

# CITY PLAN 2019 - 2040

## Equalities Impact Assessment

Regulation 19 Consultation version

March 2024

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# 1 Introduction

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# 1.1 Introduction

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This document sets out the Equalities Impact Assessment (EqIA) for the Westminster City Plan 2019-2040 Partial Review, which was carried out as part of the Integrated Impact Assessment (IIA) of the City Plan. This document has been prepared to provide clarity of the EqIA assessment process that has accompanied and informed the making of the draft City Plan Partial Review and the IIA.

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 draft City Plan Partial Review 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.

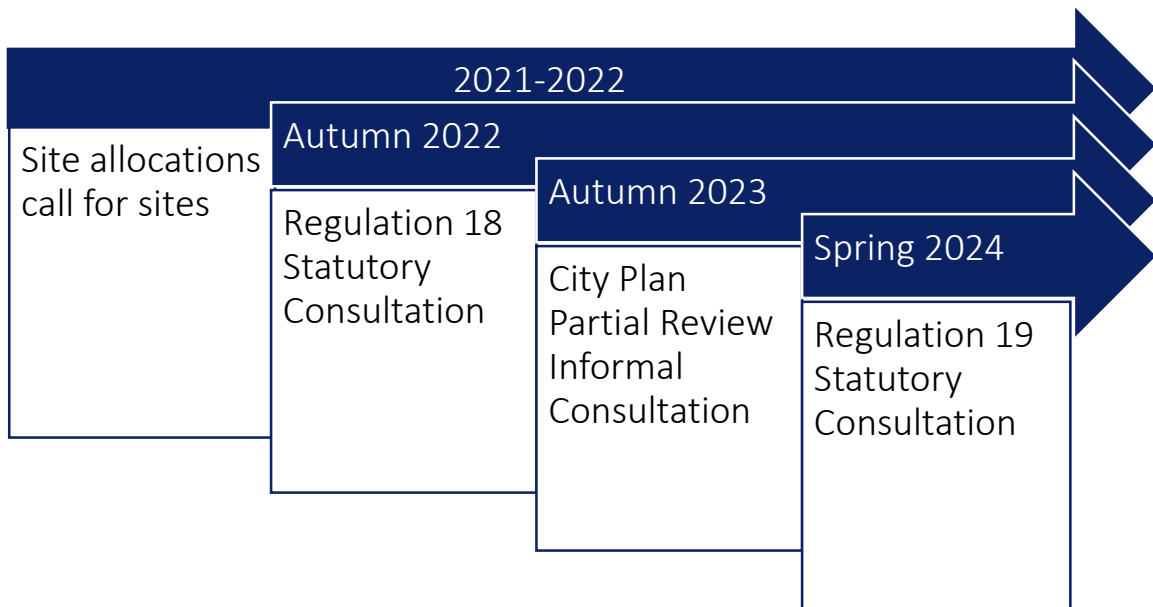
# **2 Background to the Equalities Impact Assessment (EqIA)**

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# 2.1 Background to the Equalities Impact Assessment (EqIA)

## Details of the project that is being assessed: draft City Plan Partial Review

Westminster City Council is preparing a partial review of the City Plan which focuses on affordable housing and retrofit policies, as well as including Site Allocations. This partial revision updates the City Plan 2019-2040 which was adopted in 2021. It takes account new council priorities in combination with engagement and consultation to update and introduce new Westminster planning policies.



After the examination in public and upon formal adoption, the City Plan (as amended through the Partial Review) will form Westminster’s principal planning policy document. It will be used to determine planning applications in the city and will guide development across the city over the long term.

## How many people will be affected by the City Plan, and from what sections of the community?

The impact of the City Plan Partial Review 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.

## Scoping of EqIA

The equality duty is a continuing duty and consideration of equality impacts will continue at each relevant stage in the preparation and publication of the emerging Local Plan. The expected timetable for the consultation and adoption of the partial review of the City Plan is set out below:

- Site allocations call for sites consultation – January- May 2022 [complete]

- Formal Regulation 18 consultation – October – November 2022 [complete]
- Formal Regulation 19 consultation on the Submission Draft Plan – March – April 2024
- Submission to the Secretary of State – Summer/Autumn 2024
- Examination by Independent Inspector – Autumn 2024- Spring 2025
- Inspector’s Report – Spring/Summer 2025
- Adoption – Summer 2025

# 3 The council's Equality Duty

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## 3.1 The council's Equality Duty

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*“The aim of the Public Sector Equality Duty (as of other equality duties) is to bring equality issues into the main-stream, so that they become an essential element in public decision making” (London Borough of Hackney v Haque [2017]).*

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.

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.

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.

The council must therefore consider whether or not there is potential for the draft Westminster City Plan Partial Review 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).

The equalities implications of the policies in the draft Westminster City Plan Partial Review have been assessed as part of the Integrated Impact Assessment (IIA) which has been carried out since 2022 and has iteratively informed and guided policy development. While equalities considerations have formed part of the IIA Assessment Framework, the detailed findings of the EqIA are set out in this document to provide more clarity of the assessment the council carried out leading up to the publication of the Regulation 19 Publication version of the City Plan.

# 4 Approach to EqIA

## 4.1 Approach to EqIA

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The Equality Impacts Assessment (EqIA) for the draft City Plan Partial Review was carried out as part of the Integrated Impact Assessment (IIA) of the draft City Plan.

The IIA has 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 are presented in the IIA Framework<sup>1</sup>. Detailed appraisal questions have been developed for each objective to help the assessment. IIA objectives and appraisal questions together form the IIA Assessment Framework.

The scoping of the IIA Framework was consulted upon in 2022 and the full IIA Framework subject to statutory consultation alongside the Regulation 19 publication draft consultation of the City Plan in 2023. The IIA Framework has been 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 2021-2025 and potential impacts on persons sharing one or more of the protected characteristics. The questions that relate to equalities issues are highlighted in red (or with a red asterisk) in the IIA Framework. Annex V of the IIA provides further background to the IIA objectives.

This document has been prepared to provide clarity of the EqIA assessment process that has accompanied and informed the making of the draft City Plan Partial Review and the IIA. It pulls together baseline data on the protected characteristics that are considered as part of the EqIA and for each of these sets out any identified likely impact of the proposed City Plan amended and new 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. These are set out in Section 6, which presents the detailed results of the EqIA Screening for each of the proposed City Plan policies. When a differential likely negative impact has been identified, the report sets out any mitigation measures that have been taken.

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<sup>1</sup> See Integrated Impact Assessment, section 1.4, Table 1.

## 4.2 Main sources used to inform the EqIA

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The City Plan Partial Review has been produced following extensive consultation and public participation, which takes into account the views and representations expressed by different community groups, statutory and non-statutory bodies. The Equality Impact Assessment which builds on the iterative IIA process that has been carried out since 2022 examines whether the proposed draft City Plan will have any undue impacts on any specific equality groups within Westminster.

The publication version of the City Plan Partial Review is informed by the previous consultation stages and by evidence studies. In terms of the consultation, all consultees including organisations and individuals on the council's Planning Policy Consultation Database were emailed directly and notified of consultations. This includes a number of groups, organisations and networks that represent or support people from protected characteristics. A dedicated City Plan web page with information on the consultation was made available on the council's website. Hard copies of the draft City Plan, the IIA and the consultation form were made available at all Westminster libraries and at reception at City Hall. The process for consultation is set out in full in the Consultation Statements.

