

Annex A

City of York Council and Centre for Applied Human Rights

Human Rights and Equality Assessment Tool (HREA)

An Equality Assessment Tool is an evidence-based approach designed to help organisations ensure that any Policy, Criterion or Practice (PCP), is fair and does not create barriers or disadvantage any protected groups from participation. This covers both strategic and operational activities.

City of York Council (CYC) combines this approach with York's commitment as a Human Rights City to produce a Human Rights and Equality Assessment tool (HREA).

This document enables CYC to evidence its legal duty to give 'due regard' to those with protected characteristics under the Equality Act and consider Human Rights at the same time.

Whether a HREA is needed or not will depend on the likely impact that a PCP may have and relevance of the activity to Equality and Human Rights.

The HREA should be started when the need for a new PCP is first identified, or when an existing one is reviewed. It is essential to continue to update the HREA during the life of the PCP, as and when new information is learned. It is not complete until the PCP is complete.

Non-discrimination is a minimum standard. The development of the HREA should prompt critical discussion and highlight disproportionate impacts.

Balancing residents' rights and CYC duties can be very complex and sometimes there will be no 'win-win', so compromises or mitigations may need to be identified to ensure the best outcomes.

Finally, the value in a HREA is in both the short and long term, by investing in this process CYC will create robust, meaningful, and empowering policies that are more likely to stand the test of time.

Who is submitting the proposal?

Directorate	City Development		
Service Area	Strategic Planning Policy Team		
Name of proposal	Implementation of Non-Statutory Planning Guidance		
Lead Officer	Alison Cooke / Alison Stockdale		
Date Assessment Started	16/6/26		
Date Assessment Completed	23 June 2026		
Names of those who contributed to the assessment			
Name	Job Title	Organisation	Area of Expertise

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal
	<p>Please explain your proposal in plain English avoiding acronyms and jargon. Consider using Age 9 English.</p> <p>This proposal is for the implementation of non-statutory planning guidance to support the emerging Local Plan. The non-statutory guidance will provide clarity to applicants, decision-makers and stakeholders on the interpretation and application of Local Plan policies prior to the adoption of formal Supplementary Planning Documents.</p> <p>The guidance will cover the following topics:</p> <ul style="list-style-type: none">Affordable Housing non-statutory planning guidance;Hot Food Takeaways non-statutory planning guidance;Masterplanning and Garden Villages non-statutory planning guidance;Self Build non-statutory planning guidance;Houses in Multiple Occupation non-statutory planning guidance.

1.2	Are there any external considerations?
	Legislation / government directive / codes of practice etc.
	<p>As part of the reforms to the plan-making system, the Government intends for a transition away from traditional Supplementary Planning Documents. The guidance linked to the implementation of the Levelling-up and Regeneration Act reforms sets a deadline for all Supplementary Planning Documents (SPDs) in production under the existing regime to be adopted by 30 June 2026. After this date, the ability to adopt new SPDs is curtailed and replaced with new detail in a new local Plan or in a new style Supplementary Plan.</p> <p>Additionally, we are expecting a new National Planning Policy Framework (NPPF) to be released during the Summer 2026. This follows a consultation held earlier in the year for a significantly different approach. Further, Building Regulations have been updated significantly to require a focus on improved energy efficiency under the Future Homes Standard and for building safety. Both of these supersede some of the detail being pursued in our SPDs under production.</p> <p>The planning guidance supports delivery of the adopted Local Plan and policy within the NPPF.</p>

1.3	Who are the stakeholders and what are their interests?
	Consider both internal and external stakeholders.
	Stakeholders include: Planning agents (who will interpret, advise and act on the guidance for clients); Interested parties (who may own properties affected by the guidance or act on behalf of those affected by the guidance); Members of the public (who may be directly or indirectly affected by the guidance); Development Management case officers (to use the guidance to assess planning applications); other internal officers (who may provide advice to case officers).

