



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 3

#### PLANNING

### CHAPTER 4

#### GRANT AND IMPLEMENTATION OF PLANNING PERMISSION

#### **106 Street votes**

- (1) TCPA 1990 is amended in accordance with subsection (2).
- (2) After section 61Q (community right to build orders) insert—

*“Street vote development orders*

#### **61QA Street vote development orders**

- (1) A process may be initiated by or on behalf of a qualifying group for the purpose of requiring the Secretary of State to make a street vote development order.
- (2) A “street vote development order” is an order which grants planning permission in relation to a particular street area specified in the order—
  - (a) for development specified in the order, or
  - (b) for development of any description or class specified in the order.

#### **61QB Qualifying groups**

- (1) A “qualifying group”, in relation to a street vote development order, is a group of individuals—

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- (a) each of whom on the prescribed date meet the conditions in subsection (2), and
  - (b) comprised of at least—
    - (i) the prescribed number, or
    - (ii) the prescribed proportion of persons of a prescribed description.
- (2) The conditions are that the individual—
- (a) is entitled to vote in—
    - (i) an Authority election, where any part of the street area to which the street vote development order would relate is within the City of London, or
    - (ii) an election of councillors of any relevant council (other than the City of London) any part of whose area is within the street area to which the street vote development order would relate,
  - (b) has a qualifying address for that election which is in the street area that the street vote development order would relate to, and
  - (c) does not have an anonymous entry in the register of local government electors.
- (3) A “relevant council” means—
- (a) a district council,
  - (b) a London borough council,
  - (c) a metropolitan district council, or
  - (d) a county council in relation to any area in England for which there is no district council.
- (4) For the purposes of this section—
- (a) “anonymous entry” is to be construed in accordance with section 9B of the Representation of the People Act 1983;
  - (b) “Authority election” has the meaning given by section 203(1) of the Representation of the People Act 1983;
  - (c) the Inner Temple and the Middle Temple are to be treated as forming part of the City of London;
  - (d) “qualifying address” has the meaning given by section 9 of the Representation of the People Act 1983.

### **61QC Meaning of “street area”**

- (1) A “street area” means an area in England—
- (a) which is of a prescribed description, and
  - (b) no part of which is within an excluded area.
- (2) An “excluded area” means—
- (a) a National Park or the Broads;
  - (b) 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;

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- (c) an area notified as a site of special scientific interest under section 28 of the Wildlife and Countryside Act 1981;
  - (d) an area designated as an area of outstanding natural beauty under section 82 of the Countryside and Rights of Way Act 2000;
  - (e) an area identified as green belt land, local green space or metropolitan open land in a development plan;
  - (f) a European site within the meaning given by regulation 8 of the Conservation of Habitats and Species Regulations 2017 ([S.I. 2017/1012](#));
  - (g) such other area as may be specified or described in regulations made by the Secretary of State.
- (3) In this section, “a world heritage property” means a property appearing on the World Heritage List (published in accordance with Article 11 of the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage adopted on 16 November 1972).

#### **61QD Process for making street vote development orders**

- (1) The Secretary of State must make regulations (“SVDO regulations”) which make provision about the preparation and making of a street vote development order.
- (2) SVDO regulations must, in particular, make provision—
- (a) for the appointment by the Secretary of State of a person to—
    - (i) handle proposals made under [section 61QA\(1\)](#) (“street vote proposals”) or specified aspects of those proposals,
    - (ii) carry out the independent examination of such proposals, and
    - (iii) to make street vote development orders on the Secretary of State’s behalf,(and for the above purposes the same or different persons may be appointed);
  - (b) as to the circumstances in which a street vote development order may be made and in particular must make provision requiring a referendum under [section 61QE](#) to be held before an order may be made.
- (3) SVDO regulations may, in particular, include provision as to—
- (a) the functions of a qualifying group in relation to a street vote proposal and how those functions are to be discharged (including provision for a member of the group or another prescribed person to be responsible for discharging them);
  - (b) the form and content of a street vote proposal;
  - (c) the information and documents (if any) which must accompany a street vote proposal;
  - (d) the circumstances and the way in which a proposal may be withdrawn;
  - (e) the steps that must be taken, and the conditions that must be met, before a proposal falls to be considered by an appointed person;
  - (f) the circumstances in which an appointed person may or must decline to consider or reject a proposal;

