

Townclerk

Subject: FW: Customer Service Action LICENCEO Recorded on Request 421215

From: Highways Licensing <highways.licensing@suffolk.gov.uk>

Sent: 03 January 2024 13:33

To: Councillor Perry <councillorperry@newmarket.gov.uk>

Subject: RE: Customer Service Action LICENCEO Recorded on Request 421215

Dear Cllr

I hope you've had a good Christmas and New Year. Regretfully the contractors at 34 Old Station Rd did not respond to our instruction to adjust the hoarding and so we have issued a penalty, stating that their licence will not be renewed after 9th January if this is not done and the hoarding will have to be removed from the highway, by SCC itself if necessary.

Kind regards

Chris Miller

Highways Licensing Officer

Suffolk County Council Highways Licensing and Enforcement Team

Phoenix House Goddard Road Ipswich IP1 5NP

Tel: 01473 341545 |  <https://www.suffolk.gov.uk/business/>

From: Highways Licensing <highways.licensing@suffolk.gov.uk>

Sent: 13 December 2023 13:45

To: Councillor Perry <councillorperry@newmarket.gov.uk>

Subject: RE: Customer Service Action LICENCEO Recorded on Request 421215

Dear Cllr Perry

Please accept our apologies for the delay in this report coming as it should have done to our team. The hoarding in front of 34-36 Old Station Rd was licensed by us, our stipulation is for a standard minimum 1.2m/1m in the most unavoidable cases to be left clear for footway users including people with wheelchairs and pushchairs. The current situation on site will be investigated as a matter of urgency.

Kind regards

Chris Miller

Highways Licensing Officer

Suffolk County Council Highways Licensing and Enforcement Team

Phoenix House Goddard Road Ipswich IP1 5NP

Tel: 01473 341545 |  <https://www.suffolk.gov.uk/business/>

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[Home](#) > [Housing, local and community](#) > [Planning and building](#)
> [Street vote development orders: consultation](#)

[Department for
Levelling Up,
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Communities](#)

Open consultation

Street vote development orders

Published 22 December 2023

Applies to England

Contents

[Scope of the consultation](#)

[Basic information](#)

[Introduction](#)

[Preparing a proposal](#)

[Scope of street vote development orders](#)

[Development requirements](#)

[Managing local impacts](#)

[Environmental duties](#)

[Examination](#)

[Referendum](#)

[Post permission process](#)

[Developer contributions](#)

[A digital process](#)

[Implementing the system](#)

[Public sector equality duty](#)

[About this consultation](#)

[Personal data](#)



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Scope of the consultation

Topic of this consultation:

This consultation seeks views on the detailed operation of street vote development orders, which will inform the content of regulations using new powers in the Levelling Up and Regeneration Act 2023.

It covers the following topics:

- **Preparing a proposal**

This section sets out proposals on who can submit street vote development order proposals.

- **Scope of street vote development orders**

This section sets out proposals on where street vote development orders can be used and what development can be proposed through them.

- **Development requirements**

This section sets out proposals on the requirements that development granted planning permission through a street vote development order must meet.

- **Managing local impacts**

This section outlines proposals on how we propose to manage local impacts.

- **Environmental duties**

This section outlines proposals on how we envisage environmental duties would apply to the street vote development orders process.

- **Examination**

This section sets out proposals on how street vote development orders will be examined by the Planning Inspectorate.

- **Referendum**

This section sets out proposals for who is eligible to vote in a referendum, the referendum process and approval thresholds.

- **Post permission process**

This section sets out proposals on the process for bringing street vote development orders into force and the post-permission process including discharging planning conditions.

- **Developer contributions**

This section sets out the proposed approach to contributions to provision of local infrastructure.

- **A digital process**

This section outlines proposals on data standards to allow for processes to be digitised.

- **Implementing the system**

This section sets out proposals for how street vote development orders will be implemented.

- **Public sector equality duty**

This section sets out the government's assessment of the equality impacts of the proposals.

Scope of this consultation:

The scope of this consultation is the operation of street vote development orders, which are a new route to planning permission.

Geographical scope:

These proposals relate to development within England.

