

**STRONGER together**



## **Equality and Fairness Analysis**

### **Report assessing the impact of proposed changes and decisions**

<b>Report title (same as Cabinet / Board report title)</b>	Draft Lewes District Local Plan Part 2
<b>Report author (same as Cabinet / Board report author)</b>	Natalie Carpenter/Robert King
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<b>Responsible Head of Service</b>	Leigh Palmer
<b>Responsible Director/Assistant Director</b>	Ian Fitzpatrick
<b>Who will be making the decisions? – e.g. LDC or EBC - Full Council / Cabinet / Committee / name of Board / Cabinet Member / Service Head</b>	Cabinet
<b>Date draft EaFA and report sent to Equalities Email and Cabinet / Board Officer</b>	16 August 2018

This form is to be used to give decision makers an understanding of the likely impact of decisions they are being asked to make on groups protected under the Equality Act, and on other groups who may be affected. It should be used to assess the impact of new projects, services, initiatives and changes in the way we deliver services that will affect staff, residents and service users.

## **The Public Sector Equality Duty**

The Council and its companies must, in the exercise of our functions and in our decision making, have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

The second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages experienced by people because of their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

It describes the third aim (fostering good relations) as tackling prejudice and promoting understanding between people who share protected characteristics and those who do not.

It explains that compliance with the general equality duty may involve treating some people more favourably than others, as long as this is within the law.

By thoroughly assessing what we do against the general duty we are able to make better decisions about what we do, leading to better outcomes for people who work for us and for people who access our services and facilities.

An Equality and Fairness Analysis should be carried out when

- developing or reviewing strategies, plans, policies and procedures;
- proposing changes to the services delivered or the way these are delivered
- proposing new services, functions, projects or initiatives.

All reports to Council, Cabinet, and Cabinet Members seeking decisions which will have an impact on residents and customers should include either:

- a full Equality and Fairness Analysis, using this form
- a completed Equality and Fairness 'Relevance' Form setting out why a full EaFA is not needed.

## **Assessing the impact of the options you are considering**

In your answers to the questions on the next pages, please spell out any positive or negative impacts relating to the three general duties to:

1. Eliminate discrimination, harassment and victimisation
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

You need to think about the protected characteristics below – some potential issues have been suggested, but this is not intended as a comprehensive list:

**Age** - are there any reasons for thinking young people or older people may be affected differently by the proposals? School times? Digital access / confidence?

**Disability** – could your proposals impact differently on people with particular impairments or long-term limiting illnesses? Consider, for example, physical access, format or information / communication, design of service / buildings, interpreting / equipment / assistance that can be used, impact of proposals on people with long-term health conditions, including mental health, children and adults with special needs, drug and alcohol addictions

**Gender reassignment** - are there any specific issues to consider, e.g. around confidentiality, stage of transition?

**Marriage and civil partnership** - are there any issues to consider – e.g. confidentiality, equal access?

**Pregnancy and maternity** – you may need to consider how best to ensure equal access to opportunities or services, facilities for breastfeeding for example

**Race and ethnicity** – you need to consider different levels of knowledge about the services available and how these are accessed; the provision of translation and interpreters – e.g. in consultation, and avoidance of jargon / colloquialisms

**Religion, belief and culture** – prayer facilities; dietary requirements; religious observances (days and times) and festivals

**Sex / gender** – promoting equality of opportunity, childcare arrangements, provision of single sex facilities

**Sexual orientation** – equality of opportunity, confidentiality

## Section A – What is your proposal and what will change as a result?

Please give an overview of the changes you are considering and decisions you are requesting and say why are they needed. What are the options you are considering?

The Lewes District Local Plan forms part of the approved development plan for the district and will comprise two documents:

- Local Plan Part 1: Joint Core Strategy
- Local Plan Part 2: Site Allocations and Development Management Policies

The Local Plan Part 1 was adopted by the Council in 2016. It is a strategic level document which sets out a vision and policy framework for the future development of the district, addressing needs and opportunities in relation to housing, employment, community facilities and infrastructure.

The Local Plan Part 2 is still in production. When adopted by the Council, it will allocate additional sites to meet the development needs identified in the Local Plan Part 1 and set out detailed (non-strategic) planning policies to guide decisions on planning applications for development.

