

# **Equality Impact Assessment – Local Planning Document**

**May 2016**

## **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 Local Planning Document 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 Aligned Core Strategy, including at the Submission Stage and when considering Main Modifications. In common with the guidance produced by the Equality & Human Rights Commission and the previous approaches used, the assessment for the Local Planning Document will follow the following steps:

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<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>
LPD 1 – Wind Turbines	Sets out the factors that will be used to assess proposals for wind turbines.	No relevance to protected characteristics.	Not Required
LPD 2 – Other Renewable Energy Schemes	Sets out the factors that will be used to assess proposals for renewable energy schemes other than wind turbines (e.g. solar panels, anaerobic digesters geo-thermal).	No relevance to protected characteristics.	Not Required
LPD 3 – Managing Flood Risk	Provides further guidance on the application on the application of the sequential and exceptions tests and information requirements in support of proposals.	The population of some of the villages identified as being at risk of flooding (Lambley, Woodborough) are generally older.	Aim of policy is to ensure that risk of flooding does not increase and potentially may improve existing situation.  <b>Continue with the Policy</b>
LPD 4 – Surface Water Management	Provides guidance on the inclusion of measures to control surface water runoff.	The population of some of the villages identified as being at risk of flooding (Lambley, Woodborough) are generally older.	Aim of policy is to ensure that risk of flooding does not increase and potentially may improve existing situation.  <b>Continue with the Policy</b>
LPD 5 – Managing Water Quality	Protects the quality of water courses in the Borough.	No relevance to protected characteristics.	Not Required
LPD 6 – Aquifer Protection	Protects the quality of ground water held in the aquifer.	No relevance to protected characteristics.	Not Required
LPD 7 – Contaminated Land	Ensures that contaminated land is suitable for development and contamination is treated,	No relevance to protected characteristics.	Not Required

	contained or controlled appropriately.		
LPD 8 – 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
LPD 9 – Hazardous Substances	Ensures that new development that involves hazardous substances or is close to existing sites is safe and appropriately protected.	No relevance to protected characteristics.	Not Required
LPD 10 – Pollution	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>
LPD 11 – 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>
LPD 12 – Reuse of Buildings within the Green Belt	Sets out the occasions when the reuse of buildings within the Green Belt is considered to be not inappropriate.	No relevance to protected characteristics.	Not Required
LPD 13 – Extensions to Buildings within the Green Belt	Sets out the occasions when extensions to buildings within the Green Belt are considered to be not inappropriate.	Potential impact if extensions are required due to mobility (disability or elderly) issues.	Determination of planning applications can take consider whether there are very special circumstances such as personal circumstances.

			<b>Continue with the Policy</b>
LPD 14 – Replacement of Buildings within the Green Belt	Sets out the occasions when the replacement of buildings within the Green Belt is considered to be not inappropriate.	Potential impact if replacement is required due to mobility (disability or elderly) issues.	Determination of planning applications can take consider whether there are very special circumstances such as personal circumstances.  <b>Continue with the Policy</b>
LPD 15 – Infill development within the Green Belt	Sets out the occasions when the infill development in villages or previously developed sites is considered to be not inappropriate.	No relevance to protected characteristics.	Not Required
LPD 16 – Safeguarded Land	Allocates safeguarded land and sets policy to assess proposals for its development during the plan period.	No relevance to protected characteristics.	Not Required
LPD 17 – Homes for Rural Workers	Sets out the tests for assessing proposals for new homes in association with rural businesses.	No relevance to protected characteristics.	Not Required
LPD 18 – Protecting and Enhancing Biodiversity	Sets out how sites of importance for nature conservation (LWS, SSSIs etc.) will be protected.	No relevance to protected characteristics.	Not Required
LPD 19 – Landscape Character and Visual Impact	Protects landscapes and ensure development does not have an significant visual impact	No relevance to protected characteristics.	Not Required
LPD 20 – Protection of Open Space	Ensures the protection of existing open space of	No relevance to protected characteristics.	Not Required

