

Planning Obligations and Affordable Housing SPD Equalities Impact Assessment

February 2024

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1 Introduction

1.1 Introduction

1. Westminster City Council adopted [City Plan 2019-2040](#) in April 2021, which sets out the council's vision for growth across the city for the period 2019-2040. It is Westminster's principal planning policy document, and is used alongside the London Plan, made neighbourhood plans, and other material considerations to determine planning applications in the city.
2. The Planning Obligations and Affordable Housing Supplementary Planning Document (POAH SPD) (February 2024) is a new document which provides guidance for developers on how the council may use legal agreements so new schemes meet a range of policies within the City Plan 2019-2040 and other Development Plan Documents. The POAH SPD does not introduce new planning policies into the [Development Plan](#), it is however, a material planning consideration. In providing such guidance, the SPD seeks to ensure that all new development complies with current planning policy and contributes to the council's commitment to deliver a Fairer Westminster.
3. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 Part 5 Regulation 12, the council first consulted on a draft POAH SPD in March-May 2022. Following this first round of consultation (statutory), the council decided to reconsult on an updated draft POAH SPD in August-September 2023 (non-statutory). Alongside the updated draft POAH SPD (July 2023), the council published a Consultation Statement (July 2023) summarising how consultation feedback received in 2022 had informed the new draft. The July 2023 draft was informed by the findings of a draft Equalities Impact Assessment (EqIA)(July 2023) – during consultation, the council published and invited comments on the draft EqIA.
4. This document sets out the Equalities Impact Assessment (EqIA) for the POAH SPD (February 2024) – the adoption version of the POAH SPD. It uses [the EqIA assessment of the City Plan 2019-2040](#) as a starting point and considers if the guidance in the POAH SPD results in any changes to that assessment. This EqIA (February 2024) has considered the impacts of changes made to the SPD following consultation in August-September 2023 – as changes made to the SPD following consultation in 2023 are minor, the conclusions of this EqIA remain valid as in July 2023.
5. The Public Sector Equality Duty requires public bodies to have due regard for the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities. The purpose of the EqIA is to consider the likely impact of the POAH SPD (on the protected characteristics defined by the [Equalities Act 2010](#), and where required, taking proportionate action to improve or mitigate potential impacts of the policies. The council has approached work on the EqIA as an iterative process during the POAH SPD preparation process.
6. The impact of the POAH SPD (February 2024) is city wide. It will have an impact on everyone who lives, works, or visits Westminster. This includes businesses, local services, communities, landowners and developers.

2 The council's Equality Duty

2.1 The council's Equality Duty

1. Under the Equalities Act 2010 the council has a “Public Sector Equality Duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;
 - to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to
 - foster good relations between persons who share a relevant protected characteristic and those who do not share it.
2. The council is also required to have due regard to the need to take steps to take account of disabled persons' disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life. The 2010 Act states that “having due regard” to the need to promote equality of opportunity involves in particular having regard to:
 - the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic;
 - take steps to meet the needs of persons sharing a protected characteristic that are connected with it;
 - take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and
 - encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.
3. The courts have held that “due regard” in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equalities implications of the decision.
4. The council must therefore consider whether or not there is potential for the Planning Obligations and Affordable Housing Supplementary Planning Document (POAH SPD) to result in a less favourable outcome on any group with a protected characteristic including:
 - gender;
 - race or ethnicity (including refugees, asylum seekers, migrants, gypsies and travellers);
 - disability (consider different types of physical, learning or mental disabilities);
 - sexual orientation/s;
 - age (particularly children, under 21s and over 65s);
 - gender re-assignment;
 - pregnancy and maternity;

- religion or belief;
 - marriage and/or civil partnership; and
 - people on low incomes (this category is not included in the 2010 Act but is a characteristic the Council wished to consider).
5. Further details of the legal framework and key legal principles on equalities matters is provided in Appendix 1.
 6. The equalities implications of policies in the Westminster City Plan 2019-2040 have already been assessed as part of the [Integrated Impact Assessment](#) (IIA), which was initiated in 2017 and was iteratively updated to inform and guide policy development. A dedicated [addendum to the IIA on equalities impacts](#) was added in November 2019.

3 City Plan EqIA and conclusions

3.1 Relationship to the City Plan EqIA and conclusions of this assessment

1. As referred to above, the Equality Impacts Assessment (EqIA) for the City Plan 2019-2040 was initially carried out as part of the Integrated Impact Assessment (IIA) of the draft City Plan, and then supplemented through a dedicated addendum.
2. The IIA considered the likely impacts of the draft City Plan using a series of objectives that reflect the current social, economic and environmental issues affecting Westminster. These objectives were presented in the IIA Framework¹. Detailed appraisal questions were developed for each objective to help the assessment. IIA objectives and appraisal questions together formed the IIA Assessment Framework.
3. The scoping of the IIA Framework was consulted upon in 2017 and the full IIA Framework subject to statutory consultation alongside the Regulation 19 publication draft consultation of the City Plan in 2019. The IIA Framework was updated and refined in light of comments received, including the objectives and appraisal questions. The IIA Framework takes account of specific priority objectives from the council's Equality Objectives 2016-2020 and potential impacts on persons sharing one or more of the protected characteristics.
4. The City Plan EqIA pulls together baseline data on the protected characteristics and sets out any identified likely impact of the proposed City Plan Policies which could have a more pronounced effect on people with protected characteristics. These are referred to as "differential impacts" and could be positive or negative. When a likely negative impact has been identified, the EqIA sets out any mitigation measures that have been taken.
5. The EqIA for the Planning Obligations and Affordable Housing SPD (February 2024), and previous iterations, builds on the EqIA performed for the City Plan 2019-2040 – as the guidance included in the SPD supports the implementation of the policies in the City Plan. It therefore uses the findings of the City Plan assessment as a starting point, and examines if the guidance included in the SPD is likely to materially alter the findings of that assessment. The full findings of this process are documented in section 4 below. In summary, the EqIA for the POAH SPD (February 2024) has concluded that in most cases, the impacts identified in the City Plan assessment remain valid, and any further impacts from the content of the SPD are marginal. Where the SPD does have an additional impact, this is positive in comparison to the original City Plan assessment, and no changes to the SPD are recommended as a result of this assessment. While the updated assessment does re-affirm that the affordable housing tenure split required by the City Plan is likely to have a negative impact on several protected groups, as the SPD cannot change or contradict City Plan policy, this can only be addressed as part of the Partial [City Plan Review](#).

