

The Equality Impact Assessment of the Land and Planning Policies Document (Local Plan Part 2)

The Equality Act 2010 requires the Council to pay due regard to the way it can eliminate:

- Discrimination, harassment, victimisation
- Promote equality of opportunity for everyone and;
- Encourage good relations between people of different backgrounds.

An Equality Impact Assessment is a tool that helps public authorities make sure their policies, and the ways they carry out their function, do what they are intended to do and for everybody. Undertaking an EqIA involves systematically assessing the likely, (or actual) effects of the above on people in respect of age, disability, gender, race, religion, belief and sexual orientation. This includes looking for opportunities to promote equality that may have previously been missed or could be better used, as well as negative or adverse impacts that can be removed or mitigated, where possible. If any negative or adverse impacts amount to unlawful discrimination they must be removed.

Inspectors Report

The Inspector's final Report confirmed that she was satisfied with the Council's EqIA.

Paragraph 233 of the Inspectors Report states that 'An EqIA and various addendums have been submitted with the LAPP¹. Throughout the examination, I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination. There are specific policies and recommended MMs concerning affordable housing, specialist and adaptable housing, and the approach to the accommodation needs of Gypsies and Travellers and Travelling Showpeople, that should directly benefit those with protected characteristics. In this way the disadvantages that those with protected characteristics suffer would be minimised and their needs met, in so far as they are different to those without a relevant protected characteristic. There is also no compelling evidence that the LAPP would bear disproportionately or negatively on them or others in this category'.

Paragraph 234 states that 'I am satisfied that the LAPP complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations, except where indicated and MMs are recommended'.

¹ LAPP-CD-REG-11, LAPP-CD-REG12 and LAPP-CD-REG13

Final Version of the LAPP

Changes to Policy HE1 (Proposals Affecting Designated and Non-Designated Heritage Assets) were recommended by the Inspector in her final Report. These were accepted by the Council and therefore supersede the proposed Main Modifications version of this policy.

The final policy is as follows:

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets

1. Development proposals affecting heritage assets and/or their settings will be supported where they conserve or enhance the historic environment in line with their interest and significance.
2. Where proposals could affect a heritage asset and/or its setting, the applicant will be expected to describe the asset's significance (including the contribution made by its setting) in a proportionate level of detail to the asset's significance that allows the impact of the proposals on its significance to be sufficiently understood.

Designated Heritage Assets

3. Planning permission will be refused where development proposals lead to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss* is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.

(*substantial harm or loss to Grade II listed buildings or Grade II registered parks or gardens should be exceptional and wholly exceptional to assets of the highest significance).

4. Where a development proposal would result in less than substantial harm, permission will only be granted where the public benefits, including securing its optimum viable use, outweigh the harm.

Non-Designated Heritage Assets

5. Where development affects a non-designated heritage asset or would result in its demolition or loss, a balanced judgment on the acceptability of the proposal will be made, having regard to the scale of any harm (substantial or less than substantial) or loss and the significance of the heritage asset.

All Heritage Assets

6. Proposals affecting any heritage asset and/or its setting will be considered against the following criteria, where relevant:
 - a) the significance of the asset;
 - b) whether the proposals would be sympathetic to the character and appearance of the asset and any feature of special historic, architectural, artistic and archaeological interest that it possesses;
 - c) whether the proposals would preserve and, where possible, enhance the character or appearance of a heritage asset by virtue of siting, scale, urban grain, building form, massing, height, materials and quality of detail;
 - d) whether the proposals would respect their relationship with the historic street pattern, topography, urban spaces, gardens, landscape, views and landmarks;
 - e) whether the proposals would demonstrate high standards of design appropriate to the historic environment;
 - f) whether the proposals would contribute to the long term maintenance and management of the asset;
 - g) whether the proposals would appropriately provide for 'in-situ' preservation, or investigation and recording of archaeology, based upon significance;
 - h) whether the proposals would bring a vacant heritage asset back into use and to what degree the proposed use would be viable and compatible with the significance of the asset; and
 - i) whether it can be demonstrated that the new development will proceed after the loss has occurred.

Justification

4.116 Nottingham has a rich and distinctive historic environment which makes a crucial contribution to the City's identity. Historic buildings, monuments, sites, areas and landscapes are an irreplaceable resource and will be protected from adverse developments which harm their significance. The

level of protection afforded to these heritage assets will be proportionate to their historic, architectural, artistic and archaeological importance and will be in accordance with the NPPF and subsequent Government guidance. Development involving the demolition of, or substantial harm to the significance of a designated asset will only be granted in exceptional circumstances.

