

EQUALITY ANALYSIS

Draft Charging Schedule

Community Infrastructure Levy

February 2013

No.	Title
Appendix A	Community infrastructure levy (CIL) draft charging schedule (available with the report)
Appendix B	Draft Regulation 123 list (available with the report)
Appendix C	Infrastructure Plan (available on the website)
Appendix D	Equalities Analysis (available on the website)
Appendix E	Consultation Plan (available on the website)
Appendix F	Consultation Report (available on the website)

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates	London Borough of Southwark Draft Community Infrastructure Levy Charging Schedule (February 2013)
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Equality analysis author	Michael Glasgow				
Strategic Director:	Eleanor Kelly, Chief Executive				
Department	Chief Executive	Division	Planning		
Period analysis undertaken	June 2012– February 2013				
Date of review (if applicable)	Published in July 2012 and reviewed in January 2013				
Sign-off		Position		Date	February 2013

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

1.1 Brief description of policy/decision/business plan

Community Infrastructure Levy

The Planning Act 2008 empowered local authorities to introduce a Community Infrastructure Levy (CIL) and in April 2010, the Government introduced the CIL Regulations. CIL is a charge that is levied on new developments in order to raise money to help fund infrastructure that is required to support growth and to create sustainable communities. The introduction of a CIL would largely replace the use of s106 planning obligations; currently the main mechanism for funding new and improved infrastructure through planning. The intention is that CIL will be a simpler, fairer, more transparent and more predictable system. The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) set out the framework and statutory requirements for local authorities who intend to introduce a CIL.

Under the CIL Regulations (2010) (as amended), the amount of CIL to be paid has to be explained in a formal document called a **Charging Schedule**. The Charging Schedule must set out the level of charge that is to be levied for different types of development, in different parts of the local authority area. The CIL charges must be expressed as a rate per square metre of development and an explanation is required to set out how to calculate the level of CIL required for each scheme.

In accordance with the CIL Regulations 2010 (as amended), two rounds of consultation need to be carried out prior to the borough-wide CIL Charging Schedule being adopted. We consulted on our preliminary draft CIL Charging Schedule in July – October 2012 and received 39 representations in total. We are now at the second round of consultation, on our Draft CIL Charging Schedule.

The Draft CIL Charging Schedule identifies four discrete charging zones in which different CIL charges will apply depending on the type of development that is being proposed. The CIL Regulations require that the CIL rates are underpinned by evidence relating to the economic viability of new development and the borough's projected infrastructure needs over the period to which the CIL charge applies. This is set out in an Infrastructure Plan which outlines the key infrastructure requirements needed to support growth and the development objectives of the borough. There is a public desire that new growth and development are supported by investment in infrastructure and services. CIL enables this to a greater degree.

This report should be read in conjunction with the Draft CIL Charging Schedule, the Infrastructure Plan (2013), the Regulation 123 list and the CIL Viability Study (2013).

Equalities Analysis

An Equalities Analysis enables a service or function to assess the possible implications on the whole community when changes are proposed to the way a service is delivered, through policies, strategies, procedures, projects, reviews, organisational change or savings proposals. Equality Analysis helps ensure that certain groups, individuals or staff are not excluded from services or practices. It also ensures that whole communities benefit from services which the Council delivers.

We have made amendments to the Preliminary Draft CIL Charging Schedule Equalities Analysis report to take into account proposed changes arising from the first round of consultation, and also in consideration of the consultation responses received at the first round of public consultation.

It is difficult to attribute the proposed CIL charge to specific impacts on the groups identified in the Equality Act 2010 as having protected characteristics. However, the introduction of CIL should, in principle, benefit all groups by contributing to the delivery of strategic and local

infrastructure and helping to achieve more sustainable development. Currently, the borough negotiates section 106 planning obligations when planning permission is granted to help fund the delivery of new school places, health facilities, public realm and open space projects, strategic and local transport improvements and other types of infrastructure. It is likely that CIL will continue in this vein and so it is anticipated that it will generate benefits for all equality groups.

Any possible impacts would arise at the point at which money has been secured through CIL and new or improved infrastructure is actually delivered; they would not arise directly as a result of the CIL Charging Schedule itself. It is anticipated that CIL spending would be considered alongside the council's capital spending programme. Specific proposals would normally be subject to separate equalities analysis. Any impacts would be dependent on the type of infrastructure to be provided and its location.

The Department for Communities and Local Government (DCLG) undertook an Impact Assessment of CIL legislation and regulations in January 2010. Part of this assessment states that:

"The Community Infrastructure Levy is unlikely to have an adverse impact on any social group. By making communities more sustainable, the Community Infrastructure Levy will facilitate economic growth and liveability and so create opportunity for all. The infrastructure and services that the Community Infrastructure Levy will provide (such as medical and community facilities and transport networks) will enhance accessibility and liveability for all sectors of society, and could help to deliver new infrastructure that serves different needs within the community, for example, by increasing mobility and accessibility. We do not anticipate the reforms to the Community Infrastructure Levy changing this assessment".

DCLG, Jan 2010 (<http://www.parliament.uk/documents/impact-assessments/IA11-010AG.pdf>)

This gives a clear indication that the government do not expect the implementation of CIL to cause any equalities concerns, and they anticipate that it will, in general, have a positive influence on a number of equalities groups. It should be noted that adopting a CIL in Southwark will help the Council to achieve the vision for new growth and sustainable development that is set out in the Core Strategy. The Core Strategy, adopted in 2011, was itself subject to a detailed Equality Impact Assessment, including public consultation and examination and was found sound. Therefore it stands that the future growth planned for the borough as set out in the Core Strategy policies has been found sound in terms of its impacts upon equalities groups.

Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
Key users of the department or service	<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. This can include residents, landowners, developers, local businesses and their employees, community organisations and interest groups. Planning, in a broad sense, has a potential influence on all of the groups identified as having protected characteristics in the Equality Act 2010.</p>
Key stakeholders were/are involved in this policy/decision/business plan	<p>The decision to be made at this stage relates to the Draft CIL Charging Schedule; specifically, the level of the CIL charging rates and the parts of the borough to which the proposed differential CIL rates will apply.</p> <p>Adopting a CIL will have an impact on anyone in the borough with an interest in land, particularly landowners and developers. As income generated through CIL is used to fund new and improved infrastructure, there will be impacts on the wider community, depending on the type of infrastructure that is delivered and the locations in which money raised through CIL is invested.</p> <p>In accordance with the CIL Regulations (2010) (as amended), the proposed CIL rates have been devised based on evidence relating to the economic viability of development in the borough and on the projected need for new and improved infrastructure as growth occurs in the period up to 2026. BNP Paribas Real Estate Ltd were commissioned to produce an assessment of economic viability across the borough. The assessment was overseen by a group of officers from the Council's Planning, Regeneration and Property teams. Information on infrastructure needs across the borough has been compiled through discussion with a number of teams and services responsible for the delivery of a range of types of infrastructure. This has included liaison with LBS Education, LBS Parks and recreation, LBS Leisure and Culture, LBS Transport Planning and NHS Southwark amongst others. In addition, external stakeholders were contacted to ascertain their plans and their assessments of what infrastructure requirements will arise from future development proposals.</p> <p>We are required to carry out two rounds of public consultation prior to submitting the Draft CIL Charging Schedule to an independent examiner who will assess our proposals. Each round of public consultation is carried out in accordance with our adopted Statement of Community Involvement (SCI) and the statutory requirements set out in the CIL Regulations 2010 (as amended) and the Town and Country Planning (Local Planning) Regulations 2012.</p> <p>1. Preliminary Draft CIL Charging Schedule</p> <p>Between July and October 2012 we consulted on the Preliminary Draft CIL Charging Schedule and supporting evidence which were published and representations invited as required by the Regulations. This took the form of publication on the Southwark website, a press notice, and provision in libraries. Notification of the proposals was sent to a wide number of consultees by letter and e-mail. These included the 'consultation bodies', as specified in the CIL Regulations (2010) (as amended), the consultees as specified in the Town and Country Planning (Local Planning) Regulations (2012) and also around 3,000</p>

individuals and organisations on our mailing list.

We received 39 individual representations. Having considered all the representations received on the preliminary draft CIL Charging Schedule, there are a few amendments which we are now proposing which are as follows (these should be read in conjunction with the preliminary draft CIL Charging Schedule:

1. The proposed rate for offices in the north of the borough is reduced from £100 to £70, following a further review of the viability appraisals and their inputs/assumptions.

2. Large retail development has been redefined. Rather than define it using a size threshold of 2,500 sqm we have said it applies to supermarkets and shopping centres and provided a definition of these. The key element of the definition is that these have car parking, which in turn is reflected in the viability of these uses.

