

Exmoor Local Plan: Equalities Assessment

- 1.1 Exmoor National Park Authority (NPA) is currently working on the production of a new Local Plan (formerly referred to as the Core Strategy and Development Management Policies DPD), which will eventually supersede the current adopted Local Plan. The new Local Plan will set out policies to guide development on Exmoor up to 2030. It will seek to balance the need for limited development with the overarching aim of achieving the National Park's statutory purposes.
- 1.2 This note presents the findings of an assessment of the likely effects of the Draft version of Exmoor's new Local Plan on equality issues. The findings of this equalities note will feed into the development of the next version of the Local Plan, the Publication version, along with the outcomes of the consultation on the Draft version and the findings of other assessments such as the Sustainability Appraisal and Habitats Regulations Assessment for the Local Plan.
- 1.3 The requirement to undertake formal Equalities Impact Assessment (EqIA) of plans was introduced in the Equality Act 2010, but was abolished in 2012 as part of a Government bid to reduce bureaucracy. Despite this, authorities are still required to have regard to the provisions of the Equality Act, namely the Public Sector Duty which requires public authorities to have due regard for equalities considerations when exercising their functions. In fulfilling this duty, many authorities still find it useful to produce a written record of equalities issues having been specifically considered. That is the purpose of this note.
- 1.4 The Equality Act 2010 identifies nine 'protected characteristics' and seeks to protect people from discrimination on the basis of these characteristics. They are:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
- 1.5 There are three main duties set out in the Equality Act 2010, which public authorities including Exmoor NPA must meet in exercising their functions:
 - To eliminate discrimination, harassment, victimisation and other conduct that is prohibited under the Act.
 - To advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it.
 - To foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Exmoor's Local Plan

- 1.6 The latest version of the new Local Plan for Exmoor, the Draft version (November 2013), sets out a vision, 21 objectives, 40 strategic policies and 52 development management policies. Although the Local Plan does not allocate sites for housing or employment development, it does make provision for affordable housing development within the National Park to meet specific local needs.
- 1.7 The purpose of the Local Plan is to guide development in the National Park up to 2030. Strategic planning is only one of the functions of the NPA, so it is not expected that the Local Plan alone would address all of the duties of the Equalities Act.

Baseline Information

- 1.8 The Draft version of the Local Plan (2013) and the Sustainability Appraisal (SA) Scoping Report (2011) set out baseline information about the National Park, including some information relevant to the protected characteristics covered by the Equalities Act. The most relevant information is summarised below.
- Exmoor together with The Broads have the highest mean average age of all National Parks in England and Wales, and that Exmoor’s age profile shows a slight shift in the demographic pattern as the proportion of the population aged 60 years and over has increased by over 6% from 2001 to 39.5%.
 - A higher than average proportion of people has a long-term limiting illness – this is likely to be linked to the higher than average proportion of older people in the National Park.
 - Like many remote rural areas such as National Parks, Exmoor has a very low proportion of people from black or minority ethnic groups – 99.48% of the population is classed as white British.
 - There is a large Christian majority and very small proportions of other religions, which is comparable to other National Parks.
- 1.9 There is little baseline information available that is directly relevant to other protected characteristics including gender reassignment, marriage and civil partnership, pregnancy and maternity, sex or sexual orientation.

Method

- 1.10 The Draft Local Plan has been reviewed to consider the likely impacts of the policies on each of the nine protected characteristics from the Equality Act 2010 listed above. For each protected characteristic, consideration has been given to whether the Local Plan is compatible or incompatible with the three main duties set out in the Equality Act 2010.
- 1.11 A colour coded scoring system has been used to show the effects that the Draft Local Plan is likely to have on each protected characteristics, as shown below.

