

## **Appendix 1 – Responses to consultation**

**Q1. 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 it is essential that any member of a group is a registered at an address in the street area, however it is also considered that they should be a permanent resident of the street (as opposed to a second homeowner or an individual who lets out their property).

**Q2. Do you agree with our proposed minimum thresholds for the size of a qualifying group? If not, please provide details.**

Yes. No comments to make.

**Q3. Are there any other factors that you feel should be considered when determining the minimum thresholds for the size of a qualifying group?**

No.

**Q4. 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.**

No. Community engagement should be a requirement of the process, however that should not be at the discretion of the group (or the individual representing them), it should be prescribed in the secondary legislation to ensure that the system is predictable and robust as per the vision for SVDO's.

**Q5. Which additional protections, such as notice, could be given to residents? Please provide details if applicable.**

Formal notice should be served upon all owners of properties within the street, providing an opportunity to join a group, and therefore if a proposal for a SVDO is submitted to the Planning Inspectorate, there should be a set period of time to make representations.

**Q6. Do you have any views on what level of community engagement would be appropriate? If yes, please provide details.**

As per the responses to questions 5 and 6 it is considered that all residents of a street should be formally notified when a group is established, and they should have an opportunity to comment on any proposal submitted to the Planning Inspectorate.

**Q7. Do you have any further views on community engagement you feel should be considered? If yes, please provide details.**

Yes. The document does not set out clearly what is meant by community engagement and it is essential that the regulations is clear in this respect.

**Q8. Do you agree with the government's proposals on what a street vote development order proposal must include? If not, please provide details.**

No. It is considered that the information listed within the consultation is not sufficiently clear. Elsewhere in the consultation document there is information about Environmental Impact Assessments, Habitat Regulations Assessments, Flood Risk assessments etc, and this does not come through clearly. It will be essential that residents considering this approach are clear at the start of the process as to the potential complexities and what additional supporting information may be required with a proposal for a street vote development order

**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.**

Yes. Surveys that have informed the design codes, habitat regulations assessments, flood risk assessments etc should be required to form part of the proposal to ensure they are assessed by the Planning Inspectorate.

**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.**

No.

**Q11. Do you agree with our proposed definition of a street area? If not, please provide details.**

Yes. Although it is considered that the definition appears to be overly complex and open to interpretation.

**Q12. 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. It is considered that the definition should be clear as to whether a street area needs to encompass properties on both sides of the street, or whether 'a stretch of road' could include a single side of a street.

**Q13. Do you agree with our proposals for additional excluded areas? If not, please provide details.**

No. Whilst it is welcomed that national parks and areas of outstanding natural beauty are excluded, it is a significant concern that conservation areas are not excluded from being within a street vote area. Conservation areas are designated for their character, history and architectural quality, and this could be significantly diminished by development that is not appropriate. Conservation Areas are rarely characterised by uniform properties and therefore it is not likely that a 'one size fits all' permission granted by a developer order would lead to development that conserves and enhances the conservation area as required by the Planning (Listed Building and Conservation Areas) Act 1990.

**Q14. Are there any categories of land or area that you think should be added to the list of excluded areas?**

Yes. Conservation Areas.

**Q15. 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?**

Yes.

**Q16. 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?**

No. 1918 appears to be an arbitrary date that fails to recognise that properties with origins later than 1918 can represent heritage assets that should be protected. In addition, it fails to recognise that development on a street can have a harmful impact upon the setting of heritage assets (either buildings or conservation areas) that may be located adjacent to a street vote area. In addition, the proposal assumes that resident groups will be able to access mapping to demonstrate accurately the age of properties on a street and this is not necessarily a realistic expectation. It is

considered that instead buildings within conservation areas should be excluded, and that a proposal for a street vote should include a heritage assessment. The assessment should identify any building that has been identified as important within any Character Appraisal or Local List published by the Local Planning Authority for the area, and they should be excluded from benefitting from the development order.

**Q17. Are there any further types of development you think should be added to the list of excluded development? If yes, please provide details.**

Yes. Any development that would likely have a significant effect upon a European designated site, for example through impact to bats from a Special Area of Conservation, or in areas where water neutrality or nutrient neutrality are required for new developments. The consultation document addresses the need to accord with the habitat regulations and indicates further applications under the regulations or indeed prior approval applications will be required. However, adding these additional layers or complexity to a system which is, according to the consultation, designed to be predictable and easy, is counterproductive. It would be more predictable and easier if residents knew from the start of the process whether or not they can rely on a development order. Therefore any development that is likely to require significant mitigation to be acceptable in terms of its impacts upon designated sites, which would likely need to be secured by a planning condition or a S106 legal agreement should be excluded development.

