

BEWNANS KERNOW

**PRELIMINARY REPORT
ON THE
CORNWALL COUNCIL
CORE STRATEGY
PREFERRED APPROACH
EQUALITY IMPACT
ASSESSMENT**

23/2/2012



BEWNANS KERNOW

The Partnership of 65 Cornish Cultural Organisations

Message from the Grand Bard and Deputy Grand Bard

Re: Preliminary Report on the Cornwall Council Core Strategy Preferred Approach Equality Impact Assessment in Respect of the Cornish

Gorsedh Kernow is an organisation concerned with the historical and cultural continuity of Cornwall and its people. We have been pleased with the public way in which Cornwall Council has supported many of these issues in recent times and in particular with the attitude taken in respect to matters of equality.

Both myself as Grand Bard of Gorsedh Kernow and the Deputy Grand Bard support this Report and commend its Recommendations to Cornwall Council and hope they will be given the consideration they deserve.

**Skogynn Pryv, Bardh Meur Gorsedh Kernow.
Mick Paynter, Grand Bard Cornish Gorsedd.**

**Steren Mor, Kannas Bardh Meur, Gorsedh Kernow.
Maureen Fuller, Deputy Grand Bard.**

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1. Summary

Cornwall Council's Core Strategy will establish the context for growth and development within Cornwall over the next 20 years and will be the framework for all subsequent development plans. Preparing a Core Strategy involves distinct stages, processes and elements, and the final document will be signed off by Cornwall Council Cabinet in October 2012. The Council has a statutory obligation to produce a Core Strategy, as well as statutory obligations to ensure all the elements of the Core Strategy process meet, if not exceed, government requirements. The Council summarises this as follows: "Central to the preparation of these documents is the evidence we've developed and gathered which underpins the generation and testing of options. Establishing an appropriate evidence base is key to developing a justifiable plan." [1]

One of the fields that need to be taken into account in producing a Core Strategy is equalities. Under the new equality duty, the Council must publish evidence of the analysis that they undertook to establish whether their policies or practices would further or would have furthered the aims of the duty, details of the information that they considered and details of engagement undertaken when doing the analysis. In order to do this, Cornwall Council has published an Equality Impact Assessment (EqIA) (Appendix 1). One of the groups it has included within the EqIA is the impact the Core Strategy will have on 'ethnic minorities (including Cornish)'.

The following report shows why Cornwall Council's EqIA does not justifiably evidence the potential negative impacts on the Cornish. We are subsequently not persuaded Cornwall Council's Core Strategy Preferred Approach Equality Impact Assessment would withstand scrutiny against the backcloth of the Equality Bill and have provided a number of recommendations, including adjusting the Core Strategy so that negative impacts on the Cornish are removed or that mitigation strategies are incorporated, and developing better methods of consultation.

2. Introduction

Cornwall is known to be a special place, and it is special for many reasons. However, it is unique for one key reason, and this is because it is the traditional homeland of the indigenous Cornish people.

Cornwall Council is in the process of developing an over-arching Core Strategy [1], to outline the context and policies for change in Cornwall over the next twenty years. The Core Strategy, when adopted, will be the lead Development Plan Document for Cornwall and will provide the central spatial vision, objectives and key policies for development in Cornwall. The element of the Core Strategy Preferred Approach which is given the strongest and most detailed focus is the number of houses to be built. Within the draft Core Strategy, this number is specified as follows: "We propose to plan for a minimum 20 year target of 48,000 houses".

3. Context

3.1. Recent Changes in Population

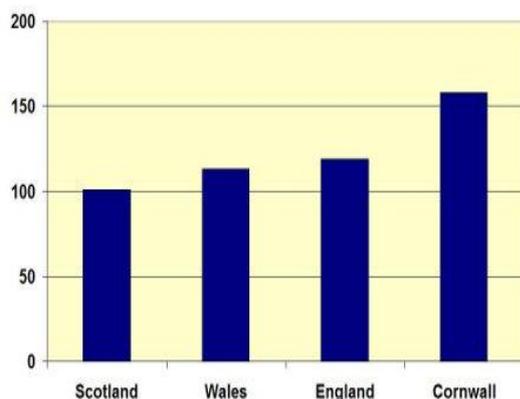
3.1.1. Population growth over last 50 years (1961-2011).

Cornwall's population has grown by over 197,000 over the last 50 years (1961-2011), as shown in the following diagram:

Year	Population of Cornwall	Change
1961	342,300	
1971	381,700	+39,400
1981	418,600	+36,900
1991	461,800	+43,200
2001	501,300	+39,500
2011	539,900	+38,600
2021	590,800	+50,900
2031	637,400	+46,600

3.1.2. Population growth in Cornwall compared to elsewhere in the UK

The population growth of the different countries of Great Britain since 1961.



Population 2010 (1961=100)

The growth in population of Cornwall, as a result of migration from England is:

- more than three times that of England,
- over four times that of Wales and
- 73 times faster than Scotland.

There are 46 (1973 base) counties in England. Cornwall has grown faster than 40 of these, including all the counties in south west England (Cornwall 58%, Devon 37% for example).

