

Equality Impact Assessment (EIA) Planning (Wales) Bill

Contents

Overview

References

Impact Assessments:

National Development Framework

Strategic Development Plans

Local Development Plan

Joint Planning Boards

Pre-application procedure

**Developments of National Significance, connected consents and option
to make applications direct to the Welsh Ministers**

Non-Validation Appeals

Decision Notices and Notification of Development

Statutory Consultees

Stopping up and diverting of public paths and highways

Planning Committees

Enforcement

Appeals

Town and Village Greens

Classes of Development

Overview

The Planning (Wales) Bill ('The Bill') is a set of provisions derived from an extensive evidence base and stakeholder engagement that will provide a modern legislative framework for the operation of the planning system. It puts in place delivery structures, processes and procedures, to make the planning system fit for the 21st Century. Taken together the provisions will allow the planning system to support the delivery of national, local and community aspirations by creating sustainable places where citizens have improved access to quality homes, jobs and built and natural environments and supports the use of the Welsh language.

References

Further detail of the evidence and proposals as set out in this impact assessment can be found in the Explanatory Memorandum and Regulatory Impact Assessment (EMRIA), in particular chapters 3 and 4. The EMRIA can be found here:

<http://senedd.assemblywales.org/mglIssueHistoryHome.aspx?lId=11271>

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Planning - National Development Framework for Wales
Name of official:	Planning Bill Team, Planning Directorate
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce changes that:

- Provide a modern delivery framework for the preparation of development plans and planning decisions, including allowing the Welsh Ministers to decide a limited number of planning applications in defined circumstances.
- Reaffirm Welsh Government commitment to the plan led system. Addressing identified deficiencies at national and strategic levels by replacing the Wales Spatial Plan (WSP) by a National Development Framework (NDF) and introducing provisions which would allow the preparation of Strategic Development Plans (SDPs) where needed.
- Ensure that Local Development Plans (LDPs) are delivered and reviewed regularly so that they remain relevant to planning decisions.
- Improve the operation of the development management system so it complements the implementation of Local Development Plans (LDPs), including the introduction of provisions to promote greater consistency and availability of pre application advice.
- Further enhance engagement by making it easier for citizens to influence the future of their communities, through the introduction of statutory pre application consultation for significant planning applications.
- Overhaul the arrangements under which planning decisions are made including introducing provisions which would allow for the standardisation of planning committee arrangements and procedures and delegation to officers across Wales.

- Modernise the planning enforcement system to ensure that breaches of planning control can be remedied efficiently.
- Streamline the planning appeal process.

Policy Objective

The purpose of this provision is to put in place a statutory planning document that sets out the national land use priorities for the development of land in Wales. This plan will be known as the National Development Framework for Wales.

Main Proposals:

- A statutory requirement for the Welsh Ministers to prepare and keep up to date a national land use plan to be known as the National Development Framework.
- The National Development Framework will set out the Welsh Government's land use priorities, concentrating on development and land use issues of national significance. These may include infrastructure, housing, transport and employment, by identifying key locations to accommodate change and infrastructure investment.
- The National Development Framework will also provide a national land use framework for Strategic and Local Development Plans and provide the development plan context for the Welsh Ministers to make decisions on Developments of National Significance.
- It is expected that Development of National Significance will bring the jobs, homes and infrastructure needed by the people of Wales.
- Once in place the National Development Framework will set the policy goals at a national level. This is designed to help communities in Wales including those in protected categories. The impact is expected to be a positive one for these protected groups.
- The National Development Framework will be prepared by the Welsh Ministers in accordance with a specified timetable. The framework will be evidence based with clear justification for any policies or proposals, accompanied by a Sustainability Appraisal

including a Strategic Environmental Assessment and assessment of the likely impacts on the Welsh Language and Habitats Regulation Assessment.

- The Welsh Ministers will be required to publish a statement outlining that the public consultation on the draft National Development Framework will include the publication of a draft Framework and allow a twelve week public consultation on that draft.
- The National Development Framework will specify the period for which it has effect, after which time the National Development Framework for Wales will cease to be a development plan. This time period is anticipated to be between fifteen to twenty years.
- Any resolution or recommendation made by the National Assembly for Wales during the public consultation period on the draft National Development Framework will be taken into account by the Welsh Ministers and the Welsh Ministers will be required to respond by laying a statement before the Assembly prior to publication of the National Development
- The legislation will require Strategic Development Plans (where prepared) and Local Development Plans to be in conformity with the National Development Framework.

Intended Effect

The intended effect of the legislation is to put in place a national framework that identifies and integrates the development and land use consequences of national policies and strategies. This will increase the effectiveness of national policies and strategies and provide direction and certainty for the preparation of Strategic Development Plans (where produced) and Local Development Plans. This will improve the efficiency of the planning system, making it easier to prepare local planning authority plans and reduce competition between areas by identifying areas for growth.

For business there will be increased certainty and reducing risk; allowing investment to be made. There will also be an opportunity for business to propose the nationally significant projects which they would like to bring

forward and finance for possible inclusion within the National Development Framework.

Policy/Legislation Review

- The legislation will be evaluated through delivery of an up to date plan led system throughout Wales at all levels, including collaborative working practices.
- The Welsh Government intends to commission research into the effectiveness of implementation of this legislation after an appropriate period, expected to be following adoption of the National Development Framework, Strategic Development Plans and subsequent round of Local Development Plans. It is anticipated that the National Development Framework will take three years to implement.
- The National Development Framework will be kept under review and within five years of publication the Welsh Ministers must either undertake a revision, or publish an explanation of why they have decided not to revise it. This formal review process will establish whether the National Development Framework is achieving its stated aims. The National Development Framework can be revised in whole or in part and it may be revoked wholly or in part at any time. Any revised National Development Framework will also be subject to scrutiny by the Assembly.
- Stakeholders and the general public will be engaged during a statutory 12 week consultation period. The Welsh Ministers will subsequently publish the revised draft National Development Framework and lay it before the National Assembly for Wales with a report outlining how the representations made in response to the consultation have been taken into account. The Assembly will be given a period of 60 days to consider the framework. The National Development Framework will not be able to be finalised or published until expiry of that 60 day period. The Welsh Ministers will be required to take account of any report, resolution or representations made by the National Assembly for Wales or any of its Committees in deciding whether or not the draft National Development Framework should be amended. The published

National Development Framework will be required to be accompanied by a statement as to any changes made to the draft National Development Framework following scrutiny by the National Assembly for Wales.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period. These were attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to

discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion. Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

Respondents who commented on the requirement for the Welsh Minister to prepare and keep under review a national land use policy (the National Development Framework) came from a wide range of backgrounds and sectors.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the

business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?Id=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base in relation to National Development Framework includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers
- A New Approach to Managing Development in Wales: Towards a Welsh Planning Act
- Public Attitudes Towards the Planning System in Wales
- Research to Evaluate the Planning Permission Process for Housing.

We have considered the recommendations from the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

- 91.8% of stakeholder responses to the Positive Planning consultation were in favour of the proposals for a new national development and land use plan.
- The majority of stakeholders at our stakeholder events supported the production of a national plan which identifies and reconciles the development and land use aspects of national policies and strategies and sets priorities for lower tier development plans.
- The National Assembly for Wales' Environment and Sustainable Development Committee's Inquiry into Planning Policy, after taking evidence from a wide cross section of stakeholders, concluded that the Welsh Government should review the role and function of the Wales Spatial Plan focusing specifically on how it relates to the development plan framework and its relevance to the determination of planning applications and appeals.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

The introduction of a National Development Framework for Wales will provide an enabling tool, to encourage appropriate development opportunities by providing a statutory planning document setting out national land use priorities for the development of land, concentrating on land use issues of national significance. In addition those from protected groups and organisations representing their interests will have the opportunity to engage in the preparation of this national development plan during the twelve week consultation process. The proposed duty to consider the impact on the use of Welsh language as part of the Sustainability Appraisal of all documents with development plan status, including the National Development Framework strengthens existing policy regarding the consideration of Welsh language. The proposal will ensure consistency across Wales in the consideration of the impacts of development on the Welsh language.

The proposal for a National Development Framework will have a positive affect on all citizens, including protected groups ensuring that national priorities are implemented and a standardised approach taken at local level. The proposals will not affect certain protected groups over others.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (Children and young people, up to 18)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular age group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
People 18-50			✓	
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on the disabled or impaired and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact
Female			✓	

				on either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not differentially impact on those that are transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.</p>

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above.
Civil Partnership			✓	It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above.
Maternity (the period after birth)			✓	It is anticipated that the Bill will not differentially impact on pregnant women (including the period after birth) and will

				not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
National Origin (e.g. Welsh, English)			✓	
Asylum Seeker and Refugees			✓	
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not differentially impact on any particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.</p>
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Lesbians			✓	
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			✓	The Bill is not anticipated to have a positive or negative differential impact on the human rights of any group with protected

				<p>characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section 108(6)(c)).</p>
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA

Name: Planning Bill Team, Planning Directorate

Department: Natural Resources

Date: April 2015

Signature:

Head of Directorate (Sign-off)

Name: Neil Hemington

Job title and department: Chief Planner, Natural Resources

Date: April 2015

Signature:

Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Planning – Strategic Development Planning including Strategic Development plans and Strategic Planning Panels
Name of official:	Planning Bill Team, Planning Directorate
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce changes that:

- Reaffirm Welsh Government commitment to the plan led system. Addressing identified deficiencies at national and strategic levels by replacing the Wales Spatial Plan (WSP) by a National Development Framework (NDF) and introducing provisions which would allow the preparation of Strategic Development Plans (SDPs) where needed.
- Provide a legal framework for the preparation of SDPs where they would improve the operation of the planning system.
- Will allow larger than local issues such as housing demand and transport infrastructure to be considered and planned for in an integrated and comprehensive way.
- Reduce complexity and repetition currently contained in Local Development Plans resulting in faster preparation and lower costs.

Policy Objective

To provide a framework for clear decision making at the larger than local scale which is not confined to local planning authority boundaries, delivering cost effectiveness, avoiding repetition and ensuring consistency. Strengthening collaborative working Strategic Development Plans will reflect strategic priorities and will be prepared by Strategic Planning Panels to be made up of members from consistent authorities and nominated members from social, economic, and environmental partners.

Main proposals:

- Strategic Development Plans will apply to those areas in Wales where there are matters of strategic significance that would be more effectively and efficiently addressed through a Strategic Development Plan. For such areas, strategic elements of Local Development Plans, such as housing numbers, employment land, transport, Gypsies and Travellers site provision/accommodation needs and minerals and waste and large infrastructure projects, will be dealt with in a Strategic Development Plan.
- Strategic Development Plans will encourage collaborative working and the sharing of expertise and resources. Strategic Development Plans will cover the area of more than one local planning authority in Wales as a minimum. Sustainability Appraisal, including assessment of the likely impacts on Welsh language, and Habitats Regulations Assessment, must be prepared for any Strategic Development Plans.
- The proposals are in line with the recommendations in the Commission for Public Services and Governance Report and the Welsh Government's white paper 'Reforming Local Government'.
- For each area a Panel will be established to prepare and keep under review the Strategic Development Plan. The Panel will also have sole responsibility for approval and adoption of the plan and some minor incidental duties. The Panel is to be made up of locally elected members from the local planning authorities within the areas and one third representatives from social, economic and environment organisations. The nominated members will contribute to the preparation of the development plan and will provide specialist and technical knowledge; however they will not have voting rights. The local planning authority representation will reflect the population within each constituent authority. The Strategic Planning Panel will have decision making powers so that the constituent authorities will not need to get ratification from their parent authorities.
- The Welsh Government will be a statutory consultee in the Strategic Development Plan process.

- The plan will be subject to a public examination by an independently appointed Planning Inspector.

Intended Effect

The effect of the provisions will be to ensure that cross boundary planning matters are properly addressed, with a formal Strategic Development Plan replacing any voluntary approach. It will be a more efficient approach, avoiding repetition and ensuring consistency of delivery at the local level.

Where a Strategic Development Plan covers a Local Development Plan area, the Local Development Plan should be rationalised so that it only focuses on local matters, particularly site specific allocations, in accordance with the scale and location of growth set out in the Strategic Development Plan. Issues such as the overall level of housing, employment and retail provision will have already been addressed and do not need to be repeated.

This should result in a much slimmer Local Development Plan in terms of scope and content. Where significant cross boundary strategic issues are absent, there is no need for a Strategic Development Plan; the Local Development Plan and National Development Framework will provide the statutory planning framework for the area.

Policy/Legislative Review

- The legislation will be evaluated through delivery of an up to date plan led system throughout Wales at all levels, including collaborative working practices.
- The Welsh Government intends to commission research into the effectiveness of implementation of this legislation after an appropriate period, expected to be following adoption of the

National Development Framework, Strategic Development Plans and subsequent round of Local Development Plans. It is anticipated that the National Development Framework will take three years to implement.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period. These were attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to

discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of the events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion. Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

Respondents who commented on the proposals for the introduction of Strategic Development Plans and Strategic Planning Panels came from a wide range of backgrounds and sectors.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base in relation to Strategic Planning includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers
- A New Approach to Managing Development in Wales: Towards a Welsh Planning Act
- Public Attitudes Towards the Planning System in Wales
- Research to Evaluate the Planning Permission Process for Housing.

We have considered the recommendations from the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

- The majority of stakeholder responses to the questions related to the Strategic Development Plans proposals in the Positive Planning consultation were in favour of the proposals.

- Stakeholders at our stakeholder events supported the proposals for a Strategic Development Plan.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

Strategic Development Plans will tackle larger than local issues; supporting how people live their lives rather than plans being confined by local planning authority boundaries. The cross boundary approach will address matters such as housing supply which will have a positive impact on a range of protected groups. These groups include younger people, family groups, the elderly, those with a mental or physical disability and Gypsies and Traveller communities, particularly where site provision is considered. The mandatory requirement duty for Strategic Development Plans to include the assessment of the likely impacts of the Welsh language within the sustainability appraisal process for the specified area will strengthen existing policy and ensure clarity and consistency of the plan making process across Wales. Nominated members of Strategic Planning Panels from organisations representing social, economic and environmental interests, some of which could come from organisations who support protected groups, will be able to contribute their technical expertise and input into the plan-making process, but will not be entitled to a vote on formal decisions of the Panel. This could have a negative impact on protected groups as the perceived value of their role on the Panel could be diminished. However, it is our view that the nominated members will make a valuable contribution in informing, advising and affecting the work of the Panel. Those supporting protected groups will also be able to engage in the planning process through the public examination process for strategic development plans as the meetings of the Panel will be open to the public.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (Children	✓			Strategic Development Plans will help to enable children of Gypsies and Travellers communities to live on

<i>and young people, up to 18)</i>				<p>sites with minimum standards and not on unauthorised sites which may be unsafe. It is anticipated that children and young people will be better able to access education, healthcare, community facilities and be more integrated into society if new sites are provided as a result of the inclusion of cross boundary issues such as housing provision in the proposed Strategic Development Plans.</p>
People 18-50			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not differentially impact on and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.</p>
Older people (50+)	✓			<p>Older people from the Gypsies and Travellers community, who may no longer wish to travel could benefit from being settled</p>

				more permanently on an authorised site. It will also improve access to healthcare, community facilities and be more integrated into society if new sites are provided as a result of the introduction of Strategic Development Plans.
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4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Physically disabled	✓			The inclusion of housing provision / Gypsies and Travellers accommodation needs in Strategic Development Plans will benefit physically disabled people through enabling them to live on an authorities site as standards of safety will be better than those at unauthorised sites.
Mental health problem	✓			The inclusion of housing provision / Gypsies and Travellers accommodation needs in Strategic Development Plans will help to ensure that those within the community with mental health problems are settled with continuity of access to community mental health services where

				required.
Visual impairment	✓			People with a visual impairment will benefit from living on an authorised site where standards of safety will be better than unauthorised sites. When planning for a new site, Local Authorities will need to consider the needs of visually impaired people.
Hearing impairment			✓	Please see impact overview section above.
Learning disability			✓	It is anticipated that the Bill will not differentially impact on any other disabled or impaired group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might
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				it impact?
Male			✓	Please see impact overview section above.
Female			✓	It is anticipated that the Bill will not differentially impact on either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not differentially impact on those who are transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.</p>

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above.
Civil Partnership			✓	It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy	✓			Please see impact overview section above.
Maternity (the period after birth)	✓			Where housing provision / Gypsies and Travellers site

				provision is considered in the Strategic Development Plan this will have a positive impact on pregnant women (including the period after birth) as they will have settled conditions and access to continuity of midwifery and health visitor care.
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4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Gypsies and Travellers	✓			Please see impact overview above. The proposals will have a positive impact on Gypsies and Traveller communities, particularly where site provision is considered and as Gypsies and Travellers are recognised ethnic groups under the

				Equality Act 2010.
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any other particular racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
National Origin (e.g. Welsh, English)			✓	
Asylum Seeker and Refugees			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists,			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are of any particular religion

Hindus, Others (please specify)				or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Lesbians			✓	
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions.	✓			<p>The European Court of human Rights has established that Article 8 imposes a positive obligation on the United Kingdom to "facilitate the Gypsy way of life" (<i>Chapman v UK</i> (2001) 33 EHRR 399).</p> <p>Article 8 states that: "(1) Everyone has the right to respect for his private and family life, his home and his correspondence. (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country,</p>

			<p>for the protection of health or morals, or for the protection of the rights and freedoms of others”</p> <p>Article 14 concerns prohibition of discrimination and should be read in conjunction with Article 8:</p> <p>“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”</p> <p>The Bill is not anticipated to have a positive or negative differential impact on the human rights of any other group with protected characteristics.</p> <p>A separate impact assessment on the</p>
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				<p>rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section 108(6)(c)).</p>
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

Strategic Development Plans will be prepared by Strategic Development Panels. It will cut across local planning authority boundaries in the consideration of the provision of housing supply for Gypsies and Travellers. The proposals promote equality of opportunity by ensuring that Gypsies and Travellers have access to culturally appropriate housing. The increase in culturally appropriate accommodation for Gypsies and Travellers will provide this community with the opportunity to enjoy further benefits within their local community and will therefore also assist in advancing equality of opportunity in the long term. The mandatory requirement duty for Strategic Development Plans to include the assessment of the likely impacts of the Welsh language within the sustainability appraisal process for the specified area will strengthen existing policy and ensure clarity and consistency of the plan making process across Wales.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

The consideration of site provision for Gypsies and Travellers will mean there is less need for unauthorised encampments and correspondingly reduction in the psychological trauma caused by eviction. It will meet Objective 6 of the Strategic Equality Plan by putting the needs of those with protected characteristics at the heart of service delivery.

In addition, the provision of cultural appropriate housing will help promote and secure the human rights of Travellers and Gypsies, through supporting and facilitating Article 8, 'facilitate the Gypsy way of life ' and Article 14.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

Gypsies and Travellers will find it easier to integrate into society once they have a settled place to live or an authorised transit pitch to use. The proposals will enhance increased community cohesion allowing good relations to develop between Gypsies and Travellers and the settled community.

Other factors such as increased school attendance and better preventative healthcare will also have a positive impact on community cohesion, which will have long-term benefits, assisting in the development of strong future relations and equality of opportunity.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

There are no negative impacts in Part 1.

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

N/A

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc.).

The Welsh Government intends to commission research into the effectiveness of implementation of this legislation after an appropriate period, expected to be following adoption of the National Development Framework, Strategic Development Plans and subsequent round of Local Development Plans.

The provisions within the Housing (Wales) Act 2014 complement the provisions in this Bill as they provide a statutory duty on local authorities to provide sites for Gypsies and Travellers where a need is identified.

This provision can be provided on a strategic basis in partnerships between local authorities. The provisions in the Housing (Wales) Act 2014 will be reviewed 6 years after commencement. This timeframe has been set due to the 5 year review period needed for assessment of Gypsy and Traveller accommodation needs. It is expected that the EIA will be reviewed, along with the policy effectiveness, in early 2020.

It is expected that the Equality Impact Assessment will be reviewed, along with the effectiveness of the proposals within a reasonable period.

In addition to a formal review, officials will continue to monitor any equality impacts that arise as a result of these proposals on an ongoing basis. The Equality Impact Assessment will be kept as a 'live' document to capture any additional impacts that have not been foreseen during the development of these proposals.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Planning – Local Development Plans including period for which Local Development Plan has effect; withdrawal of Local Development Plan; the requirement to include a Welsh Language Impact Assessment in the Sustainability Appraisal; and Welsh Minister’s power to direct preparation of Joint Local Development Plans
Name of official:	Planning Bill Team, Planning Directorate
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce changes that:

- Provide a modern delivery framework for the preparation of development plans and planning decisions, including allowing the Welsh Ministers to decide a limited number of planning applications in defined circumstances.
- Ensure that Local Development Plans (LDPs) are delivered and reviewed regularly so that they remain relevant to planning decisions.
- Improve the operation of the development management system so it complements the implementation of Local Development Plans (LDPs), including the introduction of provisions to promote greater consistency and availability of pre application advice.

Policy Objective

To improve the Local Development Plan process by overhauling process matters to ensure a better and more efficient plan making system.

Intended Effect

Period for which Local Development Plan has effect: To ensure that local planning authorities keep their Local Development Plans up to date. This provision will allow for Local Development Plans to have an end date setting out the plan period, beyond which they will cease to be the extant development plan for their area

Withdrawal of Local Development Plan: This provision will provide a mechanism for the Welsh Ministers to ensure that local planning authorities do not withdraw 'sound' plans. This allow for Welsh Ministers to be notified and consider whether to use their intervention powers before a local planning authority can withdraw a Local Development Plan. It enables the Welsh Ministers to use their intervention powers, if the evidence base was in place to avoid a 'sound' plan from being withdrawn.

The Welsh Ministers' power to direct preparation of Joint Local Development Plans: The provisions will allow Welsh Ministers to direct two or more local planning authorities to prepare a Joint Local Development Plan, stating their reasons for doing so (i.e. based on evidence) where a larger than local perspective needs to be taken on matters such as housing land supply.

The mandatory requirement to include a Welsh Language Impact Assessment as part of the Sustainability Appraisal when preparing a local development plan: The provision requires that a requirement to include the assessment of the likely impacts of the Welsh language within the Sustainability Appraisal process for the specified area. All documents with development plan status (the National Development Framework, Strategic Development Plans and Local Development Plans will be subject to this mandatory requirement).

The above provisions above are considered to be technical amendments that will deliver positive changes to ensure local planning authorities have up-to-date Local Development Plans in place.

Policy/Legislation Review

- The legislation will be evaluated through delivery of an up to date plan led system throughout Wales at all levels, including collaborative working practices.
- The Welsh Government intends to commission research into the effectiveness of implementation of this legislation after an appropriate period, expected to be following adoption of the National Development Framework, Strategic Development Plans and subsequent round of Local Development Plans.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period. These were attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet

Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion. Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

Respondents who commented on the proposals to overhaul the Local Development Plan system came from a wide range of backgrounds and sectors.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee

received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?Id=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base in relation to Local Development Plan proposals includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers
- A New Approach to Managing Development in Wales: Towards a Welsh Planning Act
- Public Attitudes Towards the Planning System in Wales
- Research to Evaluate the Planning Permission Process for Housing.
- National Assembly for Wales Sustainability Committee Inquiry into Planning in Wales January 2011
- Simpson Review
- Planning Policy Wales
- Local Development Plan Manual

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

Stakeholder responses to the Positive Planning consultation were in favour of the proposals to reform the Local Development Plan processes.

The majority of stakeholders at our stakeholder events supported the improvements to the Local Development Plan system.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

The amendments to the Local Development Plan process will mean that Local Development Plans are in place and reviewed and updated regularly. This will ensure that they are responsive to local issues and needs. Proposals for Local Development Plan Withdrawal will have both a positive and negative effect on protected groups because it should stop local planning authorities from withdrawing a plan, on which planning decisions are based, where there is no sound reason to do so. The mandatory requirement duty for Local Development Plans to include the assessment of the likely impacts of the Welsh language within the sustainability appraisal process for the specified area will strengthen existing policy and ensure clarity and consistency of the plan making process across Wales.

Joint Local Development Plans will allow strengthened collaboration between neighbouring local planning authorities and provide efficiency savings and greater resilience. The cross boundary approach means that matters such as housing supply can be addressed more effectively. This is expected to have a positive affect on communities and therefore on a range of protected groups including younger people, family groups, the elderly and those with a mental or physical disability. The proposals will have a positive impact and the Gypsies and Travellers community, particularly where site provision is considered.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (Children and young people, up to 18)	✓			Joint Local Development Plans will help to enable children of Gypsies and Travellers communities to live on sites with minimum standards and not on unauthorised sites which may be unsafe. It is anticipated that children and young people will be better able to access education, healthcare, community facilities and be more integrated into society if new sites are provided as a result of the inclusion of cross boundary issues such as housing provision as a result of joint Local Development Plans.
People 18-50			✓	Please see impact overview section above. It is anticipated that the Bill will not

				differentially impact on any other particular age group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Older people (50+)	✓			Older people from the Gypsies and Travellers community, who may no longer wish to travel could benefit from being settled more permanently on an authorised site. It will also improve access to healthcare, community facilities and allow greater integration into society if new sites are provided as a result of the joint Local Development Plans.

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Physically disabled	✓			The inclusion of housing provision / Gypsies and Travellers accommodation needs in joint Local Development Plans will benefit physically disabled people through enabling them to live on an authorities site as standards of safety will be better than those at unauthorised sites.
Mental health problem	✓			The inclusion of housing provision / Gypsies and Travellers accommodation needs in joint Local Development Plans will help to ensure that those within the community with mental health problems are settled with continuity of access to community mental health services

				where required.
Visual impairment			✓	The inclusion of housing provision / Gypsies and Travellers accommodation needs in joint Local Development Plans will help people with a visual impairment as they will benefit from living on an authorised site where standards of safety will be better than unauthorised sites. When planning for a new site, Local Authorities will need to consider the needs of visually impaired people.
Hearing impairment			✓	Please see impact overview section above.
Learning disability			✓	It is anticipated that the Bill will not differentially impact on the disabled or impaired and will not affect the Welsh Government's ability to comply with the general Public Sector Equality
Other impairments issues			✓	

				Duty.
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4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above.
Female			✓	It is anticipated that the Bill will not differentially impact on either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact

				on those who are transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above.
Civil Partnership			✓	It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy	✓			Please see impact overview section above.
Maternity (the period after birth)	✓			Where housing provision / Gypsies and Travellers site provision is considered in the joint Local Development Plan this will have a positive impact on pregnant women (including the period after birth) as they will have settled conditions and continuity of access to midwifery and health visitor care.

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Gypsies and Travellers	✓			Please see impact overview above. The proposals will

				have a positive impact on the Gypsies and Travellers communities, particularly where site provision is considered.
Ethnic minority people e.g. Asian, Black,	✓			Please see impact overview above: The proposal will have a positive impact as Gypsies and Travellers are recognised ethnic groups under the Equality Act 2010
National Origin (e.g. Welsh, English)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any other particular racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Asylum Seeker and Refugees			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any groups with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that
Lesbians			✓	

				the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions	✓			<p>The European Court of human Rights has established that Article 8 imposes a positive obligation on the United Kingdom to "facilitate the Gypsy way of life" (<i>Chapman v UK</i> (2001) 33 EHRR 399).</p> <p>Article 8 states that: "(1) Everyone has the right to respect</p>

				<p>for his private and family life, his home and his correspondence.</p> <p>(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the protection of health or morals, or for the protection of the rights and freedoms of others”</p> <p>Article 14 concerns prohibition of discrimination and should be read in conjunction with Article 8: “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour,</p>
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				<p>language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”</p> <p>The Bill is not anticipated to have a positive or negative differential impact on the human rights of any other group with protected characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly’s legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section</p>
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				108(6)(c)).
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

The Joint Local Development Plan will be prepared by two or more neighbouring local planning authorities as designated by the Welsh Ministers. It will therefore cut across local boundaries in the consideration of the provision of housing supply for Gypsies and Travellers. The proposals promote equality of opportunity by ensuring that Gypsies and Travellers have access to culturally appropriate housing. The increase in culturally appropriate accommodation for Gypsies and Travellers will provide this community with the opportunity to enjoy further benefits within their local community and will therefore also assist in advancing equality of opportunity in the long term.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

The consideration of site provision for Gypsies and Travellers will mean there is less need for unauthorised encampments and correspondingly reduction in the psychological trauma caused by eviction. It will meet Objective 6 of the Strategic Equality Plan by putting the needs of those with protected characteristics at the heart of service delivery.

In addition, the provision of culturally appropriate housing will help promote and secure the human rights of Travellers and Gypsies, through supporting and facilitating Article 8, 'facilitate the Gypsy way of life' and Article 14.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

Gypsies and Travellers will find it easier to integrate into society once they have a settled place to live or an authorised transit pitch to use. The proposals will enhance increased community cohesion allowing good relations to develop between Gypsies and Travellers and the settled community.

Other factors such as increased school attendance and better preventative healthcare will also have a positive impact on community cohesion, which will have long-term benefits, assisting in the development of strong future relations and equality of opportunity.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

There are no negative impacts in Part 1.

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

N/A

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc.).

The Welsh Government intends to commission research into the effectiveness of implementation of this legislation after an appropriate period, expected to be following adoption of the National Development Framework, Strategic Development Plans and subsequent round of Local Development Plans.

The provisions within the Housing (Wales) Act 2014 complement the provisions in this Bill as they provide a statutory duty on local authorities to provide sites for Gypsies and Travellers where a need is identified. This provision can be provided on a strategic basis in partnerships between local authorities. The provisions in the Housing (Wales) Act 2014 will be reviewed 6 years after commencement. This timeframe has been set due to the 5 year review period needed for assessment of Gypsy and Traveller accommodation needs. It is expected that the EIA will be reviewed, along with the policy effectiveness, in early 2020.

It is expected that the Equality Impact Assessment will be reviewed, along with the effectiveness of the proposals within a reasonable period.

In addition to a formal review, officials will continue to monitor any equality impacts that arise as a result of these proposals on an ongoing basis. The Equality Impact Assessment will be kept as a 'live' document to capture any additional impacts that have not been foreseen during the development of these proposals.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Planning – Joint Planning Boards
Name of official:	Planning Bill Team, Planning Directorate
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce changes that:

- Provide a modern delivery framework for the preparation of development plans and planning decisions, including allowing the Welsh Ministers to decide a limited number of planning applications in defined circumstances.
- Improve the operation of the development management system so it complements the implementation of Local Development Plans, including the introduction of provisions to promote greater consistency and availability of pre application advice.

Policy Objective

To amend current legislation regarding the establishment of Joint Planning Boards to ensure comprehensive merger of all local planning functions, including the ability for such a Board to carry out all development management functions and to prepare and adopt a Local Development Plan for its assigned area.

Intended Effect

The current legislation for joint planning boards provides powers to allow the Welsh Ministers to establish a joint planning board as the local planning authority for two or more areas, each of which is the whole or part of a Welsh county or county borough.

The proposals will update the current legislation, enabling a Joint Planning Board the ability to perform all modern local planning authority functions.

The proposals will therefore allow for the merging of local planning authority functions in future, if there is an evidenced need to do so. This mechanism will provide a tool to create resilient delivery bodies with access to a full range of technical and specialist skills.

These Joint Planning Board provisions do not apply to the National Park areas in Wales. The Planning (Wales) Bill includes separate provisions that relate to National Park Authorities and Joint Planning Boards. These provisions enable the Welsh Ministers to extend the scope of the powers for Joint Planning Boards so they are able to carry out development management functions for National Park areas. This would only be the case if the provisions are extended by the Welsh Ministers through regulations approved by the National Assembly and would not extend to plan making functions, which will continue to be carried out by the National Park Authorities.

Policy/Legislation Review

- The legislation will be evaluated through delivery of an up to date plan led system throughout Wales at all levels, including collaborative working practices.
- The Welsh Government intends to commission research into the effectiveness of implementation of this legislation after an appropriate period, expected to be following adoption of the National Development Framework, Strategic Development Plans and subsequent round of Local Development Plans.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period. These events were attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion. Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the

protected groups for which the provisions of the Planning Bill may have an impact upon.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base in relation to Joint Planning Boards includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers
- A New Approach to Managing Development in Wales: Towards a Welsh Planning Act
- Public Attitudes Towards the Planning System in Wales
- Research to Evaluate the Planning Permission Process for Housing.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

The proposals to update the current legislation, enabling a Joint Planning Board the ability to perform all modern local planning authority functions, will allow for the merging of local planning authority functions in future, if there is an evidenced need to do so. This mechanism will provide a tool to create resilient delivery bodies with access to a full range of technical and specialist skills and will facilitate resource and cost savings ensuring greater resilience. The Joint Planning Board will therefore be better equipped to deliver the planning services needed by the communities of Wales including protected groups. It is anticipated that this provision of itself will not differentially impact on any of the protected groups. However, the Joint Planning Board will be responsible for preparing and adopting a Joint Development Plan which will tackle larger than local issues, supporting how people live their lives rather than plans being confined by local planning authority boundaries. The cross boundary approach will address matters such as housing supply which will have a positive impact on a range of protected groups. These groups include younger people family groups, the elderly and those with a mental or physical disability and the Gypsy and Traveller community, particularly where site provision is considered. A specific Equality Impact Assessment examines that proposal.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people <i>(Children and young people, up to 18)</i>			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular age group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
People 18-50			✓	
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on the disabled or impaired and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above.
Female			✓	It is anticipated that the Bill will not differentially impact on either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are

				transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above.
Civil Partnership			✓	It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above.
Maternity (the period after birth)			✓	It is anticipated that the Bill will not differentially impact on pregnant women (including the period after birth) and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above.
National Origin (e.g.			✓	It is anticipated that the Bill will not differentially impact

Welsh, English)				on any particular racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Asylum Seeker and Refugees			✓	
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not differentially impact on any groups with a particular religion or belief and will not affect the Welsh Government's ability to comply with the</p>

				general Public Sector Equality Duty.
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Lesbians			✓	
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			✓	<p>The Bill is not anticipated to have a positive or negative differential impact on the human rights of any group with protected characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA</p>

				2006 section 108(6)(c)).
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Management – Pre-Application Procedure <ul style="list-style-type: none">• requirement for applicants to carry out pre-application consultation• requirement for local planning authorities to provide pre-application services
Name of official:	Planning Bill Team, Planning Directorate
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce changes that:

- Provide a modern delivery framework for the preparation of development plans and planning decisions, including allowing the Welsh Ministers to decide a limited number of planning applications in defined circumstances.
- Further enhance engagement by making it easier for citizens to influence the future of their communities, through the introduction of statutory pre application consultation for significant planning applications.

Policy Objective

The planning application process is the primary tool used to manage new development. It plays a critical role in the consideration and authorisation (or refusal) of proposals and is the aspect of the planning system with which most individuals and businesses are familiar. Each year around 22,000 planning applications are decided in Wales with the vast majority 90 % being approved. In terms of timeliness of decision making, 70 % of planning applications are decided within 8 weeks.

Central to improving the planning application process is a change in practice from **development control** to **development management**, moving away from a regulatory culture that can hinder development to a service delivery approach that enables. Development management is a positive and proactive approach to shaping, considering, determining and delivering development led by the local planning authority, working

collaboratively with those proposing developments, the community and other stakeholders.

It is best practice for developers to engage with communities, LPAs and other stakeholders, including statutory consultees, prior to the submission of a planning application. This process is often referred to as “frontloading” and occurs most frequently for larger schemes. For the applicant it should smooth the passage of the application by enabling any issues to be flushed out and resolved in advance, thereby improving the chances of obtaining permission. Alternatively, pre-application discussions may identify issues which preclude a proposal proceeding so avoiding abortive work on a planning application. For local planning authorities it should make the task of dealing with the application easier. For statutory consultees and communities it provides an opportunity to influence what is proposed.

There are two elements to the pre-application procedure:

- Pre-application consultation
- Pre-application services

Pre-application Consultation

The purpose of the provisions is to introduce a statutory requirement for pre-application engagement with specified persons, likely to include the public and statutory consultees in the planning application process, where a development is of a description specified in a development order under subordinate legislation. This is likely to include DNS and major developments. The applicants will be required to publicise the proposal and carry out consultation. Procedural arrangements will be set out by development order, which may specify how consultation is to be carried out and how specified persons are to respond, including timescales. A development order may also make provision to require certain consultees (likely to be existing statutory consultees in the planning application process) to also report to the Welsh Ministers on their compliance with these requirements.

The provisions also require that a “pre-application consultation report” accompanies all submitted applications where the applicant has been required to carry out pre-application consultation. The form of the report

and the particulars that must be contained in it will be set out by development order.

The intended effect of the provisions is to provide a statutory basis for early, meaningful and effective engagement to ensure that communities and statutory consultees can more readily influence development proposals.

Pre-application services

The purpose of the provisions is to allow for a consistent approach to pre-application services across local planning authorities and to allow the Welsh Ministers to provide such a service for applications made directly to them. The Welsh Ministers will be able to make regulations in relation to pre-application services to be provided by them and LPAs. The regulations will specify the circumstances in which pre-application services are to be provided, the nature of the services and publication by the Welsh Ministers or LPA of any advice provided. Regulations will also relate to the keeping of records of pre-application services and the publication by the provider of a statement setting out the range of available pre-application services.

Intended effect

The intended effect of the provisions is to provide a consistent approach to pre-application services across Wales and allow the Welsh Ministers to provide such a service for applications made directly to them. This will be of benefit to applicants, local planning authorities and the Welsh Ministers. Formalised arrangements for pre-application services will help to identify potential improvements to development proposals at an early stage, contributing to a more efficient planning application procedure and better quality development.

Policy/Legislation Review

- The effect of this legislation on the planning application process will be examined through monitoring undertaken by the Welsh Government. The data will be collected through the existing quarterly surveys of all local planning authority development management services.

- Where the legislation has a direct impact on statutory consultees in the planning application process, the Welsh Government will monitor its effect through performance reports that the consultees will be required by legislation to produce and submit to the Welsh Ministers.
- As part of the Law Commission's 12th Programme of Law Reform they will undertake a wide review of the legislation contained in the Town and Country Planning Act 1990 in respect of the development management system in Wales. The information gathered and the recommendations made by the Law Commission as a result of this three year review programme will also assist in our monitoring of the effects and impacts of the proposed legislation.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period, which were attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion. Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key

stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base for pre-Application processes includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers
- A New Approach to Managing Development in Wales: Towards a Welsh Planning Act
- Public Attitudes Towards the Planning System in Wales
- Pre-application consultation with communities: a basic guide
- Consultation on fees for planning applications

The evidence base for the Bill, including the Planning Application Review and IAG Report, identified that early involvement by communities and statutory consultees prior to submission of a planning application can improve public confidence in the planning system and help to address areas of concern. One of the measures recommended by the IAG was the introduction of a statutory duty that requires developers to undertake pre-application community consultation - involving communities at the initial project planning stage.

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

- 97.3% of stakeholder responses to the Positive Planning consultation were in favour of the proposal that developments of national significance should be subject to mandatory pre-application notification, and consultation.
- 81.8% of stakeholder responses to the Positive Planning consultation were in favour of the proposal that a fee should be charged for pre-application advice for prospective Developments of National Significance (DNS).

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

The pre-application community consultation provisions enhance engagement by making it easier for citizens to influence the future of their communities. This provides all citizens, including protected groups, with the right to have their say with regard to development that will affect them, their locality and their individual circumstances. Early, meaningful and effective engagement will build understanding between developers and communities. It also allows any significant concerns to be addressed early on in the process, ensuring that developers have the opportunity to taken full account of the views of groups.

The pre-application services provided by local planning authorities are currently undertaken on a voluntary basis and are encouraged by Planning Policy Wales. The provisions in the Bill will allow for a consistent approach to pre-application services across Wales. Pre-application services provide the opportunity for applicants to discuss proposals at an early stage, contributing to a more efficient planning application procedure and a better understanding by all concerned. This will allow for better quality developments and will not affect certain protected groups over others.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (Children and young people, up to 18)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular age group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
People 18-50			✓	
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on the disabled or impaired and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact
Female			✓	

				on either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not differentially impact on those who are transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.</p>

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above.
Civil Partnership			✓	It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above.
Maternity (the period after birth)			✓	It is anticipated that the Bill will not differentially impact on pregnant women (including the period after birth) and will

				not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
National Origin (e.g. Welsh, English)			✓	
Asylum Seeker and Refugees			✓	
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not differentially impact on any group with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.</p>
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not</p>
Lesbians			✓	

Bi-sexual			✓	differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.10 Do you think that this policy will have a positive or negative impact on people's human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			✓	<p>The Bill is not anticipated to have a positive or negative differential impact on the human rights of any group with protected characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's legislative</p>

				competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section 108(6)(c)).
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Applications to Welsh Ministers– <ul style="list-style-type: none">• Developments of National Significance• Option to make applications to Welsh Ministers• Connected Applications to Welsh Ministers, Developments of National Significance
Name of official:	Planning Bill Team, Planning Directorate
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision. For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce changes that:

- Provide a modern delivery framework for the preparation of development plans and planning decisions, including allowing the Welsh Ministers to decide a limited number of planning applications in defined circumstances.
- Further enhance engagement by making it easier for citizens to influence the future of their communities, through the introduction of statutory pre application consultation for significant planning applications.
- Overhaul the arrangements under which planning decisions are made including introducing provisions which would allow for the standardisation of planning committee arrangements and procedures and delegation to officers across Wales.

Policy Objective

Developments of National Significance and connected consents

The intended effect of the provisions is to put in place an approach which would allow the Welsh Ministers to decide a limited number of devolved planning applications for the largest and most technically challenging developments. This will ensure that national priorities and local concerns can be fully explored during the consideration of the planning application.

Option to make applications to Welsh Ministers

The intended effect of the provisions is to give applicants the option to make a direct planning application to the Welsh Ministers, if an LPA is deemed to be poorly performing and has been designated by Welsh Ministers for that purpose. These measures should ensure LPAs focus on improving their performance, encouraging efficient working in respect of their development management and other planning functions.

Intended Effect

Developments of National Significance and connected consents

The purpose of the provisions is to enable the Welsh Ministers to determine applications for planning permission to undertake development which is nationally significant. (Projects consented by the UK Government under the Planning Act 2008 by way of Development Consent Order are outside the scope of these proposals.) The Bill makes provision for a new category of development to be known as a Development of National Significance. The types of applications to be handled under this process are those which are of greatest significance to Wales in terms of their potential impacts. They may include projects identified by the National Development Framework and those that meet thresholds and criteria to be set out in secondary legislation. Evidence from the Quantification of infrastructure and business/ commercial planning applications submitted in Wales study has identified that if the same thresholds and criteria are adopted in Wales as in England, with the exception of energy generation projects where it is proposed that projects in the range 25-50 MW will be categorised as Developments of National Significance, it is predicted that no more than 10 projects a year would be submitted to the Welsh Ministers.

The Welsh Ministers or an appointed person on their behalf will be responsible for processing and deciding planning applications for this category of development. The Welsh Ministers will be required to determine the applications for proposed Developments of National Significance within 36 weeks, except where subordinate legislation approved by the National Assembly allows for the substitution of this period with a different timescale for determination. These proposals will be subject to pre-application notification and consultation. LPAs will be

required to prepare and submit to the Welsh Ministers a local impact report setting out the impacts from the development and any mitigation requirements. The Planning Inspectorate will process the application using the written representations procedure, holding a hearing where necessary, and provide a report to the Welsh Ministers. The Welsh Ministers will make the decision on the application. Post-determination procedures, including discharge of planning conditions, will be handled by LPAs.

Option to make applications to Welsh Ministers

The provisions provide the Welsh Ministers with a power to designate an LPA as underperforming and to revoke such designation at any time based on defined criteria. The Welsh Ministers will be able to prescribe the development to which the option to make a direct application applies, and provide applicants for planning permission with a right to apply directly to the Welsh Ministers. The Welsh Ministers will have a power to prescribe the determination process for applications made directly to them.

Policy/Legislation Review

Developments of National Significance and connected consents

- Ministerial targets for the administration of the Developments of National Significance process will be set annually. Formal monitoring of the targets will be achieved through the submission of annual returns to the Welsh Ministers. An overall evaluation project is proposed within 3 years of implementation to measure the outcome of the process.

Option to make applications to Welsh Ministers

- Where local planning authorities are designated by the Welsh Ministers due to their poor performance, applicants will have the option to submit applications (anticipated to be for major development) direct to the Welsh Minister instead of the local planning authority. Local planning authorities will be monitored by the Welsh Government against set criteria

that will be used to assess whether or not they are to be designated due to their poor performance. The data collection undertaken by the Welsh Government through existing quarterly surveys of all local planning authority development management services, and the annual performance reports that local planning authorities will submit to the Welsh Ministers, will be used to monitor their performance for the purposes of this legislation. The criteria to be used by the Welsh Ministers to define poor performance are yet to be established, although it is anticipated that they will include timeliness and quality of decision making.

- Formal monitoring of the Planning Inspectorate's performance in relation to these applications will be examined through the submission of annual returns to the Welsh Ministers. There will also be formal monitoring of the effect and impact of the legislation on the performance of development management services across Wales and the benefits that it gives applicants.

Timeframe:

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

- 2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?**

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period which was attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion.

Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

Respondents who commented on the proposals for Developments of National Significance, connected consents and option to make applications to the Welsh Minister came from a wide range of backgrounds and sectors.

The majority of stakeholder responses to the Positive Planning consultation were in favour of the proposal for Developments of National Significance and connected consents.

- 59.2% of stakeholder responses to the Positive Planning consultation were in favour of the proposals for option to make applications direct to the Welsh Ministers.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base for Developments of National Significance, connected consents and option to make applications to the Welsh Ministers includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers
- A New Approach to Managing Development in Wales: Towards a Welsh Planning Act
- Evaluation of consenting performance of renewable energy schemes

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided which are described fully in the methodology section of each report. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Overview Impact

The proposals for Developments of National Significance, connected consents and option to make applications direct to Welsh Ministers will not have a differential impact on any particular sector within local communities. The community will be able to participate in the planning process and influence consideration of the planning merits of a proposed scheme.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people <i>(Children and young people, up to 18)</i>			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular age groups and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
People 18-50			✓	

Older people (50+)			✓	
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4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on the disabled or impaired and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
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Male			✓	Please see impact overview section above.
Female			✓	It is anticipated that the Bill will not differentially impact on either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above.
Civil Partnership			✓	It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above.
Maternity (the period after birth)			✓	It is anticipated that the Bill will not differentially impact on pregnant women (including the period after birth) and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above.
National Origin (e.g. Welsh, English)			✓	It is anticipated that the Bill will not differentially impact on any particular racial or minority

Asylum Seeker and Refugees			✓	group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any group with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g. Humanists			✓	
Non-belief			✓	

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4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above.
Lesbians			✓	It is anticipated that the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN			✓	The Bill is not anticipated to have a positive or negative differential

Conventions				<p>impact on the human rights of any group with protected characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section 108(6)(c)).</p>
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Management – Non-Validation Appeals
Name of official:	Planning Bill Team, Planning Directorate
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce changes that place the responsibility on applicants to gather all information Local Planning Authorities (LPAs) need to make robust, informed decisions. LPAs must take a proportionate approach when applying the requirements of the standard application form and any local information requirements when deciding if a planning application should be accepted (often referred to by LPAs as being valid). Disputes may occur over how much information is appropriate, although currently for the developer the only viable option may be to provide the information requested. To resolve disputes quickly, a new appeal mechanism that deals solely with whether a submitted application is valid or not is proposed. This would allow a right of appeal against the decision of an LPA not to register a planning application, using a streamlined appeal procedure administered by the Planning Inspectorate. The case would be dealt with by an appointed planning officer, rather than an inspector, using the written representations procedure.

Policy Objective

The proposals are specific in nature and are designed to ensure that an applicant has a right of appeal to Welsh Ministers where the local planning authority has decided not to validate their application, making it easier for the applicant to challenge the local planning authority's decision. The primary purpose of these provisions is to ensure fairness in the process for registering a planning application, requiring local planning authorities to give full consideration as to whether the information they request is really necessary and relevant to the planning

application. Further, the provisions are related to a specific element of the planning application process and are not about the determination of the development.

Policy/Legislation Review

- The effect of this legislation on the planning application process will be examined through monitoring undertaken by the Welsh Government. The data will be collected through the existing quarterly surveys of all local planning authority development management services.
- As part of the Law Commission's 12th Programme of Law Reform they will undertake a wide review of the legislation contained in the Town and Country Planning Act 1990 in respect of the development management system in Wales. The information gathered and the recommendations made by the Law Commission as a result of this three year review programme will also assist in our monitoring of the effects and impacts of the proposed legislation.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

- 2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?**

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period which was attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion.

Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base for non-validation appeals includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers
- A New Approach to Managing Development in Wales: Towards a Welsh Planning Act

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided which are described fully in

the methodology section of each report. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Overview Impact

The proposals in respect of Non-Validation Appeals will benefit all sectors within the community, as it ensures fairness in the processing and registering of planning applications. This will resolve disputes quickly and avoid unnecessary delay in the system.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How
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				might it impact?
Younger people <i>(Children and young people, up to 18)</i>			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not differentially impact on any particular age groups and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.</p>
People 18-50			✓	
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on disabled or impaired groups and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on
Female			✓	

				either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not differentially impact on those who are transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.</p>

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above.
Civil Partnership			✓	It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above.
Maternity (the period after birth)			✓	It is anticipated that the Bill will not differentially impact on pregnant women (including the period

				after birth) and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
National Origin (e.g. Welsh, English)			✓	
Asylum Seeker and Refugees			✓	
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any groups with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that
Lesbians			✓	

				the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			✓	<p>The Bill is not anticipated to have a positive or negative differential impact on the human rights of any group with protected characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's</p>

				legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section 108(6)(c)).
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Management – <ul style="list-style-type: none">• Decision Notices• Notification of Development
Name of official:	Planning Bill Team, Planning Directorate
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

Notification of Development

The provisions will require the developer to notify the local planning authority of the date on which development is to begin and the details of the planning permission being implemented. A copy of the planning permission must also be displayed at or near the site. The types of planning permission that these requirements are to apply to will be defined by a development order. This is likely to be for planning permissions relating to major development.

Decision Notices

The provisions will allow for the decision notice to be updated as necessary to reflect the current position of the planning permission. A development order may prescribe the form, manner and particulars of decision notices. The decision notice must specify the plans or other documents in accordance with which development must be carried out. Provision is also made for a deemed planning condition which requires all development to be carried out in accordance with any plans or other documents specified in the decision notice. In addition, these provisions will also ensure that developers can make minor material amendments to existing planning permissions. The deemed condition provides a relevant condition which developers can then amend, by means of submitting a section 73 application to the Local Planning Authority for determination, to make such minor changes. When a local planning authority approves any details required by a planning condition or

limitation then the decision notice must also be updated and reissued by them to reflect this approval.

Policy Objective

Notification of Development

The intended effect of the provisions is to support greater clarity, transparency and certainty for all stakeholders, including local communities, in the development management process, in particular where a single development has multiple permissions. The introduction of a notification of commencement will assist in monitoring compliance with permissions by helping to ensure that all necessary conditions have been discharged prior to development commencing, thereby preventing breaches of conditions and reducing the need for enforcement action.

Decision Notices

The intended effect is to make the decision notice a 'live' document that reflects the current position of the planning permission so that it is easier for developers, Local Planning Authorities, local residents and other stakeholders to identify the scope of the planning permission and whether conditions have been complied with. It will increase clarity, transparency and certainty within the development management process. The provisions also ensure that developers can make minor material amendments to existing planning permissions instead of having to submit an entirely new application to make such changes. This will reduce unnecessary delay, uncertainty and expense for developers and Local Planning Authorities.

Intended Effect

The intended effect is to make the decision notice a 'live' document that reflects the current position of the planning permission so that it is easier for developers, local planning authorities, local residents and other stakeholders to identify the scope of the planning permission and whether conditions have been complied with. It will increase clarity, transparency and certainty within the development management process. In addition, provisions ensure that developer scan make minor

material amendment to existing planning permission instead of having to submit an entirely new application to make such changes. This will reduce unnecessary delay, uncertainty and expense for developers and the local planning authority.

Policy/Legislation Review

- The effect of this legislation on the planning application process will be examined through monitoring undertaken by the Welsh Government. The data will be collected through the existing quarterly surveys of all local planning authority development management services.
- As part of the Law Commission's 12th Programme of Law Reform they will undertake a wide review of the legislation contained in the Town and Country Planning Act 1990 in respect of the development management system in Wales. The information gathered and the recommendations made by the Law Commission as a result of this three year review programme will also assist in our monitoring of the effects and impacts of the proposed legislation.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

- 2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?**

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period which was attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion.

Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base decision notices and notification of development includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers
- A New Approach to Managing Development in Wales: Towards a Welsh Planning Act

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided which are described fully in the methodology section of each report. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

In addition to the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Overview Impact

The proposals in respect of decision notices and notification of development will benefit all sectors within local communities, in identifying the up-to-date details of development that has been granted. In the case of the notification when development begins these changes provide greater clarity, transparency and certainty for all stakeholders, including local communities, in the development management process, in respect of which planning permission is being implemented.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (Children and young people, up to 18)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular age groups and will not affect the Welsh Government's ability to comply with the general Public Sector
People 18-50			✓	

				Equality Duty.
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on disabled or impaired groups and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above.
Female			✓	It is anticipated that the Bill will not differentially impact on either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are transgender and will not affect the Welsh

				Government's ability to comply with the general Public Sector Equality Duty.
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4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above.
Civil Partnership			✓	It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact

				overview section above.
Maternity (the period after birth)			✓	It is anticipated that the Bill will not differentially impact on pregnant women (including the period after birth) and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
National Origin (e.g. Welsh, English)			✓	
Asylum Seeker and Refugees			✓	
Gypsies and Travellers			✓	
Migrants			✓	

Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any groups with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on persons who are gay men, lesbians, or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Lesbians			✓	
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			✓	The Bill is not anticipated to have a positive or negative differential impact on the human rights of any group with protected

				<p>characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section 108(6)(c)).</p>
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Management – Statutory Consultees
Name of official:	Planning Bill Team, Planning Directorate
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce changes that:

- Assist the determining body to obtain specialist information to inform the determination of certain types of applications.
- Benefit developers by ensuring these bodies/ organisations respond promptly to any request for information, helping to reduce delays in the determination process.
- Reduce uncertainty felt by local communities often associated with lengthy protracted responses.
- Benefit statutory consultees by ensuring their considered views are taken into account in the determination of a proposed development.

Policy Objective

The provision clarifies the areas where those bodies that are currently identified as statutory consultees in the planning application process must provide specialist advice when consultation requests have been made. These are:

- by developers at the pre-application stage of the process (see section on pre-application consultation); and
- by the local planning authority for applications for approval, consent or agreement, which include applications to discharge conditions, reserved matters applications and applications for non-material amendments.

Where these bodies are consulted in the circumstances described above, the provisions also ensure that they provide timely and substantive responses and report to the Welsh Ministers on their compliance with the requirements.

The provisions will require those bodies / organisations that are currently identified as statutory consultees in the planning application process to provide substantive responses to consultation requests that are made within a set period, as prescribed in subordinate legislation.

Intended Effect

The proposals will assist the determining body to obtain specialist information to inform the determination of certain types of applications. They will also benefit developers by ensuring these bodies / organisations respond promptly to any request for information, helping to reduce delays in the determination process. They should also reduce the uncertainty felt by local communities often associated with lengthy protracted responses. Finally, the changes will benefit statutory consultees themselves by ensuring their considered views are taken into account in the determination of a proposed development.

Policy/Legislation Review

- The effect of this legislation on the planning application process will be examined through monitoring undertaken by the Welsh Government. The data will be collected through the existing quarterly surveys of all local planning authority development management services. Where the legislation has a direct impact on statutory consultees in the planning application process, the Welsh Government will monitor its effect through performance reports that the consultees will be required by legislation to produce and submit to the Welsh Ministers.
- As part of the Law Commission's 12th Programme of Law Reform they will undertake a wide review of the legislation contained in the Town and Country Planning Act 1990 in respect of the development management system in Wales. The information gathered and the recommendations made

by the Law Commission as a result of this three year review programme will also assist in our monitoring of the effects and impacts of the proposed legislation.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period, which was attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how

planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion.

Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base in relation to Statutory Consultees includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers
- A New Approach to Managing Development in Wales: Towards a Welsh Planning Act
- Evaluation of Consenting Performance of Renewable Energy Schemes in Wales
- National Assembly for Wales Environment and Sustainability Committee: Energy Policy and Planning in Wales

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided which are described fully in the methodology section of each report. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

The proposals in respect of statutory consultees will benefit all sectors within local communities, as they will assist the determining body to obtain specialist information to inform the determination of certain types of applications. They will also benefit developers by ensuring these bodies / organisations respond promptly to any request for information, helping to reduce delays in the determination process. They should also reduce the uncertainty felt by local communities often associated with lengthy protracted responses. Finally, the changes will benefit statutory consultees themselves by ensuring their considered views are taken into account in the determination of a proposed development and will not affect certain protected groups over others.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people			✓	Please see impact overview section

(Children and young people, up to 18)				above. It is anticipated that the Bill will not differentially impact on any particular age groups and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
People 18-50			✓	
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on disabled or impaired groups and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on
Female			✓	

				either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not differentially impact on those who are transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.</p>

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above.
Civil Partnership			✓	It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above.
Maternity (the period after birth)			✓	It is anticipated that the Bill will not differentially impact on pregnant women (including the period

				after birth) and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular racial or minority groups and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
National Origin (e.g. Welsh, English)			✓	
Asylum Seeker and Refugees			✓	
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any groups with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that
Lesbians			✓	

				the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			✓	<p>The Bill is not anticipated to have a positive or negative differential impact on the human rights of any group with protected characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's</p>

				legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section 108(6)(c)).
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team , Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Management – Stopping Up or Diversion of Public Paths and Highways
Name of official:	Planning Bill Team
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The proposals are technical amendments to existing legislation that will essentially allow a joined up process for the making of stopping up or diversion of public paths and highways orders for planning applications in accordance with the new planning applications processes contained in the Planning (Wales) Bill (as an example, allowing such orders to be made for connected consent applications to Developments of National Significance).

Policy Objective

The proposals to reform the planning system in Wales will include changes with regards to the procedures for the making of stopping up or diversion of public paths and highways orders (referring to footpaths, bridleways and restricted byways) as part of the implementation of development proposals. These provisions will allow such orders to be made when a planning application is submitted and an order would be required to enable the development to proceed.

Policy / Legislation Review

- This is purely a technical amendment to allow for such orders to be made in accordance with the planning application processes contained in the Bill. Wider legislation on changes to the development management (planning applications) process will be examined through monitoring undertaken by the Welsh Government. The data will be

collected through the existing quarterly surveys of all local planning authority development management services.

- Where development management legislation has a direct impact on statutory consultees in the planning application process, the Welsh Government will monitor its effect through performance reports that the consultees will be required by legislation to produce and submit to the Welsh Ministers.
- As part of the Law Commission's 12th Programme of Law Reform they will undertake a wide review of the legislation contained in the Town and Country Planning Act 1990 in respect of the development management system in Wales. The information gathered and the recommendations made by the Law Commission as a result of this three year review programme will also assist in our monitoring of the effects and impacts of the proposed legislation.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provisions from 2015/2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a

period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period, which was attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, *Towards a Welsh Planning Act: Ensuring the Planning System Delivers*, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion. Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base in relation to Stopping Up or Diversion of Public Paths and Highways includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning System Delivers.

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

To confirm, these proposals are technical amendments to the stopping up or diversion process and are proposed in accordance with the planning application processes contained in the Planning (Wales) Bill.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

It is considered that the proposed changes are technical amendments to existing legislation that will essentially increase the scope and tighten the procedures allowing stopping up or diversion orders to be made for certain types of planning applications in accordance with the planning applications processes contained in the Planning (Wales) Bill. Due to their technical nature, as such the provisions are therefore considered to have the same affect upon all those persons who interact with the planning system and will not affect certain protected groups over others.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (Children and young people, up to 18)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular age group and will not affect the Welsh Government's ability to

People 18-50			✓	comply with the general Public Sector Equality Duty.
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on the disabled or impaired and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Female			✓	

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are transgender community and will not affect the Welsh Government's ability to comply with the general Public

				Sector Equality Duty.
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4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Civil Partnership			✓	

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact
Maternity (the period			✓	

after birth)				on pregnant women (including the period after birth) and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
National Origin (e.g. Welsh, English)			✓	
Asylum Seeker and Refugees			✓	
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any groups with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that the Bill will not
Lesbians			✓	

				differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			✓	<p>The Bill is not anticipated to have a positive or negative differential impact on the human rights of any group with protected characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's legislative</p>

				competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section 108(6)(c)).
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Management – planning committees and delegation
Name of official:	Planning Directorate
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce changes that:

- Overhaul the arrangements under which planning decisions are made including introducing provisions which would allow for the standardisation of planning committee arrangements and procedures and delegation to officers across Wales.

Policy Objective

The planning application process is the primary tool used to manage new development. It plays a critical role in the consideration and authorisation (or refusal) of proposals and is the aspect of the planning system with which most individuals and businesses are familiar. Each year around 22,000 planning applications are decided in Wales with the vast majority 90 % being approved. In terms of timeliness of decision making, 70 % of planning applications are decided within 8 weeks.

Section 70 of the Town and Country Planning Act 1990 provides Local Planning Authorities with the power to determine an application for planning permission. Section 101 of the Local Government Act 1972 allows the local authority to arrange for the discharge of its functions, including the power to determine an application for planning permission, by a committee, sub-committee or by delegation to an officer of the authority (normally the Head of Service / Chief Planning Officer in the case of planning decisions). The criteria setting out the rules governing when a delegated decision may be made are provided within each

Council's scheme of delegation. Each local authority is able to define its own planning committee size, make up, procedures and scheme of delegation.

The purpose of the provisions is to achieve a more consistent and efficient approach to the procedures used to decide planning applications. This will be achieved by the Welsh Ministers having a power to prescribe by regulation the size and make up of planning committees and a power to introduce a national scheme of delegation. Further detail of the proposed approach is contained in the Planning Committee and Delegation consultation paper.

Alongside the legislative provisions, in cooperation with interested parties, including the Welsh Local Government Association (WLGA), a National Planning Committee Protocol will be prepared to set out good practice and increase consistency in how planning committees operate across Wales. A National Programme of Member Training will also be established.

Intended effect

The intended effect of the provisions is to introduce greater consistency and efficiency in the procedures across Wales used to determine planning applications whilst retaining local democratic accountability. This will ensure that similar planning applications are dealt with in the same way wherever applicants are in Wales and will be of particular benefit to those who operate over a number of Local Planning Authority areas. There will also be potential efficiency savings for Local Planning Authorities and developers as result of increased delegation rates. As a result of more routine planning applications being delegated, planning committees will have more time to consider larger or more contentious planning applications.

Policy/ Legislation Review

The effect of this legislation on the planning application process will be examined through monitoring undertaken by the Welsh Government. The data will be collected through the existing quarterly surveys of all local planning authority development management services.

As part of the Law Commission's 12th Programme of Law Reform they will undertake a wide review of the legislation contained in the Town and Country Planning Act 1990 in respect of the development management system in Wales. The information gathered and the recommendations made by the Law Commission as a result of this three year review programme will also assist in our monitoring of the effects and impacts of the proposed legislation.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period, which was attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion. Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the

proposals contained in the Bill and built widespread consensus on the areas in need of change.

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence for Planning Committees includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers
- Study into the operation of Planning Committees in Wales

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

- 87.4% of stakeholder responses to the Positive Planning consultation were in favour of the proposal a competency framework should be prepared for planning practitioners and elected representatives to describe the skills knowledge and behaviours necessary to deliver planning reform.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

Currently the size of planning committees varies significantly, from Newport where 11 councillors comprise the committee, to all 72 councillors in Swansea. All 25 Local Planning Authorities having individual delegation arrangements. Delegation schemes set out the

circumstances where a planning application is to be determined by planning committee and circumstances where it can be determined by the chief planning officer or equivalent under delegated powers. These circumstances normally relate to issues such as the type of development, the number of objections received, and who submits the application. Most schemes of delegation allow for a local member to request that an application falling within their ward be determined by the Planning Committee (known as a “call in”). The delegation scheme also normally allows for the Chief Planning Officer to refer any application to committee if he/she believes the proposal warrants committee consideration (e.g. because it is controversial or has an authority wide impact). An analysis of the current delegation schemes in operation reveals that there are significant inconsistencies in the criteria that set out which applications are determined by committee and which are dealt with under delegated powers. These inconsistencies result in uncertainty for applicants and communities, particularly those who operate over several local planning authority areas.

The proposals in the Bill will introduce greater consistency and efficiency in the procedures across Wales for determining planning applications whilst retaining local democracy, consideration of local circumstances and need and local accountability. The proposals will ensure greater equality for all across Wales as all applicants will be dealt with in the same way regardless of where they live and will not affect certain protected groups over others.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
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Younger people (Children and young people, up to 18)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular age groups and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
People 18-50			✓	
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on disabled or impaired groups and will not affect the Welsh Government's ability to comply with
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	

Mental health problem			✓	the general Public Sector Equality Duty.
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above.
Female			✓	It is anticipated that the Bill will not differentially impact on either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are transgender and will not affect the Welsh

				Government's ability to comply with the general Public Sector Equality Duty.
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4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above.
Civil Partnership			✓	It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above.
Maternity (the period after birth)			✓	It is anticipated that the Bill will not differentially impact on pregnant women (including the period after birth) and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above.
National Origin (e.g. Welsh, English)			✓	It is anticipated that the Bill will not differentially impact on any particular racial or minority

Asylum Seeker and Refugees			✓	groups and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any groups with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g. Humanists			✓	

Non-belief			✓	
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4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above.
Lesbians			✓	It is anticipated that the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN			✓	The Bill is not anticipated to have a positive or negative differential

Conventions				<p>impact on the human rights of any group with protected characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section 108(6)(c)).</p>
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team , Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning Bill Policy: Development Management - Enforcement
Name of official:	Planning Bill Team
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce changes that:

- Looks to improve the existing enforcement process by eradicating consecutive appeals.
- Gives local planning authorities more control of retrospective applications.
- Transfers the determination of appeals against untidy land notices to the Welsh Ministers.

Policy Objective

The provisions are specific in nature and look to improve the existing enforcement process by eradicating consecutive appeals, giving local planning authorities more control of retrospective applications and transferring the determination of appeals against untidy land notices to the Welsh Ministers. They are designed to improve the enforcement system to secure prompt, meaningful action against breaches of planning control and also limit the possibility of offenders delaying enforcement action by exploiting loopholes in the existing process. This will help to improve public confidence in the planning system by providing effective and timely resolution of breaches of planning control.

Intended Effect

The provisions are designed to improve the enforcement system to secure prompt, meaningful action against breaches of planning control and also limit the possibility of offenders delaying enforcement action by exploiting loopholes in the existing process.

Policy / Legislation Review:

No measures are currently in place to monitor, on a routine basis, the effect and impact of the legislation on the enforcement system. To ensure that this monitoring can be undertaken, the following measures are therefore proposed:

- To extend the existing quarterly surveys undertaken of all local planning authority development management services to collect data on certain aspects of the enforcement system, principally relating to the timeliness of the system.
- To undertake an evaluation project after 4 years, anticipated to be undertaken within 4 years to assess the implementation of the legislation.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provisions for changes to the planning enforcement system from 2015/2016.

Policy/legislation Review:

- 2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?**

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period, which was attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion. Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the

protected groups for which the provisions of the Planning Bill may have an impact upon.

Respondents, who commented on the proposed changes to the Planning Enforcement system, as outlined in Positive Planning, came from a wide range of backgrounds and sectors.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base for the enforcement provisions includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning System Delivers; and

- Research into the Review of the Planning Enforcement System in Wales.

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

The majority of stakeholder responses to the Positive Planning consultation were in favour of the proposed changes to the planning enforcement system in Wales.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

It is considered that the proposed changes to the planning enforcement system are specific in nature, with their purpose being to secure prompt, meaningful action against breaches of planning control and also limit the possibility of offenders delaying enforcement action by exploiting loopholes in the existing process. The provisions are therefore considered to have the same affect upon all those persons who interact with the planning enforcement system and will not affect certain protected groups over others.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (<i>Children and young people, up to 18</i>)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular age group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
People 18-50			✓	
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on the disabled or impaired and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on either female or male persons and will not affect the Welsh Government's ability to
Female			✓	

				comply with the general Public Sector Equality Duty.
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4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above. It is anticipated that the Bill will not
Civil			✓	

Partnership				differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on pregnant women (including the period after birth) and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Maternity (the period after birth)			✓	

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
National Origin (e.g. Welsh, English)			✓	
Asylum Seeker and Refugees			✓	
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including			✓	Please see impact overview section above. It is anticipated that the

Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)				Bill will not differentially impact on any groups with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Lesbians			✓	
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			✓	<p>The Bill is not anticipated to have a positive or negative differential impact on the human rights of any group with protected characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section</p>

				108(6)(c)).
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Management – Planning Appeals
Name of official:	Planning Bill Team
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce reforms to the appeals system to ensure timely and transparent decision making for those engaging in the planning appeals process. The changes are a series of technical amendments, which confer rule-making powers on the Welsh Ministers, allow amendments to applications in circumstances to be prescribed in secondary legislation by the Welsh Ministers, restrict the circumstances within which new information may be introduced and reforms the costs regime.

Policy Objective

The purpose of the provisions are to support wider reforms designed to improve the planning appeal process. The proposed provisions adopt a balanced approach and will have benefits for applicants, communities, local planning authorities and the Welsh Ministers by providing greater certainty in the appeal process, increasing transparency, reducing timescales for determination and increasing efficiency.

Intended Effect

The aims of the provisions will ensure timely and transparent decision making for those engaging in the planning appeals process.

Policy/Legislation Review

- The effectiveness of the legislation will be demonstrated through monitoring undertaken by the Planning Inspectorate to ensure that appeals are handled efficiently.

- The Planning Inspectorate is currently required to submit annual returns to the Welsh Ministers in respect of their performance in determining planning appeals. This arrangement is not expected to change.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period, which was attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of

the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion. Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

Respondents who commented on the proposals for changes to the Planning Appeals system (as part of the suite of proposals set out in the draft Bill and Positive Planning) came from a wide range of backgrounds and sectors.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?Id=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base for the appeals provisions include:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers.

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

Planning appeal processes in other countries, including a consultation on changes to the appeal process in England (Technical review of planning appeal procedures: Department for Communities and Local Government, November 2012), have also been taken into account in formulating the proposals for amendments to the planning appeals system.

Stakeholder responses to the draft Bill consultation indicated that there was overall support for the majority of the proposed changes to the planning appeals system as outlined in Positive Planning.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have

assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

It is considered that the proposed provisions to make changes to the Planning Appeals system are technical amendments to the process that will allow for timely and transparent decision making. The provisions are therefore considered to have the same affect upon all those persons who interact with the planning appeals system and will not affect certain protected groups over others.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (Children			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on

<i>and young people, up to 18)</i>				any particular age group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
People 18-50			✓	
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on the disabled or impaired and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on either female or male persons and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Female			✓	

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability
Civil Partnership			✓	

				to comply with the general Public Sector Equality Duty.
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4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on pregnant women (including the period after birth) and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Maternity (the period after birth)			✓	

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above. It is anticipated that the

National Origin (e.g. Welsh, English)			✓	Bill will not differentially impact on any particular racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Asylum Seeker and Refugees			✓	
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any groups with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g.			✓	

Humanists				
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Lesbians			✓	
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including			✓	The Bill is not anticipated to have

Human Rights Act and UN Conventions				<p>a positive or negative differential impact on the human rights of any group with protected characteristics.</p> <p>A separate impact assessment on the rights of children and young people has been carried out.</p> <p>A provision would be outside the National Assembly's legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section 108(6)(c)).</p>
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Management – Town and Village Greens
Name of official:	Planning Bill Team
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The Bill proposes to introduce changes that:

- Clarify the process for handling planning applications and town and village green applications, to avoid parallel processes which are confusing for all parties, including local residents.
- The existing strong protection for registered town and village greens remains unchanged.
- Prohibit applications being made to register land as a town or village green where planning permission or development consent has been granted in respect of the land. .

Policy Objective

To encourage landowners to permit recreational use of their land landowners will be able to submit declarations to the commons registration authority, rendering land immune from registration, provided that certain criteria are met. Without this there is the potential for landowners to decide that they have no option but to prevent access to land.

To assist registration there is also provision to allow common registration authorities to set an administrative fee for considering registration or declaration of a town and village green; this fee should enable local authorities to deliver a better registration service. Reducing the period in

which a town and village green application can be made, after the requisite 20 years of recreational use 'as of right' has ceased, from 2 years to 1 year should also secure more timely decisions on registration.

Intended effect

The intended effect of the provisions is to ensure that planning and town and village green legislation is consistent and compatible and is not used to frustrate legitimate objectives. This will be achieved by ensuring that town and village green applications cannot be made where land has entered the planning system. Protection for existing town and village greens will be maintained and the process for genuine applications for town and village green status will remain. Open space designations in adopted LDPs will continue to be protected.

Policy/Legislation Review

- It is proposed to monitor the impacts of the legislation through annual statistical returns from Commons Registration Authorities. The collected data is intended to demonstrate whether the legislation has the desired impact of precluding an application to register a Town or Village Green where land has entered the planning system. It is also proposed to monitor the level of usage of landowner declarations.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period, which was attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion. Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate. The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

A copy of the draft Bill, Positive planning consultation paper and a summary of responses are available at:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

Following the introduction of the Planning (Wales) Bill into the National Assembly for Wales it was remitted to the Assembly's Environment and Sustainability Committee for scrutiny. During Stage 1 of the Assembly's scrutiny process (consideration of the general principles) the Committee issued a public consultation on the Bill. It was open to all those with an interest in the planning system to submit a response. 56 key stakeholders responded to the call for evidence. The Committee received both written and oral evidence from a wide range of sectors including local authority officers and members, Energy organisations, the Law Society, the Open Spaces Society, interest groups and the business sector. The written evidence along with a transcript of the oral sessions was published to the National Assembly for Wales' website.

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?Id=11271>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base in relation to Town and Village Greens includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

- 72.3% of stakeholder responses to the Positive Planning consultation were in favour of the proposal to strike a balance between the need to preserve land used as town and village greens and providing greater certainty for developers.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

The proposals in relation to amending legislation for town and village greens are intended to reconcile the overlap between two competing

consenting regimes through the prevention of applications to register a town or village green being made where land has entered the planning system. The proposal for landowners to submit declarations will have the purpose of allowing landowners to retain public access to their land with their consent, rather than 'as of right'. These provisions will not affect certain protected groups over others.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (Children and young people, up to 18)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular age groups and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
People 18-50			✓	
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on disabled or impaired groups and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any specific
Female			✓	

				groups because of their gender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	<p>Please see impact overview section above.</p> <p>It is anticipated that the Bill will not differentially impact on those who are transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.</p>

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above.
Civil Partnership			✓	It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above.
Maternity (the period after birth)			✓	It is anticipated that the Bill will not differentially impact on pregnant women (including the period

				after birth) and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
National Origin (e.g. Welsh, English)			✓	
Asylum Seeker and Refugees			✓	
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any groups with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that

				the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date:

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Planning (Wales) Bill Development Management – Classes of Development
Name of official:	Planning Bill Team
Department:	Natural Resources
Date:	April 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview

The aims of the provisions will result in allowing Welsh Ministers to make different procedures for determining different types of planning application proposals by the use of secondary legislation.

Intended Effect

The proposals are considered to be technical amendments that will ensure positive changes are made with regards to the overall processes for how planning applications are determined. The purpose of this will be to ensure planning applications are dealt with in a proportionate way at the most appropriate level of government, based on the likely impacts and benefits from development.

Policy/Legislation Review

As this provision is so technical in nature with regards to potentially allowing the setting of future processes for determining planning applications through secondary legislation, any future secondary legislative provisions in this context will therefore be the mechanisms by which this proposal is monitored.

Timeframe

The Bill was introduced into the National Assembly for Wales on 6 October 2014.

Subject to any delays in the Bill progressing through the National Assembly it is anticipated that Royal Assent should be received in summer 2015.

It is intended to commence implementing the provision from 2015/2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

On 4 December 2013 the draft Planning Wales Bill and supporting paper Positive Planning: Proposals to reform the planning system in Wales were published for public consultation by the Welsh Government for a period of 12 weeks. The deadline for responses to the consultation was 26 February 2014.

A number of key stakeholder events took place during the consultation period, which was attended by representatives of groups that have direct and indirect involvement with people from protected groups and whose work actively contributes towards the planning system in Wales. In particular, Local Authority Leaders, Chief Executives, Cabinet Members with responsibility for planning, Chief Planning Officers, representatives from the Independent Advisory Group and industry. Two of the events were supported by the Royal Town Planning Institute (RTPI) and sought to raise awareness and further inform the proposals to reform our planning system. The events provided an opportunity to discuss how planning could contribute to the Welsh Government's vision for a better Wales. One of these events was Chaired by John Davies MBE, Chair of the independent Advisory Group (IAG). The IAG prepared a report, Towards a Welsh Planning Act: Ensuring the Planning System Delivers, as part of the comprehensive evidence base which informed the draft Planning (Wales) Bill and supporting paper. The Minister in charge of the Planning (Wales) Bill, Carl Sargent AM, spoke at two of the events and took part in question and answers sessions along with the Chief Planner providing an opportunity for discussion. Presentation and panel discussions took place to outline initial reactions to the proposals from key stakeholders including business, planning consultancy services, the Welsh Local Government Association, the RTPI and the Planning Inspectorate.

The consultation received approximately 400 responses from various sectors and organisations which support or represent many of the protected groups for which the provisions of the Planning Bill may have an impact upon.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base for classes of development includes:

- Independent Advisory Group Report – Towards a Welsh Planning Act: Ensuring the Planning system delivers;
- A New Approach to Managing Development in Wales: Towards a Welsh Planning Act; and
- Evaluation of Consenting Performance of Renewable Energy Schemes.

We have considered the recommendations of the research studies and introduced a number of the recommendations into the Planning (Wales) Bill.

In the course of preparing the evidence base extensive opportunities for stakeholder consultation have been provided. A wide variety of methods have been used to obtain evidence from stakeholders and the general public including calls for evidence, questionnaires, stakeholder events and workshops. This has allowed a broad range of views to inform the proposals contained in the Bill and built widespread consensus on the areas in need of change.

In addition, the Stage 1 reports on the General principles of the Bill from the Environment and Sustainability Committee and the Constitutional and Legislative Affairs Committees published on 30 January 2015 have assisted in refining and improving the Planning (Wales) Bill during Stage 2 of the National Assembly for Wales' legislative process.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Impact Overview

It is considered that the proposed provision is a technical provision to the Welsh planning system that will enable different procedures for determining different types of planning applications, to ensure applications are dealt with in a proportionate manner. The provisions are therefore considered to have the same affect upon all those persons who interact with the planning system and will not affect certain protected groups over others.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people <i>(Children and young people, up to 18)</i>			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular age group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
People 18-50			✓	
Older people (50+)			✓	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on the disabled or impaired and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health problem			✓	
Other impairments issues			✓	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on either female or male persons and will not affect the Welsh
Female			✓	

				Government's ability to comply with the general Public Sector Equality Duty.
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4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are transgender and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on those who are married or in a civil partnership and will
Civil Partnership			✓	

				not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
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4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on pregnant women (including the period after birth) and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Maternity (the period after birth)			✓	

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any particular
National Origin (e.g. Welsh,			✓	

English)				racial or minority group and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Asylum Seeker and Refugees			✓	
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on any groups with a particular religion or belief and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Belief e.g. Humanists			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			✓	Please see impact overview section above. It is anticipated that the Bill will not differentially impact on persons who are gay men, lesbian or bisexual and will not affect the Welsh Government's ability to comply with the general Public Sector Equality Duty.
Lesbians			✓	
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			✓	<p>The Bill is not anticipated to have a positive or negative differential impact on the human rights of any group with protected characteristics.</p> <p>A separate impact assessment on the rights of children</p>

				<p>and young people has been carried out.</p> <p>A provision would be outside the National Assembly's legislative competence if it is incompatible with the European Convention on Human Rights as provided for within the Human Rights Act 1998 (GOWA 2006 section 108(6)(c)).</p>
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA
Name: Planning Bill Team, Planning Directorate
Department: Natural Resources
Date: April 2015
Signature:
Head of Directorate (Sign-off)
Name: Neil Hemington
Job title and department: Chief Planner, Natural Resources
Date: April 2015
Signature:
Review Date: