

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	Gypsy and Traveller Site(s) Local Plan Update	
<b>Key Decision</b>	Yes	Item No.
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director for Resources and Regeneration and Executive Director for Customer Services	
<b>Class</b>	Part 1	Date: 15 November 2017

## **1. Summary**

- 1.1 At its meeting on 13 January 2016, Mayor and Cabinet approved consultation arrangements on the preparation of a Gypsy and Traveller Site(s) Local Plan (GTSLP) (including scope, search parameters, site selection criteria and timetable for identifying a site or sites). It also approved consultation on the associated Sustainability Appraisal Scoping Report.
- 1.2 Following consultation carried out by the Planning Service, at its meeting on 13 July 2016, Mayor and Cabinet approved the final search parameters and site selection criteria.
- 1.3. At its meeting on 7 September 2016, Mayor and Cabinet approved a GTSLP Potential Site(s) Report and Integrated Impact Assessment (IIA) for statutory public consultation. The Potential Site(s) Report identified two alternative potential residential traveller sites. These were: New Cross Social Club and adjoining land, Hornshay Street, SE15 and Land at Pool Court, SE6.
- 1.4. Public consultation was carried out on these alternative potential sites and the IIA during a six-week period between 17 October and 30 November 2016. It was intended to report back to Mayor and Cabinet in early 2017. However, consultation raised a number of important issues and it has taken longer than anticipated for officers to investigate these and further consider the overall appropriateness and deliverability of the two potential sites.

## **2. Purpose**

- 2.1 This report outlines the results of public consultation and the work that has been carried out by officers to investigate the main issues raised by those that made comments. It further considers the suitability and deliverability of the two potential sites before concluding that whilst both sites are potentially suitable when assessed against the Site Selection Criteria, officers consider that Pool Court is currently the preferred site.

- 2.2 It recommends that officers be instructed to further investigate a number of issues in relation to the Pool Court site and report back before a decision on which, if either, of the potential sites is chosen.

### **3. Recommendations**

- 3.1 The Mayor is recommended to:

a. Note the contents of the Consultation Statement (Appendix 1), including the main issues raised and officer response to them and the findings of the Integrated Impact Assessment (Appendix 2).

b. Note that officers consider that Pool Court is currently the preferred site.

c. Instruct officers to further investigate the following matters in relation to the potential Pool Court site and report back to Mayor and Cabinet: (i) the potential phased delivery of a traveller site, (ii) the incorporation of current public highway land in to a site and (ii) re-location assistance that could be offered to the existing scaffolding business.

d. Inform those that commented on the Potential Sites Consultation Report of these decisions.

### **4. Policy Context**

- 4.1 The contents of this report are consistent with the Council's policy framework. When the GTSLP is adopted it will become part of Lewisham's 'development plan' and will contribute to the implementation of each of the Council's ten priorities as follows:

- community leadership and empowerment
- young people's achievement and involvement
- clean, green and liveable
- safety, security and a visible presence
- strengthening the local economy
- decent homes for all
- protection of children
- caring for adults and older people
- active, healthy citizens
- inspiring efficiency, effectiveness and equity

- 4.2 The GTSLP will help give spatial expression to the Sustainable Community Strategy (Shaping Our Future) (SCS), which was prepared by the Local Strategic Partnership and adopted by the Council in May 2008. The Plan will also play a role in the implementation of the SCS vision '*Together we will make Lewisham the best place to live, work and learn*' and all of the six strategic priorities, which are:

- Ambitious and achieving – where people are inspired and supported to fulfil their potential
- Safer – where people feel safe and live free from crime, antisocial behaviour and abuse
- Empowered and responsible – where people are actively involved in their local area and contribute to supportive communities
- Clean, green and liveable – where people live in high quality housing and can care for their environment
- healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and well-being
- Dynamic and prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond

## **5. Background and summary of process**

- 5.1. The Housing and Planning Act (2016) includes a duty (under Section 8 of the 1985 Housing Act) for local authorities to consider the needs of “people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed.”
- 5.2. Following the closure in 2009 of a former site in Thurston Road, next to Lewisham Station, Lewisham does not have any sites for the gypsy and traveller community. The Council did grant planning permission in 2008 for five pitches on a site in Church Grove, Ladywell. However, this permission was not acted upon, the planning permission has lapsed and this site is currently being developed for ‘bricks and mortar’ housing.
- 5.3. The Council adopted its Core Strategy in June 2011. Core Strategy Policy 2 identified criteria for selecting sites and envisaged that site(s) would be identified through a Sites Allocation DPD. However, it did not prove possible to include a site or sites in the Council’s Site Allocations Local Plan (SALP) when this was developed and adopted in June 2013. At the Examination in to the SALP, the Council confirmed its intention to bring forward a separate GTSLP by May 2014.
- 5.4. The Council began preparing a GTSLP in March 2013. However, other priorities meant that things did not progress as planned and preparation on the Local Plan halted. The Council commissioned a Gypsy and Traveller Accommodation Assessment (GTAA), which was published in June 2015. This established the need for 6 pitches in the borough up to 2031. In August 2015, the Government published revised national guidance in the form of a new Planning Policy for Traveller Sites (PPTS). In order to ensure that the Council has a robust assessment of current and future need that takes account of the new definition, an update to the GTAA was commissioned. The Update (August 2016) identifies the continuing need for 6 pitches in the borough up to 2031. It also identifies additional need for ‘non-Lewisham’ households who

meet the new definition and which the Council should work with neighbouring boroughs to provide housing solutions.

## **6. Site Selection Process**

6.1. The process that the Council has undertaken can be summarised as follows:

Step 1 - Consult on proposed scope of Plan, Search Parameters, Site Selection Criteria & Sustainability Appraisal Scoping Report. In January 2016, the Mayor and Cabinet noted the proposed methodology and approved Selection Parameters and Site Selection Criteria for consultation. Consultation on draft Parameters and Criteria took place in March and April 2016. In July 2016, the Mayor and Cabinet approved the final Parameters and Criteria (taking account of the comments received).

Step 2 - Establish a list of appropriate Council assets. Officers in Strategic Housing and Asset Management identified a list of all Council assets (land and buildings) of 0.24ha in size and above based on 6 pitches with an average of 400sqm from Council ownership data by reviewing the Council's asset registers. In July 2016, the Mayor and Cabinet approved the final Parameters and Criteria (taking account of the comments received).

Step 3 - Identify a long-list of potential sites. Officers in Strategic Housing and Asset Management applied Site Selection Criterion 1 (Effective and efficient use of public assets) and this resulted in 5 potential Council-owned sites being identified. A private landowner also put its site forward for consideration during Stage 1 and this was included on the following long-list of 6 sites:

A - Land on Westbourne Drive SE23;

B - Land off Turnham Road, SE4;

C - New Cross Social Club & adjoining land, Hornshay Street, SE15;

D - Land at R/O 46-116 Baizdon Road SE3;

E - Land at Pool Court, SE6; and

F - Land at St Mildred's Road, Hither Green, SE12.

Step 4 - Identify a preferred site or sites. Planning officers applied Site Selection Criteria 2 to 10 to the long-list of sites resulting in the identification of two potential sites. In doing so, officers drew on the results of engagement with officers across the Council and the Clinical Commissioning Group and the Metropolitan Police, together with the findings of a highway and access feasibility study and flood risk studies and the Integrated Impact Assessment (combining Sustainability Appraisal and Equalities Analysis Assessment). This resulted in two potential sites being identified: New Cross Social Club and adjoining land and land at Pool Court.

Step 5 – Consult on a preferred site or sites. In September 2016, the Mayor and Cabinet approved a Potential Sites Report for consultation. Public

consultation on the two potential sites took place for 6 weeks in October and November 2016.

Step 6- Select a site. We are now at this stage in the process.

