



Report to Planning Committee 18 January 2023

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Report Summary	
Report Title	Street vote Development Order Consultation
Purpose of Report	To set before Planning Committee a consultation by the Government and consider the proposed response to be made
Recommendations	<ul style="list-style-type: none"> a) The contents of the report and the proposal for street vote development orders to be noted and b) That, subject to any other comments Planning Committee agrees to make, that it endorses the draft Council response in Appendix 1.

1.0 Background

- 1.1 On 22nd December 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on Street vote development orders. The consultation runs for 6 weeks from the 22nd December to 2nd February 2024.
- 1.2 The accompanying consultation paper is not available as a downloadable format, however it can be viewed using the following link [Street vote development orders](https://www.gov.uk/government/consultations/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation)<https://www.gov.uk/government/consultations/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation>. There are 53 consultation questions – attached at appendix A, together with the suggested response of the Council.
- 1.3 The section below provides the Government’s (directly quoted) Introduction to street vote development orders, why they are needed and their vision for such orders.

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 The government has secured new powers through the Levelling Up and Regeneration Act 2023 (the “Act”) to introduce a new route to planning permission called street vote development orders and intends to bring forward secondary legislation to govern how they will operate.

- 2.2 Street vote development orders are an innovative new tool that will give residents the ability to propose development on their street and, subject to the proposal meeting certain requirements, vote on whether that development should be given planning permission.
- 2.3 Street vote development orders will provide residents with a new opportunity to take a proactive role in the planning process and bring forward the development they want to see on their streets. They will encourage residents to consider the potential for new development on their streets and are intended to deliver additional or more spacious homes in places where they are needed most, while helping to reduce development pressure on sensitive areas.

Why do we need street vote development orders?

- 2.4 Making better use of land in existing settlements will enable us to deliver more of the homes we need while at the same time making best use of existing infrastructure and bringing social and environmental benefits such as reducing development pressure on the green belt. The government wants to encourage some development on land in existing settlements, where this has the support of residents. Street vote development orders will support this ambition by giving residents a new tool they can use to bring forward additional development in their street.
- 2.5 Local residents can, understandably, be resistant to new development in their area if they have little say over what gets built and it doesn't reflect their preferences. The goal of street vote development orders is to encourage residents to bring forward proposals for new development that they would support, and which would make a contribution to their street. The system is intended to allow residents to share in the economic and other benefits of permitting appropriate kinds of new development.
- 2.6 This policy will provide the means for residents to work together and decide what development is acceptable to them, and to shape that development so that it fits with the character of their street. After a street vote development order has been made, it will mean homeowners can develop their properties with much greater confidence that their neighbours will be supportive of what they're doing, providing the development complies with the terms of the order.
- 2.7 The value of property may increase as a result of a street vote development order, so there is an incentive for homeowners to work with their neighbours to prepare one. There may also be benefits for those that don't own their property, including environmental improvements in their street and a greater choice of accommodation in the area.

Our vision for street vote development orders

- 2.8 Our proposals are guided by three key principles:
 - to create a predictable system where residents have a high degree of certainty on what proposals are permitted to contain before they prepare a proposal;

- to make the system accessible and easy to use so local people can take up the opportunity that street vote development orders provide; and
- to create a robust system that enables residents to bring forward well designed development on their street that has local support, in particular, from those most directly affected by it.

What makes street vote development orders different from other routes to planning permission?

- 2.9 Street vote development orders encourage local residents to come together and set out a coherent vision for additional development on their street. We anticipate that the policy will allow residents to propose and support development and street improvements that would otherwise not have happened, making better use of land in existing settlements.
- 2.10 Other routes to planning permission, such as household planning applications, and permitted development rights will continue to be available in areas where street vote development orders are being prepared or are in place. Communities will also continue to be able to prepare neighbourhood plans or neighbourhood development orders in their areas.

How will street vote development orders work in practice?

- 2.11 A group of residents which meets certain requirements will be able to come together with a proposal for permission to be granted for development on their street, for example the addition of an extra storey to properties. The proposal can be put forward by the group of residents directly or with the assistance of an individual such as an architect.
- 2.12 The proposal will be examined by the Planning Inspectorate on behalf of the Secretary of State to check that the proposed development is in scope and that requirements prescribed in secondary legislation are met. These requirements will help ensure that development meets high design standards and that local impacts are taken into account.
- 2.13 If the proposal passes the examination, it is then put to a referendum. Where the required threshold of votes is met, subject to any final checks, the Planning Inspectorate will make the street vote development order on behalf of the Secretary of State. Once the street vote development order is made, granting planning permission, a person with control of the land can then decide whether they want to take forward development.
- 2.14 Where street vote development takes place, local authorities will be able to capture value from the new development via the Community Infrastructure Levy and, when it is introduced, the new Infrastructure Levy, and use it to fund infrastructure that will support the local area.

3.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

[Levelling-up and Regeneration Act 2023](#)

[Street vote development orders](#)

Appendix A

Preparing a proposal

16. The government's ambition is to make the process of preparing and submitting street vote development order proposals as simple and as easy as possible so that they are accessible to residents in all parts of the country. At the same time, we want to ensure that proposals can be processed efficiently at the examination stage and that the orders, once they are made, can both be understood and complied with.

Who can submit a proposal?

17. The Act sets out that a "qualifying group" or an individual acting on behalf of a qualifying group can submit a street vote development order proposal. To be a member of a qualifying group, an individual must be registered at an address in the 'street area' (see paragraph 26) to vote in a local council election on a prescribed date. We propose that the prescribed date would be the date on which the proposal is submitted for examination. Where an individual submits a proposal on behalf of a qualifying group, we envisage that someone with expertise in preparing development proposals such as an architect would be well placed to perform this role. The proposal will only be considered for examination where that individual provides a signed and witnessed letter from members of the qualifying group declaring that they support the proposal.

Question 1 – Do you agree that to be a member of a qualifying group an individual must be registered at an address in the street area to vote in a local council election on the date the proposal is submitted for examination? If not, please provide details.

Yes.

However, this could significantly skew the outcome of the development order. For example, towns and cities with a significant student population living in rented dwellinghouses would, subject to being on the electoral roll, be able to vote in the referendum (as recommended in this consultation). People such as students are unlikely to have interest in whether such development is permitted or not. This might therefore mean the development order does not meet the necessary tests in order to be approved.

However, it is also considered appropriate to require those who don't own the land on which the development order would apply are required to engage with the land owners as well.

Size of a qualifying group

18. The Act also requires that a qualifying group must be comprised of at least the prescribed number, or the prescribed proportion of persons of a prescribed description. We propose that the minimum number of members in a qualifying group is 20% of the total number of individuals registered to vote in local council elections at an address within the street area, on the date the proposal is submitted for examination. Street areas must have at least 10 residential properties. In the case of street areas with between 10 and 25 residential properties, we propose that different requirements will apply as set out in the table below. This approach ensures that proposals have sufficient support in the street area before they can be considered by an examiner.

Total no. of residential properties in street area	Minimum no. of properties where at least one resident must be a member of the qualifying group	Percentage required
10	10	100%
11	10	95%
12	11	90%
13	11	85%
14	11	80%
15	11	75%
16	11	70%
17	11	65%
18	11	60%
19	10	55%
20	10	50%
21	9	45%
22	9	40%
23	8	35%
24	7	30%
25	6	25%

Question 2 – Do you agree with our proposed minimum thresholds for the size of a qualifying group? If not, please provide details.

