

## **CABINET**

**29 NOVEMBER 2011**

### **ARTICLE 4(1) DIRECTION ON LAND BETWEEN ELMHAVEN MARINA AND CEMEX, ROCHESTER ROAD HALLING**

Portfolio Holder: Councillors Chitty, Strategic Development and Economic Growth

Report from: Robin Cooper, Director of Regeneration, Community and Culture

Author: Dave Harris, Development Manager

#### **Summary**

To confirm the Direction imposed under delegated powers by the Director of Regeneration Community and Culture on 13 June 2011 under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in relation to land between Elmhaven Marina and Cemex, Rochester Road, Halling.

#### **1. Budget and Policy Framework**

- 1.1 This report is for a decision to be made by Cabinet. Decisions on whether to serve and to subsequently confirm Article 4 (1) Directions are made by the Director of Regeneration, Community and Culture. However, in view of the representations received in response to the consultation on the Article 4 (1) Direction, and the interest expressed by the Ward Councillor, the matter is being reported to Cabinet for a decision.
- 1.2 The decision is within the Council's policy and budget framework. It is in accordance with the current Development Plan; the Medway Local Plan 2003.
- 1.3 The Article 4 (1) Direction must be confirmed by 13 December 2011, otherwise it will lapse so the Cabinet will need to make a decision on 29 November 2011.

#### **2. Background**

- 2.1 This report relates to the Article 4 (1) Direction relating to the land outlined in bold on the attached plan ("the Site") which was served on 13 June 2011. The Direction remains in force for a period of 6 months, unless confirmed by the Council, when it becomes permanent.

- 2.2 This is an area of open land, in private ownership that is low lying and adjacent to the River Medway. It was previously owned by the Ministry of Defence but has been sold and is now in private ownership. Officers have visited the site and observed that the land is being divided into plots, with posts demarcating the plots. Boats have been moored on the river bank, and may be lived in. Various items of domestic paraphernalia such as sheds and chairs have appeared on the land and all plots appear to have had electricity connected. A hardcore driveway has been constructed to serve the plots.
- 2.3 The land is adjoined to the east by the River Medway and to the west by the Strood-Maidstone-Paddock Wood Railway line at the northern end and by Cemex land at the south. To the north is Elmhaven Marina.
- 2.4 The land to which it is proposed that the Article 4 (1) Direction will relate is outlined in bold on the attached plan (“the Site”).

### **3 Consultation**

- 3.1 The Article 4 Direction was advertised on site and in the press and notices were served on the individual landowners within the area affected by the Direction.
- 3.2 Letters have been received from and on behalf of 10 landowners making the following representations to the Article 4 Direction:
- A low agricultural fence would have little visual impact and not cause any harm;
  - Fences are less visually intrusive than the neighbouring fences;
  - A fence is needed for safety reasons, including the protection of children;
  - Fences are required to mark ownership;
  - Permitted development rights should only be withdrawn in exceptional circumstances and there are no such circumstances that justify the removal of permitted development in this case;
  - The Direction should only be applied to fences that obscure views;
  - The landowners want to keep natural vegetation;
  - The plan attached to the Article 4 Direction shows it encroaching into the neighbouring employment land.
- 3.3 During the consultation process Officers had a meeting on site with landowners which was attended by the Ward Councillor.

### **4 Options**

- 4.1 There are two options:
- (i) Confirm the Article 4(1) Direction in which case the additional controls on the erection of walls, fences, gates and other means of enclosure which have been in force since 13 June 2011 will remain in force;
  - (ii) Not confirm the Article 4 Direction in which case landowners will be able to erect any type of wall, fence, gate or other means of enclosure to a height of 2 metres without any planning control.

## 5 Advice and analysis

### *Requirements for Article 4 Directions*

- 5.1 A Direction (made under Article 4 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (“the Order”)) may be made by a local planning authority where the authority is satisfied that it is expedient that development (as specified in the Direction) which would ordinarily be permitted by various Parts of Schedule 2 of the Order should not be carried out unless permission is granted pursuant to an express application. Such a Direction effectively withdraws the permitted development rights as set out in the Direction.
- 5.2 Department for Communities and Local Government Replacement Appendix D to Department of the Environment *Circular 9/95: General Development Consolidation Order 1995* (978 0117531024) (November 2010) Appendix D states that Local Planning Authorities should consider making Article 4 Directions only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area. There should be a real and specific threat to interests of acknowledged importance.

### *Development to which the Direction is proposed to apply (Schedule II)*

- 5.3 Schedule II of the proposed Direction (a draft of which is attached at Appendix A) identifies the types of development that it is recommended is covered by the Direction. Essentially this would cover minor operations, namely gates, fences, walls or other means of enclosure and vehicular accesses normally permitted under Part 2 (Class A) of Schedule 2 to the Order. Other development which appears to have taken place or is taking place would not be permitted development and therefore could not be covered by an Article 4 Direction.

