

2 FEBRUARY 2024

PR3-24 | STREET VOTES

Introduction

We are writing in response to the Department for Levelling Up, Housing and Communities consultation on street vote development orders.

The National Association of Local Councils (NALC) is the national membership body that works with the 43 county associations of local councils to represent and support England's 10,000 local (parish and town) councils.

Local councils and their 100,000 councillors are the first tier of local government, closest to the people, and play an essential part in delivering hyper local services, building strong communities, and strengthening social fabric.

Local councils cover more than 90% of the geography of England and over a third of the population and invest over £3 billion per year to improve and strengthen communities.

Summary

- In many parts of England there are very small parishes, often covering less than 50 residential properties. Where this is the case, these micro-parishes offer an alternative model for delivering the intent of the street vote development order and have the advantage of being established and already democratically accountable. We propose that these micro-parishes must have the option to be the preferred vehicle to deliver street vote development orders.
- Local councils should be a specified statutory consultee at the examination stage of street vote development orders.
- We are concerned that the introduction of street votes risks undermining both a plan-led (both local plans and neighbourhood plans) approach to development and also permitted development. We are keen to work with the government to increase engagement with, and involvement in, plan making.
- Local councils are best placed to engage with their communities.
- The local council sector is the only part of the planning system where all applications are subject to democratic scrutiny.
- We call for engagement at the earliest possible stage of the process.
- As far as possible, the examination process for street vote development orders should reflect that of neighbourhood plans and local plans.

- While street vote development order proposals have their merits, there is a risk that street votes could provide an opportunity for powerful or influential local interests to unduly influence the outcome to the detriment of the majority. We therefore suggest that regulations for the implementation of street vote development orders need to contain measures to ensure fairness, otherwise the whole principle of community engagement could be undermined.
- Costs will be an issue for small community or residents' groups in their preparation work towards street vote development orders (e.g. commissioning Environmental Impact Assessments) and funding support should be considered in the same way as has been the case for Neighbourhood Planning.
- Clear step by step guidance will need to be issued for this complex area.

Consultation questions

In developing this response, NALC has engaged with representatives of county associations and colleagues from the Society of Local Council Clerks (SLCC).

NALC's responses to the main consultation questions relevant to local councils in the consultation document are below:

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, but with qualifications. Where someone is a registered elector at multiple addresses, they should only qualify at a nominated principal place of residence. This would exclude second homeowners.

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

Yes, however where a micro-parish is already in existence, that should be the preferred qualifying group.

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. Some groups, such as young people (notably university and other full-time students) are less likely to be included on the Register of Electors.

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, community engagement must take place. While we accept that some discretion on the engagement process should be allowed, there must be a minimum level of engagement. Where they exist, local councils are best placed to engage with their communities. It should be a statutory requirement for local councils to be consulted on a proposal.

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

Residents should be given written notice at the earliest possible stage of all proposals for street vote development orders in their immediate area. This is in line with standard planning application processes.

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

The level of community engagement required during the development of a neighbourhood plan should be the basis for the necessary level of engagement.

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

NALC will support changes to the planning system which it perceives will strengthen the system and the voice of democracy and lead to better quality, appropriately sited developments. It will not support planning changes which it perceives will work in the opposite direction. The ability for a community to shape its area through neighbourhood planning for instance, is an important part of the social role of planning.

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.

Yes, we agree with the government's proposal on what a street vote development order proposal must include.

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

No. While the definition is acceptable in urban areas, in rural areas you can have a street which extends for quite a long distance, or a village with a green in the middle where half would be covered by the definition of a street area and the other half would not.

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.

For many rural areas with a micro-parish council of up to 50 houses the civil parish boundary gives a clearer definition of the street area. Our proposal for micro-parished areas to have the option to be the preferred vehicle for defining the street area offers a clearer option for many rural areas.

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

Yes, we agree with your proposals for excluded areas.

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, common land, conservation areas and village greens. We also want to highlight that areas with a neighbourhood plan currently get extra protections which areas without a neighbourhood plan do not have.

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, we agree that street vote development orders may only grant planning permission for residential development and cannot be used to permit change of use.

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, we agree that the government should add development of buildings whose origins date before 1918 to the list of excluded development.

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, non-designated heritage assets should be added to the list of excluded development.

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

Yes, we agree with the proposed design principles.

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

Yes, we agree 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.

Neighbours should be a consultee in the same way they would be with a normal planning application.

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

Reference should be made to local and national design codes.

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.

No. We have concerns that there may be scenarios where this goes further than what is permitted by the Local Plan or Neighbourhood Plan, both of which have already followed the democratic process.

Whilst we appreciate that the Secretary of State has an overview of whether the proposals are broadly consistent with the local plan, we are concerned that there is no clear mechanism for representations to be made about particular local circumstances. We are particularly concerned that where there is a made neighbourhood plan in place, specific local issues could be disregarded.

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.

We are also concerned that there are scenarios where neighbourhood plan policies could be disregarded. Where a neighbourhood plan is made before a local plan is adopted its policies could be disregarded under this proposal. We are also concerned that the policies of an emerging neighbourhood plan - post pre-submission consultation - could also be disregarded.

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

We would like to add non-designated heritage assets to the list of heritage areas that are safeguarded under the street vote development order process. Although not nationally recognised, non-designated heritage assets will frequently be included in neighbourhood plans as areas that need to be safeguarded.

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.

In order to discharge their obligations under the Environmental Impact Assessment Regulations, qualifying groups will require funding.

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, we do not accept that there should be any modification to the Environmental Impact Assessment regulations for street vote development orders.

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

Yes, we do think that Biodiversity Net Gain should apply to street vote development as set out in the consultation document.

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

Yes, we agree with the proposals for a validation stage before proposals can be examined.

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.

As far as possible the examination process for street vote development orders should involve an equivalent level of rigour to that required for a neighbourhood plan.

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

As the only part of the planning system where all applications are subject to democratic scrutiny, local councils should be a specified statutory consultee at the examination stage.

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.

Yes, for people who are registered electors for more than one property.

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.

Street vote development should be treated like any other form of development i.e. Community Infrastructure Levy (CIL) triggers should be applied at the same level as with normal planning applications.

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. This is particularly the case for those local planning authorities who have not adopted CIL.

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.

We agree with the principle, but as currently phrased it would mean that areas which do not have an existing CIL regime will not receive a levy for affordable housing.

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

Yes, paper votes are more inclusive.

For further information on this response contact Jessica Lancod-Frost, policy officer, on 07496 415452 or via email at Jessica.lancod-frost@nalc.gov.uk .

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