

## Equality Impact Assessment: Contaminated Land Strategy 2022 to 2027

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

### 1. Key recommendations:

That Executive:

- 1) note the draft revised Contaminated Land Strategy; and
- 2) support the consultation on the draft strategy commencing 08 September 2021 until 03 November 2021.

### 2. Committee name and date:

Executive: 07 September 2021.

### 3. Stakeholders:

The stakeholders to the Contaminated Land Strategy are the Environment Agency, those who own or occupy land affected by contamination, those seeking to develop land affected by contamination and those who have caused or knowingly permitted land to become contaminated to the extent that it meets the legal definition of Contaminated Land.

### 4. Main beneficiaries are:

The main beneficiaries are the environment, the future occupants of land remediated through the planning process and those who occupy land which meets the legal definition of 'Contaminated Land' but are not liable for remediation of that land (for example they may be tenants who did not cause the contamination and share no liability because they are not land owners).

### 5. Consultation:

The Council is undertaking consultation on the draft strategy, specifically involving the Environment Agency, Devon County Council, neighbouring authorities, Natural England and Public Health England. Consultation will last 8 weeks.

The strategy will be amended following consultation (if required), and the final Contaminated Land Strategy will be presented to Executive on 30 November 2021 and Full Council on 14 December.

6. **Factors to consider in the assessment:** For each of the groups below, an assessment has been made on whether the proposed recommendation will have a **positive, negative or neutral impact. This is must be noted in the table below** alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

**High impact** – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact** – some potential impact exists, some mitigating measures are in place, poor evidence

**Low impact** – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
<b>Race and ethnicity</b> (including Gypsies and Travellers; migrant workers; asylum seekers).	Neutral	Low	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground irrespective of the race or ethnicity of those who either occupy, own or share some responsibility for the contamination. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<b>Disability:</b> as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Neutral	Low	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<b>Sex/Gender</b>	Neutral	Low	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic. Young female children are considered to be the most sensitive receptors for land contamination on most sites. A risk assessment is therefore likely to be conducted on the basis of understanding the harm to a 0-6 year old female child. However this does not mean that other groups receive lesser protection only that they may not receive a specific risk assessment.
<b>Gender reassignment</b>	Neutral	Low	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<b>Religion and belief</b> (includes no belief, some philosophical beliefs)	Neutral	Low	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to

such as Buddhism and sects within religions).			suggest that the Strategy would have a potential impact on this characteristic.
<b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual).	Neutral	Low	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<b>Age</b> (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Neutral	Low	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic. Young female children are considered to be the most sensitive receptors for land contamination on most sites. A risk assessment is therefore likely to be conducted on the basis of understanding the harm to a 0-6 year old female child. However this does not mean that other groups receive lesser protection only that they may not receive a specific risk assessment.
<b><u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u></b>			
<ul style="list-style-type: none"> <li>• none</li> </ul>			

**Officer:** Alex Bulleid

**Date:** 19 April 2021