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Date: 09/09/2016

To: James Murray, Deputy Mayor for Housing & Residential Development

Dear Deputy Mayor,

**Mayor's manifesto commitment:**

***"Require that estate regeneration only takes place where there is resident support, based on full and transparent consultation."***

I write with reference to the above commitment by the Mayor to involve residents fully in making decisions about the future of their estates, and to follow up on our recent meeting and questions I have put in the Housing Committee and at Mayor's Question Time.

In these Assembly meetings, you and the Mayor have made promises to:

- Publish new guidance for developers and councils on how to engage with residents and select options for estates
- Ensure private renters are included in these processes and have a proper say

This letter is a summary of my recommendations both for the process and substance of fulfilling these commitments.

**1. Consultation and timing of this process**

In developing the new estate regeneration process document, the Mayoral team should consult with a diverse range community groups and professions.

The draft should be subject to well-publicised consultation and feedback from the public, campaigners, public interest groups and the London Assembly.

**2. Principles for the guidance**

**No residents excluded**

Councils, housing associations and developers should not separately engage with tenants and leaseholders over plans for housing estates. These groups are governed by different legal frameworks but common principles apply, especially at the early stages.

Private tenants also make estates their homes and should have an equal say in consultations and ballots. These tenants may be harder to identify, as they will not have a financial relationship with the councils concerned, but effort should be made to comprehensively reach and involve them.

### **Full transparency**

The starting point must be that all information needed to assess options for estates and to propose alternatives in an informed way, should be publicly available. The guidance should therefore specify that there is a public interest in making all relevant information available.

Information, including business cases and viability assessments, should be provided in an accessible format online, and technical documents should be accompanied by a non-technical summary.

Private partners should be made aware of this as a condition of being involved in regeneration schemes.

Full details of assessments of the current condition of estates, where there are potential structural issues, should be released early in the process, so that residents can get these independently assessed.

### **Early and wide engagement**

Engagement should begin when the goals of the regeneration are still open to change and when options for achieving the goals are being deliberated.

Residents in and around estates should be included in all communications and asked to come up with their own ideas and options. They should also be resourced to hold their own workshops and meetings.

Consultation should not just be with council registered Tenant Associations and Resident Groups. Other local groups, such as community centre committees, friends of parks, emerging campaign groups concerned about particular issues or representing sub-groups of residents, should be respected and included. Divide and rule and mischaracterising campaigners with genuine concerns have been features of some of the very worst council processes.

To aid councils and developers, the GLA should set up an open and transparent register of resident and campaign groups who should be consulted with, on plans in their area.

The guidance should specify a wide range of engagement methods that must, wherever possible, be used to bring in people's ideas: workshops, social events, exhibitions, coffee mornings, reaching out to nurseries and community centres, etc

Developers and councils should also work to involve the wider community. The London Assembly wrote in its 2014 report 'Knock it down or do it up' that: *"It should be noted that neighbours to regeneration schemes (whose lives may be almost as greatly affected as those of immediate residents) also need to be engaged. Where neighbours' views are not sought, resentments may arise."*

### **Support for residents' own plans**

Where residents' own plans are considered to be practicable in delivering some or all of the goals of the project - for example adding new homes or reducing running costs - these should be developed with funding and expert support, to produce outline plans and business cases.

Ideally, this would be done via a unit in City Hall that builds pan-London expertise in this work and expertise in engaging with residents. This unit could be funded by contributions from developers or by the GLA.

Alternatively, developers and councils could be obliged to engage experts for this purpose, though this model would lead to lower levels of trust from residents.

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### **A meaningful final say**

Residents need to have (and know that they have) decision-making powers over the final options. Without this guarantee - in line with the Mayor's manifesto pledges - constructive engagement will be very difficult to achieve.

Whether this is done via a ballot, door to door surveys, or other methods of robust quantitative assessment, the wishes of residents must be respected and everything possible done to ensure their preferred option is the one implemented.

For some projects, impacts may vary between different parts of the estate (e.g. some homes proposed for demolition and some for refurbishment). Guidance should specify that in these cases results should be reported and considered separately for each area, before decisions are made.

