

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	New Cross Gate Station Area Supplementary Planning Document	
<b>Key Decision</b>	Yes	Item No.
<b>Wards</b>	Evelyn and New Cross	
<b>Contributors</b>	Executive Director for Housing, Regeneration and Environment and Director of Law	
<b>Class</b>	Part 1	Date: 30 October 2019

## **1. Purpose**

- 1.1 The purpose of this report is to provide the Mayor and Cabinet with the information needed to approve the draft New Cross Gate Station Area Supplementary Planning Document (draft SPD) for public consultation.

## **2. Summary**

- 2.1 This report sets out the background, need and policy context for the draft SPD, outlines the consultation carried out by officers as part of the New Cross Gate Area Framework, summarises the draft SPD's contents and provides detail on the nature of the future consultation process in line with our Statement of Community Involvement.

## **3. Recommendation**

- 3.1 Mayor and Cabinet are recommended to:
- a. Note the consultation carried out as part of the Pre-production stage set out in Section 7
  - b. Approve the content of the draft SPD to go out to formal public consultation in accordance with the Statement of Community Involvement.
  - c. Note the financial and legal implications set out in section 10 and 11
  - d. Note the findings of the Strategic Environmental Assessment (SEA) screening report in Appendix 2
  - e. Authorise the Director of Planning to make any minor changes to the text and format of the documents prior to public consultation.

## **4. Background**

- 4.1 In 2017, London Borough of Lewisham, Transport for London (TFL) and the Greater London Authority (GLA) commissioned architects and urban designers 5th Studio

and We Made That to develop a future vision and masterplan for the area around New Cross Gate station and the wider area, known as the New Cross Area Framework, or 'the Framework'.

- 4.2 The purpose of the study was to develop an aspirational and practical vision that captures the unique character of New Cross, and address the opportunities and challenges it faces.
- 4.3 The Framework focused on an area of approximately 1km radius around New Cross Gate station, identifying the existing character of the area, and establishing a vision for its future development and growth.
- 4.4 A more focused piece of work, the 'Station Opportunity Study' for New Cross Gate considered how two key sites (Hatcham works and Goodwood Rd) allocated within Lewisham's existing Local Plan, the Station and its surrounds could be taken forward as a comprehensive masterplan. The Station Opportunity Area also considered how any new Bakerloo Line station might benefit New Cross Gate in the future and how this should be integrated within the future development of the sites. This includes opportunities for related public realm improvements, and explores how adjacent development can be directed to take advantage of the opportunity that the Bakerloo Line Extension (BLE) represents in the short, medium, and long term.
- 4.5 The Framework has been very well received by the public, other consultees and local Councillors and has recently won the 2019 NLA Award within the masterplan and area strategy award.
- 4.6 The document was endorsed at the Mayor and Cabinet meeting on April 2019 with the following decision:

"Having considered an officer report, and a presentation by the Mayor, the Mayor and Cabinet agreed that:

(1) the content of the New Cross Area Framework and Station Opportunity Study be approved as part of the evidence base for the new Lewisham Local Plan;

(2) the LB Lewisham Strategic Planning team be authorised to progress the New Cross Area Framework and Station Opportunity Study to full Supplementary Planning Document status.

(3) the report be referred to Council."

- 4.7 Following this decision it was agreed that the strategies and visioning elements in the Framework be taken forward within Lewisham's new Local Plan and the more focused Station Opportunity Area be the subject of an SPD. This approach has support from TfL and the GLA.

