

Local Development Framework
Core Strategy: Preferred Options and Revised Preferred Options
Disability Equalities Impact Assessment

Findings and Recommendations

The **findings** and **consequential changes** to the Local Development Framework Core Strategy Preferred Options and Revised Preferred Options arising from Equalities Impact Assessment are contained in **paragraphs 28 and 31** of this document. **Recommendations** are set out in **paragraph 34**.

Background:

1. This Disability Equalities Impact Assessment (DEIA) has been written up by the Equalities Co-ordinator in the Chief Executive's Department following extensive discussion with officers responsible for the development of the Local Development Framework, the Chair of Darlington Association on Disability (DAD) and the DAD Steering Group on DEIA.
2. The DEIA has been carried out over a lengthy period. The key stages and events have been as follows:
 - a. August 2008: multi-strand equalities impact assessment carried out by Valerie Adams, Steve Petch, Karen Johnson and Peter Roberts on draft policies, with findings fed into the continuing preparation of the LDF Core Strategy Preferred Options (CSPO).
 - b. 10th September 2008: meeting with DAD Steering Group on DEIA, to generate advice and guidance on spatial/environmental disability issues to feed into the CSPO. A note of the meeting is attached as **Appendix 1**.
 - c. October 2008: publication of LDF Core Strategy Preferred Options for consultation.
 - d. October – December 2008: public consultation on Core Strategy Preferred Options; during this period officers met on regularly to carry out impact assessment on the draft policies in the CSPO
 - e. December 2008 – January 2009: meetings between Gordon Pybus (DAD), Karen Johnson and Peter Roberts focused on Policy R2 (Access for People with Disabilities) of the Borough of Darlington Local Plan, and the need for similar policy provision within the CSPO.
 - f. January 2009: preparation of final draft CSPO following public consultation.
 - g. January 2009: write up of draft DEIA by Peter Roberts.
 - h. 26th February 2009: Economy and Environment Scrutiny Committee consideration of draft CSPO, consultation responses and next steps; the report included content on the results of Equalities Impact Assessment and consequential changes incorporated in the draft CSPO, including the discussion on carrying forward Policy R2 of the current Local Plan.
 - i. The scrutiny report highlighted the need for more work to be done to ensure the CSPO policies would be sound and sustainable, and this further work would involve changes to some of the policies; this further work was carried out over the spring and summer of 2009.

- j. September - November 2009: officers carried out further Disability Equalities Impact Assessment on the draft revisions arising from the additional work.
3. This DEIA document records the findings of assessment and the consequential changes and amendments to the CSPO throughout this lengthy process of policy development, including the original assessment process between August 2008 and January 2009, and the assessment of revised policies between September and November 2009. Findings will be reported to Cabinet when it considers the CSPO, scheduled for January 2010.
4. Through the DEIA process the focus has been on assessing and modifying the policies contained in the CSPO to achieve the following:
 - a. Maximise the potential for positive impacts for disabled people arising from the application of the Core Strategy policies
 - b. Minimise potential for negative impacts
 - c. Ensure that all impacts, positive and negative, are identified and reported to Cabinet as part of the decision-making process following consultation on the Core Strategy: Preferred Options

Preamble:

5. The LDF Core Strategy: Preferred Options (CSPO) document was published for consultation in October 2008, with consultation due to end at the end of December 2008.
6. The Principal Planning Officer responsible for the LDF development (VA) and the Policy Advisor with responsibility for co-ordinating the Equalities programme within Chief Executive's department (PR) met with the Darlington Association on Disability Steering Group on Disability Equalities Impact Assessment (DEIA) on 10th September. The meeting was chaired by the Chairman of D.A.D. and the Council's corporate Equalities Advisor (DP) attended for part of the meeting.
7. The meeting generated a broad range of advice and guidance on disability issues relating to planning and the physical environment. The group also advised that it would be appropriate for officers to carry out a DEIA, taking account of the guidance provided at the meeting, and then consult via the Chairman on that draft DEIA, rather than involving disabled people directly in the assessment. A note of the meeting is attached as **Appendix 1**.
8. At the point in time when this document was originally being prepared, following completion of the initial DEIA, the Planning Service was advised by Government Office that further review of policies in the Core Strategy was needed to ensure that they are sound and can sustain legal challenge. This involved a further round of consultation following review, setting back the date for adoption of the core strategy from the original target of summer 2009.
9. The original DEIA was therefore adopted as the foundation for review of impacts, with a further DEIA carried out on those parts of the CSPO that were revised as a result of the additional work required to strengthen the policy framework.

