

Equality Impact Assessment (EqIA) for London Plan Guidance

London Plan Guidance:	Air Quality Neutral
Teams involved:	London Plan team and Air Quality team
Date:	February 2023

Who is the guidance aimed at and what are the key issues to be aware of?

London Plan Policy SI 1 (Parts B and E) require all development in London to be Air Quality Neutral (AQN), which is defined as developments that do not contribute to air pollution beyond allowable benchmarks. As a result, the guidance sets out the detailed process for calculating the benchmark and the expected emissions rates for developments as well as how to perform the comparison and other technical considerations. The guidance also revises the benchmark emission rates set in the previous Supplementary Planning Guidance which has now been revoked ([Sustainable Design and Construction](#)).

The intention of the policy is to manage and minimise regional increases in pollutant emissions from development in London. Accordingly, the guidance sets benchmarked emission rates for nitrogen dioxide (NO₂) and particulate matter, which new developments should not exceed.

The guidance is aimed at developers, designers and air quality specialists.

The guidance, and the policy that underpins it, form part of a wider set of integrated policies and interventions (including policies outside the planning system) to improve London's air quality.

Which of the Public Sector Equality Duty (PSED) aims are relevant to the guidance and the impacts identified?

The Public Sector Equality Duty (PSED) set out at section 149 of the Equality Act 2010 is relevant to the guidance. Listed below are examples of how the guidance seeks to meet the three aims of the PSED:

1) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

The guidance builds on the London Plan policies, which aim to ensure that residents are not treated differently depending on where they live. All Londoners deserve to live in a place that has safe levels of air quality, and where their quality of life is not impacted by air pollutants. Areas of high deprivation often have the poorest air quality, and this guidance aims to address this imbalance by requiring development, in all parts of London, to comply with the air quality benchmarks.

2) Advance equality of opportunity between people who share a protected characteristic and those who do not.

The guidance aims to minimise the exposure to poor air pollution by requiring development to meet the two sets of benchmarks. These will be applied to all development throughout London, irrespective of location, size and tenure. The Building Emissions Benchmark (BEB) aims to reduce the building emissions while the Transport Emissions Benchmark (TEB) ensures that developments do not allow an unacceptably high amount of car parking spaces, which will in turn lead to increases in emissions. These benchmarks will benefit both those who share a protected characteristic and those who do not, as all will be able to live and work in a less polluted environment.

3) Foster good relations between people who share a protected characteristic and those who do not.

New developments have the potential to increase or maintain poor air quality in an area, and this can disadvantage the existing residents. These may be residents that have lived in the area for a long period of time, and may include those who share a protected characteristic. As a result, this guidance sets out the benchmarks that apply to new development. This aims to promote and foster good relations between existing and new residents, some of whom may share a protected characteristic.

Assessment

List aspects of the guidance that might affect particular groups

Guidance key aspects, chapter headings, theme etc	Particular group that could be affected
Chapter 3: Building emission benchmarks (in particular, discussion on particulate matter benchmarks for building emissions)	<ul style="list-style-type: none">• Black, Asian and other minority ethnic people• Young people and elderly people• Pregnant people and maternity• Disabled people• Low income
Chapter 4: Transport emission benchmarks	<ul style="list-style-type: none">• Black, Asian and other minority ethnic people• Young people and elderly people• Pregnant people and maternity• Disabled people• Low income

* It should be noted that the general policy requirement and principles are already required through the London Plan. This London Plan Guidance is providing further detail on how the policies should be implemented, and therefore further amplifying the effects

Equality impacts, mitigating actions and justification

This section sets out the positive and negative impacts of the implementation of this guidance, both known and potential, for specified groups.

The objectives from the London Plan Integrated Impact Assessment (IIA) and the EqIA guide questions are used where relevant to structure the answers.

For negative impacts, mitigating actions to minimise or eliminate negative impacts are identified, along with any action plan. If negative impacts cannot be mitigated, an objective justification is provided. For positive impacts, considerations is given to how these could be maximised.

The impacts are scored as follows:

- +2 Strong positive
- +1 Positive
- 0 Neutral
- - 1 Negative
- - 2 Strong negative

Age (consider particularly children, under-21s and over-65s)

Potential positive impacts and score

Evidence suggests that areas with the highest proportion of both younger and older people tend to be those with the lowest average pollution levels and vice versa.

Nevertheless, young people and older people are known to be particularly vulnerable to the health impacts of exposure to air pollution. As a result, this guidance will disproportionately benefit those most vulnerable (in particular, both older and younger Londoners) to the health impacts of pollution and is part of the wider policy framework designed to reduce air pollution concentrations across London.