4.117 Within the City there are a wide variety of designated heritage assets. These briefly comprise:

- around 800 listed buildings and their settings including 9 grade I listed buildings and 34 listed at grade II*
- 31 Conservation Areas (as shown on the Policies Map)
- 10 Scheduled Monuments (as shown on the City Centre Policies Map)
- 9 Registered Parks and Gardens, 6 of which are grade II* registered (as shown on the Policies Map).

4.118 Where heritage assets are considered to be at risk from lack of maintenance, neglect or damage the Council will take a proactive approach to the assets long term preservation. By maintaining an up to date list of designated assets at risk the Council will seek to monitor and address any decline in the condition of the City's heritage.

4.119 In accordance with the requirements of the NPPF, the Council has produced a Heritage Strategy for the City. This reaffirms the Council's responsibilities, set priorities for future work programmes, will influence investment decisions, and ensure the City's heritage is managed in a co-ordinated, informed and corporate way which is appropriate to its significance. Conservation Plans have also been prepared for some areas of the City which provide further detail on heritage issues.

4.120 Information required in support of applications affecting heritage assets is set out in the NPPF and also in the City Council's Planning Application Validation Checklist. In writing Heritage Statements, applicants should refer to relevant sources of local information including Conservation Area Appraisals, the Historic Environment Record, the Heritage Strategy and other relevant studies. Advice in relation to this can be sought from the Planning Services Team at the City Council.

4.121 **Listed Buildings** - There are approximately 800 listed buildings within the City of Nottingham. Listed building consent is required for any alteration to the interior or exterior of a listed building that would affect its character as a building of special architectural or historic interest. This includes proposals affecting the fabric and the plan form as well as architectural details.

4.122 The owners of listed buildings should consider the impact of development (including changes of use) on the fabric and interior of a listed building, which are recognised as essential elements of its character. The nature of the

proposals and their effect on the historic character of the building should be clearly illustrated in a supporting Heritage Statement. This should include both internal and external alterations and those necessary to comply with building, environmental health and fire safety regulations, and internal services requirements.

- 4.123 **Conservation Areas** - Areas of the City which merit protection and improvement by nature of their special architectural or historic interest are designated as Conservation Areas under the Planning (Listed Buildings and Conservation Areas) Act 1990. The City Council has a duty to review Conservation Areas and seek ways to preserve or enhance their special character.
- 4.124 The special character of each Conservation Area will be identified in appraisals, and new development assessed against management plans produced for each area. There is a presumption in favour of retaining features which make a positive contribution to the character or appearance of a Conservation Area recognising that not all elements of a Conservation Area contribute to its significance. For developments within Conservation Areas the Council will require detailed plans showing elevations, materials and the relationship with neighbouring buildings, spaces and landscape features (including trees) A judgement will then be made as to whether the proposal represents substantial or less than substantial harm and this policy will be applied accordingly. Outline applications for development within Conservation Areas will not normally be acceptable.
- 4.125 Proposals involving demolition within Conservation Areas will not normally be allowed unless a full planning application is submitted and considered showing the future use of the land. Demolition will be subject to conditions and/or a planning obligation to ensure that work does not take place until a satisfactory form of contract has been entered into for redevelopment.
- 4.126 Where appropriate, Article 4 (2) Directions can be served by the Council to protect the essential character of Conservation Areas by removing Permitted Development rights. Article 4 Directions currently apply within parts of the Canning Circus, New Lenton, Sneinton, Strelley, and Waterloo Promenade Conservation Areas. These are shown on the Policies Map. Further Article 4 (2) Directions will be considered as appropriate.
- 4.127 **Registered Parks and Gardens** - Within the City of Nottingham there are nine entries on Historic England's 'Register of Parks and Gardens of Special Historic Interest in England'. The General Cemetery, Memorial Gardens at Trent Embankment and the parkland at Clifton Hall are Grade II registered while the Arboretum, Highfields Park, Church Cemetery (Forest Road East), Hungerhill Allotments (including Stonepit Coppice and Gorsey Close Gardens), Wollaton Park, and Bagthorpe Gardens are Grade II* registered. The Register is a material consideration in the determination of planning applications.

4.128 Other parks and gardens, although not included in the Register, are locally important and valuable to residents. They are identified in the Open Space Network, which is shown on the accompanying Policies Map and are protected by other policies in this document.

4.129 **Non-designated heritage assets** - In addition to these nationally recognised assets, the City also includes a large number of buildings, archaeological sites, monuments, gardens and spaces of local and regional importance. These non-designated heritage assets are not afforded any additional statutory protection, but they are material considerations in the planning process and receive the full weight of both local and national planning policies. Therefore, where development affects a non-designated heritage asset or would result in its demolition or loss, a balanced judgement on the acceptability of the proposal will be made, having regard to the scale of any harm or loss and the significance of the heritage asset. The Council are producing and maintaining a Local List of non-designated heritage assets and set out the criteria for their identification.

