



# CONSULTATION RESPONSE

## Street vote development orders consultation

Date: 2<sup>nd</sup> February 2024

The CLA is the membership organisation for owners and managers of land, property and businesses in rural England and Wales. Our 26,000 members own or manage around half the rural land in England and Wales and operate more than 250 different types of businesses. We help safeguard the interests of owners of land, and all those with an economic, social, and environmental interest in rural land.

### General Comments:

1. The CLA has concerns with the consultation on street vote development orders. The consultation's suggestion of what would constitute a street leaves many smaller settlements like those found in rural areas at a disadvantage due to their layout and characteristics. Should the proposals forming the consultation proceed, a significant number of properties and a large proportion of communities will not benefit.
2. Furthermore, the consultation proposes that only those residents living at the relevant addresses would be able to vote on development proposals. This leaves landlords of tenanted properties at a disadvantage by not enabling them to vote on development that may impact the value of their property.
3. We support the need for land in existing settlements to be better utilised to address housing needs, however there are better methods to bring forward appropriate development that has the support of residents. Street vote development orders would be another underutilised policy which are a distraction for already under-resourced local planning authorities. The government should prioritise policies which would lead to an increase in the supply of homes. For example, enabling greater use of Rural Exception Sites, where landowners or their partners could develop new affordable homes.
4. Additionally, priority placed on developing affordable homes and enabling the growth of the economy in protected areas, for example in National Parks and Landscapes. However, this consultation specifically excludes these areas, further leaving them behind.
5. The proposals do not suggest a simple and easy process, which we believe street vote development orders were intended to be. For example, the consultation suggests individual design codes be used, and further suggests very restrictive design requirements, to meet design principles. If communities are the ones to bring applications forward, over-complicating the process means that either they will not bring them forward at all, or applications will be incomplete or poor quality.



**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.**

6. No. This proposal excludes landlords and/or owners of properties in a street area from being included in a process that could negatively impact the value of their property. Additionally, the landowner of an area which may be subject of a street vote development order may not be a part of the qualifying group. There needs to be a process for identifying where street vote development orders are not realistic because the landowner has not been involved in the process. There also needs to be a mechanism for notifying landowners and landlords if their land or property has been put forward as part of a street vote development order. It would be sensible for landowners and landlords to be included in the definition of 'qualifying group'.

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

7. We support a minimum threshold for the qualifying group's size, but the proposed minimum of 10 significantly restricts smaller settlements from being involved. Qualifying groups within rural settlements would always need a greater proportion of residents to submit or support proposals. This is not resolved by proposals to allow neighbouring streets to join to create one street area. It is unlikely that the street vote development order will result in much development in rural areas where planning is already difficult to obtain.
8. A solution would be for the minimum threshold to be aligned with the size of the overall size of the settlement in settlements of less than 3,000 population, rather than the size of the street.

**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?**

9. As in our response to question 2, the proposed minimum of 10 significantly restricts smaller settlements from being involved and would require these settlements to have nearly 100% support for any proposal. To enable street vote development orders to work for rural settlements, minimum thresholds could be aligned with the overall sizes of settlements, regardless of the size of the 'street'.

**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.**

10. Yes, it must be a requirement for qualifying groups to engage with the community to inform development proposals and there must be clear evidence of community engagement having taken place.



11. Community engagement can increase the understanding of local issues and result in amendments to development proposals that reflect these whilst reducing objections and gathering support. A robust community engagement exercise could be the difference between the required percentage being obtained to enable an Order to proceed.
  
12. The level of engagement must be reflective of the size and location of development, and we believe there should be guidance for qualifying groups to be able to tailor their engagement approach to local circumstances.
  
13. Guidance on engaging effectively must be clear on how engagement should be undertaken and community engagement that has not followed these guidelines should be deemed inconclusive. This would prevent gaps in engagement and ensure all voices are heard.

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

14. Question not answered.

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

15. As in our response to question 4, the level of engagement must be reflective of the size and location of development.

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

16. Question not answered.

**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.**

17. In addition to the proposals set out at paragraph 20 of the consultation, details of community engagement must be submitted alongside details of any consultation with statutory bodies.
  
18. Paragraph 21 of the consultation suggests the submission of a street design code as part of any proposal, but it is unclear to what extent this code will be required. Many Local Authorities are preparing design codes or already have adopted these, the requirement for individual street design codes could result in duplicated or conflicting information. This requirement adds complexity to a process that should be 'simple and as easy as possible' and should be removed.



**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.**

19. Question not answered.

**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.**

20. As is common practice with planning applications, validation checklists should be prepared that include accurate descriptions of each of the required pieces of information. Such as an explanation of what the site location and block plan will look like. This will limit delays at the validation stage and reduce requests for additional information which will undoubtedly hold up the application process.

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

21. No, the definition of a street, provided at paragraph 26 of the consultation will exclude many rural areas where rural housing is needed. It is unclear how this definition has been prepared and if it is evidence based.