Other sources of information used to prepare the IIA and EqIA are the following:

- City Profile and Ward Profiles 2023<sup>2</sup> (including Census and ONS population; data and first-hand data from Council services);
- City Survey 2022 – Annual resident survey;
- Westminster's Equality Objectives<sup>3</sup>;
- Planning applications statistics;
- Housing monitoring;
- Social and Intermediate Housing Registers; and
- Commercial monitoring.

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<sup>2</sup> [2023 ward profiles | Westminster City Council](#)

<sup>3</sup> [Equality duties | Westminster City Council](#)

## 4.3 Monitoring

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The policies contained in the City Plan will be monitored through the annual Authority Monitoring Report (AMR) using a range of indicators to assess whether the objectives of the plan are being delivered. The monitoring framework has been informed by the findings of the Integrated Impact Assessment (which includes the Equalities Impact Assessment).

# 5 Westminster's equality profile, characteristics and key issues

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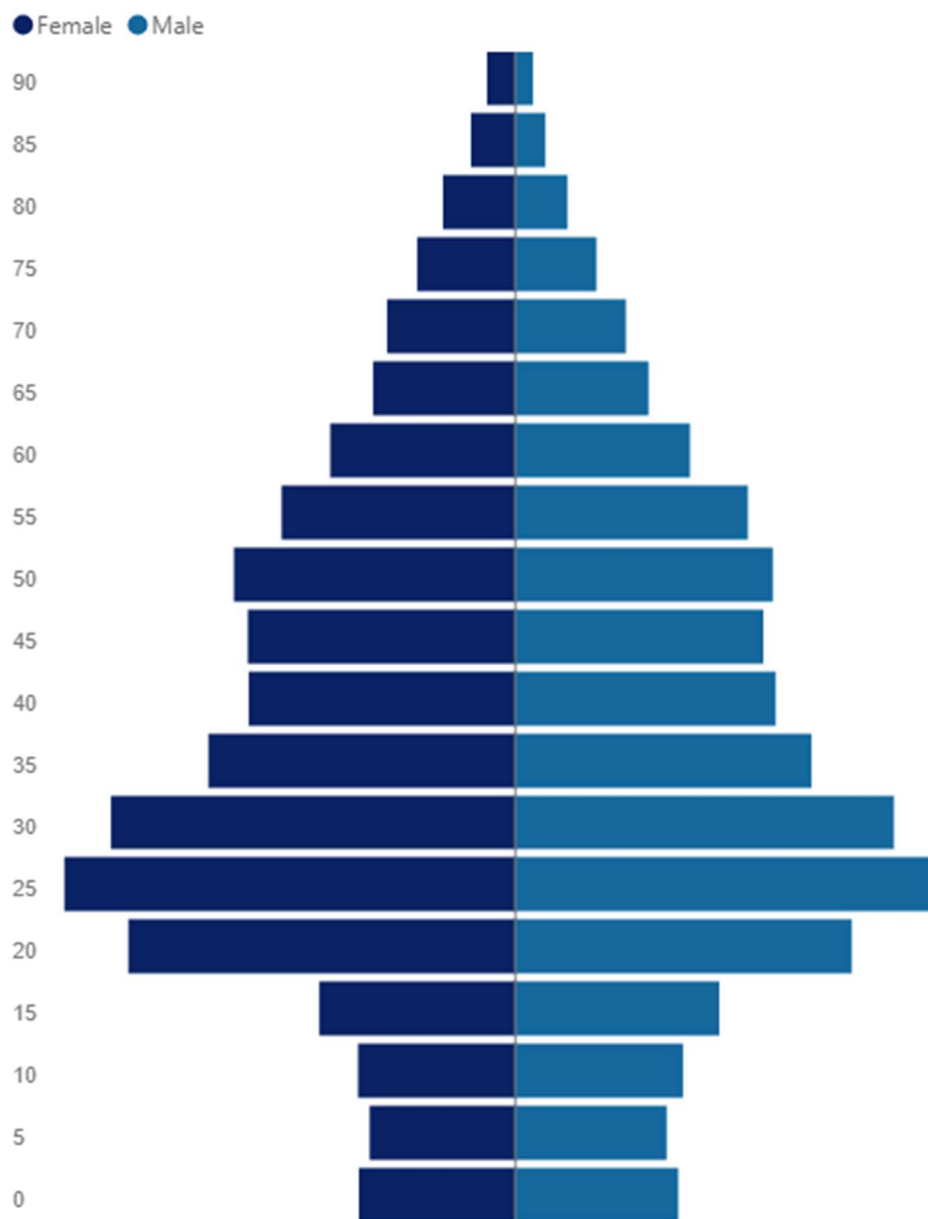
# 5.1 Equalities profile

The council produced an Equality, Diversity and Inclusion Action Plan in 2022, which has been used as a baseline for this assessment alongside other relevant information sources as set out in Section 3 'Approach to EqIA'. This section presents headline figures with regards to the protected characteristics defined by the Equalities Act 2010.

## Population, age and gender

According to the 2021 Census there are 204,234 people living in the City of Westminster, 98,903 males and 105,331 females. As the chart shows, there are more working age people living in Westminster (particularly in the 25-29, 30-34 and 35-39 age groups) than children, young adults or older people.

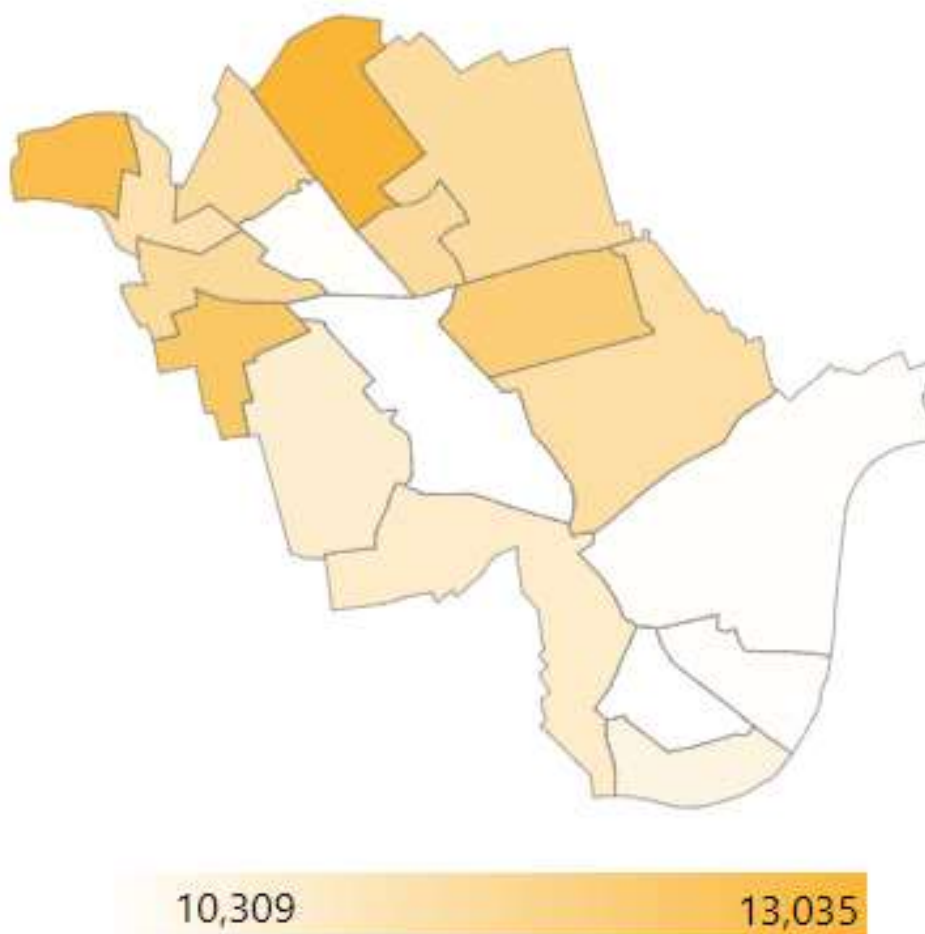
Figure 1. Population (Source: ONS, 2021)