Impact assessment:

The government is required under the Public Sector Equality Duty to have regard to the actual or potential impact/s (if any) of any new policy proposals on 'equality'. This means in summary, addressing three needs: eliminating discrimination, promoting equality of opportunity and fostering good relations

between different groups. This applies in relation to the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. We will refer to this broadly as the 'equality' impacts. In each part of the consultation we invite any views on any perceived equality impacts. We are also seeking views on the potential impacts of the package as a whole on equality. We need to understand who this policy may affect and how it may affect them.

Basic information

Body/bodies responsible for the consultation:

Department for Levelling Up, Housing and Communities

Duration:

This consultation will last for 6 weeks from 22 December 2023 to 11:59pm on 2 February 2024.

Enquiries:

For any enquiries about the consultation please contact:
streetvotes@levellingup.gov.uk

How to respond:

We recommend responses to the consultation questions are made through [Citizen Space \(https://consult.levellingup.gov.uk/planning-policy-and-reform/595de6dd\)](https://consult.levellingup.gov.uk/planning-policy-and-reform/595de6dd). This is an easy-to-use, digital tool that will enable the Department to process responses efficiently.

Alternatively, you can email your response to the consultation questions to streetvotes@levellingup.gov.uk.

Written responses should be sent to:

Street Votes Consultation
Leasehold, Land and Planning Systems Directorate
3rd Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

If you are responding by email or in writing, please make it clear which questions you are responding to.

When you reply, it would be very useful if you could confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including post-code),
- an email address, and
- a contact telephone number.

Introduction

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

2. Street vote development orders are an innovative new tool that will give residents the ability to propose development on their street and, subject to the proposal meeting certain requirements, vote on whether that development should be given planning permission.

3. Street vote development orders will provide residents with a new opportunity to take a proactive role in the planning process and bring forward the development they want to see on their streets. They will encourage residents to consider the potential for new development on their streets and are intended to

deliver additional or more spacious homes in places where they are needed most, while helping to reduce development pressure on sensitive areas.

Why do we need street vote development orders?

4. Making better use of land in existing settlements will enable us to deliver more of the homes we need while at the same time making best use of existing infrastructure and bringing social and environmental benefits such as reducing development pressure on the green belt. The government wants to encourage some development on land in existing settlements, where this has the support of residents. Street vote development orders will support this ambition by giving residents a new tool they can use to bring forward additional development in their street.

5. Local residents can, understandably, be resistant to new development in their area if they have little say over what gets built and it doesn't reflect their preferences. The goal of street vote development orders is to encourage residents to bring forward proposals for new development that they would support, and which would make a contribution to their street. The system is intended to allow residents to share in the economic and other benefits of permitting appropriate kinds of new development.

6. This policy will provide the means for residents to work together and decide what development is acceptable to them, and to shape that development so that it fits with the character of their street. After a street vote development order has been made, it will mean homeowners can develop their properties with much greater confidence that their neighbours will be supportive of what they're doing, providing the development complies with the terms of the order.

7. The value of property may increase as a result of a street vote development order, so there is an incentive for homeowners to work with their neighbours to prepare one. There may also be benefits for those that don't own their property, including environmental improvements in their street and a greater choice of accommodation in the area.

Our vision for street vote development orders

8. Our proposals are guided by three key principles:

- to create a predictable system where residents have a high degree of certainty on what proposals are permitted to contain before they prepare a proposal;

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

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

9. Street vote development orders encourage local residents to come together and set out a coherent vision for additional development on their street. We anticipate that the policy will allow residents to propose and support development and street improvements that would otherwise not have happened, making better use of land in existing settlements.

10. Other routes to planning permission, such as household planning applications, and permitted development rights will continue to be available in areas where street vote development orders are being prepared or are in place. Communities will also continue to be able to prepare neighbourhood plans or neighbourhood development orders in their areas.

How will street vote development orders work in practice?

11. A group of residents which meets certain requirements will be able to come together with a proposal for permission to be granted for development on their street, for example the addition of an extra storey to properties. The proposal can be put forward by the group of residents directly or with the assistance of an individual such as an architect.

12. The proposal will be examined by the Planning Inspectorate on behalf of the Secretary of State to check that the proposed development is in scope and that requirements prescribed in secondary legislation are met. These requirements will help ensure that development meets high design standards and that local impacts are taken into account.

