

Report: collective feedback from round table discussion of the GLA's recent draft good practice guide to estate regeneration

<https://www.london.gov.uk/what-we-do/housing-and-land/improving-quality/good-practice-guide-estate-regeneration>

This *collective response* is from a cross section of academics, policy-makers, regeneration specialists, housing activists, community groups, council tenants and leaseholders, social housing providers, and other organizations who have researched and/or worked with council tenants/leaseholders, social/affordable housing, across London, or have experienced first-hand the effects of 'estate regeneration'.

The response was gathered at the 17th Feb 2017 LAUNCH OF AN ESRC PROJECT IN WHICH THE GLA IS A STAKEHOLDER (*Gentrification, Displacement, and the Impacts of Council Estate Renewal in C21st London*) which was followed by a discussion of the London Mayor's Good practice guide to estate regeneration. This meeting was held at Cambridge House in London.

While the group welcomes the publication of draft guidance on estate regeneration, and the GLA's recognition of the potentially disruptive effects of estate regeneration, we wish to make a number of observations on the shortcomings of the guidance:

- 1. DEFINITIONS:** There is no legal or other definition of an 'estate' offered. What might that be? Is the threshold for inclusion 50, 100 or 200 households/properties, for example? It is also not clear what kinds of estates we are talking about here – council estates are fundamentally different to other social housing estates or those of mixed tenure. The guide should cover all estates that provide affordable housing of any kind, notwithstanding the definition of affordable housing has changed over time.
- 2. REDEVELOPMENT, RENEWAL OR REFURBISHMENT?** The guidance does not help clarify the circumstances in which the regeneration of estates in London should be advocated. Residents need a clear set of principles that set out the precise circumstances or conditions in which an estate ought to be torn down and redeveloped, refurbished or left alone. The default position should be that demolition is always the last resort. It should not be the landlord who has the ultimate power to make that decision: it should be the residents themselves who have the final word. It needs to be resident-led and GLA enforced.
- 3. GUIDANCE OR LEGAL FRAMEWORK?** It is not clear in the draft what is a condition for funding and what is merely guidance to be shared as best practice (or taken as a material consideration when planning decisions are being made by the Mayor, who is more legally restricted until there's a new London Plan). Notably, it is not spelt out how the GLA will ensure that regeneration projects will conform to these principles of best practice from start to finish. The key decision points at which the GLA might intervene are not detailed (see Sian Berry's flow chart in her own submitted response which shows the various points of decision making and how conditions could be set out for councils when selecting a favoured option).
- 4. MONITORING & OVERSIGHT:** The guidance suggests that there will be monitoring, but this cannot stop when initial decisions and funding are approved – there must be longitudinal follow-up and sanctions for breaching the

guidance/agreements. Such monitoring also needs to be mindful of Equalities Impact. The guidance is not strong enough here: landlords need to be made to do this otherwise they will not. It is not in their interests to evidence the negative impacts of their schemes. Monitoring also needs to lead to enforcement. Residents do not have the capacity to monitor, the GLA needs to set up and resource an independent body to monitor regeneration. An *Estate Regeneration Board* could be set up, made up of independent experts, eg. academics and/or other civic groups who could oversee the longitudinal monitoring and consultation process. This would only be properly 'independent' if the GLA set aside a fund to pay for it. Funding could come directly from the GLA from top slicing or the Mayor could take a % £ contribution from all landlords seeking to undertake estate regeneration.

5. **CONSULTATION & ENGAGEMENT:** The guidance is overwhelmingly written for landlords. Why is it not also written for residents – a good practice guide for how residents can be empowered in the process of improving their estate? Ideally, there should be separate guidance in the document for both landlords and residents. Throughout the document, there is reference to consultation and engagement, with 'boroughs and landlords' working together to make sure residents are aware of potential outcomes. We suggest a more thoroughgoing recognition of the rights of residents, and suggest that in all cases a third party needs to be appointed by the GLA to avoid the CONsultations that have been seen on many estates (see <https://justspace.org.uk/2014/06/19/staying-put-an-anti-gentrification-handbook-for-council-estates-in-london/>). Consultation needs to be continuous throughout the life of a project. Noting the range of consultation techniques in the document, all agreed that a ballot (the statutory obligation to hold a ballot of secure tenants before transfer of their dwellings to a non-council landlord is a principle that should be replicated for demolition proposals) was pivotal and that residents need to be able to vote on a range of proposals including ones **they** have been involved in drawing-up. At the different stages in the process the following should be published: an Engagement Plan, a Cost Benefit Analysis, Social and Environmental Impact Assessments. An *Estate Regeneration Board* could also include an advisor on the option appraisal process, and a team of architects, engineers, and quantity surveyors to offer independent advice and support to residents. There should also be full transparency during the consultation and ballot of all the implications of new infrastructure/provision of services on the new estate.
6. **TENURE & SECURITY:** The guidance needs to say more about security of tenure – council tenants can lose their secure tenancies through being forced to move into new homes that are no longer classified as 'council' homes. Council estate residents facing displacement need more than 'high priority' in local allocations policy. Guarantees over moving to the same or similar rent levels need to be much clearer in this respect. Many residents on regenerated estates end up paying much higher rents, service charges and council tax despite pre-regeneration promises that rents would not go up. As the evidence presented at the Aylesbury CPO public inquiry showed (<http://35percent.org/2016-09-18-aylesbury-compulsory-purchase-order-rejected/>) leaseholders are also badly affected by estate regeneration, they need a 'London market value promise' which means that they are given enough money (with no increase in mortgage or new service charges) to be able to afford to buy the same kind of property in the same borough or on the regenerated estate. The guidance needs to be clearer about leaseholder rights.

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7. **THE RIGHT TO STAY PUT:** There is much emphasis on the ‘right to return’, not the right to stay put – to be able to remain in the same community, to be able to return to the (redlined) footprint of the original estate. This needs to be central to the guidance, to avoid the wholesale destruction of socially and ethnically mixed urban communities in London. Equally, if residents are given the right to return to a suitable home, who ultimately determines what a suitable home might be, and that the offer to residents is ‘reasonable’?
8. **AFFORDABLE HOUSING:** There are many get-out caveats in the guidance: for it to carry more weight these need to be removed. For example, it is implied that the loss of affordable homes could be justified if it allows the construction of ‘better quality homes at existing or higher densities with at least the equivalent amount of floorspace’, taking into account ‘community benefits’ and the amount of affordable housing elsewhere in the borough (mirroring London Plan policy 3.4). This provides existing social housing residents little reassurance as there is no definition of what a better home might be, or what community benefits follow from the provision of better housing. The baseline principle – that there should be no net loss of affordable housing is also flawed, as most ‘affordable housing’ is simply not affordable for the majority of London’s council estate residents. We argue that the guidance should ensure that estate redevelopment ensures a net *increase* in council housing (the only truly affordable housing for low income Londoners) given London’s housing crisis.
9. **USE OF EVIDENCE:** Make use of the GLA’s own ‘Knock it down or do it up?’ (<https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/knock-it-down-or-do-it>), consensus is that this is a better document with a better evidence base as it is a cross party report collated by the London Assembly. Also use the DCLG’s Estate Regeneration National Strategy (<https://www.gov.uk/guidance/estate-regeneration-national-strategy>) and Estate Regeneration: good practice guide (<https://www.gov.uk/government/publications/estate-regeneration-good-practice-guide>) which are much better on, for example, ‘Resident Engagement and Protection’.

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