

EQUALITY IMPACT ASSESSMENT

SCREENING DOCUMENT

Name of Proposal

Direct Action to secure removal of caravans from land 125m West of North Mains Croft, Logie, Kirriemuir

Lead Department/Service

Planning and Communities – Planning Service

What is the aim of the proposal?

The aim of the proposal is to secure compliance with the terms of a planning enforcement notice. Compliance will require the Council to take direct action to remove caravans from the land and to remediate and remove other ancillary development associated with the siting of the caravans.

Is this a new or a review of an existing policy, procedure, function or report?

This is a new report regarding a new proposal

Screening Process

1. Has the proposal already been assessed for its impact on age; disability; gender; gender re-assignment; pregnancy/maternity; marriage and civil partnership; race; religion and belief; and sexual orientation? **If yes, go to 1 a. If no, go to 1 b.**

1 a. Unless there have been significant changes, no further action is required. **Please add your name, position and date below at 3.**

1 b. Does the proposal involve or have consequences for the people the council serves or employs? **If yes, go to 2. If no, go to 1 c.**

1 c. Please state why not

The proposal is not relevant and no further action is required. Sign and date below at 3.

2. Is the proposal relevant to one or more of the protected characteristics? **If yes, go to 2 a. If no, go to 2 b.**

2 a. **Proceed to Step 1 of the Full Equality Impact Assessment on page 2.**

2 b. Please state why not

The proposal not relevant and no further action is required. Add your name, position and date below at 3.

3. Name:

Position:

Date:

FULL EQUALITY IMPACT ASSESSMENT

Step 1

Are there any statutory legal requirements affecting this proposal? If so please describe.

Town and Country Planning (Scotland) Act 1997 states that planning permission is required for the development of land. The use of land for the siting of caravans and the occupation of those caravans as a permanent place of residence constitutes development for which planning permission is required.

There is no planning permission for the use of the land in this case.

The Act allows a planning authority to issue an Enforcement Notice to remedy a breach of planning control where this is expedient having regard to the provisions of the development plan and other material considerations. Those matters are addressed in Report 356 /18.

In this case an Enforcement Notice has been served and it requires the cessation of the use of the land for the siting of caravans. An appeal to Scottish Ministers against that Notice was upheld insofar as it extended the timescale for compliance and altered the extent of works required to secure the remediation of an earthen bund however the requirement in the Notice to remove the caravans and to remediate the site to a greenfield condition was sustained although a small part of the site that was subject of that Notice was subsequently granted planning permission for the siting of caravans and other ancillary works, the balance of the site remained subject of the requirements of the Notice. The Notice was withdrawn and a new Notice was served that reflected both the revised extent of the site and the requirements and restrictions that the Reporter in respect of the appeal had prescribed.

An attempt to regularise the use of the site for the siting of caravans through the submission of a retrospective planning application was refused and a subsequent appeal for a review of the decision by the Development Management Review Committee was dismissed. There is no planning permission for the development that is subject of the Enforcement Notice.

The continued use of the land for the siting of caravans is in breach of the Enforcement Notice and that is a criminal offence.

Step 2

What data/research is available to assess the likely impact of the proposal?

In December 2016 TAYplan Partners (including Angus Council) published a report on the 'Accommodation Needs of Gypsy/Travellers and Travelling Showpeople in the TAYplan area'. That report indicates that across the TAYplan area there is a projected surplus of Gypsy and Traveller accommodation over the next five years. The report identifies that there is projected to be a small shortfall in Angus, particularly attributed to demand in the North area and to a smaller extent the West but this does not take account of capacity at an existing site at Tealing (as it is operated by Dundee City Council) and it does not take account of an approved site at Maryton.

Step 3

Is there any reason to believe the proposal could affect people differently due to their protected characteristic ie age; disability; gender; gender re-assignment; pregnancy/maternity; marriage and civil partnership; race; religion and belief; and sexual orientation? Please **place a cross** in each box that applies, and give details alongside.

Age _____

Disability _____

Gender _____

Gender Re-assignment _____

Pregnancy/maternity _____

Marriage and civil

Partnership	<input type="checkbox"/>	_____
Race	<input checked="" type="checkbox"/>	the occupants of the caravan are from the Gypsy/Traveller community.
Religion and belief	<input type="checkbox"/>	_____
Sexual orientation	<input type="checkbox"/>	_____

Step 4

Is there evidence to suggest that any part of the proposal could unlawfully discriminate against people?
If so, how?

No

Step 5

Can the proposal be seen to favour one section of the community

Yes No

or deny opportunities to another?

Yes No

If yes, please give details.

The proposal to take action could be seen to favour the settled community over the Gypsy/Traveller community.

The proposal would deny the occupants the opportunity to live at the site, impact the occupants entitlement to free enjoyment of their possessions and interfere with home or family life.

If no action was taken it could be seen that the Gypsy/Traveller community was being favoured over other parts of the community.

If no action was taken it could be seen that one family is being favoured over others within the Gypsy/Traveller community who are directed to live on authorised sites.

Step 6

Does the policy, procedure or report advance equality?

Yes No

Or restrict equality?

Yes No

If yes, give details

Step 7

Are there any other actions which could have been taken to enhance equality of opportunity?
If so please state

The purpose of the report is to determine a course of action.

Step 8

Based on the work you have done, rate the level of relevance being allocated to this proposal.

High Medium Low Unknown

Step 9

If during **Steps 3 - 6** there has been an adverse impact identified, consider whether this can be justified.

Yes No

If yes please give details.

The Council has land use policies that guide caravan sites and Gypsy/Traveller sites to appropriate locations and the use of this site is contrary to those policies. Research indicates that existing authorised Gypsy/Traveller sites in the area have capacity to accommodate the occupants of this site.

The use of the land for the siting of caravans is in breach of planning control and the Council has served an Enforcement Notice that requires cessation of use of the land for that purpose. An appeal to Scottish Ministers in relation to that Notice was unsuccessful in removing the requirement to cease using the site as a caravan site. A revised Notice reflecting the Reporter's decision on that appeal was served and there has been no further challenge of that decision. The terms of the Enforcement Notice are not being complied with and that is an offence.

There is a need to maintain public respect or confidence in the planning system and the proper enforcement of the criminal law to avoid it being brought into disrepute, effectively suspended or dispensed with in favour of particular persons or groups.

The Council has afforded the occupants opportunity to vacate the site voluntarily.

If no, consider alternative ways of delivering the proposal to minimise negative impact or eliminate unlawful discrimination. Give details of the changes to be made to the proposal.

The report details all of the options available to the Council and the relative merits of each option.

Step 10

Do you need to carry out a further impact assessment?

Yes No

If yes, what actions do you need to take?

Step 11

Make arrangements to monitor and review the impact assessment.

The impact on the occupants of the caravan will be monitored where possible to develop understanding in relation to possible similar action in the future.

Step 12

Publish impact assessment.

Where will the Equality Impact Assessment be published?

The Assessment will be published online at www.angus.gov.uk with Committee Report 356/18

Please state your name, position and date, and forward this pro forma either to your designated Equality Impact Assessment Co-ordinator, or if it refers to a committee report, it should be forwarded with the report to committee services.

Name: Kate Cowey

**Position: Service Leader- Planning and
Communities**

Date: 05 November 2018

**For additional information and advice please contact:
the Equalities Officer - Tel: 01307 476058 or E-mail: Equalities@angus.gov.uk**