13. If the proposal passes the examination, it is then put to a referendum. Where the required threshold of votes is met, subject to any final checks, the Planning Inspectorate will make the street vote development order on behalf of the Secretary of State. Once the street vote development order is made, granting planning permission, a person with control of the land can then decide whether they want to take forward development.

14. Where street vote development takes place, local authorities will be able to capture value from the new development via the Community Infrastructure Levy and, when it is introduced, the new Infrastructure Levy, and use it to fund infrastructure that will support the local area.

15. Further detail is provided in subsequent sections of this consultation paper.

Preparing a proposal

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

Who can submit a proposal?

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

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

Size of a qualifying group

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

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

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

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?

Engaging the community

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

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

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

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

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

What a proposal must include

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

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

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

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

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

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

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

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.

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.

Scope of street vote development orders

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

Definition of a ‘street area’

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

area, for example, joining together two streets that have fewer than 10 residential properties.

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

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.

Excluded areas

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

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

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

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

alternative approach to managing impacts and is explored in more detail in paragraphs 33 to 36.

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

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.

Development in scope

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

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

Excluded development

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

- development of a scheduled monument within the meaning given by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979
- Schedule 1 development as defined by regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I.

2017/571)

- development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008)
- development of a listed building within the meaning given by section 1(5) of the Planning (Listed Buildings and Conservation) Areas Act 1990
- development consisting of the winning and working of minerals

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

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

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.

Development requirements

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

prescribed conditions and we are interested to hear views on what our proposed conditions should cover.

Ensuring design quality

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

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

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

Requirements	
Floor limits	A double threshold would apply to floor limits, where the limit is picked as the lower of the storeys given by either the density of the Middle Super Output Area (MSOA)^{[footnote 1]} any property on the street falls within, or any MSOA within 200m of any point on the street in question. - in areas with fewer than 20 inhabitants per hectare, it is capped at 2 storeys - in areas with between 20 and 60 inhabitants per hectare, it is capped at 3 storeys - in areas with between 60 and 120 inhabitants per hectare it is capped at 4 storeys - in areas with more than 120 inhabitants per hectare, it is capped at 5 storeys In addition to these totals, a further storey may be added provided it is set back under a light plane (see “Limits on development near neighbouring properties”) angled at 75 degrees from the horizontal, starting from the top of the highest permitted floor at the front of the building. All building over this light plane should be forbidden, excepting parapets, balustrades, dormers, chimneys and purely ornamental structures.

Requirements

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

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

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

Limits on development near neighbouring properties

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

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

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

New buildings may exceed the rule only to occupy volume already occupied by existing buildings or approved in an existing permission at the time of the street vote. That is, if

Requirements

there is already a building on a site that passes these light planes, it can be replaced with a new building of up to the same height and breadth.

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

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

Ceiling heights

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

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

If there are ten or more pre-1918 buildings that are within 100 metres of the street then the number of floors should be restricted to three storeys plus one set-back storey, except when at least half of the buildings on that stretch of street have more floors than this already, in which case it should be restricted to the existing total. This will prevent obtrusive development on infilled streets within historic areas.

Plot use limits

Permission granted by the proposal for building in the direction of another property not on the same street (down the back garden, for example), if any, should be limited to a maximum of 25% of the distance from the built footprint to the boundary of properties on other streets.

Development must not lead to a net loss of green space

Requirements

(including roof gardens) and any stretch of green space more than 50 metres along a street between one building and the next cannot be developed.

Corner properties

Corner properties can only receive permissions if both streets on which they sit are subject to a street vote development order. This includes properties facing on to 'chamfered corners'.

Corner properties on chamfered corners can only use the more restrictive of the two permissions that they are subject to with regards to floor heights and plot use.

Facades facing the street that passed a street vote development order first must comply with the design code in that order. Facades facing the second street may either (a) comply with the code of the second street; or (b) comply with special provisions in the order for the second street written for corner properties, providing for a more natural segue between the two streets. Corner houses may also of course (c) seek permission for an alternative design through the normal planning system.

