DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-1174-19**	**Applicant:**	**Mr J O'Connor**
Proposal:	Proposed static and touring caravan park including new toilet block and access road - approved under H02-0359-00. Modification of Condition 6 to allow permanent residential use throughout the year for 5 plots to be occupied by gypsy/travellers		
Location:	Bridge Inn Caravan Park Bridge Inn Common Drove		
Terminal Date:	31st January 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
11	Distribution of New Housing
19	Rural Exception Sites
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
28	The Natural Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

National Planning Policy Framework (NPPF), 2019

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

DCLG Planning Policy for Traveller Sites. August 2015.

Policy A: Using evidence to plan positively and manage development
Policy B: Planning for traveller sites
Policy C: Sites in rural areas and the countryside
Policy D: Rural exception sites
Policy H: Determining planning applications for traveller sites

Policy I: Implementation
Annex 1

The Housing and Planning Act, 2016

Planning Practice Guidance (PPG)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	1	0	0	1
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	17	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Proposed static and touring caravan park including new toilet block and access road - approved under H02-0359-00. Modification of Condition 6 to allow permanent residential use throughout the year for 5 plots to be occupied by gypsy/travellers.

The application is supported by information in the form of a covering letter. Within this letter the agent has stated that a number of the proposed occupants are in "dire personal need of accommodation" however no evidence has been submitted to support this assertion, and the application is considered on the information that has been provided.

Site Description

The site is located in an isolated position, adjacent to the Bridge Inn and River Welland but well outside of the settlement of Crowland and is not close to any facilities except one public house.

The site is located in a countryside location as it not within a Defined Settlement Limit, and located on land considered to be within Flood Zone 3a.

The land is protected from the River Welland by Deeping High Bank and on the opposite side of the River Welland are the Crowland and Cowbit Washes, which are intended to provide protection against the 1 in 100 year plus climate change flood events.

The use of the site is as a caravan park for use by holiday makers, for holiday use only, and restricted by conditions to 15 static caravans and 15 touring caravans, none of which have unfettered occupation, with no occupancy of the site between 1 Jan to 14 Feb each calendar year.

Relevant History

H02-0251-17. Change of use to allow for permanent residential use throughout the year. The proposal includes 24 static caravan plots for residential use, and 1 static caravan plot for use by the site manager. REFUSED. 28-04-17. APPEAL DISMISSED. 29 August 2018.

H02-0817-11. Details of landscaping scheme (Condition 5 of H02-0700-09). APPROVED. 08-11-11.

H02-0998-11. Siting of static caravan for owner/manager accommodation (retrospective). APPROVED. 07-03-12.

H02-0700-09. Modify layout for existing holiday caravan park (originally approved under H02-0359-00). REFUSED. APPEAL ALLOWED.

H02-0776-01. Siting of unit for site management & security. APPROVED. 08-10-01.

H02-0359-00. Proposed static and touring caravan park, inc. new toilet block and access road. APPROVED 22-06-00.

Consultation Responses

Crowland Parish Council

The Parish Council would refer you to the refusal letter H02-0251-17 dated 28 April 2017, and fully agree with the comments of this refusal.

The Parish Council therefore strongly object to this application on the same grounds.

SHDC Planning Policy

There are essentially two main policy considerations in relation to this proposal, first Policy 4 Approach to Flood Risk, and secondly Policy 20 Accommodation for Gypsies,Travellers and Travelling showpeople.

Policy 4 clearly states that development will only be permitted where three criteria are met. :
It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed).

As the proposal is supposed to contribute to meeting the need for Gypsy and Travellers throughout the district, it could be met anywhere within the District and there is no need for it to be within Crowland or any other particular part of South Holland. The application clearly fails to provide the necessary Sequential test, or show that it would meet such a test.

Criteria 2 and 3 also do not apply. The Policy also goes on to state:

Caravans, mobile homes and park homes intended for permanent residential use will not be permitted in areas at risk of flooding. Caravan, chalet, log cabin, camping and touring sites at risk of fluvial flooding where there is a 'danger for most' and 'danger for all' will not be permitted. Occupancy of caravan, chalet, log cabin, camping and touring sites at risk of tidal flooding will not be permitted to open between 1st November in any one year and the 14th March in the succeeding year.

Whilst the historic permission allows for longer occupancy than the most up to date advice does, this emphasises the increased risk of flooding and the need to carefully consider proposals within the flood zones and prevent unjustified development.

On this basis alone, planning permission should be refused for this proposal.