	different types. Includes exceptions where development may be acceptable.		
LPD 21 – Provision of New Open Space	Requires that new residential development provides a minimum of 10% open space. Provision to be made on site or via a financial contribution.	Potential impact if protected characteristics are more prevalent in specific areas in the Borough.	Type of open space to be provided will be assessed on site-by-site basis with account taken of local population.  <b>Continue with the Policy</b>
LPD 22 – Local Green Space	Identifies and protects sites due to their value to local communities.	Potential impact for age as Local Green Spaces generally in rural areas which have an older population.	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>
LPD 23 – Greenwood Community Forest and Sherwood Forest Regional Park	Provides support for development which helps achieve the aims and objectives of the named organisations/initiatives.	No relevance to protected characteristics.	Not Required
LPD 24 – Tourist Accommodation	Sets out how proposals for new tourist accommodation will be assessed	No relevance to protected characteristics.	Not Required
LPD 25 – Equestrian Development	Sets out how proposals for stables and related development will be assessed.	No relevance to protected characteristics.	Not Required
LPD 26 – Heritage Assets	Sets out the tests to be applied to development	No relevance to protected characteristics.	Not Required

	proposals which impact on all types of heritage assets.		
LPD 27 – Listed Buildings	Sets out the tests to be applied to development proposals which impact on Listed Buildings.	No relevance to protected characteristics.	Not Required
LPD 28 – Conservation Areas	Sets out the tests to be applied to development proposals which are within or impact on Conservation Areas.	No relevance to protected characteristics.	Not Required
LPD 29 – Historic Landscapes, Parks and Gardens	Sets out the tests to be applied to development proposals which impact on historic landscapes or registered parks & gardens	No relevance to protected characteristics.	Not Required
LPD 30 – Archaeology	Sets out the tests to be applied to development proposals which impact on Scheduled Monuments or areas of high archaeological potential.	No relevance to protected characteristics.	Not Required
LPD 31 – Locally Important Heritage Assets	Sets out the tests to be applied to development proposals which impact on heritage assets which are not formally designated.	No relevance to protected characteristics.	Not Required
LPD 32 – Amenity	Ensures that the amenity of nearby properties is not significantly affected by new development.	No relevance to protected characteristics.	Not Required
LPD 33 – Residential	Sets out the approach to	No relevance to protected	Not Required

Density	density across the Borough with different minimum densities in different areas.	characteristics.	
LPD 34 – Residential Gardens	Protects local character by protecting residential gardens from inappropriate development.	No relevance to protected characteristics.	Not Required
LPD 35 – Safe, Accessible and Inclusive Development	Provides details of how new development, especially large scale new development, should be designed. The policy provides detail on matters such layout, connectivity and massing.	Potential impact on those with mobility issues (disabled, elderly and those with children) or those with fear of crime (gender, gender reassignment, race and sexual orientation).	Policy should ensure that development is safe and easy to navigate. Could include reference to specific requirements to improve accessibility or security for protected characteristics.  <b>Adjust the Policy</b>
LPD 36 – Affordable Housing	Requires new residential development of more than 15 dwellings to provide a contribution to the supply of affordable housing. The exact contribution will vary on location. Detail included in SPD which will be reviewed in due course.	Potential impact on those with protected characteristics in need of affordable housing; a higher proportion of those in social housing are women.	Policy will lead to the provision of affordable homes and will have a positive benefit. A higher requirement for Affordable Housing will have a greater impact.  <b>Adjust the Policy</b>
LPD 37 – Housing Type, Size and Tenure	Requires new residential development to ensure an appropriate mix of homes to be provided. Policy supported through monitoring in AMR.	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.	Approach will take account of local requirements.  <b>Continue with the Policy</b>
LPD 38 – Specialist Accommodation	Sets out the tests that proposals for residential	Potential impact on those who will use these institutions (elderly,	Ensures the provision of good quality environments for residents.