No.

Any percentage less than 51% would have the potential that those within the group would undertake a significant amount of work in order to prepare their development order for submission, which could be abortive when it comes to the referendum. Notwithstanding this, it is acknowledged that any percentage is not a guarantee of an order being agreed.

The thresholds up to 15 residential properties are considered reasonable.

Question 3 – Are there any other factors that you feel should be considered when determining the minimum thresholds for the size of a qualifying group?

No.

Engaging the community

19. Clear design requirements and limits on the extent of development that can be granted planning permission through street vote development orders (see paragraphs 34 to 36) will help ensure that impacts on the local community are limited. There is a strong incentive to engage effectively with the community, especially those most affected by development, as this will help both improve proposals and help secure the support needed to gain approval at a referendum. Therefore, we propose to make it a requirement for qualifying groups to engage with the community to inform the development of their proposals but give them discretion to choose the most appropriate community engagement methods. This approach will give them the freedom to tailor their engagement approach to local circumstances. To support qualifying bodies (and those acting on their behalf), we propose to publish guidance on engaging effectively with the community and neighbourhood planning groups including on the opportunities presented by digital technologies such as online visual preference surveys. If the proposal is EIA development, certain statutory requirements relating to public participation will need to be complied with. Qualifying groups will also be expected to notify landowners.

Question 4 – Do you agree that qualifying groups (or those acting on their behalf) should be required to undertake community engagement, but have discretion on how they engage on their proposals? If not, please provide details.

Unsure.

Yes in terms of community engagement. However, direction should be given within any statutory instrument as to what engagement is required. For example, with those communities that are not part of the 'street', but who might be affected by any development implemented via an Order due to their proximity. This aspect does not appear to be addressed within the consultation document. Additionally, whilst the majority of people have access to digital technology, not all do. Account should be given to this. See response to Question 42.

Question 5 – Which additional protections, such as notice, could be given to residents? Please provide details if applicable.

Whilst digital technology is at the forefront of much of the Government's communications, not everyone has access to such technology. It should therefore be necessary for any communication to be both 'traditional' i.e. paper as well as digital.

Question 6 – Do you have any views on what level of community engagement would be appropriate? If yes, please provide details.

This will likely be largely dependent upon the scale and type of development being promoted as well as its location as some area will be more sensitive than others. Engagement should take place, as a minimum, when there is a significant change – however definition of significant would need careful consideration.

Question 7 - Do you have any further views on community engagement you feel should be considered? If yes, please provide details.

Yes, where the amenity of occupiers of dwellings other than those within the street are going to be affected, it needs to be a requirement that engagement takes place with them as well.

What a proposal must include

20. The Act gives powers to the Secretary of State to prescribe the form and content of a proposal and the information and any documents which must accompany that proposal. We propose that a proposal must include:

- a signed and witnessed letter from members of the qualifying group declaring that they support the proposal, where a proposal has been submitted on their behalf
- a map which identifies the street area and the land in that street area to which the proposal relates
- a draft order which includes a description of the development to which the order relates and any proposed planning conditions
- any necessary supporting information such as impact assessments or statements. Further information is set out in the “Managing local impacts” section of this consultation
- details of any consultation with statutory bodies
- a declaration that the qualifying group has engaged with the local community

21. In addition, we propose that qualifying groups (or those acting on their behalf) must submit a street design code that sets out illustrated design parameters for physical development within the street area such as number of floors, plot use and the facade treatment of buildings.

22. We also propose qualifying groups (or those acting on their behalf) will have the option to submit a detailed specification of the elevations visible from public spaces for new or extended buildings that are permitted in the street area. If these are submitted, they must include at least one detailed elevation drawing for facades facing public spaces. Specifications of elevations not facing public spaces are optional. Qualifying groups may provide various façade options if a varied streetscape is desired.

23. If plot widths in the street area vary, the specification must include requirements on how the elevations can be adapted to deal with such variation. If they wish, qualifying groups may also choose to include permitted elevations for wider buildings that can be created by merging plots e.g. an elevation for a small mansion block created by merging three existing plots.

24. The government is also interested in hearing views on what tools would help support qualifying groups in preparing and submitting street vote development order proposals.

Question 8 – Do you agree with the government’s proposals on what a street vote development order proposal must include? If not, please provide details.

A definition of what constitutes a ‘public space’ will be required to avoid any risk of confusion or challenge. Regarding paragraph 22, it is anticipated that if this is an ‘option’ for qualifying groups that they will unlikely be provided due to the additional work involved. It is considered that if varying façade options in a varied streetscape is desired that the requirement for these to be provided is a must.

Qualifying groups will need the expertise to understand how to understand the implications of what might be proposed, how to draft effective conditions that should be required to meet all of the tests as set out in the NPPF.

Question 9 – Do you consider that there is any further information or documents that should form part of a proposal? If not, please provide details.

A statement setting out how they have engaged and consulted, how they have appraised the constraints of an area and taken this into account. The criteria above includes detail of consultation with statutory bodies, however other consultees might be applicable as well but are not statutory e.g. Environmental Health departments in relation to contamination (affecting humans which the Environment Agency does not consider) and noise for example. However, this would have consequential impact upon their resources unless there is a mechanism for the qualifying body to recompense them for their time.

Question 10 – Do you have any views on what tools would help qualifying groups in preparing and submitting street vote development order proposals? If not, please provide details.

Not a 'tool' but guidance on where they can go to for support with preparing their orders e.g. chartered Members of the RTPI. It should be clear to groups that the local planning authority is not in place to assist them with such orders unless they (a) have the resource to assist; and (b) are appropriately recompensed for their expertise and time to enable this to take place.

There is concern that orders prepared by qualifying groups without significant detail provided within the order (reference to they 'if they choose' text set out above).

Scope of street vote development orders

25. To help deliver more good quality homes in the right places, the government wants to enable residents to bring forward proposals that make better use of their streets, enabling more homes in existing settlements where this has the support of residents. This ambition has informed our proposals on the detailed scope of the policy.

Definition of a 'street area'

26. The Act sets out that street vote development orders can only be used to grant planning permission to development in a 'street area' as defined in secondary legislation. We propose that a street area is defined as the properties on each stretch of road starting or ending at a crossroads or as a minor road at a T-junction or where there is a gap between buildings of more than 50 metres. A street is treated as terminated if the continuous stretch of buildings is broken by a bridge wider than 3 metres. This applies to both the street running beneath and over the bridge. A residential property is counted as being in a street area if any part of its boundary runs along the highway. The street area must have at least 10 residential properties within its boundary. We also propose that adjoining streets could be joined together to form one street area, for example, joining together two streets that have fewer than 10 residential properties.

Question 11 – Do you agree with our proposed definition of a street area? If not, please provide details.

This description omits roads that might be 'broken' with a roundabout (including mini-roundabouts).

It also doesn't apply to many villages that might have isolated pockets of dwellings up to 9 units that would like to benefit from a development order. Equally, it is appropriate to not allow the number of dwellings to be too small a number which could potentially result in unwarranted development. It could be that in cases where fewer than 10 dwelling are within a 'street' that the order only permits extensions and similar developments and not new dwellings.

