



Objection to the Draft London Plan: consultation response

4 Estates Forum: summary of objection

The 4 Estates Forum is made up of elected representatives of residents from One Housing Group's (OHG) 2,027 homes on four estates on the Isle of Dogs, (Barkantine, Kingsbridge, Samuda, and St Johns).

We object to the London Plan and request to attend the Examination in Public. Our objection is on the grounds that the Plan's housing target for the Isle of Dogs and South Poplar Opportunity Area (OA) is partly based on assumptions for net additional units which could only be built after the demolition of many of our homes.

We believe that the draft London Plan as it stands contravenes planning guidance and principles in two main ways:

- a) *The GLA's Strategic Land Availability Assessment (SHLAA)*: the principle that the element of a GLA housing target for an area that is assumed to come from estate 'redevelopments' should not influence future planning decisions in individual cases.
- b) *The Mayor of London's draft Best Practice Guide to Estate Regeneration*: the guidance that estates should only be redeveloped with residents' support. Proposals, which may include the redevelopment our estates, are at an early stage. Results of a stock condition survey won't be published until February 2018. The next stage will be option appraisal, which will take several months, only then could resident support be assessed. These housing targets are premature.
- c) Any planning housing target that assumes net additional units based on the demolition of homes before resident consultation has even started risks unduly influencing the future planning decision, and undermining residents' confidence that a consultation process is genuinely open to options that don't demolish their homes. That isn't in anyone's interests: residents', OHG's, or the GLA's.

We would like to attend the Examination in Public because we need answers to several questions concerning how the OA housing target has been arrived at. Specifically the GLA needs to demonstrate how London Plan housing targets for the Isle of Dogs and South Poplar Opportunity Area can be delivered without demolishing any homes on our estates.

The OA's housing target (of 29,000 net additional units) in the draft London Plan, (which we assume is based on the still unpublished OAPF), has a much higher target for new housing from our area than the Tower Hamlets Local Plan. We are concerned that a significant portion of the London Plan's 'extra' units are predicated on the demolition and 'redevelopment' of our estates and we strongly object to this.

Candida Ronald
Chair

On behalf of the 4 Estates Forum, 1 March 2018

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4 Estates Forum: summary of objection and request for the Examination in Public

The 4 Estates Forum (4EF) is made up of elected representatives of residents of One Housing Group's (OHG) 2,027 homes on 4 estates on the Isle of Dogs (St Johns; Barkantine; Samuda; and Kingsbridge). We have been active since 2016 act as an umbrella group for all residents (whether tenants, leaseholders or freeholders) on our estates.

The Forum promotes discussions, debates and negotiations with any, and all, public sector, voluntary sector or private sector entities which are already playing a part (or could, or would wish to, play a part) in the future of the Barkantine, Kingsbridge, St Johns and Samuda Estates.

The 4EF has been actively monitoring the housing targets set by Tower Hamlets and those set by GLA, based on the SHLAA work, in their London Plan and IoD&SP Opportunity Area.

In this letter the 4EF are objecting to the London Plan and request to attend the Examination in Public on following grounds:

- The London Plan's housing target for the Isle of Dogs and South Poplar Opportunity Area (OA) assumes net additional units;
- It appears a significant number of those additional units could only be built after the demolition of existing housing estates – including some of our homes.

We therefore believe that the draft London Plan as it stands contravenes planning guidance and principles in two main ways:

- d) *The GLA's Strategic Land Availability Assessment (SHLAA)*: the principle that the element of a GLA housing target for an area that is assumed to come from estate 'redevelopments' should **not influence future planning decisions in individual cases**.
- e) *The Mayor of London's draft Best Practice Guide to Estate Regeneration*: the guidance that **estates should only be redeveloped with residents' support**.
 - As at Feb 2018 no consultation has begun regarding any proposals for the four Island Estates. Any proposals, which may include the redevelopment of our estates, are at an early stage. Results of a stock condition survey won't be published until end of February 2018. The next stage - option appraisal - will take several months, only then could consultation begin, and residents' support be assessed.
 - Any London Plan's housing target that assumes net additional units based on the demolition of homes before resident consultation has even started risks unduly influencing future planning decision.
 - Any London Plan's housing target that specifies additional housing on currently resident occupied land where no consultation has begun is undermining residents' confidence that a consultation process is genuinely open to options other than estate demolition. **Those London Plan's targets are therefore unreliable and do not support interests of any stakeholder: residents', OHG's, or the GLA's.**

4EF representatives would like to attend the Examination in Public to obtain specific answers to several questions concerning how the OA housing target has been arrived at.

