

Appendix 3

Equalities Impact Assessment (EQIA)

Planning Obligations Supplementary Planning Document (SPD)

**Equalities Impact Assessment (EQIA)
of the
Section 106 Planning Obligations Supplementary Planning Document (SPD)**

POLICIES, STRATEGIES AND PLANS

Stage one: scoping

1. What policy, strategy or plan is this assessment addressing?

What are planning obligations?

“Planning obligations” (or “section 106 (s106) agreements”) are an effective way of securing measures to overcome the negative impacts of generally acceptable development proposals on the environment, economy and community. This does not mean that planning obligations are a way of “buying” planning permission. Development that has significant negative impacts will not be approved, irrespective of planning obligations. Planning obligations may also be known as “planning agreements” and “planning contributions.”

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.

2. Is this a new or an existing policy/strategy?

Differences to previous Draft Supplementary Planning Guidance

- A. There have been two previous draft planning documents for planning obligations. An initial draft SPG *Planning Obligations* was produced alongside the first draft deposit Southwark Plan in November 2002. This was consulted upon for three months between November 2002 and February 2003. The second draft (a new document, not a revision) was prepared in July 2005 for consultation between August 2005 and December 2005.
- B. The revision to the last draft (July 2005) has been made for the following reasons:
- a. To bring the SPD in line with central government Circular 05/05, which replaced 01/97.
 - b. To revise the format of the document to make the calculations more readily accessible and produce the standard charges in a more visible (tabular) format.
 - c. To update the accuracy of the formulas in response to comments from the initial consultation, and through access to new data (such as the Southwark Schools for the Future Strategy).
- C. This revision and the previous draft SPD differs from the first draft Supplementary Planning Guidance *Planning Obligations* in two main ways:
- a. The use of a series of standard charges for planning contributions. These charges would be used to calculate the amount of planning contributions a developer should pay to allow the mitigation of the impacts of development. For example, if a housing development is likely to increase school age children then the standard charge to secure a new school place will be applied for each new child. The formula for the standard charge is based on the number of additional children requiring a school place and the cost for the Council to secure that new place.
 - b. The use of pooled contributions. Many smaller developments add to the increasing pressure on Council facilities but may not contribute to providing new facilities. Developer contributions can

be put together in an account for particular facilities, for example, new school places. When enough funding has been collected to pay for a new classroom or school required as a result of a number of developments, then it can be built using the pooled funds.

3. If existing, has the policy/strategy already been reviewed under the previous EqIA programme? If so, what were the findings to come out of this and has the agreed action plan been implemented? What has changed since the last assessment was undertaken (in terms of context, nature of the policy/strategy or the type of people affected by the policy/ strategy).

EqIA was carried out using a previous council report format (prior to the introduction of this format in January 2006). Two key findings were made:

- A. Section 106 funding has in the past and continues to be used for training and employment initiatives and improvements to open space, children's play equipment and sports development that benefit disadvantaged sections of the community. For the first time the SPD seeks funding to provide new school places and health facilities that will benefit the whole community.
- B. Awareness will be increased among the communities in Southwark through a comprehensive public consultation exercise for the SPD to introduce how it affects planning decisions and development within the borough and impacts on community needs.

Both of the above findings have been implemented, with the inclusion of costs for education and health within both the current and revised draft SPD, and the execution of a 12 week consultation exercise across the Borough, including presentations at community councils, community group meetings, and workshops with the Willowbrook Centre.

Both findings will be repeated for the redrafted SPD, for which this EqIA is being carried out.

4. What do you think are the main issues for your policy or strategy in relation to equality, diversity and social cohesion?

Issues to consider may include:

- Whether your policy could have or is having a differential impact or unintended consequences, which are disproportionately, and unfairly benefiting or disadvantaging certain groups.*
- Whether there may be any barriers, which could prevent certain groups from benefiting fully from what you are intending to happen as a result of your policy.*
- Whether there is any risk that the policy could lead to worsening relations between members of different groups or exacerbate tensions between communities.*

It is important to address all six equality areas here (age, disability, faith & belief, gender, race & ethnicity and sexual orientation), even if for some you just state that you do not think there is, or will be, a differential impact. You should also consider the experiences of Gypsies and Travellers and of refugees and asylum seekers.

