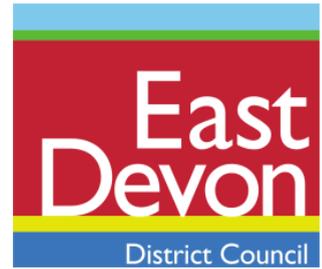


Draft for Consultation from  
28/11/2016 until 16/01/2017



# Planning Obligations Supplementary Planning Document



Equality Impact Assessment

# Planning Obligations Supplementary Planning Document- November 2016

## How to comment on this draft Supplementary Planning Document

You are invited to make comments on the draft Planning Obligations Supplementary Planning Document and any of the documents that support it as listed below:

- Strategic Environmental Assessment and Habitat Regulations Screening Report
- Equalities Impact Assessment
- Consultation Statement

These documents are available online at <http://eastdevon.gov.uk/planning/planning-policy/planning-obligations-supplementary-planning-document-spd/> and at the Council Offices in Sidmouth. Copies of the draft plan will be sent to the following libraries.

- Axminster
- Budleigh Salterton
- Clyst Vale
- Colyton
- Exmouth
- Honiton
- Lyme Regis
- Ottery St Mary
- Seaton
- Sidmouth.

The feedback we receive on this draft document will be used to inform any subsequent revisions.

You can comment:

by email at [localplan@eastdevon.gov.uk](mailto:localplan@eastdevon.gov.uk)

or by post to: Planning Policy, East Devon District Council, The Knowle, Station Road,  
Sidmouth, EX10 8HL

**All comments should be received by the end of 16/1/2017 so that they can be taken into account before the next stage. Comments will be available to view on our website.**

**Respondents names and addresses are not confidential.**

# Planning Obligations

## Supplementary Planning Document

### Equality Impact Assessment

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### Screening Report

Prepared by Officers of East Devon District Council

#### 1.0 Introduction

- 1.1 The purpose of this report is to assess the draft proposals in the Planning Obligations Supplementary Planning Document (hereafter referred to as the SPD) to determine whether it requires a full Equality Impact Assessment (EqIA). An EqIA is required for all plans which may have a significant effect on a group with a protected characteristic under the Equality Act 2010.
- 1.2 The conclusion of the assessment is that the SPD is unlikely to have a significant negative effect under the Equality legislation so should not be subject to a full EqIA.
- 1.3 This report will be subject to public consultation along with the SPD.

#### Equality Impact Assessment Form

1. **Name of the current or proposed new or changed, policy, strategy, procedure, project or service being assessed:**

Planning Obligations Supplementary Planning Document

2. **Team responsible for completing the Equality Impact Assessment:**

Planning Policy, East Devon District Council

3. **What is the main aim or purpose of the current or proposed new or changed, policy, strategy, procedure, project or service and what are the intended outcomes?**

Planning Obligations are an effective way of securing measures to overcome the negative impacts of generally acceptable development proposals on the environment, economy and community. Through East Devon's Local Plan (particularly Strategy 50) we seek to ensure new growth and development meets the needs of the community and is sustainable. In dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on

whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals, which might otherwise be unacceptable, through the use of planning obligations. Planning obligations can be used to mitigate the impact of development on the surrounding communities by, for example, providing affordable housing, employment training, improves the transport links, and enhancing the quality of open space.

The Planning Obligations SPD is intended to provide detailed guidance on the type and scale of planning obligations sought from new developments in East Devon. It also explains when the Community Infrastructure Levy will be collected and how it will be spent. The SPD, once adopted, will be a material planning consideration for use in guiding and determining planning applications.

The contents of the SPD will contribute towards meeting some of the key statutory equality duties, which will deliver Human Rights. The SPD will assist planning applicants, developers and the wider community in meeting the additional infrastructure requirements resulting from their developments which may include community facilities, schools and open spaces. The SPD will not go into the detailed design of these facilities, but rather will deal with the principle of their provision in association with development. The contributions sought have to meet a number of conditions in order to be lawful. The obligations cannot be sought to overcome existing deficits of provision, even if these impact adversely on those with protected characteristics. Planning obligations negotiations can be complicated and time consuming. More often than not there is a need for compromise and a prioritisation of obligations sought .

**4. What existing sources of evidence will you use to help you identify the likely impacts on different groups of people?**

There is limited evidence available to assess the potential impacts of planning obligations or the Community Infrastructure Levy on those people with protected characteristics.

The procedures for the imposition of planning obligations and the collection of monies through these and the Community Infrastructure Levy (CIL) are set out in legislation and this has undergone Equalities Impact Assessment.

The requirements are in place to ensure that development is acceptable and that negative impacts are mitigated, therefore SPD which explains how this will work in practice should not negatively impact any particular group.

**5. Are there gaps in evidence which make it difficult or impossible to form an opinion on how the existing or proposed policy, strategy, procedure, project or service does or might affect different groups of people? If so what are the gaps and how and when do you intend to collect the additional information?**

Despite the limited information available, it is possible to conclude that no particular group will be negatively impacted because the nature of the SPD is to ensure that negative impacts of development are mitigated.