22. The definition is restrictive and does not consider the make-up of rural settlements that have expanded naturally over time. In rural areas, there are a significant number of properties which are not on a road which under the proposals would qualify as a 'street'. Additionally, the areas from which street votes are not available for use (paragraph 27 of the consultation) excludes many rural areas.

**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.**

23. As in our response to question 11, if street vote development orders are intended to allow communities to bring development proposals where they may not otherwise be, the definition of a street area must be considered in a rural context.

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

24. The list of excluded areas is extensive and restricts the use of street vote development orders in many rural areas. We are concerned that the consultation proposes that there could be other excluded areas to be considered. As the Secretary of State has powers to prescribe conditions that street votes development must meet, we do not think that the list needs to be exhaustive. For example, we do not think that areas within the Green Belt should be restricted from using votes. The Green Belt was intended to protect against urban sprawl and settlements merging; street vote development orders would not threaten protection of the green belt under this purpose. Local authorities could assess a street vote development order against its merits and whether it would threaten the protection of the Green Belt.



**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.**

25. Question not answered.

**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.**

26. No. Restricting street vote development orders to residential development will limit economic growth in some areas.

27. The reduction or loss in services and facilities such as shops, post offices, gyms and cafes can have a consequential impact that results in settlements no longer being considered sustainable locations that could support new housing. In small rural villages where there is only the village shop/post office, if this is lost then the village is left without a vital service and opportunities for further growth are limited.

28. For those settlements that have lost vital services and facilities, street vote development orders could present an opportunity for qualifying groups to engage with local residents and put forward proposals that would support the sustainability of the settlement. This in turn could result in additional housing being allocated for that village.

**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?**

29. No. We do not believe the development of older buildings should be excluded. The proposal to exclude all buildings built pre-1918 is unnecessarily restrictive when a fifth of the UK's housing stock was built before this date. Not only would this exclude many rural settlements, but also plenty of terraced streets in urban areas.

30. Setting a precedent for pre-1918 buildings to be excluded from certain planning routes is dangerous. Now, and in future, often it is Britain's oldest housing stock which needs to adapt. For example, for energy efficiency, to keep up with modern standards of living, and importantly, to preserve our 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.**

31. No.

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

32. Yes.



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

- 33. No. While the proposed design principles are sensible, the proposed design requirements are urban-centric and take a limited account of the type of development that may be required in rural areas.
- 34. Areas with more residents will be able to undertake larger/taller developments that will increase density. There is a risk that this will result in poor placemaking, and it is unclear how the third design principle, preserving green space and increasing outdoor space, will be implemented with the proposed design requirements.

**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.**

- 35. Development that would not impact residential amenity for existing or new residents should be given a significant amount of weight. Development that would adversely impact residential amenity should be avoided. Neighbours should be able to make appropriate representations in this regard. If community engagement is undertaken effectively, it would reduce the risk of neighbours becoming unsupportive and would enable their opinions to be factored into the proposals at design stage.

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

- 36. No.

**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.**

- 37. No. The NPPF states that the planning system should be plan-led. When preparing Local Plans, local authorities must ensure that they prepare their plans in accordance with both the National Planning Policy Framework (NPPF) and the Planning and Compulsory Purchase Act 2004. For street vote development orders to go beyond that which is permitted under the local development plan would be to propose that development conflicts with the NPPF is allowable.
- 38. Further clarification is needed on the impacts that would be 'broadly acceptable in the view of the Secretary of State according to national policy' and that 'will not cause problems with the implementation of the local plan' (paragraph 37 of the consultation).
- 39. There is a risk that development that has been voted on by residents of the street area will result in poor placemaking and development that is unsustainable and provides future residents with a poor standard of living.



**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.**

40. No.

**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.**

41. Yes. There is a need for more housing in both urban and rural areas.

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

42. Yes, transport impacts must be proportionately assessed in accordance with the proposed development. Reports such as transport statements are useful tools in assessing these impacts but should only be required in certain circumstances. However, third party information is expensive, and the extensive requirement of third-party information can often result in development proposals (particularly those in rural areas) becoming unviable.

43. The requirement of such information to assess impacts such as highways and transport must be proportionate to the amount of development. For example, the information required for 2-5 homes must be less than the information required for 25-30 homes.

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

44. Yes. However, as in our response to question 16, excluding buildings which were built before 1918 is overkill, and could in fact contradict the aim of safeguarding the historic environment.

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

45. Yes, we agree that qualifying bodies should consider relevant impacts in line with the NPPF and planning practice guidance. Prior engagement with consultation bodies will result in less information being requested throughout the application process which will limit delays in decision making. As per our response to question 25, the level of information required must be proportionate to the proposals.

**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.**

46. No. However, it remains the local planning authorities' responsibility to confirm whether there is an increased flood risk caused by the development.



