

From: Mike Bird [REDACTED] >

Sent: 11 July 2019 17:33

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Subject: EN010085 - Cleve Hill Solar Park - Additional Submission by the Applicant

Hefin,

EN010085 - Cleve Hill Solar Park - Additional Submission by the Applicant

As discussed earlier in the week, the Applicant wishes to submit the following documents (6 no.) in advance of the commencement of the examination hearings next week:

- The Applicant's Comments on Responses to ExQ1
- Accompanied Site Inspection Maps
- Equality Impact Assessment
- Updated ES Figure 5.3(a)
- Written Representation by the Applicant on Heritage Policy
- Progressed Statement of Common Ground between the Applicant and the Marine Management Organisation (July 2019)

I would be grateful if you could confirm receipt.

Kind regards,

Mike

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CLEVE HILL SOLAR PARK

EQUALITY IMPACT ASSESSMENT

July 2019
Revision A

Submitted: Additional Submission

www.clevehillsolar.com



CLEVE HILL
SOLAR PARK

1 INTRODUCTION

1.1 The Project

1. This report has been prepared on behalf of Cleve Hill Solar Park Ltd (the Applicant) in relation to an application (the Application) made to the Secretary of State (SoS) for the Department for Business, Energy & Industrial Strategy (BEIS), under section 37 of the Planning Act 2008, seeking a Development Consent Order (DCO) for the Cleve Hill Solar Park (hereafter referred to as the Development). The application was accepted on 14th December 2018.
2. The Development will comprise an array of solar PV modules and electrical storage facility, each with a total capacity exceeding 50 megawatts (MW), and an export connection to the National Grid. The total area of the Development site is 491.2 hectares (ha).
3. The Development site lies 5 km north east of Faversham and 5 km west of Whitstable on the north Kent coast within the administrative districts of Swale Borough Council, Canterbury City Council and Kent County Council.
4. References to the Application documentation are provided where necessary [in square brackets] according to the reference system set out in the [Cleve Hill Solar Park Examination Library](#).

1.2 Purpose of the EQIA

5. Section 149 of the Equality Act 2010 (the Act) requires public authorities to have due regard to a number of equality considerations when exercising their functions. This Equality Impact Assessment (EQIA) considers the potential for the Development to discriminate based on certain protected characteristics under the Act in order to assist the SoS in its consideration of the public sector equality duty under section 149. It aims to:
 - Identify and assess any likely effects of the Development on relevant receptors, including during the construction, operational and decommissioning phases of the Development;
 - Set out measures, where possible, to minimise any adverse effects on relevant receptors; and
 - Set out measures, where possible, to further enhance any beneficial effects on relevant receptors.
6. The EQIA draws principally on the findings set out in the Environmental Statement (ES) [APP-030 to APP-250]. The findings of the ES are interrogated to determine whether, and to what extent, potential effects could have different magnitude on relevant receptors compared to the general population.

2 THE EQUALITY ACT 2010

7. The Act prohibits discrimination on the grounds of the following “protected characteristics”¹, and the Act provides descriptions seeking to define these terms:
 - Age;
 - Disability;
 - Gender reassignment;
 - Marriage and civil partnership;
 - Pregnancy and maternity;

¹ The Equality Act 2010. Section 4: Protected Characteristics. Available at: <http://www.legislation.gov.uk/ukpga/2010/15/part/2/chapter/1> [accessed on 10/07/2019]

- Race;
 - Religion or belief (including lack of belief);
 - Sex; and
 - Sexual orientation.
8. "Relevant receptors" is the term used in this EQIA to refer to groups of people with similar characteristics in the categories above, such as people in the same age group, people of a particular race, people of particular marital status, etc.
9. The Act seeks to advance equality in part by imposing a Public Sector Equality Duty (section 149). It requires that public authorities must have due regard to the need to:
- *"(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - *(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - *(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."*
10. The SoS for BEIS, when deciding whether to grant a DCO for the Development, is subject to the Public Sector Equality Duty. For the avoidance of doubt that is a duty for the SoS to discharge, not the Applicant. Even so, this EQIA provides relevant information to assist the SoS in carrying out this duty.

3 METHODOLOGY

3.1 Guidance

11. Whilst guidance on fulfilling the requirements of the Public Sector Equality Duty is available, there is only very limited guidance on carrying out Equality Impact Assessments in the UK, in particular for individual developments. The guidance that does exist is designed for the assessment of policies, however the principles can be adapted for application to individual developments.
12. Meeting the Equality Duty in Policy and Decision Making² states that *"there is no prescribed methodology for assessing the impact on equality"* but recognises that established methods of equality assessment can be useful.
13. The Scottish Environmental Protection Agency (SEPA) has produced guidance for the assessment of equality impacts³, aimed at the potential impacts of policies, but applicable more generally. It identifies a 5-stage process, stages 2-4 of which are relevant to general EQIA:
- *"Part 2 is a screening document to identify whether there is impact. Where impact is identified, Part 3 must be completed;*
 - *Part 3 is a full impact assessment, where evidence is established; and*
 - *Part 4 captures what will be monitored to ensure impact is either reduced, negated or remains constant"*.
14. The screening process involves considering the relevance of the policy/activity to each of the protected characteristics, and providing justification to support the conclusion on relevance.

