

PREM 19/1564

SECRET

MT

Confidential Filing

Correspondence from Sir John
Sainsbury on Planning controls

General Planning Inquiries.

LOCAL
GOVERNMENT

PART ONE:

JULY 1983

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
16.1.84		11.3.85					
31.1.84		11/1/85					
20.2.84		12.3.85					
1.3.84		28/3/85					
5.3.84		12.4.85					
4/3/84		30.4.85					
25.9.84		ENDS.					
6.10.84		<p style="font-size: 2em; text-align: center;">PREM 19/1564</p>					
9.10.84							
8/11/84							
20.11.84							
21/11/84							
28/11/84							
11/12/84							
3.1.85							
19.2.85							
26.2.85							
24.2.85							
5.3.85							
8.3.85							

PART 1 ends:-

MISC 114(85)5 30.4.85

PART 2 begins:-

AT to MEA 1.5.85



Call - final
amendment of
MAB 30/4

10 DOWNING STREET

Robin Butler

I should like to clear some of
this with HBS, but I'd be grateful for
your comments too.

Had Yuz's office have been
asking that the minutes should
reflect what had Yuz's claims to
be the PM's decision in his favour,
given at yesterday's meeting. I said we
could not do that.

They are still however seeing
the PM's intervention in the consequences
of I indicated a first letter from
the MWP is in its way. We can
discuss this.

Malcolm Addison

30/4

SUBJECT
cc Master.

DCAF04



10 DOWNING STREET

bc Chris
Brearley
(CO).

rc HS

From the Private Secretary

29 April 1985

The Planning System

The Prime Minister chaired a meeting on 29 April to consider the report on the outcome of the discussions so far between your department and the Sainsbury's Group, following the Prime Minister's earlier meeting with the Group on 10 December. Sir John Sainsbury was accompanied by Mr. Christopher Benson (MEPC), Mr. Clifford Chetwood (George Wimpey), Mr. Nigel Mobbs (Slough Estates), Mr. Idris Pearce (Richard Ellis), Mr. John Taylor (Chapman Taylor Partners) and Mr. Roger Suddards (Last Suddards, Solicitors). Ministers present, in addition to your Secretary of State, were the Minister Without Portfolio and Mr. David Trippier. Mr. Hartley Booth was also present.

Your Secretary of State said that the Group had had a series of meetings with DOE; the report contained their agreed conclusions. He was very grateful to the Group for the contribution they had made. The most important single proposal in the report was that a circular be issued reaffirming the presumption in favour of development. This would best be published as part of the wider exercise in deregulation which the Minister Without Portfolio was already engaged in. Your Secretary of State also said he had agreed to address the inspectors collectively, and he would take that opportunity to get across his concerns. He would be discussing with the Treasury the creation of a cadre of senior inspectors, which he thought would make a valuable contribution. He hoped it would be possible to bring in legislation in the next Session to introduce simplified planning zones. He would consider whether the opportunity might also be taken to amend in legislation the status of structure plans in deciding planning applications. He was also considering introducing the idea of citizens' compulsory purchase, under which there would be a right compulsorily to purchase derelict or unused public land. There were other points which your Secretary of State would

be following up. It was important to get the planning system right if employment opportunities were to be maximised.

Sir John Sainsbury had found the discussions with DOE helpful and positive. A great deal depended on getting the appeals procedure right, and on how quickly and efficiently it operated. He hoped the relatively modest changes in the report would amount, in practice, to a significant change for the better in the operation of the planning system.

In discussion the following points were made:

(i) It had yet to be seen how much impact the issue of a circular which simply restated existing policy would have.

(ii) The Group attached importance to reducing the number of use classes in town and country planning.

(iii) The Group thought it might be helpful for your Secretary of State to address the Inspectors regularly, though it was important to avoid over-exposure too.

(iv) The DOE could usefully adopt a tougher approach to timetabling appeals and inquiries; the availability of counsel should not be a determining factor.

(v) The Group remained uneasy about structure plans and the unfavourable way they were used by local authorities. On one occasion when structure plans had led to an application being refused, the process had taken fifteen months between the completion of the Report and the decision (though it was emphasised that this was exceptional).

(vi) The Group still believed that bringing in a higher echelon of Inspectors at an appropriate grade would speed up the appeals process.

(vii) It could be helpful if the Secretary of State had to publish reasons for delays in reaching decisions. There might be a presumption that appeals should be settled in three months or less (from the date of the Inspector's report to the final decision).

(viii) There had been difficulties with site clearance which could themselves create delays in the development process. Your Secretary of State confirmed that he had been looking at this.

(ix) A further source of delay had been that local authorities hold on to development land sometimes for

essentially political purposes.

(x) The involvement of other departments and authorities in the planning process could lead to delays, and the Group felt it was important to pursue the possibility of clearing lines in advance with the appropriate consultative bodies.

(xi) The time taken between initiating a building project and completion was often very much less in other countries. This was in part because builders in e.g. the US had higher levels of productivity, as well as pay. Developers faced fewer regulations and fees for consultancy were generally less than here. In the UK, despite the Secretary of State's recent circulars the degree of control exerted by the local authority planners effectively threatened the integrity and professionalism of architects and designers: there was a powerful case for leaving such matters to developers who had a strong incentive to produce attractive buildings.

(xii) The Minister Without Portfolio asked if members of the Group would let him know of any evidence or examples of excessive regulation in the planning area.

Summing up the discussion the Prime Minister said that the Secretary of State for the Environment would now complete the draft circular taking account of the points made in the discussion. The report which the Group and DOE had provided should be seen as an interim document; the Prime Minister was looking forward to holding a further meeting with the Group in September.

I am copying this letter to Leigh Lewis (Office of the Minister Without Portfolio) and Andrew Lansley (Department of Trade and Industry).

(Mark Addison)

John Ballard, Esq.,
Department of the Environment.

PRIME MINISTER

Meeting, 29 April, with the Sainsbury Group

The main paper on the table for Monday's meeting on planning is the Environment Secretary's minute at Flag A, on the outcome of his discussions with the Sainsbury Group. Essentially, he argues that the report DOE has drawn up with the Sainsbury Group (Flag B) satisfactorily deals with the Group's recommendations (Flag C), and that the Group are happy with the result. The key document is the proposed new circular, with its presumption in favour of development (Flag D).

Policy Unit advice is at Flag E. They believe the Sainsbury Group has to some extent had the wool pulled over its eyes. They think DOE could go further to meet the Group's earlier recommendations.

David Young and Patrick Jenkin have been in correspondence (Flag F, if you wish to read it) arguing whether or not the matter should be dealt with further through the group on de-regulation, MISC 114. Mr. Jenkin has resisted.

At the Ministerial pre-meeting, as Hartley Booth says, you need:-

- i) to agree the line to be taken with the Sainsbury Group at the meeting which follows. The Policy Unit advice is that the draft circular should be endorsed, but that the rest of the Group's report should be treated as interim.
- ii) to discuss and agree the publication timetable for the circular.
- iii) to discuss how far MISC 114 should become involved in further work. It would be very odd if a group

on de-regulation did not get in to, at least, how
DOE proposals on planning (which of course go wider
than the Sainsbury Group remit) should be
implemented.

Mark Addison

26 April 1985

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PRIME MINISTER

26 April 1985

MEETING, 29 APRIL 1985 WITH SIR JOHN SAINSBURY'S GROUP

Sir John Sainsbury's Group put forward 16 specific proposals to simplify, clarify and expedite Town and Country Planning control. The members of the Group were:

Christopher J Benson (Vice Chairman and Managing Director, MEPC plc and Chairman of London Docklands)
Clifford J Chetwood (Chairman and Chief Executive, George Wimpey plc)
G Nigel Mobbs (Chairman and Chief Executive, Slough Estates plc and Chairman to PSA Advisory Board)
D N Idris Pearce (Managing Partner, Richard Ellis)
Sir John Sainsbury (Chairman and Chief Executive, J Sainsbury plc)
Roger W Suddards (Senior Partner, Last Suddards, Solicitors)
John Taylor (Partner, Chapman Taylor Partners)
— Lord Alistair McAlpine
Mr Jenkin, Lord Young and Mr Trippier will also be attending the meeting.

not coming to the meeting

Following your meeting on 10 December 1984, PJ reported to you on 15 February that the Group was progressing well. But on 19 March he sent you the final report of the Group, in which only 3 of the 16 points were fully conceded by DoE (Flag A).

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We are not sure PJ is right in claiming that the Sainsbury Group are happy. Privately, Mr Benson has expressed the view that "the officials ran rings around us".

1. What is the outcome?

The draft circular setting out the former presumption in favour of development has emerged as the principal result of the Committee's work. While this is welcome, it leaves much to local interpretation: something stronger is needed.

This circular also requires the Planning Authority to give "precise, specific and relevant reasons" for refusal of permission and also downgrades the importance of "structure plans": they are to be merely one factor and not to "be regarded as overriding other material considerations".

The Department has agreed to look at many other matters, and to meet again (paragraph 10, PJ's note).

DoE dislike the Sainsbury proposal (f) which would have imposed a duty to return fees if Planning Authorities are slow in dealing with applications, fearing it will be costly (Local Authorities receive £30 million from planning fees). No analysis was done on how much would be handed back. They seem to assume failure when evaluating the proposal!

2. Where do matters stand?

DoE and Lord Young's Group on Deregulation (MISC 114) will be considering the issues further. Sainsbury will meet DoE in September and MISC 114 is active now.

MISC 114, under Lord Young, have taken their task to deregulate business to be very wide. They have decided that in their review there shall be no "no go" areas (ie they have included Sainsbury territory). Patrick Jenkin claims he is involved in 50-60 improvements to the system and that this and the work of Sainsbury need not be reopened.

3. Handling

Lord Young and Patrick Jenkin should agree a line ^{with you} during the pre-meeting of Ministers between 10.00 and 10.30 am.

For the meeting with the Sainsbury Group, you may like to ask Patrick Jenkin to report on the discussions and for Sir John Sainsbury to comment. The meeting should then discuss the main areas, perhaps focussing on the suggestions below.

4. Conclusion

We recommend you endorse the draft circular that has emerged, treat the Sainsbury Group's report as interim and back the following items to give the measures some real bite:

- (a) Proper and strict timetabling of planning applications with penalties against LAs for sloth.
- (b) Penalties for undue delay against any party at a planning appeal. Costs to be awarded by the Inspector.
- (c) Radical reduction in "use classes" and "structure plan categories" - to reduce complexity - remove the need for planning activities and developments.
- (d) Firm clear time limits needed for written representations at planning inquiries.
- (e) Top grade Inspectors are needed. Ad hoc QCs are expensive, are by definition not experienced judges, and have rarely developed the judicial skills of cutting out irrelevance and time wasting.

Analysis of Sainsbury proposals are set out in the appendix attached.

H. M. Booth

HARTLEY BOOTH

APPENDIX

Sainsbury Proposal	Topic	DoE Reaction	Further Action	What could be done
a	Presumption in favour of development	Granted	DoE Circular	-
b	Circular stating ditto	"	" "	-
c	Reasons to be given for refusal	"	" "	-
d	LA Reports to be released	Maybe Squires' Bill will cover	-	-
e	Quick form approval	Possibility	DoE will examine the idea.	The areas where no permission is needed should be expanded.
f	LA speed or return fees	No - costly	DoE will discuss with LA Assocs.	This would not have more than marginal cost if any. Press DoE.
g	More delegated powers	No clear reaction	DoE will examine	-
h	Inspector to award costs against parties causing undue delay	A few times a year costs are granted	DoE will discuss	Press this one. This is needed.

DBKAAK

i	Higher echelon of Inspectors	-	Discussions	The case is clear. The decision could be made now.
j	Inspectors controlled by LC's Department	-	No	-
k	Local Planning Appeals Tribunals	No	-	-
l	Greater use of ad hoc Inspectors	Granted	-	Expensive - not needed so much if (i) granted.
m	Competent Appeals Tribunal	No	-	-
n	Parties to appeal to see draft Inspector's Report	Not pursued	-	-
o	Mandatory time limit on written submissions	-	DoE will examine	Press DoE.
p	Secretary of State to have power to order a Section 52 Agreement (a type of conditional agreement)	Difficult	DoE will discuss	<u>Not</u> insuperably difficult and would allow a good many more developments.
No Number	Structure plans should be downgraded	Granted in past	DoE Circular	Consider abolition of structure plans. Or at least down-grade unequivocally.

DBKAAK



CONFIDENTIAL

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

26 April 1985

Dear David,

in meeting folder

Thank you for your letter of 24 April about MISC 114.

In my letter of 22 April I explained briefly the range of work that we have in hand on the planning system, and said that I doubted whether it would be appropriate to process all of this work through MISC 114. In fact I do not think that it is practical or necessary to do so. It involves a programme of work stretching over at least the next twelve months and the priority now is to manage it effectively and to make progress. We already have H Committee approval to some of the main components; others are matters for subordinate legislation on which we have already consulted the principal interests concerned, and others relate to the detailed management of the Department's work.

I entirely accept, of course, that MISC 114 have been charged with considering the follow-up action to the Departmental reports of the "Burdens" scrutiny, and we will be putting a detailed report to that Committee which will set out our response to each of the recommendations in the DOE report, all of which we have accepted. This will be accompanied by a covering paper that will set these particular proposals in the context of other changes in the planning system that have been made in the last five years and those which we now have in train. I hope that the Committee will find that this represents a very positive response and a useful contribution to our policy on deregulation.

I am quite prepared to consider further proposals for change but it is a fact that planning law is a large and complex area of legislation, highly prone to legalistic scrutiny and challenge. Any changes in it have to be accurately defined and integrated with the statutory framework. I hope that, when they see our response to the "Burdens" report, the Committee will agree that our first aim must be to make rapid progress with implementing those proposals and the many others already in hand. I fully expect that these will be followed by a further tranche once these have been accomplished.

I am copying this letter to the Prime Minister, David Trippier and Sir Robert Armstrong.

Yours ever

Patel

PATRICK JENKIN

The Rt Hon Lord Young of Graffham

CONFIDENTIAL

Perhaps we should discuss this before misc 114

26 APR 1985

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10 11 2
9 10 3
8 9 4
7 8 5
6 5 4



NBPM at present
AT
24/4
CC MD

CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 01-233 3299

From the Minister without Portfolio
The Rt Hon Lord Young of Graffham

CONFIDENTIAL

The Rt Hon Patrick Jenkin MP
Secretary of State for the
Environment
Department of the Environment
2 Marsham Street
LONDON
SW1P 3EB

24 April 1985

P. Jenkin

with AT?

Thank you for your letter of 22 April about overhauling the planning system. Your letter, and the one which I sent you on 12 April raise the question of how the various DoE suggestions for deregulation in the planning field should be integrated with the work of MISC 114. In this connection I noted that you had a number of items already under consideration (including some for tighter regulations) and that you have already decided to implement all the proposals on planning in the "Burdens" Scrutiny report. At the same time I suspect that there is considerable room to discuss exactly how we do so and to consider whether all the proposed responses in fact go far enough.

In this connection I was slightly surprised at your view that it would not be appropriate for this work to be processed through MISC 114. Clearly, a Ministerial Group is not the right forum to conduct a detailed examination of individual clauses of your proposed Planning Bill but I do not myself see how the Ministerial Group on Deregulation can do its job properly if we rule out discussion of significant areas of DoE's planning activity. In fact I think our terms of reference, as agreed by the Prime Minister and colleagues, which require us

"To consider the Central and Departmental Reports of the Scrutiny of Administrative and Legislative Burdens on Small Firms; to consider what follow-up action should be taken; to prepare a timetable for action, to accelerate and monitor progress thereafter; more generally to consider how the burden of regulation on the economy can be kept to a minimum; and to make recommendations to the Ministerial Sub-Committee on Economic Affairs (E(A))."

in effect oblige us to discuss all the key areas of planning deregulation identified in the DoE 'Burdens' report. Moreover, we are not just concerned with following up the "Burdens" Scrutiny.

The Rt Hon Patrick Jenkin MP

24 April 1985

We are collectively involved in going over the whole range of opportunities for deregulation, in planning as in other areas, and I do not think we ought to rule out the possibility of adding items to your list of proposals.

We did in fact discuss some of these issues at the first meeting of MISC 114 when we agreed (including Neil MacFarlane who spoke on the subject) that there should be no "no-go" areas. In other words, the fact that items were already being considered for inclusion in Bills, or that departments were already looking at issues, or that discussions had already taken place with outside bodies (such as the Sainsbury Group) did not preclude MISC 114 from discussing these issues.

I hope therefore that, on reflection, you will agree with my view that MISC 114 should play a full part in reviewing planning matters in the context of our general review of regulation - which means putting in papers and having discussions on any planning item which we feel needs further consideration. I also assume that you will not be making any public announcements about changes in legislation affecting regulation without giving us the opportunity to comment.

I am copying this letter, as you did yours, to the Prime Minister, David Trippier and Sir Robert Armstrong.

*Yours,
Patrick Jenkin*

27 APR 1955

12 3 4 5 6 7 8 9 10 11 12



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

22 April 1985

Dear Lord Young

Thank you for your letter of 12 April about the Sainsbury Group's proposals on the planning system.

As you know, the Prime Minister is meeting the Group on 29 April and no doubt we will be discussing the proposed policy circular and its timing and presentation at that meeting.

I am concerned to make progress with our policy on overhauling the planning system, simplifying it where possible and improving its efficiency. In addition to the changes agreed with the Sainsbury Group, and the Planning Bill for the next Session, which will introduce Simplified Planning Zones and a number of other useful improvements, we have already decided to implement all the proposals on planning in the "Burdens" scrutiny report, and the changes to public inquiry procedures agreed by H Committee. We will shortly be introducing a series of changes to the General Development Order, including those designed to relax control over tele-communications, cable television, dish aerials etc. Among the other changes we are introducing are increases in the scope of permitted development for extensions to factories and warehouses, and modifying restrictions on changes of use and alternative uses. The Advertisement Regulations are being reviewed with representatives of the advertising industry, and following discussions with the Property Advisory Group we are undertaking a comprehensive review of the Use Classes Order. My Permanent Secretary has just put to me proposals for an Efficiency scrutiny of the written representations procedure which now accounts for 85% of all planning appeals and where improvements in productivity would benefit the whole system.

At the same time we have changes to make that are aimed at reinforcing planning control in ways that will contribute to our policies on conservation and the countryside. These include proposals to extend the Landscape Special Development Order in National Parks; more effective control of intensive livestock units (a Manifesto commitment), and better control of artificial stone cladding and loft conversions in conservation areas. Similarly, the Planning Bill will improve control over hazardous development and the storage of dangerous substances. A number of our backbenchers and Government supporters in the country have been urging improvements of this kind, and I think that it will help in the presentation of our policies on deregulation if we can show that we are also prepared to make controls more effective where necessary.

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All this, along with other changes in hand, amounts to a significant process of incremental change in the planning system. As you know, my officials discussed some of these and other proposals with your staff last week. In total we now have upwards of fifty or sixty changes and improvements to the system in train, and I want to ensure that these are carried forward. There is work here for the next 12-18 months, including next Session's Bill. The priority now must be to manage and progress this process of change in an efficient and effective manner, rather than add to the list.

As you say, much of this is in line with your work on deregulation and I will certainly want to emphasise this theme in what we are doing, while also stressing our commitment to conservation of the countryside, green belts and local amenity, which are clearly of major concern to our supporters. Neil Macfarlane will be putting a paper to the next meeting of MISC 114 on our response to the "Burdens" scrutiny, and will be glad to explain to colleagues how we are tackling the general overhaul of the planning system.

In view of the large number of detailed changes in hand, and the complexity of the legislative context, I doubt whether it would be appropriate to process all this work through MISC 114. I will, of course, be glad to arrange for my officials to keep your staff fully in touch with the work as it proceeds. In particular, we will need your help in ensuring that the Government gets full credit for the changes that we are making both in the interests of deregulation and in pursuit of our other policies.

I believe that you have it in mind to have a bilateral discussion with Kenneth Baker and Neil Macfarlane before the MISC 114 meeting. I am sure that this will be very useful.

I am copying this letter to the Prime Minister, David Trippier and Sir Robert Armstrong.

Yours sincerely

Atkin

fr

PATRICK JENKIN

*Approved by the SAS and
signed in his absence*

Local Govt : Planning Controls 7/83

22 APR 1985

11 12 - 2 1/2



CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 01-233 3299

From the Minister without Portfolio
The Rt Hon Lord Young of Graffham

CONFIDENTIAL

The Rt Hon Patrick Jenkin MP
Secretary of State for the Environment
Department of the Environment
2 Marsham Street
LONDON
SW1P 3EB

Dear Secretary of State

Thank you for sending me a copy of your minute of 19 March to the Prime Minister about the Sainsbury Group's proposals on the planning system, which have been the subject of a number of discussions between the Group and your officials (though without the direct participation of the Enterprise Unit, which was what had been envisaged originally).

I note that your own meeting with the Group seems to have been productive and I very much welcome your proposal to issue a short circular reaffirming the presumption in favour of development. While it would be desirable to issue the circular soon, I endorse your view that it will have the greatest effect if it is seen in the context of our wider range of initiatives on employment and deregulation. Perhaps it would be helpful to consider the question of timing in the MISC Group on Deregulation (MISC 114) which I shall be chairing and which is due to hold its first meeting later this month?

There is of course quite a lot of overlap between the issues dealt with in the Sainsbury Group and those which we are expecting to consider when MISC 114 looks at planning, but I do not think this need cause any difficulty. Where the Sainsbury Group has reached firm conclusions on an issue, you could put these to MISC 114 as your preferred solution (though it may be that when MISC 114 looks at your proposals I will suggest some variations to what your officials have discussed with the Sainsbury Group: I am still considering the detailed papers on this). In the case of a number of issues, however, the outcome of the Sainsbury Group's deliberations is a commitment by DoE to consider or consult further before deciding on final action. I hope you would be ready to share your further thoughts on these matters with my Committee.

CCNO

CF
P. BF 24/4
MGA 17/4

The Rt Hon Patrick Jenkin MP

12 April 1985

I am copying this letter to the Prime minister and David Trippier and Sir Robert Armstrong.

Yours sincerely

Stephen Ratcliffe

STEPHEN RATCLIFFE
Private Secretary

[Approved by Lord Young and signed in his absence]

Local Avt: Samsbury: July 83

13 APR 1985

10 11 12 1 2 3 4 5 6 7 8 9

The Chairman's office

J Sainsbury plc
Stamford House
Stamford Street
London SE1 9LL

SAINSBURY'S

01-9216000/6286

Telex 264241

Mrs C.M. Ryder,
P.A. to the Prime Minister,
10 Downing Street,
London SW1

28th March, 1985

CF - pl pe.

*Carried to DUE who was
away. M04 29/3*

Dear Mrs. Ryder,

I am writing to confirm that the following will be present at a meeting with the Prime Minister at Downing Street at 10.15 for 10.30 on Monday, 29th April 1985:

Sir John Sainsbury
Mr Christopher Benson
Mr Clifford Chetwood
Mr Nigel Mobbs
Mr Idris Pearce
Mr John Taylor
Mr Roger Suddards

Should there be any problems, please do not hesitate to contact me.

Yours sincerely,

Felia Saunders

Miss F.A. Saunders
Secretary to Sir John Sainsbury

cc Group members



10 DOWNING STREET

✓
message from Sir
John Sainsbury's sec.
meeting on 29 April
@ 1015.

Sir John's Sainsbury's
group are all able
to attend (7 people -
not including Lord
Macauliffe).

please file

JB

26/3

CR

27/3.

meeting set up
29 April at 16.30.



CR
26/3

10 DOWNING STREET

John Saxstony

Christopher Benson (MEPC)

Clifford Cheewood (Waring)

Nigel Mobbs (StonyL)

Idris Peere (Ellis)

John Taylor (Taylor-W)

Roger Inghelwals

Lord McAlpine

(check with JS that LMcA
will need to come)

Minister

S/Env

MWP

Daniel Trippier

Miss at 10.10; JS+ friends at 10.30

Σ a 22/4

12.00

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with MBEA 2/13

MPBM.
hold over briefing.
for meeting 22/4

PRIME MINISTER

20 March 1985

SAINSBURY GROUP'S PROPOSALS

This Report is swimming in the right direction in the right pool, but is most unlikely to reach the other end without your propulsion.

The presumption in favour of planning permission and the down-grading of structure plans in the draft circular (Annex A) are excellent proposals, but are unlikely noticeably to change the conduct of County Planning Officers.

The legislation contemplated in the Conclusion, page 15, will have much more effect than the circular, and we therefore recommend that:

1. The circular be issued with a statement that legislation may be necessary unless planning delays and obstacles are reduced.

This may give just a little more force to yet another circular to pad Chief Officers' files.

2. The circular could also lay down some target times for considering:

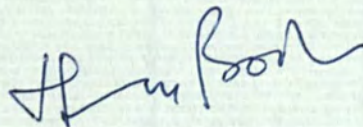
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- a. a simple planning application decided by officers;
- b. a complex one that goes to members;
- c. an appeal against principle;
- d. a negotiation over detailed objections.

Sainsbury was argued out of these sensible proposals.

3. Time and money would be saved with better quality Inspectors, and the reading of written reports outside the tribunal not from the witness table (the Sizewell Enquiry would have been 6 months shorter with that rule!).
4. If the circular is ineffective and legislation is necessary, the abolition - or at least the statutory downgrading of structure plans - can be pursued.



HARTLEY BOOTH

CONFIDENTIAL

10 13
PRIME MINISTER

SAINSBURY GROUP PROPOSALS

The Environment Secretary has now submitted to you the Sainsbury Group Report (Mr. Jenkins' covering minute at Flag A, Report at Flag B). You asked that the Report should be submitted in time for a further meeting with the Group, under your Chairmanship, before the end of this month.

It would be very difficult to fit this meeting into your diary before you leave for the Far East. I am sure most of the industrialists involved would find themselves in the same position.

There is at this stage no pressing reason for a meeting before Easter. Sir John Sainsbury and his Group are, we understand, content with the Report. The draft circular at Annex A, which is the key document, looks to be very much along the right lines, with its emphasis on a presumption in favour of planning permission. Mr. Jenkin however does not wish to publish the circular until after the County Council Elections on 2 May. So a meeting in the third week in April would not delay matters there.

If you agree, we will therefore arrange a meeting of the Group as soon as possible after you return from overseas.

If you are content with that timing, you do not need to study the attached papers at this stage. Thankyou!

Content to have the meeting after Easter?

Mark Addison

Mark Addison
20 March 1985

Yes not

Wed 17 10.00 (2h)

→ Mon 22 10.00 (2h.)
check

010

~~CONFIDENTIAL~~

CCND
A



Prime Minister

The Planning System: Sainsbury Group's Proposals

1. On 10 December you held a meeting with Sir John Sainsbury and the group that he had convened to put forward proposals for improvements to the planning system. At the conclusion of that meeting you asked me to arrange for the group's proposals to be considered jointly by members of the group and officials of my Department and other interested Departments. The aim was to report progress in time for you to have a further meeting with the group before the end of this month.

2. I now enclose a report on the discussions that have been held with the group. I had a meeting with Sir John Sainsbury and other members of the group last Friday, and they expressed themselves very well satisfied with the results of those discussions and with the report which has been agreed with the group.

3. You will see that the Department was able to respond positively to all the proposals which the group wanted to pursue, and that the group decided not to take forward those few items on which the group themselves had some reservations and which seemed likely to prove counter-productive. The discussions also covered some other topics which are dealt with in this report together with some additional points which were not considered in detail but which it was agreed should be followed up without delaying the submission of the report.

4. The group's two main concerns were firstly the general policy stance on planning and development, and secondly the efficiency of the appeal process as a means of policy implementation.

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5. They have made a number of useful suggestions on speeding up appeals and have said that major developers such as themselves would be prepared to accept a tightening up of the process in terms of time limits, procedure at public inquiries etc. This is helpful in view of the changes in the Inquiry Rules that we will be introducing following recent discussion in H Committee.

6. As to the policy stance, they attach the greatest importance to reaffirming what is already the underlying principle of planning control but which is too often forgotten by local planning authorities and those who think that the sole purpose of the planning system is to prevent development: that is, that there should be a presumption in favour allowing applications for development unless that development would cause demonstrable harm to interests of acknowledged importance. This principle was stated in precisely those terms in a circular issued in 1953 but which was cancelled in 1979 because parts of it were obsolete. It is well worth restating. The group also suggested that it should be made clear that all applications must be dealt with promptly, that clear, relevant and specific reasons should be given for any refusals, and that structure plans should be treated as one, but only one, of the factors to be considered in deciding planning applications and appeals. A draft "one page" circular prepared by the Department and embodying these principles is annexed to the report (Annex A).

7. The group clearly regard the publication of this circular as the most positive response that we could make to their concerns. I agree, but I have told the group that in my view, although what the circular says is essentially a forceful restatement of existing policy, it will be much more effective if it is seen to be issued as part of the wide range of initiatives that the Government is taking on enterprise, jobs and deregulation, and that it will also be best to publish it after, rather than shortly before, the County Council elections on 2 May. There is no doubt that

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it will prove controversial, despite the fact that it also reaffirms our commitment to the green belt and other conservation objectives. It will need careful preparation and presentation.

8. Sir John Sainsbury was concerned that the discussions should be carried forward quickly and in strict confidence. For that reason they were limited to the members of the group and a few of my senior officials. Other Departments principally concerned, including those whose Ministers were present at your meeting with the group (David Young and David Trippier) together with SDD, the Welsh Office and the Lord Chancellor's Department, were kept in touch with progress and received the minutes of the meetings. Following your next meeting with the group, however, we will need to consult more widely on the detailed proposals and with other Departments that have an interest (eg. MAFF, DTp, etc). In particular, it will be necessary to consult Cabinet colleagues on the proposed circular.

9. I think that this exercise has been well worth while. It has been helpful to my Department to have the views of these leading "users" of the planning system, and I know that the group themselves have been pleased with the positive response that they have had from the Department. I will ensure that all these proposals are carried forward promptly along with the large number of other specific changes and improvements which are now in hand.

10. I have agreed with Sir John that his group should have further informal meetings with my officials from time to time, and that they should meet again in September to review progress.

11. I am sending copies of this minute and the report to David Young and David Trippier, and to Sir Robert Armstrong. I am also arranging for copies to be sent to the Departments who were consulted

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during discussions with the Group (SDD, Welsh Office and Lord Chancellor's Department).

PJ

P J

19 March 1985

6

THE PLANNING SYSTEM
Note by the Department of the Environment

12.

INTRODUCTION

1. This note reports the outcome of discussions between the Group convened by Sir John Sainsbury and officials of the Department of the Environment following the Prime Minister's meeting with the Group on 10 December 1984 (see Mr Barclay's letter of 11 December). The Group's report "The Town and Country Planning System: comments on Defects and Suggestions for Improvements" formed the basis of these discussions, together with further papers prepared by the Group and the Department. Four meetings were held.

2. The Department also consulted other Departments concerned, including those whose Ministers were present at the Prime Minister's meeting (DTI and the Enterprise Unit), the Welsh Office and the Scottish Development Department (who also have responsibility for the planning system), and the Lord Chancellor's Department (who are responsible for the Council on Tribunals and related matters). Minutes of the meetings were circulated to those Departments. Other Departments (eg. MAFF, DTp, D. En) have an interest in planning procedures and will need to be consulted on some of the proposals discussed if they are to be carried forward; so too will the Local Authority Associations, the Law Society and other interests.

THE MAIN ISSUES

3. The Group's main areas of concern, and their specific proposals, fall into three groups:

Planning Policy: The Group wish to see a positive statement of the "Presumption in favour of Development", and a requirement on local planning authorities to give precise reasons for refusal of planning permission or for conditions attached to permission, and a full explanation for such decisions based on clear, relevant and contemporary policies, (proposals (a), (b) and (c)).

Planning Applications: The Group wish to see measures taken to ensure that local planning authorities administer planning

applications in an expeditions manner (proposals (d), (e), (f), (g)).

Planning Appeals: The Group wish to see measures taken to improve the efficiency of the appeals system, and to maintain and enhance the quality of the Inspectorate (proposals (h), (i), (j), (k), (l), (m), (n), (o), (p)).

4. The Department confirmed that DOE Ministers fully shared the Group's concern that the planning system should operate efficiently and that it should serve to facilitate development while also showing sensitivity to legitimate environmental interests. There was therefore no difference on matters of principle and the discussions concentrated on the measures that could usefully be taken to clarify policy and improve performance.

5. The following paragraphs report the conclusions reached in discussions with the Group, taking account of each of the Group's proposals and also of other actions being taken by the Department that are relevant to the Group's main areas of concern (the Group's proposals are shown in single spacing). Other matters that were raised in discussions with the Group, including Structure Plans and Simplified Planning Zones, are referred to in paras 45-51. Finally paragraph 52 draws attention to the key points that the Group wish to emphasise.

PLANNING POLICY

- (a) There should be positive direction from the Secretary of State of the "Presumption in Favour of Development".
- (b) A circular should be issued restating this presumption and all decisions should give precise reasons why a refusal has been given and the presumption is not accepted.
- (c) When permission is refused, or conditions attached, then a full explanation of all the reasons should be supplied to the appellants.

6. The Department confirmed that planning permission should always be granted unless there are sound, clear and relevant reasons to the contrary. This presumption had been upheld by the Courts, and had been incorporated in DOE Circulars 22/80 and 16/84. But it was well worth restating and in a form that would have a strong impact on local planning authorities.

7. The Group welcomed the Department's proposal to publish a "one page" circular dealing with these policy items. It would restore the clear directions given to local planning authorities in MHLG Circular 63/1953, to which the Group's report had drawn attention but which had been cancelled in 1979 (along with many other obsolete circulars) because parts of it were out of date.

8. A draft of such a circular is at Annex A and has been warmly endorsed by the Group.

9. The Group also welcome the Department's proposal that, if Ministers approve the issue of such a circular, it should be reproduced at the front of future editions of the Department's booklet "Planning permission - a Guide for Industry".

10. It is suggested that it would be helpful if the new circular were issued as part of any general initiatives that the Government may be planning to announce shortly to encourage enterprise and employment. It is likely to be better received if it is issued in that context than if published separately. The Group also suggests that, if the Secretary of State intended to provide press briefing on the circular, he could emphasise that it is often not the planning system as such that causes problems (since about 90% of all planning applications are approved) but the delay caused by inefficient administration of the system: "Time costs money".

