

28 March, 2006

Our ref: MBa/vpv

Your ref:

Carmel Howard
Barker Review Team
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By post and email: barkerreview@hm-treasury.gov.uk

Dear Ms Howard

BARKER REVIEW OF LAND USE PLANNING : RESPONSE BY MARKS AND SPENCER PLC "TO CALL FOR EVIDENCE".

We are writing in response to the "Call for Evidence" for the above Review, to be submitted by 28 March, 2006.

1.0 Introduction

1.1 As you will be aware, Marks and Spencer is a national food, clothing and home furnishings retailer, with the vast majority of our stores in city, town and suburban centre high streets. The Company also has an active development programme in each type of location, including both minor and major improvements, remodelling and extensions to existing outlets, as well as new stores. We are therefore continuously and actively engaged in all aspects of the land use planning process. In particular, town centre and retailing policies and advice, and development control processes in England are of very great importance to the Company, as we are frequently involved in application determination processes for implementing our store development programme. We also monitor Regional Spatial Strategy revision and Development Plan Document (DPD) preparation and input into the consultation stages of these processes. It is this background and our high degree of involvement as a stakeholder in the land use planning system that has led us to make this response to the "Call for Evidence".

2.0 Background to this Response

2.1 Our detailed answers to the Review's "Call for Evidence", Annex 1 questions, prepared in consultation with our town planning advisors, Nathaniel Lichfield and Partners Ltd., are set out below.

2.2 At the outset however, we would like to cross-refer you to our Memorandum of Evidence submitted to the House of Commons Select Committee on ODPM : Housing, Planning, Local Government and the Regions for their 2002/3 Inquiry into "*Planning, Competitiveness and Productivity*" (link <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmodym/114/114m04.htm> and copy attached). All of the views expressed by the Company in this Memorandum remain unchanged and they are entirely pertinent (despite the enactment and part-

implementation of the Planning and Compulsory Purchase Act 2004, and the revision/replacement of PPG6 with PPS6, “*Planning for Town Centres*”) to this current review of land use planning - in particular we wish to highlight our views that:

- the principal benefit of the land use planning system is that it aims to create a “*level playing field*” for all developers and investors, and that its development planning and control systems aim to provide a framework of certainty and consistency;
- notwithstanding this aim, these systems are hampered by very significant delay and inconsistency in their use and application in different regions and by different local planning authorities (LPAs) - which leads in turn to uncertainty for users;
- a development plan-led system, where decisions are made in accordance with the development plan, unless material considerations indicate otherwise, is still nevertheless favoured by Marks and Spencer;
- the continuing wait for good practice guidance on need, impact and the sequential approach to accompany PPS6 is most unsatisfactory and we perceive it could be contributing to inconsistent decision-making on planning applications, at all levels;
- the ongoing absence of positively worded, Government policy advice on increasing all aspects of accessibility of town centres (e.g. in a new PPS13, “*Transport*” or in good practice guidance to accompany PPG13) imposes direct costs on the Company, with its predominantly city/town centre-located stores’ portfolio; and
- although it is clear that one of the land use planning system’s greatest economic (and spatial) impacts is on the retail sector, planning is **not** a major determinant of Marks and Spencer’s competitiveness and business growth, when looked at in the context of our overall operations. The costs of the land use planning system are however significant in relation to our development programme, as is the case also for the impact of its slowness of operation.

2.3 Overall, we believe that for the retail industry to flourish, it is essential that the Government provides a clear and consistent policy and legislative approach to development planning and development control capable of ensuring the future of, and maintaining and enhancing city and town centres, as well as smaller centres, while allowing change and innovation in the retail industry to come forward for the benefit of consumers. We also believe that the delays in the system which currently exist need to be removed.

3.0 “*Call for Evidence*” questions and our responses

“1. ***Is the planning system sufficiently flexible and/or responsive to the right signals to deliver the right development in the right place, given the changing economic circumstances due to globalisation, demographic change, natural resource pressures and environmental change? If not, what policy measures might help deliver this flexibility?***”

3.1 It should be accepted by Government that there are inherent limitations to the land use planning system as to what it can and cannot influence. In particular, because of the difficulties in keeping all planning policy at all levels sufficiently up to date, the planning system has to have inbuilt flexibility (i.e. out of date development plans can be overridden by material considerations), to ensure that the development control system can be responsive to changing economic circumstances.

3.2 Land use policy-making at all spatial levels is an important factor in the economy;

policies can and should be reviewed regularly and revised, and kept more up to date than has been the case in the past, to ensure that there is flexibility in the planning system to then deal with development control issues arising from and contributing to individual proposals which could have an effect on/lead to a changing economy.

