

# **STRATEGIC GROWTH PLAN**

## **EQUALITY & HUMAN RIGHTS IMPACT ASSESSMENT (EHRIA)**

**Final Report**

**September 2018**

<b>Key Details</b>	
<b>Name of policy being assessed:</b>	Leicester and Leicestershire Strategic Growth Plan
<b>Date Started:</b>	June 2016
<b>Date Completed:</b>	September 2018
<b>Project Sponsor:</b>	Strategic Director of Housing, Planning & Regeneration and Regulatory Services (Charnwood Borough Council)
<b>Lead Officer:</b>	Head of Planning and Regeneration (Charnwood Borough Council)
<b>Team Members:</b>	Principal Planning Officer (Charnwood Borough Council)  Planning Policy Manager (Leicester City Council)  Corporate Improvement & Policy Officer (Charnwood Borough Council)  Policy Officer- Equalities (Leicestershire County Council)

## **1. Introduction**

- 1.1 This is the Equality and Human Rights Impact Assessment (EHRIA) of the Leicester and Leicestershire Strategic Growth Plan.
- 1.2 All partner organisations involved in the development and implementation of the Strategic Growth Plan have a legal responsibility (as set out in the Equality Act 2010) to ensure that we can demonstrate having paid due regard to the need to (referred to as the 'General Public Sector Equality Duty'):
- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - Advance equality of opportunity between people who share a protected characteristic and those who do not;
  - Foster good relations between people who share a protected characteristic and those who do not.
- 1.3 There are certain characteristics protected by equalities legislation. These 'protected characteristics' are:
1. Age
  2. Disability
  3. Gender Re-assignment
  4. Marriage & Civil Partnership
  5. Pregnancy & Maternity
  6. Race
  7. Religion or Belief
  8. Sex
  9. Sexual Orientation
- 1.4 Such equalities legislation does not allow the following:
- Direct discrimination, including by association and perception
  - Indirect discrimination
  - Pregnancy & maternity discrimination
  - Harassment
  - Third party harassment
  - Discrimination arising from disability
- 1.5 Such equalities legislation allows the following:
- Duty to make reasonable adjustments
- 1.6 Additionally, all partner organisations involved in the development and implementation of the Strategic Growth Plan understand the importance of

valuing human rights and are committed to ensuring that the human rights of individuals are maintained and respected. It is for this reason that we have chosen to additionally assess any human rights implications of the Strategic Growth Plan and also consider opportunities to promote or protect any of the relevant human rights within the EHRIA process. These include:

## **HUMAN RIGHTS ACT PART 1: The Convention – Rights and Freedoms**

**Article 2:** Right to life

**Article 3:** Prohibition of torture, inhuman or degrading treatment

**Article 4:** Prohibition of slavery/ forced labour

**Article 5:** Right to liberty and security of person

**Article 6:** Right to a fair trial (applies to criminal and civil issues)

**Article 7:** No punishment without law

**Article 8:** Right to respect for private and family life

**Article 9:** Freedom of thought, conscience and religion

**Article 10:** Freedom of expression

**Article 11:** Freedom of Assembly and Association

**Article 12:** Right to Marry

**Article 14:** Prohibition of Discrimination (linked to a convention right i.e. equal access to convention rights)

## **HUMAN RIGHTS ACT PART 2: The First Protocol**

**Article 1: Protection of property/ peaceful enjoyment**

**Article 2: Right to education**

**Article 3: Right to free elections**

- 1.7 This document explains what steps have been taken to understand the likely implications of the Strategic Growth Plan upon the specific individuals and community groups protected by the Equality Act 2010 and Human Rights Act 1998, including what steps/ mitigation has been taken in order to address any differential impacts, and draws upon any recommendations and conclusions.

## **2. The Strategic Growth Plan**

- 2.1 The Strategic Growth Plan is a new plan that sets the vision and strategy for future growth in Leicester and Leicestershire. Its main purpose is to distribute housing and jobs and support strategic infrastructure within the Housing Market Area between 2011 and 2050. The Strategic Growth Plan will be a locus for agreement between Local Authorities concerned demonstrating the 'Duty to Cooperate' as well as setting the strategic policy framework for partner authorities to prepare their individual Local Plans. These individual

local plans will each have their own Equality and Human Rights Impact Assessment as part of the process to prepare them.