	institutions will need to meet.	disabled)	<b>Continue with the Policy</b>
LPD 39 – Housing Development on Unallocated Sites	Sets out the tests that proposals for new dwellings on sites that are not specifically allocated will need to meet.	No relevance to protected characteristics.	Not Required
LPD40 - Live-Work Units	Sets out how proposals for buildings which will provide both living accommodation and business space will be assessed.	Potential impact for those with disabilities or mobility issues.	May increase number of live-work units which may make it easier for those with disabilities or mobility issues to access employment.  <b>Continue with the Policy</b>
LPD 41 – Self Build and Custom Homes	Sets out that a proportion of large sites will be required for self/custom build. The policy also provides tests for proposals for self/custom build homes. Detail to be included in SPD.	Potential impact if home is to be designed for specific reasons (e.g. disabilities or mobility issues).	May make it easier to self/custom build leading to a benefit. Determination of planning applications can take account of material considerations such as personal circumstances.  <b>Continue with the Policy</b>
LPD 42 – Extensions to Dwellings Not in the Green Belt	Sets out the tests for residential extensions to dwellings that are not within the Green Belt.	Potential impact if extensions are required due to mobility (disability or elderly) issues.	Determination of planning applications can take account of material considerations such as personal circumstances.  <b>Continue with the Policy</b>
LPD 43 – Retention of Employment and Employment Uses	Protects sites for employment use (and other appropriate purposes).	No relevance to protected characteristics.	Not Required
LPD 44 – Employment Development on	Permits new employment development where it meets	No relevance to protected characteristics.	Not Required

Unallocated Sites	the identified tests.		
LPD 45 – Expansion of Existing Employment Uses Not in the Green Belt	Permits extensions to existing employment development where they meet the identified tests.	No relevance to protected characteristics.	Not Required
LPD 46 – Agricultural and Rural Diversification	Permits development which diversifies farms and other rural business where it meets the identified tests.	No relevance to protected characteristics.	Not Required
LPD 47 – Local Labour Agreements	Enables the Borough Council to negotiate planning agreements which secure jobs and/or training to local residents	Impact on those who struggle to access employment opportunities; this is often those with protected characteristics.	Policy may lead to provision of jobs or training opportunities for local residents including young people. Policy could be strengthened to include requirement for agreements not just negotiation.  <b>Adjust the Policy</b>
LPD 48 - Retail Hierarchy and Town Centre Boundaries	Establishes the hierarchy and boundaries of town centres.	No relevance to protected characteristics.	Not Required
LPD 49 – Development within Town and Local Centres	Establishes the tests as to when new development would negatively affect the vitality and viability of town centres.	No relevance to protected characteristics.	Not Required
LPD 50 – Upper Floors	Sets out the uses permitted above units in town and local centres and parades of shops.	No relevance to protected characteristics.	Not Required
LPD 51 – Impact Assessment Threshold	Sets the size of retail stores that will be required to submit impact assessments.	No relevance to protected characteristics.	Not Required
LPD 52 – Markets	Provides details on how	No relevance to protected	Not Required

	developments which propose new markets or enhancements to existing markets will be assessed.	characteristics.	
LPD 53 – Development within Small Parades	Sets the tests which proposals for new retail development within small parades of shops will have to meet.	No relevance to protected characteristics.	Not Required
LPD 54 – Fast Food Takeaways	Ensures that new A5 uses do not open within 400m of existing secondary schools.	Impact on age as high numbers of children are obese.	Policy helps contribute to tackling childhood obesity. <b>Continue with the Policy</b>
LPD 55 – Security Shutters	Sets out how proposals for security shutters will be assessed.	No relevance to protected characteristics.	Not Required
LPD 56 – Protection of Community Facilities	Protects community facilities from unnecessary loss.	Impact on provision of facilities for protected characteristics.	Policy offers protection for facilities if still required. <b>Continue with the Policy</b>
LPD 57 – Parking Standards	Ensures the provision of an appropriate level of car parking in residential and non-residential development. Detail included in SPD.	Potential impact related to size of parking spaces provided and provision of disabled and parent/child car parking.	Include guidelines for size of parking to ensure that those with mobility issues have sufficient space. <b>Adjust the Policy</b>
LPD 58 – Cycle Routes, Recreational Routes and Public Rights of Way	Protects identified routes from development.	No relevance to protected characteristics.	Not Required
LPD 59 – Park and Ride	Sets the tests for assessing proposals for park and ride schemes.	No relevance to protected characteristics.	Not Required
LPD 60 – Local	Identifies and safeguards the	No relevance to protected	Not Required

