

STRONGER together



Equality and Fairness Analysis

Report assessing the impact of proposed changes and decisions

Report title (same as Cabinet / Board report title)	Adoption of the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies
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Who will be making the decisions? – e.g. LDC or EBC - Full Council / Cabinet / Committee / name of Board / Cabinet Member / Service Head	LDC Full Council
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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 build upon the strategic policies of the Local Plan Part 1 by allocating smaller-scale sites for development and setting out more 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 Local 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.

There have been four formal consultation stages on the Local Plan Part 2: Issues and Options Topic Papers (2103), Consultation Draft Plan (2017), Pre-Submission Plan (2018), and Main Modifications (2019). All the comments submitted have been carefully considered and, where appropriate, changes made to the Local Plan Part 2 to reflect them.

An examination in public took place in 2018/19, with hearing sessions held during April 2019. The Council has now received the Inspector’s final report on the examination. This report concludes that the Local Plan Part 2 has been prepared in accordance with the relevant legal requirements and meets the tests of ‘soundness’ contained in the National Planning Policy Framework, subject to a number of changes (the main modifications) being made.

We are now recommending that Cabinet:

- (1) recommend to Council that the Lewes District Local Plan Part 2, amended to incorporate the main modifications set out in the Examination Inspector’s report, is adopted as part of the statutory development plan for the district in accordance with Section 23 of the Planning & Compulsory Purchase Act 2004 and Regulation 26 of the Town & Country Planning (Local Planning)(England) Regulations 2012 ;
- (2) recommend to Council that the Lewes District Local Plan Part 2 is published, together with the relevant adoption statements, Policies Map, and Sustainability Appraisal in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning)(England) Regulations 2012;

(3) recommend to Council that the Director of Regeneration & Planning be authorised to agree any minor editorial corrections identified prior to publication of the adopted Lewes District Local Plan Part 2.

These decisions are needed to ensure that the Local Plan Part 2 has full weight in the determination of planning applications in that part of Lewes District outside of the South Downs National Park, thereby providing a robust, up-to-date and comprehensive development plan to assist in the delivery of housing needs and guide planning decisions across the area. Failure to accept the Inspector's main modifications would mean that the Council is unable to meet its strategic requirements for new homes, including permanent Gypsy & Traveller pitches, thereby hindering its ability to meet its 5 year housing land supply.

No other options have been considered. Local Plans are 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 for its area and in doing so must comply with the specific requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council may not adopt an unsound Local plan. It is only able to adopt a Local Plan which has been found sound by an Inspector at examination, or which can be made sound by making changes (main modifications) to it.

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 Lewes District Local Plan Part 1 sets out the strategic planning 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 1 was adopted by the Council in May 2016 and was accompanied by an Equality Impact Assessment.

The Local Plan Part 2 will support the strategic policies of the Local Plan Part 1 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 Lewes District 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 the 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.

The residential site allocations in the Local Plan Part 2 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 site allocation for permanent Gypsy and Traveller pitches (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 employment site allocations in the Local Plan Part 2 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 development management policies of the Local Plan Part 2 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 the strategic policies of the Local Plan Part 1 and national planning policies. However, the Council's policy approach to the determination of planning applications for development remains essentially the same in both documents.

Three new policies (DM9, DM10 and DM11) have been included 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. Another new policy (DM16) requires 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 Policy DM16 should therefore 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. Once adopted by the Council, the policies of the Local Plan Part 2 will only have 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 may 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
- A six week consultation on the Pre-Submission Local Plan Part 2 document in 2018
- A six week consultation on the Inspector's proposed Main Modifications to the Local Plan Part 2 Submission document in 2019

This consultation was 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/>

The Council has published three 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/>

All statutory bodies and individuals that previously commented on the Local Plan Part 1, or have commented on or asked to be informed of the progress of the Local Plan Part 2, were consulted at every stage unless they asked to be removed from the Council's consultation database. The consultation was also 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 all consultation documents were made available in local libraries and at Southover House. The Council also published a Statement of Representations Procedure, a Representation Form and a Guidance Note for Representations to accompany the consultation documents. All the consultation documents were available on request in large print, audiotape, disc or another language.

These consultation methods sought to ensure that the local community was 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, had 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 were able to use the website resource. People who find it difficult to access to the internet were 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.

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. They were also invited to participate in the hearings for the Local Plan Examination in Public.

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 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. They include a Local Housing Needs Assessment, 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. The

latter documents are directly relevant to Policy GT01 of the Local Plan Part 2.

An Equality Impact Assessment of the Proposed Submission Local Plan Part 1 was published in October 2012, followed by an update in April 2016 to assess the equalities impacts of modifications to the Local Plan arising from changes in national planning policy and the Local Plan Part 1 Examination Inspector's recommendations. These documents are available to view at:

<https://www.lewes-eastbourne.gov.uk/planning-policy/lewes-core-strategy-local-plan-part-1/>

As part of the Local Plan preparation process, the Council has also undertaken regular Sustainability Appraisal (SA) in order to contribute towards the achievement of sustainable development. The SA process involves assessing the potential economic, social and environmental impacts of the Local Plan and its policies against a set of objectives that reflect the characteristics and issues within the plan area. It provides a holistic assessment in relation to the potential impact of policies on the area's population in relation to issues of housing, deprivation, communities, health, and education. The SA reports published in association with the Local Plan Part 2 are available to view at:

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

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 final 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 and the Pre-Submission 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 adoption of the Local Plan Part 2, we will continue to assess the impact of its policies on people who share protected characteristics through the Council's Annual Monitoring Report.

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 adoption of Local Plan Part 2 as part of the statutory development plan 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.

Name of Director/Assistant Director:

Signed: Ian Fitzpatrick

Dated: 8 January 2019