- 2.2 The Strategic Growth Plan will provide a framework for delivering growth and infrastructure and it will therefore affect the whole community. It is intended to deliver the right growth, at the right time, in the right locations, creating successful residential and business communities that are well-served by essential infrastructure and services, in a landscape where environmental resources are protected and enhanced.

### **3. The process followed**

- 3.1 The EHRIA has followed a process that mirrors the key stage gates of the Strategic Growth Plan during its preparation. The relationship between the two processes is:

<b>Stage</b>	<b>Date</b>	<b>EHRIA</b>	<b>SGP</b>
Stage 1	July 2016	Baseline evidence and appraisal matrices	Strategic Growth Statement
Stage 2	September 2017	Draft Equality and Human Rights Impact Assessment	Draft Strategic Growth Plan
Stage 3	September 2018	Final Equality and Human Rights Impact Assessment	Final Strategic Growth Plan

### **4. Consultation**

- 4.1 Public consultation has been carried out at stages 1 and 2 detailed above. A Strategic Growth Statement sought views on the scope of the Growth Plan and its key objectives. This was followed by consultation on a draft Strategic Growth Plan published in January 2018 which ran until May 2018, along with the supporting Draft Equality and Human Rights Impact Assessment.
- 4.2 The draft plan followed the testing of 7 alternative options through the EHRIA framework.
- 4.3 A number of responses to the draft Strategic Growth Plan have identified that housing stock should address the needs of an ageing population for smaller housing types close to services and facilities, thus reducing transport issues and releasing larger homes for families. The need for dwellings suitable for younger families was also highlighted along with the need to provide housing in rural settlements which allow younger households to remain in the communities in which they were raised. The Report of Consultation is

available detailing the comments raised and the partner authorities' response is available on the strategic growth plan website: [llstrategicgrowthplan.org.uk](http://strategicgrowthplan.org.uk)

## **5. Outcome of EHRIA assessment**

5.1 The results of the Equality and Human Rights Impact Assessment are summarised below, the assessment framework itself is available in Appendix A.

**Age** - The Strategic Growth Plan is likely to impact negatively upon age in the scenario tested and it will be important to ensure that specific infrastructure and services are planned effectively to ensure they are appropriate for the age demographic of the community (i.e. specific to older people, young people etc.) - this is likely to be an issue for subsequent local plans.

**Disability** - The Strategic Growth Plan is likely to impact positively upon disability in this scenario. The strategy is likely to focus development in areas that favour disabled people by virtue of access to jobs, services and facilities where their needs can be met. It will be important to recognise that wherever new development is focused barriers may be faced by this community group if effective due consideration is not given in the planning and consultation stages of local plans.

**Gender Reassignment** - The effects upon the protected characteristic of gender reassignment are not considered likely to have an impact.

**Marriage and Civil Partnership** - The effects upon the protected characteristic of marriage and civil partnership are not considered likely to have an impact.

**Pregnancy and Maternity** - The likely impacts upon the protected characteristic of pregnancy and maternity are neutral.

**Race** - The Strategic Growth Plan is likely to positively impact upon race provided consideration is given to the specific infrastructure and services required to create mixed and balanced communities. It will be necessary to plan effectively in local plans to ensure new developments have appropriate community infrastructure for the demographic of the community (i.e. BME Residents; the gypsy and traveller community).

**Religion or Belief** - The assessment presents a neutral outcome for this characteristic. It reflects the reality that areas of higher population are more likely to be able to support a wider range of faith communities and buildings compared to lower populated areas. Specific infrastructure and services will need to be planned effectively to ensure that the needs of faith groups are addressed in local plans.

**Sex** - The assessment records that the impact upon the protected characteristic of sex for the strategy is neutral.

**Other Groups (e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities, community cohesion)** - The assessment records that the impact upon the protected characteristic of other groups for the strategy is neutral.

## **6. Human Rights**

- 6.1 Based on the evidence and findings, the final Strategic Growth Plan is likely to have an impact on some of the Articles in the Human Rights Act in the following ways. There may be a positive effect on the right to respect for private and family life, particularly in relation to the gypsy and traveller communities as new development ensures needs are met. There will be a neutral impact upon the right to a fair trial and the right to freedom of expression as the plan has been produced in consultation with the public and stakeholders.
- 6.2 There is considered to be no impact upon the other Articles in the Human Rights Act. A full assessment of the impacts is provided in Appendix A. It should be noted that the preparation of subsequent local plans must be transparent, carried out in an equitable way and subject to Examination in Public to ensure that impacts are properly assessed and negative impacts restricted.

