

## APPENDIX K

### Elephant & Castle Town Centre Redevelopment Proposed Compulsory Purchase Order Equalities Impact Assessment (EqIA)

#### 1. Background

The Public Sector Equality Duty (PSED) created by the Equality Act 2010 imposes a continuing duty on the Council to consider equalities impacts to inform its decision making. Previous EqIAs were produced by AECOM in June 2016 prior to approval of the planning application for the development of the Elephant & Castle Shopping Centre and Town Centre area. Additional analysis was carried out by AECOM in March and August 2017 relating to the potential redevelopment of the Bingo Hall and Bowling Alley within the Shopping Centre and which helped to formulate the business relocation strategy and compensation package for affected businesses, which was put in place under the section 106 agreement. The developer (EC) has also carried out its own analysis as part of the planning application process.

A further report was commissioned by the Council in August 2019 with a detailed report being provided by AECOM in January 2020, to inform the Council's decision-making as to a Compulsory Purchase Order (CPO) at that time.

In line with the continuing duty, this report addresses the equalities impacts that may arise in the context of the now proposed CPO. It does not seek to duplicate the work done in connection with earlier reports. Rather, it addresses the potential equalities impacts on those businesses and stakeholders likely to be affected by the making and implementation of CPO should the Council's Cabinet resolve to approve this.

#### 2. Legislative background

The Equality Act 2010, section 149 (Public Sector Equality Duty) sets out that a public authority must, in the exercise of its functions, have due regard to the need to –

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics for the purposes of the Act are –

Age  
Disability  
Gender reassignment  
Pregnancy and maternity  
Race

Religion or belief  
Sex  
Sexual orientation.

The EqIA aims to consider the effects of the Council's decision making (in this case to make a CPO) and whether these effects are likely to have a disproportionate or differential impact. A disproportionate impact will arise if an impact has a proportionately greater effect on groups who share a protected characteristic than on other members of the general population in a location. A differential impact will arise where members of a group sharing a protected characteristic are affected differently from the rest of the population because of specific needs, or a recognised sensitivity or vulnerability associated with their protected characteristic.

### **3. Current decision**

The Council is proposing to make a CPO in order to acquire the remaining title and new rights required to facilitate the town centre redevelopment scheme. Further details of the remaining title and new rights required are set out in the main report to Cabinet seeking approval to the making and implementation of the CPO. The compulsory acquisition of these properties and new rights will directly impact the owners of the businesses and organisations thereby affected, their employees and their customers and clients. Mitigation measures will seek to reduce these impacts as far as possible.

The businesses and organisations that will be directly affected by the making and implementation of a CPO are those that currently occupy parts of the proposed order land who will need to relocate in order to enable redevelopment to take place, or, in the case of the Metropolitan Tabernacle, whose land will be the subject of new rights to facilitate the redevelopment. These have been identified as follows:

#### **Units 4 & 5 Farrell Court – Corsica Studios**

The business currently carried out in units 4 & 5 is that of a cultural venue hosting electronic and other genres of music and club nights and creative events, including techno and live alternative rock and art installations.<sup>1</sup> The business has a well-articulated inclusivity, equality and diversity policy whereby it aims to promote a positive environment where differences are respected and valued. It also aims to redress the gender, racial and sexuality balance within the industry. The venue welcomes disabled customers and aims to be accessible and inclusive.

The developer's proposal is to relocate the business to the railway arches to the north of the station, a short distance up Elephant Road, which will have been fitted out and soundproofed prior to the relocation taking place. In a worst case scenario of the business closing if the confirmed CPO does not include the acquisition of all necessary rights and interests in those northern arches for them to relocate to, it is not considered that any one group with protected characteristics would be disproportionately affected.

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<sup>1</sup> Source : [www.corsicastudios.com](http://www.corsicastudios.com) accessed 7 November 2022

The clear intention, though, is that Corsica would be relocated as envisaged. The replacement premises would be better designed and would benefit from better access internally (which would benefit all users, including those with disabilities) whilst still being in very similar arch premises. The proposal, if implemented, would mean that the business would not need to close, even temporarily. It is considered that the likely equalities impact of the proposed relocation would be positive in terms of disability due to accessibility improvements, but otherwise neutral as the changes would help secure the future of Corsica Studios and overcome the uncertainties in relation to the extent of their current demise and the use of the fire escape.

It should also be noted that compensation is available under the CPO legislation for costs/losses of needing to relocate, so that the effect with the proposed mitigation would not affect Corsica Studios financially.

To the extent that any adverse equalities impacts could arise, the proposed mitigation is relocation as proposed above. As to the prospects of that proposed mitigation occurring, discussions are underway with Corsica and it is considered that there are good prospects that the proposed relocation will take place.

#### **Unit 6 Farrell Court – DistriAndina**

Unit 6 Farrell Court is occupied by DistriAndina which operates as a café, delicatessen and a Latin American supermarket which sells groceries both retail and wholesale and also delivers around England, Scotland and Wales. They describe themselves as “Serving the UK’s Latin American Community”<sup>2</sup> which previous EqlAs have identified as being a section of the population likely to be disproportionately affected by redevelopment at the Elephant & Castle, as there are several Latin American businesses in the area serving a large local population. DistriAndina themselves are part of that Latin American community, and therefore the protected characteristic of race is relevant. Redevelopment may potentially impact disproportionately and differentially on groups who benefit from the provision of specialist goods and services.