¹ See Integrated Impact Assessment, section 1.4, Table 1.

4 POAH SPD

4.1 Results of the Planning Obligations and Affordable Housing SPD (February 2024) Equality Impact Assessment Screening

The assessment below sets out the likely equalities impacts of the Planning Obligations and Affordable Housing SPD (February 2024) in conjunction with adopted City Plan 2019-2040 (2021) policies. In several areas the contents of the POAH SPD (February 2024) do not result in any changes to the impacts previously identified through the original assessment of the City Plan. Where the contents of the POAH SPD (February 2024) do result in additional impacts or updates to the scoring from the original City Plan EqIA, this is referred to in the column titled 'POAH SPD Guidance Analysis'.

Scale of effect		Definition
++	Major positive	The policy has a likely major positive impact on the protected characteristic.
+	Minor positive	The policy has a likely minor positive impact on the protected characteristic.
N	Neutral	The policy does not have a likely differential impact on the protected characteristic (but might have a likely positive impact across protected characteristics).
-	Minor negative	The policy has a likely minor negative impact on the protected characteristic.
--	Major negative	The policy has a likely major negative impact on the protected characteristic.

Impact of Westminster City Plan 2019-2040 (2021) policies and POAH SPD (February 2024) guidance on Equalities Categories

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
Spatial Strategy											
1. Westminster's spatial strategy	N	N	++	+	++	+	N	N	++	<p>The policy promotes a balanced mix of uses including shops and facilities, cluster of uses, and supports town centres and high streets, contributing to improved access to local services and facilities, engagement in community activity and inclusive communities.</p> <p>Given Westminster's more ethnically diverse population, targeting by area-specific policies (namely Policy 5 and Policy 6), these people are more likely to positively benefit from the delivery of policy ambitions for these areas, including increased job opportunities, additional floorspace for smaller businesses, new social and community infrastructure.</p> <p>Intensification, higher quality new developments, improved access to local services and facilities through protection of town centres and high streets and enhancement to the public</p>	<p>Additional guidance in the SPD supports the key objectives of the spatial strategy – the positive impacts identified in the City Plan assessment therefore remain valid and unchanged.</p>

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										<p>realm are likely to have a differential positive impact on those with mobility issues, including those with disabilities, older people and pregnant women. This also contributes to reducing the need to travel further to access services and facilities, which is also likely to have a differential positive impact on people on low incomes.</p> <p>Proximity and improved access to services and facilities is also likely to contribute to enhanced engagement in community activity, particularly for older people who are more at risk of isolation, and to improve inclusiveness towards people with disabilities and different sexual orientations.</p>	
2. Spatial Development Priorities: West End Retail and Leisure Special Policy Area and Tottenham Court Road	++	N	++	++	++	++	++	N	+	Support for the diversification of the evening and night-time economy is likely to have a positive differential impact on women, those with disabilities, LGBTQI+ people, younger and older people, people of different faith and beliefs, pregnant women and those	Not applicable.

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Opportunity Area										with babies with regards to improved safety and perception of safety, wider range of activities that are not necessarily focussed on consuming alcohol. People on low incomes are also likely to benefit as a wider range of activities can help making the ENTE more inclusive towards people with a range of budgets.	
3. Spatial Development Priorities: Paddington Opportunity Area	N	++	++	N	++	++	N	N	++	<p>Provision for enhanced community facilities for residents of Paddington and neighbouring areas is likely to particularly benefit people from specific ethnic groups who are more present in this part of the city. Further local provision is also likely to benefit those with mobility issues, including those with disabilities, older people and pregnant women. This also contributes to reducing the need to travel further to access services and facilities, which is also likely to have a differential positive impact on people on low incomes.</p> <p>The policy also contributes to the delivery of a significant</p>	Not applicable.

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										number of new high-quality homes across all tenures, including affordable housing. This is likely to have a differential positive impact on people on low incomes, young people and particular ethnic groups who are overrepresented and have greater priority for social housing,	
4. Spatial Development Priorities: Victoria Opportunity Area	N	++	++	N	++	++	N	N	++	<p>Support for the provision and enhancement of social and community facilities, which includes libraries, facilities for children and young people and improved sports and leisure facilities are likely to have a differential positive impact on children, younger residents and those with learning disabilities, as well as those with mobility issues that might benefit from shorter journeys (including pregnant women and those with babies, those with disabilities and older people).</p> <p>It also contributes to the delivery of a significant number of new high-quality homes across all tenures, including</p>	Not applicable.

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										affordable housing. This is likely to have a differential positive impact on people on low incomes, young people and particular ethnic groups who are overrepresented and have greater priority for social housing,	
5. Spatial Development Priorities: North West Economic Development Area	N	++	++	N	++	++	N	N	++	<p>Investment in new social and community infrastructure and facilities for local communities in the NWEDA as part of its regeneration and renewal, contributing to improved access to shops and facilities. This is likely to have a differential positive impact on children, younger residents and those with learning disabilities, as well as those with mobility issues that might benefit from shorter journeys (including pregnant women and those with babies, those with disabilities and older people).</p> <p>Setting new residential and mixed-use developments that improve housing quality and help diversify the area's tenure mix is likely to particularly benefit people on low incomes,</p>	Not applicable.