## **7. Mitigation of impacts**

- 7.1 The Strategic Growth Plan is likely to impact negatively upon age in most of the scenarios tested and it will therefore be important to make certain that specific infrastructure and services are planned effectively to ensure they are appropriate for the age demographic of the community (i.e. specific to older people, young people etc.). This will be a key issue for subsequent local plans and the use of robust evidence identifying an appropriate mix of types, tenures and size of homes to meet the identified housing need will be vital for their preparation.
- 7.2 The Strategic Growth Plan's impact on disability is likely to be positive, by concentrating growth close to employment areas. This will provide the opportunity to live closer to work, so improving access to jobs along with services and facilities. However, it has been noted that there will be no improvement for those who cannot work, or ability to work is restricted. The type of housing provided through the local plan will have an important impact

and should be addressed by building homes to meet the identified need, including those with disabilities.

- 7.3 In terms of pregnancy and maternity the Strategic Growth Plan is likely to have a neutral impact overall. The growth areas will provide opportunity to improve services and facilities for those with good access to these locations. However, rural areas are unlikely to benefit from this positive impact. The impact on the existing urban areas, notably those managed areas of growth, at Leicester City, Loughborough, Coalville, Lutterworth, Hinckley and Market Harborough is likely to remain unchanged. In terms of rural areas it may be possible to improve access through local plans by ensuring all settlements can access larger centres which can provide relevant services and facilities.
- 7.4 The Strategic Growth Plan is likely to impact positively upon race. The plan provides an opportunity for the creation of mixed and balanced communities with the necessary infrastructure, cultural facilities and services being delivered to ensure that there are no barriers facing specific community groups. Local plans should plan effectively to ensure new developments have appropriate community infrastructure for the demographic of the community (i.e. BME residents; the gypsy and traveller community).
- 7.5 The assessment of the Strategic Growth Plan presents a mixed outcome for religion and belief. It reflects the reality that areas of higher population are more likely to be able to support a wider range of faith communities and buildings compared to lower populated areas. Specific infrastructure and services will need to be planned for effectively in local plans to ensure that the needs of faith groups are addressed.
- 7.6 There is considered to be no likely impact upon gender reassignment, sex, sexual orientation and a neutral impact on other groups.
- 7.7 In terms of Human Rights, the Strategic Growth Plan has been produced in consultation with both stakeholders and the public. The resultant local plans will be produced through a transparent and equitable plan-making process involving further consultation and Examination in Public. This will ensure that where effects occur any resultant impact is likely to be positive or neutral and provides the opportunity to mitigate against any potential negative impacts which are identified.

## **8. Monitoring and Review**

- 8.1 The findings of this EHRIA will be reviewed by the Strategic Planning Group and MAG and thereafter the individual governance structures of each partner authority in considering the proposal to take forward and endorse the Strategic Growth Plan. It is expected that the approved plan will be addressed



in relevant local plans and monitored by the relevant local authority through their Annual Monitoring Report. Should any negative impacts upon the protected characteristics or Human Rights be identified and attributed to the Strategic Growth Plan these can be reported back to the relevant local authority and the necessary action taken to address the issue, as appropriate.

## **9. Recommendations**

- 9.1 All local planning authorities should consider the potential for policies in local plans to adversely affect protected groups within equalities legislation and take account of their possible impacts upon Human Rights.

## Strategic Growth Plan Equality & Human Rights Impact Assessment

### Final Strategy

**Emphasise development in two strategic growth areas (each associated with planned employment growth and infrastructure investment), the key centre of Melton Mowbray and managed growth in the City of Leicester and at Coalville, Loughborough, Lutterworth, Hinckley and Market Harborough; growth in other locations restricted to that justified to meet local need.**

The Strategic Growth Plan enables a combination of the following growth options to be defined in local plans:

- ) Urban intensification
- ) Sustainable Urban Extensions
- ) Concentration on key settlements
- ) Growth 'corridors'
- ) Employment-led growth
- ) New freestanding settlements

It would require the provision of housing, potentially at increased density, on underused land, land currently in other uses and some undeveloped land within the urban area. The strategy would require Sustainable Urban Extensions (SUEs) and/or new freestanding settlements within the growth corridor fringing the existing southern and eastern edges of the main urban area and within the 'gateway' growth area. It would also support SUEs at Melton Mowbray.

