

## Integrated Impact Assessment (IIA)

This Integrated Impact Assessment considers the duties and requirements of the following legislation in order to inform and ensure effective decision making and compliance:

- Equality Act 2010
- Welsh Language Standards (No.1) Regulations 2015
- Well-being of Future Generations (Wales) Act 2015
- Environment (Wales) Act 2016

### Version Control

Version	Author	Job title	Date
e.g. Version 1	Justin W. Griffiths	Senior Development Management Engineer.	23-07-2020

### 1. Details of the initiative

	<b>Title of the Initiative:</b> Policy for Section 38 Agreements (Highway Adoptions) Under the Highways Act 1980.
<b>1a</b>	<b>Service Area:</b> Highway Development Control
<b>1b</b>	<b>Directorate:</b> Environment and Regeneration
<b>1c</b>	<b>Summary of the initiative:</b> Policy for Section 38 Agreements (Highway Adoptions) Under the Highways Act 1980.
<b>1d</b>	<b>Who will be directly affected by this initiative?</b> Council, Landowners, Developers, Consultants, Contractors, sub-contractors, and owner/occupiers of buildings such dwellings and non-dwellings (i.e. commercial units, industrial units)

1e	<b>When and how were people consulted?</b> Making reference to the approved adoption policy before submitting an application for adoption of a highway.
1f	<b>What were the outcomes of the consultation?</b> This policy set-out clear guidelines on what is to be acceptable when requesting and adoption of any highway which benefits the Council and any potential applicant.

## 2. Evidence

### What evidence was used in assessing the initiative?

Officers have been involved in many man hours of investigations in to this decision to implement this policy, together with research and attendance in other Magistrates Court in England.

The investigation has provided evidence that this matter is becoming more frequent and that It has proven that the current policy is unlikely to withstand a challenge in court. This section 38 Policy will seek to provide a clear understanding of highway adoptions for both the Council and Developers. This policy has the support of NPTCBC legal section.

## 3. Equalities

a) How does the initiative impact on people who share a **protected characteristic**?

Protected Characteristic	+	-	+/-	Why will it have this impact?
Age	✓			<b>Correct method of Adopting highway is essential for providing safe, and inclusive travel and wellbeing for all users and members of the public.</b>
Disability	✓			<b>Correct method of Adopting highway is essential for providing safe, and inclusive travel and wellbeing for all users and members of the public.</b>

Gender reassignment	✓			<b>Correct method of Adopting highway is essential for providing safe, and inclusive travel and wellbeing for all users and members of the public.</b>
Marriage & civil partnership	✓			<b>Correct method of Adopting highway is essential for providing safe, and inclusive travel and wellbeing for all users and members of the public.</b>
Pregnancy and maternity	✓			<b>Correct method of Adopting highway is essential for providing safe, and inclusive travel and wellbeing for all users and members of the public.</b>
Race	✓			<b>Correct method of Adopting highway is essential for providing safe, and inclusive travel and wellbeing for all users and members of the public.</b>
Religion or belief	✓			<b>Correct method of Adopting highway is essential for providing safe, and inclusive travel and wellbeing for all users and members of the public.</b>
Sex	✓			<b>Correct method of Adopting highway is essential for providing safe, and inclusive travel and wellbeing for all users and members of the public.</b>
Sexual orientation	✓			<b>Correct method of Adopting highway is essential for providing safe, and inclusive travel and wellbeing for all users and members of the public.</b>

**What action will be taken to improve positive or mitigate negative impacts?**

**The implementation of this policy will seek to improve the process of highway adoption by providing a clear description of what would and would be acceptable for adoption by the council. The policy also has the benefit of informing developers of what the Councils Highways Authority accepts and will not accept.**

**Having a greater understanding of what is acceptable from a highway adoption point of view will encourage developers to enter into agreement as early stage and benefit from significant and essential feedback from the Highways Authority which in turn would improve construction works on site and the end user.**

b) How will the initiative assist or inhibit the ability to meet the **Public Sector Equality Duty**?

<b>Public Sector Equality Duty (PSED)</b>	<b>+</b>	<b>-</b>	<b>+/-</b>	<b>Why will it have this impact?</b>
To eliminate discrimination, harassment and victimisation	✓			This policy will be able to provide fairness and be informative to developers assisting them with design. Positive impact.
To advance equality of opportunity between different groups	✓			This policy will be able to provide fairness and be informative to developers assisting them with design. Positive impact.
To foster good relations between different groups	✓			This policy will seek to assist developers and encourage early intervention in terms of highway design, which improve good working relationships.

**What action will be taken to improve positive or mitigate negative impacts?**

**To approve the Policy and encourage developers to refer to policy before design is undertaken.**

**4. Community Cohesion/Social Exclusion/Poverty**

	+	-	+/-	Why will it have this impact?
Community Cohesion	✓			Constructing sustainable developments and improving health and wellbeing of community.
Social Exclusion	✓			Encouraging good design and construction of infrastructure to improve upon connectivity for all modes of transport and assist on reducing social exclusion.
Poverty	✓			Encouraging good design and construction of infrastructure whilst assisting the economy in terms of good highway network links to housing, commercial and industrial development creating sustainable environments. For example; jobs and housing.

