

HARLOW DISTRICT COUNCIL
EQUALITY IMPACT ASSESSMENT FORM

Title of EIA	Harlow District Council (SIW Harlow) Compulsory Purchase Order 2022 (the “CPO”).
Focus of EIA	To assess the possible impact, in accordance with the Public Sector Equality Duty (“PSED”), of the CPO and the strategic infrastructure works to be undertaken as a result of the CPO (the “Works”).
Service/Department	Governance and Corporate Support
Names and roles of officers completing the assessment (indicate Lead officer)	Lead Officer: Simon Hill, Director of Governance and Corporate Support assisted by Gavin Milnthorpe of Hertfordshire County Council.
Contact telephone number of Lead officer	01279 446099
Date assessment completed	9 March 2022

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Aims of the policy/service/function and how implemented

Key Questions	Notes
<p>What is the purpose of the strategy/project? (describe the aims, objectives and purposes of the strategy/project)</p>	<p>The CPO will involve the compulsory acquisition (where such land and rights cannot be acquired by agreement with the relevant landowner) of land and rights necessary to complete the Works (the “Order Land”).</p> <p>The CPO is needed in order to facilitate the completion of the Works (both within the Harlow administrative area (the “District”) and the East Hertfordshire District Council (“EHDC”) area) which in turn are necessary to unlock housing development and other growth in the Harlow-Gilston Garden Town (the “Garden Town”) area. The Council believes the CPO, and the Works carried out on the land included in the CPO, are likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the District.</p>
<p>Who are the key stakeholders?</p>	<p>The CPO is being promoted by the Council in parallel with another compulsory purchase order promoted by EHDC of other land needed for the Works.</p> <p>The scheme of housing development and other growth underlying the CPO is being promoted by a partnership of local authorities concerned with the strategic development of the Garden Town, together with Places for People Developments Limited (“PfP”), one of the keys developers within the Garden Town.</p>
<p>Are there any other documents/strategies linked to this strategy/project?</p>	<p>An Equality Statement (the “Statement”) has been prepared by QUOD for the benefit of the Council and EHDC in respect of the CPO and the Works. A copy is attached. The Council has used and considered the findings within the Statement for the purposes of compiling this assessment and discharging the PSED. The Council has assisted QUOD as far as possible and where requested by making available such information to inform the Statement.</p> <p>The Statement sets out how matters that may be relevant to equality considerations (such as noise) have influenced scheme selection and design; how consultation was used to make decisions on these matters; and how the direct and indirect effects of the CPO could give</p>

	<p>rise to equality impacts.</p> <p>This assessment should be read in conjunction with the Statement.</p> <p>The adopted Harlow Local Development Plan (“HLDP”) sets out the framework to guide and shape development in the District to 2033 and beyond. The HLDP acknowledges in policies <i>HGT1 (“Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town”)</i> and <i>SIR1 (“Infrastructure Requirements”)</i> that the <i>Spatial Development Strategy</i> will be underpinned by “the timely provision of infrastructure necessary to support development in the Harlow and Gilston Garden Town”, with development phased over the <i>Local Plan</i> period to ensure that the correct levels of infrastructure are provided. <i>Policy SIR1</i> of the HLDP identifies ‘infrastructure items which require safeguarding or have a land use implication’ including:</p> <ul style="list-style-type: none">(a) SIR1-1 North-South Sustainable Transport Corridor and River Stort Crossing to Eastwick Roundabout;(b) SIR1-2 East-west Sustainable Transport Corridor;(c) SIR1-3 Second River Stort Crossing at River Way; <p>The adoption of planning policies by public authorities is subject to the PSED assessment and the HLDP has been found sound in that respect through the examination process.</p> <p>Further, the principle of the development of the Works has been established in East Herts District Council planning policy (see Section 11.4 of the East Herts District Plan 2018). The adoption of planning policies by public authorities is subject to the PSED assessment and the East Herts District Plan has been found sound in that respect through the examination process.</p> <p>Various planning applications connected with the Garden Town scheme are in progress:</p>
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	<ul style="list-style-type: none">• Detailed planning application for alterations to the existing Fifth Avenue bridge (East Herts Council Reference 3/19/1046/FUL, Harlow Council Reference HW/CRB/19/00220);• Detailed planning application for erection of a new road, pedestrian and cycle bridge (East Herts Council Reference 3/19/1051/FUL, Harlow Council Reference HW/CRB/19/00221);• Outline planning application with all matters reserved apart from external vehicular access for a mixed use development of up to 8,500 homes for a part of the Gilston Area (East Herts Council Reference 3/19/1045/OUT);• Outline planning application for development including demolition of existing structures, refurbishment and change of use of existing Grade II Listed Brickhouse Farm Barn and structures and erection of a residential led mixed use development comprising: up to 1,500 residential market and affordable homes (East Herts Council Reference 3/19/2124/OUT) <p>Planning permission for the Works was granted by the Council's Development Management Committee on Wednesday 23 February 2022 pursuant to applications HW/CRB/19/00220 (relating to the Central Stort River Crossing) and HW/CRB/19/00221 (relating to the Eastern Stort River Crossing). The PSED was considered as part of those decisions.</p>
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<p>Who is affected by the strategy/project?</p>	<p>The CPO will directly affect persons identified as Qualifying Persons¹ pursuant to the CPO process, including tenants/occupiers of the land within the CPO. The land holdings within the CPO are listed in Table 4.1 and 4.2 of the Statement.</p> <p>The Council is not aware of any residential properties within the Order Land.</p> <p>Residents, workers, employees, commuters and visitors in and around the area of the CPO may be affected as and when the CPO is implemented and the Works are carried out, as well as after their completion.</p> <p>The PSED applies to a public authority in respect of the exercise its functions. Whilst the function being exercised here is that of acquisition pursuant to the CPO, this report also considers the impact of the Works (both during and after construction) which are facilitated by the CPO. However, the Council is mindful that the Council will need to take further action before the Works can commence, for instance by granting the necessary rights to PfP to enter Council owned property (including the Order Land) to carry out the Works.</p> <p>When exercising functions related to CPO the Council should consider the potential effects of the CPO on protected characteristics. They should give due regard to equality considerations and attribute appropriate weight to such considerations in its decision making. Consideration can be given to whether there are alternative approaches or additional steps that could alleviate or mitigate the impact of a decision. Equality impacts should be a considered in the balance, alongside the benefits arising from the CPO</p> <p>A wider impact assessment of those who may be impacted by the effect of the other developments comprised in the Garden Town scheme will have been carried out for the two local plans and will have been or will be carried out for the planning permissions for the</p>
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¹ Defined as: an owner; an occupier; a tenant (whatever the period of the tenancy); a person to whom the acquiring authority would be required to give notice to treat if it was proceeding under section 5(1) of the Compulsory Purchase Act 1965; a person the acquiring authority thinks is likely to be entitled to make a claim for compensation under section 10 of the 1965 act (compensation for injurious affection) if the order is confirmed and the compulsory purchase takes place, so far as he is known to the acquiring authority after making diligent inquiry; this relates mainly, but not exclusively, to easements and restrictive covenants.

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	major developments comprised in the Garden Town scheme.
Who has been involved in the development of the strategy/project?	<p>The project (i.e. the CPO and the construction of the Works) is being undertaken by a partnership of local authorities concerned with the strategic development of the HGGT, together with PfP.</p> <p>The CPO has a wide ambit of consultation including but not restricted to the Qualifying Persons as mentioned above. The planning applications for the infrastructure works themselves have a further list of statutory consultees.</p>

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Review of information and equality analysis

Data Already Have	What gaps are there in the data?	What other data do you need? – state by whom, when and how is it going to be done?	Copies of relevant data attached
<p><u>What quantitative (numerical) data do you already have?</u></p> <p>Baseline data is set down in Section 4 of the Statement.</p> <p>A summary of the potential impacts are found at the following references: CPO (Para 5.27-5.32), Construction (Para 5.37- 5.83) and Operation (Para 5.84-5.124)</p>	<p>As detailed in attached Statement and as set out below, as against the relevant characteristics.</p>	<p>As detailed in attached Statement and as set out below, as against the relevant characteristics.</p> <p>PfP is investigating ways in which additional personal data could be reasonably obtained, with full consent of the relevant people, as the project progresses into the construction and operational phase.</p> <p>This information is likely to inform the mitigation and compensation process for the CPO but is not expected to lead to the identification of effects of the CPO that cannot be mitigated or compensated for through the CPO process.</p>	<p>As detailed in attached Statement.</p>

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<p><u>What qualitative data do you already have?</u></p> <ul style="list-style-type: none"> • Consultation responses to the CPO. • Engagement responses with the Qualifying Persons. • Consultation responses in response to the planning applications for the Works (where relevant to the CPO) • Information contained within the Statement. • Gilston Park Estate Statement of Community Involvement (2019) 	<p>None known.</p>	<p>None known.</p>	<p>As detailed in attached Statement.</p>
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Protected characteristic groups from the Equality Act 2010	What do you know? – Summary of data	What do people tell you? – Summary of feedback received	What does this mean? – Impacts identified from data and feedback (actual and potential)	What can you do? – All potential actions to: <ul style="list-style-type: none"> • Advance equality of opportunity • Eliminate discrimination • Foster good relations
Age	As set out in 4.25-4.28 of the Statement.	n/a	See below in “Assessment of Impact” section.	See below in “Assessment of Impact” section.
Disability	As set out in 4.29 – 4.32, 4.57 and 4.62 of the Statement.	n/a	See below in “Assessment of Impact” section.	See below in “Assessment of Impact” section.
Pregnancy and Maternity	As set out in 4.33-4.34 of the Statement.	n/a	See below in “Assessment of Impact” section.	See below in “Assessment of Impact” section.
Race/ethnicity	As set out in 4.35-4.37 of the Statement.	n/a	See below in “Assessment of Impact” section.	See below in “Assessment of Impact” section.
Religion or belief	As set out in 4.38-4.40 and 4.57 of the Statement.	n/a	See below in “Assessment of Impact” section.	See below in “Assessment of Impact” section.

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Sex/gender reassignment	As set out in 4.41 of the Statement.	n/a	See below in “Assessment of Impact” section.	See below in “Assessment of Impact” section.
Sexual orientation	As set out in 4.41 of the Statement.	n/a	See below in “Assessment of Impact” section.	See below in “Assessment of Impact” section.
Marriage and civil partnership	As set out in 4.41 of the Statement.	n/a	See below in “Assessment of Impact” section.	See below in “Assessment of Impact” section.
Other relevant groups			<p>There is the potential for people to be affected by route changes, new road layouts, the design of the new road/crossings; as well as any potential health effects associated with noise and air quality changes.</p> <p>There is some potential for differential impacts associated with noise and air quality on a small number of homes.</p>	

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Assessment of overall impacts and any further recommendations

When considering a decision, the PSED requires the Council carefully to consider how the decision will affect people who are protected under the Equality Act 2010. In meeting its duty, the Council should have due regard to those equality considerations (and any others it considers relevant) and seek to advance equality of opportunity, and foster good relations, between people who share protected characteristics with those who do not.

The Statement details the potential effects of the CPO and the related Works that may differentially or disproportionately affect people with protected characteristics.

No affected persons within the Order Land have been identified for whom protected characteristics differentially affect their ability to understand or engage in the land acquisition process, or how they will be affected by it. Engagement will continue throughout the land referencing process to monitor the needs of Qualifying Persons as they relate to the Equality Act. The nature of any equality effects from land acquisition, if they arise, is likely to mean mitigation and compensation through the CPO process will be possible.

In the Statement, some potential adverse environmental effects have been identified (which constitute indirect effects of the CPO). An adverse environmental effect does not automatically constitute an equality effect and in the majority of cases it would not do so. Some of these effects are short term, and some are isolated affecting only a very small number of residents.

The scale and nature of these effects is not considered to amount to illegal discrimination as defined in the Act.

No disproportionate effects have been identified.

Some differential effects could potentially occur but can be mitigated.

In view of the information contained within the Statement, the Council has considered the potential impacts but is of the view that other considerations, including the public benefit of the wider HGGT scheme which the CPO and strategic infrastructure works will facilitate, outweigh the potential adverse effects.

Under legislation, identification of an impact does not mean a CPO should not proceed. The Council has given due regard to the PSED.

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Consultation - List of formal or informal consultation that has taken place or that you are planning to hold to inform your EIA

Title of consultation	Date	Gaps in data	If further consultations are needed to fill these gaps – state with whom, by whom, when and how is this going to be done?
Direct consultation with QPs.	Various	As described in the Statement.	Ongoing discussions with QPs.
Planning permissions relating to proposed Works.	Various	None known.	None known.
Planning permissions relating to Gilston Park Estate.	Various	None known.	None known.
See 5.5-5.19 of Statement.	Various	As described in the Statement.	None known.

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Assessment of Impact

Protected Characteristic Group	Identify the impact or potential impact or how helps to promote equality	Action planned - proposed measures to mitigate any adverse impacts
Gender reassignment	<p>No known adverse impacts upon Qualifying Persons.</p> <p>No evidence to suggest that the effects of CPO and construction and operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.</p>	None.
Disability	<p>No known adverse impacts upon Qualifying Persons.</p> <p>The construction phase for the Works – impacts, particularly in respect of severance, could disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people (Age) and disabled people (Disability);</p> <p>The completed Works – the effects on residents and businesses around the Order Land are likely to relate primarily to air quality, noise and traffic, which could differentially and/or disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people and children (Age), disabled people (Disability), and pregnant people or those with young children (Pregnancy and Maternity).</p>	<p>No need for further action except to state that the Council will keep the position under review as and when more information about the QPs becomes available.</p> <p>The nature of any equality effects from land and rights acquisition, if they arise, is likely to mean mitigation and compensation through the CPO process will be possible.</p> <p>The priority throughout the design of the mitigation process for both crossings has been to ensure that safe walking routes, especially to shops, services and recreation opportunities, are retained which limits the likelihood of a differential impact on certain residents.</p> <p>Proposed mitigation measures have prioritised keeping safe walking and cycling routes available for recreation and access to services and public</p>

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	<p>See table 3.1 of the Statement for further detail of potential effects. More detail if provided in clause 5 of the Statement.</p>	<p>transport.</p> <p>Mitigation is proposed in the form of management plans which will control the timings, methods of construction and routes for construction vehicles.</p>
<p>Age</p>	<p>No known adverse impacts upon Qualifying Persons (“QPs”).</p> <p>The construction phase for the Works – impacts, particularly in respect of severance, could disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people (Age) and disabled people (Disability);</p> <p>The completed Works – the effects on residents and businesses around the CPO land are likely to relate primarily to air quality, noise and traffic, which could differentially and/or disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people and children (Age), disabled people (Disability), and pregnant people or those with young children (Pregnancy and Maternity)</p> <p>See table 3.1 of the Statement for further detail of potential effects. More detail if provided in clause 5 of the Statement.</p>	<p>No need for further action except to state that the Council will keep the position under review as and when more information about the QPs becomes available.</p> <p>The nature of any equality effects from land and rights acquisition, if they arise, is likely to mean mitigation and compensation through the CPO process will be possible.</p> <p>The priority throughout the design of the mitigation process for both crossings has been to ensure that safe walking routes, especially to shops, services and recreation opportunities, are retained which limits the likelihood of a differential impact on certain residents.</p> <p>Proposed mitigation measures have prioritise keeping safe walking and cycling routes available for recreation and access to services and public transport</p> <p>Mitigation is proposed in the form of management plans which will control the timings, methods of</p>

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		construction and routes for construction vehicles.
Race	<p>No known adverse impacts upon Qualifying Persons (“QPs”)</p> <p>No evidence to suggest that the effects of CPO and construction and operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.</p>	None.
Sex	<p>No known adverse impacts upon Qualifying Persons (“QPs”)</p> <p>No evidence to suggest that the effects of CPO and construction and operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.</p>	None.
Sexual orientation	<p>No known adverse impacts upon Qualifying Persons (“QPs”)</p> <p>No evidence to suggest that the effects of CPO and construction and operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.</p>	None.

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<p>Religion or belief</p>	<p>No known adverse impacts upon Qualifying Persons (“QPs”)</p> <p>No evidence to suggest that the effects of CPO and construction and operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.</p>	<p>None.</p>
<p>Marriage and civil partnership</p>	<p>No known adverse impacts upon Qualifying Persons (“QPs”)</p> <p>No evidence to suggest that the effects of CPO and construction and operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.</p>	<p>None.</p>
<p>Pregnancy and Maternity</p>	<p>No known adverse impacts upon Qualifying Persons (“QPs”)</p> <p>The completed Works – the effects on residents and businesses around the Order Land are likely to relate primarily to air quality, noise and traffic, which could differentially and/or disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people and children (Age), disabled people (Disability), and pregnant people or those with young children (Pregnancy and Maternity).</p> <p>See table 3.1 of the Statement for further detail of potential effects. More detail if provided in clause 5</p>	<p>No need for further action except to state that the Council will keep the position under review as and when more information about the QPs becomes available.</p> <p>The nature of any equality effects from land and rights acquisition, if they arise, is likely to mean mitigation and compensation through the CPO process will be possible.</p> <p>The priority throughout the design of the mitigation process for both crossings has been to ensure that safe walking routes, especially to shops, services and recreation opportunities, are retained which limits the likelihood of a differential impact on certain residents.</p>

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	of the Statement.	<p>Proposed mitigation measures have prioritise keeping safe walking and cycling routes available for recreation and access to services and public transport.</p> <p>Mitigation is proposed in the form of management plans which will control the timings, methods of construction and routes for construction vehicles.</p>
<p>Any other groups, if appropriate e.g. children leaving care; pregnant or breast-feeding mothers; carers etc</p> <p>People with limited mobility</p>	<p>Active Travel Changes in active travel as a result of changes in traffic flows and patterns resulting in severance, road/footpath closures and subsequent diversions for pedestrians and cyclists (construction), and changes in amenity, contributing to people’s ability or inclination to walk or cycle.</p>	

Action Plan

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
QPs.	Further engagement as part of CPO process.	Further information to inform PSED consideration.	Ability to further consider PSED.	Unknown.

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Others	Monitoring construction process	Assessment of effectiveness of mitigation process.	Ability to further consider PSED.	As Works commence.
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Signed
Project Manager

Countersigned
Head of Service

Print Name

Print Name

Date

Date

Under the Freedom of Information Act, this completed EIA form will be placed on the website and be available on request to the general public.