3. The nil charge for small shops has been deleted. The CIL Regulations suggest that charging authorities cannot distinguish on basis of size alone. In use terms, there is no difference between a shop of say 250sqm and one of 300sqm. The viability appraisals show that of the sites tested, all of the 17 viable retail developments could support the retail charge of £125 sqm.

4. The nil charge for affordable retail has been deleted. The CIL Regulations only allow charging authorities to distinguish on the basis of use. While the nil charge for small shops is deleted, the testing of sites showed that a modest charge, which is comparable to charges in the s106 Planning Obligations SPD, would not impede such development.

5. We sought to make distinct charges for health and education floorspace with a nil rate for floorspace which is predominantly publically funded and a £50 charge for privately funded. The CIL Regulations do not allow charging authorities to vary levies on the basis of a funding mechanism. Having considered the issue, we are proposing to apply a nil charge to all education and health floorspace.

6. We sought to exempt public sports facilities. As in the case of health and education space, we do not consider that the CIL Regulations would allow this, and have therefore removed this category of development. This would now fall into the 'all other uses' category.

7. The charge for 'all other uses' has been reduced from £50 to £30. This change reflects testing of a number of additional sites and the wide variation in viability of other uses such as leisure, community, churches etc.

2. Draft CIL Charging Schedule

We are now at the second stage of consultation on the proposed CIL charging rates. For this stage, we need to adhere to the consultation requirements of the CIL Regulations (2010) (as amended), and the Town and Country Planning (Local Planning) Regulations (2012). All organisations and individuals on our consultation mailing list will be notified when the document is available for consultation and how long the consultation will last for. Information will also be presented on the Council's website to raise awareness of the consultation. Officers will raise the profile of the Draft CIL charging schedule by presenting at community councils and officers will also be available to attend meetings of community groups, if requested. Collectively, the additional measures

set out in our SCI will ensure that a wide range of people are made aware of our work on CIL, so that a broad range of views can be taken into account as we make progress with the CIL Charging Schedule.

Following publication of statutory guidance by the government in December 2012, we are also publishing our Regulation 123 list. This list (which refers to Regulation 123 of the CIL Regulations 2010) sets out what the council intends to fund using CIL. If an infrastructure item is included on the Regulation 123 list, the council would not be able to seek s106 planning obligations for that item, once CIL has been adopted. After CIL has been adopted, the Regulation 123 List can be amended, subject to appropriate local consultation.

All comments received during this second stage of public consultation will be forwarded to the CIL examiner to be considered at the CIL Examination in Public. Officers will provide a written response to each written representation that is received throughout the consultation,

In accordance with the Council's guidance to all departments on carrying out equality analysis, we have considered the effect of the proposed CIL Charging Schedule on a range of equality groups with the aim of ensuring fairness and equality of opportunity in relation to all protected groups.

Section 4: Pre-implementation equality analysis

This section considers the potential impact (positive and negative) of proposals on the key 'protected characteristics' in the Equality Act 2010 and Human Rights, the equality information on which above analysis is based and mitigating actions to be taken.

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

Although it is intended that CIL applies to a much broader range of types of development than section 106 planning obligations, which it will largely replace, there are certain exemptions established in the CIL Regulations and others that we have proposed for Southwark. These exemptions give rise to a range of potential impacts.

The CIL Regulations establish that social housing will be exempt from paying the CIL. This means that CIL will not represent an additional barrier to the delivery of social housing. This could be beneficial for older people in the borough, since our Housing Requirements study identifies that a larger proportion of older people live in social rented housing when compared to a number of other demographic groups. This relief also applies to any development that is proposed by registered charities.

As a result of evidence we have gathered on development viability, we are also proposing that all education and health facilities will be exempt from CIL payments. By removing the requirement to pay CIL, we are less likely to inhibit the delivery of these services in the borough. This will be beneficial for those people who are reliant of these types of services, including older people, children and families. We have also proposed a zero rate for industrial space and for office space in all parts of the borough except for a narrow zone adjoining the River Thames. This will have the effect of supporting economic growth in the borough and encouraging job creation, which will be particularly beneficial for young people seeking employment and other jobseekers.

New transport infrastructure provision, which may be funded in whole or in part through CIL will provide benefits to all ages by facilitating better public transport and linkages to the town centres and reduce road congestion and pollution.

