

Equality Impact Assessment / Equality Analysis

(updated May 2021)

Title of service or policy	Draft Planning Obligations Supplementary Planning Document 2022
Name of directorate and service	Planning Policy team, Sustainable Communities Directorate
Name and role of officers completing the EIA	Catherine Parker, Planning Officer
Date of assessment	5 April 2022

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 main aim is to identify any discriminatory or negative consequences for a particular group or sector of the community, and also to identify areas where equality can be better promoted. Equality impact Assessments (EIAs) can be carried out in relation to services provided to customers and residents as well as employment policies/strategies that relate to staffing matters.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis. **Not all sections will be relevant – so leave blank any that are not applicable.** It is intended that this is used as a working document throughout the process, and a final version will be published on the Council’s website.

1.	Identify the aims of the policy or service and how it is implemented.	
	Key questions	Answers / Notes
1.1	<p>Briefly describe purpose of the service/policy e.g.</p> <ul style="list-style-type: none"> ● How the service/policy is delivered and by whom ● If responsibility for its implementation is shared with other departments or organisations ● Intended outcomes 	<p>Preparation, consultation and adoption of an updated Planning Obligations Supplementary Planning Document (SPD) setting out the Council’s approach to Planning Obligations. The SPD is an update to the current Planning Obligations SPD adopted 2015 (as amended 2019).</p> <p>The SPD provides detailed guidance on the requirements from developers for planning obligations associated with Affordable Housing including Extra care housing; Transport Infrastructure Works; Public Transport; Green Infrastructure; Site Specific Targeted Recruitment and Training in Construction; Fire Hydrants; Education Facilities; and other Site Specific Measures that will mitigate the impacts of development. The SPD will complement the Council’s Community Infrastructure Levy, ensuring that proposed development is acceptable in planning terms.</p> <p>The Planning Obligations Supplementary Planning Document (SPD) was approved in 2015 and supplements the Core Strategy policy CP13 “Infrastructure Provision”. It is a material consideration in decision making, and provides clarity on what, when and how planning</p>

		<p>obligations will be sought. It 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 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>The Planning Policy team is responsible for the preparation of the policy framework including this Planning Obligations SPD. 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 Council services apply the funds to the delivery of infrastructure projects.</p> <p>Outcome: the aim of this project is to consult on a draft update to the Planning Obligations Supplementary Planning Document (SPD). The SPD is being updated to take into account the preparation of the Local Plan Partial Update, and other changes having regard to the changes in CIL Regulations 2010 (as amended), national standards and practical implementation issues.</p> <p>Representations of the consultation will be taken into account in the preparation of the final amendments to the Planning Obligations SPD.</p>
<p>1.2</p>	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> ● Is it a new service/policy or review of an existing one? 	<p>An update of the approved Planning Obligations Supplementary Planning Document (SPD) is required to take into account the following issues:</p>

	<ul style="list-style-type: none"> • Is it a national requirement?). • How much room for review is there? 	<ul style="list-style-type: none"> • the Council's Local Plan Partial Update (LPPU) which is currently subject to examination in particular in terms of the new Biodiversity Net Gain policy and sustainable transport requirements. • Amendments to the CIL Regulations 2010 (as amended) • Amendments to the implementation of the affordable housing policy having regard to national standards • Amendments to the scope of the education and targeted recruitment and training planning obligations • Other minor updates.
1.3	Do the aims of this policy link to or conflict with any other policies of the Council?	The SPD is in accordance with the Council's Development Plan and Local Plan Partial Update. The Council's Development Plan and the planning system help to deliver the Council's broader aspirations and Corporate objectives within the Corporate Strategy 2020-2024 including the Climate and Nature Emergency.

2. Consideration of available data, research and information

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:

- **Demographic** data and other statistics, including census findings
- Recent **research** findings (local and national)
- Results from **consultation or engagement** you have undertaken
- Service user **monitoring data** (including ethnicity, sex, disability, religion/belief, sexual orientation and age)
- Information from **relevant groups** or agencies, for example trade unions and voluntary/community organisations
- Analysis of records of enquiries about your service, or **complaints** or **compliments** about them
- Recommendations of **external inspections** or audit reports

	Key questions	Data, research and information that you can refer to
2.1	What equalities training have staff received to enable them to understand the needs of our diverse community?	<p>Planning policy team have received corporate equalities training and EQIA training.</p> <p>A number of the service deliverers within the Council will have received corporate equalities training.</p>
2.2	What is the equalities profile of service users?	<p>The preparation of the Planning Obligations SPD Update is being delivered by the planning policy team. The team is made up of a mix of gender, ages and ethnicities.</p> <p>The SPD requirements will be secured from developers by the Development Management Team. The team is made up of a mix of gender, ages and ethnicities.</p>
2.4	Are there any recent customer satisfaction surveys to refer to? What were the results? Are there any gaps? Or differences in experience/outcomes?	Stakeholders were given opportunities to make comments and representations on the scope of the policies in the draft Local Plan Partial Update, which covered the provision of measures and infrastructure to address the Climate and Nature Emergency, and ensure that the impact of development is addressed. Stakeholders

		were also given the opportunity to make comments on the viability assessment supporting the LPPU which have implications for the cost of developments.
2.5	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	<p>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 (2015), and the amendments 2019. No equalities issues were raised during those consultations.</p> <p>Consultation Reports for the documents were prepared highlighting the consultation responses received and the Council's response as part of the preparation of the original documents.</p>
2.6	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>The Planning Obligations SPD update will be subject to statutory public consultation in line with the Council's Statement of Community Involvement on Planning Documents.</p> <p>The consultation will be accessible via the Council's website. All people who have requested to be on the planning policy mailing list will be contacted about the proposed draft amendments,</p> <p>The Consultation will have most impact on applicants and developers who agree to provide the planning obligations as part of planning approvals and sign S106 legal agreements along with the Council.</p>