Furthermore, segmenting streets with crossroads where such roads are long and often have a uniformity of character to them could result in different orders with different design requirements being applied. This could result in poor development that does not achieve the 'beauty' that the government is advocating.

Question 12 – Do you have any views on the most appropriate definition of a street area that you feel should be considered? If yes, please provide details.

No. Due to the way our towns, cities and rural areas have evolved there is no simple definition that can easily be followed that would fit all situations.

Having some form of agreement with the local planning authority (LPA) as to whether a proposed area is appropriate would be one approach. However, the assessment of this would need to be resourced (financially) by the qualifying group. This would have a risk that the LPA does not agree and without any form of recourse the group would not be able to continue. The Inspectorate is not considered to be the correct entity as more often than not it would be necessary to visit the area to understand its context.

Excluded areas

27. The Act specifies that certain areas are excluded from the scope of a street vote development order. The intention behind this is to provide an additional safeguard for certain sensitive areas where development is either normally highly restricted or not permitted through other routes to planning permission. The list of excluded areas currently includes:

- a National Park or the Broads
- an area comprising a world heritage property and its buffer zone as identified in accordance with the Operational Guidelines for the Implementation of the World Heritage Convention as published from time to time
- an area notified as a site of special scientific interest under section 28 of the Wildlife and Countryside Act 1981
- an area designated as an area of outstanding natural beauty under section 82 of the Countryside and Rights of Way Act 2000
- an area identified as green belt land, local green space or metropolitan open land in a development plan
- a European site within the meaning given by regulation 8 of the Conservation of Habitats and Species Regulations 2017

28. The Act also gives the Secretary of State the power to add to the list of excluded areas through secondary legislation. We propose to use this power to exclude land that has been safeguarded for major infrastructure projects and land that is in proximity to Ministry of Defence assets, activities and within safeguarded areas.

29. We are also interested in views on whether any other categories of land or area should be excluded from the scope of street vote development orders. To note, there is a separate power available to the Secretary of State to prescribe conditions that street votes development must meet. This provides an alternative approach to managing impacts and is explored in more detail in paragraphs 33 to 36.

Question 13 – Do you agree with our proposals for additional excluded areas? If not, please provide details.

No.

Conservation areas should also be excluded.

Question 14 – Are there any categories of land or area that you think should be added to the list of excluded areas? If yes, please provide details.

Yes.

Consideration also needs to be given to Article 4 Directions in place as well as planning conditions removing permitted development rights. An order should not be allowed to override either of these. Neither should it be possible to benefit from development under an order that has been dismissed previously on appeal within the last (suggested) 5 years prior to the order being submitted to the Inspectorate.

Development within the curtilage of a listed building should be excluded.

Regard also needs to be given to non-designated heritage assets to try and ensure they retain their character.

Development in scope

30. The Act sets out that a street vote development order may only provide for the granting of planning permission for any development that is prescribed development or development of a prescribed description or class. We propose that street vote development orders may only grant planning permission for residential development. This would not include residential institutions such as care homes or student accommodation. We also propose that they cannot be used to permit changes of use.

Question 15 – Do you agree that street vote development orders may only grant planning permission for residential development and cannot be used to permit changes of use? If not, please provide details.

Yes – there are sufficient permitted development rights that enable a change of use to another form of development that further permissions are not considered are required.

Excluded development

31. The Act specifies that certain types of development are excluded from the scope of a street vote development order. The intention behind this is to provide an additional safeguard for heritage assets and to prevent development that would not typically be appropriate in a residential area. The list of excluded development includes:

- development of a scheduled monument within the meaning given by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979
- Schedule 1 development as defined by regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571)
- development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008)
- development of a listed building within the meaning given by section 1(5) of the Planning (Listed Buildings and Conservation) Act 1990
- development consisting of the winning and working of minerals

32. The Act also gives the Secretary of State the power to extend the list of excluded development in regulations. It is a recognised heritage principle that older buildings tend to

merit a higher level of protection. We therefore propose to add development of buildings whose origins date from before 1918 and, any land between those buildings and a public space (including roads), to the list of excluded development. It would be the responsibility of the qualifying group to assess whether buildings in the street area are subject to this exclusion using relevant information sources such as old maps and historic environment records. The proposed examination process, set out under paragraphs 61 to 63 would allow for this to be tested before a street vote development order can be made. We are also interested to hear whether you think any further types of development should be added to the list of excluded development.

Question 16 – Do you agree we should add development of buildings whose origins date before 1918 to the list of excluded development? If not, do you have any alternative suggestions for how the development of older buildings can be excluded?

Yes.

The excluded should also include development within the curtilage of a listed building and non-designated heritage assets.

Question 17 – Are there any further types of development you think should be added to the list of excluded development? If yes, please provide details.

No

Development requirements

33. The government wants to ensure that street vote development orders result in well-designed development that improves the condition of existing streetscapes and takes account of local impacts. The government also wants to create a predictable system where qualifying groups and the wider community have a high degree of certainty on what development is likely to be permissible before they prepare a proposal. To achieve this, we propose proposals (including street design codes that will form part of proposals) are assessed against more precise requirements which will be prescribed in secondary legislation. The Act sets out that street votes development must satisfy any prescribed conditions and we are interested to hear views on what our proposed conditions should cover.

Ensuring design quality

34. We propose that development proposed through a street vote development order must comply with detailed design requirements. Our proposed design requirements set out in the following table are informed by 6 design principles:

1. Supporting a gradual evolution in the character of neighbourhoods
2. Limiting impacts on neighbours
3. Preserving green space and increasing outdoor space (including balconies)
4. Celebrating heritage
5. Promoting active travel
6. Creating sociable neighbourhoods

35. We are interested in views on our proposed design principles and proposed design requirements and to hear any alternative suggestions.

Requirements

Floor limits

A double threshold would apply to floor limits, where the limit is picked as the lower of the storeys given by either the density of the Middle Super Output Area (MSOA)¹ any property on the street falls within, or any MSOA within 200m of any point on the street in question.

- in areas with fewer than 20 inhabitants per hectare, it is capped at 2 storeys

- in areas with between 20 and 60 inhabitants per hectare, it is capped at 3 storeys

- in areas with between 60 and 120 inhabitants per hectare it is capped at 4 storeys

- in areas with more than 120 inhabitants per hectare, it is capped at 5 storeys

In addition to these totals, a further storey may be added provided it is set back under a light plane (see “Limits on development near neighbouring properties”) angled at 75 degrees from the horizontal, starting from the top of the highest permitted floor at the front of the building. All building over this light plane should be forbidden, excepting parapets, balustrades, dormers, chimneys and purely ornamental structures.

In addition to these totals, residents in areas where four or five storeys are permitted may propose a second setback storey. All parts of a proposed second setback storey must also remain under a 32.5 degree light plane above the horizontal from the top of the previous floor at the front, again with the exception of parapets, balustrades, dormers, and purely ornamental structures.

In addition to these totals, residents may propose a basement within the permitted footprint, lit by excavated ‘areas’ and/or a lowered ground level on the garden side of the building, similar to standard practice in Georgian and Victorian terraces. Light wells must be at least 1.5m in width. MSOAs with fewer than 20 inhabitants per hectare should be excluded from this provision, given the lack of precedent for such forms in rural areas. Proposed basements must be appropriately assessed as part of Flood Risk Assessment and follow national policy on flood risk as set out in the National Planning Policy Framework.