“Since 1961 the number of people living in Cornwall has risen at a rate that is much faster than that of the UK, and faster than most equivalent areas outside parts of south east England and Cambridgeshire. All of this rise is explained by movement to Cornwall from other regions of the UK and two thirds of migrants come to Cornwall from south east England.” [2]

In each of the last two 20-year periods (the period of the Core Strategy) the population increase has been just under 80,000.

3.1.3. Projected Population Growth

A number of projections in population growth in Cornwall from the current 539,000 show an increase of between 500,000 and 724,000 extra residents within a century if the Core Strategy is applied .

- At the absolute growth rates of the past 40 years the population of Cornwall will be 939,900 by 2111.
- An assumption of population growth using the ONS (Office for National Statistics) predicted absolute 20 year growth figure for each succeeding 20 year period in the next century shows a rise to 1,024,000.
- 97,500 extra people that the ONS predicts for the next 20 years will require around 42,000 houses . However, the Council proposal for a minimum 48,000 housing target is equal to a 111,000 population growth which implies the Council is planning for at least 1,049,900 people by 2111.
- Taking the average 18.65% growth rate of the three 20 year periods between 1971 and 2031 and extrapolating that forward, the population of Cornwall becomes 1,263,000 by 2111.

3.2. The Cornish in the Context of Population Growth

3.2.1. The Effect of Past and Future Rises in Cornwall's Population

The result of this rise in population due to in-migration is that over the last fifty years the Cornish have gone from a majority in their homeland to a minority. In 1960, the population of Cornwall was 340,000 with approximately 75% of the population being of Cornish origin. Since then, the number of people in Cornwall of Cornish origin has declined from approximately quarter of a million to around 180,000. In percentage terms, this means that the percentage of people who are Cornish within Cornwall has, over the last 50 years, fallen from around three quarters in 1960 to approximately one-third today. This has to be put in the context of Cornwall being the sole territory, anywhere, in which the Cornish are a distinctive and identifiable population.

3.2.2. Disadvantages to the Cornish of becoming a small minority in their homeland.

Social, cultural, political and economic marginalisation.

As the majority population increases in size as a result of in-migration, the chances are that the Cornish will be increasingly marginalised. Incrementally, this is likely to have a knock on effect on the ability to access resources and opportunities. Marginalisation may be experienced in several spheres, and dispossessed groups are often marginal not only in terms of geography but also in social, political and economic terms. 'Those in control at the centre often will use economic inducements to encourage the marginal person to move away, assimilate and thus lose their identity.'[3]

Disenfranchisement

If, as is planned in the Core Strategy, there is a continuing and growing influx of people from outside Cornwall, the diminishing proportion of the population who are Cornish will have a pro rata diminishing influence on the democratic process within Cornwall.

Dispossession

Territorial dispossession, of personal property and also of a traditional environment as a result of dismissal, removal or derision of context and customs by people and institutions who choose to not inform themselves or to consider indigenous feelings or reactions before taking actions. Examples of previous practice include denying resources to traditional feasts and happenings, and imposing a cosmopolitan dismissal of ethics and customs by *force majeure* – 'there's more of us than of you'.

Assimilation

Assimilation takes place when a minority is not able to resist the removal of its distinctive traits, and eventually gives up all aspects of its special identity.

Beliefs, feelings, emotional connection

What and how people feel is one of the most important things about culture and identity, and many of the Cornish, who have a proud and passionate connection to Cornwall feel a sense today of being 'wiped out'. This is reflected in the reality of a diminishing ratio of Cornish people to other people in Cornwall.

Regression of culture

Today, because of a high degree of voluntary input, Cornish culture is developing. In-migrants to Cornwall often go through an 'induction process' in which time and effort is invested in them, in different ways, in order to assist their acclimatisation to the different environment of Cornwall. With a smaller population of people who are Cornish by origin, as planned by the Core Strategy, this process will be less effective, will draw very considerably on the resources of the individuals who give this assistance, and is less likely to result in the continuing development of Cornish culture. This will impact negatively on community cohesion and economic factors alone, as well as encouraging the decline of a culture that is comfortable for Cornish people.

The following quotes are taken from a PhD thesis [3] and illustrate fears, tensions and a sense of anxiety amongst Cornish people as a result of an unstable environment.

Joy: (Writer from Truro) The Cornish feel that they have their own identity, i.e. they are Cornish. They are not English they are Cornish. They feel ...that they are Celts and that they are a race that has inhabited this island before the Anglo Saxons and they're proud of it.

Mr. J: (Retired from Golant. Cornish Bard)

Down here you do notice this difference. They [the English] are not Cornish when they come from up country. Down here it is a noticeable thing that incomers are different.

Mr. D: (Unemployed from Liskeard) I've been to Ireland and Wales and I see the links, the cultural, political and historical links and the history of the last 1500 years is one of increasing centralism within an English dominated state. I'm not keen that that situation should continue. What I am keen on is that we should get out from under this centralist English dominated state.

Mrs. P. (Housewife, Redruth) We just see it that they're bound to label it English Heritage but we know it's Cornish. I think we just sit back and let them stick a label on but we know its Cornish.

Steve: (Student from Lostwithiel)

The Cornish never has access to the media, at least the local media. Its always been in the hands of the pro-establishment unionist types and its always been suppressed.

