Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document

'Traveller DPD' (Consultation Draft)

Equalities Impact Assessment

<u>July 2017</u>



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1.1 The purpose of this EqIA is to examine the content of the draft Gypsy, Traveller and Travelling Showpeople Development Plan Document (Traveller DPD), in terms of its likely impact on different community groups and how the needs of such groups have been taken into account in the evolution of the DPD policies. Therefore, the key question for this EqIA is: 'Does the Gypsy, Traveller and Travelling Showpeople DPD have the potential to cause adverse impact on or unlawfully discriminate against any groups in the community?'

2 Background to the Traveller DPD

- 2.1 The Gypsy, Traveller and Travelling Showperson Development Plan Document (hereafter referred to after as the Traveller DPD), sets out a strategy to deliver sufficient traveller sites to meet identified needs, by safeguarding existing sites in addition to identifying specific traveller sites and setting out criteria for their development and future safeguarding.
- 2.2 National planning policy as set out in the NPPF (2012) and more specifically – in the Planning Policy for Traveller Sites (2015) guidance, requires local authorities to assess the accommodation requirements of gypsies and travellers and to develop a strategy that addresses any unmet need identified.
- 2.3 Local Plan Part 1 (LPP1) 2013 Policy CP5 Sites for Gypsies and Travelling Showpeople sets out criteria to be used in the assessment of planning applications for gypsy and traveller accommodation. Local Plan Part 2 (LPP2) 2017 Policy DM4 – Gypsies, Travellers and Travelling Showpersons quantifies the need for particular number of pitches for gypsies and plots for traveling showpersons over the plan period (2016-2031). The Traveller DPD therefore allocates sites to meet the need set identified in DM4 and sets out detailed criteria in relation to the individual sites.
- 2.4 The Draft Traveller DPD is being published for consultation between 10th July 2017 and 4th September 2017. This is therefore an appropriate point at which to undertake an EqIA on the draft Plan's policies. This EqA is available on the Council's website as part of the consultation. This will allow any recommendations from this scoping report and feedback from the consultation to inform the final expression of policies and proposals prior to its publication in advance of its examination.
- 2.5 The next key stage for the Traveller DPD is Publication of the proposed document, timetabled by the end of 2017 in advance of Submission. The Examination and subsequent Adoption of the DPD is anticipated during 2018. A timetable is set out the Council's Local Development Scheme, which will be updated prior to Submission.

3 Equality Guidance

- 3.1 Winchester City Council is subject to a legal requirement to carry out what is known as the public sector equality duty. This is set out in the Equalities Act 2010 and states in summary that public bodies must, in carrying out their 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.

The Equality Act explains that the second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

People who are protected under the Equalities Act have what's called protected characteristics. The protected characteristics are:

- age
- disability
- gender reassignment (transgender)
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex (gender)
- sexual orientation

4 Equality & Planning

- 4.1 Targeted advice on improving planning outcomes for the community is set out in 'Equality and Diversity' produced by Planning Advisory Service (PAS) in partnership with I&DeA. This focuses on the aspects of:-
 - Evidence gathering
 - Plan-making
 - Community engagement
 - Development management
 - Employment and training
- 4.2 The PAS advice sets out particular issues in regard to plan-making, advising that there are certain steps that local authorities must undertake if they are to

Gypsy, Traveller and Travelling Showpeople Development Plan Document Equalities Impact Assessment (Scoping Version July 2017) succeed in mainstreaming equality. The table below illustrates how they apply to the Traveller DPD.

PAS/I&DeA Advice	WCC Traveller DPD
PAS/I&DeA Advice Understand the demographics of the area served, together with the needs and aspirations of the communities that live there	WCC Traveller DPD Local Plan preparation is underpinned by detailed demographic evidence of the area. Two gypsy and traveller accommodation needs assessments have been undertaken in the District. The first by Forest Bus in 2013 and the second by ORS in 2016. This was required as the Government changed the definition of Travellers with the publication of the PPTS in 205.
Ensuring inclusive consultation	Consequently the 2016 GTAA, specifically sought out and identified the needs of the travelling communities in the District Consultation via a variety of means,
Ensuring inclusive consultation methods and target if necessary previously excluded groups	including, Council website, local press LDF Newsletter (LDF database) Parish Connect (Parish Councils), social media. Traveller organisations have been specifically contacted and the use of social media has been shown to be effective in reaching the travelling community more directly.
Take clear steps to promote equality in plans	The Council's Strategy, Statement of Community Involvement. Sustainability Appraisal of Local Plan and this DPD.
Assess who is benefiting from existing plans and develop systems to reconcile issues revealed through analysis of data Use influence to ensure private	As above. The Traveller DPD itself attempts to balance benefits to travellers with the needs of the wider community. As above, a variety of consultation
developers and other stakeholders do the same	techniques have been utilised to encourage participation.
Set specific equality objectives	The Council's Equality Strategy and this EqIA.
Monitor plans through data collection and engagement, feedback	The Traveller DPD has a monitoring framework built in. The planning applications process provides this data on an ongoing basis.

5 Winchester City Council Equality Policy

- 5.1 The Council's Equality Policy (2011) sets out the Council's overall approach to equality as both an employer and a provider of services. It also covers the Council's approach to:
 - partnership working on equality issues,
 - the "duty to involve" and the requirement to consult and engage with the local community,
 - the public sector equality duties which came into force in April 2011.
- 5.2 The policies included in the document relate to all of the "protected characteristics" of equality as defined by the Equality Act 2010.
- 5.3 The practical effect of the Equalities Act together with other relevant legislation including the Human Rights Act 1998 and the Local Government Act 2000 is that the Council is legally required to consider how its policies, plans, services, procedures, practices, projects, and decisions will affect people with the protected characteristics.
- 5.4 The equality processes introduced by the Council in 2011, requires a scoping and analysis template to be completed to assess any potential impacts on equality matters. The scoping template is used to assess the impacts on the groups with protected characteristics in with regard to addressing discrimination and disadvantage (including unlawful discrimination), promoting equality and participation (equality of opportunity) and promoting good relations (between the groups with protected characteristics and others)

6 EqIA Scoping Assessment of draft Traveller DPD

- 6.1 The DPD has been produced specifically to address the needs of travellers who may be considered a disadvantaged and discriminated group (race). The DPD therefore has positive effects on a group containing the protected characteristics as outlined below:
 - In addressing the particular needs of travellers, the DPD is promoting equality
 - By involving the traveling community directly in the initial assessment of needs and provision of subsequent policies and site allocations, the DPD is encouraging the participation of these groups
 - The development of appropriate policies for travellers which provides for their accommodation needs, whilst protecting the surrounding environment and limiting impacts on the wider community, should have positive effects on promoting good relations.

Gypsy, Traveller and Travelling Showpeople Development Plan Document Equalities Impact Assessment (Scoping Version July 2017)

- 6.2 The scoping assessment for each of the protected characteristics is set out below for the DPD and reveals that the majority of the categories score positively or are not applicable. The DPD is a land use planning document, consequently its scope is limited to planning for gypsies, travellers and travelling showpeople. The DPD does not therefore attempt to deal with all sections of the community, nor all types of land use.
- 6.3 The following scoring assessment has been used and where necessary a commentary is included:-

+ve = positive impact -ve = Negative impact n/a= not applicable

- 6.3 Preparation of the DPD has been subject to consultation with both travellers and the wider community. A key change that has impacted the preparation of this DPD was the change in definition of 'travellers' as now specified in the Governments' guidance August 2015, this required the Council to recommission the gypsy and traveller accommodation needs assessment which was originally undertaken by Forest Bus Study in 2013 and more recently through extensive interviews by ORS in 2016, to determine both whether travellers on sites genuinely fall within the revised definition and what their accommodation needs are now and in the future. An initial 'options' consultation seeking views on requirements for traveller sites was undertaken in spring of 2017. The draft DPD is now being published for consultation between 10th July and 4th September 2017.
- 6.5 Notwithstanding this, the emerging policies of the DPD have also been subject to a Sustainability Appraisal which includes references to:- building communities through the promotion of social inclusion; provide good quality housing for all; improve the health and well being of all. These pick up on some of the equality issues.