The highest population densities are found in Abbey Road, Queen's Park, Bayswater and Marylebone.

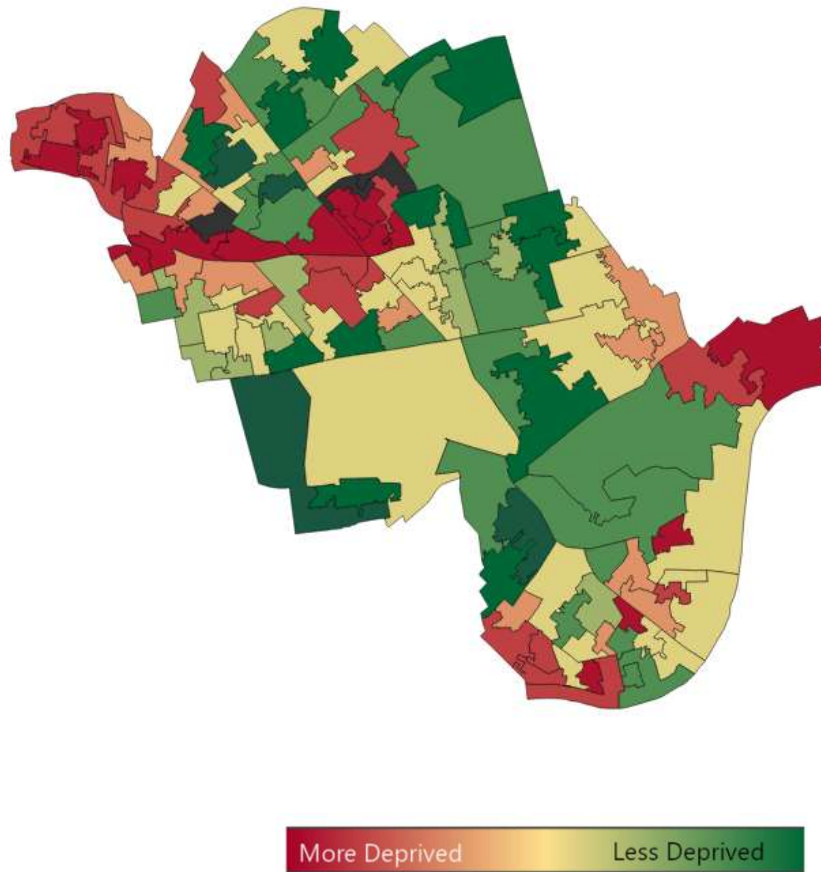
Figure 2. Population density (Source: ONS, 2021)



## Deprivation

Westminster's local areas are among both the most and least deprived in London according to the 2019 Index of Multiple Deprivation (IMD). The most deprived wards are Church Street, Queen's Park, Harrow Road and Pimlico South.

Figure 3. Index of Multiple Deprivation (Composite Rank)(Source: DCLG 2019)

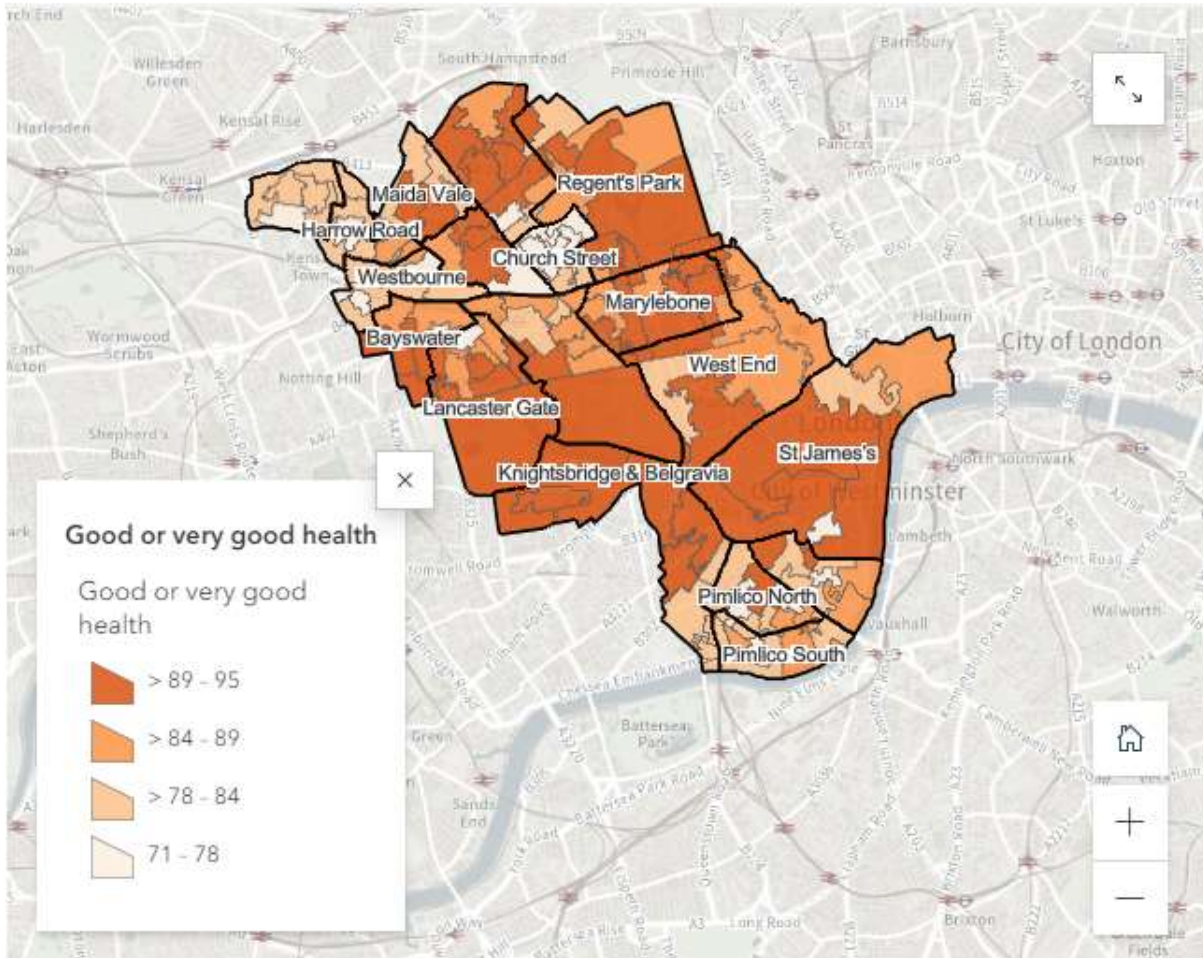


## Health and wellbeing

The 2021 Census found that in Westminster, around 85% of people reported that their health was good or very good. When differences in population size and age are accounted for, 53% of Westminster residents say their health is very good. This is higher than the London (49%) and England and Wales (48%) proportions.

