

# Benenden Neighbourhood Development Plan 2020 – 2036



## Equalities Impact Assessment

Regulation 15 Submission

## IA4 BNDP Equalities Impact Assessment

### Introduction

This document has been prepared as part of the Benenden Neighbourhood Development Plan (BNDP). It demonstrates how the plan meets part of the Basic Conditions required by the Neighbourhood Planning Regulations 2012. In particular this document demonstrates how the BNDP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

### Benenden Profile

**Table 1: Benenden Profile**

Characteristic	Benenden Parish	Kent	UK
Age	16.6% aged 65 and over	17.9% aged 65 and over	16.4% aged 65 and over
Gender	40.4% male 59.6% female	48.9% male 51.1% female	49.2% male 50.8% female
<i>Note: Benenden data is impacted by Benenden Girl's School (some 450 children)</i>			
Disability	23.8% live in a household with a person with a long-term health problem or disability	25.6% live in a household with a person with a long-term health problem or disability	25.7% live in a household with a person with a long-term health problem or disability
Race	9.7% Black, Asian, Minority Ethnic groups (groups other than White, British)	10.9% Black, Asian, Minority Ethnic groups	20.2% Black, Asian, Minority Ethnic groups
Religion or Belief	67.6% Christian, 21.1% no religion	62.5% Christian, 26.8% no religion	59.4% Christian 24.7% no religion
Sexual Orientation	0.1% registered in same-sex partnership	0.2% registered in same-sex partnership	0.2% registered in same-sex partnership
Gender Re-assignment	No data available		
Pregnancy and Maternity	No data available		
Income deprivation	2.6% never worked / long term unemployed	4.4% never worked / long term unemployed	6.5% never worked / long term unemployed

*Data sourced from 2011 Census Local Area Reports*

### Conformity with the Equality Act 2010

The Equality Act 2010 is the main anti-discrimination legislation within UK law. It set out a duty for public bodies to consider how their actions, decisions and policies might impact on differing groups of people, and in particular those with 'protected characteristics' under the

## IA4 BNDP Equalities Impact Assessment

Equality Act. These include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The BNDP also undertook an assessment against those within lower income groups; a particular focus of feedback from the parish during consultation.

**Table 2: BNDP Conformity with Equality Act Objectives**

<b>Equality Act Aim</b>	<b>Details</b>
Eliminate Unlawful Discrimination	The Plan aims to ensure the sustainable development of Benenden Parish for the next 15 years. The promotion of balance and inclusive communities that benefit all is integral to achieving this. The policies set out within the BNDP guide development and promote opportunities; for example, they include policies for the allocation of housing sites to meet need, provide protection for existing employment sites and support local businesses to boost and support the economy, as well as protecting and enhancing the natural and built environment.
Advance Equality of Opportunity	The BNDP aims to promote balanced, inclusive and sustainable communities that benefit all. Many of the policies within the Plan will benefit the wider community in Benenden Parish and not specifically those with protected characteristics, either positively or negatively. However, some policies will have the potential for some direct or indirect impact on equalities issues, such as housing affordability.
Foster Good Relations	The Plan and policies set out within it are inclusive and aim to foster good relations with those within the protected characteristics classifications.

The BNDP aims to create benefits for everyone who lives, works, shops, or spends leisure time in the parish. This will be achieved by developing new and better housing, particularly affordable housing and smaller housing, preserving and enhancing the prospects for local employment development, preserving and improving health, social, community and leisure facilities, improving access to local services and facilities, and preserving and enhancing the quality of the environment. It is no longer a legal requirement for public bodies to produce an Equality Impact Assessment to cover every policy document or project. However, this assessment demonstrates that the BNDP does not have adverse equalities impacts and that it conforms to the requirements of the Basic Conditions for Neighbourhood Plans.

