

Name of the activity being assessed	Planning Application 10/16/0975 Change of use of land from commercial use for use as a private residential caravan site comprising of the siting of 1 x static caravan and 3 x touring caravans and the erection of an amenity building, following the demolition of the existing site building.				
Directorate / Department	Regeneration	Service	Planning & Transport	Assessment lead	Martin Kenny
Is this a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	Responsible manager / director for the assessment		Gavin Prescott	
Date EIA started	03/10/2016	Implementation date of the activity		Pending	

SECTION 1 - ABOUT YOUR ACTIVITY

How was the need for this activity identified?	The Council became aware of an unauthorised GRT encampment at Sangara Drive, Darwen via complaints from local residents. Planning Enforcement intervention has resulted in submission of a planning application from the site owner: <i>Planning application ref: 10/15/0005 – Sangara Road, Lower Darwen - Retention of the existing commercial use and retention of use of part of site as a residential caravan site to accommodate 1 static caravan, 3 touring caravans and the erection of an amenity building was subsequently refused and dismissed on appeal. Cessation of the ongoing residential caravan use and removal of caravans and other paraphernalia is required by the 4th November 2016 by the enforcement notice. The current planning application 10/16/0975 seeks to remedy the previous reason for refusal.</i>
What is the activity looking to achieve? What are the aims and objectives?	The Council has an obligation to investigate unauthorised development which they are made aware of. In this circumstance this process required submission of a planning application to determine acceptability, or otherwise, of the unauthorised development. Enforcement action to require cessation of the unauthorised use and removal of caravans has already been issued, before being subsequently amended through the appeal related to 10/15/005. The Council has a draft protocol for 'Managing Unauthorised Encampments/ Sites in the Borough of Blackburn with Darwen' this protocol relates to unauthorised encampments/ sites on land owned by someone else. The ongoing unauthorised activity on this site relates to a GRT encampment on land which is owned by the GRT and the Authority is aware that a family also resides on the site where this activity is taking place. Although the site is in ownership of the GRT, it was deemed to be good practice to follow the protocol for 'Managing Unauthorised Encampments/ Sites in the Borough of Blackburn with Darwen' to ensure consistency. The protocol requires a welfare assessment to be completed prior to any enforcement activity taking place.
Services currently provided (if applicable)	In context, the Council provides a Planning Service which enables those wishing to undertake development to enquire if planning permission is necessary, obtain advice on a particular development prior to submission of a planning application and the assessment of planning applications. Further advice on the Councils Planning Service can be obtained from the Council's website: http://www.blackburn.gov.uk/Pages/planning-land-property.aspx
Please outline recommendations that have been identified for implementation following a review of the activity.	A welfare assessment will be carried out in order to inform the planning decision regarding unauthorised use of the site as a GRT site. The purpose of the assessment is to be informed of any health, welfare and education issues that need to be considered prior to making a planning decision.

Type of activity	<input type="checkbox"/> Budget changes <input type="checkbox"/> Change to existing activity	<input type="checkbox"/> Decommissioning <input type="checkbox"/> Commissioning	<input type="checkbox"/> New activity <input checked="" type="checkbox"/> Other [Planning activity]
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SECTION 2 - UNDERSTANDING YOUR CUSTOMER**Who else will be involved in undertaking the equality analysis and impact assessment?**

Please identify additional sources of information you have used to complete the EIA, e.g. reports; journals; legislation etc.

- Core Strategy (adopted January 2011) <http://www.blackburn.gov.uk/Pages/Core-Strategy-.aspx>
- Local Plan Part 2 Site Allocations and Development Management Policies (adopted December 2015) <http://www.blackburn.gov.uk/Pages/Local-plan-part-2.aspx>
- National Planning Policy Framework
- Planning Policy for Traveller Sites – Communities and Local Government
- Permanent Caravan Site License Conditions for Blackburn with Darwen Borough Council.
- Model Standards 2008 for Caravan Sites in England – Communities and Local Government.
- Designing Gypsy and Traveller Sites Good Practice Guide - Communities and Local Government.

Who are you consulting with? How are you consulting with them? (Please insert any information around surveys and consultations undertaken)

Departments of the Council: Planning, Legal and Democratic Services, Education (Home School Liaison officer for GRT Families)

The Agent acting on behalf of the applicant has been asked, and refused, to complete the required Welfare Assessment during consideration of the previous enforcement appeal, in order for the Council to understand any welfare and equality implications.