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										<p>young people and particular ethnic groups who are overrepresented and have greater priority for social housing.</p> <p>Addressing the issue of severance in the area, promoting a more walkable environment and opportunities for greater use of the Grand Union Canal, contributes to local wellbeing through improved open spaces and enhanced access and movement in the wider area. This is considered to benefit everyone across all protected groups.</p> <p>Prioritising increased job opportunities for local residents through the protection and provision of a range of new employment floorspace, promoting equality of opportunity across the city and contributing to reducing unemployment is likely to particularly benefit young people and people on low incomes, but also particular</p>	

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										<p>ethnic groups that have a higher presence in this area.</p> <p>Given some ethnic groups are overrepresented in this part of Westminster, the policy is considered to have a differential positive impact on this protected characteristic.</p>	
6. Spatial Development Priorities: Church Street/ Edgware Road and Ebury Bridge Estate Housing Renewal Areas	N	++	++	N	++	++	N	N	++	<p>The policy contributes to the delivery of a significant number of new high-quality homes, particularly affordable housing. This is likely to have a differential positive impact on people on low incomes, young people and particular ethnic groups who are overrepresented and have greater priority for social housing.</p> <p>It also prioritises public realm improvements, and new and enhanced community facilities. This contributes to enhanced accessibility and access to local services, shops and facilities, which is likely to have a differential positive impact on children and younger residents, as well as those with mobility</p>	Not applicable.

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										<p>issues that might benefit from shorter journeys (including pregnant women and those with babies, those with disabilities and older people).</p> <p>It also recognises the potential to attract new business and workspaces around Edgware Road and Marylebone Stations, with the capacity for at least 350 new jobs and opportunities to link employment opportunities in the CAZ to local communities. This contributes to promoting equality of opportunity across the city and potentially reducing unemployment. This is considered to benefit people across all equality groups.</p> <p>Each renewal area is subject to their individual EqIA. The council has also developed policies in relations to tenants and leaseholders that need to move home during the renewal works, which are also subject to detailed EqIAs.</p>	
7. Managing development	N	N	++	N	++	++	N	N	N	The policy protects the amenity of residents from unacceptable	Not applicable.

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for Westminster's people										impacts from development. This is likely to benefit all protected characteristics, particularly sensitive receptors including those with disabilities, children and young people, old people and pregnant women.	
Housing											
8. Stepping up housing delivery	N	++	++	N	++	++	N	N	++	<p>Increasing the number of new homes in Westminster will positively impact on all protected characteristics. The policy is likely to have a particularly positive differential impact on children and younger people, pregnant women and those with babies, those with disabilities, and some ethnic groups who tend to have larger households/dependent children in Westminster.</p> <p>The limit on the size of new homes also helps people on lower incomes by ensuring sites are optimised for housing delivery leading to less expensive properties.</p> <p>Allowing existing housing to be reconfigured to create family sized housing is likely to have a</p>	<p>Providing additional guidance on housing delivery, and the planning contributions required will help bring certainty to the home building sector. Additionally, the SPD provides guidance and certainty on topics relating to housing that were previously not touched upon in the City Plan or prior SPDs, such as the council's approach to phased development. Uncertainty over legal agreements can slow down the delivery of planning approvals, and so the overall effect of improved guidance will be a smoother journey from planning application to delivery.</p> <p>The certainty provided should help the delivery of new housing, and support achieving the City Plan aim to step up</p>

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										<p>differential positive impact on those with babies and larger families (particularly some ethnic groups).</p> <p>Providing a range of homes will have a positive impact on Some ethnic groups caring for larger families but also single person households.</p> <p>Protection from conversion to short term lets is expected to provide benefits across all protected groups.</p>	<p>housing delivery. The enhanced impact on housing delivery will support the overall delivery of affordable housing and new homes, and will have an increased positive Equalities impact on the areas original identified in the City Plan.</p> <p>No change in scoring from the City Plan assessment has been identified however, due to the previous assessment already identifying positive impacts from this policy.</p>
9. Affordable housing	N	-	-	N	N	N	N	N	-	<p>The policy requires 35% of all new homes to be affordable and protects all existing affordable units. It also provides that 60% of these affordable units will be 'intermediate' housing for rent or sale and 40% social rent or London Affordable Rent.</p> <p>The requirement for all new affordable units to be 60% 'intermediate' affordable rent and 40% social rent has a potential differential impact on people sharing certain protected characteristics</p>	<p>As a whole, the City Plan assessment of negative impacts on protected groups remains valid given the tenure mix it sets out, which the SPD cannot alter.</p> <p>However, scoring has been updated to lessen the negative impacts from those previously identified, due to the content of various elements of theSPD as set out below.</p> <p>Firstly, theSPD sets out that the affordable housing requirement</p>

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										<p>(particularly people on low incomes, women, black, Asian, Chinese/other, households with children, the 25-44 and 45-65 age groups, who are more likely to require social housing).</p> <p>The Council monitors those with priorities for Social Housing, which shows that certain ethnic groups are overrepresented and have greater priority for Social Housing.</p> <p>Housing needs analysis shows that the total number of affordable homes required in WCC each year is 44% social (which represents need) and 56% intermediate (which represents demand). The proposed policy approach favours intermediate over social, which decreases the proportion of social housing supplied by the Council. Less social housing for these groups may lead to those households which are homeless being in temporary accommodation longer, of which around 50% is outside Westminster.</p>	<p>of 35% will also apply if there is existing housing on site, as this will be calculated based on the gross level of housing provided by the development. The new guidance on what constitutes new residential floorspace and how to apply the 'gross requirement' may help deliver additional affordable housing, benefiting different groups.</p> <p>Secondly, the SPD provides additional detail to the approach to payment in lieu, phasing and management of affordable housing, which will all help ensure the maximum delivery of affordable housing on site. The increased emphasis on on-site delivery will help support housing opportunities for those on lower incomes across the city, closer to places of work.</p> <p>Thirdly, additional detail on products, rent levels and affordability thresholds for intermediate housing, makes them more accessible to groups with protected characteristics.</p>