The local authority has the discretion to designate areas where proposals for further floors are permitted, up to a limit of seven floors plus the two setback storey described above.

¹ MSOAs are statistical units used for the Census which comprise between 2,000 and 6,000 households and usually have a resident population between 5,000 and 15,000 persons. They fit within local authorities and are freely available through the Office of National Statistics.

Limits on development near neighbouring properties

All buildings must be under 'light planes' (the angle of which is given below) starting from the property boundary of neighbours living on other streets.

The rule should run that the building must not be capable of being hit by a line from the boundary of a non-street vote property as follows:

- If on a plan view the line runs from the boundary in a direction to the north of due east or west, the line shall rise from the boundary upwards at 45 degrees; and
- If on a plan view the line runs from the boundary in a direction x degrees horizontally away from due south, where x is less than or equal to 90, the line shall rise upward from the boundary at an elevation of (35 plus (x/9)) degrees. The reason for this distinction is that buildings to the south of a given location affect the light that reaches it more than those to the north.

New buildings may exceed the rule only to occupy volume already occupied by existing buildings or approved in an existing permission at the time of the street vote. That is, if there is already a building on a site that passes these light planes, it can be replaced with a new building of up to the same height and breadth.

One half of a semi-detached house must not be developed unless the other half is also developed.

Between houses that are not attached to each other, each owner shall not build above an angled light plane stretching up at 70 degrees above the horizontal from the border with an adjacent neighbour. The only exception to this is where there is existing building over this light plane, in which case there can be no new building beyond the space in which building already exists or is approved through another planning permission.

Ceiling heights

The maximum ceiling height should be 3.5 metres. The ceiling height of the higher setback storeys should not exceed 3 metres. The minimum ceiling height should be 2.5 metres. Ceilings may exceed these limits only if and to the extent that the existing ceiling height prior to the street vote does so. A street vote may thus grant a building with a pre-vote first floor ceiling height of 4 metres with permission to build a new building on the site with a first floor ceiling height of up to 4 metres.

If a vote grants permission to add floors to existing buildings (rather than permission to replace buildings), the ceiling height of the added floors may not be greater than that of the highest existing floor.

	<p>If there are ten or more pre-1918 buildings that are within 100 metres of the street then the number of floors should be restricted to three storeys plus one set-back storey, except when at least half of the buildings on that stretch of street have more floors than this already, in which case it should be restricted to the existing total. This will prevent obtrusive development on infilled streets within historic areas.</p>
Plot use limits	<p>Permission granted by the proposal for building in the direction of another property not on the same street (down the back garden, for example), if any, should be limited to a maximum of 25% of the distance from the built footprint to the boundary of properties on other streets.</p> <p>Development must not lead to a net loss of green space (including roof gardens) and any stretch of green space more than 50 metres along a street between one building and the next cannot be developed.</p>
Corner properties	<p>Corner properties can only receive permissions if both streets on which they sit are subject to a street vote development order. This includes properties facing on to 'chamfered corners'.</p> <p>Corner properties on chamfered corners can only use the more restrictive of the two permissions that they are subject to with regards to floor heights and plot use.</p> <p>Facades facing the street that passed a street vote development order first must comply with the design code in that order. Facades facing the second street may either (a) comply with the code of the second street; or (b) comply with special provisions in the order for the second street written for corner properties, providing for a more natural segue between the two streets. Corner houses may also of course (c) seek permission for an alternative design through the normal planning system.</p>
Other regulations	<p>To preserve an active facade for pedestrians, there may be no more than 15 metres between any two front doors. These must be real doors, though they may give access only to ground-floor flats.</p> <p>Windows in the side walls are not permitted unless the windows are at least 2 metres from the plot boundary towards which they face.</p> <p>Any additional dwellings resulting from development in the street area must be car free (i.e. there should be no provision for parking in the street area for these dwellings).</p>

36. Furthermore, we propose that qualifying groups must have regard to the National Model Design Code and National Design Guide, which we intend to update, to support the preparation of street design codes.

Question 18 – Do you agree with our proposed design principles? If not, please provide details.

Yes.

Question 19 – Do you agree with the proposed design requirements? If not, please provide details.

Floor limits – reference to “...75 degrees from the horizontal, starting from the top of the highest permitted floor at the front of the building. All building over this light plane should be forbidden,...” It is considered this should be read as ‘...shall be forbidden,....’

“One half of a semi-detached house must not be developed unless the other half is also developed.”. This is not disputed, however it is questioned how this would be legally enforced should one party develop and the other not? Would the one not developing be forced to, and if so how? Or would the one who has built be subject to enforcement action? Both parties might have the intention of building but for whatever reason it might not be possible for both to build or at the same time. It is recommended that if development to one half a semi-detached property requires the other half to also build out their permission in order to be acceptable that this form of development is not permitted within an order.

It is not known why ten or more buildings has been chosen in the following “If there are ten or more pre-1918 buildings that are within 100 metres of the street then the number of floors should be restricted to three storeys plus...”. There could be significantly fewer than ten dwellings that would be adversely affected by three storeys being permitted.

Plot use limits – it should be clear if 25% is retained that this is from the original building’s elevation (or that in 1947) and not from any subsequent extension.

A definition of ‘green space’ will be required if it is not to include gardens.

Using inhabitants per hectare may lead to disproportionate allowances in areas where the number of inhabitants is dictated by a single development – for example a Care Home may exist in the street area leading to a higher occupancy rate for the street area (notwithstanding that the rights would not apply to Care Home developments).

“If on a plan view the line runs from the boundary in a direction x degrees horizontally away from due south, where x is less than or equal to 90, the line shall rise upward from the boundary at an elevation of $(35 \text{ plus } (x/9))$ degrees” - This method of assessment is overly complicated and likely to lead to confusion.

Question 20 – What role, if any, should neighbours have in determining development that goes beyond the light planes, plot use limits, window rules and restrictions on developing semi-detached houses and spaces between detached properties? Please provide details if applicable.

Their views need to be considered by the group and responses made accordingly. Any dispute that remains at the time that the order is submitted should be made known to the Inspector. However, it is recommended that consultation is undertaken by the Inspectorate when they receive an order to understand the opinions of residents within the street as well as those on adjoining land. Appropriate funding should be made to the Inspectorate for this to be undertaken, or the local planning authority if this is an action they need to undertake.

Question 21– Do you have any further views on design requirements that you think should be considered? If yes, please provide details.

No.

Relationship with the local development plan

37. For existing routes to planning permission, the development plan helps ensure that development meets the community's needs. Street vote development orders will instead give local people a more direct say on development in their immediate area. The government anticipates that the proposed development requirements set out under paragraphs 33 to 36 will generally result in development that is compliant with local development policies. However, there may be instances where proposals for additional development go further than that which would be permitted by local policy, for instance, where those policies do not support intensification of development even though that is overwhelmingly supported by residents in the street area. We propose that street vote development orders should be permitted to go beyond that which might be permitted under the local development plan where the impacts are broadly acceptable in the view of the Secretary of State according to national policy, and it will not cause problems with the implementation of the local plan. This reflects the protection given to others beyond the street under the requirements set out in paragraphs 33 to 36 and the strong democratic majority support which will be required for a street vote development order to be made. Qualifying groups will be expected to engage with the local planning authority, any neighbourhood planning group and other relevant authorities, when preparing their proposals.