- 4.8 The SPD will therefore provide further guidance on the comprehensive masterplan for Hatcham Works and Goodwood Road (as allocated for redevelopment in the LB Lewisham Site Allocations Local Plan 2013), as well as the New Cross Gate station area and surrounds.
- 4.9 The regeneration of the SPD area is strategic in nature, has an important contribution to the delivery of the Core Strategy and is considered essential to the delivery of any BLE. Therefore, it must be planned comprehensively to ensure cohesive development, setting high standards of design quality and deliverability.
- 4.10 Permission was granted for the site SA5 known as Good Wood Road under reference DC/11/077418:
- The redevelopment of the site for mixed use development on the Land East of New Cross Gate Station, encompassing the Former Goods Yard at 29 & 23-27 Goodwood Road SE14, to provide 3 blocks between 3-8 storeys, incorporating balconies, comprising 148 residential units (63 x 1 bed, 65 x 2 bed, 17 x 3 bed flats & 3 x 5 bed houses) and 200m<sup>2</sup> of retail (Use Class A1-A5), together with the provision of 39 car parking spaces (including 8 disabled spaces), 170 bicycle spaces, 5 motorcycle spaces, public and private amenity space, landscaped public realm and new pedestrian and 'servicing access' onto Auburn Close and Goodwood Road SE14.
- 4.11 Planning permission was granted on 16 March 2012. The permission was subject to a legal agreement (dated 16 March 2012).
- 4.12 This consent was subsequently amended via a s.73 minor material amendment permission to allow alterations to the elevations and materials:
- DC/13/083377: An application submitted under Section 73 of the Town & Country Planning Act for a minor material amendment in order to allow alterations to the elevations and materials in connection with planning permission DC/11/77418, dated 16 March 2012, for the redevelopment of the site for mixed use development on the Land East of New Cross Gate Station, encompassing the Former Goods Yard at 29 & 23-27 Goodwood Road SE14, to provide 3 blocks between 3-8 storeys, incorporating balconies, comprising 148 residential units (63 x 1 bed, 65 x 2 bed, 17 x 3 bed flats & 3 x 5 bed houses) and 200m<sup>2</sup> of retail (Use Class A1-A5), together with the provision of 39 car parking spaces (including 8 disabled spaces), 170 bicycle spaces, 5 motorcycle spaces, public and private amenity space, landscaped public realm and new pedestrian and 'servicing access' onto Auburn Close and Goodwood Road SE14.
- 4.13 Planning permission was granted on 8 January 2014. The grant of consent was subject to a deed of variation to the legal agreement (dated 17 December 2013).
- 4.14 DC/18/110157: Certificate of Lawful Development (Existing) granted on 12 April 2019 confirming that the works undertaken in respect of the construction of the

foundation of an external staircase adjacent to Block A of the development approved under planning permission reference DC/13/83377 were undertaken lawfully and as such this consent remains extant.

## **5. The Bakerloo Line Extension (BLE)**

- 5.1 The extension of the Bakerloo line from Elephant and Castle to Lewisham has the potential to provide significant benefits for New Cross. As well as providing new routes and capacity for passengers to support good growth within the area, including more genuinely affordable homes it also has the potential to open up new job markets for residents as well as providing local businesses and institutions access to a wider market and customer base.
- 5.2 The extension will support:
- More frequent trains, with a train at least every two to three minutes.
  - Upgraded trains providing more capacity, making journeys more comfortable.
  - Access for existing residents to new job markets across London.
  - Better connectivity strengthening existing business in the New Cross Area, including providing local businesses with access to a wider market and customer base.
  - The delivery of more genuinely affordable homes.
- 5.3 The BLE is critical to the spatial strategy of the Draft London Plan and has the full support of the Mayor of London. It is also integral to Lewisham's emerging Local Plan and will be an important element in delivering the good growth that is expected of the borough over the next 20 years.

### TfL consultation 2017

- 5.4 In 2017, Transport for London undertook a consultation on the proposal to extend the BLE (Phase 1) beyond Elephant & Castle to Lewisham, with two new stations serving Old Kent Road and BLE stations at the existing stations at New Cross Gate and Lewisham. The consultation considered sites for new stations and the location of intermediate shafts and associated buildings that are required on sections of the line between stations to provide ventilation and access to the running tunnels.
- 5.5 The TfL consultation included proposals for new transport interchanges at New Cross Gate and Lewisham stations. These will provide access to the Bakerloo line, London Overground, DLR, mainline rail services, and local bus routes across South East London. The proposed interchanges will create new connections between central London, the major centre at Lewisham town centre, and the district centre at New Cross Gate.

### TfL consultation 2019

- 5.6 Having undertaken additional detailed work on options looking at station locations, track alignment, construction plans, costs and programme TfL commenced a

further consultation on the Bakerloo Line Extension on 14<sup>th</sup> October 2019 to present their findings.