Joy: (Writer from Truro)

...but the English have come down here and tried to make Cornwall English. All the carry on about Cornwall attached to England, nobody can deny that but what people must understand is that these people down here have an identity of their own and its very dear to them.

Lyndsey: (Masters student and single parent from Truro)

I never feel English. I'm not English. I can't feel English. Seriously. I know that English symbolism is completely bombarding me the whole time when I turn on the television and what have you, but I cannot feel English, I'm not English. I'd have to go back to Anglo Saxon having to grow up in England and I'm not.

3.3. Legislation and Policy

3.3.1. The Legislative and Policy Framework for the Cornish

3.3.1.a. Equality Act 2010 [4]

The public sector Equality Duty, at section 149 of the Equality Act, requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

The Cornish, as a traditional, indigenous British minority and a distinct ethnic group, have the protected characteristic of "Race", specifically because of their "ethnic and national origins".

3.3.1.b. The Framework Convention for the Protection of National Minorities [5]

The Framework Convention for the Protection of National Minorities (FCNM) is a Council of Europe Treaty drawn up to protect national minorities. It was ratified by the UK in 1998. The Leader of Cornwall County Council endorsed the FCNM with regard to the Cornish in 2007 and in 2011 full cross party support was given with the publication of the Cornish National Minority Report 2, signed and endorsed by the then leaders of every political grouping on the Council. The FCNM is recognised by Cornwall Council as an instrument which applies to the Cornish and the Council's Equality Strategy includes a strong commitment regarding the Cornish under the auspices of the Convention.

Article 16 of the Framework Convention most particularly applies in the case of the Core Strategy:

FCNM Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

3.3.1.c. Cornwall Council Corporate Equality and Diversity Framework [6]

Cornwall Council Corporate Equality and Diversity Framework was endorsed and adopted by the Cornwall Council cabinet in April 2010.

It states:

'The Corporate Equality and Diversity Framework sets out Cornwall Council's commitment to promote equality of opportunity, value diversity and tackle social exclusion. In delivering against this framework our aim is to ensure that we protect and promote our Cornish heritage and culture.'

'The Corporate Equality and Diversity framework sets out how Cornwall Council's will deliver against our statutory Public Sector Equality Duties and how we intend to make progress against the EFLG. More importantly however, it sets out how Cornwall Council will embed our approach to Equality and Diversity across the Council.'

'A strategic and coordinated approach to Equality and Diversity will ensure that the council is legally compliant with current equality legislation and that the organisation is a fair and equal one to work for, be a partner of, stakeholder and customer of.'

For the Framework to be successful and deliver the improvements to access and service delivery that are necessary, we need to know about the community we serve. We are continuing to work on collecting information, intelligence and knowledge about Cornwall and its population so that we better understand our local area, its heritage and the issues arising from it.

In developing the framework and the approach, it is essential that the Council is sensitive to the unique heritage and culture of Cornwall and to those people in our Community who describe their origin as Cornish. In practice this will include:

- Supporting the continued use and promotion of the Cornish Language
- Ensuring that we include Cornish in any monitoring and analysis of our population
- Making sure we actively support and develop Cornish heritage and culture
- Being sensitive to the impact of the above in any strategies, policies, functions and services we develop and implement'

'The Framework also puts into place a robust commitment for using Equality Impact Assessments as a service improvement tool and improving community engagement.

For the first time with the Framework we are able to build on our current understanding of our community and taking very seriously this Council's commitment to both Cornish language and collecting data for ethnic monitoring purposes:

The Equality and Diversity Framework is an evolving document and will be updated regularly. Initial consultation has taken place but further consultation will take place with a range of other groups over the coming months. In particular this will include community based groups such as Bewnans Kernow, Diversity Network for Cornwall and Disability Cornwall.'

Please see the Appendix for further Equality instruments applying to the Cornish.

3.3.2. Cornwall Council and Equality

3.3.2.a The Equality Act 2010 and the General Duty

'The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.'

'The Equality Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.'

“Having due regard to the aims of the general equality duty is about using good equality information and analysis, at the right time, as part and parcel of your decision-making processes.”

'Be wary of making overly general conclusions in your findings – you may not be able to demonstrate compliance with the general equality duty if you simply conclude that a policy will universally benefit all service users, without any evidence to support that conclusion.'

'Case law has established the following principles which public authorities should take into account in their decision-making:

- Parliament has identified furthering the aims of the general equality duty as a 'need', so the weight given to equality matters in decision-making should therefore reflect this importance.
- Where large numbers of vulnerable people who share a protected characteristic are affected, the weight given to the aims of the general equality duty must be very high.
- However, the weight given does not depend solely on the numbers affected. Sometimes, even when the number of people affected is small, the weight given to equality considerations remains high due to the significance and/or seriousness of impact on individuals.' [7]

3.3.2.b Cornwall Council Core Strategy Preferred Approach Equality Impact Assessment [8] (Appendix 1)

Cornwall Council has prepared an Equality Impact Assessment as 'part of the evidence base for the Preferred Approach for a Core Strategy.'

An Equality Impact Assessment (EqIA) is an analysis of a policy, services or function to assess the implications of public sector decisions on the whole community. The EqIA helps:

- eliminate discrimination
- tackle inequality
- develop a better understanding of the community
- target resources effectively.
- adhere to the transparency and accountability element of the Public Sector Equality Duty.

