

Equality Impact Assessment (EIA)

Engagement and our equality duty

Whilst [the Gunning Principles](#) set out the rules for consulting ‘everyone’, additional requirements are in place to avoid discrimination and inequality.

Cheshire East Council is required to comply with the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 simplified previous anti-discrimination laws with a single piece of legislation. Within the Act, the Public Sector Equality Duty (Section 149) has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, by consciously thinking about equality when making decisions (such as in developing policy, delivering services and commissioning from others)
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, by removing disadvantages, meeting their specific needs, and encouraging their participation in public life
- foster good relations between people who share a protected characteristic and people who do not

The Equality Duty helps public bodies to deliver their overall objectives for public services, and as such should be approached as a positive opportunity to support good decision-making.

It encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people’s needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people’s opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve providing a service in a way which is appropriate for people who share a protected characteristic, such as providing computer training to all people to help them access information and services.

The Equality Act identifies nine 'protected characteristics' and makes it a legal requirement to make sure that people with these characteristics are protected from discrimination:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Applying the equality duty to engagement

If you are developing a new policy, strategy or programme you may need to carry out an Equality Impact Assessment. You may be able to ascertain the impact of your proposal on different characteristics through desk-based research and learning from similar programmes, but you also need to carry out some primary research and engagement. People with protected characteristics are often described as 'hard to reach' but you will find everyone can be reached – you just need to tailor your approach, so it is accessible for them.

Contacting the [Equality and Diversity mailbox](#) will help you to understand how you can gain insight as to the impacts of your proposals and will ensure that you help the Council to comply with the Equality Act 2010 and the Public Sector Equality Duty.

Section 1 – Details of the service, service change, decommissioning of the service, strategy, function or procedure

Proposal Title	Revised Draft Local Validation Checklists for Planning Applications
Date of Assessment	23/02/2024
Assessment Lead Officer Name	Robert Law
Directorate/Service	Place - Planning
Details of the service, service change, decommissioning of the service, strategy, function or procedure.	<p>The revised draft Local Validation Checklists set the local information requirements for the validation and registration of planning applications. These checklists ensure that the Council's Development Management section has the right level of information submitted with planning applications at the start of the process and helps to make sure that the information requested is proportionate to the type and scale of application being made. Validation checklists are primarily (although not exclusively) derived from policies established in the Council's Development Plan. The process of producing policies held in the Development Plan involves external examination of plans via the government's Planning Inspectorate and requires policies to be subject to integrated Strategic Environmental Assessment, which includes subjecting the policies to equality impact assessment (EqIA). Therefore, the policies that the Validation Checklist relates to have already been subject to EqIA previously.</p> <p>The National Planning Policy Framework (NPPF) advises that LPAs should publish a local list of their information requirements and keep them updated at least every 2 years. The statutory tests for local lists are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015.</p> <p>The Council has therefore prepared and updated its four draft validation checklists - householder, general, minerals and waste checklists alongside policy justification and a validation matrix for consultation. The checklists are also accompanied by a 'Planning Local Validation Checklists Guidance' document which</p>

	provides further information on what the Council expects from applicants when they prepare their planning application for submission.
Who is Affected?	The primary group that these changes affect, are those engaged in the planning system; specifically, applicants submitting proposals for development but more widely, those individuals and communities affected by development. Therefore, the extensive nature of this group inevitably includes people with protected characteristics. The validation checklist requires specific information to be submitted by applicants in order that officers may fully understand proposals and their impacts. Therefore the validation checklist itself is unlikely to have a direct impact on those with protected characteristics and is directly related to ensuring that adopted policies, already subject to EqIA, are able to be complied with successfully.
Links and impact on other services, strategies, functions or procedures.	<p>Planning applications often require consultation with other services within the Council, for example Highways, Environmental Protection, Education, Strategic Housing etc. The local validation checklists are aimed at improving the quality of planning submissions, improving decision making and providing greater efficiency in the Development Management service to the benefit of all service users. This includes securing information that other services may require for them to provide informed comments on planning applications relevant to their service area, strategy and function. The proposal supports the following in relation to the corporate plan:</p> <p>An open and enabling organisation - Priority: Support a sustainable financial future for the council, through service development, improvement and transformation.</p> <p>A council which empowers and cares about people - Priority: Work together with our residents and our partners to support people and communities to be strong and resilient.</p> <p>A thriving and sustainable place - Priority: Reduce impact on the environment; A transport network that is safe and promotes active travel; Thriving urban and rural economies with opportunities for all.</p>

