

# White Paper - Planning for the Future

MHCLG consultation, August 2020

## Falmouth Civic Society: comments and answers

### Introduction

Falmouth Civic Society (FCS) welcomes the chance to respond to the proposals for reform of the planning system in England. Our response is guided by the aims of FCS to promote high standards in architecture and planning, to care for the town's character and heritage, and for the preservation, development and improvement of Falmouth's public realm. Our experience and knowledge of planning comes from a long-term involvement in Falmouth since our foundation in 1972. Most recently, we have played a significant role in the preparation and drafting of Falmouth's Neighbourhood Development Plan, and in its town centre place shaping initiatives and master plan.

Our response is that we **support** Proposals 9, 10, 15, 16, 17, 18, 20, 22 and 24. We **do not support** Proposals 1,2,3,4, 5, 8, 12 and 14, and were **unsure** about Proposals 6, 7, 13 and 21. Our opinion was divided between **support and non-support** of Proposals 11, 12, 19 and 23. We note that our support for these identified proposals is in principle only, and further support, or otherwise, would be subject to future clarification, or significant change to the proposals concerned.

In our responses to the direct questions below, we answered '**yes**' to eight questions, '**not sure**' to seven, and '**no**' to 12 questions.

In short, Falmouth Civic Society:

- Does not support the categorisation of land into Growth Areas, Renewal Areas and Protection Areas, nor the extension of permitted development rights within Growth and Renewal Areas.
- Opposes the loss of participation and comment on individual or case-by-case planning applications.
- Argues that the recent permitted development rights to allow two storey extensions above existing homes, and to allow shops to be converted to residential (in high streets) should be rescinded.
- Does not support the standard method (algorithm) to set housing numbers which we believe will not deliver the right numbers of the right houses in the right places.
- Supports the retention and strengthening of Neighbourhood Plans.
- Supports some simplification of the process and the use of digital and 3D information.
- Supports the use of design guidance, and design codes but only for large projects.
- Supports place-making and good design, and the proposal for local authorities to have a champion for sustainable development, place-making and design.

- Argues that the planning system should have climate change at its heart rather than speed and efficiency for developers, and that the reforms should be targeted correctly to address the market failures and land-banking. We suggest that any reforms should lead to a properly funded local authority planning system with some simplifications and transparency in the processes, and one that is enabled to build the much-needed social housing. That local authorities should be supported to have the right professional skills and expertise in planning, architecture, design, environment, sustainability, and heritage. And above all, that local communities should be fully involved and empowered through strengthened Neighbourhood Plans.

Our reasons for these responses are given in our detailed statements below.

## Overview

We consider that Questions 1-4 are too simplistic to provide useful answers to complex issues, so our answers to these do not adequately reflect our views. These are more fully expressed in our responses to the subsequent Proposals and questions that follow.

**Question 1.** *What three words do you associate most with the planning system in England?*

- Well-intentioned
- Underfunded
- Complex

**Question 2.** *Do you get involved with planning decisions in your local area?*  
YES.

**Question 3.** *Our proposals will make it easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?*

**OTHER – e.g. by email and on the Council Websites.**

However, we are interested to hear exactly how the consultation on the Local Plan would work, given that the opportunity appears to be to consult on the land categorization AND site and area specific requirements AND design codes at this stage.

Furthermore, we are concerned that the public cannot consult or comment on individual schemes or projects. This is a loss of the local right to comment on design, as the devil is always in the detail, not the generality of national and/or regional design codes, or on a simplified Local Plan. We look forward to more detail, as we believe the claims made for engagement as outlined in paragraphs 1.22 – 1.27 appear to be a wish list and the assertions not supported by evidence, nor any practical means to achieve it.

**Question 4.** *What are your top three priorities for planning in your local area?*  
**ALL OF THEM** – and more, but as we are restricted to three:

- The environment, biodiversity and action on climate change;
- Supporting the high street;
- Protection of existing heritage buildings or areas.

**Proposal 1:** *The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – **Growth** areas suitable for substantial development, **Renewal** areas suitable for development, and areas that are **Protected**.*

**Proposal 1 - NOT SUPPORTED.**

**Question 5.** *Do you agree that Local Plans should be simplified in line with our proposals?*

**NO.**

The three-tier categorisation of land is too simplistic and sows the seeds of the argument and controversy about every part of the complex, rich and valued patchworks of land across the nation and locally. Land use and its value to communities and society is frequently contended, and this is the case in Falmouth. Yet this categorisation seems to be the fundamental 'role' of the new Local Plan - a plan which is claimed in the proposal to be democratic and inclusive. If we are to be involved, aided by some form of digitisation, it seems likely that boundaries would be challenged, vested interests who would profit by the growth category would lobby for it, our community would rightly oppose it for the open-ended permitted development rights it confers.

