

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	Consultation on Gypsy and Traveller Site(s) Local Plan	
<b>Key Decision</b>	Yes	Item No.
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director for Resources and Regeneration and Executive Director for Customer Services	
<b>Class</b>	Part 1	Date: 7 September 2016

## **1. Summary**

- 1.1 At its meeting on 13 January 2016, Mayor and Cabinet approved consultation arrangements on the preparation of a Gypsy and Traveller Site(s) Local Plan (GTSLP) (including scope, search parameters, site selection criteria and timetable for identifying a site or sites). It also approved consultation on the associated Sustainability Appraisal Scoping Report.
- 1.2 Following consultation carried out by the Planning Service, at its meeting on 13 July 2016, Mayor and Cabinet approved the final search parameters and site selection criteria.
- 1.3 This report updates Mayor and Cabinet on the Gypsy and Traveller Accommodation Assessment (GTAA) and outlines the site selection process that has led to the identification of two potential 'preferred sites'. It also seeks approval to consult local and other stakeholders on a Potential Site(s) Report and its associated Integrated Impact Assessment. The intention then is to report back to Mayor and Cabinet in early 2017 so that it can carefully consider responses to consultation before deciding which (if any) of the two sites to progress and include in a submission version of the GTSLP.

## **2. Purpose**

- 2.1 This report seeks the Mayor's approval to carry out statutory public consultation on the Potential Site(s) Report and its Integrated Impact Assessment.
- 2.2 This report provides a summary of how the GTSLP Potential Site(s) Report has been prepared, the long-list of sites that were considered, the preferred potential sites and associated site-specific design requirements.

## **3. Recommendations**

- 3.1 The Mayor is recommended to approve the following documents for statutory public consultation:
  - GTSLP Potential Site(s) Report (included as Appendix 1) and

- Integrated Impact Assessment comprising a Sustainability Appraisal, Strategic Environmental Assessment and Equalities Analysis Assessment for the GTSLP Potential Site(s) Report (included as Appendix 2).
- 3.2 The Mayor is asked to note the changes made to the Consultation Statement (included as Appendix 3).
- 3.3 The Mayor is recommended to request that Full Council do the same to approve the documents specified in 3.1 for public consultation.
- 3.4 The Mayor is recommended to delegate power to make any minor changes to the text and format of the documents prior to consideration by Full Council, to the Executive Director for Resources and Regeneration

#### **4. Policy Context**

- 4.1 The contents of this report are consistent with the Council's policy framework. When the GTSLP is 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 GTSLP 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. Gypsy and Traveller Accommodation Assessment**

- 5.1. Lewisham's Gypsy and Traveller Accommodation Assessment (GTAA) was published in June 2015. It established the need for 6 pitches in the borough up to 2031. In August 2015, the Government published revised national guidance in the form of a new Planning Policy for Traveller Sites (PPTS). The new PPTS changed the definition of gypsies and travellers for planning purposes, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in the GTAA.
- 5.2. In order to ensure that the Council has a robust assessment of current and future need that takes account of the new definition, an update to the GTAA was commissioned. Further fieldwork was undertaken between February and April 2016, with the help of the outreach worker at the Irish Centre, additional interviews/questionnaires completed. The GTAA Update (published in August 2016) draws on the full GTAA and the additional field work and considers need in Lewisham in the light of the new planning definition of gypsy and traveller.
- 5.3. The Update identifies the continuing need for 6 pitches in the borough up to 2031. It also identifies additional need for 'non Lewisham' households who meet the new definition and which the Council should work with neighbouring boroughs (including Bromley and Croydon) to address this need through the Duty-to-Cooperate.

## **6. Search Parameters and Site Selection Criteria**

- 6.1 Consultation on the Regulation 18 document, which included the draft search parameters and site selection criteria and the scope of the associated Sustainability Appraisal Scoping Report, ran from 3 March to 22 April 2016. In accordance with the Council's Statement of Community Involvement (SCI), these documents were posted on the Council's website and a number of organisations and individuals were 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).
- 6.2 Following careful consideration of comments made, officers reported the draft search parameters and site selection criteria back to Mayor and Cabinet at its

meeting on 13 July 2016. Officers recommended one change to the site selection criteria following comments received by the Environment Agency, and Mayor and Cabinet approved the final parameters and criteria.

- 6.3. Since the 13 July 2016 Mayor and Cabinet meeting, an updated summary of consultation responses has been prepared, to include eight further representations, submitted in the form of questionnaire responses.
- 6.4 Representations were received on the search parameters, and broadly, respondents agreed with parameters regarding using Council-owned housing land and not private and other publicly owned land. Respondents were concerned about providing pitches on only one site, about considering all types of land, including vacant open land and open land that is in use. Respondents were also concerned about basing site searches on 400sqm per pitch and felt that the Council should also look at sites outside the Borough.
- 6.5 Representations on the site selection criteria mirrored those that were raised in the full, written representations.
- 6.7 These representations and officers' responses are set out in Appendix 3. Officers consider no further changes are required to the final search parameters and criteria approved at the 13 July Mayor and Cabinet meeting.
- 6.8 When approving the final search parameters etc. at its meeting on 13 July 2016, Mayor and Cabinet also recommended that Full Council did the same. As part of the development plan process it is appropriate for these matters to be approved by Full Council. Full Council is due to consider the final search parameters and site selection criteria at its meeting on 21 September. If the Mayor recommends for Full Council to approve the consultation documents associated with this report, they will be considered alongside the final search parameters at the same meeting.