Specifically, the GLA need to demonstrate how London Plan housing targets for the Isle of Dogs and South Poplar Opportunity Area can be delivered without demolishing any homes on our estates.

The draft London Plan's OA housing target of 29,000 net additional units is much higher than Tower Hamlets' Local Plan for new housing in this area – by some 8,000 to 20,000 units. We have reasonable concerns that the London Plan's 'extra' units target pre-empt demolition and redevelopment of our estates. We are also concerned the still unpublished OAPF includes unfounded and pre-emptive London Plan's targets.

Knowing the local planning approval process is based on local targets, but the decision can be overturned by Mayor of London based on GLA targets, we are concerned the new unit numbers are significantly misaligned between the London and TH Local Plan.

The significance of the difference between London and Local Plans is exacerbated by the ongoing delay in publication of the OAPF. The postponement of the publication of the OAPF seems to indicate the target numbers between the two plans might be viewed as contentious.

The Mayor of London's role

Any future redevelopment proposals are likely to be for more than 150 units, so would be referable to the Mayor of London for comment. If the Mayor of London supports any application in principle pre-planning, this could put undue pressure on planners and councillors in Tower Hamlets in determining any future planning application, regardless of the quality of any resident consultation. If a scheme does come forward that delivers net additional units, it is not unreasonable to believe that the Mayor of London would be minded to approve it on the grounds that the London Plan housing targets for the area already assume new units from the redevelopment of our estates.

The Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF)

The draft London Plan was published on November 29th, 2017. Its 29,000-unit housing target for the Isle of Dogs and South Poplar (IOD&SP) Opportunity Area must be informed by the IOD&SP Opportunity Area Planning Framework (OAPF), which will include a housing target for the area.

Opportunity Areas are designated by the GLA as priority areas to deliver new housing. Their Planning Frameworks are GLA-led, 'in consultation' with local councils. The GLA decides the contents of OAPFs, rather than local councils.

The final version of a draft OAPF was due to be published in spring or summer 2017, long before the Draft London Plan, following a local consultation, but has been delayed by several months.

The GLA OAPF team consulted the 4 Estates Forum and others, most recently in early 2017. An early draft of the OAPF effectively assumed that an unspecified but significant number of additional housing units would come from the 'regeneration' of our estates. This would likely involve the demolition of at least some of our homes.

A revised housing target appeared to assume a much more modest number of new homes from 'estate regenerations' across the whole area. These numbers could conceivably be based on possible in-fill schemes coming forward during the plan period. However, it remains unclear how OAPF numbers are flowing to the Draft London Plan, and if the "revised" housing targets will be kept in the London Plan.

Mayor of Tower Hamlets objection to OAPF

Following the GLA consultation, John Biggs, the Mayor of Tower Hamlets, publicly stated that he was intending to object to the revised draft OAPF, on the grounds that its housing target might be thought to include many new units coming from the redevelopment of our estates. We believe that this disagreement still remains as the OAPF still hasn't been published, and as far as we know, Tower Hamlets council is disinclined to support it.

Housing target methodology: Strategic Housing Land Availability Assessment (SHLAA)

SHLAA fixed net addition % targets

The SHLAA 2017 estimates the capacity of land in an area to deliver new housing units based on several assumptions including available 'allocated' sites and density guidelines. Part of the target number is made up from assumed 'net additional' units from the category 'estate regenerations.' SHLAA provides high level average growth estimates suitable for large areas under consideration

The London Plan sets targets based on the SHLAA – for boroughs and OAs alike, for period 2019-2029.

For the purpose of generation of SHLAA based London Plan figures, GLA, in consultation with Local Authorities, puts social housing estates in two main categories.