11. The Group would regard the publication of a circular on these lines as the most positive and immediate initiative that could be taken in response to their main concern about the planning system.

12. The Group endorse the Department's proposal that Section 29 of the Planning Act 1971 should be amended so as to require local planning authorities to give specific reasons for any refusal of planning permission or the imposition of conditions. Such an amendment could be included with other proposals for amendment of planning legislation which the Department published last year with a view to possible legislation in 1985/86 if the Parliamentary timetable permits.

PLANNING APPLICATIONS

- (d) Where a Local Authority refuses planning permission they should always make available to applicants the report and recommendations of the Planning Officer.

13. The Group's concern was to ensure that planning decisions were taken openly and solely on proper planning grounds. The Department was able to inform the Group that Mr Robin Squire's Private Member's Bill on freedom of information in local government would, if enacted, meet this point since it provides both for sub-committee meetings, as well as committee and council meetings, to be open to the public, and for their right to see papers prepared by officers for those meetings. The Bill received a Second Reading on 1 February, with Government support.

14. The question of the responsibilities of officers, and relations between members and officers, is also likely to be one of the topics to be considered by the Committee of Inquiry into the practices and procedures in which the Government announced last year and whose Chairmanship and terms of reference were announced on 6 February.

- (e) Applicants for planning permission should be able to obtain approvals from the consultative bodies prior to making a planning application.

15. The Department agree that this aspect of planning procedures warrants examination. At present the General Development Order prescribes 15 consultees and consultations with a further 14 may be required, although very few planning applications would involve consultation with all of these. The Department will examine whether all the present consultations need to be prescribed by regulation and whether the full list can be reduced. The Department will at the same time follow up the Group's suggestion that the developer should be able to clear consultation with the relevant bodies prior to making his planning application: this would certainly be an advantage if it proves to be practicable. Prior consultation would be at the developer's option and not compulsory. The question of reinforcing the time limits for consultation will also be considered.

16. The Department will undertake to pursue these proposals with the statutory consultees (which include MAFF, DTp, other Departments

and statutory undertakers), the Local Authority Associations and other interests involved. If necessary, amendments can be made to the General Development Order.

- (f) Local Planning Authorities should be under a duty to deal expeditiously with applications or return the fees.

17. The Group acknowledge that the main drawback to this proposal is that it could well result in local planning authorities issuing automatic refusals to keep within the 8 week limit. While this could attract the award of costs if the matter went to appeal and there were no good reasons for the refusal, this would delay development and overload the appeal system. Large and complex applications, and those requiring to be advertised, can reasonably take longer than 8 weeks to complete. Applicants have the right to appeal if their case is not decided within eight weeks but can agree to an extension of time. Planning application fees make a significant contribution to the cost of administering the development control system (current yield about £30m a year) and the proceeds are taken into account in fixing the Rate Support Grant.

18. For these reasons the Department could not support this proposal and the Group would not wish to press it. The award of costs provides a remedy in some cases where delay occurs at the appeal stage (see paras 21-24 below).

19. The Department will, however, undertake to discuss with the Local Authority Associations and other interests the preparation of a Code of Practice for dealing with planning applications, which will draw on the best practice of those authorities who consistently clear a high proportion of planning applications within the 8 week period. This Code of Practice would also deal with other aspects of planning control, including the Group's proposals (e) and (g) - see paras 16 and 20. A further point to be covered by the Code is the need to afford developers full opportunity to explain their proposals, and to negotiate possible modifications, before any decision is reached to refuse permission or to impose conditions: the Group attach particular importance to this, especially in the case of large projects involving substantial investment.

- (g) The Secretary of State should now direct Local Authorities to delegate certain categories of applications to their planning officers.

20. Delegation to officers of routine and minor cases is widely practised in local government and is encouraged in DOE Circular 22/80, and will be one of the matters to be taken up in the proposed Code of Practice (see para 19 above). The Secretary of State, however, has no power to issue directions to that effect and it would be wrong to circumscribe a local councillor's freedom to raise any matter with an officer. The Audit Commission recommend the use of delegation in their recent report on development control and the Commission are pressing it in their examinations of individual authorities. It is also likely to feature in the work of the Committee of Inquiry into local government procedures (see para 14 above).

PLANNING APPEALS

21. The Group's main concern was with time taken to deal with planning appeals. Despite the marked improvement in decision times over the past ten years, there had been a deterioration in 1982 and 1983 for appeals recovered for Secretary of State decision on both inquiry and written representation cases. These now represented only 5% of all appeals but those included many of the largest developments involving major investment. The Group's proposals were directed at relieving pressure on the appeal system and improving its efficiency. The Department fully shares the Group's concern and sees the improvement of appeals performance as first priority in the operation of the system.

- (h) The Inspector deciding an appeal should award costs against any party who has caused undue delay.

22. The Department explained that present practice on the award of costs in planning cases was based on the 1964 Report of the Council on Tribunals on the Award of Costs at Statutory Inquiries (Cmd 2471). This recommended that costs should normally be awarded against a party who behaves unreasonably, vexatiously or frivolously and whose unreasonable behaviour has put another party to unnecessary expense. The report gave examples of the circumstances in which costs might be awarded, including cases where the matter should never have come to appeal, cases where reasons for refusal of planning permission were introduced at a late stage or dropped

in the course of proceedings, and cases where one party was responsible for the Inquiry having to be adjourned or postponed. The grounds on which costs may be awarded are thus quite wide but in practice only about 300 applications for costs are received each year and awards are made in less than a third of such cases. Awards of costs can be made only on appeals dealt with at a public inquiry and not in the case of written representations which now account for 85% of all appeals.

23. The Department agrees with the Group that the costs regime should be clarified and reinforced. The present circular on the subject dates from 1965 and is unsatisfactory in that it does not spell out the grounds on which award of costs can be claimed or awarded. The Group endorse the Department's proposal to issue a new circular on this subject.

24. The Group also endorse the Department's proposals for legislative change to enable costs to be awarded in cases dealt with on written representations and also to enable awards in transferred cases to be made by the Inspector who decides the appeal (the actual amount of costs is settled by agreement between the parties or in default of a High Court Taxing Master).

- (i) That a higher echelon of inspectors be created at a grade to attract distinguished professional members into the Inspectorate.
- (j) The Inspectors should be administered by the Lord Chancellor Department.
- (l) Greater use to be made of "ad hoc" inspectors to relieve the backlog of appeals.

25. The Group's main concern in these three related proposals is to maintain and enhance the performance and quality of the Inspectorate.

26. The Department have no reason to doubt the general competence of the Inspectorate and have received very few complaints about Inspectors' conduct of inquiries or their decisions on appeals. Inspectors now decide 96% of all appeals, with only 4% retained for the Secretary of State's decision. The great majority of appellants appear to be satisfied with the way in which Inspectors

carry out their work and, in the case of inquiries, are content that their appeal should be decided by the person who hears their case and visits the site. The Group's concern, however, was with the relatively few large and complex cases which call for a high calibre of Inspector and where the existing core of experienced Inspectors is hard-pressed.

27. The Department provided a detailed analysis of the background experience and professional qualifications of the Inspectorate. It was apparent that the great majority came from a career in local government or the public service and only 6 of the 156 full-time Inspectors joined the Inspectorate direct from private practice, although about a third have had previous private sector experience. In terms of professional qualifications 78 were land-use planners, 28 architects and 23 engineers; only 20 were chartered surveyors and 11 had legal qualifications (some have dual qualifications).

28. The Group did not wish to imply that there was any widespread dissatisfaction with the Inspectorate, but they considered that the information provided on professional background and experience showed that there was scope for broadening the range of experience and expertise represented among the Inspectorate, particularly in the fields of estate surveyors and private practice. The Department undertook to take account of this in future recruitment policy and training.

29. The Group felt that similar considerations applied to the corps of "ad hoc" or part-time Inspectors and wished to see greater use made of these in order to broaden the range of experience represented and to help relieve the case-load on the full-time Inspectors. The Department agreed with this, and it was noted that 84 part-time Inspectors are in use at present, including 45 professional people in private practice. In 1984 they handled about 4770 cases which was roughly one quarter of all appeals decided (but a smaller proportion in terms of total workload since they handle only minor cases, householder appeals etc., dealt with on written representations - see para 43 below).

30. The Group considered that the rates of pay offered to Inspectors (ranging from £13739 to £23076 according to grade and length of service) were insufficient to attract an adequate proportion of the most able professional candidates. The Group also considered

that the day-rates paid for "ad hoc" Inspectors would be wholly inadequate if such Inspectors were to be appointed to deal with major cases, including those involving very large private investment.

The Group have provided information on fees currently paid for similar types of work (see Annex B). The Department has undertaken to consider this information and acknowledges the need to ensure that the remuneration offered is fully adequate to attract able people to this demanding work.

31. The question of transferring the Inspectorate to the Lord Chancellor's Department is one for Ministers to consider. The Group recognise, however, that the appeal system is the key component in the planning system and an instrument of policy, and must therefore be under the clear policy direction of the Secretary of State, while maintaining its openness, fairness and impartiality.

(k) The creation of local planning appeal tribunals.

32. The Group's main purpose in suggesting a system of local planning appeal tribunals was to relieve the pressure on the Inspectorate by transferring to local tribunals many of the minor appeals that raise issues of only local interest. They envisaged a new structure of local tribunals of three persons with a legally qualified chairman.

33. The Department explained that this type of appeal was now generally dealt with on written representations, without the need for a local inquiry, and that such appeals could be handled satisfactorily by ad-hoc or part-time Inspectors who now deal with a large proportion of such appeals (see para 29 above). Since this method of handling appeals had proved generally acceptable (as shown by the increasing proportion dealt with in this way), and was economical in cost and manpower, it seemed preferable to concentrate on improving the efficiency of the system rather than setting up an entirely new structure of local tribunals. The Lord Chancellor's Department had also advised that the Lord Chancellor was opposed to creating new specialist jurisdictions with legal Chairman unless to do so was absolutely necessary.

34. The Group concluded that they would not wish to pursue the proposal for local tribunals at present, but considered that it might be necessary for such arrangements to be reconsidered if a substantial improvement in the present system was not achieved over the next year or two.

(m) The formation of a competent tribunal to determine appeals.

35. Some members of the Group attached greater importance to the proposal for a National Planning Appeals Court. The suggestion was that such a Court should be established to hear appeals on merits (as well as on points of law) from decisions taken by Inspectors. The right of appeal would be limited to the appellant (ie. the developer) and would not extend to the local planning authorities or third parties. Nor would it apply to decisions taken by the Secretary of State as distinct from Inspectors on cases transferred to them.

36. The note of the Group's discussion with the Prime Minister recorded that "doubts were expressed about the merit of adding a further layer to the decision-making process - 'an appeal against the final decision'." It also had to be borne in mind that since 96% of appeals were now decided by Inspectors, of which about a third were allowed, the proposal would introduce a further right of appeal for around 10,000 cases a year (or 15,000 if the right of appeal were extended to local planning authorities).

37. At present there is a right of appeal to the High Court only on a point of law, but in practice the Court has shown itself prepared to accept an application for judicial review on grounds of defective reasoning in the Inspector's (or the Secretary of State's) decision, and it is not uncommon for such cases to be remitted to the Department for redetermination on the grounds that the Inspector (or Secretary of State) had misdirected himself in reaching his decision. On redetermination the merits of the case can be reconsidered as well as the procedural aspects. Where the Court has criticised the manner in which the decision was reached (eg. if the Court had said that a material consideration had been overlooked) the Department would take account of the Court's views in redetermining the appeal. Where the Department has been advised by Treasury Solicitor to submit to judgment, a similar process of redetermination applies.

38. A right of appeal against what are thought to be unreasonable or irrational decisions by Inspectors is therefore already available to those who believe that their case has been badly handled. The Department is not aware of widespread demand for a separate right of appeal in planning cases. It should also be borne in mind that it is open to the unsuccessful appellant to make a further application for planning permission for a revised scheme.

39. Finally, it may be doubted whether, if such a right of further appeal to a new administrative court were introduced, it could in fact be restricted to the original appellant (developer) and not made available to local planning authorities or third parties who may be similarly dissatisfied with Inspectors' decisions that go in favour of the developer.

40. In the light of these considerations the Group concluded that they could not give unqualified support to this proposal. Instead they wished to re-emphasise their concern for improvements in the efficiency and quality of the established planning appeals system.

- (n) Parties to an appeal should have the right to receive the Inspector's report and to agree it as a fair record before the Inspector issues his formal decision.

41. The Group decided not to pursue this proposal in view of the time-penalty involved which (on the basis of Scottish experience) could add at least 6-8 weeks on average to the time taken to decide an appeal.

- (o) There should be mandatory time limits in written Representation Procedures. Submissions received outside the prescribes limits should be disregarded in deciding an appeal. More encouragement should be given to appellants to use the Written Representation Procedure.

42. The Group considered that the fullest possible use should be made of the Written Representations (WR) procedure in order to relieve pressure on the inquiry system which should be necessary only in the case of major developments. The greater the efficiency and promptness of the WR process, the more likely it was that appellants would choose to use it.

43. The Department agree with this. Strong encouragement is given to appellants to use WR. Currently some 85% of appeals are dealt with in this way by Inspectors (who make a site visit in each case) and there is probably only limited scope for increasing this proportion. Either party to an appeal can ask for an inquiry to be held and the Secretary of State has no power to enforce the use of WR. The Department will examine the introduction of standard time limits but experience in Scotland, where the statutory provisions are different and where a time limit of 2 months was

introduced in 1981, suggests that the system tends to increase rather than reduce the time taken. In 1983 one quarter of local authority statements were submitted within 2 months in Scotland whereas in England, with no such statutory provision, over 80% of statements were submitted within 2 months.

- (p) The Secretary of State should be empowered to direct Local Planning Authorities to enter into a Section 52 agreement binding the Planning Authority.

44. This proposal concerns contractual relationships between a developer and a local authority in its capacity as land owner or provider of statutory services rather than as planning authority. It raises some difficult legal issues and the Department will pursue these separately with members of the Group.

OTHER MATTERS

45. The Group's views were sought on two other matters that were not referred to in their specific recommendations but were raised as the meeting with the Prime Minister: Structure Plans and Simplified Planning Zones.

(i) Structure Plans

46. The Group recognised the role of development plans as providing a framework for future development and a safeguard against the arbitrary and uncertain exercise of development control. Their main concern was that structure plans were often first prepared many years ago, were not well related to present economic conditions and employment needs, did not deal adequately with new types of development (eg. modern trends in retailing and high tech. industry), and took too long to revise and keep up to date. In view of this, it was unsatisfactory that the provisions of development plans were often regarded by local planning authorities, and sometimes by Inspectors, as the dominant factor in deciding planning applications, even when those provisions were out of date or irrelevant. The plans should be one factor in reaching decisions but not the only one, and the weight to be attached to them should be judged in the light of their relevance to current conditions and to the individual application.

47. The Department agreed with this view of the relevance of structure plans and the weight to be attached to them in deciding individual applications to appeals. This accorded with the legal provisions and with the Department's published guidance. It would, however, be useful to re-emphasise this point in the proposed new circular on development control (para 8 above) and possibly to clarify the legal position if it were decided to amend Section 29 of the 1971 Act (para 12 above). The Group welcomed these proposals, and paragraph 4 of the draft circular deals with this aspect - see Annex A.

(ii) Simplified Planning Zones (SPZ)

48. The Group were concerned that the SPZ proposals should not introduce a new form of rigidity into the planning system. While it was appreciated that the aim was to extend the type of simplified planning regime introduced in Enterprise Zones, there was a danger that some local planning authorities might use it to impose a set of detailed controls that would be less flexible than the normal development control system. An authority might be unwilling to accept development proposals that did not comply with their "zonal" system.

49. The Department agrees with the Group that, if the SPZ system is introduced, it must be simple to operate and must not constrain developers who wish to apply for planning permission for development of a kind not covered by the SPZ. The intention is that the SPZ would specify those types of development which could be carried out without the need for a planning application, and that the controls within the SPZ should be kept to the absolute minimum. There would certainly be no restriction on applications for other types of development within the area covered by an SPZ. The system appeared to work satisfactorily in Enterprise Zones and the Group recognised its potential value provided that it was kept simple and was applied in the way intended.

(iii) Planning appeals administration

50. In discussion of the detailed administration of planning appeals the Group suggested that consideration should be given to the following:

- (i) Parties to an appeal should be offered only one alternative date for an inquiry or site visit if they are not prepared to accept the first date offered, rather than two alternatives as at present.
- (ii) Appellants should be offered the opportunity to provide, or pay for, alternative accommodation for the holding of an inquiry if the local authority is not able to provide such accommodation at the earliest date acceptable to the appellant.
- (iii) Stated time limits on procedural stages (eg. submission of written statements prior to the inquiry) should be strictly adhered to: most major developers would be prepared to accept this discipline in the interests of prompter decisions.
- (iv) Appeals relating to development involving major investment and employment opportunities should be identified on receipt and given priority at all stages of processing the appeal.
- (v) Ministers should be invited to consider reducing the types and numbers of appeal cases that are "recovered" for Secretary of State decision (rather than being decided by Inspectors), many of which are referred to them personally for decision. In particular, it might not be necessary for all cases involving a listed building to be recovered (in 1984 728 cases were recovered, of which 290 involved listed buildings).
- (vi) Ministers should consider visiting the site of any appeal referred to them where the decision depended on the assessment of neighbourhood amenity or similar factors. If legal or procedural constraints were thought to prevent this, consideration should be given to removing those constraints so that the Minister could make an informal unaccompanied site visit in order to inform himself of the characteristics of the site and its surroundings. Only if, as a result of such a visit, new factual evidence emerged that was not dealt with in the Inspector's report should it be necessary to refer back to the parties to the appeal.

(vii) In cases where a decision dismissing an appeal was sent back by the High Court for redetermination, the redetermination should not lead to new reasons being given for dismissal that had not been the basis of the original decision. Not only would that be unfair to the appellant but it could lead to a further appeal to the High Court. The same point applies equally where the Department submits to judgement without the case being heard by the Court.

51. The Department agreed that all these suggestions should be considered and undertook to obtain legal advice on them and to seek the views of Ministers in the follow-up to this report.

CONCLUSION

52. In conclusion the Group wish to emphasise the following key points:

- A. They hope that the Government will be prepared to issue new policy guidance on the presumption in favour of development, on the lines of the draft circular at Annex A. They stress that this message needs to be constantly repeated and reinforced both at the political level and in the way in which planning appeals are dealt with.
- B. They urge the need for early legislation to deal with the points in paras 12 (planning authorities to be required to give reasons for refusal of planning permission), 24 (award of costs) and 49 (SPZ's). Legislation may also be needed to enforce time limits (para 43) and to deal with Section 52 agreements (para 44).
- C. They endorse the Department's proposals for a Code of Practice for handling planning applications, including a review of the provisions for consultation (with any necessary amendments to the GDO), and for a new circular on the award of costs in planning appeals.

- D. They would not wish to press proposals for alternative forms of jurisdiction, provided that the Department is successful in its efforts to improve the efficiency of the appeals system and to maintain and enhance the quality of the Inspectorate.

March 1985

DRAFT CIRCULAR

DEVELOPMENT AND EMPLOYMENT

1. New development contributes to economic activity and to the provision of jobs. It is in the national interest to promote and encourage it. The planning system must respond positively and promptly to proposals for development. Delay adds to the costs of development.
2. Development proposals are not always acceptable. There are other important objectives to which the Government is firmly committed: the need to preserve our heritage, to improve the quality of the environment, to protect the green belt and conserve good agricultural land. The planning system, however, fails in its function whenever it prevents, inhibits or delays development which could reasonably have been permitted. There is therefore always a presumption in favour of allowing applications for development, having regard to all material considerations, unless that development would cause demonstrable harm to interests of acknowledged importance*.
3. Authorities are obliged, under Article 7 of the General Development Order 1977, to give reasons whenever they refuse planning permission.** Those reasons must be precise, specific and relevant to the application: they must demonstrate clearly why, in the local planning authority's view, the proposed development cannot be permitted. Without such a clear demonstration the developer will not know whether or how his proposal can be made acceptable, or the grounds on which he can base an appeal against refusal. As a result, valuable investment and new jobs, in construction, in commerce and in industry, may be delayed or lost.
4. In dealing with applications for planning permission, Section 29(1) of the Town and Country Planning Act 1971 requires that

* Special considerations apply in green belts - see DOE Circular 14/84.

** More detailed advice on the positive operation of development control is given in Circulars 22/80 and 16/84, and in relation to the use of conditions in Circular 1/85.

the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Development plans are therefore one, but only one, of the material considerations that must be taken into account in dealing with planning applications. Many structure plans were approved several years ago, often several years after they had been prepared and based on even earlier information. The policies which they contain, and the assumptions on which they were based, may therefore be out of date and not well related to today's conditions. They cannot be adapted rapidly to changing conditions, and they cannot be expected to anticipate every need or opportunity for economic development that may arise. They should not be regarded as overriding other material considerations, especially where the plan does not deal adequately with new types of development or is no longer relevant to today's needs and conditions - particularly the need to encourage employment and to provide the right conditions for economic growth.

5. The Secretary of State and his Inspectors will have regard to the terms of this circular in dealing with planning appeals and with any application that may be made to them for the award of costs.

Notes on:

Department of the Environment
Inspectorate: Comparative Salaries

1 Assume 215 working days per year (i.e. $5 \times 52 = 260$ less 6 working weeks holiday 30 and statutory holidays of about 15, i.e. 45. Therefore 215). Pensions are excluded.

2	Comparable Position	Area of Responsibility	Salary £	Daily Rate on 215 working days p.a. £
A	High Court Judge	Varied but in civil matters could be any amount particularly in commercial matters	45,500	211
B	Official Referee	Generally much more on average than a High Court Judge. Frequently determining cases involving millions of pounds	40,000 Amount not disclosed in Whitaker but assume near High Court Judge, say: £40,000.	186
C	Circuit Judge	Generally the jurisdiction is limited to £5,000 in contract or tort, £1,000 in land recovery cases, and £30,000 in Chancery cases	29,750	138
D	County Court Registrar (or Master in London)	Administratively responsible for a County Court. Has jurisdiction in bankruptcy which is unlimited and arbitrated claims to maximum limit of £500 unless both parties agree	28,500	132

	Comparable Position	Area of Responsibility	Salary £	Daily Rate on 215 working days p.a. £
E	Ad hoc DOE Inspector	Limitless amounts (e.g. Stansted)	Negotiated but, according to The Times, Graham Eyre QC received "£100,000 for 3 years work". Assume therefore £35,000 p.a.	162
F	DOE Inspector Principal Grade	Limitless amounts	20,616 - 23,076 Av. 21,846	101
G	DOE Inspector Senior Grade	Limitless amounts	15,549 - 20,717 Av. 18,133	84
H	DOE Inspector Main Grade	Limitless amounts	13,739 - 16,497 Av. 15,118	70
J	DOE Inspector Part-time	Written representations		63
K	Lord Chancellor's List Members	Archway type of Inquiry		? Equivalent to a District Registrar 132
L	Arbitrator (RICS)	Limitless amounts	London: £50-£100 Provinces: £30-£60 per hour say, average £55 per hour	440 but assume 50% deduction for overheads of practice, say £220
M	Arbitrator (RIBA)	Limitless amounts	Suggested average £56.25 - £75 per hour say, average £60 per hour	480 but assume a 50% deduction, say £240

Christopher J. Benson
D. N. Idris Deacon
Roger W. Suddards



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

19 March 1985

Dear Norman,

SUPERSTORES AND PLANNING

Thank you for your letter of 8 March.

I agree that the Government does not need to take a particular stance for or against superstores. Individual superstore developments, however, require planning permission in the same way as other major developments, and they can raise issues concerning land-use, traffic, impact on the local environment etc; sometimes they arouse a lot of objections from local residents as well as from other commercial interests. Some come to me on appeal, and my Inspectors, as well as local planning authorities, need guidance on how they should be handled.

The existing guidance was published in 1977 and replaced that originally issued in 1972. It is certainly not "anti" superstores and, apart from one or two minor points which are readily seen to be out-of-date and therefore discounted, most of the detailed advice is still valid and is now generally accepted. Both the protagonists and opponents of superstore developments would like to see changes in emphasis but these tend to be contradictory.

I am still inclined to think that nothing is to be gained by an extensive revision of the existing guidance and, indeed, I do not think that this is a subject on which we should pontificate in any great detail. But it would be useful to emphasise the few key points that are made in my draft statement. It will convey the message more clearly if they are not over-elaborated. What it says about competition is correct in the legal sense and we need to tread carefully here. We are already in the High Court on two superstore cases - in both of which my decision to allow the appeal is being challenged.

I am sending copies of this letter to those to whom you copied your letter.

Your ce
Patrick

PATRICK JENKIN



19 MAR 1985

LOCAL GOVT: Planning Control:

July 83.

Mark.

Dept. of Environment phoned earlier today about the "Sainsbury Group" on planning [reference David Barclay's letter of 11 December, particularly the summing up]

Patrick Jenkin met the group today, and will report to the PM early next week. In the mean time, Pat thought it might be best to think about a time for the next meeting on 'Planning'.

I think it was ^{Mar} Andrew ^{Davies} Albery I spoke to. Over to you!

CST
15/3.

CONFIDENTIAL

File

MI

(15)



10 DOWNING STREET

From the Private Secretary

11 March 1985

Dear Janet

Planning Inquiries

The Prime Minister has seen the Lord President's minute of 6 March. She was grateful for the report of H committee's proposals and is content with them.

I am copying this letter to the Private Secretaries to members of H committee, Michael Reidy (Department of Energy), Alex Galloway (Paymaster General's Office), Henry Steel (Law Officers' Department), Iain Jack (Lord Advocate's Department) and Richard Hatfield (Cabinet Office).

Yours

Mark Addison

Mark Addison

Miss Janet Lewis-Jones
Lord President's Office

CONFIDENTIAL

SP

B.L.R.

Prime Minister.

15

The Lord President's report of the outcome of 'H' is attached. The Policy Unit agree the approach. Content?

PRIME MINISTER

MEMO/3 8 March 1985

For the time being -
Yes. -mr

PLANNING INQUIRIES

You had hoped for root and branch reform of planning inquiry procedure to cut out delays and disruption, and instead, 'H' have agreed more modest proposals to make the existing procedure work better. Although 'H' rightly reduces the problem to the 2 1/8 of inquiries that take over a week, the minority include such cases as the Sizewell Inquiry which took more than two years.

A working party is to look at the rules for inquiries and will produce a package of proposals by Easter. On Nicholas Ridley's suggestion, another group is to look at whether potential objectors might be paid more compensation sooner, so reducing delays from this source.

We recommend this solution as sensible, and one which is unlikely to require legislation. You will, however, note that a major cause of delay persists even after much improvement, namely, delay at departmental level after the planning inquiry.

H. Booth

HARTLEY BOOTH



DEPARTMENT OF TRADE AND INDUSTRY
1-19 VICTORIA STREET
LONDON SW1H 0ET
TELEPHONE DIRECT LINE 01-215 5422
SWITCHBOARD 01-215 7877

JF7733

Secretary of State for Trade and Industry

8 March 1985

The Rt Hon Patrick Jenkin MP
Secretary of State for the Environment
Department of the Environment
2 Marsham Street
LONDON
SW1P 3EB

Nbpm

D Patrick

SUPERSTORES AND PLANNING

I have seen your letter of 15 February to the Prime Minister, and the subsequent correspondence. Though in the light of the Prime Minister's response no immediate statement is in prospect, I should like to comment on a couple of the issues raised.

2 In considering this issue I am concerned not only with my Department's interest in the (non-food) retailing sector and with its general sponsorship role for the small firms sector, but also with our overall approach to reducing government intervention in the workings of the market, both in terms of competition policy and the need to reduce burdens.

3 From my Department's point of view, I have no wish to take a particular stance for or against superstores, as compared with existing high street retailers, be they small or large. I recognise that there may be perfectly sound environmental planning reasons why there should not be unfettered development of superstores, but I should not wish it to be implied that there was any desire on the part of Government to inhibit their development on industrial grounds - any more than I see it as an objective of Government policy to encourage superstores which are regarded by many as a threat to the future of small shopkeepers. Leaving aside the essentially environmental planning questions, it must surely be left to the market and the customer to decide how the retail sector should develop.



4 Once the Sainsbury work is complete, the question of some form of announcement will presumably arise, when the points raised by Michael Jopling and David Young will once more be relevant. Having seen your letters to them of 28 February, I am not entirely persuaded that the present public statement of policy is in an ideal form. I still share David Young's discomfort with the rather disparaging reference to the stimulation of competition, as if this were something to which the Government were indifferent. I therefore still support the sort of formulation which David had proposed.

5 Bearing in mind the criticism which the planning system attracts as a regulatory burden on enterprise I also share Michael Jopling's concern, implicit in what he has said, that the status quo is not all that readily accessible to interested parties: it seems to rely on interpretation of at least three different pieces of guidance, spanning twelve years, parts of which are of doubtful relevance to current circumstances. Subject to the outcome of the Sainsbury work, I therefore do see advantage in issuing at an appropriate time clear and consolidated guidance on current policy, in terms easily intelligible to interested parties, even if no substantive change in existing policy is at issue.

6 I am copying this letter to the Prime Minister, George Younger, Nicholas Edwards, Michael Jopling and David Young.

A handwritten signature in dark ink, appearing to read 'Norman Tebbit', with a stylized initial 'N' and a flourish.

NORMAN TEBBIT

LOCAL GOVT. Planning July 83

11 MAR 1985
N.M.A.

11 MAR 1985



PRIME MINISTER

Public Inquiries

The Home and Social Affairs Committee (H) discussed at its meeting on 27 February the problems of delay and disruption at public inquiries. We had particularly in mind such cases as the Archway Road inquiry where the inspector resigned last year, and the Stansted/Heathrow Terminal 5 and Sizewell cases where the whole inquiry procedure has taken or is taking a very long time to complete.

2. There is no doubt that the generality of public inquiries do not take particularly long (last year only 70 (out of 3,000) exceeded a week) and a good deal has already been done to improve procedures since 1979. The cases that suffer delay are usually those that raise large and controversial issues where necessarily more debate is required if proposals are to prove acceptable at the end of the day. Nonetheless the Committee were very concerned at the effort that has to go into these cases, and the time they take, and was convinced that action must be taken to improve the situation.

3. From time to time suggestions have been made for radical change of one kind or another in our arrangements for implementing major projects. Many of these involve divorcing consideration of the relevant policy issues from consideration of the specific proposal in one way or another. Some see a role here for a Parliamentary procedure, some for a preliminary inquiry or Commission into the wider issues, some for both. We considered a number of proposals but were unable at this stage to identify an alternative approach which would save time overall while continuing to command public confidence and acceptability at the end of the day. Any such change would in any case itself require considerable public debate and legislation.

CONFIDENTIAL



4. In fact we do not believe that the scope for securing improvements within the present framework, and which can take effect quickly, is by any means exhausted. We therefore identified the first priority as securing such improvements. Patrick Jenkin made suggestions for improving what happens before the inquiry opens, for limiting the scope of inquiries, and for spelling out more clearly such matters as the power of the Inspector to order persons guilty of disruptive behaviour to leave the inquiry, to require some evidence to be submitted in writing and to take some written evidence as read. Peter Walker made a number of further suggestions based on experience at Sizewell. Final proposals on a package of improvements of this kind will be ready by Easter. The Committee attached particular importance to ensuring that underlying policy issues, about which there is inevitably debate at the first public inquiry of any particular kind, cannot be endlessly rediscussed at subsequent inquiries of the same kind. We also asked for events after the inquiry to be further examined to reduce the time taken (though the dangers of legal challenge are a limiting factor).

5. Our belief is that comprehensive and early action of this kind will help a lot. In addition, Nicholas Ridley suggested that the arrangements for compensating those affected by major public projects should be re-examined to see whether changes could be made here which would help to reduce delay by reducing to some extent the concern and uncertainty felt by those whose property is involved.

6. I am sending copies of this minute to the members of H Committee, the Secretary of State for Energy, the Paymaster General, the Attorney General, the Lord Advocate and Sir Robert Armstrong.

A.

[Redacted text]

[Redacted text]

7 MAR 1968



CONFIDENTIAL

file

Boe.



10 DOWNING STREET

From the Private Secretary

5 March 1985

Thank you for your letter of 4 March.

The Prime Minister has noted your Secretary of State's agreement that the statement on superstores can be deferred for the moment.

I look forward to receiving the report on the outcome of discussions with the Sainsbury Group in the near future.

(Mark Addison)

Alan Davis, Esq.,
Department of the Environment



2/45

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

Prime Minister.

My ref:

Your ref:

4 March 1985

Mr Jenkin
agrees to defer
a statement

4/3

ms

Dear Mark

SUPERSTORES AND PLANNING

David Barclay wrote to me on 27 February explaining that the Prime Minister would prefer any statement on superstores to be postponed until after the Government has considered the outcome of the discussions with the Sainsbury Group.

The Secretary of State explained the reasons for an earlier statement on superstores in his letter of 28 February to Lord Young (copied to him).

There are advantages and disadvantages either way. An early statement would be helpful to Inspectors and the Department in dealing with current cases (including perhaps those that are the subject of applications to the High Court for judicial review). But it is not essential, and we can clear the cases as soon as they are ready for decision. If the statement is deferred and it is decided to issue new general policy guidance on the lines envisaged by the Sainsbury Group, then the statement on superstores can conveniently follow in its wake - but at some distance since it would be unfortunate if it appeared that the general circular was simply paving the way for superstores.

The Secretary of State therefore agrees that a statement on superstores can be deferred for the present. The Department has completed discussions with the Sainsbury Group and a report on the outcome will be submitted to the Secretary of State within the next few days. Mr Jenkin has arranged to meet the Group to discuss the report on 15 March and will then forward it to the Prime Minister. I understand that all the Group's proposals have led to positive conclusions with the exception of three or four which the Group decided they did not wish to pursue.

I am sending copies of this letter to those who have received copies of David Barclay's.

Your ever
A H Davis

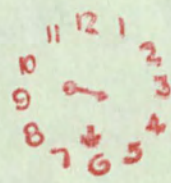
A H DAVIS
Private Secretary

Mark Addison Esq

LOCAL GOVT: Ranuip

July 83

1985



COOPERATION

IN

~~CONFIDENTIAL~~

CCND



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

28 February 1985

Dear David,

SUPERSTORES AND PLANNING

Thank you for your letter about my proposed statement on superstores and planning.