Score	Likely Effect
+	Positive
0	Neutral
-	Negative

Findings

- 1.12 The findings of the equalities assessment are presented in **Table 1** overleaf. Although it does not directly affect a number of the protected characteristics, the Draft Local Plan has either a positive or neutral relationship with all of the protected characteristics considered in this assessment, and is therefore generally compatible with the three main duties of the Equality Act 2010.
- 1.13 The Draft Local Plan does not include any direct or indirect references to **gender reassignment, marriage and civil partnership, sex and sexual orientation** and does not include policies or proposals that are considered to have a direct effect on these four protected characteristics. For the other five protected characteristics, the Draft Local Plan is likely to have some positive effects as follows.
- 1.14 The Plan includes a number of policies specifically aiming to meet the housing needs of **older and disabled people** within the National Park such as Policy HC-D3: Specialist Housing for Exmoor’s Communities and Policy HC-S8: Residential Institutions. The evidence base which has informed the preparation of the Local Plan demonstrates that age issues are particularly relevant in the National Park, where there is a greater than average proportion of over 65s. It is considered that the age and disability protected characteristics are addressed well through the housing policies in the Draft Local Plan.

- 1.15 It may be possible to improve the effects of the Local Plan on the **disability** protected characteristic by referring more explicitly to accessibility in policies to do with recreation and tourism such as RT-S1.
- 1.16 The fact that the policies within the Plan provide protection for community facilities such as village halls (e.g. Policy HC-D17: Safeguarding Local Services and Community Facilities) should have a positive effect on the **pregnancy and maternity** protected characteristic in particular, as these locations can host meetings, classes and activities to provide support and reduce isolation for parents in the National Park. Further positive effects are also likely in relation to **religion or belief** as the Local Plan appears to include churches within its interpretation of community services.
- 1.17 There is some uncertainty attached to the potential positive effect that has been identified in relation to the **race** protected characteristic. The Draft Local Plan includes a criteria-based policy for Gypsy and Traveller sites, rather than allocating specific sites, an approach which is based on evidence that is currently in the process of being updated. More recent evidence, when available, may demonstrate that specific sites need to be allocated to meet the needs of Gypsies and Travellers. The Draft Local Plan does acknowledge that the updated Gypsy and Traveller Assessment will need to be drawn on as the Local Plan is finalised, once it becomes available. If that assessment identifies a need for sites within the National Park, these should be allocated in the Plan to ensure that the accommodation needs of Gypsies and Travellers are met. Consideration should also be given to the need to foster relationships between Gypsy and Travellers and the settled community, including when considering potential sites for allocation (if they are required).
- 1.18 There are a large number of other policies in the Local Plan which, while they do not specifically refer to the protected characteristics of the Equality Act, will benefit all people including those covered by those characteristics. This includes, for example, environmental policies and policies relating to public transport provision, education and economic development.

Consultation on the Local Plan

- 1.19 As well as the content of the Local Plan, it is important that the protected characteristics of the Equalities Act are taken into consideration when preparing and consulting on the Plan, in particular ensuring that all groups of people have the opportunity to access and participate in consultations.

LUC
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Table 1: Likely effects of the Draft Local Plan on the nine protected characteristics under the Equality Act 2010

Protected Characteristics	Likely Effect	Justification
Age	+	<p>The Draft Local Plan has been developed on the basis of evidence which shows that the National Park includes a higher proportion of older people than the national average. This is reflected in policies in the Draft Local Plan which seek to ensure that the needs of older people are met, including:</p> <ul style="list-style-type: none"> • Policy HC-S1: Housing which allows for new housing development where it would address a proven local need for specialist housing for older people, where adequate care or assistance cannot be provided within the existing housing stock. It also requires new residential development to meet the Lifetime Homes Standard. • Policy HC-D3: Specialist Housing for Exmoor’s Communities which supports (subject to the specified criteria) proposals which respond to the specific requirements of the National Park’s communities by addressing an identified local need for specialist housing for older people. • Policy HC-S8: Residential Institutions which supports the provision of residential institutions (including nursing homes) subject to the specified criteria. <p>Therefore, the Local Plan is considered to have an overall positive effect on ‘age’.</p>
Disability	+	<p>The Draft Local Plan includes a number of policies specifically referring to the provision of appropriate accommodation for disabled people and those requiring care, including:</p> <ul style="list-style-type: none"> • Policy HC-S1: Housing which allows for new housing development where it would address a proven local need for specialist housing for vulnerable members of the community, where adequate care or assistance cannot be provided within the existing housing stock. • Policy HC-D3: Specialist Housing for Exmoor’s Communities which supports (subject to the specified criteria) proposals which respond to the specific requirements of the National Park’s communities by addressing an identified local need for specialist housing for vulnerable members of the community who require care and assistance. • Policy HC-S8: Residential Institutions supports the provision of residential institutions subject to the specified criteria. <p>In terms of accessibility:</p> <ul style="list-style-type: none"> • Policy AC-S3: Traffic Management and Parking requires the approach taken to