Question 22 – Do you agree with our proposals on the role of the development plan in the street vote development order process? If not, please provide details.

It is not evident that the development plan has any role in the process from the proposals?

Question 23 – Do you have any further views on the role of the development plan in the street vote development order process that you feel should be considered? If yes, please provide details.

It is not clear if reference to national policy will also include other relevant guidance or not? Additionally, whilst not many councils will have, as yet, design codes prepared and adopted by the planning authority. The consultation is silent in relation to this. Notwithstanding any development will be greater than the development plan permits, it is recommended that design principles from this and any relevant supplementary guidance and documents need to be considered.

Ensuring that additional development is delivered

38. The government wants street vote development orders to support the delivery of additional or more spacious homes in areas where they are needed most. We therefore propose that street vote development orders must not be used to reduce the number of residential dwellings in a street area.

Question 24 – Do you agree that street votes must not be used to reduce the amount of residential development in a street area? If not, please provide details.

Yes.

It is questioned on whether the orders will result in homes in areas where they are needed most due to the challenges in preparing an order and the [lack of the necessary] skillsets by people looking to prepare one.

Managing local impacts

39. The government anticipates that in the majority of cases the impact of street vote development order proposals will be limited. In some circumstances, however, there may be impacts that need to be considered.

Highways and transport

40. By supporting the delivery of additional development within existing settlements, street vote development orders have the potential to support sustainable forms of transport including active travel and better use of public transport.

41. Increases in vehicle movements, delivery and servicing requirements, parking demands and access to the road network all have implications for the proper operation and safety of the transport network. Given the potential scale of development, it is important that qualifying groups appropriately and proportionately assess the transport impacts of street vote development, for example, through the preparation of a transport statement. This will ensure that any impacts on the transport network are managed and mitigated (secured via condition or obligation where necessary). As necessary we will consider whether guidance needs to be updated to reflect this approach.

Question 25 – Do you have any views on our proposed approach to managing highways and transport impacts? If yes, please provide details.

Yes.

The Transport Statement will only be applicable at the time the Statement is prepared/the order submitted to the Inspectorate. Suggestion is made that these orders might be granted with no time period (in the worst-case scenario). The TS will more than likely not be relevant in an unknown future number of years but will have granted permission. A condition could be attached to an order requiring updated transport information to be submitted prior to commencement of development for approval. However, this then removes the certainty that such orders are aiming for. As such, parties would just as well apply for planning permission. These concerns apply even if permission is allowed to commence up to 10 years in the future. A lesser time would probably result in no desire to prepare an order by communities.

Protecting the historic environment

42. The government wants to ensure that heritage is safeguarded in the process. As set out under paragraph 31, the Act excludes development of key designated heritage assets such as listed buildings. Furthermore, we expect many qualifying groups will submit proposals that seek to enhance their street's traditional built form and character such as requiring the use of traditional local bricks or maintaining the window types commonly found on the street. To further preserve the historic environment, we are proposing to make it a requirement that qualifying groups must provide evidence that they had given special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses; and preserving or enhancing the character or appearance of any conservation area as set out under section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990. This special regard requirement would be extended to other designated assets such as World Heritage Sites when the new special regard duties for these assets in the Levelling Up and Regeneration Act will be implemented. Compliance with this duty will then be tested at examination.

Question 26 – Do you agree with our proposals to further safeguard the historic environment? If not, please provide details.

Yes, unless the curtilage of a listed building and conservation areas are excluded areas, as suggested. If they are retained, then the SI needs to be clear that development not within a conservation area but within a given distance, e.g. 400 metres, must be given the regard to as set out above.

Other potential impacts

43. There may also be other relevant impacts that need to be considered including flood risk, land contamination and the impact on local utilities. We propose that qualifying groups, where they are making proposals where these impacts are relevant (for example the street area is in a flood risk zone), must ensure that the proposal complies with the relevant policies in the National Planning Policy Framework (NPPF) and the Government’s planning guidance and engage with consultation bodies whose interests will be impacted or affected by their proposals.

44. As set out in the NPPF, all proposed developments in Flood Zones 2 and 3 must be accompanied by a Flood Risk Assessment (FRA). Some proposed development in Flood Zone 1 may also require an [sic] FRA.

45. The legal requirements and government guidance that manage the impacts of noise, nuisance and air pollution from construction sites will apply to development that takes place under a street vote development order. We also propose that qualifying groups may also include an additional code of construction practice.

Question 27 – Do you agree with our proposed approach to managing local impacts? If not, please provide details.

No. These are needed and more. As well as flood zones, it needs to be clear that areas at risk of surface water flooding need to be subject to a flood risk assessment.

Question 28 - Do you have any suggestions on additional or alternative ways that could assess and provide assurance to ensure that street votes development does not lead to increased flood risk in the immediate and/or surrounding areas? If yes, please provide details.

No.

Question 29 – Do you think any other impacts should be considered? If yes, please provide details.

Yes.

Trees, Archaeology and Ecology such as roosting bats.

Environmental duties

The government is committed to ensuring that street votes development is subject to the same assessment requirements as similar scale development enabled by other routes to planning permission. This is consistent with the government’s commitment on non-regression of environmental protections.

Environmental assessment

46. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the “EIA regulations”) are in place to protect the environment by ensuring that when

deciding whether a project which is likely to have significant effects on the environment should go ahead, the decision is made in full knowledge of the likely significant effects. The government expects that in many cases street vote development will not be of a nature or scale that would be above the threshold for an EIA. Where development that is proposed under a street vote development order qualifies as EIA development, it will continue to be prohibited unless an assessment has been carried out and the environmental impacts are considered by the examiner during the examination.

47. The EIA regulations relate to existing routes to planning permission. It is likely that the regulations will need some adjustments to ensure they operate effectively for street vote development orders. The Act allows for the Secretary of State to make regulations modifying the existing process under the EIA regulations. In keeping with our broader aims for the policy, the government also wants to ensure that the process is as simple as possible for qualifying groups to navigate and that it provides appropriate support to carry out EIA to those groups with more complex proposals. We are interested in views about how best the government can support qualifying groups to undertake an EIA (where it is required) and also how the EIA regulations should be modified for street vote development orders.

48. We propose that the existing EIA process will apply in a similar way to the way it applies to other types of development, including the ability for mitigation schemes to be secured via a planning condition or obligation. This means that where street vote development orders propose development within the remit of the EIA regulations, the key stages of screening, scoping, assessment, preparation of an environmental statement, mitigation and monitoring will need to be carried out and requirements met.

49. Largely, as with other routes to consent/permission, the qualifying group or someone acting on their behalf would be responsible for appropriately considering any impacts on the environment and carrying out assessments as well as considering alternatives. We propose the Secretary of State would be responsible for making decisions at the required stages, for example, issuing an EIA screening decision to a qualifying group would fall to the Secretary of State.

50. We also recognise there can be changes to EIA schemes between scoping stage and submitting a scheme/proposal. Therefore, we propose not to oblige the Secretary of State to issue a scoping decision, but to carry out a pre-submission check/review of the work that has been carried out to make sure it complies with the EIA regulations, before it is considered by an examiner. We think this will save time and reduce potential for complexity for qualifying groups proposing street vote development. Qualifying groups will then receive a decision from the Secretary of State about whether their proposals are ready for examination or whether further work is needed on their EIA.

