

Article

# Planning in the “LGBTQ Capital”: Choreographing Transgender In and Out of Policy

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## Abstract

Greater consideration of transgender communities within planning has been called for from research highlighting their absence in policy and practice. However, there is little work that outlines how trans is considered within current planning practice. This article presents an empirical case study of how trans becomes articulated into city-level policy and practice in Brighton & Hove, the “LGBTQ capital” of England. A poststructural approach is used to analyse how trans is problematized within planning documents and interviews with planning practitioners. We develop the concept of “choreographing” to reflect the constrained rhythms and selective positioning at work in the articulation of trans in and out of planning policy and practices. By tracing the only consideration of a specific identified need of the transgender population in Brighton & Hove planning policy, we evidence the previous siloing of these concerns that positioned them in relation to other municipal services, but not planning. We show how interpretive practices within a Health and Equalities Impact Assessment process do not allow the specific needs of trans people and communities to be considered, instead positioning trans people as having greater “sensitivity” to generic changes in the built environment. This research concludes that current planning practices can facilitate the consideration of trans communities in planning and policy-making, yet simultaneously constrain and inhibit the ability to enhance trans liveability in the city. This article opens up theorizing into how consideration of trans and LGBTQ communities and knowledge are integrated into planning processes and calls for a creative disruption of current practice.

## Keywords

Brighton; choreography; gender; impact assessment; LGBTQ; municipal planning; policy; transgender

## Issue

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## 1. Introduction

This article explores how transgender is problematised within the contemporary planning policy and practice of an English municipal authority. It develops the idea of “choreography” to understand how transgender becomes a presence or an absence in policy, and how the usage of impact assessments as a technique for the “embedding” of equalities concerns in local planning policy facilitates the invisibility of LGBTQ commu-

nities. The concept of choreography allows an analysis of the complex orchestration of how knowledges, meanings, interpretations, claims, and capacities for action are brought into relation with one another, configured and reconfigured, as well as reworted, omitted and erased in policy documents, discourse, and practice. It attends to the intentionally and unintentionally co-ordinated movement of these knowledges, meanings, and capacities for action onto and off the stage of policy consideration during iterative policy-making processes. Choreography

often operates through established ways of thinking and doing within an applied discipline. A choreographic lens helps to understand how transgender is selectively positioned within the temporal rhythms of the planning process. This approach contributes to a much-needed understanding of how transgender is problematised as “equalities,” and how professional and institutional practices articulate transgender to make it intelligible to planning practitioners within the status quo. A twofold case study shows, firstly, how transgender became explicitly articulated into a planning policy document that offers guidance on spatial design, and secondly, how transgender is considered within impact assessments conducted on the Local Plan.

In this article the term LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) is used when referring to sexual and gender minoritized people. In the analysis the category “LGBT” is often used as this is the category used in planning documents. “Trans” is used as an umbrella term for a wide range of sex/gender experiences that are outside of the narrow cisgender binary that assigns sex/gender at birth. In planning documents transgender is referred to but more often is collapsed in with LGBT. The burgeoning literature on LGBTQ communities that seeks to *query* planning has contributed significantly to understandings on how planning can operate to (re)produce heteronormative and heterosexist assumptions and practices (Berry et al., 2021; Doan, 2011a, 2015; Frisch, 2002). However, how trans specifically is included in the planning process remains under-researched. Similarly, trans geographies attend to the spatial embodied lived experiences of trans people without following up on the implications for planning (see Doan, 2010; March, 2021; Todd, 2021). Therefore, a working knowledge of how trans lives come to feature (or not) in planning is needed in order to be able to disrupt and practice the profession otherwise.

An overview of trans-focused planning research precedes a consideration of the role of LGBT equality in British municipal government and the adoption of techniques such as impact assessments. This section concludes by introducing “choreography” to understand policy and practice dynamics in planning. The methodology outlines the poststructural approach taken to planning policy and practice in Brighton & Hove. Brighton & Hove has been termed the putative “gay capital” of the UK (Browne & Bakshi, 2013; Browne & Lim, 2010). Here we use the term “LGBTQ capital” in recognition of increased visibility and organisation of trans communities in the city—such as the biggest Trans Pride in Europe, held annually since 2013. Brighton & Hove City Council (BHCC) states it has adopted a “trans-inclusive approach” (BHCC, 2021a) and undertaken initiatives such as a Trans Needs Assessment (TNA; Hill & Condon, 2015). Brighton & Hove resides within England which has been termed a “progressive” LGBTQ legislative context, primarily because of “sexual orientation” and “gender reassignment” being protected characteristics under the Equality Act 2010 (Browne et al., 2021). The findings

present choreographed articulations of trans in planning policy and practice that grants trans an intelligibility. This positioning of trans potentially opens space for a disruption of cisheteronormative planning, but simultaneously constrains the possibilities for a radical trans-inclusive planning practice. The impact assessment is a key process in the discursive work of “embedding equalities” and meeting statutory equalities obligations, while concurrently classifying and regulating trans as a “sensitive” population. Current planning practices articulate a liberal political rationality of equality that decouples difference from unequal relations of power and improvements in liveability (see Browne et al., 2021; Butler, 2004). This article contributes to understandings of how social difference, here trans, is problematised, classified and regulated within planning by focusing on the empirical practices of a municipal authority.

## 2. Trans in Planning Research and English Municipal Equalities Practice

### 2.1. *Trans Inclusion and Exclusion in Planning*

The primary consideration of trans in the field of planning is in Petra Doan’s work (2001, 2007, 2010, 2011b). Doan introduces the “tyranny of gender” to consider the consequences of the binary gendering of space for gender-variant people. This tyranny of gender refers to an amalgamation of systemic cissexism, transmisogyny, and transphobia that result from the normalisation and privileging of binary cisgender identities (see also Serano, 2007). It produces marginalisation across public institutions and spaces, housing, transportation, and facilities such as toilets (Doan, 2010, 2011b). Doan’s (2011b, p. 105) work emphasizes the need for planning policy “that does not exclude or render [trans people] invisible” and can increase public safety (see also Namaste, 1996). One clear way is in the (re)design of sex-segregated spaces such as toilets and changing rooms (Doan, 2011b). Research focused on the UK highlights the need for trans-inclusive design of toilets within the context of the discursive production of these sites aimed at trans-exclusion (Jones & Slater, 2020; Marshall, 2021). Lubitow et al. (2017, 2020) focus upon “transmobilities” and the discrimination and harassment faced by trans transit users. They argue that transportation planners must understand the differential mobilities of trans people and communities and how characteristics of certain modes of travel, such as the confined space of public transit, can reproduce marginalisation. Research on the decline of LGBTQ+ nightlife venues in London, UK, shows that trans people with intersecting oppressions are the most adversely affected by a lack of access to community-specific spaces (Campkin & Marshall, 2017). A few limited planning mechanisms such as Asset of Community Value status (under the Localism Act 2011) have been deployed to protect some venues in recognition of their contribution to a wider cultural

infrastructure (Campkin, 2020; PlanningOut, 2019). This approach aims to protect certain venues but is the recognition in planning of only one need amongst many for LGBTQ people (Catterall & Azzouz, 2021). Lastly, geospatial policies governing sex work have been enacted to exclude and seclude marginalised trans bodies within urban space (Edelman, 2011, 2014; Sabsay, 2013).

Doan's work, alongside others, offers a powerful call for planning practitioners to develop practices that can reduce the inequalities experienced by trans people, and it challenges the tendency within feminist planning to rely on binary gender constructions (cf. de Madariaga & Neuman, 2020). Outside of planning, trans geographical research has contributed to understandings of the spatialities of trans lives and the non-binary experiences of euphoria, recognition, *and* harassment and marginalisation, for example in public spaces, housing, and "queer" spaces (see March, 2021; Todd, 2021). In relation to Brighton & Hove it has been described as both welcoming and accepting for trans people and "as a site of abuse, prejudice and discrimination" (Browne & Lim, 2010, p. 627). While research has begun to explore trans lives in relation to the built environment, there is a need for further research on how the functioning of planning practice and processes opens and forecloses possibilities for how, when, where, and what may be included when trans is considered. This article seeks to begin to address this by providing examples of how trans has become incorporated into current planning policy.

## 2.2. Municipal Government LGBT Equality Practices

Planning in the UK is primarily a land-use system, highly fiscally centralised within the internal devolved nations—with municipal authorities' decisions structured by national legislation—and has been subject to multiple neoliberalising reforms (Lord & Tewdwr-Jones, 2014). Planning applications are generally decided case-by-case by municipal authorities. Decisions should take place in reference to "local plans"—spatial planning documents drawn up by municipal authorities in consultation with local communities and various stakeholders setting out a vision for future land developments. In the UK, guidance for planners on inclusive design, policy, and practice for LGBTQ communities has emerged (Azzouz & Catterall, 2021; PlanningOut, 2019), demonstrating a shift in awareness, understanding, and attitude of some within planning.