### *Reasons for an Article 4 Direction*

- 5.4 The Site is in open countryside, outside the built confines of Halling to the south and North Halling to the north. As such Policy BNE25 of the Medway Local Plan 2003, which contains a presumption against development, unless it complies with one of the stated criteria under this policy, applies to the Site. The Site is also within the Strategic Gap as identified under Policy BNE31 of the Local Plan. This Policy seeks to maintain the separation Medway from Maidstone and the Medway Gap urban area.
- 5.5 That part of the Site below the mean high water mark is within the River Medway and Marshes, Wouldham Site of Nature Conservation Interest (SNCI) as identified under Policy BNE36 of the Local Plan, a priority area in the Government’s UK Biodiversity Action Plan (BAP) and is also a Kent BAP priority habitat. Uncontrolled development on this land could potentially cause disturbance to this habitat and harm the scientific or wildlife interests of the SNCI. Although the remainder of the site does not fall within the SNCI this Site, in view of its location, previous use and current condition, has the potential to contain wildlife habitats, which would be protected under Policy BNE37 of the Local Plan. This Policy contains a presumption against

development that would cause a loss, directly or indirectly, of important wildlife habitats or features not protected by Policies BNE35 and BNE36, unless specified criteria are met.

- 5.6 The land is also within a tidal flood risk area as identified under Policy CF13 of the Local Plan, although the permitted development subject to this Direction would not raise any issues in terms of tidal flooding.
- 5.7 In view of the fact that ownership has changed and development is taking place, it is considered that there is a real and specific threat to the Site. Having regard to the policy background set out above and the potential damage that could be caused to nature conservation interests, it is considered that there are compelling reasons to ensure that any development is considered as part of an express application. It is therefore considered that it is expedient to make an Article 4(1) Direction withdrawing permitted development rights under Part 2 (Class A) of Schedule 2 to the Order.
- 5.8 It is considered that the development to which the proposed Article 4(1) Direction would relate would be prejudicial to the proper planning of the area and would constitute a threat to nature conservation interests and also to the open aspect of the countryside and to the preservation of the strategic gap.
- 5.9 In response to comments made in the letters of representation, the serving of an Article 4 Direction does not stop fences being erected; it controls the erection of fences. A comment has also been made that low fences are not visually intrusive. This may be the case. However, without an Article 4 Direction, there is not control as to the type of fence, wall or gate that can be erected. The serving of an Article 4 Direction enables the Local Planning Authority to control the type of fence, wall or gate. Should a planning application be submitted for a fence, the comments raised regarding safety and ownership would be taken into account alongside the visual impact.
- 5.10 A comment has been made that permitted development rights should only be withdrawn in exceptional circumstances. The situation which has arisen at this site is exceptional in so far as the site is in open countryside and in a fairly prominent location close to the river. The sub-division of this land into plots and the consequent erection of fences etc. could have a significant impact on the appearance of this site and accordingly, it is considered that an Article 4 Direction is necessary to address this. The former Rochester upon Medway Council served a Direction on land at Cobham Woods, when this was sold as individual plots.
- 5.11 A comment has also been made that the plan shows the land covered by the Article 4 Direction encroaching into the neighbouring employment land. This has been checked and found to be correct. As a result, a minor change has been made to the plan attached to the Article 4 Direction to exclude this land. This land is part of the former cement works. The owners of this land did not comment on the Article 4 Direction. It is considered that this change to the Article 4 Direction is not material and would not be prejudicial to the interests of anyone affected by the Article 4 Direction.

## **6 Diversity Impact Assessment**

- 6.1 A Diversity Impact Assessment was carried out when the Article 4 Direction was served in June 2011. A copy of this Assessment is attached at Appendix D. The screening form shows that the purpose of the Article 4 Direction is to control the development of the land and is not targeted at a specific group. A full diversity assessment is not considered necessary.

## **7 Risk Management**

- 7.1 Apart from the Financial and Legal implications, referred to in Section 7 (below) there are no known risks from the confirmation of an Article 4 (1) Direction.

## **8 Financial and legal implications**

- 8.1 Section 108 of the Town & Country Planning Act 1990 (as amended) includes a provision that compensation can be sought in the following circumstances:

- i) Where the Council makes an Article 4 Direction; and
- ii) An application is made for planning permission to carry out development that would formerly have been permitted by the Order; and
- iii) The Council refuses that application or grants permission subject to conditions differing from those in the Order.

