

## **APPENDIX D**

### **Equality Impact Assessment / Equality Analysis**

<b>Title of service or policy</b>	Amendments to Planning Obligations Supplementary Planning Document (SPD) approved 2015 and related Community Infrastructure Levy Regulation 123 List -Consultation
<b>Name of directorate and service</b>	Development Directorate, Planning Policy
<b>Name and role of officers completing the EIA</b>	Richard Daone, Deputy Head of Planning (Policy) Catherine Parker Planning Officer (Infrastructure and CIL)
<b>Date of assessment</b>	July 2019

Equality Impact Assessment (or ‘Equality Analysis’) is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Council’s and NHS Bath and North East Somerset’s websites.

1.	<b>Identify the aims of the policy or service and how it is implemented.</b>	
	<b>Key questions</b>	<b>Answers / Notes</b>
1.1	<p>Briefly describe purpose of the service/policy including</p> <ul style="list-style-type: none"> <li>• How the service/policy is delivered and by whom</li> <li>• If responsibility for its implementation is shared with other departments or organisations</li> <li>• Intended outcomes</li> </ul>	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Bath &amp; North East Somerset Core Strategy (CS), adopted in July 2014, the Bath &amp; North East Somerset Placemaking Plan (PMP), adopted in July 2017 and other plans.</p> <p>The Planning Obligations Supplementary Planning Document (SPD) was approved in 2015 and accompanies the Core Strategy 2014. It provides clarity on what, when and how planning obligations will be sought and explains the relationship between section 106 planning obligations and the Council’s Community Infrastructure Levy (CIL). It also outlines governance arrangements for collection, spend and monitoring</p> <p>The Planning Service requests planning obligations in particular recreational open space (“green space”) contributions via a Section 106 agreement from applicants at the planning application stage using the Planning Obligations SPD as a basis for securing obligations.</p> <p>Bath &amp; North East Somerset Council can only allocate Community Infrastructure Levy (CIL) funds to Infrastructure types set out on what is termed a Regulation 123</p>

		<p>list (CIL Regulations 2010 as amended). CIL is tool for local authorities to help deliver infrastructure to support the development of the area. CIL is charged on new development subject to planning permission.</p> <p>The Planning Policy team is responsible for the preparation of the policy framework including this Planning Obligations SPD and the Regulation 123 list. The planning policy team is consulted on planning applications and green space required for new developments. The Legal Service manages the preparation of Section 106 legal agreements in association with the development management team. The development management team administers the charging and collecting of CIL and securing S106 obligations. The Parks team delivers green space projects.</p> <p>Outcome: the aim of this project is to adopt revisions to the Planning Obligations Supplementary Planning Document (SPD) and Community Infrastructure Levy Regulation 123 list to clarify in particular that where green space provision is not practical on site for new developments, planning obligations (Section 106 agreements) for off site green space provision or enhancement which are necessary for new development to be acceptable in planning terms will be required.</p>
<b>1.2</b>	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> <li>● Is it a new service/policy or review of an existing one?</li> <li>● Is it a national requirement?).</li> <li>● How much room for review is there?</li> </ul>	<p>Amendments are required to the approved Planning Obligations Supplementary Planning Document (SPD) and related changes are required to the Regulation 123 List (R123 list) to clarify in particular that where green space provision is not practical on site for new developments, planning obligations (Section 106 agreements) for off- site green space provision or enhancement which are necessary for new development to be acceptable in planning terms will be required.</p> <p>Currently, where green space requirements for new development are not provided on site, there is no direct mechanism for mitigating impact of development in terms of required green space provision, as CIL is not intended for allocation to site</p>

		<p>specific mitigation projects at the planning application stage. Amendments to the SPD and related amendments to the R123 list are required to make this clear.</p> <p>The proposals are in accordance with the Council's Development Plan.</p>
1.3	Do the aims of this policy link to or conflict with any other policies of the Council?	<p>The SPD is in accordance with the Council's Development Plan.</p> <p>The Council's Development Plan and the planning system help to deliver the Council's broader aspirations and Corporate objectives including</p> <ul style="list-style-type: none"> <li>-Protect and enhance the District's natural, built and cultural environment and provide green infrastructure</li> <li>-Plan for development that promotes health and well being</li> <li>- Ensure the timely and efficient provision of infrastructure to support growing communities</li> </ul>
<h2>2. Consideration of available data, research and information</h2>		
<p>Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:</p> <ul style="list-style-type: none"> <li>● <b>Demographic</b> data and other statistics, including census findings</li> <li>● Recent <b>research</b> findings (local and national)</li> <li>● Results from <b>consultation or engagement</b> you have undertaken</li> <li>● Service user <b>monitoring data</b> (including ethnicity, gender, disability, religion/belief, sexual orientation and age)</li> <li>● Information from <b>relevant groups</b> or agencies, for example trade unions and voluntary/community organisations</li> <li>● Analysis of records of enquiries about your service, or <b>complaints</b> or <b>compliments</b> about them</li> <li>● Recommendations of <b>external inspections</b> or audit reports</li> </ul>		
	<b>Key questions</b>	<b>Data, research and information that you can refer to</b>

