

Equality Impact Assessment

Context

1. under s.149 of the Equality Act 2010, when making decisions, Essex County Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sex/gender
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. The EqIA will be published [online](#):
8. All **Cabinet Member Actions, Chief Officer Actions, Key Decisions** and **Cabinet Reports must be** accompanied by an EqIA.
9. For further information, refer to the EqIA guidance for staff.
10. For advice, contact:
Shammi Jalota shammi.jalota@essex.gov.uk
Head of Equality and Diversity
Corporate Law & Assurance
Tel 0330 134592 or 07740 901114



Section 1: Identifying details

Your function, service area and team: Infrastructure and Environment, Infrastructure Delivery, Infrastructure Project Team

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team:

Title of policy or decision: M11 J7A – Decision to acquire land by Compulsory Purchase and the publication of Compulsory Purchase Orders and associated documents

Officer completing the EqlA: Ian Allen Tel: 03330 130 563 Email: ian.allen@essex.gov.uk

Date of completing the assessment: 27/10/2017

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? New Decision
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>To inform the Cabinet Members of the current status of the M11 J7a project and to seek authority that ECC exercise its own highways construction etc. powers and those of Highways England Company Limited to compulsory purchase the land identified on the land plots drawing in Appendix A and detailed in Schedule 1 in Appendix B (Confidential) for the purpose of constructing the scheme. Therefore, this report requests the Cabinet authorise the publication of the necessary Compulsory Purchase Orders (CPOs) to avoid potential delays and excessive costs should land negotiations, which are ongoing, prove unsuccessful. Acquisition is required for both temporary and permanent situations (as denoted by the colour of the land plots on the CPO plan).</p> <p>This report also requests authority to proceed with the project through the Main Works tender process up to the decision to award the contract and to delegate Cabinet's authority to award the Enabling Works contract to the Director for Capital Delivery, Paul Crick.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>Cabinet's approval of the preferred options for each of the Decision items to enable the M11 J7a scheme to progress to the agreed programme. This includes to acquire land belonging to 3rd parties for the purpose of road construction in relation to the scheme</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees



	<ul style="list-style-type: none"> the wider community or groups of people, particularly where there are areas of known inequalities? <p>Yes – These decisions will affect the communities within Harlow and Epping Forest as a limited number of land owners will have their land acquired compulsorily through the confirmation of the Compulsory Purchase Orders. It is ECC's wish to be able to negotiate a fair and reasonable cost for the land, however, it is not uncommon to proceed with the CPO process in parallel should negotiations prove unsuccessful.</p> <p>Will the policy or decision influence how organisations operate? No</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The decisions set out in the Cabinet Report relate closely with Essex's vision to:</p> <ul style="list-style-type: none"> Develop and maintain the infrastructure that enables our residents to travel and our businesses to grow; and Support employment and entrepreneurship across our economy. <p>The construction of this transport scheme will contribute to the Economic Plan for Essex to deliver transport infrastructure that will secure growth in jobs and homes to 2021 and beyond.</p> <p>This proposal also aligns with the Sustainable Economic Growth for Essex Communities and Businesses outcomes based commissioning strategy. In particular: Increased connectivity and journey time reliability on priority route network (PR1).</p>



Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>Those affected by the potential CPO process are Harlow District Council, the consortium for Harlowbury and a family owned agricultural business at Mayfield Farm.</p> <p>The Harlowbury consortium is a group of national housing developers who have planning permission for the construction of a housing development adjacent to Gilden Way which is yet to commence. These Developers are fully aware of the acquisition process and have appointed a CPO expert to act on their behalf.</p> <p>Mayfield Farm is a family owned agricultural business that has aspirations to sell develop the remainder of their land surrounding the new M11J7a link. This will form part of Epping Forest's Local Plan and are aware of the acquisition process and have appointed a land agent to act on their behalf.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>A Formal Public Consultation was undertaken between May 2016 and July 2016 with the subsequent responses collated and analysed to help inform a better design of the scheme for the local residents. All the feedback and recommendations received during the engagement programmes have been analysed and incorporated into the preliminary design as much as reasonably practicable. This includes:</p> <ul style="list-style-type: none">• Additional crossing points along Gilden Way• Provision of a local access road to The Campions opposite Mayfield Farm entrance• Closure of the subway between Mulberry Green and Churchgate Roundabout• Closure of Old Road to prevent rat running• Speed Reduction along Gilden Way <p>The responses were noted by Cabinet in December 2016 at the same time as authorising the making of a planning application for the scheme and the announcement of the Preferred Route Status.</p> <p>The decision to publish the CPO will affect considerably fewer people than those that were consulted during the Formal Public Consultation. This is as a result of focussed development of the design to minimise and mitigate the impact on local residents. This scheme will enable future development within Harlow and the wider</p>