The Equality Impact Assessment states:

'the Core Strategy should provide positive planning policy for everyone in Cornwall. It will not discriminate or negatively affect people' on the basis of the full range of nine protected characteristics, plus rurality:

In addition, the Preferred Approach Core Strategy EqIA says it has:

'identified that the Core Strategy should provide positive impacts for a range of groups' including 'Ethnic groups (including Cornish)'.

An Equality Impact Assessment will be made at each iteration of the Core Strategy. This iteration of the EqIA has 'identified the following positive and negative impacts on the groups identified above' which - in relation to 'Ethnic groups (including Cornish)' - as being 'Policy OP2 Viable Places will have a positive impact on provision of community facilities.'

Policy OP2 Viable Places

The Viable Places section states 'We want to reduce deprivation and maintain and enhance the role, function and sustainability of our towns and villages by ensuring high quality development that':

- provides measures to improve centres
- reflects local retail capacity
- safeguards or improves access to community, social, health, education, cultural and recreation facilities; and green infrastructure
- allows for a shared role between a number of centres as clusters for service provision
- encourages the co-location of facilities and services
- provides necessary social and infrastructure needs arising from the proposal;
- meets needs in villages and smaller rural settlements and allows for local communities to adopt higher levels of growth that address issues of rural isolation and developing sustainable rural communities; and/or
- in the case of proposals for isolated dwellings, this is justified by exceptional circumstance.

The EqIA lists other listed groups besides Ethnic groups (including Cornish) who will experience 'positive impact' through the OP2 Viable Places policy:

Students
Unemployed
People in economic and social deprivation
Rurally isolated
Religious groups
People with long-term health conditions
Substance misusers
People in need of refuge/support centres

Sections 5-8 of the EqIA detail and inform on evidence, engagement, vulnerability, mitigation, monitoring and Cornwall Council's Statement of Community Involvement.

3.3.2.c Cornwall Council's Statement of Community Involvement (December 2011) [9]

The following extracts illustrate the scope and functions of Cornwall Council's Statement of Community Involvement:

'The Planning and Compulsory Purchase Act 2004 requires the local planning authority to prepare a 'Statement of Community Involvement' (SCI). The SCI details the parties to be consulted, and the manner of consultation, both during the process of determining planning applications, and in formulating Development Plans.'

'This document has been prepared as part of the Local Development Framework for Cornwall Council. The document highlights the important role that communities and other organisations can play in influencing new plans, policies and planning applications in Cornwall.'

'The Planning System

The Local Development Frameworks system is based around three key themes:

- Sustainable development (meeting present needs and allowing for future needs);
- A 'spatial' planning approach (deals with the use of land and the activities on it);
- Community involvement in planning.'

'The Development Plan Documents (DPD) will be considered sound if its policies and proposals are:

- able to stand the test of time and are based on sound evidence,
- and are realistic and able to be delivered.'

'General Consultation Bodies

- Voluntary bodies some or all whose activities benefit any part of the authority's area;
- Bodies which represent the interests of different racial, ethnic or national groups in the authority's area;
- Bodies which represent the interests of different religious groups in the authority's area;
- Bodies which represent the interests of disabled persons in the authority's area;
- Bodies which represent the interests of persons carrying on business in the authority's area.'

3.3. 2.d Consultation of Cornish Representatives

No large, representative Cornish organisation has been consulted on the potential impacts of the Core Strategy Preferred Approach and there is no evidence that any Cornish organisation or individuals have been consulted in order that the Council may collect information specifically on issues connected to Cornish ethnicity, identity, well-being, representation and on the sustainability of the section of the population within Cornwall which is Cornish.

4. Analysis

Analysis shows that the Cornwall Council Core Strategy Preferred Approach Equality Impact Assessment is in need of extensive revision for a number of reasons. It is accepted that measures within OP2 Viable Places can operate at local levels to improve residents' quality of life but the Core Strategy is a strategic document, its impacts will operate at a strategic level, and negative impacts on the Cornish, especially those relating to the ethnic balance within Cornwall will need to be addressed primarily at that, as well as on other levels.

No thought has been given as to whether the Cornish will be disproportionately affected by the housebuilding programme, with a minimum of 48,000 new homes, proposed by the Core Strategy and the completed Equality Impact Assessment has not taken on discrimination issues against the Cornish properly, particularly in regard to a change in the ratio of Cornish:non-Cornish residents.

Additionally, consultation of representative Cornish organisations has not only been inadequate but non-existent. There is a duty if a promise has been made to consult, and in particular respect to this the Cornwall Council Corporate Equality and Diversity Framework Cabinet Resolution [5] which 'sets out how Cornwall Council will embed our approach to Equality and Diversity' specifies 'further consultation will take place with a range of other groups over the coming months. In particular this will include community based groups such as Bewnans Kernow*,...'

*mis-spelt in the document as *Bernows Kernow*

Recent case law has established the following:

- a public body may only depart from the statutory code for reasons that are clear and cogent – R (Munjaz) v Mersey Plan NHS Trust [2006] 2 AC 148;

- the impact assessment should form part of the development of a policy not a justification for its adoption – R (BAPI and Another) v Secretary of State for the Home Department and the Secretary of State for Health [2007] EWCA Civ 1139;
- the impact assessment must be undertaken as a matter of substance, the process of assessment is not satisfied by ticking boxes – R (Baker and Others) v Secretary of State and the London Borough of Bromley [2008] EWCA 141.

