

APPENDIX 3

Equality Impact Assessment Summary Report: Preferred Strategy Deposit Local Development Plan 2 documents.

Equality Impact Assessments and Methodology Used

1. The specific equality duties in Wales are set out in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. They place a duty on Pembrokeshire Coast National Park Authority to assess and consult on the impact its proposed policies will have on people who are protected under the Equality Act 2010 (people who share a protected characteristic of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and its ability to meet the public sector equality duty. In assessing impact the Authority must consider relevant evidence in order to understand the likely or actual effect of policies and practices on protected groups. It must consider taking action to address any issues identified such as, addressing negative impacts, where possible. The Authority must have 'due regard' to the results of this process.¹
2. Equality Impact Assessments (EqIA) are a systematic way of meeting this duty. For further information on Equality Impact Assessments please visit <http://www.eiapractice.wales.nhs.uk/home>
3. The Authority has an Equality Impact Assessment template proforma for assessments. This template and process has been modified due to the nature of the Local Development Plan and plan making process to include the following stages:

Context setting: Information on Local Development Plan review process and wider policy framework it operates in (EIA Pages 4-9).

Review of the evidence base: Consideration of quantitative and qualitative sources and their relevancy to the Local Development Plan review to form basis for identifying impacts for the Assessment (EIA Pages 10-45).

Assessing potential Impact and action planning: Officers provided responses to impacts identified and sought further information or clarification where needed. A number of actions were identified during this process (EIA Page 67). A summary of the officer responses to impacts identified are attached as Appendix 1.

Equality Impact Summary Report : Produced for Members' Consideration

Consultation on Preferred Strategy: Questions on the Equality Impact Assessment were included within the questionnaire. Equality organisations and community groups were included within the list of consultees contacted. Consultation responses were reviewed to identify relevant comments for the EIA. Officers are provided responses to additional impacts or issues identified through consultation comments. These responses will be noted in the assessment (EIA Page 45).

Monitoring and Review: The content of the Assessment has been reviewed following feedback gathered from the Preferred Strategy consultation.

Declaration: This will be signed following completion of the above stages.

¹ EHRC, 4. Assessing Impact: A guide for listed Public Authorities in Wales:
<http://bit.ly/2jqrMoo>

Appendix 1(to the Equalities Impact Assessment Summary document)

For background information and analysis of evidence base and impacts please see the full Equality Impact Assessment document.

How could, or does, the policy help advance / promote equality of opportunity?

Accessible facilities and neighbourhoods (Age, Pregnancy and Maternity)

1. The Plan's Spatial strategy seeks to focus development in locations that have facilities and are supported by a public transport network (see the Plan's Vision and Spatial Strategy). Policies seek to conserve key attributes of the natural environment that promote healthy environments, promote specific sustainable design elements such as legible layouts that are pedestrian friendly, accessible buildings, natural surveillance and open spaces. The Plan seeks to safeguard community facilities. Policies 53 and 54 provide a supportive context for this provision. National planning policy allows for the development of affordable housing in areas without access to public transport.
2. The Authority has adopted Supplementary Planning Guidance on Parking which requires the appropriate levels and type of parking facilities for each development type, taking into account users of the development and availability of public transport. The Guidance will be updated for the Replacement Plan.

Addressing Public Health Considerations where possible (Age)

3. The Plan's Spatial strategy seeks to focus development in locations that have facilities accessible by means other than private car. Policies seek to conserve key attributes of the natural environment that promote healthy environments, promote pedestrian-friendly layouts and provide and protect open spaces for recreation. Anything ugly, dirty, noisy, crowded, intrusive or uncomfortable that would adversely affect public amenity would not be supported. The Plan also seeks to safeguard community facilities. The Plan would however have little/no impact on food choice.

Land use policy encouraging a range of job opportunities available to young people in local areas, taking into account accessibility and transport considerations (Age)

4. The Plan allows for small-scale provision of land for employment uses in or adjacent to the defined Centres where public transport availability is more prevalent. Taking into account the rural nature of the National Park, the Strategy also allows for the extension of businesses into the countryside. The Strategy also allows for some development of the visitor economy which is a major employer in the area and supports the town centres for retailing and commercial uses.
- 5.

