



Localism Bill: neighbourhood plans
Equalities impact assessment



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DCLG Full Equality Impact Assessment: Neighbourhood planning

Introduction and aims

Under the current planning system, top-down control prevents neighbourhood communities exercising direct influence on the scale and nature of local development. The result is often strong local resistance to the very notion of development, irrespective of its potential benefits. This has led to the potential rate of growth of new housing and economic development being undermined.

The Localism Bill sets out a radical new package of reforms to give communities greater power to shape their local areas. Neighbourhood planning will give people power to define the policies against which local planning decisions are made and, through neighbourhood development orders, allow specified kinds of development – carefully defined to meet the expectations of the community – to proceed without the need for a planning application. In exercising these powers, communities will be able to find their own ways of overcoming the tensions between development and conservation, environmental quality and pressure on services.

The powerful influence that neighbourhood planning offers communities in respect of the nature, appearance and location of development means that, coupled with a system of financial incentives, neighbourhood planning will lead to those communities becoming the proponents – rather than the opponents - of growth and development in their localities.

1. Which group(s) of people has been identified as being disadvantaged by your proposals? What are the equality impacts?

People from black and minority ethnic communities

Where any group within the community participates less with the preparation of a neighbourhood plan – for whatever reason – there is a risk that those plans will not reflect the needs or wishes of those people. Those needs or wishes may not necessarily be linked in any way to the particular characteristics of those groups but may nevertheless concern matters that are properly addressed through the planning system. There is, however, evidence (below) to suggest that members of minority ethnic communities are less likely to engage with the planning system in the preparation of a neighbourhood plan.

Research published by the Office of the Deputy Prime Minister in 2005¹ cites previous research² from 2003 in concluding that that:

“The very way the planning system operates can unwittingly exclude some persons and groups. Examples are those who do not understand the technical language that planners use, or those whose responsibilities in caring for young children prevent them from attending public meetings held in the evening.”

Drawing largely on research from overseas, the 2003 report itself concludes that:

“Poverty and ethnicity are major barriers that need to be tackled if real inclusion is to be achieved.”

The Citizenship Survey³ presents a number of key statistics illustrating lower rates of participation in civic initiatives among ethnic minorities. For example, in 2009-10, white (36%) people were more likely to engage in civic participation than people from ethnic minority groups as a whole (25%). Amongst individual ethnic groups, white (36%) people were more likely to have engaged in civic participation in the last 12 months than black Caribbean (27%), Pakistani (24%), Indian (23%), black African (22%) and Chinese/other (18%) people. Similarly, ethnic minorities are less likely to engage in civic consultation than other groups.

In addition to the issues around relatively low participation rates, these groups are disproportionately located in low income areas. Where no additional funding or support is available from developers or local organisations, these areas are less likely to have the resources to cover the full costs of a neighbourhood plan. Indeed, it is likely that more affluent communities will be more able to raise funds privately from, for example, local businesses.

Also, where English is not a first language, difficulties may be encountered in engaging effectively with the neighbourhood planning process.

People with disabilities

Disabilities may undermine the ability to attend consultation events or take part in consultation exercises.

¹ *Diversity and Equality in Planning-A good practice guide* (ODPM, January 2005)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/324051.pdf>

² *Participatory Planning for Sustainable Communities: International experience of mediation, negotiation and engagement in making plans* (ODPM, 2003).
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/participatory-planning.pdf>

³ *Citizenship Survey: 2009-10*. (DCLG, July 2010)
<http://www.communities.gov.uk/documents/statistics/pdf/164191.pdf>

2. **In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts? Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant Action Plan.**

Consideration has been given to equalities issues as the policy has been developed and the mitigation measures that are in place are set out below. We have put in place arrangements for advice and guidance to be provided by third party organisations to help communities engage effectively with neighbourhood planning. It will be a requirement of funding that this support will be available to all sectors of the community including the most disadvantaged.

- (a) We will seek to ensure that best practice is adopted as appropriate in respect of the public availability of documents, the accessibility of premises, the publicity surrounding neighbourhood planning work and the availability of translations.
- (b) All neighbourhood development plans/orders will be required to be subjected to a referendum and will only come into force where in excess of a majority of those entitled to vote in a referendum support the proposals. The local planning authority is able to require that any referendum covers more than just the area which the plan or order relates to. This is so that the wider area which is impacted upon can be polled. This will ensure that groups who are less likely to participate in developing neighbourhood plans will have an opportunity to express their views. Where specific interests are adversely affected, this would increase the likelihood of the referendum not demonstrating the required level of popular support.
- (c) Neighbourhood development plans/orders will be subject to an independent examination which will assess the proposals against national planning policy, strategic policies in the local development plan, EU obligations, and Convention rights as defined in the Human Rights Act 1998. The examiner will also be able to consider representations on proposed plans or orders and consider what would be the appropriate geographical extent of the referendum. The examiner will be able to hear evidence in public in any case where this is necessary to ensure a person has a fair chance to put a case or to properly examine a particular issue. A local planning authority will need to take into account an examiner's recommendations and reasons for making them.
- (d) Under powers in the Localism Bill, obligations may be imposed on local planning authorities regarding the availability of documentation relating to proposals for plan or orders and translations of them.
- (e) Funding for the neighbourhood planning process will be made. Any such funding would benefit all members of the community who participate in the neighbourhood planning process.

