



## Draft Section 106 Planning Obligations/ Community Infrastructure Levy

### Supplementary Planning Document

#### Initial Equalities Analysis: Stage 1

No.	Title
Appendix A	Draft Section 106 Planning Obligations and Community Infrastructure Levy SPD (available with the report)
Appendix B	The consultation plan (available on the website)
Appendix C	Draft equalities analysis (available on the website)
Appendix D	Strategic Environmental Assessment Screening Report and Statement of Reasons (available on the website)

December 2013

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## Section 1: Equality analysis details

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<b>Proposed policy/decision/business plan to which this equality analysis relates</b>	Draft Section 106 Planning Obligations/Community Infrastructure Levy Supplementary Planning Document
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<b>Department</b>	Chief Executive	<b>Division</b>	Planning Policy		
<b>Period analysis undertaken</b>	November 2013				
<b>Date of review (if applicable)</b>	Tbc. A review will take place at the time when the Draft SPD is taken to Cabinet for formal adoption				
<b>Sign-off</b>	Tim Cutts	<b>Position</b>	Planning Policy Team Leader	<b>Date</b>	November 2013

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## Section 2: Brief description of policy/decision/business plan

### 1.1 Brief description of policy/decision/business plan

The draft Section 106 Planning Obligations/Community Infrastructure Levy SPD (“draft SPD”) is a key document within Southwark’s Local Plan. This is a group of local planning documents which set out policies for the future development of the borough and to manage change. Together these local plans work alongside the Mayor’s London Plan policies and the National Planning Policy Framework (NPPF).

The purpose of the draft SPD is to provide added details and explanation of the council’s policies on planning obligations and of the procedure for agreeing planning obligations. It also provides information on the relationship between section 106 planning obligations and the Community Infrastructure Levy (CIL). The council will be consulting on a revised draft CIL Charging Schedule, setting out proposed CIL rates. A separate equalities analysis has been prepared for CIL.

Planning obligations are used as part of the planning application process to address specific planning issues and impacts arising from a development proposal. 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 conditions or, where this is not possible, through **planning obligations**. They are normally agreed between the Council, land owners and developers in a legal agreement called a Section 106 agreement.

The SPD does not create new policy, but rather will be used to implement a number of existing policies and guidance in the Core Strategy (2011), Canada Water Area Action Plan (2012), Draft Peckham and Nunhead Area Action Plan (2012), Aylesbury Area Action Plan (2009) and Affordable Housing SPD (2008) and draft Affordable Housing SPD (2011).

Guidance on how Southwark will negotiate the most common section 106 planning obligations is set out in the draft SPD. This includes the following areas:

- Affordable housing provision
- Archaeology: Works and payments towards the Southwark’s archaeology service
- Carbon offset: Green fund
- Children’s play space
- Employment and Enterprise: Jobs during construction and final development
- Employment and enterprise: General and end-user phase: skills, training and employment
- Employment and enterprise: Loss of employment floorspace
- Employment and enterprise: Other obligations
- Outdoor amenity space
- Public Realm measures
- Student Housing: University nomination schemes
- Transport measures: Site specific

- Wheelchair accessible housing: Offset fund

The SPD provides detailed guidance on the use of section 106 planning obligations alongside the community infrastructure levy. When adopted, it will replace Southwark's adopted Section 106 Planning Obligations SPD (2007).

This equalities analysis supports the report to Cabinet on 10 December 2013 which requests approval for public consultation on the draft SPD.

**Section 3: Overview of service users and key stakeholders consulted**

<b>2. Service users and stakeholders</b>	
<b>Key users of the department or service</b>	<p>Planning is a statutory function carried out by local authorities. The development of planning policies and the impacts of planning decisions can affect everyone with an interest in land in the borough. The document will be of most relevance to the following stakeholders</p> <ul style="list-style-type: none"> <li>• Council departments assessing a planning application or negotiating, enforcing or implementing planning obligations; and</li> <li>• Developers (and their clients), landowners and those acting on their behalf (e.g. architects and planning agents) and members of the public who will be submitting or commenting on a planning application for a site in Southwark;</li> <li>• Current and future residents who will benefit from the new provision of and improvements to infrastructure and other facilities that are funded by developer contributions or provided directly by developers, as a result of successful Section 106 negotiations and CIL.</li> </ul>
<b>Key stakeholders were/are involved in this policy/decision/business plan</b>	<p>The key stakeholders involved in the preparation of the draft SPD include:</p> <p>Cabinet Member for Regeneration and Corporate Strategy Southwark Councillors, Council services including Planning and Transport, Strategy and Partnerships, Property, Arts and Culture, Highways, Regeneration, Parks, Environment, Housing, Corporate Finance and external stakeholders including Southwark &amp; Lambeth NHS.</p> <p>The Planning Policy team have received corporate equalities training and equalities analysis report writing training. A number of the service deliverers within the Council will also have received corporate equalities training.</p>

**Section 4: Pre-implementation equality analysis**

This section considers the potential impact (positive and negative) of the proposal on the key 'protected characteristics' in the Equality Act 2010 and Human Rights Act.

