

# RTPI response to ‘Street vote development orders: consultation’

February 2024

## About the RTPI

The Royal Town Planning Institute (RTPI) champions the power of planning in creating sustainable, prosperous places and vibrant communities. We have over 27,000 members in the private, public, academic, and voluntary sectors. Using our expertise and research we bring evidence and thought leadership to shape planning policies and thinking, putting the profession at the heart of society's big debates. We set the standards of planning education and professional behaviour that give our members, wherever they work in the world, a unique ability to meet complex economic, social environmental and cultural challenges.

## Preparing a 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 / No / Unsure

Though it does exclude some groups (for example, it may disproportionately impact students and long-term residents who are not citizens of the Republic of Ireland or countries in the EU or Commonwealth), this is probably the fairest and simplest way to decide eligibility.

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

Yes / No / Unsure

**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?**

Yes / No

We agree with the proposed minimum thresholds for the size of a qualifying group.

However, for groups to have legitimacy in the eyes of a street vote area's residents, it will be important for them to be inclusive, and as far as possible, representative of that area's population. This is both ethically important and would make it more likely for any SVDO created to pass referendum

Though it may not be practical for requirements on inclusivity and representation to be including in the thresholds for qualifying groups, the government should provide guidance to potential groups on the benefits of inclusivity and representativeness, and how to encourage it in practice.

**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.**

**Yes / No / Unsure**

It is crucial that qualifying groups carry out sufficient community engagement. We agree that the 60% referendum acts as incentive for them to engage effectively, and that flexibility in the engagement **methods** that groups may use is important. This will enable them to approach engagement in a way which is commensurate with the scale of the development they propose and the resources they have available to them (which may vary significantly group to group).

While the Street Vote groups should have discretion on how to engage on their proposals, the **principles** that guide the chosen approach to engagement should not be. Government should lay these out in the guidance it publishes for street vote groups. This is because the legitimacy of SVDOs will depend on a sense of procedural justice in the eyes of local residents (inside and outside of the street votes area), and not just the eventual outcomes of referenda.

Establishing these principles will also enable the development of criteria against which DLUHC can assess the success or otherwise of pilot SVDOs (which we argue for in response to question 27), and enable PINS to more easily assess the validity of proposed SVDOs.

At a minimum, these principles should include that qualifying groups' approaches to engagement are honest, transparent, proportional, timely, and inclusive. The principles contained in most local plan Statements of Community Involvement would provide a good template.

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

*Notice*

Assuming that the term is used here to mean 'notice' as it is generally applied in the town and country planning system, it is appropriate that the SVDOs process should follow the norms established in that system and that it makes the process as transparent as possible. This means that, as minimum, notice should be given to all residents of a street vote area when:

- An street vote group is being formed;
- A street vote group begins engaging on the contents of its SVDO;
- An SVDO is sent for validation;
- The outcome of that validation is made known;
- A date for the referendum has been established; and
- The outcome of a referendum is established (including what when the Order will come into force).

*Additional concerns – inappropriate influence over referenda*

These proposals may have the potential to bring about situations in which unscrupulous landlords, freeholders or third party developers are incentivised to use intimidation and coercion to encourage tenants to vote in favour of an SVDO at referendum.

This is because, in areas with a low number of owner occupiers, it will be property/land owners who would benefit from the granting of an SVDO, but it will be their private rented or housing association tenants who would be the ones voting in referenda. It will often not be in the interest of tenants to vote for an SVDO, resulting in a situation in which there may be an incentive for some landlords to pressure their tenants into voting for an SVDO which could bring them significant financial benefits. This may be a particularly significant issue for areas housing more vulnerable communities, or where a single social housing landlord owns the majority of properties on a street.

This need for integrity and to protect against inappropriate influence is not unique to SVDOs. It applies to other forms of polls and public participation in the planning system. But it should be considered, and it is important that the safeguards against inappropriate influence that are applied to other polls are applied here, and for government to monitor for any potential issues.

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

**Yes / No**

*Community engagement should be as ‘deep’ as resourcing allows, and central government should support this as far as possible*

As we stated in response to question four, we understand the need for the extent and type of communities engagement by qualifying groups to vary according to their resources and the extent/scope of the development proposed. However, ensuring that community engagement is as high-quality as possible will the following bring advantages:

- Greater legitimacy for development which occurs through this consenting regime;
- Greater change of SVDOs passing their referenda; and
- The potential for higher-quality SVDOs that better considers and meet their communities’ needs.

