

Stage 2 Full Equality Impact Assessment

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Directorate:	Economy & Environment
Date of Completion:	10 th April 2012

Name of Policy/Strategy/Service/Function Proposal

Planning & Regulatory Services – Review of Briary Conservation Area

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

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

The benefit of CA 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 CA designation and appraisal process and informs them of the decision making process.

The relevance of the aims of the CA designation process to the equality target group and the council's duty to eliminate unlawful discrimination and promote equality of opportunity are 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 CA 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) 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 revision of the Briary Conservation Area is not known. The total number of properties that have been included in the revised boundary is 16.
- 2) The population of the Freshwater South Ward is marked by a high proportion of retired or pre-retired people. Totland as a ward is distinguished by the number of elderly females (there are around three times the number of 85+ females to 85+ males) and overall there are significantly more people in the age groups 55+ than the Island as a whole, which itself is higher than the regional and national averages. (Information 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) All local members were invited to attend a briefing session on the revised boundary at Seaclose Offices held on 22nd November 2011. Freshwater Parish Council was advised on 7th November 2011 that the Briary Conservation Area was under review and a public presentation was arranged for 20th December 2011. The parish council was further advised on 8th December 2011 that consultation on the conservation area boundary and appraisal document was due to commence. A period of public consultation on the documents was undertaken between Friday 16th December 2011 and 27th January 2012. On the 16th December 2011 all documentation (boundary map and appraisal document) was placed on the council's website, and paper copies were deposited with Freshwater library, Freshwater Parish Council, Totland Parish Council, 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 5 locations within the revised boundary (at the junction of Middleton, Bedbury Lane and Moons Hill, on Moons Hill between Briary Barn and Briar Well, on Moons Hill adjacent Pinhay, on Moons Hill adjacent Portland Terrace, on Moons Hill adjacent Oak Terrace). The site notice also advised of the presentation that was held on Tuesday 20th December 2011 at Freshwater Parish Council offices. An article on the revised designation was also included in OnIsland (Issue 34, December 2011). Further to the presentation, on 4th January 2012 a letter was hand delivered to those properties that were to be included in the revised boundary: the letter included an outline of the proposal, the map and a leaflet on the effect of conservation area designation. Comments were invited from individual stakeholders but also from any other interested parties (for example, from local history and national amenity groups) and were used to inform the final recommendation on CA designation/revision.
- 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).

Analysis and assessment

Only 3 comments were received from the Briary Conservation Area consultation – 1 was from local residents and 2 from interested parties. 2 comments were favourable and 1 comment referred to referencing within the appraisal document. There was no reference 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 CA 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), 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 CAs 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	CA 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 or because conservation area designation has placed restrictions on permitted development rights under the Town and Country Planning (General	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)
		Permitted Development) Order 1995) such applications are determined on their planning merits.		
Disability	Negative	CA 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.
Gender Reassignment	No impact			“
Marriage & Civil Partnership	No impact			“
Pregnancy & Maternity	No 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)
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			“
<p>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</p>				

Summary**Date of Assessment:**10th April 2012**Signed off by Head of
Service/Director****Review date**10th April 2013**Date published**27^h April 2012