- 5.7 As part of this consultation, a new station is proposed on the Hatcham Works site (SA6, New Cross Retail Park/Sainsbury's site), TfL also consider that this would be the best site for the primary worksite to launch tunnel boring machines and owing to this it is critical for the delivery of the BLE.
- 5.8 The consultation also asks whether a possible further extension of the route from Lewisham to Hayes and Beckenham Junction, involving a conversion of the National Rail line should be considered further by TFL.

## Funding

- 5.9 Funding for phase 1 is currently in place until 2023, when the process of securing a Transport & Works Act Order (TWAO) will be concluded. This also represents the end of TfL's five-year business plan. If a decision is made to go forward with the scheme, and the additional funding required to construct the BLE is secured, construction could start in 2023 with services running by around 2028/29.

## 6. Policy context

### Council's Corporate Strategy 2018-22

- 6.1 The SPD would play a role in delivering the Council's Corporate Strategy 2018-22 at all stages of its development. Through early engagement with local residents in producing the SPD, public consultation, and by using the SPD to help the Council apply its policies appropriately and secure high quality development the proposal would help deliver the following priorities:
- Open Lewisham - Lewisham is a welcoming place of safety for all, where we celebrate the diversity that strengthens us.
  - Tackling the housing crisis - Everyone has a decent home that is secure and affordable.
  - Building an inclusive local economy - Everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
  - Making Lewisham greener - Everyone enjoys our green spaces, and benefits from a healthy environment as we work to protect and improve our local environment.
  - Building safer communities - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.
- 6.2 Supplementary planning documents add further detail to policies in the Local Plan. They are a material consideration in the determination of planning applications but are not part of the Local Plan.

## Lewisham Planning Policy

### Site Allocations Local Plan 2013

- 6.3 The SPD will give design guidance on the implementation of Site Allocations 5 and 6 (SA5 and SA6) within Lewisham's adopted Site Allocations Local Plan 2013. It will also comply with higher level policies within the NPPF, London Plan and Draft London Plan.
- 6.4 Site Allocation 5: SITE BETWEEN NEW CROSS GATE STATION and 267 NEW CROSS ROAD and 23 - 27 and 29 GOODWOOD ROAD is allocated for mixed use retail, business and housing that delivers the following opportunity:
- "to provide a sense of orientation towards the Railway Station from New Cross Road, Batavia Road and Goodwood Road and, orientation from New Cross Gate Station to Goldsmith's University; provide appropriate legible, safe and secure access to the site, public amenity space and public realm improvements; create strong frontages, particularly towards New Cross Road, which contributes to vibrancy and overlooking; and provide a sense of arrival from the station and improvement to the vitality and viability of New Cross Gate district centre.
  - Proposals should take into account noise and other impacts from the railway and proposals should comply with London Overground's infrastructure protection requirements."
- 6.5 Site Allocation 6: NEW CROSS GATE RETAIL PARK/SAINSBURY'S SITE is allocated for mixed use retail, housing, community facilities and a new station access and public space that delivers the following:
- "The allocation will contribute to improving the vitality and viability of New Cross/New Cross Gate District Centre. There is opportunity for proposals to: provide a strong frontage that addresses New Cross Gate Station as a vibrant, pleasant and attractive area; provide clear access to Sainsbury's and the new development, particularly routes for pedestrians and cyclists across the site and near the station; to improve bus stops/stands at the site; and to provide appropriate scale and massing in relation to the surrounding area. Applicants should involve Transport for London in the design of any new station entrance and changes to bus stops to ensure it meets operational requirements.
  - Proposals should take into account noise and other impacts from the railway and proposals should comply with London Overground's infrastructure protection requirements."

## Core Strategy 2011

- 6.6 The Lewisham Core Strategy constitutes the overarching planning policy document for the borough and identifies the Spatial Vision and Strategic Objectives for development within the London Borough of Lewisham for the period up to 2026.
- 6.7 Spatial Policy 1: Lewisham Spatial Strategy sets out the strategy that identifies the hierarchy for the location of new development across the borough. Specifically, it identifies Regeneration and Growth Areas covering key localities within Lewisham, Catford, Deptford and New Cross/New Cross Gate
- 6.8 The area covered by the draft SPD sits within the Deptford and New Cross/New Cross Gate Regeneration and Growth Area.
- 6.9 The majority of the borough's new housing, retail and employment uses will be focused within these Regeneration and Growth Areas, which provide a clear basis and focus for the provision of new homes and jobs, which can contribute to local regeneration.
- 6.10 Whilst the Core Strategy pre-dates the specific BLE proposals, Core Strategy Policy 14: Sustainable Movement and Transport states that the Council will work with TFL, Network Rail and other partners to ensure the delivery of necessary transport infrastructure. Spatial policy 2: Regeneration and Growth Areas states that the Council, whilst working with its partners, will secure the necessary infrastructure to support the planned levels of growth and will maximise the physical, social and environmental regeneration opportunities new development will bring for the benefit of existing and future residents and will address deprivation.