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										<p>We've chosen to favour intermediate over social given an extremely low supply of intermediate housing in existence limiting choices for those on low incomes but ineligible for social housing. People registered for intermediate housing also have some protected characteristics in that they are more likely to be younger people (i.e. in the 25-44 age group) and from a black ethnic background. As a result, fewer social homes will come forward as a proportion of all affordable housing, but this is partially mitigated by an increased housing and affordable housing target overall.</p>	<p>This has a positive impact when compared to the City Plan alone.</p> <p>Fourthly, the SPD sets out how the council will use S106 agreements to secure the size of new affordable homes, which will help secure adequately sized homes for those eligible for affordable housing. This will have a positive impact on those most likely to be eligible for affordable housing, and disabled residents of affordable housing who may require more space.</p> <p>Given negative impacts remain, the tenure split in the existing City Plan is now being reviewed as part of the Partial City Plan Review. A new Housing Needs Assessment has been commissioned to better understand who needs to be prioritised for affordable housing in an increasing challenging economic context. A new EqIA will be published alongside any new policies.</p>

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10. Housing for specific groups	N	++	N	N	++	++	N	N	N	<p>The policy aims to provide a mix of residential units in terms of size, type, and tenure.</p> <p>The requirement for 25% of all new homes to be family sized is likely to particularly benefit pregnant women/those with babies and some ethnic groups who tend to have larger families.</p> <p>The protection of existing specialist and supported housing floorspace, support for older people's housing and adaptations to homes occupied by older residents are likely to have a positive impact on older people.</p> <p>The protection of existing purpose-built student accommodation and support for new provision of this kind (of which at least 35% will be secured as affordable student housing) is likely to have a differential positive impact on younger people.</p>	<p>The SPD sets out how affordable housing will be provided in non-conventional housing schemes. This helps further deliver affordable housing, benefiting cross sections of groups including young people, those with a disability and older people. As positive impacts were already identified through the City Plan assessment, no scoring updates have been made.</p>

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	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										Although Westminster does not currently reserve land for Gypsy and travellers, the policy sets out how permission for this use may be granted where there is an identified need. This is expected to have a positive impact on this group.	
11. Innovative housing delivery	N	++	N	N	++	N	N	N	++	The incentive to provide innovative models of high-quality housing at affordable (social or intermediate) rental levels is likely to have a differential positive impact on people on low incomes, young people and certain ethnic groups who are overrepresented and have greater priority for social housing.	The SPD includes guidance on non-conventional housing, and the instances where these products could be considered affordable housing, and when further affordable housing contributions are required. As positive impacts had already been identified through the City Plan assessment, no scoring updates have been made.
12. Housing quality	N	N	++	N	++	N	++	N	++	Provision of high-quality homes, which meet national space standards, come with external (private or public) amenity space and are accessible and adaptable is positive for everyone. Particularly benefitting children, pregnant women/those with babies, those with disabilities,	The approach to communal and amenity space in the SPD helps delivery accessible spaces, benefiting different groups in line with the City Plan assessment.

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										older people, people on low incomes.	
Economy											
13. Supporting economic growth	N	+	N	N	++	N	N	N	++	<p>Support for provision of a range of workspace typologies, including affordable floorspace likely to particularly benefit younger people and people on low incomes by providing more economic opportunities.</p> <p>Protection and support for space for SMEs in the NWEDA likely to benefit younger people and people on low incomes, but also particular ethnic groups that have a higher presence in this area.</p>	Additional guidance on the provision of affordable workspace in the SPD will help support its future delivery, which could be beneficial in providing business and job opportunities for SMEs and groups with protected characteristics. As positive impacts were already identified from the analysis of City Plan policy, no scoring updates have been made.
14. Town centres, high streets and the CAZ	+	++	++	N	++	++	N	N	++	<p>Protection of town centre function so that they continue to provide a range of shops and services including community use, and protection of isolated essential convenience retail. Also support for new extended markets. This can improve access to fresh food locally and contribute to a sense of community. This is likely to particularly benefit women (who are more likely to have caring responsibilities), older</p>	Not applicable.

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										<p>residents and those with disability (also due to mobility issues), but also children, pregnant women and those with babies (thanks to improved access to healthy food and essential services) and people on low incomes.</p> <p>Supporting the use of vacant units for meanwhile uses which provide an active frontage and place more “eyes on the streets”, contributing to deterring crime and reducing fear of crime. This is more likely to benefit people who are more at risk of crime, typically women, young people, older people and those with disabilities, but also LGBTQI+ people and people of different ethnic and/or belief who can be targets of hate crime.</p> <p>The policy also provides protection from the proliferation of uses which may negatively impact on public health (e.g. hot food takeaways, betting shops, and shisha bars). This is likely to benefit younger</p>	

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										<p>people and children, helping them creating healthy eating habits since young age. Sensitive receptors including children, pregnant women, those with babies and those with disabilities are likely to benefit from the additional protection from harmful effects of uses such as shisha smoking.</p> <p>Older residents are likely to particularly benefit from limitations on potentially harmful uses such as betting shops, which they are generally more sensitive to, particularly when social isolation is experienced.</p>	
15. Visitor economy	N	N	++	N	++	++	N	N	+	<p>The policy seeks to balance the needs of visitors, businesses and local communities in Westminster.</p> <p>The policy supports new art and cultural uses outside of the CAZ where these can demonstrably meet the local community. Easier access to culture is expected to positively impact on the cultural wellbeing of communities, particularly benefitting those with mobility</p>	<p>The SPD sets out guidance for the provision of public toilets to support the visitor economy. This covers opening hours, and makes sure any charges do not apply to disabled toilets. This will benefit all groups in line with the City Plan assessment.</p>