Five percent of people classified their health as bad or very bad- this was an overall decrease compared to the previous Census. When looking at a lower geographical level, residents in Church Street (10%), Westbourne (8%) and Queen's Park (8%) wards are more likely to say their health is bad or very bad.

Figure 4. Proportion of residents by type of health by LSOA (Source: ONS, 2021)

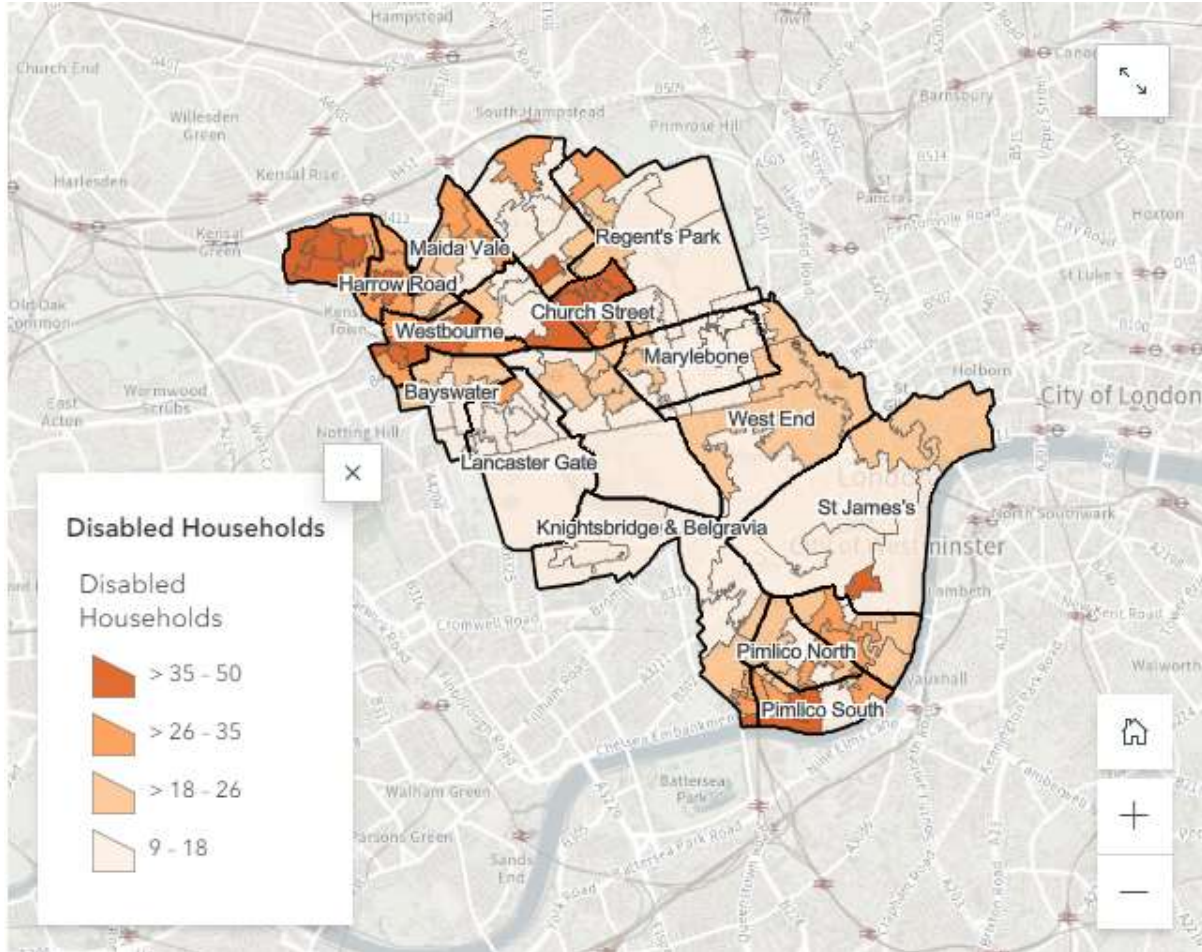


## Disability

According to the 2021 Census, it is estimated that 20% of households in Westminster include one disabled member, and in 4% of households, two or more people are disabled.

It is estimated that the number of disabled persons in Westminster is as set out in Figure 5.

Figure 5. Proportion of households with a resident with a disability by LSOA (Source: ONS, 2021)