Consultation elements within the Delivery Agreement (Disability)

5. Pembrokeshire Access Group and other disability groups were consulted as part of the wider consultation. Reasonable adjustments and accessibility are taken into account when public consultation events are held. A summary of the Preferred Strategy was made available in Easy Read (following advice from Pembrokeshire People First). The Authority is applying guidance from Diverse Cymru's Advice Guide: Making Documents Accessible, to the formatting of the Deposit Plan. The Authority applied the guidance to the preparation of the preferred strategy.² The Authority will respond to reasonable adjustment as they are made. Details will be included in the Local Development Plan document of whom to contact in the Authority to request the Local Development Plan documents in an alternative format. Requests will be considered on the basis of reasonability. Disabled people can experience discrimination if an organisation doesn't make a reasonable adjustment. This is known as a 'failure to make reasonable adjustments'. What is reasonable depends on a number of factors, including the resources available to the organisation making the adjustment.

Land use policies that have positive impact on health and wellbeing outcomes (Disability, Gender Reassignment, Gender, Sexual Orientation)

6. The Plan includes policies for the protection of open space, including recreational open space and allotments and the Park's special qualities which are beneficial for the health and wellbeing of people. The Community Facilities section is supportive of protecting and providing community facilities; and ensuring that there are opportunities taken to promote sustainable travel choices.

Access considerations to greenspaces, active walking opportunities and allotments (Disability, Gender)

7. The removal of barriers linked to existing development are generally not within the remit of land-use planning. However design and layout of new developments will need to take accessibility for all into account.

Promotion of Accessible design features at a street and neighbourhood level to remove active travel barriers for disabled people (Disability)

8. The Plan's Spatial strategy seeks to focus development in locations that have facilities accessible by means other than private car. Promoting pedestrian/wheelchair friendly environments and routes that link to existing services/facilities forms normal Development Management practice when considering the suitability of a proposal in terms of sustainable design. Consulting the Highways Authority and Access Officer informs this process for specific proposals. However over engineered environments in this respect can reduce the aesthetical quality and specific character of developments. These impacts therefore need to be balanced.

² Diverse Cymru, Advice Guide: Making Documents Accessible - <http://bit.ly/2kxesTc>

Public and Private Transport Links within the Park linked to wider Pembrokeshire and Regional networks (Gender Reassignment, Religion, Sexual Orientation)

9. The Plan seeks to promote sustainable travel choices by permitting facilities to improve public transport linkages. The provision of public transport is outside the remit of land use planning. However, Policies 57 and 58 provide a supportive framework for considering land use related proposals to improve transport links and accessibility.

Location of developments in terms of public transport links, proximity to child care facilities and employment, health and community facilities and shops (Gender, Gender Reassignment, Pregnancy and Maternity, Sexual Orientation)

10. The Plan Strategy allows for new and extended community facilities where they are well-located to meet the community's needs. The Plan seeks to promote sustainable travel choices by permitting facilities to improve public transport linkages. Spatial strategy promotes access to facilities through seeking to locate development in accessible locations.

A need to consider potential community infrastructure needs at a spatial level within Tenby and Saundersfoot (Race)

11. The Plan includes a supportive policy (Policy 53) for the protection and provision of community facilities. Proposals coming forward can be considered in this context. There were no proposals for specific allocations in the Plan when the candidate site process was undertaken so no needs can be specifically reflected in Policies 2 and 4 and 53.

Protection of historic buildings and sites through land use policy (Religion)

12. National planning policy seeks to conserve the architectural merit of buildings or sites of religious importance that are listed or are within Conservation Areas. Local Development Plan Policy 15 seeks to conserve those buildings that are not listed, but are still of local importance. Many buildings or sites of religious importance would also be protected as community facilities under Local Development Plan Policy 53.

How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

A need to ensure that Gypsies and Travellers seeking permission for private sites are treated fairly under Policy 51 (Race)

13. The approaches between Pembrokeshire County Council's Local Development Plan and the National Park Local Development Plan have been checked and the same considerations are included between the policy wording and the reasoned justification. It has been agreed to include a monitoring indicator to consider issues arising where 1 or more applications are approved contrary to recommendation. In addition the Monitoring framework for the Local

Development Plan ensures that the effectiveness of policies at appeal are also analysed.