The Local Plan Part 2 will replace the majority of the ‘saved’ planning policies in the 2003 Lewes District Local Plan. Many of these policies have been carried forward into the new Draft Plan, suitably amended to reflect national policies in the National Planning Policy Framework and other changes in circumstances that have occurred since 2003. A number of new policies are also proposed, principally to encourage the diversification and growth of the rural economy.

Formal consultation took place firstly, with the publication of Local Plan ‘Issues and Options Topic Papers’ and then by the publication of the Consultation Draft Local Plan Part 2. The latter consultation took place over an 8 week period between November 2017 and January 2018. All the comments submitted have been carefully considered and, where appropriate, changes made to the Draft Local Plan to reflect them.

We are now recommending that Cabinet:

- (1) approve the Draft Local Plan Part 2 for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations;
- (2) authorise the Director of Regeneration & Planning, in consultation with the Cabinet Member for Planning, to make any minor changes arising from the consultation and submit the Draft Local Plan Part 2 to the Secretary of State under Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations for examination;
- (3) authorise the Director of Regeneration & Planning, in consultation with the Cabinet Member for Planning, to agree minor modifications to the Local Plan Part 2 during the Examination in Public, as deemed necessary to make the document sound.

These decisions are needed to ensure that the Local Plan Part 2 is progressed towards adoption in a timely manner, thereby providing an up to date detailed policy framework to assist in the delivery of housing needs and the determination of planning applications within the district.

No other options have been considered. National planning policy puts Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date to guide decisions on planning applications. The Council has a statutory duty to prepare a Local Plan and in doing so must comply with the specific requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012. These regulations require that the Council publish the version of the Local Plan Part 2 that it intends to submit to the Secretary of State for examination. This is to enable representations to be made that can then be considered at the Examination in Public.

Having received any representations on the 'Pre-Submission' version of the Local Plan Part 2, the Council must submit the Draft Local Plan and any changes it considers appropriate to the Secretary of State for examination. During the examination, a Planning Inspector will assess whether the Local Plan has been prepared in accordance with the relevant legal requirements and whether it meets the tests of 'soundness' contained in the National Planning Policy Framework. It is for this reason that Cabinet is also being asked to authorise the Director of Regeneration and Planning, in consultation with the Cabinet Member for Planning, to agree minor modifications to the Local Plan Part 2 during the Examination in Public.

Who will be affected by the changes and how?

Thinking about groups protected under the Equality Act, will any of them benefit positively from the changes you are considering more than other people? In what way?

Will there be any negative impacts on these groups which may arise? What are these?

The Council's Equality and Fairness Policy states that 'we also recognise that socio-economic status can be a significant barrier to equality of opportunity'. What might the financial impact of any changes on people on low incomes or with limited savings? Are there any actions the council could take to mitigate the impact – e.g. support, advice, access to loans, transitional arrangements?

Are there any other groups of people who might be affected negatively by the changes you are considering? For example, homeless people; people with mental health conditions; people who use assistance dogs or rely on helpers to guide and support them or translate for them; people with caring responsibilities; people living in rural areas; people with limited access to the internet.

The Local Plan Part 1 sets out the strategic policies to address the Council's strategic priorities, including delivering the homes and jobs to meet the needs of the district. The Local Plan Part 2 will support these strategic policies by allocating additional sites for housing and employment development and updating and replacing the 'saved' policies of the 2003 Local Plan. These changes will ensure that the development plan for the district is kept up-to-date at both strategic and non-strategic levels and reflects the needs of local communities and changing circumstances, including national planning policy.

The Local Plan (Parts 1 and 2) aims to contribute towards the creation of sustainable communities, providing a better quality of life for all those who live, work or study in the district. It sets out a balanced approach to recognising and addressing economic, social and environmental needs of the district and, as such, its policies are not expected to have any negative impact on groups with protected characteristics.

Indeed, by providing greater certainty about where development growth will take place, its policies will enable service providers (such as for health and social care) to align their investment strategies accordingly, thereby addressing the needs of children, older people, disabled people and those with long term health conditions more effectively.

In terms of the draft policies in the Local Plan Part 2, the residential site allocations (section 2 of the draft document) will contribute to meeting the housing needs of all the community. The provision of affordable housing, including affordable rented and intermediate housing, will potentially benefit disabled people, black and minority ethnic people, women, young and older people, groups which tend to be concentrated among lower income households.