If the move is for zoning, then it will need to be far more sophisticated and fine-grain than the crude three category zones. This would not reflect the complexity of land, particularly in urban areas. In Falmouth for example, we have more than 140 protected open and green spaces that cover a wide variety of uses, more than 40 sites for different types of development, the sea front and coastal paths, docks, creative industries and businesses within the town linked to the Universities and the town centre. Falmouth also has issues of student accommodation, such as too many HMOs, and luxury and second home developments that unbalance our communities. In Falmouth we have a clear vision and aspirations as to how we want our land planned and for place-making. This would not be captured or reflected in the three category zones. We understand that experience of zoning in other countries is that it is both complex and protracted.

However, if the three zones are maintained, then within them there would need to be planning at a very detailed level at the outset, probably through masterplans, and based on a clear vision for the locality. And these could be within a very fine grain of identified sub-areas. Many issues would need to be addressed and planned for. Where would industrial land be, what facilities, schools, mixed use areas as well as residential would be needed and where? The proposals concentrate on housing to the exclusion of the whole array of different functions and uses in the built environment. And how would the interconnections be made, what transport provision, what densities? How will the projects of different providers integrate?

How would the social needs and inequalities be tackled? These, *inter alia*, are not issues that the market would normally provide, nor would the simplistic three zones.

Also, the bullet point in paragraph 2.8 that growth areas should be suitable for 'sustainable development' at the same time as conferring permitted development rights (PDR) is, in our view, a contradiction in terms.

We consider the alternative options in paragraphs 2.11 and 2.12 completely unacceptable.

**Proposal 2:** *Development management policies established at national scale and an altered role for Local Plans*

**Proposal 2 - NOT SUPPORTED.**

**Question 6.** *Do you agree with our proposals for streamlining development management content of Local Plans, and setting out general development management policies nationally?*

**NO.**

At least 'no' until there is more clarification and detail to ensure there is adequate provision for local guidelines, in particular for Renewal and Protected areas. Most of this (paragraphs 2.13 & 2.14) is about style and physical form in relation to design guides and codes which is only part of the purpose of planning. It is noted that 'we' (government) want to ensure that facilities and infrastructure are delivered through planning, but there appears to be no mechanism in the Local Plan to achieve this. We consider that development management is better done locally through the local authority and Neighbourhood Plans.

**Proposal 3:** *Local Plans should be subject to a single statutory "sustainable development" test, replacing the existing sets of soundness.*

**Proposal 3 - NOT SUPPORTED**

**Question 7a.** *Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact?*

**NO.**

Nothing should be abolished until a replacement sustainable development test has been proposed and put out to consultation, and that is based on science and subject to rigorous peer review. Mitigating climate change is so vitally important that any replacement should be significantly better and more comprehensive. Achieving sustainable development is complex and involves many difficult judgments and trade-offs. Also, we would expect requirements for sustainability to be strengthened, and to ensure compatibility with government policy and international agreements on increased environmental protection. See more comment on Proposal 16, paragraphs 3.27 & 3.28.

**Question 7b.** *How could strategic cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?*

**By maintaining a formal Duty to Cooperate.**

Not a scrap of evidence has been put forward to support this proposal. Cross boundary issues are both local and regional, and require cooperation (not competition), integration, and the impacts of developments adjacent to boundaries need to be tackled. Data-driven "insights" seem inadequate and verge on wishful thinking. Real planning expertise with urban and regional planners in local authorities is needed, and for them to cooperate between different authorities. A requirement of a strengthened Duty to Cooperate should remain, or something much better such as regional or sub-regional planning. We note that this is important even at the smaller scale. For example, in Falmouth our urban extension needs to occur on land in a bordering Parish which is opposed to any further housing development. This falls outside the boundary of the Falmouth Neighbourhood Plan meaning it can have no influence over its expanding development needs.

**Proposal 4:** *A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure the land is identified in the most appropriate areas and housing targets are met.*

**Proposal 4 - NOT SUPPORTED.**

**Question 8a.** *Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?*

**NO.**

A standard method imposed nationally is not acceptable. It appears that the aim behind paragraph 2.24 is to set a target for each authority that is not open to challenge. Given the complexities of demographics, and the fact that the targets set to date have usually been inaccurate, there is no reason to assume the standard method will be any better or more accurate in determining need. The standard method proposed (*Changes to the current planning system*, MHCLG, August 2020) does not provide for flexibility in provision, and may not provide for areas of most need in locations that are connected and suitable for sustainable development. The criteria set out in paragraph 2.25 are better done locally where there is real knowledge of the areas and region.

Setting aside land for housing growth is probably acceptable in principle provided it is done locally, and only if an algorithm can be relied on to reflect genuine social need. The new standard system nationally would add around 1,200 homes annually to Cornwall's current target, amounting to a total of just over 4,000 per year. This target does not reflect reality, and we do not believe that this will deliver the right number of the right houses in the right places. Nor will it deliver the affordable or social housing required; the exemption for small scale developers to provide it in paragraph 5.4 will merely intensify the deficit. In Falmouth we have planned for

urban capacity land to increase our housing provision in excess of the target and are discussing locations for co-housing as one of the means for meeting our local needs.