Policy 42 (Race)

14. Consideration has been given to how Policy 42 interrelates and impacts on Policy 51 and enforcement related to unauthorised Gypsy and Traveller Sites. Occupancy controls for holiday accommodation are different than those for Gypsy Traveller sites. An issue arising for the 2 unauthorised sites would most likely be equally problematic for a new caravan and camping sites. The issue related to the effect on the character and appearance of the area. Criterion a) of Policy 42 requires caravan and camping proposals to be assimilated into the landscape. Pembrokeshire Gypsy Traveller Accommodation Needs Assessment Group was contacted but no feedback was provided. The Group and Gypsies and Traveller communities had an opportunity to provide comment as part of the wider consultation on the Preferred Strategy.

How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

Secure by Design (Disability, Gender Reassignment, Gender, Race, Religion or Belief, Sexual Orientation)

15. Secure by Design principles form part of the overall sustainable design considerations for development proposals, including those proposals that may exacerbate existing issues. The Authority consults Dyfed Powys Police who advise on individual proposals. Key principles include the promotion of natural surveillance over public areas and the prevention of dark, unused corners/routes. There is however a need to balance security design features with the overall impact upon street character and attractive, inclusive public realms.

A need to protect space for social infrastructure, including places of worship (Religion)

16. Policy 53 Community Facilities & Infrastructure Requirements provides a supportive policy framework.

Addressing any unacceptable adverse impact

What practical changes/actions could help reduce or remove any negative impacts identified? If no action is to be taken, this needs to be justified

Meeting the needs of an ageing population in terms of suitable accommodation (Age)

17. This issue was highlighted in consultation responses to question 1 of the Preferred Strategy with reference made to the 'All party Parliament group report on housing for older people' and its recommendations for Planning Authority's in

relation to older people housing. One consultation highlighted this in the context of Newport.

18. Officers noted in their response the relevant recommendations for authorities:
 - Councils need to ensure their Local Plan gives the necessary priority to older people's housing needs – not least as a core component of any new settlements and that new developments of retirement housing embrace HAPPI design principles.
 - Exemption of retirement housing from the requirement to build Starter Homes – or to pay a commuted sum in lieu – would provide the opportunity to prioritise this age group.
19. The current housing market assessment only takes into account bedroom numbers. It would include any older person's needs but is not separately identified.
20. There are limitations on the ability to influence the mix of housing. Beyond providing a suitable layout where a mix of dwellings normally provides for a better layout the planning authority can only seek to achieve an element of affordable housing to meet the need as shown in the Local Housing Market Assessment. The Housing Market Assessment provides numbers for overall affordable housing need. The mix (i.e., providing suitable properties for older people) comes when need is addressed for an individual project by the housing authority.
21. Building Regulations require both domestic and nondomestic buildings to be built so that people, including disabled people, can reach the principal, or suitable alternative, entrance to a building from the point of access. For the adaptation of historic buildings however, accessibility measures are balanced against the impact upon the historical character and interest of those buildings.
22. Dwellings that are built to the Lifetime Homes standards, such as those built by a Registered Social Landlord where a Development Quality Requirements standard is required, include additional requirements to Building Regulations, for example requiring entrances to be lit and covered. This is not a national requirement at present.
23. The Authority consults with an 'Access officer' to advise on the accessibility of proposed buildings when considering planning applications for buildings and public open spaces.
24. Any amendments to Planning Policy Wales or other national planning policy in response to The Expert Group on Housing an Aging Population will need to be considered by the Authority when published. The Authority would be willing to consider being part of any wider pilot initiatives.

Access to affordable housing young people and facilitation of self-build (Age)

25. The Housing Market Assessment provides overall figures for affordable housing need. At an individual planning application stage the mix of units in terms of

number of bedrooms that each affordable house has can be negotiated. Nominations come from the housing waiting list rather than the Plan specifying who occupies in terms of social housing. Private affordable housing will have occupants nominated from the housing waiting list. Local occupancy criteria are normally applied as per Technical Advice Note 2 (Planning and Affordable Housing). As planning authority a requirement to include self-build proposals is not possible although these can be pursued by landowners/developers. It is difficult to obtain mortgages for such proposals.

26. A consultation response query was received about the above response 'Is the basis for the first statement that there is uncertainty over deliverability because of the potential difficulty in securing finance?' Officer provided the following answer: "It is advising that the planning system cannot require a proposal for housing to be a self-build proposal. Mortgages are an additional issue."