- 8.2 Claims for compensation can only be made if the application for planning permission is made within 12 months of the date the Article 4 Direction comes in to operation. The Council would need to have clear and justifiable planning reasons for refusing planning permission or imposing conditions.

- 8.3 The financial implications are unclear in so far as it is not known if and when any planning applications for fences etc. would be submitted and if they are likely to be refused. However, as the Article 4(1) Direction only relates to minor operations so the potential for compensation, if any, is likely to be small and would only apply should the Council impose an Article 4(1) Direction and subsequently refuse planning permission or impose conditions differing from those in the Order.

## **9. Recommendations**

- 9.1 Having regard to the location of the site in open countryside and the potential impact of these types of development in terms of the countryside and on the nature conservation interests, it is considered expedient that that the Article 4(1) Direction made on 13 June 2011 (as set out at Appendix A), removing the permitted development rights referred to in Part 2 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995, be confirmed subject to the amended plan at Appendix C.

## **10. Suggested reasons for decision(s)**

- 10.1 It is considered that the development to which the proposed Article 4(1) Direction would relate would be prejudicial to the proper planning of the area, would constitute a threat to nature conservation interests and to the open aspect of the countryside and to the preservation of the strategic gap, contrary

to the provisions of Policies BNE25, BNE31, BNE35 and BNE36 of the Medway Local Plan 2003.

### **Lead officer contact**

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### **Background papers**

- 1) Appendix A: A copy of the Article 4 Direction served on 13 June 2011, including a plan of the area covered by the Direction as served.
- 2) Appendix B: A copy of the report prepared prior to the serving of the Article 4 Direction.
- 3) Appendix C: A plan showing the area upon which confirmation of the Article 4 Direction is being sought.
- 4) Appendix D: A copy of the Diversity Impact Assessment.

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995, AS AMENDED**

**DIRECTION UNDER ARTICLE 4(1) TO WHICH ARTICLE 6 APPLIES**

**LAND BETWEEN ELMHAVEN MARINA AND CEMEX, ROCHESTER ROAD, HALLING, ROCHESTER, KENT ARTICLE 4(1) DIRECTION 2011**

**WHEREAS** the Medway Council of Gun Wharf, Dock Road, Chatham, Kent, ME4 4TR (hereinafter called "the Council") being the appropriate local planning authority for its area within the meaning of Article 4(4) of the Town and Country Planning (General Permitted Development) Order 1995 (hereinafter called "the Order"), as amended, are satisfied that it is expedient that development of the description(s) set out in Schedule II below should not be carried out the land within the area shown outlined in red on the attached plan and described in Schedule I hereto unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

**NOW THEREFORE** the Council in pursuance of the power conferred on them by Article 4(1) of the Order, as amended, **HEREBY DIRECTS** that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description set out in Schedule II hereto and that this direction may be cited as the 'Medway Council Land between Elmhaven Marina and Cemex, Rochester Road, Halling, Rochester, ARTICLE 4(1) Direction 2011.

**THIS DIRECTION** is made under Article 4(1) of the said Order and in accordance with article 6(7), shall remain in force until 13 December 2011 (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate local planning authority in accordance with paragraphs (9) and (10) of Article 5 before the end of the six month period.

**SCHEDULE I**

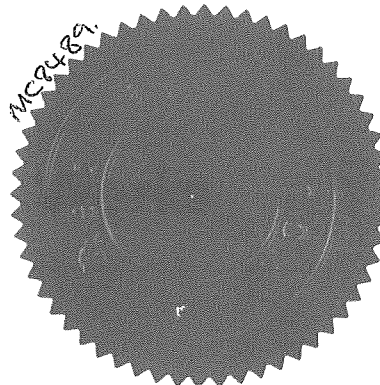
The land to which this Direction Applies

