



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.

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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