

MAYOR AND CABINET

Report Title	Consultation on Gypsy and Traveller Site(s) Local Plan		
Key Decision	Yes		Item No.
Ward	All		
Contributors	Executive Director for Resources and Regeneration and Executive Director for Customer Services		
Class	Part 1	Date: 13 July 2016	

1. Summary

- 1.1 The Planning Service has undertaken a first round of public consultation on the production of a new Gypsy and Traveller Site(s) Local Plan (GTLP). There are statutory requirements which specify the process for adopting a Local Plan. These involve an initial round of consultation to notify the public and specified bodies about the Council's intention to prepare a plan, identify the main issues to be addressed in the plan and invite representations on these issues.
- 1.2 At its meeting on 13 January 2016, Mayor and Cabinet approved consultation arrangements on the preparation of a GTLP (including scope, search parameters, site selection criteria and timetable for identifying a site or sites) as set out in a Regulation 18 Consultation Report. It also approved consultation on the associated Sustainability Appraisal Scoping Report.
- 1.3 This report outlines the results of consultation and the officers' response to comments received and seeks approval for the final search parameters and site selection criteria. The search parameters remain unchanged however one change is made to the site selection criteria in response to comments from the Environment Agency.
- 1.4. As part of the development plan process it is appropriate for these matters to be approved by Full Council.

2. Purpose

- 2.1 This report seeks the Mayor's agreement to the final search parameters and site selection criteria.

3. Recommendation

- 3.1 The Mayor is recommended to approve the final search parameters and site selection criteria as set out in Sections 7 and 8 of this report and recommend that Full Council do the same.

4. Policy Context

4.1 The contents of this report are consistent with the Council's policy framework. When adopted it will become part of the Lewisham policy framework and will contribute to the implementation of each of the Council's ten priorities as follows:

- community leadership and empowerment
- young people's achievement and involvement
- clean, green and liveable
- safety, security and a visible presence
- strengthening the local economy
- decent homes for all
- protection of children
- caring for adults and older people
- active, healthy citizens
- inspiring efficiency, effectiveness and equity

4.2 The GTLP will help give spatial expression to the Sustainable Community Strategy (Shaping Our Future) (SCS), which was prepared by the Local Strategic Partnership and adopted by the Council in May 2008. The Plan will also play a role in the implementation of the SCS vision *'Together we will make Lewisham the best place to live, work and learn'* and all of the six strategic priorities, which are:

- Ambitious and achieving – where people are inspired and supported to fulfil their potential
- Safer – where people feel safe and live free from crime, antisocial behaviour and abuse
- Empowered and responsible – where people are actively involved in their local area and contribute to supportive communities
- Clean, green and liveable – where people live in high quality housing and can care for their environment
- Healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and well-being
- Dynamic and prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond

5. Background and purpose

5.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 18) require an early round of consultation with the public and other stakeholders to notify interested people about the intention to produce a Local Plan and identify the main issues that the Local Plan will address and invite representations on these issues.

5.2 At its meeting on 13 January 2016, Mayor and Cabinet approved the consultation procedure for the preparation of a Gypsy and Traveller Site(s) Local Plan (GTLP), including the search parameters, site selection criteria and timetable for identifying a site or sites. It also approved the same consultation arrangements for the associated

Sustainability Appraisal Scoping Report. The Council approve these arrangements at its meeting on 24 February 2016.

- 5.3 Consultation on the proposed parameters, criteria, timetable and scope of the associated Sustainability Appraisal period ran from 3 March to 22 April 2016. In accordance with the Council's Statement of Community Involvement (SCI), the Regulation 18 consultation document and Sustainability Appraisal Scoping Report were posted on the Council's website and a number of organisations and individuals were sent letters or e-mailed a link to the documents and invited to comment. These included the 'specific' and 'general' consultation bodies required by the relevant Regulations, organisations representing the interests of the gypsy and traveller community, and local residents and businesses. In addition, officers attended a specially arranged Lewisham Traveller Forum (24 February 2016) and met with representatives of the London Gypsy and Traveller Unit (13 April 2016).
- 5.4 The purpose of this report is to set out the comments that have been received and seek approval for a finalised set of search parameters and selection criteria, to enable officers to progress the preparation of the GTLP.