The reference to competition is a literal quotation from the existing guidance. The full sentence is as follows:

"Indeed, although it is not the function of land use planning to prevent or stimulate competition among retailers or among methods of retailing, nor to preserve existing commercial interests as such, it must take into account the benefits to the public which flow from new developments in the distributive and retailing fields."

That seems to me a good statement and I quote it in full in my statement ("field" in the draft should read "fields"). I think that it is better to reaffirm it than to tinker with it.

As you recognise, there are good reasons for separating a statement on superstores from any more general policy statement that may result from discussions with the Sainsbury Group. The statement on superstores would best follow on the general statement, but we are not likely to be ready with the latter for a month or so, whereas there are many superstore developments in the pipeline and we need to restate policy on this as soon as possible.

I am copying this letter to the recipients of yours.

Yours ever
Patrick

PATRICK JENKIN

The Rt Hon the Lord Young of Graffham

LOCAL GOVT

Planning July 83

- 1 MAR 1985

11 12 1 2 3 4 5 6 7 8 9 10

PRIME MINISTER

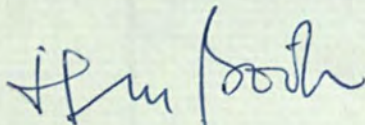
28 February 1985

PLANNING INQUIRIES

Instead of the root and branch reform of planning enquiry procedure for which you hoped, H have agreed more modest proposals to make existing procedure work better. A working party is to look at Planning Enquiry Procedure Rules and another group is to look at whether potential objectors might be paid more compensation sooner. The proposal includes:

- that inspectors should be encouraged to be more robust in cutting out irrelevance and rejecting repetitious evidence;
- that expert witness reports should be taken as read. This would have saved more than a quarter of the time at the Sizewell Inquiry;
- that inspectors should timetable hearings and sort out the issues in a pre-inquiry review.

We recommend this solution as sensible and one which is unlikely to require legislation. However, we recommend that you also endorse the comments of Nicholas Edwards at H, that much of the unnecessary delay occurs after the planning inquiry at departmental level. Our research shows that this is a serious, continuing, if reduced, problem.

HARTLEY BOOTH



10 DOWNING STREET

From the Private Secretary

27 February 1985

SUPERSTORES AND PLANNING

The Prime Minister has considered your Secretary of State's minute of 15 February about superstores and planning, together with the comments circulated by the Minister of Agriculture and the Minister without Portfolio (letters of 25 February).

The Prime Minister believes that it would be a mistake to make a statement of the sort which your Secretary of State has in mind until the Government's consideration of the Sainsbury Group recommendations has been completed. She fully recognises the need to maintain a clear distinction between Sir John Sainsbury's commercial interests and his views on the planning system, as she feels sure he does himself. The recommendations of the Sainsbury Group are however based on direct experience, and the Prime Minister considers they should not be pre-empted by a statement which reaffirms existing policy in relation to one particular, but important, form of retail development.

For these reasons, and because of the doubts about the content of the proposed statement which have been raised by the Minister of Agriculture and by the Minister Without Portfolio, the Prime Minister would prefer it to be postponed. She hopes that it will be possible for your Secretary of State to proceed meanwhile with his decisions on the four outstanding cases to which he refers.

I am sending copies of this letter to John Graham (Scottish Office), Colin Jones (Welsh Office), Andrew Lansley (Department of Trade and Industry), Ivor Llewelyn (Ministry of Agriculture, Fisheries and Food) and Leigh Lewis (Office of the Minister Without Portfolio).

(David Barclay)

Alan Davis, Esq.,
Department of the Environment

PRIME MINISTER

It seems odd to make a statement on superstores and planning before Sir John Sainsbury's recommendations have been fully considered - particularly when the statement would merely re-affirm existing guidance. Lord Young makes this point in his letter at Flag A.

You might say:

- (i) You recognise the need to maintain a clear distinction between Sir John's commercial interests and his views on the planning system. So, naturally, does he.
- (ii) But his Group's views are based on experience and should not be pre-empted by a statement which reaffirms existing policy, particularly in view of Lord Young's and Mr. Jopling's criticisms of the content of that statement.
- (iii) You would prefer the statement to be postponed until the Secretary of State has reported back on his further contacts with the Sainsbury group, e.g. on the presumption in favour of development.
- (iv) Meanwhile, there is no need to hold up outstanding superstore decisions which must, of course, be taken on the basis of existing policy.

Agree?

David

Yes

*- disas lions to
make a statement
now*

DAVID BARCLAY

26 February, 1985



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

ENO

nbpm
JMB
27/2

The Rt Hon Patrick Jenkin MP
Secretary of State for the Environment
Department of the Environment
2 Marsham Street
LONDON SW1

26 February 1985

Dear Patrick,

SUPERSTORES AND PLANNING

W.H.B. DB

Thank you for sending me a copy of your minute of 15 February to the Prime Minister indicating your intention to issue a statement by means of an arranged Answer generally reaffirming the guidance in your Department's Development Control Policy Note 13 relating to large new stores.

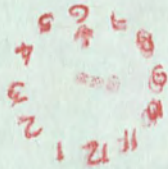
Broadly similar guidance was issued by my Department in 1978. We have not felt it necessary to consult formally on the need to review this guidance, but we have recently had an approach from ADG Property Services, the Property Division of ASDA, suggesting that revised guidelines should be issued, highlighting the employment creation potential of superstores and allowing for a greater measure of flexibility on location criteria. In response, we have invited ADG to let us have a note of their views on the shortcomings of the guidelines so that we may consider whether there is any need for them to be revised.

We may well conclude on consideration of the ADG proposals that the existing Scottish guidance should also be reaffirmed. I am however concerned that any statement which you issue should not give the impression that I have prejudged the question of a revision of my Department's guidance on retailing. In general your draft causes me little concern on this score, but I should be grateful if you would consider making it clear that the statistics quoted in the final paragraph of the arranged Answer relate only to England (or to England and Wales if that is the case).

I am copying this letter to the Prime Minister, Nicholas Edwards, Douglas Hurd, Michael Jopling, Norman Tebbit and David Young.

Yours
wv,
George

LOCAL SAVT.
Sainsbury's Planning
Controls
July 83



27 FEB 1985



From the Minister

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
WHITEHALL PLACE, LONDON SW1A 2HH

MS

5

The Rt Hon Patrick Jenkin MP
Secretary of State for the Environment
2 Marsham Street
London
SW1P 3EB

25 February 1985

Thank you for your letter of 15 February enclosing a copy of your minute of the same date to the Prime Minister and the revised version of your proposed statement on superstores and planning.

I am bound to say that I am disappointed at your decision not to update the basic guidance on this subject which dates back to 1977 (when the 1972 guidance was updated) since it contains elements which are patently inappropriate to present day circumstances. These include, for example, "the need for economy in the use of petrol, ... (although) ... this is not a reason ... to discriminate against the use of the car for shopping" (para 9); the assumption that edge of town sites would only be considered in exceptional circumstances (para 10); and emphasis on the priority to be given to the requirements of industry over retailing (para 19). All this must read very oddly at a time when the majority of consumers are attracted to the multiple retailers for the savings they obtain and the convenience of single stop shopping; when Sainsbury claim on the basis of studies carried out that 80% of their customers shop by car; and when the service sector is the main generator of employment to replace jobs lost from manufacturing industry.

I appreciate that some adjustment of this imbalance is implicit in circular 22/84 issued last year on more general planning issues which states in its single paragraph on "shopping" (4.22) that policies "should take full account of current trends in retailing, like the establishment of large stores

away from existing centres". But this does not strike me as a very tidy or effective way of superceding outdated advice although I do appreciate your concern that any broader updating should avoid the risk of creating controversy.

I am more concerned at your conclusion that it would not be appropriate to make any reference in the proposed statement to the time taken in handling applications, and more particularly appeals, although this has been the subject of complaint of so many of those consulted during the review. I appreciate that continuing efforts are being put into remedying this problem and that it is one which has much wider application than planning for superstores. But if something is being done to improve the position, there seems to be no reason not to say so; and if a statement is to be made on this in a wider context, then at least there might be a reference in the proposed reply to the fact that the issue is being dealt with separately. This should at least disarm the criticism which may otherwise be aroused by the conspicuous absence of any reference whatsoever to this important source of complaint.

I am copying this letter to the Prime Minister, George Younger, Nicholas Edwards, Norman Tebbit and David Young.

James Evans
Michael

MICHAEL JOPLING

LOCAL ONE: Planning July 83

25 FEB 1985

11 12 1 2 3 4 5
6 7 8 9



CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 01-233 3299

From the Minister without Portfolio
The Rt Hon Lord Young of Graffham

The Rt Hon Patrick Jenkin MP
Secretary of State for the Environment
2 Marsham Street
London SW1P 3EB

25 February 1985

SUPERSTORES AND PLANNING

Thank you for sending me a copy of your minute of 15 February to the Prime Minister.

2 I am content to leave it to your judgement as to whether it is necessary for new, detailed guidance to be published on this issue. But if it is not, we must face the fact that your proposed Parliamentary Answer will be taken as the most recent Government statement on the matter and examined carefully for its implications.

3 My own view is that the planning system cannot and should not seek to pre-empt the judgement of the market. Your draft answer is no doubt right to suggest that the public needs a wide range of shopping facilities; we should be confident in the ability of the market to provide those facilities assuming the planning system allows it to do so. I fear a statement that it is "not the function of the planning system to stimulate competition", however it is qualified, may well create the wrong impression. Rather I would say "it should not be the function of the planning system to inhibit competition".

4 More generally, I am aware that your officials' discussions with the Sainsbury Group on planning issues may lead to the issue of a circular to local authorities urging a presumption in favour of development. I understand why you are anxious to keep the superstores issue separate from the Sainsbury Group deliberations but plainly any new circular of the kind under consideration would apply as much to superstores as to any other development. Ideally, your announcement on superstores might await the issue of a

circular and refer to it. If that is not possible, I think the announcement itself might profitably foreshadow some of what the circular can be expected to say, particularly in relation to the link between development and the provision of jobs.

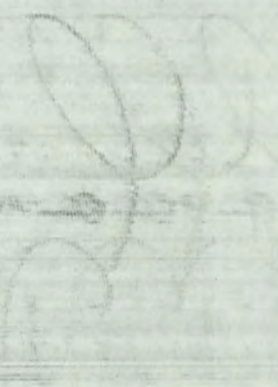
5 I am copying this letter to the recipients of your minute.

*James
Haw*

LOCAL CNT: Planning July 83

25 FEB 1983

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K

19 February 1985

PLANNING CONTROL:

THE CASE OF C.J. (SOUTHERN) LTD

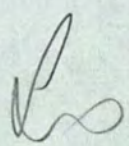
Thank you for your letter of 15 February, which the Prime Minister has seen and noted.

The Prime Minister is grateful to your Secretary of State for looking into this case so thoroughly, and for reporting progress. Perhaps you would let us know the outcome of the company's appeal in due course.

BF/1

(DAVID BARCLAY)

A.C. Allberry, Esq.,
Department of the Environment.





2 MARSHAM STREET
LONDON SW1P 3EB

01-212 3434

My ref: J/PSO/18702/84

(2)
Prime Minister

You asked the Secretary of State ^{Your ref:} 15 February 1985
to look into this case. Following your
letter of 31 December (attached) the
firm have appealed - until the appeal
is decided, they are able to carry on
their retail business. *mt*

PLANNING CONTROL : THE CASE OF C J (SOUTHERN) LTD *DWB 18/2*

The Prime Minister has asked that the Secretary of State should look at this case, which she believes illustrates the way in which the planning system can sometimes be in danger of stifling job creation. The case involves a retail sales use which has been established on an industrial estate, but for which the local planning authority have now refused permission; the Prime Minister makes the point that the jobs in service industries are no less valuable than manufacturing jobs, and that the aim should be to avoid obstacles in the planning system to the creation of either.

The background to the case is as follows: the firm set up at the turn of the year 1983/84 on the Rotunda Industrial Estate, fairly close to Aldershot town centre. They package and supply nuts and bolts, plastic fixtures and some specialist tools: these are bought in bulk, repacked into smaller consignments and delivered to garages by van. Most of the unit contains supplies, and the firm runs 5 vans which are on the road most of the day selling. They employ 4 office staff, 2 industrial staff and 6 salesmen.

Rushmoor Borough Council seem to the Department to have a properly pragmatic approach to planning control over uses on the estate. Although it is intended for light industry, they are happy with firms like C J (Southern) which are really involved in warehousing, and there are several businesses on the estate whose activities have a retail element, although the Council take the view that buying in for the purpose of resale would not be proper on the estate.

Late last year shopkeepers in the town complained that C J (Southern) had set up a shop selling tools direct to the general public. The Council, investigating, took the view that the sale of nuts and bolts would have been de minimis, but that the sale of other goods, virtually unconnected with the main business,

introduced a new use requiring planning permission; the firm was asked to submit a planning application, and this was rejected by the planning committee on 21 November. Since the Prime Minister's letter to Mrs Jenkins of 31 December the company have appealed against that refusal: it is expected that the appeal will proceed by written representations, and a Planning Inspector will be appointed to view the site and determine the appeal.

The Inspector will have to consider two issues. One is whether the retail activity is sufficient in law to constitute a material change of use requiring planning permission; the second whether, if it is, planning permission ought to be granted. The Inspector will apply Government policy as expressed in circulars issued by this Department (notably 22/80 and 16/84, copies of which I enclose); protecting nearby shopkeepers from competition will be no part of his brief. Not having the detailed evidence which the Inspector will possess, we cannot judge what his decision is likely to be; but if he finds that the retail sales are effectively ancillary to the industrial use, or so small-scale as not to matter, or if he finds that there is no compelling reason for refusing planning permission, then C J (Southern)'s sales counter will be safe. In any event, of course, the firm are able to continue their retail activity pending the result of the appeal.

The case is one which does raise matters of judgement. In the Secretary of State's view, the local authority have acted perfectly reasonably, whether or not they have come to the right decision. Now that the firm have appealed, we can ensure that the outcome fully reflects the Government's policies; the Secretary of State does not think the case raises general questions about the operation of the development control system.

Yours ever

A. C. Allberry

A C ALLBERRY
Private Secretary

PRIME MINISTER



SUPERSTORES AND PLANNING

The development of out-of-town superstores by the major retailers is an important and frequently controversial planning issue. Sir John Sainsbury has made a number of complaints over the last year or so about his company's difficulties in obtaining planning permission and about the planning system. Quite separately, the Group which he convened has, as you know, made a number of recommendations as to how they think the planning system can be improved. My officials are now discussing these in detail with members of the Group. Good progress is being made and I expect to be able to report back to you early next month on the outcome of these discussions. John Sainsbury has been careful to avoid the work of this group focussing on his own firm's particular interests, and it is important that we should deal separately with the special case of superstores.

As I explained in my recent paper on the planning system, the planning process has not prevented the rapid expansion of superstore retailing over the last 10 years - from 45 such stores in 1973 to 279 at the beginning of last year. The size of this type of store means that there is only a limited range of locations that can support one or more such stores.

We have consulted widely with the retail trade and the local authority associations on the need to revise existing policy guidance on retailing (which was originally issued in 1972 and up-dated in 1977). Responses to this consultation reflected the diverse interests involved. The big superstore operators would welcome a more liberal regime which allowed them to set up on the most commercially attractive sites out of town, or at least outside established shopping areas. But any new advice which appeared to be strongly biased in this direction would be fiercely opposed by a wide range of interests. These include not only the conservation lobby but also established



commercial interests such as small traders and major retailers based in town centres, and property interests and institutions who have invested heavily in town centre shopping development in reliance on established policies.

All these interests fear the possible effects on town centres of any major shift in shopping patterns to out-of-centre shopping. Their fears are very real and are a considerable argument for leaving well alone. There is little evidence from most superstore operators that existing planning policy guidance inhibits their expansion plans.

My view is that the existing guidance strikes about the right balance between all the interests and that there is no need to issue entirely new advice on the subject which might well provoke needless controversy and uncertainty. There has been a good deal of speculation that we were about to overthrow existing advice in favour of active promotion of superstores' interests, at the expense of existing shopping centres and their future vitality and growth. Some recent appeal decisions which have allowed superstores have attracted fears that the Government already has a 'secret' new policy; we already have High Court challenges over two recent decisions allowing appeals on superstores.

No I think that I should make a statement to clarify existing policy, by way of answer to a written PQ. I enclose a draft text. This statement is in a form consistent with previous advice and reiterates what has previously been said on the question of competition. One of the reasons for the problem with superstores appeals is the generally inadequate provision for modern retailing made by local authorities in their structure and local plans. The statement therefore also makes the point that, while I and my Inspectors must have regard to the provisions of development plans in dealing with appeals, we will also take account of whether they deal adequately with this type of development. I would propose to make this statement after we have completed our discussions with the



Sainsbury Group on the wider issues, so as to ensure that the two are kept separate.

I should add that Sainsburys have several planning appeals in progress for superstore developments. Decisions on at least four of these are likely to be ready for issue within the next month or two. In each of these four cases I expect to follow the Inspector's recommendation, which means that appeals will be upheld for superstore developments in Lambeth and Greenwich, and not upheld at Cheadle and Bolton. I propose to issue these decisions in the normal way, without publicity, at about the same time as I answer the written PQ. There are many other superstore appeals in the pipeline by other developers, and it is important that there should be no grounds for suspicion that any one developer is getting more favourable treatment than others.

I am copying this letter to George Younger and Nicholas Edwards, who also have to deal with planning appeals, and to Norman Tebbit, Michael Jopling and David Young.

PJ

P J

15 February 1985

CONFIDENTIAL

DRAFT PQ: MAJOR RETAIL DEVELOPMENTS

Q. To ask the Secretary of State for the Environment, what is his present policy in relation to planning applications for large new retail developments; whether that policy has recently changed; and whether he will make a statement.

A. After considering the representations that I have received on this subject, I have concluded that it is not necessary to add more detailed advice to that given in Development Control Policy Note 13 ("Large New Stores") and in the Memorandum on Structure and Local Plans published last year. I take this opportunity, however, to stress the point made explicitly in the existing guidance that it is not the function of the planning system either to prevent or to stimulate competition among retailers or among methods of retailing, nor to preserve existing commercial interests as such; it must take into account the benefits to the public which flow from new developments in the distributive and retailing field. The public needs a wide range of shopping facilities and local planning authorities must take full account of these various needs, both in framing structure and local plans and in dealing with applications for new shopping developments of all types.

I and my Inspectors will decide planning appeals in the light of these general principles and of the extent to which they are adequately dealt with in development plans, and in relation to the land-use planning and traffic considerations raised by individual cases. The function of the planning system is to strike a balance between the protection of the natural and built environment and the pressures of economic and social change.

As at January 1984 there were 279 hypermarkets and superstores built and open compared with 153 in January 1979 and only 45 in 1973. These figures show that the planning system can facilitate the development of these new types of retailing, for which there is clear public demand.

[15 FEB 1985]

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12

CONFIDENTIAL

10

CONFIDENTIAL



CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 01-233 3299

From the Minister without Portfolio
The Rt Hon Lord Young of Graffham

John Ballard, Esq.,
Private Secretary to the
Secretary of State for the Environment,
Department of the Environment,
2 Marsham Street,
London, S.W.1.

3rd January, 1985

*sub
3/.*

Dear John

David Barclay's letter to you of 11th December recorded the outcome of the previous day's meeting, chaired by the Prime Minister, which considered the Sainsbury Report on the planning system.

The meeting agreed that further discussions about the report's recommendations should take place between members of the Sainsbury group and officials from DoE and other interested Departments. I am writing to let you know that Lord Young would be grateful if a member of the Enterprise Unit could be included in these discussions. The appropriate person would be Paul Twyman (233 7362) and I should be grateful if you could contact him direct about arrangements for meetings.

I am copying this to David Barclay and the other recipients of his letter.

Yours ever

Leigh

Leigh Lewis
Private Secretary

CONFIDENTIAL

Local Count: John Sainsbury July 83.



15 JAN 83

LOCAL COUNT



10 DOWNING STREET

THE PRIME MINISTER

31 December 1984

Dear Mrs. Jenkins.

Thank you for your letter of 30 November about the planning problems you have been encountering in connection with the business set up by you and your husband.

As you know, the Government is extremely concerned to encourage small businesses; local planning authorities have a very important role to play. This was recognised by the Department of the Environment when they issued advice to local authorities in 1980 about the importance of improving speed and efficiency in planning control. The Circular (a copy of which I enclose) drew particular attention to the need to respond positively to the requirements of small businesses. I hope that the message to local authorities contained in paragraphs 12-14, and also Annex B, is one with which you will sympathise. The spirit of this advice was repeated in a further Circular issued by the Department of the Environment last September which dealt with industrial development, as it remains an essential element of the Department's present policy on development control.

Despite the emphasis which the Government places on the positive and flexible operation of planning control, there are bound to be some circumstances where there is good reason for refusing planning permission. It seems from your letter that the local council have taken this view in your case, and you may well wish to appeal against their

file JKRAQL
cc D/Env
Min without Port.
D/Env

881

decision, as is your right under the Town and Country Planning Act. It would not be right for me to comment on the likely outcome of an appeal, but it would ensure that your trade counter was properly assessed by an independent Planning Inspector, weighing the issues carefully against the background of Government policy and all the circumstances of the case.

The Inspector would be able to decide both whether planning permission is by law needed at all for the trade counter, and also whether, if it is needed, it ought to be granted. Making an appeal is not difficult, and I enclose a booklet explaining the steps involved. If you wish to talk to someone about the procedures, Miss J. Huntback of the Department of the Environment in Bristol (telephone 0272-218625) will be happy to help. I hope you will take up this matter - your story of weekwork is just the kind we need.

Yours sincerely

Rangaukshalter

Mrs. J. Jenkins

NBPM. 14/12



MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
WHITEHALL PLACE, LONDON SW1A 2HH

From the Minister

The Rt Hon Patrick Jenkin MP
House of Commons
London
SW1A 0AA

14 December 1984

Patrick Jenkin
Planning Controls?

Thank you for sending me a copy of your minute of 7 December to the Prime Minister. I am concerned at its content and as sponsoring Minister for the food distribution trade, I regret that neither I nor my officials had any advance warning of the course being proposed.

I appreciate your desire to avoid provoking controversy and the need also for the Government to maintain a balance between conflicting interests. Nevertheless, I fear that your conclusion that the policy guidance issues in 1977 should remain unaltered will come as a deep disappointment not only to Sir John Sainsbury but to the multiple food retailers generally and to many local authorities. Those who have pressed for revision of the present guidance include, in addition to Sainsbury, the British Retailers Association, Tesco, ASDA, Hillards and the Co-operative union among other retailers and the Associations of both County and District Councils.

I am certainly not advocating any radical measures of liberalisation but I wonder whether some updating of advice issued in 1977 might not be justified. For example, given the much higher profitability of retailing compared with manufacturing, particularly in the food sector, I find it surprising that we still wish to ensure that shopping developments should not be undertaken on land required for industry (paragraph 19); or that there is nothing new to say about the impact of more widespread use of the motorcar (I understand that research by Sir John Sainsbury indicates that some 80% of his customers come by car).

However, even if there is no revision or updating of the present guidance, I do think it extremely difficult for the proposed statement to make no reference whatever to the widespread complaints of inordinate delay in reaching and communicating decisions, particularly where appeals are involved. I appreciate that this is an issue which goes somewhat wider than superstore applications. Nevertheless I hope that we can at least give an

/undertaking to ...

50101-1984
L J Sainsbury

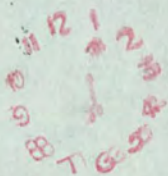
undertaking to explore the scope for reducing the length of time taken on decisions (between 11 and 38 months, I believe, for those involving appeals), without in any way detracting from the efficacy of the democratic process. This would be very much in line with the Government's commitment to increasing efficiency and economy in the administration generally and would indicate to complainants that their views had not been addressed to totally unsympathetic ears.

I am copying this letter to the Prime Minister, Nicholas Edwards, Douglas Hurd, George Young, Norman Tebbit and David Young.

Nicholas Edwards
Michael Jopling

MICHAEL JOPLING

14 DEC 1984





10 DOWNING STREET

From the Private Secretary

11 December 1984

THE PLANNING SYSTEM

The Prime Minister chaired a meeting on 10 December to consider the report by Sir John Sainsbury and others entitled "The Town and Country Planning System: Comments on Defects and Suggestions for Improvements". Your Secretary of State had commented on this report in his minute of 30 October to the Prime Minister. Sir John Sainsbury was accompanied by Mr Christopher Benson (MEPC), Mr Clifford Chetwood (George Wimpey), Mr Nigel Mobbs (Slough Estates), Mr Idris Pearce (Richard Ellis), Mr John Taylor (Chapman Taylor Partners) and Lord McAlpine. The Ministers present in addition to your Secretary of State were the Minister without Portfolio, the Minister for Local Government and Mr David Trippier.

The Prime Minister thanked Sir John Sainsbury for a most valuable report. The Government shared many of the group's overall aims. But agreement on generalisations was not enough: the question was how far the group's specific proposals offered scope for effective progress.

The discussion accordingly concentrated on the recommendations in paragraph 2.6 of the report. The following points were made on each recommendation:

- (a): (i) There was certainly a case for the Government restating the "Presumption in Favour of Development", although the terms of any such statement would need to show sensitivity to legitimate environmental concern. The group's objection was to the use of planning powers for non-planning purposes (eg. the regulation of competition).
- (ii) The inflexibility of structure plans was a genuine obstacle to development. Many plans had been written before job creation had become such a crucial economic issue, and such plans were often weighted against industry and commerce. The introduction of simplified planning zones might offer a way of zoning the path to planning consent, in a way which structured plans had manifestly failed to do. But even a zonal system could be made inflexible by the application of fixed criteria (eg. for housing density).

- (iii) Planning was widely regarded as a substitute for the common law, in defending amenity and property value. If this change in attitude could be reversed, pressures on the planning system might reduce.
- (iv) Planning authorities also exercised considerable control over aesthetic aspects of development. Arguably, the effect of this had been to encourage the mediocre at the expense of the outstanding.
- (b): The issue of a circular would be helpful, especially if ways could be found of underlining its significance for local authorities and Inspectors.
- (c) and (d):
It was entirely reasonable to expect local authorities to give clear and accurate reasons for their decisions. But it would be too much to expect the advice of officers to be made available to the parties. Such advice was traditionally, and rightly, given in confidence.
- (e) The suggestion of prior consultation was worth pursuing, though there would need to be a time limit (say three months) between consultation and submission of the application.
- (f) and (h):
There might be a danger that some authorities might simply refuse permission in order to avoid forfeiting fees. But proposal (f) should be further examined in conjunction with the group's recommendation on costs.
- (g) Delegation was necessary in many areas because of the case load. But the way in which this was done was best left to individual authorities. It would be wrong to circumscribe a local councillor's freedom to raise any matter, however detailed, with an officer.
- (i) Major inquiries certainly demanded Inspectors of the highest quality. But they did not have to be Government employees. Inspectors needed to be more positive in their management of time - setting the parties time limits for the preparation of their case, and themselves time limits for the issue of decisions.
- (j) Ministers would give further consideration to this recommendation.
- (k) The Government saw considerable merit in the idea of local planning tribunals, as a means of reducing the pressure on the national appeals procedure. The group felt that such tribunals should be considered on a regional basis and that their chairman should be legally qualified.

(l): This recommendation was not discussed.

(m) and (n)

Doubts were expressed about the merit of adding a further layer to the decision-making process - "an appeal against the final decision". But the proposal that each enquiry should lead to a statement of agreed facts was to be welcomed.

(o) Time limits for written representations were highly desirable, and might themselves lead to greater use of the Written Representation Procedure.

(p) This recommendation on Section 52 Agreements deserved further consideration.

BF ||
Summing up the discussion, the Prime Minister invited your Secretary of State to arrange for further consideration to be given to the group's recommendations, jointly by members of the group and officials from your department and other interested departments. Your Secretary of State should aim to report progress in time for a further meeting to be held under the Prime Minister's Chairmanship before the end of March 1985.

I am sending copies of this letter to the Private Secretaries to those Ministers who attended the meeting, and to Richard Hatfield (Cabinet Office).

David Barclay

John Ballard, Esq.,
Department of the Environment

B

28 November 1984

PRIME MINISTER

TOWN AND COUNTRY PLANNING SYSTEM - MEETING WITH
SIR JOHN SAINSBURY, MONDAY, 10 DECEMBER 1984

Purpose of the Meeting

Sir John's business has suffered from undue planning delays; and from what he sees as bad planning decisions, particularly for his superstores.

You could welcome Sir John's aims of simpler and speedier planning.

You could say that Patrick Jenkin will take on board the good ideas from the Sainsbury report but that he does have to think about balancing conservation interests, the maintenance of the green belt and the overall framework of planning law.

You might then ask Sir John to introduce his report.

It does not make a root and branch attack against existing town and country planning law, but argues for a number of piecemeal improvements. There is, for example, no challenge to the structure and local plans that are sometimes too complex and constraining. The summary of Sir John's recommendations are on pages 3-5 of his report.

Patrick Jenkin will want to reply: his brief shows how much has been done. The Annex to his paper lists achievements of the Government since 1979: the Local Government Planning and Land Act, 1980 which went some way to simplifying development land procedures; the General Development Order, 1981 which allowed a range of developments without a specific planning application, including factory extensions, home extensions and change of use in certain circumstances; the creation of new enterprise zones; the Secretary of State only decides 5% of planning applications, considerably fewer than in 1979.

Patrick's report is bullish, but we feel there is much to be done and that delays are still far too long.

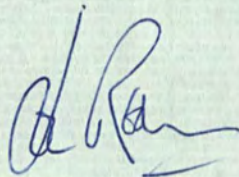
After the two opening statements, you might take the specific recommendations summarised in paragraph 2.6 of Sir John's paper as an agenda for the meeting, with the aim of making the discussion as specific as possible.

Conclusion

You may wish to sum up by reaffirming our common cause on speeding up planning procedures.

You could agree that the Government will restate the basic presumption that an applicant is entitled to planning permission when a good case is made against it, and ask Patrick to arrange for his Department to pursue the specific proposals.

You might finish by suggesting that a detailed reply should be prepared on the report which could, if desired, provide the basis for a further meeting.

A handwritten signature in blue ink, appearing to read 'J. Redwood', with a stylized flourish at the end.

JOHN REDWOOD



10 DOWNING STREET

From the Private Secretary

28 November 1984

The Prime Minister has asked me to thank you for your letter of 26 November. She was sorry to learn that you are unable to manage the new date for the meeting on the planning system. Unfortunately, there is very little flexibility left in the Prime Minister's diary for the rest of this year.

Follow up. //

The Prime Minister also much appreciated your offer of further help - perhaps we could come back to you on this if necessary, once the meeting has taken place?

(David Barclay)

Roger Suddards, Esq.

da

Last Suddards

Last Suddards
Solicitors

128 Sunbridge Road
Bradford BD1 2AT
Telephone 0274 723466
Telex 51178
MDX 11723

The Rt Hon Margaret Thatcher MP
Prime Minister & First Lord of the
Treasury

10 Downing Street
LONDON SW1

your ref

our ref RWS/BH

26 November 1984

Dear Prime Minister

Review of the Town Planning System

I heard with regret that the Rt Hon Patrick Jenkin MP was in an accident last week which prevented the meeting scheduled for 6.30 last Thursday evening.

Regrettably, the time which has been fixed is a time when I cannot attend, as I shall be in Israel. I write therefore to apologise. I would have very much welcomed being with my colleagues and being available to answer any questions or discuss the report which we prepared.

If there is anything further in the future which I can do to help, I am more than ready and willing.

With kindest regards

Yours sincerely

Roger W Suddards

Partners: Roger W Suddards LMRTPI FSVA(Hons) Geoffrey A Cawthra LLB John D de Main LLB Barbara W France LLB Peter N Wilbraham LMRTPI Jonathan H Wright Stuart A Verity MA(Oxon) Ian R Shuttleworth ACI Arb A Paul Smith LLB Ronald S Drake LLB ACI Arb Andrew R Jordan MA(Cantab) Simon R B Stell LLB Richard W Wade-Smith BA LLB(Cantab) John G Beckett MA(Oxon).

Associate Solicitors: Herbert Wilkinson Nicholas L Pennington MA(Oxon) Barbara A Crampton LLB Kenneth Whitaker Emma L Nash LLB John G Featherstone LLB

Consultants: Thomas A Last LLB E Hedley Wright Cyril S Reddihough LLB Edward A K Denison TD MA BCL Sir Desmond Heap LLM Hon LLD PPRTPI Ian W Whitson MA(Oxon).

Offices at Bradford (0274) 723466 Leeds (0532) 450845 Ilkley (0943) 601020 Shipley (0274) 585459 Otley (0943) 467208.

E. R.

PRIME MINISTER

Planning System: Meeting with Sir John Sainsbury

The following are attending your meeting with Sir John Sainsbury and others to discuss their report on the planning system:

Mr. Christopher Benson - MEPC

Mr. Clifford Chetwood - George Wimpey (wrote to you about housing expenditure recently)

Mr. Nigel Mobbs - Slough Estates (+ PSA Advisory Board)

Mr. Idris Pearce - Richard Ellis (advised DHSS on St. George's Hospital sale)

Sir John Sainsbury

~~Mr. Roger Suddards~~ - ~~Last Suddards Solicitors~~

Mr. John Taylor - Chapman Taylor Partners

Lord McAlpine

Secretary of State for the Environment

Lord Young

Mr. David Trippier

The papers below are rather voluminous: I suggest you look at Mr. Jenkin's covering minute at Flag A, the Policy Unit brief at Flag B, and the summary of the Sainsbury groups recommendations at Flag C.

The Secretary of State suggests that the meeting should concentrate on general principles, and that the details should be remitted for further consideration by DoE. I think there is a danger in this approach. It will be easy to agree on the principles (minimum bureaucracy, maximum speed, importance of job creation, fairness to all, etc.). It is in the detail that improvements are likely to get bogged down.

I strongly agree.
The Secretary of State's paper is too bland.
FERB

It might, therefore, be worthwhile to take the meeting through the group's detailed recommendations at Flag C, ^{*}one by one. It will then be clearer how far agreement on principles can be translated into practice.