In particular, targeted intervention at locations most frequented by younger or older people (e.g. schools) could potentially increase the benefits of any air quality policy for these groups. Impact score: **+1**

Potential negative impacts, mitigation and score

Elderly people may be more reliant on private vehicles, or less able to shift to active travel modes, and may be impacted by measures to reduce car use. Elderly people are also more likely to experience mobility issues. Introducing a TEB may reduce the number of parking spaces in a development, which lead to less parking spaces for elderly residents. Please also refer to impacts on disability, as elderly people are more likely to be disabled than other age groups.

London Plan policy T3 (transport capacity, connectivity and safeguarding) states that development proposals should support capacity, connectivity and other improvements to

the bus network; and ensure it can operate efficiently to, from and within developments, giving priority to buses and supporting infrastructure as needed. As a result, improvements in public transport are likely to mean that elderly residents can use public transport near to where they live. Impact score **0**

Relevant PSED aim(s)

- 2a
- 2b

Disability (consider different types of physical, learning or mental disabilities)

Potential positive impacts and score

People with certain physical disabilities may be more likely to spend time indoors. Depending on the airtightness of a building, pollution from outdoor sources can travel indoors through open windows, for example. The policy puts buildings and TEBs in place to minimise the amount of allowable emissions generated by a development. In doing so, it can have an indirect positive impact on indoor air quality and exposure. Impact score **+1**

Potential negative impacts, mitigation and score

People with certain physical disabilities may be more reliant on private vehicles. The transport emission benchmark combines with and amplifies other policies in the London plan which seek to minimise parking levels.

As a result, overly restrictive parking policies could disadvantage people who rely on private vehicles to move around.

The transport emission benchmarks allow for developments to have up to the specified maximum number of parking spaces set out in policies T6 and T6.5 of the London Plan. In all cases, these include provision for appropriate numbers of accessible disabled parking bays (including 'car-free' developments). Impact score **0**

Relevant PSED aim(s)

- 2b

Gender reassignment

No anticipated impacts.

Marriage and civil partnership

No anticipated impacts.

Pregnancy and maternity

Potential positive impacts and score

There is evidence linking increased exposure air pollution with increased risk of miscarriage and stillbirth. There is also growing evidence that certain forms of air pollution can pass through the placenta and impact the health of the unborn child in the uterus. Reductions in exposure to air pollution would therefore likely have additional benefits for this group.

Risks to unborn children are particularly associated with exposure to fine particulate matter (PM2.5). The previous iteration of the policy guidance had particulate emissions benchmarks based on the larger PM10 fraction. This guidance resets the benchmark for PM emission from buildings to zero and focusses the TEBs on PM2.5. These changes will maximise the impact of this policy on PM2.5 concentrations in London. Impact score **+1**

Relevant PSED aim(s)

- 2a

Race or ethnicity (consider refugees, asylum seekers, migrants, Gypsies and Travellers)

Potential positive impacts and score

There is little evidence of the susceptibility to the health impacts of air pollution between different ethnic groups. However, there is evidence on the differences in exposure, showing that Black African/Caribbean/British communities are proportionately more likely to live in areas where they are exposed to higher levels of NO₂. Respondents that identified as “Mixed/Multiple” and “Other” ethnic groups also live in areas where they are exposed to higher levels of NO₂.

Improvements in air pollution are therefore likely to disproportionately benefit ethnic groups who are over-represented in areas of high pollution. Impact score **+1**

Relevant PSED aim(s)

- 2a

Religion or belief

No anticipated impacts.

Sex

No anticipated impacts

Sexual orientation

No anticipated impacts

People on low incomes

Potential positive impacts and score

The relationship between exposure to air pollution and income is complex. However, people living in the most deprived neighbourhoods are, on average, more likely to be exposed to high levels of air pollution.

Improvements in air pollution are likely to disproportionately benefit this group.

Independent assessment of the impact of the suite of air quality policies in the London Environment Strategy (LES) (of which this policy is a part) found that improvements in air quality will be largest in the currently most polluted areas. In principle different benchmarks could be devised for developments in areas of high deprivation. However, it is not clear that these would accelerate or increase the rate of improvement in air quality in these areas. In practice, tighter benchmarks might act as a deterrent to developments in these areas because:

- the benchmarks proposed are already challenging, and tighter standards may not be achievable
- if they are achievable, it is likely to be at a cost.

Impact score **+1**

Potential negative impacts, mitigation and score

Tighter BEBs might act as a deterrent to development, which could prevent investment in neighbourhood restoration and regeneration in deprived areas.

Tighter BEBs may also increase capital costs for redevelopment, which may get passed onto the end-users or occupiers.

