

# **Equality Impact Assessment – Development Management and Site Allocation policies Part 2 Local Plan**

**September 2017**

## 1. Introduction

- 1.1 An Equality Impact Assessment is defined by the Equality & Human Rights Commission as "...a tool that helps public authorities make sure their policies, and the ways they carry out their functions, do what they are intended to do for everybody"<sup>1</sup>. Undertaking Equality Impact Assessments allows local authorities to identify any potential discrimination caused by their policies or the way they work and take steps to make sure that it is removed. Equality Impact Assessments also allow for the identification of opportunities to promote equality.
- 1.2 Using an approach based on that taken for the Aligned Core Strategy, this document assesses the impact of the policies in the **Development Management and Site Allocation policies Part 2 Local Plan** on people with protected characteristics. It makes recommendations as to whether changes to the policy are needed or not.

## 2.0 Methodology

- 2.1 The Equality Act 2010 (section 49) sets out the general equality duty for public bodies. Previously the equality duty had related to individual characteristics (such as race, gender and disability). The Equality Act 2010 combined and streamlined these at the same time as widening the range of protected characteristics and the definition of 'discrimination'. The Equality Duty requires that in exercising their functions 'due regard' is given by public bodies to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - 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.
- 2.2 'Due regard' means that a public body must give weight to the duties outlined above in proportion to its relevance when discharging their functions. As shown in recent case law,<sup>2</sup> this must be done in a conscious way with focus on the specific requirements of the legislation. However, 'due regard' does not mean that a change needs to be made but that appropriate weight needs to be given. Other issues, such as viability or the need to deliver development for economic or regeneration purposes, may outweigh the equality considerations. In these cases the reasons should be robust and transparent.
- 2.3 The impact on equalities was assessed throughout the process of preparing the Broxtowe Aligned Core Strategy. In common with the guidance produced by the Equality & Human Rights Commission and the previous approaches used, the assessment for the **Part 2 Local Plan** will follow the following steps:

---

<sup>1</sup> Equality & Human Rights Commission "Equality Impact Assessment Guidance" (Nov 2009) p.3

<sup>2</sup> R (on the application of Harris) v London Borough of Haringey (Equality and Human Rights Commission intervening) - [2010] All ER (D) 177 (Jun)

1. **Scoping of Relevance** – this stage will scope the relevance of the policies for their potential impact (positive or negative) on the protected characteristics.
2. **Impact Assessment** – an assessment of the impact of the relevant policies on the protected characteristics and if changes are required.
3. **Action Plan** – the action plan will set out how the changes will be made to remove discrimination, advance equality or foster good relations.

Evidence about the make-up of the Borough's population was collected through the Scoping Stage of the Sustainability Appraisal and will inform the assessment.

- 2.4 The table below combines the Scoping of Relevance and the Impact Assessments stages. The policies have been assessed for their relevance to and impact on the protected characteristics. These are the characteristics that are protected by law. They are:
- **Age** - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
  - **Disability** - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
  - **Gender** - A man or a woman.
  - **Gender Reassignment** - The process of transitioning from one gender to another.
  - **Marriage & Civil Partnership** - In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).
  - **Pregnancy & Maternity** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
  - **Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
  - **Religion & Belief** - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
  - **Sexual Orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

<b>Policy</b>	<b>What will policy do</b>	<b>Relevance to Equalities (Scoping of relevance)</b>	<b>Impact of Policy (Impact assessment)</b>
1 –Flood Risk	Provides further guidance on the application on the application of the sequential and exception tests and information requirements in support of proposals.	'Flood Risk' is a key policy which affects the whole community and it is difficult to determine how this policy could affect different equality groups in a significant way.	Not Required
2 – Site Allocations	Designates land for homes.	Populations of specific areas are variously mixed in terms of protected characteristics than Borough average. The selected sites are in the most accessible locations for mobility issues.	Requires development of sites to respond to required mix of housing.
8 – Development in the Green Belt	Sets out the criteria for not inappropriate proposals.	No relevance to protected characteristics.	Not Required
9 – Retention of good quality existing employment sites	Protects sites for employment use.	No relevance to protected characteristics.	Not Required
10 - Town Centre Uses	Establishes the tests as to when new development would negatively affect the vitality and viability of town centres.	The vitality and viability of town centres is connected to their accessibility which particularly benefits those with age and disability characteristics.	Not Required as de minimis impact.
13 - Proposals for main town centre uses in edge-of-centre and out-of-centre locations		No relevance to protected characteristics.	Not Required
14 Centre of Neighbourhood Importance			Not Required