Land between Elmhaven Marina and Cemex, Rochester Road, Halling, Rochester, Kent


**SCHEDULE II**

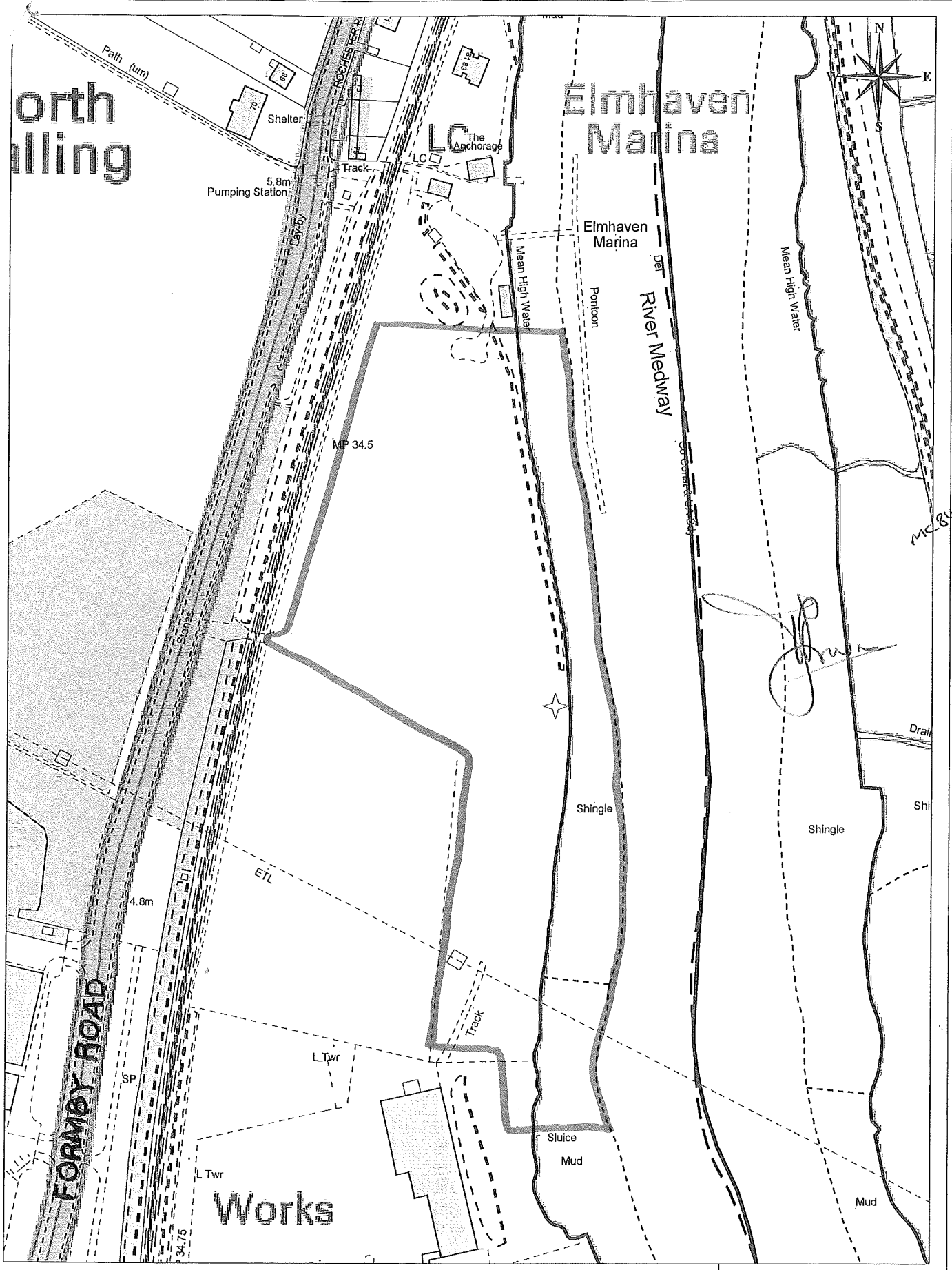
The permission granted by article 3 of the Order shall not apply to the description(s) of development set out below in relation to the land shown outlined in red on the attached plan

The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure being development comprised within Part 2 Class A of Schedule 2 of the Order.



MADE under the **COMMON SEAL** of **MEDWAY COUNCIL** this 13 day of June 2011. The **COMMON SEAL** of the Council was affixed in the presence of:

  
Authorised signatory



Title:



Serving You

Scale: 1:2500 02/06/11

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**REPORT ON POSSIBLE ARTICLE 4(1) DIRECTION ON LAND BETWEEN  
ELMHAVEN MARINA AND CEMEX, ROCHESTER ROAD HALLING**

**1 Background**

- 1.1 This report proposes the making of an Article 4(1) Direction relating to an open area of low lying land adjacent to the River Medway. The land was previously owned by the Ministry of Defence but has been sold and is now in private ownership. Officers have visited the site and it appears that the land is being divided into plots, with posts demarcating the plots. Boats have been moored on the river bank, two of which appear to be lived in. Various items of domestic paraphernalia such as sheds and chairs have appeared on the land and all plots appear to have had electricity connected. A hardcore driveway has been constructed to serve the plots.
- 1.2 The land is adjoined to the east by the River Medway and to the west by the Strood-Maidstone-Paddock Wood Railway line at the northern end and by Cemex land at the south. To the north is Elmhaven Marina.
- 1.3 The land to which it is proposed that the Article 4 (1) Direction will relate is outlined red on the attached plan ("the Site")