Generic Multi-Strand Equalities Impact Assessment

10. A generic assessment was carried out by an officer team following the meeting with the DAD Steering Group, and has been documented separately. The assessment found that, overall, the LDF CSPO would have positive impacts in promoting equalities through a strategic objective and a number of draft policies, such as CS18 (Sustainable Transport Infrastructure), CS7 (district and

local centres and freestanding facilities), CS11 (New housing for all) and CS17 (Green Infrastructure) which are designed to ensure that there is good access to shops, housing, services and other facilities for all, wherever people live.

11. The assessment also found that travelling groups are treated differently from other service users, in that there is a specific draft policy (CS13) that seeks to ensure that they are not disadvantaged by inadequate accommodation provision.
12. The assessment also found that these positive impacts could be made more explicit by including references to the needs of specific groups of people or communities where appropriate. These are covered by the recommended changes and actions in paragraphs 28 and 31.

Screening:

13. Good Practice – good practice in this context means framing the objectives, policies and reasoned justification of the core strategy to ensure that they promote the spatial/environmental needs of disabled people in the location and design of development. Current legislation and regulation establishes appropriate standards and should ensure that the interests of disabled people are ‘mainstreamed’ and taken into account in the design and consideration of development proposals, and in the application of policies generally, rather than through the inclusion of ‘silo’ policies relating specifically to the needs of disabled people.
14. However, it is important to ensure that the ‘mainstreaming’ approach is explained in the document, and that users of the document (primarily developers and designers) are made aware of the need to consider, discuss and accommodate the specific, local and diverse needs of disabled people. The document should give disabled people confidence that they will be treated equally through the consideration of their needs in the location and design of development. And it should resolve the tension between ‘mainstreaming’ (i.e. pursuing the needs and interests of disabled people through the appropriate application of all policies) and providing a ‘hook’ for promoting the interests of disabled people in the way that Policy R2 of the Local Plan does currently.
15. Outcome Drivers – the key drivers are the ‘One Darlington’ and ‘Perfectly Placed’ priorities of the Sustainable Community Strategy (SCS). The LDF is the spatial expression of the SCS, and its strategic focus is on pursuing the ‘Perfectly Placed’ vision of shaping Darlington as a place that supports a high quality of life and that attracts the investment and prosperity needed to underpin that quality of life for everyone in the borough. The ‘perfect place’ is thus a platform for the ‘One Darlington’ vision of an inclusive community that opens up aspiration and opportunity for everyone.
 - a. In terms of the LDF and disability, this means ensuring that the development of the borough, in terms of the location and design of development, opens up and improves access, and thus opportunity, for disabled people. People with impairments should be able to use the physical environment, including shops, employment buildings, health, leisure and other facilities, their homes and travel between all of these, on the same equal basis as all residents, so that the environment does not turn impairment into disability.
 - b. There are a wide range of other outcome drivers that need to be reflected in the LDF, including the Regional Spatial Strategy and national planning policy guidance (VA to consolidate).
16. Target Population – the LDF relates to the whole population of the borough, as well as the businesses, developers and their agents that might wish to work in

or migrate into the borough. Its 'target' is the physical environment and infrastructure of the borough, and on seeking to reflect and balance the needs and aspirations of the whole borough population in the design of the environment.

17. Physical environment – the policies of the LDF relate specifically to the development, design and conservation of the physical environment of the borough as a whole. Whilst a wide range of other policies and services impact on the detailed design and management of particular aspects of the environment (e.g. Building Regulations, Environmental Health (noise, pollution, food hygiene, etc) Street Scene, Highway Maintenance and many others, all of which impact to a greater or lesser degree on the interests of disabled people) the LDF provides the overarching policy framework for guiding the overall future 'shape' of the physical environment – the location of development, transport links, design policies for buildings and the public realm.
18. Service design – the LDF has no direct impact on the design of services, other than providing the policy framework for the development of the borough that all services must operate within.

