

**THE LONDON BOROUGH OF SOUTHWARK
TOWN AND COUNTRY PLANNING ACT 1990
AND ACQUISITION OF LAND ACT 1981**

**Revised Inquiry into
THE LONDON BOROUGH OF SOUTHWARK
(AYLESBURY ESTATE SITES 1B-1C)**

**COMPULSORY PURCHASE ORDER 2014
PINS REFERENCE: NPCU/CPO/A5840/74092**

**Rebuttal statement of
Loretta Lees
For the Aylesbury Leaseholders Group**

5 January 2018

Rebuttal of Dr. Michael Leary-Owhin proof of evidence

In what follows I comment on specific sections of Mr Leary-Owhin's proof of evidence:

1.1 It would appear that Mr Leary-Owhin's proof of evidence is not based on any academic research undertaken on the Aylesbury Estate or the scheme in general.

1.2 I disagree with Mr Leary-Owhin's paragraph 3.2 of his evidence, in which he claims that *'there are strikingly few estate residents who are objecting to the FDS proposals'*. This is predicated on the assumption that leaseholders who have had to move off the estate were somehow satisfied with having to move, but as my evidence and interview material shows, this is not the case. Leaseholders did not want to move from their homes but the stress and fear of the CPO resulted in many caving in and accepting the low compensation offers. Mr Leary Owhin goes on to claim that the leaseholders objecting to the CPO want the current tenure mix on the Aylesbury to stay as it is. This is difficult to understand – in my opinion their main wish is not to be forced out of their homes on the estate with low compensation offers into properties elsewhere that or be disadvantaged by accepting a rehousing offer in the local area which is not based on the principle of equivalence. Mr Leary Owhin's further comment regarding the purchase of social rent properties exacerbating the social housing crisis is irrelevant given the right to buy has long been government policy. Indeed, many Aylesbury leaseholders have worked very hard, holding down 3 jobs to buy and pay off their right to buy flats (as Beverley Robinson's evidence attests to). Mr Leary Owhin then goes on to make assertions about the virtual social rent tenure (mixed communities policy is not simply about tenure it is also about income groups and the Aylesbury is already a very mixed community with different tenures but more importantly different income groups – the working poor, middle class public sector workers and many others).

1.3 In paragraph 3.4 of his proof, Mr Leary-Owhin claims that the leaseholders are taking a short term view but does not appear to have provided any evidence to support this assertion. In my opinion, leaseholders like Ms Robinson and Ms Kabuto have lived on the estate for many years and do not want to move precisely because they do have a long term interest in what happens to the estate.

1.4 In paragraph 4.1 Mr Leary-Owhin claims large amounts of data have been collected about the 'problems and the regeneration interventions' but fails to support this with evidence. On the contrary the Benchmarking report commissioned by NHHT and appended to my proof of evidence (LL4) shows that this is simply not so; the 'problems' are not evidenced in the findings (page 19):

- **Satisfied with local area as a place to live**
89.0% - response from Aylesbury
75.6% - response from "comparable area"
- **Plan to remain a resident for a number of years**
90.0% - response from Aylesbury
51.2% - response from "comparable area"
- **Belong to this neighbourhood**
89.1% - response from Aylesbury
60.8% - response from "comparable area"

1.5 Mr Leary Owhin's history of the Aylesbury in paragraph 5.1 of his proof fails in my opinion to fully reflect the history and context that can be found in 'The urban injustices of New Labour's 'new urban renewal': the case of the Aylesbury Estate in London, *Antipode*, 46:4:921-947, which presents a more detailed study and is submitted as evidence.

1.6 Mr Leary Owhin's discussion of Alice Coleman's work in paragraphs 5.8-5.10 of his proof, is in my opinion somewhat contradictory. Jacobs,J. and Lees,L. (2013) Defensible space on the move: revisiting the urban geography of Alice Coleman, *International Journal of Urban and Regional Research*, 37:5:1559-1583 provides a much more detailed perspective. This paper makes it clear that Coleman's research was vociferously rejected by academic professions including architecture, geography and criminology. Her environmental determinism (the design of modernist council tower blocks giving birth to crime and criminals) was seen as naïve. The last sentence of mr Leary Owhin's paragraph 5.9 appears to be contradictory, he doesn't appear to be subscribing to environmental determinism but nevertheless then goes on to agree with it.