**2 Appraisal**

*Requirements for Article 4 Directions*

- 2.1 A 4 Direction (made under Article 4 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) ("the Order") may be made by a local planning authority where the authority is satisfied that it is expedient that development (as specified in the Direction) which would ordinarily be permitted by various Parts of Schedule 2 of the Order should not be carried out unless permission is granted pursuant to an express application. Such a Direction effectively withdraws the permitted development rights as set out in the Direction.
- 2.2 Only a Direction withdrawing permitted development rights under Parts 1, 2, 3, 4 or 31 of Schedule 2 to the Order may be made so as to take immediate effect. If a Direction is made so as to take immediate effect (outside a Conservation Area) the Council must be satisfied that the development to which the Direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.
- 2.3 Although Article 4 of the Order was amended earlier this year, and revised guidance was promised by the government, this has not yet been issued, so the guidance in Circular 9/95 is still relevant. Appendix D to the Circular

states that Article 4 Directions should not be withdrawn locally without compelling reasons. There should be a real and specific threat to interests of acknowledged importance.

*Development to which the Direction is proposed to apply (Schedule II)*

- 2.4 Schedule II of the proposed Direction (a draft of which is attached) identifies the types of development that it is recommended is covered by the Direction. Essentially this would cover minor operations, namely gates, fences, walls or other means of enclosure and vehicular accesses normally permitted under Part 2 (Class A) of Schedule 2 to the Order. Other development which appears to have taken place or is taking place would not be permitted development and therefore could not be covered by an Article 4 Direction.

*Reasons for an Article 4 Direction*

- 2.5 The Site is in open countryside, outside the built confines of Halling to the south and North Halling to the north. As such Policy BNE25 of the Medway Local Plan 2003, which contains a presumption against development, unless it complies with one of the stated criteria under this policy, applies to the Site. The Site is also within the Strategic Gap as identified under Policy BNE31 of the Local Plan. This Policy seeks to maintain the separation Medway from Maidstone and the Medway Gap urban area.
- 2.6 That part of the Site below the mean high water mark is within the River Medway and Marshes, Wouldham Site of Nature Conservation Interest (SNCI) as identified under Policy BNE36 of the Local Plan, a priority area in the Government's UK Biodiversity Action Plan (BAP) and is also a Kent BAP priority habitat. Uncontrolled development on this land could potentially cause disturbance to this habitat and harm the scientific or wildlife interests of the SNCI. Although the remainder of the site does not fall within the SNCI this Site, in view of its location, previous use and current condition, it has the potential to contain wildlife habitats, which would be protected under Policy BNE37 of the Local Plan. This Policy contains a presumption against development that would cause a loss, directly or indirectly, of important wildlife habitats or features not protected by Policies BNE35 and BNE36, unless specified criteria are met.
- 2.7 The land is also within a tidal flood risk area as identified under Policy CF13 of the Local Plan, although the permitted development subject to this Direction would not raise any issues in terms of tidal flooding.
- 2.8 In view of the fact that ownership has changed and development is taking place, it is considered that there is a real and specific threat to the Site. Having regard to the policy background set out above and the potential damage that could be caused to nature conservation interests, it is considered that there are compelling reasons to ensure that any development is considered as part of an express application. It is therefore considered that it is expedient to make an Article 4(1) Direction withdrawing

permitted development rights under Part 2 (Class A) of Schedule 2 to the Order.

- 2.9 In addition, it is considered that the development to which the proposed Article 4(1) Direction would relate (and which appears to already be taking place) would be prejudicial to the proper planning of the area and would constitute a threat to nature conservation interests and also to the open aspect of the countryside and to the preservation of the strategic gap. It is therefore proposed that the Article 4 Direction have immediate effect.

### *Compensation*

- 2.10 Section 108 of the Town & Country Planning Act 1990 (as amended) includes a provision that compensation can be sought in the following circumstances:
- i) Where the Council makes an Article 4 Direction; and
  - ii) An application is made for planning permission to carry out development that would formerly have been permitted by the Order; and
  - iii) The Council refuses that application or grants permission subject to conditions differing from those in the Order.

- 2.1 Claims for compensation can only be made if the application for planning permission is made within 12 months of the date the Article 4 Direction comes in to operation. The Council would need to have clear and justifiable planning reasons for refusing planning permission or imposing conditions.

