

LUXULYAN NEIGHBOURHOOD DEVELOPMENT PLAN EQUALITY IMPACT ASSESSMENT

INTRODUCTION

The Equality Act 2010 (the Act) places a duty to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a “protected characteristic” and those who do not.

Equality Impact Assessment (EqIA) is the systematic analysis of plans and policies, to identify the potential for an adverse impact on a group or community, in particularly those with a protected characteristic. It is a method of assessing and recording the likely differential and/or adverse impact of a policy on people from different groups so that if a policy results in unfairness or discrimination then changes to eliminate or lessen the impact be considered.

“Protected characteristics” are defined in the Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

This document forms part of the assessment of the Luxulyan Neighbourhood Development Plan (LNDP) to ensure that the plan does not have any equalities impacts and that it conforms with the requirements of the Basic Conditions for Neighbourhood Plans. It is a key tool in ensuring that the Neighbourhood Plan benefits the entire community.

This EIA is intended to show how the decision-making process on the LNDP has used evidence to support the decisions made and where the decision impacts individuals or the community, there is a robust case to show that an individual or group has not been discriminated against. The EIA was conducted at the start of the Neighbourhood Plan process, and repeated prior to the Pre-Submission Consultation stage, and will form an input to the Basic Conditions evidence.

TERMINOLOGY

Diversity - relates to our differences, the characteristics that make us unique. These can be characteristics we are born with i.e. our sex or the gender we identify with, or the people we are attracted to, our age, or our race and cultural background. It can also relate to our beliefs about the world, religion, politics, a person’s disabilities and impairments etc. The community and the people that receive services in Luxulyan parish come from different backgrounds and are all individuals. It is a duty under the Act that everyone work towards creating a culture and practice that recognises, respects, values and harnesses difference for the benefit of our communities.

Equality – seeks to ensure everyone receives fair and equal treatment. In some cases, this may mean changing the way in which we do things based on people’s differences (e.g. producing information in a different format for someone with a sight impairment).

PRINCIPLE

In formulating the LNDP, the Steering Group will reflect the diversity of the whole community, consider the needs of different sectors of the community, and will ensure that all members of the community have the opportunity to inform the plan through the development of a Consultation Statement.

The aim of the Act was to harmonise discrimination law and to strengthen the law to support progress on equality. The Act extended legal protections to cover the 7 previous strands or characteristics, **plus** marriage and civil partnerships, pregnant women and new mothers. The EqIA must pay 'due regard' or consider the following protected characteristics where relevant.

Definitions for the 9 'Protected Characteristics' are:

Age

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day to day activities.

Gender Reassignment

The process of transitioning from one gender to another.

Marriage and Civil Partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex

Man or a woman.

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Additional characteristics important to Cornwall

Socio-Economic

Cornwall as a whole is not deprived but there are areas where there are very high levels of deprivation. Income and other factors can have an impact on how someone may access services, their needs and their quality of life.

Rural Isolation

Cornwall is a very rural county and this can affect the way our users/the public can access services, particularly if combined with poor public transport/lack of car ownership etc.

WHAT IS DISCRIMINATION?

The reason for carrying out this EqlA is to ensure that decisions made are based on sound evidence and will not discriminate against anyone with any of the 9 protected characteristics.

Below is a list of ways in which discrimination may occur.

1. *Direct* – Occurs when a person is treated less favourably than another because of a protected characteristic they have, or are thought to have, or because they associate with someone who has a protected characteristic.

2. *By Association* - Applied to race, religion or belief and sexual orientation now extended to include age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with someone who possesses a protected characteristic.

3. *Perception* - Applies to age, race, religion or belief and sexual orientation, now extended to include disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a protected characteristic. It applies even if the person does not actually possess that characteristic.

4. *Indirect* - Applies to age, race, religion or belief sex, sexual orientation and marriage and civil partnerships, now extended to cover disability and gender reassignment. Discrimination can occur when you have a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share protected characteristic.