## IA4 BNDP Equalities Impact Assessment

Table 3: BNDP Policies vs Protected Characteristics: Equalities Impact Assessment

Chapter and Policy		Assessed impact on Protected / Relevant Characteristics								Explanation / Assessed impact on those with Protected / Relevant Characteristics
Landscape and Green Environment: Policy Number / Name		Age	Sex	Disability	Religion or Belief	Sexual Orientation	Gender reassignment	Pregnancy & Maternity	Income deprivation	
LE1	Protect and Enhance the Countryside	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	LE1 seeks to protect higher quality countryside from inappropriate development. Neutral impact.
LE2	Special Views	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	LE2 seeks to protect the most valued Views. Neutral impact.
LE3	Local Green Spaces	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	LE3 seeks to protect the most valued Green Spaces. Neutral impact
LE4	Public Rights of Way	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Positive	LE4 seeks to secure existing PRoW, and increase pedestrian / cycle access. Positive impact on those more likely to walk / cycle to shop / work / socialise (older, accessibility constraints, lower income).
LE5	Trees, Woodland and Hedgerow	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	LE5 seeks to sustain existing woodlands, hedgerows and trees. Neutral impact
LE6	Ecological and Arboricultural Site Surveys	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	LE6 seeks to secure valued environmental features. Neutral impact.
LE7	Protection of Habitats	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	LE7 seeks to protect valued environmental habitats. Neutral impact
LE8	Ongoing Environmental Maintenance	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	LE8 seeks to secure ongoing maintenance within new housing developments. Neutral impact.
LE9	Features to encourage Wildlife	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	LE9 seeks to encourage increased wildlife levels and diversity within new housing developments. Neutral impact
LE10	Sustainable Drainage	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	LE10 seeks to ensure that water courses and drainage are protected. Neutral impact

## IA4 BNDP Equalities Impact Assessment

Housing Supply: Policy Number / Name		Age	Sex	Disability	Religion or Belief	Sexual Orientation	Gender reassignment	Pregnancy & Maternity	Income deprivation	Explanation / Assessed impact on those with Protected / Relevant Characteristics
HS1	Site Allocation and Number of New Dwellings	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Positive	HS1 seeks to allocate Benenden's assessed housing demand over the plan period. The sites allocated specifically promote development with services and facilities. Positive impact on groups with specific housing needs (older, accessibility constraints, housing poverty).
HS2	Delivering a Balanced Community	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Positive	HS2 seeks to ensure a mixed supply of housing to meet the community needs aligned to national policy. Positive impact on groups with specific housing needs (older, accessibility constraints, housing poverty).
HS3	Almshouses	Positive	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Positive	HS3 seeks to ensure provision of affordable housing in perpetuity. Positive impact on groups with specific housing needs (older, housing poverty).
HS4	Live/Work sites	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	HS4 seeks to manage provision of Live/work units. Neutral impact.
HS5	Windfall Sites	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	HS5 seeks to enable appropriate smaller-scale housing development. Neutral impact.
HS6	Housing Density	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	HS6 seeks to maintain the distinctive character of the community. Neutral impact.
SSP1	Site 277	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Positive	SSP1 seeks to provide new housing, with a specific focus on affordable housing close to the village centre. Positive impact on groups with specific housing needs (older, accessibility constraints, housing poverty).

IA4 BNDP Equalities Impact Assessment

SSP2	Site LS16	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	SSP2 seeks to provide new housing development, with a housing mix to meet community needs. Neutral impact.
SSP3	Sites 424 and LS40b	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Positive	SSP3 seeks to provide new housing development with associated services and facilities to meet local housing need. Positive impact on groups with specific housing needs (housing poverty).
SSP4	Site LS41	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Positive	SSP4 seeks to provide new housing development with associated services and facilities to meet local housing need. Positive impact on groups with specific housing needs (housing poverty).
<b>Built Environment: Policy Number / Name</b>		<b>Age</b>	<b>Sex</b>	<b>Disability</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>	<b>Gender reassignment</b>	<b>Pregnancy &amp; Maternity</b>	<b>Income deprivation</b>	<b>Explanation / Assessed impact on those with Protected / Relevant Characteristics</b>
BD1	General Design policy	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	BD1 seeks to ensure new development enhances the distinctive characteristics of the parish. Neutral impact.
BD2	General Appearance	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	BD2 seeks to ensure new development enhances the distinctive characteristics of the parish. Neutral impact.
BD3	Layout	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	BD3 seeks to ensure that new housing developments blend in and enhance the distinctive characteristics of the parish. Neutral impact.
BD4	Landscaping	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	BD4 seeks to ensure that appropriate landscaping is incorporated in new housing developments to blend in and enhance the distinctive characteristics of the parish. Neutral impact.