Who does the activity impact upon?	Service users	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	Members of staff	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	General public	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly			
	Carers or families	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly			
	Partner organisations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly			
Does the activity impact positively or negatively on any of the protected characteristics as stated within the Equality Act (2010)?	Positive impact	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation		
	Negative impact	<input checked="" type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	
		<input checked="" type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation		
	Don't know	<input type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input checked="" type="checkbox"/> Pregnancy & maternity	
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation		


Does the activity contribute towards meeting the Equality Act's general Public Sector Equality Duty?		Refer to p.2 of the guidance
DUTY	DOES IT CONTRIBUTE?	EXPLAIN HOW
Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act (<i>i.e. the activity removes or minimises disadvantages suffered by people due to their protected characteristic</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The Council acknowledges that Gypsy Roma Traveller families in general do suffer discrimination and harassment. However, there are authorised sites within the borough that can be used by GRT families. The function of Local Authorities with the role of planning is to promote sustainable development which seeks positive improvements in the quality of the built natural and historic environment as well as people's quality of life. The planning process is applied equally to all unauthorised development irrespective of any protected characteristics held by the applicant(s). The Council complies with the Equality Act (2010) in all the services it provides. Elected members are democratic representatives for residents in their areas, and are responsible for providing a voice for their residents in decisions made by elected members and the Council.
Advance equality of opportunity between those who share a protected characteristic and those who do not (<i>i.e. the activity takes steps to meet the needs of people from protected groups where these are different from the needs of other people</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Foster good relations between people who share a protected characteristic and those who do not (<i>i.e. the function encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low</i>)	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

ASSESSMENT	Is a full EIA required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Please explain how you have reached your conclusion (<i>A lack of negative impacts must be justified with evidence and clear reasons, highlight how the activity negates or mitigates any possible negative impacts</i>)		
A full EIA cannot be done at this moment in time due to a lack of information (no response to welfare assessment received) regarding the families concerned who are occupying the site. Therefore all the information at hand has been used to complete the initial assessment.		
In the event of refusal of the planning application there will be negative impacts on the applicant (occupying the site). Following a refusal, planning enforcement action which will require cessation of the unauthorised use and will include removal of caravans from the site. This could render the applicant homeless in the event they have no alternative accommodation to move to. It should be noted that there is no availability of pitches on Council owned traveller sites, which may encourage the applicant to seek accommodation further afield or make use of unauthorised encampments. The Home School Liaison officer for GRT Families has also confirmed 3 of the 4 children living on the site are enrolled at a local school; enforcement action could therefore impinge on education if distance between alternative accommodation and the school inhibits access for the children. The children have previously been on the Children Missing from Education (CME) list and there is a risk that if enforcement activity goes ahead that this will happen again.		
It is acknowledged that the refusal of planning permission and the taking of enforcement action would involve an interference with the rights of the travellers that are protected under the Human Rights Act 1998. In particular Article 8 (respect for private and family life); Article 11 (freedom of assembly and association); Article 14 (prohibition of discrimination); First Protocol - Article 1 (protection of property); First Protocol - Article 2 (right to education). The rights concerned are, however, qualified rather than absolute and, given the need to protect the environment, the risk to the health and safety of the travellers and the damage to the public interests arising from the stationing of the caravans are so serious as to outweigh any interference to those rights. Furthermore the interference is both necessary and proportionate.		

The appeal in relation to planning application 10/15/0005 and the enforcement notice fully considered the equality impact upon the appellant. The Inspector concluded that “Interference with the occupiers’ Human Rights must be balanced against the public interest in upholding planning policy to protect the environment and occupiers’ health, safety and amenities. In the light of the same factors that have informed my consideration of equality impacts, I am of the firm view that dismissal of the appeal would be a proportionate response and would not lead to an unacceptable violation of any of the Appellant or her family’s Human Rights, which thus carry only some weight”.

SIGN-OFF

SIGNATURE OF EIA LEAD OFFICER	
DATE COMPLETED	02/12/2016

SIGNATURE OF HEAD OF SERVICE / DIRECTOR	
DATE SIGNED	05/12/2016
<i>This signature signifies the acceptance of the responsibility and ownership of the EIA and the associated Action Plan (if applicable)</i>	