		<p>There are no specific equalities groups that will be adversely affected at this stage of consulting on Planning Obligations SPD update.</p> <p>All equalities groups should benefit from enhanced infrastructure and sustainable development including affordable housing in their communities, however the site specific proposals will be subject to further consultation at the development management stage.</p>
<p>3. Assessment of impact: 'Equality analysis'</p>		
	<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"> ● Meets any particular needs of equalities groups or could help promote equality in some way. ● Could have a negative or adverse impact for any of the equalities groups 	
		<p>Examples of what the service has done to promote equality</p>
		<p>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</p>
<p>3.1</p>	<p>Issues relating to all groups and protected characteristics</p>	<p>Many of the impacts apply across several or all equality groups.</p> <p>The intention of the SPD is to encourage and maintain balanced and mixed communities that support the needs of all groups in society.</p> <p>Promoting a more balanced community, and providing community facilities, green space, and improved transport</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 mitigation of impact where necessary. This will have an adverse impact on communities.</p> <p>The SPD will ensure that the impact of new development on open space, transport infrastructure and other facilities is mitigated.</p>

		<p>infrastructure (eg pedestrian and walking links) will help to make all feel welcome, and improve people's quality of life.</p> <p>NB this positive impact will apply to all the groups considered below.</p>	<p>This will improve the environment and have multiple benefits. In addition, the SPD provides the mechanism for securing affordable housing from new developments where applicable, which contributes to sustainable communities.</p>
3.2	Sex – identify the impact/potential impact of the policy on women and men.		<p>The SPD does not directly address sex, as the objective of the SPD is to provide benefits to the environment and contribute to sustainable communities for all groups.</p>
3.3	Pregnancy and maternity	<p>Early years facilities have been secured through planning obligations.</p>	<p>Contributions secured for community facilities, play areas, and improvements to public transport benefit people who are pregnant or have dependants.</p>
3.4	Gender reassignment – identify the impact/potential impact of the policy on transgender people		<p>The SPD does not directly address gender reassignment, as the objective of the SPD is to provide benefits to the environment and contribute to sustainable communities for all groups.</p>
3.5	Disability – identify the impact/potential impact of the policy on disabled people (ensure consideration both physical, sensory and mental impairments and mental health)	<p>The SPD has secured a proportion of affordable homes suitable for wheelchair users.</p>	<p>The SPD will secure accessible and adaptable affordable homes.</p>
3.6	Age – identify the impact/potential impact of the policy on different age groups	<p>The SPD has enabled the provision of new primary school places and recreation sites, play areas.</p> <p>The SPD has secured a proportion of affordable housing to be suitable for</p>	<p>Contributions secured for education facilities and open space can address the needs of children.</p> <p>Contributions secured for training and recruitment opportunities offer the potential for young people to become more involved in the</p>

		wheelchair users and adaptable accessible homes.	workplace. The SPD requires an element of affordable housing to be accessible / adaptable.
3.7	Race – identify the impact/potential impact on across different ethnic groups		The SPD does not directly address race, as the objective of the SPD is to provide benefits to the environment and contribute to sustainable communities for all groups.
3.8	Sexual orientation – identify the impact/potential impact of the policy on lesbian, gay, bisexual, heterosexual people		The SPD does not directly address sexual orientation, as the objective of the SPD is to provide benefits to the environment and contribute to sustainable communities for all groups.
3.9	Marriage and civil partnership – does the policy/strategy treat married and civil partnered people equally?		The SPD does not directly address marriage and civil partnership status, as the objective of the SPD is to provide benefits to the environment and contribute to sustainable communities for all groups.
3.10	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.		The SPD does not directly address religious belief, as the objective of the SPD is to provide benefits to the environment and contribute to sustainable communities for all groups.
3.11	Socio-economically disadvantaged* – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances	Affordable housing has been secured and delivered.	The socio – economically disadvantaged are more likely to be in need of affordable housing. The SPD is the negotiating mechanism for affordable housing and some households within this group will benefit from the provision of affordable housing.

	(this is not a legal requirement, but is a local priority).		
3.12	Rural communities* identify the impact / potential impact on people living in rural communities	Rural communities have been involved in the allocation of S106 contributions towards for example open space, allotment sites and play areas.	Rural communities will benefit from the SPD securing planning obligations from new development towards new infrastructure in their communities such as open space and transport improvements.
3.13	Armed Forces Community ** serving members; reservists; veterans and their families, including the bereaved. Public services will soon be required by law to pay due regard to the Armed Forces Community when developing policy, procedures and making decisions, particularly in the areas of public housing, education and healthcare (to remove disadvantage and consider special provision).		The SPD does not directly address the armed forces community, as the objective of the SPD is to provide benefits to the environment and contribute to sustainable communities for all groups.

*There is no requirement within the public sector duty of the Equality Act to consider groups who may be disadvantaged due to socio economic status, or because of living in a rural area. However, these are significant issues within B&NES and have therefore been included here.

** The Equality Act does not cover armed forces community. However, when the Armed Forces Bill becomes law there will be a requirement to pay 'due regard' to make sure the Armed Forces Community are not disadvantaged when accessing public services.

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/analysis. 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
Ensure that consultation takes into account all groups	Ensure consultation is in accordance with the My Neighbourhood protocol.	Preparation of Consultation to take place 6/05/2022 to 17 June 2022	Planning Policy Team	6 June 2022

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), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

Signed off by:

(Divisional Director or nominated senior officer)

Date: