

Wiltshire Council

Cabinet

5 January 2021

Agenda Item 5 – Public Participation Statement and Question from Chris Caswill

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Investment**

Statement (21-04)

When Cabinet approved a process of consultation on the Local Plan on December 1, there was a section reviewing ‘The Equalities Impact of the Proposal’, which read as follows:

“Equalities Impact of the Proposal

35. The Council is subject to a public sector equality duty introduced by the Equality Act 2010. Consultation will be carried out in accordance with the Council’s adopted Statement of Community Involvement and associated Temporary Arrangements that are in place in the light of the COVID-19 situation. **This takes an inclusive approach to consultation ensuring that everyone can be involved.**

36. **An Equality Impact Assessment will be carried out alongside the preparation of the Plan** and will accompany the draft Plan when it is submitted to the Secretary of State for examination.”

The shortcomings of the assessment are clear in the two highlighted texts. The first demonstrates a complacent and inadequate approach to inclusivity, paying no attention to the many elderly Wiltshire residents (and others) without access to – or the necessary skills to use - the electronic technology necessary to read and respond to the consultation. Nor does it consider those who do not scan their parish or town newsletters (even if they are distributed in the two month time frame), and are not on Area Board mailing lists. So that those residents are denied the opportunity to be heard in the proposed consultation, the outcomes of which can reasonably be expected to affected their daily lives.

This assessment therefore seriously understates the significant equalities implications of the online methodology for this Local Plan Review. The fact that a proper Equality Impact Assessment has *not* been carried out at this important stage in the Local Planning process is then underlined by the second highlighted text, which makes it clear that a full assessment is still to be made.

The 2010 Equality Act explicitly applies to contact between individuals and local authorities. The following is an extract from the Equality and Human Rights Commission web page:

“Under the Equality Act (2010) you are protected from discrimination:

- *when you have contact with public bodies like your local council or government departments”*

I submit that the Cabinet decision taken on December 1st is discriminatory against a significant section of the Wiltshire population, and that the Equality impact assessment in the paper which the Cabinet approved was not at all adequate. Without the discriminatory elements of the Local Plan consultation due to begin on January 13 being properly assessed, and then mitigated, I submit that the Council fails in its Public Sector Equality duty. In the circumstances there is now an opportunity for the Cabinet to remedy this serious shortcoming by reconsidering its decision at its next meeting with a paper which includes an adequate Equalities Impact assessment (and remediation). In the meantime I also submit that it should postpone the consultation due to start on the 13TH January until a decision can be taken which is consistent with the Equalities Act and its Public Sector Equality duty.

Response to Statement

The Cabinet decision taken on 1 December 2020 is not discriminatory and there is no need to postpone the start of the consultation. The preparation of the Local Plan is guided iteratively by assessing impact on equality. Like all development plan documents, the Local Plan Review is being carried out in accordance with the Council’s Statement of Community Involvement. Compliance with its content is a legal duty.

The statement has been reviewed and amended in response to restrictions required by the COVID-19 pandemic and can be viewed via the following link: [Statement of Community Involvement - Wiltshire Council](#).

The Council’s Statement of Community Involvement and Temporary Arrangements July 2020 comply with the Equality Act 2010 and were adopted by Council on 21 July 2020 following consideration by Cabinet on 14 July 2020. Agenda item 8 paragraph 18 of the Council Report considers the Equalities Impact of the Statement of Community Involvement (SCI) and Temporary Arrangements and concludes compliance with the Equality Act 2010 as follows:

“The purpose of the SCI is to ensure that everyone who wishes to has the ability to be engaged in and to help shape the areas in which they live and work through both plan making and in decisions made for individual planning applications. The SCI recognises the Equality Act 2010, and that the Council will promote equality and diversity in undertaking its duties and not unfairly discriminate against anyone who wishes to participate in the planning system.”

The review of the SCI took account of those sections of the Wiltshire population without internet access. Paragraph 2.9 of the Temporary Arrangements states that: *“For members of the community and stakeholders without internet access, Wiltshire Council will deploy the most pragmatic solutions to make hard copies of documents accessible to them at the time. This may include sending hard copies on request.”* In addition, at Paragraph 2.10 it states that: *“Should anyone be unable to submit a response online or by email and be unable to leave their home to post a response, the Council will consider bespoke measures on a case by case basis to enable people to respond.”*

The Cabinet report on the Local Plan Review itself at paragraph 27 refers to the use of a public notice in newspapers as means to advertise the consultation and letters to people on the Council’s consultation database where email is not available to help raise awareness. This is supplemented by Council contacts with local news outlets that will

raise awareness more widely by a variety of media and not just electronic forms.

Question 1 (21-04)

In the December Cabinet papers on the Local Plan consultation there was a statement in para. 46 of the Chippenham Site Selection Report that *"A full explanation of the sustainability appraisal methodology is provided in a separate report"*.

However it was not provided at that time. The Local Plan consultation begins on 13 January. It will not be properly conducted if this report is not available to the public. When, how and where will it be made available?

Response

The Interim Sustainability Appraisal Report will be published on the Council's website alongside all other supporting material when the consultation commences on the Local Plan, which is set to start on 13th January 2021. All consultation material will be accessible via the following link: www.wiltshire.gov.uk/planning-policy-local-plan-review

[In line with the Council's Statement of Community Involvement \(SCI\) including Temporary Arrangement \(July 2020\):](#) *"For members of the community and stakeholders without internet access, Wiltshire Council will deploy the most pragmatic solutions to make hard copies of documents accessible to them at the time. This may include sending hard copies on request."* (paragraph 2.9, SCI Temporary Arrangements).