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										<p>issues (typically those with a disability, older people and pregnant women) and people on low incomes.</p> <p>Directing new hotels to areas that are not predominantly residential helps reduce adverse noise impacts on local residents. This is likely to particularly benefit children, those with babies, those with disabilities, and older people.</p> <p>Ensuring provision of accessible toilets as part of new schemes that generate a large number of visitors is likely to benefit older residents and those with certain health conditions, improving their independence and physical wellbeing. The provision also seeks to minimise anti-social behaviour, which can deter people from using public areas. This is likely to have a positive effect across all protected characteristics.</p>	
16. Food, drink and entertainment	N	+	+	+	++	++	N	N	+	The policy protects public houses, which can play an important role as social hubs within a community. This is	Not applicable

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										<p>particularly important to enhance community wellbeing through improving social cohesion and participation in community life. This is likely to have a differential positive impact on older people who are typically more at risk of social isolation. It is recognised, however, that public houses can be associated with drinking and anti-social behaviour and they might not cater for the wider community. The policy is likely to have a differential impact on some ethnic/faith groups (who do not drink alcohol). Furthermore, it might have a negative impact on public health, particularly of those with disabilities, younger and older people who may be encouraged to drink alcohol.</p> <p>The policy also requires new entertainment uses to generate wider benefits for the local community. This could include discounted access to space for community function, or the provision of learning and training for the local</p>	

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										<p>community. This is likely to particularly benefit young people, people with disabilities, people on low incomes, older people, those of a particular religion or belief, and different ethnic groups.</p> <p>The policy prevents the overconcentration of food, drink and entertainment uses to ensure any negative impacts from these uses are minimised and responsibly managed. This helps to avoid increase of disturbance, anti-social behaviour, crime and fear of crime, which is likely to particularly benefit young people, women, people with disabilities, older people, LGBTQI+ people, people of different ethnicity and belief.</p> <p>The policy also prevents new hot food takeaways within 200m walking distance from the entrance of a primary or secondary school. Hot food takeaways are associated with unhealthy food and in the interest of improving public</p>	

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										<p>health and establishing healthy eating habits from a young age, the policy is likely to particularly benefit children.</p> <p>Shisha smoking is a different activity to cigarette smoking. It is offered commercially at a number of premises across the city and since the introduction of smoke-free legislation it has become more visible, taking place outside premises and on the street, sometimes late into the night. This can have an impact on the amenity of public places for residents and our ability to manage the urban environment with our partners. While we recognise that shisha smoking is particularly prevalent within specific ethnic and faith groups, and that tackling the issues caused by this activity in a targeted way can give rise to perceptions of discrimination, the policy does not intend to prohibit shisha smoking or disadvantage any protected group in doing so. The restriction on the use of premises and outdoor areas for</p>	

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	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										<p>shisha smoking is intended to protect the health and amenity of local residents and users. The overall impact will be positive in seeking to improve health outcomes and reduce incidences of nuisance. The policy is expected to have differential positive health impacts on certain ethnic and faith groups, where shisha smoking is more prevalent, and on sensitive receptors including those with disabilities, children and young people, old people and pregnant women.</p> <p>The council prepared “Reducing the Harm of Shisha” in 2017, which looked at how effectively manage the negative impacts connected with shisha smoking. The strategy was subject to an EqIA.</p> <p>While some potential negative impacts on equality groups have been identified, the policy as a whole is considered to provide a positive impact across all groups, with particular benefits to those with a disability, LGBTQI+ people, children and</p>	

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										young people, old people, pregnant women, those with babies and those on low incomes.	
17. Community infrastructure and facilities	N	N	N	N	N	N	N	N	N	<p>Positive, non-differential impact.</p> <p>The policy protects community infrastructure and facilities, supports new provision and encourages their co-location, contributes to improving access to community facilities and making community more inclusive by promoting interaction between different groups.</p> <p>Protecting community infrastructure and facilities, supporting new provision and encouraging their co-location, contributes to improving access to community facilities and making community more inclusive by promoting interaction between different groups. The policy is considered to benefit people across all equality groups, particularly those with mobility issues that might benefit from shorter journeys (including pregnant</p>	The SPD builds on the policy in the City Plan to seek the use of Community Use Agreements to widening the access of education, sports and leisure facilities. This is likely to have a positive effect across all groups, providing a non-differential positive effect in line with the City Plan assessment.

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
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										women and those with babies, those with disabilities and older people).	
18. Education and skills	N	N	N	N	++	N	N	N	++	Enhanced education provision is likely to particularly benefit young people. The requirement for major developments to contribute to building skills and improving employment prospects for local residents is likely to have a positive impact across all protected characteristics, particularly younger people and people on low incomes.	The SPD provides detailed guidance on employment and skills contributions, detailing different considerations for different types of development. It also provides guidance on the Employment and Skills Plan. Together this helps secure jobs for local people and apprentices. This is likely to particularly benefit young people and those on low incomes, in line with the City Plan assessment. As positive impacts were already identified from the analysis of City Plan policy, no scoring updates have been made.
19. Digital infrastructure, information and communications technology	N	+	++	N	++	++	N	N	++	Investments in digital and telecommunications infrastructures will contribute to improving access to digital and local services, which is likely to particularly benefit younger people, and those with communications or mobility issues (including those with	Not applicable.

