

Stage 2 Full Equality Impact Assessment

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| Directorate: | Economy & Environment |
| Date of Completion: | 5 th October 2012 |

Name of Policy/Strategy/Service/Function Proposal

Planning & Regulatory Services – Proposed designation of Niton Undercliff Conservation Area

The Aims, Objectives and Expected Outcomes: comments as per initial screening

The process being assessed is the proposed designation of Niton Undercliff Conservation Area. Those affected by this designation are (a) residents and businesses (property owners) to be included within boundary and (b) tourists who come into contact with the conservation area. Conservation area designation has an impact with regard to the amenity of the area and maintenance of the architectural and/or historic character.

The benefit of conservation area designation is that the Isle of Wight Council recognises that a quality built environment is an essential element in creating distinctive, enjoyable and successful places in which to live and work. The Eco Island Sustainable Community Strategy and Island Plan Core Strategy recognise that our historic environment assets attract investment and tourism, can provide a focus for successful regeneration and are highly valued by local communities.

Local consultation took place as determined by the relevant legislation (see summary on page 3 for analysis). Consultation gives local residents the opportunity to be more involved in the conservation area designation and appraisal process and informs them of the decision making process.

The relevance of the aims of the conservation area designation process to the equality target group and the council's duty to eliminate unlawful discrimination and promote equality of opportunity is that in maintaining the historic built environment, to ensure that an area's unique character is not undermined, is a benefit to all residents, businesses and visitors regardless of their protected characteristics as described under the Equality Act (2010). Whilst conservation area designation does impact on the planning process with regard to the consideration given to the quality of new developments and alterations to existing buildings which require planning permission (either because the building is commercial or divided into flats or because conservation area designation has placed restrictions on

permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995, as amended) any proposal that requires planning permission as a result of the designation will be judged on its planning merits.

Please delete as appropriate:

- ~~This is a new policy/strategy/service/council function proposal~~
- This is a proposal for an existing council function

Scope of the Equality Impact Assessment

1) The specific number of people affected by the proposed designation of Niton Undercliff Conservation Area is not known. Approximately 39 properties have been included within the proposed boundary.

2) The Chale, Niton and Whitwell ward has a significant 60+ population, with the 60-64 age band contributing over 10% of the population (with the female population in this age band considerably higher than the male). There is an out-migration of late teens in search of education, employment and accommodation, as is familiar across most of the Island. In-migration starts to occur from around age 35, which helps explain the numbers of 5-9 age band children which is comparable to numbers across the Island (taken from Ward Area Data prepared by the Business Effectiveness Unit, 2011 and the Island Plan Core Strategy p.146).

3) Prior to public consultation of the conservation area boundary and appraisal, internal consultation of the documents was undertaken with coastal management, highways, countryside, ecology, housing, property services, planning policy, planning development control and archaeology to ensure specialist input at the earliest possible stage.

4) Niton and Whitwell Parish Council and Local Member were advised on 24th October 2011 that areas of Niton were being considered for conservation area designation and a public presentation was arranged for 12th December 2011. The parish council was further advised on 10th January 2012 that consultation on the conservation area boundary and appraisal document was due to commence. An initial period of public consultation was between Friday 20th January 2012 and 2nd March 2012. On 20th January 2012 all documentation (boundary map and appraisal document) was placed on the council's website, and paper copies were deposited with Niton and Whitwell Parish Council, Niton Library County Hall Customer Services, and at planning reception Seaclose Offices. Site notices (which outlined the proposal and included a map of the boundary) were placed at 7 locations within the proposed Niton Undercliff Conservation Area boundary (1 on Undercliff Drive at the entrance to Verwood, 1 on the public footpath NT31, 1 adjacent High View, Sandrock Road, 1 adjacent Southcliff, Sandrock Road, 1 at the junction of Old Blackgang Road and Sandrock Road, 1 on St Catherine's Road opposite Swan Grove House, 1 on St Catherine's Road opposite the Buddle Inn). An article on the proposed designation was also included in Onelsland (Issue 34, December 2011). Comments were invited from individuals but also from any other interested parties (for example, from local history and amenity groups) and were used to inform the final recommendation on CA designation. Following a high number of enquires / comments concerning the designation of the conservation area (and the serving of an Article 4 Direction) it was decided to extend the consultation period to the 15th of March and to arrange a drop-in surgery for officers to respond directly to queries and concerns. This was arranged for the 1st March 2012.