<b>Policy</b>	<b>What will policy do</b>	<b>Relevance to Equalities (Scoping of relevance)</b>	<b>Impact of Policy (Impact assessment)</b>
15 – Housing size, mix and choice	Requires new homes to be appropriate to the locale and its population make-up.	Potential impact on those who need more space than average or with access needs (disabled, elderly, those with children) – different issues in different locations within the Borough. Requirement to comply with accessible and adaptable dwellings recommendations on larger developments.	Approach will take account of local requirements.  <b>Continue with the Policy</b>
16 - Gypsies and Travellers	Provide for the required 2 pitches.	For a group with protected characteristics.	<b>Continue with the Policy</b>
17 – Place-making and Design	Ensures that development is locally appropriate.	People with the disability characteristic are covered by part of the policy.	Policy enables convenient use by people with limited mobility.  <b>Continue with the Policy</b>
18 - Shopfronts, signage and security measures		No relevance to protected characteristics.	Not Required
19 – Pollution, Hazardous Substances and ground conditions	Ensures that the impacts of pollution are appropriately managed reducing the impact on health and existing development near to sources of pollution.	Impact on disabilities affected by potential emissions.	Policy would require measures to minimise pollution to protect health and should have a positive benefit.  <b>Continue with the Policy</b>

<b>Policy</b>	<b>What will policy do</b>	<b>Relevance to Equalities (Scoping of relevance)</b>	<b>Impact of Policy (Impact assessment)</b>
20 - Air Quality	Ensures that, if required, development takes steps to mitigate or offset emissions.	Impact on respiratory related disabilities.	Policy requires emissions to be mitigated or offset; may improve air quality and improve health of local residents. <b>Continue with the Policy</b>
21 - Unstable land	Ensures that appropriate action is taken to ensure that land is stable and safe for development.	No relevance to protected characteristics.	Not Required
22 – Minerals	Sets out the factors that will be used to assess proposals for minerals resource areas.	No relevance to protected characteristics.	Not Required
21 - Unstable land	Ensures that appropriate action is taken to ensure that land is stable and safe for development.	No relevance to protected characteristics.	Not Required
22 – Minerals	Sets out the factors that will be used to assess proposals for minerals resource areas.	No relevance to protected characteristics.	Not Required
21 - Unstable land	Ensures that appropriate action is taken to ensure that land is stable and safe for development.	No relevance to protected characteristics.	Not Required
22 – Minerals	Sets out the factors that will be used to assess proposals for minerals resource areas.	No relevance to protected characteristics.	Not Required

<b>Policy</b>	<b>What will policy do</b>	<b>Relevance to Equalities (Scoping of relevance)</b>	<b>Impact of Policy (Impact assessment)</b>
27 – Local Green Space	Identifies and protects sites due to their value to local communities.	No distinct relevance to protected characteristics.	Decisions on which sites to be designated as Local Green Space will take account of value to local communities and if valuable to communities with higher levels of protected characteristics.  <b>Continue with the Policy</b>
28 – Green Infrastructure assets	Provides for strategically planned and delivered network of green spaces and other environmental features.	No distinct relevance to protected characteristics.	Not Required
30 Landscape	Protects landscape in the environment.	No distinct relevance to protected characteristics.	Not Required
31 – Biodiversity Assets	Sets out how sites of importance for nature conservation (SSSIs, LWS, etc.) will be protected.	No relevance to protected characteristics.	Not Required
32 – Developer Contributions	Assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure.	Should make development neutral on local infrastructure within local communities.	Not Required