Response to Mayor's estate regeneration ballot consultation

9 April 2018

Question 1: Do you agree that the GLA should make resident ballots a funding condition for estate regeneration schemes?

Yes.

The funding condition should also be extended to phased regenerations that are not yet completed and regeneration schemes of less than 150 units. The Mayor should alter the London Plan and change established practice accordingly in the latter case (see para 3.2).

Further, all regeneration schemes should be required to hold a ballot, not just those in receipt of GLA funding. The Mayor evidently considers he does not have the power to do this (para 1.6); we ask him to reconsider whether he might in fact have such planning power or how he might acquire it.

Planning policy should also be strengthened with the London Plan requiring no loss of social-rented homes in any development or regeneration scheme. The Mayor should also require that all estate regeneration proposals consider a refurbishment option, with landlords being required to commission a full independent analysis and comparison of the social, economic and environment issues involved in refurbishment, compared to demolition and rebuilding.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Question 3: Do you agree with the proposed scope of resident ballots? Why/why not?

Not entirely on both questions. The requirement should be for a ballot in all estate regeneration proposals, regardless of number of units, for phased regeneration schemes not yet completed and for schemes that have been awarded funding since the close of the consultation for the Good Practice Guide to Estate Regeneration.

We are concerned that otherwise we may see a larger number of proposed schemes of less than 150 homes, as a way of avoiding ballots, particular given the Mayor's focus on small sites in the draft London Plan, and notwithstanding para 3.5.

We believe that residents of phased schemes that have already been started, but have not been balloted, should also now be balloted. The argument in this case is strengthened where the original objectives of the scheme eg amount and kind of affordable have been changed or not delivered.

We also believe the ballot requirement should be extended to any schemes which have been granted funding since the close of the consultation for the Good Practice Guide to Estate Regeneration. This is only just, given the strong support for the ballot during that consultation. Allowing such schemes to proceed without a ballot will undermine the Mayor's laudable intentions.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

We agree with the proposal that the ballot should take place 'prior to the procurement of a development partner', but we have a concern (notwithstanding the requirements of paras 3.6, 3.7) that if the ballot takes place 'prior to precise specification of works' it may entail important information such as rents and service charges not being available; these are invariably the first questions asked when regeneration schemes and replacement housing are proposed.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

The 'future tenure mix' (para 3.5) must be precisely described, so that the amount of, for example, social rent, affordable rent, intermediate housing is clear; an 'affordable/market housing' percentage split would be inadequate.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

We broadly agree but suggest that it be made clearer that each adult member of the eligible households (para 3.17) will have a vote (para 3.18). 'Adult' should be anyone over the age of 16.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes. We can think of no reason why it should be otherwise, given the policy aims are for London.
We also agree that landlords should have no discretion on eligibility for ballots (para 3.24), for the same reason.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

We agree.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

No.

Generally speaking exemptions are unwelcome; they can be too readily mis-used to avoid ballots, rather as viability assessments are used to avoid building affordable housing, with a disastrous loss of social housing. The credibility of the estate regeneration guidance policy will also be undermined by exemptions.

Whatever the reason behind a demolition the impact of demolition on residents is the same, so it is not clear why those affected by demolitions 'required to deliver an infrastructure scheme', and with the same need to be rehoused, should be denied the ballot that others have. Indeed, a ballot requirement in such cases might have greater justification that when demolition is solely for estate regeneration.   Residents on 'no ballot' regenerations would also undoubtedly have less leverage than estate residents on 'balloted' regenerations, to ensure their proper rehousing.

We are unconvinced that a ballot requirement will undermine statutory provisions, as the Mayor suggests (para 3.29). We cannot see how ballots would 'undermine' compulsory purchase orders, unless it is that the Mayor believes they will be less easily obtained, after a ballot result rejecting demolition; we believe this would be an entirely legitimate outcome, since such a situation would only arise if the ballot result is ignored.

The phrase 'required to deliver an infrastructure scheme' is open to much too wide an interpretation. Many estate schemes are mixed use and entail what might be described as 'major infrastructure requirements' and thus claimed as exempt from a ballot. A situation where it is claimed that the funds realised by an estate regeneration are 'required to facilitate...major infrastructure improvements' is also easily imagined eg estates in the vicinity of the proposed Bakerloo line stations on the Old Kent Rd. We would object to this.

Question 11: Do you agree with the proposed exemption where the demolitions are required to address safety issues? Why/why not?

We agree that the Mayor and local authorities must respond immediately and effectively to concerns about the safety of estates. This does not mean that demolition will necessarily be the best solution. We are concerned that residents may be persuaded that a decant and demolition are necessary on the basis of the cost of remedying safety issues, where both the

costs and safety fears are debatable. In all instances full evidence should be provided. All options (including refurbishments) should be considered for remedying problems and residents should retain the right to be balloted.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

No.
Again, we have similar concerns to the exemption in the case of safety issues. All options around making alterations and refurbishing homes should be considered and residents should be able to make the decision about whether this is a better option than demolition.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No.

Question 14: Do you agree with the proposed transitional arrangements? Why/why not?

The requirement for a ballot, whether or not a scheme receives GLA funding, should be extended to regenerations that are not yet completed (see our response to Q1). Where there is only outline planning permission and no ballot has taken place, there is a ready opportunity for a ballot before the detailed, full application (or in the case of phased regenerations before the full application for the next phase).

END