



ELEPHANT AND CASTLE TOWN CENTRE APPLICATION (16/AP/4458)

LATIN ELEPHANT, CIO (Charity No. 1158554)
Dr. Patria Roman-Velazquez, Chair of Trustees
&
Mr. Santiago Peluffo
Migrant and Ethnic Business Readiness Project Officer

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In light of the recent Applicant's Amending Letter to the Planning Application Elephant and Castle Town Centre and LCC Campus at the EC (ref: 16/AP/4458), **Latin Elephant** is writing to object to the application on the following basis:

1. Despite the latest amendments by Delancey, the application continues to disproportionately affects groups with protected characteristics as defined in the Equality Act 2010, while mitigation measures remain insufficient and inadequate, or are simply not in place, to protect BAME traders, customers and residents of Elephant and Castle. We therefore continue to stress the need for the Council to assess the risks and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of the proposed project, in line with the Public Sector Equality Duty, Southwark Council's Equalities Approach (2015), the Elephant and Castle Supplementary Planning Document (2012), Southwark Council's Statement of Community Involvement (2008).
2. The proposed development will generate a substantial loss of retail space in the immediate relocation (2019) until the new site is built (2024 or later). According to official figures by Southwark Council officers, there are 130 small independent businesses within the red line. And the total retail space that small independent traders currently occupy (without taking into account Hannibal House) is 4,005 sqm. On the short term The Applicant is providing 750 sqm for the relocation of existing traders affected by the development. This includes 471 sqm (7 units) in Elephant One and 279 sqm (not 300sqm as stated in the Amending Letter) in the form of temporary market units at Castle Square (2,050 sqm big). However we welcome the Applicant's efforts, there are still questions over the impact that loss of retail space will have for traders' wishes to remain clustered during and throughout the relocation process, and no certainties on security of tenancy for traders.
3. The amended relocation strategy also includes provision of space made available by other developers. This includes a new proposed site at Manor Place arches, and an already objected site, East Street Market. These sites were not consulted with



traders nor with Latin Elephant prior to the publication of the letter. Traders consider it to be tucked away, distant from footfall guaranteed by transport links and on an adjacent street where they will lose flow of customers and sense of community. Therefore, the relocation strategy fails to comply with the New Southwark Plan (NSP 2018), policy 38, that states, 'Where existing small or independent businesses or small shops are displaced by development a business relocation strategy, written **in consultation with affected businesses**, must be provided' (NSP 2018, p.64). This proposal also doesn't consider wishes of BAME traders to remain clustered (throughout relocation and in returning to new development) as evidenced in the reports: '[The case for London's Latin Quarter: Retention, Growth, Sustainability](#)' and '[Relocation Alternatives for EC Traders](#)'.

4. Adding up the six different retail sites the Applicant is proposing -through a combination of owned properties (Elephant One, Castle Square), Council-owned (Perronet House, East Street Market) and other private schemes (Elephant Park, Manor Place)-, the total space for immediate relocation ('including Manor Place but excluding East St. Market' in the Applicant's words) figure is 2,050 sqm. That is the amended offer that includes 'additional relocation options' to accommodate over 100 small independent businesses who currently occupy 4,005 sqm.
5. This loss of retail space fails to comply with the New Southwark Plan (NSP 2018), policy 28, that states 'development must retain small and independent businesses' since they are 'vital to the Southwark economy and are vulnerable to displacement by other uses and therefore need protection' (NSP 2018, p.56).
6. Furthermore, policy 29 refers to the protection of 'small shops' (less than 80 sqm in floorspace), stating 'Where occupiers of small shops are at risk of displacement from a development there should be full consideration of the feasibility of providing affordable and suitable space for the existing occupiers in the new development', adding that 'Replacement shops should be **like for like** in terms of floorspace or bespoke to suit the requirements of the business' (NSP 2018, p.57).
7. There are also questions over the provision of Affordability (in line with Southwark's policy) that impinges on Equality matters. Those businesses wishing to relocate on the short term will not be on a secured lease (as consultation between developers and traders has revealed), nor has The Applicant committed to offer a first refusal option to existing traders wishing to return to the new site when it is completed, adding insecurity and hampering future growth of BAME traders. Uncertain contractual property agreements only add to BAME traders' financial insecurity and the potential to maximize growth and remain sustainable. This will hinder the chances of success for traders of BAME background and other micro-enterprises. The Equality issues around these circumstances have not been assessed.



8. Agreeing to this proposed relocation strategy will result in the de-clustering and displacement of groups with protected characteristics, will create a huge net loss of trade in the area and fails to guarantee the continuity of Elephant and Castle (EC) shopping centre as a specialist centre of economic activity catering to BAME groups. Therefore, we believe by approving this scheme the Council is not fully complying with the PSED and it is also clearly failing its aim to support markets in Elephant and Castle as outlined in SPD 2 of the Elephant and Castle SPD.
9. To date, there is no guarantee all SMEs will access the relocation database and will have the priority to bid for new units for immediate relocation, as well as having a first refusal option in the new site. We welcome the Applicant' decision of extending the assistance to all businesses within the red line, however this only entails Tree Shepherd's services and the new appointed Community Engagement Representative. Clarity over timescale and access to the relocation database is needed, as well as certainty that all SMEs will be in a position to choose where they would like to be relocated. We would therefore welcome close consultation with traders and local organisations (in the form of a retail strategy panel) to reach an acceptable and transparent relocation strategy and process.
10. The Applicant claims not all of the small independent traders are wishing to relocate. Although Tree Shepherd has only engaged with 20 retailers, 85% of them have expressed they wish to relocate. If there were retailers who do not wish to relocate, the 'relocation strategy should include statements from existing businesses should they wish to cease trading rather than relocate', as stated in NSP 2018, policy 38, p.64.
11. A separate assessment on the impact of the development for the Latin American community has not been carried out. The responses from people who identified as having a Latin American background does not compare with the Borough's ethnic profile. Participation from those identifying as Latin Americans is of 3% whereas the Borough's Latin American population is 8.9% (McIlwaine & Bunge, [Towards Visibility: The Latin American Community in London](#), Trust for London & Queen Mary University, 2016). We therefore demand a specific Equalities Impact Assessment on Latin American Community. In addition, when calculated as a whole the participation of Minority Ethnic Groups in the survey (used for Equalities Statement) does not compare with the borough's ethnic profile (currently at 60%) demonstrating little engagement from BAME groups. Therefore, the EqIA survey (February 2016) needs updating as it is now two years old.
12. Further amendments to the Application has been made at different stages of the consultation, in particular to the Equalities analysis. We would therefore recommend a comprehensive update within a single document addressing and