With this in mind, and considering the extent to which groups’ approaches to engagement will be determined by the resources they have available, it will be important for government to provide as much support as possible to them to engage effectively.

This should be provided through a combination of:

- Direct resourcing
- The guidance which we reference at various points in this response
- Advice on how to bring in resources; and/or
- Signposting to freely available and high quality resources on engagement methods.

*Visualising change*

In most cases, building residents’ understanding of the changes that SVDOs could bring will be an important part of the engagement described above. Visual tools are particularly effective means of doing this. DLUHC should therefore require SVDOs to include elevation diagrams that are legible to the general public, and 3D representations of likely development outcomes.

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

**Yes / No**

The government should make clear the extent to which qualifying groups will need to consider the provisions of the Equality Act 2010 in their approaches to engagement and developing their SVDOs.

Separately, under these proposals residents to the rear of houses in a street vote area will have no say on proposals being developed, but could be heavily affected. The only safeguards against negative impacts on these homes are the design requirements laid out under paragraphs 34 and 35 (as there is no opportunity for formal consultation with these individuals, unlike when a planning application made through the town and country planning regime). This makes informal engagement between qualifying groups and affected individuals, so that they understand the process and how decisions are being made, particularly important for community cohesion and understanding.

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

**Yes / No / Unsure**

Overall, we disagree.

It should be mandatory for qualifying groups to submit detailed specifications of elevations, and not optional, as the language in para 22 suggests. These will be very important for communities to understand the physical impacts of development that is likely to occur as a result of proposed SVDOs (as we also argued in response to Question 6).

**Question 9 – Do you consider that there is any further information or documents that should form part of a proposal?**

**Yes / No**

SVDO proposals should also include an independent (though high-level) assessment of the following:

- Deliverability and the likely scale of development they will bring about;
- How many additional dwelling them may create; and
- When this is likely to occur.

Requiring street vote groups to commission such assessments during the development of larger SVDO proposals will both: a) increase the likelihood of them making a tangible difference to housing supply, and b) enable LPAs to consider future housing supply as part of their local authority-wide housing supply assessments. This could influence decision making on issues like green belt release.

**Question 10 – Do you have any views on what tools would help qualifying groups in preparing and submitting street vote development order proposals?**

**Yes / No**

Digital visualisation tools will help local residents and members of qualifying groups to understand the likely impacts of their proposed orders and would help public engagement.

Online tools which enable community groups to make an informed decision about the characteristics and needs of their street/area/communities will enable them to produce NDVOs which meet local needs as far as possible. It will also enable them to identify the ‘other potential impacts’ relevant to the NPPF and identified in paragraph 43 of this consultation.

There is a range of free, online, accessible and open-source data sets and tools which could be signposted easily and low cost, including:

- *Local Planning Authority interactive policy maps*: These maps should identify all designations and constraints relevant to a particular site and should be consulted as the first initial step when appraising a street area.
- *The Environment Agency's Flood Risk Map for Planning*: This map outlines the Flood Zone of a specific area (and identifies any flood defences) and subsequently confirms whether a flood risk assessment would be required.
- *DEFRA's MAGIC webpage*: This interactive map provides authoritative geographic information about the natural environment from across government.
- *The Coal Authority's Interactive Map*: This tool identifies various contamination metrics.
- *Climate Just*: A webtool designed to identify who is vulnerable to climate change and fuel poverty and why; highlight neighbourhoods where climate disadvantage is highest and; explain the factors involved to inform actions required.
- *Planning Portal's Interactive House*: This guidance confirms building regulation information for various types of development.
- *The Planning London Datahub*: An interactive tool that holds detailed information on planning applications, permissions, commencements and completions in Greater London.
- *Transport for London's WebCat Planning Tool*: This tool shows the Public Transport Access Level (PTAL) of a postcode area, which rates locations by their distance from frequent public transport services in London.
- *Historic England's Open Data Hub*: This includes aerial mapping of various heritage designations including: Listed Buildings; Scheduled monuments, parks and gardens, wrecks and world heritage sites and; Greater London Archaeological Priority Areas.

## Scope of street vote development orders

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

**Yes / No / Unsure**

**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.**

**Yes / No**

No comment.

