Elmbridge Local Plan

Proposed Submission Development Management Plan
Equalities Impact Assessment

February 2014

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Elmbridge Borough Council
... bridging the communities ...

Equality Impact Assessment Form

Part 1: Screening Form

Name of activity to be assessed:	Proposed Submission Development Management Plan
Completing Officer's Name:	Robert Davy
Date Completed:	February 2014

Aims and Objectives

The purpose of an Equality Screening form and Impact Assessment is to improve the work of the Council by making sure that we promote equality and do not discriminate. This ensures that individuals and teams consider the likely impact of their work on residents and take action to improve.

Background to Assessment and Summary

As a public authority, under equalities legislation Elmbridge Borough Council has a duty to assess the expected impact of its functions, strategies, policies and services on the groups with protected characteristics. This is done by carrying out an Equalities Impact Assessment (EqIA). The EqIA anticipates and recommends ways to avoid any discriminatory or negative consequences for a particular group on the grounds of the 9 protected characteristics which are:

- Race
- Sex
- Sexual orientation (lesbian, gay, bisexual or heterosexual)
- Disability (or because of something connected with their disability)
- Religion or belief
- Gender reassignment
- Pregnancy
- Age (this applies only at work or if someone is being trained for work)
- Marriage and civil partnerships (this applies only at work or if someone is being trained for work).

A formal definition of each of the 'protected characteristics' appears at Appendix 1 of this report.

The Development Management Plan (DMP) forms part of the Elmbridge Local Plan and expands upon the strategic policy direction set out by the Council's Core Strategy, which was adopted in July 2011. The earlier Core Strategy was subjected to a full EqIA www.elmbridge.gov.uk/planning/policy/corestrategysub.htm. Subsequently, the initial Development Management Plan was produced taking into account the findings of the Core Strategy EqIA.

For a period of six weeks (from 8th April to 20th May 2013), the DMP document was subject to a first stage of public consultation, in accordance with Regulation 18 "Preparation of a Local Plan" of the Town and Country Planning (Local Planning) (England) Regulations 2012. An initial draft EqIA was also produced to accompany the draft DMP.

As a result of the Regulation 18 consultation, the main DMP document was amended to take account of comments received. Subsequently, the EqIA has now been updated to ensure that the proposed submission version of the DMP will not have any undue impacts on members of the groups, referred to above as the 'Protected Characteristics'. This assessment is undertaken to demonstrate that the Council is promoting equality and not discriminating against any particular group.

The proposed DMP and supporting documentation will be published and representations will be sought for a 6 week period from 3 February 2014 to 17 March 2014, prior to the formal submission of the DMP to the Secretary of State. This is part of the formal adoption process as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.

What is the main purpose of this strategy/policy/function/project/activity?

The Development Management Plan contains the day-to-day policies against which planning applications and enforcement action will be assessed. These policies will provide further detail in order to deliver the long-term spatial vision for Elmbridge, to ensure that development contributes to the wider, strategic aims of the Core Strategy. It seeks to ensure that development proposals are appropriate, sustainable and underpinned by adequate infrastructure.

Who is the activity designed to benefit/target?

- All local residents
- Community and third sector groups
- Developers
- Landowners
- Public sector bodies
- Businesses

In what way are the main beneficiaries affected by this activity?

The Development Management Plan contains the policies that will be used in assessing planning applications and enforcement action in order to deliver high standards of development for the Borough. The above beneficiaries are involved in the planning process in a number of ways, such as by making an application, commenting on a proposal or being consulted with in their area of expertise.

Impact on Protected Characteristic Groups

Assess where you think the activity could have a negative impact on any of the equality target groups i.e. where it could disadvantage them. Also consider where the activity could have a positive impact or could contribute to promoting equality, equal opportunities or improving relations with equality target groups.

The table below will help assess the likely impact on the target groups.