Turning to the second main policy consideration. Policy 20 - Accommodation for Gypsies, Travellers and Travelling Show people allows for additional needs to BE met through the development of unallocated sites provided that they meet a number of criteria. Whilst I consider that there are questions in relation to proving that the proposal meets an 'additional' need and how that has been measured and justified, the proposal clearly fails to meet Criteria G iii). for sites for permanent residential use, which requires that they: iii) are not located within Flood Zone 3a or 3b and, if located in Flood Zone 2, the Sequential and Exception Tests have been passed

The proposal is sited within Flood Zone 3a) and therefore the policy that would allow for such uses specifically excludes proposals such as this one.

Therefore the proposal is clearly not in accordance with the Development Plan in relation to Policy 4 and Policy 20, and should be refused.

SHDC Environmental Protection

No comment with respect to land contamination.

Environment Agency

Object in principle - the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. Thus recommend that the application should be refused planning permission on this basis.

Reasons
The site is shown to be within the floodplain as detailed on the Environment Agency's Flood Zone Maps. The proposed development site lies within Flood Zone 3a as described in Table 1 of the National Planning Practice Guidance (NPPG), (Flood Risk and Coastal Change - paragraph 65).

Table 2 in the NPPG classifies development types according to their vulnerability to flood risk. In this case the development type in the proposed application is classified as 'highly vulnerable' as it is proposing caravans for permanent residential use. Table 3 in the NPPG looks at the flood risk vulnerability and flood zone 'compatibility'. This table makes it clear that 'highly vulnerable' development is not compatible with Flood Zone 3 and should not therefore be permitted.

Notwithstanding the above National Policy objection, the site is also shown in the South East Lincolnshire Strategic Flood Risk Assessment to be at risk should a breach of the adjacent River Welland defence occur in an event with a 1 in 1000 chance of occurring in any year to 2115. In such a scenario the flooding would pose a 'Danger to All' (which includes able bodied people and emergency service personnel), where depths between 0.5-2m could be experienced and water could be travelling at a significant velocity. The Environment Agency cannot provide warning of a breach of defences, which can happen at any time and without warning.

This risk was explained in detail during an Appeal Hearing for a previous application at this site, held on 29 August 2018 (Appeal ref: APP/A2525/W/17/3187637, your ref: H02-0251-17). The examining Inspector noted the flood risk and concluded that using caravans for a main residence for the whole year could have significant consequences. The Appeal was dismissed.

Since the time of this Appeal the South East Lincolnshire Local Plan has been adopted and the applicant's agent is referring to Policy 20 to support this application. It is the opinion of the Environment Agency that this application is clearly contrary to paragraph g.iii. of Policy 20 and significant weight should be given to this regardless of any compliance with other parts of the policy.

As the Environment Agency explained in their Hearing Statement for the 2018 Appeal, if an application for a new caravan site in such a location were to be submitted at the current time, without the benefit of previous permissions, the Environment Agency would strongly advise against them being granted even for holiday accommodation; a seasonal occupancy restriction would not be sufficient to manage the residual risk should a breach of the defences occur. The extensive

flooding that has occurred across our county during the last 6 months, following a period of significant rainfall, has clearly demonstrated that flooding can occur at any time of year and not just in winter months.

In summary, it is the view of the Environment Agency that this application is contrary to National and Local Planning Policy, and there would be a significant risk to the lives of occupants residing in caravans in this location.

If the LPA are minded to approve the application contrary to our objection, the Environment Agency request that they are re-notified, for you to explain which material considerations outweigh the objection and to give the Environment Agency the opportunity to make further representations. In the event that the applicant appeals a refusal of the planning application or non-determination the Environment Agency would be prepared to fully support the Local Planning Authority and provide evidence at any public inquiry or informal hearing.

Internal Drainage Board

Refer back to previous comments of 2017 regarding the IDB No7 Drain to the south of the site and relevant byelaws, as well as formal consents that would be required for discharge to a watercourse.

