

Equality Impact Assessment / Equality Analysis

(Updated December 2022)

Title of service or policy	Contaminated Land Strategy
Name of directorate and service	Place Management - Public Protection and Building Control
Name and role of officers completing the EIA	Corrine Eatwell. Scientific Officer Contaminated Land
Date of assessment	3/6/2024

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.

1.1 Identify the aims of the policy or service and how it is implemented

Key questions	Answers / notes
<p>1.1 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>Under the contaminated land provisions contained in Part IIA of the Environmental Protection Act 1990, the Council is required to inspect land in its District for contamination and bring about its remediation. In 2001 the Council published its Contaminated Land Strategy (the Strategy). The responsibility of the Strategy falls within the Building Control and Public Protection Service area of the Council.</p> <p>The Council have revised the 2001 Contaminated Land Strategy to produce an updated Strategy. To reflect the progress that has been made and to set out the Councils plans for continuing its work. The Strategy will be shared with internal department e.g., planning and will be available on the Council website for all stakeholders to access.</p> <p>This equality impact assessment is to support a Single Member Decision approval to adopt the revised 2023 Contaminated Land Strategy.</p>
<p>1.2 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? ● Is it a national requirement?). 	<p>The Council’s approach to land contamination is to identify, characterise and remove unacceptable risks to human health and the environment, and to ensure that the cost burdens are proportionate, manageable and economically sustainable.</p> <p>The aims of the Strategy are:</p>

<ul style="list-style-type: none"> • How much room for review is there? 	<ul style="list-style-type: none"> • To identify unacceptable risks to human health and the environment from the immediate and long-term effects of contaminated land. • Ensure future developments through the Development Control process effectively deal with contamination and are “suitable for use” and not capable of being determined as Contaminated Land under the Act. • Prioritise potentially contaminated sites and ensure that most pressing and serious problems are located first. • To address properties/land in need of remediation in order to improve the environment within the District. • To encourage the voluntary remediation and redevelopment of contaminated land.
<p>1.3 Do the aims of this policy link to or conflict with any other policies of the Council?</p>	<p>No</p>

2. Consideration of available data, research and information

Key questions	Data, research and information that you can refer to
<p>2.1 What equalities training have staff received to enable them to understand the needs of our diverse community?</p>	<p>As part of the Councils corporate training programme all employees are required to complete the eLearning course on Equality, Diversity, and Inclusion.</p>
<p>2.2 What is the equalities profile of service users?</p>	<p>The Strategy is applicable to the whole area of Bath & North East Somerset Council (B&NES) and to all residents, businesses, and landowners within the district area. Therefore, we have not provided an equality profile.</p> <p>For further information on the population of Bath & North East Somerset. Please click on the link below which contains the 2011 census information: https://beta.bathnes.gov.uk/strategic-evidence https://www.bathnes.gov.uk/services/your-council-and-democracy/local-research-statistics</p>

<p>2.3 Are there any recent customer satisfaction surveys to refer to? What were the results? Are there any gaps? Or differences in experience/outcomes?</p>	<p>No</p>
<p>2.4 What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?</p>	<p>Internal Consultations regarding revised Contaminated and Strategy and Single Member Decision (SMD), the following people were consulted:</p> <ul style="list-style-type: none"> Legal Services & Monitoring Officer S151 Officer Finance Officer Director of Public Health Head of Planning – Consulted Head of Building Control and Public Health Equalities Officer <p>External Consultations regarding revised Contaminated and Strategy: Environment Agency</p>
<p>2.5 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>	<p>No formal public consultations proposed regarding the revised Contaminated Land Strategy 2023.</p>

3. Assessment of impact: ‘Equality analysis’

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:

- 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

	Examples of what the service has done to promote equality	Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this
<p>3.1 Issues relating to all groups and protected characteristics.</p>	<p>The Council’s approach to land contamination is to identify, characterise and remove unacceptable risks to human health and the environment, and to ensure that the cost burdens are proportionate, manageable, and economically sustainable. The Strategy relates to the condition of land and any actions are based on the levels of contamination in, on or under the land and the identification of a significant pollutant linkage. The aim is to protect and improve the health of all residents/land users equally.</p> <p>The Strategy does not have any differential impact upon any of the protected characteristic groups.</p> <p>Part 2A of the Environmental Protection Act 1990 is a piece of primary legislation which was introduced to provide a better way to identify and remediate contaminated land. It was introduced to identify and regulate the remediation of land where contamination had resulted in significant harm to human health or the environment or where there was a significant possibility of this happening. It also</p>	<p>The Strategy aims to achieve statutory compliance by inspecting the land in its area and where appropriate ensure land is suitable for its current use. This means that residents will be less likely to be exposed to potentially harmful contaminants in, on or underground and will therefore see health improvements in those areas affected by land contamination.</p> <p>The Strategy does not have any differential impact upon any of the protected characteristic groups. However, it is accepted that the investigation and potential remediation of contaminated land can cause stress and anxiety to people living on or in the vicinity of sites being assessed.</p> <p>The broad aim is to manage or remediate land in such a way that risks are minimised as far as is reasonably practicable. That is, for example, there may be cases where after all considerations it is concluded that a land management system is more</p>