1. 'Low probability': estates with no planned intensification programme up to 2041. Estates are only assumed to deliver net additional units based on an 8% increase in the existing number of homes. For many this could be achieved through infill schemes without any demolitions.
2. 'Potential:' where social landlords are likely to have proposals to redevelop estates by 2041. This category doesn't seem to have a set % increase in units, and the criteria used by officers in estimates are not specified. It seems obvious the assumed increase in new homes must be more than 8% 'low probability' target.

'Low probability' schemes are assumed to be likely to take a long time to come forward, so for the purposes of setting housing targets for boroughs, only 33% to 20% of the net additional units are assumed to be completed in later phases of the London Plan period 2019-29. (See SHLAA 2017 pages 53 and 80 onwards).

Therefore, it is 4EF concern that the majority of net additional units estimated in the London Plan will have to come from 'Potential' estate regeneration schemes. It is further of concern that the required % of new homes to existing home in Opportunity Areas will pre-empt the decision of their demolition, as in-fills would be either impossible or generate less than 8% of required net additions

Concerns with applying SHLAA targets to small OA – undue influence over planning process

The SHLAA's methodology of estimating net additional units from estate regeneration at a borough-wide level, with an 8% default densification target, would usually uphold the planning principal of not unduly risking pre-judging future planning applications:

- If all social housing estates in a borough will on average deliver an 8% (or more) increase in units, there is no indication any particular estate will deliver most of those units. The options to deliver the units on existing estates can be objectively assessed by developers and include schemes from in-fills to demolitions, subject to residents' approval and consultation. No social landlord could argue - to planning officers or a planning committee - that they should approve a particular scheme, because if they don't they will fail to meet their overall housing target.

This principal – of not unduly influencing individual planning decisions in future – is harder to uphold when housing targets from estate regenerations are set for a smaller geographical areas like an Opportunity Area. Especially when: the targets are higher than a Local Plan and based on undisclosed assumptions. Specifically, in the case of the Isle of Dogs and South Poplar OA, there are a limited number of social housing estates – 4EF represents four of them. Most estates on IoD&SP have either already been 'infilled' (e.g., East End Homes estates around Island Gardens) or have little or no capacity for in-fill (e.g., the Westferry Estate; Masthouse Terrace). Thus, high targets from GLA's London Plan for OA or OAPF, could provide a basis for undue influence

and pressure over councillors' decision in the planning application process, and give developers a ready argument in putting pressure on the decision makers in the application approval process.

Concerns on transparency of the London Plan site allocation and its undue influence on planning process.

Section 2 on methodology points out that SHLAA capacity estimates are not published for most sites, unless they've already been given site allocations in Local Plans. This is because releasing the assumptions about expected new housing units could 'pre-empt' the statutory planning process, by informing land owners and planning officers and councillors of how many homes the GLA expects to be built where.

The housing target in the draft London Plan for IoD&SP Opportunity Area is much higher than the housing target for the same area in the already published Tower Hamlets' Local Plan. Therefore, the 4EF is worried that despite, the lack of site allocations, the GLA has already decided on, but fail to disclose the sites where the additional net housing should be delivered. We suspect that our estates have been designated as 'potential redevelopment' sites and given a capacity of a lot more than 8% net additional units.

Concerns over London Plan taking precedent over Local Plans

London Plan policies, (including housing targets), take precedence over Local Plans and other matters. Draft London Plan housing targets are seen as a requirement for councils to meet in delivery of new units. In the past the perceived failure to meet targets was often used by Boris Johnson as a reason to take planning decisions away from local authorities, including two on the Isle of Dogs, against the will of the council.

The 4EF is concerned the draft London Plan or the unpublished OAPF breach planning principles by effectively setting Tower Hamlets a housing target for the Isle of Dogs and South Poplar, that isn't deliverable without demolitions of estates or parts of estates.

The 4EF suggests the principal should be maintained that any estimation of new housing units should be reasonably made and delivered in consultation with local boroughs.

The 4EF is very concerned about the significant difference in housing targets set out in the draft London Plan and TH's Local plan for IoD&SP Opportunity Area.