**Q18. Do you agree with the proposed design principles? If not, please provide details.**

Whilst the design principles could be acceptable in principle, it is not clear how street votes in principle nor the details of street votes would achieve them.

**Q19. Do you agree with the proposed design requirements? If not, please provide details.**

The design requirements are complicated. It is not clear how any group of residents would have access to information such as the number of inhabitants per hectare, or how they would be able to assess the age of properties. It is not clear from the information contained within the consultation document how a proposed development order would meet the requirements of the NPPF to improve the overall quality of an area and secure high quality design.

**Q20. 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.**

It is a concern that this question suggests the onus could be on neighbours to a development to determine whether a proposal would meet the restrictions set out in the consultation and when they may be content for a homeowner to exceed the requirements. This would likely need to be carried out by a professional and therefore would result in costs to the neighbour which does not seem fair or reasonable. It is also potentially placing neighbours into a situation where there could be conflict with the person wishing to develop their property should there be a difference of opinion, and does not take into account that some neighbours will not be in a position to involve themselves either financially or because they may be vulnerable.

**Q21. Do you have any further views on design requirements that you think should be considered? If yes, please provide details.**

It is a significant concern that in an attempt to cover a range of scenarios the design requirements are very complex and difficult to digest. It is likely there will be much confusion over the application of the requirements, for example;

- what is a green space; it includes roof gardens but does it include all gardens? (seemingly not, because there are other references to the ability to build on gardens)
- What is a 'building in the direction of another property not on the same street', is this determined by where the front elevation on the building is, or is it based purely on its location?
- The proposal to have car free developments may lead to a shift away from private car use, however it fails to recognise that in most areas not within a city centre with excellent transport links new residents would simply park on the existing street (or surrounding streets) if no car parking spaces are provided to accompany any new dwellings allowed under a development order, resulting in the potential for adverse impacts upon amenity and the highway network. This can be properly planned for in the existing planning system and assessed on a case by case basis, and this element of the proposal is a concern. Particularly as there does not appear to be requirement to provide secure cycle storage as part of a development order proposal.

**Q22. 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 a concern that a small group of current residents would have the ability to provide development, for either financial gain or to meet a short term need rather than to meet the longer term needs of the wider community, that does not accord with policies that have been through an extensive plan making process, at either the district/borough level and at neighbourhood level with significant public involvement.

**Q23. 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. The group proposing a street vote development order should be required to submit a statement that demonstrates how their proposal accord with the local development plan, which would therefore include neighbourhood plans.

**Q24. 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.

**Q25. Do you have any views on our proposed approach to managing highways and transport impacts? If yes, please provide details.**

It is agreed that groups who submit a street vote development order should submit a transport statement for some forms of development, however the consultation document is not clear on when such a statement may be required (it clearly will not be necessary or proportionate for all forms of development), and the secondary legislation should be clear on this matter. It is not clear how a development order could secure mitigation via an obligation and if there is a need for developers to enter into a legal agreement prior to development commencing then this should also be clear in the legislation. In addition, a transport statement may quickly be out of date, and how this issue would be handed

**Q26. Do you agree with our proposals to further safeguard the historic environment? If not, please provide details.**

It is considered that the proposals to safeguard the historic environment are not sufficient, and conservation areas should be excluded from street vote areas.

**Q27. Do you agree with our proposed approach to managing local impacts? If not, please provide details.**

The consultation document does not detail how consultation with consultation bodies will take place, nor when they should be consulted. Any secondary legislation should set out which consultees should be consulted, and in what form and how long etc. Without this clear requirement there is a risk that important matters such as flood risk, heritage, noise and other matters that have significant environmental consequences (such as lack of capacity at a wastewater treatment works leading to increased overflows into a European designated body of water) would not be given the necessary level of assessment.

**Q28. 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.**

The consultation document does not set out how a qualifying group would undertake a sequential test/exception test. It would be essential that this process is followed in accordance with the NPPF to ensure that development continues to be directed to areas at the lowest risk of flooding. It would be necessary to ensure that a sequential test area is not focussed on the street vote area.