Cornwall Council would appear to merely have paid lip service to the exercise of carrying out this Equality Impact Assessment. EqIAs must be carried out as part of the process of formulating policies, rather than as an aside, or an after-thought, or simply seen as a process that involves ticking boxes. There are many good examples of EqIAs which use a wide range of information drawn from the public, private and voluntary sectors and individuals.

The Framework Convention for the Protection of National Minorities which is recognised by Cornwall Council as an instrument which applies to the Cornish, and endorsed by all political parties in respect of the Cornish specifically includes that 'The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities.' (Article 16). This clearly and concisely describes the measures Cornwall Council will embark upon if the Preferred Approach is not revised and the number of new houses reduced from 48,000. There is at present a contradiction between Cornwall Council signing up to the National Minority Report and the implications of the Core Strategy which needs to be resolved by strategic thinking and planning that aligns a Core Strategy for Cornwall with, and at the same time, the protective measures of the FCNM.

The Cornish as a group have - as expressed in the title of the PhD thesis referenced - 'a passion to exist'. Cornwall Council in preparing a strategy that ignores this desire should be aware that the other indigenous groups within Britain (Scots, Welsh, Manx, Channel Islanders, Irish in Northern Ireland) all live within the jurisdictions of devolved governments. This being said, the Cornish are not less 'valid' than the other groups and Cornwall Council must provide, through its Core Strategy process, for a sustainable future for the Cornish and not plan to alter the balance of the population by reducing the percentage of residents in Cornwall who are Cornish in a way that would discriminate against, and disadvantage the Cornish as a people.

5. Findings

1. Cornwall is the traditional homeland of the Cornish, and the Cornish do not exist as an identifiable and coherent group anywhere else in the world. The Cornish now form a very large minority in Cornwall, having previously been a majority. None of the English counties have a similar situation with regard to a minority. There does not seem to be an acceptance by Cornwall Council that, within the administrative context of England, that Cornwall has a unique demographic environment which entails a special care and responsibility for maintaining the homeland of this ethnic group in a sustainable fashion.

2. The Cornwall Council Core Strategy Preferred Approach which plans for a minimum of 48,000 new houses will facilitate in-migration, and will accommodate people moving into Cornwall. It is estimated that 80% of the new houses will be taken by those moving to Cornwall from outside.
3. In-migration to Cornwall has had a strongly adverse influence on the ability of the indigenous Cornish people to maintain a sustained and sustainable population.
4. Further in-migration to Cornwall in commensurate or increased numbers, in comparison to the last 50 years, will increasingly marginalise the Cornish within Cornwall. Marginalisation will affect the political, social, cultural and economic spheres, and will increasingly limit the ability of a diminishing indigenous population to influence these spheres.
5. Cornish culture and Cornish distinctiveness powerfully strengthen community cohesion and are key economic drivers in Cornwall.
6. The Cornish are supported by an established legislative and policy framework (Appendix 2). Under the Equality Act 2010, the Cornish, as a traditional, indigenous British minority and a distinct ethnic group, have the protected characteristic of "Race", specifically because of their "ethnic and national origins".
7. Cornwall Council has a requirement to assess the positive and negative impacts on equality of its Core Strategy Preferred Approach. An Equality Impact Assessment on the Core Strategy Preferred Approach has been produced.
8. Government advice, and research, indicate that excellent councils are consistently found to have a robust and effective approach to EqIAs. The Cornwall Council Corporate Equality and Diversity Framework [5] 'also puts into place a robust commitment for using Equality Impact Assessments as a service improvement tool and improving community engagement.' 'Robust' practice is not evident in the Core Strategy Preferred Approach EqIA.
9. No consultation of Cornish organisations or representatives was made during the production of the Core Strategy Preferred Approach EqIA.
10. No strategic mitigation measures to offset potentially very considerable negative impacts on the Cornish resulting from the Core Strategy Preferred Approach have been included. No specific mitigation measures to address aspects affecting the indigenous Cornish population have been included.
11. The Alternative Options paper recorded no consideration of impacts on the Cornish.
12. Having analysed Cornwall Council's Core Strategy Preferred Approach Equality Impact Assessment we are not persuaded that it would withstand scrutiny against the backcloth of the Equality Bill.

6. Recommendations

1. The Core Strategy Preferred Approach Equality Impact Assessment should be withdrawn and revised by incorporating the issues detailed in this Report and accompanied by effective mitigation measures.
2. It is recommended that, given its context – the homeland of a unique ethnic group and with a recent history of very rapid relative growth in overall population and housing stock – that Cornwall is treated as a special case.
3. It is recommended that the Core Strategy Preferred Approach is revised to reduce the degree to which in-migration is facilitated in order to maintain the current balance in the population in Cornwall between those who are Cornish and those who are not. Analysts and academics advise the Preferred Approach designation of a minimum of 48,000 new houses should be reduced to 12,000 as a number that is more appropriate to the needs of Cornwall's residents, and one that would create more sustainable growth, including of the indigenous Cornish population, and this Report endorses that.
4. It is advised that Cornwall Council gains a much more comprehensive understanding of the Cornish population. This should be developed as a result of a wide range of interactions and data gathering practices combined with effective analysis and benchmarking against other minorities.
5. It is recommended that a range of strategies, policies and mitigation measures which operate on a number of levels including the strategic level are developed and used to offset potential adverse impacts to the Cornish.
6. Representative Cornish organisations should be included at all times in Cornwall Council consultations, as a matter of course.