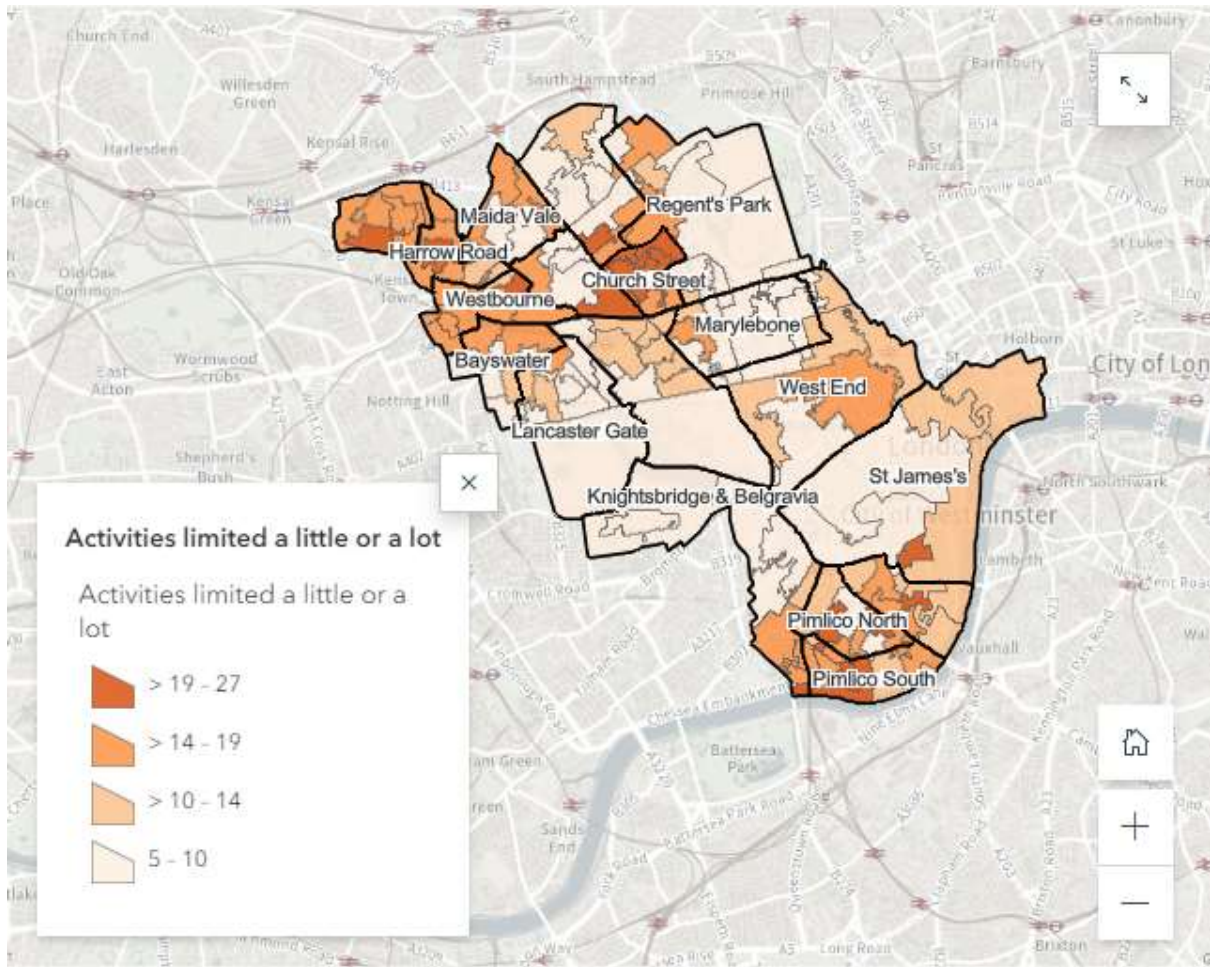


According to the 2021 Census, it is estimated that 14% of Westminster residents have a long-term condition that limits their day-to-day activities a little or a lot.

At Ward level, residents of Church Street (21%), Westbourne (19%) and Queen's Park (18%) wards are more likely to say their activities are limited a little or a lot, whilst residents of Marylebone (10%), Knightsbridge & Belgravia (9%), and Lancaster Gate (11%) wards reported the lowest proportions.

It is estimated that the number of residents with limited activity in Westminster is as set out in Figure 6.

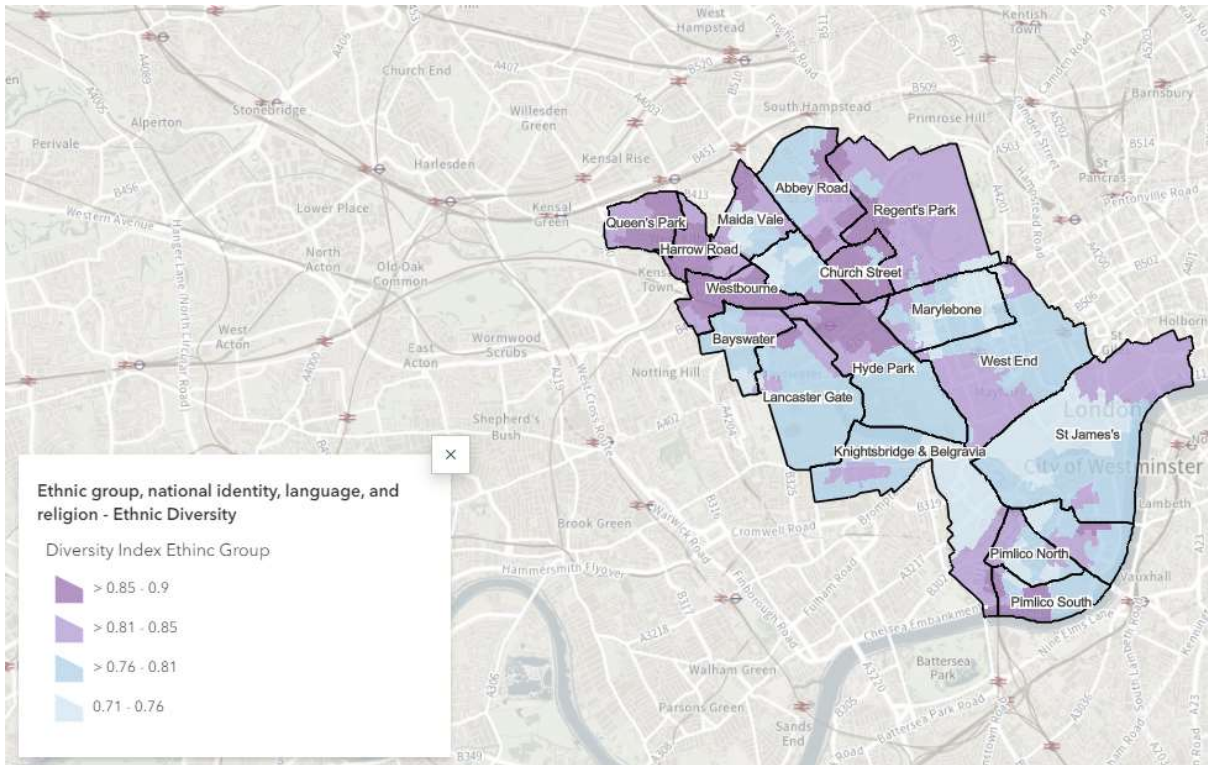
Figure 6. Proportion of residents with limited activity by LSOA (Source: ONS, 2021)



## Ethnicity

Westminster’s population is more ethnically diverse than most other London boroughs. Westminster is ranked as the fifth most diverse in London<sup>4</sup> (ONS 2021). The most ethnically diverse wards were Westbourne, Queen’s Park, Maida Hill and Paddington.

Figure 7. Westminster’s ethnic diversity by ward (Source: ONS, 2021)