Any issues identified here will provide an initial focus for the impact assessment.

* Policy is used as shorthand throughout for any policy, plan or strategy.

Do the expected outcomes or impacts of the SPD differ according to equalities group?

Expected outcome of the draft SPD				
Group	Section of draft SPD	Is there a differential impact benefiting or disadvantaging certain groups?	Are there any barriers of access for any groups?	Any risks of worsening relationships?
Gender i.e. <ul style="list-style-type: none"> ▪ Women ▪ Men ▪ Transgender 	Section 2 Para 26	<ul style="list-style-type: none"> • There will be no discrimination by group in the collection and expenditure of planning obligations 	None	Low
Race <ul style="list-style-type: none"> ▪ White groups ▪ African ▪ Indian ▪ Pakistani ▪ Bangladeshi ▪ Chinese ▪ Others 	Section 2 Para 26	<ul style="list-style-type: none"> • There will be no discrimination by group in the collection and expenditure of planning obligations 	None	Low
Disabled people <ul style="list-style-type: none"> ▪ Physical, Sensory and Neurological disability ▪ Learning disability ▪ Mental Health 	Section 2 Para 26	<ul style="list-style-type: none"> • There will be no discrimination by group in the collection and expenditure of planning obligations 	None	Low
Sexuality <ul style="list-style-type: none"> ▪ Gay ▪ Lesbian ▪ Bisexual ▪ Transgender 	Section 2 Para 26	<ul style="list-style-type: none"> • There will be no discrimination by group in the collection and expenditure of planning obligations 	None	Low
Faith Groups <ul style="list-style-type: none"> ▪ Christian ▪ Muslim ▪ Hindu ▪ Buddhist ▪ Sikh ▪ Jewish ▪ Other 	Section 2 Para 26	<ul style="list-style-type: none"> • There will be no discrimination by group in the collection and expenditure of planning obligations 	None	Low
Age <ul style="list-style-type: none"> ▪ Pre-School ▪ School Age ▪ Young adult ▪ Adult ▪ Older persons 	Section 2 Para 26	<ul style="list-style-type: none"> • There will be no discrimination by group in the collection and expenditure of planning obligations 	None	Low
Other <ul style="list-style-type: none"> ▪ Gypsies ▪ Travellers ▪ Refugees ▪ Asylum seekers 	Section 2 Para 26	<ul style="list-style-type: none"> • There will be no discrimination by group in the collection and expenditure of planning obligations 	None	Low

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 from happening.

Stage two: assessment of impacts

Part A: Feedback from the equalities and diversity panel

1. What feedback did the panel give you at stage one?

- Asked why the print was so small in the document – it was agreed that it was very small and said that he would give feedback to the designers and there are large print copies available on request.
- A member stated that she would like to see a process developed which meant that the EDP's comments are used before decision making. The social policy officer explained that stage one should come to the EDP before the paper goes to the Executive member requesting approval to start a consultation. Stage two should come to the EDP towards the end of the consultation period.
- A member stated that it was good that there would be targeted work to encourage BME people to participate in community councils but recommended that adverts should be more specific about why people should attend to discuss issues such as Section 106.
- A member told of an example where a member of SRCF was speaking at a community council and had been inappropriately interrupted by the chair. This has had a negative impact on other people's willingness to get involved with Community Councils.
- A member suggested that it was too definitive to say that there would be no equality impacts from this policy. Also suggested that positive impacts could also be included by, for example, listing what the positive differences S106 will make in communities.

Part B: Purpose and aims of policy/strategy

2. What is the overall purpose of the policy/strategy?

There is a need for a Supplementary Planning Document (SPD) to provide further guidance to policy 2.5 of the emerging Southwark Plan 2006. This will provide guidance on how the council has taken into account the overall, cumulative impact of development on the London Borough of Southwark, and explain how this will be dealt with through the use of planning obligations. This SPD sets out how planning obligations are used to promote sustainable development and deliver the infrastructure necessary to support the growth of the residential, business and visitor populations.

