

Broxtowe Borough Council

Equality Impact Assessment – Broxtowe Part 2 Local Plan

Main Modifications Version

May 2019

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”¹. 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 **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,² 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** involved the following stages:

¹ Equality & Human Rights Commission “Equality Impact Assessment Guidance” (Nov 2009) p.3

² 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 scopes 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.

A potential third stage, the action plan, is not considered to be necessary. (It would, if necessary, have set out how any changes would 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 informed the assessment.

2.4 The table below combines the Scoping of Relevance and the Impact Assessment 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.

Policy	What will policy do	Relevance to Equalities (Scoping of Relevance)	Impact of Policy (Impact Assessment)
1 – Flood Risk	Provides further guidance 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.	No impact, no changes required.
2-7 – Site Allocations	Designates land for homes.	Populations of specific areas vary in terms of protected characteristics compared with the Borough average. The selected sites are in the most accessible locations for mobility issues.	Positive impact, no changes required.
8 – Development in the Green Belt	Sets out the criteria for not inappropriate proposals.	No relevance to protected characteristics.	No impact, no changes required.
9 – Retention of good quality existing employment sites	Protects sites for employment use.	No relevance to protected characteristics.	No impact, no changes required.
10 – Town Centre and District 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 certain age and disability characteristics.	Minor positive impact, no changes required.
11 – The Square, Beeston	Sets out the requirements for Phase 2 of the development of The Square, Beeston.	No relevance to protected characteristics.	No impact, no changes required.
12 – Edge-of-Centre A1 Retail in Eastwood	Sets out the criteria for approval of A1 retail within the	No relevance to protected characteristics.	No impact, no changes required.

Policy	What will policy do	Relevance to Equalities (Scoping of Relevance)	Impact of Policy (Impact Assessment)
	Edge of Centre site in Eastwood.		
13 – Proposals for main town centre uses in edge-of-centre and out-of-centre locations	Establishes the tests for when developments for town centre uses can be supported in edge of centre and out of centre locations.	No relevance to protected characteristics.	No impact, no changes required.
14 – Centre of Neighbourhood Importance (Chilwell Road/High Road)	Establishes the criteria for when town centre development in a centre of neighbourhood importance can be supported.	No relevance to protected characteristics.	No impact, no changes required.
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. Positive impact, no changes required.
16 – Gypsies and Travellers	Provide for the required 2 pitches.	Relates to a group with protected characteristics.	Positive impact, no changes required.
17 – Place-making, Design and Amenity	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.

Policy	What will policy do	Relevance to Equalities (Scoping of Relevance)	Impact of Policy (Impact Assessment)
			Positive impact, no changes required.
18 – Shopfronts, signage and security measures	Ensure that development is locally appropriate.	No relevance to protected characteristics.	No impact, no changes 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. No changes required.
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. Positive impact, no changes 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.	No impact, no changes required.
22 – Minerals	Sets out the factors that will be used to assess proposals for minerals resource areas.	No relevance to protected characteristics.	No impact, no changes required.

Policy	What will policy do	Relevance to Equalities (Scoping of Relevance)	Impact of Policy (Impact Assessment)
23 – Proposals affecting designated and non-designated heritage assets	Sets out further details and criteria for conservation and enhancement of heritage assets.	No relevance to protected characteristics.	No impact, no changes required.
24 – The health and wellbeing impacts of development	Aims to improve the health of residents within the borough and reduce health inequalities.	Potential impact on people with certain disabilities.	Positive impact, no changes required.
25 – Culture, Tourism and Sport	Support the provision of new sports facilities, and enhance the culture and tourism offer within the borough	No relevance to protected characteristics.	No impact, no changes required.
26 – Travel Plans	Reduce the reliance on private cars and support sustainable transport networks across the borough.	Potential impact on people with certain disabilities.	Positive impact, no changes required.
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 have taken account of value to local communities and whether valuable to communities with higher levels of protected characteristics. Positive impact, no changes required.
28 – Green Infrastructure Assets	Provides for strategically planned and delivered network of green spaces and other environmental features.	Potential impact on people with certain disabilities.	Positive impact, no changes required.

Policy	What will policy do	Relevance to Equalities (Scoping of Relevance)	Impact of Policy (Impact Assessment)
29 – Cemetery Extensions	Land is allocated for the future extension of cemeteries within the borough.	No relevance to protected characteristics.	No impact, no changes required.
30 – Landscape	Protects landscape in the environment.	No relevance to protected characteristics.	No impact, no changes required.
31 – Biodiversity Assets	Sets out how sites of importance for nature conservation (SSSIs, LWS, etc.) will be protected.	No relevance to protected characteristics.	No impact, no changes 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.	No impact, no changes required.

3. This document has been updated in May 2019, to take into account the proposed main modifications to the Part 2 Local Plan and to coincide with the main modifications consultation. The table below shows the expected impacts on equality of each of the proposed main modifications.

Main Modification	Relevance to Equalities
MM1	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM2	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM3	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM4	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM5	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM6	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM7	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM8	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM9	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM10	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM11	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM12	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM13	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM14	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM15	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM16	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM17	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM18	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM19	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM20	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM21	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM22	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM23	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM24	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.

MM25	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM26	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM27	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM28	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM29	Main Modification 29 is considered to have a slightly positive impact on equalities in relation to race as the modification will strengthen Policy 16.
MM30	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM31	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM32	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM33	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM34	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM35	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM36	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM37	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM38	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.
MM39	Proposed changes are within the scope of the original appraisal therefore no re-appraisal required.