Southwark Council

Ms Karen COCHRANE & Mr Raymond JOHNSON 75 Marston Deacon Way Heygate Estate London SE17 1UW Major Projects Tel: - 020 7525 4911

Fax: - 020 7525 4916

Monday 28 July 2008

Dear Ms Karen COCHRANE & Mr Raymond JOHNSON

UNDERTAKING TO TENANTS OF THE HEYGATE ESTATE AS AT 15TH JUNE 2007

Southwark has made regeneration its number one priority and the Elephant and Castle is our highest priority regeneration programme. The regeneration of the Elephant and Castle area will provide a major new town centre for the borough and local residents with new employment opportunities, improved and greatly expanded retail and entertainment services and new affordable, quality homes. The rehousing of Heygate residents and demolition of the Heygate Estate will enable the council and its redevelopment partner, Lend Lease, to create the development sites needed to translate this vision into a reality.

Rehousing the residents of the Heygate Estate is essential to the success of the Elephant and Castle regeneration programme.

In 2005, Southwark Council and the Heygate TRA selected five housing associations to build new homes on sixteen sites in the Elephant and Castle area for Heygate residents. In 2006 an architectural competition was held for each site. Designs for new homes were submitted by architects and considered by the council, housing associations and tenant representatives. It was anticipated that Heygate residents would be able to move into these homes from 2010 onwards, which would allow residents to move only once off the Heygate.

However, it has become apparent that the existing fabric of some parts of the estate is unsustainable and that the council's obligations as a landlord are becoming increasingly difficult for it to perform. We should not expect people to live for up to three years in deteriorating conditions whilst waiting for the new housing to come on stream. This view is supported by our feedback from Heygate residents, who tell us that uncertainty around when they will move is a major cause of stress and anxiety.

Rapid rehousing of residents is also desirable from a community safety perspective. Half empty blocks have the potential to become a breeding ground for crime and antisocial behaviour, and therefore moving residents quickly will help to minimise this.

Consequently, our aim now, is to rehouse Heygate residents by September 2009. Given the time line for delivery of the new housing in the Elephant and Castle area, for many Heygate residents, this means their new home will not be ready to move straight into.

Hence, to provide you with the assurance that you will be able to return, I am enclosing a form for you to sign that provides you with a guaranteed right of return.

In order to be registered for the right to return you <u>must</u> return one signed copy of the form enclosed no later than 31st October 2008

Please sign both copies of the form where indicated and send <u>one</u> signed copy to the Rehousing Team Project Director, Coburg House, 63-67 Newington Causeway, London SE1 6BD. Please keep the other copy for your records.

If you should have any queries about the conditions upon which the undertaking is being given, please contact Rev Ola Agbaimoni on 0207 525 4911.

Yours sincerely

Stephen McDonald

Strategic Director of Major Projects

RIGHT TO RETURN TO NEW BUILT SOCIAL HOUSING IN THE ELEPHANT AND CASTLE AREA

Southwark Council

THIS UNDERTAKING is given by and on behalf of The Mayor and Burgesses of the London Borough of Southwark ("the Council") to Ms Karen COCHRANE & Mr Raymond JOHNSON, the Tenant(s) ("You") in accordance with and subject to the following conditions:-