How does the service, service change, strategy, function or procedure help the Council meet the requirements of the [Public Sector Equality Duty](#)?

The local validation checklists for planning applications are aimed at improving the quality of planning submissions, the Council's ability to successfully understand the impacts of development and therefore officer's ability to determine whether proposals are acceptable or not. The provision of full information related to a range of policy matters (for example - planting schemes for landscape proposals, junction design details for highway improvements) helps the council determine whether harmful impacts could arise and whether those harmful impacts may affect individuals with protected characteristics. For example, the submission of a health impact assessment (as required by the proposed validation checklist) can help the Council understand the potential health issues in an area proposed for development, the likely impacts of the development on those in the vicinity (additional air pollution from traffic for example) and the acceptable mitigation measures an applicant will be required to implement to avoid harmful impacts on the community, including on those with protected characteristics. Similarly, the submission of a design code or design statement can assist the Council to understand if and how a new space has been designed to be inclusive. If the submission has not considered how to make a space inclusive, it may be refused. On that basis, the approach helps secure better and fuller information to enable the council to avoid:

- unlawful discrimination, harassment, and victimisation
- undermining equality of opportunity between people who share a protected characteristic and those who do not
- undermining good relations between people who share a protected characteristic and those who do not

Section 2- Information – What do you know?

What do you know?	What information (qualitative and quantitative) and/or research have you used to commission/change/decommission the service, strategy, function, or procedure?
Information you used	The Local Validation Checklists have been drafted and informed by the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 and policies contained within the Development Plan. The requirements of national policy and legislation exist as separate requirements to the Council’s Development Plan, and are subject to EqIA themselves. The Council’s Development Plan establishes local policies that either brings these requirements into effect, or provides a localised approach to national issues, and is the primary policy source for the information requirements set out in the Validation Checklist. The Development Plan comprises of the Cheshire East Local Plan Strategy (CELPS) and Site Allocations and Development Policies Document, which have been subject of their own equality impact assessments. Other information includes specialist supplementary planning documents, the Cheshire Minerals and Waste Local Plans and general information regarding the validation of planning applications.
Gaps in your Information	None identified

3. What did people tell you?

What did people tell you	What consultation and engagement activities have you already undertaken and what did people tell you? Is there any feedback from other local and/or external regional/national consultations that could be included in your assessment?
Details and dates of the consultation/s and/or	Public consultation on the local validation lists will take place for a period four weeks in accordance with the Council’s adopted Statement of Community Involvement. Consultation is currently underway during February and March 2024. Consultation includes focused communication to the public, town and parish councils, statutory consultees, planning agents, elected members and consultees who have registered on the strategic planning database plus general promotion on the Council’s website. No specific engagement with stakeholders that represent protected characteristics are planned however, the strategic planning database includes

engagement activities	known organisations that represent specific protected characteristics across most groups identified in the legislation, that are active in the area. Consultation is mainly undertaken digitally through an online system that allows interested parties to comment on specific sections of the documents most relevant to their interests, or to provide general comments accordingly.
Gaps in consultation and engagement feedback	None.