Before assessing the impact of the draft SPD on key protected characteristics, it is important to understand the demographic context of the borough.

- The Census 2011 states that there are 288,283 Southwark residents.
- Southwark has a high population density of 99.9 persons per hectare, compared to 52 persons per hectare across London as a whole.
- Job density is also very high, given that Southwark is a central London borough. It is approximately 1.16. This is the numbers of jobs per resident of working age. For example, a job density of 1.0 would mean that there is one job for every resident of working age.
- 50.5% of Southwark's population is female.
- In terms of marital and civil partnership status, Southwark has a relatively high percentage of single persons (54.7%) compared to London 44.1% (16 years and over). There are 28.5% married couples and 0.9% are in a registered same sex civil partnership.
- Of those persons who receive an out of work benefit, 5% of those residents in receive a disability benefit.
- Southwark is a very diverse borough with over 60% of residents coming from backgrounds other than White British. Black and Minority Ethnic (BME) communities constitute almost 46% of Southwark's population according to the 2011 Census.
- Although there are currently a high proportion of residents under the age of 44, it is estimated that the greatest proportional increase in the population by 2026 will be in residents aged between 45 and 64 years.
- In 2010 Southwark was ranked the 41st most deprived Local Authority in England and the 12th most deprived in London.
- The general unemployment rate (8.6%) and the proportion of Southwark residents on out-of-work benefits are also higher than the national average.

The primary aim of the draft SPD is to support the delivery of sufficient and accessible infrastructure and other necessary provisions to accommodate development sustainably in a very densely populated and diverse borough. High population and employment densities place pressure on infrastructure and other public facilities, which will increase with each new development.

The SPD also aims to help deliver the policies and objectives of the Core Strategy and other local plans, and to promote development that is sustainable in economic, social and environmental terms.

The draft SPD itself does not have a direct impact on any groups with protected characteristics. By providing guidance about contributions towards and direct provision of infrastructure, the draft SPD aims to ensure that development is supported by new and improved infrastructure facilities that are designed to be inclusive – that is, sufficiently flexible and adaptable to meet the current needs and future demands of the borough's diverse residents, visitors and workers.

**Age** - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

**Potential impacts (positive and negative) of proposed policy/decision/business plan**

Positive impact

With unemployment levels in the borough above the national and London averages, particularly amongst the 16-24 year olds, the draft SPD addresses age issues by securing contributions towards training and employment opportunities, particularly important in the borough. This works alongside other Local Plan policies and the Economic Well-Being Strategy which support the employment and enterprise role of the borough and safeguarding land for particular employment uses (office and industrial).

Additionally, obligations secured for on-site children's play space and amenity space address the health and well-being across all age groups.

Contributions from developments for transport and public realm measures through securing site specific measures will help to improve the access to a new development, by delivering, for example new pedestrian crossings, cycleways, and car clubs, improved street lighting, tree planting, green chains, urban parks, surrounding footways and streetscape, community safety initiatives, public art, landscaping, wildlife habitats.

These measures will positively benefit all age groups.

**Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

**Mitigating actions to be taken**

The above analysis highlights that the draft SPD will largely give rise to a positive impact.

**Disability** - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Positive impact

The draft SPD is seeking to improve the quality of the built environment for all, by securing contributions towards the public realm from new development that will address permeability and continuity of movement, improve links between communities and improve access and connectivity within places. It will be a requirement that this is DDA

<p>compliant and delivered to highest standards for all in the community.</p> <p>In addition, the draft SPD will secure contributions towards site specific highway works and transport measures to help improve the access to a new development. Travel plans will also be required for all applications to demonstrate how impacts will be overcome.</p> <p>There is also a requirement for a financial contribution to be made where development schemes cannot meet the 10% on-site wheelchair accessible housing policy requirement. A commuted sum will be sought, which will be spent in partnership with Southwark's Adult Social Care team to fund projects for existing housing adaptations for people being housed in the community.</p>
<p><b>Equality information on which above analysis is based</b></p>
<p>This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise. We know that those people with disabilities can find forms of consultation and communication difficult to understand.</p>
<p><b>Mitigating actions to be taken</b></p>
<p>The above analysis highlights that the draft SPD will largely give rise to positive impacts. We will ensure that any communication or consultation on the draft SPD is accessible to people with disabilities.</p>

<p><b>Gender reassignment</b> - The process of transitioning from one gender to another.</p>
<p><b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b></p>
<p>Positive impact</p> <p>The adoption of the draft SPD and the implementation of the planning obligations will help to encourage and maintain balanced and mixed communities that support the needs of all groups in society. Over the long term it should also help to improve community safety and community cohesion and encourage more mixed housing provision, which has a positive impact.</p>
<p><b>Equality information on which above analysis is based.</b></p>
<p>This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.</p>
<p><b>Mitigating actions to be taken</b></p>
<p>The above analysis highlights that the implementation of the draft SPD will largely give rise to positive impacts. No specific impacts have been identified that would affect people differently as a result of their gender reassignment.</p>

**Marriage and civil partnership** - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination).**

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Positive impact

The adoption of the SPD and the implementation of the planning obligations will help to encourage and maintain balanced and mixed communities that support the needs of all groups in society. Over the long term it should also help to improve community safety and community cohesion and encourage more mixed housing provision, which has a positive impact.

**Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

**Mitigating actions to be taken**

The above analysis highlights that the implementation of the draft SPD will largely give rise to positive impacts. No specific impacts have been identified that would affect people differently as a result of their marriage or civil partnership.

**Pregnancy and maternity** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Positive impact

The draft SPD is seeking to improve the quality of the built environment for all, by securing contributions towards the public realm from new development that will address permeability and continuity of movement, improve links between communities and improve access and connectivity within places. This may result in a positive impact for pregnant women who may find it more difficult to walk and travel in later stages of pregnancy.



**Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

**Mitigating actions to be taken**

The above analysis highlights that the implementation of the draft SPD will largely give rise to positive impacts.

**Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Positive impact

Unemployment levels are generally higher across the borough for Black and Ethnic Minority (BME) communities. The draft SPD will help to ensure that skills, training and employment opportunities are provided. All of this offers the potential for BME communities to become more involved and empowered in the workplace and help to reduce levels of economic deprivation in the borough.

Furthermore, evidence from the 2011 Census shows that BME residents are more likely to be in need of affordable housing and are amongst households with issues of overcrowding. The draft SPD is the negotiating mechanism for affordable housing and will continue to be so beyond the introduction of CIL in 2014. It therefore plays an essential part in sustainable communities and community cohesion.

**Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise. Information from the 2011 Census has also been reviewed.

**Mitigating actions to be taken**

The above analysis highlights that the implementation of the draft SPD will largely give rise to positive impacts. No specific impacts have been identified that would affect people differently as a result of their race.

We will ensure there is adequate consultation with BME groups regarding the draft SPD. Accessibility to translation services will be available if required.

**Religion and belief** - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Positive impacts

The draft SPD planning obligations will help to improve the borough for all local residents in seeking to provide a sustainable place to live, work and play for all communities and equality strands. It does not directly address religious belief, as the objective is to improve quality of life for all of the borough's existing and future residents.

**Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

**Mitigating actions to be taken**

The above analysis highlights that the implementation of the draft SPD will largely give rise to positive impacts.

**Sex** - A man or a woman.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Positive impacts

There are relatively high levels of unemployment and economic inactivity amongst women and men across the borough. The draft SPD will ensure that skills, training and employment opportunities are provided through new development. This will offer the potential for women and men to become more involved and empowered in the workplace, and help to reduce levels of economic deprivation in the borough.

**Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

**Mitigating actions to be taken**

The above analysis highlights that the implementation of the draft SPD will largely give rise to positive impacts.

**Sexual orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Positive impacts

The draft SPD planning obligations will help to improve the borough for all local residents in seeking to provide a sustainable place to live, work and play for all communities and equality strands. It does not directly address sexual orientation, as the objective is to improve quality of life for all of the borough's existing and future residents.

The adoption of the draft SPD will help to encourage and maintain balanced and mixed communities that support the needs of all groups in society.

**Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

**Mitigating actions to be taken**

The above analysis highlights that the implementation of the draft SPD will largely give rise to positive impacts.

**Human Rights**

There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Positive impact

**Information on which above analysis is based**

Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (ECHR). Various Convention rights may be engaged in the process of making and considering the Article 4 Direction, including under Articles 1 and 8 of the First Protocol. The European Court has recognised that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”. Both public and private interests are to be taken into account in the exercise of the council’s powers and duties as a local planning authority. Any interference with a Convention Right must be necessary and proportionate.

**Mitigating actions to be taken**

N/A

**Section 5: Further actions and objectives**

5. Further actions			
Based on the initial analysis above, please detail the key areas identified as requiring more detailed analysis or key mitigating actions.			
Number	Description of Issue	Action	Timeframe
1	Ensure that the local community, key stakeholders and developers are consulted on the draft SPD, as required by the Statement of Community Involvement, and that the SPD is adopted within the shortest possible timeframes by the council to ensure section 106 planning obligations can be appropriately secured (upon adoption of the borough CIL) from developments in the context of national and regional government policy.	Undertake consultation with the local community, key stakeholders and developers during December 2013 – February 2014 to ensure that comments on the guidance is taken into account in the finalisation of the SPD.  Ensure appropriate forms of consultation to reflect the diversity of the borough and in the 10 target equalities groups identified in this report.	Confirm the start of the consultation period in December 2013 following Cabinet approval of the content of the draft SPD.  Update draft SPD to reflect representations received during consultation period.  Cabinet approval of final SPD in mid 2013
2	Ensure any changes made to the SPD following consultation are assessed for potential equality impacts.	Update the Equalities Analysis to reflect any key changes made to the draft SPD following consultation.	Updated Equalities Analysis to be prepared ahead of final SPD progressing to Cabinet in mid 2014