51. We are interested in views on options for discharging our requirements to consult on the EIA, such as who should be responsible for publicising the proposed order and the environmental statement, as well as how and where proposals and associated documents could be made accessible to the public.

52. EIA has evolved to include increasingly complex processes. The government intends to use powers in the Levelling Up and Regeneration Act 2023 to introduce a new framework of environmental assessment to replace the EU systems of Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA). This will be an outcomes-based approach to assessment - Environmental Outcomes Reports (EOR). We launched a consultation seeking

initial views on the key building blocks of the new system (closed in June 2023). We are in the process of analysing responses received and will respond in due course.

Question 30 – What support should be provided to qualifying groups in order to make sure they can effectively discharge their obligations under the Environmental Impact Assessment regulations, if required? Please provide details if applicable.

Unsure.

This is difficult to answer in the 'should' sense. Any support provided by local planning authorities, where they have resources available to do so in the first place, need to be compensated for financially. This will be dependent on who has responsibility for this, but if it is the LPA it will be less if it relates purely to a screening assessment and based on the development proposed, it is not considered EIA development. Otherwise, the groups should appoint the necessary experts needed to assist them privately. Neither route would be unfair, taking account of the consultation indicating that house values may increase, thus there is rationale for support not to be given freely.

Question 31 – Do you have any views on how the Environmental Impact Assessment regulations should be modified for street vote development orders? If yes, please provide details.

No.

Question 32 – Do you agree that the Secretary of State should be responsible for issuing screening decisions and advising qualifying groups on their scoping work prior to submitting their proposals? If not, please provide details.

Yes.

Question 33 – Do you have any views on the mechanisms for publicity and consultation for Environmental Impact Assessments for street vote development orders including who should be responsible for running the consultation? If yes, please provide details.

This could be undertaken by the local planning authority (subject to resource provision from the group). The responses can be provided to the qualifying group, subject to clarification of any GDPR issues, in full or redacted. It will then be for the group to collate, assess and utilise to prepare their ES.

Question 34 - Do you have any views on providing qualifying groups with more certainty around Environmental Impact Assessment screening? If yes, please provide details.

No.

Habitats regulation assessment

53. The Act makes provision for the application of requirements under the Conservation of Habitats Regulations 2017 (the 'habitats regulations') to street vote development orders. Habitats Sites are excluded from the scope of street vote development orders. However, depending on the nature, scale or location of development, it is possible that street votes development may still have an impact on a protected Habitats Site (as defined in the glossary of the National Planning Policy Framework) and that therefore a Habitats Regulations Assessment may be required.

54. The government wants to ensure that that the high standards of protections for Habitats Sites are maintained, while ensuring that the process is as streamlined and simple to navigate as possible for qualifying groups. We will therefore be taking a similar approach to the

procedure used for General Permitted Development Orders as per regulations 75-78 of the habitats regulations.

55. This means that where it is not possible to rule out that street vote development is likely to have a significant effect on a Habitats Site (either alone or in combination with other plans or projects), prior approval from the local planning authority is required before development can begin. Qualifying groups would be required to consult Natural England for its opinion as to whether the development is likely to have a significant effect upon a Habitats Site. If Natural England's opinion is that the development is likely to have a significant effect, an Appropriate Assessment of the implications of the development for the Habitats Site must be undertaken, and the local planning authority may provide approval only after having ascertained that doing so will not adversely affect the integrity of the site.

Biodiversity Net Gain

56. Biodiversity Net Gain (BNG) is a way to contribute to the recovery of nature while developing land, making sure the habitat for wildlife is in a better state than it was before development. BNG will be an important part of the planning system going forward. Mandatory BNG, as introduced by the Environment Act 2021, will require that new development must deliver a net gain in biodiversity of at least 10%. This will be achieved through imposing a mandatory pre-commencement condition on new grants of planning permission for development in scope of biodiversity net gain. See [further information](#).

57. Biodiversity gains can be delivered on-site, off-site or through the purchase of statutory credits from government, and there will be a requirement that any significant on-site enhancements or off-site gains must be secured and maintained for a period of at least 30 years. Certain types of development will be exempt from BNG requirements, including development granted planning permission through permitted development rights, householder development and development which only has a de minimis impact on habitats. Implementation of BNG will be commenced from early 2024 for applications for major development in the Town and Country Planning Act 1990. Commencement to other routes to permission, including Local Development Orders (LDOs) and Neighbourhood Development Orders (NDOs), will be made as part of the second phase of BNG's implementation. The street vote development order legislation gives the Secretary of State the power to modify the BNG framework for street vote development.

58. As set out under paragraphs 34-36, we propose that street vote development orders can grant planning permission to a range of development from more minor development, such as roof extensions, to more extensive development such as the redevelopment of existing dwellings and their gardens. So the potential impact on habitats could vary. We propose to develop a framework which exempts street vote development if it is similar to the existing exemptions for BNG, but would apply BNG if the development has a more substantive impact on habitats. This framework would only come into force as part of the second phase of BNG implementation so it can be consistent with the approach for LDOs and NDOs.

Question 35 – Do you think that Biodiversity Net Gain should apply to street vote development in this way? If not, please provide details.

Yes.

BNG should apply to development under a street vote order in exactly the same way as all other development proposals, with the same inclusions and exclusions. To do otherwise, would add further complexity to the planning system.

Examination

59. Street vote development order proposals will be examined by the Planning Inspectorate. The government wants to ensure that proposals are examined fairly and efficiently before they are put to referendum.

60. After a proposal has been submitted for examination, we propose that it would be 'validated' by the Planning Inspectorate to ensure that it meets certain basic requirements. The purpose of this stage is to help ensure that proposals are ready to be examined and that they can be examined efficiently. We propose that the requirements would be that the:

- qualifying group and its members meet the prescribed requirements (see paragraphs 17 to 18). Relevant local authorities would be required to support the Inspectorate by providing access to the local electoral register;
- proposed street area meets the statutory definition and is not in an excluded area (see paragraphs 16 to 28);
- proposal includes the prescribed documents and any supporting information as proposed under paragraphs 20 to 23); and
- proposal is not a repeat proposal (i.e. a proposal that is the same or similar as one that has previously been submitted within 3 years before the date it was submitted).

61. If the examiner determines that these requirements have been met, the qualifying group and the local planning authority would be notified by the Planning Inspectorate that the proposal has proceeded to examination. Where the correct documents and information have not been provided, the qualifying group would be advised by the Planning Inspectorate and would have another opportunity to provide the missing information.

Question 36 – Do you agree with our proposals for a validation stage before proposals can be examined? If not, please provide details.

Yes

Subject to any additional exclusions (e.g. conservation areas, curtilages of listed buildings etc.) being included as per this response and others from other respondents.

Question 37 – Do you have any further views on how the validation process should operate that you feel should be considered? If yes, please provide details.

No.