5) Assessment was made of the likely impact of the planning process on those who share a protected characteristic with regard to the designation of conservation areas, notably the consideration given to the quality of new developments and alterations to existing buildings which require planning permission (either because the building is commercial or divided into flats or because conservation area designation has placed restrictions on permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995, as amended).

Analysis and assessment

6 comments were received from the Niton Undercliff Conservation Area consultation. Of the 6 comments, 4 were in favour, 1 was opposed and 1 was neutral or ambiguous. Of the 76 people that signed the attendance sheet from the drop-in surgery on the 1st March, 8 people were from within Niton Undercliff and of these 2 people were in favour of the proposal, 5 against and 1 did not specify whether they were for or against.

The comment received which opposed the designation of the Niton Undercliff Conservation Area was on the grounds that a wider area should be included within the boundary. No reference was made to the process on the grounds of discrimination.

From an assessment of the planning process with regard to the designation of conservation areas negative impacts were identified for Age and Disability (see table, page 4). However, whilst conservation area designation imposes a duty on the local planning authority to pay special attention to preserving or enhancing the character or appearance of a conservation area, where a planning application is required (either because the building is commercial or divided into flats or because conservation area designation has placed restrictions on permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995, as amended), such applications are determined on their planning merits. In other regards, maintaining the historic built environment to ensure that an area's unique character is not undermined, is a benefit to all residents, businesses and visitors regardless of their protected characteristics as described under the Equality Act (2010).

Recommendations

To undertake discussions with Development Control colleagues over the treatment of an individual's protected characteristics (Age and Disability) in determining planning applications within conservation areas as and when required.

Action/Improvement Plan

The table below should be completed using the information from your equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Remove or lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact

| Area of impact | Is there evidence of negative positive or no impact? | Could this lead to adverse impact and if so why? | Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason? | Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive) |
|----------------|--|--|--|--|
| Age | Negative | Conservation area designation imposes a duty on the local planning authority to pay special attention to preserving or enhancing the character or appearance of a conservation area. As a consequence this may have implications for inclusive design, particularly with regard to access. Given the higher than average numbers of elderly residents in this area who may have specific access needs the designation could have an impact on such residents. However, where a planning application is required (either because the building is commercial or divided into flats | In maintaining the historic built environment to ensure that an area's unique character is not undermined, is a benefit to all residents, businesses and visitors regardless of their protected characteristics. | To undertake discussions with Development Control colleagues over the treatment of an individual protected characteristic in determining planning applications. Special regard will be taken of access needs of elderly residents. To provide clear and consistent advice to property owners with regard to proposals that require planning permission. |

| Area of impact | Is there evidence of negative positive or no impact? | Could this lead to adverse impact and if so why? | Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason? | Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive) |
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| | | or because conservation area designation has placed restrictions on permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995) such applications are determined on their planning merits. | | |
| Disability | Negative | Conservation area designation imposes a duty on the local planning authority to pay special attention to preserving or enhancing the character or appearance of a conservation area. As a consequence this may have implications for inclusive design, particularly with regard to access. However, where a planning application is required (either because the building is commercial or divided into flats or because conservation area designation has placed restrictions on permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995) such applications are determined on their planning merits. | In maintaining the historic built environment to ensure that an area's unique character is not undermined, is a benefit to all residents, businesses and visitors regardless of their protected characteristics. | To undertake discussions with Development Control colleagues over the treatment of an individual protected characteristic in determining planning applications. To provide clear and consistent advice to property owners with regard to proposals that require planning permission. |

| Area of impact | Is there evidence of negative positive or no impact? | Could this lead to adverse impact and if so why? | Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason? | Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive) |
|--|--|--|---|--|
| Gender Reassignment | No impact | | | “ |
| Marriage & Civil Partnership | No impact | | | “ |
| Pregnancy & Maternity | No impact | | | “ |
| Race | No impact | | | “ |
| Religion / Belief | No impact | | | “ |
| Sex (male or female) | No impact | | | “ |
| Sexual Orientation | No impact | | | “ |
| HR & workforce issues | No impact | | | “ |
| Human Rights implications if relevant | No impact | | | “ |
| Please remember - actions should have SMART targets and be reported to the Diversity Board (this should be done via your Directorate representative) and incorporated into your service/team Plans and /or objectives of key staff | | | | |

Summary**Date of Assessment:**5th October 2012**Signed off by Head of
Service/Director****Review date**5th October 2013**Date published**