The housing growth elsewhere would be less extensive than that planned for over the period 2011-2031. The amount of housing growth at other settlements and in the rural area would be carefully managed. The distribution of housing growth in and around Leicester and at the 'gateway' would be accompanied by employment growth in all these locations.

Broad assumptions:

- ) Around 15% of homes provided within the main urban area including Leicester

- ) Around 40% of homes provided in the growth corridor on the periphery of Leicester
- ) Around 15% of homes provided within the 'gateway' area
- ) Around 5% of homes provided at the key centre of Melton Mowbray
- ) Up to 15% of homes provided in/adjacent to the other main market towns
- ) Up to 10% of homes provided in smaller settlements

Age	Disability	Gender Reassignment	Pregnancy & Maternity	Race	Religion/Belief	Sex	Sexual Orientation	Other groups*
↓	↑	○	○	↑	○	○	○	○
<p>The strategy favours those of working age in linking new homes to areas of employment growth. Possibility that the needs of older people and their choices of location will be limited.</p> <p>There is likely to be an impact relating to age and the type of housing required; it is acknowledged this will be assessed through local plans</p>	<p>Concentrating growth in the proximity of employment areas provides the best opportunity to live close to jobs, which will provide additional advantage for some people. However, it is recognised the strategy works against a minority of those with a disability who cannot work or whose ability to work is limited.</p> <p>Much will depend on the type of housing provided through local plans</p>	No impact	<p>The strategy will provide greater opportunity to improve services and facilities and support networks in identified areas of growth although the level of access in rural areas are unlikely to gain such a positive impact. The impact on the city, Loughborough, Coalville, Hinckley, Lutterworth and Market Harborough is likely to remain neutral.</p>	<p>The strategy provides an opportunity for the creation of mixed and balanced communities with the necessary infrastructure, cultural facilities and services to ensure that there are no barriers facing specific community groups.</p>	<p>The strategy presents an opportunity to realise reasonable access to faith, community and related facilities for a wider sector of the population thus enabling greater access to the support networks within those communities.</p>	No Impact	No Impact	Neutral

## Human Rights Act Assessment

<b>Part 1: The Convention- Rights and Freedoms</b>	
<b>Article</b>	<b>Comment</b>
<b>Article 2: Right to life</b>	<b>No Impact</b>
<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>	<b>No Impact</b>
<b>Article 4: Right not to be subjected to slavery/ forced labour</b>	<b>No Impact</b>
<b>Article 5: Right to liberty and security</b>	<b>No Impact</b>
<b>Article 6: Right to a fair trial</b>	<b>Neutral impact</b> - the plan-making process has been carried out in consultation with the public and stakeholders. It will be important to ensure that the subsequent local plans are prepared in a transparent and equitable way and are subject to Examination in Public.
<b>Article 7: No punishment without law</b>	<b>No Impact</b>
<b>Article 8: Right to respect for private and family life</b>	<b>Positive effect</b> – the strategy may potentially have a positive impact upon the human rights of individuals in terms of private and family life, particularly for Gypsy & Traveller communities.
<b>Article 9: Right to freedom of thought, conscience and</b>	<b>No impact</b> – However, it is acknowledged that further consultation will be required at the

<b>religion</b>	local plan stage.
<b>Article 10: Right to freedom of expression</b>	<b>Neutral impact</b> – the plan-making process has been carried out in consultation with the public and stakeholders. It will be important to ensure that the subsequent local plans are prepared in a transparent and equitable way and are subject to Examination in Public.
<b>Article 11: Right to freedom of assembly and association</b>	<b>No Impact</b>
<b>Article 12: Right to marry</b>	<b>No Impact</b>
<b>Article 14: Right not to be discriminated against</b>	<b>No impact</b> - The strategy is unlikely to have an impact upon the human rights of individuals. However, all individuals must have a right not to be discriminated against throughout the implementation of the Strategic Growth Plan.
<b>Part 2: The First Protocol</b>	
<b>Article 1: Protection of property/peaceful enjoyment</b>	<b>Neutral impact</b> - The strategy is likely to have a neutral impact upon the human rights of individuals when planning decisions are made in terms of this Article. New development will be determined in light of the development plan for that area, unless material considerations indicate otherwise. Therefore, a local authority preparing a local plan will need to ensure that policies do not interfere with peaceful enjoyment of property or possessions where possible.
<b>Article 2: Right to education</b>	<b>No Impact</b>

<b>Article 3: Right to free elections</b>	<b>No Impact</b>