## London Plan (2017)

- 6.11 The area covered by the SPD sits within the Lewisham, Catford and New Cross Opportunity Area. Policy 2.13: Opportunity Areas and Intensification Areas states:

### Strategic

- A) Within the opportunity and intensification areas shown in Map 2.4, the Mayor will:
  - a. Provide proactive encouragement, support and leadership for partnerships preparing and implementing opportunity area planning frameworks to realise these areas' growth potential in the terms of Annex 1, recognising that there are different models for carrying these forward; or
  - b. Build on frameworks already developed ; and
  - c. Ensure that his agencies (including Transport for London) work collaboratively and with others to identify those opportunity and intensification areas that require public investment and intervention to achieve their growth potential
  - d. Encourage boroughs to progress and implement planning frameworks to realise the potential of intensification areas in the terms of Annex 1, and will provide strategic support where necessary.

## Planning decisions

B) Development proposals within opportunity areas and intensification areas should:

- e. Support the strategic policy directions for the opportunity areas and intensification areas set out in Annex 1, and where relevant, in adopted opportunity area planning frameworks
- f. Seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses
- g. Contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or indicative estimates for employment capacity set out in Annex 1, tested as appropriate through opportunity area planning frameworks and/or local development frameworks
- h. Realise scope for intensification associated with existing or proposed improvements in public transport accessibility, such as Crossrail, making better use of existing infrastructure and promote inclusive access including cycling and walking
- i. Support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas especially areas for regeneration.

6.12 In terms of safeguarding for future transport infrastructure Policy 6.2: Providing Public Transport Capacity and Safeguarding Land for Transport states:

### Strategic

A) The Mayor will work with strategic partners to:

- a. improve the integration, reliability, quality, accessibility, frequency, attractiveness and environmental performance of the public transport system
- b. co-ordinate measures to ensure that the transport network, now and in the future, is as safe and secure as reasonably practicable
- c. increase the capacity of public transport in London over the Plan period by securing funding for and implementing the schemes and improvements set out in Table 6.1.

6.13 Table 6.1 includes:

- the Bakerloo line upgrade: Including new energy efficient and high capacity rolling stock and signalling.
- Bakerloo line southern extension; potential scheme and route under investigation.

### Draft London Plan (Consolidated Suggested Changes July 2019)

6.14 The Mayor of London published a draft London Plan on 29 November 2017, minor modifications were published on 13 August 2018 before the Examination in Public and then the consolidated suggested changes version was published in July 2019. As such, this document now has limited weight as a material consideration when

determining planning applications. The weight afforded to the document will become greater following the publication of the Written Report at the end of the EIP process. There are a number of Draft London Plan policies which are materially different from those in the adopted London Plan which are of greatest relevance to this SPD and are outlined within the draft SPD.