Any public realm improvements coming forward from CIL may contribute to the reduction of anti-social behaviour by providing opportunities for a more attractive, safe environment which will benefit people of all ages – young and old.

Infrastructure which may potentially be funded by CIL includes schemes which provide leisure and sport facilities, parks/park improvements and play spaces / improvements which will benefit all age groups.

Equality information on which above analysis is based

Reference is made to the council's housing requirement study 2009.

The view that it is difficult to quantify impacts on the various equality groups is based on the fact that at this stage the decision to be reached focuses purely on the level of charge that should be adopted across the borough. Similar judgements have been made by other London Boroughs and by the Greater London Authority as part of the process of proposing their own respective CILs. It is also echoed by the Impact Assessment undertaken by the Department of Communities and Local

Government (CLG) in relation to the introduction of CIL.

Mitigating actions to be taken

The above analysis highlights that the level of CIL charge that is proposed and the zones in which the charge will apply will largely give rise to positive impacts

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

In light of our viability evidence, we are proposing that office floorspace outside of Zone 1 are the subject of a zero charge for CIL. This will help to ensure that CIL does not present a financial barrier to new local offices being developed, which can be particularly important for those with reduced mobility, such as some disabled people. We are also proposing that all health facilities are subject to a zero CIL charge, which could be beneficial to the development of this community use throughout the borough, and also to aid accessibility for disabled people where their disability is such that they require regular medical attention.

Although it is intended that CIL applies to a much broader range of types of development than section 106 planning obligations, which it will largely replace, there are certain exemptions established in the Regulations and others that we have proposed for Southwark. The CIL Regulations establish that social housing will be exempt from paying the CIL. Essentially this means that CIL will not represent an additional barrier to the delivery of social housing. This could be beneficial for people in certain disability groups, since our Housing Requirements study identifies that a larger proportion of certain groups tend to reside in social rented housing.

There is a small risk that CIL will drive up values which will make it harder to access housing which is affordable. However, the proposed charging schedule has been informed by viability appraisals and the level of CIL reflects existing values and is not reliant on any increase in values. Moreover, we have also set the level of CIL significantly below the maximum level which could be charged which will help mitigate impacts on land values.

CIL receipts could be used to fund a variety of types of infrastructure, which would ultimately deliver positive benefits for disabled people. Improvements to the public realm could be carried out, which would create an environment that is better adapted to the needs of those with reduced mobility. Similarly, it is possible that CIL receipts will be used to fund a range of new and improved public transport projects in the borough, or simply to help fund additional local community and health facilities such as adult social care, mental health and primary care services.

Equality information on which above analysis is based

Consideration has been given to specific impacts that might arise as a result of adoption of the proposed CIL. In addition we have considered Equalities Analyses carried out by other Charging Authorities, including the GLA, and to the Impact Assessment undertaken by the DCLG.

Mitigating actions to be taken
The above analysis highlights that the level of CIL charge that is proposed and the zones in which the charge will apply will largely give rise to positive impacts

Gender reassignment - The process of transitioning from one gender to another.
Possible impacts (positive and negative) of proposed policy/decision/business plan
No specific impacts identified. As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.
Equality information on which above analysis is based.
Consideration has been given to specific impacts that might arise as a result of adoption of the proposed CIL. In addition we have considered Equalities Analyses carried out by other Charging Authorities, including the GLA, and to the Impact Assessment undertaken by the DCLG.
Mitigating actions to be taken
No specific impacts have been identified in relation to those people who have undergone gender reassignment.

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
No specific impacts identified. As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.
Equality information on which above analysis is based

<p>Consideration has been given to specific impacts that might arise as a result of adoption of the proposed CIL. In addition we have considered Equalities Analyses carried out by other Charging Authorities, including the GLA, and to the Impact Assessment undertaken by the DCLG.</p>
<p>Mitigating actions to be taken</p>
<p>No specific impacts have been identified in relation to those people who are married or those in a civil partnership.</p>

<p>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.</p>
<p>Possible impacts (positive and negative) of proposed policy/decision/business plan</p>
<p>Having considered viability evidence, it is proposed that all health facilities are the subject of a zero CIL rate. This will ensure that CIL does not present a financial barrier to the development of new health facilities as growth occurs in the period up to 2026. This will have particular benefits for those requiring access to healthcare facilities, including pregnant women and families with young babies.</p> <p>As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.</p>
<p>Equality information on which above analysis is based</p>
<p>Consideration has been given to specific impacts that might arise as a result of adoption of the proposed CIL. In addition we have considered Equalities Analyses carried out by other Charging Authorities, including the GLA, and to the Impact Assessment undertaken by the DCLG.</p>
<p>Mitigating actions to be taken</p>
<p>The above analysis highlights that the level of CIL charge that is proposed and the zones in which the charge will apply will largely give rise to positive impacts</p>