Public

Seventeen objections have been received, raising the following issues -

The site should not have any residents but car, washing and children's toys can be seen from the road on 10th January
The additional permanent pitches is not identified in the Local Plan
No sequential analysis to identify the requirement for any provision at the proposal site
Fails to demonstrate compliance with the requirements in Policy 20 of the adopted Local Plan
The site is on a flood plain - should not be used for any type of permanent nor temporary accommodation
Flood Zone 3 is deemed to be highly vulnerable
The area itself has no flood protection and is lower than the watercourse which is the river Welland
Flooding on this low lying land with no emergency exits for escape - only one route in and out
Other caravan and camping pitches are available elsewhere
Increase traffic at a very dangerous junction
No street lighting or footpaths for local access to Crowland and services
The route for a pedestrian to get to the nearest shops is along Gravel Courseway
This road is subject to the national speed limit (60 mph) and has no street lighting
A complete danger to pedestrians and motorists alike
Excess traffic on a already strained and deteriorating road system
Noise, rubbish and nuisance in a non residential area
This will not be good for the local community (of Crowland)
Nature of occupants
Families should be moved into more permanent and healthier environments as opposed to cheap caravans.
Waster and sewage
Noise/Movement/Disturbance of conservation area for rare wildlife.
Lack of amenities
Already overstretched public services eg schools, doctors etc.
Potential impact on neighbouring business
Increase in insurance premiums for neighbouring business
Potentially reduce house prices and put off potential buyers to the local area as well as reducing local trade and associated tourism for such a town with a deep history surrounding the Abbey

Planning Considerations

The National Planning Policy Framework (NPPF) is read in conjunction with the Government's Planning Policy for Traveller Sites. The DCLG document, Planning Policy for Traveller Sites, sets out that in determining planning applications for such sites, applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

Policy C of the DCLG document sets out that:

When assessing the suitability of sites in rural or semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy H sets criteria for determining planning applications for traveller sites and in particularly paragraph 24 states:

Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

a) the existing level of local provision and need for sites

b) the availability (or lack) of alternative accommodation for the applicants

c) other personal circumstances of the applicant

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

e) that they should determine applications for sites from any travellers and not just those with local connections

The South Lincolnshire Local Plan (SELLP) acknowledges there is both a 'known' and 'unknown' unmet need for additional Gypsy/Traveller residential accommodation within its district between the period 2011-36.

At 3.2.17, the SEELP states *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople)...*

Below, Policy 20, Accommodation for Gypsies, Travellers and Travelling Showpeople, is set out in full.

The redevelopment or change of use of an Existing Residential Gypsy/Traveller Site or Existing Residential Travelling Showperson's Site (as identified on the Policies Map) will be permitted only if an assessment has been undertaken which has clearly shown that the site is no longer required to meet the accommodation needs of the Gypsy/Traveller or Travelling Showpersons communities.

Between 2011 and 2036, evidence suggests that, in South East Lincolnshire, there will be a need for the provision of:

4 new permanent residential pitches for gypsies and travellers; and
1 new permanent residential plot for travelling showpeople.

This need will be met through the development of the sites identified on the Policies Map and listed below:

Land at The Stables, Baulkins Drove, Sutton St James allocated as a 'Proposed Residential Travelling Showperson's Site', to provide accommodation for one additional household; and

Land at Bleu Raye Farm, Mill Gate, Whaplode Fen allocated as a 'Proposed Residential Gypsy/Traveller Site', to provide accommodation for four households.

Planning permission will be granted for the development of these sites, provided that proposals:

1. will be adequately provided with appropriate infrastructure such as electricity, drinking-water, waste-water treatment and recycling/waste management;

2. will not have a significant adverse effect on the amenities of existing local residents or adjoining land users (and proposals must therefore give careful consideration to layout, landscaping, external lighting schemes, and the type of business uses that would be appropriate (if mixed residential and business use is proposed); and

3. will be successfully assimilated into both their immediate environs and the wider landscape. The SELLP identifies 4 new permanent residential pitches for gypsies and travellers; and 1 new permanent residential plot for travelling showpeople, subject to criteria relating to appropriate infrastructure such as electricity, drinking-water, waste-water treatment and recycling/waste management; no significant adverse effect on the amenities of existing local residents or adjoining land users; and will be successfully assimilated into both their immediate environs and the wider landscape

Additional needs which may arise during the Local Plan period will be met through the determination of planning applications on other, unallocated sites. Planning permission will be granted for proposals on such sites, provided that they meet criteria 1 to 3 above, and they:

a. provide occupants with an acceptable standard of amenity;

b. are not located adjacent to uses likely to endanger the health of occupants, such as a refuse tip, water recycling centres or contaminated land;

c. respect the scale of the nearest settled community;

d. will not place undue pressure on local infrastructure;

e. will not adversely affect heritage assets or areas of importance to nature conservation;

f. will not prejudice highway safety or give rise to problems of parking or highway access;

g. for sites for permanent residential use they:

i. provide occupants with access to education, health care and recreational facilities, shops and employment within reasonable travelling distances, preferably by walking, cycling or public transport;

ii. are suitable (or capable of being made suitable) for mixed residential and business use;

iii. are not located within Flood Zone 3a or 3b and, if located in Flood Zone 2, the Sequential and Exception Tests have been passed; and

h. for sites for transit or stopping place use, are not located within Flood Zone 3b and, if located within Flood Zone 3a, the Sequential and Exception Tests have been passed.