Other regulations

To preserve an active facade for pedestrians, there may be no more than 15 metres between any two front doors. These must be real doors, though they may give access only to ground-floor flats.

Windows in the side walls are not permitted unless the windows are at least 2 metres from the plot boundary towards which they face.

Any additional dwellings resulting from development in the street area must be car free (i.e. there should be no provision for parking in the street area for these dwellings).

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

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

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

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.

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

Relationship with the local development plan

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

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

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.

Ensuring that additional development is delivered

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

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

Managing local impacts

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

Highways and transport

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

41. Increases in vehicle movements, delivery and servicing requirements, parking demands and access to the road network all have implications for the proper operation and safety of the transport network. Given the potential scale of development, it is important that qualifying groups appropriately and proportionately assess the transport impacts of street vote development, for example, through the preparation of a transport statement. This will ensure that any impacts on the transport network are managed and mitigated (secured via

condition or obligation where necessary). As necessary we will consider whether guidance needs to be updated to reflect this approach.

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

Protecting the historic environment

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

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

Other potential impacts

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

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

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

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

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.

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

Environmental duties

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

Environmental assessment

46. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the "EIA regulations") are in place to protect the environment by ensuring that when deciding whether a project which is likely to have significant effects on the environment should go ahead, the decision is made in full knowledge of the likely significant effects. The government expects that in many cases street votes development will not be of a nature or scale that would be above the threshold for an EIA. Where development that is proposed under

a street vote development order qualifies as EIA development, it will continue to be prohibited unless an assessment has been carried out and the environmental impacts are considered by the examiner during the examination.

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

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

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

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

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

52. EIA has evolved to include increasingly complex processes. The government intends to use powers in the Levelling Up and Regeneration Act 2023 to introduce a new framework of environmental assessment to replace the

EU systems of Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA). This will be an outcomes-based approach to assessment - Environmental Outcomes Reports (EOR). We launched a consultation seeking initial views on the key building blocks of the new system (closed in June 2023). We are in the process of analysing responses received and will respond in due course.

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

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.

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.

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.

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

Habitats regulation assessment

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

Planning Policy Framework) and that therefore a Habitats Regulations Assessment may be required.

54. The government wants to ensure that the high standards of protections for Habitats Sites are maintained, while ensuring that the process is as streamlined and simple to navigate as possible for qualifying groups. We will therefore be taking a similar approach to the procedure used for General Permitted Development Orders as per regulations 75-78 of the habitats regulations.

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

Biodiversity Net Gain

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

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

development order legislation gives the Secretary of State the power to modify the BNG framework for street vote development.

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

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

Examination

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

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

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

61. If the examiner determines that these requirements have been met, the qualifying group and the local planning authority would be notified by the Planning Inspectorate that the proposal has proceeded to examination. Where

the correct documents and information have not been provided, the qualifying group would be advised by the Planning Inspectorate and would have another opportunity to provide the missing information.

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

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.

Examination process

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

63. We propose that examiners will conduct the examination through written representations. However, the examiner can hold a hearing in any case where they decide that the consideration of oral representations is necessary to ensure adequate examination of an issue or that a person has a fair chance to make their case. Before the examination gets under way, the local planning authority will be required to publicise the examination in the most appropriate way (e.g. through site and online notices) for a defined period and to invite representations from the public and statutory bodies on whether the prescribed requirements have been met. The local authority will also be able to submit a representation.

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

- **Pass** - Where the proposal passes examination the examiner would then instruct the local authority to organise a referendum on the proposal.
- **Conditional pass** - Where the proposal passes examination subject to additional or amended planning conditions and obligations and/or minor modifications to the proposal that are necessary to ensure compliance with

prescribed requirements. Where modifications have been made, the local planning authority will publicise these and invite further representations on the modifications. The qualifying group must also agree in writing to all the modifications made to the proposal before it can proceed to referendum. If the qualifying group do not agree with the modifications, they must withdraw the proposal within a defined period.

- **Fail** - Where the proposal would require major modifications to comply with the development requirements, the qualifying group would have one opportunity to amend their proposal and have it re-examined by the Inspectorate.

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

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

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

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.

Referendum

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

Who can vote in a referendum?