- 6.15 The draft London Plan sets out a number of key policies to ensure 'good growth' which is sustainable growth that works for everyone, using London's strengths to overcome its weaknesses. There are six key policies in the plan which seek to achieve 'Good Growth':
- Policy GG1 Building strong and inclusive communities
  - Policy GG2 Making the best use of land
  - Policy GG3 Creating a healthy city
  - Policy GG4 Delivering the homes Londoners need
  - Policy GG5 Growing a good economy
  - Policy GG6 Increasing efficiency and resilience
- 6.16 Making the best and most efficient use of land is a thread running through the plan and it found in many policies for example GG2, SD1 Opportunity Areas, D1B Optimising site capacity through the design-led approach, Policy D1B, T1 Strategic approach to transport and T6.3 Retail parking
- 6.17 Policy T3 Transport capacity, connectivity and safeguarding is key to safeguarding land for the Bakerloo Line Extension as it seeks that development plans and decisions ensure the provision of sufficient and suitably-located land for the development of the current and expanded public and active transport including by:
- 1) safeguarding existing land and buildings used for public transport, active travel or related support functions (unless alternative facilities are provided to the satisfaction of relevant strategic transport authorities and service providers that enable existing transport operations to be maintained and expanded if necessary)
  - 2) identifying and safeguarding new sites/space and route alignments, as well as supporting infrastructure, to provide necessary strategic and local connectivity and capacity by public transport, walking and cycling, as well as to allow for sustainable deliveries and servicing.
  - 3) safeguarding London's walking and cycling networks
- C. Development Plans should appropriately safeguard the schemes outlined in Table 10.1. Development proposals should provide adequate protection for and/or suitable mitigation to allow the relevant schemes outlined in Table 10.1 to come forward. Those that do not, or which otherwise seek to remove vital transport functions or prevent necessary expansion of these, without suitable alternative provision being made to the satisfaction of transport authorities and service providers, should be refused.
- D. In Development Plans and development decisions, particular priority should be given to securing and supporting the delivery of upgrades to Underground lines, Crossrail 2, the Bakerloo line extension, river crossings and an eastwards extension of the Elizabeth line.

E. Development proposals should support capacity, connectivity and other improvements to the bus network and ensure it can operate efficiently to, from and within developments, giving priority to buses and supporting infrastructure as needed.

6.18 A detailed review of the policy context can be found within the draft SPD in appendix 1

## **7. Pre-production Consultation**

7.1 Public consultation was an integral part of developing the New Cross Area Framework, and was organised around a number of key stages. This public consultation was designed to accord with the requirements for statutory documents specified in the LB Lewisham Statement of Community Involvement 2011.

7.2 The public consultation programme combined workshops, site visits, public drop-in events, presentations, exhibitions, library notices, and online consultations. More detailed information on the material presented and responses received through this process can be found in the Framework.

7.3 The programme of public consultation was as follows:

Stage 1: November- December 2017:

- Three walking workshops with local stakeholder groups and LB Lewisham members in New Cross and Deptford
- 1-2-1 stakeholder meetings with key organisations

Stage 2: 4 December 2017 - 14 January 2018:

- Two public engagement drop-in events took place in New Cross Learning and The Albany to present emerging findings from the baseline study, alongside a draft future vision and principles for the future of the Framework
- Five week online consultation via LB Lewisham website

Stage 3: 28 February 2018 - 26 March 2018:

- Consultation events for the spatial strategies contained within the draft New Cross Gate Area Framework including a two public drop-in sessions, a community stakeholder workshop, and a two week exhibition within the Richard Hoggart Building at Goldsmith's College
- Presentation to New Cross Area Forum 6 March 2018
- Presentation to Lewisham Pensioners Forum 21 March 2018
- Public presentation at New Cross Learning with TfL 26 March 2018
- Five week online consultation via LB Lewisham website

Stage 4 – 12 October 2018 – 14 December 2018:

- Draft NXAF + SOS uploaded to LB Lewisham website  
Copies of draft NXAF + SOS document made available at Deptford Lounge, New Cross Learning, Pepys Resource Centre, and Catford Library
- Online consultation via Citizenspace on LB Lewisham website
- Presentation to New Cross Area Forum 6th November 2018

- Window display at New Cross Learning November-December 2018

## 8. SPD Summary

8.1 The document is split into six sections:

1. **Introduction** - Outlines the role of the SPD, explains what a SPD is, how to use the SPD, runs through its structure, the background to the SPD and the timetable of the SPD's production.
2. **The Area Today** – Provides a baseline analysis of the SPD area ranging from the wider strategic development context to existing land uses, heritage designations, views and transport and connections.
3. **Policy Context** – Outlines the planning policy context and key planning objectives from national, regional and local level.
4. **The Bakerloo Line Extension** - provides background on the Bakerloo Line Extension including the proposed route alignment and the TfL consultations.
5. **The Design Framework** – This section looks at challenges and opportunities, the vision, objectives and key principles to create an urban design framework for comprehensive development.
6. **Illustrative Masterplan** - Sets out an illustrative masterplan which shows how the two sites within the SPD Area could be developed by using the guidelines set out in the SPD and complying with adopted policy.