The following policies of the SELLP are also relevant to the consideration of this application.

01 Spatial Strategy
02 Development Management
03 Design of New Development
04 Approach to Flood Risk
05 Meeting Physical Infrastructure and Service Needs
11 Distribution of New Housing
19 Rural Exception Sites
20 Accommodation for Gypsies, Travellers and Travelling Showpeople
28 The Natural Environment
30 Pollution
32 Community, Health and Well-being
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

Policies 2, 3 and 4 are of particular importance when looking at this proposal, and offer criteria to be considered.

Looking firstly at the principle of the use of part of this site for Gypsy and Traveller provision, Policy 20 sets out the framework for consideration and some of these criteria have an overlap with Policies 2, 3 and 4 of the SELLP:

Appropriate infrastructure

As the site has electricity, drinking-water, waste-water treatment and recycling/waste management facilities that could be augmented, it is considered that this criterion could be met;

Amenities of existing local residents or adjoining land users

Objection has been received raising the impact of the proposed use on local residents and businesses, however officers consider that if the application were considered acceptable in principle then conditions could be imposed to restrict commercial uses on the site to reduce noise and impact; the site would then have the character of a residential use.

Immediate environs and the wider landscape

The site is already used as a static and touring caravan park and is visible in the landscape, although the site sits at a lower level that the adjacent road and riverside path/access. It is not considered that the proposals would have a further detrimental impact on the character of the Immediate environs and the wider landscape.

Provide occupants with an acceptable standard of amenity

The pitches proposed are smaller than what is normally expected as a gypsy and traveller pitch; the site has a toilet block, but there would be insufficient space for each pitch to have a day room and other facilities usually provided on gypsy and traveller pitches. however there are now no national or local minimum standards for such provision.

The site is located in the countryside and has largely open views. The wider site is not cramped.

Adjacent to uses likely to endanger the health of occupants

There are no known adjacent to uses likely to endanger the health of occupants that are specified within this section of the policy. The impact of flooding is discussed elsewhere in this report.

Respect the scale of the nearest settled community

The nearest settlement is Crowland, which is allocated as a Main Service Centre in Policy 1: Spatial Strategy, of the SELLP. The provision of five gypsy and traveller pitches would not be of sufficient scale to impact upon the settled community.

Pressure on local infrastructure

Due to the scale of the application the proposal would not put pressure on local infrastructure.

Heritage assets or areas of importance to nature conservation

It is considered that the use of existing pitches would not have a detrimental impact on local heritage assets or areas of importance to nature conservation.

Crowland and Crowland Abbey are at such distance from the site that the use of existing pitches would not have a detrimental impact on local heritage assets.

It is also considered that eh proposals would not have a detrimental impact on nature conservation in the area.

Highway safety

It is not considered that the proposed use would give rise to a detrimental impact on highway safety or problems with access on to the highway network over and above the existing authorised use of the site; the wider site is already used by touring caravans and caravans and associated vehicles are able to access and leave the site safely.

For sites for permanent residential use

Access to education, health care and recreational facilities, shops and employment within reasonable travelling distances, preferably by walking, cycling or public transport

The site is located in an isolated position, adjacent to the Bridge Inn and River Welland but well outside of the settlement of Crowland and is not close to any facilities except one public house.

It is considered that this site would be unsustainable for permanent residential use for the settled community or for gypsy and traveller use.

There are no footpaths or street lights and the site is 0.9 miles from the centre of Crowland, where the residents would need to go in order to access shops, amenities and the bus service to Peterborough
or Spalding. The route into the town would be across the river Welland, along the unlit, treelined B1166 (national speed limit), along the river bank. This would be dangerous in daylight, and especially so in the dark.

The proposals are unacceptable in planning terms as the site is in an unsustainable location with regard safe access to services.

Suitable (or capable of being made suitable) for mixed residential and business use

A caravan park has been approved in this location because it is classed as a business rather than just residential accommodation, and would therefore contribute to rural economic growth. The conversion of holiday accommodation to gypsy and traveller provision with business uses and commercial vehicles allowed on the site for the gypsy and traveller pitches has the possibility of leading to a tension of uses and users on site.

If the use were acceptable in principle, then conditions could be imposed to preclude commercial use of the gypsy and traveller pitches.