**Q29. Do you think any other impacts should be considered? If yes, please provide details.**

It is considered that the issue of noise should not be left to general legal requirements and government guidance. There is a possibility of new development being proposed adjacent to noise generating uses/infrastructure, such as new housing adjacent to roads, railway lines and commercial uses, and it would be necessary to assess the impacts of these sources of noise upon future occupiers prior to a development order being granted.

The consultation also does not detail how matters such as impacts upon protected species would be managed. It is important that development orders are informed by the ecological appraisals and any necessary secondary surveys for particular species that may be affected. In addition any secondary legislation would need to address how these issues would be considered in the future, assuming the development order is not time limited to 2-3 years, which is the normal time for which a survey can be relied upon.

**Q30. 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.**

The Planning Inspectorate as the examining body should be responsible for ensuring that the development order would comply with the Environmental Impact Assessment (EIA) regulations.

**Q31. 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.

**Q32. 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, however the Local Planning Authority and all relevant consultees should be consulted as part of the process.

**Q33. 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.

**Q34. Do you have any views on providing qualifying groups with more certainty around Environmental Impact Assessment screening? If yes, please provide details.**

No.

**Q35. Do you think that Biodiversity Net Gain should apply to street vote development in this way? If not, please provide details.**

Yes.

**Q36. Do you agree with our proposals for a validation stage before proposals can be examined? If not, please provide details.**

Yes.

**Q37. 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.

**Q38. Do you agree with our proposals on the examination process? If not, please provide details.**

Yes, with the exception of the need for local planning authorities to advertise the examination, and to be responsible for the re-advertisement if a proposal is conditionally passed. At a time when local planning authorities are stretched it is concerning that valuable resources will be used in this way.

**Q39. What (if any) statutory bodies do you think should be invited to make representations? Please provide details if applicable.**

This will be dependent on the nature of the proposal, and should as a minimum include the relevant statutory consultee for a particular issue.

**Q40. For non-Environmental Impact Assessment development, what period of time should we allow for representations to be made? Please provide details if applicable.**

A period of 28 days would allow time for consultees to respond.

**Q41. Do you agree with our voter eligibility proposals? If not, please provide details.**

Yes.

**Q42. Do you think any other individuals should be eligible to vote in a referendum? Please provide details if applicable.**

No.

**Q43. Do you agree that street vote development order referendums should be conducted via postal voting only? If not, please provide details.**

No, it is considered that a system to allow secure electronic voting should be developed.

**Q44. Do you agree with our proposed referendum question? If not, please provide details.**

Yes.

**Q45. Do you agree with the proposed approval thresholds? If not, please provide details.**

Yes.

**Q46. 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.**

The objective to ensure that people from a minority of properties cannot skew a vote is considered positive, however how this could be monitored in practice is not clear. The consultation document does not indicate that the local authority would administrate the vote, however this question indicates that is the intention. It is a concern that the local authority is being placed in a position to administer the

proposed votes, and it is not clear how they would be funded for this additional work. It is not considered appropriate for local authorities to apply discretion in a vote, the secondary legislation must therefore be clear on the voting thresholds.

**Q47. 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. It is considered that the time periods suggested would fail to ensure the new development is sensitive to habits and protected species or changes in environmental/sustainability requirements, flood risk, sources of noise etc. Therefore a shorter period of 5 years is suggested.

**Q48. Do you agree with our proposed pre-commencement requirements? If not, please provide details.**

Yes, it is essential that conditions are formally discharged and that there is a formal process in place for the local planning authority to ensure that individual proposals meet the requirements of the development order.

**Q49. 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.**

No. CIL is currently based on economic viability evidence, and the government has stated that policy aims should not override economic viability. It would therefore be necessary to amend the current CIL regulations, and there seems little point in doing this if the new Infrastructure Levy is to progress. The proposed change would have significant impacts in terms of the additional work to be undertaken by local authorities in terms of the administration of a simplified CIL process alongside the existing CIL, and potentially the new Infrastructure Levy, and would cause confusion for residents and developers.

**Q50. 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.

**Q51. 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.

**Q52. 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.

**Q53. Do you agree that the referendum should be paper-based and non-digital? If not, please provide details.**

Yes, however a shift to a digital system in the future should not be discounted.

**Q54. 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. It is considered important that the impacts of the proposals upon vulnerable individuals or other individuals who may not be able to easily engage in the process of making or voting on a street vote development order.