PROTECTED CHARACTERISTIC	SUB- GROUP	DISCR & DISA			PROM EQUAI PARTI	PRO GOO RELA	D		REASONING & EVIDENCE		
		+VE	-VE	N/A	YES	No	N/A	YES	NO	N/A	
SEX (GENDER)	Women	Y			Y			Y			The policies included in the
	Men	Y			Y			Y			 Traveller DPD do not make any distinction between genders. This DPD has positive effects on women as a disadvantaged group insofar as part of the assessment of the needs of all travellers and their families and the DPD aims to accommodate the identified needs. The provision of a safe and secure environment accessible by all and safe and secure routes to and around sites. These references protect against particular kinds of crimes disproportionately impacting men/women.
AGE	Over 80	Y			Y			Y			The ORS Gypsy and Traveller
YOU MAY ALTER AGE	Over 65	Y		1	Y			Y		1	Accommodation Assessment (GTAA) fully assessed the needs
RANGES IF APPROPRIATE	22-64	Y		1	Y			Y		1	for accommodation of all gypsy

16 to 21	Y	Y	Y	and travellers. Extensive
· ·		i i i i i i i i i i i i i i i i i i i	<u></u>	interviews and surveys of travellers were undertaken by ORS. These assessed the needs of individuals as well as groups and families. As such it included considering the demographics of travellers on particular sites and their anticipated needs, including an assessment of likely new household formation over the plan period.The DPD addresses the needs of older people who may have ceased travelling, but still need to be accommodated.The needs of children have also been taken account in the DPD, in respect of promotion of locations near settlements and schools. The criteria for site development provides for a safe physical environment and makes for provision of play areas where
				appropriate. However, not all existing sites are ideally located in terms of access to facilities, which may

			,,					adversely impact on school age children and the less mobile.
RACE YOU MAY NEED MORE	White British People		Y		Y		Y	The DPD directly addresses the needs of gypsies and travellers and makes no attempt to
<i>DETAIL HERE E.G. A SPECIFIC ETHNIC GROUP</i>	White European or Other White People		Y		Y		Y	distinguish between the variations of travelling groups (Romany gypsies, Irish travellers etc). This is in accordance with
	Irish People		Y		Y		Y	PPTS 2015 which states <i>persons of nomadic habit of life</i>
	Black or Black British People		Y		Y		Y	whatever their race or origin'
	Asian or Asian British People		Y		Y		Y	
	Chinese or Chinese British People		Y		Y		Y	
	Mixed Race People		Y		Y		Y	
	Gypsies/Trav ellers	Y		Y		Y		
	People from other minority ethnic		Y		Y		Y	

	groups							
DISABILITY & HEALTH	Physical Impairment	Y		Y		Y		The Traveller DPD makes no distinction between these matters.
YOU MAY NEED MORE DETAIL HERE E.G. TYPE	Sensory Impairment	Y		Y		Y		mallers.
OF SENSORY IMPAIRMENT	Long-Term Health Problem	Y		Y		Y		
	Mental Illness	Y		Y		Y		
	Learning Disability	Y		Y		Y		
SEXUAL	Lesbians		Y		Y		Y	The Traveller DPD makes no distinction between these groups.
ORIENTATION	Gay Men		Y		Y		Y	
	Bisexuals		Y		Y		Y	
RELIGION & BELIEF	Faith Groups		Y		Y		Y	The Traveller DPD makes no distinction between these groups.
YOU MAY NEED MORE DETAIL HERE E.G. A SPECIFIC FAITH/BELIEF	Atheist, Agnostic or Other belief		Y		Y		Y	- 9.00po.
TRANSGENDER			Y		Y		Y	The Traveller DPD makes no distinction between these groups.
MARRIAGE &	Married		Y		Y		Y	The Traveller DPD makes no