There is a question as to how much land will be allocated in the Local Plan to meet any housing numbers target. At present the land area required for housing allocations is calculated using a relatively low density (30/35 dph) which virtually guarantees a standard developer carpet of houses. Increasing the density would result in a different form, which may or may not be appropriate.

The White Paper uses the Building Better, Building Beautiful Commission (BBBBC) report idea of 'gentle density', which has little meaning, and this would be the case in Falmouth. Density is a relative term and varies hugely between different contexts and locations. It requires a sophisticated understanding to get density and intensification right for particular places, and possibly needs a way of looking at graded densities within larger projects. For example, during the preparation of Falmouth's Neighbourhood Plan we demonstrated how sustainable communities could be achieved using graded densities with a 25% increase in the housing numbers target and added the potential for a further 240 houses on urban infill sites.

In short, we consider that housing need and targets are better set locally, based on local knowledge.

**Question 8b.** *Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?*

**NO.**

Incorporating size and affordability into an abstract standard method seems inappropriate. Absorbing and integrating additional housing numbers is more than just a matter of size as it also needs to take into consideration the surrounding land and its protections, landscape, topography, and the existing infrastructure and services available or deliverable, transport, and above all the actual housing need which may well be for the supply of social housing and all that is needed to support it. In other words, the aim should be to build communities and not just housing. This is best done locally.

Affordability is contentious as it sets the bar that still makes housing unaffordable to some 30-40% of those in need, and given the average wage in Cornwall, means unaffordable to almost all. Also, it is a market issue, as with 1 million unbuilt homes with planning permission extant (around 28,000 in Cornwall), the supposition that even more land supply will reduce house prices is highly questionable. If housing need is to be met for those unable to afford it, then it is housing associations and local authorities, and not the market, who are best placed to provide it.

**Proposal 5:** *Areas identified as Growth areas (suitable for sustainable development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.*

**Proposal 5 - mostly NOT SUPPORTED and partly NOT SURE about.**

**Question 9a.** *Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?*

**NOT SURE.**

The characterisation of the 'new' Local Plan includes site and area specific requirements and design codes, so at the outline stages any site should be checked against these. They need to be sufficiently robust to ensure good and sustainable design proposals. For the 'growth areas', as development is likely to be at a larger scale, there should be a master plan to check against, and it should be open to public comment. So, although there may be 'automatic' outline approval, that should only come after rigorous public scrutiny and consultation at the Local Plan stage.

**Question 9b.** *Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?*

**NO.**

The presumption in favour of development, or pre-established forms, is too general to be effective in achieving either environmental sustainability or design quality.

In para 2.35, 'Protected areas' should be properly protected, and there should be no permitted development rights within any Protected area. Any proposals should be subject to full planning applications, and there should be a presumption in favour of protection.

**Question 9c.** *Do you think there is a case for allowing new settlements to be brought forward under Nationally Significant Infrastructure Projects regime?*

**NO.**

It depends on the nature of the framework, and the skills and expertise of the regime. Development Corporations in the past have had mixed success. Falmouth would not wish to have a large project imposed on it, unless it was identified locally as a need, and fully negotiated with the 'regime'.

**Proposal 6:** *Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology*

**Proposal 6 - NOT SURE about.**

**Question 10.** *Do you agree with our proposals to make decision-making faster and more certain?*

**NOT SURE.**

Speeding up the process should not be the main aim, but the use of digitisation is to be welcomed. However, the proposals have no substance, only the broad aim of what digitisation might achieve. The evidence of implementation of computer systems centrally is uncomfortably clear and that is one of problems, overspend and failure to work. The proposals here are for considerable centralisation, away from the expertise held locally, and this can only be to the detriment of the local environment and communities.

While we support more visual, map-based and 3D information, the software will need to be reliable and easy to use by the public who are expected to contribute to consultations. There should be a stronger requirement for information to properly demonstrate and illustrate proposals in context, and this should be available at the outset. It should also mean that a higher standard of application is produced, and local authorities should be required to reject any that are sub-standard. Also, decision-making must allow ample time for community engagement and meaningful participation.

We are also concerned that not everyone uses social networks or has a smart phone, so the digital platforms and software should be accessible on computers and through other means, so they are open to all. A reliance on social networks is concerning, given that this could mean private companies collecting sensitive data and selling it on, and there are also concerns concerning privacy and security.

In short, we support digital technologies that encourage engagement with the process. These should not be based on a criterion to speed up the process, but rather be designed to get the best information from communities themselves, and to allow sufficient time for meaningful community involvement.