## 9. Consultation process for the draft SPD

9.1 Should Mayor and Cabinet approve the recommendations set out in this report the consultation process for the draft SPD will be carried out in accordance with Lewisham's Statement of Community Involvement. The consultation process will run for six weeks and will involve:

- Consulting (by mail-out) Specific Consultation Bodies, General Consultation Bodies and Other Consultees (to the extent that the Council considers the proposed subject matter affects that body)
- Ensuring that the SPD and other material required to support it are accessible on the Lewisham website, at the Planning Information Office and at suitable libraries.
- Giving notice by local advertisement.
- Arranging a local drop in session at an appropriate venue within the vicinity of New Cross Gate Station or within close proximity

9.2. After the 6 week consultation period, all representations received will be taken into consideration and a final SPD will be reported for adoption to Mayor and Cabinet.

## 10. Financial implications

10.1 There are no direct financial implications arising from this report. The costs of consultation, as outlined in section 9, will be funded from within the existing approved budget for the Planning service. The SPD will be published electronically

on the Council's website and only limited hard copies will be produced, these being also funded from within the agreed Planning Service budget.

## **11. Legal Implications**

11.1 Pursuant to section 19(2) of the of the Planning and Compulsory Purchase Act 2004, when preparing a SPD, the council must have regard to:

- national policies and advice contained in guidance issued by the Secretary of State;
- the spatial development strategy if the authority are a London borough;
- any other local development document which has been adopted by the authority;
- the resources likely to be available for implementing the proposals in the document;
- such other matters as the Secretary of State prescribes

11.2 Furthermore, the council must comply with their Statement of Community Involvement which sets out how the authority will consult and engage with individuals, communities and other stakeholders: section 19(3) of the Planning and Compulsory Purchase Act 2004

11.3 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.

11.4 Section 9D of the Local Government Act 2000 states that any function of the local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements. The Local authorities (Functions and Responsibilities (England) Regulations 2000 specifies that certain functions relating to Development Plan documents are by law the responsibility of the Council. No specific reference is made to the preparation of an SPD in the Regulations and as it is not a Development Plan Document it is therefore an executive function.

## **12. Crime and Disorder Implications**

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

## **13. Equalities Implications**

13.1 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.

- 13.2 The New Cross Gate Station Area Supplementary Planning Document does not have any direct equalities implications.
- 13.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 13.4 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.
- 13.5 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 10.4 above.
- 13.6 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 13.7 The Equality and Human Rights Commission has issued 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:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

- 13.8 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: A guide for public authorities
  4. Objectives and the equality duty. A guide for public authorities
  5. Equality Information and the Equality Duty: A Guide for Public Authorities
- 13.9 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:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

#### **14. Environmental Implications**

- 14.1 It is not necessary to undertake a Sustainability Appraisal to accompany the production of a SPD. It is however necessary to assess the need to undertake a Strategic Environmental Assessment (SEA).
- 14.2 A SPD screening report was prepared to identify if a Strategic Environmental Assessment (SEA) would be required, and statutory consultation was undertaken concurrently with the statutory consultation for the Conservation Area boundary changes and Appraisal.
- 14.3 Based on our assessment and the comments from national statutory bodies, the council will not undertake a full SEA.

#### **15. Conclusion**

- 15.1 Mayor and Cabinet are recommended to;
- a. Note the consultation carried out as part of the Pre-production stage set out in Section 7
  - b. Approve the content of the draft SPD to go out to formal public consultation in accordance with the Statement of Community Involvement.
  - c. Note the financial and legal implications set out in section 10 and 11

- d. Note the findings of the Strategic Environmental Assessment (SEA) screening report in Appendix 2
- e. Authorise the Director of Planning to make any minor changes to the text and format of the documents prior to public consultation.

If you have any queries on this report, please contact David Syme, Strategic Planning Manager, 5<sup>TH</sup> floor Laurence House, 1 Catford Road, Catford SE6 4RU, telephone 020 8314 7400.

**Appendix 1:** Draft New Cross Gate Station Area SPD

**Appendix 2:** SEA Screening Opinion

**Appendix 3:** Planning history