Examination process

62. We propose that the role of the examiner will be to assess whether proposals have been prepared in accordance with procedural requirements and duties that will be set out in secondary legislation, comply with the prescribed development requirements (see paragraphs 34 to 36) and to consider relevant impacts proposed under paragraphs 39 to 45. Where a proposal is Environmental Impact Assessment (EIA) development, the examiner will need to consider the Environmental Statement and representations made in relation to EIA in reaching a decision on the proposal.

63. We propose that examiners will conduct the examination through written representations. However, the examiner can hold a hearing in any case where they decide that the consideration of oral representations is necessary to ensure adequate examination

of an issue or that a person has a fair chance to make their case. Before the examination gets under way, the local planning authority will be required to publicise the examination in the most appropriate way (e.g. through site and online notices) for a defined period and to invite representations from the public and statutory bodies on whether the prescribed requirements have been met. The local authority will also be able to submit a representation.

64. After the examination has concluded, we propose that the examiner will be required to issue a report to the qualifying group setting out the decision with the reasons for the decision. The decision may be one of three options:

- **Pass** - Where the proposal passes examination the examiner would then instruct the local authority to organise a referendum on the proposal.
- **Conditional pass** - Where the proposal passes examination subject to additional or amended planning conditions and obligations and/or minor modifications to the proposal that are necessary to ensure compliance with prescribed requirements. Where modifications have been made, the local planning authority will publicise these and invite further representations on the modifications. The qualifying group must also agree in writing to all the modifications made to the proposal before it can proceed to referendum. If the qualifying group do not agree with the modifications, they must withdraw the proposal within a defined period.
- **Fail** - Where the proposal would require major modifications to comply with the development requirements, the qualifying group would have one opportunity to amend their proposal and have it re-examined by the Inspectorate.

We propose that the qualifying group would be able to withdraw their proposal from examination at any time, however, they would lose their right to resubmit a proposal that is the same or similar to the one they previously submitted for a period of 3 years.

Question 38 – Do you agree with our proposals on the examination process? If not, please provide details.

In theory.

Any SI needs to be clear as to whom is able to respond to the publicity – anyone as is the case with planning applications or limited to only those within the area of the street order **and** adjoining occupiers? As owners are excluded within the process above, but are likely to have an opinion on development, if they do not live at the premise, there should be a requirement for the group to provide up-to-date land registry information to ensure that all relevant land owners can be notified by the LPA. This should not be a requirement for the LPA to undertake the search due to the cost in obtaining land registry titles.

Clarity will be required within any SI as to what constitutes a ‘similar order’ – will this just relate to the development, type of development, area that is within the order or something different?

Question 39 - What (if any) statutory bodies do you think should be invited to make representations? Please provide details if applicable.

All of those within Schedule 4 of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended). In addition, any consultee that is (generally) in-house – e.g. conservation, ecology, public protection, trees and landscape, design officers, town and parish councils

Question 40 – For non-Environmental Impact Assessment development, what period of time should we allow for representations to be made? Please provide details if applicable.

Minimum of 28 days (plus bank holidays) to provide consistency with existing LDO requirements.

Referendum

65. The referendum is an important part of the process as it will ensure that street vote development order proposals can only be made where they have strong local support. The government wants to see high turnouts and make sure that voting in a referendum is accessible and secure.

Who can vote in a referendum?

66. We propose that individuals who are registered at an address in the street area (see paragraph 26) to vote in a local council election on the date the proposal is submitted for examination, would be eligible to vote. This means that absentee landlords and some foreign nationals who live in the street area will not be able to vote.

67. Individuals nominated to vote on behalf of non-domestic rate payers in the street area would also be eligible to vote, if they are also eligible to vote in UK parliamentary elections.

Question 41 - Do you agree with our voter eligibility proposals? If not, please provide details.

No. The development proposed within a LDO will have impact upon all who live there and they should therefore have an opportunity to make their views known. Equally absentee landlords should be able to make their representation too as the proposals will affect them to a greater or lesser degree. They are required to be made aware of proposals by applicants when submitting a planning application, there is no obvious logic for them not being included as part of a street vote order.

The ERO would need to have a mechanism to verify that any absentee landlords who live outside of the local authority boundary are registered electors.

Question 42 - Do you think any other individuals should be eligible to vote in a referendum? Please provide details if applicable.

Yes. The development proposed within a LDO will have impact upon all who live there and they should therefore have an opportunity to make their views known. Equally absentee landlords should be able to make their representation too as the proposals will affect them to a greater or lesser degree. They are required to be made aware of proposals by applicants when submitting a planning application, there is no obvious logic for them not being included as part of a street vote order.

How will referendums be conducted?

68. We propose that the local authority's returning officer will be responsible for organising and conducting the referendum. For other types of poll, voters typically have a choice about how they vote. As street vote development order referendums will have small electorates, we consider it would be proportionate to limit the referendums to a single method. We therefore propose to allow for postal voting only. Postal voting is a well established, secure and accessible voting method in this country and is well suited to smaller polls such as these. The government will assess and fund any new burdens on local authorities associated with

these proposals. We also propose that the question to be asked will be: “Do you want the development described in the street vote development order to be granted planning permission?”.

Question 43 - Do you agree that street vote development order referendums should be conducted via postal voting only? If not, please provide details.

Yes.

A postal voting solution with defined statutory dates to be open to those who are existing registered electors.

Question 44 – Do you agree with our proposed referendum question? If not, please provide details.

Yes.

However, it will likely mean that more people will reply ‘no’ than ‘yes’ as there might be areas of the proposal that people find particularly unacceptable. This of course does depend on who is able to vote at the referendum. If only those within the identified area can vote, this is more likely a ‘yes’.

Approval thresholds

69. In order for a street vote development order proposal to be approved following a referendum, we propose that:

- at least 60% of those eligible to vote must vote in favour
- at least one voter in at least half of the voting households in the street area votes in favour. We are also interested in views on whether the relevant local authority should have discretion to apply this threshold

Question 45 - Do you agree with the proposed approval thresholds? If not, please provide details.

No.

This also excludes anyone outside of the area who from the above consultation, as currently drafted, are unlikely to have any say on the proposals. This will more than likely lead to significant complaints if an order is passed and development commences. The complaint will come to the local planning authority whereas it would be the Inspectorate, through the drafting of the SI who would be responsible.

Question 46 – Do you have any views on whether the 2nd threshold should be applied at the relevant local authority’s discretion? If yes, please provide details.

No.

It should be consistent to provide clarity.

Post permission process

Making the order

70. If a proposal is approved following a referendum, we propose that the local planning authority would announce this and notify the Planning Inspectorate who would then make some final checks and then make the order which would grant planning permission to the development specified in the order.

Commencing development

71. The government are interested in views on the time period within which development granted planning permission through a street vote development order must be commenced. As a street vote development order will allow for development of properties across the street area, we want to allow enough time to commence development whilst balancing this with need to provide certainty. Potential options include:

- Option A: Development must be commenced within 10 years of the order being made. This is longer than is typically allowed for planning permission granted through existing consent routes because the permission will potentially apply to properties under many different owners, some of which may not be able to commence development within a shorter period (e.g. 3 years). The qualifying group would also have the option to propose an increase to this period as part of its proposal if it takes the view more time is needed to commence development;
- Option B: Development must be commenced within a specified period (e.g. 10, 20 or 30) years of the order being made. The qualifying group would also have the option to apply to the local planning authority after the order has been made to extend the commencement period; and
- Option C: No time period. Permission granted through a street vote development order would be permanent.