1.7 In paragraph 5.10 of his evidence, residents are claimed to have an 'ambivalent relationship' with the estate but this does not appear to be supported by any evidence. Appendix 2 of his proof referred to appears to be press reports, not ethically reviewed, independent research.

1.8 In paragraph 5.14 of his evidence Mr Leary-Owhin implies that the regeneration is a resident-led scheme and praises the Creation Trust, which he describes as a 'resident led organisation'. I submit that Mr Leary Owhin has been misinformed and question whether he is aware that the Creation Trust's board of trustee's is Councillor Mark Williams, the Acquiring Authority's Cabinet member for Regeneration. In any event, as outlined in Mr Turner's proof of evidence (para 27), neither the Creation Trust nor any other residents' group sits on the regeneration steering group. Therefore any claims to a resident-led regeneration are seriously compromised.

1.9 In my opinion, Mr Leary-Owhin's reference in paragraphs 6.1-6.7 to Indices of Multiple Deprivation is potentially misleading, as it is not set within comparison to figures from other London boroughs and areas, as would be the norm in social science. In fact the council has not (as part of its justification for demolishing the estate) used the Indices of Multiple Deprivation, based on the census "super output areas" – probably because they show that compared with most of the surrounding area the Estate, on most of the criteria ("domains") fares better. See below extract from p 17 of "Living on the Aylesbury Estate" 2014 study by Social Life, commissioned by NHHT and issued Nov 2017, for future benchmarking of the regeneration programme:

http://www.aylesburynow.london/web/uploads/files/content_54_1.pdf

2 The Index of Multiple Deprivation (IMD) 2010, constructed by ONS, shows that the geographical footprint of the Aylesbury Estate falls within the second and third most deprived deciles of all UK areas – this means that it is not in the worst 10 per cent of local areas but sits just above this in relative rankings. Parts of the Aylesbury Estate are less deprived overall than areas to the east and north. Although census under-enumeration will have affected this, and some poverty and deprivation will therefore be under counted, there is no reason to believe that this will be higher on the Aylesbury

Estate than in the surrounding areas.

- 2.1 The IMD is broken down into different topics. The Aylesbury scores poorly on the “living environment” (lowest ranking: 1631/highest 7590) and “barriers to housing and services” (lowest ranking: 1808/highest 3815) measurements. In some IMD domains, such as “health and disability” and “education, skills and training” the estate fares better, scoring around the national average.
- 2.2 The crime map actually shows crime incidence to be lower than in all the surrounding areas. And for many of the other domains the Aylesbury also fares better than the surrounding areas.
- 2.3 Mr Leary-Owhin’s paragraph 7.1-7.2 claims that central government not steering local authorities as to what urban regeneration does, should or could mean, is in my opinion incorrect. The government has issued recent guidance in the form of the ‘Estate Regeneration National Strategy’ (October 2016) which is also relied upon in Mr Platt’s evidence (para 10.2). However, as pointed out in Ms Kabuto’s and Ms Robinson’s rebuttal evidence, the Acquiring Authority is failing to comply with the guidance on leaseholder rehousing set out in the strategy (Home swap option).
- 2.4 In paragraph 7.9 of his evidence Mr Leary-Owhin claims that Notting Hill Trust is a not-for-profit organisation and that all the profits will be ploughed back into the regeneration. I submit that Mr Leary Ohwin has been misinformed. The viability assessment summary in **(JF56)** shows that NHHT will make a guaranteed 21% profit margin from the redevelopment amounting to an estimated £26.8m for the FDS. There is no guarantee – legal or otherwise – that this profit will be reinvested in the Aylesbury estate.
- 2.5 He goes on in the same paragraph to claim that there are “*four safeguards, legal and/or statutory mechanisms, that will ensure the regeneration benefits are secured.*” I submit that these same safeguards were in place at Notting Hill’s Bermondsey Spa regeneration and they failed to secure the provision of social rented housing which was substituted

instead for 'affordable rents' of 62% market rent. Mr Novakovic's proof of evidence provides further details of this.