The proposed site allocation for permanent Gypsy and Traveller pitches (Draft Policy GT01) is a proactive and planned approach to meeting the accommodation needs of Gypsies and Travellers that are identified in Core Policy 3 of the Local Plan Part 1. This allocation will contribute to reducing social inequality and have a directly beneficial impact on the Gypsy and Traveller Community, who share a protected characteristic.

The proposed employment site allocations (section 3 of the draft document) are not expected to have any differential impact on groups with protected characteristics. Both the proposed allocations are in sustainable locations in close proximity to both railway stations and frequent bus services. They should therefore be easily accessible for people with limited mobility or lower income groups without access to a car.

The proposed development management policies (section 4 of the draft document) have not changed significantly compared with the 'saved' policies of the Lewes District Local Plan 2003. The policies have been reviewed and updated to ensure that they are relevant and consistent with national planning policies and the strategic policies of the Local Plan Part 1. However, the Council's policy approach to the determination of planning applications for development remains essentially the same in both documents.

Three new policies (Draft Policies DM9, DM10 and DM11) are proposed to support the district's rural economy and reflect the Government's new, more permissive approach to development in the countryside. These proposed new policies have been carefully assessed and are unlikely to impact negatively on any groups with protected characteristics. A new policy is also proposed to require the on-site provision of children's play space in housing developments of 20 dwellings or more. Safe and convenient access to outdoor playing space is important to children's health and wellbeing and so this policy should have a beneficial impact in this respect.

It should be noted that this analysis cannot be definitive on the impact on individuals with protected characteristics. If adopted by the Council, the draft policies of the Local Plan Part 2 will have only an indirect effect on individuals. It is only through the application of planning policies to decision making on development proposals that any direct impacts on individuals occur. The Council has a statutory duty to take into account any representations made to it in the determination of individual planning applications and is subject to the Public Sector Equality Duty when carrying out this function.

**Section B – Bearing in mind the potential impact on these groups, what information have you used to consider the different options?**

How have you consulted so far with the people likely to be affected by any changes? What were the key points that came out of this consultation and how have you amended your proposals in response? If you have not yet consulted, at what stage are you proposing to carry out consultation and who / how are you proposing to consult?

Throughout the preparation of the Local Plan Part 1 (strategic policies) and the local Plan Part 2 (non-strategic policies), the views and opinions expressed by those individuals and organisations that have an interest in the plan area have been fundamental to the content of the Local Plan.

The main consultation stages on the Local Plan Part 1 (the Core Strategy) can be summarised as follows:

- A six week consultation on the Core Strategy Issues and Emerging Options Topic Papers in 2010
- A six week consultation on the Emerging Core Strategy document in 2011
- A ten week consultation on the Core Strategy Proposed Submission document in 2013
- An eight week consultation on the Focussed Amendments to the Core Strategy Proposed Submission document in 2014
- An eight week consultation on the Proposed Modifications in response to the Examination Inspector's interim Findings letter in 2015

The Council has published a series background papers that identify the main issues raised during the different stages of consultation and how the views expressed have influenced the content of the Local Plan Part 1. These are available to view at:

<https://www.lewes-eastbourne.gov.uk/planning-policy/lewes-core-strategy-examination-library/>

The main consultation stages on the Local Plan Part 2 can be summarised as follows:

- An eight week consultation on the Local Plan Part 2 Issues and Options Topic Papers in 2013/14
- An eight week consultation on the Consultation Draft Local Plan Part 2 document in 2017/18

Early engagement with the local Gypsy and Traveller community took place during the preparation of the Local Plan Part 2 to enable its input to the collating and assessment of potential site for permanent Gypsy and Traveller pitches. Members of the Gypsy and Traveller community were either met on-site or contacted through the relevant Gypsy and Traveller liaison officer. Representatives of both local and national Gypsy and Traveller organisations (the Traveller Team at East Sussex County Council and the National Federation of Gypsy Liaison Groups) were also directly invited to submit comments during the formal consultation periods listed above.