Transport Schemes	route/location of the specified transport schemes.	characteristics.	
LPD 61 – Highway Safety	Ensures that development does not adversely affect highway safety or the access needs of all people.	Potential impact on those with mobility issues (disabled, elderly and those with children)	Policy will help ensure accessibility for those with mobility issues.  <b>Continue with the Policy</b>
LPD 62 – Comprehensive Development	Ensures that development does not adversely affect the ability of larger sites to be developed in the most sustainable way.	No relevance to protected characteristics.	Not Required
LPD 63 – Housing Distribution	Sets out the broad distribution between the different settlements in the Borough based on ACS Policy 2 (The Spatial Strategy).	Population of certain settlements is less mixed in terms of protected characteristics than Borough average.	Require development of site to respond to required mix of housing.  <b>Adjust the Policy</b>
H1 – Rolleston Drive	The site is allocated for 90 homes	No relevance to protected characteristics.	Not Required
H2 – Brookfields Garden Centre	The site is allocated for 105 homes	No relevance to protected characteristics.	Not Required
H3 – Willow Farm	The site is allocated for 110 homes	No relevance to protected characteristics.	Not Required
H4 – Linden Grove	The site is allocated for 115 homes	No relevance to protected characteristics.	Not Required
H5 – Lodge Farm Lane	The site is allocated for 150 homes	No relevance to protected characteristics.	Not Required
H6 – Spring Lane	The site is allocated for 150 homes	No relevance to protected characteristics.	Not Required
H7 – Howbeck Road/Mapperley Plains	The site is allocated for 205 homes	No relevance to protected characteristics.	Not Required
H8 – Killisick Lane	The site is allocated for 215	No relevance to protected	Not Required

	homes	characteristics.	
H9 – Gedling Colliery/Chase Farm	The site is allocated for 1050 homes (660 expected by 2028)	No relevance to protected characteristics.	Not Required
H10 – Hayden Lane	The site is allocated for 120 homes	No relevance to protected characteristics.	Not Required
H11 – The Sycamores	The site is allocated for 25 homes	No relevance to protected characteristics.	Not Required
H12 – Westhouse Farm	The site is allocated for 210 homes	No relevance to protected characteristics.	Not Required
H13 – Bestwood Business Park	The site is allocated for 220 homes	No relevance to protected characteristics.	Not Required
H14 – Dark Lane	The site is allocated for 70 homes	No relevance to protected characteristics.	Not Required
H15 – Main Street	The site is allocated for 75 homes	No relevance to protected characteristics.	Not Required
H16 – Park Road	The site is allocated for 390 homes	No relevance to protected characteristics.	Not Required
H17 – Longdale Lane A	The site is allocated for 30 homes	Population of Ravenshead is less mixed in terms of age than Borough average.	Require development of site to respond to required mix of housing.  <b>Adjust the Policy</b>
H18 – Longdale Lane B	The site is allocated for 30 homes	Population of Ravenshead is less mixed in terms of age than Borough average.	Require development of site to respond to required mix of housing.  <b>Adjust the Policy</b>
H19 – Longdale Lane C	The site is allocated for 70 homes	Population of Ravenshead is less mixed in terms of age than Borough average.	Require development of site to respond to required mix of housing.