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

**Yes / No / Unsure**

**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 / No

*Conservation areas*

Conservation areas should be excluded. This is because conservation areas comprising residential buildings constructed after 1918 may be designated as such because they have symbolic, historical, artistic or cultural significance beyond the immediate area and nationally. The Barbican and Golden Lane estates in London are, for example, currently subject to a draft conservation area SPD. What kinds of development is carried out in these areas should be a subject of wider decision making.

To be effective and meet their objectives, SVDOs should be as simple as possible. But for SVDOs to sensitively 'evolve' conservation areas in a way that does not damage their heritage value (as described above) would require greater scrutiny and expertise. Excluding Conservation Areas from SVDOs would be the simplest response to this challenges.

Even if SVDOs are sensitively designed, with the scrutiny described above, several individual SVDOs in one place will lead to a patchwork of incremental change across urban areas. This is not intrinsically a bad thing in most places, but the cumulative impact of such development on Conservation Areas could be damaging to their overall coherence and value.

*Article 4 Directions*

Article 4 Directions are used by LPAs to remove particular permitted development rights within a tightly defined area to prevent harmful changes, and with the consent of the Secretary of State.

Given the important and limited role Article 4 Directions play in limiting harmful development, and the Secretary of State's ability to refuse those they deem inappropriate, SVDOs should not be able to propose developments that contradict an Article 4 Direction.

**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 / No / Unsure

**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 / No / Unsure

**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.**

Yes / No

Locally listed buildings should also be excluded.

## **Development requirements**

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

**Yes / No / Unsure**

While we largely support the six design principles outlined, we would like to see the addition of principles concerning the consideration of climate change and sustainable design and construction, in line with the government's climate change commitments.

In addition, the concept/principle of supporting the 'gradual evolution' in the character of neighbourhood is welcome, but it is new. Most built environment professionals are used to working within and working towards the preservation of distinctive characteristics, so it will be important to make clear exactly what 'gradual evolution' means and how it can be achieved, with examples. This should be provided in the government's guidance to street vote groups, with visual illustrations to make it as clear as possible for all audiences (both specialist and non-specialist).

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

**Yes / No / Unsure**

*Interpreting the proposed design requirements*

While we have not heard any specific concerns about the design requirements themselves, many of our members, including those with expertise in urban design, find them complex and difficult to interpret. This is something we heard from our Urban Design Network and Independent Consultants Network. It is therefore likely that the general public will find them even more challenging.

Given how important understanding these requirements will be for the production of effective and credible SVDOs, DLUHC's guidance for street vote groups should make full use of:

- Visual explanations;
- Worked examples; and
- Everyday language.

Any room for differing interpretations of the design requirements could increase the potential for appeal, legal challenge and friction between residents.

*Additional area of consideration – terrain and levels*

It is not clear that these design requirements take into account terrain and differing levels. This must be considered in conjunction with elevations to prevent overlooking, loss of privacy and loss of light.

*Drafting*

In addition, the design requirement regarding semi-detached houses appears to be misdrafted: it should read 'one half of a pair of semi-detached houses', not 'one half of a semi-detached house'.

**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.**

**Yes / No / Unsure**

It is not clear if this question refers to neighbours having a role in determining SVDOs' **design requirements** for new developments, or if it refers to neighbours having a role in determining whether

particular developments that **come forward within an area covered by an established SVDO go ahead.**

In either case, our understanding of the design requirements proposed in this consultation is that they would be fixed and unavoidable. It states:

*“We propose that development proposed through a street vote development order must comply with detailed design requirements.”*

This matters because the design requirements are the only safeguard in these proposals against developments having an unacceptably negative impact on neighbours (particularly when those neighbours live adjacent to but outside of the street vote area). Unlike in the 'mainstream' planning system, there is no opportunity for neighbours to respond to planning applications for new development under these proposals.

If the design requirements are flexible in any respect, this protection will not be guaranteed. And if an element of consultation or application response is introduced, it would seem to undermine the core idea of street votes granting planning permission.

If our first interpretation of this question is correct, and it will be possible for street vote developments to go beyond the design requirements, we would need to revise our views on the street votes proposal as a whole. There need to be robust safeguards to prevent unacceptable impacts on neighbours (especially those that are not in a street area).

If our second interpretation of this question is correct, we would have assumed that development proposals that do not meet an SVDO's design requirements would simply be required to seek permission for development through the mainstream planning route. This would provide all the proper checks and balances, including the opportunity for neighbours to comment on the application, and for officers to assess relevant impacts.