LGBT inclusion in British local government can be seen as having a first generation in the 1980s under and against a Conservative national government, a second generation post-1997 with the era of New Labour (Cooper, 2006), and a third generation occurring post-2010 with the passing of the Equality Act 2010 and Conservative-led national governments. New modes of recognition and practice such as dedicated committees, targeted policy, and inclusion statements were undertaken by supportive municipalities, accompa-

nied by a trend in depoliticization, individualisation, and non-implementation (Browne et al., 2016; Richardson & Monro, 2013). During the second generation, BHCC planning department was highlighted for good practice concerning its inclusion of "lesbians and gay men" among other "hard to reach" groups within the planning process (Office of the Deputy Prime Minister, 2005). UK municipal authorities are currently required under the Public Sector Equalities Duty (PSED) of the Equality Act 2010 to demonstrate "due regard" for people's sexual orientation and gender reassignment status—for example, in the development and design of new plans and development projects. The "due regard" of the PSED includes eliminating discrimination *and* advancing equality of opportunity, effectively mainstreaming the need to consider those with protected characteristics (Stephenson, 2016). Equality Impact Assessments (EqIAs) have become widely used to structure and document this "due regard," with 80% of London local planning authorities conducting EqIAs on Local Plans (Town and Country Planning Association, 2019). The first example of a LGBTQ space being identified for protection within the UK planning system was during the EqIA for Crossrail in 2006 (Campkin, 2020). However, Colomb and Raco (2018) have observed that impact assessments in planning are involved with what Sara Ahmed (2007) terms a "politics of documentation" in which doing the document takes primacy over the substance of what is being done. The application of EqIAs by public authorities in the UK are often seen as a "tick-box exercise" (Harrison, 2011; Town and Country Planning Association, 2019). The UK's Town and Country Planning Association (2019, p. 21) found that, within London, many Local Plan EqIAs provide "very little detail and very limited discussion on the potential negative impacts of policies." There is thus a need to unpack the "black box" of thinking behind EqIAs because the final report produced often gives little insight into how protected characteristics such as sexual orientation and gender reassignment were considered during the process. We need to understand what is being incorporated or mainstreamed into planning (see Eveline & Bacchi, 2010). Moreover, Catterall and Azzouz (2021) have argued for assessments that review the actual effects on community safety after major new schemes or redevelopments have been built.

Outside of planning, impact assessments have been critiqued from a feminist perspective for how they comprehend gender. Bacchi (2010, p. 32), who while having a focus upon binary gender, criticises gender mainstreaming approaches because they emphasise "evening up" differences between women and men rather than on the issues of power and gender relations. Moreover, "deep evaluation" is needed that focuses on the representations of gendered "problems" in policy formulation. In the international context, Götzmann and Bainton (2021) note that approaches to gender in impact assessments are frequently essentialist, binary-gendered, patronising, and instrumentalist. Levac et al.'s (2021) overview

of the Canadian context, highlights that for often invisible communities (including LGBTQ2S+) to have meaningful inclusion, impact assessments should be community-led with adequate resources to enable this.

Despite the PSED informing municipal authorities' practice for over a decade in the UK, there is no research on how trans has been articulated into planners' practice. A specific focus on trans helps to identify if particular needs are being articulated or if trans is being subsumed into the broader LGBTQ category. This article outlines the use of a Health and Equalities Impact Assessment (HEqIA), which is a Health Impact Assessment integrated with an EqIA creating a specific structure for the analysis of policy (which is outlined below). The HEqIA was a desk-based assessment BHCC outsourced to an external consultancy. This use of consultancies is part of a wider shift to entrepreneurial modes of governance and the marketization of local governance finance after over a decade of austerity (Raco, 2018; Savini & Raco, 2019), which raises questions for the priorities, strategic opportunities, and the transparency of how trans is comprehended within planning practices.

### 2.3. The "Choreography" of Planning Policy Processes

The interplay within planning of professional practice, knowledge, neoliberalised organisational formations, and the imperatives to consider equality groups is conceptualised as a choreography. Choreography has been used as a metaphor in planning theory by Haughton and Allmendinger (2008) to refer to how participation is stage-managed with defined parameters of what is open for debate. They argue that there is superficial engagement with "carefully choreographed processes for participation which minimise the potential for those with conflicting views to be given a meaningful hearing" (Allmendinger & Haughton, 2012, p. 90). They understand choreography as part of the technocratic-managerial shift in planning governance (see Metzger et al., 2015). A key aspect to defining these parameters concerning gender in public policy has been the role of nondecision making to maintain the status quo (Marchbank, 2000). Nondecision making entails the maintenance of bias through overt and covert practices such as the branding of issues to delegitimise them, the modification of issues, and incomplete implementation (Marchbank, 2000). Research attending to the temporal rhythms of LGBTQ2S inclusion across neighbouring municipalities highlights the role of silence and inaction alongside coalitional moments of change to produce forms of social inclusion that are neither linear nor sustained (Bain & Podmore, 2022). The maintenance of bias may be conscious and purposeful but also by what Ghaziani (2014, p. 255) states as "a blissful but non-malicious ignorance about sexual inequality."

We seek to develop choreography as a way to conceptualise how transgender becomes articulated within planning at certain times and absent at others.

Choreography is a dynamic process wherein various knowledges, practices, and discourses are (re)enacted by actors that selectively position an understanding of transgender within the rhythms of planning. Planning can address some LGBTQ needs by choreographing them into and out of practice and policy, creating a temporary intelligible positioning. Nondecision making practices within such choreography are the intentional and unintentional maintenance of disciplinary biases that inhibit an in-depth consideration of transgender within planning. This conceptualisation attends to the porosity of planning as part of fluid local governance assemblages where the structuring of planning practices occurs through the actions of those engaged in it. Conceptually it encapsulates the "politics of movement" between a fixing and unfixing of meaning (Bacchi & Eveline, 2010) and the role of constrained agents who (re)enact normative ways of doing but nevertheless have a capacity to reposition LGBTQ needs.

### 3. Methodology: Using Poststructural Policy Analysis to Understand LGBTQ Articulations

This article is part of a wider doctoral research project (conducted by the lead author) that employs creative mapping exercises with trans inhabitants alongside a poststructural analysis of Brighton & Hove planning policy and practice. A poststructural policy analysis was conducted utilising the work of Carol Bacchi (2000; Bacchi & Goodwin, 2016) who, following Foucauldian analyses, forwards an approach to policy that focuses on problematisations (Bacchi, 2012). The current research focused on planning practices to identify how gender and sexuality are problematised and how these practices are shaped by institutional structures, knowledge practices, legal obligations, and organisational imperatives. Such a theorisation has important consequences for planning as it comes from an understanding of how urban governance, policy, and planning produces subjects rather than considering how to include external subjects into the planning process (Bacchi & Goodwin, 2016, pp. 49–53). This form of analysis enabled a consideration of how gendered and sexual differences are (re)produced in relation to a dominant liberal discourse of equalities that is enacted via ways of doing within planning practice such as policy formation, consultation, and impact assessment procedures. The article moves beyond the previous cisgender focus of this type of policy analysis to evaluate the discursive problematization process that articulates people who are trans into a planning issue.

The research consisted of a scoping stage of "helicopter" interviews conducted with planning practitioners and desk-based readings of policy documents that were mapped in relation to other documents and practices within the wider national and local context. This stage identified the Health and Equalities Impact Assessments (HEqIAs) conducted on the city-wide Local Plan; and the development of the Urban Design

Framework Supplementary Planning Document (UDF SPD; BHCC, 2021b). These two case studies were chosen because they entail the most explicit articulation of transgender within planning policy at the municipal level. Three HEqIA reports (completed in 2010, 2012, and 2018) were analysed and corresponded to the three iterations of the local plan—the Core Strategy which was submitted for examination in 2010, City Plan Part 1 which was adopted in 2016, and City Plan Part 2 which was adopted in 2022. The Core Strategy of 2010 was submitted by BHCC for examination by the Secretary of State for Communities and Local Government and then withdrawn due, in part, to the introduction of new national legislation—the Localism Act 2011. The Localism Act 2011 introduced multiple reforms including abolishing the super-local tier of regional planning and introducing the sub-local tier of Neighbourhood planning. The Core Strategy was reformulated into City Plan Part 1 which sets out the long-term vision, strategic objectives, and a strategic planning policy framework to guide new development in the city up to 2030. City Plan Part 2 supports the implementation and delivery of Part 1 through the identification and allocation of additional sites and a more detailed policy framework for case-by-case planning application decisions. LGBT is considered in the HEqIAs conducted because of their recognition locally as a “sensitive community or group” prior to 2010 and then as a “protected characteristic” following the implementation of the Equality Act 2010.

The UDF is an SPD and so can be developed and adopted within a shorter timeframe than a local plan. SPDs contain more detailed guidance on local plan policies. An SPD should not introduce new planning policies, but the guidance outlined are termed “material considerations” meaning they should be considered when deciding a planning application. The UDF is one of 18 SPDs currently adopted by BHCC and “signposts priorities the council would like applicants to consider when preparing design proposals” (BHCC, 2021b, p. 3). Within our analysis, supporting texts such as consultation statements, and the council-led trans research reports were used to support these case studies. In-person and online interviews (conducted between 2020–2021) with planning practitioners (local authority planning staff: a high-level manager, policy team staff, and a private-sector consultant responsible for the HEqIAs) and BHCC equalities staff were audio-recorded and transcribed. NVivo software was used to manage a coding process that focused on understanding the practices involved and the role of knowledge that informed a conception of gender and sexual orientation.

#### 4. Brighton & Hove: Choreographing Trans Into Planning

In Brighton & Hove planning policy, transgender only features with specificity in the UDF SPD that is discussed below. The municipal plan (City Plan Part 1) that sets

out strategic policy does mention in the community profile: “Whilst the trans population is thought to be small, trans people face particularly acute issues.” (BHCC, 2016, p. 12). More generally, LGBT people are mentioned in Strategic Objective 20, which states that the Local Plan should “contribute towards reducing inequalities experienced by different groups” (BHCC, 2016, p. 24), and in a supporting text for SA6 Sustainable Neighbourhoods policy as part of a listing of “diverse groups” (BHCC, 2016, p. 127). In their interview, the high-level manager stated that while there were no overt LGBTQ policies, there is a thread of equalities running through the plan. This thread of equalities is the dual effect of engagement with “equality groups” and the use of the HEqIA. The use of EqIAs, at the project-specific level, and HEqIAs, at the municipal plan level, are therefore mechanisms for the consideration of trans (along with other protected characteristics) in the planning process. The HEqIA was referred to as a “prescribed procedure” which is trusted to account for “local distinctiveness” and to identify equalities related issues (High-level Manager, online interview, August 3rd 2021). The other means by which trans may become a consideration is the consultation process—a legal obligation for all planning documents. Two targeted LGBT consultation meetings were held that underpin the current City Plan Part 1 (adopted 2016) and City Plan Part 2 (adopted 2022). Both were held in 2006 (for the then Core Strategy that was reconfigured into City Plan Part 1) meaning that LGBT-specific consultations underpinned Local Plans adopted a decade and sixteen years later respectively. The change in language in these documents from the earlier “lesbians and gay men” to “LGBT” reflects the language used by the two groups involved in the consultations: the City Council LGBT Workers Forum and Spectrum LGBT Community Forum. However, this terminology subsumes trans within LGBT, and neither consultation produced any trans-specific discussion points or feedback.

##### 4.1. Siloed Absence to Strategic Repositioning: Trans in Planning Guidance

The UDF SPD advises that “wherever possible, provide public, accessible, gender neutral toilets in shops and restaurants near the entrance to the building from the open space” (BHCC, 2021b, p. 23). The second trans-related articulation occurs in the final section on how applicants to the planning service can communicate their design ideas; a recommended way of achieving this is through the “day in the life” scenarios of users. It states:

[T]his assessment is an opportunity to ensure that building and landscape functionality is...also as fair and inclusive as possible by considering the daily experiences of a number of minority groups such as a single mother, a disabled cyclist, a transgender person and/or a resident living in affordable housing accommodation. (BHCC, 2021b, p. 75)

To understand how these specific mentions came about we need to understand wider trans equality policy work that has been done in Brighton & Hove. In 2012, BHCC set up a Trans Equality Scrutiny Panel (TESP) of 3 councillors and 2 representatives of trans organisations. The panel produced a report in 2013 with 37 recommendations. Recommendation 22 specifically stated “There should be provision for accessible and gender neutral toilets in all areas” (BHCC, 2013, p. 10). In an appendix to the TESP report produced at a later date (ca. 2013–2014), BHCC details responses of relevant departments to each of the 37 recommendations. In relation to recommendation 22, two departments’ responses are detailed: Property & Design, which has remit for council public buildings, and Cityclean, who have responsibility for public toilets. Apart from Cityclean stating they work with large tourist developments, there is seemingly no implications of non-council owned facilities. Notably, there is no response from the Planning Service. Whilst the TESP articulates an expressed need from the trans people consulted concerning the provision of gender-neutral toilets in all areas, this becomes rearticulated into a consideration for two departments, but not a consideration for the Planning Service.

The TESP led to the completion of the TNA in 2014 with the final report produced in 2015. It states that “there is no similar needs assessment in the UK” and so broke new ground in terms of a local authority engaging with trans residents (Hill & Condon, 2015, p. 6). Under the community safety section, it stated in recommendation 43 “that city organisations such as BHCC...should promote the introduction of gender-neutral facilities (including toilets and changing rooms) in new and refurbished buildings.” (Hill & Condon, 2015, p. 18). In a TNA progress report, annual updates against each recommendation are given for 2015–2017; again, there is no response from—or implications for—the Planning Service. Thus, a trans-specific need is repositioned into having certain parameters of consequence: it is choreographed out of planning and positioned in relation to other services. This absence can be conceptualised as “siloeing” where the implications are choreographed into certain organisations or services, and not others such as the municipal planning authority. Such siloeing is a form of nondecision making brought about by no-one articulating this identified need as a planning issue. In interviews with a BHCC staff member who led on trans equality initiatives around this time, they stated that it did not occur to them to engage with planning in part because the council has over 700 services, so their work responds primarily to project-led requests (BHCC Equalities staff, online interview, October 22nd 2020). There was therefore a lack of proactive engagement on the issue from both the equalities staff and the planning service. In an interview with the consultant when asked why this issue is absent from planning, it was indicated that because the issue is one of signage it is more of an “equality team issue” than a planning issue (Consultant, in-person inter-

view, January 21st 2020). This last quote, while not being evidence for why in this specific circumstance the issue was siloed, demonstrates a rearticulation of the issue as primarily concerning signage and evidences the maintenance of disciplinary biases that inhibit the articulation of an identified need.

In October–December 2020 the draft consultation on the UDF SPD is conducted and I (lead author) respond to the consultation. The draft document does not mention toilets, and I make the case that this SPD can offer guidance to developers on the need to provide gender-neutral toilet facilities in the city and use recommendation 22 (from the TESP) and 43 (from the TNA) to evidence this need, and that the “day in the life” scenario should consider sexual and gender minorities otherwise would be likely to reproduce heteronormative expectations of users. The UDF is then revised and adopted at a BHCC committee meeting on June 17th 2021. In the revised version, the above-mentioned text is included. This is the first and only specific mention of “gender-neutral toilets” and “transgender” in BHCC planning policy. The choreographing process involved me (lead author) articulating a specific need (amongst many) from previous trans-focused research, at a certain time (the consultation window), in a form that gave the already known needs an intelligibility for the planning policy team member who consolidated the feedback and revised the draft document, rearticulating my representation into planning guidance. The council committee were the next agents who took no issue with the SPD and approved it, meaning it is now a guiding document for all developments in Brighton & Hove. The reliance on “individual champions” to push the consideration of LGBTQ issues has been a longstanding feature of UK municipal governance (Cooper & Monro, 2003; Richardson & Monro, 2013), and the introduction of the PSED has not altered this in this circumstance. This occurred at a time in the UK which can be viewed as a “climate of transgender moral panic” (Hines, 2020, p. 699) and wherein toilets have become “symbolic and contested sites, saturated in cisheteronormative ideals about gender, sexuality, and bodily form and function” (Marshall, 2021, p. 218). In part, the articulation of gender-neutral toilets into planning policy relied upon an absence of media coverage and widespread public attention that could have facilitated reactionary opposition to such inclusion (this absence of media coverage and public attention being the norm for such SPDs). For this inclusion to make any beneficial changes to the lives of transgender residents the guidelines must now be implemented which is the next potential point for nondecision making practices to take place and remains unknown at this point.

#### *4.2. Trans as Articulated by Health and Equalities Impact Assessments*

HEQIAs occur on policy and proposals contained in the Local Plan with the primary process for conducting them

in Brighton & Hove outsourced to a private consultancy. The timing within the policy development process varied. For the Core Strategy and City Plan Part 1, it was conducted iteratively with the final report completed at a late-stage post public consultation on the draft versions of the Local Plans; and for City Plan Part 2, it was conducted after the draft policy options stage but prior to the Local Plan going out to the main public consultation. The HEqIAs were an iterative process with consultancy staff in dialogue with municipal planning policy staff over 3–4 months before producing a final report. If any policy changes are made after the original HEqIA report, an “in-house” (by the municipal authority staff) HEqIA process is conducted on changes that are likely to have a health or equality impact resulting in an addendum report.

In the HEqIA reports from 2012 and 2018, the consultancy states “the opinions and interpretations presented in this report represent our reasonable technical interpretation of the data made available to us.” This reasonable technical interpretation relies heavily on the tacit knowledges of the professional consultant in how they understand and articulate “data.” The process for the HEqIA involves the development of a community profile using national and local demographic data in relation to health and population groupings. The scoping stage sets the justification for what to assess and who to consider. The assessment stage itself considers each planning policy or proposed project against the determinants of health, utilising the Dahlgren-Whitehead socioeconomic model of health (see Dahlgren & Whitehead, 1991). Each determinant is assessed in relation to each policy and the “Health Pathway” is considered. This requires considering the “Source-Pathway-Receptor” model to identify “risks/hazards” as well as “opportunities” during the construction and operation of policies and developments. The impacts on any particularly sensitive communities or groups are considered after the more general population consideration. The matrix for the assessment reports has a dedicated column to indicate if there are any expected consequences for identified sensitive groups. In the most recent HEqIA from 2018, the term “Protected Characteristics” is used instead of the previous “sensitive communities” reflecting an adoption of the language used in the Equality Act 2010.

The HEqIA reports from 2010 and 2012 mention sexual orientation, LGBT, and trans in the community profile. The City Plan Part 2 HEqIA from 2018 has a much smaller community profile section which only mentions sexual orientation, and trans does not feature. There is one mention of LGBT in the assessment section of the report as an affected sensitive community. This is in relation to an area-specific development policy “DA2 Brighton Marina, Gas Works and Black Rock” where in relation to crime and safety, gay, lesbian, and transgender individuals are mentioned as a group experiencing higher discrimination. The recommendation is that project-level consultation processes should address this by engaging

local communities. The Addendum report states that the LGBT community were identified along with students as a group to potentially benefit from “healthy urban design” as advocated by the policy CP18: Healthy City.

Trans is primarily considered as part of the interpretive process of the assessment that is not evidenced in the reports. The interview with the consultant unpacks the black box of these interpretive practices and gives insight into how trans was considered in the HEqIA process:

We developed an evidence base to look at how environmental, socio-economic, and cultural aspects of the plan would potentially influence or modify how they might respond, and for the bulk of it, there isn’t any difference in how I would respond to how the trans individual might respond. For environmental conditions, for example, anything that improves air quality is beneficial to all,...anything that improves housing and housing equality is beneficial to all. But it does have a disproportionate benefit for those who have an equality need...trans individuals are actually more sensitive to housing and employment, but also crime, they can go either way, if you worsen housing availability, they’re actually more susceptible to being displaced and the impacts from it than say myself, so that’s the underlying evidence base to it. And there is evidence...that transgender individuals in particular are subject to that high violence, so it’s making sure that you design urban environments, or you test policies so that they don’t compound crime or perceptions of crime. (Consultant, online interview, October 20th 2020)

The quote demonstrates that while trans may be absent in the written report, trans is considered in the HEqIA process as having greater sensitivity to changes in the built environment. The structure of the assessment and the interpretive framing brought by the consultant combine so that local planning policies are understood to have generic effects that affect everyone. However, within this framing, the sensitivity of trans is understood to mean that trans people experience these generic effects to a greater magnitude than other groups within the local population. This interpretive framing and the approach to structuring the HEqIA do not readily allow for an examination of effects experienced *specifically* by trans people. Similarly, the interpretive framing and the approach to the HEqIA readily tend toward generic measures (that work for everyone) to address effects of planning policies—even when trans people have been identified as specifically sensitive to those policies. This can be seen by the consultant’s appeal to urban design approaches that often seek to design-out crime through the incorporation of passive surveillance to spaces in response to identifying trans people as subject to higher rates of violent crime in public spaces. The TNA identified neighbours as a source of abuse or harassment for trans

people, and so passive surveillance that relies on being observed by neighbours cannot be relied upon to underpin trans people's safety (see Angeles & Robertson, 2020). Passive surveillance assumes the benevolent good of the general inhabitant over the threat of another (the opportunistic criminal) and does not query the possibility that this surveillance could further some forms of harassment.

This construction of trans as sensitive works to classify and regulate trans to demonstrate due regard has been given to observing public-sector equalities duties. This construction as sensitive, however, articulates trans with local planning policies that do not take the specificity of trans needs and experiences into account, and with an undifferentiated understanding of standardised effects and mitigations. The construction of trans as sensitive is produced through an interpretive understanding brought by the consultant, but also by the absence of planning policies articulating the specificities of trans people's needs and experiences. The HEqIA thus choreographs transgender into the planning process because of its role in the demonstration of due regard for a range of communities, while the subsequent positioning as sensitive individuals creates constraints for the consideration of collective needs.

## 5. Conclusions

The article outlines how trans is incorporated into planning in one municipality through two different policy processes and situates this within understandings of efforts to address trans exclusion and marginalisation. The UK has been seen as a progressive context for municipal authorities because of the public sector equalities obligations. Yet, a closer look at a "trans-inclusive" municipality suggests that the discourses, institutional practices, underlying assumptions, and formal procedures underpinning such equalities requirements enable a choreographing of trans out of consideration when it most matters. The "evidence-base" available on Brighton & Hove's trans population is better than most municipalities, but planning practitioners need a specialist understanding, twinned with a creative reimagining, to make substantive changes to policy. By unpacking the black box of HEqIAs (Eveline & Bacchi, 2010), we have shown that the space for this more transformative articulation of social difference into planning is not within the scope of the current impact assessment practice. There is currently opportunity for consideration of disadvantaged and marginalised groups that may not occur elsewhere in the planning policy process, but such processes also regulate this consideration to assessing the impact of policy as it stands. The use of consultations and especially of HEqIAs to embed equalities functions as an audit on policy for equalities implications for protected groups. However, this is not the same as proactively devising Local Plan policies to create a more equal city for these groups. This would require the expenditure of political

capital at a time of moral panic, a fraught but necessary task for civic leaders if they wish to go beyond a performance of progressiveness (Bain & Podmore, 2022).

Choreographic analysis developed in this article attends to policy dynamics and shows how trans is articulated as a form of constrained movement within the structured rhythms of the planning process. This analysis furthers research on policy problematization by providing an example of trans becoming articulated within municipal planning's institutional structures, knowledge and interpretive practices as a generic but "sensitive" subject. The analysis also extends policy research that highlights the non-linear and non-sustained manner of LGBTQ inclusion through nondecision making practices that maintain disciplinary biases and produce constraints to reimagining planning. In the city of Brighton & Hove, the choreography acted to allow existing framings of policy to continue, rather than enable a transformative approach that considers the specificity of needs of marginalised communities to become legible in policy. Municipal planners need to be proactive, attentive, and reflexive in developing an understanding of how planning practice does or does not articulate trans inhabitants' needs.

This research opens up theorizing into how consideration of trans and LGBTQ communities and knowledges are integrated into planning processes by queering its limitations (see also Catterall & Azzouz, 2021). The two case studies from the UK's "LGBTQ Capital" underscore the need for further work from varied geographies that explore the potentialities for how trans can be considered in planning. Our research suggests that in "progressive" contexts, meeting equalities obligations in planning does not necessarily or even proactively attend to the specificities of trans needs. Doing so would involve a disruption of planning's choreographies and its selective positioning of trans communities. Moreover, we suggest that meeting trans needs calls for an expanded definition of infrastructure (see Brochu-Ingram, 2015; Campkin, 2020)—one which explores how the provision of housing, healthcare, community, and mobilities infrastructures, amongst others, intersect with forms of marginalisation—to be able to produce liveable environments for trans people. For planning to become reconfigured around producing and facilitating liveable infrastructures, there needs to be a queering of planning policy that pushes at the very boundaries of what is considered planning. In envisioning planning for a more equitable future, we are posing the challenge of how we can dismantle the present.

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### Conflict of Interests

The authors declare no conflict of interests.

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