- 1. The Council's Undertaking shall apply only in respect of the properties to be constructed by or on behalf of its appointed housing association/s ("New Property") to replace existing properties on the Heygate Estate ("the Estate"), within the area shown outlined in red on the map attached to this document.
- 2. The benefits arising from this Undertaking are personal to You and shall not be assigned or otherwise transferred to any third party. However, in the event of your death such benefits shall transfer automatically to your surviving spouse or partner (if applicable).
- 3. The Council will allocate a New Property to You according to your housing needs which (in line with the Council's Lettings Policy) exist at the time that you exercise your right to return.
- 4. The Council's Undertaking in this respect shall be limited to one offer per household only and the Council shall not be obliged to make any further allocation/s or offer/s of a New Property if it considers that You have refused an offer unreasonably. However, in the event that You should refuse or otherwise dispute the Council's proposed allocation of a New Property, You shall have the right of appeal against the proposed allocation and such appeal must be made in line with the appeal provision of the Council's Lettings policy.
- 5. You agree that You will exercise your right to return to one of the sites that form part of the Elephant and Castle redevelopment as set out on the map, within 7 years commencing 31 October 2008. If you haven't been able or willing to take up your right to return within 7 years, the Council reserves the right to treat this undertaking as at an end on 30 September 2015.
- 6. You accept and agree that You will lose your right to return in the event that You should exercise a Right to Buy or Right to Acquire under the Housing Act 1985 at any time following the date on which You sign this agreement.
- 7. You accept and agree that You will lose your right to return in the event that You move from the property that you accepted as a secure tenancy when you vacated your Heygate property.
- 8. Where possible, the Council intends to allocate New Property on the basis of tenant's preference, subject to requesting expressions of interest from former Heygate residents whenever New Property becomes available and will use its best endeavours to keep Tenants informed of its proposed method of allocation. However, the Council shall retain absolute discretion in determining the order or sequence in which the allocation of New Property is made.
- 9. The Council reserves the right to defer the allocation of New Property in the event that there is an insufficient supply of New Property appropriate to a Tenant's needs at the time that the Tenant elects to exercise his/her right to return.
- 10. The Council's Undertaking shall be binding on any future political administration/s.

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Frequently Asked Questions

1. What is the guaranteed right to return and what does it mean to me?

The guaranteed right to return gives you the opportunity to move back into the Elephant and Castle area once the proposed new housing has been completed. It will provide legal assurance to return within the next seven years.

Originally, the plan was for residents to move into the new housing immediately, therefore enabling residents to move only once. However, as explained in the covering letter, rapid rehousing of residents has meant that the estate has become undesirable from a community safety perspective. As a result, the deadline for rehousing all residents has been updated to September 2009 to minimise the potential for crime and antisocial behaviour. As the new housing has not yet been completed in accordance with this new deadline, residents will need to move twice if they wish to return into the new housing within the Elephant and Castle area. All secure tenants who wish to return to the area will be entitled to the legal right to return.

Even if you sign the right to return you are under no obligation to return should your situation or preferences change and you find suitable accommodation elsewhere.

2. Where will the new properties be situated?

The new housing will be situated across the regenerated Elephant and Castle area. The map attached outlines in red the area where the housing will be developed. The Council will make an offer of one property to you within this area. However, if you choose to dispute this offer you will have the right to appeal, as per the Lettings policy.

3. How will the Council know and consider my housing needs?

The Case management team have been working closely with residents to ensure that they find suitable accommodation to move into. Taking this into consideration, when the new builds are ready, the Council will allocate properties to each household which will include any of these housing requirements and site preferences. These would have been initially recognised and recorded during the referencing process. However, the Council may contact you at the time the new properties are available, to re-confirm your housing requirements and any reasonable aspirations.

As stated in the legal undertaking, tenants will be informed of the proposed method of allocation.

4. Why are residents given 7 years to exercise the right to return but the Council has the right to defer the allocation of new property?

The Council reserves the right to defer the allocation of new property only in the event that there is an insufficient supply of new property appropriate to tenant's needs available within the 7 year timescale.

Residents are given 7 years to return to the Elephant and Castle area if new housing is available for them. This gives enough time for residents to decide whether they would like to stay in the area they have already moved into, or move back into the Elephant and Castle area.

5. How will I know when the new properties are available once I have made my first move?

The Council will keep a record of your new address to ensure that contact can be made with you when the new builds are ready to move into.

6. When will the new homes be available?

Subject to planning consents being granted we anticipate that schemes will start on site during 2009 and complete during 2010/11. The Council expects all new schemes to become ready within the next seven years.

7. Will the extra-bedroom policy be available in the new social housing?

Residents who have utilised the extra bedroom policy will still be entitled to this when they are offered a new property in the Elephant and Castle area. The Legal right to return will encompass this preference and ensure the extra bedroom is offered to those who are entitled to it.

8. Will I be entitled to an additional home-loss payment if I make a second move back into the Elephant and Castle area?

Residents returning to the Elephant and Castle area within the next 7 years will be entitled to a home loss and disturbance payment. This will cover the further disturbance costs you entail from making the second move.