

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

## **1. Purpose**

- 1.1 This report seeks the Council's formal resolution to agree public consultation on the Gypsy & Traveller Site(s) Local Plan (GTSLP).

## **2. Summary**

- 2.1 The Planning Service wishes to undertake public consultation on the production of a new Gypsy and Traveller Site(s) Local Plan (GTSLP).
- 2.2 At its meeting on 7 September 2016, Mayor and Cabinet approved for public consultation the GTSLP 'Potential Sites' Report and the associated Integrated Assessment.

## **3. Recommendation**

- 3.1 The Council is recommended to:
- 3.2 Approve the consultation on the preparation of Gypsy & Traveller Site(s) Local Plan as set out in the Regulation 18 (Stage 2) 'Potential Sites' Report (Appendix 1) together with the consultation on the associated Integrated Assessment Report (Appendix 2)
- 3.3 Delegate all necessary authority to the Executive Director of Resources and Regeneration to make any minor alterations to the consultation documents prior to the start of the formal consultation.

## **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 7 September 2016 which is included as Appendix 3 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 Lewisham's Gypsy and Traveller Accommodation Assessment Update (August 2016) establishes a need in the borough for 6 pitches up until 2031. The purpose of the GTSLP is to allocate a site or sites to meet these identified accommodation needs.

## **6. The Preferred Sites**

- 6.1 The site selection process 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
- 6.2 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 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.

## **7 Sustainability Appraisal**

- 7.1 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.

- 7.2 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.

## **8 Financial Implications**

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

## **9 Legal Implications**

- 9.1 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.

- 9.2 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.

- 9.3 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.

- 9.4 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.

- 9.5 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.

- 9.6 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>

9.7 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

9.8 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>

## **10 Equalities Implications**

10.1 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'.

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

## **11 Environmental Implications**

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

## **12 Conclusion**

12.1 The Planning Service have prepared a draft GTSLP in accordance with the final search parameters, site selection criteria and Integrated Assessment. Subject to approval from Full Council, officers intend to carry out consultation on the potential sites October/November 2016.

### Background documents

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
<a href="#">Planning &amp; Compulsory Purchases Act 2004 (as amended)</a>	2004	Laurence House	Planning Policy	Claire Gray	No
<a href="#">National Planning Policy Framework</a>	2012	Laurence House	Planning Policy	Claire Gray	No
<a href="#">Planning Policy for Traveller Sites</a>	2015	Laurence House	Planning Policy	Claire Gray	No

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

Appendix 1: Gypsy & Traveller Site(s) Local Plan Regulation 18 (Stage 2) 'Potential Sites' Report

Appendix 2: Integrated Assessment of the Gypsy and Traveller Site(s) Local Plan

Appendix 3: Report to Mayor and Cabinet 7 September 2016 on Gypsy and Traveller Local Plan

This may be viewed at:

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=4304>