

West Burton Solar Project

Equality Impact Assessment

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Issue Sheet

**Report Prepared for: West Burton Solar Project Ltd.
DCO Submission**

Equality Impact Assessment

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1 Introduction

- 1.1.1 This report has been prepared on behalf of West Burton Solar Project Limited (the 'Applicant') in relation to an application made to the Secretary of State (SoS) for the Department for Energy Security and Net Zero (ESNZ), under section 37 of the Planning Act 2008, seeking a Development Consent Order (DCO) for the West Burton Solar Project (hereinafter referred to as 'the Scheme').
- 1.1.2 The Scheme comprises a number of land parcels (the 'Site' or 'Sites') described as West Burton 1, 2 and 3 which accommodate ground mounted solar photovoltaic (PV) generating stations (incorporating the solar arrays); grid connection infrastructure and energy storage; and the Cable Route Corridors. The Sites are located between approximately 7.4km to the south and up to 14.6km southeast of Gainsborough. See the Location Plan [EN010132/APP/WB2.1] for the site locations.
- 1.1.3 The Scheme is described in full in Chapter 4 of the Environmental Statement (ES), Scheme Description [EN010132/APP/WB6.2.4] which is submitted in support of the application.

1.2 Purpose of the Equality Impact Assessment (EqIA)

- 1.2.1 Section 149 of the Equality Act 2010 (the Act) requires public authorities to have due regard to equality considerations when exercising their functions. This Equality Impact Assessment (EqIA) considers the potential for the Scheme to discriminate based on certain protected characteristics under the Act in order to assist the SoS in their consideration of the public sector equality duty under section 149. It aims to:
- Identify and assess any likely effects of the Scheme on relevant receptors, including during the construction, operational and decommissioning phases of the Scheme;
 - 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.
- 1.2.2 The EqIA draws principally on the findings set out in the ES supporting the application [EN010132/APP/WB6.2]. 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

2.1 Overview

2.1.1 The Equality Act 2010 ('the Act') consolidated previous legislation designed to prohibit discrimination on the grounds of protected characteristics. The Act identifies nine protected characteristics. These are:

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race;
- Religion or belief (including lack of belief);
- Sex; and
- Sexual orientation.

2.1.2 "Relevant receptors" is the term used in this EqlA 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.

2.1.3 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; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

2.1.4 The SoS, when deciding whether to grant a DCO for the Scheme, 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 EqlA provides relevant information to assist the SoS in carrying out this duty.

3 Methodology

3.1 Guidance

3.1.1 Whilst guidance on fulfilling the requirements of the Public Sector Equality Duty is available (Ref.2, Ref.3 and Ref.4), there is only very limited guidance on carrying out Equality Impact Assessments in the UK, particularly in relation to individual developments. The guidance that does exist is designed for the assessment of policies, however the principles can be adapted for applications to individual developments.

3.1.2 Meeting the Equality Duty in Policy and Decision-Making (Ref.1) states that *“there is no prescribed methodology for assessing the impact on equality”* but recognises that established methods of equality assessment can be useful.

3.1.3 The Scottish Environmental Protection Agency (SEPA) has produced guidance for the assessment of equality impacts, aimed at the potential impacts of policies, but applicable more generally (Ref.5). 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”.

3.1.4 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.

3.1.5 The Equality Commission for Northern Ireland provides concise guidance on ‘Screening and Equality Assessments’ and ‘Practical Guidance on Equality Impact Assessment’ (Ref.6 and Ref.7). 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 dependants/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."

3.1.6 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

3.2.1 The potential for equality effects of the Scheme is limited to those aspects of the Scheme that affect people. Where the Scheme does not affect people, it cannot affect different groups of people differently, and therefore cannot affect equality.

3.2.2 Each category of effect, and the affected population, is described, and a description, with justification, is made of the potential for relevant receptor groups to be affected differently to the general population, because 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.

3.2.3 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.

3.2.4 The EqIA considers impacts on relevant receptor groups, rather than specific individual cases.

3.2.5 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 will make communication lines available in part for this purpose, as set out within the Outline Construction Environmental Management Plan (OCEMP) [EN010132/APP/WB7.1] and Outline Operational Environmental Management Plan (OOEMP) [EN010132/APP/WB7.14] 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.

- 3.2.6 This approach is in accordance with the approaches to EqIA set out in the guidance in Section 3.1 above.

4 Scope of the EqIA

4.1 Overview

4.1.1 The ES includes the population as a general receptor group, in accordance with the requirements of the EIA Regulations. Effects on human receptors that have the potential to affect relevant receptor groups differently to the wider population, are considered in this EqIA.

4.2 Assessment Criteria

4.2.1 The EqIA does not assess significance of effects. Instead, qualitative descriptive judgements are made regarding the nature of potential equality effects. Equality effects are defined as where an impact is identified as likely to have a disproportionate or differential effect on groups of people on the grounds of their protected characteristics.

4.2.2 A disproportionate equality effect arises when an impact has a proportionately greater effect on protected characteristic groups than on other members of the general population at a particular location.

4.2.3 A differential equality effect is one which affects members of a protected characteristic group differently from the rest of the general population because of specific needs, or a recognised sensitivity or vulnerability associated with their protected characteristics, irrespective of the number of people affected.

4.2.4 In some cases, protected characteristic groups could be subject to both disproportionate and differential equality effects.

4.2.5 The EqIA considers impacts on groups of people rather than on individuals.

4.3 Equality Effects Considered

4.3.1 The EqIA considers potential equality effects arising during both the construction and operational phases of the Scheme. On the basis of the findings of the ES submitted with the DCO application it is anticipated that potential equality effects will include the following matters. It is these matters which are carried forward to assessment:

- community infrastructure and open spaces;
- employment and business;
- traffic, transport and physical accessibility;
- noise, and other environmental effects;
- crime, safety and personal security; and
- health related equality effects.

4.3.2 It is recognised that such a list can never be exhaustive as all stakeholders may have a different perception of an impact from that characterised in an ES. Where matters have been raised by interested parties through the pre-application process, these

have been considered in the Consultation Report submitted with the application [EN010132/APP/WB5.1].

5 Assessment

5.1.1 Table 5.1 sets out the EqIA for the Development:

Table 5.1: Assessment of Equality Effects

| Area for Consideration | Assessment of Equality Effect |
|--|---|
| Community Infrastructure and open spaces | <p>The Applicant's site selection and design evolution process has fully considered potential social impacts based on proximity to the Sites. The Concept Design Parameters and Principles for the Scheme [EN010132/APP/WB7.13] stipulate that solar PV infrastructure will be offset at least 50 metres from residential curtilage. Additionally, populated areas were avoided during the site selection process as set out in the Site Selection Assessment [EN010132/APP/WB6.3.5.1]. As a result, direct impacts on community facilities, care homes, places of worship, local high streets, schools, public open spaces, play spaces and recreational facilities have been avoided.</p> <p>The Scheme will make no permanent changes to access to the Public Rights of Way (PRoW) around the Sites that could affect any relevant receptors differently to the general population. A new permissive footpath to run from Track off Sykes Lane along the Codder Lane Belt and then south and west to re-join Sykes Lane opposite Hardwick Scrub will be created which will have a beneficial effect on recreational opportunities.</p> <p>Therefore, no predicted differential or disproportionate impact to protected characteristic groups is predicted as a result of impacts on community facilities and services.</p> |
| Employment and Business | <p>Beneficial effects from increased local employment opportunities arising from the Scheme 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. In line with the Skills, Supply Chain and Employment Plan [EN010132/APP/WB7.10], opportunities for maximising workforce diversity will be identified.</p> <p>There is no anticipated disruption on business or charitable organisations providing services or products to protected characteristic groups. The site selection process (as presented in the Site Selection Assessment [EN010132/APP/WB6.3.5.1]) has avoided population centres. An Outline Construction Traffic Management Plan [EN010132/APP/WB6.3.14.2] has been prepared to manage any changes in traffic as a result of Scheme construction. In some circumstances, where infrastructure crosses public highways, Horizontal Directional Drilling (HDD) may be employed to reduce impacts (see the Crossing Schedule [EN010132/APP/WB7.15]) submitted with the Application.</p> |

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| <p>Transport and Access</p> | <p>The construction phase of the Scheme will involve increased levels of traffic flow at certain locations. The Outline Construction Traffic Management Plan (CTMP) submitted with the application [EN010132/APP/WB6.3.14.2] details measures specific to general road safety and has been provided to manage any changes in traffic as a result of Scheme construction.</p> <p>There are no planned permanent changes to public road or pedestrian networks at this stage, over and above potential minor localised road widening or passing places, and new access points. Any changes will be developed with due consideration to safety and accessibility of the respective networks, and therefore will not have any disproportionate effect on protected characteristic groups. The ES assesses the potential effect of construction work on severance and concluded no significant effect (ES Chapter 14, Transport and Access [EN010132/APP/WB6.2.14]).</p> <p>Although there will be additional traffic movements on the road network during construction, this will be controlled through the principles set out in the CTMP.</p> <p>The ES Chapter 14, Transport and Access, considers highway capacity and concludes that the construction of the Scheme would not cause significant effects in relation to driver delay as a result of the construction vehicle movements.</p> <p>As no significant effects are predicted on traffic, and therefore no significant increase in journey times/delay effects, there are no predicted resulting differential or disproportionate impact to protected characteristic groups.</p> <p>Temporary diversions to Public Rights of Way have been detailed in the outline PRow Management Plan [EN010132/APP/WB6.3.14.3]. The Applicant has not identified any PRow as being relied upon by protected characteristic groups. With the proposed PRow management measures in place, there is no predicted differential or disproportionate impact to protected characteristic groups.</p> |
| <p>Noise during construction and operation</p> | <p>Noise is assessed in the ES Chapter 15 Noise and Vibration [EN010132/APP/WB6.2.15] as having moderate/minor residual effects during both the construction and operational phases. These effects are greater closer to the Sites.</p> <p>The Site Selection process as explained above has avoided centres of population and there are no relevant receptor groups, e.g., care homes, in close proximity to the Sites. Nor are there reasons for relevant receptor groups to be present close to the Scheme more than the general population. Therefore, relevant receptor groups will not be affected any differently to the general population.</p> <p>Measures contained within the OCEMP and the OOEMP will minimise noise impacts across the Scheme. Therefore, no differential or</p> |