- 2.6 In any event, the viability assessment summary shows that while NHHT is estimated to make a £26.8m profit on the FDS scheme, Southwark is barely likely to break even on its sale of the land (£17m land receipt set off by £16.8m demolition costs – see **GT6**; para 12).
- 2.7 Mr Leary-Owhin's discussion of gentrification in paragraph 8 appears not made the distinction between urban regeneration (which can be a positive thing) and gentrification (which only has negative impacts) clear. I submit that there is no such thing as type 1 and type 2 gentrification – there have been gentrification waves over time and the process has mutated over time, which he does not discuss (Lees,L., Slater,T. and Wyly,E. (2008) *Gentrification*, Routledge: New York).
- 2.8 In paragraph 8.10 of his proof Mr Leary-Owhin cites a gentrification balance sheet, appendix 5, but he does not situate this in the wider gentrification literature. Again it is noticeable that Mr Leary-Owhin has failed to support his assertion with references.
- 2.9 The good practice case studies referred to in paragraph 10 of Mr Leary-Owhin's proof and presented (some in appendix 7) ignore important facts like – only those who got to move back to the footprint of these regenerated estates were surveyed (those directly or indirectly displaced may well think differently); the evaluations are not longitudinal – 5-10 years from now a different picture might emerge.
- 3 In paragraph 10.9 of his proof Mr Leary-Owhin says that Rayners Lane regeneration kept most of residents in place. My proof of evidence shows that the Aylesbury regeneration is failing in this regard – less than 10% of residents decanted are being rehoused in new homes on the redeveloped estate. This falls well short of the AAAP requirement of 50% of tenants rehoused on the footprint. I question whether Mr Leary-Owhin is aware either of the AAAP requirement or the Acquiring Authority's failure in this regard.

- 3.1 In response to Mr Leary-Owhin's paragraphs 11.-12, the objectors *are* persuaded by arguments about the value of social mixing, but the issue is where mixed communities policy enacts gentrification by stealth, as many programmes have done – see Bridge,G., Butler,T., and Lees,L. (eds) (2011) *Mixed Communities: gentrification by stealth?*, Policy Press: Bristol. (Republished 2012 by University of Chicago Press). In my opinion, Mr Leary-Owhin's evidence potentially misrepresents the literature on mixed communities policy. He is incorrect in saying that the research in my 2014 Aylesbury paper predates the FDS proposals.
- 3.2 In response to Mr Leary-Owhin's paragraph 13, my point is that the Aylesbury Estate is already a mixed community (it is socially, ethnically and even tenurially diverse – it holds the working poor, the unemployed, *and* middle class people); home owners and council tenants live next door to each other in a truly mixed pepperpotted tenure distribution. The redevelopment plans propose to segregate different tenures by block (see section 4 of my proof). A mixed community is therefore being destroyed to make way for a less mixed community.
- 3.3 I question whether Mr Leary-Owhin has been informed of the proposals to segregate tenures by block.
- 3.4 In response to Mr Leary-Owhin's paragraph 14.5-`4.6, I submit that the right to return should not be read as the right to return somewhere nearby (eg within SE17 a postcode spanning 1.5 miles) or within the borough, but rather to the footprint of the original estate. Mr Leary-Owhin's characterization of the Aylesbury as 'isolated' and 'troubled' is not one recognised by residents themselves but rather the result of stigmatisation (see rebuttal statements appendix 9 and Mr Campkin's evidence). The 2014 Antipode paper submitted as evidence also shows how the Aylesbury began to be stigmatized, especially through the media (this was a representation not necessarily a reality).
- 3.5 In response to Mr Leary-Owhin's paragraph 14.7, my displacement data referred to here was from Notting Hill Trust and can hardly be described as 'anecdotal'. The new displacement data supplied in my proof of evidence for this inquiry is based on FOI

requests to Southwark Council.

- 3.6 Mr Leary Owhin refers in paragraph 14.9 of his proof to Aylesbury residents describing a lack of community. Again this assertion does not appear to be supported by any evidence.
- 3.7 In paragraph 15 of his proof Mr Leary-Owhin lists the benefit of new open space, play facilities etc. I question whether Mr Leary-Owhin is aware that the proposals for the order land fail to comply with the development plan's minimum requirements for play space, open space etc (see Mr Lee's evidence).
- 3.8 In paragraph 15.18 of his proof Mr Leary-Owhin highlights the 'economic benefits' of the scheme which appear to be based mainly on the claim that new residents will have more to spend than existing ones (£7.4m annually). What Mr Leary-Owhin fails to address in this section is the economic benefits to Southwark Council. As the local authority it is reasonable to expect that the economic benefit to the Council of the scheme should be taken into account of any economic benefit appraisal but as outlined in my paragraph xx above, the Council is unlikely to break even on the scheme and will lose the income from circa 500 council homes and ownership of a large plot (4.4 hectares) of prime central London land.

Signed

Loretta Lees