

From: Brenda Hodkinson [REDACTED]
Sent: 13 November 2018 08:31
To: Local Development Plan <LocalDevelopmentPlan@BelfastCity.gov.uk>
Subject: ECNI Feedback to Belfast City Council LDP draft Plan Strategy & EQIA

Please find attached Equality Commission feedback to Belfast City Council LDP draft Plan Strategy and EQIA. (We have also forwarded to Martina Lundy)

Kind regards,

Brenda

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THE EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to the consultation on the Belfast City Council Local Development Plan (Draft Plan Strategy) and Equality Impact Assessment (EQIA)

November 2018

1. The Equality Commission welcomes Belfast City Council's efforts to mainstream the Section 75 equality and good relations duties into the development of the Belfast Local Development Plan draft Plan Strategy (PS). The Council outlines that in developing its Plan Strategy it is committed to seeking out opportunities, through planning and regeneration processes, to promote equality opportunity and good relations by contributing to the breakdown of the physical and psychological aspects of division, rejuvenating interface areas, development of shared sites and facilities, etc.
2. We also welcome that the content of the LDP draft Plan Strategy aligns in a number of areas to our own recommendations as regards housing and communities. We suggest that specific reference is given to Section 75 groups to clarify how they are affected or are planned beneficiaries of the Plan, this would provide greater clarity and focus.
3. We note that much of the work to be taken forward in the LDP cannot be undertaken by Belfast City Council alone, and will require input from and co-operation of other agencies, such as the Department for Infrastructure, Department for Communities, the Executive Office, Northern Ireland Housing Executive, and

others. Recognition of the inter-relatedness would give a more holistic picture of how the plan will operate in real terms.

4. The Commission welcomes that the Council has conducted an EQIA of this second stage of the LDP process, and that it follows the Commission's recommended 7-step EQIA process - which includes taking into account feedback from consultees and committing to producing a final EQIA report which will set out the consideration of mitigating measures and alternative policies, and ongoing monitoring of the equality impacts of the policy. Furthermore, we welcome that the Council has committed to carrying out an EQIA of the third stage of the development of the LDP process, i.e. the Local Policies Plan (LPP), which will include land use zoning and other spatial designations.

Alignment with other policies

5. The Commission welcomes that the Council has aligned the aims and objectives of its LDP Preferred Options Paper and the LDP Plan Strategy with the Council's community plan's aims and goals (i.e. the Belfast Agenda), which in turn are aligned to the Executive Office's Programme for Government's aims and goals. The Council indicates that it will try to influence other statutory partners and align the LDP's equality and good relations objectives with the other policies. It would be useful if the Council could clarify in the EQIA report what it plans to do to influence the other partners or policies in this regard.

Consultation

6. The Commission welcomes the level of consultation and engagement that the Council has undertaken to involve stakeholders, Section 75 groups, other statutory partners (including health, housing and education authorities) and people in the community generally in the process of developing the Local Development Plan (draft Plan Strategy). In addition we commend the Council for allowing a 12 week period for the consultation on the draft Plan Strategy and accompanying EQIA.

Draft EQIA

7. The purpose of the EQIA of Belfast City Council's Local Development Plan is for the Council to consider what changes it can make to the policy in order to address existing inequalities, and to consider opportunities further promote equality of opportunity and good relations. The final EQIA document should set out clearly to consultees/stakeholders what relevant data/evidence the Council has considered, and should clarify what the Council is proposing in terms of changes to the policy and/or mitigating measures in order to help reduce existing inequalities and promote equality of opportunity and good relations within the scope of the policy. When consulting on the policy and EQIA the Council should ask consultees for their views on these proposals, and for any further suggestions/recommendations regarding ways in which the Council could tweak/amend the policy or consider further mitigating measures which may help to further promote equality of opportunity and good relations.

Evidence

8. The Commission notes that the Council has used the 18 Topic Papers and updated Technical Supplements on population, housing, employment and economy, etc. to provide much of the evidence-base and data for the EQIA. The topic papers establish the baseline position as at April 2017 and identify the key issues that need to be addressed by the LDP. The baseline information is referenced in the EQIA document.

Sustainability Assessment

9. We are pleased to note the Council emphasises that the principle of promoting equality of opportunity and good relations between people is a key objective behind the Plan Strategy, and will be a central theme of the sustainability assessment, and that in land use planning terms, this means ensuring everyone benefits from quality housing, employment and access to public services and recreation facilities.

Equality work stream (Belfast Agenda)

10. The Commission welcomes that the Council, as part of its Belfast Agenda work, has established an equality work stream focusing on equality data development, analysis and Section 75 monitoring, and that this equality and monitoring data will assist with gathering the evidence base required to assess potential impacts and ensure that LDP policies aim to reduce existing inequalities and promote equality of opportunity and good relations.

Assessment of impacts

11. The Council outlines that it has examined the potential impacts of the LDP across the nine S75 categories, and considered what it can do within the scope of the LDP to help ensure equality of opportunity and good relations, in terms of for example, housing, community safety, accessible accommodation, etc.
12. Following analysis of available data and research the Council has concluded that a number of the PS policies will have a positive impact on a number of the Section 75 groups, including: disabled people, people with dependants and people from different racial group and age (i.e. younger / older people), the Commission welcomes this.
13. The Council outlines that the draft Plan Strategy will have positive or 'neutral' impacts (both direct and indirect, by contributing to the economic, social and environmental regeneration and well-being of the city.) The Commission would advise there are risks and discourage the use of the term 'neutral' in relation to impacts, as the impacts may not be neutral if the inequality baseline is different, i.e. there may be different starting points for some of the Section 75 groups. We would suggest that either the impacts are adverse or positive, and that in either case the Council should be seeking out opportunities to further promote equality of opportunity and good relations. Furthermore, the Council refers to 'potential discrimination' in the Executive Summary of the draft EQIA (page

5) - as this relates to Section 75 legislation it would be more appropriate to use the term 'adverse impact.'