- 3.3 The principles behind the more flexible Local Development Frameworks (LDFs), with shorter documents and speedier timescales for preparation and adoption, are therefore supported in this context. However, it has become clear that the initial timescales set out for the production of LDFs are not going to be achieved, which raises questions about how flexible they really are. Furthermore, reports of the unacceptable quality of Statements of Community Involvement (SCIs) and Local Development Schemes (LDSs) which have been submitted to date call into question the quality of the work.
- 3.4 Despite these problems, it remains our view that the current land use planning system could potentially be operated in a sufficiently flexible way to help meet development needs, as and when they arise from changing economic circumstances. But if the new planning system is to work, LPAs need sufficient resources in order to prepare and review their Local Development Documents (LDDs) efficiently. At present, the new system is considered to be overly-complicated, with too many documents having to be produced. All these documents require multiple consultation, creating repetition, delays and frustration on behalf of consultees such as ourselves. And this is before any have reached adoption or review stages.
- 3.5 The problem is not necessarily the Planning and Compulsory Purchase Act 2004 provisions themselves but it arises, in our view, from the Act's implementation and trying to assimilate and apply the plethora of the guidance documents that have been published to explain the system. Simplifying the LDF production, associated consultation processes and accompanying guidance would be a good starting point, to ensure the intended flexibility of the land use planning system.
- 3.6 The planning system and its policy framework are becoming more and more complicated, with too many documents for its users to have to review, understand and apply. This in turn creates further challenges in terms of keeping all of these documents up to date.
- "2. Do you have any views on the scope of plans at the different spatial levels in England which are now emerging following the introduction of the new system in 2004? Are there further improvements to the plan-making process at the different spatial levels in England, particularly regarding the need to encourage a positive/proactive approach to planning, which was a key theme of the new plan-making system? Does the current system strike the right balance between central direction and regional and local discretion?"**
- 3.7 The right balance between central direction and local discretion is not being achieved. There is currently too much emphasis on central Government policy guidance. Some PPS policy could better be provided at the regional level, where it would be more applicable to the particular economic circumstances of that region. In particular, and by way of example, all of PPS6's policies for the regional tier (RSS) of planning for town centres make detailed research essential. This in turn necessitates close working relationships in the form of partnerships between regional bodies and the retail industry. The Government is not setting a good example in this context, as although PPS6 even in draft form was informed by research and good practice guidance commissioned by ODPM, most is still not yet available and the regional bodies and retail industry do not yet have these common sources of up to date data for making such partnerships work effectively. As a matter of principle, and while we accept the differences between policy and good practice guidance, they are so closely related in this instance that we consider

that the consultation process would have been more robust and more equitable if all of the research and Good Practice Guidance had been made available in 2004, at the same time as the draft consultation document, with an opportunity to comment on the draft PPS simultaneously or afterwards. As yet, the material has still not been made available, and we therefore have not been able to comment fully on certain PPS6 policies, relating for example to assessing impact and applying the sequential approach. We believe that it can only be of benefit if stakeholders, who will have a significant bearing on the successful implementation of policy in the future, were always able to contribute to and share information prior to the finalisation of national policy. This would be consistent with the aims and objectives of partnership working that the Government is keen to encourage, in order to bring forward appropriate strategies. Thus consultation drafts of Good Practice Guides should always be published, and in the case of PPS6, a further opportunity given to add comments on the PPS itself, and its need for review fully in the light of those comments fully considered.

- 3.8 In any event, this incomplete consultation process has had the consequence of leaving policies in PPS6, such as those for the extension of existing out-of-centre regional and sub-regional shopping centres (para. 2.14), unjustified by any published research or evidence and they therefore represent a very crude policy tool. The research that does exist suggests that the current policy approach towards the expansion of such existing facilities is ill-informed and without foundation.
- 3.9 It is our view that policy within PPS6 relating to expansion of existing out-of-centre regional and sub-regional shopping centres is not required or justified and should be revised in a review of the PPS, to refer only to major expansion and only this being a matter for consideration at the regional level. Otherwise, lesser expansion proposals only should have to be dealt with by LPAs in their LDFs and not at regional level (the PPS only refers to proposals being "*subject to the appropriate policy considerations*"). Therefore there should be a clearer differentiation in the PPS between regional and local matters.
- 3.10 On the subject of the designation of new centres, PPS6's policy is that this also should occur through the RSS process, where it is of more than local importance. We support the principle of this designation policy for the largest new centres and its requirement that transport infrastructure will be key in deciding the location of such new centres. It should be stated clearly that the approach would also apply to the possible designation of existing regional and sub-regional shopping centres (which might currently be described as out-of-centre), which already offer a range of retail and other facilities, and services and which already serve as focal points for surrounding communities, providing that these accessibility criteria apply.
- 3.11 There should generally be a clearer and more realistic role for RSS, which should be that it should deal only with matters of regional significance. This is particularly the case in relation to retailing. Planning to meet retail needs is most appropriately done at the local and sub-regional level. The role of regional planning should be limited to defining the top tiers of the retail hierarchy only, identifying the need for new regional or sub-regional centres or changes in the retail hierarchy to create these. Guidance as to need at the regional level and its accommodation within centres should be general, with sub-regional and local studies defining in more detail how these needs can be met. These sub-regional studies could be carried out by Regional Bodies or by joint working of local authorities, however, in most locations we believe the policies on major expansion of large town centres and sub-regional centres should be created at the sub-regional level based on a level of detailed work which RPBs are currently ill-equipped to do.
- 3.12 At the local level, the LDF process is based on the production of an array of Local Development Documents (LDDs), the number and purpose of which is confusing both for