¹ Data sources within EEC. Refer to Essex Insight:
<http://www.essexinsight.org.uk/mainmenu.aspx?cookieCheck=true>
with links to JSNA and 2011 Census.



	<p>areas with increased economic and social benefits. In addition, this scheme will release land earmarked for development that will benefit landowners.</p> <p>ECC have instructed their Land Agents, Lambert Smith Hampton, to begin discussions with the affected land owner's agents to try to negotiate acquisitions for the land required as part of the scheme and therefore avoid the need to deal with objections to the CPO and a potential Public Inquiry as part of the confirmation process.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary. Please include any reasonable adjustments, e.g. accessible formats, you will provide as part of the consultation process for disabled people:</p> <p>Any notices and correspondences regarding the CPO process will be available in various formats through different communication channels such as posted letters, emails and face to face meetings as requested by the affected land owners.</p> <p>There will be no violation of those rights as officers are content that the steps taken are in the public interest and lawful as required by Article 1 of the First Protocol. Those directly affected by the CPO will be entitled to statutory compensation as provided by law, such compensation to be settled in the absence of agreement by the impartial Upper Tribunal.</p>



Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral – The decision to publish the CPOs would not affect this group.	L
Disability – learning disability	Neutral – The decision to publish the CPOs would not affect this group.	L
Disability – mental health issues	Neutral – The decision to publish the CPOs would not affect this group.	L
Disability – physical impairment	Neutral – The decision to publish the CPOs would not affect this group.	L
Disability – sensory impairment (visual, hearing and deafblind)	Neutral – The decision to publish the CPOs would not affect this group.	L
Gender/Sex	Neutral – The decision to publish the CPOs would not affect this group.	L
Gender reassignment	Neutral – The decision to publish the CPOs would not affect this group.	L
Marriage/civil partnership	Neutral – The decision to publish the CPOs would not affect this group.	L
Pregnancy/maternity	Neutral – The decision to publish the CPOs would not affect this group.	L
Race	Neutral – The decision to publish the CPOs would not affect this group.	L
Religion/belief	Neutral – The decision to publish the CPOs would not affect this group.	L
Sexual orientation	Neutral – The decision to publish the CPOs would not affect this group.	L
Cross-cutting themes		



Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Socio-economic	<p>Positive – This decision relates to Essex’s commitment to develop and maintain the infrastructure that enables our residents to travel and our businesses to grow and to support employment and entrepreneurship across our economy.</p> <p>Improved sustainable travel facilities (footpaths and cycle paths) and increased safety through the closure of Churchgate subway.</p> <p>Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the compensation code and any disputes over compensation are determined by an impartial tribunal established by law</p>	H
Environmental, eg housing, transport links/rural isolation	<p>Positive – This decision provides improved network capacity and resilience improving opportunity to develop new housing, provide new jobs in line with the aspirations of the Local Plans and improve links to London Stansted Airport.</p> <p>Improved sustainable travel facilities (footpaths and cycle paths) and increased safety through the closure of Churchgate subway.</p>	H



Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.



Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.



Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

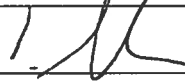
Signature of Head of Service:



Date:

7/11/17

Signature of person completing the EqlA:



Date:

7/11/17

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