6. Comments received and officers' response

- 6.1 In total, 17 different organisations and individuals commented on either the draft site selection criteria and/or the draft Sustainability Scoping Report. These comments and officers' response are set out in Appendix 1. No comments were received on the draft search parameters. The search parameters remain unchanged to those presented at the 13 January 2016 Mayor and Cabinet meetings however one change is made to the site selection criteria in response to comments from the Environment Agency.

7. Final Search Parameters

- 7.1 No comments were received on the draft search parameters and officers are not recommending any changes to those that were consulted on. As such, the proposed final search parameters are unchanged and are set out below.
- 7.2 Council-owned housing land. Land held by the Council for housing purposes is clearly suitable, in principle, as a gypsy and traveller site, which is a form of housing. As such, LBL Housing land is to be included in the search.
- 7.3 Council-owned non-housing land. Land held by the Council for non-housing purposes may be suitable as a gypsy and traveller site, and as such, LBL non-housing land is to be included in the search.
- 7.4 Private and other publicly owned land. Given this and recent Government initiatives to encourage additional housing, it is considered very unlikely that private or other public landowners would choose to bring forward and manage a gypsy and traveller

site. In any event, the Council does not have resources available to buy additional land for the purposes of developing a gypsy and traveller site.

- 7.5 For these reasons, it is proposed to focus on Council owned, other than, possibly, adjacent land in other ownerships that may be necessary to develop a Council asset.
- 7.6 One or more sites? Subject to the findings of a revised GTANA, the need for additional pitches in Lewisham is likely to be relatively small. If this is confirmed, it is proposed that a single site be identified as this would provide economies of scale in terms of design, development and future management costs.
- 7.7 Type of site. The intention is to consider the full range of potential sites, including vacant open land, open land that is in use, vacant and occupied buildings and any combination.
- 7.8 Size of site. The findings of the 'Net Density and Gypsy & Traveller Sites' working paper, prepared by the London Gypsy & Traveller Unit in (July 2009), suggest that that for a new site in Inner London, the density should be within the range of 14 to 25 pitches per hectare (between 400 and 714sqm per pitch). Taking account of this and other advice in this working paper, the requirements set out in the CLG 'Designing Gypsy & Traveller Sites' Good Practice Guidance (May 2008), the Government's PPTS (August 2015) and the need to optimise the use of scarce urban land, it is proposed to base a search for sites on 400sqm per pitch.
- 7.9 Location of site. There are no known particular locational needs for gypsy and travellers who may wish to live on a site in Lewisham and given the difficulties in identifying a site, it is not proposed that any geographical preferences are identified (other than those in the selection criteria).
- 7.10 Whilst previous searches have sought to identify potential sites outside of the borough but close to its boundary, for practical and deliverability considerations, it is proposed to limit the search to land within the LB Lewisham.

8. Final Site Selection Criteria

- 8.1 A number of comments were made on the draft Site Selection Criteria. Officers have carefully considered these comments and responses are outlined in Appendix 1. As a result, officers are recommending that *one* change be made in response to a comment by the Environment Agency. This is highlighted in bold in the recommended final site selection criteria, set out in the table below.

Site Selection Criteria	Explanation and application
1. Effective and efficient use of public assets.	(a) Effective use of public assets – Judgement, taking account of existing service commitments and use, running costs, investment requirements, reasonable alternative use(s) for the provision of other services and the SAMP.