1.4	What results / outcomes do we want to achieve and for whom?
	Explain what outcomes you want to achieve for stakeholders, staff and the wider community. Demonstrate how the proposal links to the Council Plan (2023- 2027) and other corporate strategies and plans. Highlight how the proposal meets the objectives of Equalities, Affordability, Climate and Health.
	<p>Generically, the outcomes for all the guidance from stakeholders, staff and the wider community will be a better understanding of the processes involved, assisting in making consistent planning decisions on the topics of the individual guidance, whilst being in conformity and supporting the Local Plan and be in line with the legislative planning requirements at the time.</p> <p>The preparation of non-statutory planning guidance supports the implementation of York’s adopted Local Plan. This in turn support the Council Plan 2023–27 priorities including equalities, affordability and health.</p>

The individual topics of the guidance helps to meet the Council's objectives in relation to Equalities (All the Draft guidance), Affordability (in particular Draft Affordable Housing guidance, Draft Masterplanning and Garden Village guidance, Draft Self Build guidance and Draft Houses in Multiple Occupation guidance), Climate (in particular Draft Affordable Housing guidance, Draft Masterplanning and Garden Village guidance, Draft Self Build guidance and Draft Houses in Multiple Occupation guidance) and Health (in particular Draft Hot Food Takeaways guidance and Draft Masterplanning and Garden Village guidance).

Step 2 – Resources utilised

3.1	What sources of data, evidence and consultation feedback have you used to help understand the impact of the proposal on equality rights and human rights?	
	Please consider a range of sources, including consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	Source of data / supporting evidence	Reason for using this source
	City of York Local Plan (adopted 2025)	The adopted City of York Local Plan sets the key planning criteria and planning policy approach for the subject matter and content of the individual guidance documents. The Local Plan has been through multiple stages of public and stakeholder consultation and examination – including direct dialogue with specific equalities and human rights groups. Additionally, specific officers with topic area special specialisms within the Council will have been consulted in the production of the Local Plan.
Previous versions of individual guidance (eg. Affordable Housing and Houses of Multiple Occupation) where applicable	Where the Council has produced previous versions of the individual guidance, they have been through public and stakeholder consultation and the views have been noted and amendments made to the documents, including those with equalities groups and human rights, where applicable. Additionally, specific officers with topic area special specialisms within the Council will have been consulted in the production of the individual guidance.	
Internal consultation	Internal consultation has been undertaken with technical officers and has informed development of the guidance.	

	External consultation with Registered Providers	A workshop was undertaken with Registered Providers to discuss the Affordable Housing planning guidance. Discussion focussed around the implementation of the guidance and its impacts on affordable housing delivery.
	Planning Policy and Local Plan Advisory Group	This is a Member-led advisory Group. The Group met on 9 June 2026 and the feedback has been used to inform the final drafts of the guidance.
	Statement of Community (SCI) and Involvement and Consultation Strategy for non-statutory guidance	The SCI (2025) sets out the types of consultation we will undertake for various planning processes. This was use to inform a bespoke consultation strategy for non-statutory guidance that was approved via officer decision ¹ , as per agreed delegations.

¹ <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=7703>

Step 3 – Screening the impacts or effects.

3.1	Equality-related obligations derive from the Equality Act of 2010 and the Human Rights Act of 1998.
	<p>Once you have engaged with stakeholders you will need to identify how this proposal impacts on their human rights and equalities.</p> <p>Although table one looks complex, its purpose is to facilitate an initial screening of equalities and human rights impacts of your proposal.</p> <p>Many human rights and equalities will not be affected by the decision you are seeking Executive or Council approval for and so can be left blank. The aim here is to identify pressure points regarding human rights and equalities that require attention.</p> <p>Please see the Appendix for details of the protected characteristics and human rights to consider</p> <p>The rights listed below in the first column are the relevant ones from the Human Rights Act, and the York Human Rights City Network Indicator Report (non-discrimination, education, health and social care, housing, a decent standard of living). The human rights in the Indicator Report were selected by residents of York as their priority rights. In the first row the protected characteristics under the Equality Act are listed, to which 'Everyone' has been added to capture impacts that affect everyone without distinction.</p>

Step 3.1 Table 1 – Screening the impacts or effects

Equalities Human Rights	Everyone	Age including financial, digital exclusion impacts	Disability Including financial, digital exclusion impacts	Gender	Gender reassign- ment Including Trans, Non- binary, Intersex	Marriage and civil partnership	Pregnancy and maternity	Race	Religion and belief	Sexual orientation	Carers inc financial, digital exclusion impacts	Low- income groups inc financial, digital exclusion impacts	Veteran, armed forces community	Those with experience of Care
Right to life*	All guidance - neutral													
Prohibition of torture*	All guidance - neutral													
Prohibition of slavery and forced labour*	All guidance - neutral													
Right to liberty, movement and security (including freedom of movement)***	All guidance - neutral													
Right to a fair trial*	All guidance - neutral													
No punishment without law*	All guidance - neutral													
Right to private and family life***	All guidance - neutral	The Hot Food Takeaway guidance												
Freedom of thought, conscience, and belief***	All guidance - neutral													
Freedom of expression***	All guidance - neutral													