## IA4 BNDP Equalities Impact Assessment

BD5	Dark Skies	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	BD4 seeks to ensure Benenden's valued Dark Skies, a distinctive feature of the parish, are maintained. Neutral impact.
BD6	Parking	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Positive	BD6 seeks to ensure that adequate parking is provided given the remote nature of the parish. Positive impact on groups most impacted by transport problems (older, accessibility constraints, low incomes).
BD7	Footways	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Positive	BD7 seeks to enhance pedestrian access to / from village centres, and designed to reflect the rural nature of the community. Positive impact on groups most impacted by transport problems (older, accessibility constraints, low incomes).
BD8	Materials and Technology	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	BD1 seeks to ensure new development enhances the distinctive characteristics of the parish. Neutral impact.
<b>Business and the Local Economy: Policy Number / Name</b>		<b>Age</b>	<b>Sex</b>	<b>Disability</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>	<b>Gender reassignment</b>	<b>Pregnancy &amp; Maternity</b>	<b>Income deprivation</b>	<b>Explanation / Assessed impact on those with Protected / Relevant Characteristics</b>
BE1	Rural Industries	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Positive	BD1 seeks to promote and protect rural industries within the parish. Positive impact on those with rural employment (often lower income).
BE2	Major Employers	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Positive	BD2 seeks to promote and protect existing employment within the parish. Positive impact on those with limited means to travel to work (often lower income).
BE3	Retaining Existing Commercial Areas	Positive	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Positive	BD3 seeks to promote and protect existing commercial enterprises within the parish. Positive impact on those with limited means or ability to travel

## IA4 BNDP Equalities Impact Assessment

										to shop (older, accessibility constraints, often lower income).
BE4	Shops and Public houses	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Neutral	BD4 seeks to promote and protect existing commercial enterprises within the parish. Positive impact on those with limited means or ability to travel to shop (older, accessibility constraints, often lower income).
BE5	Community Facilities	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Positive	BD4 seeks to promote and protect existing community facilities. Positive impact on those with limited means or ability to travel to shop (older, accessibility constraints, often lower income).
BE6	Redevelopment of Redundant Buildings	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	BD6 seeks to encourage retention of redundant non-residential buildings for commercial, community or employment uses. Neutral impact.
BE7	Encouraging the Right Future Businesses	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Positive	BD7 seeks to support new commercial enterprises and other employment opportunities within the parish. Positive impact on those seeking employment (often lower income).
<b>Transport and Infrastructure: Policy Number / Name</b>		<b>Age</b>	<b>Sex</b>	<b>Disability</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>	<b>Gender reassignment</b>	<b>Pregnancy &amp; Maternity</b>	<b>Income deprivation</b>	<b>Explanation / Assessed impact on those with Protected / Relevant Characteristics</b>
T1	Car-free Connectivity	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Positive	T1 seeks to improve access to community facilities for pedestrians and cyclists. Positive impact on those with limited means or ability to travel to shop, work or socialise (older, accessibility constraints, often lower income).
T2	Improving Road Safety	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Neutral	T2 seeks to ensure that new development in the parish maintains or improves accessibility across the parish



IA4 BNDP Equalities Impact Assessment

										for pedestrians and cyclists. Positive impact on those with limited means or ability to travel to shop, work or socialise (older, accessibility constraints, often lower income).
T3	Community Cohesion and Recreation Facilities	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	T3 seeks to ensure that new development is secured alongside investment in facilities designed to build a strong, supportive and diverse community. Neutral assessment appears prudent until parish projects are secured and funded.
T4	Renewable Energy and Low Emission Technology	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Neutral	T4 seeks to maintain or improve the environmental contribution from the parish, and in particular to maintain / improve air quality. Positive impact on those particularly at risk from pollution (often older, accessibility constraints).
T5	Infrastructure, Broadband and Mobile	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Positive	T5 seeks to improve internet and mobile access across Benenden. Positive impact, particular on those with a need to shop or work remotely (older, accessibility constraints, lower income).