## 7. Consultation on potential sites and further investigation

7.1 The 6-week consultation on a Potential Sites Report and Integrated Impact Assessment took place in accordance with the relevant Regulations and the Council's Statement of Community Involvement. The Consultation Statement at Appendix 1 sets out in detail who was involved and how they were involved. In summary, this included getting back in touch with those people that commented during the earlier round of consultation, writing to a wide range of statutory and local organisations, putting up site notices, placing a public press notice in the News Shopper, putting an e-newsletter article in the Lewisham E-newsletter, preparing flyers and information sheets, an on-line and paper survey, holding two drop-in information sessions (one session close to each of the potential sites) and attending the Lewisham Traveller Forum. An overview of the extent of comments received is set out in the table below.

Engagement Activity		Participation Levels
Written Representations	Surveys	177 surveys (submitted online and via paper)
	Letter or email	48 letters and emails
In person engagement	Information Session & Focus Groups	2 x Information Session & Focus Groups were held.  One session for Pool Court based stakeholders was held at the Resident's Lounge, 37 - 61 Pool Court, Catford and attended by 10 participants (excluding Council employees).  The other session was held at Resident's Lounge, Lewis Silken House, 10 Lovelinch Close, Winslade Estate and attended by 19 participants (excluding Council employees).
	Traveller Forum Meeting	1 x Traveller Forum Meeting. Attended by 10 people and discussed the merits of both potential sites.
Petitions		3 x petitions were submitted with a total of 433 signatures. The 3 petitions were from: 1) Lovelinch Close. 315 signatures in opposition to New Cross site 2) Wheelshunters Club, 61 signatures in opposition to New Cross site. 3) Pool Court, 57 signatures in opposition to Pool Court site.

7.2 The Consultation Statement sets out the comments that were received and provides a detailed summary of the main issues, including officer responses to them. The main issues raised in response to the suitability of the potential sites and the draft development guidelines can be summarised as follows:

- Conformity with the approved Search Parameters - the potential Pool Court site is not in Council ownership or available 'now';
- The concentration of traveller sites in close proximity to the potential New Cross site – impact on services, 'ghettoisation' and cumulative effect upon the existing community;
- Ownership and deliverability of both potential sites – queries over the Council's ownership of the existing Multi Use Games Area (MUGA) at New Cross and the fact that Network Rail own a large part of the Pool Court site;
- Flooding risks at both potential sites – but particularly Pool Court, which is adjacent to the River Ravensbourne and has flooded in the past;
- Vehicular access at both potential sites – exacerbation of existing car parking problem and effect on emergency access to the Winslade Estate at the potential New Cross site and concerns about families living next to a road and emergency access at Pool Court;
- Loss of community facilities and housing at the potential New Cross site – loss of the MUGA that serves the Winslade Estate and loss of the Wheelshunters Social Club and residential flat without any replacement;
- Loss of an operational business and employment land at the potential Pool Court site – the existing scaffolding business would be displaced;
- Site size and capacity at Pool Court – concern about the shape and size of the potential site and ability to satisfactorily accommodate 6 pitches;
- Amenity concerns including noise at both potential sites and privacy and air quality at the potential New Cross site;
- The loss of ecology and habitat associated with the Site on Importance for Nature Conservation (SINC) at the Pool Court Site
- Deprivation and vulnerable communities – both sites are in deprived neighbourhoods with limited ability to accommodate travellers alongside existing vulnerable communities; and
- Impact on services in areas of deprivation (both sites) – additional demand on school places, doctor's surgeries and other services.

7.3 Consultation also raised a number of general issues not specifically related to site suitability or the proposed development guidelines. These include the following:

- Pitch allocation and management - concern that tenancy agreements and highway restrictions would not be enforced;
- Housing need and the needs assessment – preferential treatment being given to the traveller community (over the settled community) and inadequate consideration of the needs of travelling show people;
- Use of second site as a stopping place – one of the two sites should be used as a negotiated stopping place to assist the Council and the Police in stopping unauthorised encampments'.
- Insufficient Integrated Impact Assessment of the two potential sites; and
- Inadequate consultation.

7.4 Officers have carefully considered all comments received. They have also investigated the issues raised by undertaking additional consultation with a range of stakeholders and commissioned further studies. These include:

- Clarifying ownership issues in relation to the New Cross site and considering ways to regularise lease arrangements in relation to the Social Club;
- Commissioning a study in to a possible re-provision of smaller MUGA facility on land at Upnall House opposite the potential New Cross site (MUGA Re-provision Study) and holding discussions with Lewisham Homes;
- Holding discussions with Network Rail over acquiring the scaffolding site at Pool Court and raising with London and Quadrant Housing Association the possibility of acquiring a small area of existing public highway land at Pool Court;
- Seeking officer advice in relation to ecological impact at Pool Court.
- Commissioning further advice on flood risk issues and holding discussions with the Environment Agency in relation to both potential sites;
- Holding discussions with the London Fire Brigade in relation to both potential sites; and
- Commissioning a Masterplan Capacity Study for both potential sites to explore how they might be developed – both in accordance with the draft Site-specific Development Guidelines included in the Potential Sites Consultation Report and otherwise.

## **8. Further investigations in relation to the potential New Cross site**

- 8.1 Ownership & Deliverability. The freehold of the site is owned by the Council. The New Cross Social Working Men’s Club initially had a 60-year lease of the whole site (up to January 2034). The land now occupied by the MUGA was surrendered to the Council in 2006, to allow for the MUGA to be built. In 2010, the Council granted a one year to the Wheelshunters Club to stay in the Social Club building. However, the initial 60-year lease was not terminated and remains in place. The Council will need to regularise the lease situation by taking appropriate steps to terminate this lease. The Wheelshunters Club also remains in occupation of the Social Club building and this occupational arrangement would need to be terminated.
- 8.2 Site capacity. The draft Masterplan Capacity Study identifies an option with one vehicular access and an option with two vehicular access which both comply with the draft Site-specific Development Guidelines included in the Potential Sites Consultation Report. It also identifies an option with individual vehicular accesses from Hornshay Street and demonstrates that all of these options could accommodate at least six traveller pitches.
- 8.3 Flooding. Whilst in Flood Zone 3a, the site is protected by Thames flood defences. The site is theoretically at risk from Upstream Inundation of the Thames area in the scenario that lateral flood defences were removed and the Thames Barrier was closed. However, this is considered an unlikely scenario and in any event flood waters would take 6-12 hours to reach the site. Following further discussions with the Environment Agency, officers consider that there is a reasonable prospect of a traveller site being acceptable from a fluvial flooding point of view, providing that a robust detailed case is made and that adequate mitigation is incorporated, including flood warnings.

- 8.4 Fire Brigade Access. Lewisham Homes has introduced a gate to the southern end of Lovelinch Close and Sharrat Street as part of wider traffic management arrangements for the Estate designed to tackle anti-social behaviour. Vehicular access is now restricted to Rollins Street. Officers do not consider that the establishment of a traveller site on Hornshay Street would impact on these arrangements. In response to comments from some local people, officers have met with the London Fire Brigade to discuss issues and the Brigade has raised no particular concerns about this potential site.
- 8.5 Loss of Multi-Use Games Area. The existing MUGA was funded by the former New Cross Gate New Deal for Communities (NDC) and Marathon Trust and provided in 2006/07 following lobbying from local people. It comprises three separate games court areas (two kick-about areas and an informal basketball practice area) of approx. 720sqm, together with adjacent team areas, including two seats/shelters. The Potential Sites Consultation Report made clear that mitigation for the loss of the existing MUGA would be required by way of improvements to an existing facility or a replacement facility
- 8.6 The nearest other MUGAs are Brimington Park in Southwark on the south side of Old Kent Road (approx. 500m away). The draft MUGA Re-provision Study finds that the hardstanding area next to Upnall House (on the opposite side of Hornshay Street on the Winslade Estate) could accommodate one multi-use games area and a team area of approx.407sqm or a multi-use games area and separate informal basketball practice area of approx.323sqm. Whilst these options would mean that there would be a significant net loss of games space, it would enable replacement smaller facilities to be provided in the immediate area. Officers consider that facilitating the provision of a traveller site could represent special circumstances that justify such a loss.
- 8.7 The draft Masterplan Capacity Study suggests that it would be possible to provide 6 traveller pitches on the potential New Cross site whilst retaining the existing small kick-about area and informal basketball practice area. If this approach was taken and a replacement games area was also provided on the hardstanding next to Upnall House, then there would be no loss of facilities and a small net gain in space (approx. 760sqm as opposed to the existing 720sqm). The Masterplan Capacity Study also identifies an option of providing 6 traveller pitches and a replacement multi-use games area on the site of the existing Social Club car park that could possibly retain all facilities and avoid any net loss in space.

