

COUNCIL		
Report Title	Consultation on the Gypsy & Traveller Site(s) Local Plan	
Key Decision	Yes	Item No.
Ward	All	
Contributors	Executive Director of Resources and Regeneration	
Class	Part 1	Date:21 September 2016

1. Purpose

- 1.1 This report seeks the Council's formal resolution to agree the final search parameters and site selection criteria for the Gypsy & Traveller Site(s) Local Plan (GTSLP).

2. Summary

- 2.1 The Planning Service are preparing a new Gypsy and Traveller Site(s) Local Plan (GTSLP) which will allocate a site or site(s) for accommodation for Gypsies and Travellers.
- 2.2 In order to identify a suitable site or sites, a range of 'Search Parameters' and 'Selection Criteria' have been identified. At its meeting on 24 February 2016, the Council 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.
- 2.3 Following consultation carried out by the Planning Service in March and April, one of the site selection criteria was amended, and at its meeting on 13 July 2016, Mayor and Cabinet approved the final search parameters and site selection criteria. The Council are now asked to do the same.

3. Recommendation

- 3.1 The Council is recommended to:
- 3.2 Approve the final search parameters and site selection criteria (Appendix 1)

4. Policy context

- 4.1 The contents of this report are consistent with the Council's policy framework. When adopted the GTSLP will become part of the Council's policy framework and will contribute to the implementation of each of the Council's ten priorities.
- 4.2 The GTSLP will help give a 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.

5. Background & Purpose

- 5.1 The full background, policy context and details of the GTSLP consultation is set out in the report to Mayor and Cabinet dated 13 July 2016 which is included as Appendix 2 to this report.
- 5.2 As a local housing authority the Council is under a duty to consider housing conditions and the needs of its district with respect to the provision of further housing accommodation. This duty further includes a duty to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed. Section 8(1) and 8(3)(a) of the Housing Act 1985 (as amended).
- 5.3 The GTSLP will form part of Lewisham's development plan and will identify and designate land in the borough to accommodate the identified need for gypsy and travellers, as defined in the National Planning Policy for Traveller Sites (August 2015).
- 5.4 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.
- 5.5 A summary of the comments received and officers' responses are set out in Appendix 3. As a result, officers are recommending that *one* change be made to site selection criteria 5 in response to a comment by the Environment Agency.

6 Sustainability Appraisal

- 6.1 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.

- 6.2 A number of comments were made on the draft Scoping Report, officers have considered the comments and the responses are set out in Appendix 3. 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 October/November 2016.

7 Financial Implications

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

8 Legal Implications

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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 above.
- 8.5 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 Decision Maker, bearing in mind the issues of relevance and proportionality. The Decision Maker 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.
- 8.6 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>

- 8.7 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
- 8.8 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>

9 Equalities Implications

- 9.1 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'.
- 9.2 The process of producing the new GTSLP will include an equalities appraisal to identify equalities impacts and implications of emerging policy options.

10 Environmental Implications

- 10.1 There are no direct environmental impacts arising from this report.

11 Conclusion

11.1 The Planning Service will be preparing 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 further approval from Mayor and Cabinet and Full Council, officers intend to carry out consultation on a preferred site or sites in October/November 2016.

Background documents

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Planning & Compulsory Purchases Act 2004 (as amended)	2004	Laurence House	Planning Policy	Claire Gray	No
National Planning Policy Framework	2012	Laurence House	Planning Policy	Claire Gray	No
Planning Policy for Traveller Sites	2015	Laurence House	Planning Policy	Claire Gray	No

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

Appendix 1: Search Parameters and search criteria

Appendix 2: Report to Mayor and Cabinet 13 July 2016 on Gypsy and Traveller Local Plan

This may be viewed at:

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=4248>

Appendix 3: GTSLP Consultation Statement 2016