Housing targets in the draft London Plan vs Tower Hamlets Local Plan

The draft London Plan specifies a housing target for net additional units for all Opportunity Areas (OA), including the Isle of Dogs and South Poplar (IOD&SP).

Although the Opportunity Area Planning Framework (OAPF) has not been published, we must assume that the draft London Plan incorporates a housing target for the IOD&SP based on the OAPF's target.

- The Draft London Plan's housing target for our OA is 29,000 from 2019-2029, averaging 2,900 per year
- Tower Hamlets Draft Local Plan housing target for the same Opportunity Area – is 30,601 but this is over 15 years, from 2016-2031, an average of 2,040/year.

The 4EF concern is that the GLA's draft London Plan assumes a much higher rate of growth than TH Local Plan, that this growth is assumed by GLA to be delivered over the small IoD&SPOA, drastically changing the new unit capacity of the designated sites over what was estimated in TH Local Plan. The alternative would be that the GLA is assuming new sites, yet undisclosed and not thus far designated in TH Local Plan¹. The 4EF is concerned

¹ Local Plan page 233 records the target for the area, followed by 13 large site allocations. Appendix 7 reports the Housing Trajectory against target numbers. Plan page 236 details the sources where the expected number

that GLA's London Plan, if approved, may put undue pressure on decision makers in the planning application approval process in the IoD&SPOA for delivery of and the much-inflated housing targets, which can only be achieved via new-build, potentially on existing estate sites.

The 4EF requires the GLA to provide the rationale for their targets, especially for the difference with TH Local Plan targets, to mitigate the risk of pre-empting the planning permission process and development site designation process. As GLA officers are aware, there are very few estates in IoD&SP Opportunity Area which have the capacity for large numbers of new units from in-fill.

Change in TH Local Plan aren't reflected in the GLA draft London Plan

In the Tower Hamlets Draft Local Plan (late 2016) three of our four estates were highlighted as (unexplained) 'Regeneration Areas'. Residents thought this risked pre-judging any future planning application, because OHG could imply or explicitly argue to a planning committee that redevelopment would be implementing Local Plan policy, making it difficult for councillors to refuse permission, regardless of the quality of consultation, for fear of losing or funding any appeal.

Following protests, in the final Local Plan our estates are no longer highlighted as 'Regeneration Areas.'

Unfortunately, the draft London Plan is giving us déjà vu – see Draft London Plan: Strategic Areas for Regeneration (based on 20 per cent most deprived lower super output areas in England) Figure 2.19 (PDF page 113, and Plan page 95)

This map seems to designate the Barkantine Estate and Samuda Estate as, 'Strategic Areas for Regeneration' based on multiple deprivation. As no explanations are given, the questions residents need answers to are:

- Why are these estates earmarked for 'regeneration' when other estates with similar 'deprivation' levels are not?
- Are they more deprived than other estates? If so, in what ways? Or is it just because they're big enough to register in a 'super-output area'?
- What does, 'Strategic Area for Regeneration' mean in terms of the policy 'solutions' the GLA expects to 'strategically' deliver? 'Regeneration' is an abused word because it has several possible meanings. Logical policy responses to 'deprivation' could be to improve training and employment opportunities, or local services, but in recent years the approach to improving living conditions in 'deprived areas' has been to demolish peoples' homes and price some out of their communities, using the spurious justification that deprivation is caused by housing conditions. This is largely untrue even where housing

of units will be built. Most have either already been completed (1,625 in 2016/17); are under-development (12,846); or have planning permission (4,831); This makes 14'471 units already delivered / in progress which wouldn't be counted toward 2019-2029 London Plan.

Thus, the difference between GLA's London Plan of 29'000 units in 2019-2029 and TH Local Plan still to be built on 13 large brownfield allocated sites (9,561) mostly before 2029 seems to be 20'000 units.

Another way of looking at GLA and TH target difference would be

- Draft London Plan (2019-2029): 29,000, an average of 2,900/year
- LBTH Local Plan: 30,601 (2016-2031): an average of 2,040/year, some of the development is already in progress, and will have already been built before the London Plan takes effect in 2019. Some are expected to be delivered in 2029-31, after the London Plan period.
- Annual difference: the London Plan expects 840 units more units per year; 8,400 over 10 years from 2019-2029.

conditions are poor. Our estates are not 'sink estates.' In general, they are in a relatively good state of repair.