The proposed AQN benchmarks are designed to be challenging, but achievable. They are likely to be met using technology that is now readily commercially available. Where areas are selected for regeneration or restoration, AQN will manage and minimise regional increases in pollutant emissions from development in London. It will also work alongside other policies found within the London Plan to ensure that development results in the best possible outcome in terms of air quality; and does not reduce benefits that result from the Mayor's or boroughs' activities to improve air quality. It should also be noted that developments in areas of pre-existing high pollution are likely to be subject to wider assessment of the impacts on air pollution beyond the scope of this guidance. Impact score **0**

Relevant PSED aim(s)

- 2a

Overview of equality impacts

This table summarises the scoring of the impacts for each group identified in the previous section.

Category	AQN guidance
Age	+1
Disability	+1
Gender reassignment	No anticipated impacts
Marriage and civil partnership	No anticipated impacts
Pregnancy and maternity	+1
Race	+1
Religion and belief	No anticipated impacts
Sex	No anticipated impacts
Sexual orientation	No anticipated impacts
People on low incomes	+1

Consider whether to break the guidance down and introduce further rows in order to make clear different equality impacts for different aspects of the guidance.

Recommendation

Based your assessment, please indicate which course of action you are recommending to decision makers.

Outcome number	Description	Recommended
Outcome one	No major change to the guidance is required: this EqIA has not identified any potential for discrimination or negative impact, and all opportunities to advance equality have been taken.	Yes
Outcome two	Adjustments to the guidance are required to remove barriers identified by the EqIA or better advance equality.	No
Outcome three	Justify and continue with the guidance despite having identified some potential for negative impacts or missed opportunities to advance equality.	No
Outcome four	Stop, rethink or abandon when the EqIA shows actual or potential unlawful discrimination	No

Monitoring

Monitoring will take place through the London Plan Annual Monitoring Report and wider monitoring of the Mayor's other strategies, as well as part of reviewing the London Plan.

Appendix A: Evidence Reference and Content

London Plan IIA (including EqIA) and Addendums

Evidence

Age

[Updated Analysis of Air Pollution in London](#), Aether, February 2017

The younger and older populations in London are particularly at risk given their greater susceptibility to the health impacts of air pollution. However, the more vulnerable under-19 and over-65 age groups are not disproportionately exposed to high levels of air pollution concentrations.

[Air Pollution Exposure in London: Impact of the Environment Strategy](#), Aether, January 2019

[Equality, diversity and inclusion evidence base for London](#), GLA Intelligence, June 2019

Disability is closely related to age: 13 per cent of the working-age population are disabled, versus 28 per cent of people aged 65 or over.

Disability

[Travel in London: Report 12](#), Transport for London, 2019

In order to achieve our overall active, efficient and sustainable modes aim, it is necessary to support Londoners to remain healthy throughout their lives so they can continue to travel by sustainable modes (as data shows that people with disabilities are less likely to walk, cycle or use public transport).

[Healthy Streets for London: Prioritising walking, cycling and public transport to create a healthy city](#), Transport for London, February 2017

Some Londoners will continue to make essential journeys by car, particularly people with accessibility needs.

[Equality, diversity and inclusion evidence base for London](#), GLA Intelligence, June 2019

Disability is closely related to age: 13 per cent of the working-age population are disabled, versus 28 per cent of people aged 65 or over.

[Indoor Air Quality in Schools](#), GLA, May 2018

Outdoor NO₂ concentrations and the airtightness of the building envelope explained 84 per cent of the NO₂ variation between classrooms, indicating the influence of strong outdoor pollution sources and the importance of the building envelope.

Gender reassignment

N/A

Marriage or civil partnership

N/A.

Pregnancy and maternity

Air Quality and Health: Reviewing evidence and planning policy in London
(Still to be published – link to be provided soon).

Race

[Air Pollution Exposure in London: Impact of the Environment Strategy: Second Addendum Report: Further Analysis of Ethnicity and Exposure](#), Aether, April 2019

All ethnic groups benefit as a result of policies in the LES, and ethnic groups currently most affected by poor air quality (non-White groups) benefit the most. Areas where White people are most likely to live on average see an average reduction in NO₂ concentrations of 46 per cent, whereas areas where non-White people are most likely to live see concentrations improve between 48 and 53 per cent. During the pandemic, people from an ethnic minority background were more likely to report greater benefits to their mental health from green space and open space during lockdown than people identifying as White (S&SR Environment and Spaces Group, 2020).

Religion or belief

N/A

Sex

N/A

Sexual orientation

N/A

People on low incomes

[Equality, Diversity and Inclusion Evidence Base for London](#), GLA Intelligence, June 2019

Areas of greater deprivation tend to see high levels of air pollution. Research conducted on behalf of the GLA assessed where the population exposed to the highest levels of NO₂ concentration lived. This research found that this group tended to be concentrated in the most deprived parts of London. For example, almost 1 in 5 of people exposed to the greatest NO₂ concentrations live in the most deprived areas, despite only 9 per cent of London's population living in those places.

Gaps in evidence

None identified

Appendix B: Engagement summary

Summary of protected groups engaged and engagement record

N/A