			<b>Adjust the Policy</b>
H20 – Millfield Close	The site is allocated for 20 homes	Population of Burton Joyce is less mixed in terms of age than Borough average.	Require development of site to respond to required mix of housing.  <b>Adjust the Policy</b>
H21 – Orchard Close	The site is allocated for 15 homes	Population of Burton Joyce is less mixed in terms of age than Borough average.	Require development of site to respond to required mix of housing.  <b>Adjust the Policy</b>
H22 – Station Road	The site is allocated for 40 homes	No relevance to protected characteristics.	Not Required
H23 – Ash Grove	The site is allocated for 10 homes	Population of Woodborough is less mixed in terms of age than Borough average.	Require development of site to respond to required mix of housing.  <b>Adjust the Policy</b>
H24 – Broad Close	The site is allocated for 15 homes	Population of Woodborough is less mixed in terms of age than Borough average.	Require development of site to respond to required mix of housing.  <b>Adjust the Policy</b>
E1 – Gedling Colliery/Chase Farm	4.69ha of land is allocated for employment uses (B1 – B8).	No relevance to protected characteristics.	Not Required
E2 – Hillcrest Park	0.85ha of land is allocated for employment uses (B1 – B8).	No relevance to protected characteristics.	Not Required

### 3.0 Action Plan

3.1 An assessment of the impact of the relevant policies has resulted in recommended changes to the following policies:

- LPD 35 – Safe, Accessible and Inclusive Development;
- LPD 36 – Affordable Housing;
- LPD 47 – Local Labour Agreements;
- LPD 57 – Parking Standards;
- LPD 63 – Housing Distribution; and
- LPD H17-H22 and H25-H26.

Consideration is given to the recommendations and, where necessary, relevant actions are set out below.

#### LPD 35 – Safe, Accessible and Inclusive Development

3.2 This policy provides details of how new development, especially large scale new development should be designed; it provides detail on matters such as layout, connectivity and massing. Those with protected characteristics may have difficulties in navigating the built environment, perhaps due to mobility issues, or face a higher than usual fear of crime. Well-designed developments can overcome these issues. The Impact Assessment has recommended that specific reference be included to these issues to highlight their importance when planning new developments.

3.3 It has been decided to add a new clause to Policy LPD 35 to read “*takes account of the needs of all users, including those with protected characteristics especially where more prevalent in the local area*”. This change will be made and incorporated into the Publication Draft of the LPD.

#### LPD 36 – Affordable Housing

3.4 This policy requires new residential development of more than 15 dwellings to provide a contribution to the supply of affordable housing. The policy sets the requirement as 10%, 20% or 30% and will vary on location. Details are included in a Supplementary Planning Document which will be reviewed in due course. The Impact Assessment has recommended that a higher percentage should be required to achieve more benefit for those with protected characteristics.

3.5 It has been decided not to make this change. The requirement for Affordable Housing has to be set with regard to viability. Requiring a higher percentage may make development unviable leading to development not coming forward.

#### LPD 47 – Local Labour Agreements

3.6 This policy enables Gedling Borough Council to negotiate planning agreements which will secure jobs and/or training for local residents. This will be especially beneficial for young people who have a higher level of unemployment. The Impact Assessment has recommended that such agreements should be a requirement for planning permission to be granted in order to secure a higher level of benefit for young people.

- 3.7 It has been decided not to make this change. Not every development can include a local labour agreement; many schemes will not be suitable due to the nature of the jobs created or the skills required for construction. A blanket requirement would not be appropriate. A negotiated approach will ensure that resources are targeted at the schemes which would produce the most benefit.

LPD 56 – Parking Standards

- 3.8 This policy will ensure the provision of an appropriate level of car parking in residential and non-residential development. Details of the requirements are to be included in a Supplementary Planning Document. The Impact Assessment has recommended that guidelines on the size of car parking spaces are included. This would ensure that spaces are of sufficient size to be used by those with mobility issues such as those in wheelchairs who require additional space to ingress/egress vehicles.
- 3.9 It has been decided not to make this change. This level of detail is appropriate for the Supplementary Planning Document and should continue to be included in that document.

LPD63 – Housing Distribution and H17-H22 and H25-H26

- 3.10 These policies set out the distribution of homes between the settlements in the Borough and allocate sites for residential development at these settlements. In certain settlements there is an over representation of older people and an under representation of younger people. Ensuring that the housing built on these sites delivers an appropriate mix will help advance equality of opportunity and foster good relations; this could be done through requiring a percentage of retirement properties or a percentage of 'starter homes'.
- 3.11 It has been decided not to make this change. Policy LPD 37 already requires a mix of properties to be delivered which takes account of local need. Further policy is not required.