The Council has published two background papers that identify the main issues raised during the different stages of consultation and how the views expressed have influenced the content of the Local Plan Part 1. These are available to view at:

<https://www.lewes-eastbourne.gov.uk/planning-policy/lewes-local-plan-part-2-site-allocations-and-development-management-policies/>

The timetable for the further statutory consultation on the Local Plan Part 2 is set out on page 8 of the Draft Pre-Submission document. If Cabinet approve the publication of the Draft Pre-Submission document for consultation, there will be a six week period during which representations can be made. This consultation will be undertaken in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations and the Council's Statement of Community Involvement. The latter document was itself subject to consultation prior to adoption by the Council and is available to view at:

<https://www.lewes-eastbourne.gov.uk/planning-policy/statement-of-community-involvement/>

All statutory bodies and individuals that have previously commented on the Local Plan Part 1, or have since commented on or asked to be informed of the progress of the Local Plan Part 2 will be consulted. The consultation will also be publicised more widely on the Council's web site and through District News, press releases, and working in partnership with town and parish councils. Hard copies of the document will be made available in local libraries and at Southover House. The Council will also publish a Statement of Representations Procedure, a Representation Form and a Guidance Note for Representations to accompany the Draft Pre-Submission document. All the Local Plan Part 2 consultation documents will be available on request in large print, audiotape, disc or another language.

These consultation methods will ensure that the local community is widely and properly informed about the progress on and opportunity to engage with the production of the Local Plan Part 2. All members of the community, irrespective of any protected characteristic, will have the opportunity to get involved in shaping the development of their local area. Young, older or disabled people who may have no or restricted access to a car will be able to use the website resource. People who find it difficult to access to the internet will be able to view hard copies of the consultation documents in all local libraries and at Southover House in Lewes during normal opening hours. These buildings are accessible by public transport and to people who are mobility impaired.

All representations received on the Local Plan Part 2 will be taken into consideration by the Planning Inspector appointed to conduct the Examination in Public. Once the Draft Local Plan Part 2 has been submitted to the Secretary of State, a dedicated Examination in Public page will be set up on the Council's website.

What information, research findings and data have you used to assess the potential impact of any changes on people protected under the Equality Act and those who may face financial hardship as a result, and what did that information tell you about the potential impact?

It is an essential requirement that local plan policies are underpinned by robust evidence. A number of technical studies on different subjects have been produced to inform the Local Plan and are available to view at: <https://www.lewes-eastbourne.gov.uk/planning-policy/lewes-background-reports/>

This evidence base was prepared with the aim of strengthening our understanding of the district and the issues and challenges it faces in terms of accommodating housing and employment growth in the future. Many of the social and economic studies contain



specific information in relation to the local community, including groups sharing a protected characteristic.

These studies include a Gypsy and Traveller Accommodation Assessment, a Gypsy and Traveller Site Assessment and a Joint Evidence Paper on Provision for Gypsies and Travellers in East Sussex which are directly relevant to Draft Policy GT01 of the Local Plan Part 2.

Is there any information that you needed to understand the impact on these groups but are not able to find? What are the gaps and what can your service / the Council do to collect the information needed? Are there any actions you will take to address this?

Specific questions about impacts were asked during the Local Plan Part 2 Issues and Options Topic Papers consultation and the responses are reflected where appropriate in the draft document. We recognise that the available data does not allow us to investigate all potential impacts on all groups with protected characteristics. However, in addition to the data used for this analysis, we also reviewed the responses received to the Consultation Draft Local Plan Part 2 for any anticipated impacts on people who share protected characteristics. Where these responses raised issues that could have a potential impact, we have built this into the analysis. Following the publication of the Pre-Submission Draft Local Plan Part 2, we will continue to assess the impact of its policies on people who share protected characteristics.

### **Section C: Actions taken and planned**

What actions or options are you considering to deal with any negative impacts? This may not always be possible (e.g. some changes might have a disproportionate impact on the Council's finances). If you are not proposing any actions or amendments to your proposals, please explain why not.

It is not considered that the revised policy framework set out in the Draft Local Plan Part 2 is likely to have any disproportionate negative impact on people who share protected characteristics compared with people who don't share protected characteristics, for the reasons given in Section A above. Accordingly, no actions are proposed.

### **Part 1 sign off**

Part 1 should now be reviewed and approved by your Director/Assistant Director, and submitted with your Cabinet / Board report as a separate document to the Cabinet Officer / Company Secretary and to [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk).

**Name of Director/Assistant Director:**

**Signed: Ian Fitzpatrick**

**Dated: 28 August 2018**