7. References

[1] Cornwall Council Core Strategy Preferred Approach
<http://www.cornwall.gov.uk/default.aspx?page=22887>
<http://consult.cornwall.gov.uk/portal/>

[2] Population Change in Cornwall Since 1801
http://www.exeter.ac.uk/cornwall/academic_departments/huss/ics/documents/PopulationchangeinCornwallsince1801.pdf

[3] A Passion to Exist: *Cultural Entrepreneurship and the search for authenticity in Cornwall*
Dr Robert Burton PhD Thesis, Sociology, University of Exeter

[4] Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

[5] Council of Europe Framework Convention for the protection of National Minorities
http://www.coe.int/t/dghl/monitoring/minorities/default_en.asp

[6] Cornwall Council Cabinet Resolution: Corporate Equality and Diversity Framework
[http://democracy.cornwall.gov.uk/Published/C00000577/M00001810/AI00015922/\\$endversion11.docA.ps.pdf](http://democracy.cornwall.gov.uk/Published/C00000577/M00001810/AI00015922/$endversion11.docA.ps.pdf)

[7] Meeting the Equality Duty in Policy and Decision-making
Equality and Human Rights Commission
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/news-and-updates-on-the-equality-duty/>

[8] Cornwall Council Core Strategy Preferred Approach Equality Impact Assessment
<http://www.cornwall.gov.uk/default.aspx?page=22887>

[9] Cornwall Council Statement of Community Involvement
<http://www.cornwall.gov.uk/default.aspx?page=30215>

Appendix 1

Cornwall Council Core Strategy Preferred Approach Equality Impact Assessment

Directorate:	Environment, Planning & Economy
Service:	Planning & Regeneration
Name of Officer/s completing assessment:	Rachel Bray / Steve Havers
Date of Assessment:	8th November 2011
Name of service/function or policy being assessed:	Preferred Approach Core Strategy
1	<p>1. What are the aims, objectives, outcomes, purpose of the policy, service change, function that you are assessing?</p> <p>The Core Strategy, when adopted, will be the lead Development Plan Document for Cornwall. The production of the Core Strategy is a statutory requirement.</p> <p>This stage (the Preferred Approach) is a draft for consultation only.</p> <p>The results of this consultation will help to form the next stage of the Strategy. The final draft will be consulted on again and then tested at an Independent Examination in Public (EiP).</p>
2	<p>Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, service, and department including any external partners.</p> <p>Development of the Core Strategy and its implementation is a statutory function of the Council. The Strategic Policy Team of the Planning and Regeneration Service is responsible for this.</p> <p>The policy development work requires consultation with public and stakeholders as set out in the adopted Cornwall Local Development Scheme (LDS) and the Statement of Community Involvement (SCI).</p>
3	<p>Who will be affected by this proposal? For example who are the external/ internal customers, communities, partners, stakeholders, the workforce etc.</p> <p>The final Core Strategy will be a Development Plan for the whole of Cornwall. Therefore it will affect all individuals and communities, the customers, communities, partners, stakeholders, the workforce etc. Town & Parish Councils, community groups, voluntary groups, developers, landowners, statutory bodies, environmental organisations, businesses and trade associations.</p> <p>The Core Strategy should provide positive planning policy for everyone in Cornwall. It will not discriminate or</p>

	<p>negatively affect people on the basis of someone's:</p> <p>Age Disability Gender Reassignment Status Marital or Civil Partnership Status Pregnancy and Maternity Status Race Religion or Belief Sex Sexual Orientation Economic or Social Background Rurality</p> <p>In addition, we have identified that the Core Strategy should provide positive impacts for the following groups:</p> <ul style="list-style-type: none"> • Disabled people • Older People • Students • People in Fuel Poverty • Young people leaving the care system • Unemployed • People in economic and social deprivation • Rurally isolated • Those in need of affordable housing • Religious groups • Ethnic groups (including Cornish) • Gypsies & Travellers • Travelling Showpeople • Migrant workers • People with long-term health conditions • Substance misusers • People in need of refuge 			
<p>4 What are the likely positive or negative impacts for the group/s identified in (3) above? What particular groups are affected more than others and why?</p>	<p>Consultation on this emerging policy framework shouldn't impact on any particular group. The final document will, when adopted, provide policy to deliver positive economic social and environmental benefits in Cornwall.</p> <p>A Sustainability Appraisal, including consideration of social, economic and environmental factors, is required of each iteration of the framework.</p> <p>Likewise an Equality Impact Assessment will be made at each iteration. This iteration of the EqIA has identified the following positive and negative impacts on the groups identified above:-</p> <table border="1" data-bbox="719 1951 1465 2011"> <thead> <tr> <th data-bbox="719 1951 914 2011">Group</th> <th data-bbox="914 1951 1161 2011">Positive impact</th> <th data-bbox="1161 1951 1465 2011">Negative impact</th> </tr> </thead> </table>	Group	Positive impact	Negative impact
Group	Positive impact	Negative impact		