## **7. Site Selection Process – Preferred Sites**

- 7.1. The process that officers have undertaken in parallel and following Mayor and Cabinet's approval of the search parameters and site selection criteria is summarised as follows:
  - Stage 2- Establish a list of appropriate Council assets. Officers identified a list of all Council assets (land and buildings) of 0.24ha in size and above based on 6 pitches with an average of 400sqm from Council ownership data by reviewing the Council's asset registers.
  - Stage 3 - Identify a long-list of potential sites. Officers applied Site Selection Criterion 1 (Effective and efficient use of public assets) and this resulted in 5 potential Council-owned sites being identified. A private landowner also put its site forward for consideration during in response to

consultation on the search parameters and site selection criteria and this was included on the following long-list of 6 sites:

- A - Land on Westbourne Drive SE23;
- B - Land off Turnham Road, SE4 ;
- C - New Cross Social Club & adjoining land, Hornshay Street, SE15;
- D - Land at R/O 46-116 Baizdon Road SE3;
- E - Land at Pool Court, SE6; and
- F - Land at St Mildred's Road, Hither Green, SE12.

- Stage 4. Identify a preferred site or sites. Officers applied Site Selection Criteria 2 to 10 to the long-list of sites resulting in the identification of the proposed preferred sites.
  - Officers drew on the results of engagement with officers across the Council (including Environmental Protection, Housing, Public Health and School Places), Lewisham Clinical Commissioning Group and the Metropolitan Police and the findings of studies into vehicular access and flooding issues when applying Criteria 2 to 10 to the long-list of sites and assessing the appropriateness of potential sites.
  - A site selection matrix was established so that each criterion for each site could be given a qualitative score (1 – Excellent, 2- Good, 3 – Average, 4 – Poor or 5 - Very poor). This in turn allowed for the six long-listed sites to be compared and the merits and shortcomings of each site to be considered in order that the most appropriate site or sites is allocated in the Plan.

## **8. The Preferred Sites and site-specific design guidelines**

- 8.1. The site selection process outlined above identified two sites that are considered suitable for permanent residential gypsy and traveller sites. These are:
  - C - New Cross Social Club & adjoining land, Hornshay Street, SE15;
  - E - Land at Pool Court, SE6; and
- 8.2 The two potential sites are alternative ways of providing a gypsy and traveller sites. In addition to identifying the sites as being suitable in principle, the Potential Site(s) Report also identifies an indicative capacity for each site (6 to 7 pitches for Site C and 6 to 10 pitches for Site E) and includes General and Site-specific Design Guidelines to help ensure that the chosen site meets the needs of the gypsy and traveller community, is of a high quality design, safeguards residential amenity and respects the environment.

## **9. Sustainability Appraisal 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. Officers have chosen to commission an 'Integrated Impact Assessment' which comprises a Sustainability Appraisal, Strategic Environmental Assessment and an Equalities Analysis Assessment. This Report is attached as Appendix 2.

## **10. Proposed consultation arrangements**

- 10.1 Subject to Mayor and Cabinet approving the recommendations before it in this report and Full Council approving the Search Parameters and Site Selection Criteria and the recommendations in this report, consultation on the Potential Site(s) Report is planned to take place in October and November 2016.
- 10.2. A consultation strategy is being prepared to ensure the statutory requirements for preparing Local Plan documents are met, and that consultation is undertaken in accordance with the Council's adopted Statement of Community Involvement.
- 10.3 The consultation strategy will form part of a wider corporate approach to consultation involving representatives from relevant directorates across the Council.

## **11. Choosing the site to be allocated**

- 11.1 Following consultation, officers will take full account of all comments made, together with the findings of the Integrated Impact Assessment and all other material planning considerations, before assessing the relative merits of the two sites again. A report will be brought back to Mayor and Cabinet in early 2017 with a recommendation on which, if any site, to include in a submission version of a GTSLP.

## **12. Financial Implications**

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

## **13. Legal Implications**

- 13.1 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.
- 13.2 This report seeks authority to consult on the Council's Preferred Site(s) Report which forms part of the process in creating a new Gypsy and Traveller Local Plan.
- 13.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics:

age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 13.4 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.
- 13.5 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 13.4 above.
- 13.6 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 13.7 The Equality and Human Rights Commission has issued 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:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>  
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 13.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
  - [Meeting the equality duty in policy and decision-making](#)
  - [Engagement and the equality duty: A guide for public authorities](#)

- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

13.9 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

#### **14. Crime and Disorder Implications**

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

#### **15. Equalities Implications**

15.1 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’.

15.2 The Integrated Impact Assessment includes an equalities appraisal to identify equalities impacts and implications of emerging policy options. This is attached as Appendix 2.

#### **16. Environmental Implications**

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

#### **17. Conclusion**

17.1 The Planning Service have prepared a draft GTSLP 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 approval from Mayor and Cabinet and Full Council, officers intend to carry out consultation on the preferred potential sites October/November 2016.

#### **18. Background documents and originator**

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
<a href="#">Planning &amp; Compulsory Purchase Act 2004</a>	2004	Laurence House	Planning Policy	Claire Gray	No
<a href="#">Localism Act 2011</a>	2011	Laurence	Planning	Claire Gray	No



		House	Policy		
<a href="#">National Planning Policy Framework (NPPF) 2012</a>	2012	Laurence House	Planning Policy	Claire Gray	No
<a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012</a>	2012	Laurence House	Planning Policy	Claire Gray	No
<a href="#">Planning policy for traveller sites 2015</a>	2015	Laurence House	Planning Policy	Claire Gray	No

If you have any queries on this report, please contact Claire Gray, Interim Planning Policy Manager, 3<sup>rd</sup> floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 7186.