



Historic England

Street Vote Development Orders Historic England Consultation Response

Historic England is the government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to submit a response to the consultation on Street Vote Development Orders.

We have restricted our response to those questions covering matters which have a greater bearing on changes impacting on the historic environment.

Detailed Response

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.

There is reference (at paragraph 20) to consultation between the qualifying groups and statutory consultees in the development of the Street Vote Development Orders (SVDOs). It is unclear what form of consultation will take place between qualifying groups and statutory consultees. We would welcome further discussion on how and when statutory consultees will be consulted during the different stages of the SVDO process, to ensure that there is appropriate consideration of the advice provided by those consultees.

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

SVDOs are a new power that could bring forward significant new residential development, albeit within set parameters within the legislation, provided there is sufficient local support. As currently proposed, SVDOs could cover extensive areas and be exercised in sensitive historic areas such as conservation areas, registered parks and gardens, registered battlefields (and within their settings), as well as within the settings of listed buildings and other designated heritage assets. As such, they have the potential to have a significant impact on the historic environment. It is therefore important that consideration of the impacts on the historic environment is integrated throughout the development of a proposed SVDO and later tested at examination in order to ensure that decisions fully comply with the legislative

requirements, and policy frameworks, relating to the protection of the historic environment.

Historic England therefore welcomes the requirement for qualifying groups to “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 possess and preserving or enhancing the character or appearance of any conservation area”, as set out in more detail at paragraph 42 of the consultation.

This provides a basis for assessment through the examination process to ensure that a SVDO has met the existing legal duties as they relate to listed buildings and conservation areas. However, consideration should also be given to impacts on a wider range of designated heritage assets in line with the heritage provisions of the Levelling-up and Regeneration Act (LUR Act) (see [S102](#)) when implemented. This sets a duty to “have special regard to the desirability of preserving or enhancing the asset or its setting” in relation to that wider range of designated heritage assets. As a consequence qualifying groups should be expected to demonstrate how they have met this legal test when submitting a SVDO to examination when this provision is in force.

Documents produced by the qualifying groups must be proportionate, robust and accurately describe the significance of those heritage assets affected, including any contribution made by their setting in sufficient detail; in line with requirements in the National Planning Policy Framework (NPPF, December 2023). This is likely to require appropriate expertise to assist in the assessment. This is necessary to ensure that the impacts on the historic environment can be correctly considered through the examination process. We would recommend the development of guidance to help qualifying groups meet the statutory duties with regard to the historic environment when developing their SVDOs.

The SVDO process could address the policy provisions relating to the historic environment (both national and local) as well as the legislative provisions in much the same way neighbourhood plans do (see [basic conditions](#)). This would be tested at examination and would allow for a holistic assessment of the impact on the historic environment including non-designated heritage assets. Such an approach would align with the requirements for development through the existing planning system and with government aspirations for the historic environment.

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.

The proposals as set out do not require qualifying groups to assess the impact of a SVDO on the archaeology of the defined street area, which we believe is a significant omission. SVDOs provide for a wide range of development options and, as paragraph 35 sets out, this could include excavation below ground to create basements, which could impact archaeological remains.

Where groundworks are proposed, qualifying groups should therefore be required to assess whether their defined street area is likely to have any archaeological potential or known archaeological remains with reference to the historic environment record and explain how this has been taken into account when submitting the SVDO for examination.

This will be especially important where groundworks are proposed in areas of archaeological importance, as defined in the [Ancient Monuments and Archaeological Areas Act 1979](#), or in any locally identified areas of archaeological priority or sensitivity.

There is a precedent for this in the submission requirements for Neighbourhood Development Orders (see [Regulation 22 of the Neighbourhood Planning \(General\) Regulations 2012](#)). This requires the submission of an archaeology statement, where considered appropriate, following consultation with Historic England. An archaeology statement is defined in the following terms:

“archaeology statement” means a document which—

- (a) confirms that the information in relation to archaeology contained in the historic environment record for the neighbourhood area has been reviewed;
- (b) sets out the findings from that review for the area to which the order proposal relates; and
- (c) explains how the findings have been taken into account in preparing the order proposal, but where no findings relevant to the neighbourhood area were identified in the review the archaeology statement need only—
 - (i) confirm that the review mentioned in sub-paragraph (a) took place; and
 - (ii) explain there were no findings relevant to the neighbourhood area

This requirement could be easily incorporated to ensure that consideration of archaeological remains is integrated into the SVDO process.

Additionally, as an alternative route to planning permission SVDOs potentially cover a whole range of different development types, including demolition and replacement with buildings on a different footprint and at a different scale. The suggested information requirements (at paragraphs 21 and 22: e.g. a design code and at least one detailed elevation (optional)) will be inadequate in many cases for a full assessment of any impacts, such as on the setting of listed buildings, to be understood. An equivalent level of detail, to that required for a planning application, should be required.

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.

Historic England supports the relevant exclusions as set out in the LUR Act (World Heritage Sites and their buffer zones, etc.), however other categories of land should be added. The existing exclusions will help to preserve those valued and sensitive areas while also contributing to the wider public support for the SVDO system. However, it is not clear why conservation areas were not excluded and we would support adding these to the list of excluded areas through secondary legislation.