Freedom of assembly***	All guidance - neutral													
Right to marry***	All guidance - neutral													
Right to property***	Affordable Housing Guidance – (positive) Self Build Housing guidance (positive) HMO Guidance (positive)		Affordable Housing Guidance – (positive) Self Build Housing guidance (positive) HMO Guidance (positive)									Affordable Housing Guidance – (positive) Self Build Housing guidance (positive) HMO Guidance (positive)		
Right to education***	All guidance - neutral													
Right to free elections***	All guidance - neutral													
Right to housing***	Affordable Housing Guidance – (positive) Self Build Housing guidance (positive) HMO Guidance (positive)											Affordable Housing Guidance – (positive) Self Build Housing guidance (positive) HMO Guidance (positive)		

Step 3.2 Table 2 – Assessing the impact of your proposal

Here you will need to record the details on all the impacts identified for both Human Rights and those with Protected Characteristics.

Where you have identified an impact on a protected characteristic/human right in the table above, please indicate whether this is positive or negative and give a description of this impact. If you run out of rows, please add as necessary.

Rights clashes and restrictions

Where rights clash or are being restricted, you will need to explain how the decision has been taken, that the limitation on human rights is provided by law, for a legitimate purpose (justified), and proportionate (the minimum necessary restriction on rights).

Use the following guidance to inform your responses:

First, think about what equalities or rights might be engaged by the proposal, and describe the likely impact of the proposal, and provide an evaluation.

Use the following questions to inform your responses if human rights or equalities are limited or qualified in any way:

- Why are a person's rights being restricted?
- What is the problem being addressed by the restriction on someone's rights?
- Will the restriction lead to a reduction in the problem?
- Does that restriction involve a blanket policy, or does it allow for different cases to be treated differently?
- Does a less restrictive alternative exist?
- Has sufficient regard been paid to the rights and interests of those affected?
- Do safeguards exist against error or abuse?

Table 2

Protected Characteristics or Human Rights	Key findings / impacts	Positive (+) Negative (-) (Neutral (0)	High (H) Medium (M) Low (L)
Age	The Hot Food Takeaway Guidance focuses on refusing applications where they are within 800m of a primary or secondary school, college or children’s play area. This is set to have a positive health impact on young people by limited new access to hot food takeaways.	+	M
Disability	The affordable housing guidance may have a positive impact on housing for people with disabilities as it provides minimum standards for design and delivery for this type of housing. It does not however specify accessibility standards in general.	+	L
Gender reassignment	N/A	0	
Marriage and Civil Partnership	N/A	0	
Pregnancy and Maternity	N/A	0	
Race	N/A	0	
Religion and Belief	N/A	0	
Sex	N/A	0	

Sexual Orientation	N/A	0	
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Other social – economic groups			
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Carer	N/A	0	
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Care Leavers	N/A	0	
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Low income groups	The affordable housing, HMO and self build guidance will likely have a positive impact on low income groups through the promotion of more affordable forms of housing.	+	Medium
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Veterans and armed Forces	N/A	0	
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Other	N/A	0	
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Human Rights (list any rights impacted)			
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Step 4 – Gaps in data and knowledge

4.1	What are the main gaps in information and understanding of the impact of your proposal?		
	<p>When conducting your screening, you may have discovered gaps in data or knowledge that make it difficult to assess whether your proposal had a positive or negative impact on human rights/equalities.</p> <p>Please indicate actions you will take to resolve this gap.</p> <p>As your proposal progresses you may be able to resolve this knowledge gap –please indicate when it was resolved.</p>		
	Gaps in data or knowledge	Action to deal with this	Date resolved
	None		

Step 5 - Maximising positive impacts

5.1	What has been done to optimise opportunities to advance equality / human rights or foster good relations?		
	<p>Proportionate engagement has been undertaken with internal officers and external interested parties to ensure that the guidance complies with local and national policy and is fit for purpose.</p>		

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision.	
	Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column. There are four main options you can take:	
	No major change to the proposal	The HREAT demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality / human rights and foster good relations, subject to continuing monitor and review.
	Adjust the proposal	The HREAT identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
	Continue with the proposal (despite the potential for adverse impact)	You should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations
Stop and remove the proposal	If there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.	

