

MAYOR AND CABINET		
Report Title	Travellers' Site Search - Church Grove Consultation Results	
Key Decision	Yes	Item No.
Ward	Lewisham Central, Ladywell	
Contributors	Executive Director for Resources & Regeneration, Executive Director for Customer Services, Executive Director for Community Services, Head of Law	
Class	Part 1	Date: 15 February 2012

1. Summary:

- 1.1 On 5 October 2011, Mayor and Cabinet considered a report on the latest site search and the outcome of a Lewisham Gypsy and Traveller Future Needs Assessment which recommended the provision of between 4 to 9 pitches to meet the current accommodation needs of the Gypsy and Traveller Community in the borough. The report also noted the outcome of an appraisal of 7 shortlisted sites and recommended consultation on the selection of the site of the former Watergate School site in Church Grove as the preferred site to be developed to meet this need.
- 1.2 This report notes the outcome of the 6-week consultation on the preferred site and sets out the issues raised with supporting information attached as appendices. It notes the main issue of concern relating to the proposal for the Church Grove site is one of vehicular access to and from the site.
- 1.3 It concludes by recommending that, based on the outcome of the consultation and an independent Technical Report on Access, the proposals for redevelopment of the Church Grove site to meet the current accommodation needs of the Gypsy and Traveller community in the borough be discontinued and a new site search begun. It also notes the implications of not proceeding with the current proposals for the Church Grove site on the emerging Development Planning Document due for public consultation in April/May 2012.

2. Purpose:

Following the report to Mayor and Cabinet on 5th October 2011, officers have completed the consultation on the selection of the site of the former Watergate School site on Church Grove as the preferred site to be developed to meet the current accommodation needs of the Gypsy and Traveller community in the borough. The purpose of this report is to inform Mayor and Cabinet of the response to this exercise.

3. Policy Context:

- 3.1 Local authorities have a duty under the Housing Act 2004 to assess the need for Gypsy and Traveller accommodation in their areas when they assess housing requirements. Part 6 of the Act contains several provisions designed to mainstream the provision of accommodation for Gypsies and Travellers alongside that of the settled community. The measures relating to Gypsies and Travellers include the requirement for local authorities to undertake regular assessments of the accommodation needs of Gypsies and Travellers - as they do for the rest of the community - under the Local Housing Needs Assessment process. Local authorities are also required to develop strategies to meet the needs of Gypsies and Travellers, as they do for the rest of the community, in line with Section 87 of the Local Government Act 2003, and to take any such strategy into account when they are exercising their other functions, such as planning, education and social care.
- 3.2 The Race Relations Amendment Act 2000 placed a legal duty on public authorities to promote race equality and good race relations. Under the Race Relations Act, it was unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin. Gypsies and Irish Travellers have been recognised by the courts to be two distinct ethnic groups, so had the full protection of the Race Relations Act. The public sector duties provided by the Race Relations Act, have been replaced by the new public sector Equality Duty which came into force pursuant to the Equality Act 2010. The Equality Act will continue to provide protection against unlawful racial discrimination and promote equality of opportunity and good relations between people of different groups.
- 3.3 Government Policy in relation to provision for Gypsies and Travellers is contained in ODPM Circular 01/2006. The Government proposed a new, single Planning Policy Statement for Travellers' sites 'Planning for Traveller Sites' which was consulted on from 13 April to 3 August 2011. This document is intended to replace two planning circulars (circulars 01/2006 and 04/2007) and will be published following consideration of the consultation responses. Guidance on Gypsy and Traveller Accommodation Needs Assessments is set out in a document of that name published by the DCLG in October 2007. The housing needs arising from Gypsies and Travellers are referred to in paragraphs 6.64-6.67 of the Greater London Strategic Housing Market Assessment 2008 by Opinion Research Services (ORS). A London Boroughs' Gypsy and Traveller Accommodation Needs Assessment (GTANA) was produced by Fordham Research in March 2008 to guide pitch requirements.
- 3.4 The Mayor of London's replacement London Plan was published on 22 July 2011 and no longer sets targets for the provision of Gypsy and Traveller pitches. Policy 3.8 requires boroughs through their Development Plan Document (DPD) policies to address the accommodation requirements of Gypsies and Travellers at a local level.

- 3.5 The policy approach in Lewisham's Core Strategy is to allocate new pitch provision and establish new criteria for the identification of additional and alternative sites, to be included in its forthcoming Site Allocations DPD.
- 3.6 Lewisham's Local Strategic Partnership's key policy framework, the Sustainable Communities Strategy (2008-2020) has a key objective to make the Borough – 'Clean, Green and Liveable' this policy priority sets out the aspiration for people to live in affordable, high quality housing. The 'Safer' strand of the strategy also outlines the requirement for people to feel safe and the need for people to live lives free from crime, anti-social behaviour and abuse.
- 3.7 The Council has a key policy priority to provide 'decent homes for all'. The Council's Core Strategy policy 2 indicates that the Council will 'continue to assess and provide for the identified needs of gypsies and travellers in appropriate locations'. The strategy also sets out the criteria to be used in determining a suitable location for new Gypsy and Traveller sites.
- 3.8 The Council's Housing Strategy (2009-2014) strategic objective 2 deals with meeting housing needs and managing demand. The objective sets out Council's plans to support vulnerable people, including Gypsies and Travellers. The Council's policy is to '...ensure appropriate accommodation provision for Gypsy and Travellers which meet their needs.'

4. Recommendations:

The Mayor is recommended to:

- 4.1 note the outcome of the consultation process on the selection of the site of the former Watergate School site in Church Grove as the preferred site to be developed to meet the current accommodation needs of the Gypsy and Traveller families in the borough;
- 4.2 having considered the outcome of the consultation process, the independent Technical Report on Access and all other relevant considerations, agree not to proceed with the selection of Church Grove as the preferred site to meet the current accommodation needs of Travellers;
- 4.3 instruct officers to undertake a further site search to identify a suitable Traveller site or sites and report the options to Mayor & Cabinet in due course.

5. Background:

- 5.1 In June 2004 the Mayor agreed to the selection of a developer for the Lewisham Gateway development. The Council joined a public sector land owning consortium with the London Development Agency taking the leading role to progress the redevelopment plans for Lewisham Town Centre.