* especially para 2.6 onwards

DMB

DAVID BARCLAY

21 November, 1984

file

Boy

FRONT DOOR

DUTY CLERK

I list below the car registration numbers for the gentlemen who are coming to the 1830 hours meeting with the Prime Minister on Thursday 22 November:-

Mr, C.J. Benson	HKP 980Y - Daimler
Mr. C.J. Chetwood	A81 SYV - Aston Martin
Mr. G. Mobbs	A203 XRD - Rolls Royce
Mr. D.N. Idris Pearce	4 HPV - Daimler or Mercedes
Sir John Sainsbury	SWA 743W - Blue Granada
Mr. R.W. Suddards	Coming with one of the above
Mr. John Taylor	B376 MLO - Silver BMW
Lord Alistair McAlpine	A331 HFY - Blue Daimler

(Caroline Ryder)

20 November 1984



10 DOWNING STREET

From the Private Secretary

8 November 1984

bf | As you know, the Prime Minister has agreed to meet Sir John Sainsbury and his colleagues at 5 pm on Thursday 22 November to discuss their report on planning procedures. Your Secretary of State and Lord Young have agreed to attend.

I enclose a copy of a letter from Sir John Sainsbury's Secretary, listing those who will be present from their side. As regards briefing, we have your Secretary of State's minute of 30 October and its attachment, and I see no need for anything further unless there are particular points you wish to add.

Could you please let me know in due course whether Mr Baker would also like to be present?

I am sending a copy of this letter to Callum McCarthy (Department of Trade and Industry), and would be grateful if he could let me know whether a Minister from his Department would wish to attend.

(David Barclay)

Alan Davis Esq
Department of the Environment

da

file ea

8 November 1984

Many thanks for your letter of 7 November.
I note the names contained in it, and am most
grateful for your help.

(David Barclay)

Miss Felicity Saunders
Secretary to Sir John Sainsbury

The Chairman's office

J Sainsbury Limited
Stamford House
Stamford Street
London SE1 9LL

SAINSBURY'S

01-921 6000 ~~6000~~ 6286

Telex 264241

D.M. Barclay Esq.,
Private Secretary to The Prime
Minister,
No 10 Downing Street,
London SW1

7th November, 1984

Dear Mr. Barclay,

Further to our telephone conversation today, I would like to confirm to you the names of those attending a meeting at No 10 at 5.00 p.m. on Thursday, 22nd November to discuss the document concerning planning procedures which was submitted to The Prime Minister for her consideration:

Christopher J. Benson
Vice Chairman and Managing Director, MEPC plc

Clifford J. Chetwood
Chairman and Chief Executive, George Wimpey plc

G. Nigel Mobbs
Chairman and Chief Executive, Slough Estates plc

D.N. Idris Pearce
Managing Partner, Richard Ellis

Sir John Sainsbury
Chairman and Chief Executive, J Sainsbury plc

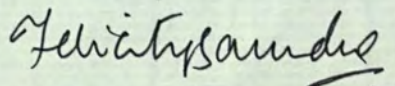
Roger W. Suddards
Senior Partner, Last Suddards Solicitors

John Taylor
Partner, Chapman Taylor Partners

Lord Alistair McAlpine

Should you require any further information, please do not hesitate to contact me.

Yours sincerely,



Felicity Saunders
Secretary to Sir John Sainsbury

Local Cost July 03

J. Sausbury

MR REDWOOD

cc Mr. Barclay

Town and Country Planning System

I do not know whether the Policy Unit have seen the report on the Town and Country Planning System sent in by Sir John Sainsbury. I attach it, together with a submission which has been put in by the Secretary of State for the Environment. The next step is to arrange a meeting between the Prime Minister and Sir John Sainsbury with members of his group, which the Secretary of State for the Environment and the Minister without Portfolio will also attend.

My feeling about these papers is two fold:-

1. It is a terrible meal for the Prime Minister to swallow and needs pre-digesting and summarising;
2. The DOE brief is rather bland, particularly as regards some of the detailed suggestions in the Sainsbury group report, some of which seem to me as a layman to make good sense.

Could the Policy Unit please prepare a short digest of the issues in the Sainsbury report and DOE paper with any observations you have on the merits of each. I hope that I am not asking the impossible. David Barclay will tell you the date of the meeting with Sir John Sainsbury.

E. E. R. BUTLER

1 November 1984

CF: please b/f to me
in one week.

DWB
2/11

MR BARCLAY

cc Mr. Redwood

Planning System Meeting with
Sir John Sainsbury's Group

The way is now clear to set up a meeting with Sir John Sainsbury and his group who sent in a report on the Town and Country Planning System. Could you please negotiate a date for such a meeting which should be attended by:-

- ✓ Sir John Sainsbury and as many of his group as he wants to bring *His Secretary will supply names,*
- ✓ Secretary of State for the Environment (and Mr. Baker if he wants to bring him)
- ✓ Minister without Portfolio

*DTI will
let me know*

You should tell DTI that the meeting is being arranged but I do not think it necessary for an Industry Minister to attend unless they want very much to send one.

I have asked John Ballard to send to the Minister without Portfolio and DTI a copy of the minute to the Prime Minister, which I do not intend to put into her until nearer the date of the meeting.

✓ Could you please also make sure the Policy Unit know the date of the meeting.

F.R.B

1 November 1984

Planning / Sir J. Sainsbury
File with DB. 8/11

CF/GK
Poe keep

sub
7/11

10 DOWNING STREET

This is a
constituency case

1 November 1984

Dear Mr. Rhea,

When we met at the House of Commons in the Summer you outlined your problems with the planning system and left me a brief setting out your ideas and suggestions more fully.

I have a lot of sympathy with what you say. We do need to give full and proper weight to job creation in determining planning applications, and Patrick Jenkin will be revising his Department's advice to local authorities on this issue in a new development control policy note. I believe the general effect should be helpful to McDonald's.

I also agree wholeheartedly with what you say about the need to speed up the planning system. Our record in this respect is a good one. Since 1979, there has been a steady improvement in the speed with which local authorities decide planning applications. The latest figures show that 70 per cent of all applications are decided within 8 weeks compared to 60 per cent in 1979. The approval rate for applications has increased, and is consistently high at 87 per cent. Pressure is being maintained on those authorities whose performance is poor, through naming authorities in press notices and through direct approaches on planning applications and appeals performance. The Department of the Environment's handling of planning appeals has also improved, and the median time taken by the largest category, amounting to some 3/4 of all appeals, has fallen from 23 weeks in 1979 to 19 weeks in 1983. But there is, I agree, still room for improvement, and we continue to search for practicable ways of speeding up and slimming down the planning system.

.....

You also raised with me a more specific point about the Town and Country Planning (Use Classes) Order. I have looked into this with the help of the Department of the Environment. I believe that the distinction made in the Order between restaurants and take-away food shops on the one hand, and more traditional retail outlets on the other, is a valid one. I think you would be the first to recognise that restaurants, take-aways and other such uses can and often do raise planning issues which are of an entirely different nature. Some of them, such as noise, fumes and litter, raise particular sensitivities with local residents. I would not therefore myself favour a relaxation of planning controls to the extent that changes between these two types of use should be completely unrestricted. In saying this, I am conscious that McDonald's uphold very high standards - but planning is about land use in general, and not about particular users, and in framing legislation we must aim to deal with the worst as well as the best case.

You refer in your submission to the DOE's draft Development Control Policy Note "Service Uses in Shopping Areas". This recognises, in particular, that many service uses are regulated by other legislation as well as by planning law, and advises that while matters which are the subject of other controls can also be the concern of the planning system, planning conditions will not usually need to cover areas which are the subject to more specific controls. Your representations will be taken fully into account in the preparation of the final version of the Note.

You mentioned particular concern with the Control of Advertisements Regulations, which apply to all forms of outdoor advertising, and which, as you say, are concerned only with visual amenity and public safety. Commercial need is not a

relevant consideration under the Regulations because it is self-evident that anyone who undertakes the quite considerable expense of putting up a sign has a good commercial reason for doing so, and because it would be a bureaucratic nightmare if all local planning authorities were required to assess commercial need for every one of some 20,000 advertisement applications annually. In many cases, it is doubtful whether an authority would be capable of accurately assessing the advertiser's commercial requirements; and there would undoubtedly be considerable delay. The present Regulations fully acknowledge the importance of advertising by providing a "deemed consent" for a wide range of signs on business premises without the local planning authority's prior consent. However, this consent does not normally extend to illuminated signs for which an express consent is required. I might mention that the three appeals to the Secretary of State against refusal for premises in Uxbridge, Macclesfield and Redditch were not dismissed outright. In each case, an illuminated projecting sign was permitted and the refusal was only for the illuminated fascia sign. As you clearly appreciate, one of the problems with firms having outlets throughout the country is their wish to promote their corporate image, regardless of the immediate surroundings. Their own normal "house-style" is no doubt acceptable in many premises, but less so in some more sensitive locations. However, with a little flexibility, such as has been demonstrated in your premises in Bath, where individual illuminated letters were accepted yet the business can still be clearly identified, I feel sure that this particular problem can be overcome.

Yours sincerely
Margaret Thelton



PRIME MINISTER

PLANNING SYSTEM

As you know, the group convened by Sir John Sainsbury has prepared a report on "The Town and Country Planning System: Comments on Defects and Suggestions for Improvement". You have said that you would be glad to discuss the report's proposals with the group and I would find it very useful to hear their views.

This would help carry forward the discussion that we have had recently on the future of the planning system. Following those discussions, and before we received the report from John Sainsbury's group, I had put in hand the preparation of a paper summarising the policies that we have been pursuing over the past five years and the progress that has been made in reforming the planning system, together with proposals for further change. This is based on discussions that I have had with my colleagues in DOE, and in particular with Kenneth Baker who shares my concern as an "ex-DTI" Minister to ensure that the planning system facilitates industrial development and economic activity, while taking proper account of our concern for the environment and conservation of the countryside. I enclose a copy of that paper which I hope can form the basis of further discussions with colleagues - perhaps in E(A) - as well as providing a broader policy basis for our talk with John Sainsbury's group.

As to the group's report, they have concentrated their attention on what might be done within the present system to simplify it and improve its efficiency, and to ensure that those who operate it do so in ways consistent with government policy. This is entirely in line with the approach that we have followed over the past five years. My own paper suggests how this policy can be carried forward, and in doing so we can take full account of the group's proposals.

Broadly speaking their recommendations can be grouped under three main heads (references are to the summary of recommendations in section 2 of the report):



- (1) Policy (2.4, 2.5 and 2.6 items (a)-(b)): they are looking to us to reaffirm the policy statement that our predecessors published in 1953 that "Development should always be encouraged unless it will cause demonstrable harm to an interest of acknowledged importance". We have in fact restated this principle on a number of occasions and we can certainly do so again. In doing so, we will need to make it clear that there are other interests that are of acknowledged importance, including those of home owners who are concerned for their local environment and the much wider interest in the conservation of countryside.
- (2) Planning control (2.6 items (c)-(g)): they make a number of proposals that are intended to ensure that this policy is effectively applied by local authorities in the day-to-day operation of planning control. Much of what they recommend is in line with existing "best practice" and with guidance that has been given to local planning authorities. The group would like to find ways of making this legally enforceable but that is hardly practicable when one is dealing with a system operated by some 350 local authorities and handling around 450,000 planning applications a year. What we can do is to make it quite clear how we intend that the system should function and to back that up in the way that planning appeals are dealt with and in the award of costs.
- (3) Planning appeals (2.6 items (h)-(p)): there is a set of recommendations (items (i) to (m)) that suggest possible changes in the way in which planning appeals are dealt with, including
- ↳ changes in the composition of the Planning Inspectorate and the
 - ↳ possibility of establishing local tribunals to deal with the large number of relatively minor planning appeals, leaving only those of major importance to be dealt with by the present system of Ministerial jurisdiction. This part of the report is not entirely clear and it will be helpful to discuss it with the group. I am not at all sure that the particular proposals that they make would improve the efficiency of the system or the quality of decisions: some could introduce further delays and



tend to make the whole process too legalistic. But I believe that we should give further thought to the present structure of the Inspectorate and the extent of Ministerial jurisdiction. There are problems with the volume of work that the Inspectorate has to handle, and the possibility of a more local type of tribunal to handle minor cases and a reconstituted Inspectorate, perhaps under a new form of management and direction, is well worth considering. This would certainly require legislation and might encounter considerable opposition if it were thought to detract from the rights of individuals or the independence of the Inspectorate. We would have to approach the possibility of change with considerable care, and it may be that the initiative in opening up these matters for wider public debate could be taken by John Sainsbury's group or perhaps by the legal member of the group, Roger Suddards, who is well known and respected as a practising planning lawyer.

This third aspect of the report (planning appeals) raises issues that we may need to consider along with the question of alternatives to the present system of major public inquiries, on which I will be circulating a paper for H Committee shortly, following their consideration earlier this year of the problems encountered at the Archway inquiry, and the concern which you expressed about the costs and delays involved in some major inquiries such as those on Stansted and Sizewell. It could be that this is an area of the planning system that would warrant a comprehensive review, and one which could be tackled without calling in question the broad objectives of the planning system which undoubtedly command a wide measure of public support. It is over 25 years since the Franks Committee looked at this aspect of the system and a new review might be generally welcomed. I think it would need to be conducted by a body similar to the Franks Committee that would command public confidence.

You may not wish to get into too great a degree of detail in discussion with the group, since many of their specific proposals raise legal and enforcement issues that require detailed analysis. I would be glad to arrange for their proposals to be examined in detail

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by officials, perhaps in consultation with Mr Suddards, after we have had a more general discussion with the group.

PJ

PJ

30 October 1984

THE PLANNING SYSTEM

Note by the Secretary of State for the Environment

INTRODUCTION

1. This paper is in three parts. Part 1 explains very briefly the main features of the planning system, its purpose, how it works and the factors that influence the way it works. Part 2 summarises the action that we have taken since 1979 to simplify the system and improve its efficiency, together with figures that show how its performance has improved. Part 3 outlines the further changes that we have in hand and how this continuing reform can be carried forward.

1. MAIN FEATURES

(i) Purpose

2. The purpose of the planning system is to ensure economy, efficiency and amenity in the use and development of land. Economy because land is a finite resource that should not be used wastefully. Efficiency because totally unplanned development can impose unnecessary costs both on developers and investors, whose interests may be affected by incompatible development, and in terms of public utilities, roads, transport, etc. Amenity because the way in which land is used or developed can be injurious to private property owners, the local environment and the countryside. The system itself is certainly capable of improvement and adaptation but there is no doubt that these objectives command very substantial popular support.

(ii) Components

3. The system that we now have is the same in its essentials as that established in 1947, except for the confiscatory "betterment" provisions that were discarded by our predecessors in 1953. The key components are:

- (a) development control: nearly all types of development and change in the use of land or buildings require planning permission. Some minor types are given general permission by Regulations but most require specific permission and this discretionary power of control is exercised by local planning authorities - normally the District Council.
- (b) development plans: since the power of control is almost wholly discretionary, local planning authorities are required to prepare plans that show how they expect the area to develop over the next 5-10 years and how they intend to use their powers to influence the shape and pace of development over that period. The plans are of two types - broad structure plans prepared by the County Councils and more detailed local plans prepared by the Districts. The development plans are an essential part of the system since without them there would be no check on the arbitrary and unpredictable use of planning control. Since the plans are subject to a process of public consultation, they also enable local people and others to have a say in how the area should develop in future and thus in how the system works.
- (c) jurisdiction - the operation of the system is under the jurisdiction of the Secretary of State. Applicants who are refused planning permission can appeal to him; he approves the structure plans and can modify local plans; and there is a whole battery of reserve powers that enable him to intervene in the local planning process, and to call in applications for his own decision.

(iii) Operation

4. These are the basic components of the system. In its essentials it is simple, flexible and can be used effectively. The system itself is neutral in the sense that it can be used to facilitate development or to prevent it. The problems arise where it is used in ways that run counter to national policies, particularly in ways that are detrimental to economic development, competition and the market demand for housing. It can be used to exercise very detailed and vexatious control. It can reflect very restrictive attitudes towards development and resistance to change. Despite the powers of Ministerial intervention, it is not easy to ensure that in its day to day working it operates in accordance with government policy. But this often means that it reflects strongly held local attitudes and interests that are not easily overridden.

5. The broad objectives that the system is intended to serve clearly command very widespread support, including the great majority of our own supporters - especially as regards their local environment and the protection of the countryside. Proposals to modify the system are liable to be misrepresented as a threat to those objectives. The system is now deeply entrenched in property law and property values. Those who want to retain it, and indeed reinforce it, far outnumber those who resent the way in which it can frustrate or delay development. We are under pressure to extend planning control over some types of agricultural development, and we are committed to establishing more control over intensive livestock units. This is the political reality and we should not underrate it.

6. In view of the widespread support for those objectives, and the diverse interests involved, we have concentrated on ways of modifying and improving the system that will not be misunderstood as a threat to its basic structure. This approach was well summarised in the 5 Year Forward Look shortly before the General Election:

"What is needed is not the dismantling of the system but reaffirmation of basic objectives and simplification of machinery and procedures; less detailed control at the local level and less involvement by central government in what are purely local issues, while retaining effective policies on matters that are of more than local significance".

7. The 5 Year Forward Look also made the point that planning has only a limited role in the development process and that other measures are needed to promote development, urban renewal and the re-use of derelict land, particularly where local authorities and other public bodies are withholding unused land from the market. This aspect is to be considered by EDL. We have done much to encourage this through Enterprise Zones, Derelict Land Grant, Land Registers, innovations in housing policy, the Urban Programme, Urban Development Grant and the Urban Development Corporations. Our policy has been to use limited amounts of public money to stimulate far larger private investment in development, redevelopment and renewal. It is important to stress this positive approach since it reinforces our wish to see the planning system used in ways that facilitate economic development as well as to protect the environment. We said in our manifesto last year "In our crowded country the planning system has to strike a delicate balance. It must provide for the homes and workplaces we need. It must protect the environment in which we live".

2. CHANGING THE SYSTEM: PROGRESS TO DATE

Main Changes

8. Annex A to this paper lists the main changes that we have made to the system and the way it operates since 1979. It represents a very substantial process of incremental change in the system. The action taken includes extensions of the range of permitted development (ie for which separate planning applications are not required), simplified procedures and a sustained drive to reduce the time taken to deal with development plans, planning applications and planning appeals.

Performance

9. These measures, plus a series of major policy statements on how the system should and should not be used, have improved performance and reduced delays.

10. Details are given in the Annex but a few key indicators prove the point: we cannot be satisfied with the present performance but it does show a marked improvement:

Planning applications - in 1983 70% of planning applications were decided within 8 weeks compared to 60% in 1979. 87% of all applications are approved. Of those that go to appeal about a third are approved, so the total approval rate is over 90%.

Planning appeals - the great majority of cases are now decided by Inspectors, which is by far the faster route as compared to those where they report with recommendations to Ministers, and most are decided on the basis of written representations rather than involving a public inquiry. The comparison with 10 years ago is striking (see also diagrams at Annex C).

	1974	1983	
Appeals received	13,324	13,699	
In hand at start of year	16,681	13,699	6,021
Decided by Inspectors	73%	95%	
Time taken (start to decision): weeks			
inquiry cases	65	26	
written cases	38	19	

Development plans - by April 1979 only 25 structure plans had been approved and there was a huge backlog of plans awaiting approval that had accumulated since structure plans were introduced in the 1968 Act. All except one have now been approved, usually with modifications to allow more land for development. The exception is Avon where the plan was withdrawn and resubmitted: it will soon be completed.

Main types of development

11. It is useful to see how some of the main types of development are affected by planning control:

- (i) Industry: local planning authorities have been told to give priority to proposals for industrial development. 90% of applications for major industrial development are approved and over 90% of minor developments. Research has shown that planning control is not generally seen by small firms as a major impediment to their business.
- (ii) Housing: private house builders make the biggest demands on land and they naturally tend to go for easily developed sites in attractive locations where the market demand is strong but where local opposition to new development is also strong. Fewer of their applications get approved but the success rate for large sites of more than 10 houses has increased from 62% in 1980 to 79% last year, and for smaller sites from 66% in 1980 to 76% last year.
- (iii) Superstores: very large retail stores, of over 50,000 sq ft gross, usually with large surface car parks, are a relatively new form of development in this country and one for which existing plans generally made no provision. Despite this, the published figures show that 279 superstores had been built by the end of 1983, compared with only 45 in 1973, and planning permission had been given for 48 more by the end of last year (see also diagram at Annex C). The market view is that saturation point would be reached at about 500 such stores. The figures show that the planning system has not operated to prevent this new trend in retailing and has probably helped to steer new superstores to sites where they can develop successfully without arousing undue opposition from neighbouring residents.

12. Where the system works well and promptly it can facilitate development and help to resolve the conflicts of interest that often arise in the development and use of land. If all local planning authorities performed as well as the best do now, there

would not be much ground for complaint. But there is a long way to go before all authorities reach even today's average level, and there are some features of the present control mechanism that impede progress towards a simpler and more efficient system. Further changes are in hand or in prospect, and there is also scope for more far reaching changes if we judged that those would yield substantial benefits. I deal with these in the next part of the paper.

3. CHANGING THE SYSTEM: THE NEXT STAGE

13. When MISC 14 reviewed the planning system and its impact on industrial development in May last year, they concluded that it would not be appropriate to establish a fundamental enquiry into the planning system and that the aim should be to continue to improve the efficiency of the system and to change the attitudes of those who operate it (MISC 14(83) 3rd). At that time the Committee had a paper by my predecessor setting out the further measures then in hand to improve the system (MISC 14(83) 4 Annex C); all of those have now been implemented or are well advanced.

New measures now in hand

14. At Annex B is a further list of measures now in hand, some of which are being worked up with a view to possible legislation in 1985/86. The more substantial items include

- (a) Simplified Planning Zones - this would make available in other areas the type of simplified planning regime that has been successfully introduced in Enterprise Zones. Instead of requiring developers to apply for planning permission, the scheme sets out the types of development acceptable in the zone and, if they can comply with those basic requirements, developers can go ahead with their projects without the need for a planning application or the fee that goes with it. We published a consultation paper on this proposal earlier this year: it has had a varied response but by no means wholly hostile. It seems well worth pursuing. It would require main legislation.

- (b) Major public inquiries - I will be circulating to H Committee shortly a paper on possible changes in the procedures for major public inquiries, and alternative procedures. There is widespread concern at the heavy costs and delays that the present system imposes. It will also deal with the problems of disruption that were vividly illustrated at the Archway inquiry.
- (c) Permitted development - major reviews are in progress of the General Development Order, the Use Classes Order and the Advertisement Regulations, including the scope for extending the range of development that does not require specific permission and for allowing greater flexibility in the use and adaptation of existing buildings. This is particularly relevant to high tech. industries where the traditional distinctions between office, manufacturing and laboratory uses are no longer relevant.
- (d) policy guidance - following the major restatements of policy issued over the past year on land for housing, green belts, land for industry, and planning gain (ie the practice of demanding financial or other benefits as the price of planning permission - which we have virtually outlawed), further important policy guidance will be issued shortly on planning conditions aimed at preventing the attachment of onerous or unnecessary conditions to the grant of planning permission, and on superstores. This will make it quite clear that planning control is not to be used to restrain market competition or innovation in retailing methods.

15. As Annex B shows, there is a large number of minor modifications that could usefully be made to the system, many of which would remove unnecessary restrictions, simplify procedures or improve performance.

16. The cumulative effect of the changes made since 1979 and those now in hand or in prospect represent a major overhaul of the system which is still continuing, combined with sustained pressure on local authorities to improve their performance.

The Sainsbury Report

17. The report of Sir John Sainsbury's group, which we received earlier this month, is broadly consistent with the approach that we have been taking. It does not propose any fundamental change in the structure of the system or its objectives. It seeks reaffirmation of the principle that "Development should always be encouraged unless it will cause demonstrable harm to an interest of acknowledged importance". This is another way of stating the principle that the developer is entitled to get planning permission unless there are sound planning reasons why he should not. What it means is that a local planning authority cannot refuse permission for arbitrary or irrelevant reasons. The Courts have always upheld this principle and we have re-stated it unequivocally. It is the basis of planning administration and it is well worth repeating it.

18. When it comes to specific proposals the report concentrates on changes within the present system, and is limited to changes in the methods of dealing with planning applications and planning appeals. The proposals are aimed at improving efficiency and

ensuring clarity of decision. I will be circulating a separate commentary on the detailed proposals, and we will need to consider each of them very carefully to see whether they would in fact help to secure those objectives. Some would almost certainly prove counter-productive but others are well worth considering.

19. The most interesting aspect is the set of proposals that would, in effect, separate the minor types of development from the major development projects. The minor applications would be dealt with at officer level, and appeals against refusal would be dealt with by a local form of tribunal rather than by the Secretary of State or his Inspectors. The thought is that this could avoid the system being overburdened with minor matters and allow major proposals to be dealt with more expeditiously and improve the quality of decisions. This would be a major change of jurisdiction and might not be acceptable to public opinion; but it is an important proposal that we will want to consider.

Long-term changes

20. Beyond the proposals put forward in the Sainsbury report, it is possible to speculate about entirely different alternatives to the present system. For example, a reversion to the "zoning" system of the 1930's or to reliance on restrictive covenants. Zoning systems are still used in many countries but they involve a different set of rigidities and seem to work best where there is no particular concern to limit the rate at which land is consumed by development or to conserve agricultural land. As to restrictive covenants, the Law Commission have recently completed a report on this subject which proposes a new system of "land obligations" between adjoining owners but which does not purport to replace the planning system with its broader and more varied objectives.

21. There could be advantages in stimulating a wider public debate about the objectives of planning, the efficacy of the present planning system, and possible alternatives or improvements. Publication of the Sainsbury report could provide such a stimulus. In addition, the Nuffield Foundation have set up a high powered commission of enquiry on planning which has been at work for over a year and aims to publish a report within the next year. They have found it heavy going but the results of their efforts could provide a useful basis for opening up the debate.

CONCLUSION

22. It is clear that there is at present no substantial pressure for reforms of a radical kind in the planning system or any general agreement as to what those reforms should be. The present system, because of the protection it affords to householders and other landowners, attracts a wide measure of public support; it is seen as the means of conserving the best of our towns and our countryside. On each occasion when the scope for radical change has been considered (by MISC 14 in 1983 and also in 1980) it has been concluded that the right course is to continue to seek changes which will simplify and improve the system, and to change the attitudes of those who operate it. The report of the Nuffield enquiry, which they hope to publish by about the middle of next year, may provide an opportunity for testing public opinion on the case for more radical changes and what those changes might be.

23. I therefore conclude that we should maintain the approach that we have followed over the past five years in the progressive overhaul of the system, simplifying its machinery, improving its efficiency, and giving clear policy direction on how we intend it should operate. This approach has already yielded substantial results and there is still plenty of scope for further improvement and constructive change within the system and consistent with our broader policies for encouraging both economic activity and conservation.

MEASURES TAKEN TO IMPROVE AND STREAMLINE THE PLANNING SYSTEM SINCE 1979

Legislative measures:1. Local Government Planning and Land Act 1980

- concentrated development control functions with district councils (except minerals and waste disposal development), removing overlap with counties and counties' power to direct refusal of applications made to districts;

- simplified development plan procedures to enable more rapid progress and flexibility (particularly by simplifying form and content of structure plans and introducing expedited procedures for local plans)

- introduced fees for applications, to offset local authorities' handling costs (and thereby discouraging frivolous applications).

2. Amendments to the General Development Order (GDO) in 1981 to increase the range of development permitted without a specific planning application:-

- factory extensions can now be 20% instead of 10% of original building size, (limit 750 sq metres).

- permitted home extensions were also increased from 10% to 15%

- permitted changes of use extended, eg to allow small warehouses to be used for light industry, and small light and general industrial buildings to be used as warehouses. This added to the right to use any general industrial building for light industry.

These changes served both to stimulate construction and to reduce the total number of planning applications being made so as to speed up decision-making on the more major ones.

3. Enterprise Zones created, in which the normal planning regime is reversed: except for some specified development (very large, or potentially hazardous etc) no planning application is needed. Although the main attractions of EZs are financial (rates and tax allowances) a major report commissioned by DOE and published on 24 January commented that the simplified planning regime has been welcomed by developers for the certainty it produces and has worked well (4,000 new jobs in new firms in the first 11 zones).
4. Local Government and Planning (Amendment) Act 1981 - Private Member's Bill with Government support. Revised procedures applying to enforcement appeals and gave Secretary of State more discretionary powers to dismiss enforcement appeals or quash enforcement notices if appellant or local planning authority fail to comply with relevant requirements of Regulations, with aim of reducing time taken to process and determine appeals.
5. Experimental use of Special Development Orders to control development of particular kinds without planning control - particularly to permit laying of communications equipment along British Rail land by Mercury Communications.
6. Further GDO amendments (1983) to strengthen planning controls over hazardous development.
7. Control of Advertisement Regulations amended and consolidated (1984) giving deemed consent for poster hoardings round construction sites for up to 2 years; advertisements on captive balloons also brought into control.
8. Town and Country Planning Act 1984 provided a formal statutory procedure for obtaining planning permission for the development of Crown land prior to disposal of a Crown interest, thus removing uncertainty about the future use of Crown land (notably surplus hospital sites) and helping ensure best price on the sale.

Other measures

9. DOE Circular 22/80 set out Government policy on development control with the emphasis on the economic benefits of encouraging, not obstructing development, and avoiding delay:-

- there should be a general presumption in favour of development
- delays in handling applications can cost jobs and delay investment
- lpa's must recognise the role of businesses in economic regeneration and adopt a positive helpful approach, giving priority to applications representing most in terms of growth and jobs
- they can help identify premises for small firms and encourage the re-use of redundant farm buildings etc
- they should avoid rigid 'zoning' policies which eg. exclude all industry
- they should not take enforcement action except as a last resort
- they should always give planning permission if there are no insuperable planning reasons for refusal.

10. Measures to speed up appeals:

- a. the transfer of more cases to Inspectors. In 1983, 95% were transferred to Inspectors for decision. This reduced substantially the time taken to issue decisions.
- b. the introduction of informal hearings as an easier, cheaper inquiry system for simple cases;
- c. the introduction of "instant decisions", which are now issued on around a quarter of inquiry cases;

- 1
- d. engaging part-time planning consultant inspectors from private practice;
 - e. seeking the agreement of planning authorities to increase their capacity to deal with appeals more speedily;
 - f. the provision of better information about the appeals system by publishing performance statistics, Circular 38/81, new appellants' guide and the Chief Inspector's Annual Report;
 - g. the introduction of computer technology for forecast workload and improve management statistics.

Results of appeal measures:

In 1983 median time to determine the 77% of appeals that Inspectors decided by written representations was 19 weeks - 4 weeks less than 1979. Some major appeals inevitably take longer - the median time for determining Secretary of State inquiry cases was 48 weeks in 1983, as against 49 weeks in 1979. But because of the transfer of most cases to Inspectors, Secretary of State inquiry cases now represent only a very small proportion of the total (30% in 1983 as against 10% in 1979).

11. Planning Gain. Circular 22/83 gives guidance about the circumstances in which local planning authorities can seek additional benefits from developers by imposing obligations when granting planning permission.

12. Code of Practice for handling planning applications. A voluntary code of practice was set out in circular 28/83, to provide a consistent basis for the quarterly local publication of information by local authorities on the handling of planning applications. It came into effect in April 1984.

The Department also collects and publishes a quarterly 'league table of local authorities' performance on development control, with direct Ministerial approaches to the laggards.

Performance

There has been a very real improvement in the handling of planning

applications by local authorities. The latest figures (quarter October - December 1983) show that the overall steady improvement in the proportion of application decided within 8 weeks since 1979 has been maintained - 70% compared with 60% in 1979, varying from 80% in the Northern region to 63% in the South East and 50% in London. The approval rate for all applications is still consistently high at 87%, ranging from 92% in the Northern region to 85% in the SE and SW regions and 86% in London. The approval rate for major manufacturing applications (1000 sq metres and over) was 90% and 93% for householder applications.

13. Green Belt Circular 14/84, reaffirms Government policy on the importance of Green Belt, its relationship with urban renewal, and gives detailed advice on definition of long term boundaries in local plans.

14. Land for Housing Circular 15/84 reemphasises importance of providing an adequate and continuing supply of land for housing.

15. Industrial Development Circular 16/84 - expands the message of 22/80 in the specific context of manufacturing industry and high technology. Like 22/80, it emphasises the importance of LPA's attitudes to industry and their role in facilitating development. It gives specific advice on handling applications and helping applicants; on making adequate provisions for industry in development plans; on the special needs and problems of high tech; and on the scope for allowing more industry including small firms - in residential and rural areas.

A newly revised booklet - 'Planning Permission - a Guide for Industry' gives practical advice to industrialists on the planning system, how it works, and how to use it.

16. Memorandum on Structure and Local Plans Circular 22/84, a major consolidation exercise, updates and clarifies the advice to local planning authorities on their operation of Development Plans system, and in particular urges that structure plans are kept up to date.

The Department has also striven to speed up the processing of development plans: 72 structure plans have now been approved since May 1979 (compared with 25 beforehand) and 262 local plans adopted (compared with 19 beforehand).

MEASURES IN HAND FOR FURTHER IMPROVEMENTS TO THE SYSTEM

A. Proposals which would need legislation.

1. Further controls over hazardous substances by requiring specific consent from the local planning authority before land may be used for a purpose involving specified quantities of a hazardous substance. Drafting is taking place on these proposals so that the legislation could be offered to a Private Member.
2. Consultation in train on concept of Simplified Planning Zones, which would enable local authorities to liberalise planning control in parts of their areas by granting permission for any, or certain kinds of, development.
3. Consultation in train on miscellaneous improvements and amendments to the planning system, for inclusion in a Miscellaneous Planning and Land Bill with a view to future consolidation of planning legislation. Proposals include:
 - allowing award of costs in written representation cases; power for inspectors to award costs in 'their' cases; and simplifying procedures for costs for successful objectors to CPOs.
 - increasing penalties for offences against planning legislation not covered by recent Home Office order
 - abolition of right to apply for established use certificate
 - improvements to existing provisions to secure proper maintenance of waste land
 - freedom to change use between office and industrial use where original permission granted for either alternative - to help 'hi-tech' industry
 - relaxing consultation arrangements on some overhead powerlines (only district councils to be consulted)
 - removal of listed building control from post-1948 free-standing buildings in curtilage of listed building
 - relaxing procedure for demolition of listed buildings.
4. Work in hand on proposals for streamlining development plan procedures: consultation paper being prepared, proposing provisions for keeping development plans up to date and greater flexibility in local plan procedures.
5. Compensation - proposals are in front of Ministers to restrict rights of compensation under the Act which would deal with penthouse flat cases, and where desirable changes in the General Development are introduced.