**Proposal 7:** *Local Plans should be visual and map-based, standardised, based on the latest technology, and supported by a new template.*

**Proposal 7 – NOT SURE about.**

**Question 11.** *Do you agree with our proposals for accessible, web-based Local Plans?*

**NOT SURE (but NO to PropTech).**

Accessible web-based maps, 3D visualisations and so on are good aims. We are not sure what exactly is envisaged. Local Plans have large-scale maps, and although they might be accessible to the ubiquitous mobile phone, this would not be good enough to properly examine plans. Only a small minority of the population are likely to have the large high-resolution computer screen to fully see a visual Local Plan and its maps in enough detail to comment meaningfully. This proposal represents a massive reliance on digital technology, the web and probably the major internet providers, where issues of security and privacy will be of concern. Data and privacy should be protected, and the 'data' in Local Plans should be within the general public's understanding, and not just for developers and planners.

However, we cannot see the justification for giving privileged access to developers who stand to profit hugely from land categorisations and permitted development rights. They cannot be considered disinterested parties in the decision-making over the future of our communities (e.g. paragraphs 2.46 & 5.27).

And what part of PropTech will be involved? It appears to cover a vast range of real estate internet connected activities (associated with the "internet of things"), for example: the management of property, letting, sales etc.; transactions, such as

buying, selling, investment etc.; smart buildings (control of everything via smart phone) and 'smart cities' including surveillance, monitoring behaviour, interconnected functions and controls, and so on. The sector is growing in the USA, Germany (particularly Berlin) and China (this at the extremes of control). Is this really the bedfellow wanted at the heart of planning, which is supposed to 'rediscover the original mission and purpose' (para 1.6) of those 19/20C pioneers who sought the health and social welfare of our citizens, especially to uplift the disadvantaged? PropTech has nothing to do with these aims, the motivation is commercial and business efficiency, and the 'grooming' of potential customers.

In short, we support the use of web-based technology, but do not support the close association of an undefined relationship with PropTech.

**Proposal 8:** *Local authorities and the Planning Inspectorate will be required through legislation to meet statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.*

**Proposal 8 – NOT SUPPORTED.**

**Question 12.** *Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?*

**NO.**

This is a matter for local authorities and government to sort out realistically. However, we do not consider this is adequate for meaningful community engagement, nor for the production of design codes and master plans, nor for Neighbourhood Plans. We would oppose any move to fine local authorities for non-conformity to these unrealistic timescales, and completely oppose any attempt to 'fly in' a group from central government to impose a Local Plan for our region.

**Proposal 9:** *Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools.*

**Proposal 9 – SUPPORTED.**

**Question 13a.** *Do you agree that Neighbourhood Plans should be retained in the reformed planning system?*

**YES.**

Any Neighbourhood Plan will have involved many thousands of hours of volunteer time and considerable expense to produce - costs met largely from in-kind volunteer contributions but with some inadequate public funding support. They have been or are being produced within guidelines stipulated nationally. They represent the views of the local community - their aspirations, hopes, expectations and fears for the future of their community. For these reasons it is essential they are retained in the new planning system and given the significant and statutory weight that local democracy requires.

**Question 13b.** *How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?*

More power should be given to local communities, and more weight in the planning system. The deployment of easy to use digital tools could be helpful, including 3D ones. Neighbourhood plans are about more than 'community preferences about design'. Communities need access to the full range of information necessary to draw up good integrated plans for their areas or towns.

For example, Falmouth's Neighbourhood Plan has sustainable development at its heart, and includes policies for: 1.Housing and Regeneration; 2.the Town Centre; 3.Business, Tourism and Employment; 4.Environment and Open Space; 5.Transport and Connectivity; 6.Culture, Leisure, Health and Well-being; 7.Design and the Historic Environment.

And to note, that Falmouth is a coastal community, and we have concerns over, and plans to support and revive our town centre. This was one of the important policies in our Neighbourhood Plan. We are concerned that so little consideration for town centres has been given in this document. Much more is needed, including, as a first step, the rescinding of permitted development rights (PDR) to convert shops to residential. This PDR could be replaced with something that makes it easier to convert upper floors into residential to bring life to high streets. Also, it should be made very fast and easy to designate an Article 4 to stop ground floor shop conversions to residential happening in high streets, and thus to prevent their decline.

A good neighbourhood plan will contain much of the above or more, will address climate change, and will include policies for integration, infrastructure, facilities, environment, heritage, as well as for design. Time and a good level of funding needs to be given to communities to carry out these complex tasks, to properly engage with the process, and to access support from well-funded local authorities.

**Proposal 10:** *A stronger emphasis on build out through planning*  
**Proposal 10 – SUPPORTED.**

**Question 14.** *Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?*

**YES.**

But, with the proviso that the infrastructure, facilities and services necessary for the totality of the development are built first. Developers should be required to build out the sites for which they have permission before they are allowed to exercise any further permitted development for other sites. It will require legal change to prevent developers setting up shell, shadow or offshore companies to circumvent this. It is a national disgrace that there 1 million homes with planning permission as yet unbuilt while the government are blaming the planning process for not delivering more homes.