	<p>applies where Controlled Waters are, or could be, polluted.</p> <p>Further information is within the Contaminated Land Strategy.</p> <p>Information regarding Contaminated Land can be found on the gov.uk website as follows:</p> <p>https://www.gov.uk/contaminated-land</p> <p>Technical guidance on the management of contaminated land including how to investigate, assess and manage the risks can be found on the gov.uk website as detailed below:</p> <p>https://www.gov.uk/government/collections/land-contamination-technical-guidance</p>	<p>beneficial than removing and replacing soils.</p> <p>One of the three overarching objectives of the Government's policy on contaminated land and the Part 2A regime is to ensure that the burdens faced by individuals, companies and society as a whole, are proportionate, manageable and compatible with the principles of sustainable development.</p>
<p>3.2 Sex – identify the impact/potential impact of the policy on women and men.</p>	<p>The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a differential potential impact on this characteristic.</p> <p>The Strategy helps to protect its residents and land users against negative impacts associated with building on contaminated land or incidents of pollution. Without the Strategy this group could be disproportionately affected.</p> <p>Young female children are considered to be the most sensitive receptors for land contamination on most sites. A risk assessment is therefore</p>	<p>The Strategy has no differential negative or adverse impact on this protected characteristic</p>

	likely to be conducted on the basis of understanding the harm to a 0-6 year old female child. However, this does not mean that other groups receive lesser protection only that they may not receive a specific risk assessment.	
3.3 Pregnancy and maternity	<p>The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a potential differential impact on this characteristic.</p> <p>The Strategy helps to protect its residents and land users against negative impacts associated with building on contaminated land or incidents of pollution. Without the Strategy this group could be disproportionately affected.</p> <p>Pregnant mothers and unborn children are sensitive to the effects of land contamination. Implementation of the strategy will reduce the potential for pregnant mothers to be exposed to potentially harmful land.</p>	The Strategy has no differential negative or adverse impact on this protected characteristic.
3.4 Gender reassignment – identify the impact/potential impact of the policy on transgender people	<p>The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a potential differential impact on this characteristic.</p>	The Strategy has no differential negative or adverse impact on this protected characteristic
3.5 Disability – identify the impact/potential impact of the policy on disabled people (ensure consideration	<p>The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the</p>	The Strategy has no differential negative or adverse impact on this protected characteristic

<p>both physical, sensory and mental impairments and mental health)</p>	<p>identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a potential differential impact on this characteristic.</p> <p>The Strategy helps to protect its residents and land users against negative impacts associated with building on contaminated land or incidents of pollution. Without the Strategy vulnerable groups including people with disabilities could be disproportionately affected.</p>	
<p>3.6 Age – identify the impact/potential impact of the policy on different age groups</p>	<p>The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a potential differential impact on this characteristic. Young female children are considered to be the most sensitive receptors for land contamination on most sites. A risk assessment is therefore likely to be conducted on the basis of understanding the harm to a 0-6 year old female child. However, this does not mean that other groups receive lesser protection only that they may not receive a specific risk assessment.</p>	<p>The Strategy has no differential negative or adverse impact on this protected characteristic.</p> <p>The Strategy identifies the potential receptors at risk of all age groups. The risk assessment process evaluates the most sensitive age group and take necessary measures to protect sensitive receptors.</p>
<p>3.7 Race – identify the impact/potential impact on across different ethnic groups</p>	<p>The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a potential differential impact on this characteristic.</p>	<p>The Strategy has no differential negative or adverse impact on this protected characteristic</p>
<p>3.8 Sexual orientation – identify the impact/potential impact of the policy on</p>	<p>The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the</p>	<p>The Strategy has no differential negative or adverse impact on this protected characteristic</p>

lesbian, gay, bisexual, heterosexual people	identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a potential differential impact on this characteristic.	
3.9 Marriage and civil partnership – does the policy/strategy treat married and civil partnered people equally?	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a potential differential impact on this characteristic.	The Strategy has no differential negative or adverse impact on this protected characteristic
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 Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.	The Strategy has no differential negative or adverse impact on this protected characteristic
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. (this is not a legal requirement, but is a local priority).	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a potential differential impact on this characteristic.	The Strategy has no differential negative or adverse impact on this protected characteristic
3.12 Rural communities* identify the impact / potential impact on people living in rural communities	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a potential differential impact on this characteristic.	The Strategy has no differential negative or adverse impact on this protected characteristic

<p>3.13 Armed Forces Community ** serving members; reservists; veterans and their families, including the bereaved. Public services are 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).</p>	<p>The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in, on or under the land and the identification of a significant pollutant linkage. There is no evidence to suggest that the Strategy would have a potential differential impact on this characteristic.</p>	<p>The Strategy has no differential negative or adverse impact on this protected characteristic</p>
--	--	---

*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, the Armed Forces Bill (which came in on 22 Nov 2022) introduces 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
	None	N/A	N/A	N/A

None				

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: Chris Major

(Divisional Director or nominated senior officer)

Date: 3/6/24