² Equality and Human Rights Commission (2014). Meeting the equality duty in policy and decision-making England (and non-devolved public authorities in Scotland and Wales). Available online at: <https://www.equalityhumanrights.com/en/publicationdownload/meeting-equality-duty-policy-and-decision-making-england-and-non-devolved>

³ Scottish Environment Protection Agency. Equality and Human Rights Impact Assessment Guidance Document. Available at: <https://www.sepa.org.uk/media/102518/eqia-guidance.pdf> [accessed on 10/07/2019].

15. The Equality Commission for Northern Ireland provides concise guidance on "Screening and Equality Assessments"⁴ and "Practical Guidance on Equality Impact Assessment"⁵. This identifies that "*the EQIA process is intended to anticipate barriers to participation or failings in service provision*" and identifies key indicators of adverse impact, as follows:
- "*Lower participation rates compared to other groups e.g. fewer members of Protestant church-based groups applying for grants in light of objections to lottery funding;*
 - "*Lower success rates in selection processes e.g. fewer disabled people meeting non-essential selection criteria for jobs – driving licence;*
 - "*Eligibility criteria which disadvantage any groups e.g. timing of regular training courses so that those with caring responsibilities cannot take part;*
 - "*Access denied compared to other groups e.g. same sex partners denied pension entitlements or other benefits;*
 - "*Different charges applied to some groups e.g. concessionary fares extended to men and women at different ages;*
 - "*Upper threshold on payments or provision e.g. compensation payments capped irrespective of the number of dependant/children;*
 - "*Experiencing poorer quality of treatment e.g. information on fixed penalties/court summons and fines provided only in English to those who are not fluent in the language;*
 - "*Experiencing increased difficulty or indignity e.g. public buildings with segregated access for those with mobility disabilities; and*
 - "*Changing a policy which reduces benefits disproportionately for one group e.g. contracting out catering services may particularly affect females adversely."*
16. Whilst the above key indicators are more relevant to policies in Northern Ireland, they are a useful reference point when considering an individual development.

3.2 Assessment Methodology

17. The potential for equality effects of the Development is limited to those aspects of the Development that affect people. Where the Development does not affect people, it cannot affect different groups of people differently, and therefore cannot affect equality.
18. Each category of effect, and the affected population, is described, and a description, with justification, is made of the potential for relevant receptor group to be affected differently to the general population, as a result of the specific characteristics of the relevant receptor group. For any identified equality effects, the potential for mitigation of adverse effects, or enhancement of beneficial effects, is considered.
19. In order to describe the potential for equality effects, the specific needs of a receptor group, or a recognised sensitivity or vulnerability associated with their protected characteristic, are considered.
20. The EQIA considers impacts on relevant receptor groups, rather than specific individual cases.

⁴ Equality Commission for Northern Ireland (2017). Effective Section 75 Equality Assessments: Screening and Equality Assessments. Available at: <https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/S75Advice-ScreeningEQIA.pdf> [accessed on 10/07/2019].

⁵ Equality Commission for Northern Ireland (2017). Practical Guidance on Equality Impact Assessment. Available at: [https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/EQIA-PracticalGuidance\(2005\).pdf](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/EQIA-PracticalGuidance(2005).pdf) [accessed on 10/07/2019].

21. There are a range of disabilities which could result in an individual experiencing effects in a different, and more or less acute way than the general population. Where an individual with specific concerns in this regard is identified, or identifies themselves or their dependants to the project team through consultation, the Applicant would engage with the affected parties directly to discuss and understand the specific concerns raised, and to suggest potential additional mitigation measures where practicable. The Applicant has made communication lines available in part for this purpose and is committed to ongoing dialogue with the local community throughout all phases of development. The Applicant considers information on specific circumstances to be personal and of a sensitive nature, and so has deliberately not reported on any such circumstances in this document.
22. This approach is in accordance with the approaches to EQIA set out in the guidance in Section 3.1.

4 SCOPE OF THE EQIA

23. The ES includes the population as a general receptor group, in accordance with the requirements of the EIA Regulations⁶. Effects on human receptors that are assessed as non-negligible (following any proposed mitigation) are considered to have the potential to affect relevant receptor groups differently to the wider population, and these effects are considered in this EQIA.