6. Preparation of Minerals Workings Bill to wind up Ironstone Restoration Fund established since 1951 and transfer assets to British Steel Corporation (fund is obsolete now that minerals planning authorities can impose conditions requiring aftercare in planning permissions) and introducing powers for lpas to require information about abandoned mines. Public consultation complete: Bill to be introduced next Session.

B. Other measures

1. Further proposals for consideration of and amendments to GDO: consultation paper issued on 23 January. Proposals include clarification of GDO rights for agricultural operations and control over erection of livestock buildings near residential property; a new GDO right to extend warehouses; new GDO rights for new telecommunications operators following liberalisation of telecommunications policy in the Telecommunications Act: and numerous other relaxations and clarifications. Received Order to be laid as soon as possible - aiming for early next year.

2. Draft Code of Practice on Handling of Major Inquiries issued for consultation in summer 1984.

3. Environmental Assessment Working Party (representatives from industry, local government and environmental interests) set up to consider how to implement draft EC Directive (likely to be adopted soon) to ensure that EA fits in with existing planning system.

4. Circular giving updated advice on use of conditions in granting planning permission to be issued shortly.

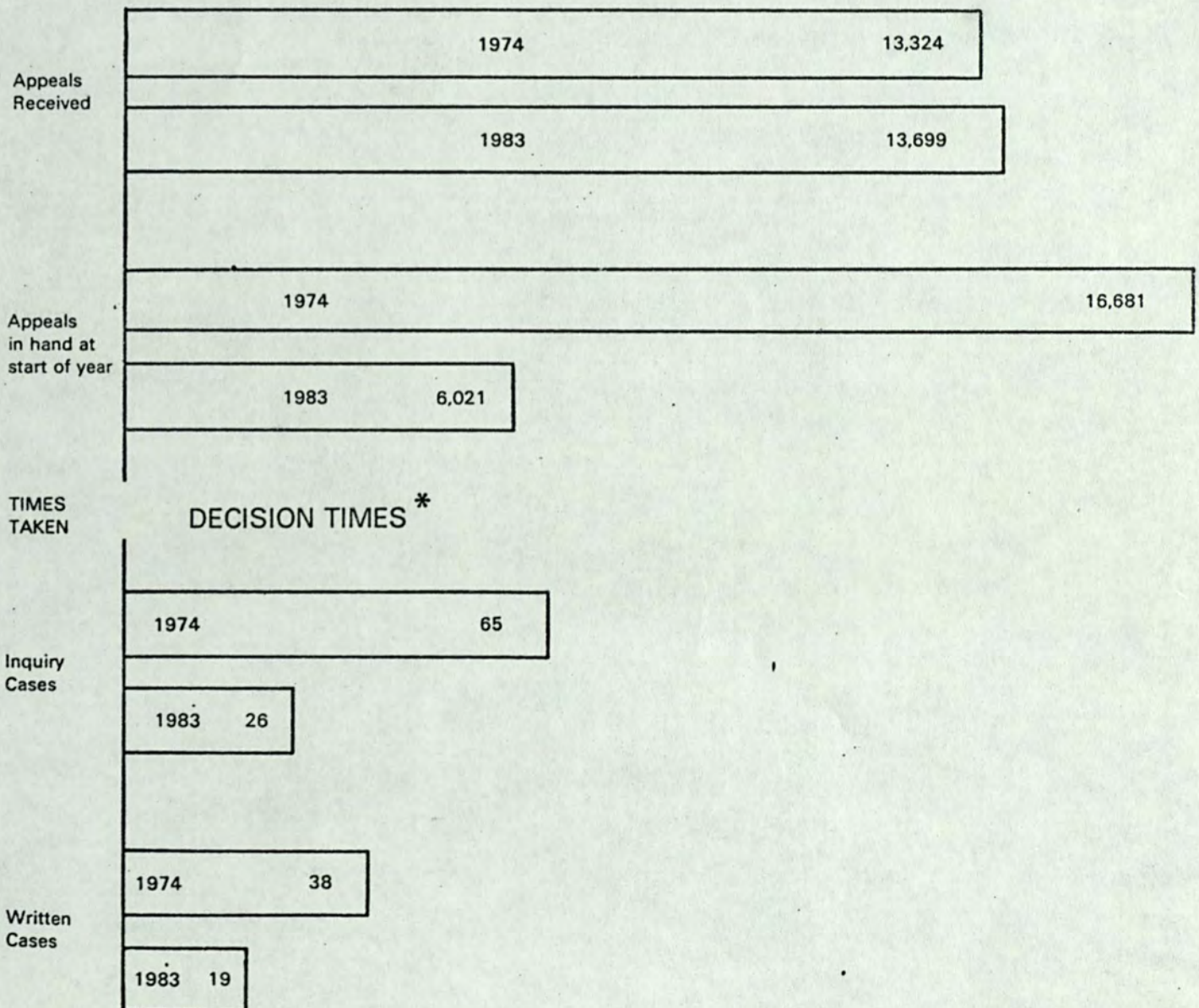
5. Draft Development Control Policy Note on planning issues of service uses in shopping areas (amusement centres, take away food shops, building societies, etc) issued for public consultation.

6. Revised DCPN on large new stores in preparation, following consultation with local authorities and retailers about adequacy of present guidance.

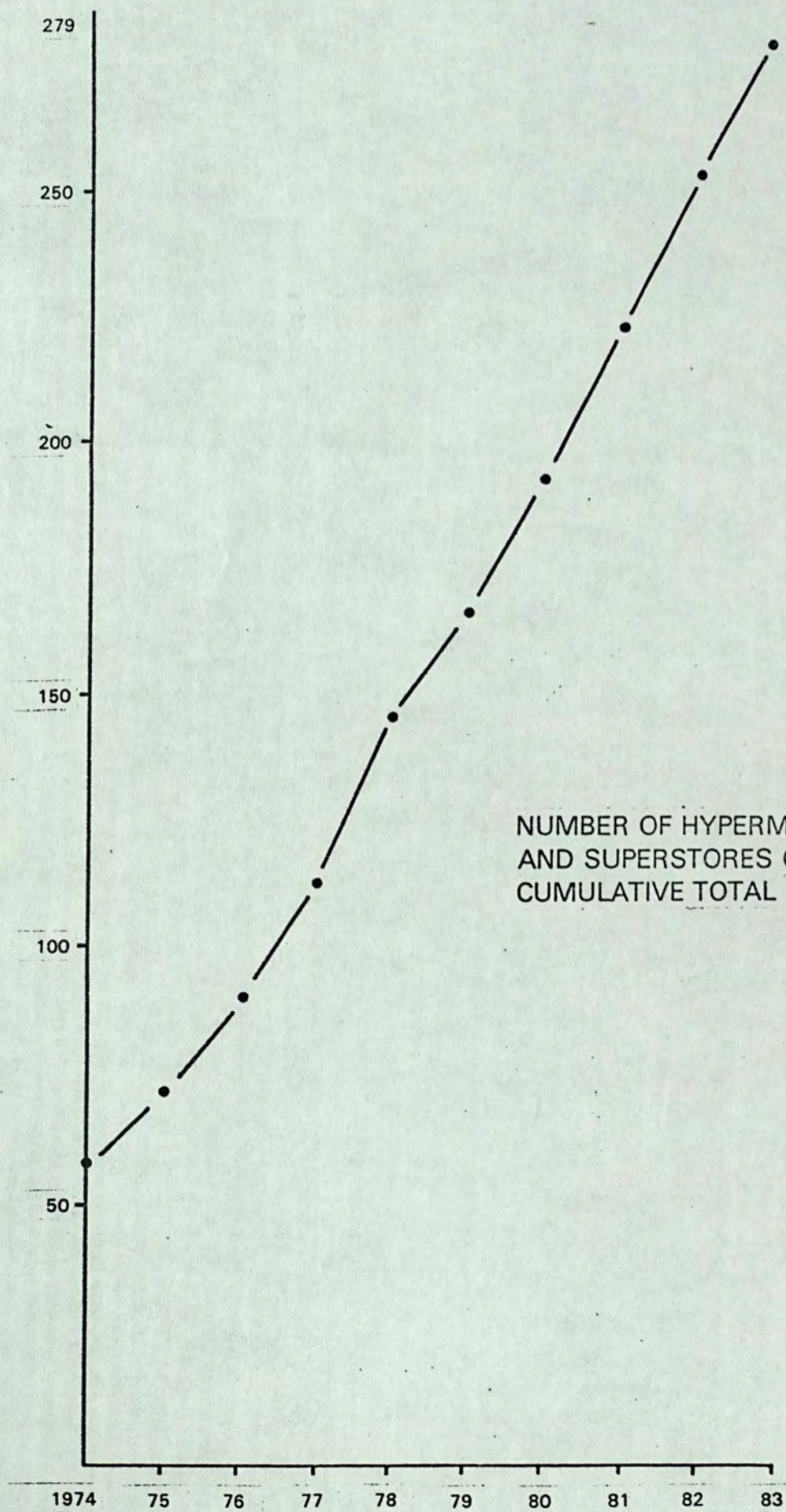
7. Discussions in hand with Property Advisory Group on possibility of reviewing Use Classes Order (which lists classes of development within which changes of use do not require specific planning permission).

8. Working party of officials set up to review advertisement regulations - first systematic review since 1948.

PLANNING APPEALS: 10 YEAR COMPARISON 1974 and 1983



*. median time in weeks-cases decided by Inspectors



LOCAL GOVT : Planning / Sir J Sainsbury

July '83

30 OCT 1984

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6 7 8 9 10

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20/11/84

The Sainsbury Papers.

THE TOWN AND COUNTRY PLANNING SYSTEM

COMMENTS ON DEFECTS AND SUGGESTIONS FOR IMPROVEMENT

See *Pages 3-5*

JULY 1984

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THE TOWN AND COUNTRY PLANNING SYSTEM

1.0 Comments on Defects and Suggestions for Improvement

1.1 Considerable dissatisfaction exists amongst the professions and those in industry with the planning procedures, delays and quality of decisions as they are implemented in the United Kingdom.

Seven senior members drawn from both the professions and industry have held a series of meetings to explore, criticise and offer practical suggestions and measures to assist in remedying the defects as they see them.

The members of the Group were:

Christopher J. Benson
Vice-Chairman and Managing Director
MEPC PLC

Clifford J. Chetwood
Chairman and Chief Executive
George Wimpey PLC

G. Nigel Mobbs
Chairman and Chief Executive
Slough Estates PLC

D. N. Idris Pearce
Managing Partner
Richard Ellis

Sir John Sainsbury
Chairman and Chief Executive
J. Sainsbury PLC

Roger W. Suddards
Senior Partner
Last Suddards Solicitors

John Taylor
Partner
Chapman Taylor Partners

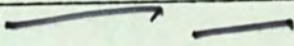
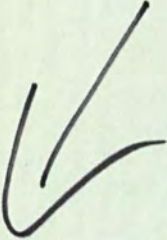
1.2 The main reasons for the dissatisfaction are that the present system has produced an unnecessary bureaucracy which, far from advancing the improvement of the environment and infrastructure of the country, presents barriers to enterprise and change, and is a very real frustration to innovative ideas. Such frustration is costly to the country and presents a burden to commerce and industry with a lack of tangible benefits to the country as a whole who have to bear the largely hidden but very high cost of the system.

1.3 Delays are caused by the use of ambiguous, outdated and irrelevant policies. Delays are also caused by the negative attitude of Planning Authorities involving greatly increased costs to the applicants and slowing down the rejuvenation process of the industrial, commercial and housing stock of the country. This is also detrimental to the creation of employment and companies' prosperity and competitiveness.

1.4 As a consequence, the Government's will to modernise Britain and reduce the burden of regulation is being thwarted.

1.5 We believe that the following words which were used in DoE Circular 61/53 October 1953 are the very essence of what is embodied in this paper:

"Development should always be ENCOURAGED unless it will cause DEMONSTRABLE harm to an interest of acknowledged importance."



2.0 Summary of Recommendations

2.1 The Group welcomes the major review of town planning which the Nuffield Foundation is conducting. However, the Group believes that urgent reform should not be deferred as delay and inefficiency penalizes productive investment and employment.

2.2 Thus we suggest a number of reforms which would not prejudice a long-term reform of the system but would have an immediate effect.

2.3 Some of our proposed reforms could be effected by administrative action and some would need statutory authority.

2.4 Our proposed reforms are based upon the basic presumption that an applicant is entitled to planning permission and this presumption needs stating authoritatively and enforcing firmly.

2.5 We also believe:

- (a) Effective planning control should be based on clear, relevant and contemporary policies which should be known to applicants.
- (b) Local Planning Authorities have a duty to administer planning applications in an expeditious manner.
- (c) Unnecessary delays in considering applications and determining appeals should be eliminated.
- (d) There should be simplification of planning controls and an extension of permitted development categories so that more time and expertise is available to determine more important applications and issues.
- (e) Small applications and the approval of details should be delegated to officers.

2.6 Our specific proposals are:

- (a) There should be positive direction from the Secretary of State of the "Presumption in Favour of Development" (paras 3.1 to 3.4).

- (b) A circular should be issued restating this presumption and all decisions should give precise reasons why a refusal has been given and the presumption is not accepted (para 3.4).
- (c) When permission is refused, or conditions attached, then a full explanation of all the reasons should be supplied to the appellants (paras 3.7 to 3.10).
- (d) Where a Local Authority refuses planning permission they should always make available to applicants the report and recommendations of the Planning Officer (para 3.11). - summary.
- (e) Applicants for planning permission should be able to obtain approvals from the Consultative bodies prior to making a planning application (paras 4.3 to 4.4). time limit
- (f) Local Planning Authorities should be under a duty to deal expeditiously with applications or return the fees (para 4.6).
- (g) The Secretary of State should now direct Local Authorities to delegate certain categories of applications to their planning officers (paras 4.7 to 4.8). Costs because of delay.
- (h) The Inspector deciding an appeal should award costs against any party who has caused undue delay (para 5.3).
- (i) That a higher echelon of inspectors be created at a grade to attract distinguished professional members into the Inspectorate (para 5.4).
- (j) The Inspectors should be administered by the Lord Chancellor's Department (paras 5.5 to 5.6).
- (k) The creation of local planning appeal tribunals (paras 5.7 to 5.9).
- (l) Greater use to be made of "ad hoc" inspectors to relieve the backlog of appeals (para 5.10).
- (m) The formation of a competent tribunal to determine appeals (paras 5.11 to 5.12).
- (n) Parties to an appeal should have the right to receive the Inspector's report and to agree it as a fair record before the Inspector issues his formal decision (paras 5.13 to 5.17).

- (o) There should be mandatory time limits in Written Representation Procedures. Submissions received outside the prescribed limits should be disregarded in deciding an appeal. More encouragement should be given to appellants to use the Written Representation Procedure (paras 5.18 to 5.21).
- (p) The Secretary of State should be empowered to direct Local Planning Authorities to enter into a Section 52 agreement binding the Planning Authority (para 6.1).

Argument in Support of Proposed Changes

3.0 Reducing Unpredictability of Decisions and Improving Standards in Reporting Decisions

- 3.1 Many planning decisions contain an element of subjectivity. The aim must be to lessen the degree to which that element forms an inscrutable determinant in the decision.
- 3.2 We draw a distinction between expert and lay opinion. In the latter category, we include members of local authorities, it is here that dubious subjective decisions are least capable of analysis and therefore least assailable. Planning is not solely a matter for experts, but we strongly contend that subjective decisions by lay people should play as little a part as possible in decisions on planning applications and appeals. This is not to rule out commonsense, but to rule out decisions expressed in vague terms or the unreasoned influence of local or national pressure groups. Decisions should be based on clear, relevant and positive public policies.
- 3.3 Such policies are derived from research, public debate and ministerial approval. These policies must be known and understood by both applicants and authorities. They also form the basis of any Principle of Presumption in favour of development. There should be frequent reiteration by the Secretary of State for the Environment of the presumption in favour of development. This presumption frequently given lip service in Departmental Circulars, is prominently absent from Local Authority and Department decisions.
- 3.4 As soon as possible, the presumption in favour of development should be restated in a Circular, and that the form of notification to an authority of receipt of an appeal should set out the presumption, as should the first paragraph of Inspector's decisions. We commend the following which was used in Circular 61/53, October 1953.
- "Development should always be ENCOURAGED unless it will cause DEMONSTRABLE harm to an interest of acknowledged importance."
- 3.5 This provides a rigorous test for the Inspector to apply positively to the cases presented by each party.

- 3.6 It is not enough to restate the principle. The major problem is to make sure that it is used as the basic test by Local Authorities and Inspectors. As to the Local Authorities, the only effective enforcement is costs; as to Inspectors, the Secretary of State should personally meet the Inspectors regularly, "en masse", reminding them forcefully that they are exercising his powers and that they are bound by his policies of which "the presumption" is the first.
- 3.7 Inspectors and Planning Officers should be required to provide clear amplification of the facts of any subjective conclusions reached.
- 3.8 Examples such as planning committees expressing a general disapproval of particular projects and leaving, to their planning officer, the formulation of plausible "reasons for refusal". These often include such expressions as "injurious to the amenities", "overdevelopment of the site", "alien in architectural form", likely to lead to traffic problems", etc. The rejection of a planning application or of an appeal incorporating these or similar abstract concepts represents a major aspect of "unpredictability".
- 3.9 To counteract this negative approach, Local Planning Authorities who refuse planning permission should be required to set out an acknowledgement of The Presumption in Favour of Development and clear and comprehensive reasons for refusal. It is not enough to say that a proposal is "contrary to the Structure Plan" or "is premature in advance of a local plan", or "no commercial requirement for the development". The late Chief Planner to the DoE, Sir Wilfred Burns, cited green belt policy "as being used by some planners as a catch-all reason for refusing anything and everything". He referred to the "unthinking use of dogma that has not seriously and rigorously been examined over many decades". Applicants have a right to understand fully the basis for refusal so that they can form a reasoned decision whether or not to appeal.
- 3.10 Where any refusal of permission includes subjective judgement, the bare expression of opinion should not be considered an adequate basis for the decision, but should be required to be supported by concrete application to the facts and surroundings of the case. If this amplification is not contained in the Council's notice of decision, then, in accepting an appeal, the Secretary of State should immediately require the further information from the Authority. Similarly, Inspectors and Planning Officers should be required, when exercising powers of decision delegated to them by the Secretary of State, to provide clear amplification of any abstract concept to which they refer.

3.11 Local Planning Authorities are generally willing to discuss development projects but, apart from a few, they adopt a negative approach, emphasising objections to proposals rather than suggesting or contributing to solutions to the problems.

Despite pre-consultation with and support from planning officers and compliance with their reasonable requests, applications are often refused by authorities for no objective reasons.

Local Planning Authorities' true reasoning is often concealed until 28 days before the Inquiry, when the appellant has usually already incurred the expense of his own preparation to meet all possible permutations of the Council's so often enigmatic "reasons". When the basis of the Local Planning Authorities' refusal is clear, the appellant would be under a corresponding obligation to declare his own position just as plainly.

To assist in deciding whether to appeal or not, Councils refusing applications should make public and available to applicants the report and recommendation of their advisers to them on the case.

4.0 Delays

- 4.1 To increase the sense of urgency that is necessary to improve the speed of planning decisions, all the costs of unnecessary delay should be borne by those who cause the delay. Decisions take time, the length of time taken is never a measure of the quality of decision.
- 4.2 There has been improvement in the time taken for some planning approvals, but there continues to be instances where cases are held up for long periods without explanation or any apparent reason. Greater urgency is required.
- 4.3 A source of delay is the way in which the consultations necessary in the processing of a planning application are carried out. There is, at present, no effective time limit to which consultees must conform, yet the views of some of them may be crucial to a proper decision (eg. on mining subsidence; on flooding; on agricultural grading of land; on the safeguarding of future road lines). It is not practicable for a Local Planning Authority to proceed on the basis that "late" comment, on matters of that nature, will be ignored.
- 4.4 If the applicant obtains the approval of a consultee body within the 3 month period prior to making the planning application, this would negate the need for the Local Planning Authority to consult with that body when the planning application is received. Thus reducing the period needed for consideration.
- 4.5 Further causes of delay are the ambiguity, irrelevancy and obsolescence of many planning policies. Such a situation allows councillors to re-debate the issues on new applications to the frustration of the applicant. This can create planning blight so well defined by Ian Mikardo, MP:

"Planning blight is almost the most direct and severe example of the perfect being the enemy of the good. Nothing is done because somebody is trying to think out something than anyone is ready, willing and able to do nothing is done in bricks and mortar because so much is being done on bits of paper."

(Howe G. "Too Much Law" 1977)

- 4.6 Many authorities use the excuse of lack of staff due to cutbacks for delaying site visits and dealing with Planning Applications. There is a professed lack of capacity in the Department for dealing with Appeals. Applicants are now charged fees for making applications. Local Planning Authorities should be under a duty to deal expeditiously with applications or return the fees.
- 4.7 At local government level, some delay is attributable to a failure to streamline Committee agenda by classifying Planning Applications in the manner set out in DoE Circular 142/73, paragraph 7 (ii).
- 4.8 The Secretary of State should give a direction to Local Planning Authorities requiring them to authorise decisions to be taken by their Planning Officers and drawing attention to the advantages in saving time which this offers.

5.0 Appeals

- 5.1 It is to be regretted that the average time taken by the Secretary of State to determine appeals has reached an unacceptable level and is still increasing. In 1981 it was 44 weeks, it increased to 46 weeks in 1982, and the forthcoming report by the Chief Inspector will indicate that the average time taken last year was 48 weeks.
- 5.2 An efficient and respected appeals procedure can be no substitute to the provision of proper procedures for the consideration of development applications. However, the current appeals machinery does need to be revised, due to the lack of consistency, the delays and the ambiguity of decisions.
- 5.3 Where, in the opinion of the Inspector, unreasonable delays have occurred, he should award costs against the defaulting party.
- 5.4 With the diversity in professional background and experience of Inspectors, it is not surprising that a variable standard is achieved. An upper echelon should be encouraged and strengthened by the establishment of a higher grade, to which outstanding Inspectors should be promoted, and to which new distinguished professional members could be attracted.
- 5.5 The Committee on Administrative Tribunals and Inquiries (The Franks' Committee) in their report in 1955, gave special consideration to the status of Inspectors - whether they should be "departmental" or "independent". The arguments are set out at pages 64 and 65 of the Report. Their recommendation was (para 303):
- "..... that Inspectors be placed under the control of a Minister not directly concerned with the subject matter of their work. This would most appropriately be the Lord Chancellor in England and Wales"
- The Government did not implement the Committee's recommendation, but paradoxically decided not to change the practice in Scotland of appointing persons from outside the public service to conduct their inquiries.

- 5.6 The independence of Inspectors would be strengthened by their being administered by the Lord Chancellor's Department and that this would largely increase public confidence in their impartiality and, by association and supervision, lead to a raising of the standard of reports and decisions. In those cases where Ministerial decision is appropriate, the responsibility would remain that of the Secretary of State for the Environment.
- 5.7 In the 1964 Commons debate on Planning Appeals machinery, the Joint Parliamentary Secretary, Mr (now Sir Frederick) Corfield said (Hansard column 1782) "Looking to the future it may well be that we ought to say that at least some of these appeals should go to some tribunal. I certainly do not rule that out." He went on to deal with problems of categorisation.
- 5.8 Power should be given to the Secretary of State to convene a small committee to deal with planning appeals at the option of either the appellant or the Local Planning Authority. Its scope would not extend to matters of major or national importance.
- 5.9 The institution of "Local Planning Appeal Tribunals" on a regional basis, and consisting of three part-time members: the Chairman to be legally qualified, a second member to be a surveyor/architect/engineer, a third member from local government.
- 5.10 Greater use be made of "ad hoc" inspectors to relieve the backlog of appeals.
- 5.11 Dissatisfaction exists with the quality of decisions reached at appeal stage. The only route then available is to apply to the High Court who can, on a point of law, quash the decision and refer it back to the Secretary of State.
- 5.12 Consideration should be given to the formation of a competent tribunal where planning appeals may be determined, and where the tribunal will have the authority, not only to quash, but power to substitute its decision and grant or refuse planning permission with or without conditions on a grant. No reopening of the question of fact would take place.

- 5.13 Inspectors reports and decisions often lack clarity of expression and reasoning.

In seeking to avoid challenge in the Courts, inadequate decision letters are unwittingly encouraged by the use of a protective formula in which the Inspector says that "he has taken account of all points made at the Inquiry", but mentions only those he selects for his conclusions.

- 5.14 In the past, the Departmental Inspectors prepared the Report of the Public Inquiry with the issue being determined by a Decision Officer. This system was almost entirely superceded on grounds of economy and speed, and not because it did not produce satisfactory results.

It is of some significance that it is still current practice, in "important" cases, for the decisions not to be made by the Inspector who holds the Inquiry.

- 5.15 We do not wish to press for a return to the old system, but a serious defect of the present arrangement (in which over 90% of cases are decided by Inspectors) is that results can be erratic. The individualistic approach of Inspectors adds a degree of uncertainty as to the outcome, which will certainly deter many would-be developers and will also make the financing of appeals both unnecessarily expensive and risky.

- 5.16 The parties to an appeal should receive the Inspector's draft report and agree it as a fair record before the Inspector issues his formal decision. A period of 28 days should be allowed for comment. "No comment", would be deemed as an acceptance of the Inspector's Report. This would compel Inspectors to consider more thoroughly the evidence and argument they hear and to show that they have understood and evaluated ALL the points on which each party relied.

- 5.17 Our suggestion would bring into effect a recommendation of the Franks' Committee (para 345) that "the Parties should have an opportunity if they so desire to propose corrections of fact to what we have described in paragraph 328 as the first part of the Inspector's Report"

5.18 Considerable success has been achieved by the Department in persuading appellants and Local Authorities to use the Written Representation Procedure but there remains instances where a council motivated by local politics or even vindictiveness insists upon public inquiry, or drags its feet in its part in Written Representation.

5.19 One of the main causes of delay in planning decisions and determining appeals is the failure of the parties to adhere to target timetables.

Sometimes there are genuine problems to be resolved which may involve very difficult judgements.

However, the appeal system could be tightened up and speeded if an iron discipline on the timetable for Written Representation was introduced and adhered to.

This should only apply to Written Representation appeals (which amount to 76% of all appeals) and normally deals with "small cases".

5.20 Encouragement should be given for more appellants to use the Written Representation Procedure. Associated with this, the Written Representation Timetable should be mandatory.

5.21 The Inspectorate should be instructed that late Representations are to be disregarded. Written appeals will then be decided on the evidence before it.

6.0 Section 52 Agreement

6.1 Not infrequently, it appears that a planning permission could properly be granted subject to a Section 52 Agreement. In some instances, apparently in order to frustrate a permission that the Secretary of State has indicated that he would have granted an appeal, the relevant authority refuses to enter into the Agreement. The Secretary of State should be empowered to direct the Local Planning Authorities to enter into a Section 52 Agreement binding the authority (subject to appeal to the tribunal on reasonableness) and thus "releasing" the permission.

26TH JULY 1984



B/P a mark from
now

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

AT

10/10

My ref:

Your ref:

9 October 1984

Dear Robin

Thank you for your letter of 4 October about Sir John Sainsbury's group's report on the planning system. My Secretary of State will let the Prime Minister have his detailed comments on the report as soon as possible. He would like to join the Prime Minister's meeting with the group when that is arranged.

Yours sincerely
A H Davis

A H DAVIS
Private Secretary

Robin Butler Esq

LOCAL GORT: Planning Controls/Sainsbury

July 85



- 9 OCT 1984 -



JCE VSC

10 DOWNING STREET

From the Principal Private Secretary

4 October 1984

BF | Thank you for your letter of 3 October about the report by Sir John Sainsbury's group on the planning system. The Prime Minister would like to hold a meeting with Sir John Sainsbury and his group but not until after she has received your Secretary of State's detailed comments after full consideration of the report. I have therefore written to Sir John Sainsbury in the attached terms, indicating that a meeting will be held but encouraging him not to expect it to happen too quickly.

I am copying this letter to Callum McCarthy (Department of Trade and Industry) and Leigh Lewis (Office of the Minister without Portfolio)

E. E. R. BUTLER

Alan Davis, Esq.
Department of the Environment.



de vsc

10 DOWNING STREET

From the Principal Private Secretary

4 October 1984

The Prime Minister has now had an opportunity to read the document about the planning system which you enclosed with your letter of 25 September. She has asked the Secretary of State for the Environment to examine it closely and to let her have his views on the suggestions in it. The Prime Minister would thereafter like to have a discussion with you and the others who prepared the proposals.

I will be in touch with your office again when the Prime Minister is ready to arrange a meeting.

E. E. R. BUTLER

Sir John Sainsbury



CABINET OFFICE

CCND

From the Minister without Portfolio

The Rt. Hon. David Young

70 Whitehall

London SW1A 2AS

Telephone 233 3299

Robin Butler, Esq.,
Principal Private Secretary,
10 Downing Street,
London, S.W.1.

4th October, 1984

Dear Robin

with fees

Thank you for copying to me your letter of 26th September to John Ballard about Sir John Sainsbury's report on the planning system. I have also now seen Alan Davis's reply of 3rd October.

This is just to say that my Minister would be pleased to join in the proposed discussion with Sir John if that was thought to be helpful. In that connection, it would be very useful to have a copy of Sir John's report if there is a further one available.

I am copying this letter to Alan Davis (DoE) and to Callum McCarthy (DTI).

copy sent
S/HO

Yours ever

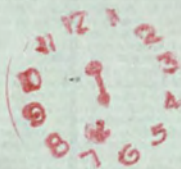
Leigh Lewis
Private Secretary

Local Govt

July 23

Saurdham

4 OCT 1984



RECEIVED BY
LOCAL GOVT OFFICE
SAURDHAM



feels

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

3 October 1984

Dear Robin

Thank you for your letter of 26 September to John Ballard about the report by Sir John Sainsbury's group on the planning system. We had not previously seen the report and you have now sent us copies.

As you say, the Prime Minister will be well disposed towards having a discussion with the Group, as Sir John Sainsbury proposes, and this could clearly be helpful. My Secretary of State would welcome the opportunity to join that discussion, and he will forward his comments on the report shortly.

Mr Jenkin's first impression is that the general attitude and approach that the report adopts is wholly in line with current policy and can be warmly endorsed. the detailed proposals tend to reflect the legalistic character of the system and some of the changes proposed could add to the complexity and delays rather than reduce them; but all are worth serious consideration. They are all intended to ensure that the system works better, rather than envisaging any major dismantling of the system.

There is one point that it may be useful to clarify at this stage. Paragraph 5.1 of the report quotes 48 weeks as the time taken to decide planning appeals. This relates only to the 5% of cases retained for Ministerial decision. Of these cases only those involving an inquiry (57%) took 48 weeks; those decided on written representations took 39 weeks. The times taken for the other 95% of cases decided by the Inspectorate in 1983 were 26 weeks for inquiry cases and 19 weeks for those determined on written representations (which account for 76% of the total). We are not satisfied with these times but they are better than the report might imply and far better than they were 10 years ago.

I am copying this letter to Callum McCarthy (DTI) and Leigh Lewis (Office of the Minister without Portfolio).

Yours sincerely
A H Davis

A H DAVIS
Private Secretary

Robin Butler Esq

Sir John SAINSBURY'S
report



5/10. file

SS

10 DOWNING STREET

From the Principal Private Secretary

26 September 1984

I enclose a copy of a letter to me from Sir John Sainsbury covering the Report on the Town and Country Planning System. I expect that you have received a copy of the Report independently. Sir John Sainsbury suggests a discussion with the Prime Minister, and since the Prime Minister has a natural interest in this subject and the Report comes from a group including Lord McAlpine and Sir John Sainsbury I expect that she would be well disposed towards having such a discussion.

BF | I should be grateful for your advice about the handling of the Report before I sign a substantive reply to Sir John Sainsbury.

I am copying this letter and the enclosure to Callum McCarthy (Department of Trade and Industry) and Leigh Lewis (Office of the Minister without Portfolio).

F.R.R.B.

John Ballard Esq
Department of the Environment



file

A handwritten signature in dark ink, appearing to be 'J. S. S.', located in the top right corner of the page.

10 DOWNING STREET

From the Principal Private Secretary

26 September 1984

Thank you very much for your letter of 25 September enclosing the report on the Town and Country Planning System prepared by the group in which you took part. As you know, the Prime Minister will be very interested to see this, and I will write to you again when I have her reactions.

Sir John Sainsbury

207

Stamford House Stamford Street London SE1 9LL

01-921 6000

F.E.R Butler Esq.,
Principal Private Secretary
to the Prime Minister,
No 10 Downing Street,
London SW1

26th September, 1984

FERB
Dear Mr. Butler,

In case it would be helpful,
I am enclosing two further copies of the
document Sir John sent you this morning.

attached,

Yours sincerely,

*See folder
attached
to file*

Felicity Saunders

Miss F.A. Saunders iss
Secretary to Sir John Sainsbury

1
Prime Minister

Stamford House Stamford Street London SE1 9LL

01-921 6000

The Secretary of

State for the Environment sees

no objection to your discussing the proposals in the attached report with Sir John Sainsbury and those who helped prepare it. Agree to a meeting with Mr. Jenkin present?

25th September, 1984

F.E.R. Butler, Esq.,
Principal Private Secretary to
The Prime Minister,
No 10, Downing Street,
London SW1

FEB

3.10.

We need detailed comment (with full consideration) for P.O. 15
then - a meeting not

Ackd
26.9.

Dear Robin

The enclosed document has been prepared at the suggestion of Alistair McAlpine, following discussions on the town and country planning system. A number of prominent individuals, with widespread interests in commercial building and development, shared a common concern on the working of the system and the need for reform.

Alistair thought it might be helpful for the Prime Minister if a document was prepared setting out the reasons for our criticism and concern, together with proposals to improve the efficiency of planning that we believe should be considered.

The document I enclose is a result of a number of discussions between those named in the document. We trust that our recommendations will be thought worthy of detailed examination, for they are a genuine attempt by a group who have widespread experience of the operations of the system and whose objective is to assist the Government by drawing attention to the need for change, and the benefits that would arise should such changes be made.

Naturally all of us would be pleased to have the opportunity of discussing our proposals, should the Prime Minister wish to do so.