- 5.2 The purpose of the Lewisham Gateway scheme is the redevelopment of a site around Lewisham Station including a new transport interchange, an extension to the existing shopping centre and additional residential and commercial developments. The redevelopment area is collectively known as Lewisham Gateway.
- 5.3 Part of the land required for the Gateway development, on Thurston Road, was the Thurston Road Travellers site which therefore needed to be relocated to facilitate the Lewisham Gateway scheme. A project was initiated to identify a site to re-locate the travellers living on the Thurston Road site.
- 5.4 Subsequently, a condition survey of the Thurston Road site was undertaken in November 2006. The report was highly critical of its condition and supported the view of the Council and the families living on the site that the existing facilities were no longer fit for purpose and should be relocated.
- 5.5 Prior to December 2006, two site searches were undertaken with a view to identifying a suitable replacement site. Neither of these two searches identified a suitable location that was both available and could be delivered within the required timescale.
- 5.6 In December 2006 CB Richard Ellis was commissioned to carry out a site search assessment to find suitable replacement sites to accommodate Travellers within the borough. In April 2007 the Mayor considered a report which set out the results of this search and agreed that consultation with Travellers and local residents should be carried out to determine views on the proposed use of two sites: the Laurence House Lorry Park in Catford or the site of the former Watergate School in Church Grove, Ladywell as the preferred replacement sites for Thurston Road.
- 5.7 In June 2007, Mayor and Cabinet noted the outcome of the consultation and approved the selection of the former Watergate School site in Church Grove as the preferred site. Following this decision, detailed design work continued and a planning application was submitted and in March 2008 the Council's Planning Committee approved an application for a new Traveller site on the former Watergate School site in Church Grove, Ladywell to replace the site at Thurston Road.
- 5.8 In March 2008, the London Boroughs' Gypsy and Traveller Accommodation Needs Assessment (GTANA) was published by Fordham Research. This report was commissioned by the Greater London Authority on behalf of London Boroughs. It was designed to respond to the requirement placed on local authorities under the Housing Act 2004 to complete an accommodation assessment and, once complete, to consider how to meet Gypsy and Traveller accommodation needs identified in the assessment as part of their housing requirements.
- 5.9 In Lewisham, the assessment identified 5 residential pitches (equating to the 5 pitches proposed on the Church Grove site) and assessed a minimum need

for an additional 4 pitches by 2012. However, the assessment stated that if the needs of traveller families living in standard family housing but having a “psychological aversion to bricks and mortar accommodation” were taken into account then the minimum need would be 17 units by 2012 with an additional further 9 required by 2017.

- 5.10 In June 2008 a local resident applied for permission for a Judicial Review of the decision of the Planning Committee. Permission was refused but the resident subsequently requested an oral hearing to enable reconsideration of the application. The hearing was held in November 2008. At the oral hearing residents were refused leave to appeal. However, towards the end of 2008 the travellers living on Thurston Road expressed concerns about moving to a new site on Church Grove and asked the Council if it would consider terms for the surrender of their licences. The Travellers, with independent legal representation, agreed terms and vacated Thurston Road in February 2009. Although the Church Grove site had planning permission for a Gypsy and Traveller site, this planning permission was not implemented as the plans for the site were put on hold once agreement had been reached with the travellers.
- 5.11 Lewisham has had no operational Traveller site following the closure of the Thurston Road site to make way for the Lewisham Gateway Development scheme.
- 5.12 In October 2009, as part of the Draft Replacement London Plan, the Mayor of London included a target for London Boroughs to provide 538 pitches for Gypsies and Travellers in London over the period of the replacement plan (2007-2025). The distribution proposed in the allocation process would have created the requirement for Lewisham to provide an additional 15 pitches. Policy 3.9 (b and C) of the Draft Replacement London Plan specifically required Boroughs to create additional pitches and protect existing sites. As part of the GTANA Lewisham had declared five existing pitches for Gypsy and Traveller accommodation (equating to the 5 pitches proposed on the Church Grove site).
- 5.13 In March 2010, in response to consultation, the Mayor of London agreed to reduce the overall target for new pitches to the minimum required by the GTANA to 238. This new target placed a requirement on Lewisham to provide an additional 8 pitches.
- 5.14 In July 2010 the Government announced that regional spatial strategies were to be abolished but the Mayor of London remains responsible for Regional Planning in London under the GLA Acts 1999-2007.
- 5.15 In August 2010 the Government announced that it intends to revoke its two planning circulars (circulars 01/2006 and 04/2007) relating to the provision of sites for Gypsies and Travellers and, replace them with light-touch guidance setting out Councils’ statutory obligations to include sites for Gypsies and Travellers in their DPD.

- 5.16 In response to the Secretary of State's statement to the Examination in Public (EIP) on 9th July 2010, that the Mayor need not include targets on a particular matter in the London Plan unless he and other London stakeholders wished, the Mayor put forward a minor alteration to the Draft Replacement London Plan. The alteration proposed that reference to target pitch provision for Gypsies and Travellers be removed. The EIP Panel reported in March 2011.
- 5.17 On 1 December 2010 Mayor & Cabinet agreed to instruct officers to undertake further work, including a Housing Needs Survey for Gypsies and Travellers and bring a further report back to Mayor & Cabinet proposing a consultation process for a proposed Gypsy and Traveller site or sites in the borough.
- 5.18 In the March 2011 Report, the Panel rejected the aforementioned minor alteration and reverted back to the March 2010 position of setting specific minimum site targets for the sub-regions (increased from 238 in March 2010 to 268) and the Boroughs over the next 10 years. The target for Lewisham was set at 9. However, the Mayor of London did not accept this recommendation and the published replacement London Plan (July 2011) does not set targets for the provision of pitches. Instead, Policy 3.8 states that local planning authorities should address the accommodation requirements and pitch provision of Gypsy and Travellers locally through their DPDs. The targets for pitch provision are to be based on robust evidence of local need which is to be tested through the process of consultation on, and public examination of local plans.
- 5.19 On 13 April 2011, the Government published a consultation document 'Planning for traveller sites', which proposes a new, single Planning Policy Statement for traveller sites. The consultation period ended on the 3 August 2011 and following consideration of the consultation responses the Planning Policy Statement will be published.
- 5.20 The Statement emphasises that the Government proposes to have "*a fair, light-touch policy that puts provision into the hands of elected local councils*". Specifically the new policy aims to:
- Enable local planning authorities to make their own assessment of need for the purposes of planning;
 - Facilitate local planning authorities in planning for sites over a reasonable timescale;
 - Protect Green Belt from development; and
 - Reduce tensions between settled and traveller communities in relation to the planning system.
- 5.21 Lewisham's emerging Site Allocations DPD identifies and safeguards sites which are likely to be developed during the lifetime of the Council's Local Development Framework (2011 – 2026). In accordance with Lewisham's Core Strategy, the Site Allocations DPD must include a site allocated for use by Gypsy and Travellers. The final decision on the selection of a preferred site will influence the preparation of the final draft Site Allocations DPD which is due for consultation in April/May 2012.