**Question 15.** *What do you think about the design of new development that has happened recently in your area?*

**Some is well-designed, a lot is badly designed.**

Virtually none of the new development in our area adequately addresses climate change or sustainability.

Much new larger scale residential development in Falmouth has been poorly designed and unresponsive to the environment. A number of inappropriate and very badly designed schemes and buildings that were (rightly) refused permission by the local planning authority, all won on appeal. This is something that needs to be fixed, as the disparity in funding between developers and local authorities and communities is huge - a developer can devote far more funding to win any appeal, or in some cases just threaten to appeal where they know a local authority will not have the resources to fight it.

On the smaller scale much is exceptionally badly designed, and this is especially so for individual properties and sites where 'design' is done by non-architects, usually architectural technicians untrained in design. Poor design includes housing that is well below national space standards. The recent pandemic has shown that for people's health and well-being they need not only adequate, safe, public open spaces, they need adequately sized housing with ample natural light and fresh air.

The extension of permitted development rights (PDR) is a charter for bad design and bad neighbours. If the aim is to follow the BBBBC report, then PDR should be rescinded.

**Question 16.** *Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?*

There are many issues, the following are a few selected examples of priorities we would encourage (in no particular order):

- Less reliance on cars
- Car-free residential and commercial developments
- Policies on electric charging points in new development and existing urban areas
- Provision for secure storage and facilities for electric and non-electric bikes
- Compact plan forms of development to encourage walking and cycling, including high quality infrastructure
- Connected streets and connected communities
- Support for town centres
- Prevention of out of town shopping centres and supermarkets
- Workplace and out of town parking levies used to invest in public transport
- Easily accessible and high-quality public transport
- More mixed-use development
- Brownfield sites first policies

- Energy efficient buildings, e.g. Passivhaus standards or better for housing
  - Encourage the use of recycled and renewable materials
  - Policies on retrofit of existing buildings
  - Policies to minimise embodied energy in materials, transport and construction
  - Encourage flexible and adaptable buildings
  - Encourage design for passive solar energy and solar panels, including consideration of context and orientation
  - Targets set locally for net zero carbon
  - Adequate floor space standards with ample natural light and fresh air
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- More green and open spaces and trees
  - Green corridors and networks
  - Use landscape and water features for urban cooling
  - Water harvesting and grey water recycling
  - Green roofs and vertical planting in denser areas
  - Permit or encourage urban agriculture
  - Attractive, flexible and safe public open spaces
- 
- Ensure growth is directed only to sustainable locations
  - Ensure growth is supported by infrastructure that enables sustainability to be achieved

A much more substantial response is needed to tackle climate change, and a better and more comprehensive recognition and incorporation of the wide range of good practice, publications, research and science about sustainable development.

**Proposal 11:** *To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.*

**Proposal 11 – SUPPORTED and NOT SUPPORTED.**

**Question 17.** *Do you agree with our proposals for improving the production and use of design guides and codes?*

**YES and NO.**

**Design Guides – YES:** the national design guide is good and so is our local one from Cornwall Council. However, we note that missing from both design guides and codes is the inclusion of space standards for housing, and this should be rectified. With design guides there is also the possibility of producing supplements to illustrate good practice and excellent design. Falmouth’s Neighbourhood Plan also highlights design and sustainable design with policies to support it.

**Design codes - NO.** We wait to see what the National Design Code comes up with. But design codes are supposed to be detailed, technical and are instructions and not guidance. This seems to be impractical and probably not desirable nationally.

National design 'codes' have been used in the past with the Housing Manuals (e.g. 1919, 1944, 1949) setting out standards and models for public housing linked to state aid grants. This does not seem to be the case with this proposal as no state aided housing is envisaged. The danger is of having a limited range of standards and forms that might be predictable, but more likely to be monotonous and boring as they will be copied everywhere. If the National 'Code' is not to become a prescriptive instruction (which could cut out innovation and creativity), then it might work if, for example, it simply reinforced the criteria used in the National Housing Audit (there are 17 criteria and they seem appropriate), and avoided style and promulgating a state-imposed code for 'beauty'.

The same problems may be true of 'local' design codes if they are local authority wide. Design codes are most appropriate for specific schemes, related to a master plan. For example, Nansledan in Newquay, which is featured on the cover of this White Paper and illustrated throughout the BBBBC report. The code is specific to that project, and of that particular development team. It would not be acceptable to have the same again spread all over Cornwall. The Nansledan code claims to have reference to regional Cornish vernacular styles, but it is specific to the project and to an extent Newquay, and much more selectively to Cornish 'styles'.

Design codes are also difficult, time consuming and costly to produce. So, the proposals for design codes seem naive and fail to consider the cost, time and difficulty of producing them. Our view is that design codes should be site-specific and for large developments, and that they are complex and expensive to produce requiring up-front investment; this is born out in MHLG 2006 report 'Preparing Design Codes'.