John Sainsbury



NBPM
AT 11/3
CE 10

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

Dear John,

9 March 1984

Thank you for your letter of 13 January about planning appeals and superstore developments. I have also seen Mr Hoyer Millar's letter of 1 February.

It would, as you know from our earlier correspondence, be wrong for me to comment on individual appeal cases once a decision has been issued. I must confine myself to saying that I have noted your critical remarks about recent decisions on appeals made by your company. I am, however, very conscious of the problems that this type of development presents in relation to normal planning procedures. We are, as again you will know, at present reviewing this topic, and the retail trade organisations have been invited to let us have their views on the subject.

The implication of your comments about recent appeals is that there has been a policy decision to discourage the continuing growth of superstore development. I can assure you that there has been no such decision. The function of the planning system is the limited one of regulating the use of land in the public interest. It is certainly not to attempt to stifle competition, whether between retailers or anyone else, nor to discourage innovation and response to social trends. Indeed, I hope and expect that local authorities and others involved with the planning process will take a positive attitude to the needs of development and innovation. We have taken a number of measures to help achieve that aim and our efforts continue. The major issues to be decided in determining planning applications, whether by a local planning authority or by me on appeal, will be environmental and land use ones.

Issues about commercial competition between individual firms are not only irrelevant to land use considerations: they are outside the scope of the planning system. But issues about the general impact of a proposed development on neighbouring property, local amenity, traffic, infrastructure and service provisions etc and on the limited supply of land available for development, are relevant planning considerations. These problems are intensified when a joint planning inquiry has to consider a number of applications from retailers for large new stores in the same area. In such cases, particularly when the retailers themselves advance arguments about the capacity of the area to absorb new retail development, the Inspector would have to deal with that aspect in his report. But that is quite different from using the planning system to restrict competition between firms.

I hope that this response will assure you that there is no bias in the appeals system, either against superstores generally or against individual retailers.

You see
Pat

PATRICK JENKIN

LOCAL GOVT: San Diego (Planning)
July 83

1984

1984
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bc: Mr. Redwood

10 DOWNING STREET

From the Private Secretary

5 March 1984

SUPERSTORES AND THE PLANNING SYSTEM

The Prime Minister has seen the revision you have proposed to the draft of the letter which your Secretary of State plans to send to Sir John Sainsbury. She is content with it. She has decided not to proceed with the idea of writing to Sir John herself.

Andrew Turnbull

Alan Davis, Esq.,
Department of the Environment.

CONFIDENTIAL

CONFIDENTIAL

PRIME MINISTER

SUPERSTORES AND THE PLANNING SYSTEM

You queried the draft of the letter which Patrick Jenkin proposes to send to Sir John Sainsbury. In particular, you thought the end of the penultimate sentence - see Flag A - was inconsistent with the Department's paper.

DOE have sought to clarify this in their letter of 1 March - Flag B - and have provided a re-draft of the offending passage.

Are you content?

Sir John Sainsbury copied his letter to you so it would be open to you to reply yourself. We have consulted DOE about this and they are unhappy about it - see Flag C - but have not objected outright.

- I recommend that you leave it to Mr. Jenkin to reply.* (i) Having taken account of the Department's reservations do you want to send a letter of your own?
- FERB* (ii) If so, are you content with the draft at Flag D?

*↓
Dined ms.*

AT

*It is an improvement.
mr*

2 March 1984



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

| March 1984

Dear Andrew

SUPERSTORES AND THE PLANNING SYSTEM

Thank you for your letter of 20 February, conveying the Prime Minister's comment about the proposed letter to Sir John Sainsbury.

The passage in the draft to which you draw attention was directed at the particular circumstances when a joint planning inquiry has to consider a number of proposals to build a superstore in the same geographical area. Such inquiries can cover a dozen or more proposals. At these joint inquiries, the representatives of superstore chains frequently argue that there is room for one - but only one - major new retail development in the area. The Inspector has therefore to deal with that evidence in his report, especially if it is argued that gross over-provision of new retail developments would have a very severe impact on existing town centres that serve a wider purpose in the community. The Chancellor of the Exchequer has for instance been very concerned about the prospective impact of a major hyperstore development affecting his constituency.

The draft reply to Sir John Sainsbury, however, may not bring out these points with sufficient clarity. It might therefore be best to end the penultimate paragraph by something on the lines of:

"... are relevant considerations. These problems are intensified when a joint planning inquiry has to consider a number of applications from retailers for large new stores in the same area. In such cases, particularly when the retailers themselves advance arguments about the capacity of the area to absorb new retail development, the Inspector would have to deal with that aspect in his report. But that is quite different from using the planning system to restrict competition between firms."

We will make this change if the Prime Minister is content.

Yours sincerely
Ala Davis

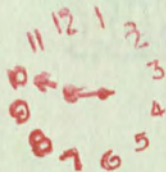
A H DAVIS
Private Secretary

Andrew Turnbull Esq

Local Court July 83

Sainsbury

11 E MAR 1984





cc JR C
2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

1 March 1984

Dear Andrew

Thank you for your letter of 21 February to John Ballard and for letting us see the draft of a letter which the Prime Minister might send to Sir John Sainsbury.

I wonder whether I might underline one of the points made in the note attached to my letter to you of 17 February? The proprieties of the Secretary of State's quasi-judicial role in relation to appeals, and the fierce competition between superstore operators, mean that we should be cautious about saying too much in a private letter to one firm. It would clearly be very embarrassing if other retailers gained the impression that Sainsbury's were receiving any sort of preferential treatment from central Government.

In these circumstances, we wonder whether a letter from the Prime Minister - in addition to one from the Secretary of State - might court the danger of misinterpretation? You will wish to consider that point. But in any event, we would like to make these specific comments on the draft:

(i) the statement "It is not our intention to support a planning system designed to discourage superstore development" is perhaps too firm, and has the implication that superstores will in future proceed without regard to proper land use considerations. A better formulation might be "The planning system should allow adequate provision for superstore development and should not seek to regulate competition";

(ii) although we fully accept the need to deal expeditiously with planning appeals, the final paragraph does not recognise the very controversial nature of some of the appeals with which Sainsbury's have been involved. I wonder whether I might refer you to our letter of 26 August last (copy enclosed), which touched on these points: and

(iii) Sainsbury's have now written to the Department in the context of our review of planning and shopping policy. It might be as well to acknowledge this, perhaps by adding a new penultimate sentence to the second paragraph

"I understand that your Chief Executive has now written giving the views of your company".

Yours sincerely
Ala Davis

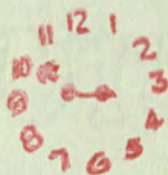
A H DAVIS
Private Secretary

LEO

Local Govt. July 83

Sir John Sainsbury

MAR 1984





NOT
SENT

10 DOWNING STREET

THE PRIME MINISTER

Thank you for your letter of 13 January about planning appeals and superstore development.

I have become worried myself about the trend of planning decisions concerning superstores. With this in mind the DOE is currently reviewing the basis of our planning policy towards such developments and the retail trade organisations have been invited to let us have their views on the subject. I understand that your Chief Executive has now written giving the views of your company. As a result of your letter I am asking Patrick Jenkin to ensure that this policy review is conducted with all due haste.

The planning system should allow adequate provision for superstore development and should not seek to regulate competition. As a Government we welcome innovation, response to customer requirements and the lower food prices which competition between modern retailers can bring. We wish to encourage a positive response by the planners in the local authorities to the needs of development and change. The role of the planners should be to examine land use and infrastructure questions: they should never attempt to stifle competition.

/The other

The other most disturbing thing about your letter was the average 22 month delay between the initial planning application and the final outcome on appeal. Two years ago we made it a priority to increase the speed with which the original planning applications are handled. I am urging on Patrick Jenkin the importance of ensuring that appeals should also proceed more swiftly so that companies such as yours are not left waiting for almost two years before knowing whether they can or cannot build a store.

Sir John Sainsbury.

From Sir John Sainsbury Chairman & Chief Executive

J Sainsbury plc
Stamford House
Stamford Street
London SE1 9LL

SAINSBURY'S

01-921 6000

Telex 264241

PRIVATE & CONFIDENTIAL

The Rt. Hon. Patrick Jenkin, M.P.
Department of the Environment,
2 Marsham Street,
London SW1P 3EB

13th January 1984

Dear Secretary of State

In the last twenty years we have never had results from planning appeals such as we have experienced in the last year. We have, in fact, lost nine of the ten appeals we made, which is both a totally unprecedented ratio for our company, and quite contrary to the experience of our highly qualified, professional advisers.

You will understand that we only go to the great expense of an appeal if, in our judgement, our case is a strong one, and if our expert advisers who specialise in such matters, share that view. This is not to suggest that we can always be right, and in line with our competitors we are never surprised if we lose a proportion of the cases which go to the Secretary of State. Never before, however, has there been such a wholesale dismissal of appeals that we believe had every reason to succeed. It is hard to believe that such a change can be accidental and suggests that your department has altered its attitude on policy in relation to retail developments. Is it that they deliberately wish to discourage the use of the appeal procedure or that your priorities are to preserve the status quo whatever benefit might arise to the consumer by improved shopping.

I am particularly concerned by your department's frequent use of the argument of insufficient need or unacceptable impact of new developments. If your predecessors had followed this line of argument in considering appeals we would still be living in the era of the counter shop rather than the supermarket. Retailing

/....

always has and always will need change and development, if for no other reason than in order to respond to the changing requirements of the consumer. The argument that it appears you have chosen to be influenced by seems contrary to the policy of this Government and contrary to the reason that I and many others have lent support to the Conservative Party.

The clock is being turned back to the worst of post-war centralist Government. It seems incompatible with your political opinions if you really believe that the Planning Inspectorate or your officials are able to make better judgements of shopping needs than companies like ourselves whose success depends on our judgement and ability to respond to the consumer (you may have noted the comments in yesterday's press that suggest the Chairman of our leading competitor is equally critical of planning procedures).

Surely the planning laws are there to protect the environment, not to protect our company from competition or other companies from competition from ourselves. This is not to say that a significant amount of retail trade should be diverted from traditional town and city centres but rather that the increasing prosperity and mobility of the consumer demands additions to the traditional high street solution.

As you know, I have long been concerned with this issue, but in no case have I been more concerned and indignant than in the last of your nine rejections of 1983, those of Worthing and Shoreham. Having visited the sites (I wonder whether you or your ministers have done so), I can see no environmental arguments about these locations and the argument employed by your Inspector on the subject of need and the effect of greater retail food competition can only be described as being anti-competitive, against change, out of date and contrary to all I believe this Government stands for.

For your convenience I enclose a list of the ten cases concerned. Early next week I will forward a brief summary of the facts of each case. As I was lunching with the Prime Minister this week I have told her of my anxiety and I am forwarding to her office a copy of this letter.

Z. ...
Patrick Jenkin

	Date of Planning Application (1)	Date of Planning Refusal (2)	Date Appeal Lodged (3)	Date of Hearing (4)	Date of Decision and Result (5)	Period between cols. 1&5 (Months)
GLOUCESTER, Barnwood (JS)	17. 4.80 6.10.80	18.12.80 Deemed	18.12.80	2. 6.81	Dismissed 9. 6.83	38
IPSWICH, Warren Heath	23.12.80	18. 3.81 Deemed	18. 3.81	15. 9.81	Allowed 27. 1.83	25
RAYNES PARK (SavaCentre)	30. 3.81	8. 7.81	21.12.81	21. 9.82	Dismissed 17. 6.83	27
SWINDON	27. 1.82	27. 4.82 Deemed	27. 4.82	1. 3.83	Dismissed 12. 5.83	16
ST. ANNES	19. 3.82	21. 5.82 Deemed	21. 5.82	16.11.82	Dismissed 29. 9.83	18
SHOREHAM 2nd app.	8. 3.82 26.11.82	26. 4.82	21. 5.82	22. 2.83	Dismissed 15.12.83	21
WORTHING 2nd app.	22. 2.82 4. 8.82	27. 4.82	21. 5.82	22. 2.83	Dismissed 15.12.83	22
BRENIWOOD	21. 6.82	2. 9.82 Deemed	2. 9.82	19. 4.83	Dismissed 26.10.83	16
WOLVERCOTE, Oxford (second appeal)	15. 6.82	1. 9.82	22.10.82	31. 5.83	Dismissed 16.12.83	18
TORQUAY, Kingskerswell	8. 4.82	5.11.82	19.11.82	26. 7.82	Dismissed 5.10.83	18

—
Average Delay: 22 months
—

15 JAN 1964

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12 11 10



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10 DOWNING STREET

From the Private Secretary

21 February 1984

Superstores and the planning system

BF | We have been considering whether the Prime Minister should write to Sir John Sainsbury in addition to your Secretary of State. The attached draft has been prepared with this in mind. It has not yet been put to the Prime Minister and before this is done I would be grateful for your comments.

Andrew Turnbull

John Ballard, Esq.,
Department of the Environment.

~~CONFIDENTIAL~~

bc NO

FILE
da



10 DOWNING STREET

From the Private Secretary

20 February 1984

Superstores and the Planning System

You wrote to Robin Butler on 17 February attaching a paper on Superstores and the Planning System and a draft of a letter to Sir John Sainsbury. The Prime Minister has seen the draft of the letter (as well as your Secretary of State's personal note to her) and commented that the last sentence of the penultimate paragraph, and in particular the reference to "the capacity of the area to absorb that amount of new retail development", seems to be reintroducing the concepts of need and competition which your letter and the Department's paper say will no longer be considered.

I would be grateful if you could look at this and let me know how you propose to meet this point.

Andrew Turnbull

Alan Davis, Esq.,
Department of the Environment.

~~CONFIDENTIAL~~

MR TURNBULL

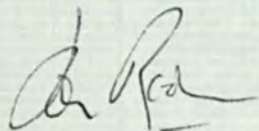
21 February 1984

SUPERSTORES

The draft reply to Sir John Sainbury is disappointing. It is long-winded and waffly. It uses a large number of phrases about issues that might affect planning decisions which lead the reader to the conclusion that all superstores can be blocked if the planning authorities wish. It trips itself up, as the Prime Minister has pointed out, over the issue of whether or not competition should be taken into account.

The draft policy statement on superstores is better. The list of policy conclusions in paragraph 6 could, however, be shortened. The relevant planning considerations should be: 1) land use. It is not desirable to allow development over agricultural land on the edge of a town if there are other suitable vacant or disused sites (often in public ownership). 2) The infrastructure cost to the local authority. It would be undesirable to encourage major development in an area where the local authority then has to provide an enormous investment in roads and other infrastructure if it is more cheaply available in another location.

The environmental impact would be covered by the land use question above and does not deserve a special mention. At the more detailed planning stages environmental consideration should be important in influencing decisions about the final appearance of the building proposed. I attach a suggested draft reply to replace the rather waffly one produced by John Ballard.



JOHN REDWOOD

E.R.

DRAFT LETTER FOR THE PRIME MINISTER TO SEND TO SIR JOHN SAINSBURY

Thank you for your letter of 13 January about planning appeals and superstore development.

I have become worried myself about the trend of planning decisions concerning superstores. With this in mind the DoE is currently reviewing the basis of our planning policy towards such developments and the retail trade organisations have been invited to let us have their views on the subject. As a result of your letter I am writing to Patrick Jenkin to ensure that this policy review is conducted with all due haste.

It is not our intention to support a planning system designed to discourage superstore development. As a Government we welcome innovation, response to customer requirements and the lower food prices which competition between modern retailers can bring. We wish to encourage a positive response by the planners in the local authorities to the needs of development and change. The role of the planners should be to examine land use and infrastructure questions: they should never attempt to stifle competition.

The other most disturbing thing about your letter was the average 22 month delay between the initial planning application and the final outcome on appeal. Two years ago we made it a priority to increase the speed with which the original planning applications are handled. I am including in my letter to Patrick Jenkin a request that appeals should also proceed more swiftly so that companies such as yours are not left waiting for almost two years before knowing whether they can or cannot build a store.

DRAFT LETTER FOR THE PRIME MINISTER TO SEND TO SIR JOHN SAINSBURY

Thank you for your letter of 13 January about planning appeals and superstore development.

I have become worried myself about the trend of planning decisions concerning superstores. With this in mind the DoE is currently reviewing the basis of our planning policy towards such developments and the retail trade organisations have been invited to let us have their views on the subject. As a result of your letter I am ^{asking} ~~writing~~ to Patrick Jenkin to ensure that this policy review is conducted with all due haste.

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CC JR



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

17 February 1984

Dear Robin

As requested in your letter of 16 January to John Ballard, I attach the draft of the reply which my Secretary of State proposes to send to Sir John Sainsbury's letter.

The Secretary of State and Mr Macfarlane have looked with considerable care at each of the superstore appeals raised by Sir John Sainsbury, and have also considered the way in which the planning system has come in recent years to deal with proposals for major retail development. Although legal proprieties (and the fact that we have before us a further 10 appeals involving Sainsbury's) make it impossible to argue with Sir John about the merits of individual decisions, the Secretary of State has concluded that the planning system has taken a wrong turning in recent years. The attached note sets out how and why planning appeals have come, wrongly, to address themselves to issues of need and competition, and what we propose to put the system back on the right road.

I should perhaps emphasise the very considerable political difficulties which will be involved in excluding need and competition from consideration of superstore appeals. The powerful interests which represent major investment in traditional shopping centres will fight hard to protect that investment, and will allege that the proposed change of course would have major and undesirable social consequences. Proposals for new out-of-town shopping facilities generate such controversy. For example, the proposed massive Centre 21 near Leicester has generated the fiercest opposition from established traders; the Chancellor of the Exchequer, wearing his constituency hat, has pressed the Secretary of State to dismiss the appeal.

There will need to be a careful assessment of how far and how fast changes can be made. The reply to Sir John Sainsbury is clearly not the appropriate vehicle for an announcement of a change in policy. The Secretary of State therefore proposes to reply on the lines of the attached draft.

Sainsbury's have indeed done badly with appeals in recent months. But we doubt that their experience of the planning system has been an entirely typical one. Sir John Sainsbury is known to be a perfectionist in his choice of sites; he

goes for locations and layouts which maximise customer appeal and minimise operating costs. Such sites are difficult to find, and are often subject to genuine planning objections on grounds like intrusion into open countryside and traffic generation. Other operators, like Tesco and Asda, are more prepared to compromise on their site requirements in order to get planning permission.

Yours sincerely
Alan Davis

A H DAVIS
Private Secretary

Robin Butler Esq

A

DRAFT LETTER FOR THE SECRETARY OF STATE TO SEND TO
SIR JOHN SAINSBURY

Thank you for your letter of 13 January about planning appeals and superstore development. I have also seen Mr Hoyer Millar's letter of 1 February.

It would, as you know from our earlier correspondence, be wrong for me to comment on individual appeal cases once a decision has been issued. I must confine myself to saying that I have noted your critical remarks about recent decisions on appeals made by your company. I am, however, very conscious of the problems that this type of development presents in relation to normal planning procedures. We are, as again you will know, at present reviewing this topic, and the retail trade organisations have been invited to let us have their views on the subject.

The implication of your comments about recent appeals is that there has been a policy decision to discourage the continuing growth of superstore development. I can assure you that there has been no such decision. The function of the planning system is the limited one of regulating the use of land in the public interest. It is certainly not to attempt to stifle competition, whether between retailers or anyone else, nor to discourage innovation and response to social trends. Indeed, I hope and expect that local authorities and others involved with the planning process will take a positive attitude to the needs of development and innovation. We have taken a number of measures to help achieve that aim and our efforts continue. The major issues to be decided in determining planning applications, whether by a local planning authority or by me on appeal, will be environmental and land use ones.

Issues about commercial competition between individual firms are not only

irrelevant to land use considerations: they are outside the scope
of the planning system. But issues about the [general[?]] impact of a
proposed development, on neighbouring property, local amenity,
traffic, infrastructure and service provisions etc and on the
limited supply of land available for development, are relevant
planning considerations. These problems are intensified when a
number of retailers are seeking planning permission for a new store
in the same area, and in such cases the capacity of the area to absorb
that amount of new retail development is clearly a relevant factor
and has to be considered at the public inquiry.

I hope that this response will assure you that there is no bias
in the appeals system, either against superstores generally or
against individual retailers.

But I
thought
you said
that
competition
was not
a relevant
factor -
This is what
says it is,
not

SUPERSTORES AND THE PLANNING SYSTEM

I BACKGROUND

Superstores are large self-service retail outlets with at least 2500 sq m. (27,000 sq ft) of single level sales floor, extensive preparation and warehousing areas. Many stores are much larger. Asda, the largest operator, say that the average net sales area in their stores is about 40,000 sq ft. Superstores therefore need substantial sites, which are seldom available in or near established town centres. They cater mainly for people who use their cars to go shopping.

2. Competition between the major retailers (Sainsbury's Tesco and Asda) for new superstores is fierce. The market for groceries is expected to remain constant in real terms, and the major retailers are fighting for market share and higher profit margins. Superstores make it possible for retailers to carry a wide range of merchandise, including highly profitable speciality goods and fresh foods, and to diversify into the sale of non-food items. Over 200 superstores have already opened. Most are on the edge of urban areas.

II OPPOSITION TO SUPERSTORES

3. Established retail interests see superstores as a threat to the vitality of existing shopping centres. They argue that the opening of large new stores on the outskirts of a town or city will attract car-borne shoppers away from the town centre, and thus divert trade from the traditional high street or shopping centre. Although the evidence from studies of the impact of superstores does little to justify these fears, the fact is that very influential retailing and property interests perceive superstores as a threat to their investment in existing shopping facilities. They therefore argue strongly at public inquiries into superstore proposals that the area can support only a given level of retail outlets, and that the proposed new development would take trade away from them. The fears of existing traders are often fuelled by the fact that public inquiries are increasingly concerned with multiple applications from a number of superstores.

For example, the Department is at present considering Inspectors' reports on 14 applications to build superstores in the Solihull area.

4. Superstores are therefore highly controversial. Very strong and conflicting vested interests are involved. On the one hand, protagonists of superstores argue that they are responding to a development in shopping habits, and providing people with what they want at prices lower than in the high streets. On the other hand, those who think they stand to lose from the opening of superstores, argue vehemently against them. They are able to point to approved development plans, most of which say that new out-of-town shopping facilities will not normally be allowed, as a basis for their decision to make major investments in town centres. They expect the planning system to protect their investments. In addition, it is said that decline of existing stores will especially disadvantage elderly and less affluent people who have no choice but to shop there. Over the last few years, public inquiries into superstore proposals have come to focus on the "need" for new retail outlets in the area. Indeed, it is the superstore operators themselves who present their case on the basis that the area needs and can support major out-of-town facilities. The planning system has therefore edged towards taking into account something which is not a land-use planning consideration: commercial competition between different firms of retailers.

III DOE REASSESSMENT OF SHOPPING POLICIES

5. In the light of the growing difficulty in dealing with planning appeals about superstores, the department embarked last year on a review of policy towards large new stores. The aim is to issue revised guidance by way of a new circular or statement of policy. We are in the course of consulting the retail organisations (including the major developers) and the local authority associations. The views received so far emphasise the polarisation mentioned above. High street traders (eg Boots and W H Smith) stress what they see as

the need to protect their investment; superstore operators (eg Tesco and Asda) emphasise the virtues of large out-of-town facilities. (Sainsbury's have not responded to the invitation to make representations but the Department is taking account of the points made direct to the Prime Minister and Mr Jenkin by Sir John Sainsbury.)

6. Although the review is far from being completed, we are now developing a rather different approach to superstores. It is on the lines of:

(a) the effects of competition between firms is not a relevant planning consideration and it is not the function of the planning system to attempt to regulate that competition;

(b) the competing demands on land clearly is a planning issue and, where there is thought to be a shortage of developable land, it is necessary to have regard to the adequacy of existing retail provision in deciding whether additional land should be made available for that purpose;

(c) it is necessary to have regard to the broad pattern of retail facilities in planning the use of land, since major shopping centres affect roads, traffic management, infrastructure provision etc;

(d) in the case of proposed superstores, the environmental impact of such developments in terms of the specific site, local amenity traffic, service provision etc, is clearly a relevant planning consideration;

(e) the effects of gross over-provision of retail facilities on existing shopping centres may be a relevant planning consideration, not in terms of its effect on competing traders but if it seems likely to result in the marked deterioration of existing shopping centres that serve a wider social and economic function in the community - this aspect is related to b) above.

We believe that a new approach on these lines will ensure that consideration by the planning system of superstore proposals is confined to proper planning issues, and that issues about competition between retailers are minimised.

IV FUTURE PUBLIC STATEMENTS OF POLICY

7. For the reasons given above, we are not yet ready to make a public statement or issue a new Circular about changes in policy. It is clearly essential that such a statement is a public one, which is available to all the parties involved in retailing. It would not be appropriate to make such a statement in a private letter to one firm of retailers, not least because there are 10 appeals involving Sainsbury's currently before the Department.

DOE

February 1984

Local Gov 7/83
Sir J. Seabury



10 DOWNING STREET

From the Private Secretary

Prime Minister

You asked to see the terms in which Mr Jenkin will reply to Sir John Sainsbury. The draft letter is rather vague, because Mr Jenkin feels that such a letter is not to place to announce new guidance.

The attached DoE Paper indicates the new approach the Department are developing. The effect on the profits of existing traders would not be a relevant consideration, but turning existing town centres into a waste land would be. - see para 6.

Agree terms of draft letter?

AT

17/2



5

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

Personal

Feb 17 1984

Dear Margaret,

Sir John Sambury

You wrote to me a few weeks back following a meeting you had had with John. Following his earlier representation we were already well embarked on a review of this aspect of planning practice, but your letter led me to take a closer interest in what was going on.

Neil and I have identified a clear case of a wrong turning having been taken in the past. I enclose a

Private Secretary reply attaching a
background note and a draft reply
which I propose to send to John.

When we receive the new guidance
which we have in mind, I would
ask you to be in ~~no~~ no doubt about
the way it will generate. We will
of course take the greatest care over
presentation, but very strong vested
interests will feel threatened
and they will shout!

Your etc.

Patel

HU

31 January 1984

Many thanks for your letter of 26 January and for sending me the summary of the ten cases which you mentioned. I have found these interesting and easy to take in, and they will be very useful to us.

I have noted that you have send a copy to the Secretary of State.

FORB

Sir John Sainsbury.

From Sir John Sainsbury Chairman & Chief Executive

J Sainsbury plc
Stamford House
Stamford Street
London SE1 9LL

4

SAINSBURY'S

01-9216000

Telex 264241

26 January 1984

F.E.R. Butler Esq
10 Downing Street
London S.W.1.

Prime Minister

These are interesting
and you may like to glance through
them pending Mr. Jenkin's reply to
your enquiry. One sees why
John Sainsbury is cross, but these
Dear Rob are Sainsburys' account!

You will recall that in my letter to **FERB**
Patrick Jenkin I said I would send a brief
summary of the ten cases to which I referred. 31.1.
This has taken a little longer to compile
but they have now been prepared and forwarded
to the Secretary of State. For your interest
I am enclosing copies.

to me
R.

BARNWOOD, GLOUCESTER

Gloucester City Council

Application 17.4.80
8.10.80

Dismissed 9.4.83

PFS 586 scp

J. Sainsbury 47,200 sq. ft.

SW/APP/5226/A80/ 16107

The Inspector recommended that the Sainsbury appeal be allowed. He considered that the busy Gloucester City Centre lacked main food shops with easily accessible surface parking: the proposal would give relief to City Centre traffic, the trade impact was acceptable and although contrary to the allocation of land in the structure plan and draft local plan, would itself contribute to the development of the Barnwood Estate.

The Secretary of State stated on 3.8.82 that he was not disposed to accept the Inspector's recommendation. The Secretary of State had been informed that Stroud District Council had granted permission for a food store at Quedgeley and although he was in any case disposed to disagree with the Inspector's recommendation, he invited representations before he proceeded to a decision. The appellant submitted written representations to the Secretary of State on 6.12.82. The appellant also appeared and gave evidence at the Gloucester Local Plan Inquiry on 8.11.82. The Local Plan Inspector also reported to Gloucester City Council that the proposal should be approved. The City Council did not accept his recommendations.

The Secretary of State gave his decision on 9.6.83 refusing the appeal. He considered that the Inspector had given too little weight to the provisions of the District Plan; that there was not any immediate need for additional shopping facilities on the scale proposed and that the Inspector had concentrated too much on the needs of car borne shoppers without paying attention to what was said about shopping car parks in the District Plan. The Secretary of State

had earlier indicated (in a previous decision) that the City policies as detailed in the plan are soundly based and should be adhered to. The Barnwood site is particularly suitable for industrial/office development and until it is possible to make an objective assessment of any remaining need for supermarket facilities it would be premature to grant permission for this retail store.

The Sainsbury case was:

1. There was a lack of modern car borne convenience shopping facilities in Gloucester; the appeal proposal would not produce an unacceptable trading impact on any shopping centre.
2. The Barnwood Estate had good road access: the use of the land for a store would not cause any shortage of industrial/office land.
3. The proposal would contribute to an employment need and there were no amenity objections.

WORTHING

Worthing Borough Council

Application 22.2.82
4.8.82

Dismissed 15.12.83
Dismissed 15.12.83

J. Sainsbury 49350 sq. ft.

Homebase 30000 sq. ft. Shop 2600 700 SCP

The Inspector reported that the trade impact on the Tesco store at West Durrington could be absorbed and would allow it to trade more in its role as a District Centre. Broadwater shopping centre is struggling, is five minutes walk from the appeal site and could lose one of the three supermarkets. He believed with this loss the remaining two could withstand superstore competition. He concluded that any of the superstores trading alone would not give rise to unacceptable trade diversions from existing centres. He considered to construct all three superstores (Worthing and two at Shoreham) would amount to gross overprovision. The development would not harm the adjoining area of outstanding natural beauty but the amenities of adjoining residents would be seriously affected and it would be wrong to allow the highway works unless an overriding need could be shown. He recommended the appeal be dismissed.

The Secretary of State agreed that there was no overriding qualitative or quantitative need for a superstore and that existing small shops are providing a valuable service for customers, many of whom are elderly. In the light of planned developments including superstores at Chichester and Brighton, less than 30 miles apart, there was no marked shortage of convenience floor space. The Secretary of State agreed there were traffic and environmental objections and there was no overriding need for the proposals. He dismissed the appeal.

The Sainsbury case was:

1. The store would be complementary to the town centre store and accessible to customers who wished to shop by car.
2. The development would not affect the environmental qualities of the area of national beauty and the site was completely divorced from the countryside.
3. There were no proper highway objections. Sainsbury's were prepared to pay for the junction improvements needed.
4. The trade impact was unlikely to have any adverse effect on established centres having regard to the present lack of stores catering for the car borne shopper.

SHOREHAM

ADUR DISTRICT COUNCIL

Application	8.3.82	Dismissed	15.12.83		
	26.11.82	Dismissed	15.12.83		
J. Sainsbury	52500 sq. ft.	Homebase	30000 sq. ft.	600 scp	shop 2400
J. Sainsbury	52500 sq. ft.			500 scp	
ASDA	70000 sq. ft.	Shop	6000 sq. ft.	675 scp	

APP/5400/A83/000877

APP/5400/A83/000417

APP/5400/A82/05924

APP/5406/A82/012790

The Inspector considered that much of the Shoreham trade is being drawn off to the Brighton/Hove centres and the diversion likely to be suffered by Shoreham needed to be examined. Shoreham is between the regional shopping centres of Worthing and Brighton/Hove; food trade has been already lost to Brighton and he considered that any of the superstores trading alone would not give rise to unacceptable trade diversions from existing centres. He considered to construct all three superstores (Worthing and two at Shoreham) would amount to gross overprovision. The Inspector judged that there was not sufficient need for the proposed shopping to justify setting aside the environmental and traffic objections. He recommended that the appeals be dismissed.

The Secretary of State agreed there was no overriding qualitative or quantitative need for a superstore and that existing small shops are providing a valuable service for customers, many of whom are elderly. In the light of planned developments including superstores at Chichester and Brighton, less than 30 miles apart and there was no marked shortage of convenience floor space. The Secretary of State agreed there were traffic and environmental objections and there was no overriding need for the proposal. He dismissed the appeal.

The Sainsbury case was:

1. The site was divorced visually and functionally from the countryside to the north. Bearing in mind the major road works to the north the proposals would have no impact on visual amenity.
2. The highway works Sainsbury proposed would make traffic conditions safer.
3. The trade impact was unlikely to have any adverse effect on established centres having regard to the present lack of stores catering for the car borne shopper.

RAYNES PARK

London Borough of Merton

Application 30.3.81

Dismissed 17.6.83

SavaCentre 160000 sq. ft.

PFS 1360 scp

APP/5025/A82/00342

The Inspector reported that the structure plan and local plan policies relevant to this case were those relating to shopping and metropolitan open land, other material considerations were shopping and playing field provisions. The GLC had, at the time, no formal policy on hypermarkets but their report of 1981 stated their opposition to the development of hypermarkets, located outside an existing town centre. The local plan policies discourage shopping development outside the existing centres. The approved strategic and local plans therefore made no provision for the type of store proposed. The conclusions in relation to the shopping issues were that there was an acute need for a large store of the type proposed and the impact could be tolerated by the shopping centres in the catchment area without serious consequence. Refusal of permission on shopping grounds would be unjustified. On the traffic issue Bushey Road capacity would not be unduly prejudiced by the proposed store and it was likely that customers would avoid times when they find from experience they may expect unacceptably long traffic delays. The playing field and metropolitan open lands issues are connected. The loss of 23.5 acres would have a serious impact on the function of the total open space site as a break in the built up area, and the development of the site would detract from the quality of the local environment.

In the final analysis the principal issue was whether the benefits which

would flow from a SavaCentre would outweigh the loss of metropolitan open land. He concluded that the balance lies with the retention of the site in its open state and recommended that the appeal should be dismissed.

The Secretary of State agreed and dismissed the appeal.

The SavaCentre case was:

1. The site (23.5 acres) was half of the playing fields which in turn was about one third of an open area of parks/common/recreation ground. The owners, a charity, were in a serious financial position and the sale money would be used on other London playing fields.
2. There was an urgent need for a hypermarket and no unacceptable trade diversions would result. The traffic generation was acceptable.
3. The use of the site as part of Metropolitan open land was restricted; it was not part of a division between settlement areas and in view of the benefits which would accrue to the public the balance of decision lay with the proposal.