Protected Characteristics	Positive Impact	Neutral	Negative Impact	Reason
Age	☐	X	Low ☐☐ High	The Development Management Plan sets objective policies against which land use planning decision are made. The policies do not refer to specific groups or seek to benefit or disadvantage one group or another.
Disability	☐	X	Low ☐☐ High	The Development Management Plan sets objective policies against which land use planning decision are made. The policies do not refer to specific groups or seek to benefit or disadvantage one group or another.
Gender	☐	X	Low ☐☐ High	The Development Management Plan sets objective policies against which land use planning decision are made. The policies do not refer to specific groups or seek to benefit or disadvantage one group or another.
Gender reassignment	☐	X	Low ☐☐ High	The Development Management Plan sets objective policies against which land use planning decision are made. The policies do not refer to specific groups or seek to benefit or disadvantage one group or another.
Marriage and civil partnership	☐	X	Low ☐☐ High	The Development Management Plan sets objective policies against which land use planning decision are made. The policies do not refer to specific groups or seek to benefit or disadvantage one group or another.
Pregnancy and maternity	☐	X	Low ☐☐ High	The Development Management Plan sets objective policies against which land use

				planning decision are made. The policies do not refer to specific groups or seek to benefit or disadvantage one group or another.
Race	☐	X	Low ☐☐ High	The Development Management Plan sets objective policies against which land use planning decision are made. The policies do not refer to specific groups or seek to benefit or disadvantage one group or another.
Religion or belief	☐	X	Low ☐☐ High	The Development Management Plan sets objective policies against which land use planning decision are made. The policies do not refer to specific groups or seek to benefit or disadvantage one group or another.
Sexual orientation	☐	X	Low ☐☐ High	The Development Management Plan sets objective policies against which land use planning decision are made. The policies do not refer to specific groups or seek to benefit or disadvantage one group or another.

Please give details of any other potential impacts on any other groups (e.g. those on lower incomes/carers/ex-offenders) and on promoting good community relations.

The Development Management Plan will help to support economic growth and prosperity across the Borough, providing benefits for the whole community. It will support the delivery of much needed homes; ensure that housing development meets minimum space standards and offers appropriate amenity standards for future occupants; support employment uses and encourage small-scale business where possible; and deliver high quality community facilities, whilst ensuring the protection and enhancement of urban open spaces and the Green Belt.

No impacts are identified for any specific groups under the protected characteristics as the policies do not seek to provide a service for any specific group nor do they promote the interest(s) of any individual group over those of an alternative group.

Although Elmbridge structurally is one of the more affluent areas of the United Kingdom where residents enjoy higher than average personal incomes, not everyone benefits from this. Therefore the policies may indirectly benefit members of the groups at an individual level. For example, irrespective of race, sexual orientation, religion, gender or other factor, people who have a low income as a result of unemployment or underemployment may find new opportunities arising from policies which aim to protect employment land and create jobs in the Borough; similarly policies which aim to increase the delivery of new homes in the Borough could be advantageous for those who are looking to purchase or rent a home. But this again would be irrespective of 'protected characteristics'.

Furthermore, although 83% of the Borough's population were born in the UK or Ireland, it will be more

challenging for any residents of the Borough who do not speak English fluently to understand the contents of the published documents.   However, upon request the documents can be professionally translated from English to other languages. Community cohesion is very high in Elmbridge, and community involvement in key processes helps to maintain this.

During the formal consultation period, any organisation, or person with access to the internet (irrespective of their protected characteristic status) will be able to review the document contents and submit comments to the Council via email. As the internet can be accessed 24 hours a day it will also help to ensure that people with different work routines can comment on the proposals.   Hard copies of documents will be available for inspection at libraries throughout the borough and at Elmbridge Civic Centre. Those without internet access at home will be able to view hard copies of the Plans at these locations, or use on-site Council computers where provided.

If any negative impact has been identified can it be justified on grounds of promoting equality of opportunity?

None were identified.

If you have indicated that there is a negative impact on any group, are these Intentional and/or of a High Impact?

Intended?
i.e. can be justified in terms of legislation
e.g. concessionary fares for older people

Yes ☐   No ☐   *Which Groups?*

High Impact?
i.e. it is or may be discriminatory against one or more groups

Yes ☐   No ☐   *Which Groups*

*Is the negative impact **NOT INTENDED** and/or of **HIGH IMPACT**?*

- *If **YES**, a full assessment is required. Please complete the **Part 2: Equality Impact Assessment Part 2: Full Assessment**.*

- *If a full impact assessment is **not required** please go to **Part 3: Action Plan** to complete the details on monitoring*

An Equality Impact Assessment is a tool that enables you to assess your service, activity or policy. Where disproportionate negative impact and/or unlawful impact is identified, the assessment provides a means to take the appropriate steps to avoid or mitigate this.

Data and Research

Exploring available data and conducting research will help to give an indication as to what impact the strategy will have on equality and diversity. Where data is limited or unavailable, you should identify this as a limitation and identify ways to overcome this.
Consider the following:

- Publicity, including design, distribution and accessible communications issues

- Physical access

- Location, geography

- Poverty, deprivation and social exclusion issues

- Community Safety

- Direct discrimination: does the activity intentionally exclude a particular equality group? If so, is this exclusion justified?