## **3 Financial and legal implications**

- 3.1 The financial implications are unclear at this stage. However, as the Article 4(1) Direction only relates to minor operations so the potential for compensation, if any, is likely to be small and would only apply should the Council impose an Article 4(1) Direction and subsequently refuse planning permission or impose conditions differing from those in the Order.
- 3.2 The procedure for making an Article 4(1) Direction which is to come in to effect immediately is set out in Article 6 of the Order and is as follows:
- Notice must be served on the owner and occupier of the Site unless individual service is impractical because it is difficult to identify or locate that person or the number of owners and occupiers of the Site is such as to make individual service impracticable
  - The Council must also advertise the making of the Direction by advertisement in a local newspaper and on Site
  - The Secretary of State must be given notice of the making of the Direction on the same day that notice is given to the owners/occupiers
  - The Direction comes in to force on the date that notice of the Direction is served on the occupier (or if there is no occupier, the

owner). Where individual service on the owners/occupiers has been properly dispensed with, the Direction comes in to force on the date on which the notices are first published in the newspaper or displayed on Site.

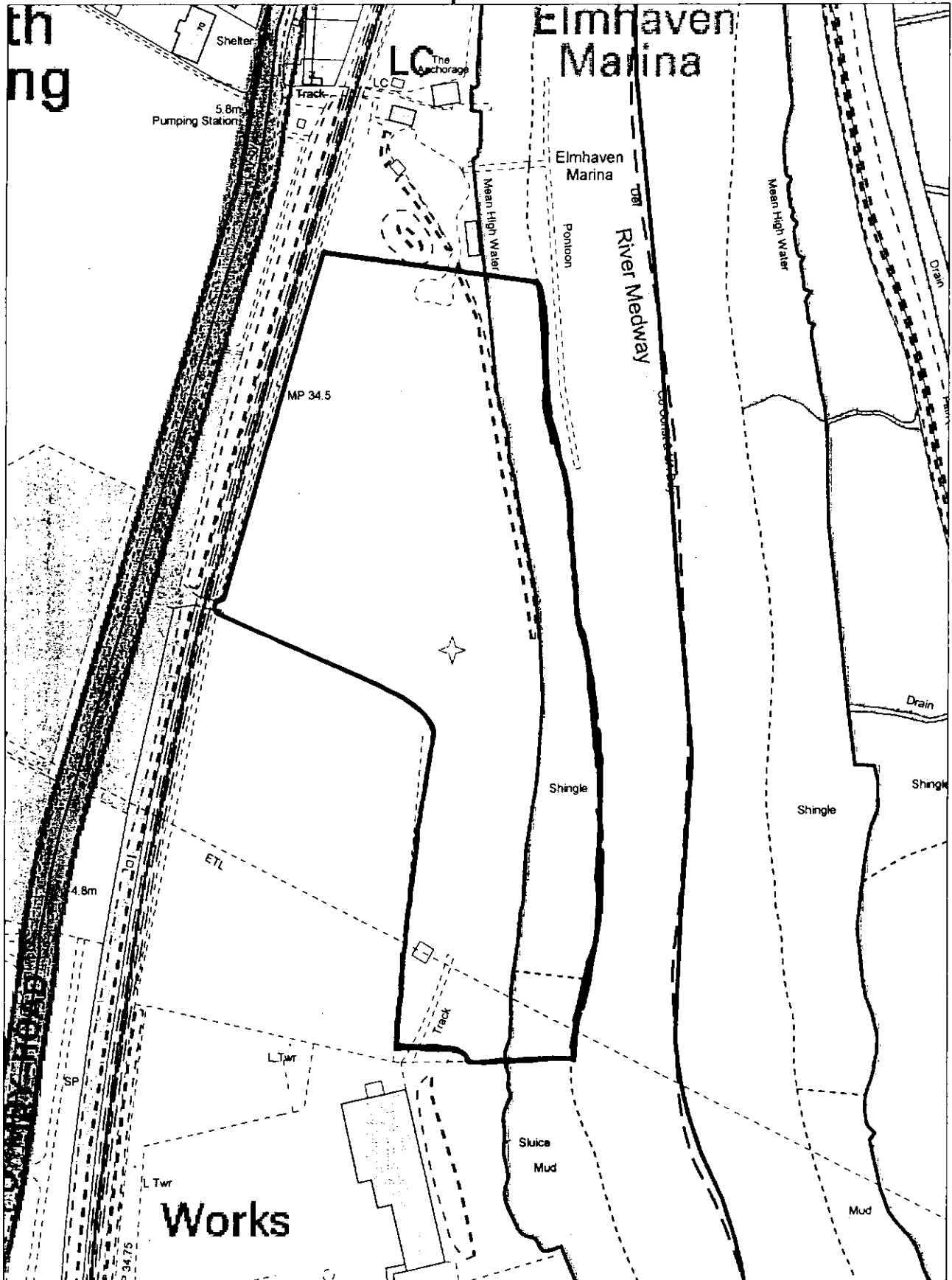
- Notices given, displayed or published must specify a period of at least 21 days, within which any representations concerning the Direction may be made to the Council
- The Direction ceases to have effect at the end of a period of six months from when it is made unless confirmed by the Council within that six month period
- In deciding whether or not to confirm a Direction the Council shall take in to account any representations made. A Direction may not be confirmed before a period of at least 28 days following the latest date on which the notices were served/published or displayed, or such longer period as specified by the Secretary of State.
- The Council must, as soon as practicable after a Direction has been confirmed, give notice of its confirmation
- Subject to certain exceptions (which do not apply in this case) the Secretary of State may make a Direction cancelling or modifying the Council's Direction at any time before or after its confirmation