LYTHAM ST ANNE'S

Fylde Borough Council

Application 19.3.82

Dismissed 29.9.83

J. Sainsbury 47150 sq. ft., Homebase 30000 sq. ft., PFS 650 SCP

APP 5290/A82/05935

The Inspector recommended that the Sainsbury appeal be dismissed for the following reasons.

- a) The location of the site outside the town centre does not conform with the detailed policies to consolidate the existing shopping hierarchy. There is scope for further town centre development at St Anne's and the town is not identified in the Structure Plan as lacking access to superstore facilities.
- b) The car borne shopper already has access to superstore and DIY facilities at Marton (3½ miles from St Anne's) and the proposed scheme will not provide any shopping element which is not readily available.
- c) Although surface level car parking may not be feasible in a new development in St Anne's town centre to meet the requirements of J. Sainsbury, stores with multi storey car parking are being operated elsewhere in the country.
- d) The Appeal proposals would have a significant impact upon, and would adversely affect, the traditional shopping patterns. St Anne's town centre would be most affected, with a convenience trade diversion which would be likely to result in the closure of one or more of the existing supermarkets; this reduction of choice would adversely affect the significant proportion of the households who do not shop by car.

e) Overall, the trade impact would adversely affect the town centre and there was no justifiable need for a further superstore and DIY store.

The Secretary of State agreed with the Inspector.

The Sainsbury case was:

1. There was a need for a superstore; the site had consent for industrial development and came within the urban concentration policies of the Structure Plan.
2. The trading impact would not be detrimental to the town centre or deprive the residents of choice.
3. The site was well related to the highway network and fronted a primary distributor road.

WOLVERCOTE, OXFORD

CHERWELL DISTRICT COUNCIL

Application 15.6.82

Dismissed 16.12.83

J. Sainsbury 47535 sq. ft.

Shop unit 2400 sq. ft. 1000 scp

APP/5352/A82/011422

The Inspector reported that the structure plan policies afforded Green Belt protection against development between the built up area of Oxford and the approved Green Belt. Oxford City Council considered the site should be excluded from the draft plan Green Belt but the site is within Cherwell District and it is against their land allocation of the site that the appeal should be considered. Sainsbury's argued that in the light of the development to the north of the site, the need to expand the Park and Ride, the intended major road improvements and the residential development to the east the refusal of the appeal could not protect the setting of Oxford.

The Inspector said that the Kidlington Gap runs from the Wolvercote roundabout to Kidlington notwithstanding all the development around the Peartree roundabout, the break between the northern development of the City and Kidlington plays a significant role in preserving the special character of Oxford. He concluded that the one superstore in the Oxford area recommended in the 1980 inquiry is now open (Abingdon and about 15 minutes driving time from the appeal site) and planning permission had been granted for a superstore at Heyford Hill south of Oxford. As most of the population of North Oxford are within about 15 minutes driving time of both it was not considered they are unreasonably deprived of superstore facilities.

The Secretary of State decided that there was not such a need for a new superstore to serve North Oxford that could justify allowing the development in the face of the overriding Green Belt objection and dismissed the appeal.

The Sainsbury case was:

1. There was a quantitative and qualitative need for the store. The City Council agreed there should be a store in North Oxford.
2. Substantial development has been carried out around the site; it is intended to enlarge the Park and Ride, and Oxford City Council do not consider the site worthy of Green Belt notation.
3. The reason for the Oxford Green Belt is to preserve the character and setting of the city, the site plays no part in this.

TORQUAY

TEIGNBRIDGE DISTRICT COUNCIL

Application 8.4.82

Dismissed 5.10.83

J. Sainsbury 45823 sq. ft.

Shop 1238 sq. ft. 470 scp

T/APP/5181/A82/12510/PH3

The Inspector said that in his opinion the decision turned on whether the proposal would undermine the vitality of established shopping centres and whether a serious hazard or inconvenience to traffic would be caused. He decided that although there was no shopping objection, there was a traffic objection. The objects of the structure plan are to satisfy the needs of the shopping public while at the same time protect the vitality of existing centres: the Newton Abbot local plan aims to safeguard the vitality of that centre in particular. He believed that the shopping centres of Torquay, Paignton and Newton Abbot (retailing mainly durable goods) could withstand the diversion of trade and other Area Centres further afield would be less affected. The major impact would be on Tesco at Kingsteignton and there was no dispute over the ability of Tesco to hold its own. He was not convinced that the proposal would draw substantial additional trade away from the smaller centres; shoppers who want to shop by car already can visit Tesco as well as other outlets.

It is common to find convenience shops in local centres trading apparently successfully in direct competition with one another and he saw no convincing reason why the Kingskerswell convenience shops should not continue to provide a local service. On the other hand the northern part of Torbay

is relatively well served by convenience stores and car borne shoppers would not be disadvantaged if the appeal development did not proceed.

The second main issue concerned traffic; the A380 is an important holiday route and is heavily congested; tourism is the principal employment generator of the area and every reasonable effort should be made to protect the industry. Even if a safe access could be provided to the site he was convinced that until traffic conditions are improved, for example by a bypass, the result would be unacceptable, increased traffic congestion. The Inspectors decided the traffic objection, in relation to tourism, sufficient in itself to justify refusal; he dismissed the appeal.

The Sainsbury case was:

1. There was an acknowledged need for another superstore in South East Devon.
2. The trade impact on other shopping centres would not cause material harm.
3. The proposal would only add a modest traffic increase and the site was not required for housing within the Council's housing targets.

BRENTWOOD

BRENTWOOD DISTRICT COUNCIL

Application 21.6.82n

Dismissed 26.10.83

J. Sainsbury 57000 sq. ft. Shop 2900 sq. ft.

551 scp

APP/5211/A82/009503

The Inspector concluded that a qualitative need for a superstore had been demonstrated and, with the employment it would produce, would bring substantial benefits to the residents of Brentwood. The structure plan sets out that large retail stores are to be situated within the shopping centres and the location of the proposed development would be contrary to the strategy and policies of the structure plan. The appeal site is within the approved Metropolitan Green Belt and the question to be considered was whether these were special circumstances that would warrant a departure from the stringent restriction upon development in the Green Belt.

The site in question had to some extent been damaged by long established and more recent development, in particular the A12 Bypass and the newly opened A12/M25 interchange. It still, however, makes a contribution to the open land between Brentwood and Havering thereby fulfilling its Green Belt function. It was unacceptable to use the development of the Post House Hotel as a reason for allowing the appeal site to be development. If the appeal site were developed there would be increasing pressure on the nearby Green Belt land which would be more difficult to resist; that would have the most serious consequences for a narrow part of the Metropolitan Green Belt which, with the opening of the M25, is likely to come under increasing pressure for development.

In summary it seemed to the Inspector that the need for, and the benefits that would accrue from, the proposed store were not sufficient to overcome the Structure Plan objections and the stringent restrictions which apply in the approved Metropolitan Green Belt and he recommended that the appeal be dismissed.

The Secretary of State did not consider that permission should be withheld solely on the grounds of non-conformity with the Structure Plan if there were no other objections. He saw no reason why the site should not be subject to the Green Belt policies and concluded that the preservation of the Green Belt was the overriding consideration in this case. He dismissed the appeal.

The Sainsbury case was:

1. There was a need for a superstore in Brentwood and the development would not cause material harm to any other shopping centre. Highway matters were agreed.
2. This development in the Green Belt would not set a precedent. It could not lead to the coalescence of Brentwood and Havering and was physically dominated by the M25/A12 interchange. An exception to Green Belt policy could be made in this instance without detriment to the overall strategic concept.

SWINDON

Thamesdown Borough Council

Application 27.1.82

Dismissed 12.5.83

J. Sainsbury 44250 sq. ft.

Homebase 30000 sq. ft. Shop unit 2300 sq. f

T/APP/5410/A82/4950/PH3

560 scp

The Inspector, who determined the appeal considered that the principal issues arising were the possible material loss of industrial land, the impact upon other nearby shopping centres and if these factors were apparent whether they were out-weighed by the new employment or the advantages the scheme would give to shoppers. On the first issue he did not consider the loss of industrial land would have a material adverse effect. The second issue concerned the three groups of shopping centres: Swindon Town Centre, West Swindon District Centre and local centres. The Swindon Town Centre shopping area had been improved and expanded since 1970; he considered that effects on the town centre would not be prolonged and it would continue to cater at an appropriate level of convenience expenditure; that provided population growth continued as planned at West Swindon the district centre would not be materially prejudiced. On Gorse Hill, however, (a local centre) the impact could be serious: the loss of trade to large new premises within a mile could cause the closure of shops and supermarkets, the outcome would affect the vitality of the Gorse Hill Centre and reduce choice available to non car owning shoppers. The DIY store would not materially affect any shopping centre. The two stores would provide a net employment gain but this would not weigh decisively against the approved policies; in addition the qualitative benefit of the provision of a store on the east side of Swindon is, until West Swindon Centre can no longer cope with the demands on it, limited to

increased choice. The overall conclusion was that the withdrawal of convenience trade from the local centres close to the site would be severe and the outcome would be disadvantageous to non car owning residents living near those centres. This would not be offset by a net gain in employment.

The Sainsbury case was:

1. The site was disused, unattractive industrial land and would not be needed for industry. It was well located to the highway network and satisfactory in traffic terms.
2. East Swindon should have a superstore, there would not be a detrimental impact upon shopping centres in the catchment area. There was an obvious qualitative advantage in the proposal.

IPSWICH

SUFFOLK COASTAL DISTRICT COUNCIL

Application 23.12.80

Allowed 27.1.83

J. Sainsbury 51000 sq. ft.
BAT 70000 sq. ft.
COOP 70000 sq. ft.
TESCO 91500 sq. ft.

Homebase 30000 sq. ft. PFS 800 SCP
730 SCP
Shops 8200 PFS 650 SCP
800 SCP

APP/5379/A81/01994
APP/5379/A80/10288
APP/5382/A81/03898
APP/5382/A81/09206

APP/5382/A81/06295
E1/5379/219/1
E1/5379/223/2
E1/5382/219/5

The Inspector accepted there was a qualitative need for one superstore on the eastern side of Ipswich and that none of the proposals would have an unacceptable effect in planning terms upon Ipswich, on local shopping centres or would be in serious conflict with the shopping policies of the Structure Plan.

Superstores have become an accepted part of the shopping hierarchy of proven popularity and success; there was an imbalance in the modern food shopping provision which would become more marked as the population grew on the east side of the town. Most of the impact on the Ipswich central area would fall on the larger supermarkets: it had been said these would suffer no disadvantage from any one of the proposals. There is no evidence to show that superstores have a serious effect on village shops and it was unlikely that the local shops would suffer closures.

The Inspector found that Sainsbury's site is in the the best location to serve the area. The loss of part of the housing land at Warren Heath was not crucial and the traffic objections and the matter of access would be met, the latter by the construction of a roundabout. The appellants had agreed to pay for these highway works.

The Secretary of State accepted the Inspector's recommendations and allowed the appeal. He refused permission for the COOP, BAT AND TESCO proposals.

The Sainsbury case was:

1. The site was well located to serve the eastern side of Ipswich. The trading impact on town centre, local and village shops would be acceptable.
2. The shopping proposal and the loss of housing land would not be prejudicial to the Structure Plan policies.
3. The highway and traffic matters were acceptable and Sainsbury's would pay for Highway improvements.

Local Govt. July 83

Searsburg

file

08

BF

16 January 1984

Sir John Sainsbury has copied to the Prime Minister his private and confidential letter of 13 January to your Secretary of State about planning appeals. As he notes in his letter, he spoke in similar terms to the Prime Minister at a lunch here last week.

The Prime Minister would be grateful if your Secretary of State could consult her about the terms in which he proposes to reply to Sir John Sainsbury.

E. E. R. BUTLER

John Ballard, Esq.,
Department of the Environment.

Ball

From Sir John Sainsbury Chairman & Chief Executive

Prime Minister
A powerful letter

J Sainsbury plc
Stamford House
Stamford Street
London SE1 9LL

2

FERB

13.1.

SAINSBURY'S

01-9216000

Telex 264241

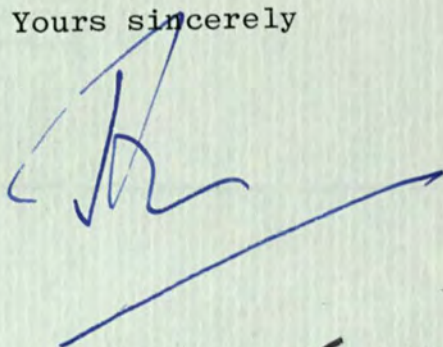
F.E.R. Butler Esq
10 Downing Street
London S.W.1.

13 January 1984

Dear Rob

I enclose a copy of the letter I have sent to Patrick Jenkin. I hope you will feel that it is appropriate to show to the Prime Minister.

Yours sincerely



May I see the reply

- preferably in draft.
John Sainsbury spoke to me
in identical terms.

NOTE FOR THE RECORD

Sainsbury's and Planning

Sir John Sainsbury told the Prime Minister at the lunch for businessmen on Wednesday 11 January that in the last 12 months 9 out of 10 applications by Sainsbury's for planning consent for super-stores had been turned down by the Secretary of State. This was a bigger failure rate than Sainsbury's had ever suffered before even under a Socialist Secretary of State for the Environment. Since each appeal to the Secretary of State cost a million pounds, Sainsbury's had incurred about £10 million in achieving one consent. Moreover, the average time taken from application to decision, which had been 20 months when he had been to see the Prime Minister recently, had lengthened to 22 months. *Sir John Sainsbury particularly resented those cases turned down by the planners on the basis of judgement about whether more shops were needed.*

The Prime Minister subsequently wrote a personal letter in her own hand to Mr. Jenkin about this, which she handed to Mr. Jenkin at Cabinet; Mr. Jenkin said that he would look into it.

FRB.

12 January 1984

Papers at
Map.

CF.

Pl. May I see the
papers about planning
procedures.

~~ROBIN~~

PERB

Sir John Sainsbury telephoned on Friday. ^{10.1.84}

He would like a word with you please
before the lunch for Industrialists to
which he is coming on Wednesday.

He would like to talk to you about the
subject about which he came in August -
he will then like to have a personal
word with the Prime Minister, during drinks,
before the lunch.

I said you would ring him before Wednesday
18 January. 921-6663

Angela
6.1.84

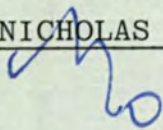
MR TURNBULL

6 January 1984

MISS COLEMAN'S WORK

I go along with the Department of Environment verdict on Miss Coleman's work. Having read two of her articles on land use my impression is that her work reflects her own value judgements about how the landscape should look (tidy, compact towns, with plenty of urban-infill, and an uninterrupted agricultural farming landscape), backed up with dire predictions (total loss of farmland in 200-400 years) based on naive extrapolation. It is reassuring that the Department of Environment take a more balanced view.

NICHOLAS OWEN





Prime Minister ⁽²⁾
To note. Agree we
take no further?

AT
6/1

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref: J/PSO/17895/83

Your ref:

37/1

NO

6/1/84

5 January 1984

Dear Andrew

You asked in your letter of 19 December about the work of Dr Alice Coleman. In fact my Secretary of State thinks that it was probably Sir Keith Joseph who mentioned Dr Coleman's work to the Prime Minister.

Dr Coleman's main interest in the last few years has been in the design of local authority housing. Here she and her research team have done a lot of work on what she terms "design disadvantage" - that is, features of multi-storey blocks that she believes result in both deterioration of the environment and social problems. The four main indicators that she has used are litter, graffiti, dog detritus and the number of children in care.

She attributes these problems to design features and in this her findings are similar to those of earlier research. She does not, however, take sufficient account of the effects of housing management practices that tend to concentrate problem families in this type of property. Her work in this field has been supported by a grant from the Rowntree Trust that has recently run out. Mr Gow had a talk with her last month and encouraged her to write up the results of her work for publication, but he concluded that it was of more limited value than the broader based work that the Department has done on both the design and management of problem council estates.

Dr Coleman's earlier work has been in the area of land utilisation surveys and derelict land, where she has been active for many years. She has argued that planning controls have not been restrictive enough and have allowed more land to be developed than was needed. Much of her findings, however, were based on land-use statistics that relate to the pre-war period, before the present planning system was in operation, and her conclusions have been discounted by other researchers (notably Dr Best of Wye Agriculture College) whose data and statistical methods are much more soundly based.

Dr Coleman is much respected for her life's work in the field of land-use and environmental studies, but its limitations are apparent. She also lends support to the extreme "conservationist" attitudes towards the use and development of land. For these reasons we could not recommend her as a source of authoritative advice on these matters.

Yours sincerely

John Baker

A H DAVIS

Private Secretary

MANPOWER: Strategy for Industry
and Employment: Feb 83.

F 8 JAN 1984

11 12 1 2 3 4
DR 5 6 7 8 9

CONFIDENTIAL

FILE 544

19 December, 1983

BT

Planning Controls

Your Secretary of State recently commended to the Prime Minister the work of Miss Alice Coleman of King's College on the impact of planning controls and approvals. I would be grateful if you could provide us with further details, your views on whether the Prime Minister ought to see this work for herself, and suggestions on how this might be done.

I am copying this letter, for information, to Barnaby Shaw, whose Secretary of State is also familiar with Miss Coleman's work.

ANDREW TURNBULL

John Ballard, Esq.,
Department of the Environment

RW

SECRET

2

PRIME MINISTER

M

The Planning System

One of the remits from the Industry and Employment Seminar was a review of planning controls. The DOE have produced the attached paper. At this stage you need only note its existence. I am working with Ferdie and Peter Gregson on handling of the follow-up seminar on 16 December and on the briefing. At your request we have not sought written progress reports from Ministers who have been warned to come prepared to give oral reports. We have however conducted an informal trawl through Private Offices and by the middle of next week we will put to you a state of play report together with suggestions for the conduct of the meeting.

In one or two cases, however, the results of the remits happen to be ready just in time for the seminar. The paper on planning controls is one and there may be two or three others. We suggest that where this is the case there should be a short discussion of the paper. What is needed is for the seminar to decide in fairly general terms whether it thinks the Minister's proposal is on the right lines or whether it thinks it is insufficiently radical. If there is further work to be done decisions will be needed on the appropriate forum.

AT

2 December 1983

ANDREW TURNBULL

SECRET



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

Dear Andrew

30 November 1983

THE PLANNING SYSTEM

My Secretary of State was asked to prepare a paper, for discussion with colleagues, on the burden of planning controls in the context of the need to encourage investment and development which will create jobs.

- / I attach a paper approved by my Secretary of State. Its essential message is that a planning system is necessary and that the present system is widely valued for its protective effect on property values, local amenity and the countryside; but that at the same time, if the system is to retain its usefulness, it must be flexibly, sensibly and efficiently managed so as to serve not only conservation objectives but also the vital need for economic development and regeneration.

My Secretary of State is of the view that much has been done since 1979 to ensure the system strikes a sensible and constructive balance between these objectives, but that more still needs to be done to get this message across. Since the election he has taken a number of further initiatives to this end and these are described in the paper. He will aim to bring colleagues up to date when the paper is discussed.

15,000 - 17
=

Yours sincerely

John Ballard

JOHN BALLARD
Private Secretary

Andrew Turnbull Esq

CONFIDENTIAL

THE TOWN AND COUNTRY PLANNING SYSTEM
PAPER BY SECRETARY OF STATE FOR THE ENVIRONMENT

Policy Objectives

1. The Government is committed to promoting a free market economy and to deregulation. The planning system can operate in ways that conflict with both those objectives. Yet it also attracts widespread support for its protective effect on property values, local amenity and the countryside. Properly used it can serve the interests of both development and conservation. We need to ensure that it works as intended and in accord with Government policy.
2. We cannot do without a planning system: land is a valuable resource and should be managed in ways that ensure economy, efficiency and amenity in the use and development of land. It is not practical and would not be sensible to scrap the system. In itself it is neutral: what matters is the way it is used and the attitudes of those who operate it. We have to ensure that it works efficiently and does not impose needless delays and unnecessarily detailed controls that add to the costs of development and impede economic growth and innovation.
3. We have also to recognise that any move to modify control often evokes strident opposition from the powerful conservationist lobby, mostly our own supporters. The recent vehement reaction to our draft circulars on Green Belts and land for housing has shown that we have to convince the public at large that, in urging the need to make proper provision for development, we recognise the importance of planning control in safeguarding local amenity. They are quick to fear that we are throwing overboard long established policies to conserve good agricultural land, protect the countryside and preserve the character of our historic towns and cities. The hostility to change and development, particularly housebuilding, is a much greater obstacle than the system itself. We have to get people to realise that new development is essential to economic growth and that proper provision must be made for it: conservation alone is not enough.

CONFIDENTIAL

Alternative systems

4. The only widely used alternative to the British system of discretionary control based on statutory plans are the zoning and subdivision (lotting) controls common in America and most European countries. But these tend to be either rigid and simplistic, and require numerous applications for "variances" etc, or they are immensely complex: the New York zoning ordinance runs to over 300,000 words. In practice they can be used by local communities to impose even more restrictive controls than our system, which is moderated by the Ministerial powers of plan approval, appellate jurisdiction and reserve powers of intervention in local planning.

5. The statutory system that we have is flexible and adaptable. We have to ensure that it works well. This means improving and simplifying its procedures and, above all, changing the attitudes of those who use it - or want it to be used - in a wholly restrictive manner.

Improving the efficiency of the system

6. Since 1979 we have implemented a wide range of measures to simplify the system and improve its efficiency. These were listed in Annexes A and B to MISC 14(83)4; since then nearly all the further measures listed in Annex C have been implemented and the rest are well in hand.

7. In 1979 60% of all applications were decided within 8 weeks; last year it was 72%, and 91% within 13 weeks. The average time for deciding appeals was 29 weeks in 1979; last year 19 weeks. We have cleared the large backlog of plans awaiting approval. We have widened the range of development that does not require planning permission. The system is now more responsive to demand than is often assumed. Over 90% of all planning applications are approved. In the

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Bliss Colman
King's College

case of housing development, which is the largest land user and often attracts most opposition, 62% of schemes over 10 units were approved in 1980; by last year this had risen to 78% and in the latest quarter 80%.

8. Despite these measures, the system is still used in some areas in a highly restrictive manner and to impose trivial, onerous and prescriptive controls of a kind that no government (certainly not this one) would contemplate introducing in general legislation. Too many authorities still fall well below an acceptable standard of efficiency in dealing with applications. Obviously there is still plenty of room for improvement: we have to keep hammering away at this and expose inefficiency where it persists.

9. There are at least two aspects that we need to review. The first concerns certain types of development proposal on which the system tends to "choke" because of the conflicts of commercial as well as environmental interests that they involve. John Sainsbury's superstores are a good example of this: Annex A discusses this aspect in more detail and explains the action that the Department is taking. The second (and related) aspect is the public inquiry system which, where major private or public projects are concerned, can become excessively protracted and impose heavy costs on both developers and objectors. The process has become increasingly complex and legalistic, resulting largely from the intervention of the Courts and the Council on Tribunals. We may need to commission an independent study to consider how this process can be simplified and how major cases can be dealt with more efficiently.

10. One innovation in the system which I think looks promising, is to extend the simplified planning regime that applies in Enterprise Zones to other selected areas. The scheme applies to large sites allocated for redevelopment or new development and sets out the types of use permitted or not

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permitted within those areas: developers are then free to develop without the need for specific planning permission. This is not a zoning system in the conventional sense since it applies only to particular sites and could not be applied to existing neighbourhoods of dense and diverse existing uses without importing a degree of rigidity and complexity that the present system avoids. But it may well be possible to extend it to areas of development and redevelopment outside the Enterprise Zones and it offers a possible alternative to the normal system. My Department is now working out detailed proposals in conjunction with the consultants who have been monitoring the EZ experiment. A consultation paper should be ready for publication before the end of the year. This change would require legislation.

Changing Attitudes

11. As I have said, changes in the system and improved efficiency will not have the effect we want unless attitudes towards it are changed among those who operate it and unless the much wider public (across a broad political spectrum) can be brought to understand that it does not exist solely to restrict development but must also make adequate provision for development. We also need to get across the thought that the system must not be used in ways that impose detailed controls on individual freedom and enterprise of a kind that Parliament would almost certainly reject in general (or even local) legislation.

12. Over the past three months I have published a series of major policy statements on a range of topics to do with planning policies and planning practice. Most of these have been published in draft form, and I intend to ensure that when they appear in their final form over the next two or three months they get the message across in unequivocal terms. They have already had a significant impact and commentators are beginning to realise that together they represent a cumulative and positive (some have said radical) policy of changing attitudes and assumptions about the planning system. They

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have also aroused strong opposition from some conservationist interests. Annex B gives a list of these statements and brief extracts that indicate their purpose.

13. Obviously we cannot rely simply on statements of policy, however radical or emphatic. We must back them up by exemplary planning appeal decisions, by using our powers to intervene in the plan making process, and by direct discussions with local planning authorities who appear least responsive to policy - and this may well involve negotiation at the political level.

14. If these actions do not succeed in changing the way in which the system operates, we may have to resort to other measures - which could include restoring planning powers to the Shire Counties (who tended to take a broader and more objective view than the Districts), a form of "efficiency audit", more extensive Ministerial intervention from the centre to ensure that sufficient land is allocated for development, and possibly direct action to acquire sites and make them available to developers. But most planning issues ought to be capable of resolution at the local level and it is right that the system should be responsive to local interests - provided that it does not deteriorate into parochial and one-dimensional planning.

Conclusion

15. I conclude that we should continue to support the land-use planning system - but make it very clear that we want it to work in ways that not only serve the interests of conservation and local amenity but also serve the national interest in economic growth and modernisation.

P - J -

30 November 1983

MAJOR RETAIL DEVELOPMENTS

1. Sir John Sainsbury has drawn attention to the difficulties that his firm has encountered in obtaining planning permission for major retail developments. He has suggested that the system should be changed so as to overcome uncertainty and delay. It is true that the planning system tends to "choke" on this type of development - whereas over 90% of all planning applications are approved. Some major retailers, however, seem to have less difficulty with the planning system. Marks and Spencer hardly ever have to resort to planning appeal, and ASDA (Associated Dairies) have opened a new superstore on average every 12½ weeks since 1965, including 10 last year, although they are encountering more difficulty as they move south.

2. Sainsburys (along with their main competitors in this field - ASDA and TESCO) are engaged in a programme of developing very large "superstores" (25-36,000 sq ft sales area, 50-60,000 sq ft gross, plus large car parking provision) mainly in suburban and peripheral locations. Stores of this size may require sites of around 10 acres, and can have a major impact on the local environment, on traffic generation and on the established pattern of retailing - town centre shops, small traders and other competitors. Planning applications for developments of this kind can attract strong opposition from local residents, Chambers of Commerce etc, and sometimes competing or obstructive proposals from other developers. Recently some planning inquiries have had to deal with ten or more proposals for similar developments on the same or alternative sites.

3. Sainsburys (sometimes in conjunction with other retailers - British Home Stores; Boots) and some other developers are also promoting "Hyperstore" projects that can be two or three times the size of "superstores". These projects are quite exceptional: they raise similar problems but their impact is of a different order and may well be far more

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- c) Developing an agreed "code of practice" for handling such applications and appeals in a more systematic way, including the factors to be considered, so as to avoid unnecessary delay and obfuscation.

- d) Calling-in all applications over a certain size (say 25,000 sq ft retail, 50,000 gross) for decision by the Secretary of State - though the use of this reserve power is to be avoided if possible and the better course is to convince local planning authorities and others that this type of development need not be detrimental and can have positive advantages - as well as meeting an evident demand from the shopping public.

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30 November 1983

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repercussive than superstores. Whereas there may be around 50 superstore projects in progress each year, there may be only three or four Hyperstore proposals and very few have been built.

4. Some research has been done on the impact of superstores on the pattern of retailing and established shopping centres. The conclusion tends to be that they reflect changing shopping habits, catering for the weekly household restocking, usually by car, as distinct from daily convenience shopping and separate expeditions to the far more diverse town centre shops and services. While the big supermarkets may tend to move away from the centre, other types of shop and trades will take their place and the town centre can retain its attraction. There may also be other benefits - less peak traffic congestion in the centre, and the development of neglected or abandoned sites within the urban area. There is some evidence that superstores result in a net gain in employment, at least in the area where they locate and in part-time jobs.

5. The impact of superstores (as distinct from Hyperstores) on established shopping centres may thus be far less damaging than has often been thought - and there are now plenty of completed schemes whose effect can be seen. But the impact on the local environment (and hence on property values) of developing a large superstore in or close to a quiet residential area may be much more significant and, if so, will certainly arouse strong opposition. Much depends therefore, on the skill of the developer in finding sites that will not provoke such objections and in moderating the impact by good design, layout and landscaping - and by developing a good "image".

6. It would hardly be possible to exclude such major developments from a system of land-use control. Sir John Sainsbury has suggested that the present system of discretionary control based on approved plans should be replaced by a "zoning" system: he envisages that all land would be zoned as residential, commercial or industrial, and that within those zones developers would be free to build without specific permission. A system similar to this existed in England

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in the 1930s. The limitations of such systems are explained in para 4 of the main paper, and para 10 deals with the possible extension of the method used in Enterprise Zones. Superstore developers have special locational requirements and their choice of sites is largely unpredictable: zoning systems could impede such developments at least as much as the inherently flexible British system.

7. The Department is now discussing the difficulties encountered by this type of retail development with the leading trade organisations - British Retail Association, the Multiple Traders Federation, the Independent Grocers Federation etc. - and with the local planning authorities. Sainsburys and other major firms have been asked whether they wish to comment separately or contribute to their trade organisations' response (as Sainsburys have said they intend to do).

8. Among the possibilities to be explored are -

- a) Issuing new advice on the subject to local planning authorities and developers (the present DOE guidance note dates from 1973 when there was little experience of this type of development): that advice would also be a major factor in deciding appeals.

- b) Incorporating more specific provision for such developments in local plans - emphasising the potential advantages of locating on neglected or abandoned sites within the urban area rather than in residential areas or on "green field" sites.

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changing industrial technology and of the locational and environmental requirements of modern industries whose success is crucial to the development of the nation's future economy". Detailed advice on how high technology industries can be catered for by exploiting the flexibility afforded by existing regulations.

Good Design and Development Control (published: 6 October.) "Planning procedures should not be used as a licence to impose different concepts on the designer or to interfere with the details of design, if the essential components of scale, density, access, the relationship to neighbouring development, are broadly acceptable". Secretary of State will have regard to these policies in the award of costs on planning appeals.

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PLANNING SYSTEM: POLICIES AND PRACTICE

In the last three months the following statements, mostly in draft form, have been published on development control policies and the planning system.

Land for Housing (draft published: 12 July) - instructs local planning authorities to ensure that there is at all times at least a 5 year supply of land allocated for housbuilding and, even where such a supply exists, this "is not in itself a sufficient reason for refusing planning permission for other sites not at present allocated for development, particularly if they are likely to be more readily available". Welcomed by Housebuilders Federation and by the Royal Town Planning Institute. Opposed by the Council for the Preservation of Rural England. A redraft is under consideration.

Enforcement of control over trivial development (draft issued: July) - intended to curb the heavy-handed use of planning control over very minor types of development of a kind not covered by general regulations.

Planning Gain (published: 25 August) - makes it clear that planning authorities are not "entitled to treat an applicant's need for planning permission as an opportunity to exact a payment for the benefit of ratepayers at large". Secretary of State may award costs against an authority that seeks to impose unreasonable demands on developers. Welcomed by British Property Federation, Royal Institute of Chartered Surveyors and Law Society.

Green Belts (draft published: 3 August) - reaffirms established green belt policy but warns that, if the boundaries are drawn so tightly as to leave virtually no room for future development, the policy will not be sustained and the credibility of the green belt will be undermined. The draft has been seriously misrepresented as an attack on Green Belts; a revised draft will be published to put the message across more clearly.

Industrial Development (draft published: 23 September). - "It is of vital importance that planning policies should promote and not hinder the regeneration of British industry ... essential that planning authorities keep abreast of rapidly



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:
S. October 1983

Dear Kay

You asked for a note in connection with the Prime Minister's visit to the Sainsbury store at Nine Elms on Thursday this week.

No doubt you will recall our earlier letters of 18 and 26 August about Sir John Sainsbury's meeting with the Prime Minister on 30 August. These explained the background to Sir John's representations. The Prime Minister suggested to Sir John that he could best pursue his ideas with Mr Jenkin - who had earlier asked Sir John to set down what changes he would like to see in the planning system when they met on 27 July. We have heard nothing further from Sir John but very probably he will feel that he has said enough and is now expecting a response from the Department.

Mr Jenkin is preparing a note for the Prime Minister on the planning system as a whole and what he is doing to change its direction. He hopes to send this very shortly. As regards Sir John Sainsbury's particular interest, which will be referred to in the Secretary of State's paper, the Department is arranging discussions with the British Retail Association and other retailing organisations in order to get a more complete picture of the kind of difficulties that this type of large scale retail development encounters. At that time we will also be writing to Sir John Sainsbury to ask whether his firm wishes to make a separate contribution or will follow this up with the trade organisations (of which Sainsburys are members). It is not clear at present how the system can best be adjusted to deal more successfully with this type of development, which often involves competing commercial interests as well as a major impact on the local environment. We need to have the views of other firms.

I attach a short note on Sainsbury's Nine Elms store. It is a very successful development in an area where new development of this kind should be welcome. It is not on the scale of the very large "hypermarket" schemes which Sainsburys are promoting in some other parts of the country.

Yours sincerely

L. Robinson

L ROBINSON
Private Secretary

Kay Dover, Private Secretary

The Nine Elms site is within the London Borough of Lambeth. A planning application for the Sainsbury store was made in July 1978, and granted by Lambeth (after much local controversy) in May 1979. A further application for an extension to that store was made in September 1982. Although the extension has since been constructed, it is not clear that Lambeth have granted planning permission.

SUBJECT

cc Master



File
cc Mr. Gregson, Co.

10 DOWNING STREET

From the Principal Private Secretary

30 August 1983

The Prime Minister was very grateful for the advice sent in Helen Ghosh's letters of 18 and 26 August for her meeting with Sir John Sainsbury today.