5. *Harassment* – Is defined as: “Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual” Harassment applies to all protected characteristics except pregnancy and maternity and marriage and civil partnerships. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them and the complainant need not possess the relevant characteristic themselves.

6. *Third Party Harassment* - Applied to sex already, now extended to age, disability, gender reassignment, race, religion or belief and sexual orientation.

7. *Victimisation* - This occurs whereby an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Additional characteristics important to Cornwall

8. *Socio-Economic* - Cornwall as a whole is not deprived but there are areas where there are very high levels of deprivation and this is an important factor when completing an EIA.

9. *Rural Isolation* - Cornwall is a very rural county and this can affect the way we deliver services. Rurality issues may be important when completing an EIA.

<p>1. What are the aims, objectives, outcomes, purpose of the LNDP.</p>	<p>Sustainable Development, the LNDP has had regard to the first two sentences of the Ministerial foreword to the National Planning Policy Framework, it aims to promote sustainable development and ensure better lives for ourselves will not result in worse lives for future generations.</p> <p>The LNDP positively backs the local economy by supporting mixed housing and future employment. The LNDP aims to encourage older and younger people to remain or settle in the Parish by allowing housing suitable for their needs.</p> <p>The LNDPs social role is to support mixed housing opportunities which should improve the supply of all tenures of housing locally.</p> <p>Nothing is proposed in the LNDP that will cause harm to the Parish's national and local designations, its historic buildings, its landscape, or its green spaces.</p>
<p>2. Who implements or delivers the LNDP?</p>	<p>Cornwall Council Luxulyan Parish Council</p>
<p>3. Who will be affected by this proposal?</p>	<p>Cornwall Council Corporately Members Developers Stakeholders The Community including gypsies & travellers and other ethnic groups</p>
<p>4. What are the likely positive or negative impacts for the group/s identified in (3) above?</p> <p>What particular groups are affected more than others and why?</p>	<p>An assessment has been made on whether the LNDP has a positive, negative or neutral impact on each of the protected characteristics (in so far as data is available).</p> <p>With regard to young and older people there are a range of positive housing policies which recognise and seek to meet their needs.</p>
<p>5. Have the impacts identified in (4) above been assessed using up to date and reliable evidence and data?</p>	<p>CC Planning Development Services have supplied data in turn from CCs Community Intelligence Team for guidance.</p>

6. Are any of these identified groups considered to be vulnerable?	Yes, there are vulnerable groups, and these have been engaged with as part of the plan in a manner set out by the Consultation Statement.
7. What plans do you have in place, or are developing, that will mitigate the likely identified negative impacts?	No negative impacts identified at this stage.
8. Do you have plans in place to monitor the impact of the proposals once they have been implemented?	The full impact of the LNDP may only be known after the policies have been implemented. The proposal to set the area for the Neighbourhood Plan considerations is not considered to have direct equalities implications. The process arising from the designation has been monitored through the production and monitoring of a Consultation Statement and Examination.

What course of action does this EIA suggest is required:

The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.

Summary of proposals

No negative impacts have been identified at this time in this EIA. However, this will be reviewed at each stage of the LNDP development.

The process following on from the designation of the Neighbourhood Area has been informed through the development of a Consultation Statement that assesses how groups and individuals can be included in plan making, potential barriers to engagement and potential solutions.

Conclusions

The LNDP provides a strategy for the sustainable development of the parish, and a range of policies, which will result in positive benefits for many parts of the local community with protected characteristics: older people, young people, mothers to be and with young children, disabled people and those with limited mobility.

The LNDP does not explicitly address the needs of racial or religious groups, or transgender, gay or lesbian groups, or women, the LNDP does make equal provision for affordable housing and for a range of housing, which will benefit these groups equally.

The LNDP Steering Group does not consider that there are any negative equality impacts that arise from the policies or proposals contained within the Neighbourhood Plan or that it raises any issues in relation to any of the convention rights in the Human Rights Act 1998.