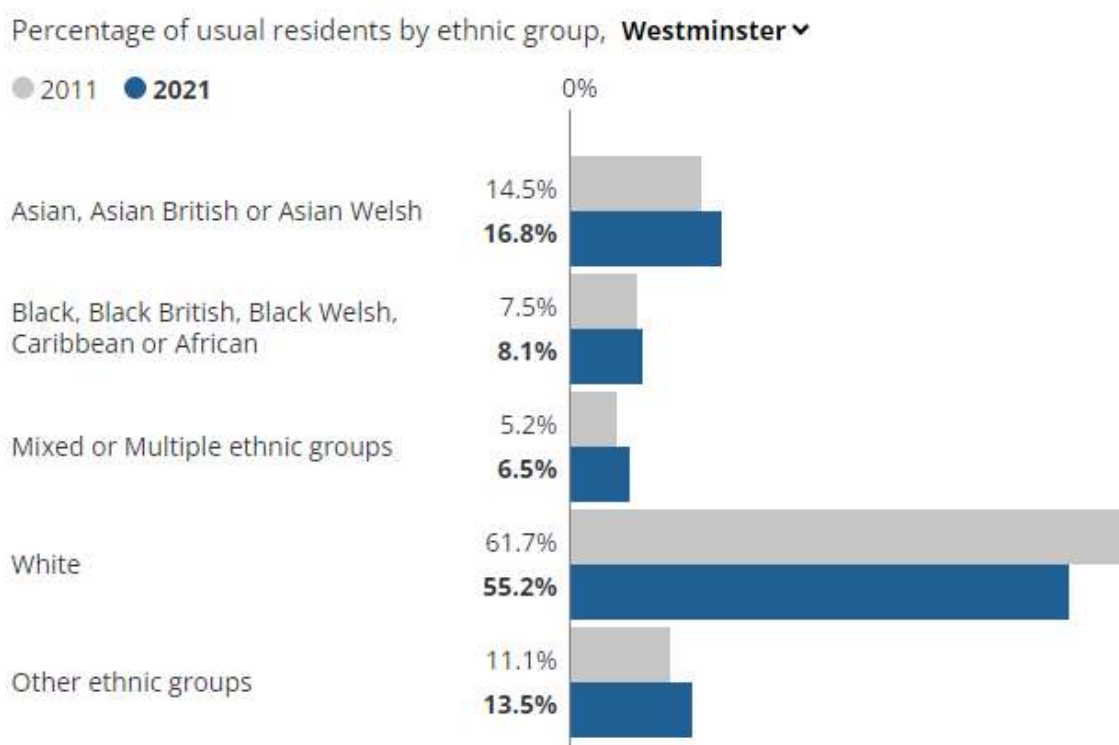


According to the 2021 Census, 55.2% of people in Westminster identified their ethnic group within the "White" category (compared with 61.7% in 2011), while 16.8% identified their ethnic group within the "Asian, Asian British or Asian Welsh" category (compared with 14.5% the previous decade).

The percentage of people who identified their ethnic group within the "Black, Black British, Black Welsh, Caribbean or African" category increased from 7.5% in 2011 to 8.1% in 2021.

<sup>4</sup> Simpson Diversity Index (SDI) scores the ethnic diversity of an area’s population. The minimum value is 1 which indicates the population is made up of one ethnic group, whilst the maximum value is the total number of ethnic categories included (18 in the 2011 Census).

Figure 8. Westminster's ethnic mix. Source: ONS, 2021



Source: Office for National Statistics – 2011 Census and Census 2021

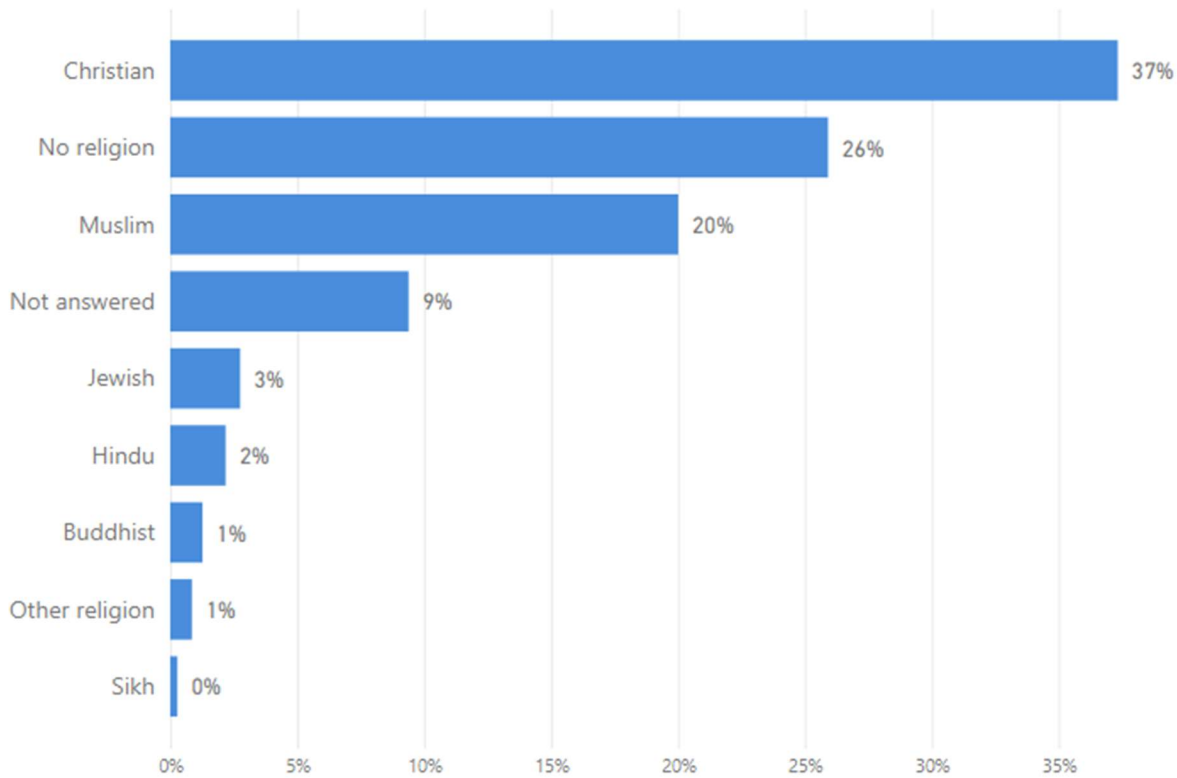
In 2021, English was being spoken in 67% of households in Westminster. For 74% of **residents** (aged three and over) English was the main language, which means it is their first or preferred language. English is followed by Arabic at 4%, then French, Spanish, Italian and Portuguese, all at 2%.

More than 55% of Westminster residents were born outside of the UK, making Westminster one of the most attractive boroughs in London for foreign nationals to come and work. 10% of Westminster residents have lived in the UK for under 2 years, 19% for under 5 years and 28% for under 10 years. Half of non-UK born Westminster residents (50%) have lived in the UK for less than 10 years.

## Religion

The two largest religions in Westminster are Christian (37%) and Muslim (20%), followed by no religion (26%).

Figure 9. Religions. Source: Census, ONS, 2021



## Sexual Orientation and Gender Reassignment

Although it is not possible to know the exact figures for LGBTQ+ people who live in Westminster, it is estimated that up to 5% of Westminster's population identify as being lesbian, gay, bisexual or other sexual orientation. Similarly, there is no reliable estimate of the number of persons proposing to undergo, is undergoing or has undergone gender reassignment.

There are LGBTQ+ people who are young and old, disabled and from different faiths and ethnicities who live and work in the city and use the services that the Council provides. A report from GALOP reminds us '[t]he movement for lesbian, gay, bisexual and trans equality is often thought of as separate to struggles for race, gender, disability, age, class or faith equality. [...] However, that ignores the fact that LGBTQ+ people exist within every community, identity group, faith and background; and that people from all those groups exist within LGBTQ+ communities. Many people with intersectional identities live happy and fulfilled lives but the fact remains that many face heightened discrimination and exclusion.'<sup>5</sup>

## Pregnancy and maternity

The General Fertility Rate (GFR) is the number of live births per 1,000 women aged 15-44. The GFRs have been calculated using the 2021 mid-year population estimates. The Total Fertility Rate (TFR) is the

<sup>5</sup> Antjoule, N. (2014) LGBTQ+ Intersections – A Charity Perspective, GALOP



average number of live children that a group of women would bear if they experienced the age-specific fertility rates of the calendar year in question throughout their childbearing lifespan.