## **9. Further investigations in relation to the potential Pool Court site**

- 9.1 Ownership & Deliverability. The Council owns the western part of the potential site, but not a sliver of land between the site and the Ravensbourne River. Network Rail owns this sliver of land and also the eastern part of the potential site, which is partly occupied by a scaffolding yard which has a lease expiring in 2020. Officers have held discussions with Network Rail over the possibility of purchasing its interest in this land. Network Rail is currently undertaking a portfolio sale of its commercial estate. However, in August 2017, in response

to a letter from the Mayor, Network Rail confirmed that owing to the requirement to produce a definitive portfolio of assets for the marketing and potential disposal of its commercial estate, it is no longer able to consider offers for the sale of the eastern part of the potential site. On this basis, the Council would need to discuss purchase with the new owner of the land. Officers understand that Network Rail is hoping to dispose of its commercial estate in June 2018.

- 9.2 Officers have also begun investigating the possibility of further rationalising the potential site so include part of the existing hammer head vehicular-turning area at the northern end of Pool Court. This part of Pool Court is not considered essential for servicing existing housing to the south and is often the subject of fly-tipping. The inclusion of all or some of this area within the potential site would improve its deliverability by marginally increasing its size, but more importantly by and improving its shape. This would require the closure of an area of public highway and the acquisition of the stopped-up highway land from London & Quadrant Housing Association.
- 9.3 Site capacity. Following clarification on ownership and minor adjustments, the overall potential site measures approx. 3,150sqm. The draft Masterplan Capacity Study demonstrates that the site could satisfactorily accommodate at least 6 traveller pitches in accordance with the draft Site-specific Development Guidelines in the Potential Sites Consultation Report (based on a single in-out vehicular access from Fordmill Road and pitches set back 8m from the River) and also taking account of subsequent advice from the Environment Agency to pull caravans away from the western boundary, as discussed below.
- 9.4 Flooding. The north-western part of site has flooded in the past (including in 1965) and the Environment Agency raised some significant concerns in response to the Potential Sites Consultation Report. The Agency has recently released up-to-date flood modelling for the Ravensbourne River for a 1:100-year flood event including 25 and 35% allowances for climate change. It should be noted that this does not take account of the proposed Beckenham Place Park Flood Alleviation Scheme. The modelling shows flood water running back from the River along the adjoining railway corridor and extending on to the western part of the potential site. Nevertheless, following discussion with the Agency, officers consider that there is the reasonable prospect of a traveller site being acceptable from a fluvial flooding point of view, providing that a robust detailed case is made and that adequate mitigation is incorporated. The potential mitigation could include:
- Setting back development 8m from the existing river channel, investigating naturalising the southern bank (i.e. removing the concrete wall) and following guidance in the Council's River Corridor SPD;
  - Avoiding locating caravans, car parking and hard-standing areas in the high flood risk western part of the site;
  - Incorporating SUDS, including devices to control rates of discharge in to the River to green field run off rates;
  - Incorporating like-for-like level compensation works if ground levels need raising in some areas;

- Providing a safe and dry route to safety; and
- A Flood Evacuation Plan.

9.5 Fire Safety. In response to comments from the traveller community, officers have met with the London Fire Brigade to discuss issues of safety and emergency access and the need for an emergency pedestrian exit from the potential Pool Court site. At this stage, the Fire Brigade considered that a pedestrian-only exit on to Pool Court was desirable, but not essential. Officers would continue to liaise with the Fire Brigade if this site went forward to ensure that detailed design met the all relevant guidance and best practice.