Assessment Type and Resources:

19. A Type 1 assessment (wide involvement) is indicated by the above screening commentary. This is because the LDF policies may impact on the widest possible population of disabled people with a wide variety of impairments, and across the physical environment as a whole.
20. The lead officer for this assessment is the Principal Planning Officer, Valerie Adams, supported by the department Equalities Co-ordinator, Peter Roberts (Policy Advisor in the Policy Unit).
21. The discussion with the DAD Steering Group on DEIA, which includes people with a range of different impairments, provided the impact involvement session. A note of the views and recommendations of the group is attached as **Appendix 1**. Further meetings were held with the Chair of DAD to discuss a specific policy issue, outlined in paragraphs 25-27 below.

Overall Findings of the Impact Involvement Session

22. The majority of the issues raised related to matters of detail that will be covered by the Supplementary Planning Documents (SPD) providing the detailed development control policy and guidance within the LDF. The CSPO sets the overall policy framework, and the group's recommendations for this level of the LDF focused on ensuring that the wording of policies is inclusive of disabled people. The group was concerned that the interests of disabled people should be 'mainstreamed' throughout the policy framework, with explicit reference as required. Compartmentalised policies for disabled people were to be avoided.
23. Changes to the CSPO arising from the impact involvement session are summarised in paragraphs 28 and 31 below. Having recognised the high level nature of the CSPO, and the interest of the group in issues that will be dealt with in SPD, the group advised that no further involvement sessions were required, subject to the changes summarised below being made to the CSPO.
24. The Design SPD, which was adopted in July 2009 and subjected itself to DEIA, will be especially significant in managing the impact of new development on disabled people. The detailed issues raised at the CSPO impact involvement session relating to the design of development were carried forward into the draft and impact assessment of the Design SPD.

Further Impact Assessment Discussions

25. However, one matter required further discussion following the impact involvement session. Gordon Pybus, the Chair of DAD, proposed the retention of Policy R2 from the Borough of Darlington Local Plan in the CSPO (the CSPO and LDF supersede the old-style Local Plan).
26. Policy R2 is concerned with access for disabled people and states, 'Proposals for new buildings or the change of use or alteration of existing buildings to which the general public and employees have access will be required, where practicable and reasonable, to provide suitable access and facilities for people with impaired mobility'.
27. It was argued that this policy should be retained because it provides a valuable 'hook' for DAD in discussing proposals with developers. It is not proposed, however, to retain the policy in the LDF. It does not align with either the core policies of the detailed guidance of the LDF, but it is important that the combination of the policy amendments summarised below and the Design SPD provide the tools needed to safeguard appropriately the interests of people with impairments who might otherwise be disabled by the design of new development.

Recommended Changes Arising from the Assessment

28. The findings from the both the generic and disabled equalities impact assessments identified the following areas where the CSPO could be improved:
 - a. A fuller reference to the **One Darlington** priority in the introduction, and of how the spatial policies of the LDF can contribute to the 'narrowing the gaps' perspective of One Darlington, together with an amendment to strategic **objective 2** so that it is more explicit that it refers to a range of potentially disadvantaged groups of people, such as disabled people, as well as geographical communities
Action: this recommended change has been incorporated in the Core Strategy Revised Preferred Options
 - b. Amendment to **Policy CS1** to emphasise that sustainable locations for new development are ones that support good accessibility for everybody by public transport, walking and cycling;
Action: this recommended change has been incorporated in the Core Strategy Revised Preferred Options
 - c. Amendment to the reasoned justification supporting **CS14** to emphasise that conservation, particularly of buildings with public access, must be balanced with accommodating the needs of disabled and other potentially disadvantaged groups;
Action: this recommended change refers to a detailed matter and has been incorporated in the Design SPD
 - d. Amendment to **CS18** and/or reasoned justification to recognise and promote the accessibility needs of everybody, including people with mobility impairments.
Action: this recommended change has been incorporated in the Core Strategy Revised Preferred Options

Revised Preferred Options

29. The further work on revising the CSPO outlined in paragraphs 8 and 9 included a rolling DEIA programme from September to November 2009, with an officer

team assessing the potential impact of revised policies and supporting justification text as they were produced.