## IA4 BNDP Equalities Impact Assessment

### Conformity with Human Rights Act 1998

The Human Rights Act 1998 sets out the fundamental rights and freedoms to which everyone in the UK is entitled. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000.

The Human Rights Acts sets out particular freedoms:

- Article 2: Right to life
- Article 3: Freedom from torture and inhuman or degrading treatment
- Article 4: Freedom from slavery and forced labour
- Article 5: Right to liberty and security
- Article 6: Right to a fair trial
- Article 7: No punishment without law
- Article 8: Respect for your private and family life, home and correspondence
- Article 9: Freedom of thought, belief and religion
- Article 10: Freedom of expression
- Article 11: Freedom of assembly and association
- Article 12: Right to marry and start a family
- Article 14: Protection from discrimination in respect of these rights and freedoms
- Protocol 1, Article 1: Right to peaceful enjoyment of your property
- Protocol 1, Article 2: Right to education
- Protocol 1, Article 3: Right to participate in free elections
- Protocol 13, Article 1: Abolition of the death penalty

The BNDP is considered to be less relevant to the 'greyed-out' items above. Articles 8, 9, and 14 have significant overlap with the areas covered by the Equalities Act 2010, and are considered to be covered by Table 2 above.

Article 10: Freedom of Expression: Article 10 protects individuals right to hold their own opinions and to express them freely without government interference. It also protects individual freedom to receive information from other people by, for example, being part of an audience or reading a magazine.

Local community involvement is a key feature of Neighbourhood Planning. For Benenden this involvement is detailed in the Consultation Statement accompanying this Plan, but it includes:

- face to face workshops with parishioners;
- presentations at parish-wide meetings;
- formal regular feedback to the Parish Council;
- articles in the Parish Magazine by the BNDP team, and other parishioners;
- meetings with local businesses, landowners, and lobby groups;
- a website and ad-hoc email update;
- early informal consultation on a "Rough Draft" with parishioners and stakeholders;
- formal consultation as part of the Regulation 14 plan submissions.

The Consultation Statement also provides evidence of the changes made to the BNDP as a result of feedback from informal and formal consultations.

## IA4 BNDP Equalities Impact Assessment

The BNDP has been prepared with significant involvement from the local community, and volunteers from across the Parish. Parishioners and other stakeholders have been asked to express their views, have been provided with information about the process and the emerging Plan, and in many have actively engaged with development of the BNDP.

Protocol 1, Article 1: Peaceful Enjoyment of your Property: A public authority cannot take away an individual's property (land, houses, objects etc), or place restrictions on its use, without very good reason. They must strike a fair balance between individual interests as a property owner and the general interests of society as a whole.

The planning guidance as set-out by local and national government provide a framework for balancing the individual interests of property owners within the parish against the wider needs of society for housing and development.

The BNDP team have worked with guidance and support from TWBC, and the approach taken is aligned to national planning guidance and policies as set-out in the National Planning Policy Framework. For example, each individual site put forward for development has been assessed against a standard framework developed by TWBC, with similar rigour for candidate Green Spaces. Feedback from land and homeowners, local businesses and residents have been taken into account in shaping the BNDP.

### Conclusion

The BNDP has been prepared to balance the responsibility to plan positively for sustainable development, to meet Benenden's assessed housing needs as set out by TWBC (the Local Planning Authority), while protecting and enhancing the local natural and built environment. The team has attempted to ensure high levels of local engagement and consultation, alongside taking care to identify opportunities to meet the needs and aspirations of all groups within the local community. The Parish Council believes that the BNDP has regard to the fundamental rights and freedoms under the European Convention on Human Rights and the Human Rights Act.