

## Implementing the Resident Ballot Requirement: guidance on exemption four (planning permission)

1. The Mayor's Resident Ballot Requirement (RBR) for estate regeneration projects was introduced in July 2018, to ensure that, where Strategic Estate Regeneration Projects involve the demolition of affordable housing, they only receive GLA funding if residents endorse proposals through a ballot. This is to make sure that GLA funding only supports estate regeneration projects if residents have had a clear say in plans and support them going ahead.
2. The funding condition, outlined in chapter eight of the [Mayor's Affordable Housing Capital Funding Guide \(CFG\)](#), describes circumstances in which a Strategic Estate Regeneration Project may qualify for one of five different exemptions from the RBR. Exemptions four and five were included, for reasons of practicality and fairness, to provide transitional arrangements for Strategic Estate Regeneration Projects that "were either in the pipeline or were currently being delivered" at the point when the RBR was introduced. They were included specifically for projects that had secured full or outline planning permission (exemption four), or which the GLA was contractually committed to fund (exemption five) on or prior to 18 July 2018. In the latter case, the project must be named in a contract and/or approved in the GLA's Open Project System.
3. This note provides additional guidance on exemption four, in order to ensure that the GLA takes a consistent and fair approach to Strategic Estate Regeneration Projects that have been granted this exemption.
4. Paragraph 8.6.17 of the CFG states that Investment Partners (IPs) may apply for exemption four for "Strategic Estate Regeneration Projects that already have full or outline planning permission that was secured on or before 18 July 2018 where that permission has not lapsed."
5. Paragraph 8.6.18 specifies that, for projects that include multiple development phases, any exemption "...applies to all phases that are contemplated by the relevant decision notice."
6. Paragraph 8.6.19 makes clear that a Strategic Estate Regeneration Project may lose exemption four in particular circumstances. It states:

*"Where a Strategic Estate Regeneration Project has full or outline planning permission as at 18 July 2018 that has not lapsed and this permission is subsequently varied or amended to include demolition of affordable housing floorspace that was not contemplated in the existing decision notice, the RBR will apply."*
7. However, the CFG does not explicitly address whether the RBR would apply to a Strategic Estate Regeneration Project for which an IP had been granted exemption four in circumstances where the IP secures a completely new full or outline planning permission (rather than seeking to vary or amend the permission under which the exemption was granted, or seeking detailed permission where outline permission has already been granted) that does not include demolition of affordable housing floorspace not contemplated in the decision notice that was in place when the IP secured exemption four.

8. In such situations, the GLA may withdraw exemption four, at its discretion. (Paragraph 8.6.26 provides that: “*The GLA may subsequently withdraw an exemption if the circumstances under which it was granted change.*”) However, the GLA is minded not to withdraw exemption four where it is satisfied that all the following circumstances apply:
1. the IP secured completely new full or outline permission (whether subject to conditions or not) before the planning permission in place at the time when the IP sought and secured exemption four lapsed, or within six months of it lapsing
  2. the IP has made satisfactory progress with the Strategic Estate Regeneration Project since exemption four was first granted
  3. the Strategic Estate Regeneration Project proposals for which the IP secured a new full or outline planning permission (whether subject to conditions or not), when compared to those contemplated in the previous permission in place when the IP secured exemption four, must meet all the following criteria:
    - a) include at least as much affordable housing floorspace in total
    - b) include at least as much affordable housing floorspace for the same low-cost rent tenure(s), or a more affordable low-cost rent tenure
    - c) not significantly change the scale, character, and nature of the Strategic Estate Regeneration Project, including the height and massing of new homes, or its impact. The following (non-exhaustive) list may be pertinent considerations for the GLA in determining whether this is the case:
      - i) The broad vision, priorities and objectives for the Strategic Estate Regeneration Project remains in place, including but not limited to:
        - design principles remaining unchanged
        - no diminution in the proposed social infrastructure associated with the project.
      - ii) There is no erosion of any of the following:
        - the right to return or remain for social tenants living on the estate who have moved or will need to move because of regeneration
        - the offer for leaseholders and freeholders of homes who have moved or will need to move because of regeneration
        - if applicable, any offer made to other estate residents, such as private sector tenants or those occupying homes as temporary accommodation
        - ongoing open and transparent consultation and engagement, as the project proceeds.

The IP is likely to be able to demonstrate whether its new proposals meet criteria (a), (b) and (c)(i) above with reference to the new and previous planning applications and consents. To establish whether its new proposals meet criterion (c)ii, it is likely to need to share other documentation with the GLA.