<p>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.</p>
<p>Possible impacts (positive and negative) of proposed policy/decision/business plan</p>
<p>Although it is intended that CIL applies to a much broader range of types of development than section 106 planning obligations, which it will largely replace, there are certain exemptions</p>

<p>established in the CIL Regulations and others that we have proposed for Southwark.</p> <p>The CIL Regulations establish that social housing will be exempt from paying the CIL. Essentially this means that CIL will not represent an additional barrier to the delivery of social housing. This could be beneficial for people in certain Black and Ethnic Minority groups, since our Housing Requirements study identifies that a larger proportion of certain groups tend to reside in social rented housing.</p> <p>As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.</p> <p>The range of CIL charges proposed and the boundaries of the charging zones are considered to give rise to limited impacts on the individual groups that are identified in the Equality Act. The imposition of a CIL charge could have potential impacts on small businesses in some parts of the borough, which could impact on a range of groups including BME communities. We propose to adopt a nil charge for office floorspace in all areas except for the commercial areas adjoining the river. As well as benefitting new businesses directly, this approach will ensure that CIL does not act as a barrier to job creation or as a disincentive to provide local services, which are important to those with reduced mobility, such as older people, disabled people and those who are pregnant or have young children.</p>
<p>Equality information on which above analysis is based</p>
<p>Reference is made to the housing requirement study 2009. Consideration has also been given to Equalities Analyses carried out by other Charging Authorities, including the GLA, and to the Impact Assessment undertaken by the DCLG.</p>
<p>Mitigating actions to be taken</p>
<p>No negative impacts have been identified in relation to the proposed level of CIL charge and the zones in which the charge will apply</p>

<p>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.</p> <p><input type="checkbox"/></p>
<p>Possible impacts (positive and negative) of proposed policy/decision/business plan</p>
<p>There is no strict correlation between different religious groups and geography in Southwark. Therefore, it is not considered that adopting a CIL charge would have a disproportionate effect on any group with particular beliefs. New religious institutions would be required to contribute a CIL rate of £30 per sqm. It should be noted that many religious organisations will be charities. Buildings proposed by charities and used for charitable purposes are exempt from paying CIL.</p>
<p>Equality information on which above analysis is based</p>
<p>Consideration has been given to the location of different faith groups within the borough. Further consideration has been given to Equalities Analyses carried out by other Charging Authorities, including the GLA, and to the Impact Assessment undertaken by the DCLG.</p>

Mitigating actions to be taken
No negative impacts have been identified in relation to the proposed level of CIL charge and the zones in which the charge will apply

Sex - A man or a woman.
Possible impacts (positive and negative) of proposed policy/decision/business plan
No specific impacts identified. As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.
Equality information on which above analysis is based
Consideration has been given to the proportions of men and women living within the borough. Further consideration has been given to Equalities Analyses carried out by other Charging Authorities, including the GLA, and to the Impact Assessment undertaken by the DCLG.
Mitigating actions to be taken
No specific impacts have been identified that would affect people differently according to their sex.

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
No specific impacts identified. As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.
Equality information on which above analysis is based
Consideration has been given to the sexual orientation of people living within the borough. Further consideration has been given to Equalities Analyses carried out by other Charging Authorities, including the GLA, and to the Impact Assessment undertaken by the DCLG.
Mitigating actions to be taken

No specific impacts have been identified that would affect people differently as a result of their sexual orientation.

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

The adoption of a CIL will have no impacts on the Articles that are set out in the Human Rights Act.

Information on which above analysis is based

This view is supported by the Impact Assessment carried out by the Department of Communities and Local Government in relation to the introduction of CIL.

Mitigating actions to be taken

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.			
<u>No areas have been identified in the above section that justify further detailed analysis.</u>			
Number	Description of Issue	Action	Timeframe
1			
2			
3			
4			
5			
6			
7			

5. Equality objectives (for business plans)					
Based on the initial analysis above, please detail any equality objectives that you will set for your department/service.					
			Targets		
Objective	Lead officer	Current performance (baseline)	2012/13	2013/14	2014/15