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|--|---|
| | <p>disproportionate impact to protected characteristic groups is predicted.</p> |
| <p>Crime, Safety and Personal Security</p> | <p>Due to the predominantly rural nature of the project and the lack of impact on transport infrastructure, there is no anticipated change in actual safety and perception of safety due to the Scheme.</p> <p>Construction compounds will be secured to minimise the opportunity for unauthorised entry and any associated crime risk.</p> <p>The OCEMP aims to limit access to construction areas for security and health and safety reasons. Detailed measures will be set out in the final CEMP.</p> <p>These measures are to protect public, employee and contractor safety through all phases of the project. With management plans in place, there are no predicted differential or disproportionate impacts on protected characteristic groups.</p> |
| <p>Health Related Equality Effects</p> | <p>Human health is a key consideration in many technical areas assessed within the ES and is covered in detail in Chapter 21 of the ES, Other Environmental Matters [EN010132/APP/WB6.2.21]. This includes assessment in respect of the general population and vulnerable groups.</p> <p>The increases in overall employment opportunities and sector-based skills training and qualification opportunities generated from the Scheme's construction are assessed as likely to generate significant beneficial effects on access to employment and access to education as measured indices of deprivation. However, the construction of the Scheme may also have a short-term (and temporary) significant adverse effect on human health as a result of construction impacts on the desirability and use of two long-distance recreation routes. No significant effects have been identified during operation or decommissioning.</p> <p>With consideration of all these factors, no differential or disproportionate health impacts on protected characteristic groups is predicted.</p> |

6 Conclusion

6.1 Overview

- 6.1.1 This EqIA has drawn on the ES to consider the activities that will be carried out as part of the Scheme, and has assessed whether they are relevant to the protected characteristics of groups of people set out in the Act.
- 6.1.2 Those effects of the Scheme 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.
- 6.1.3 No differentiated or disproportionate impacts on groups with protected characteristics under the Equalities Act 2010 are predicted as a result of the Scheme.
- 6.1.4 Mitigation measures (particularly including the Public Rights of Way Management Plan, Outline Construction Traffic Management Plan, and the Skills, Supply Chain and Employment Plan) have been developed (and will continue to be developed via the discharge of DCO Requirements) to ensure a reduced impact during the construction phase.
- 6.1.5 These mitigation and management measures include ensuring minimum legal widths for PRoWs during the construction phase, providing temporary PRoW diversion routes where necessary and to ensure these are clearly marked out, along with appropriate signage at either end of the diversion.
- 6.1.6 The Outline Construction Traffic Management Plan sets out a wide range of measures aimed at reducing impact including various traffic management and vehicle management proposals to ensure that there are no differential and disproportionate impacts on groups with protected characteristics under the Equalities Act 2010.
- 6.1.7 The Skills, Supply Chain and Employment Plan states that the Scheme ‘could also help to upskill local labourers and to find disadvantaged individuals work’.
- 6.1.8 The Applicant recognises the potential for protected characteristic groups to have less access to consultation processes, and therefore has built in protections through appropriate site selection and best practice management of construction and operation processes, informed by their previous experience of constructing solar projects in the UK. Specific care has been given to seldom heard groups, as set out in the Consultation Report which supports the application **[EN010132/APP/WB5.1]**.
- 6.1.9 As set out in the OCEMP and OOEMP, where, during construction and operation, impacts do arise, communications and complaints can be directed to the Site Manager or via a Community Liaison Officer who will ensure a proactive approach to communication with local stakeholders.
- 6.1.10 The Scheme also embeds important social contribution through the investment in skills and jobs. Whilst the Applicant cannot quantitatively state how many jobs will be secured by residents, qualitative analysis of the type of employment and the

match with the local labour market suggests that this will provide good opportunities.

7 References

- Ref.1 Meeting the Equality Duty in Policy and Decision-Making, Equality and Human Rights Commission (2014)
- Ref.2 The essential guide to the public sector equality duty, Equality and Human Rights Commission (2014)
- Ref.3 Equality Act 2010: Technical guidance on the public sector equality duty: England, Equality and Human Rights Commission (updated February 2021),
- Ref.4 Equality Act 2010: Public sector equality duty what do I need to know? A quick start guide for public sector organisations, Government Equalities Office (2011)
- Ref.5 Equality and Human Rights Impact Assessment Guidance Document, Scottish Environment Protection Agency (2011)
- Ref.6 Screening and Equality Assessments, The Equality Commission for Northern Ireland (2017)
- Ref.7 Practical Guidance on Equality Impact Assessment, The Equality Commission for Northern Ireland (2005)