**Proposal 12:** *To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.*

**Policy 12 – SUPPORTED and NOT SUPPORTED.**

**Question 18.** *Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?*

**YES and NO.**

**YES,** to a new body to support place-making and building better places. CABE was a good example and could be resurrected. Also, yes to local authorities having a Chief Officer for design and place-making, but this role should be primarily one for sustainable development, with design and place-making subsumed within it. We would also welcome the addition of architectural expertise within local authorities.

But **NO** to the national support for design coding, as this is better done locally for specific large projects. This seems a duplication as more than adequate guidance on preparing design codes (by MHLG) has been produced. It would be better to have a

body that concentrates on climate change, sustainability and the circular and doughnut economy, that can place design codes in a more sustainable context.

We are sceptical of 'locally-popular' design codes, as inevitably these will be backward looking to past examples and some current developments. This potential to stifle innovation also flies in the face of one of the UK's major export income earner which is the creative industry and genuinely world class architecture.

**Proposal 13:** *To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.*

**Proposal 13 – NOT SURE.**

**Question 19.** *Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?*

**NOT SURE.**

It is a good thing to lead by example, showing and giving an analysis and commentary of well-designed schemes based on the best guidance. But, as argued above, a Homes England design code would not be a welcome addition, as it would inevitably standardise design, and be less responsive to location and place (although decent residential space standards would be useful).

**Proposal 14:** *We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects character and preferences.*

**Proposal 14 – NOT SUPPORTED.**

**Question 20.** *Do you agree with our proposals for implementing a fast-track for beauty?*

**NO.**

Paragraph 3.17. (on the NPPF) an update is probably acceptable, provided the changes go out to consultation.

Paragraph 3.18. (requiring a master plan and site-specific codes) is also acceptable, as the linkage of site-specific master plans with design codes generally work. But public consultation is needed at this stage.

Paragraph 3.19. (on widening permitted development) is unacceptable. The 'long history' of pattern books seems largely misunderstood. Most of the best were linked to state aided housing. But there were also a very large number of standard housing types and styles put out by private developers, which they would claim are 'popular and replicable'. A centralised set of 'rules', if in any detail, would be prescriptive and unresponsive to local setting and forms. If general, it would have little meaning. The idea of 'gentle density' as indicated in the BBBBC report is also rather meaningless. Intensification, or densification, is context and site specific if it is to be achieved, and

only meaningful if it sits within a strategic plan for the areas concerned. Otherwise, it will lead to the well-known (and much disliked) cumulative effects of creeping forms of development and redevelopment.

Para 3.21. (on expanding permitted development rights) is totally unacceptable. The permitted development rights for upward extensions encourages bad neighbour development and bad design and will hardly support the desire this White Paper has for 'beauty'. The demolition/rebuilding of shops to residential similarly leads to bad development and endangers our high streets. These forms of PDR should be scrapped as they simply run counter to all that is recommended in the BBBBC report that this White Paper purports to support.

**Proposal 15:** *We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.*

**Proposal 15 – SUPPORTED in principle.**

The intention is to be welcomed. However, 'simpler' may not be adequate in dealing with the complexities of sustainability and climate change. We reserve our right to comment on the NPPF amendments on this issue.

**Proposal 16:** *We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.*

**Proposal 16 – SUPPORTED in principle.**

We believe that environmental impacts and sustainability are not simple, but complex, nuanced, and inevitably involve judgements on trade-offs. This is one that we would wish to look at very carefully if it comes forward for consultation. We note that Cornwall Council now use a 'decision wheel' based on the doughnut economy model, replacing the sustainability check - it appears to work out much the same but with some key additions on the wheel. We suggest that Cornwall, or Amsterdam as a good example, embracing the circular and doughnut economy and a decision wheel, provides a good framework to follow.

**Proposal 17:** *Conserving and enhancing our historic buildings and areas in the 21<sup>st</sup> century.*

**Proposal 17 – SUPPORTED in principle.**

The protection of our heritage is vitally important. It has been hamstrung by the underfunding of local authority planning departments. Better supported conservation in local authorities is preferable to the changes envisaged in these paragraphs. There may be merit to give some authority to architects specialising in conservation and historic buildings, to give added weight when dealing with Listed Building and Conservation Officers, and/or conflicting commercial interests.

In 'Protected' areas, there should be the presumption in favour of protection.

**Proposal 18:** *To complement our planning reforms, we will facilitate ambitious improvements in energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050*

**Proposal 18 – SUPPORTED in principle.**

This is to be welcomed and rigorous standards should be set through the Building Regulations. But we believe that achieving net-zero by 2050 is too late, despite it being set by the Paris Agreement on Climate Change. We would welcome the UK to actually become ‘world-leading’ if it were to follow California or Sweden in setting 2045 as the date, or better Austria and Iceland at 2040, or better still, like Finland, at 2035. The sooner the better. In Falmouth, most new housing development we have seen locally never mentions CO<sub>2</sub> emissions and energy efficiency in their proposals, and examination of the designs indicate they are likely to be less energy efficient than homes designed 10 years ago.