Report to Mayor & Cabinet on 5 October 2011

- 5.22 On 5 October 2011 Mayor & Cabinet noted the results of a Lewisham Gypsy and Traveller Future Needs Assessment (Appendix 9) and agreed to consult on the selection of Church Grove as the preferred site to meet the needs of the Gypsy and Traveller community in the borough.
- 5.23 The aim of the Needs Assessment was to establish links and to engage with members of the Gypsy and Traveller community in the borough so as to help identify current issues and to assess their current and future housing needs. The approach to the survey was defined by the unique circumstances of the Gypsy and Traveller communities in the borough, in that, it recognised the fact that there are currently no pitch sites in the borough and that extra effort was needed in order to fully engage with these communities who now live in other forms of accommodation other than at pitch sites. Local Dialogue was commissioned to carry out the Needs Assessment.
- 5.24 The Needs Assessment acknowledged the difficulty in ascertaining the exact level of need as opposed to demand for Gypsy and Traveller housing in the borough as most are currently in either social housing or private accommodation. It concluded that while there is evident demand, this does not necessarily translate into need, stating that the need for pitches in the borough is low and recommended the provision of between four (4) and nine (9) pitches to meet the current need and for a review of future need on an ongoing basis.
- 5.25 Officers also subjected the shortlist of 7 sites to further evaluation using the core strategy criteria (suitability, planning constraints, availability: capable of being developed within 5-years) with the addition of a new criterion for alternative corporate use.
- 5.26 The site of the former Watergate School on Church Grove, Ladywell SE13 was one of 7 shortlisted sites considered in a site search for a Gypsy and Traveller site as part of the Site Allocations Development Planning Document due for consultation in early 2012. The other six sites were: Laurence House Lorry Park, Canadian Avenue SE6; former Greenvale School, Perry Rise Forest Hill SE26; Catford Dog Track and Adenmore Road, Catford SE6; Ladywell Leisure Centre, Lewisham SE13; Giffin Street site(r/o old Tidemill Primary School; and Deptford Green School (upper school) Amersham Vale, Deptford SE8.
- 5.27 Using the criteria noted in 5.26 above, a scoring matrix of 1-5 un-weighted scale was used, with 5 being the best match and 1 being the worst. The site of the former Watergate School in Church Grove scored highest and was therefore recommended as the preferred site to be developed to meet the current accommodation needs of the Gypsy and Traveller families in the borough, subject to consultation.

6. Church Grove Site background

- 6.1 The preferred site is in a residential setting at the end of Church Grove adjacent to the St Mary's Conservation Area (Appendix 1). It was the location of the old Watergate Special School prior to its relocation and was held as a potential decant site for the Grouped Schools' PFI but, when primary schools were dropped from the package, it was deemed to be no longer required.
- 6.2 The site had been considered as part of an earlier site search in 2007 which led to the grant of planning permission in April 2008 for the development of 5 pitches primarily to relocate the residents of the then Council owned site at Thurston Road which had to close as it was required as part of the Lewisham Gateway development project.
- 6.3 In March 2008 the Council's Planning Committee approved an application for a new Traveller Site on the site. In June 2008 a local resident applied for permission for a Judicial Review of the decision of the Planning Committee. Permission was refused but the resident subsequently requested an oral hearing to enable reconsideration of the application. The hearing was held in November 2008. At the oral hearing residents were refused leave to appeal.
- 6.4 Prior to the implementation of the planning permission, the residents of the former Thurston Road site negotiated a surrender of their licences for the site at the end of 2008. As a result of the surrender, it was considered at the time that there was no immediate need for pitches in the borough. The implementation of the planning permission was therefore put on hold.
- 6.5 Normally planning permission is subject to a condition that it expires after 3 years unless the development to which it relates is begun during that period. In line with this, the Mayor and Cabinet report presented to the 5th October 2011 meeting reported that planning permission for the Church Grove site had lapsed in April 2011.
- 6.6 However, on 11th October 2011, the Council's external planning advisor informed officers that where any proceedings are begun to challenge the validity of a planning permission, the three year period is extended by one year. As Judicial Review proceedings had been begun by a local resident in relation to the planning permission, it is therefore still capable of being implemented until 3rd April 2012.
- 6.7 At the meeting on 5th October 2011, the Mayor noted the progress made on the site search and the outcome of the Lewisham Gypsy and Traveller Future Needs Assessment and instructed officers to consult on the Church Grove site as the preferred site to be developed to meet the current Gypsy and Traveller accommodation need for the borough and to report the outcome of this consultation back to Mayor and Cabinet. The Mayor also asked for a site visit to be arranged and added that the issues raised at the meeting by Mr Raper as representative of the residents of Church Grove in relation to access and the outcome of the needs assessment would be pursued by officers and reported back to him. The outcome of the consultation is set out in Sections 7 and 8 of this report. The Technical Report dealing with access is set out in

Section 9 of this report. The issue raised by Mr Raper in relation to the Needs Assessment is addressed at paragraph 8.8(B) below.

7. Consultation

7.1. Overview of Council's Approach:

- 7.1.1 Engagement activity is a core part of the Council's business. It is a tool through which policy and decision making can better reflect the priorities and aspirations of citizens. It ensures that services are better positioned to meet the variety of needs that exist in a diverse borough such as Lewisham. Through effective engagement, local citizens and communities can play an active role in determining local agendas.
- 7.1.2 Councils have a legal duty to inform, consult and involve. This means that Councils have to embed a culture of engagement and empowerment and provide greater opportunities for citizens to get involved and influence the decisions that affect or interest them. In Lewisham, the Council and its partners have signed up to achieving the strategic goals set out in 'Shaping our future'- Lewisham's Sustainable Community Strategy. One of these goals is that communities in Lewisham should be 'Empowered and responsible – where people can be actively involved in their local area and contribute to supportive communities.' The Council's own corporate priorities include a focus upon Community leadership and empowerment and the need to develop opportunities for the active participation and engagement of citizens in the community.

7.2. Consultation Activity:

- 7.2.1 The consultation activities (Appendix 2) related to the selection of the old Watergate School site on Church Grove as the preferred site to be developed to meet the current need identified in the Lewisham Gypsy and Traveller Future Needs Assessment and were carried out over a six-week period from Monday 7th November through to Sunday 18th December 2011.
- 7.2.2 The consultation programme included a letter drop in the area around the proposed site (see Appendix 3); four 2-hours drop-in sessions over 4 weeks on different days of the week and times of the day at the St Mary's Community Centre in Ladywell and a public meeting. The programme also included a number of drop-in sessions at the Lewisham Irish Community Centre and in Downham. These were specifically targeted at the Gypsy and Traveller Community in the borough who now live in other forms of accommodation other than on pitch sites.
- 7.2.3 Other activities undertaken during the consultation included a visit by the Mayor to Church Grove to meet some residents at the site and a roundtable meeting between residents of Church Grove and a group of

travellers facilitated by Cllrs Egan and Jeffery. Also at the request of residents' of Church Grove a visit was facilitated to 2 Traveller sites of comparable size in Hackney.

7.2.4 The consultation also sought the views of local Councillors, amenity groups, local assemblies and other interest groups and key stakeholders. In addition to the above, an online version of the consultation material was made available through the Council's website to ensure a wider reach.

