

## Appendix 3

### Stage 1: Equality Impact Assessment

#### **1. What are the main aims purpose and outcomes of the Policy and how do these fit with the wider aims of the organization?**

This Equality Impact Assessment (EIA) has been prepared to properly consider the relevance of the Public Sector Equalities Duty under section 149 of the Equality Act 2010 and have due regard to the requirements of the General Duty, as part of the site identification and selection process for a new public gypsy site of 15 pitches.

The main document for detailing planning policy for Traveller sites in England is the Department for Communities & Local Government (DCLG)'s *Planning Policy for Traveller sites (March 2012)*. This specifies that the aims of Government legislation and policy for traveller sites are:

- that local planning authorities should make their own assessment of need for the purposes of planning
- to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- to encourage local planning authorities to plan for sites over a reasonable timescale
- that plan-making and decision-taking should protect Green Belt from inappropriate development
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
- for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- to reduce tensions between settled and traveller communities in plan-making and planning decisions
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- for local planning authorities to have due regard to the protection of local amenity and local environment

Local authorities are required by Government, through the Housing Act 2004, to assess the accommodation needs of Gypsy and Travellers alongside the settled population. Local authorities are also required by the Act to develop a strategy that addresses any unmet need that is identified.

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The borough has a significant number of Gypsy and Traveller residents. There is no one source of information about the size of the Gypsy and Traveller population in the borough. The Gypsy & Traveller and Travelling Showpeople Accommodation Assessment (GTAA) 2012 estimated that there are at least 863 local Gypsies, Travellers and Travelling Showpeople living in the borough. The greatest majority of the borough's gypsies live on privately-owned sites.

The provision of Gypsy and Traveller pitches is proposed within the emerging Core Strategy, which has been the subject of an EIA itself, so the Council have taken account of the General Duty in its wider decisions relating to the provision of additional pitches within the Borough.

The GTAA 2012 assessed the local need for pitches arising in the borough. This highlighted a considerable shortfall in the quantity of residential and transit accommodation available to Gypsies & Travellers who do not wish to reside in conventional housing. Using this evidence, Cabinet has agreed the Core Strategy target for the number of pitches to be provided in the borough between 2011 and 2026 as 157 pitches to meet the measured need. Allocations necessary to make this provision a reality will be set out in the Development Delivery DPD.

In June 2011 Cabinet agreed that Maidstone Borough Council should work in partnership with the Registered Provider Town & Country Housing Group to make a bid to the Homes & Communities Agency's (HCA) Traveller Pitch Fund. This bid was successful and in January 2012 the HCA confirmed that Town & Country Housing Group had been awarded £1.362m to deliver 15 new Gypsy & Traveller pitches in the borough by March 2015.

Since the announcement, officers have been working to identify reasonable candidate sites on which these pitches could be delivered. The joint report of the Director of Change, Planning and the Environment and Director of Regeneration and Communities, that went to Cabinet on the 11<sup>th</sup> July 2012, set out the work to date which resulted in a shortlist of sites upon which it was recommended that further, more detailed assessment, including negotiation with landowners be progressed.

Following this work, the Cabinet Member for Corporate Services will consider the further assessment of shortlisted sites and be asked to agree the final recommended site locations and the terms of any option agreement/s with the landowner, for the provision of 15 new, permanent pitches for Gypsies and Travellers within the borough.

The site being recommended to pursue further, known as Kettle Meadow, Land East of Lenham, Forstal Road, Lenham is available, having willing landowners looking to sell for a reasonable purchase price and can accommodate all 15 pitches.

The new pitches will contribute to the borough need for 157 further permanent pitches for the period 2011 -26 agreed by Cabinet. Additionally, the availability of alternative provision is frequently a significant issue at planning and enforcement appeals. A further public site would add to the

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availability of pitches under public control and thereby contribute to addressing this concern.

A summary of the main aims of the delivery of these 15 new pitches on the recommended preferred sites are:

- To ensure that Gypsies and Travellers have fair, transparent access and increased choice to suitable, fit for purpose accommodation;
- To address the undersupply of affordable accommodation for Gypsies and Travellers;
- Avoid Gypsies and Travellers becoming homeless, where eviction from unauthorised sites occurs and where there is no alternative accommodation available;
- Provide the basis for the Council to tackle the inequalities experienced by Gypsies & Travellers;
- Increase provision which will reduce the number of unauthorised encampments and the tensions they create between travellers and the settled community and reduce the need for costly enforcement action;
- Provide accommodation that will be resource efficient to live in.

### **2. How do these aims affect our duty to:**

- **Eliminate unlawful discrimination, harassment and victimization 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.**

This process involves the identification and selection of sites for accommodation for individuals which share a relevant protected characteristic, namely race (including ethnic origin).

The selection and subsequent delivery of either site for the provision of 15 new pitches will help to eliminate unlawful discrimination, harassment and victimization experienced by this minority group. Permanent authorised and managed pitches can help to promote integration and inclusion with the settled community.

The council will be supporting the provision of a community cohesion and diversionary activity programme for both existing residents and the gypsy/traveller community. The proposal is for this to be delivered pre and post site construction.

