

North Somerset Council – Public Sector Equality Impact Assessment

NORTH SOMERSET COUNCIL (BANWELL BYPASS) SIDE ROADS ORDER 2022 and NORTH SOMERSET COUNCIL (BANWELL BYPASS) COMPULSORY PURCHASE ORDERS (1&2) 2022 and 2023

The purpose of this assessment is to assess the Project's potential impact on people with 'protected characteristics' under the Equality Act 2010 ("the Act").

North Somerset ("the Council") is subject to the general Public Sector equality Duty ("PSED") under section 149(1) of the Act. The Council understands that it must have due regard to the following objectives when exercising relevant public functions:

- (a) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (s.149(1)(a));
- (b) The need to advance equality or opportunity between persons who share a relevant protected characteristic and persons who do not share it (s.149(1)(b)). This involves having due regard to the needs to:
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
 - (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it (s.149(1)(c)). This includes having due regard to the need to tackle prejudice and promote understanding (s.149(5)).

The assessment is intended to demonstrate how the Council has had due regard to their PSED objectives above in relation to the Project. Specifically, this assessment has been prepared to reflect the Council's consideration of possible impacts on equalities groups arising from their proposed actions in response to the plan and the mitigation of those impacts.

Dated: 17.01.23

Step 1: Background

<p>1 - What are you assessing?</p>	<p>The impact of the making of the NORTH SOMERSET COUNCIL (BANWELL BYPASS) SIDE ROADS ORDER 2022 and NORTH SOMERSET COUNCIL (BANWELL BYPASS) COMPULSORY PURCHASE ORDERS (1&2) 2022 and 2023</p> <p>The land subject to the Order is located to the north of Banwell, North Somerset and in surrounding villages (“the Order Land”) as shown on the plan accompanying the Order (“the Order Map”) and (“Supplemental Order Map”).</p> <p>The “Order Land” is required to facilitate development of the Banwell Bypass and Highways Improvements scheme (the “Project”).</p> <p>The Council has applied for planning permission to develop the Order Land, this PSED assessment covers both Compulsory Purchase Orders (1&2) associated with the scheme and the subsequent Side Road Order. The planning application has been subject to a separate PSED assessment.</p>
<p>2 - What are the aims and purpose of this proposal?</p>	<p>The Council wishes to undertake the CPO in order to secure the development of Banwell Bypass and Highways Improvements scheme.</p> <p>The Scheme comprises the following distinct elements:</p> <ul style="list-style-type: none">(a) a bypass of the village of Banwell (referred to as the “Banwell Bypass”);(b) a route connecting the A371 at Castle Hill and the A368 at East Street (referred to as the “Southern Link”); and(c) mitigation and enhancement measures, which broadly consist of the following:<ul style="list-style-type: none">(i) environmental mitigation and enhancement measures in connection with the Banwell Bypass and the Southern Link, examples of which include (but are not limited to) flood compensation areas, planting and habitat creation, attenuation basins etc.(ii) placemaking improvements within Banwell, comprising mitigation and enhancement measures to the public realm; and(iii) traffic mitigation in connection with the Banwell Bypass and the Southern Link, including improvements to the wider local road network.

Step 1: Background	
	The objective is to ensure the successful delivery of the Project by ensuring that the Order Land is delivered in accordance with the Project timescales and objectives.
3 - Who is responsible for the proposal you are assessing?	The Project is being undertaken by the Council.
4 - Who is the Lead for this assessment?	Jennifer Devereux
5 - Who else is involved in undertaking this assessment?	N/A
6 - Who would be affected by the proposal(s) (adversely or positively, directly or indirectly)?	Those that may be directly affected by the Project include those with land interests which may be acquired or be subject to the grant of rights by either the first or second CPO. The affected parties will be detailed in the CPO.

8 - Is the proposal relevant to how the Council complies with the public sector general duty relating to people who are protected by the Equality Act 2010?	Yes	No
The elimination of discrimination and harassment	x	
The advancement of equality of opportunity	x	
The fostering of good relations	x	
The protection and promotion of human rights	x	
Note: As a general rule, any policy that affects people is likely to be relevant across all protected groups		

Step 2: Information Gathering	
9 - Are there any Human Rights issues? If so, what are they? (For example, could this proposal result in the failure to safeguard the right to privacy?) (The 16 basic rights are listed at Appendix 1).	Yes. The Council has carefully considered the impacts of the proposals on human rights, further to legal advice. The Council's assessment of human rights is detailed in the Statement of Reasons which accompanies the Order for CPO (1). A further Statement of Reasons will be produced for the supplemental CPO (2) which will consider the impacts against human rights.

<p>10 - What has been done to date in terms of involvement and consultation with regard to this proposal?</p>	<p>Appropriate consultation with the affected landowners for CPO 1 started in September 2020 and is ongoing. Representations can also be made in the context of the compulsory purchase process which allows objections to be made which will be considered by the Secretary of State if not resolved. The objection period for CPO 1 ran for 6 weeks through October and November of 2022 and we received 55 objections in total, we are considering all necessary actions to objections that have raised an equalities impact.</p> <p>A further 3 week objection period will run for CPO 2 (anticipated in March 2023), again all landowners affected by the CPO have been written to and meetings have been held and will continue.</p> <p>Furthermore, those directly affected by the CPO (i.e. the landowners or others with a relevant interest in the land required for the Project) may be entitled to statutory compensation if the CPO are confirmed and the powers are exercised.</p>
<p>11 – Have you used any other information that is relevant to the proposal to inform your assessment? If so, please detail:</p>	<p>All materials which are relevant to the Project have been considered in the preparation of this assessment.</p>
<p>12 - Are there any gaps in the information collected to date? If so, how will these be addressed?</p>	<p>No.</p>

