will be collected as part of the next census in 2021. Pre-consultation: Out of the 49 pre-consultation responses, no respondents were concerned that the CRMP discriminates disproportionately between people with protected characteristics.	Scotland's Census 2021 – Sexual Orientation Topic Report Pre-consultation responses	We currently have no information to suggest that the CRMP will have any significant impact on people who have this protected characteristic. The consultation will be used to gather views on any potential impacts that the CRMP may have on this characteristic.

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

The CRMP encourages and supports inclusive activities that are accessible to all, including those with protected characteristics. Activities and experiences in the CMR should help overcome physical, cultural and economic barriers to participation and should encourage independent living. This stage will be further assessed during the public consultation.

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

	Impact			Reason for decision
	Positive	**Negative**	**None**	
Eliminating unlawful discrimination, harassment and victimisation			✓	The policies contained within the CRMP are intended to safeguard, and where possible, improve the Clyde's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for the communities around the Clyde; however, the policies within the Plan are general policy statements and any positive impact on people with this protected characteristic is not specific to them. In addition, the impact cannot be isolated and measured. It is anticipated that the CRMP will have no differential or discriminatory impact on those with this protected characteristic. Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential negative impacts.
Advancing equality of opportunity			✓	
Promoting good relations among and between different age groups			✓	

Do you think that the policy impacts on disabled people?

	Impact			Reason for decision
	Positive	**Negative**	**None**	
Eliminating unlawful discrimination, harassment and victimisation			✓	The policies contained within the CRMP are intended to safeguard, and where possible, improve the Clyde's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for the communities around the Clyde; however, the policies within the Plan are general policy statements and any positive impact on people with this protected characteristic is not specific to them. In addition, the impact cannot be isolated and measured. It is anticipated that the CRMP will have no differential or discriminatory impact on those with this protected characteristic. Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential negative impacts.
Advancing equality of opportunity			✓	
Promoting good relations among and between disabled and non-disabled people			✓	

Do you think that the policy impacts on transsexual people?

	Impact			Reason for decision
	Positive	**Negative**	**None**	
Eliminating unlawful discrimination, harassment and victimisation			✓	The policies contained within the CRMP are intended to safeguard, and where possible, improve the Clyde's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for the communities around the Clyde; however, the policies within the Plan are general policy statements and any positive impact on people with this protected characteristic is not specific to them. In addition, the impact cannot be isolated and measured. It is anticipated that the CRMP will have no differential or discriminatory impact on those with this protected characteristic. Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential negative impacts.
Advancing equality of opportunity			✓	
Promoting good relations			✓	

Do you think that the policy impacts on married people or people in a civil partnership?

	Impact			Reason for decision
	Positive	**Negative**	**None**	
Eliminating unlawful discrimination, harassment and victimisation			✓	The policies contained within the CRMP are intended to safeguard, and where possible, improve the Clyde's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for the communities around the Clyde; however, the policies within the Plan are general policy statements and any positive impact on people with this protected characteristic is not specific to them. In addition, the impact cannot be isolated and measured. It is anticipated that the CRMP will have no differential or discriminatory impact on those with this protected characteristic. Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential negative impacts.
Advancing equality of opportunity			✓	
Promoting good relations			✓	

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

	Impact			Reason for decision
	Positive	**Negative**	**None**	
Eliminating unlawful discrimination, harassment and victimisation			✓	The policies contained within the CRMP are intended to safeguard, and where possible, improve the Clyde's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for the communities around the Clyde; however, the policies within the Plan are general policy statements and any positive impact on people with this protected characteristic is not specific to them. In addition, the impact cannot be isolated and measured. It is anticipated that the CRMP will have no differential or discriminatory impact on those with this protected characteristic. Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential negative impacts.
Advancing equality of opportunity			✓	
Promoting good relations			✓	

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

	Impact			Reason for decision
	Positive	**Negative**	**None**	
Eliminating unlawful discrimination, harassment and victimisation			✓	The policies contained within the CRMP are intended to safeguard, and where possible, improve the Clyde's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for the communities around the Clyde; however, the policies within the Plan are general policy statements and any positive impact on people with this protected characteristic is not specific to them. In addition, the impact cannot be isolated and measured. It is anticipated that the CRMP will have no differential or discriminatory impact on those with this protected characteristic. Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential negative impacts.
Advancing equality of opportunity			✓	
Promoting good relations			✓	

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

	Impact			Reason for decision
	Positive	**Negative**	**None**	
Eliminating unlawful discrimination, harassment and victimisation			✓	The policies contained within the CRMP are intended to safeguard, and where possible, improve the Clyde's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for the communities around the Clyde; however, the policies within the Plan are general policy statements and any positive impact on people with this protected characteristic is not specific to them. In addition, the impact cannot be isolated and measured. It is anticipated that the CRMP will have no differential or discriminatory impact on those with this protected characteristic. Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential negative impacts.
Advancing equality of opportunity			✓	
Promoting good relations			✓	

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

	Impact			Reason for decision
	Positive	**Negative**	**None**	
Eliminating unlawful discrimination, harassment and victimisation			✓	The policies contained within the CRMP are intended to safeguard, and where possible, improve the Clyde's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for the communities around the Clyde; however, the policies within the Plan are general policy statements and any positive impact on people with this protected characteristic is not specific to them. In addition, the impact cannot be isolated and measured. It is anticipated that the CRMP will have no differential or discriminatory impact on those with this protected characteristic. Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential negative impacts.
Advancing equality of opportunity			✓	
Promoting good relations among and between women and men			✓	

Do you think that the policy impacts on people because of their <u>sexual orientation</u>?

	Impact			Reason for decision
	Positive	**Negative**	**None**	
Eliminating unlawful discrimination, harassment and victimisation			✓	The policies contained within the CRMP are intended to safeguard, and where possible, improve the Clyde's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for the communities around the Clyde; however, the policies within the Plan are general policy statements and any positive impact on people with this protected characteristic is not specific to them. In addition, the impact cannot be isolated and measured. It is anticipated that the CRMP will have no differential or discriminatory impact on those with this protected characteristic. Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential negative impacts.
Advancing equality of opportunity			✓	
Promoting good relations			✓	

Stage 4: Decision making

Identifying and establishing any required mitigating action

Have positive or negative impacts been identified for any of the equality groups?	No
Is the policy directly or indirectly discriminatory under the Equality Act 2010?	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