#### **4 Recommendations**

- 4.1 Having regard to the location of the site in open countryside and the potential impact of these types of development in terms of the countryside and on the nature conservation interests, it is considered expedient that that an Article 4(1) Direction be imposed on the Site removing the permitted development rights referred to in Part 2 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995

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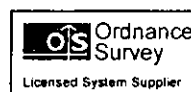
# Map Title



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|--|--|------------------------------------|--|
| <p><b>Directorate</b></p> <p>Regeneration, Community and Culture</p> | <p><b>Name of Function or Policy or Major Service Change</b></p> <p>Article 4(1) Direction, land between Elmhaven Marina and Cemex, Rochester Road, Halling, Rochester</p>   |                                    |  |
| <p>Officer responsible for assessment</p> <p>Doug Coleman</p>        | <p>Date of assessment</p> <p>31 May 2011</p>   | <p>New or existing?</p> <p>New</p> |  |
| <p><b>Defining what is being assessed</b></p>                        |  |                                    |  |
| <p><b>1. Briefly describe the purpose and objectives</b></p>         | <p>The purpose of making the Article 4 direction for the land between Elmhaven Marina and Cemex, Rochester Road, Halling, Rochester is to prevent development described within Part 2 of Schedule 2 of the Town and Country (General Permitted Development) Order 1995 taking place without planning permission. The objective is to prevent further such development in this open countryside location to which Medway Local Plan 2003 policies BNE25, BNE 31, BNE36, BNE 37 and CF13 apply</p>   |                                    |  |
| <p><b>2. Who is intended to benefit, and in what way?</b></p>        | <p>Local residents and users of the River Medway. The site is in open countryside outside the built confines of Halling. Policy BNE25 of the Medway Local Plan 2003 applies and which contains a strong presumption against development. The Site is also within the Strategic Gap as identified under Policy BNE31 of the Local Plan. This Policy seeks to maintain the separation Medway from Maidstone and the Medway Gap urban area.</p> <p>Part of the Site below the mean high water mark is within the River Medway and Marshes, Wouldham Site of Nature Conservation Interest (SNCI) as identified under Policy BNE36 of the Local Plan, a priority area in the Government's UK Biodiversity Action Plan (BAP) and is also a Kent BAP priority habitat. Uncontrolled development on this land could potentially cause disturbance to this habitat and harm the scientific or wildlife interests of the SNCI. Although the remainder of the site does not fall within the SNCI this Site, in view of its location, previous use and current condition, it has the potential to contain wildlife habitats, which would be protected under Policy BNE37 of the Local Plan. This Policy contains a presumption against development that would cause a loss, directly or indirectly, of important wildlife habitats or features not protected by Policies BNE35 and BNE36, unless specified criteria are met.</p> |                                    |  |

|  |  |  |
|--|--|--|
|  | <p>The land is also within a tidal flood risk area as identified under Policy CF13 of the Local Plan, although the permitted development subject to this Direction would not raise any issues in terms of tidal flooding.</p>  |  |
| <p><b>3. What outcomes are wanted?</b></p>                                       | <ul style="list-style-type: none"> <li>- Proper planning of the area in accordance with Local Plan policies</li> <li>- Reduction of potential threat to nature conservation interests</li> <li>- Preservation of open aspect countryside</li> <li>- Preservation of the strategic gap</li> </ul> |  |
| <p><b>4. What factors/forces could contribute/detract from the outcomes?</b></p> | <p>Contribute</p> <p>Links with external partners including Environment Agency and Peel Ports</p>  | <p>Detract</p> <p>Lack of co-operation from owners/occupiers of the land</p> |
| <p><b>5. Who are the main stakeholders?</b></p>                                  | <p>Land owners and occupiers<br/>Peels Ports</p>   |  |
| <p><b>6. Who implements this and who is responsible?</b></p>                     | <p>Implementation of the Article 4 direction will be via operation of the Council's Planning Department</p>  |  |