### **Pillar 3 Overview**

Paragraph 4.3. The ‘successful re-negotiation’ by developers is invariably to the detriment of the local community and too often represents broken promises made at the planning stage. Claims of unaffordability after the granting of planning consent has become a standard tactic by many developers.

**Question 21.** *When new development happens in your area, what is your priority for what comes with it? (NOTE: In the Web Accessible document this is **Question 22**, but Question 21 online)*

**All of these and more should be priorities**, and properly planned and integrated. Priorities should include:

- More affordable and social housing for rental, as well as for sale.
- More and better infrastructure: transport, decent high quality and frequent bus services, schools, health provision and community facilities.
- Green space and urban agriculture opportunities
- Sustainable locations
- Sustainable, zero carbon and well-designed buildings
- Attractive, flexible and safe public realm spaces

**Proposal 19:** *The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.*

**Proposal 19 – SUPPORTED and NOT SUPPORTED.**

Paragraph 4.9. Some of the charge should be levied at planning approval, say one third, so borrowing costs are shared rather than all falling on Local Authorities who can ill afford them. Another third on project completion and a final third at occupation.

Also, what safeguards are proposed to ensure developments do not come forward in small parcels so that the threshold is not reached?

(NOTE: In the Web Accessible document these are **Questions 23 a-d**, but Questions 22 a-d online)

**Question 22a.** *Should the Government replace Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?*

**NO.**

Unless the replacement can be guaranteed to yield a higher level of funding than the current CIL/Section 106, and, depending on the threshold set.

**Question 22b.** *Should the Infrastructure Levy rates be set nationally at a single rate, set at an area-specific rate, or set locally?*

**LOCALLY.**

**Question 22c.** *Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?*

**MORE VALUE.**

To provide the necessary infrastructure and facilities noted in our answer to Question 22 above.

**Question 22d.** *Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?*

**YES.**

An absolutely key requirement to enable local authorities to provide infrastructure, but also to build the rental social housing so desperately needed in Cornwall and Falmouth. Some of the Levy should still be at Planning Approval to reduce borrowing costs for Local Authorities.

**Proposal 20:** *The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.*

**Proposal 20 – SUPPORTED.**

**Question 23.** *Do you agree that the scope of the Infrastructure Levy should capture changes of use through permitted development rights? (NOTE: In the Web Accessible document this is **Question 24**, but Question 23 online)*

**YES.**

This should be set to ensure it captures as much funding as the new levy. However, the permitted development rights that are currently in place, and have been shown to produce sub-standard housing, the potential for bad neighbours and bad design (vertical extensions) and for the destruction of our high streets and their economy (conversion of shops to residential) should be scrapped. They run counter to all that is good planning and design, mostly outlined in the BBBBC report.

**Proposal 21:** *The reformed Infrastructure Levy should deliver affordable housing provision*

**Proposal 21 – mostly NOT SURE.**

*(NOTE: In the Web Accessible document these are **Questions 25 a-d**, but Questions 24 a-d online)*

**Question 24a.** *Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?*

**NO.**

It should be more than at present, as provision is currently wholly inadequate to meet social need. This should be more than an aim; it should be achieved. If the amount of genuinely affordable and social housing is not exceeded under these planning reforms, it will have failed local communities.

**Question 24b.** *Should affordable housing be secured as an in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?*

**NOT SURE.**

The Levy should be used to provide affordable for sale and social housing for rent in response to need.

**Question 24c.** *If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?*

**NOT SURE.**

It is clear that there is insufficient housing for those most in need. We are not certain that the proposals here will satisfy that need, and therefore more thought should be given to how this can be funded by both government and local authorities. There seems to be concern in the proposals that there could be less provision of affordable housing through shortchanging in the Levy or in-kind process. Local authorities cannot be expected to pick up the under-provision, so the development of government proposals need to reflect this.

**Question 24d.** *If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?*

**YES.**

Provide sufficient public funding to achieve affordable and social housing.

**Proposal 22:** *More freedom could be given to local authorities over how they spend the Infrastructure Levy.*

**Proposal 22 – mostly SUPPORTED.**

*(NOTE: In the Web Accessible document these are **Questions 26 & 26a**, but Questions 25 & 25a online)*

**Question 25.** *Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?*

**YES.**

Local authorities, town councils and Parishes are best placed to identify need and should not be restricted. They are democratic and close to the communities they serve. But to do this they all need to be properly funded.

**Question 25a.** *If yes, should an affordable housing 'ring-fence' be developed?*

**NOT SURE.**

Social and affordable housing, and the appropriate infrastructure is all needed if sustainable communities are to be encouraged to develop. This needs the right level of private and public investment. Establishing well supported communities pays off in the medium and long term through those living in them valuing and maintaining their areas.