Step 3: Considering the potential impact and identifying mitigating action

13 — Note below any likely impact on equality for each individual group, and identify what action could be taken to reduce or improve the impact. *For determining potential impact, please choose from the following: Low/Medium/High

Protected group	*Potential Impact	Details of the impact	Actions to mitigate negative impact
Age	LOW	The CPO process, including consultation, could exclude specific demographic groups if not undertaken in a sensitive, inclusive manner.	The Council will continue to engage with affected parties sensitively and put in place appropriate measures to ensure that no demographics are excluded (for example, by ensuring that CPO documents are made available in an appropriate format and any venues used as part of the CPO process are accessible). The CPO documents will comply with Public Sector Accessibility regulations.
Disability	LOW	The CPO process, including consultation, could exclude people on the basis of disability if not undertaken in a sensitive, inclusive manner.	The Council will continue to engage with affected parties sensitively and put in place appropriate measures to ensure that no demographics are excluded (for example, by ensuring that CPO documents are made available in an appropriate format and any venues used as part of the CPO process are accessible). The CPO documents will comply with Public Sector Accessibility regulations.
Gender reassignment	LOW	The CPO process, including consultation, could exclude specific demographic groups if not undertaken in a sensitive, inclusive manner.	The Council will continue to engage with affected parties sensitively and put in place appropriate measures to ensure that no specific groups with protective characteristics are excluded.
Pregnancy and maternity	LOW	The CPO process, including consultation, could exclude specific demographic groups if not undertaken in a sensitive, inclusive manner.	The Council will continue to engage with affected parties sensitively and put in place appropriate measures to ensure that no demographics are excluded.
Race	LOW	The CPO/SRO process, including consultation, could exclude specific demographic groups if not undertaken in a sensitive, inclusive manner.	The Council will continue to engage with affected parties sensitively and put in place appropriate measures to ensure that no demographics are excluded.

Protected group	*Potential Impact	Details of the impact	Actions to mitigate negative impact
Religion or belief	LOW	The CPO process, including consultation, could exclude specific demographic groups if not undertaken in a sensitive, inclusive manner.	The Council will continue to engage with affected parties sensitively and put in place appropriate measures to ensure that no demographics are excluded.
Sex or sexual orientation	LOW	The CPO process, including consultation, could exclude specific demographic groups if not undertaken in a sensitive, inclusive manner.	The Council will continue to engage with affected parties sensitively and put in place appropriate measures to ensure that no demographics are excluded.
Marriage and civil partnership	LOW	The CPO process, including consultation, could exclude specific demographic groups if not undertaken in a sensitive, inclusive manner.	The Council will continue to engage with affected parties sensitively and put in place appropriate measures to ensure that no demographics are excluded.

Step 4: Outcome of the assessment	
14 - Note the impacts identified and how it is intended to mitigate any high impact (i.e. a summary of the above table)	Potential impacts are centred around the CPO process and ensuring that affected parties are able to fully participate in that process. No HIGH impacts have been identified. The Project has little potential to impact negatively on Protected Groups. The Council will respond sensitively in the event that any specific measures relating to protected characteristics are identified as being required.
15 - Is there a strategy for dealing with any unavoidable but not unlawful high impacts that cannot be mitigated?	The Project strategy is to review any impacts that may become apparent during the CPO process and resolve these as they arise. No remaining HIGH impacts have been identified.
16 – Is there a need to reconsider the proposal as a result of conducting this assessment? (Evidence of high impact could render the proposal or decision unlawful. If you have identified high impact, you should consider at this stage whether it is possible to proceed with the proposal).	No.
17 - Are there monitoring arrangements in place? What are they?	As the Project progresses and is further developed, this Equalities Impact Assessment will be reviewed to ensure that any impacts are duly considered by the Council.

--	--

Step 5: Action Plan

Please detail any actions that are planned following completion of your assessment. You should include any changes that have been made to reduce or eliminate the effects of potential or actual high/negative impact, as well as any arrangements to collect data or to carry out further research.

Ref	Proposed actions	Lead person	Timescale
001	Consider specific measures required to ensure that the CPO process is undertaken sensitively and with regard to all protected characteristics. Discuss and agree proposed measures with the relevant affected party (or their agent), as appropriate.	Jennifer Devereux	Ongoing

Appendix 1 – Human Rights

Human rights are rights and freedoms that belong to all individuals, regardless of their nationality and citizenship. There are 16 basic rights in the Human Rights Act – all taken from the European Convention on Human Rights. For the purposes of the Act, they are known as ‘the Convention Rights’. They are listed below:

- (Article 1 is introductory and is not incorporated into the Human Rights Act)
- Article 2: The right to life
- Article 3: Prohibition of torture
- Article 4: Prohibition of slavery and forced labour
- Article 5: Right to liberty and security
- Article 6: Right to a fair trial
- Article 7: No punishment without law
- Article 8: Right to respect for private and family life
- Article 9: Freedom of thought, conscience and religion
- Article 10: Freedom of expression
- Article 11: Freedom of assembly and association
- Article 12: Right to marry
- Article 14: Prohibition of discrimination
- Article 1 of Protocol 1: Protection of property
- Article 2 of Protocol 1: Right to education
- Article 3 of Protocol 1: Right to free elections
- Article 1 of Protocol 13: Abolition of the death penalty