CIVIL PARTNERSHIP	Civil Partners		Y		Y		Y	distinction between these groups.
PREGNANCY &	Pregnant		Y		Y		Y	The Traveller DPD makes no distinction between these
MATERNITY	On Maternity Leave		Y		Y		Y	groups.
OTHER YOU MAY ADD ADDITIONAL GROUPS HERE.	Living in rural area	Y		Y		Y		All the sites considered within the draft DPD are within rural areas. Site assessments have been undertaken to attempt to ensure that sites are located where travellers can access the services of local facilities, particularly education, whilst having regard to the existing situation of the location of the current sites.
	Poor Literacy &/or Numeracy	Y		Y		Y		Although the Traveller DPD does not make specific reference to these groups, the assessment of the needs of the travelling
	Unemployed	Y		Y		Y		community included the needs of
	Low Income	Y		Y		Y		those who were not travelling, either by age, disability etc. The
	On Benefits	Y		Y		Y		DPD does make some allowance
	Caring Responsibiliti es	Y		Y		Y		for accommodation needs of these groups as part of the wider traveller community. By providing for the needs of travellers and their family groups, the DPD may have positive

						effects on some of the income and poverty-related characteristics as the travelling community is disproportionately represented in these groups.

Scoping Analysis:

Name of the Service, Policy, or	Winchester District: Gypsy, Traveller
Strategy:	and Travelling Showpeople
onatogy.	Development Plan Document, draft 2017
Element(s) of the above being	Whole document
assessed.	
Date Screening undertaken:	July 2017
Screeners:	J Nell & J Ashton
File name and location:	
Question	
1. What is the main purpose of the	Development Plan Document for the
Service, Strategy, Policy, Practice or	Winchester District (excluding SDNP) for
Procedure?	the period 2016 – 2031, setting out the
	allocation of sites for traveller requirements
	and policies to be applied during
	consideration of planning applications, in
	accordance with Town and Country
	Planning (Local Development) (England)
	Regulations 2012 ; National Planning
	Policy Framework 2012 and Planning
	Policy for Traveller Sites 2015.
2. List the main activities of the	To set out the amount, type and location of
Service, Strategy, Policy, Practice or	sites for travellers in the Winchester
Procedure	District (excluding that area covered by the
	South Downs National Park) and to include
	a series of detailed policies to determine
	planning applications against.
3. see table above	
4. Have you identified any impact(s)	Yes
on any group(s)?	
	The policies in the Traveller have a
	positive impact on gypsy and traveller
	ethnic group. There are also positive
	impacts in relation to disabilities and age,
	rural living and income-related poverty.
	However, given the nature of the document
	it does not distinguish between many of
5 is the Service Strategy Policy	the protected groups.
5. Is the Service, Strategy, Policy, Project, Practice or Procedure	Yes. The travelling community has been interviewed specifically to identify their
promoting equality of opportunity	needs for accommodation that the DPD
and/or participation in public life for	has been produced to address (ORS,
any group(s)?	GTAA 2016)
any group(o).	
	An open consultation has been undertaken
	, at opoin concentration has been undertaken

