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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.

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3. Handling

Lord Young and Patrick Jenkin should agree a line <sup>with you</sup> during the pre-meeting of Ministers between 10.00 and 10.30 am.

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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:

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- (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*

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## 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.

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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.

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