Planning Principles and National Policy Guidance

All guidance and planning policies agree that estate 'regeneration' proposals should be subject to 'meaningful consultations,' prior to any planning application, although the term 'meaningful' is not defined (see e.g. LBTH statement of Community Involvement).

There is also a planning guidance requirement that resident support should be demonstrated (see Mayor of London's Draft Guidance to Estate Regenerations; National Guidance).

Therefore, it should follow that Local Development Plans – both Council Local Plans and the London Plan - must not set targets for new housing units predicated on estate demolitions and redevelopments until any proposal has been through a meaningful consultation process and demonstrated resident support.

The 4EF is concerned that GLA target, as demonstrated in the above paragraphs, is unreasonable when confronted with designated sites of TH Local Plan. The 4EF argues that GLA London Plan target for IoD&SP is pre-empting estate demolition, to deliver up to extra 8,000 to 20,000 units.

The 4EF argues that GLA in its London Plan and OAPF should only set a target for net additional units from estate redevelopments involving demolitions if a proposal has met the following criteria:

- a) Planning permission has been granted, following a 'meaningful' consultation
- b) A social landlord has demonstrated resident support, (through a ballot of all residents as the most credible method), for a particular proposal which has at least started a formal Pre-Application process with the Local Planning Authority.

We are concerned GLA targets in IoD&SP OA pre-empt any resident consultation outcome. Further we argue GLA inflated targets in estate areas put undue pressure on decisionmakers to disregard requirement for "meaningful" consultation, and allow for any engagement to be classified as consultation.

Evidence of failure to consult or obtain resident approval and potential undue influence over the planning process

Despite the fact that no meaningful consultation process has started on our estates, the evidence suggests that GLA planners already support in principle the demolition and redevelopment of our homes.

- In 2015, under the previous Mayor of London, OHG lobbied to obtain provisional support for Project Stone, a plan to completely demolish all four estates, by way of consulting planning officers at the GLA and Tower Hamlets

Recently OHG's new chief executive said this proposal is "now dead" and OHG are open to exploring all options, a change residents have welcomed. But we also note that demolitions have not been ruled out, and OHG have not committed to hold a resident ballot.

- In March 2017, OHG bid for £6m from the GLA's Affordable Housing Programme without telling Tower Hamlets Council, residents, or Argent, their development partner. The bid assumed total demolition of the Kingsbridge Estate. Its status was an 'indicative' or 'provisional' bid for funding, that apparently would not 'prejudge' any future planning application.

Residents were sceptical, on the grounds that GLA officers would be likely to support any future planning application, as important for delivering their programme through funding already earmarked, regardless of whether its formal status was only 'indicative' or not. OHG withdrew the bid and apologised for not consulting

residents. They stated that they only included the Kingsbridge Estate in their overall funding bid because GLA officers asked them to. Irrespective of who initiated this bid, the residents have legitimate cause for seeing it as lobbying for GLA support in planning terms, as well as for funding, albeit provisionally, and subject to future consultations.

Meaningful consultation – risk for pre-empting consultation results – e.g. Heygate

GLA planners will make the valid point that any future estate redevelopment proposals will be judged on several ‘material considerations’, including the requirement for ‘meaningful’ resident consultation. Although we accept this, we also point out that ‘meaningful’ is undefined, and under current guidance social landlords have gained planning permission against residents’ will, for example at the Heygate estate in Southwark, which nobody can cite as a good practice example of achieving a sustainable community or protecting existing residents.

Changes to development plan after planning approval – e.g. Indescon Court

The 4EF is concerned that the high GLA housing targets exacerbate the known issue of developers changing their development plan after the planning application is granted.

London Plan policies, (including housing targets), takes precedence over Local Plans and other matters. Isle of Dogs residents know this from experience, because it has been demonstrated in several cases locally, including Indescon Court, where, according to Tower Hamlets council, One Housing Group and/or their development partner contravened the ‘spirit’ of a Section 106 agreement by delivering ‘affordable’ rent homes instead of social rent.