Equalities impact Assessment (Scoping	* /
	on Citizen Space to ascertain the desired
	requirements for travellers, including
	location and facilities. This was widely
	advertised, including on social media and
	travelling groups were specifically
	contacted by the Council as part of this.
	The draft DPD is now being subject to an
	extended consultation of 8 weeks during
	•
	July – September 2017, which will be
	subject to similar publicity procedures.
6. Can it be improved to do so?	No see above
7. Is the Service, Strategy, Policy,	Yes. The DPD is aimed at accommodating
Project, Practice or Procedure	the needs of travellers in a way that has
promoting good relations for any	acceptable impacts on the wider
group(s)?	community and environment. Better
	planning of traveller sites should assist in
	promoting good relations.
8. Have you gathered any new	No. The surveys of travelling community
equality information during this	carried out to inform the DPD identified the
assessment?	characteristics of the respondents as
	relevant.
9. Have you undertaken any	No specific consultation has been
consultation/engagement work	undertaken in relation to the EqIA,
during this assessment?	however extensive consultation has been
	undertaken on the DPD itself and is
	continuing through the Draft DPD
	consultation, as described above.

- 7.1 The table below screens each of the DPD policies against the equality groups listed in Table 1, in accordance with the Council's Equality Impact Assessment Guidance Manual.
- 7.3 In addition to a broad score using the following symbols, the commentary notes any key issues and suggests actions to be taken when considering the detailed expression of policies and supporting text when finalising the DPD.
- 7.4 The following key has been used to record the overall impact of each policy :-

+ve = positive impact
? = Neutral / don't know / not sure / negligible impact
-ve = Negative impact
n/a= not applicable

Section					Summary/ commentary							
	Gender	Age	Race	Disability and health	Sexuality	Religion and belief	transgender	Marriage and civil partnership	Pregnancy and maternity	Low income	Living in a rural area	
Policy TR 1 – Safeguarding Permitted Sites	n/a	+ve	+ve	+ve	n/a	n/a	n/a	n/a	n/a	+ve	+ve	By safeguarding existing permitted sites, this policy has a very positive effect on the race characteristic, by addressing the needs of travellers directly. As outlined in the scoping assessment, there are positive effects of providing specifically for the needs of travellers in respect of the protected characteristics of age, disability and health, low income as these aspects may impact disproportionately on the travelling community. All of the sites are within the rural area, so the policy has a

Section			<u> </u>			Equalit	ty Gro	up				Summary/ commentary
	Gender	Age	Race	Disability and health	Sexuality	Religion and belief	transgender	Marriage and civil partnership	Pregnancy and maternity	Low income	Living in a rural area	
												positive impact in respect of this.
Policy TR2 – Sites with Temporary Consent Joymont Farm, Curdridge Lane Ourlands, Est of Mayles Lane, Knowle Stablewood Farm, The Lakes, Swanmore	n/a	+ve	+ve	+ve	n/a	n/a	n/a	n/a	n/a	+ve	+ve	This policy seeks to allow those sites with a temporary planning permission a permanent consent. This therefore provides certainty for the occupants on these sites.

Section			<u> </u>	<u> </u>		Equalit	y Grou	up				Summary/ commentary
	Gender	Age	Race	Disability and health	Sexuality	Religion and belief	transgender	Marriage and civil partnership	Pregnancy and maternity	Low income	Living in a rural area	
Land adjacent Gravel Hill, Shirrell Heath												
Policy TR3 – Carousel Park, Micheldever	n/a	+ve	+ve	+ve	n/a	n/a	n/a	n/a	n/a	+ve	+ve	This policy allocates land specifically for travelling showpersons, so therefore has a very positive effect on the race characteristic, by addressing the accommodation needs of traveling showpersons directly.
Policy TR4 – The Nurseries, Shedfield	n/a	+ve	+ve	+ve	n/a	n/a	n/a	n/a	n/a	+ve	+ve	This policy allocates land specifically for travelling showpersons, so therefore has a very positive effect on the race characteristic, by addressing the accommodation needs of traveling showpersons directly.