4.130 **Scheduled Monuments and Archaeology** - Archaeological remains contain irreplaceable information about our past and the potential for an increase in future knowledge. The overriding objective is therefore to preserve 'in-situ' all sites of known or suspected archaeological importance.

4.131 There are currently 10 Scheduled Monuments² in the City:

- Cellar under No 8, Castle Gate
- Caves under Nos 3-7 Middle Pavement
- Rock cut houses north of Castle Boulevard (made up of 2 sites)
- Rock cut houses south of Nottingham Castle
- Caves at Drury Hill (made up of 2 sites)
- Medieval City wall
- Nottingham Castle
- St John Baptist's Church and graveyard, Colwick
- Dovecote 600m east of Home Farm
- Lenton Priory (made up of 2 sites)³

4.132 Planning applications for development entailing breaking of ground on sites within the Archaeological Constraints Areas (as shown on the accompanying Policies Map), or affecting other sites of known or suspected archaeological significance,

² Scheduled Monuments are made up of one or more polygons but shown on the policies map as a single point. For the definitive boundary please refer to Historic England's web site.

³ The Priory was designated in 2002 and is a pre-Reformation monastic foundation of national significance. The area of remains extend beneath adjacent properties, particularly along Priory Street on the site of the monastic church.

will normally be accompanied by an archaeological assessment of the application site.

4.133 Where the assessment or other information indicates that it would be appropriate, an archaeological field evaluation will be required before the application is determined. Where it is considered that, following the field evaluation, there are remains of archaeological significance which would be adversely affected by the proposed development, the City Council may:

- refuse planning permission; or
- require the application to be modified to allow remains to be preserved 'in situ'; or
- require a detailed scheme of survey, recording and excavation of remains, where it is considered that the proposed development should proceed and the remains not be retained 'in situ'.

4.134 Where evaluation is not considered appropriate, the City Council may require the implementation of an archaeological 'watching brief' during the course of the development as a condition of planning permission, allowing for the recording and excavation of remains which may be discovered during the site works.

4.135 In all developments entailing archaeological works, a programme and specification must be agreed with the City Council prior to the commencement on site. Development programmes should take full account of the need for adequate opportunity to be included for archaeological investigation. Specifications for archaeological evaluations and watching briefs should be drawn up in conjunction with the City Archaeologist.

4.136 In Archaeological Constraint Areas where the British Geological Survey depict near surface Sherwood sandstone and structures existed prior to 1945, policy HE2 (Caves) may also apply and this risk should be factored into site investigations from the earliest pre-application stage.

Implications of these modifications for Equality Impact Assessment

The Council considers that the proposed changes are within the scope of the original EqIA and therefore no re-appraisal of this policy is required. An EqIA has been carried out at each stage of plan preparation in 2016, 2017 and 2018, each time building on the same process and methodology of the original EqIA. The final Equality Impact Assessment is therefore a combination of this document and the following:

- The [Equalities Impact Assessment Replacement Addendum 2, May 2019 \(ERA2\)](#)
- [Addendum](#), September 2017 (produced at the Revised Publication stage).
- [Equalities Impact Assessment, Publication Version \(main document\), January 2016](#)

Appendix A: Table setting out revised reference numbers for each Site Allocation

The table below sets out a schedule of the Submission version site allocations numbering compared to the site numbering in the adopted LAPP.

Site Allocation Reference (as referred to in the Inspector's Report/SA)	Final Site Allocation Reference (Adoption Version of the LAPP)	Site Name
PA01	SR01	Bestwood Road - Former Bestwood Day Centre
PA02	SR02	Blenheim Lane
PA03	SR03	Eastglade, Top Valley - Former Eastglade School Site
PA04	SR04	Linby Street/Filey Street
PA05	SR05	Ridgeway - Former Padstow School Detached Playing Field
PA06	SR06	Beckhampton Road - Former Padstow School Detached Playing Field
PA07	SR07	Hucknall Road/Southglade Road - Southglade Food Park
PA08	SR08	Eastglade Road - Former Padstow School Site
PA09	SR09	Edwards Lane - Former Haywood School Detached Playing Field
PA10	SR10	Piccadilly - Former Henry Mellish School Playing Field
PA11	SR11	Stanton Tip - Hempshill Vale
PA12	SR12	Highbury Road - Former Henry Mellish School Site
PA14	SR13	Arnside Road - Former Chronos Richardson
PA15	SR14	Bulwell Lane - Former Coach Depot
PA18	SR15	Vernon Road - Former Johnsons Dyeworks
PA19	SR16	Lortas Road
PA20	SR17	Haydn Road/Hucknall Road - Severn Trent Water Depot
PA21	SR18	Mansfield Road - Sherwood Library
PA23	SR19	Radford Road - Former Basford Gasworks
PA24	SR20	College Way - Melbury School Playing Field
PA25	SR21	Chingford Road Playing Field
PA26	SR22	Denewood Crescent - Denewood Centre
PA27	SR23	Wilkinson Street - Former PZ Cussons