Fertility rate in Westminster is lower than London and England overall, and is reflective of the relatively low number of children and young people living in the borough compared to other boroughs.

Figure 10. Births and fertility rates (Source: ONS, 2021)

	Total live births	General fertility rates	Total fertility rates
Westminster	2,110	39.1	1.1
London	110,961	52.9	1.4
England	595,948	54.3	1.55

## Marriage and civil partnership

The figures below detail the number of marriages and civil partnerships that occurred in Westminster. The number of civil partnerships has gradually declined since the Marriages (Same Sex Couples) Act 2013 made provision for the marriage of same-sex couples in England and Wales, either in a civil ceremony or on religious premises.

Figure 11. Weddings and Civil Partnerships in Westminster (Source: ONS, 2020 and 2021)

Marriages in Westminster in 2020			
Total marriages	Opposite-sex couples	Female couples	Male couples
1,380	1,297	23	260

Civil partnerships in Westminster, 2021			
Total civil partnerships	Opposite-sex civil partnerships	Female civil partnerships	Male civil partnerships
83	55	2	26

# 6 Results of Equality Impact Assessment Screening

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# 6.1 Results

Scale of effect		Definition
++	Major positive	The draft policy has a likely major positive impact on the protected characteristic.
+	Minor positive	The draft policy has a likely minor positive impact on the protected characteristic.
N	Neutral	The draft 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 draft policy has a likely minor negative impact on the protected characteristic.
--	Major negative	The draft policy has a likely major negative impact on the protected characteristic.

## Impact of draft Westminster City Plan Partial Review policies on Equalities Categories

Policy	Equalities categories										Comment
	Gender	Race	Disability	Sexual Orientation	Gender Reassignment	Age	Pregnancy and Maternity	Religion or belief	Marriage and/or Civil Partnership	People on low incomes	
Affordable housing	++	++	++	N	N	++	N	++	N	++	<p>The policy requires all residential development on private land to provide a minimum of 35% affordable housing and an increased requirement to 50% on public sector land, subject to development viability. Of these affordable homes, the policy requires at least 70% of the homes to be social homes and 30% to be provided as intermediate homes.</p> <p>The policy also seeks to maximise affordable housing delivery through applying a sequential approach to securing affordable housing delivery with on-site being prioritised, followed by off-site and payment in lieu to the council's Affordable Housing Fund.</p> <p>In addition to this, the policy also requires small-scale residential developments (those providing fewer than 10 homes) to financially contribute to affordable housing delivery – this can be done on-site, off-site or via a payment in lieu to the council's Affordable Housing Fund. This policy ensures opportunities for additional affordable housing provision are maximised.</p> <p>The requirement for all new affordable units to be 70% social homes and 30% intermediate will have positive impacts on households with certain protected characteristics that are more highly represented on the council's Housing Allocation list. This includes those identified as from the global majority, those particularly from a Christian or Muslim religion, disabled persons, households</p>

											<p>with children, those within the 25-44 age group and those on low incomes.</p> <p>The council's Strategic Housing Needs Assessment (SHMA)(January 2024) shows that there is a current unmet affordable housing need in Westminster with the total number of affordable homes required each year being particularly high for social housing. The proposed policy therefore prioritises social housing over intermediate housing. Given the presence of a high proportion of households with protected characteristics that are in need of social housing, this approach will have a positive impact on such groups – who are less prevalent on the intermediate housing register (those household with children, those within the 25-44 age group and those on low incomes).</p> <p>The sequential approach increases emphasis on on-site delivery that will help to support housing opportunities for households on lower incomes across the city, ensuring mixed and balanced communities. Additionally, the policy sets out where off-site delivery of affordable housing should be provided- this will be in a location that is easily accessible to local services, shops and community facilities benefitting those older persons and those with mobility issues.</p>
Retrofit-first	++	++	++	+	+	++	++	N	N	++	<p>The policy seeks to encourage development to consider retrofitting options in the first instance, prior to the conventional process of demolition and new build. This will bring forward opportunities to improve old housing stock which means the quality of some existing housing will be improved, ameliorating living conditions. This is expected to have a positive impact on all protected groups. The policy also aims to ensure demolition will only happen in certain evidence-</p>

											<p>based cases and when it does occur, the amount of associated embodied carbon emissions will still need to be limited. However, schemes with policy compliant levels of affordable housing will be expected to reduce carbon emissions as much as possible (instead of meeting a specific benchmark). This will be a similar approach to public infrastructure developments, such as hospitals, meaning that the delivery of developments that will continue to enhance equality outcomes through the provision of things such as affordable housing and key public services will be maintained through the adoption of this policy. This means the policy will have a positive impact on Westminster residents, regardless of protected group. Notably, those on lower incomes, pregnant women and those with disabilities will benefit greatly, as the policy supports the delivery of housing for those most in need.</p> <p>Setting embodied carbon limits for major schemes and those involving demolition will likely have a positive impact on residents, irrespective of protected group. This is because it will encourage the reduced occurrence of demolition, which in turn will reduce noise pollution as machinery will be used for shorter periods, along with some reduction in construction phase traffic. This will greatly benefit all groups, especially pregnant women, children, those with disabilities and the elderly who may be more sensitive to loud noise and vibrations. In addition, low income and more ethnically diverse areas will also benefit greatly from reduced air and noise pollution, as these areas tend to also suffer from poorer health. This will contribute to improving health outcomes in some of Westminster's most deprived areas,</p>
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											<p>having a positive impact on health inequalities and mortality rates.</p> <p>The policy encourages development to refurbish and update buildings to make them more energy efficient and to bolster their climate resilience. This will have major positive impacts on all groups as the quality of buildings is improved. Particularly, lower income households will benefit as energy efficiency improvements have a positive effect on household living expenses. Furthermore, certain groups (such as those with disabilities, pregnant women, children and the elderly) will benefit from enhanced climate resilience. This is because they may be more susceptible to adverse health impacts from climate change e.g. exacerbated heat waves due to the urban heat island effect.</p> <p>The policy also supports the growth of an expanding and arguably niche industry of retrofitting, creating more opportunities for green economy jobs. It is therefore likely the policy will improve qualifications and skills, especially for those of working age, but also for those on lower incomes and young people who may work in the construction industry. Setting embodied carbon benchmarks may also result in a greater variety in the size and type of office space to be delivered, appealing to new business start-ups/small businesses, which can provide a range of jobs for local people, promoting equality of opportunity across Westminster.</p>
Grosvenor Sidings	++	++	++	++	++	++	++	++	N	++	<p>The site allocation for Grosvenor Sidings seeks to redevelop the site to deliver a residential-led development with a mix of uses (including new homes, shops, community spaces, open space and play space). The policy ensures development will contribute to meeting Westminster's housing need</p>