9.6 Ecology. Currently the whole site is within the Pool Court Linear Park Site of Importance for Nature Conservation (SINC) (Borough Importance), although the Re-Survey of SINC (2016) proposes to exclude the scaffolding yard from the designation. Officers anticipate that the ecological value of the potential site is relatively limited due to the dominance of Japanese knotweed across the Council owned land. Officers consider that a carefully designed scheme that eradicates this knotweed, responds positively to the river, retains and/or mitigates the loss of existing valuable trees and safeguards any protected species would be acceptable. The Site-specific Development Guidance in the Potential Sites Consultation Report already calls for careful treatment next to the River, retention of trees where possible and careful lighting. This could be strengthened to include further biodiversity enhancements.

## **10. The Way Forward**

10.1 Public consultation raised a number of important issues in relation to both potential sites. Officers have carefully considered all comments and responded to the main issues raised (Consultation Statement at Appendix 1).

10.2 Officers have also investigated a number of issues raised by undertaking additional consultation with a number of stakeholders and commissioning further studies – as outlined above. It should be noted that there has been no consultation with local residents, businesses or (in relation to the potential New Cross site) the users of the Social Club or MUGA in relation to the further investigations that have taken place in relation to both sites. However, officers are intending to re consult local people and all other relevant stakeholders on any revised proposals for either site, before either of these potential sites is chosen to be allocated as a residential traveller site by way of the Gypsy and Traveller Site(s) Local Plan. In the meantime, it is recommended that all of those that commented on the Potential Sites Consultation Report are informed of the Mayor and Cabinet's decision.

10.3 The Integrated Impact Assessment (IIA) has been updated to reflect changes since August 2016 and the results of consultation, including comments on the IIA itself. The latest IIA (October 2017) (Appendix 2) assesses the two potential sites against 16 identified objectives. In summary, the IIA finds that the provision of gypsy and traveller pitches at New Cross Social Club site could have a detrimental effect on health, social inclusion and accessibility to community infrastructure through the loss of a social club and games area

space. It also finds that the provision of gypsy and traveller pitches at Pool Court could have a negative effect on landscape, biodiversity, flora and fauna through the loss of open space.

- 10.4 Taking account of the above and all other material planning considerations, officers have re-assessed the relative merits of the two sites against approved Site Selection Criteria 2 to 10 (both sites were deemed to have met Criterion 1, effective and efficient use of public land). The updated Site Selection Background Paper (October 2017) uses a selection matrix so that each relevant criterion for each site could be given a qualitative score (1 – Excellent, 2- Good, 3 – Average, 4 – Poor or 5 - Very poor). Officers consider that the overall scores for the potential sites remain ‘2-Good’ for New Cross and ‘potentially 2-Good’ for Pool Court. This being the case, officers consider that both potential sites could be suitable for a residential traveller site.
- 10.5 Notwithstanding the current difficulties in acquiring the sliver of land next to the Ravensbourne River and eastern part of the site from Network Rail, officers consider that Pool Court is currently the preferred potential site for the following reasons:
- It is preferred by the Lewisham traveller community;
  - It is more self-contained, without being isolated from the wider community;
  - It is better suited to relatively low-density housing (having a suburban character and lower public transport accessibility);
  - It is outside Lewisham’s Regeneration and Growth Area and the London Plan Lewisham, Catford and New Cross Opportunity Area where bricks and mortar housing and employment growth is to be focused; and
  - It would not result in the loss or displacement of existing community facilities or housing.
- 10.6 It is therefore recommended that officers be instructed to further investigate the suitability and deliverability of potential Pool Court site, including the issues outlined below, before reporting back to Mayor and Cabinet with a definitive way forward:
- 10.7 Phased Delivery. The Potential Sites Consultation Report (5.7) notes that for practical and financial reasons, the Council expects to deliver all of the 6 or more pitches on a chosen site in one go. However, given the current situation with Network Rail, officers consider that it would be sensible to investigate whether a Pool Court site could be delivered in two phases, with at least 3 pitches on the Council-owned land delivered up to 2021 and at least 3 further pitches being developed on land currently owned by Network Rail between 2021 and 2031. This would involve vehicular access to the western Council-owned land from Pool Court during a first phase of delivery.
- 10.8 Incorporation of Highway Land. Whilst not essential, the inclusion of all or part of the existing hammer-head turning area at the northern end of Pool Court in to the potential site would help deliverability and may also help reduce fly-tipping. Officers should investigate whether all or part of this part of the

highway could be stopped-up as public highway and have further discussions with London and Quadrant Housing Association about purchase of any stopped-up highway land.