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- (g) the steps that must be taken, and the conditions that must be met, before a proposal falls to be independently examined;
- (h) the functions of the independent examination in relation to the proposal;
- (i) the circumstances in which an appointed person may terminate the independent examination (including provision as to the procedure for doing so);
- (j) the procedure to be followed at an examination (including provision regarding the procedure to be followed at any hearing or inquiry or provision designating the hearing or inquiry as a statutory inquiry for the purposes of section 9 of the Tribunals and Inquiries Act 1992);
- (k) the power to summons witnesses at any inquiry (including by applying, with or without modifications, section 250(3) and (4) of the Local Government Act 1972);
- (l) the award of costs in connection with an examination;
- (m) the steps to be taken following the independent examination (including provision for prescribed modifications to be made to the draft street vote development order);
- (n) the payment by a local planning authority of remuneration and expenses relating to the examination;
- (o) the functions of local planning authorities, or other authorities, in connection with street vote development orders (including provision regulating the arrangements of authorities for the discharge of those functions);
- (p) cases where there are two or more local planning authorities any of whose area falls within the area of the street area that the proposal relates to (including provision modifying functions of the local planning authorities under the regulations in such cases or provision applying, with or without modifications, any provision of Part 6 of the Local Government Act 1972 in cases where the provision would not otherwise apply);
- (q) requirements about the giving of notice and publicity;
- (r) the information and documents that are to be made available to the public;
- (s) consultation with and participation by the public or prescribed persons;
- (t) the making and consideration of representations;
- (u) the determination of the time by or at which anything must be done in connection with street vote development orders;
- (v) the provision by any person of prescribed information or documents or prescribed descriptions of information or documents in connection with a street vote development order;
- (w) the making of reasonable charges for anything done in connection with street vote development orders;
- (x) when a court may entertain proceedings for questioning prescribed decisions to act or any other prescribed matter.

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## 61QE Referendums

- (1) SVDO regulations may make provision about referendums held in connection with street vote development orders and may, in particular, include provision—
  - (a) as to the circumstances in which an appointed person or the Secretary of State may direct relevant councils to carry out a referendum in relation to a street vote development order;
  - (b) the functions of such councils in relation to the referendum;
  - (c) dealing with any case where there are two or more relevant councils any of whose area falls within the area in which a referendum is to take place (including provision for only one council to carry out functions in relation to the referendum in such a case);
  - (d) prescribing a date by which the referendum must be held or before which it cannot be held;
  - (e) as to the question to be asked in the referendum and any explanatory material in relation to that question;
  - (f) as to voter eligibility for the referendum;
  - (g) as to the publicity to be given in connection with the referendum;
  - (h) as to the provision of prescribed information to voters in connection with the referendum (including information about any infrastructure levy or community infrastructure levy which is chargeable in respect of development under a street vote development order);
  - (i) about the limitation of expenditure in connection with the referendum;
  - (j) as to the conduct of the referendum;
  - (k) as to when, where and how voting in the referendum is to take place;
  - (l) as to how the votes cast are to be counted;
  - (m) about certification as to the number of persons voting in the referendum and as to the number of those persons voting in favour of a street vote development order;
  - (n) about the combination of polls at the referendum with polls at another referendum or at any election;
  - (o) as to the threshold of votes that must be met before a street vote development order may be made.
- (2) For the purposes of making provision within subsection (1), SVDO regulations may apply or incorporate (with or without modifications) any provision made by or under any enactment relating to elections or referendums.
- (3) But where the regulations apply or incorporate (with or without modifications) any provision that creates an offence, the regulations may not impose a penalty greater than is provided for in respect of that provision.
- (4) Before making provision within this section, the Secretary of State must consult the Electoral Commission.
- (5) In this section “enactment” means an enactment, whenever passed or made.

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### **61QF Regulations: general provision**

SVDO regulations may—

- (a) provide for exemptions (including exemptions which are subject to prescribed conditions);
- (b) confer a function, including a function involving the exercise of a discretion, on any person.

### **61QG Provision that may be made by a street vote development order**

- (1) A street vote development order may make provision in relation to—
  - (a) all land in the street area specified in the order,
  - (b) any part of that land, or
  - (c) a site in that area specified in the order.
- (2) A street vote development order may only provide for the granting of planning permission for any development that—
  - (a) is prescribed development or development of a prescribed description or class,
  - (b) is not excluded development, and
  - (c) satisfies any further prescribed conditions.
- (3) A street vote development order may make different provision for different purposes.

### **61QH Meaning of “excluded development”**

The following development is excluded development for the purposes of [section 61QG\(2\)\(b\)](#)—

- (a) development of a scheduled monument within the meaning given by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979;
- (b) Schedule 1 development as defined by regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ([S.I. 2017/571](#));
- (c) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008);
- (d) development of a listed building within the meaning given by section 1(5) of the Planning (Listed Buildings and Conservation) Areas Act 1990;
- (e) development consisting of the winning and working of minerals;
- (f) such other development as may be specified or described in regulations made by the Secretary of State.