7.2.5 The following are the list of dates and activities during the consultation period:

7.2.5.1 Drop-in sessions at St Mary's Community Centre, Ladywell Road

- Saturday 12 November 2011, 10am-12midday
- Friday 18 November 2011, 7pm-9pm
- Thursday 24 November 2011, 3pm-5pm
- Wednesday 30 November 2011, 3pm-5pm

7.2.5.2 Public meeting

A public meeting was held at the St Mary's Community Centre on Tuesday 6th December 2011 at 7:30 pm. The meeting was chaired by Cllr Jeffery supported by Cllr Egan. Aileen Buckton, Executive Director for Community Services and Steve Gough Director of Regeneration and Asset Management were in attendance to respond to questions.

7.2.5.3 Drop-in sessions at Lewisham Irish Community Centre and Downham Lifestyle Centre

- Monday 14th November 2011, 5pm – 7pm
- Monday 21st November 2011, 5pm - 7pm
- Monday 5th December 2011, 1:30pm – 3:30pm

7.2.6 As part of the drop-in events and the public meeting, the following materials were made available: a map of the borough showing all 7 shortlisted sites and summary commentary on each relating to their scoring against the 4 short-listing criteria (for details please see earlier report on 5th October 2011); a plan and a computer generated image of the proposed development from the 2008 planning permission; an ordinance survey map of the area including Church Grove and the site showing the extent of the letter drop noted in 7.2.2 above and a map of St Mary's Conservation Area. A list of frequently asked questions was also compiled and updated regularly during the consultation period. Further, a number of senior officers including the Executive Director for Community Services, Director for Regeneration and Asset Management and Head of Cultural Services were available throughout each event to respond to queries.

- 7.2.7 Through all the means of engagement, respondents to the consultation were asked to comment on the selection of the Church Grove site as the preferred site to be developed to meet the current accommodation needs of the Gypsy and Traveller community in the borough.
- 7.2.8 A total of 77 people attended the drop-in sessions over the period of consultation with 32 feedback forms being completed as a result. The public meeting was attended by 64 people with only 1 feedback form being completed at the event. Three respondents used the freepost service provided as part of the consultation to forward their comments.
- 7.2.9 The online version of the consultation was available from Friday 4th November through to Sunday 18th December. A total 82 responses were recorded during the period.
- 7.2.10 A number of letters, queries and requests for information under the Freedom of Information Act were also received during the period of consultation.
- 7.2.11 At the close of the consultation on 18th December, 131 written responses had been received (a significant majority, 82 were made through the Council's website). The Council also sought to engage with a number of organisations as part of the consultation including the Ladywell Society, Ladywell Village Improvement Group, Local Police Safer Neighbourhoods Team and the London Gypsy and Traveller Unit. The responses from the Ladywell Society and the Ladywell Improvement Group are attached at Appendix 5. The Safer Neighbourhoods Team assisted with the independent Crime and Community Safety impact assessment referred to at paragraph 17. No response was received from the London Gypsy and Traveller Unit. Responses were also received from 2 consultancies (Boyer Planning and Sanderson Associates) appointed by Church Grove residents to comment on the proposals. Church Grove residents also presented a petition with 420 individuals objecting to the proposals for the site.

8. Responses to consultation

- 8.1 The extent of the consultation activity undertaken was intended to ensure that as many citizens and stakeholders as possible had an opportunity to make their views known. All comments received during the consultation have been compiled and attached as Appendix 5 of this report. Some of the comments were addressed in the Frequently Asked Questions (FAQs) issued during the consultation which is attached as Appendix 4.
- 8.2 A detailed review of all responses received identifies that the majority of responses related to concerns about site access (including parking), the site search and selection process, site specific issues, Government guidance, Conservation Area status, the robustness of the Needs Assessment, the management of the site, concerns about community cohesion and the consultation process. Together, these account for

approximately 97% of the comments raised during the consultation.

- 8.3 Although no written responses were received from the Gypsy and Traveller community, two traveller families attended the drop-in session at Lewisham Irish Community Centre on 14 November 2011. The meeting notes are attached as part of Appendix 5 of this report. The attendees noted that most travellers they knew in other boroughs rented their static caravans from the local authority, removing the need for them to be transported to the site every time a pitch is allocated. Otherwise, their main comments related to the allocation of pitches and the future management of the site. They also raised the need to foster cohesion with the settled community. The same two traveller families attended the drop-in session on 21 November 2011 but no new issues were raised. There were no attendees at the drop-in session on 5 December 2011. The London Gypsy and Traveller Unit were notified of the consultation but made no formal response. However, they were engaged in correspondence by Council officers on the issue of the provision of static caravans on the site which had been raised by the attendees at the first drop-in session.
- 8.4 The following section summarises these key comments and responses thematically – comments are labelled “A” responses “B”.
- 8.5 (A) Access was the area of most concern to residents particularly the width of Church Grove, the size of different types of caravans (static and touring) and their movement in and out of the site as well as emergency and other vehicular access and parking.
- (B) The Council commissioned a Technical Report on Access to provide detailed advice on these matters that were covered in the previous planning application. This Report is discussed in detail in section 9 and is also attached as Appendix 6 of this report. It sets out a summary of what has changed since planning permission was originally obtained and how those changes affect the proposals for the site.
- 8.6 (A) A number of comments relate to the criteria used during the site search, process to arrive at a shortlist of sites, the scoring attributed to Church Grove and other sites and, the reasons for the selection of the preferred site.
- (B) The criteria for site selection (suitability, planning constraint and availability) were developed from Lewisham’s Core Strategy to arrive at a shortlist which was then appraised with an addition of a further criterion of alternative corporate use. These were scored on an un-weighted scale of 1-5, with 5 being best match and 1 being worst. The Church Grove site scored highest among the 7 sites appraised using these criteria. Officers maintain that the scoring of the sites at the time was sound.. Further details are contained in the earlier Mayor and Cabinet report on 5th October 2011. Respondents have argued that too much weight has been placed on planning consent for the site and too little on access issues. Although the existing consent will expire in April 2012, this was considered as a material

consideration and, access issues had been dealt with previously as part of this consent. However, as stated at paragraph 8.4(B), the Council has subsequently commissioned a Technical Report on Access which is discussed in detail in section 9 and is also attached as Appendix 6 of this report.

8.7 (A) Respondents queried the Council's use of Department for Communities and Local Government (DCLG) guidance on requirements for the development of a Gypsy and Traveller site. In particular respondents were concerned about site access, safety and compliance with special requirements on distance between pitches and site boundaries.

(B) The DCLG 'Designing Gypsy and Traveller Sites: Good Practice Guide' (May 2008) provides guidance on the design of Gypsy and Traveller sites and refers to various 'essential' elements such as water and electricity supply. The guidance is intended to help developers design a successful site but it 'recognises that it will not be possible to meet all aspects of this guidance in every respect on every site' (Para 1.12). The guidance (albeit in draft form then) was used in the design of the proposed development which received planning permission in 2008 and resulted in its inclusion in the final DCLG Good Practice Guide as an example of well designed site (Annex B.3 Small scale site – urban location, pp62-63).