- 10.9 Re-location assistance. Identify what assistance the Council could offer to RHS Scaffolding to help it re-locate to an alternative suitable site.

## **11. Financial Implications**

- 11.1 There are no direct financial implications arising from this report. The consultation has been delivered from within the existing Planning Service budget.

## **12. Legal Implications**

- 12.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the main steps in the procedure for the production and adoption of planning documents, as explained in the report.
- 12.2 Following completion of the consultation on the Council's Preferred Site(s) Report which forms part of the process in creating a new Gypsy and Traveller Local Plan, this report requests that officers be instructed to further investigate a number of issues in relation to the Pool Court site to be reported back to Mayor & Cabinet before a decision on which, if either, of the potential sites is chosen.
- 12.3 The Equality Act 2010 (the Act) introduced a new public-sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 12.4 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 12.5 The Equality and Human Rights Commission provides Technical Guidance on the Public-Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities

should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

12.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public-sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

12.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

### **13. Crime and Disorder Implications**

13.1 There are no direct implications relating to crime and disorder issues.

### **14. Equalities Implications**

14.1 The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010. The proposals set out in this report accord with the Council's Comprehensive Equalities Scheme; particularly as they relating to: 'increasing participation and engagement'.

14.2 The Integrated Impact Assessment (updated October 2017) provides a report of the Sustainability Appraisal, Strategic Environmental Assessment and Equalities Analysis Assessment of the Lewisham Gypsy and Traveller Site(s) Local Plan. This assessed both potential sites and was consulted on alongside the Potential Sites Consultation Report.

14.3 The purpose of the Integrated Impact Assessment is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of the Lewisham Gypsy and Traveller Site(s) Local Plan.

### **15. Environmental Implications**

15.1 There are no direct environmental impacts arising from this report.

## 16. Conclusion

16.1 The Mayor and Cabinet is recommended to:

a. Note the contents of the Consultation Statement (Appendix 1), including the main issues raised and officer response to them, and the findings of the Integrated Impact Assessment (Appendix 2).

b. Instruct officers to further investigate the following matters in relation to the potential Pool Court site and report back to Mayor and Cabinet: (i) the potential phased delivery of a traveller site, (ii) the incorporation of current public highway land in to a site and (ii) re-location assistance that could be offered to the existing scaffolding business.

c. Inform those that commented on the Potential Sites Consultation Report of these decisions.

## 17. Background documents and originator

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Planning & Compulsory Purchase Act 2004	2004	Laurence House	Planning Policy	David Syme	No
Localism Act 2011	2011	Laurence House	Planning Policy	David Syme	No
National Planning Policy Framework (NPPF) 2012	2012	Laurence House	Planning Policy	David Syme	No
Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)	2012	Laurence House	Planning Policy	David Syme	No
Planning policy for traveller sites 2015	2015	Laurence House	Planning Policy	David Syme	No
Lewisham Gypsy and Traveller Accommodation Assessment (as updated)	August 2016	Laurence House	Planning Policy	David Syme	No
Highway and Access Feasibility Report (as	October 2016	Laurence House	Planning Policy	David Syme	No

updated)					
Flood Smart Pro and Sequential Testing Report (as updated)	October 2016	Laurence House	Planning Policy	David Syme	No
Draft Winslade Multi-Use Games Area Re-Provision Study	May 2017	Laurence House	Planning Policy	David Syme	No
Draft Masterplan and Capacity Study	June 2017	Laurence House	Planning Policy	David Syme	No
Site Selection Background Paper Update	October 2017	Laurence House	Planning Policy	David Syme	No

If you have any queries on this report, please contact David Syme, Strategic Planning Manager, 3<sup>rd</sup> floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 7186.