Question 47– Do you have any views on the potential options for when development granted planning permission through a street vote development order must be commenced? If yes, please provide details.

Yes.

No more than 10 years. However, this is a significant length of time and developments granted permission through the order might then conflict with any development granted planning permission (and implemented) in the intervening time period.

Pre-commencement requirements

72. Before commencing development granted planning permission under a street vote development order, we propose that the homeowner/developer must submit any details on matters required by any planning conditions attached to the order to the local planning authority for approval. In addition, those intending to develop under the terms of the order would be able to apply to the local planning authority to obtain a lawful development certificate to check that drawings for individual developments are in compliance with the street design code.

Question 48 – Do you agree with our proposed pre-commencement requirements? If not, please provide details.

No.

Notification should apply to all developments to be undertaken under the street vote development order i.e. where conditions do not apply. The SI needs to be clear that where a legal agreement is required that it is **not** subject to any time exclusions in terms of approval being granted in default if development is not commenced within a given time period. This will particularly be the case if the rule regarding 'semi-detached properties commencing development at the same time' is retained.

Developer contributions

73. It is important that street vote development is able to contribute to the mitigation of the impact of the development that occurs in its area. It is also important that there is a simple and certain process for the calculation of contributions. In the longer term, the Infrastructure Levy will become the route to collecting these contributions, but street vote development orders may be made before an area has transitioned into the new Levy.

74. In general, prior to the introduction of the new Levy, we expect that charging authorities (including the Mayor of London) will be able to use a streamlined version of the Community Infrastructure Levy (CIL). Local planning authorities will be able to set specific CIL rates for development which is permitted under a street vote development order. Unlike other CIL rates, this will not be subject to examination in public, and the process requirements for setting the rates will be substantially stripped back. This will ensure that local authorities are able to act quickly to set rates, even in areas which do not have an existing CIL.

75. We anticipate that existing CIL exemptions and offsets, such as the self-build exemption, will apply. In particular, CIL is not charged on existing floorspace, or floorspace which is demolished and replaced. Moreover, annexes and extensions to existing residential properties are entitled to claim CIL exemption, unless an additional dwelling is created. These types of development have a much lower impact on the infrastructure needs of an area, and so it is appropriate that they are generally not charged the Levy.

76. Where more substantial development occurs, and where additional dwellings are created, it is appropriate that a contribution can be secured. We envisage that collection of CIL in these cases will work similarly to how CIL is currently collected on development permitted by permitted development rights or a local development order. A person proposing to rely on a street vote development order to carry out CIL-chargeable development will need to submit a notice of chargeable development to the CIL collecting authority.

77. For development consented through a planning application to the local authority, a section 106 planning obligation can be used to collect contributions for affordable housing. National planning policy sets out that affordable housing contributions should not be sought on developments comprised of less than 10 units (meaning 9 units or under), other than in designated rural areas. For street vote development orders, local planning authorities will be able to use revenues secured through CIL from street vote development to fund infrastructure and affordable housing. Section 106 planning obligations will not be used to secure affordable housing for street vote development.

78. In the existing system, s106 planning obligations can also be negotiated. These are agreements between the landowner and local authority, which are binding on the land. Street vote development orders will typically cover an area in which there are multiple landowners, who may have different views on the street vote development order itself, and on whether they will take forward development under the order. Therefore, it would not be practical to attempt to negotiate s106 planning obligations with landowners at the point a street vote development order is made. However, it is possible to include a condition under the street vote development order that a s106 obligation must be entered into before development is begun. If this were to become a major part of the development process under street vote development orders it could create substantial uncertainty for landowners as to the deliverability of development under the street vote development order. It is for this reason that the main focus of developer contributions is CIL and – in the longer term – the Infrastructure Levy.

79. These levies allow for much more certainty over the level of contributions that are expected. Nonetheless, there are some circumstances where the security of a s106 obligation is necessary in order to enable a permission to be granted – for instance, if a mitigation is required to deliver specific mitigation required in consequence of an appropriate assessment under the Conservation of Habitats and Species Regulations.

80. Therefore, we propose that, where it is necessary to enable the street vote development order to be granted, a pre-commencement condition may be placed on any development taken forward under the street vote development order, requiring a s106 obligation to be entered into in relation to a specified essential mitigation. We propose that s106 obligations should be limited to circumstances in which: the mitigation cannot be achieved through a condition alone; and cannot be delivered through CIL, either due to the nature of the mitigation, or because the development is exempt.

Question 49 - Do you agree that the setting of Community Infrastructure Levy (CIL) rates for street vote development should be simplified and streamlined, and that CIL should be the main route for the collection of developer contributions on street vote development orders, prior to the introduction of the Infrastructure Levy? If not, please provide details.

Unsure.

At the time the development order is made, it might be appropriate for only CIL to apply as the main route. However, with the length of time that these orders are suggested will grant planning permission for, significant change might occur which could result in new issues arising that are not known at the time the order is made. There should therefore be some scope for additional requirements, as required.

Question 50 - Do you agree that conditions requiring a s106 planning obligation should be limited to mitigations which cannot be achieved through condition alone, and which cannot be delivered through Community Infrastructure Levy? If not, please provide details.

Yes.

Subject to that due to the length of time that these orders are suggested will grant planning permission for, significant change might occur which could result in new issues arising that are not known at the time the order is made. There should therefore be some scope for additional requirements, as required.

Question 51 - Do you think the same approach should be taken for street vote development orders as for planning applications, that developments of 9 units or less should not have to make an affordable housing contribution via their Community Infrastructure Levy receipts? Please provide details if applicable.

Yes.

Subject to developers not deliberately submitting multiple applications for reduced numbers of dwellings within their application (condition approval) in order to get around this threshold. Additionally, subject to the host local planning authority not having any differing threshold within their adopted, and up-to-date, planning policy.

A digital process

81. The government's ambition is to bring planning into the digital age. This includes using new technology to better engage people, supported by data standards and publication of open data. Our ambition is for street vote development orders to also be at the forefront of

using new technologies to better prepare, present and engage people with proposals. We are proposing to prescribe data standards for proposals to follow and require data to be published as open data where possible. For security reasons, we propose that the referendum process will be a paper-based non-digital process.

Question 52 – Do you agree that data standards and publication requirements should be implemented as part of the street vote development order process? If not, please provide details.

Unsure.

In theory yes, but it depends upon what these are and their complexity. It could limit some people from being able to prepare a development order. However, consideration should be given to as part of the response to this consultation as to whether those leading on the preparation of an order should be required to consider GDPR issues as a public authority is. There is the risk that some people might not want to share their data with their neighbours for personal reasons.

Question 53 – Do you agree that the referendum should be paper-based and non-digital? If not, please provide details.

Unsure.

If in the future general elections, for example, are able to be held in a digital way, there should be scope for the referendum to also follow suit.

Implementing the system

82. The government's intention is to have the regulations in place in 2024. We are considering the best way to support qualifying groups in preparing their proposals. This includes to support requirements to carry out the necessary environmental assessments such as Environmental Impact Assessment (EIA) and a Habitats Regulation Assessment (HRA). Options under consideration include the role of government in providing screening directions and scoping opinions.

Public sector equality duty

83. We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

Question 54 - Do you have any comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document? If yes, please provide details.

No.