*Responsibilities on street vote groups to consider impacts of future development on neighbours*

Neighbours adjacent to, but not inside, street vote areas should explicitly have at least the same level of protection, via the design requirements, the design principles, and PINs' validation process, as those inside. This is important to maintain the SVDOs' legitimacy in the eyes of the wider public. These residents will not be able to take part in adjacent street vote groups, or referenda, but will experience their impacts.

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

**Yes / No**

We are concerned that it will be very difficult for local planning authorities to monitor whether developments that come through an SVDO comply with its design requirements. This is because:

- LPA enforcement teams are already extremely stretched, with an RTPI survey of 103 LPAs in 2022 finding that 80% of respondents felt that there simply aren't enough officers to carry out the workload ([RTPI, 2022](#)).
- If there is a high degree of take-up for these proposals, LPAs may have a very large number of 'street areas' within their areas, each with different SVDOs in place, potentially in very close proximity.
- Each of these SVDOs could be extremely detailed or very vague, both of which could make it difficult to judge whether a breach of the permission has occurred.

- The construction of development types given permission by in-force SVDOs could occur over a long period of time.

In addition:

- There should be provisions to prevent overlooking from side-facing windows or terraces; and
- There should be a design requirement (or set of requirements) for new developments to be net zero carbon emissions across their whole life. This should link to a new design principle concerning climate change, as we argued in response to question 16.

**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.**

**Yes / No / Unsure**

Overall we disagree.

While we do agree that SVDOs should, by design, be able to ‘go further and faster’ than local plan policy, we feel that ‘will not cause problems with the implementation of the local plan’ is too low a hurdle for SVDOs in terms of their alignment with local plans.

Whilst it is certainly true that SVDOs should not undermine local plan objectives, we would also want to see developments that come through SVDOs (especially when they are large scale or there is a cumulative impact from lots of separate SVDOs in one area) benefit from being connected to supporting infrastructure that is planned at the local plan level.

This could, for example, comprise the development of routes for active travel (particularly important given that new homes created through SVDOs must be car-free), the provision of heat networks (in line with the proposals which the Department for Energy Security and Net Zero is currently consulting on (see [DESNZ, 2024](#)), or the delivery of a wide range of services linked to local plans.

To enable these benefits and provide more certainty that SVDOs and local plans’ objectives align, without creating an unnecessary burden on street vote groups, **SVDOs should be required to be in general conformity with strategic local policy**. This would align SVDOs with Neighbourhood Development Orders, which function in a similar way.

The National Planning Practice Guidance lays out that strategic policies should not, amongst other things, ‘extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies’ and that planners should consider the following factors when identifying if local plan policy should be described as ‘strategic’:

- Whether the policy seeks to shape the broad characteristics of development;
- The scale at which the policy is intended to operate;
- Whether the policy sets a framework for decisions on how competing priorities should be balanced;
- Whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan;
- In the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan; and
- Whether the local plan identifies the policy as being strategic.

These considerations would appropriately guide and inform SVDOs, without clashing with them or operating at the same spatial scale.

In addition:

- To maintain their integrity as an important part of the new plan making system, SVDOs should not conflict with any local design codes (and by extension, any national design guidance), or neighbourhood plans.
- As we argued in response to question nine, it will be important for local plan teams to have intelligence on the deliverability of developments permitted via SVDOs and the likely scale of residential development they will produce. Ensuring that street vote groups procure independent assessments of this and make them available to their local LPA would address this.

**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.**

**Yes / No**

See our response to question 22.

**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 / No / Unsure**

## **Managing local impacts**

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

**Yes / No**

Where an SVDO would grant permission for developments that would have a meaningful impact on transport, street vote groups should be required to conduct transport assessments. As we describe in more detail in response to question 27, it will be important for the government to provide clear guidance to street vote groups on what the threshold for ‘meaningful impact’ would be.

While CIL is likely the most suitable form of planning gain for street votes developments, we are concerned that in many places it is unlikely yield enough money to adequately fund the public transportation improvements that these developments could bring. Indeed, one-third of local authorities still do not have a charging schedule at all.

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

**Yes / No / Unsure**

We support the requirement to give special regard to listed buildings and other heritage assets, but as mentioned in our response to Question 14, Conservation Areas should be excluded from SVDOs.