	Option Selected	Conclusion / justifications
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	No major change to the proposal	The HREAT demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact. Any impact from the proposal will be positive.
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Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.			
	List below the actions or mitigations that have been identified and who will be responsible to carrying them out. Add as many lines as you need.			
	Impact / Issue	Actions to be taken	Person Responsible	Timescale
	N/A			

Step 8 - Monitor, review and improve

8.1	How will the impact of your proposal be monitored and improved upon going forward?		
	Consider how will you identify the impact of activities on protected characteristics, other marginalised groups and human rights going forward? How will any learning and enhancements be capitalised on and embedded?		
	The impact of the non-statutory guidance on protected characteristics, other marginalised groups and human rights will be monitored through periodic reviews and revisions to the individual guidance documents where there are changes in policy which may justify reassessment of the guidance.		

Appendix A

Equality, Diversity & Inclusion (EDI): Protected characteristics

Under the public sector duties introduced by the Equality Act 2010 public bodies must have due regard for the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act, such as the failure to make reasonable adjustments for disabled people
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

These duties relate to the nine protected characteristic groups defined by the Equality Act 2010 (outlined in the table below).

The Council recognises that a person's socio-economic background and whether they live in a rural or urban location can be important factors in determining fair access to services, employment and treatment. When carrying out analysis, you must also consider socio-economic issues and rural / urban location issues. In addition to the nine protected characteristic the HREAT includes the following equality groups:

- Carers
- Low income groups
- Veterans, armed forces community
- Experience of care/Other (other groups that are impacted)

Human rights differ from equalities in two main ways:

- First, human rights apply to everyone and not just groups with protected characteristics.
- Second, they allow for the balancing of rights, priorities, and risks. Many rights are not absolute and can be limited or qualified in particular circumstances.

The following guidance identifies which rights are most likely to be engaged by proposals in certain policy areas. This doesn't mean that you should not consider whether other rights might be engaged.

There are three types of human rights in the Human Rights Act:

Absolute rights: Cannot be breached in any circumstances e.g. right to life and to protection from torture and inhuman or degrading treatment.

Limited rights: can only be restricted in specific situations e.g. a person can be deprived of their liberty if they are convicted of an offence and imprisoned.

Qualified rights: human rights can be restricted if it is in the interests of the wider community or to protect other people's rights e.g. freedom of movement and assembly were restricted during the Covid-19 pandemic in the interests of public health.

As limited and qualified rights are not absolute, they sometimes have to be balanced in decision making. In Table 1, absolute rights are indicated with an *; limited rights with a **; and qualified rights with a ***.

Right	Description	Focus Area
Right to life	<p>Nobody, including the Government, can take someone's life away. Public authorities must take appropriate measures to safeguard life including by protecting people whose life might be in danger.</p> <p>Public authorities should also consider the right to life when making decisions that might endanger or affect life expectancy.</p> <p>When public officials may be involved in an instance when someone died, public authorities must investigate.</p>	<ul style="list-style-type: none"> • Benefits and money • Births, deaths and marriages • Children and families • Environment and animals • Health and social care • Housing • Planning and building • Waste and recycling
Right to liberty and security	<p>It focuses on protecting individuals' freedom from unreasonable detention, as opposed to protecting personal safety. However, there is case law from other jurisdictions where this right also covers personal safety in conditions other than detention.</p>	<ul style="list-style-type: none"> • Right to liberty and security

<p>Freedom from torture and inhuman or degrading treatment</p>	<p>Torture consists in causing very serious and cruel physical or mental pain or suffering.</p> <p>Inhuman treatment or punishment is treatment which causes intense physical or mental suffering. Degrading treatment means treatment that is extremely humiliating and undignified.</p> <p>Inhuman or degrading treatment could include:</p> <p>serious physical assault; very severe detention conditions or restraints; serious physical or psychological abuse in a health or care setting.</p>	<ul style="list-style-type: none"> • Children and families • Health and social care
<p>Right to marry and start a family</p>	<p>Right of men and women of marriageable age to marry and to start a family.</p>	<ul style="list-style-type: none"> • Births, deaths and marriages
<p>Prohibition of slavery and forced labour</p>	<p>Slavery is when someone owns someone else like a piece of property.</p> <p>Servitude is when someone provides services to a person for no reward and is unable to stop due to coercion.</p> <p>Forced or compulsory labour is when someone is forced to do work to which they have not agreed to, under the threat of punishment.</p>	<ul style="list-style-type: none"> • Children and families • Jobs, training and volunteering • People and communities
<p>Right to a fair trial</p>	<p>This right is triggered when someone is charged with a criminal offence and have to go to court, or</p> <p>a public authority is making a decision that has an impact on someone's civil rights or obligations.</p>	<ul style="list-style-type: none"> • Environment and animals • Health and social care • People and communities • Streets, roads and pavements
<p>No punishment without law</p>	<p>No one can be charged with a criminal offence for an action that was not a crime when it was committed.</p> <p>Public authorities must explain clearly what counts as a criminal offence so that people know when they are breaking the law.</p>	<ul style="list-style-type: none"> • Environment and animals • People and communities • Streets, roads and pavements