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										<p>disabilities, non-native speakers and those with limited command of English, pregnant women and those with babies, and older people). A reduced need to travel to access certain services will also benefit people on low incomes.</p> <p>Improved digital connectivity can help minimise loneliness and maximise independence. This is likely to particularly benefit those with disabilities, non-native speakers and those with limited command of English, and older people. While older people might overall have less IT literacy, it is considered that the potential benefits associated with enhanced connectivity will outweigh issues linked with IT accessibility.</p> <p>Support for the co-location of facilities and innovations such as smart street furniture is likely to have a positive impact across protected characteristics, contributing to creating inclusive communities.</p>	

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										Removal of any telecommunication apparatus that is no longer in use from the highway of public space is likely to particularly benefit people with mobility issues, including those with disabilities and older people.	
20. Soho Special Policy Area	N	N	N	++	++	N	N	N	++	<p>Support for social infrastructure uses and LGBTQI+ venues contributes to improving access to local community facilities and ensuring Soho remains a centre for the LGBTQI+ community. This helps foster an inclusive community, promoting improved quality of life and cultural wellbeing. This is likely to particularly benefit the LGBTQI+ community.</p> <p>The policy also supports smaller scale industries, particular the cultural, creative and visitor sectors and SMEs. This is likely to benefit younger people and people on low incomes.</p>	The SPD introduces guidance on the creating of new affordable workplace across the city, including those for small startup businesses. Where these affordable business spaces are delivered in Soho, this should have a positive impact on improved social infrastructure and community facilities for LGBTQI+ communities, and smaller scale cultural, creative and visitor business, benefiting younger people and people on lower incomes. As positive impacts have already been identified through the City Plan assessments, no updates to scoring have been made.
21. Mayfair and St. James's Special Policy Areas	N	N	N	N	N	N	N	N	N	<p>Positive, non-differential impact.</p> <p>The policy protects the function and character of the two areas</p>	Not applicable.

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	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										as centres for the art trade and luxury retail. The policy is considered not relevant to equalities.	
22. Harley Street Special Policy Area	N	N	++	N	++	++	N	N	N	The policy contributes to improving access to local services by protecting and encouraging medical and complementary facilities. This is likely to particularly benefit those with disabilities, pregnant women and those with babies, and older people. While the medical offer in the area is private and would not directly benefit people on low incomes, the policy is not considered to have a differential negative impact on this category.	Not applicable.
23. Savile Row Special Policy Area	N	N	N	N	+	N	N	N	N	The protection and enhancement of the existing specialist cluster of bespoke tailoring can contribute to supporting specialist skills and training opportunities for apprentices. This is likely to particularly benefit younger people.	Not applicable.
Connections											
24. Sustainable transport	N	N	N	N	N	N	N	N	N	Positive, non-differential impact.	Not applicable.

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										The policy seeks to maximise trips made by sustainable modes, encourage active mobility and create healthier and safer streets for all. This contributes to reducing volumes of private motor traffic, improve public transport accessibility and encourage walking and cycling. The policy is considered to benefit people across all equality groups.	
25. Walking and cycling	N	N	N	N	N	N	N	N	N	Positive, non-differential impact. The policy requires developments to prioritise and enable walking and cycling. This contributes to encouraging active mobility and access to and enjoyment of the public realm. The policy is considered to benefit people across all equality groups.	The SPD provides guidance to secure walkway agreements to secure public access, including ensuring fully accessible access to new public realm. This helps people across different groups, and therefore has a positive non-differential equalities impact in line with the City Plan assessment.
26. Public transport and infrastructure	N	N	++	N	++	++	N	N	++	Improving connectivity, usability and capacity in public transport is expected to make a positive contribution across the protected characteristics, particularly on those with disabilities, younger and older people, pregnant women and people on low incomes.	Not applicable.

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27. Parking	N	N	N	N	N	N	N	N	N	<p>Positive, non-differential impact.</p> <p>The policy supports parking-free developments, however this is balanced by the requirement to provide adequate accessible space for disabled blue or white badge holders (as set by the London Plan). This helps avoid a differential negative impact on those with mobility issues (including those with disabilities, older people and pregnant women) which may need to rely more heavily on private motor vehicles, particularly those with disabilities and older people. The reduction on noxious emissions from private motor vehicles and expected take up of active mobility modes contributes to improved health and wellbeing. The policy is therefore considered to benefit people across all equality groups.</p>	<p>The SPD provides guidance on the application of car parking policies that contribute to car free developments. When car parking is provided, it seeks to secure mitigation measures, such as retaining dedicated disabled bays. The benefits of car-free developments impact across all groups in a non-differential way in line with the City Plan assessment.</p>
28. Highway access and management	N	N	N	N	N	N	N	N	N	<p>Positive, non-differential impact.</p> <p>The policy protects from the loss of highway land by setting requirements to help manage</p>	<p>The SPD secures building set-backs through the designation of highway land, which helps make the public realm more accessible. It has a non-</p>

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	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										access onto the road network. The policy is considered to benefit people across all equality groups.	differential positive impact across different groups in line with the City Plan assessment.
29. Freight and servicing	N	N	++	N	++	++	N	N	N	The policy ensures servicing, collection and delivery needs originating from new developments are met on site and do not result in additional road congestion, resulting in additional noise and air pollution. This is likely to benefit all protected characteristics, particularly sensitive receptors including those with disabilities, children and young people, old people and pregnant women.	The SPD sets out guidance to secure servicing arrangements, including through financial contributions towards on-street provision. This will ensure any potentially adverse effects of vehicle movement are mitigated, particularly benefitting sensitive receptors in line with the City Plan assessment.
30. Technological innovation in transport	N	N	N	N	N	N	N	N	N	Positive, non-differential impact. The policy supports technological innovation in transport to improve mobility, reduce congestion and improve air quality. The policy is considered to benefit people across all equality groups.	Not applicable.
31. Waterways and waterbodies	N	N	N	N	N	N	N	N	N	Positive, non-differential impact. The policy seeks to promote access and use of waterways and waterbodies for pedestrians and cyclists. It encourages water	Not applicable.