8.8 (A) Some respondents were also concerned about the impact the development would have on the St Mary's Conservation Area. The concern mainly relates to the fact that a development of this nature may degrade the character of the conservation area.

(B) The proposed site is located outside the St Mary's Conservation. The site's adjacency to the conservation area was taken into account in the design which received planning permission in 2008. As part of that application, a Conservation Area Assessment was carried out to determine the impact of the proposed development on the St Mary's Conservation area.

The assessment concluded that the proposed redevelopment of the site of the old Watergate School in Church Grove to accommodate five traveller pitches would, in fact, marginally enhance the setting of the St Mary's Conservation Area. This is largely due to the small scale nature of the development and its design coupled with the increased vegetation and openness it presents.

8.9 (A) A number of respondents also contested the robustness of the statistical significance of the findings of the Needs Assessment carried out by Local Dialogue and its recommendation of the provision of between four to nine pitches to meet the current need in the borough. This is against the backdrop of the relatively low number of Traveller families engaged during the Assessment.

(B) The aim of the Needs Assessment was to engage with members of the Lewisham Gypsy and Traveller community and to undertake

comprehensive desktop research so as to identify the current issues and future needs for Gypsies and Travellers within the borough. The methodology used was adopted from the London Gypsy and Traveller Needs Assessment (GTANA - 2008) in which families were selected as the primary unit of study.

Recent estimates indicate that there are between 70 to 108 Gypsy and Traveller families in the borough. The assessment engaged 11 of these representing a rate of return of 16% and 10% respectively. The relatively low rate of return was due to the fact that Gypsy and Traveller families in the borough currently live in other forms of accommodation other than at pitch sites and are therefore more difficult to engage.

The impact of the relatively low level of engagement on ascertaining the exact level of need was acknowledged in the conclusions of the assessment. As a result, the Needs Assessment makes clear the evidence from the survey and the feedback received is not conclusive, but rather points towards the level of need which must be kept under review.

8.10 (A) Some respondents queried how pitches would be allocated and the site management arrangement if the site were developed.

(B) The council has a statutory allocations scheme for allocating social housing. A separate allocations policy, to sit alongside the social housing allocations scheme will need to be developed and agreed in advance of pitches being made available. A specific consultation exercise with the community will take place in order to ensure stakeholder views are taken into account in the final document.

In preparation for this the Council is carrying out research into best practice models for allocating traveller pitches. However government guidance lays out a number of key principles for the Council in developing such a policy. These include: it being clear, fair, transparent and consistent across all sites in the local authority area; should be applied through a form of waiting list; have a system of prioritising those on the waiting list; and should consider issues of greatest need.

Alongside an allocations policy the housing management of the site is also being looked at. Initial discussions have been started with Lewisham Homes, the Council's ALMO partner, about this issue.

8.11 (A) A number of respondents also raised queries about specific site issues such as its location in a flood zone, contamination and noise pollution.

(B) All of these issues were addressed in the context of the 2008 planning permission and were not considered to constrain this type of development on the site.

In relation to the issue of the site being located in a flood zone, there are measures that can be employed to help prevent flooding, such as raising

levels throughout the site and creating a 'buffer' zone on the part of the site nearest to the river, and these were incorporated in the design which was granted planning permission.

As part of the planning application in 2007, an acoustics survey and contamination testing was carried out. The former was due to the site's proximity to the Hayes railway line and Council depot and the latter as a result of the site's previous use as a foundry.

The acoustics survey recommended the installation of an acoustics barrier in the form of a fence along the river to mitigate noise affecting the site. The contamination survey found the presence of heavy metal and ammonia at the site. The test report concluded that the risk of contaminants to new occupiers can be considered as low since the ground level were to be raised but recommended that a human risk assessment was to be carried out as part of the development which received planning permission.

8.12 (A) A number of respondents also wanted to know how the Council plans to foster community cohesion between the settled and the traveller community.

(B) The Council will continue to engage with both the Traveller and settled community through the development of the site. Further, the allocations policy and management arrangement for the site are yet to be developed and will be subject to consultation in order to ensure that key issues such as effective community cohesion is encouraged.

8.13 (A) A number of comments were made questioning the organisation and the integrity of the consultation. Some respondents questioned whether the consultation would make any difference to the ultimate decision. They also expressed concern about the 6-week timescale and supporting documents used during the consultation.

(B) The Council's approach to consultations and the particular activities engaged in are outlined in section 7 above. The means employed were varied to encourage a wide range of responses. The 6-week period for the consultation is considered adequate to allow stakeholders to be properly engaged as is shown by the number of responses received. All responses received during the period were considered and are attached as Appendix 5. No responses were received after the end of the consultation period.

8.14 (A) Respondents queried why the Council was consulting on the selection of a site to be developed to meet the current accommodation needs of the Gypsy and Traveller community when the site already has an existing planning permission for the same purpose.

(B) The site search in 2007 which led to the selection of the Church Grove site and the subsequent grant of planning permission was influenced by the then residents of Thurston Road who were expected to move to the site once construction was completed. As the current consultation did not

involve any of the former residents of the Thurston Road site, it was necessary for the Council to re-engage all stakeholders in any new proposals relating to the site.

9. Technical Report on Access

- 9.1 Access issues had been dealt with previously as part of the planning permission granted in 2008. The Judge in the subsequent Judicial Review proceedings brought by a Church Grove resident was satisfied that the Planning Committee had properly considered the access issues.
- 9.2 At the meeting of Mayor & Cabinet on 5 October 2011, Mr Raper as representative of the residents of Church Grove raised inadequate access as one of the main reasons why the site was inappropriate as a Travellers site. At the meeting, the Mayor instructed officers to look at this issue and report back to him.
- 9.3 In November 2011 officers therefore commissioned an independent Technical Report on Access of all the issues relating to access to the Church Grove site from Project Centre a London-based consultancy specialising in these matters. This was to cover all highways related issues including the width of Church Grove, legislation related to vehicle and trailer widths, vehicle tracking and parking controls. Officers were also particularly concerned to ascertain whether there had been any changes in the relevant legislation and guidance since 2008.
- 9.4 The Report from Project Centre is attached as Appendix 6. The report includes a survey of Church Grove indicating a road width of between 4.62m and 4.65m (kerb to kerb) with footways to either side varying in size from 0.9m to 1.58m. Allowing for parking bays of 1.8m width, the residual road width available for traffic varies between 2.82m to 2.85m (kerb to bay).
- 9.5 The Report notes that since the original planning application and unsuccessful challenge in 2008, changes to two relevant documents have been made, these are:
- the Road Vehicles (Construction and Use) (Amendment) (No2) Regulations published in March 2010
 - the Designing Gypsy and Traveller Sites: Good Practice Guide – published in May 2008.
- 9.6 In terms of types of home, the Report notes that members of the gypsy and traveller community will generally use both a touring caravan, towed onto a pitch by another vehicle, and a larger mobile home (often referred to as a static caravan) as their main residence. Touring caravans may typically need to arrive and depart a site infrequently throughout the year, while larger static caravans typically remain in-situ for several years at a time.