Site Allocation Reference (as referred to in the Inspector's Report/SA)	Final Site Allocation Reference (Adoption Version of the LAPP)	Site Name
PA29	SR24	Bobbers Mill Bridge - Land Adjacent to Bobbers Mill Industrial Estate
PA30	SR25	Bobbers Mill Bridge - Bobbers Mill Industrial Estate
PA32	SR26	Beechdale Road - South of Former Co-op Dairy
PA33	SR27	Chalfont Drive - Former Government Buildings
PA34	SR28	Beechdale Road - Former Beechdale Baths
PA35	SR29	Woodyard Lane - Siemens
PA36	SR30	Russell Drive - Radford Bridge Allotments
PA37	SR31	Robin Hood Chase
PA38	SR32	Carlton Road - Former Castle College
PA39	SR33	Carlton Road - Former Co-op
PA41	SR34	Alfreton Road - Forest Mill
PA42	SR35	Ilkeston Road - Radford Mill
PA43	SR36	Salisbury Street
PA44	SR37	Derby Road - Sandfield Centre
PA45	SR38	Prospect Place
PA46	SR39	Derby Road - Former Hillside Club
PA47	SR40	Abbey Street/Leengate
PA49	SR41	NG2 West - Enterprise Way
PA50	SR42	NG2 South - Queens Drive
PA52	SR43	University Boulevard - Nottingham Science and Technology Park
PA53	SR44	Electric Avenue
PA54	SR45	Boots
PA86	SR46	Thane Road – Horizon Factory
PA55	SR47	Ruddington Lane - Rear of 107-127
PA56	SR48	Sturgeon Avenue - The Spinney
PA57	SR49	Clifton West
PA58	SR50	Green Lane - Fairham House
PA59	SR51	Farnborough Road - Former Fairham Comprehensive School
PA60	SR52	intu Victoria Centre
PA61	SR53	Royal Quarter - Burton Street, Guildhall, Police Station and Fire Station
PA62	SR54	Creative Quarter - Brook Street East

Site Allocation Reference (as referred to in the Inspector's Report/SA)	Final Site Allocation Reference (Adoption Version of the LAPP)	Site Name
PA64	SR55	Creative Quarter - Sneinton Market
PA65	SR56	Creative Quarter - Bus Depot
PA66	SR57	Castle Quarter, Maid Marian Way - College Site
PA67	SR58	intu Broadmarsh Centre_and surrounding area
PA68	SR59	Canal Quarter - Island Site
PA69	SR60	Canal Quarter - Station Street/Carrington Street
PA70	SR61	Canal Quarter - Queens Road, East of Nottingham Station
PA71	SR62	Canal Quarter - Sheriffs Way, Sovereign House
PA72	SR63	Canal Quarter - Waterway Street
PA73	SR64	Canal Quarter - Sheriffs Way/Arkwright Street
PA74	SR65	Canal Quarter - Arkwright Street East
PA75	SR66	Canal Quarter - Crocus Street, Southpoint
PA76	SR67	Waterside - London Road, Former Hartwells
PA77	SR68	Waterside - London Road, Eastcroft Depot
PA79	SR69	Waterside - Iremonger Road
PA80	SR70	Waterside - Cattle Market
PA81	SR71	Waterside - Meadow Lane
PA82	SR72	Waterside - Freeth Street
PA83	SR73	Waterside - Daleside Road, Trent Lane Basin
PA85	SR74	Waterside - Trent Lane, Park Yacht Club

Appendix B: Policy number changes

Table below sets out the amended Policy Reference numbers for the Design policies in the adopted LAPP compared to earlier versions.

Original Policy Ref	Adopted Policy Ref
Policy DE1: Building Design and Use	Policy DE1: Building Design and Use
Policy DE2: Context and Place Making	Policy DE2: Context and Place Making
Policy DE4: Creation and Improvement of Public Open Spaces in the City Centre	Policy DE3: Creation and Improvement of Public Open Spaces in the City Centre
Policy DE5: Shopfronts	Policy DE4: Shopfronts
Policy DE6: Advertisements	Policy DE5: Advertisements