- Consultation, involvement and engagement

- Monitoring and evaluation

Lack of data may make completing this section difficult, but is not be a reason to halt the process.

What data is available to help direct your EIA?

Are there any gaps in data that may require further research or consultation?

What additional research or consultation is needed to investigate the impacts of your activity?

Impact on Specific Protected Characteristic Groups

		Positive Impact	Neutral	Negative Impact	Reason
Age	Older people	☐	☐	Low ☐ ☐ High	
	Younger people & children	☐	☐	Low ☐ ☐ High	
Disability	Physical	☐	☐	Low ☐ ☐ High	
	Sensory	☐	☐	Low ☐ ☐ High	
	Learning	☐	☐	Low ☐ ☐ High	
	Long-term Health Impairment	☐	☐	Low ☐ ☐ High	
Gender	Women	☐	☐	Low ☐ ☐ High	
	Men	☐	☐	Low ☐ ☐ High	
Gender reassignment	Trans-men and -women	☐	☐	Low ☐ ☐ High	
Marriage and civil partnership	People who are married or in a civil partnership	☐	☐	Low ☐ ☐ High	
Pregnancy and maternity	Mothers or women who are pregnant	☐	☐	Low ☐ ☐ High	
Race	Asian	☐	☐	Low ☐ ☐ High	
	Black	☐	☐	Low ☐ ☐ High	
	Mixed race	☐	☐	Low ☐ ☐ High	
	White	☐	☐	Low ☐ ☐ High	
	Chinese	☐	☐	Low ☐ ☐ High	
	Other racial or ethnic groups (specify)	☐	☐	Low ☐ ☐ High	
Religion or belief	Faith groups	☐	☐	Low ☐ ☐ High	
Sexual orientation	Heterosexuals, lesbians, gay men and bisexuals	☐	☐	Low ☐ ☐ High	

Negative Impacts

Please give details of the negative impacts identified, along with any possible mitigation

Monitoring and Reviewing

What data do you have that monitors the impact of the activity on protected groups?
How is this data used?

As planning policies do not promote the interest of one group at the expense of others, no effects have been identified which are, or could be construed to be specific or discriminatory towards any of the groups within the list of protected characteristics.

At an individual level, members of groups identified within the protected characteristics may find some benefits arising from the policies within the Plan. For example, people who are unemployed may find that greater opportunities arise for them as a result of policies to promote job creation and protect employment land in the Borough. However, it is considered that this would occur irrespective of protected characteristic status.

A major borough-wide public consultation on the Development Management Plan is planned. The plan will be widely advertised across a range of media and in public places, and consultation will be undertaken using methods identified in the Council's Statement of Community Involvement and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

All consultees who are registered on the Council's database, including residents, developers, councillors, business, and other stakeholders will be invited to comment on the document. Members of the public who are not registered on the database are able to get involved via community roadshows; while hosting workshops at different locations ensures that the Consultation will be accessible to as many people as possible.

During the formal consultation period, any organisation, or person with access to the internet (irrespective of their protected characteristic status) will be able to review the document contents and submit comments to the Council via email. Furthermore those without internet access at home can view hard copies of the Plans at specified locations throughout the Borough, or use on-site Council computers - so the protected characteristic status is again considered to be of limited relevance.

All comments will be taken into account and the Development Management Plan will be amended as appropriate prior to submission to the Secretary of State.

If there is no data, explain how you intend to continue monitoring the impact of this activity.

General monitoring of all planning-related activity is undertaken through the yearly Authority Monitoring Report (AMR). The most recent AMR is available from
http://www.elmbridge.gov.uk/planning/policy/monitoringreports.htm

It is also a requirement that the Council reports on consultation activity at various stages of Local Plan preparation.

Use the table below to record how you will minimise or remove any negative impact

Issue	Action	Timescale for completion	Milestones/success criteria

Appendix 1: Definitions of the Protected Characteristics

- **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 reassignment:** The process of transitioning from one gender to another.

- **Marriage and civil partnership:** Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

- **Pregnancy and 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:** This 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 and belief:** Religion has the meaning usually given to it but belief includes religious (e.g. Christianity) 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.   It does not relate to a 'belief' that someone should follow a particular football team.

- **Sex:** Either a male or a female.

- **Sexual orientation:** This dictates whether a male or female is sexually attracted towards their own sex, the opposite sex or to both sexes.