9.7 Caravan Dimensions:

- 9.7.1 The Report notes that prior to the 2010 amendment of the Road Vehicles (Construction and Use) Regulations, the maximum size of a trailer towed by a vehicle with a Maximum Gross Weight (MGW) of less than 3500kg was 2.30m wide by 7.00m long. For a towing vehicle with a MGW above 3500kg, this increased to 2.55 wide by 12.00m long.
- 9.7.2 Following the 2010 amendment, the maximum width of trailers for all weights of towing vehicle was increased to 2.55m. The maximum lengths remain unchanged at 7.00m and 12.00m respectively.
- 9.7.3 The Project Centre note that having reviewed current brochures from five main caravan manufacturers, the widest model available was found to be 2.50m wide (although wider caravans are legal).
- 9.7.4 The Project Centre Report goes on to note that if a caravan or trailer is wider than the towing vehicle, suitable towing mirrors are required. The Regulations require a field of vision that is 4m wide at a point 20m back from the driver's ocular point. The mirrors must be as a minimum equal to the width of the trailer and as maximum can protrude beyond the width of the towing vehicle or trailer by 250mm on each side.
- 9.7.5 The advice indicates a vehicle towing a 2.55m wide touring caravan, including wing mirrors, could legally have a width of 3.05m in total, while a vehicle towing a 3.40m static caravan unit could legally have a maximum overall width (including mirrors) of 3.90m in total. Appendix G of Project Centre's report includes a diagram illustrating the overall widths (including mirrors) of a vehicle towing a 2.55m trailer and showing that the wing mirrors would be likely to pass very close to parked cars on the driver side and overlap the footway on the passenger side by 0.25m when approaching the site from Ladywell Road and conversely when driving away from the site. This illustration makes a number of assumptions: that all cars parked in the bays are parked in a straight line within the designated bay; that all vehicles parked in the bay are of the same size standard and that the caravan is being towed in a straight line. If any of these assumptions does not hold true, then a vehicle towing a caravan may be forced to mount the footway in order to access the site. This is illegal and could pose a significant risk to pedestrians using the footway. Any obstruction on the footway (including telegraph poles and lampposts) would effectively prevent access to or egress from the site being possible in these circumstances.
- 9.7.6 In 2006 an amendment to the Caravan Sites Act 1968 increased the maximum (assembled) size of any twin-unit mobile home to 6.80m wide by 20.00m long. These must be moved to site in a maximum of two sections and are normally transported in two long units (i.e. 3.40m by 20.00m). However, the majority of static caravans available through the main manufacturers are single units either 3.05m or 3.66m wide, and up to a length of 12.00m. The maximum dimensions of these vehicles has not changed since planning permission for the site was granted in 2008.

9.7.7 The Report highlights that it would be necessary to temporarily suspend the current parking bays on Church Grove when such static caravans are transported to site. This advice is in line with the original committee report for the 2008 planning application.

9.8 Swept Path Analysis:

9.8.1 The Project Centre also carried out a “*Swept path*” analysis of a variety of vehicle types towing a touring caravan and entering and exiting Church Grove. Their analysis concludes that vehicles /caravans would be able to access the site, subject to the acceptance of a number of manoeuvres which are very similar to those required by refuse, delivery and removal vehicles that currently access Church Grove.

9.8.2 Finally the Report covers access for Emergency Vehicles noting there is currently no provision to turn around large vehicles in the road and they therefore need to reverse. The provision of such a facility within a Travellers site therefore forms a benefit of the scheme.

9.10 Mitigation Measures:

9.10.1 In addition to the temporary measures necessary to transport “*static caravans*” into and out of the site, the Project Centre concludes that in order to guarantee access to the site, mitigation measures would be required to temporarily or permanently increase the available road width on Church Grove. The three possible measures they highlight are.

- residents’ parking could be temporarily suspended to allow additional width and travel of wide vehicles along Church Grove. However, they note that whilst this would be reasonable for the arrival of static caravans on the site, the number of touring caravan movements over the course of a year may make this logistically challenging;
- parking on Church Grove could theoretically be permanently removed although this is considered likely to be of substantial detriment to local residents and thus inadvisable; or
- consideration could be given to converting Church Grove into a “shared surface”, allowing for greater usable width and representing an improvement to the existing narrow footways.

9.10.2 Officers’ assessment of these three potential measures is set out in the conclusions on this issue below.

9.11 Conclusions on Site Access:

9.11.1 It is clear from the Report that legislative and other changes have taken place since the 2008 permission was granted. The increase of the maximum width of trailers for all towing vehicles from 2.3m to 2.55m is the primary concern.

Although Project Centre were unable to identify any caravans on the market in excess of 2.5m, it is clear that it would be legal for such vehicles to be towed and there is a general trend towards the introduction of larger vehicles on the road. The fact that it is legal for mirrors to protrude up to 0.5m beyond this increases these concerns.

9.11.2 Although any vehicles entering Church Grove would be likely to do so with care with wing mirrors adjusted accordingly, it is clear from the advice from Project Centre and local residents that larger vehicles would be in danger of damaging parked cars and/or mounting the footway. The potential to mitigate these risks has been considered but all of the measures identified have significant disadvantages.

9.11.3 Limiting the size of vehicles moving onto the site has been raised but it is difficult to see how this would work in practice. Although Traveller families wishing to live on the site would be granted licences to live on the site which could theoretically impose conditions around the maximum width of touring caravans allowed on the site, such a measure could restrict their ability and that of their visitors to freely move on and off the site. It is also clear that this could be a potential source for conflict with the local community. Proposals to further limit parking (either temporarily or permanently) on Church Grove would be difficult to support as would the option of removing the pavement and creating a "shared surface". The development of a "shared surface" would not detract from the concerns about the practical width limitations in Church Grove. The new space created would need to be shared between pedestrians, parked vehicles and vehicles towing caravans. Given the width limitations of Church Grove and the proposed mixed use by large vehicles and pedestrians the option of creating a "shared surface" has significant disadvantages.

9.11.4 In order to restrict the use of Church Grove to allow additional width and travel of wide vehicles along Church Grove, the Council would be required to make either an Order under Section 6 or 14 of the Road Traffic Regulation Act 1984. An Order would be required to be made for each occasion the road use was to be restricted. By operation of Regulations 5 and 6 of the Removal and Disposal of Vehicles (Traffic Officers) England) Regulations 2008/2367 a traffic officer may authorise a vehicle be removed to another position on any road if that vehicle has been permitted to remain at rest on a road in contravention of a prohibition or restrictions, namely contrary to an Order made under Section 6 or Section 14 of the 1984 Act. The number and unpredictability of touring caravan movements to and from the site mean that it would not be possible or practical for an Order to be made on every occasion the road use was restricted. Making and enforcing the Orders would also be a significant drain on Council resources.