<b>2.1</b>	What is the equalities profile of the team delivering the service/policy?	Wide range of service deliverers including planning policy, parks, development management, legal. In addition applicants and developers are involved in the process. The communities have input into the planning application process. Accordingly there is a very wide range of groups delivering the policy.
<b>2.2</b>	What equalities training have staff received?	The Planning Service including planning policy team have received equalities training.  A number of the service deliverers within the Council will have received corporate equalities training.
<b>2.3</b>	What is the equalities profile of service users?	There exists limited information about the user profile for planning applicants. However, it is not just planning applicants that will be affected by the revised SPD, it will also include the wider community and groups.
<b>2.4</b>	What other data do you have in terms of service users or staff? (e.g results of customer satisfaction surveys, consultation findings). Are there any gaps?	Details of the district's profile can be found at the Joint Strategic Needs Assessment (JSNA). This is designed to be the single portal for facts, figures and intelligence about the B&NES local area, its communities and its population. It includes Local statistical data and Local opinions (feedback from members of the public, elected members and voluntary sector groups)  <a href="https://www.bathnes.gov.uk/services/your-council-and-democracy/local-research-and-statistics">https://www.bathnes.gov.uk/services/your-council-and-democracy/local-research-and-statistics</a>  The equalities profile of B&NES can be found at the following link.  <a href="https://www.bathnes.gov.uk/sites/default/files/census_2011_theme_summary_-_equalities_0.pdf">https://www.bathnes.gov.uk/sites/default/files/census_2011_theme_summary_-_equalities_0.pdf</a>
<b>2.5</b>	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	There has been no separate consultation on this EqIA. However, there has been a consultation undertaken (in accordance with the Statement of Community Involvement and Statutory Requirements) for the preparation of the approved Planning Obligations SPD and CIL Regulation 123 list and the current amendments recommended for adoption.  A Consultation Reports for the amendment has been prepared highlighting the consultation responses received as part of the preparation of the original

		documents.	
<b>2.6</b>	If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	<p>The council has an adopted Statement of Community Involvement. The Council's "My Neighbourhood: Neighbourhood Planning Protocol" explains how the local community can get involved in the preparation of the planning policy documents.</p> <p>All equalities groups should benefit from enhanced green space in their communities, however the site specific proposals will be subject to further consultation at the development management stage.</p>	
<b>3. Assessment of impact: 'Equality analysis'</b>			
	<p>Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:</p> <ul style="list-style-type: none"> <li>• Meets any particular needs of equalities groups or helps promote equality in some way.</li> <li>• Could have a negative or adverse impact for any of the equalities groups</li> </ul>		
		<b>Examples of what the service has done to promote equality</b>	<b>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</b>
	<b>General point</b>	<p><b>General point</b></p> <p>Many of the impacts apply across several or all equality groups and this is indicated below, in particular see section 3.11.</p>	<p><b>General Point</b></p> <p>There is potential for adverse impacts if the Planning Obligations SPD amendments and Regulation 123 amendment is not approved. Potentially new development could be approved without securing specific mitigation of impact on green spaces where necessary. This will have an adverse</p>

			impact on communities.
<b>3.1</b>	<b>Gender</b> – identify the impact/potential impact of the policy on women and men.	See 3.11, positive impacts that affect ‘all’	No adverse impacts identified
<b>3.2</b>	<b>Pregnancy and maternity</b>	See 3.11, positive impacts that affect ‘all’	No adverse impacts identified
<b>3.3</b>	<b>Transgender</b> – – identify the impact/potential impact of the policy on transgender people	See 3.11, positive impacts that affect ‘all’	No adverse impacts identified
<b>3.4</b>	<b>Disability</b> - identify the impact/potential impact of the policy on disabled people (ensure consideration both physical and mental impairments)	See 3.11, positive impacts that affect ‘all’  While this EqIA relates to the principle of the policy, the proposals for delivery of projects to address the development impact will be subject to separate EqIA which will specifically take into account the impact on people with disabilities.	No adverse impacts identified
<b>3.5</b>	<b>Age</b> – identify the impact/potential impact of the policy on different age groups	See 3.11, positive impacts that affect ‘all’	No adverse impacts identified
<b>3.6</b>	<b>Race</b> – identify the impact/potential impact on different black and minority ethnic groups	See 3.11, positive impacts that affect ‘all’	No adverse impacts identified
<b>3.6</b>	<b>Sexual orientation</b> - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual	See 3.11, positive impacts that affect ‘all’	No adverse impacts identified

	people		
<b>3.7</b>	<b>Marriage and civil partnership</b> – does the policy/strategy treat married and civil partnered people equally?	See 3.11, positive impacts that affect 'all'	No adverse impacts identified
<b>3.8</b>	<b>Religion/belief</b> – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	See 3.11, positive impacts that affect 'all'	No adverse impacts identified
<b>3.9</b>	<b>Socio-economically disadvantaged</b> – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances	See 3.11, positive impacts that affect 'all'	No adverse impacts identified
<b>3.10</b>	<b>Rural communities</b> – identify the impact / potential impact on people living in rural communities	See 3.11, positive impacts that affect 'all'	No adverse impacts identified
<b>3.11</b>	<b>ALL</b>	The amendments to the Planning Obligations SPD and Regulation 123 list , if approved, are that provision /enhancements / maintenance of off site green space required to mitigate the impact of new development where necessary will be agreed at the planning application stage as part of a section 106 agreement and will not be funded by the community infrastructure levy which funds	No adverse impacts identified



		infrastructure necessary for the development of the area (not site specific infrastructure). Therefore there should be a positive impact on the environment for communities directly affected by new development.	
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#### 4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
While this decision relates to the principle of securing green space improvements via planning obligations, consideration of equalities impact should be taken into account in the delivery of green space projects pursuant to planning obligations.	Ensure that green space project proposals as a result of the amendments take into account those people with protected characteristics.	Ongoing. Depends on Council securing planning obligations from developers.	Planning Policy Team	N/A. Ongoing.

#### 5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team ([equality@bathnes.gov.uk](mailto:equality@bathnes.gov.uk)), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

**Signed off by:** *Richard Daone, Deputy Head of Planning (Policy)*

**Date:** 17.07.19

(nominated senior officer)