Conservation areas have been assessed as being of special architectural or historic interest. They enjoy similar legal protections to other designated heritage assets such as listed buildings that have been excluded from SVDOs. Similarly registered parks and gardens and battlefields have the potential to include areas which may include “streets” and, in anticipation of implementation of the relevant section of the

LUR Act 2023 should also be excluded. Given the SVDOs can potentially cover large areas which will potentially have significant impacts we recommend that development in those areas continue to be considered via the existing planning application process. Exclusion of those areas from SVDOs will help to minimise impact on the historic environment, help meet the legal duty to "preserve or enhance" designated heritage assets, help focus SVDOs in less sensitive areas and contribute to wider public support for the system as it beds in.

We support the existing exclusion of listed buildings and scheduled monuments from SVDOs. We would welcome further clarification about how this exclusion might operate in practice. For example, if a listed building is located within a 'street area', as defined at paragraph 26, would the listed building be carved out of the street area boundary.

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?

Historic England supports the aim of "safeguarding heritage assets" (consultation paragraph 31) by seeking to exclude those buildings that might have heritage significance where possible. We recognise that the government is seeking to provide certainty to the new SVDO system in suggesting the exclusion of all pre-1918 buildings. However, the consultation does not set out the rationale for choosing this date and we would welcome further clarity on this point.

There may be some buildings constructed before 1918 which retain little architectural or historic significance and equally there will be buildings built after 1918 that have significance that, if not listed, could be at risk of harm or loss through development granted under a SVDO. We are therefore unconvinced of the merits of a date-based exclusion for SVDOs.

Consideration of the impact on the significance of non-designated assets, including heritage assets on a local list, in the street area should be integrated into the development and examination of a SVDO. Historic England therefore welcomes the inclusion of "celebrating heritage" as one of the design principles. However, it is not clear how these principles are integrated into requirements set out in the table at paragraph 35 or how they would be assessed through the examination process (see answer to question 18).

Historic England would support a requirement for a SVDO to have regard to local and national policy and guidance as happens already within examinations of neighbourhood plans (see [basic conditions](#)). This would allow for consideration of the NPPF's treatment of non-designated heritage assets (e.g. para 209) in the development and subsequent examination of any proposal.

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

As stated above, Historic England welcomes the inclusion of a design principle relating to heritage. The language of the principle "celebrating heritage" is somewhat

different to existing policy objectives as outlined in the NPPF, namely, “conserving and enhancing the historic environment.”

In the short term, departing from the established policy language may increase ambiguity and uncertainty over what the principle might mean in practice and how it could be met by qualifying groups or tested at examination. We would support an amendment to this principle and a closer alignment with the language of the NPPF. This will provide greater certainty for both qualifying groups and examiners.

We would expect the development envelope and detailed design/design codes of any SVDO (affecting the historic environment) to be determined by both legal duties and planning policy requirements for the protection of the historic environment.

We would question relating of the number of additional storeys which might be added to an existing building (Requirements table in paragraph 35) to inhabitants per hectare, as opposed to (for example) an area’s prevailing character (NPPF paragraph 128). Additional storeys on existing buildings have the potential to impact on the settings of designated heritage assets, and the principle of relating SVDO development to prevailing character might be more appropriate, and also assist in responding to the surrounding sense of place.

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.

Historic England supports the principle of a plan-led system as the best means for strategic delivery of development needs at a local level.

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

Historic England welcomes and supports the government’s aim to safeguard the historic environment through the SVDO process. We believe that there are amendments that could be made to the proposed SVDO process to better meet this aim.

Firstly, due to their recognised special interest conservation areas, registered parks and gardens and registered battlefields should be added to the list of excluded areas through secondary legislation, so that impacts can continue to be assessed through the planning application process.

Secondly, Historic England supports the requirement for qualifying groups to submit evidence to demonstrate that a SVDO has met the statutory duties in relation to impacts on designated heritage assets, including their settings. We also support a requirement to assess and consider the archaeology of street areas where groundworks are proposed. This would be done by submitting an archaeological statement, as is currently required when preparing Neighbourhood Development Orders.

It is important to ensure that a SVDO would have regard to local, national policy and guidance, as well as legislation, relating to the protection of the historic environment. This should be tested through the examination process and will also allow for a consideration on the impact on non-designated heritage assets.

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

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

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.

As previously stated, we believe that an essential condition for a SVDO to pass examination is meeting the legal and policy requirements for the conservation and enhancement of the historic environment.

As per our response to questions 4 and 8, we would welcome further discussions on the role and expectations of statutory consultees in the preparation of SVDO proposals and in their examination.

It is not clear from the consultation how the examination process will consider the impacts of SVDO proposals if they are implemented incrementally: i.e. not all properties chose to undertake development allowed under a SVDO at the same time. In theory a SVDCO might allow a terrace to be developed in an apparently consistent and unified manner, whereas in practice only one or two units in the terrace might be developed at any time. There will, therefore, be different impacts over time depending on the sequence of build out.

The relationship between SVDOs and permitted development rights should also be considered- such as whether development granted via a SVDO would retain permitted development rights for further development.

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.

We recognise SVDOs may require a longer timeframe for commencement. However, we do not support an open-ended permission without a time limit (Option C). This would not allow for changes that might come forward to the planning system or future changes in the local context; for example, the designation of new conservation areas, listed buildings or world heritage sites. Consideration needs to be given to how such changes might impact on consented SVDOs.

In more general terms, the occupants of the street may change over time and new occupants may have differing views on the future development of the street but will not have had the opportunity to exercise those preferences through the development of the SVDO or by voting in a referendum. For these reasons, we believe that SVDOs should be time limited.

It might also be worth considering scenarios where new residents might want to bring forward a new SVDO, and how that might be resolved with a previously consented, and possibly partially implemented, SVDO.