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	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										transport, which contributes to a modal shift to more sustainable transport options.	
Environment											
32. Air quality	N	N	++	N	++	++	N	N	N	The policy ensures new development does not have any adverse impact on, and seeks to improve, air quality. This contributes to the creation of healthy homes, improving quality of life and addressing health inequalities. This is expected to have a positive impact across all protected characteristics, particularly sensitive receptors including those with disabilities, children and young people, old people and pregnant women.	The SPD provides guidance on the application of air quality positive and neutral status. This contributes to improved air quality which particularly benefits sensitive receptors in line with the City Plan assessment.
33. Local environmental impacts	N	N	++	N	++	++	N	N	N	The policy ensures exposure to a range of negative environmental impacts of development are minimised, which contributes to improved quality of life. This is expected to have a positive impact across all protected characteristics, particularly sensitive receptors including those with disabilities, children and young people, old people and pregnant women.	Not applicable.

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34. Green infrastructure	N	N	+	N	+	+	N	N	N	<p>The policy protects and supports the enhancement of Westminster’s green infrastructure network, which is expected to provide a series of physical and mental wellbeing to all, including improved air quality, noise attenuation, access to nature, opportunities for leisure and play, and enhanced public realm and townscapes. This is expected to have a positive impact across all protected characteristics, particularly sensitive receptors including those with disabilities, children and young people, old people and pregnant women.</p> <p>There might be some conflicts between protecting and enhancing the City’s green infrastructure networks and improving accessibility for those with mobility issues, particularly those with a disability, older people and pregnant women.</p> <p>The council seeks to work with applicants to ensure the delivery of open spaces that are publicly accessible to all,</p>	<p>The SPD reiterates the requirements for open space including play space set out in the City Plan. The benefits are therefore considered similar to the City Plan assessment, benefiting all groups and young people, those with a disability and the pregnancy/maternity group.</p>

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	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										including people with mobility issues, particularly those with physical disabilities. Other policies in the City Plan, particularly Policy 44 'Public Realm', further ensure that the public realm is inclusive and accessible to all. By doing so, the City Plan mitigates a potential negative impact on these protected characteristics. Overall, it is considered that the policy will provide benefits for all, particularly on sensitive receptors.	
35. Flood risk	N	N	++	N	++	++	N	N	N	The policy requires developments to be safe for their lifetime from the risk of flooding. This contributes to healthy homes and workplaces. This is expected to have a positive impact on all protected characteristics, particularly sensitive receptors including those with disabilities, children and young people, older people and pregnant women.	Not applicable.
36. Energy	N	N	N	N	N	N	N	N	N	Positive, non-differential impact.	The SPD sets out the price for carbon off-setting which aims to minimise carbon emissions for

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										The policy requires development proposals to reduce energy demand and carbon emissions and sets efficiency standards for developments. This contributes to reducing carbon emissions which affect the environment and contribute to worsening air pollution and connected adverse impacts on health. The policy is considered to benefit people across all equality groups.	new developments, and provides guidance on the monitoring of energy consumption to make sure new developments are energy efficient. This contributes to mitigating climate change and adverse health impacts, benefitting all equality groups in line with the City Plan assessment.
37. Waste management	N	N	N	N	N	N	N	N	N	Positive, non-differential impact. The policy protects all existing waste management and recycling sites and requires new developments to make appropriate provisions for managing waste deposit and collection. The policy is considered to benefit people across all equality groups.	Not applicable.
Design and Heritage											
38. Design principles	N	N	N	N	N	N	N	N	N	Positive, non-differential impact. The policy sets out a people-centred approach to new buildings and public realm,	Not applicable.

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										<p>which promotes exemplary design. It requires new developments to create inclusive and accessible spaces and places, which incorporate design measures to reduce the opportunity for crime and anti-social behaviour, also contributing to the reduction of fear of crime.</p> <p>The policy also ensures all developments are of high-quality standards, contributing to the creation of high-quality homes, and that they incorporate inclusive design principles, contributing to enhancing health and wellbeing. These are expected to have a positive impact on all protected characteristics.</p>	
39. Westminster's heritage	N	N	-	N	-	-	N	N	N	<p>The policy seeks to conserve and enhance Westminster's heritage assets and encourages development to optimise the positive role of the historic environment, including for cultural value and public enjoyment. There may be some conflict between protecting heritage assets and being able</p>	<p>The SPD provides guidance to secure implementation of developments in case of demolition and redevelopment in conservation areas. This does not significantly impact on any of the equality groups, and the City Plan assessment therefore remains valid.</p>

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										to improve accessibility for those with mobility issues, particularly those with a disability, older people and pregnant women.	
40. Townscape and architecture	N	N	++	N	++	++	N	N	N	<p>The policy requires development to be sensitively designed with regards to its context.</p> <p>There may be some conflict between protecting heritage assets (including architectural details like railings and street furniture) and being able to improve accessibility for those with mobility issues, particularly those with disabilities, older people and pregnant women. However, the policy also sets out provisions to allow alterations and extensions to residential buildings, which can contribute to the provision of housing of different types and sizes and to the reduction of unfit homes, helping people live in healthy, high-quality homes throughout their life and stay independent for longer. This is likely to particularly benefit children, older people, people</p>	The SPD provides guidance to assure the uniformity of townscape is maintained via the use of legal agreements. This does not significantly impact on any of the equality groups, and the City Plan assessment therefore remains valid.