66. We propose that individuals who are registered at an address in the street area (see paragraph 26) to vote in a local council election on the date the

proposal is submitted for examination, would be eligible to vote. This means that absentee landlords and some foreign nationals who live in the street area will not be able to vote.

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

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

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

How will referendums be conducted?

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

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

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

Approval thresholds

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

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

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

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.

Post permission process

Making the order

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

Commencing development

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

- Option A: Development must be commenced within 10 years of the order being made. This is longer than is typically allowed for planning permission granted through existing consent routes because the permission will

potentially apply to properties under many different owners, some of which may not be able to commence development within a shorter period (e.g. 3 years). The qualifying group would also have the option to propose an increase to this period as part of its proposal if it takes the view more time is needed to commence development;

- Option B: Development must be commenced within a specified period (e.g. 10, 20 or 30) years of the order being made. The qualifying group would also have the option to apply to the local planning authority after the order has been made to extend the commencement period; and
- Option C: No time period. Permission granted through a street vote development order would be permanent.

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

Pre-commencement requirements

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

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

Developer contributions

73. It is important that street vote development is able to contribute to the mitigation of the impact of the development that occurs in its area. It is also important that there is a simple and certain process for the calculation of contributions. In the longer term, the Infrastructure Levy will become the route

to collecting these contributions, but street vote development orders may be made before an area has transitioned into the new Levy.

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

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

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

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

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

substantial uncertainty for landowners as to the deliverability of development under the street vote development order. It is for this reason that the main focus of developer contributions is CIL and – in the longer term – the Infrastructure Levy.

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

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

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

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.

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.

A digital process

81. The government's ambition is to bring planning into the digital age. This includes using new technology to better engage people, supported by data standards and publication of open data. Our ambition is for street vote development orders to also be at the forefront of using new technologies to better prepare, present and engage people with proposals. We are proposing to prescribe data standards for proposals to follow and require data to be published as open data where possible. For security reasons, we propose that the referendum process will be a paper-based non-digital process.

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

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

Implementing the system

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

Public sector equality duty

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

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

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK data protection legislation. In certain circumstances this may therefore include personal data when required by law.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Levelling Up, Housing and Communities will at all times process your personal data in accordance with UK data protection legislation and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](https://www.gov.uk/government/organisations/departments-for-levelling-up-housing-and-communities/about/complaints-procedure) (<https://www.gov.uk/government/organisations/departments-for-levelling-up-housing-and-communities/about/complaints-procedure>).

Personal data

The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.

Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officer can be contacted at dataprotection@levellingup.gov.uk or by writing to the following address:

Data Protection Officer
Department for Levelling Up, Housing and Communities
Fry Building
2 Marsham Street
London SW1P 4DF

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

Sensitive types of personal data

Please do not share [special category](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/#scd1) (<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/#scd1>) personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data', we mean information about a living individual's:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics
- health (including disability-related information)
- sex life; or
- sexual orientation.

By 'criminal offence data', we mean information relating to a living individual's criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by DLUHC of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a Government department i.e. in this case a consultation.

Where necessary for the purposes of this consultation, our lawful basis for the processing of any special category personal data or 'criminal offence' data (terms explained under 'Sensitive Types of Data') which you submit in response to this consultation is as follows. The relevant lawful basis for the processing of special category personal data is Article 9(2)(g) UK GDPR ('substantial public interest'), and Schedule 1 paragraph 6 of the Data Protection Act 2018 ('statutory etc and Government purposes'). The relevant lawful basis in relation to personal data relating to criminal convictions and offences data is likewise provided by Schedule 1 paragraph 6 of the Data Protection Act 2018.

4. With whom we will be sharing your personal data

DLUHC may appoint a 'data processor', acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for 2 years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

6. Your rights, e.g. access, rectification, restriction, objection

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> (<https://ico.org.uk/>), or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO:
dataprotection@levellingup.gov.uk or Knowledge and Information Access Team, Department for Levelling Up, Housing and Communities, Fry Building, 2 Marsham Street, London SW1P 4DF.

7. Your personal data will not be sent overseas.

8. Your personal data will not be used for any automated decision making.

9. Your personal data will be stored in a secure Government IT system.

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

[↑ Back to top](#)

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