Right to property	<p>No public authority, without very good reason can take away one's property, which may include things like land, houses, objects, shares, licences, leases, patents, money, pensions and certain types of welfare benefits. This right applies to companies as well as individuals.</p>	<ul style="list-style-type: none"> • Benefits and money • Business • Council tax • Environment and animals • Housing • Planning and building • Travel and transport • Streets, roads & pavements • Waste and recycling
Right to private and family life, home and correspondence	<p>This includes one's right to determine their sexual orientation, lifestyle, and the way one looks and dresses. It also includes the right to control who sees and touches one's body. It further covers one's right to develop their personal identity and to forge friendships and other relationships, the right to participate in essential economic, social, cultural and leisure activities. In some circumstances, public authorities may need to facilitate the enjoyment of one's right to a private life, including their ability to participate in society.</p> <p>It also means that personal information about anyone (including official records, photographs, letters, diaries and medical records) should be kept securely and not shared without their permission, except in certain circumstances.</p>	<ul style="list-style-type: none"> • Benefits and money • Births, deaths and marriages • Children and families • Health and social care • Jobs, training and volunteering • Parking and permits • Planning and building • Schools and education • Sports and leisure
Right to free elections	<p>Public authorities must support the right to free expression by holding free elections at reasonable intervals. These elections must enable anyone to vote in secret.</p>	<ul style="list-style-type: none"> • Births, deaths and marriages • People and communities

<p>Freedom of thought, conscience and belief</p>	<p>This may include the right to change religion or beliefs, the right to put one's thoughts and beliefs into action, for example by exercising the right to wear religious clothing, the right to talk about one's own beliefs or take part in religious worship. Public authorities cannot stop anyone from practising their religion, without very good reason.</p> <p>This right protects a wide range of non-religious beliefs including atheism, agnosticism, veganism and pacifism.</p> <p>This includes the right to express views aloud (for example through public protest and demonstrations) or through published articles, books or leaflets, television or radio broadcasting, works of art, the internet and social media. It further protects the right to receive information from other people by, for example, being part of an audience or reading a magazine.</p>	<ul style="list-style-type: none"> • Business • Schools and education
<p>Freedom of expression</p>	<p>This includes the right to express views aloud (for example through public protest and demonstrations) or through published articles, books or leaflets, television or radio broadcasting, works of art, the internet and social media. It further protects the right to receive information from other people by, for example, being part of an audience or reading a magazine.</p>	<ul style="list-style-type: none"> • Business • Environment and animals • People and communities • Schools and education • Sports and leisure
<p>Freedom of assembly and association</p>	<p>This encompasses the right to form and be part of a trade union, a political party or any another association or voluntary group. Nobody has the right to force anyone to join a protest, trade union, political party or another association.</p>	<ul style="list-style-type: none"> • Environment and animals • Jobs, training and volunteering • People and communities • Travel and transport • Streets, roads and pavements

Right to education	<p>This right protects one’s right to an effective education within the UK's existing educational institutions. It relates to primary, secondary, and higher education. Parents have a right to ensure that their religious and philosophical beliefs are respected during their children’s education.</p>	<ul style="list-style-type: none"> • Children and families • Environment and animals • Jobs, training and volunteering • People and communities • Schools and education • Sports and leisure
Right to housing	<p>Adequate housing must provide more than four walls and a roof. For housing to be adequate, it must, at a minimum, meet the following criteria:</p> <p>Security of tenure, that is legal protection against forced evictions, harassment and other threats; availability of services, materials, facilities and infrastructure; affordability, which means that housing is not adequate if its cost threatens or compromises the occupants’ enjoyment of other human rights; Habitability, which relates to physical safety or adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards; accessibility, in that it must accommodate the specific needs of disadvantaged and marginalised groups; location, which means that it must not be cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or it must not be located in polluted or dangerous areas; cultural adequacy, which means that it must respect and take into account the expression of cultural identity.</p>	<ul style="list-style-type: none"> • Benefits and money • Housing • People and communities • Planning and building • Waste and recycling