10. Observations of the Head of Planning

10.1 The Core Strategy Development Plan Document (DPD) sets out the vision, objectives, strategy and policies to manage development in the borough over

the next 15 years (2011 to 2026). The Core Strategy is the Council's key planning policy document and together with the London Plan forms the development plan for the borough.

- 10.2 In seeking to provide a suitable site or sites to accommodate gypsy and traveller pitches, Core Strategy Policy 2 (CSP2) provides an over arching policy confirming the Council's commitment to assess and provide for the identified needs of gypsies and travellers in appropriate locations and states that the Site Allocations DPD will be used to identify a suitable site or sites. The supporting text for the policy states that this will be based on national and regional requirements. The policy sets out six criteria to assist in the assessment of new or alternative sites and these relate to access (shops, services, schools etc), safety (convenient access to the road network, parking, turning of vehicles), amenity and environmental impacts (for the site and those adjoining any site), supply of essential services and design and landscaping considerations.
- 10.3 The emerging Site Allocations DPD supports the implementation of the Core Strategy by identifying and safeguarding sites across the borough for particular uses such as housing, employment, town centre and community uses and open space. A further options report of the Site Allocations DPD was publicly consulted during October to December 2010 and this version included the Church Grove site. The DPD is now in its final stage of preparation and the draft plan or proposed submission version is scheduled for consultation in March/April 2012. Following this consultation the DPD will be submitted to the Secretary of State and an Examination in Public held to determine whether it is 'sound' and can be adopted.
- 10.4 It is unlikely that a new Gypsy and Traveller site search will be completed in time for this to feed into the final Site Allocations DPD. Additionally, at this final proposed submission stage, the addition of new sites is not acceptable as they will not have been subject to the full LDF preparation and consultation process. It is therefore proposed to submit the Site Allocations DPD to the Secretary of State without an identified Gypsy and Traveller site. Officers consider that to delay further while the travellers search continues would be unacceptable as the Site Allocations DPD contains many other site allocations that need to be progressed for proper planning and redevelopment within the borough. Not least of these allocations are the sites to meet the housing targets set in the Core Strategy and the London Plan. Providing these allocations speeds up the process of delivery of the required housing in the borough.
- 10.5 However, the lack of a Gypsy and Traveller site allocation may be an issue raised at the Examination in Public. It is difficult to know at this stage the reaction of the appointed Inspector to the fact that a Gypsy and Traveller site allocation has not been included. It is possible the Inspector could find the Site Allocations DPD unsound; that it is not a matter of soundness but nevertheless one which the Council should address as a matter of urgency; or the lack of an allocation is of no concern. If it is the first possibility, the Council would have to delay adoption of the DPD until such time as a Gypsy

and Traveller site could be included. This is the worst possible outcome and not one that officers anticipate in practice. The realistic outcome is either the second or third possibility identified above.

11. Observations of the Head of Strategic Housing:

- 11.1 The Gypsy and Traveller Accommodation Needs Assessment (GTANA) for London and the Lewisham Gypsy and Travellers Future Needs Assessment both identify a need for a new site in the borough (as detailed earlier in this report).
- 11.2 Identifying and delivering a site should be considered a matter of urgency. The only way that Lewisham can currently respond to an application from a member of the Gypsy and Traveller community is in bricks and mortar. This is not considered an acceptable solution to either the client or the Council.
- 11.3 As covered in section 8, the Allocations Scheme is of utmost importance. Recognising the specific requirements of the Gypsy and Traveller community, the allocation of pitches will not form part of the main Allocations Scheme but will be covered by a separate scheme.
- 11.4 The Strategic Housing Team are also considering the options for the management of the site and discussions are being held with Lewisham Homes, the Councils Arms Length Management Organisation.

12. Financial Implications:

- 12.1 The cost of the consultation process, transport assessment and planning advice is estimated to be £11k, excluding officer time, and this will be met from existing Programme Management & Property budgets. Any future site search would be expected to be funded from within existing Resources & Regeneration budgets.

13. Legal Implications:

- 13.1 Local authorities have a duty to promote good race relations, equality of opportunity and community cohesion in all of their policies and practices. This duty covers all racial groups, including Gypsies and Irish Travellers who are recognised ethnic groups. Planning and site provision are highly relevant to this duty because they impact on race relations generally and on the way in which services are delivered to this group. In developing policy and making decisions, local authorities need to ensure that their actions are consistent with this general duty.
- 13.2 The Council has a duty under Section 225 of the Housing Act 2004 to carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to the borough. There is no absolute or specific duty

for the Council to provide a site in all circumstances but the Council has power to provide sites under Section 24 of the Caravan Sites and Control of Development Act 1960. The Council is therefore required to consider from time to time whether or not to exercise the power and, if the Council accepts a duty to provide a site, to then identify a site for that purpose. The Council has previously accepted that there is a current need identified in the Lewisham Gypsy and Traveller Future Needs Assessment and that it wishes to provide a Gypsy and Traveller site to meet that need. Following the previous site search, the Church Grove site was recommended by officers as the preferred site to be developed to meet the current accommodation needs of the Gypsy and Traveller families in the borough, subject to consultation. The Mayor should therefore be satisfied that there are good reasons for not providing the site at Church Grove. If the recommendations in this report are agreed, officers will be instructed to undertake a further site search with a view to identifying an alternative site to meet the need which has been identified.

- 13.3 Any decision on the preferred site taken by the Mayor must follow proper consideration of the needs of gypsies and travellers in the borough balanced with the needs of local residents, following proper consideration of the results of the consultation and having regard to all other relevant considerations including the Council's duties under the Equality Act and the Human Rights Act.
- 13.4 Having undertaken consultation, the Mayor is under a duty to give genuine and conscientious consideration to all representations received and must take the outcome of the consultation exercise into account in making any decision. Case law has established that a decision maker must embark on a consultation process prepared to change course if persuaded by that consultation process to do so.
- 13.5 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty 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.
- 13.6 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.
- 13.7 As was the case for the original separate duties, the new duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the

Mayor, 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.

- 13.8 The Equality and Human Rights Commission issued guides in January 2011 providing an overview of the new equality duty, including the general equality duty, the specific duties and who they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty, However, that Code is not due to be published until April 2012. The guides can be found at:

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

- 13.9 The Equality Implications section of this report sets out the position in relation to the Equalities Impact Assessment which was previously undertaken. The Equalities Impact Assessment has been refreshed and attached as appendix 7.
- 13.10 Other planning, housing and highways legal implications generally are already referred to and contained within the body of this report.