### **Evaluation**

As the chosen option is pursued and developed, the achievement of the goals, including effects on the original residents and the wider community, should be evaluated.

### **A possible process for incorporating resident-led proposals**

The legal basis for consulting residents on estates lies mainly in section 105 of the Housing Act 1985 - Consultation on matters of housing management. This is what most proposals currently cite when carrying out consultations on estates.

This section of the Act mandates merely that consultation is carried out to gather views from tenants on a proposal (this can be a single proposal with only 'do nothing' as the alternative) and that: *"the authority shall, before making any decision on the matter, consider any representations made to it in accordance with those arrangements"*.

The new guidelines need to go further than this and require a more thorough process that also allows residents' own plans for their area to be considered.

I suggest that the process used for local development plans, the Planning and Compulsory Purchase Act 2004, could be used as a template for this new estate guidance.

This would be appropriate since estate regeneration generally involves much larger scale and more complex projects than can be dealt with by a single planning application. They often start out with a process of 'masterplanning' and obtain outline planning permission before more detailed applications for individual buildings are made.

In the processes laid out by sections 19 and 20 of the 2004 Act, a draft policy is presented, an independent examination carried out in public, with the community able to make written and oral representations, and then recommendations made by the independent person. The local planning documents are then amended according to the recommendations, consulted upon and put for a final decision and adoption by the authority.

Below, I propose a possible two-stage process that draws upon this model to include fully developed resident-led proposals in the options that are considered for estates and larger development areas in London.

I believe that expert support should be built into this process in order to develop any practicable option put forward by residents. By making this mandatory with a reasonable 'triage' process for community plans at the examination stage, residents will be empowered and inspired to come up with more imaginative and more fitting ideas for their areas.

A democratic, transparent and engaging process that allows for the sifting and assessment of all ideas during the early stages of the proposals might include the following steps:

- a) Draft goals of the project are put forward, alongside initial options from developers/councils and with a call for comments on the goals and ideas for alternative options.
- b) A range of consultation events and workshops take place with residents, the wider community and local groups.
- c) Additional proposals for new or revised goals and all the proposed options for outline plans are collated, written up in a common format, and communicated to residents.
- d) A public hearing takes place, led by an independent person who hears representations from local residents on the goals of the plans, and from any group promoting or opposing any of the proposals, including developers and councils.
- e) The independent person then makes recommendations for any revised goals and for a shortlist of likely practicable options to be put forward to the next stage.
- f) The sifted ideas are then developed further, by councils and developers and by the community with the help of experts.
- g) More detailed plans and business cases, taking into account social and environmental goals not just the economic case for different proposals, are then produced.
- h) These final options are put forward for a final decision by residents before being submitted for planning permission and other approvals.

The principles behind the new process outlined above can all be found in, and applied from, existing legislation and policies and can be applied immediately to projects where the Mayor has funding powers.

I understand that the Mayor intends to develop this guidance only for such projects and only for existing housing estates. However, I strongly believe that these principles should also be applied to other council and housing association estates across London, and to plans for large brownfield sites without existing residences, such as TfL land and the site of HMP Holloway.

Furthermore, policy 3.7 (B) of the current London Plan, for large residential developments, also allows for new guidance to be applied to some large private and non-GLA-funded sites:

*"Those on sites of over five hectares or capable of accommodating more than 500 dwellings should be progressed through an appropriately plan-led process to encourage higher densities and coordinate where necessary provision of social, environmental and other infrastructure and create neighbourhoods with a distinctive character, sense of local pride and civic identity in line with Chapter 7. The planning of these areas should take place with the engagement of local communities and other stakeholders."*

For developments where the Mayor does not have funding control, the application of the new guidance could at least extend to the larger sites covered by policy 3.7 (B) and could be added to new Supplementary Planning Guidance in order to apply it there.

Later, a more flexible definition of larger sites to include housing estates with fewer than 500 dwellings can also be adopted in the next London Plan.

I hope you will consider these ideas when developing your guidance. I look forward to seeing them in draft and providing comments as part of Assembly Scrutiny and the wider consultation process.

A handwritten signature in black ink, appearing to read 'Sian Berry', with a stylized, flowing script.

**Sian Berry**

Green Party Member of the London Assembly