No further relevant changes to the policy are currently proposed although additional proposals may come forward as a result of the consultation process on the Localism Bill and secondary legislation and guidance. Any such proposals will be subject to consideration and approval by ministers in due course.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision. Please note that you are required to involve disabled people in decisions that impact on them

The broad outline of the policy was set out before the election and included in the Coalition Agreement and we are currently consulting a range of special interest groups who have expressed a desire to contribute to the development of the policy. No groups representing black, Asian and minority ethnic communities or people with disabilities have yet come forward to express concerns about the proposals but, if they do so, we shall discuss their concerns with them and consider how they may be addressed. If concerns of this nature are to be forthcoming, then they are likely to do so during the Committee stages of the Localism Bill's passage through Parliament. Much of the detailed policy and implementation (including the points above) will be established in secondary legislation and guidance, providing further substantial opportunities for the concerns of potentially affected groups to be addressed.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service? Please set out the basis on which you justify making no adjustments.

Consideration of equalities issues has been made during the development of the policy (e.g. referendum procedures) and we will continue to take equalities issues into account as the policy detail develops, including through secondary legislation and guidance.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place.

After the policy has been in place for two years (or sooner if take-up of the policy is at a sufficient level to allow equalities impacts to become apparent), we shall undertake a review by formally inviting all local planning authorities and groups representing potentially affected groups to advise us of any equality impacts that they have become aware of. In order to increase the likely return from the invitation, we shall, at the launch of the policy, notify local planning authorities and the same groups of our intention to carry out this review.

6. The Full Equality Impact Assessment Form should be signed off by one of the following: a Deputy Director, Director or Director General.

Name of Person Signing Off the Full Equality Impact Assessment:

David Morris

Role:

Deputy Director, Development Plans

Date: **January 2011**

Note: Equality Impact Assessments should be published with detailed publication arrangements agreed with the Directorate of Communication. In most cases this will be as part of a broader impact assessment or consultation exercise which will ensure the requisite clearance from the relevant Minister.

A copy of the Full Equality Impact Assessment Form should be retained by the originator for audit purposes.

Full Equality Impact Assessment - Action Plan

Actions taken or proposed	Rationale for the Action	Beneficiaries of the Action	Timing	Responsibility
Changes made: Changes that have been made to policy as a result of the Equality Impact Assessment.				
None. Changes and other provisions were in place before the Equality Impact Assessment was finalised.				
Mitigation: For areas where a policy may have a differential impact on certain groups, what arrangements are in place or proposed to mitigate these effects?				
All neighbourhood development plans or orders will be required to be subjected to a referendum demonstrating popular support before they can come into effect. The local planning authority may require the referendum to cover areas affected by the plan/order as well as the plan/order area itself.	The purpose of the policy is in part to empower neighbourhood communities to ensure that development meets their aspirations. If a plan/order fails to achieve this, it will be unlikely to receive popular support through the referendum.	Black, Asian and minority ethnic groups. People with disabilities	From the implementation of the policy (Commencement at spring 2012).	Local planning authorities and other local authorities
Justification: For areas where a policy may impact negatively (but not illegally) on certain groups but mitigation is not possible (e.g. an overriding societal driver) there needs to be a strategy for handling issues of unfairness.				
The mitigation measures identified above are and will be in place.				As above.

Actions taken or proposed	Rationale for the Action	Beneficiaries of the Action	Timing	Responsibility
Opportunities: Please state actions designed to maximise positive effects, i.e. opportunities identified for: promoting equality, good relations or knowledge about groups; increasing civic and democratic participation; or addressing inequalities.				
One of the principal objectives of the policy is to increase civic and democratic participation: a local neighbourhood community will be at liberty to promote a neighbourhood plan/order where they are designated as a neighbourhood forum.	The planning system presents one of the most important opportunities to develop the Big Society and to increase civic and democratic participation.	The policy will benefit all neighbourhood communities who instigate a neighbourhood plan/order	The benefits will become available from the implementation of the policy (Commencement at spring 2012) for three years.	Secretary of State for Department for Communities & Local Government
Monitor: how will you monitor the impact and effectiveness of the new policy?				
After the policy has been in place for two years, we shall undertake a review by formally inviting all local planning authorities and groups representing potentially affected groups to advise us of any equality impacts that they have become aware of. In order to increase the likely return from the invitation, we shall, at the launch of the policy, notify local planning authorities and the same groups of our intention to carry out this review.	Two years should be sufficient for equalities impacts to be identified – particularly if we have specifically invited examples to be collected – whilst not being so long that these issues continue for an unnecessary period.	All groups for whom equality impacts are possible.	July 2013	DCLG Deputy Director (Development Plans)

Publish: give details of how the results of the Equality Impact Assessment will be published.

Equality Impact Assessments are published online as a web document.

At Commencement (spring 2012)

DCLG Communications Directorate