### **61QI Permission granted by street vote development orders**

- (1) The granting of planning permission by a street vote development order is subject to—

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- (a) any prescribed conditions or limitations or conditions or limitations of a prescribed description, and
  - (b) such other conditions or limitations as may be specified in the order (but see subsections (4) and (5)).
- (2) The conditions that may be specified include a condition that unless a relevant obligation is entered into—
  - (a) the development authorised by the planning permission or any description of such development must not be begun, or
  - (b) anything created in the course of the development authorised by the planning permission may not be occupied or used for any purpose.
- (3) A relevant obligation for the purposes of subsection (2) includes an obligation which involves the payment of money or affects any estate or interest in, or rights over, land.
- (4) But an order may only specify a condition that a person enter into an obligation under section 106 if the obligation—
  - (a) is necessary to make the development specified in the order acceptable in planning terms,
  - (b) is directly related to the development,
  - (c) is fairly and reasonably related in scale and kind to the development, and
  - (d) satisfies such other requirements as may be specified in regulations made by the Secretary of State.
- (5) The Secretary of State may by regulations provide that—
  - (a) conditions or limitations of a prescribed description may not be imposed under subsection (1)(b),
  - (b) conditions or limitations of a prescribed description may only be imposed under subsection (1)(b) in circumstances of a prescribed description, or
  - (c) no conditions or limitations may be imposed under subsection (1)(b) in circumstances of a prescribed description.
- (6) A condition or limitation prescribed under subsection (1)(a) may confer a function on any person, including a function involving the exercise of a discretion.
- (7) If—
  - (a) planning permission granted by a street vote development order for any development is withdrawn by the revocation of the order under [section 61QJ](#), and
  - (b) the revocation is made after the development has begun but before it has been completed,the development may, despite the withdrawal of the permission, be completed.
- (8) But an order under [section 61QJ](#) revoking a street vote development order may provide that [subsection \(7\)](#) is not to apply in relation to development specified in the order under that section.
- (9) In this section “relevant obligation” means—
  - (a) an obligation under section 106 (planning obligations), or

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- (b) an agreement under section 278 of the Highways Act 1980 (agreements as to execution of works).

#### **61QJ Revocation or modification of street vote development orders**

- (1) The Secretary of State may by order revoke or modify a street vote development order.
- (2) A local planning authority may, with the consent of the Secretary of State, by order revoke a street vote development order relating to a street area any part of which falls within the area of that authority.
- (3) If a street vote development order is revoked, the person revoking the order must state the reasons for the revocation.
- (4) An appointed person may at any time by order modify a street vote development order for the purpose of correcting errors.
- (5) A modification of a street vote development order is to be done by replacing the order with a new one containing the modification.
- (6) Regulations may make provision in connection with the revocation or modification of a street vote development order.
- (7) The regulations may, in particular, include provision as to—
  - (a) the giving of notice and publicity in connection with a revocation or modification;
  - (b) the information and documents relating to a revocation or modification that are to be made available to the public;
  - (c) the making of reasonable charges for anything provided as a result of the regulations;
  - (d) consultation with and participation by the public in relation to a revocation or modification;
  - (e) the making and consideration of representations about a revocation or modification (including the time by which representations must be made).

#### **61QK Financial assistance in relation to street votes**

- (1) The Secretary of State may do anything that the Secretary of State considers appropriate—
  - (a) for the purpose of publicising or promoting the making of street vote development orders and the benefits expected to arise from their making, or
  - (b) for the purpose of giving advice or assistance to anyone in relation to the making of street vote proposals or the doing of anything else for the purposes of, or in connection with, such proposals or street vote development orders.
- (2) The things that the Secretary of State may do under this section include, in particular—
  - (a) the provision of financial assistance (or the making of arrangements for its provision) to any body or other person, and



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- (b) the making of agreements or other arrangements with any body or other person (under which payments may be made to the person).
- (3) In this section—
- (a) the reference to giving advice or assistance includes providing training or education;
  - (b) any reference to the provision of financial assistance is to the provision of financial assistance by any means (including the making of a loan and the giving of a guarantee or indemnity).

### **61QL Street votes: connected modifications**

The Secretary of State may by regulations make provision modifying the application of Schedule 7A (biodiversity gain in England) in relation to planning permission granted by a street vote development order.

### **61QM Interpretation**

In sections 61QA to 61QL—

“an appointed person” means a person appointed in accordance with section 61QD(2)(a);

“excluded development” has the meaning given by section 61QH;

“qualifying group” has the meaning given by section 61QB;

“relevant council” has the meaning given by section 61QB(3);

“street area” has the meaning given by section 61QC;

“street vote development order” has the meaning given by section 61QA(2);

“street vote proposal” has the meaning given by section 61QD(2)(a)(i);

“SVDO regulations” has the meaning given by section 61QD(1).”

- (3) Schedule 9 contains minor and consequential amendments in connection with this section.

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#### **Commencement Information**

**I1** S. 106 not in force at Royal Assent, see **s. 255(3)(b)**

**I2** S. 106 in force at 31.1.2024 for specified purposes by **S.I. 2024/92, reg. 2(d)**

**Changes to legislation:**

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 106.