Site Selection Criteria	Explanation and application
	(b) Efficient use of public assets– Judgement, taking account of reasonable alternative use(s) and the Council's need to minimise opportunity costs and optimise capital receipts.
2. Reasonable access to local shops, services and community facilities in particular schools and health services.	(a) Site within 800m of bus stop and/or station. (b) The following services within 1,500m: (i) Local shop; (ii) Primary School; and (iii) Health facility.
3. Safe and reasonably convenient access to the road network.	(a) Safe vehicular access or capable of creating safe vehicular access for 15m long caravan to/off a public highway. (b) Access for emergency services. (c) Clearance height of 3.7m.
4. Capable of satisfactory provision for parking, turning, service and emergency vehicles.	(a) Judgement (size and shape of site). (b) Infrequent access needed for 15m long caravan.
5. Mixed residential and business use opportunities.	(a) Mixed-use residential and business use acceptable in principle (b) Any likely adverse impacts are acceptable (assuming environmental permitting regulations , appropriate licensing and planning conditions manage activities that could be carried out).
6. Supply of essential services such as water, sewerage and drainage and waste disposal.	Assume all sites have access to all essential services or are capable of being connected (NB cost of doing so may vary and affect deliverability). N.B. All sites to be given a score of 'Average' for this criterion.
7. Scope for healthy lifestyles and integration.	(a) Opportunities for healthy lifestyles such as adequate landscaping & play areas - Judgement (size and shape of site). (b) High standard design and landscaped which facilitates the integration of the site with the surrounding environment and amenity of the occupiers adjoining the site - Judgement (size and shape of site).
8. Local environmental quality	(a) Contamination – Free from significant contamination or able to be cleaned up (consult LBL Environmental Health) ((NB cost of doing so may vary and affect deliverability). (b) Noise – Acceptable internal noise environment (consult LBL Environmental Health) (c) Air quality – Acceptable air quality (consult LBL Environmental Health) (d) Flooding – Reasonable prospect of sequential test and exceptions tests being met(See below)
9. Spatial planning & development management considerations.	(a) Key relevant site specific development plan policies – both for the site itself and adjoining land (b) Key relevant general policies (c) Key relevant policies in emerging Local Plan and any

Site Selection Criteria	Explanation and application
	emerging Neighbourhood Plan (d) Key relevant planning guidance (e) Planning history – identification of any key relevant planning history. (f) Summary – overall conclusion, taking account of the above.
10. Deliverability.	Taking account of all of the previous criteria, sites should be: (a) Available now; (b) Offer a suitable location for development; and (c) Be achievable with a realistic prospect that development will be delivered on the site within five years.

9. Sustainability Appraisal Scoping Report

9.1 Local plans need to be informed and supported by an appraisal of the sustainability of the proposals. Sustainability Appraisal is an integral part of the plan preparation process and helps the Council assess how the plan will contribute to the achievement of sustainable development.

9.2 A number of comments were made on the draft Scoping Report, officers have considered the comments and the responses are set out in Appendix 1. The Sustainability Appraisal will be drafted taking these comments into account and will be consulted on alongside the consultation on a preferred site or sites in September/October 2016.

10. Financial Implications

10.1 There are no direct financial implications arising from this report. The consultation will be delivered within the agreed Planning Service budget.

11. Legal Implications

11.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the main steps in the procedure for the production and adoption of planning documents, as explained in the report.

11.2 This report seeks authority to consult on a new Gypsy and Traveller local plan encapsulating the final search parameters and site selection criteria as set out in Sections 7 and 8 of this report.

11.3 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

11.4 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

11.5 The Equality and Human Rights Commission provides Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

11.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

11.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

12. Crime and Disorder Implications

12.1 There are no direct implications relating to crime and disorder issues.

13. Equalities Implications

13.1 The Council's Comprehensive Equality Scheme for 2012-16 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010. The proposals set out in this report accord with the Council's Comprehensive Equalities Scheme; particularly as they relating to: 'increasing participation and engagement'.

13.2 The process of producing the new GTLP will include an equalities appraisal to identify equalities impacts and implications of emerging policy options.

14. Environmental Implications

14.1 There are no direct environmental impacts arising from this report.

15. Conclusion

15.1 The Planning Service will be preparing a draft GTLP in accordance with the final search parameters, site selection criteria and Sustainability Scoping Report. In accordance with the timetable set out in the Regulation 18 Consultation Report, and subject to further approval from Mayor and Cabinet and Full Council, officers intend to carry out consultation on a preferred site or sites in September/October 2016.

16. Background documents and originator

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Planning & Compulsory Purchase Act 2004	2004	Laurence House	Planning Policy	Claire Gray	No
Localism Act 2011	2011	Laurence House	Planning Policy	Claire Gray	No
National Planning Policy Framework (NPPF) 2012	2012	Laurence House	Planning Policy	Claire Gray	No
Town and Country Planning (Local Planning) (England) Regulations 2012	2012	Laurence House	Planning Policy	Claire Gray	No
Planning policy for	2015	Laurence House	Planning Policy	Claire Gray	No

traveller sites 2015					
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If you have any queries on this report, please contact Claire Gray, Interim Planning Policy Manager, 3rd floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 71