Flood Zone 3a or 3b and, if located in Flood Zone 2, the Sequential and Exception Tests have been passed

The application supporting information expresses the view that as the site has been an established caravan park for a number of years and as such the siting of mobile homes is acceptable. This application goes significantly beyond the approved use of the site and the polices and considerations differ.

The application also suggests that as a significant proportion of the District is in Flood Zone 3 alternative sites are few and far between. This is not the case however, and although the District is indeed within varying flood zone levels, the polices of the Council are still delivering development, and pitches for gypsy and traveller use.

Caravans for permanent residential use are classified as a "highly vulnerable" use. As such, it is considered that the sequential test exercise has not been undertaken and no convincing exception case provided.

Paragraph 60 of the NPPF (2019) sets out that for the exception test to be passed it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

It is not considered that an exception test would be passed on these criteria.

The site is shown to be within the floodplain as detailed on the Environment Agency's Flood Zone Maps. The proposed development site lies within Flood Zone 3a as described in Table 1 of the National Planning Practice Guidance (NPPG), (Flood Risk and Coastal Change - paragraph 65).

The NPPG classifies development types according to their vulnerability to flood risk. In this case the development type in the proposed application is classified as 'highly vulnerable' as it is proposing caravans for permanent residential use. The NPPG also looks at the flood risk vulnerability and flood zone 'compatibility'. This table makes it clear that 'highly vulnerable' development is not

compatible with Flood Zone 3 and should not therefore be permitted.

In addition, the site is also shown in the South East Lincolnshire Strategic Flood Risk Assessment to be at risk should a breach of the adjacent River Welland defence occur in an event with a 1 in 1000 chance of occurring in any year to 2115. In such a scenario the flooding would pose a 'Danger to All' (which includes able bodied people and emergency service personnel), where depths between 0.5-2m could be experienced and water could be travelling at a significant velocity.

This risk was discussed in detail during an Appeal Hearing for a previous application at this site, held on 29 August 2018 (Appeal ref: APP/A2525/W/17/3187637, your ref: H02-0251-17). The examining Inspector noted the flood risk and concluded that using caravans for a main residence for the whole year could have significant consequences. The Appeal was dismissed.

Since the time of this Appeal the South East Lincolnshire Local Plan has been adopted and the applicant's agent is referring to Policy 20 to support this application. It is the opinion of the Council and the Environment Agency that this application is clearly contrary to paragraph g.iii. of Policy 20 and significant weight should be given to this regardless of any compliance with other parts of the policy.

The Environment Agency explained in their Hearing Statement for the 2018 Appeal, that if an application for a new caravan site in such a location were to be submitted at the current time, without the benefit of previous permissions, the Environment Agency would strongly advise against them being granted even for holiday accommodation; a seasonal occupancy restriction would not be sufficient to manage the residual risk should a breach of the defences occur. The extensive flooding that has occurred across our county during the last 6 months, following a period of significant rainfall, has clearly demonstrated that flooding can occur at any time of year and not just in winter months.

In summary, it is the view of the Environment Agency that this application is contrary to National and Local Planning Policy, and there would be a significant risk to the lives of occupants residing in caravans in this location. This view is shared by the Council.

For sites for transit or stopping place use

Located within Flood Zone 3b and, if located within Flood Zone 3a, the Sequential and Exception Tests have been passed.

The site is not proposed for transit or stopping place use. However it is not considered that the application proposal accord with Policy 4 of the SELLP, specifically, as the application is not supported by a sequential test exercise that proves that such development cannot be provided elsewhere in the District, on more suitable land.

Conclusions

In conclusion, the application proposes the provision of accommodation for gypsy/travellers that would be occupied 12 months of the year, upon land identified as being within Flood Zone 3, which could present a danger for all if flooded.

The application does not accord with the provisions of Policy 20, in that the development would be located within Flood Zone 3a, which is considered to be a "risk to all" designation. It is not considered that the applicant has made a convincing case to make an exception to national and local planning polices. The Environment Agency have also raised a considerable objection in principle to this proposal.

There are no footpaths or street lights and the site is 0.9 miles from the centre of Crowland, where the residents would need to go in order to access shops, amenities and the bus service to Peterborough
or Spalding. The route into the town would be across the river Welland, along the unlit, treelined B1166 (national speed limit), along the river bank. This would be dangerous in daylight, and especially so in the dark.

Objections have been submitted regarding the development having an impact on insurance

premiums for neighbouring business, and potentially reducing house prices and put off potential buyers. These issues are not planning matters and as such can be given very little weight.

Recommendation

Refuse for the reasons addressed above.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.