The purpose of the S106 SPD is to develop a set of standardised charges for s106 planning obligations, which can be applied to a development site, which is likely to have a material impact upon an area. The use of a set of formulas to create standard charges is endorsed by government circular 05/05, and is an attempt to make cost of section 106 charges more transparent to the development industry, and provide greater certainty to the planning process.

Once adopted, the s106 SPD will have become a material consideration in the determination of planning applications for development sites across the Borough.

3. What are its aims?

Southwark's Approach to Requiring and Spending Planning Contributions

A three-pronged approach is being taken to requiring and spending planning contributions:

- A clear strategy for requiring planning contributions as set out in the SPD.
- Improved processes for tracking and spending the contributions. This includes the use of an up to date database and the production of an internal procedure note to promote better information exchange on project status between the section 106 monitoring officer and the responsible project officers;

- Using community project banks to widen the approach to identifying potential projects for planning contributions, linked to other initiatives such as Cleaner Greener Safer.

4. Could these aims be in conflict with the Council's responsibility to:

Paragraphs 38 – 42 outlines the councils' policy to promoting community involvement within the planning obligations SPD, in order to:

- Eliminate discrimination
- Promote equality of opportunity
- Promote community cohesion and good relations between different groups

How the SPD addresses the Council's Core Values:

Corporate values	How does the SPD address this value?	Shortfalls
Equality and diversity – promoting equality for everyone, and responding to the needs of the many diverse communities	<ul style="list-style-type: none"> • Consultation on all planning applications will be carried out in line with the councils' Statement of Community Involvement (SCI), which sets out the councils strategy to include all groups in the planning process, including, for example, measures to: <ul style="list-style-type: none"> ▪ Working with other bodies to promote involvement by BME groups mentioned ▪ Methods for engaging equality and diversity groups outlined ▪ Barriers and solutions for engaging equality and diversity groups outlined. ▪ Equalities groups stated as local consultees in Appendix A 	None
Community involvement and cohesion – engaging with all sectors of the community so that the vision is representative, reflects local need and encourages good community spirit and relations.	<ul style="list-style-type: none"> • The use of a standard charge provides for a contribution towards new community facilities required as a direct result of a proposed development, and ensures the social infrastructure is in place for communities to meet and interact. • Project banks provide an active channel through which the community can input into the section 106 expenditure process and generate ideas for how funds can be spent to improve an area. The council will consult local communities on priorities for their areas and will compile lists of projects. These lists will be called community project banks (CPB's), and will be revised regularly as projects are delivered, and priorities change. 	None
Investing in young people – targeting efforts on those who will provide for the future needs of Southwark Council	<ul style="list-style-type: none"> • The use of standard charges provides funding to safeguard and develop the young by expenditure on education, employment initiatives, sports and play facilities, health, and community meeting places. 	None
None Fairness – delivering priorities in a way that eliminates unfair disadvantages against any one person or group in Southwark Council	<ul style="list-style-type: none"> • Consultation on all planning applications will be carried out in line with the councils' Statement of Community Involvement (SCI), which sets out the councils strategy to include all groups in the planning process. 	None
Sustainability – ensuring actions today benefit future generations	<ul style="list-style-type: none"> • By creating a set of charges to build the facilities that enable the creation of socially, economically and environmentally sustainable communities, including good transport, quality open space, good education and health facilities. • The SPD has been subject to full sustainability appraisal. 	None
Quality – ensuring that quality rather than quantity drives the vision to continuously improve the borough.	<ul style="list-style-type: none"> • All planning applications will be required to submit design statements stating how the development and association section 106 contributions will contribute to the development of successful place making. 	None
Value for money – using scarce resources efficiently.	<ul style="list-style-type: none"> • The entire strategy sets out how <i>additional</i> funding can be secured from private developers to enable the creation of socially, economically and environmentally sustainable communities. 	None

5. Does the documentation relating to this policy/strategy include specific reference to the Council's responsibility (as set out above) and a commitment to work to meet this?

Para 38: Circular 05/2005 Planning Obligations sets out the Government's policy for planning obligations. Paragraph B41 states that: "The process of setting planning obligations policies and negotiating planning obligations should be conducted as openly, fairly and reasonably as possible and members of the public should be given every reasonable assistance in locating and examining proposed and agreed planning obligations which are of interest to them."

