

Appendix B

Need for Appraisal

B1 Need for Appraisal

B1.1 Assessment (SA/SEA)

In the case of the RHS and RSHS there is no statutory requirement for SA/SEA³. Despite this, both the Regional Leaders Forum and Arup consider that as a matter of good practice, an SA (but not SEA) should be undertaken for the regional housing strategies to ensure they are robust and effective in addressing the region's housing needs sustainably.

Arup have developed a Combined Appraisal approach that enshrines the processes of SA (based on the Region's Integrated Appraisal Toolkit), EqIA, HIA and Rural Proofing. This approach has been developed in partnership with the 4NW Regional Leaders Forum. It is important to highlight that the Regional Leaders Forum have agreed with the Department for Communities and Local Government (CLG) that this approach is appropriate.

B1.2 Equality Impact Assessments (EqIA)

B1.2.1 Race Relations Act 1976 and Amendment Act 2000

Section 71 of the Race Relations Amendment Act sets out the statutory obligation referred to as the General Statutory Duty. This duty requires every body, or other person specified in Schedule 1A⁴ or of a description falling within that Schedule, in carrying out its functions, to have due regard to the need:

- (a) to eliminate unlawful racial discrimination; and
- (b) to promote equality of opportunity and good relations between persons of different racial groups.

This legislation also sets out the Commission for Racial Equalities right to issue Statutory Codes of Practice.

In the context of Section 71 of the Race Relations (Amendment) Act 2000, and the Equality Standard for Local Government, an Equality Impact Assessment (EIA) is a thorough and systematic analysis of a policy, whether that policy is written or unwritten, formal or informal, and irrespective of the scope of that policy.

B1.2.2 Disability Discrimination Act 2005

The Act places a duty on the public sector to promote equality of opportunity for disabled people and to eliminate discrimination. This duty is anticipatory, meaning that public authorities will have to review all their policies, practices, procedures and services to make sure they do not discriminate against disabled people and ensure that all their services are planned with disabled people's needs fully considered in advance.

B1.2.3 Equality Act 2006

The Equality Act has three main purposes:

- To establish the Commission for Equality and Human Rights (CEHR)
- To make discrimination unlawful on the grounds of religion or belief in the provision of goods, facilities and services, the disposal and management of premises, education, and the exercise of public functions.
- To outlaw discrimination on the grounds of sexual orientation in the provision of goods, facilities and services.

³ The SA/SEA process is a statutory requirement. The Planning and Compulsory Purchase Act 2004 introduced a requirement for all Regional Spatial Strategies (RSS) and Local Development Documents (LDD) to be subject to Sustainability Appraisal (SA).

The European Directive 2001/42/EC (SEA Directive) came into effect in the UK from the 21 July 2004 in the form of 'The Environmental Assessment of Plans and Programmes Regulations 2004 (SI2004/1633)'. These regulations require that a Strategic Environmental Assessment (SEA) is undertaken on a range of plans and programmes including housing strategies.

⁴ Schedule 1A includes government departments and local government

- To create a duty on public authorities to promote equality of opportunity between men and women, and to prohibit sex discrimination in the exercise of public functions.

This means that all public sector bodies will have a general duty in the exercise of their public functions to pay due regard to the need to eliminate unlawful discrimination, and to promote equality between men and women, known as the Gender Equality Duty (GED). This will affect all of their activities, from the provision of bus services to social care.

B1.3 Health Impact Assessment (HIA)

There is no statutory requirement for HIA; however the SEA Directive requires consideration of the likely significant effects of a plan or programme on human health. Information to be provided in a scoping report includes:

“the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors...”

The Government White Paper Choosing Health (DH, 2004) states that *‘the impact of ‘non-health’ interventions on population health should be routinely considered both before implementing policies (through Health Impact Assessments, for example) and afterwards through evaluation.’*

The Department of Health has issued draft guidance on Health in Strategic Environmental Assessment (DH, 2007). The draft guidance recommends an approach that focuses on the determinants of health, or those environmental, social and economic factors that have the most influence on health, in order to promote wellbeing throughout the affected communities and reduce health inequalities. The guidance states that *“the population’s health is affected by all the different SEA topics so their inter-relationship needs to be considered”*.

B1.4 Rural Proofing

There is no statutory requirement for Rural Proofing, however, it is an increasingly important mechanism used by government, at national and regional levels, to ensure that rural needs and circumstances are taken into account in policy development and delivery. As a process, it is intended to ensure that as policy is developed and implemented, government and other relevant bodies:

- consider whether their policy is likely to have a different impact in rural areas, because of particular circumstances or needs;
- make a proper assessment of those impacts, and, where they are thought to be significant;
- adjust, where appropriate, policy and delivery with solutions to meet rural areas’ needs and circumstances.

Rural proofing was formally introduced by government in the Rural White Paper 2001. It was then refreshed by government in the Rural Strategy 2004, giving the Commission for Rural Communities (CRC) a statutory role to monitor and report on how policy is developed and the extent to which those policies are meeting rural need.