14. A key focus of the final EQIA report will be to outline how, in developing the LDP the Council has sought out opportunities to promote equality of opportunity and good relations for the Section 75 groups.

Consideration of mitigating measures and alternative policies

15. Having considered potential adverse impacts on equality/good relations and following feedback from consultees, the Council may have made or plan to make changes to the policy to mitigate potential adverse impacts and/or to better promote equality of opportunity and good relations. The Council should clarify what changes it has made or plans to make to the Plan Strategy in its final EQIA report.
16. For example, the Council outlines (at para. 3.5 of the draft EQIA) that, in response to feedback to the LDP Preferred Options Paper, the policy on community cohesion and good was elevated within the draft Plan Strategy and is now an over-arching policy. The Council also indicates that this over-arching policy has been further transposed into two further draft policies (i.e. CGR1 - Community Cohesion and Good Relations and CGR2 - Meanwhile Uses in Interface Areas). In addition, the Council indicates that further overarching policies have been introduced to ensure the Council's commitment to the promotion of good relations, such as through connectivity, sustainability and positive place making policies. The Council could clarify in the EQIA that this was a change it made to the LDP policy as a result of consideration of equality and good relations and the feedback received.
17. We welcome that the Council has committed to outlining in the final EQIA report any mitigating measures or alternative policies that have been made as a result of the consultation and EQIA

process, i.e. whether anything in the LDP has been changed as a result of consultee feedback.

Key inequalities

18. The Council should clarify in the EQIA report what the key inequalities are that it hopes to address via the LDP process. It should also clarify how the Council intends to prioritise addressing existing inequalities, i.e. how will the Council aim to prioritise the inequalities that it hopes to target/address via the Local Development Plan.

19. The Council could, where relevant, include reference in the final EQIA report to the Commission's key inequalities and policy positions papers (for example, our *Statement on Key Inequalities in Housing and Communities in Northern Ireland*; *Equality in Housing and Communities: draft Policy Recommendations* (June 2017); *Statement on Key Inequalities in Education in Northern Ireland*; *Equality in Education: Policy Recommendations* (October 2018); *Statement on Key Inequalities in Employment in Northern Ireland* (May 2018); *Racial Equality : Policy Priorities and Recommendations*; *Gender Equality : Policy Priorities and Recommendations*; *Age Equality: Policy Priorities and Recommendations* (September 2017); *Priorities for the Programme for Government (PfG) 2016-21*).

Traveller accommodation

20. We note that Traveller accommodation needs will be based on the findings of the four yearly NIHE Traveller Accommodation Needs Assessment. We are concerned that given the time to identify a site and obtain planning permission, realising Traveller specific accommodation to meet identified need may take a significant period of time. Our *Statement on Key Inequalities in Housing and Communities* found that: "Whilst the NIHE Traveller Needs Assessment (2015) identified three council areas in 2014 that presented the most need for Traveller accommodation, the planning data supplied by the NIHE shows that, of the eight

applications lodged between 2007 and 2015, none were in two (Belfast or Dungannon) of the three areas of identified need. A total of six of the eight applications were however in one of the areas of most need - the Craigavon area.” Furthermore we note that emergency halting sites are not included in the list of Traveller facilities.

Good relations

21. Given the Council’s Section 75 obligations with regard to promoting good relations between persons of different religious belief, political opinion and racial group, and the opportunity and influence the LDP provides to promote good relations, the Commission welcomes that following feedback received during the Preferred Options Paper consultation, the Council has elevated the ‘Good relations and community cohesion’ aim of the Plan Strategy - and that it is now an over-arching policy aim within the LDP Plan Strategy. We also welcome that further over-arching policies have been introduced to ensure the Council’s commitment to the promotion of good relations, such as through connectivity, sustainability and positive place making policies.

International conventions

22. The Council should make clear references to international conventions in the LDP and the associated EQIA, and outline how the LDP will aim to address these.

Monitoring

23. We welcome that the Council has committed to ongoing monitoring of the equality impacts of the policy on an annual basis, and that if monitoring shows a greater adverse impact than predicted - or if opportunities arise which would allow for greater equality of opportunity to be promoted - the Council and its community planning partners will take steps to achieve better outcomes for the relevant equality groups.

24. The Council should ensure that monitoring mechanisms are established early on to collect Section 75 data, and monitoring data should be disaggregated by Section 75 groups.

Outcome Based Accountability

25. The Council should ensure that its Section 75 obligations are integrated with the Council's OBA approach. It is important that the data development and evidence base required for OBA is analysed by the section 75 categories and that the Council demonstrates that it is paying the appropriate level of regard and is complying with its equality scheme commitments in the context of the OBA approach to policy development.

Good practice

26. The Commission would encourage the Council to share learning or good practice from this consultation with other Councils who will also be developing Local Development Plans.