This will include removing or minimising disadvantages, encouraging residents to participate in public life or in any activity in which participation is low for this minority/ethnic group and tackling prejudice and promoting understanding between the Gypsy and Traveller and settled community

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In addressing the aims and need for additional Gypsy & Traveller Pitches, the planning and design of the site will also take into account the following key issues:

- Be sustainable, safe and easy to manage and maintain.
- Be of a decent standard, equitable to that which would be expected for social housing in the settled community.
- Support harmonious relations between Gypsies and Travellers and the settled Community.

The pre-application consultation process and design of the site will consider the specific needs and interests of Gypsies & Travellers (whilst respecting the interests of the settled community), who are at greater risk of lower quality of life outcomes, and will help to close achievement gaps. It will help to reduce racial tensions associated with unauthorised sites, increase participation in decision making and service delivery processes and increase a sense of belonging amongst the Gypsy & Traveller community.

There are low levels of literacy in some sections of the Gypsy and Traveller community. Therefore consultation may need to expand beyond written methods such as leaflets, surveys or feedback forms. Face to face consultation which enables Gypsies and Travellers to influence rather than just respond to the consultation agenda is important. Provision of models and computer generated images of proposed site development will also help prospective residents visualise the outcome and help identify useful refinements which may not otherwise be immediately apparent.

As for other kinds of development, members of the local community, whether Gypsies and Travellers or settled residents, will be able to feed in views on plans for the new site, as part of the pre-application consultation process.

### **3. What aspects of the policy including how it is delivered or accessed could contribute to inequality?**

It is considered that the provision of a further publicly owned and controlled site will contribute to equality of opportunity for Gypsy & Travellers. Both sites being recommended to pursue further have already gone through a rigorous planning assessment process, using a planning criteria and scoring approach. The purpose of the assessment process was to produce a shortlist of appropriate sites which, either singly or in a combination, could deliver the 15 pitches. This has taken into account planning and delivery judgements, including sustainability and access to services and utilities infrastructure.

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MBC's objective in owning and managing sites through KCC for Gypsies and Travellers is to provide a high quality site pitch for those in need. Allocation of pitches must comply with relevant legislation and case law, in particular the Equality Act, 2010, the Human Rights Act 1998, and allocation decisions must be "reasonable" "fair" and "proportionate". The Council's Allocation Policy ensures that site pitches will be rented to those Gypsies and Travellers in greatest need, and to those who may have great difficulty in securing pitches on privately owned Traveller sites which are available for rent or which have the benefit of permanent planning consent.

Consultation has shown that site layout can play an important role in avoiding a sense of enclosure and isolation amongst Gypsies and Travellers. The aim will be to 'design out' crime and social exclusion and 'design in' community safety and social inclusion through openness of design, allowing ease in passing through, whether walking or driving.

Enhancing the environment for residents of the site will increase opportunities for the community. This includes consideration given to increasing health provision by providing enhanced utility blocks which comply with the Disability Discrimination Act, ensuring residents do not have to move away from the site when health issues arise yet preserving the Gypsy and Traveller culture.

The development of the site will also be required to take into account the Design and Quality Standards of the Homes and Communities Agency, to help prevent inequality being experienced by residents.

#### **4. Will the policy have an impact (positive or negative) upon the lives of people, including particular communities and groups who have protected characteristics ? What evidence do you have for this?**

The selection and delivery of the final recommended site for a new public Gypsy and Traveller pitches is expected to have mainly only positive effects. Because of the historical inequalities in pitch provision, Gypsies and Travellers have constrained choices as to where and how they would choose to live if they had real choice. So while choices for the non-Travelling community are generally much wider (as there is social housing available), there are only two publicly owned and controlled sites in Maidstone.

The lack of suitable, secure accommodation underpins many of the inequalities that Gypsy and Traveller communities experience. Planning Policy has shifted away from publicly owned sites, to self-provision by the communities themselves. Disputes can arise though, often utilising explicitly racist discourse, when Gypsy and Travellers apply for planning permission to develop a site on land that they have purchased privately, and usually moved onto, in advance of receiving any planning consent.

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As there will be new pitches there is the potential for either a positive or negative impact in respect of religion or belief. New or existing residents accommodated on the site could have grievances with others who may have alternative religions or beliefs. To mitigate any risks of conflict there is an allocation process carried out by MBC Housing that deals fairly with applicants for the public sites and KCC take a positive management approach in promoting community cohesion within sites and between sites.

All private or communal buildings on the site must be provided to mobility standards as specified within Part M of the Building Regulations 2000. The appointed architects and Town and Country Housing Group will have due regard to the requirements of the Disability Discrimination Act 2005 when designing the site.

When considering the extent to which pitches, parking spaces and amenity buildings should be suitable for wheelchair users, reference will be made to the Gypsy and Traveller Accommodation Needs Assessment and Housing Register. Where provided, these will be consistent with the standards for housing for wheelchair users as set out in the Homes and Communities Agency's Design and Quality Standards and other related guidance.

The expectation is that through the provision of well-managed public permanent accommodation for Gypsies & Travellers there will be improved outcomes in education, employment, health, safety for the Gypsy & Traveller Community. The proposal will help to reduce the number of unauthorised Gypsy & Traveller encampments and developments and reduce associated costs and the potential for community tensions arising. Additional site provision will also break down barriers and promote community cohesion.

In summary, it is therefore not considered that there will be any adverse impacts on any group with protected characteristics under the Equality Act 2010. The delivery of the new site will have a positive impact on Gypsies and Travellers and community relations between traveller and settled communities and that it will help promote equality.