The worst case scenario is the closure and loss of this Latin American business. However, the developer’s proposal and clear intention is to relocate DistriAndina into one of the affordable retail units being constructed as part of the redevelopment and fronting Walworth Road. The unit envisaged for the relocation would be of a similar size to their existing unit and would benefit from a large shopfront onto Walworth Road, where there is high footfall and a large number of bus stops, thereby enabling the unit to be easily accessed both on foot and by public transport. Although not in Elephant Road itself, the replacement unit is within the scheme and would be located only a short distance away from the current unit, in an area with other Latin American businesses nearby. It is considered that this would provide adequate mitigation from the closure of unit 6.

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<sup>2</sup> [www.distriandina.co.uk](http://www.distriandina.co.uk) accessed 7 November 2022

Again, relocation of the business would be organised such that the business did not have to close and there would be continuity of operation.

As referred to in the context of Corsica Studios above, compensation is available under the CPO legislation for costs/losses of needing to relocate, so that the effect with mitigation would not affect DistriAndina financially.

Accordingly, the proposed mitigation is relocation as proposed above. As to the prospects of that proposed mitigation occurring, discussions are underway with DistriAndina and it is considered that there are good prospects that the proposed relocation will take place. It is considered that the likely equalities impacts would be neutral with that mitigation (ie relocation) taken into account.

### **Unit 7 Farrell Court – Beset International Limited**

Beset International Limited occupies unit 7 and operates a shipping and air freighting business as well as providing business space for a number of small businesses of varying types which occupy areas within the railway arch. These include hairdressing, international money transfer, assorted retail and a café. In the survey undertaken on behalf of the Council, the proprietor of Beset identified as being of Black African ethnic minority. The other business owners within the arch identified as being Latin American. The worst case scenario of a closure of this unit and the loss of the businesses would be likely to disproportionately affect these BAME groups.

However, again, the developer's proposal is to relocate these businesses into units 4 & 5 once these have been vacated by Corsica Studios. This would enable the businesses to continue to trade in the same immediate locality as currently, in very similar premises, as part of the scheme, but in a newly fitted-out unit. As with the other proposals for relocation, the intention is to ensure continuity of provision so that no interruption to the businesses would occur.

As referred to in the context of Corsica Studios above, compensation is available under the CPO legislation for costs/losses of needing to relocate, so that the effect with mitigation would not affect Beset financially.

Accordingly, the proposed mitigation is relocation as proposed above. As to the prospects of that proposed mitigation occurring, discussions are underway with Beset and it is considered that there are good prospects that the proposed relocation will take place. It is considered that the likely equalities impacts would be neutral with that mitigation (ie relocation) taken into account.

### **Metropolitan Tabernacle**

The Metropolitan Tabernacle is an independent reformed Baptist church which occupies the Grade II listed Tabernacle building on the west side of Elephant & Castle. It holds services on Sunday mornings and evenings, prayer meetings on Monday evenings, bible study on Wednesday evenings, and a Sunday School on Sunday afternoons for children and teenagers, as well as hosting a bookshop. That the Tabernacle serves a wide group of people and nationalities is evidenced by the fact that simultaneous translations of its Sunday services are available via

headsets into Spanish, French, Portuguese, Chinese and Farsi<sup>3</sup>. The numbers of people using the building vary according to the time of day and the events taking place but can be as many as 1,000 including 500 children attending the Sunday school.

The building has disabled access to the front (in one of the side arches) which can be accessed either from the Elephant & Castle highway to the front or from the rear parking area along the north flank of the building. Some of the members of the church's congregation are mobility impaired.

Information about the congregation and staff was requested, in order that any groups sharing protected characteristics can be identified and their needs met as far as practicable. Effects of the CPO on the congregation and staff of the Tabernacle could potentially disproportionately affect groups sharing the protected characteristics of religion, age, race, pregnancy and maternity, and disability.

However, the effect of the CPO on the Tabernacle and its congregation is limited to the need to carry out demolition works to the adjoining London College of Communication building, and the Tabernacle is only included in the CPO in order to secure rights to carry out that work, to erect scaffolding on part of the Tabernacle site and to oversail a crane. Any effects of the CPO will be temporary and works will be carried out in such a way that the Tabernacle can remain open at all operational times.

Some disruption will be caused by the erection of scaffolding which is necessary to carry out the works to de-couple the LCC building from the Tabernacle and to demolish the LCC building, which is immediately adjacent to the Tabernacle. This may need to stay in place for up to three months. However, it will be erected in such a way as to ensure that access to the front side entrance of the building (which contains the disabled entrance) is still available, with access to the disabled entrance being maintained during operational hours. It is possible that persons with mobility impairments or parents pushing pushchairs may not be able to use the side accessway under the scaffolding to reach the disabled entrance at the front side entrance if they approach from Pastor Street, and instead would need to go round the other side of the Tabernacle to reach it from Elephant & Castle highway. This would cause inconvenience to disabled persons, the elderly and families with young children. It might also hinder, and cause inconvenience to, pregnant women. As to the scale of such inconvenience, it is considered that this would be minor.