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

47. No.

**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.**

48. There should be clear engagement between authorities and qualifying groups to understand what obligations there may be, so that if necessary, design can be adapted to that the obligations are less burdensome.

**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.**

49. Requiring groups submitting street vote development orders to comply with reporting on all obligations under the Environmental Impact Assessment regulations would be an unnecessary burden on a process which is intended to be simple. We have previously responded to a consultation on the Environmental Impact Assessment process which could be simplified for all applications.

**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.**

50. Question not answered.

**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.**

51. Question not answered.

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

52. Question not answered.

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

53. Yes, the existing exemptions to Biodiversity Net Gain should apply to street vote development.

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

54. Yes, a validation stage will reduce requests for additional information throughout the determination process which will limit delays.





55. Further to our response to question 10, validation checklists specific for street vote development orders should be prepared to inform the validation stage. This would avoid missing information at the time of submission.

**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.**

56. While we believe a validation stage can simplify a planning application so that additional information is not demanded throughout the determination process, currently the validation process itself for planning appeals is significantly delayed. Whilst the proposed validation process will ensure that submissions meet basic requirements, it could result in proposals being delayed before they reach a Planning Inspector.

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

57. Question not answered.

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

58. Statutory bodies must be able to make representations on proposals that may impact their jurisdiction. The following at a minimum should be invited to make representations:

- a. Highways Authority
- b. Historic England
- c. Lead Local Flood Authority
- d. Parish Councils
- e. Town Councils
- f. Water/Sewerage undertakers
- g. Environment Agency
- h. Natural England
- i. Forestry Commission
- j. Sport England

59. However, it is imperative that statutory consultees are not able to unduly delay development.

**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.**

60. The time period for comments on planning applications is at least 21 days. It would be sensible to proceed in line with this time period as it allows a reasonable amount of time for proposals to be reviewed and representations to be made.

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



61. No. We disagree with the proposal that non-resident landlords will be unable to vote in a referendum. This leaves landlords of tenanted properties, and landowners of parcels of land, at a disadvantage by not enabling them to vote on development that may impact the value of their property.

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

62. Yes, landlords of properties within relevant street areas should be eligible to vote in a referendum.

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

63. No, to undertake referendums by post only is not in line with the ambition for a digitalised planning system. At paragraph 81, the consultation states that the Government's 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.' The proposal that referendums should be conducted via post only conflicts with this statement.

64. Whilst postal voting is established, in the context of street vote development orders, it will require additional resources and expense of departments that are already stretched. Postal voting is time-consuming and carries a greater risk in terms of miscalculation and interception. There should be capacity for both postal votes for those who are non-digital or without email but advantage should be taken of modern technologies to ease the process and reduce resource and risk.

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

65. No, the proposed question is vague.

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

66. No, in the context of rural settlements, requiring 60% of those eligible to vote in favour is disproportionate to the level of development that may be brought forward.

67. 60% is also assuming a high level of engagement in local communities. Turnout at the 2019 general election was only 67.3%<sup>1</sup>, with turnout at local elections sitting at a much lower average<sup>2</sup>. Requiring 60% of those eligible to vote would be a tall order, let alone to vote in favour. This threshold is likely to render street vote development orders a policy which can never be used.

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<sup>1</sup> <https://researchbriefings.files.parliament.uk/documents/CBP-8060/CBP-8060.pdf>

<sup>2</sup> [https://lginform.local.gov.uk/reports/lgastandard?mod-metric=3361&mod-area=E92000001&mod-group=AllLaInRegion\\_WestMidlands&mod-type=namedComparisonGroup](https://lginform.local.gov.uk/reports/lgastandard?mod-metric=3361&mod-area=E92000001&mod-group=AllLaInRegion_WestMidlands&mod-type=namedComparisonGroup)



**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.**

68. Question not answered.

**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.**

69. Option A. 10 years would allow for shortfalls in supply chains which make commencing a development difficult.

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

70. Yes, this is a sensible proposal to restrict development that is in line with the order.

**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.**

71. Yes we agree with the simplification of CIL prior to the introduction of the Infrastructure Levy. However, without details of the future Infrastructure Levy we are unable to comment on how street vote development orders would interact with it.

**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.**

72. Yes.

**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.**

73. It depends on the scale and location of the development. The policy that developments of 9 units or less do not have to make affordable housing contributions has meant that rural areas have not had enough affordable housing delivered. If the intention is for sites to be developed to create new homes through these street vote development orders, it may be the case that ‘streets’ would like to see more affordable homes. In these instances, it would be sensible to collect a contribution.

74. However, it is also true that very small rural sites (of 1-2 homes) are often on the very edge of viability, and any increase in levy would render them unviable.



75. Rather than focusing on affordable housing contributions from street vote development orders, the government should prioritise policies which would increase affordable homes delivered in rural communities.

**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.**

76. Question not answered.

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

77. No. Please see response to question 43.

**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.**

78. Question not answered.

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