Section		Equality Group										Summary/ commentary
	Gender	Age	Race	Disability and health	Sexuality	Religion and belief	transgender	Marriage and civil partnership	Pregnancy and maternity	Low income	Living in a rural area	
Policy TR5 – Firgrove Lane, North Boarhunt	n/a	+ve	+ve	+ve	n/a	n/a	n/a	n/a	n/a	+ve	+ve	This policy allocates land for both gypsies/travellers and travelling showpersons, so therefore has a very positive effect on the race characteristic.
Policy TR6	n/a	+ve	+ve	+ve	n/a	n/a	n/a	n/a	n/a	+ve	+ve	This policy allows for additional provision of pitches/plots on all of the existing/known sites to be considered on a case by case basis. This shows flexibility and again has a very positive effect on the race characteristic, by addressing the potential changing accommodation needs of travellers directly.
Policy TR7	n/a	+ve	+ve	+ve	n/a	n/a	n/a	n/a	n/a	+ve	+ve	The policy sets out specific requirements and standards for traveller sites in general. This has a positive impact on the

Section					Summary/ commentary							
	Gender	Age	Race	Disability and health	Sexuality	Religion and belief	transgender	Marriage and civil partnership	Pregnancy and maternity	Low income	Living in a rural area	
												race characteristic, by allowing for the needs of travellers to be appropriately accommodated. By requiring standards in regard to matters of safety and security, amenity and the local environment the policy has positive impacts by seeking acceptable living standards for the occupiers, whilst seeking to protect and maintain the environment of the locality.

- 7.1 This screening assessment has not revealed any significant deficiencies in the expression of the policies and proposals in the draft Traveller DPD in relation to equality matters. There are significant positive effects on the travelling community as a result of the proposed policies in this document. The scoping assessment has revealed some positive effects on other protected characteristics, particularly addressing the needs of living in a rural area. Other positive effects may also occur on characteristics related to poverty and low income where these may be evident within the traveller community. The draft DPD also addresses the need of particular age groups within the travelling community by taking account of issues such as concealed households and future household formation. The DPD also makes positive references for those who have ceased to travel temporarily due to their own or their family's or dependants' educational or health needs or of age.
- 7.2 Given the specific scope of the nature of the document, the DPD does not have particular impacts on many of the protected characteristics. The DPD makes no reference to most of the characteristics and hence many of the scores are either neutral impact or not applicable.
- 7.3 It is recognised that some of the sites are not in ideal locations in relation to proximity to existing settlements and that this affect potential access to facilities and services. This could adversely impact on the young, the elderly, those with health problems or disabilities and those with low incomes without access to transport. However, as the DPD makes clear, there is a lack of alternative sites being promoted for consideration in the DPD, therefore it is necessary to focus on existing available sites. The need to provide authorised sites for traveller accommodation needs is of great importance, including in regard to the rights of children to a decent home. Given the level of identified need and the sites available, it has not been possible to select a range of sites, as sites have to be deliverable. The sites allocated have therefore been given a positive score in the screening as they are providing much needed accommodation.
- 7.4 In relation to the above points, it is useful to bear in mind that this DPD does not propose any new additional sites. LPP1 Policy CP5 has a series of detailed criteria which will be used to assess any new sites that come forward apart from those referred to in the Traveller DPD. The policy includes criteria such as the location in relation to nearby settlements, provision for children's play, drainage measures screening etc. These criteria are aimed at ensuring suitable provision for gypsies and travellers to a suitable standard, whilst minimising any adverse impacts on local amenity or the local environment.
- 7.5 Given the specific nature of the Traveller DPD, no recommendations are considered necessary to the policies to improve their effect on equalities characteristics. However, it is recommended that the document be assessed further prior to

Gypsy, Traveller and Travelling Showpeople Development Plan Document

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publication and submission in order to address any changes made since the draft, any relevant points arising from the consultation and any issues raised by the Sustainability Appraisal.

Recommended Actions:

- **1.** Repeat EqIA before publication of final document.
- 2. Consider whether any further detail could be added to the monitoring framework to allow for analysis of the impact of the policies/proposals in relation to equality groups.

1