4. Review of information, consultation feedback and equality analysis

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of information used to inform the proposal	What did people tell you? Summary of customer and/or staff feedback	What does this mean? Impacts identified from the information and feedback (actual and potential). These can be either positive, negative or have no impact.
Age	No anticipated negative impacts have been identified at this stage	None, consultation ongoing.	Only insofar as the use of ICT digital methods and web-based information can exclude those who are not able or cannot use ICT. However, this could be made available to view in any of the Council's offices by request. Public consultation is ongoing and may raise issues officers are not currently aware of.
Disability	No anticipated negative impacts have been identified at this stage	None, consultation ongoing.	Only insofar as the use of ICT digital methods and web-based information can exclude those who are not able or cannot use ICT. However, this could be made available to view in any of the Council's offices by request. Public consultation is ongoing and may raise issues officers are not currently aware of.

Gender reassignment	No anticipated negative impacts have been identified at this stage	None, consultation ongoing.	No impacts are identified at this stage in relation to any of the specific characteristics. However, public consultation is ongoing and may raise issues officers are not currently aware of.
Pregnancy and maternity	No anticipated negative impacts have been identified at this stage	None, consultation ongoing.	No impacts are identified at this stage in relation to any of the specific characteristics. However, public consultation is ongoing and may raise issues officers are not currently aware of.
Race/ethnicity	No anticipated negative impacts have been identified at this stage	None, consultation ongoing.	No impacts are identified at this stage in relation to any of the specific characteristics. However, public consultation is ongoing and may raise issues officers are not currently aware of.
Religion or belief	No anticipated negative impacts have been identified at this stage	None, consultation ongoing.	No impacts are identified at this stage in relation to any of the specific characteristics. However, public consultation is ongoing and may raise issues officers are not currently aware of.
Sex	No anticipated negative impacts have been identified at this stage	None, consultation ongoing.	No impacts are identified at this stage in relation to any of the specific characteristics. However, public consultation is ongoing and may raise issues officers are not currently aware of.

Sexual orientation	No anticipated negative impacts have been identified at this stage	None, consultation ongoing.	No impacts are identified at this stage in relation to any of the specific characteristics. However, public consultation is ongoing and may raise issues officers are not currently aware of.
Marriage and civil partnership	No anticipated negative impacts have been identified at this stage	None, consultation ongoing.	No impacts are identified at this stage in relation to any of the specific characteristics. However, public consultation is ongoing and may raise issues officers are not currently aware of.

5. Justification, Mitigation and Actions

Mitigation	What can you do? Actions to mitigate any negative impacts or further enhance positive impacts
<p>Please provide justification for the proposal if negative impacts have been identified? Are there any actions that could be undertaken to mitigate, reduce or remove negative impacts?</p> <p>Have all available options been explored? Please include details of alternative options and why they couldn't be considered?</p> <p>Please include details of how positive impacts could be further enhanced, if possible?</p>	No negative impacts have been identified at this stage.


6. Monitoring and Review -

Monitoring and review	How will the impact of the service, service change, decommissioning of the service, strategy, function or procedure be monitored? How will actions to mitigate negative impacts be monitored? Date for review of the EIA
Details of monitoring activities	The local validation checklists and its associated Equality Impact Assessment will be reviewed and updated on a bi-annual basis in accordance with the requirements of paragraph 44 of the National Planning Policy Framework (NPPF). This will include a review of ongoing feedback from service users and observations on the quality of planning application submissions following adoption of the local validation checklists. Improvements in service should result in improvements for all service users including groups with protected characteristics. Any negative impacts in respect of groups with protected characteristics can be reviewed and actioned on an ongoing basis.
Date and responsible officer for the review of the EIA	February 2024 – Robert Law

7. Sign Off

When you have completed your EIA, it should be sent to the [Equality, Diversity and Inclusion Mailbox](#) for review. If your EIA is approved, it must then be signed off by a senior manager within your Department (Head of Service or above).

Once the EIA has been signed off, please forward a copy to the Equality, Diversity and Inclusion Officer to be published on the website. For Transparency, we are committed to publishing all Equality Impact Assessments relating to public engagement.

Name	David Malcolm
Signature	
Date	29.02.2024

8. Help and Support

For support and advice please contact EqualityandInclusion@cheshireeast.gov.uk