											<p>and also deliver community and commercial uses that meet the needs of the wider Victoria area. Due to the site being public land, it is anticipated that at least 50% of housing shall be affordable. Increasing the number of affordable homes will have a positive impact on all equality categories as it ensures all residents in Westminster, regardless of protected group will have equal access to housing. Particularly, pregnant women, those with families, those with disabilities and people on low incomes will benefit, as more affordable housing will provide a wider option of housing to those most vulnerable.</p> <p>Delivering more community and commercial uses will contribute to enhancing access to local services, shops and facilities and providing spaces that are conducive to community cohesion. This will likely have a positive impact on all equality categories, especially pregnant women, those with young families, the elderly and those with disabilities who require services to be more local. Furthermore, given Westminster's more ethnically diverse population, supporting social infrastructure will have a major positive impact as it can create areas that help establish place identity and sense of community.</p> <p>The policy also ensures the provision of new public realm improvements, new open spaces and play space and biodiversity enhancements which will have a positive impact on all groups. Particularly, this will have a major positive impact on pregnant women and those with young families whose children require outdoor activity. Moreover, this will have a positive impact on those on lower incomes who are less likely to have access to private open, green space. The policy also ensures the design of these spaces will have regard for</p>
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											<p>crime prevention and safety. Particularly, this will have a major positive impact on women and those of gender reassignment, who may have a higher perception of lack of safety.</p> <p>The policy seeks to improve transport providing new and improved cycle/pedestrianised paths, including improving access from Ebury Bridge to the River Thames on Grosvenor Road and supporting the growth of a larger potential network of pedestrian routes from Victoria Station to the river. This will have a positive impact on all protected groups, as wayfinding opportunities increase and accessibility is maximised.</p> <p>Particularly, those with disabilities, the elderly and visitors will have an enhanced experience as mobility is improved across the site.</p> <p>Improved connections to Victoria will also mean easier access to the CAZ. This will contribute to tackling some barriers to employment by ensuring employment opportunities are easily accessible. In addition, the policy seeks to deliver some commercial floorspace and potentially, affordable workspace which will improve the offer and proximity of jobs and training opportunities. This will have a major positive impact on those with low incomes and mobility issues where travelling far distances is a barrier to employment, and also young people and those of working age.</p>
Land adjacent to Royal Oak	++	++	++	++	++	++	++	++	N	++	<p>The site allocation for Land adjacent to Royal Oak seeks to redevelop an underused site to deliver mixed use, commercial-led development that includes some provision of non-conventional residential units (such as student housing and live/workspaces). The policy also ensures the provision of enhanced and high-quality station access, new and improved public realm and biodiversity enhancements.</p>

										<p>Due to the site being public land, it is anticipated that at least 50% of housing shall be affordable. Increasing the quantity of affordable homes will positively impact all local residents, irrespective of their protected groups, as the range and number of locally, affordable homes increase. Notably, young people and those of working age will receive the most benefit from an increase in the supply of non-conventional housing that are fit for specific purposes (such as live/work units designed to accommodate work facilities and student accommodation).</p> <p>The site allocation also seeks to provide new public realm enhancements and improve the pedestrian environment around Royal Oak station, including better pedestrianised connections from Royal Oak station towards Paddington Basin and addressing severance issues in the area. Accessibility and safety will run through the design of these improvements having a major positive impact on all groups, as the safe and enjoyable active travel of visitors and residents is prioritised. Particularly, this will have a positive impact on those with disabilities, women, pregnant women and those with gender reassignment, who may experience more barriers to travel due to mobility issues or perceptions of safety.</p> <p>Public realm improvements will also enhance movement in and around the NWEDA and the CAZ and bolster accessibility to the Paddington Opportunity Area. This will contribute to tackling some barriers to employment by making employment and training opportunities more accessible. In addition, the policy seeks to deliver non-residential uses that meet the strategic priorities of the area. The provision of commercial uses including flexible workspaces, light industrial,</p>
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											<p>logistics, and offices will improve the offer and proximity of jobs and training opportunities, promoting equality of opportunity in the area. This will have a major positive impact on those of working age and young people, and also those with low incomes and mobility issues where travelling may present a barrier to employment. The intensification of commercial uses will also have a positive impact on pregnant women, children/young people, the elderly and those with disabilities who would benefit from locally accessible shops and services due to the shorter journeys required.</p> <p>As part of the allocation, the policy promotes the integration of biodiversity enhancements and activation of public spaces at ground floor. This is likely to have a positive impact across all protected groups, creating safe and pleasant spaces for leisure and recreation. Particularly, this will benefit low income households who are less likely to access to private green space. Furthermore, these spaces can support social wellbeing becoming areas that support community activity and establish a place identity. This is particularly beneficial for the diverse ethnic population in this area and also pregnant women, the elderly and those with disabilities and gender reassignment who may be more likely to experience isolation.</p>
St Mary's Hospital	++	++	++	++	++	++	++	++	N	++	<p>The site allocation for St Mary's Hospital seeks to deliver a new modern hospital to meet modern healthcare needs, alongside commercial-led growth, enhanced public realm and complementary uses.</p> <p>In delivering a modernised hospital the policy seeks to ensure that the future healthcare needs and patient experience are prioritised. This will</p>

											<p>enable any barriers that may currently exist for some protected groups to be removed and ensure that an equality of opportunity to receive healthcare is in place.</p> <p>A mixed-use scheme that will include commercial-led growth, will ensure that there are increased opportunities to provide new jobs for those most in need and to help improve equality of opportunity by tackling barriers to employment for the working-age population by ensuring jobs are created across different skill levels and sectors.</p> <p>An enhanced public realm through activating public spaces, improving legibility across the site, improving lighting and enhancing the townscape will as a result, ensure the patient and visitor experience is prioritised. This will also ensure that safety of users of the site are improved which as a result, will ensure that those protected groups may have a reduced fear in crime and anti-social behaviour. In addition to this, an enhanced public realm will also ensure that access (including accessibility improvements) and wayfinding is improved and therefore improving mobility for all users of the hospital and wider site.</p>
Westbourne Park Bus Garage	++	++	++	++	++	++	++	++	N	++	<p>The site allocation for Westbourne Park Bus Garage seeks to redevelop and upgrade the existing bus garage. The redevelopment will help release land to deliver a mixed-use, residential-led development. The policy ensures that development contributes to meeting both the city's housing needs and current and projected future transport needs for London.</p> <p>A residential-led approach will ensure that homes are made available for and contribute to delivering</p>

														<p>affordable housing for those most in need. As a result, this will ensure that the housing needs of those within any particular protected group are met.</p> <p>As part of the site allocation, the policy promotes the delivery of a modernised bus garage, along with some additional commercial uses to be provided on site. This will ensure that the development provides new jobs for those most in need and to help improve equality of opportunity by tackling barriers to employment for the working-age population by ensuring jobs are created across different skill levels and sectors.</p> <p>An enhanced public realm through activating and improving the Grand Union Canal frontage, creating new active travel routes and enhancing the townscape will as a result, ensure the wellbeing of existing and future users of the site. This will also ensure that the safety of users of the site are improved which as a result, will ensure that all protected groups have a reduced fear in crime and anti-social behaviour. In addition to this, an enhanced public realm will also ensure that access and wayfinding is improved, therefore enhancing inclusive mobility for all users of the site.</p>
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# 7 Appendix

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# 7.1 Appendix 1- Legal Framework and Key Legal Principles

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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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