	Disabled people	Policy OP3 provides housing for All. 'Building for Life' design standards.	Para.36 of the text could include specific reference to disabled people.
	Older People	Specifically referenced in Policy OP3 Housing. Also OP5 High Quality Development should have a positive impact on site layout, design and safety standards.	
	Students	Specifically referenced in Policy OP3 Housing. Also positive impacts in OP2 Viable Places and OP8 Accessibility.	
	People in Fuel Poverty	Will be specifically addressed through the Energy policies developed.	
	Young people leaving the care system		Move on requirements should be specifically referenced in the text.
	Unemployed	Policy OP2 Viable Places and OP4 Jobs & Skills will have a positive impact.	

	<p>People in economic and social deprivation</p>	<p>Policy OP2 Viable Places will have a positive impact.</p> <p>Service provision and access should be enhanced.</p>	<p>Need to revisit the evidence for deprivation (IMD 2010) and highlight most deprived within the document</p>
	<p>Rurally isolated</p>	<p>The Core Strategy is taking the ‘dispersed’ approach which seeks to make rural villages more self-contained and sustainable.</p> <p>Policies OP2 Viable Places and OP8 Accessibility will also have a positive impact.</p> <p>Service provision and access should be enhanced. Also OP4 Jobs and Skills should enable rural work space to be provided.</p>	<p>Need to revisit the localities for inclusion of Indices of Multiple Deprivation (IMD).</p>
	<p>Those in need of affordable housing</p>	<p>Criteria based policy to be developed which includes targets and thresholds for affordable housing delivery.</p>	<p>Sites won’t be allocated, so there could be problems with deliverability. Also reduced viability in current economic climate will reduce numbers delivered.</p>
	<p>Religious groups</p>	<p>Policy OP2 Viable Places will have a</p>	<p>In OP2 specifically include reference to Places of Worship as</p>

	positive impact on provision of community facilities.	a type of community facility / building. Also include within OP2 a reference to religion/belief and explain what is meant by this/these terms.
Ethnic groups (including Cornish)	Policy OP2 Viable Places will have a positive impact on provision of community facilities.	
Gypsies & Travellers	Highlighted need for both permanent and transit sites. Criteria based policy to be developed. Specifically referenced in Policy OP3 Housing Sites won't be allocated, so there could be problems with deliverability.	Sites won't be allocated, so there could be problems with deliverability.
Travelling Showpeople	Specifically referenced in Policy OP3 Housing. Criteria based policy to be developed.	Sites won't be allocated, so there could be problems with deliverability.
Migrant workers	Specifically referenced in Policy OP3 Housing. Criteria based policy to be developed.	
People with long-term	Policies OP2 Viable Places	

	health conditions	and OP8 Accessibility will have a positive impact on service provision.	
	Substance misusers	Policies OP2 Viable Places and OP8 Accessibility will have a positive impact on service provision.	
	People in need of refuge/ support centres	Policies OP2 Viable Places and OP3 Housing will have a positive impact.	
	Health & Wellbeing; Accessibility		Look at whether there is a need to include reference/ evidence for prison accommodation/ young offenders institute within Cornwall
			Policy approach of OP3 Housing is to be inclusive, providing housing for all (which includes affordable housing). However there may be more specific groups which need to be specifically referenced within the policy.
5	Have the impacts identified in (4) above been assessed using up to date and reliable evidence and data? Do you need to engage or consult with any identified group/s? If in doubt ask the	The impacts have been assessed using a wide evidence base which includes:- evidence in 'Understanding Cornwall'; Population and Household Projections; migration trends; Strategic Housing Market Assessments; Indices of Deprivation 2010; Census data;	

	<p>Community Intelligence Team for guidance.</p>	<p>Gypsy & Traveller Accommodation Assessment; Employment Land Review; Retail Study; Smaller Settlements Study; Community Safety Strategic Assessment and schedules arising from the Infrastructure Delivery Plan.</p> <p>The Council's statutory Statement of Community Involvement outlines the expected standard of community engagement and consultation with all relevant groups.</p>
<p>6</p>	<p>Are any of these identified groups considered to be vulnerable? If so have you consulted with or plan to consult with any relevant representative organisation. For example if the impact is likely to affect people with a disability have you consulted with Disability Cornwall?</p> <p>If staff are affected have the unions or staff forums been involved?</p>	<p>The Statement of Community Involvement outlines the expected standard of community engagement and consultation with all relevant groups. In addition we have a Core Strategy Engagement Plan which shows who we will consult with and which methods are to be used at each stage of the Core Strategy's development. This ensures that the most appropriate techniques are used; although we have to be mindful of cost and resourcing issues.</p> <p>We also seek advice at each consultation stage from the Planning Advisory Service who give us expert guidance on how best to engage with vulnerable groups.</p> <p>We also have all our consultation documents Plain English checked prior to publication. We also offer a translation service, Audio and Braille copies and large print versions.</p> <p>We also hold our own consultation database which contains the contact details for over 500 consultees which includes all the statutory stakeholders as well as specific interest groups and individuals. This is kept up-to-date and everyone on the database is contacted at each round of consultation.</p>
<p>7</p>	<p>What plans do you have in place, or are developing, that will mitigate the likely identified negative impacts? For example what plans, if any, will be put in place to reduce the impact?</p>	<p>The Core Strategy is a strategic overarching policy document. Many aspects of the Strategy will be implemented by further more detailed strategies, or through other teams within the Planning & Regeneration Service and other Cornwall Council departments.</p> <p>Some of these include:-</p> <p>Gypsy & Traveller Strategy - which will provide more detail and aid with delivery;</p> <p>Gypsy & Traveller Working Group – who will aid delivery;</p>

		<p>Affordable Housing Teams – who will aid delivery;</p> <p>Member involvement and training - to educate about planning policies & procedures and local requirements;</p> <p>Development Management and Delivery Teams – who will use the policies within the Core Strategy to help identify sites and assess planning applications;</p> <p>Neighbourhood Plans – which will give local detail to the overarching policies within the Core Strategy.</p> <p>Negative issues identified above relating to the document text will be rectified before consultation.</p>
8	<p>Do you have plans in place to monitor the impact of the proposals once they have been implemented?</p>	<p>The full impact of the decision may only be known after the proposals have been implemented.</p> <p>There is currently a statutory duty to monitor development plans on an annual basis – in the Annual Monitoring Report (AMR). The AMR monitors whether policies achieve their aims and whether there are any unintentional consequences. The Core Strategy should then be updated on a 3-5 year basis in accordance with the outcomes of the AMR.</p> <p>The Infrastructure Delivery Plan will monitor infrastructure requirements and where and when these are delivered.</p> <p>Neighbourhood Plans will be a delivery mechanism for implementing the Core Strategy policies at a local level.</p> <p>Specialist officers will be addressing deliverability</p>

Appendix 2

CURRENT LEGISLATIVE AND POLICY FRAMEWORK FOR THE CORNISH

LEGISLATIVE OR POLICY INSTRUMENTS / PROCESSES	TIMELINE	ADDITIONAL INFORMATION
CENSUS	<p>2001 Census. Cornish Ethnicity and the Cornish Language were sanctioned by Parliament as part of the Census Order and designated the 06 code by the Office for National Statistics.</p> <p>2011 Census. Cornish National Identity, Cornish Ethnicity and the Cornish Language received (high profile) parliamentary approval as part of the Census process. The 06 code applies throughout the UK.</p>	
UK ETHNICITY DATA CODES		<p>The Cornish have designated UK-wide ethnicity data collection codes.</p> <p>NHS – CD Police - W6 DfES - WCOR</p>
PUPIL LEVEL ANNUAL SCHOOL CENSUS (PLASC)	<p>Cornwall Local Education Authority (LEA) has included Cornish as a dedicated tick-box in the annual statutory Pupil Level Annual School Census (PLASC) since 2006.</p>	<p>Percentage of children identified/self-identified as Cornish in Cornwall’s primary and secondary schools:</p> <p>2006: 24% 2007: 27% 2008: 30% 2009: 34% 2010: 37% 2011: 41%</p>
EQUALITY ACT 2010 Nine Protected Characteristics		<p>The Cornish, as a traditional, indigenous British minority and a distinct ethnic group, have the protected characteristic of "Race", specifically because of their "ethnic and national origins".</p>

<p>CORNWALL COUNCIL</p>	<p>1999 – Cornwall County Council resolution: to support the campaign to obtain a designated Cornish category within the Census.</p> <p>2003 – Cornwall County Council resolution: to include the Cornish category in all ethnicity monitoring work done by the Council.</p> <p>2009 – Cornwall Council resolution: to recognise the distinctive culture of Cornwall and the place of the Cornish language as a unique cultural asset, with the language as a vital part of Cornwall’s contemporary culture and of its heritage.</p> <p>2010 – Cornwall Council resolution: to agree the Council’s Corporate Equality and Diversity Framework.</p>	<p>"It is essential that the Council is sensitive to the unique heritage and culture of Cornwall and to those people in our Community who describe their origin as Cornish. In practice this will include:</p> <ul style="list-style-type: none"> - Supporting the continued use and promotion of the Cornish Language. -Ensuring that we include Cornish in any monitoring & analysis of our population. -Making sure we actively support and develop Cornish heritage and culture. -Being sensitive to the impact of the above in any strategies, policies, functions and services we develop and implement" <p>Cornwall Council 2010.</p>
<p>COUNCIL OF EUROPE’S FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES (FCNM)</p>	<p>1998 - Ratified by the UK.</p> <p>2007 - Cornwall County Council Leader endorsed the FCNM with regard to the Cornish.</p> <p>2011- Cornwall Council reinforces its recognition of the FCNM as an instrument which applies to the Cornish with full cross party support given in regard to the Cornish with the publication of the Cornish National Minority Report 2, signed and endorsed by the then leaders of every political grouping on Cornwall Council.</p>	<p>The Leaders of every political grouping on the Council signed and endorsed the Cornish National Minority Report 2 (FCNM) in 2011.</p>
<p>EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES</p>	<p>2002 - The UK government ratified the treaty with respect to the Cornish Language.</p>	<p>The purpose of the Charter is to protect and promote the historical regional and minority languages of Europe.</p>