Accessible housing provision (Disability)

27. A life time home standard is applicable to all social housing achieving the Development Quality Requirement (DQR) funded by WG Social Housing Grant. There is however limited provision of affordable housing under DQR in this National Park. To apply the requirement to housing development generally would require evidence of need and evidence of viability. The primary premise of the Plan is that there is no need for market housing so a justification for requiring a Lifetime Home standard on market housing is not feasible. A requirement for a Lifetime Home standard on the affordable housing element would need more information on the nature of need perhaps from the local housing market assessment. Welsh Government is also relying on individual local authorities to consider what the viability implications are for adopting the Lifetime Homes standard. Given the experience of assessing the viability of introducing sprinklers a more national than local type of assessment would be less likely to be challengeable. Part M of Building Regulations does apply the standard for 'visitable dwellings'. The Affordable Housing Group was consulted; no additional comments were received. They were also able to comment as part of the wider consultation.

Creation of Accessible Walkways and Paths (Disability)

28. The creation of walkways and paths is generally outside of the land use planning remit. Technical Advice Note 12: Design promotes key design principles such as ease of access for all, community safety and safe and clear movement routes that are fit for purpose. The authority consults with an 'Access Officer' to advise on the accessibility of proposed buildings when considering planning applications for buildings and public open spaces.

Accessible facilities in St Justinian's area (Disability and Age)

29. The consultation process highlighted concern about the lack of suitable toilet facilities and how people who are protected under the Equality Act 2010 can have appropriate and necessary facilities in the St Justinian's area.
30. Officer response in relation to toilet facilities:

31. In principle Policy 53 Community Facilities and Infrastructure Requirements supports provision of community facilities outside built up areas as long as they are suitably located.
32. The provision of improved facilities in St Justinian's area is dependent on suitable proposals coming forward and Policy 53 would apply.
33. Officer response in relation to car parking:
34. The Authority is working with Pembrokeshire County Council and the community to find a sustainable solution for access to St Justinian's and will include full consideration of accessible parking provision.

Policy 51 Gypsy Traveller and Showpeople sites – Criterion A (Race)

35. The consultation process highlighted concern about Criterion A in Policy 51. The consultation response from the Welsh Government, Plans branch notes "Policy 46 Gypsy and Travellers – As worded, Criterion A could be considered not to promote the same rights in the planning system as other citizens (Bullet 1, Annex B). The requirement to 'evidence need' would not be a restriction placed on non-Gypsy and Travellers, so would this requirement be fair and reasonable in the plan? By their very nature, Gypsy and Travellers are nomadic and will not always have local connections. On this basis, Authorities should determine all applications from anyone who submits them (Bullet 6, Annex B)."
36. Risk identified of Criteria A potentially discriminating against Gypsy, Travellers and Show People in the planning process.
37. Officer response noted that the justification for deleting criterion a) in the email clarification above actually refers to the Welsh Assembly Government not approving of a criterion that advises 'Applications from Gypsies and Travellers with no local connection will not normally be allowed.' The supporting text quite rightly refers to the fact that Gypsies and Travellers are nomadic and do not necessarily have local connections. Given this context it is still argued by this Authority that the criterion is appropriate as it does not apply this restriction. The purpose of the criterion is to ensure that proposals for Gypsies and Travellers are planned for in a co-ordinated fashion and if there is a suitable plot already available in the area then it would be better to utilise this than create a new site on an ad hoc basis where there was no justification for it. This would not prevent Gypsies and Travellers providing a justification for why they needed to be in that particular location, for example the need to have a transitory site for potato picking on the St David's peninsula.
38. Further clarification asked for from officer and provided below.

39. These types of proposals come forward in a countryside location which in planning terms requires justification of need. Housing in countryside locations similarly requires evidence of need.

40. Welsh Government has advised that it needed to seek legal advice on the issue.

41. Response from Welsh Government on 4/01/2018 noted:

“The requirement to ‘evidence need’ for new gypsy and traveller sites is an issue being considered as part of the updated circular. To my understanding, this is due to be published in the New Year.

Whilst the findings of the updated circular should be incorporated in your Deposit plan, this may not be feasible due to the timing of its release. In this case, the LDP process and examination itself will allow for any amendments to be made.”