



c/o [REDACTED] Market Place
Blue Anchor Lane
London
SE16 [REDACTED]
<http://35percent.org/>

13 March 2016

Dear Mayor

Consultation response to the draft Good Practice Guide to Estate Regeneration

The 35% Campaign was set up by local campaign group the Elephant Amenity Network in response to Southwark Council's failure to ensure that housing developments provided a minimum of 35% affordable housing, as required by the local plan. The Campaign originated with the redevelopment and demolition of the Heygate estate, which is widely and rightly perceived as having been disastrous for the estate's residents, regardless of whether they were secure tenants, insecure tenants or leaseholders. We have been extensively detailing the impact of the Elephant regeneration and related matters on our website, since 2008. We are currently working with the leaseholders of the Aylesbury estate, also facing demolition and regeneration, in their battle to secure fair compensation for their homes.

The Heygate and Aylesbury experiences are not exceptional. Estate regenerations examined in the London Assembly Housing committee report 'Knock 'em down or do it up?' (Feb 2015) found that while the number of homes doubled, from 30,000 to 60,000, there was a net loss of 8,000 social rented homes.

A good practice guide that will protect the interests of estate residents and enlist them in fashioning redevelopments that truly meet the housing needs of

Londoners is therefore sorely needed - unfortunately we do not believe that the Mayor's draft is that guide.

Local authorities have demonstrated that demolishing council estates is the default option where regeneration is concerned and the draft Guide has nothing in it which will prevent this, if that is the authority's fixed intention. This is because the guide's proposals and recommendations, even when sensible and unobjectionable, can be easily managed to deliver demolition. We say this in the light of our own experiences.

A measure that could have helped redress the balance, between local authorities intent on demolition and unconvinced estate residents is being withheld by the Mayor - a ballot of estate residents on any proposed estate redevelopment. Rather than being a document that enables beneficial estate redevelopment we fear that the Guide will set the seal on current bad practices and act as a slipway for more destructive estate regenerations.

We therefore believe that the draft guide needs comprehensive redrafting from this more realistic perspective, putting the determining decision on an estate's future, a ballot of residents, at its centre.

We nonetheless make the following comments and suggestions on the current draft. Numbers and section titles refer to those in the guide. When we refer to council estates we mean to include all social housing estates.

Our comments

Introduction pg 4 - the commitment that 'demolition should only be followed where it does not result in a loss of social housing' needs to be clarified to say that 'demolition should only be followed where it does not result in a loss of social - rented housing'. We suggest deleting the qualification on this commitment of 'or where all other options have been exhausted', because it otherwise renders the commitment of 'no loss' nugatory.

We ask the Mayor to further add a commitment that the resulting new development will include a net increase in social rented housing, as that kind of housing that is cheapest and most secure for those most in housing need.

7 We suggest inserting the words 'and will only take place after a ballot of all estate residents' is inserted at the end of the first sentence.

We suggest that the impact of displacing estate residents on the local housing waiting list is added to the list of disbenefits.

9 Please see our comment for 'Introduction pg 4'

10 The London Plan qualification - 'unless it be replaced by the equivalent amount of floorspace at existing or higher densities' - of the statement that 'the loss of affordable housing be resisted', has enabled developments to shed social rented housing, by replacing it with other kinds of affordable housing. This weakness should be remedied in the Guide, which should state any new development must give a net increase in social rented housing.

12 Tall buildings are invariably deemed unsuitable for social rented housing for reasons of tenure management ie it is argued that they require unviable separate cores. This being the case they would appear to be intrinsically unsuitable in estate redevelopments, if the Mayor aims to ensure there is no loss of social housing. We suggest that a proviso is added to this paragraph to the effect that tall buildings will be required to provide a full quota of affordable housing, including social rented housing.

14 We suggest replacing the several uses of the word 'should' with 'will' in this paragraph eg in the sentence 'This should include monitoring existing resident satisfaction etc.'

Funds should be made available to residents and resident's groups to engage their own advocates and independent representatives on issues of health and well-being.

15 We suggest deleting 'where possible', in line with our suggestion above.

16 We suggest replacing the word 'should' with 'will' in the first sentence.

19 As well as the government guide cited, the Government Estate Regeneration National Strategy Resident Engagement and Protection Guide includes the following- ' 2. *It is particularly important that residents have the opportunity to express their views on the final options for regeneration, whether*

as individuals or via a democratic process using representatives. The mechanism chosen for residents to do this should be agreed locally and should be suitable for the activity being taken. For example, a vote may be appropriate before complete demolition, whereas workshops or surveys could be used to communicate views about partial demolition or refurbishment. We suggest that his guidance be incorporated into the Mayor's guidance, but strengthened to make a ballot a requirement for all regeneration options.

20 Given the heterogeneous make-up of London's population all significant documents should be made available in the first languages of estate residents and other stakeholders.

The aim to make consultations 'meaningful' will only be achieved if persuading residents and other stakeholders of the merits of any proposal is an imperative for the landlord ie only if residents have some means of veto, sufficiently strong to compel landlords to give a convincingly rational explanations of their proposals. 'Meaningful' consultations therefore require a ballot of residents about any proposals.