It is likely that the scaffolding will also have an impact on vehicular parking to the rear and side of the building, within the Tabernacle grounds. It is understood that the vehicles parking there include minibuses which are used to facilitate travel to the venue for (among others) those with mobility impairments, whether through disability or age. Therefore the loss of those spaces, though temporary and for a relatively short period, may give rise to inconvenience, particularly to disabled persons, the elderly, families with young children and possibly to pregnant women.

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<sup>3</sup> [www.metropolitantabernacle.org](http://www.metropolitantabernacle.org) accessed 7 November 2022

The developer is content to pay for alternative parking provision within the locality for the duration that spaces are not available due to the scaffolding. It may be that the minibuses would still be able to drop off visitors to the rear of the Tabernacle, without parking there, before then moving to the alternative parking provision, with drivers then returning to pick up later, in that way ensuring that those with mobility impairments would not need to move from the alternative parking to the Tabernacle. The movement of visitors dropped off at the rear of the Tabernacle to the disabled entrance in the front side arch would be as discussed above. Again, the scale of inconvenience arising is considered to be minor.

In terms of mitigation, the developer will need to submit a demolition management plan for the West Site in due course and so the Council will be able to assess and approve the detailed demolition methodology at that time. The Council will be seeking to ensure that disruption to the Tabernacle is kept to a minimum as part of that plan. Moreover, the developer will agree in the CPO indemnity agreement to procure that (a) the disabled entrance in the front side arch is available at all times when the Tabernacle is in operation and (b) reasonable endeavours are taken to keep open the side accessway route from the rear of the Tabernacle to that disabled entrance in the front side arch, under the scaffolding, for persons with (and without) mobility impairments if it is safe and practicable to do so.

The Council and the developer will continue to take steps to ensure that the adverse effects of the works on the Tabernacle building and its users are kept to a minimum. If it proves not practicable and safe to keep open the side accessway for those with (and without) mobility impairments during the period when the scaffolding will be in place, the residual equalities impacts of the temporary works are considered to be minor adverse. It is considered that, if the mitigation referred to above is put in place with the side accessway kept open, residual equalities impacts are unlikely to arise.

#### **4. Other impacts arising from the CPO**

##### **East Site**

There will be benefits to all users of the East Site from the creation of surface level public access to create the Station Route, the Park Route and further public realm adjacent to the railway viaduct. This is likely to be particularly beneficial to the elderly, disabled persons, pregnant women and families with young children. It will also ensure the permeability of the site for visitors to all parts of the East Site, including the replacement affordable retail floorspace and proposed replacement bingo facility, both of which are included in the East Site at least in part to address adverse equality impacts identified at the planning permission stage.

##### **West Site**

The approved phasing plan under the July 2021 Permission requires the East Site (other than the current LUL Underground station) to be completed prior to works beginning on West Site. So the CPO will unlock the ability to develop West Site, including the affordable retail floorspace, new dwellings (including affordable housing units, and 10% wheelchair accessible units) and job opportunities

associated with that phase of the Scheme, all of which are considered to have positive equality impacts.

It is not considered that the daylight and sunlight impacts which could arise from the construction of tall buildings on the West Site would disproportionately affect any one group with protected characteristics.

Consideration has been given to the potential adverse impacts on the local community during the demolition and construction phase on the West Site, particularly to those people with protected characteristics who may be more sensitive to safety, security and accessibility construction impacts, including people with disabilities, children, older people and pregnant women. Similarly, consideration has also been given to the potential noise impacts that the demolition and construction of the West Site may have on groups with protected characteristics, who may be more sensitive to noise increases including people with certain disabilities, children and older people. Whilst the scale of any such impacts is considered to be minor, the Council has already sought to mitigate these impacts through securing demolition management plans and construction environmental management plans in the section 106 agreement.

## **5. Summary**

The making and implementation of a CPO, following a resolution of Cabinet to do so, will have effects on those directly affected by it, details of which are summarised above. The provisions of the Equality Act are engaged, in that certain groups sharing protected characteristics are potentially disproportionately affected by the proposals.

However, the mitigation measures that are proposed, as detailed above, will play a significant role in minimising the effects of the CPO on those groups such that any negative impacts on them are minimised as far as possible. With the proposed mitigation in place, any residual effects would be limited.

Previous EqIAs have concluded that the mitigation measures proposed by the Council and the developer were likely to prove effective in minimising residual negative effects, and pointed out that the scheme facilitated by the CPO will enable affected businesses to share in the benefits to be delivered, in particular the creation of jobs, new retail space, improved transport links, the new campus for the London College of Communication and the provision of affordable housing.

The Council will need to ensure that the developer commits to and implements the mitigation measures outlined above and that these are monitored in order to help minimise the adverse effects and realise the positive benefits of the redevelopment proposals.