Considerable consultation was undertaken in introducing the Community Infrastructure Levy and it was subject to examination by a Planning Inspector.

Landowners, statutory consultees, local communities and other potentially interested parties were consulted electronically and in writing.

**6. Having analysed the initial and additional sources of information including feedback from any consultation, is there any evidence that the policy, strategy, procedure, project or service has**

**or is likely to have an adverse equality impact on, and/or that there are known or anticipated different needs or requirements, for any of these different groups of people?**

It is in the opinion of the assessor that the SPD adequately meets the local development authority's obligation to meet the requirements under legislation. It is considered that the SPD complies with the Statement of Community Involvement, and does not unlawfully, directly or intentionally discriminate against anybody according to their race, sexuality, gender, faith, ability or age but actively tries to avoid this.

The SPD will have a positive impact on all groups. The planning obligations will ensure that the appropriate levels of provisions are made available to existing and future communities, at the appropriate times. These provisions will include facilities that will be made accessible to the public, like community facilities and open spaces.

	Risks (Negative)	Opportunities (Positive)
Race	None identified.	The requirements contained in this SPD will ensure that people from all backgrounds and age groups will be able to have access to provisions like affordable homes, community centres, open spaces and training opportunities.
Disability	Some properties, particularly listed buildings, may have legal restrictions in place. These may impact on the opportunities for some properties to comply with what is otherwise best practice in relation to equalities law .	The requirements contained in this SPD will ensure that people from all backgrounds and age groups will be able to have access to provisions like affordable homes, community centres, open spaces, roads and footpaths. The design of these provisions, which forms part of the planning application process, will include consideration of measures which may be appropriate for the group.
Gender or Gender Identity/Gender Assignment	None identified.	The requirements contained in this SPD will ensure that people from all backgrounds and age groups will be able to have access to provisions like affordable homes, community centres, open spaces and training opportunities.
Pregnancy and Maternity (including breastfeeding)	None identified.	The requirements contained in this SPD will ensure that people from all backgrounds and age

		groups will be able to have access to provisions like community centres (may include centres which provide information and guidance for mothers and mothers-to-be) and open spaces (to encourage a healthier lifestyle).
Sexual Orientation	None identified.	The requirements contained in this SPD will ensure that people from all backgrounds and age groups will be able to have access to provisions like affordable homes, community centres, open spaces and training opportunities.
Age (including children, youth, midlife and older people)	None identified.	The requirements contained in this SPD will ensure that people from all backgrounds and age groups will be able to have access to provisions like community centres and open spaces. There will be benefits for people in terms of places where they can go to, and participate in community activities and enjoying a better quality of life through improved open spaces.
Religion, Faith and Belief	None identified.	The requirements contained in this SPD will ensure that people from all backgrounds and age groups will be able to have access to provisions like affordable homes, community centres, open spaces, roads and footpaths. There will be opportunities to negotiate for facilities which are required for specific religious activities.

The requirements contained in this SPD will ensure that people from all backgrounds and age groups will be able to have access to provisions like affordable homes, open spaces, roads and footpaths. By seeking to deliver the infrastructure generated by the scheme, elements of people's human rights in terms of the following are met:

- Freedom of thought, conscience and religion, and freedom to express beliefs
- The right to an education

There will be positive increases in opportunities including:

- Physical improvements to the environment – planning obligations will be used to provide amongst others, new roads, improved public realm and new footpaths / cycleways, where it can be demonstrated that the new development will have an impact of these facilities. Public realm improvements will make the area more attractive to visitors / investors whilst additional footpaths / cycle paths, for instance, will encourage alternative modes of movement
- Social improvements – planning obligations will be sought to provide, amongst others, affordable homes, community facilities and schools, which will improve community cohesion. People will be able to have an opportunity to buy their own homes and move into a community which will provide for their wider social requirements
- There will also be positive impacts for the District’s heritage assets. Planning obligations can be sought to assist with enhancement programmes for natural and built heritage assets and also the public realm where it has been demonstrated that the new development will have an impact.

There will be positive impacts for all in terms of clarifying the Council’s approaches to planning obligations, and informing developers about the provisions that will form part of their negotiations. There will also be positive impacts in terms of ensuring that future communities benefit from having these provisions in place before the development is completed and occupied. These provisions include facilities like schools, community buildings applicable to a range of activities, libraries and open spaces which will be accessible to all groups and age ranges.

## 7. Is a full EqIA required?

A full EqIA is not required because:

**The proposals are not likely to result in negative equality impacts that would require justification or mitigation.** The SPD provides guidance to ensure that development is carried out in a way that contributes to a high quality of life for local communities- by mitigating negative impacts and by providing new infrastructure.

**There is unlikely to be negative public opinion or media coverage about the proposed changes.** The guidance will ensure that the planning process is transparent and that sufficient measures (financial and otherwise) are taken to mitigate negative impacts of new development. This is likely to generate positive publicity. The SPD aims to clarify the requirements to ensure that high quality development is delivered.

**An opportunity has not been missed to promote equality of opportunity and further details do not need to be provided of action that can be taken to remedy this.**