14. Human Rights Implications:

- 14.1 Article 8(1) of the European Convention on Human Rights provides for the protection of the right to respect for a person's home from interference by public bodies, except in accordance with the law and as necessary in a democratic society, in the interest of the economic well-being of the country, protection of health and the protection of the rights and freedoms of others.
- 14.2 In determining the level of permissible interference with enjoyment of these rights, the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.
- 14.3 These principles apply to any decisions made during the process of site allocation.

15. Environmental Implications:

- 15.1 The Church Grove site is adjacent to the Ravensbourne River and therefore lies within its flood plain. Flooding of the site was considered as part of the

grant of planning permission in 2008 when a flood risk assessment was carried out. The assessment concluded that the site is defended for the 100 year plus climate change flood event. At the time this assumed the delivery of the proposed flood defence works on the Quercus Ladywell Fields project which incorporated flood defence works to stop the flooding of Ladywell Road and areas further downstream including the proposed Traveller site at Church Grove. The Quercus project was successfully completed in 2008 which has helped improve the flood defence of the river.

- 15.2 In terms of the proposed site, the assessment identified a number of mitigations which were carried through the design, planning application and subsequent permission for the site. These include raising the general ground level of the site and creating a buffer zone (agreed with the Environmental Agency) between the site and the river. The proposed buildings on the site would also have green roof and rainfall harvesting measures to help prevent flooding at the site.

16. Equalities Implications:

- 16.1 Gypsies and Travellers are recognised by the courts as distinct ethnic groups. 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 Equality Act 2010. The Council is also committed to work proactively to reduce inequalities between people from these protected groups and the settled population.
- 16.2 In the 01/2006 government circular it was stated that: 'Gypsies and Travellers are believed to experience the worst health and education status of any disadvantaged group in England. Research has consistently confirmed the link between the lack of good quality sites for gypsies and travellers and poor health and education.'
- 16.3 As part of the consultation activity, officers have conducted a full Equalities Analysis Assessment on the proposal to select the site of the former Watergate School in Church Grove as the preferred site to be developed to meet the current accommodation needs of Gypsies and Travellers in the borough. The assessment attached as Appendix 7 of this report, is an update of the 2007 report and seeks to identify the positive and negative impacts the proposed development of a Gypsy and Traveller site in Church Grove will have on protected groups in the borough.
- 16.4 Taking into consideration the issues raised during the recent consultation and building on the work carried out in the 2007 equalities impact assessment, the current assessment concluded that, no major change is required should the Mayor agree to develop a Gypsy and Traveller site at Church Grove. It notes further that the negative impacts drawn out by the assessment could be mitigated through effective community work and good site management balanced by the need to provide a stable, well designed site for Gypsy and Traveller families in the borough.

16.5 The assessment also concludes that if the decision is not to proceed with the development of the site to meet the current need, then further work will be required to identify a Gypsy and Traveller site in the borough. It states further that there will be the need for a continued engagement with the Gypsy and Traveller forum and Gypsy and Traveller organisations in the borough to ensure that lines of communication remain open enabling the community to feed into decision making processes and in demonstrating their housing needs.

17. Crime and Disorder:

17.1 An independent Crime and Community Safety impact assessment was carried out through the Safer Lewisham Partnership and is attached as Appendix 8 of this report.

17.2 The report reviewed information supplied by Lewisham Central Safer Neighbourhood Team (SNT) as well as crime data for the area. It notes that crime around the site is relatively low although crime offences occur along the main arterial road (Ladywell Road), which it has in common with other main thoroughfare areas of the borough.

17.3 The report concludes that from a policing perspective, there would be no objections concerning the proposed use of the Church Grove site as a permanent Traveller site. It however notes that there are likely to be increased tensions within communities surrounding any Traveller site regardless of where they are located in the borough and recommends the continued involvement of the police in the development of the site.

17.4 It would also be noted that the current site design has a safe and secure layout developed in consultation with Secured by Design.

18 Conclusion:

18.1 The Consultation ran for a six week period from 7 November to 18 December. 77 people attended the drop in sessions, 64 people the public meeting, 82 people responded on line and 130 responses were received via Feedback Forms and email. This is considered a good response to a consultation covering a relatively small geographical area.

18.2 Respondents were almost wholly against the proposal with the exception of that received during the drop-in sessions with the borough's Gypsy and Traveller community. In all, a large number of issues were raised during the consultation as set out and these are responded to in paragraph 8 above.

18.3 The key issue of concern is access. Since planning consent was obtained there have been changes to the legislation and guidance as set out in Section 9. Although it may be possible for some caravans to safely access the site,

the revised legislation means that it would be very difficult for a caravan of the maximum permitted width to safely enter the site without potential damage to other vehicles or mounting an already narrow footway. The use of mitigation measures have been considered but it has been concluded that these are either impractical or have significant disadvantages.

- 18.4 The Mayor is asked to consider the results of the consultation set out in paragraph 8 and to carefully weigh the views of local residents, those of the Gypsy & Traveller community and the observations of the Head of Planning and the Head of Strategic Housing. Given the response to the consultation and the results of the Technical Report on Access, the Mayor is recommended not to proceed with proposals for Church Grove.
- 18.5 Consideration of a suitable Traveller site has been an issue for the Council since 2004 when the Thurston Road site was identified as necessary to deliver the Lewisham Gateway redevelopment. The Mayor and Cabinet will note from the background information in this report that identifying, consulting upon and delivering a suitable alternative site to Church Grove is likely to prove difficult. As documented, several site searches have been undertaken over recent years.
- 18.6 In order to address the need to identify a site or sites to meet the needs of the Traveller community, Officers propose to fundamentally reconsider the existing approach to the identification of potential sites. This would involve a re-appraisal of the criteria previously used and a new site search that will take into account both Council sites and those outside of Council ownership. Mayor & Cabinet will be asked to reconsider these matters in due course.
- 18.7 Assuming the Mayor agrees the recommendations as set out it is apparent that any site search will not be completed within the timetable envisaged for consideration of the Council's Site Allocations DPD which the Core Strategy states must include a site allocated for use by Gypsy and Travellers. The implications of this are set out in paragraph 10 and attention is drawn to the risk of the appointed Planning Inspector raising the lack of an allocated site for Gypsies and Travellers at the Public Examination.

List of Background documents

Short title of document	Date	Contact
Travellers' Site – Needs Assessment & Site Selection	5 th October 2011	Kplom Lotsu
Travellers Site Search Update – Mayor & Cabinet	1 December 2010	Kplom Lotsu

If you would like further information on this report please contact Kplom Lotsu, Project Manager on 0208 3149283

Appendices:

Appendix 1 – Ordinance Survey Map of the Church Grove Site

Appendix 2 – Map of Consultation Area

Appendix 3 – Consultation Materials

Appendix 4 – Updated Frequently Asked Questions

Appendix 5 – Details of Responses Received

Appendix 6 – Technical Report on Suitability of Access

Appendix 7 – Equalities Analysis Assessment

Appendix 8 – Crime and Safety Impact Assessment

Appendix 9 – Lewisham Gypsy and Traveller Future Needs Assessment