Certainly, there should be no reduction in the amount ring-fenced for the community that is local to the development source of the Levy. In fact, it should be increased. The common community perception is that too little money is retained for the town or parish or the neighbouring town or parish most affected by the development. It is beholden on the government and local authorities to ensure a proper and demonstrable balance between open market housing, affordable and social housing, and community infrastructure for the well-being of the whole community.

**Proposal 23:** *As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following elements.*

**Proposal 23 – SUPPORTED and NOT SUPPORTED.**

We support the intention to develop resources and skill for planning, provided it is properly funded.

Paragraph 5.17 (on planning beneficiaries paying) we largely support.

However, we are not sure about paragraphs 5.18 – 5. 22 (on planning fees and use) which do not seem to provide the government investment needed to support the local authority's planning roles.

The intention behind paragraph 5.25 (on digital and geospatial capacity) is to be welcomed, again if properly funded, and we support it.

However, we have concerns and do not support paragraph 5.27 (on PropTech) for the reasons given in our answer to Question 11

**Proposal 24:** *We will seek to strengthen enforcement powers and sanctions.*

**Proposal 24 – SUPPORTED in principle.**

This is desperately needed by local communities who feel abandoned and helpless in the face of developers and contractors not abiding by planning conditions and not being considerate contractors.

**Question 26:** *Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010? (NOTE: In the Web Accessible document this is Question 27, but Question 26 online)*

**No views on this question.**

## Conclusion

Falmouth Civic Society recognises that planning needs to be improved. The planning system has been underfunded for decades and this has seriously weakened it. The current planning system often fails to properly engage, is complicated and often relies on over-detailed background policies and reports. The use of officer delegated powers to make judgements often fly in the face of local opinion. Frequently, Neighbourhood Plans are ignored, or not given the weight that they deserve. The standard of design and data allowed under the current system is poor. It does need some improvements in order to increase transparency, reduce conflict and uncertainty for both the public and the professional. Also, to reduce the number of appeals which are most often won by the person who can afford the best lawyer and planner, namely the developer.

These flaws and problems need to be targeted carefully and improved. However, we are not convinced that the wholesale reforms in the White Paper will achieve this for the reasons we have given above and, indeed, they may well lead to another raft of problems and make things worse. Our responses highlight the areas in the reforms that we think are good and would go some way to solving some of the problems, as well as highlighting those proposals that we feel will be very harmful.

So, we do not accept the argument that it is planning that gets in the way of housing supply. This is the wrong target as the poor housing supply is a serious market failure, with around one million unbuilt homes extant with planning consents. It is this, and developer land-banking that most needs to be addressed and is a problem that this White Paper singularly fails to do. Nor are we convinced that the discretionary planning system causes undue delay when over 80% of planning applications are dealt with in time. What tends to cause delays are with complex and large planning applications, inadequate data and poor design. These deserve the time devoted to them.

A number of the changes proposed, such as the use of digital data, the inclusion of place-making, and champions for place-making in the local authorities are changes we support. Design codes are worthwhile, but we support only those related to site specific projects. We would not object to some measurable design criteria codified to suit local and national standards to establish sensible and enforceable minima (for example: space standards, parking, refuse, recycling, overlooking and rights of light).

There are many elements of the proposed reforms that we consider are unacceptable, including the simplistic zoning into three categories, and the extended use of permitted development rights. We oppose the loss of public participation on case-by-case applications,

as the devil is often in the details, and this is likely to be an acute problem in renewal and protected areas. The presumption that there will be design codes giving ‘popular and replicable designs’ is not good enough nor responsive to local contexts – replicable design is something developers do now. We consider the obsession with ‘beauty’ is a diversion – it is not defined and seems to have almost replaced or diminished the importance of sustainability and climate change.

In our opinion good design, good urban design and place-making is best achieved through guidance and the publishing of best practice examples (updated regularly) and is most usually best achieved by those qualified in the field. Our priority is that design must be driven by sustainability and response to climate change, and that the forms, materials, and designs should reflect this, and not be side-tracked by backward-looking stylistic codes for new development.

We do not consider that these reforms are adequate for the task of taking forward innovative approaches to our built environment, or the delivery of housing that is most needed, which is a market failure. Crucially, the reforms do not properly address climate change. We believe the best way forward is to put into place improvements that lead to a properly funded local authority planning system, with some simplifications and transparency in the processes, and one that is enabled to build the much-needed social housing. And we believe that local authorities should be supported to have the best professional skills and expertise in planning, architecture, design, environment, sustainability, and heritage. And above all, that local communities should be fully involved and empowered through strengthened Neighbourhood Plans.

Signed on behalf of the Falmouth Civic Society by its Committee

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Jay Gidman, (Treasurer)  
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