**What action will be taken to improve positive or mitigate negative impacts?**

To approve policy.

**5. Welsh**

	+	-	+/-	Why will it have this effect?
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<p>What effect does the initiative have on:</p> <ul style="list-style-type: none"> <li>- people's opportunities to use the Welsh language</li> </ul>	✓			All highways constructed and adopted will benefit from street naming and signage that will be bilingual – both Welsh and English.
<ul style="list-style-type: none"> <li>- treating the Welsh and English languages equally</li> </ul>	✓			All highways constructed and adopted will benefit from street naming and signage that will be bilingual – both Welsh and English.

**What action will be taken to improve positive or mitigate negative impacts?**

**No action required.**

## 6. Biodiversity

How will the initiative assist or inhibit the ability to meet the **Biodiversity Duty**?

Biodiversity Duty	+	-	+/-	Why will it have this impact?
To maintain and enhance biodiversity	✓			Highways have embraced the SuDs Approval Body (SAB) implementation of ecology within and around the highways which has since been implemented from the 7 <sup>th</sup> January 2019. This seek to clean highway water naturally whilst creating areas for habitat to forage and access without conflict.
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.	✓			Highways have embraced the SuDs Approval Body (SAB) implementation of ecology within and around the highways which has since been implemented from the 7 <sup>th</sup> January 2019. This seek to clean highway water naturally whilst creating areas for habitat to forage and access without conflict. In addition, the SAB approval within highway also seeks to reuse, infiltrate or mitigate surface water exceedance routes that would otherwise adversely affect adjoin land and land downstream.

**What action will be taken to improve positive or mitigate negative impacts?**

**To approve policy. Highway and SAB are working simultaneously with the view to provide excellent highway design for adoptions**

**7. Well-being of Future Generations**

How have the five ways of working been applied in the development of the initiative?

Ways of Working	Details
i. <b>Long term</b> – looking at least 10 years (and up to 25 years) ahead	<b>To provide and sustain good highway infrastructure which is adopted and maintained by the council at public expense.</b>
ii. <b>Prevention</b> – preventing problems occurring or getting worse	<b>The policy shall seek to improve working relationships with developers and highways authority by means of providing a details list of highways requirements which can be referred to and used. This shall seek to encourage good practice in design and construction of highways that are proposed for adoption.</b>
iii. <b>Collaboration</b> – working with other services internal or external	<b>The policy shall seek to improve working relationships with developers and highways authority.</b>
iv. <b>Involvement</b> – involving people, ensuring they reflect the diversity of the population	<b>The highway adoption process involves consultations with internal and external organisations to ensure good design and construction principles are applied.</b>
v. <b>Integration</b> – making connections to maximise contribution to:	<b>Early intervention by all parties is encouraged to maximise the design and needs of the end user.</b>
<b>Council’s well-being objectives</b>	<b>To create good highway infrastructure that will provide a sense of place and be sustainable for use classes whilst improving on health and wellbeing of any community</b>
<b>Other public bodies objectives</b>	<b>When necessary other public bodies such as Dwr Cymru Welsh Water, Planning, NRW and SABs will be consulted as part of highway design prior to adoption of highways</b>

## 8. Monitoring Arrangements



Provide information on the monitoring arrangements to:

Monitor the impact of the initiative on Equalities, Community Cohesion, the Welsh Measure, Biodiversity Duty and the Wellbeing Objectives.

**To continue to integrate Highways and SAB approval, together with any other local or Welsh government initiatives and legislation when required.**

**The council provides yearly statistics on performance which is fed into the Welsh Government model for SABs and Highways.**

## **9. Assessment Conclusions**

Please provide details of the conclusions reached in relation to each element of the assessment:

	<b>Conclusion</b>
<b>Equalities</b>	<b>Positive impact</b>
<b>Community Cohesion/ Social Exclusion/Poverty</b>	<b>Positive impact</b>
<b>Welsh</b>	<b>Positive impact</b>
<b>Biodiversity</b>	<b>Positive impact</b>
<b>Well-being of Future Generations</b>	<b>Positive impact</b>

**Overall Conclusion**

Please indicate the conclusion reached:

- **Continue** - as planned as no problems and all opportunities have been maximised ✓
- **Make adjustments** - as potential problems/missed opportunities/negative impacts have been identified along with mitigating actions
- **Justification** - for continuing with the initiative even though there is a potential for negative impacts or missed opportunities
- **STOP** - redraft the initiative as actual or potential unlawful discrimination has been identified

Please provide details of the overall conclusion reached in relation to the initiative

### 10. Actions

What actions are required in relation to obtaining further data/information, to reduce or remove negative impacts or improve positive impacts?

Action	Who will be responsible for seeing it is done?	When will it be done by?	How will we know we have achieved our objective?
Implementing s38 Policy	Justin Griffiths	After policy is approved	When the policy goes live

### 11. Sign off

	Name	Position	Signature	Date
Completed by	Justin W Griffiths	Snr Highway Development Control Engineer –Team Leader.	Justin W Griffiths	23/07/2020
Signed off by	David W Griffiths	Head of Engineering & Transport	David W Griffiths	23/07/2020