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										with disabilities, pregnant women, and those with babies. On balance, the policy is considered to have a positive impact on these characteristics.	
41. Building height	N	N	-	N	-	-	N	N	N	<p>The policy sets out a positive strategy for tall buildings, identifies locations where tall buildings may be appropriate and provides design principles for such developments. This contributes to enhanced townscape and public realm, and increased legibility, which support sustainable transport choices.</p> <p>While the policy seeks to mitigate negative impacts on amenity, some protected characteristics might still be affected. Developments with amenity impacts are likely to adversely affect those with mental or physical disabilities. Older people, who are generally less mobile, pregnant women and those with babies might also be negatively affected as they tend to spend more time at home.</p>	Not applicable.

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
42. Building height in the housing renewal areas	N	N	-	N	-	-	N	N	-	<p>The policy identifies opportunities for taller buildings in the Church Street/Edgware Road and Ebury Bridge housing estates.</p> <p>Tall buildings can have negative impacts on resident amenity, and some protected characteristics might be affected. In particular, negative amenity impacts of tall buildings if not designed appropriately are likely to adversely affect those with mental or physical disabilities. Older people, who are generally less mobile, pregnant women and those with babies might also be negatively affected as they tend to spend more time at home. Being housing estate areas, overall any negative impact on amenity would have a differential effect on people on low incomes.</p> <p>Each renewal area is subject to their individual EqIA. The council has also developed policies in relations to tenants and leaseholders that need to</p>	Not applicable.

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										move home during the renewal works, which are also subject to detailed EqIAs.	
43. Public realm	++	++	++	++	++	++	++	N	N	<p>No differential negative impact.</p> <p>The policy sets out principles for a public realm that is safe, attractive and accessible to all.</p> <p>It prioritises pedestrian movement and addresses the need of different people, fostering an inclusive community. This is expected to</p>	Not applicable.

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										<p>have a positive impact on all protected characteristics, particularly those with disabilities, children and young people, older people (including those with dementia and mobility requirements), pregnant women and those with babies.</p> <p>The requirement for a safe public realm is likely to particularly benefit those who are more at risk of crime, typically women, young people, older people and those with disabilities, but also LGBTQI+ people and people of different ethnicity and/or belief who can be targets of hate crime.</p>	
44. Security measures in the public realm	++	++	++	++	++	N	++	N	N	<p>The policy requires development to provide an integrated approach to security of the site, including buildings and any associated public or private spaces. The policy also set the requirement for developments and/or public realm improvements that may be vulnerable to terrorism to incorporate appropriate security measures in the design,</p>	Not applicable.

Policy	Equalities categories									City Plan 2019-2040 Policy Analysis	POAH SPD Guidance Analysis
	Gender	Race	Disability	Sexual Orientation	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes		
										<p>improving the resilience for terrorism related crime.</p> <p>The requirement for a safe public realm is likely to particularly benefit those who are more at risk of crime, typically women, young people, older people and those with disabilities, but also LGBTQI+ people and people of different ethnicity and/or belief who can be targets of hate crime.</p>	
45. Basement developments	N	N	N	N	N	N	N	N	N	<p>Positive, non-differential impact.</p> <p>The policy requires basement developments to be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area, and to incorporate measures to safeguard structural stability. The policy is considered to benefit people across all equality groups.</p>	Not applicable.

5 Appendix

5.1 Appendix 1: Legal Framework and Key Legal Principles

1. The council is subject to the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010. The PSED provides (as relevant):

(1) A public authority must, in the exercise of its functions, 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.

...

(3) *Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—*

- (a) *remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
- (b) *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;*
- (c) *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.*

(4) *The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.*

(5) *Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—*

- (a) *tackle prejudice, and*
- (b) *promote understanding.*

(6) *Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.*

(7) *The relevant protected characteristics are -*

- *sex;*
- *race;*

- *disability;*
- *sexual orientation...*
- *age;*
- *gender reassignment;*
- *pregnancy and maternity;*
- *religion or belief;*

2. A helpful summary of the obligations arising under the s.149 of the Equality Act 2010 duty was provided by McCombe LJ in R (Bracking) v Secretary of State for Work and Pensions [2013] EWCA Civ 1343 at paragraph [26]. In particular, the courts have emphasised the following key principles:

- i. the PSED is “**continuing**” and “**non-delegable**”;
- ii. the PSED is a duty to have regard to the need to (a) eliminate unlawful discrimination; and (b) advance equality of opportunity and (c) foster good relations between people with protected characteristics and those without it.
- iii. The PSED is **not a duty to achieve any of those things** or to take certain steps. It is not even a duty to avoid steps which be retrograde as far as those aims are concerned. The PSED is, above all, concerned with **confronting decision makers with the indirectly discriminatory effect of their decisions** and ensuring that these effects are considered in the decision making process.
- iv. The duty can be owed to **groups of people or to a single person**.
- v. An important evidential element in the demonstration of the discharge of the duty is the recording of the steps taken by the decision maker in seeking to meet the statutory requirements;
- vi. the assessment of any adverse impacts of a decision on persons with protected characteristics and the ways in which such risk may be eliminated must be assessed **before** a decision is taken;
- vii. “**Due regard**” means having “**proportionate regard**” appropriate in all the circumstances. Decision makers are not expected to explore every last possible differential impact of a proposed decision. (*R (Baker) v SSCLG* [2008] EWCA Civ 141 at [31]);
- viii. The duty must be exercised in substance, with rigour and an open mind (*London Borough of Hackney v Haque* [2017] EWCA Civ 4 at [22]). Mere reference to the duty may not be enough. Alternatively, a failure to reference the duty may not be determinative if in substance impacts have been considered (*R (McDonald) v Kensington and Chelsea Royal LBC* [2011] UKSC 33 at [24]);
- ix. There is **no statutory duty to carry out EIA** (*R (Cordant Group Plc) v SSBIS* [2010] EWHC 3442 (Admin) at [72]) but in practice, EIAs provide a very useful way to evidence that the PSED has been discharged.

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