Protected Characteristics	Likely Effect	Justification
		<p>traffic management on Exmoor to take into account the needs of disabled people.</p> <ul style="list-style-type: none"> • Policy AC-D2: Parking Provision and Standards states that proposals will be permitted where they make appropriate provision for parking including for disabled users. <p>Therefore, the Local Plan is considered to have an overall positive effect on 'disability'.</p>
Gender reassignment	0	The Draft Local Plan does not include any direct or indirect references to gender reassignment and does not include policies or proposals that are considered to have a direct effect on this protected characteristic.
Marriage and civil partnership	0	The Draft Local Plan does not include any direct or indirect references to marriage and civil partnership and does not include policies or proposals that are considered to have a direct effect on this protected characteristic.
Pregnancy and maternity	+	<p>There are policies in the Draft Local Plan that seek to provide and maintain community services and facilities within the National Park. This could have a positive effect on the provision of services relevant to pregnancy and maternity, for example by retaining premises such as village and community halls that can be used for meetings, classes and activities, thereby providing support and reducing isolation for parents in rural areas. In particular:</p> <ul style="list-style-type: none"> • Policy HC-D17: Safeguarding Local Services and Community Facilities sets out criteria for restricting proposals to change the use of land or buildings from a local commercial service or non-commercial community facility. <p>Therefore, the Local Plan is considered to have an overall positive effect on 'pregnancy and maternity'.</p>
Race	+?	<p>The Draft Local Plan makes reference to the most recent available evidence about levels of need for Gypsy and Traveller accommodation (Section 7) and notes that ongoing work to update the Gypsy and Traveller Assessment will be used to inform the Local Plan as it is finalised. Because no demonstrable need for sites within the National Park was identified in the most recent available evidence (2006 (Devon) and 2011 (Somerset))¹, a-criteria based policy is included in the Plan, and pitch or plot targets or sites are not included.</p> <p>The available evidence has been used to inform Policy HC-S6: Travelling Communities,</p>

¹ Southern, Dr Rebekah & James Zoë, Dr Devon-wide Gypsy and Traveller Housing Needs Assessment, Social Research & regeneration Unit, (November 2006, University of Plymouth) and De Montfort University Leicester Somerset Gypsy and Traveller Accommodation Assessment (January 2011).

Protected Characteristics	Likely Effect	Justification
		<p>which aims to address proven levels of need for Gypsy and Traveller accommodation. Subject to the specified criteria (which cover issues such as access to health and education facilities), it allows for the provision of small sites in exceptional circumstances, which is expected to have a generally positive effect on this group of people.</p> <p>However, this approach is based on evidence which may be out of date, particularly in relation to the Devon-wide study from 2006. Therefore, there is some uncertainty regarding whether the Draft Local Plan does in fact meet local need for Gypsy and Traveller sites.</p> <p>The Draft Local Plan does not include any other direct or indirect references to race and the overall effect of the Plan on this protected characteristic is considered to be positive, although there is some uncertainty attached.</p>
Religion or belief	+	<p>Policies in the Draft Local Plan seek to provide and maintain community services and facilities within the National Park, which could include places of worship. In particular:</p> <ul style="list-style-type: none"> • Policy HC-D17: Safeguarding Local Services and Community Facilities sets out criteria for restricting proposals to change the use of land or buildings from a local commercial service or non-commercial community facility. <p>Section 11 of the Draft Local Plan (Exmoor’s Settlements) includes churches within the descriptions of community services within each settlement. Therefore, Policy HC-D17 is taken to cover these assets and an overall positive effect on ‘religion or belief’ is expected from the Local Plan.</p>
Sex	0	<p>The Draft Local Plan does not include any direct or indirect references to gender and does not include policies or proposals that are considered to have a direct effect on this protected characteristic.</p>
Sexual orientation	0	<p>The Draft Local Plan does not include any direct or indirect references to sexual orientation and does not include policies or proposals that are considered to have a direct effect on this protected characteristic.</p>