assessing every single aspect of the measures that are put in place to mitigate negative impact of the development. When producing the report in 2016, AECOM raised concerns over the low participation of BAME and provided recommendations to Southwark Council, stating that the Council and relevant partners should develop a renewed strategy for on-going stakeholder engagement and ensure that this is widely distributed (including online). In particular, the strategy should take into account the differences in levels of understanding/engagement among business owners and employees, as well as the implications these can have in terms of creating potential barriers to their take up of available support and development of their own plans (AECOM 2016, p.70)

13. Sex as protected characteristic applies to users of the shopping centre and in particular the Bingo Hall. The equalities addendum (July 2017, p.9 paragraph 3.8) highlights that there is a large proportion of women using the bingo hall, however, there is no assurances of mitigation measures taken to address loss of leisure facilities for women (most of which could be unemployed or retired, according to the survey cited in the addendum).
14. Sex as protected characteristic also applies to women of colour who are business owners and employees. Our study highlighted that women ownership is high (40%) amongst the Latin American business cluster in Elephant and Castle (Roman-Velazquez & Hill, 2016). This figure excludes those of other BAME background. We acknowledge your response to this issue in the latest offer, however we are not satisfied that no mitigation is required to address this issue. Particularly so when women do not have equal access to the labour market and the situation is even worse when compounded by race and age. For migrant entrepreneurs these small businesses are not only a way of generating income, but a way to scale upward economic mobility when faced by language and other barriers to the local labour market. These businesses provide economic mobility and stability for women, their families and employees. We therefore demand that the measures to mitigate impact on women entrepreneurs, who are also of BAME background are put in place to mitigate impact of the development over this section of the population.
15. The relocation fund is insufficient and does not cover relocation costs for those businesses wishing to return to the site once it is developed. We would therefore welcome a review of the current relocation fund, advocating for more transparency, and an additional fund to cover expenses to return to the new site. There are vague references to CIL money, but traders need certainty and security in order to make long term business plans. Otherwise there is a high risk of owners and their employees losing their source of income and livelihoods.



16. Mitigation Strategies are not detailed enough and do not consider impact on secondary economies and supply chains.
17. There will also be a loss of a covered community space (Tesco 2nd floor), which is a vital meeting point for the community. The current development makes no provision for community spaces or meetings.
18. The proposed development will result in the loss of a cultural space for BAME groups. The indoor circulation space has a social and cultural value in that it provides sense of community cohesion, belongingness and safety. Little consideration has been given to the loss of indoor circulation space in the shopping centre and the social and cultural benefits that such space provides to users of BAME background and older people. Over the years this space has been the centre of various community gatherings and activities (e.g. People's Bureau and Migrants Contribute). In our public objection to the January 2018 Planning Committee we argued that the survey did not include questions to address this issue. Therefore, any assessment about the equality impact on the use of the current indoor circulation and convivial space will be speculative. We also note that this aspect has been rated as 'negative' in the equality impact assessment included in the new offer letter dated February 2018. The survey and thus equality impact assessment and statement falls short of addressing wider impact of the loss of indoor space for the local community and users of the shopping centre.
19. Loss of Arches 6 & 7 as trading sites and no provision made for their relocation for like to like site (NSP 2018, p.57). Currently there are 13 business operators in these arches, all of which are of Latin American and other BAME backgrounds. There is no clarity over the future of these businesses. No Equalities and Community Impact Assessment has been done for these two arches, in particular the impact for the Latin American business cluster and the Latin American Community.
20. There will be a significant loss of two key cultural spaces for the Latin American community. 'La Bodeguita' and 'Distriandina' are two cultural venues not considered in the officers' report. They don't function just as restaurants but also as music venues, with nightclub hours, DJs, dancing and full sound systems. They both operate as a nightclub on Friday, Saturday and Sunday nights until 4am or later for a largely Latin American audience. Under the terms of the planning officer's report, La Distriandina and La Bodeguita should clearly be considered cultural venues in exactly the way Corsica Studios is. Mitigation strategy set out in the latest report by Quods mentions alternative venues such as "Cabañas del Sur" and "Tito's restaurant", which either don't have a license to operate until late or are not within walking distance from the Shopping Centre.



21. There has been no concession to multi-ethnic character of the business cluster and in particular as the largest Latin American business cluster in London. The officers' report is mindful that there will be a substantial loss of shops whose owners are from a BAME background and the negative impact this has on services and goods provided to the local community. According to Southwark Council's figures there are 130 businesses within the red line zone. This includes 13 Latin American Shops in the shopping centre, plus 13 businesses operators in Elephant Road Arches 6 & 7. The Latin American Business Cluster will be reduced by a quarter.