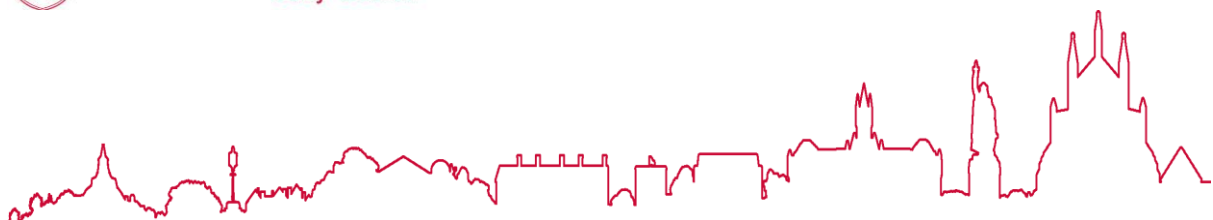


Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document

‘Traveller DPD’ (*Pre-Submission Draft*)

Equalities Impact Assessment Update

January 2018



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Equalities Impact Assessment

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1 Introduction

- 1.1 The purpose of this EqlA is to examine the content of the 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 EqlA 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 as the Traveller DPD), sets out a strategy to identify and allocate 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) adopted in 2013, includes Policy CP5 – Sites for Gypsies and Travelling Showpeople which sets out criteria to be used in the assessment of planning applications for gypsy and traveller accommodation. Local Plan Part 2 (LPP2) adopted in 2017 quantifies the need for travellers plots/pitches, through Policy DM4. This requires the provision of 15 gypsy and travellers pitches and 24 showpersons plots over the plan period (2016-2031). The Traveller DPD therefore identifies and allocates sites to meet the identified need and includes detailed criteria in relation to the individual sites.
- 2.4 The Draft Traveller DPD was published for consultation between 10th July 2017 and 4th September 2017. This is therefore an appropriate point at which to update the EqlA on the policies, this update is available on the Council’s website as part of the consultation under Regulation 19 of the Town and Country Planning (Local Plan)(England) Regulations 2012.
- 2.5 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.
- 2.5 Following consultation under Regulation 19, the Council intends to submit the DPD for Examination in May 2018, in accordance with the latest Local Development Scheme agreed in December 2017.

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.
- 3.2 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.
- 3.3 People who are protected under the Equalities Act have what's called protected characteristics, these include :
- age
 - disability
 - gender reassignment (transgender)
 - marriage and civil partnership
 - pregnancy and maternity
 - race
 - religion or belief
 - sex (gender)
 - sexual orientation
- 3.4 Preparation of this DPD focussing specifically on a sector of the population that has protected characteristics, ensures that the Council is complying with its duties and responsibilities under the Public Sector Equality Duty and associated guidance.

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 succeed in mainstreaming equality. The table below illustrates how they apply to the Traveller DPD.

PAS/I&DeA Advice	WCC Traveller DPD
Understand the demographics of the area served, together with the needs and aspirations of the communities that live there	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 2015. Consequently the 2016 GTAA, specifically sought out and identified existing and future accommodation needs of the travelling communities in the District
Ensuring inclusive consultation methods and target if necessary previously excluded groups	Consultation via a variety of means, 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. Travellers have also been specifically advised of the publication of the Traveller DPD, throughout the process of preparing the DPD.
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	As above. The Traveller DPD itself considers the accommodation needs of travellers in the

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analysis of data	context of the wider community and environment.
Use influence to ensure private developers and other stakeholders do the same	As above, a variety of consultation 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 relate to all of the "protected characteristics" of equality as defined by the Equality Act 2010 and set out at para 3.3 above. .
- 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)
- 5.5 A [scoping assessment](#) was completed for the draft Traveller DPD published in July 2017. The DPD has been prepared specifically to address the accommodation needs of travellers who are considered to have protected characteristics (race) and therefore may be considered a disadvantaged and discriminated group. The DPD therefore has positive effects on a group containing these protected characteristics as outlined below:
- In addressing the particular accommodation needs of travellers (existing and future) within the timescale of this DPD (2016 – 2031) the DPD is promoting equality.
 - By involving the travelling community directly in the assessment of accommodation needs through the GTAA undertaken by ORS who specifically interviewed occupants of sites, and the 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.

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- 5.6 It is not considered necessary to repeat the scoping assessment at this stage, as the DPD has not changed that significantly from the draft, therefore the assessment and commentary remain relevant.
- 5.7 However, given that there are some amendments to the emerging policies in response to the Regulation 18 consultation feedback, it is necessary to update the screening assessment and this is set out below.

6 Screening Assessment of Traveller DPD

6.1 A number of amendments have been made to the policies following the Regulation 18 consultation held during July to September 2017. Therefore, the table below screens each of the DPD policies against the equality groups listed at para 3.3 in accordance with the Council's Equality Impact Assessment Guidance Manual.

6.2 The EqIA published in July included two 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.**

Publication of this updated version of the EqIA responds to the first Recommended Action

In terms of the second Recommendation, the monitoring framework allows for the Council to record planning applications considered in accordance with the policies in the Traveller DPD and other adopted local plans. Results of this monitoring will be published annually in the Authorities' Monitoring Report

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

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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 TR 1 – Safeguarding Permitted Sites	n/a	+ve	+ve	+ve	n/a	n/a	n/a	n/a	n/a	+ve	+ve	<p>By safeguarding existing permitted sites, this policy has a very positive effect on the race characteristic, by addressing the needs of travellers directly.</p> <p>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.</p> <p>All of the sites are within the rural area, so the policy has a</p>

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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	
												positive impact in respect of this.
Policy TR2 – Sites with Temporary Consent Land at The Piggeries, Firgrove Lane, North Boarhunt Ourlands, Est of Mayles Lane, Knowle Land adjacent Gravel Hill, Shirrell Heath	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.

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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 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 travelling 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, and has been amended to acknowledge the possibility of further plots on the site due to an identified future need . This therefore has a very positive effect on the race characteristic, by addressing the existing and future accommodation needs of travelling showpersons directly.

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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 Expansion or intensification within existing sites	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. Additional text has been added at para 4.17 in recognition of the future needs on two known sites. This approach demonstrates flexibility and again has a positive effect on the race characteristic, by addressing the potential changing accommodation needs of travellers directly.
Policy TR6 General design guidance and site layout	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 race characteristic, by allowing for the needs of travellers to be

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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	
												<p>appropriately accommodated.</p> <p>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.</p>

7 Summary and Conclusion

- 7.1 This screening assessment update has not revealed any significant deficiencies in the expression of the policies and proposals in the 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 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 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 may 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 traveller 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 in addition to 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 further recommendations are considered necessary to the policies from an equalities perspective.