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

**Yes / No / Unsure**

*Thresholds for conducting impact assessments and complying with the NPPF*

The proposal state:

*“There may also be other relevant impacts that need to be considered... 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.”*

We are concerned that, in many cases, street vote groups will find it difficult to assess ‘where impacts are relevant’. Whereas this may be easy for flood risk – the example provided in this consultation – other forms of impact may be harder to assess. Given the potential cost and complexity of assessing these impacts, some street vote groups may try to avoid conducting these assessments or compliance with the NPPF, even when they would be appropriate.

It is therefore important that the guidance DLUHC produces for street votes groups includes a list of all of the impacts that street votes groups should consider, for different types and scales of development. Alongside this list should be the thresholds for likely impacts above which a full assessment of impacts must be carried out, and relevant parts of the NPPF.

This should be provided in accessible, tabulated form, so that members of the public can easily use it to commission more specialised, expert, analysis of particular topics when it is required.

These proposals already suggest that decisions about the application of BNG to SVDOs will be made via a similar impact threshold-based decision making process.

Statutory consultees, who should be invited to give optional representations on new SVDOs (as we argue in response to question 39), would benefit from this threshold information when making their initial (necessarily rapid) assessments of whether to make representations.

*The need for robust pilots and their evaluation*

The thresholds described above would benefit from being refined and finalised through street votes pilots. This is because they are hard to set without a clear sense of the types of development that will come through SVDOs, and how the street vote groups interpret and assess different impacts in practice.

There are two additional and more general reason why it would be highly beneficial for the government to run street vote pilots:

First, **the success of these proposals depend on a series of safeguards and technical requirements**, some of which are complex and/or will heavily depend on local conditions. The design requirements and principles, street vote group and referenda validity, are all examples. Running pilots will enable these requirements to be tested in real-world conditions, but be ironed out before the street votes are ‘rolled-out’ nationally. The need for additional requirements may also emerge during testing. Failure to address any issues related to requirements and safeguards before a wider roll-out could have a lasting negative impact on places, and undermine the credibility of street votes.

Second, **the success of street votes will depend on how groups and the wider public and professionals interpret the process and the guidance that comes with it**. This is hard to predict,

and requires real-world testing for full understanding. Without testing the guidance in real-world conditions there is, again, a risk of low take-up and lasting negative impacts on places.

To be successful, these pilots should be:

- Conducted across a wide range of built environment types and market conditions;
- Conducted before a national roll-out of street votes;
- Conducted with different street vote groups that want to permit a range of development types, from small scale to major demolish-and-rebuild;
- Self-selecting, as street vote groups would be in reality; and
- Funded by government, but to an extent that would be likely in 'real world' conditions.

In addition, they should be evaluated in terms of:

- Whether resulting development is high quality, or does not have unacceptably negative impacts;
- Community sentiment and inclusivity;
- How effectively the public were able to understand and engage with the process and any guidance (both those within a street votes group, and outside);
- Resources requirements;
- The number of new dwellings created;
- Whether the design requirements, principles, and thresholds effectively prevent negative impacts; and
- Impacts on and alignment with existing planning processes and decision makers (particularly LPAs and various aspects of their development plans).

#### *Longer-term monitoring and evaluation, and the lack of an impact assessment*

After street vote pilots have concluded, the government should maintain ongoing evaluation of street votes, in order to assess their cumulative impacts (on for, example, the environment, housing supply, and key stakeholders in the process) and any emerging issues.

We note that the government did not publish an impact assessment of street votes as part of its Levelling Up and Regeneration Bill impact assessment. The analysis in this document's Summary of Bill Measures:

- Identifies 'some impacts on the public sector who need to familiarise themselves with the new system', and commits to an assessment once 'clauses are in the Bill';
- Identifies 'no impacts to businesses and very minor public sector impacts';
- Does not identify any indirect or direct impacts on businesses, and states that the government intends to 'provide an assessment of the impact of this measure as part of a separate submission'; and
- States that the 'impacts on [small/medium businesses] will be assessed once the clauses are entered into the Bill'.

This lack of an initial impact assessment makes it difficult to establish the likely financial and economic impacts of these proposals, and prevents the future evaluation of the measures against their predicted impacts.

**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.**

**Yes / No**

Groups should be required to invite representation from Lead Local Flood Authorities during the preparation of SVDOs. Lead Local Flood Authorities could then make street vote groups aware of any potential risks and any necessary mitigation measures, including Sustainable Urban Drainage.