Part C: Application of this policy/strategy

1. What steps are you taking or will you take to ensure that the policy is or will be implemented consistently and fairly?

A consultation plan has been prepared which states how the council will ensure that all groups are aware of, and have chance to comment on the SPD. Additional outreach will be carried out, through presentations and workshops with community groups and the Willowbrook centre.

2. Could the way that this policy/strategy is being or will be implemented be discriminating against any particular individuals or groups or be potentially damaging to relations between different groups?

Common current perceptions amongst the community is that section 106 funds are a "golden goose" and can be applied to any problem or project anywhere in the Borough, that section 106 is a way of "buying" planning permission, or that section 106 is a tax on the profits of a developer. None of these perceptions are true, and this SPD sets out to clarify that s106 funds are only derived from developments, which are generally in conformity with the development plan, and can only be spent on projects to alleviate the harmful impact on the environment, economy and community of an area.

It is considered that the SPD would have a positive effect on relations between certain equalities or community groups by ensuring that everyone has an equal opportunity to participate and be involved in planning processes. This could increase involvement of groups in planning and understanding between groups of each other's perspective. This could act to curb any resentment that any one group feels towards another in being able to access planning information.

The SPD has stimulated a great deal of interest and debate as many people are interested in how section 106 planning obligations are to be spent across the Borough. The only ways in which the SPD could potentially damage relations between any particular groups are if the guidelines with respect to how s106 monies can be spent are misinterpreted. Section 106 monies are largely spent in the area surrounding the development (apart from pooling of contributions for strategic projects, such as secondary education), and to avoid conflict between geographical communities, it must be understood areas of change with widescale development such as Bankside are likely to generate more section 106 funds than established areas such as Dulwich.

3. What changes could you make to either the policy/strategy itself or the way it is applied to improve the positive outcomes for all groups and to reduce or eliminate any negative outcomes?

In order to reinforce the actual purpose and legal justification for spending S106 monies, presentations will be given on the SPD during the informal and formal consultation periods at any community group that wishes to learn more about the topic, and at all community councils.

4. What information do you collect or do you plan to collect to monitor the impact of this policy/strategy on different groups?

The assessor has not identified any specific reasons why the groups would be negatively impacted on. It is suggested that any negative impacts on equalities groups that may occur would be derived from an omission, or lack of detail in the Statement of Community Involvement rather than an intentional outcome.

However, the Statement of Community Involvement will be continuously monitored and updated annually through the Annual Monitoring Report which should act to address any omissions or lack of detail that are identified throughout the monitoring process.

Stage three: Developing your action plan and making changes

Having completed stages one and two of your EqIA, you are likely to have identified a number of areas where improvements could be made. In stage three you will pull together a comprehensive list of the issues that have been identified so far. You will then outline what you are going to do to address these. This document has been designed to enable you to outline and keep track of the changes you are making.

Over the coming months you will complete three separate documents to take you through the different stages of implementing the necessary changes to your policy or service. There are:

- 1) Outlining what you are doing and how you are going to do it – developing your Action Plan (this document)
- 2) Measuring progress towards implementation, which occurs on a quarterly basis
- 3) Measuring the impact of the changes you have made. Once you have made all of the required changes, you will complete a final document that can be used to record what impact the changes you have made have had for different clients

This document is the first of these documents. It concentrates on helping you to draw up your Action Plan. Once this has been completed you should complete a quarterly progress report, which will help document your progress in relation to the actions you are committed to and the impact they are having.

A supplementary planning document (SPD) provides additional information on planning policies in a development plan document or saved policies in the local development plan, also known as the Unitary Development Plan (UDP). An EqIA was prepared for the parent policy (UDP), which was approved by Executive in March 2007. Consultation has been carried out in accordance with the SCI, and we have consulted widely as set out in the consultation statement. In addition to the continuous monitoring of the Statement of Community Involvement through the Annual Monitoring Report, measuring progress towards implementation of the policy will be carried out through monitoring of the planning obligations database, and quarterly reporting of section 106 spend by area.