Sir John Sainsbury outlined his comments on the planning system, on the lines of his letter of 26 August. Emphasising that he was not making a special plea for Sainsburys or for the retail industry, he said that in his view the present planning system was too complex and unable to keep up with changing conditions. He left the attached schedule of Sainsbury's recent experience of the time taken over planning applications. As an example of overplanning, he said that Sainsbury's application in Gloucester had probably been turned down because the structure plans provided for industrial warehousing on the site, and it would involve the Secretary of State departing from his own structure plan if he approved a retail development. It had also been argued that a large store already existed in the locality and another one was not needed: Sir John Sainsbury commented that this was an example of planners introducing considerations which it had been no part of the original purpose of planning to invoke - the question whether a further retail development was necessary was surely one best judged by those who were investing their own money in it. Planners also found difficulty in keeping up to date with changing conditions: Sir John Sainsbury quoted as an example the fact that Sainsburys had been far in advance of the planners in recognising the preference of shoppers for one level car-parking attached to stores. Another criticism was that local authorities were too ready to shuffle off responsibility for difficult decisions to central Government. Some sanction was needed to discourage them from unreasonably refusing applications and to prevent developers from submitting irresponsible or tactical applications: on the latter aspect, Sir John Sainsbury commented that it was extraordinary that under the present system people could submit applications for development of sites which they did not own and had no intention of acquiring.

As regards his suggestions, Sir John Sainsbury favoured a more general system of zoning, divided into just three categories: residential, agricultural and industrial/commercial. If local authorities then refused an application for a development falling within the use for which the area had been zoned, the matter could be taken to the courts and costs awarded against the authority.

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More generally, he thought that it should be possible for his people, in consultation with the Department of the Environment, to improve the present processes as they affected retailing. But he thought that the present system was basically flawed in the ways which he had described, and suggested that the start of the Prime Minister's second administration would be a good occasion for a fundamental review, whether by Royal Commission or in some other way, with a view to simplifying the system and confining it to the essential role of protecting the environment, with greater reliance on market disciplines on matters where the issue was whether developers were providing what the community really wanted.

The Prime Minister thanked Sir John Sainsbury for raising these points with her, and said that she would pursue them with the Secretary of State for the Environment. She was sceptical about referring the matter to a Royal Commission, because this would itself take a long time to consider, and it would not necessarily come up with an acceptable solution. The planning process had been speeded up, but she accepted that this may have principally benefited smaller and non-commercial applications, and there was a tendency for large applications to be delayed in a way which discouraged enterprise and investment. She would consider with the Secretary of State for the Environment what further could be done to make the planning system less time-consuming and more responsive to changing circumstances.

On leaving the Prime Minister, Sir John Sainsbury asked me whether he should now pursue his ideas with the Secretary of State for the Environment. I said that he should, leaving time for me to report to you what had passed between the Prime Minister and him and for your Secretary of State to consider it.

Yours sincerely,

Robin Butler

John Ballard, Esq.,
Department of the Environment.

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bc. Mr. Gregson, CO.

10 DOWNING STREET

From the Principal Private Secretary

30 August, 1983.

I am sending separately a record of the Prime Minister's meeting with Sir John Sainsbury. The reason for this separate letter is that the Prime Minister said that she would like to add planning to the agenda for the economic seminar on 6 and 7 September. I do not think it necessary for Mr. Jenkin to provide a paper on this subject at this stage (unless of course he wishes to), but I will arrange for the subject to be added to the agenda, and I should be grateful if you could arrange for Mr. Jenkin to come briefed to speak upon it.

E. E. R. BUTLER

John Ballard, Esq.,
Department of the Environment.

SECRET AND PERSONAL

sc



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

26 August 1983

Dear Willie,

Thank you for sending us a copy of Sir John Sainsbury's letter of 26 August in readiness for his meeting with the Prime Minister next Tuesday.

We sent you a general note on this subject on 18 August. But Sir John has focussed in on the planning application and appeal machinery and the time taken to process some of his firm's proposals through the system by local planning authorities and by this Department on appeal. As our note explained, it has been a major objective over the past four years to improve the efficiency of the system and we have made substantial progress on the great bulk of this case-work - see the statistics in paragraph 6 of our note.

Two years ago we brought in Arthur Anderson as consultants to advise on ways of improving our handling of appeals and their proposals are being implemented, including computerisation. At the local authority end, the Audit Inspectorate published earlier this year a very full report on "Local Planning: the Development Control Function" which was carried out by audit staff and a team from Thornton Baker Associates. The terms of reference were to review the development control function of local authorities, compare their performance and identify the scope for improving the management of this activity. The report contains a number of useful proposals which should lead to greater efficiency in the handling of the general run planning applications.

As explained in our earlier note, however, it is unfortunately the case that the types of project with which Sir John Sainsbury is concerned are often very controversial, attract much local opposition and sometimes precipitate competing applications from rival firms that may be designed primarily to impede his firm's proposals. The planning system has to cope with these conflicting interests and it does frankly tend to choke on them. While the great bulk of planning applications are processed competently and the great majority (around 90%) are approved, the Sainsbury Superstore (and some other types of large-scale project) tend to run into difficulties and can take far too long to resolve.

Sir John himself has not so far produced any very practical proposals to solve this problem: "zoning" is not the answer for this type of "one-off" project since it is rarely possible to forecast where such development opportunities will occur, and zoning systems and the conditions attached to them can create rigidities and complexities of their own (the New York Zoning Ordinance runs to over 300,000 words). Major retail projects of this kind are probably the most difficult cases that the planning system has to deal with, and it may be that there is a need for a separate study by specialist consultants, in consultation with major retailing interests, of this particular type of development and how the planning system can be adjusted to deal with it more efficiently. This could be of far more direct benefit to Sir John's firm and to similar developers than a much wider ranging review. If you will let us know the outcome of the Prime Minister's discussion with Sir John we would be glad to pursue this proposal. We have not yet been able to put it to Mr Jenkin but I think he would be glad to consider it.

Yours sincerely
Helen Ghosh

MRS H F GHOSH
Private Secretary

CIF papers

From Sir John Sainsbury Chairman & Chief Executive

J Sainsbury plc
Stamford House
Stamford Street
London SE1 9LL

01-921 6000

Telex 264241

SAINSBURY'S

26th August 1983

The Rt.Hon. Margaret Thatcher MP,
The Prime Minister,
No.10 Downing Street,
London SW1

Dear Prime Minister,

I am much looking forward to our meeting next Tuesday and would like to thank you for arranging to see me. I thought it might be helpful if in advance of the meeting I sent you a note on the particular subject I would like to discuss (although, if time allowed, it is certainly not the only topic I would welcome the opportunity of raising).

The issue I should like to concentrate on is that of the complexities of our planning system and the inefficiencies and bureaucracy it engenders. I raised the subject first in my Chairman's Statement last May and spoke on it at our Company's A.G.M. in July, when it was reported in the press. I enclose our Annual Report with the relevant extract from the former marked on Page 5 (attachment 1), as well as some extracts from my A.G.M. speech (attachment 2) which include a brief account of our Company's progress since we became a public company ten years ago. I trust you will find this of interest also.

Last year Sainsbury's investment programme was larger than any other retailer (attachment 3) and, therefore, we have extensive experience of the cumbersome way the planning system works, of the huge delays it causes and the great cost it so often adds to development schemes. I am attaching a short precis (attachment 4) of the two cases I have quoted of Gloucester and Ipswich. However, my purpose in raising this subject is not because of the problems our Company suffers: after all, it could be said

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that our very success and expansion demonstrates that we cannot be that inhibited by "the system".

My purpose is rather that I am convinced that it is in the national interest at this particular time that we ask ourselves some fundamental questions in the area of planning of what are our objectives and how effectively are we achieving them.

As I see it the system essentially remains as it was when it was first established in the late '40s, but the world is much changed and the scale and nature of planning decisions required has greatly altered. Rather than adjusting to those changes the administration of planning at both national and local level has shown a typically inflexible bureaucratic response which inevitably has resulted in longer delays on the more important cases.

Often local government defers to Whitehall decisions that could and should be taken locally in order to avoid responsibility for a difficult problem and the unpopularity that can be created among vocal minorities. This only adds to congestion and delay in Central Government. The planning system is also used at local level to protect vested interests and inhibit competition which was never the purpose of planning.

In essence my premise is a very simple one.

Planning laws exist in the first place to protect our environment and to ensure as far as possible the wise use of our limited resource of land, be it in urban areas or in the countryside. To achieve that first objective does the planning process need to be so complex? Could not areas in town and country be zoned for residential, commercial/ industrial or agricultural use and, as long as developments were consistent with that designation and certain other criteria were met, then planning permission would have to be granted. Criteria such as effects on road networks and density of use are amongst those that would require specifying. Exceptions to the general rule would be made for developments of national significance.

Reform I suggest should seek both to deregulate in a controlled manner and to reduce the political (both local and national) content of the planning process. It should also aim to make planning applications as predictable as

possible, thus reducing the vast number of applications submitted "on spec", as well as the high cost of uncertainty and delay that faces developers of whatever nature.

In the case of commercial/industrial areas I suggest the major criterion should be the creation of employment rather than the nature of the employment.

→ There should be much stronger disincentives in the planning appeal process which would award costs against local authorities found to be refusing planning permission unreasonably in relation to the facts or criteria specified by planning law. Costs should also be awarded in the opposite situation on those who submit applications that are found to be clearly unreasonable and thus incur unnecessary administrative costs to local or national government.

I recognise such reform, if ever it was thought desirable and politically possible, would be a huge undertaking. It would require much investigation and thought. There can be no easy or quick solution.

However, I thought that if ever there was a time to raise such questions it was now at the beginning of a new Parliament, and in the early months of the second term of your government that has shown its ability to tackle old and intractable problems in fresh ways, and has been radical in its refusal to accept the "received wisdom" of its predecessors on many of our most important national problems.

With this in mind, and in advance of the election, I arranged to meet with Tom King. The election intervened and the meeting had to be cancelled. I, therefore, wrote to Patrick Jenkin as soon as you appointed him, hoping to be able to meet with him to have a full discussion on the subject before seeking to see you. Unfortunately, the pressure on his time and the fact we got into the holiday season has meant that I have only had a very brief discussion with him to outline my thinking.

I very much look forward to our meeting.

Yours sincerely

John Sainsbury

John Sainsbury



SW1578

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

18 August 1983

Dear Tim,

You recently confirmed that Sir John Sainsbury is seeing the Prime Minister at the end of this month to discuss the difficulties that his firm has had in getting planning approval for some of their major new retailing development projects. Mr Jenkin had a talk with Sir John recently, and has invited him to send him any practical proposals that he may have for improving the planning system. We have not yet heard from him and it seems that he is more concerned with the general scope of the system and may press for a "radical review".

Ministers have considered changes in the planning system on a number of occasions (eg. in MISC 14 in 1980 and again earlier this year, and also in the context of the 5 Year Forward Look). They have generally concluded that the system needs to be simplified and its efficiency improved, rather than that the whole system should be dismantled, since its protective effect on property values and local amenity interests is highly valued, and properly used it can facilitate the development process. A good deal of progress has been made in improving the operation of the system over the past 3-4 years and I enclose a note which explains what has been done. Mr Jenkin is acting on MISC 14's conclusion that what is now needed is to change the attitudes of some of those who operate the system rather than to introduce major changes in the system itself. He has already issued new policy statements on land for housing, planning gain and green belts, and will be following this with similar statements on industrial development and "aesthetic control" - all aimed at promoting more constructive and less restrictive use of the planning system.

If Sir John Sainsbury sends in a note before the meeting, we will be glad to add to the brief.

Yours sincerely
Helen Ghosh

MRS H F GHOSH
Private Secretary

Tim Flesher Esq



PRIME MINISTER'S MEETING WITH SIR JOHN SAINSBURY
LAND-USE PLANNING SYSTEM
NOTE BY DOE

1. Sainsbury's are engaged in a large development programme, taking them into parts of the country where they have not previously been represented. Unlike Marks and Spencer, whose policy is to expand their stores in existing town centres (and who hardly ever have a planning appeal), Sainsbury's are going mainly for sites in suburban or peripheral locations and are planning huge stores of anything from 40,000 to over 100,000 sq. ft. Proposals of this kind can attract strong opposition - from established small shopkeepers and town centre traders and from the neighbourhoods that will feel the impact of developments on this scale.
2. The planning system has to resolve these conflicts of interest in the use and development of land: it does not create them. It is true that it is sometimes a slow process - especially where, as increasingly happens, a Sainsbury project prompts competing (and perhaps obstructive) proposals: recent planning inquiries have had to cope with ten or more related projects.
3. Sir John Sainsbury naturally judges the planning system on the basis of his frustrating experience, and this leads him to think that the whole system is wrong and ought to be drastically changed - although he is less clear about the remedy.
4. The fact that the system has survived in its essentials since 1947 does not mean that it is anachronistic. The same is true of much statute law. It is now deeply embedded in property law and valuation, and greatly valued for its protective effect on private property and local amenity. There is always at least as much pressure to strengthen it as to relax it. Properly used, it can be effective both in facilitating development and in conservation.

5. There have been several reviews of the system in the last few years (including MISC 14 in 1980 and again this year): all have concluded that the system is necessary and basically sound and that the aim should be to improve its efficiency. MISC 14 added the rider that the attitudes of some of those who operate the system need to be changed - especially to take full account of the needs of industrial development, modernisation and small firms.

6. Over the past 3-4 years the emphasis on improving the efficiency of the system has had a marked impact:

- (a) 87% of all planning applications are approved (including 89% of industrial developments);
- (b) housing is the biggest land user and builders tend to go for "green field" sites that often attract strong local opposition - but the number of planning permissions given for housing developments (over 10 houses) has increased from 62% in 1980 to 78% last year.
- (c) last year 72% of all applications were dealt with inside 8 weeks (some local authorities clear well over 80%) - the best performance since monitoring began in 1979;
- (d) the average time taken on planning appeals is now 19 weeks compared to 29 weeks in 1980

- there is obviously scope for further improvement but the trend is strongly in the right direction, and the system is more responsive to demand that is often assumed.

7. There are around 450,000 planning applications a year dealt with by local planning authorities. The types of development with which Sir John Sainsbury is concerned are wholly exceptional and it is true that the system has difficulty coping with them because they are so large, repercusive and controversial. One possibility would be to cut out the stage of consideration by the local authority and use the Secretary of State's power to "call-in" such cases

(say those over 40,000 sq ft) for his decision. It would mean more work for the Department but it would cut down the time taken overall. Would Sir John Sainsbury favour this or does he prefer to negotiate agreement locally if that proves possible? Does he have any other practical proposals - short of dismantling the whole system and provoking the fury of all those property owners and local amenity groups who value its beneficial effects and want to see it strengthened?

DOE

July 1983

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with compliments

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C/F papers

SCHEDULE OF TOWN PLANNING APPLICATIONS LEADING TO INQUIRY

(IN SEQUENCE OF DATE APPEALS LODGED)

	Date Of Planning Application (1)	Date Of Planning Refusal (2)	Date Appeal Lodged (3)	Date Of Hearing (4)	Date of Decision And Result (5)	Period between Cols. 1 & 5 (Months)	Period between Cols. 3 & 5 (Months)
TOLWORTH	30.10.68	28.1.69	2.6.69	11.11.69	16.2.70 Dismissed	16	8
WORTHING	5.8.69	9.9.69	18.9.69	3.3.70	11.8.70 Allowed	12	11
GOLDERS GREEN	29.7.70	11.11.70	10.12.70	20.7.71	28.10.71 Allowed	15	10½
EDGWARE	1.3.71	10.5.71	29.5.71	9.12.71	14.4.72 Dismissed	13	11
GREENFORD	25.11.70	8.9.71	28.10.71	2.5.72	26.7.72 Dismissed	20	9
CAMBRIDGE	16.1.72	1.5.72	24.5.72	25.1.73	1.5.73 Allowed	16	11
GRAYS (Socketts Heath)	4.2.72	15.6.72	6.7.72	9.5.73	3.8.73 Dismissed	18	13
EGHAM (First Appeal)	10.4.73	21.9.73	12.10.73	4.12.74	12.3.75 Dismissed	23	17
WEST EALING	11.6.73	5.11.73 Deemed	5.11.73	29.10.74	6.3.75 Dismissed	21	16
WORCESTER	12.10.73	29.5.74 Called in	29.5.74	17.12.74	22.7.75 Allowed	21	14
RAYLEIGH WEIR	13.12.73	30.5.74 Deemed	30.5.74	15.4.75	24.10.75 Dismissed	22	17
ST. ALBANS	12.7.74	24.10.74	2.12.74	1.10.75	28.1.76 Dismissed	18	14
GRAYS (Chadwell)	9.8.74	19.12.74	31.1.75	16.12.75	7.5.76 Dismissed	21	15
CHICHESTER (Shopwyke Road)	6.11.74	10.4.75	14.8.75	4.5.76	14.3.77 Dismissed	28	19
SOUTH HARROW	29.4.75	6.8.75	27.8.75	13.4.76	8.9.76 Dismissed	16	12
COLCHESTER	26.6.75	13.10.75 Deemed	13.10.75	14.7.76	30.5.77 Dismissed	23	19
EGHAM (Second Appeal)	5.6.75	19.11.75	14.1.76	19.4.77	25.5.78 Dismissed	35	28
LEICESTER (Gynsills)	13.6.75	3.2.76	13.2.76	29.6.76	3.11.76 Dismissed	17	9
CALCOT (SavaCentre)	2.4.76	1.10.76	5.11.76	29.11.77	12.2.79 Allowed	34	27
CHICHESTER (Westhampnett Road)	15.9.77	5.12.77	9.12.77	29.3.78	26.11.79 Allowed	26	23

	Date of Planning Application (1)	Date of Planning Refusal (2)	Date Appeal Lodged (3)	Date of Hearing (4)	Date of Decision and Result (5)	Period between Cols. 1 & 5 (Months)	Period between Cols. 3 & 5 (Months)
GLOUCESTER, Barnwood (SavaCentre)	10.10.77	14.12.77	26.8.78	10.7.79	Dismissed 20.12.79	26	16
WOLVERCOTE, Oxford (First Appeal)	18.4.78	25.10.78	1.9.78	4.12.79	Dismissed 15.10.80	30	25
BATH, Green Park Station	27.10.78	27.10.78	27.10.78	9.1.79	Allowed 28.1.80	15	15
SOUTHEND, Football Club	7.7.78	31.10.78	13.3.79	6.11.79	Dismissed 13.3.80	20	12
GUILDFORD, Worpleston Road	17.1.79	27.3.79 Deemed	27.3.79	26.6.79	Dismissed 9.1.80	12	9
COVENTRY, Baginton (SavaCentre)	11.8.78	5.12.78	5.4.79	30.9.80	Dismissed 5.3.81	31	23
BECKENHAM	22.12.78	2.8.79	2.8.79	22.1.80	Allowed 9.6.80	18	10
CARDIFF	29.2.80	23.4.80	24.10.79 Earlier Application	13.5.80	Allowed 27.1.81	11	15
WOKING, Goldsworth Park	9.10.80	9.12.80 Deemed	25.7.80 Earlier Application	28.4.81	Allowed 14.1.82 (26,000 sq.ft. store)	15	6
GLOUCESTER, Barnwood (JS)	17.4.80 6.10.80	18.12.80 Deemed	18.12.80	2.6.81	Dismissed 9.6.83	32	30
IPSWICH, Warren Heath	23.12.80	18.3.81 Deemed	18.3.81	15.9.81	Allowed 27.1.83	25	22
CATFORD, Southend Pond (Homebase)	26.3.81	3.8.81	24.8.81	26.5.82	Allowed 16.7.82	16	11
RAYNES PARK (SavaCentre)	30.3.81	8.7.81	21.12.81	21.9.82	Dismissed 17.6.83	27	18
EXETER	13.7.81	7.9.81	31.12.81	6.7.82	Dismissed 17.8.82	13	8
SOUTH BIRMINGHAM	23.11.81	6.4.82	6.4.82	1.2.83			
SWINDON	27.1.82	27.4.82 Deemed	27.4.82	1.3.83	Dismissed 12.5.83	16	13
ST. ANNES	19.3.82	21.5.82 Deemed	21.5.82	16.11.82			
SHOREHAM	8.3.82 (2nd appl. 26.11.82)	26.4.82	21.5.82	22.2.83			
WORTHING	22.2.82 (2nd appl. 4.8.82)	27.4.82	21.5.82	22.2.83			

	Date of Planning Application (1)	Date of Planning Refusal (2)	Date Appeal Lodged (3)	Date of Hearing (4)	Date of Decision and Result (5)	Period between Cols. 1 & 5 (Months)	Period between Cols. 3 & 5 (Months)
PORTSMOUTH	26.4.82	28.6.82	26.7.82	28.9.82			
BLACKBURN	28.4.82	1.9.82 Deemed	1.9.82	10.5.83			
BRENTWOOD	21.6.82	2.9.82 Deemed	2.9.82	19.4.83			
NORWICH, Thorpe Road	21.5.82	16.9.82 Deemed	16.9.82	21.6.83			
BLACKFRIARS ROAD	17.2.82	27.7.82	17.9.82				
WOLVERCOTE, Oxford (2nd appeal)	15.6.82	1.9.82	22.10.82	31.5.83			
TORBAY, Kingskerswell	8.4.82	5.11.82	19.11.82	26.7.83			
STAPLES CORNER	8.4.82	1.12.82	6.12.82	6.9.83			
CHEADLE	28.9.82	13.1.83	26.1.83	1.11.83			
HAMPTON	19.10.82	4.2.83 Deemed	4.2.83	11.10.83			
BOLTON	14.12.82	26.4.83	26.4.83				
CHESTERFIELD	11.10.82	11.1.83	23.6.83	10.1.84			
SUTTON	3.5.83	21.7.83 Deemed	21.7.83				

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10 DOWNING STREET

From the Private Secretary

20 July 1983

As I mentioned to you on the telephone, Sir John Sainsbury is planning to come to see the Prime Minister at 1200 hours on 30 August, to talk about the reduction of planning regulations. I should be grateful for a brief for that meeting which should take into account Sir John's meeting with your Secretary of State next week. Sir John has said that he will write to the Prime Minister to let her know the issues that he will be raising and it might be best for you to await that letter before beginning the preparation of the brief. I shall be in touch when Sir John's letter arrives.

TIM FLESHER

Mrs Helen Ghosh,
Department of the Environment.

de

From Sir John Sainsbury Chairman & Chief Executive

SAINSBURY'S

J Sainsbury plc
Stamford House
Stamford Street
London SE1 9LL

01-921 6000

Telex 264241

14th July, 1983

T.J. Flesher Esq.,
10 Downing Street,
London. SW1

*Could this
be Bfed about
15/8 @*

Dear Mr. Flesher,

This is just to confirm our telephone conversation.
I look forward to visiting the Prime Minister at
12 o'clock on 30th August. I hope to send you a short
memorandum before that date on some of the subjects I
wish to raise with her.

Yours sincerely,

J Sainsbury

SAINSBURY'S

'Policy for the Inner Cities'

The White Paper 'Policy for the Inner Cities' was published in June 1977. It was the outcome of a major review of inner city policy and studies that had been carried out in Glasgow, Liverpool, Birmingham and Lambeth and it called for action in rundown inner city areas.

The White Paper said that the economy of the inner city should be strengthened to make the environment more attractive, to alleviate social problems and to provide new jobs.

Sainsbury's have in the past undertaken a number of developments in inner city areas, and are still doing so; just three examples have been selected.

Nine Elms Supermarket, New Covent Garden, London

The site, purchased as part of the new Covent Garden Market and subsequently found surplus to their immediate requirement, had been a derelict goods yard for years. Sainsbury's acquired the three acre site in July 1977 from the Covent Garden Market Authority.

The Sainsbury supermarket, which opened in February 1982 creating 360 jobs, has been so successful that it was found necessary to increase both the sales area and the surface level car park.



Bath

Tuesday 23rd November 1982 marked the culmination of two important events that strengthened Sainsbury's ties with the City of Bath - the opening of a new and larger Bath supermarket and the restoration of Green Park Station.

The site on which Sainsbury's built the new supermarket was a disused area alongside which stood the neglected station and

train shed, both now fully restored and creating enormous interest for citizens and tourists alike.

In this central part of the historic city of Bath Sainsbury's built a contemporary-designed supermarket to complement and blend with the newly restored station buildings. There is a surface level car park for 500 cars. Over 200 new jobs were created for local people.



Oldbury SavaCentre

SavaCentre Ltd, Sainsbury's joint hypermarket venture with British Home Stores, found an unconventional site in Oldbury, west of Birmingham. Planning blight had left a large part of Oldbury with a legacy of total decay for 35 years. When SavaCentre purchased the site, it was an urban wasteland

surrounded by commercial neglect.

An ideal site for a hypermarket, being close to the M5, the store has brought new life to the entire area, creating 680 new jobs for local people and with its own surface level car park for 1300 cars.



In conclusion, Sainsbury's in grasping the opportunity to revitalise decayed inner city areas by providing the very best of modern shopping, have helped to improve the quality of life, created much needed employment and enhanced with imaginative landscaping whole areas of the once forgotten and neglected inner cities.

J. SAINSBURY plc : ANNUAL GENERAL MEETING

Extracts from The Chairman, Sir John Sainsbury's Address

6th July, 1983

It was ten years ago yesterday that we published the offer for sale of 10 million Sainsbury shares

Our first shareholders have seen their investment increase ten-fold. During the same period the Financial Times All-Share Index has increased $2\frac{1}{2}$ times whilst the cost of living has gone up $3\frac{1}{2}$ times. Our original shareholders have therefore enjoyed a 3-fold increase in the real value of their investment, substantially better than the shares of most companies quoted on the The Stock Exchange.

Our dividends over the decade have risen nearly 6 times whilst the earnings per share have shown a compound real growth of 8.8% per annum. As we said at the time of the announcement of the results in May, this level of real growth is one of the very highest achieved by any large company in the country.

In trading terms since the flotation we have doubled our share of the nation's food trade, rising from $4\frac{1}{2}\%$ to over 9%. Sales have shown a compound annual increase of over 22%. And we have nearly 3 million more customers per week than we had in 1973.

The key to this expansion has been our capital investment programme which, over the decade, has exceeded £600 million, rapidly increasing in recent years. This huge investment has brought us a greatly increased sales area.

In the ten years we opened 126 new supermarkets and closed 81 small older branches. The result of this is that our sales area has doubled and our average store size has gone up by nearly 50%.

In addition to the huge expenditure on new retail outlets, our investment programme has encompassed the re-equipment and up-dating of many of the older supermarkets as well as enlargement and modernisation of our distribution depots and the opening of 5 SavaCentre hypermarkets and 7 Homebase stores.

Even more important for the operational efficiency of the Company we have invested large sums in developing new computer systems that have brought us many benefits, particularly giving a better service to our stores and a reduced level of stock holding.

Of course, one of the greatest benefits that we have derived from the investment programme has been the improved productivity. Measured in terms of volume of sales per employee, productivity has increased by 44% in the ten years. Our expansion has resulted in creating many new jobs; 24,000 more men and women are employed in Sainsbury's today than there were ten years ago.

On the subject of recruitment I would like to take this opportunity to announce that during this year we plan to recruit 1,000 young people under the Youth Training Scheme, to everyone of whom we hope to offer on-going employment, given their satisfactory performance. We believe that the Youth Training Scheme will make a valuable contribution to improving commercial training of young people by its requirement for a substantial formal training as well as practical experience in the workplace. We will be giving the scheme our full support and are already regarded as major pioneers in this area.

As a result of a number of factors: most important of all, the performance related profit sharing scheme started in 1979, there are now no less than 10,000 employee shareholders. In the last four years (adjusting for the capitalisation issues) we have allotted 10 million shares to staff through these various schemes.

About 35% of staff who have been with us for more than two years are Sainsbury shareholders, either directly or through the profit sharing scheme trust.

In my Chairman's Statement I refer to the issue of planning where I suggest that it is high time that the government examine the present planning system to see how it can be made more efficient and effective. At the moment planning procedures often prove to be an appalling bottle-neck that inhibits development, harms rather than helps employment and delays much needed shopping facilities.

Let me give you two examples of what I mean by delay - one where I am happy to say we succeeded in securing planning permission and one where we failed. The first was on the edge of Ipswich - an excellent site which will allow us to provide a first-class spacious modern store for our customers in that city. We applied for planning permission on 23rd December, 1980. It was not until 27th January, 1983, that planning consent was finally granted on appeal by the Department of the Environment.

My second example is at Gloucester where with an equally good and suitable site we failed to win our appeal even though the Department of the Environment Inspectors recommended to the Minister that our appeal be granted. The Minister chose to ignore his Inspectors, chose to ignore commercial logic, chose to inhibit and restrict competition in Gloucester. This was totally contrary to what I believe to be the philosophy of

competition that this government-espouses. Not only do I complain of the decision, I complain of the incredible time it took for that decision to be made. We applied for planning permission on 3rd October, 1980. The Department of the Environment issued its refusal on 9th June, 1983.

I won't take up any more of your time giving further examples to prove my point because these two surely illustrate how great is the need for change and reform. I urge the government to take a fresh look, a radical look, at how through better planning procedures, we can encourage investment rather than discourage it, reduce costs and bureaucracy rather than encourage them. We must safeguard our environment but this can be done in a simpler, speedier and less costly way than it is at present.

So my final wish, rather than forecast, for the decade ahead, is that as a nation we can become more efficient in this regard and more successful in improving our planning laws in every way, to encourage the sort of city centre improvements that we achieved at Bath in the last year, whilst having the imagination and the vision to allow retail developments that will be in keeping with the needs of the '90s rather than the planners' dreams of the '60s.

Investment

	£m	% of Sales
Sainsbury's	170	7.13
Marks & Spencer	110	4.41
Tesco	106	4.66
Boots	83	5.57
Associated Dairies Group	62	4.73
British Home Stores	29	6.45
Kwik Save	20	4.27
Bejam	15	6.49

Figures relate to latest financial year for which results are available.

SAINSBURY'S the heaviest investment programme
of any U.K. retailer.

GLOUCESTER, Barnwood

The planning application was submitted to the City of Gloucester on 3rd October 1980 and as a decision had not been given on the expiry of two months it was decided to take a deemed refusal and an appeal was lodged on the 18th December 1980.

The Planning Inquiry was held from 2nd - 9th June 1981 and the Inspector's Report, dated 15th July 1981, was submitted to the Bristol Office of the Department of the Environment; the Inspector recommended that the appeal be allowed and planning permission granted. On 3rd August 1982 the Department of the Environment wrote to the appellant and said that the Secretary of State was not disposed to accept the Inspector's recommendation and also said that the appellant could make representations before a decision was made.

Representations were made by the appellant at the City of Gloucester, Local Plan Inquiry on the 8th November 1982 and written representation was submitted to the Department of the Environment on the 6th December 1982. The Inspector who held the Local Plan Inquiry issued his report and advised that the proposal should be approved. The City of Gloucester Council resolved, on 18th April 1983, not to accept the recommendation of the Local Plan Inquiry Inspector.

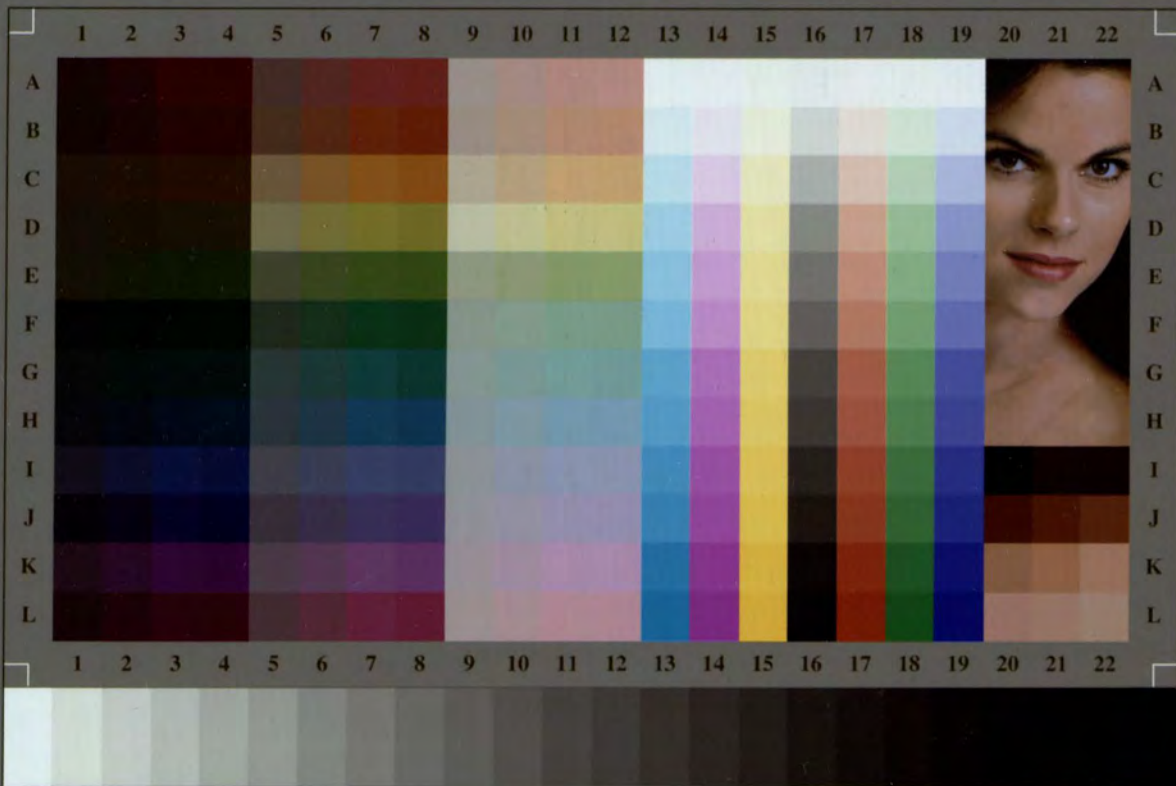
Despite a favourable recommendation by two Inspectors, the Department of the Environment issued, on 9th June 1983, the decision to refuse planning permission.

IPSWICH, Warren Heath

A planning application was submitted to Suffolk Coastal District Council on 23rd December 1980. The Council did not determine the application and a deemed refusal was taken and an appeal lodged on 18th March 1981. An amended application was submitted on the 30th March 1981 and this substituted new drawings.

The Ipswich Co-operative Society, International, Ransomes Property Limited and Tesco had also submitted applications on the eastern side of Ipswich; they lodged appeals and a joint inquiry was held from 15th September - 29th November 1981.

On 27th January 1983 the Secretary of State issued his decision. He accepted that the Sainsbury's site was in the best location and said he would grant consent to JS and he refused permission for the other applicants.



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