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

**Yes / No**

Street vote development orders could result in extended periods of construction as different properties execute their planning permission. We therefore recommend that codes of construction practice or construction environmental management plans (CEMPs), depending on the scale of development, are required rather than recommended.

## **Environmental duties**

**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.**

No comment.

**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 comment.

**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.**

No comment.

**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.**

No comment.

**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 comment.

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

**Yes / No / Unsure**

However, it is unclear whether these proposals argue that individual developments that come through an SVDO would need to offset via their own BNG solutions, or the SVDO would propose a single BNG solution, which individual developments then contribute to.

## **Examination**

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

**Yes / No / Unsure**

We are aware of concerns that the Planning Inspectorate would be unable to check whether street vote group members meet the prescribed requirements because local authorities do not have the authority to share the register of the electors with them (PINS are not a relevant organisation under Regulation 113 of the Representation of the People Regulations 2001).

**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 comment.

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

**Yes / No / Unsure**

The proposed examination process is appropriate in principle but, given PINS' proposed increased role in plan making and the NSIP regime, it is important that it receives the resourcing it needs to carry the additional burdens the proposed examination process will bring.

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

Any statutory consultees responsible for policy subjects identified as being relevant during the preparation of an SVDO should be invited to make optional representations. These statutory consultees would not be obliged to respond, but may if the SVDO is deemed to be of significance.

This should happen early in the process of developing an SVDO, after initial proposals are drafted but well before examination. This will allow consultees to suggest mitigations that can be fed into the design process. If there are issues still unresolved at examination, consultees should be able to make representations.

**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.**

For non-EIA proposals, a consultation period of 6 weeks should be allowed for representations to be made by the public and statutory bodies. This aligns with other planning application consultations.

## Referendum

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

**Yes / No / Unsure**

Considering that SVDOs can only apply to residential buildings, only residents, and not non-domestic rate payers, should be able to vote.

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

No comment.

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

**Yes / No / Unsure**

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

**Yes / No / Unsure**

To be as effective as possible, the referendum question should meet the following criteria:

- Be clear that the referendum will grant planning permission to all development described in the SVDO, but that this might not come forwards immediately;
- Specify the length of the permission and how it can be implemented;
- Be written in such a way that can be understood by the general public and/or those with very little understanding of planning processes.

The proposed formulation does not fit these criteria. Instead, we suggest:

*"Do you want property owners to have the right to undertake the kind of development described in the SVDO without having to apply for planning permission?"*

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

**Yes / No / Unsure**

**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 comment.

## Post permission process

**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

#### *Option A*

This option is reasonable because the commencement period is longer than a normal planning permission, reflecting the time needed to implement a street vote development order across a street area in multiple ownerships.

Because the built environment will continue to change in addition to any street vote development, limiting an SVDO to 10 years would also ensure that it remains relevant to the local environment.

On balance, because of the importance of ensuring that schemes coming through SVDOs are deliverable and realistic within a measurable timeframe (see our response to question nine), we would support this option as our overall preference.

#### *Option B*

This option is also reasonable as it gives local people as much say over the operation of street votes as possible. It also provides the ability to tailor the time limit to the rate of change in the built environment of the area. For example, a less dense suburban street subject to less development pressure could be longer than 10 years, while a very dense urban street with more development activity could be shorter.

#### *Option C*

We do not support this option because a permanent permission does not reflect the changing nature of the built environment.

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

### Yes / No / Unsure

**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.**

### Yes / No / Unsure

**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 / No / Unsure

**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 / No

Yes, maintaining the 9-unit threshold for affordable housing contributions is reasonable for street vote development.

## **A 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.**

Yes / No / Unsure

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

Yes / No / Unsure

## **Implementing the system**

**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.**

Yes / No

We have highlighted how important it is for street vote groups to be as inclusive as possible when forming, and when engaging communities on their SVDOs. While this work will be primarily carried out by groups themselves or their consultants, the following public bodies have an important role to play in ensuring that this is conducted as fairly as possible:

- The government – through the guidance it publishes (as we argued in response to questions 3 and 4, this should emphasise the need for representativeness and inclusivity), and through ongoing evaluation of impacts on protected groups;
- Local authorities – when notifying communities at various stages of the street vote process (this is something we argued for in our response to question 5); and
- Local authorities – when managing the referendum process and ensuring that is fair.