30. The original DEIA carried out from September to December 2008, together with the advice and recommendations of the DAD Steering Group, was adopted as a sound foundation for this further assessment, so that the process could focus on the revised policies and text. The assessment team consisted of Valerie Adams (Principal Planning Officer), Peter Roberts (Policy Advisor and CE Dept Equalities Co-ordinator), Grant Rainey (Planning Strategy Technical Officer) and Steve Petch (Planning Services Manager).
31. This further round of assessment resulted in the following changes to the Core Strategy Revised Preferred Options:
 - a. **Policy CS11 - Housing for All:** reference to Lifetime Homes has been amended, so that the mix of housing should include both housing for people with disabilities, and housing for older people, this latter including housing capable of being readily adapted to meet a range of needs. This would be a modified version of lifetime homes, which ensures that as many new homes as possible are built in a way that eliminates the need for the most costly or reduces substantially the cost of the most frequently requested adaptations.
 - b. **Policy CS17 - Green Infrastructure:** policy has been amended to make it clearer that accessibility means accessibility for all.
 - c. **Policy CS18 - Sport and Recreation Provision:** policy amended to make it clearer that provision is to meet the needs of all in the community.
 - d. **Policy CS6 - Vibrant Cultural and Tourism Offer:** visitor accommodation element of policy reworded to read.....'a range of visitor accommodation will be required in appropriate locations, accessible by sustainable transport and including provision to meet the needs of disabled people. These...'
 - e. **Policy CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network:** policy reworded to remove reference to the sequential approach to selecting solution to transport problems; element (f) of the policy has been amended to 'improving accessibility for all'.
 - f. **Policy CS4 - Paying for Development Infrastructure:** part (1) of policy reworded to affordable and special needs housing provision.
32. Several of the impacts identified would arise from the detailed design of schemes. These will be mitigated by the application of the Council's recently adopted Design of New Development Supplementary Planning Guidance.

Conclusion and recommendations

33. Equalities Impact Assessment of the CSPO and revised CSPO has followed the corporate methodology and been carried out thoroughly. EIA has resulted in amendments to the policies and text summarised in paragraphs 28 and 31 above. It has also highlighted the need for further assessment of detailed policies and guidance in SPDs as these are developed.
34. Members are recommended to:

- a. Note the approach to carrying out Equalities Impact Assessment of the Core Strategy Preferred Options and Revised Preferred Options;
- b. Approve the amendments to the Core Strategy resulting from Equalities Impact Assessment, as summarised in paragraphs 28 and 31 above
- c. Note the contents of paragraphs 25-27 on a change proposed by DAD that has not been taken forward in the amendments.

Peter Roberts, 24th November 2009
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LDF Core Strategy

Disability Equalities Impact Assessment

Note of meeting with D.A.D. Steering Group, 10th September 2008

Chaired by Gordon Pybus; David Plews, Valerie Adams and Peter Roberts in attendance from DBC. Full attendance not recorded.

General introduction:

- Reference to Design SPD as detailed guidance that will impact on on mobility and access issues
- Reference to policies for development of sustainable neighbourhoods providing good access to facilities – potential positive impact for disabled people
- Special needs housing – should consider specific assessed local needs

Including policies for disabled people:

- Avoid compartmentalising policies for disabled
- Disability should be mainstreamed through all policies, with explicit mention of needs of disabled as appropriate
- DEIA should be carried out on all policies – seek to ensure that all people, including disabled, are not disadvantaged by specific policies
- Policies should support independent living

Development Strategy:

- Need for co-ordinated investment planning; often good facilities are provided within developments, but they can't be used because transport arrangements don't enable disabled people to access them – e.g. Morton Palms
- There is political commitment, but it needs to be delivered

Specific issues:

- Need to recognise the differing needs of disabled people in detail, e.g. visually impaired using cane has differing requirements to visually impaired using guide dog
- Need to tackle Arriva on use of access space within buses – driver should enforce proper usage
- Disabled people who live well away from town centre can't access key facilities
- Spread awareness of difference between disability and impairment – disabled people have impairments but are disabled by the impact of the environment on the impairment
- Avoid over-compensating – disabled people want to be considered on equal terms as citizens of Darlington; they don't want special treatment
- Housing location combined with transport to facilities are especially important issues for disabled people

Carrying out DEIA:

- Assessment must be built in at the beginning of policy development, as part of the design input rather than consultation on draft policy
- There must be sufficient time allocated to carry out DEIA – too much is done at the last minute
- General Duty No. 6 allows the interests of disabled people to be given priority over those of the general population
- For future reference any documentation should be prepared in Arial 14pt
- The Cabinet Report on the Fairer Charging Policy for Adult Social Services is a good example of a full DEIA process
- For DEIA on Supplementary Planning Documents we should consult Gordon Pybus in the first instance to identify the people who should be consulted on our initial DEIAs.

PR, 16.09.08