Further any meaningful consultation must be on the basis of full disclosure of all information about the financial viability of the proposals.

21 Residents are often unaware of the range of processes an estate regeneration can be subject to and thereby lose the opportunities to influence events. The draft guidance must ensure that residents know from at an early stage about all these process eg area action plans, planning applications and approval, the exercise of compulsory purchase powers.

23 This paragraph is very unsatisfactory. It will allow local authorities and development partners predisposed to one alternative to discount all others. The final two sentences requiring that the reasons and information for their decisions be disclosed offers no protection in this scenario.

This paragraph therefore should be redrafted to the effect that all reasonable options for the regeneration of an estate will be considered in a timely fashion, with the full, equal and open involvement of all residents and stakeholders.

24 This is a critical paragraph, worded in such an open ended way that its provisions could conceivably justify the regeneration of any council estate, with the option of demolition. It should be redrafted, emphasising the need for social rented housing and stating that the benchmark for a regeneration will be increasing the supply of social rented housing, taking into account all costs.

Further any consideration of the costs of the development must necessarily include consideration of the anticipated profits, given that this is categorised as a cost in the usual method of establishing the financial viability of a development, according to RICS guidance.

25 This paragraph betrays the intention of weighting decisions towards estate demolition, contrary to the intention conveyed that demolition will be a last option, see our comments above, Introduction pg 4, para 9. We suggest this paragraph is redrafted with a more balanced approach to the benefits of refurbishment.

26 The phrase 'More and better housing' is insufficient. Any consideration of the replacement housing should include the changes in the balance of tenure and the consequent changes in the local demographic and its social impact; this paragraph should be rephrased to make sure that this is captured in a 'holistic' view.

32 The interests of future residents should not be vested in the landlord alone. Such a future group does not yet exist and cannot speak for itself, but its interests can equally or just as well be represented by residents of other stakeholders. This paragraph should be rephrased to reflect this.

35 Any ballot reduces a complex decision to a binary choice; if it is a flaw it is a flaw in our customary democratic process; it cannot legitimately be used as a reason to deny residents a vote on a matter vital to their homes and well-being of themselves and their families. This paragraph should be rewritten to include the requirement of a ballot - see our comment para 19 above.

Further, the guidance should be brought into line with the Government Regeneration National Strategy, which states that '*Estate residents and the wider community should have the opportunity to have a say at the milestone stages where there are choices to be made, such as at option appraisal, master-*

planning, procurement and design stages.’ (Resident Engagement and Protection para 2)

43 This paragraph too readily assumes that residents will be willing to move without any improvement in their housing prospects. Estate residents of all kinds must be given the reasonable expectation that their housing will be improved by any estate redevelopment, not just that the ‘effort’ will be made; this paragraph should be reworded to express this.

47 While we agree that social tenants should, necessarily, be given priority in an allocations policy, the overall effects of this on the social housing waiting list and must be a factor in calculating the ‘holistic’ impact of all proposals – see our comments to para 7 and 26.

50 A Right to Return is necessary for any equitable regeneration scheme. However it would be better if a Right to Remain was acknowledged as the starting point in the consideration of any proposals for estate regeneration. Contrary to much misrepresentation, many council estates are greater than the sum of their parts and estate residents’ relations extend beyond the estate itself, as evidenced by the recent decision of the Secretary of State in the case of The London Borough of Southwark (Aylesbury Estate Site 1B-1C) Compulsory Purchase Order 2014.

We would like the Mayor to give consideration to a Right to Remain and what it would entail and a concomitant Right to a Community and to put these at the heart of a comprehensive redrafting of his guidance.

54 One of the besetting sins of estate regeneration has been the practice of ending secure tenancies, once the decision to regenerate has been taken. It disrupts community life and turns the estate into a transitory place, dividing those who believe they will benefit from the regeneration from those who will not whatever the outcome. Residents without secure tenancies can live on an estate for several years, but when finally required to move, do so without having any rights to any benefit from the regeneration. It is also an inequitable practice that likely disadvantages households from BME backgrounds. We therefore ask the Mayor take the contrary position to that here and state instead that secure tenancies will be granted to social rent tenants up to the point of decanting an estate.

57 Leaseholders on estates facing regeneration invariably receive less compensation than they need to rehouse themselves in their home area; indeed many Heygate leaseholders were obliged to leave London. The solution to this is that compensation is increased to a level that allows leaseholders to rehouse themselves, if not on the regenerated estate, at least in the local area. Notwithstanding the statutory arrangements we believe that that leaseholder compensation levels are deliberately depressed to facilitate regenerations, that doing so is in fact necessary for their financial viability, at the required profit level. We therefore ask the Mayor to take a realistic approach to the problem and explain how estate regenerations can be effected without this iniquitous practice.

58 In the light of our experiences on both the Heygate and Aylesbury estates the draft guide does not improve the prospects of leaseholders on estate regeneration schemes. The alternatives given here have been on offer at some time or another on both schemes, but have not proved attractive, largely because they still leave the homeowner in a disadvantaged position.

END.