This was a complicated case with several elements, but in the end ‘affordable’ rents were allowed because the original S106 was not sufficiently clear in defining sub-market rents, despite the fact that ‘affordable’ rent didn’t exist in 2008 when the original S106 was signed by the developer. The relevant point is that Tower Hamlets officers approved the conversion, with conditions, in a difficult situation. In theory, several ‘material considerations’ were relevant to this application, but in the end one prevailed over all the others - the councils’ understandable imperative to meet their London Plan housing target by delivering new units.

In that context, we hope a planning inspector can understand that our concerns are legitimate ones that can’t be dismissed. They are also underlined by two other relevant examples of (draft) planning policies that have given residents cause for concern, at a local level, and London-wide, through the designation of (some) of our estates a ‘regeneration’ areas, as already mentioned.

Conclusion and questions for a Planning Inspector

At an Examination in Public the 4EF would ask GLA planners to explain the rationale behind designating these estates as ‘Strategic Areas for Regeneration,’ and where and how the London Plan’s housing target for net additional units can be delivered without demolishing any of our homes or other estates.

We would also ask a planning inspector to express a view on GLA/planning policy more generally by answering the following questions.

1. Should the London Plan or Opportunity Area Planning Frameworks be able to set housing targets that effectively assume the demolition and redevelopment of some people’s homes on particular estates before a consultation process has completed, or schemes have started a formal pre-application process? Should there be additional guidelines that prevent this, such as a maximum percentage density increase for estates categorised as ‘potential,’ or an overriding principle that any GLA or borough targets should not effectively expect new units to be delivered on particular estates?

2. Is the GLA’s SHLAA method for estimating the capacity for net additional units from estate ‘redevelopments’ valid for areas as small as Opportunity Areas or Housing Zones, (because they have relatively few estates that could deliver the targets in practice), or boroughs where only a very limited number of estates have the capacity

or proposals to increase densities to deliver targets? The Isle of Dogs and South Poplar OA should be seen as a test case on this point, because to date Opportunity Areas have largely been brownfield sites with few existing residents whose lives could be radically affected by the demolition of their homes, and because London may see the creation of more such OAs in future.

3. Should social landlords be able to consult GLA officers in a 'pre-pre-planning application' process about one scheme only – total demolition and redevelopment – before consulting residents? Isn't that the definition of attempting to pre-judge a planning application? If not, should GLA policy and guidance make that clear, including a final version of the Mayor of London's Best Practice Guidance to Estate Regeneration?

Resident ballots

We also note that if resident ballots were required by law or recommended in planning guidance, residents would have less concerns about whether the planning system could be rigged, because they would be collectively empowered to take the final decision about whether their interests are protected or not, so inadequate proposals are less likely to reach the planning application stage. Residents wouldn't be the only people to benefit from that.

Since this response was written the Mayor of London has published a final version of his best practice guide to estate regeneration. This will require resident approval ballots, as a condition of GLA funding, not as a planning condition, although ballots are recommended for all schemes involving demolitions. The details about how ballots are conducted and who is eligible to vote is being consulted on. While this is a huge positive step we also note that schemes without GLA funding will not be required to have ballots, and there are several proposed exclusions. Two especially seem unjustified to us:

a) Excluding schemes of less than 150 units. The threshold is suggested because these schemes are referable to London' Mayor under planning regulations, and therefore the GLA could scrutinise them. We see this as illogical and unnecessary. The ballot requirement is a funding condition, not a planning condition, so all schemes getting GLA grant regardless of size should require ballots. Also, it not necessary for the GLA to scrutinise small schemes which aren't referred to the Mayor. Local authorities, landlords, and residents could do that, along with the independent organisation recommended to run elections.

b) Schemes delivering important social infrastructure (undefined) could be exempt. This could include anything from a primary school to a community centre, not just major transport infrastructure projects subject to Parliamentary bills and some democratic scrutiny. Therefore, it is open to landlords and developer partners to argue that a ballot should not apply to their scheme because it delivers or enhances community heat and power schemes, community hubs etc. This is a serious loophole.

As a result, there is still no guarantee of a ballot to enable residents to protect their interests, and all our concerns about the planning process remain valid anyway.