4.1 Potential Equality Impacts

24. The effects assessed in the ES as being non-negligible are in the following categories:
 - Landscape and visual effects [APP-037], including potential glint and glare [APP-047];
 - Noise during construction and operation of the Development [APP-042];
 - Effects on local employment during construction of the Development [APP-043];
 - Recreational amenity effects on users of the Public Rights of Way around the Development site, and the National Cycle Network Route 1 (NCN 1) [APP-043]; and
 - Traffic and transport effects on Seasalter Road, Head Hill Road and Staple Street during construction of the Development, of public transport delay, road user delay, pedestrian and cyclist fear/intimidation and severance of communities [APP-044].
 25. These categories of potential effect are included in the EQIA.
- #### **5 ASSESSMENT**
26. Table 1 sets out the EQIA for the Development.

⁶ HMSO (2017). S.I. 2017/572: The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Available at: <http://www.legislation.gov.uk/ukSI/2017/572/contents/made> [accessed on 14/08/2018].

Table 1: EQIA

Type of Effect	Assessment	Equality Effect	Mitigation or Enhancement
Landscape and visual effects (see LVIA ES chapter [APP-037])	Landscape and visual effects are assessed in the ES as generally being adverse, and being larger generally in closer proximity to the Development site. There are no specific attractions or other reasons for relevant receptors to be present close to the Development site more than the general population. Relevant receptor groups will not be affected any differently to the general population, therefore.	None.	Not applicable.
Noise during construction and operation (see Noise and Vibration ES chapter [APP-042])	Noise effects are assessed in the ES as generally being adverse, and being larger generally in closer proximity to the Development site. There are no specific attractions or other reasons for relevant receptors to be present close to the Development site more than the general population ⁷ . Relevant receptor groups will not be affected any differently to the general population, therefore.	None.	Not applicable.
Effects on local employment during construction (see Socio-Economics, Tourism, Recreation and Land Use ES Chapter [APP-043])	Beneficial effects from increased local employment opportunities arising from the Development would affect principally those employed in roles used directly by the Development construction process, and indirectly from the local service industry, with induced effects benefiting the whole local economy. Requirement 15 of the draft DCO [REP2-003] requires that a skills, supply chain and employment plan is approved by Swale Borough Council before construction can commence. This document will be produced to provide inclusive and non-discriminatory employment opportunities (where they are within the reasonable control of the Applicant).	None.	Not applicable.
Recreational amenity effects on users of the Public Rights of Way (PRoW) around the Development site, and the National Cycle Network Route 1 (NCN 1) (see Socio-Economics, Tourism, Recreation and Land Use ES chapter [APP-043])	The Development will affect recreational amenity on PRoW and NCN 1 around the Development site indirectly, principally via changes to the visual environment. The surface of the footpath ZR485, through the Development site, will be improved where there are excessively muddy and wet sections. The Development will make no changes to access to the PRoW around the Development site that could affect any relevant receptors differently to the general population.	None.	Not applicable.
Traffic and transport	The construction phase of the Development will involve increased levels of traffic flow from	Young people	Measures to be

⁷ The Environmental Statement assesses impacts on population assuming people are present (e.g., account has not been taken of the fact that certain groups may be more likely to commute to work and be not present for part of the time, i.e., a worst-case of presence rather than absence has been considered in this regard).

Type of Effect	Assessment	Equality Effect	Mitigation or Enhancement
<p>effects on Seasalter Road, Head Hill Road and Staple Street during construction of the Development, of public transport delay, road user delay, pedestrian and cyclist fear/intimidation and severance of communities (see Traffic and Access ES chapter [APP-044])</p>	<p>the A299, north to the Development site. At certain locations, this has the potential for driver delay, public transport delay (on bus route 660), pedestrian and cyclist fear and intimidation, and severance of communities. The ES assesses all effects as being minor, and not significant. Notwithstanding this, it is possible for certain relevant receptors to be affected differently to the general population, in the absence of mitigation. This is potentially the case for children attending Graveney Primary School on Seasalter Road. The school is specifically referenced in the Outline Construction Traffic Management Plan (CTMP) [APP-245], and the school will be consulted in the process of finalising the CTMP, post-consent. The CTMP will be finalised in consultation with Highways England, Kent County Council and Swale Borough Council. This is secured by draft DCO Requirement 11 [REP2-003] which requires that the CTMP be approved by Swale Borough Council prior to construction of the Development. On this basis, and following this mitigation, relevant receptors would not be affected differently to the general population.</p>	<p>attending Graveney Primary School.</p>	<p>implemented in the final CTMP in consultation with Graveney Primary School.</p>

6 CONCLUSIONS

27. This EQIA has drawn on the ES to consider the activities that will be carried out as part of the Development and has assessed whether they are relevant to the protected characteristics of groups of people under the Act.
28. Those effects of the Development that could affect people have been considered further, to examine the potential for them to affect groups of people with protected characteristics differently to the general population.
29. Only one aspect has been found to have the potential to affect groups of people with protected characteristics differently to the general population: traffic and transport effects with respect to Graveney Primary School during the construction phase of the Development.
30. Mitigation is proposed to be secured by draft DCO Requirement 11, Construction Traffic Management Plan to minimise the potential for any inequality and eliminate discrimination.