| <b>Assessing impact</b>  |  |   |
|--|--|---|
| <b>7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial/ethnic groups</i>?</b>  |  | Brief statement of main issue   |
|  | NO   | The purpose of the Article 4 direction is to control the development of the land and is not targeted at a specific group.                     |
| <b>What evidence exists for this?</b>  | The relevant planning policies are applied to the area of land as a whole. |   |
| <b>8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?</b>            |  | Brief statement of main issue   |
|  | NO   | The purpose of the Article 4 direction is to control the development of the land and is not targeted at a specific group.                     |
| <b>What evidence exists for this?</b>  | The relevant planning policies are applied to the area of land as a whole. |   |
| <b>9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?</b>                |  | Brief statement of main issue   |
|  | NO   | The purpose of the Article 4 direction is to control the development of the land and is not targeted at a specific group.                     |
| <b>What evidence exists for this?</b>  | The relevant planning policies are applied to the area of land as a whole. |   |
| <b>10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?</b>        |  | Brief statement of main issue   |
|  | NO   | The purpose of the Article 4 direction is to control the development of the land and is not targeted at or likely to affect a specific group. |
| <b>What evidence exists for this?</b>  | The relevant planning policies are applied to the area of land as a whole. |   |
| <b>11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?</b> |  | Brief statement of main issue   |
|  | NO   | The purpose of the Article 4 direction is to control the development of the land and is not targeted at or likely to affect a specific group. |
| <b>What evidence exists for this?</b>  | The relevant planning policies are applied to the area of land as a whole. |   |
| <b>12. Are there concerns there <u>could</u> be a differential impact due to people's <i>age</i>?</b>              |  | Brief statement of main issue   |
|  | NO   | The purpose of the Article 4 direction is to control the development of the land and is not targeted at or likely to affect a specific group. |
| <b>What evidence exists for this?</b>  | The relevant planning policies are applied to the area of land as a whole. |   |
| <b>13. Are there concerns that there <u>could</u> be a differential</b>  |  | Brief statement of main issue   |

|   |   |  |
|---|---|--|
| <p><b>impact due to <i>being transgendered or transsexual</i>?</b></p>  | <p>NO</p>   | <p>The purpose of the Article 4 direction is to control the development of the land and is not targeted at or likely to affect a specific group.</p> |
| <p><b>What evidence exists for this?</b></p>  | <p>The relevant planning policies are applied to the area of land as a whole.</p>   |  |
| <p><b>14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. speakers of other languages; people with caring responsibilities or dependants; those with an offending past; or people living in rural areas)?</b></p> | <p>NO</p>   | <p>If yes, which group(s)?</p>   |
| <p><b>What evidence exists for this?</b></p>  |   |  |
| <p><b>15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations</i> (e.g. disability <u>and</u> age)?</b></p>  | <p>NO</p>   | <p>Brief statement of main issue</p>   |
| <p><b>What evidence exists for this?</b></p>  |   |  |
| <p><b>Conclusions &amp; recommendation</b></p>  |   |  |
| <p><b>16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?</b></p>   | <p>NO</p>   | <p>Brief statement of main issue</p>   |
| <p><b>17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?</b></p>   | <p>YES</p>  | <p>Please explain</p>  |
|   |   | <p>NO</p>  |
| <p>Recommendation to proceed to a full impact assessment?</p>   |   |  |
| <p><b>NO</b></p>  | <p><b>This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.</b></p> |  |
| <p><b>NO, BUT ...</b></p>   | <p><b>What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)?</b></p>                            | <p>Minor modifications necessary (e.g. change of 'he' to 'he or she', re-analysis of way routine statistics are reported)</p> <p>NOT APPLICABLE</p>  |
| <p><b>YES</b></p>   | <p><b>Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)</b></p>                 | <p>NOT APPLICABLE</p>  |

| <b>Action plan to make Minor modifications</b> |  |                            |
|--|--|----------------------------|
| <b>Outcome</b>                                 | <b>Actions (with date of completion)</b> | <b>Officer responsible</b> |
| <b>NOT APPLICABLE</b>                          |  |                            |
|  |  |                            |
|  |  |                            |
|  |  |                            |

| <b>Planning ahead: Reminders for the next review</b>   |   |  |
|--|---|--|
| <b>Date of next review</b>   | The process of making Article 4 Direction allows for representations to be made. These representations will be considered and taken into account before the Article 4 Direction is confirmed (being six months from the date of the Direction) being no later than 13 December 2011 |  |
| <b>Areas to check at next review (e.g. new census information, new legislation due)</b>                            | Representations received on the Article 4 direction   |  |
| <b>Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?</b> |   |  |
| <b>Signed (completing officer/service manager)</b>   | <b>Date</b>   |  |
| <b>Signed (service manager/Assistant Director)</b>   | <b>Date</b>   |  |