those within the development industry and for the general public. A further problem with the list of statutory DPDs etc. set out in LDSs and stated as to be prepared is that the lists are, in some cases, already out of date and superseded.

- 3.13 If cross-boundary documents such as joint core strategies are to be produced with neighbouring authorities, the timetable for production should be consistent with the other LDDs of each contributing authority and the role of/inter-relationship between LDDs explained. Joint LDDs should only be prepared where there are clearly overlapping issues. In the case of retailing, joint LDDs and joint studies are likely to be useful in achieving an integrated approach across two or more LPA areas.
- 3.14 On the whole, it is our observation that the new LDDs which are being produced are generally excessively long and there is a tendency for repetition within them, with frequent recitals from national policies. In contrast and under the 2004 Act process by which some LPAs have followed transitional arrangements, there have been situations whereby policies have been 'saved' which do not necessarily accord with national guidance. Furthermore, there are cases where substandard draft plans from the old system are being proceeded with, simply on the basis that there is no time for updating changes to be made.
- 3.15 To overcome this, a useful mechanism to ensure the balance between plans at different spatial levels might be for the Government Offices/the regions to formally review 'saved' and emerging development plans and future DPDs, specifically to advise if policies are 'out of date'. Repeats of national policy should be deleted/withdrawn which are inappropriate as dealing with policy issues at the wrong level.
- 3.16 While the new LDF process, with time and revision, might prove positive the fact remains that at the moment the whole development planning system (and that for development control) is slower and less flexible now than it has ever been.
- “3. Sustainable development is the core principle underpinning planning. Does the current system achieve the right balance between economic and other goals, such as the regeneration of areas and the promotion of social cohesion, improving the quality of design of buildings and urban environments, and the protection and enhancement of our natural and historic environment? Are some environmental, natural resource, or social considerations given too much or too little weight?”**
- 3.17 It needs to be recognised that the 'think globally, act locally' sustainability principle cannot always be applied to an individual development; for example, more minor retail proposals, wherever they are located, cannot effectively/appropriately always address this principle.
- “4. What, if anything, could the English planning system learn from the planning and consent systems operated in other countries in order to respond to this new economic environment?”**
- 3.18 We consider that the development plan-led system (whereby planning applications have to be in accordance with the development plan unless material considerations indicate otherwise) and the policy balance of economic, social and environmental factors in the UK planning system are about right, when taken together.
- 3.19 The problem however is that even when a proposal is in accordance with the development plan, the outcome of straightforward planning applications can be unpredictable, even with the simplest of proposals. To address this, new 'tick box' planning and prior approval procedures in some areas and in relation to minor developments could be introduced, to allow greater certainty and delegation of decision-

making. In addition, there should be scope for minor commercial proposals to be the subject of an expedited procedure/revised GPDO provisions.

“5. What is the impact of planning on encouraging or impeding business investment? In this context, how would you assess the potential of recent reforms to the English planning system, which are now being implemented? Are they increasing the transparency of the system and providing greater certainty for businesses? What further reforms, if any, are desirable in order to improve the transparency and effectiveness of the system still further?”

- 3.20 The planning system often impedes our business investment by causing delay in implementation e.g. and in particular in relation to store remodeling/refurbishment/plant replacement proposals.
- 3.21 While a more efficiently run planning system is relevant in speeding up the delivery of improving the Company's stores to the benefit of both customers, the Business and therefore the economy, unfortunately, the recent reforms have added huge potential for further delay and impediment. Our business decisions/requirements do not always tie in conveniently with the development planning process and its timescales; in particular, we are concerned about the inherent conflict between the increasing levels and amounts of consultation required of us by the new system and the Government repeatedly stating that it is aimed at increasing speed in achieving development.
- 3.22 The role of locally elected members in promoting business investment also needs further clarification in policy advice directed specifically to them. Members should be firmly discouraged from using the appeal system as a 'get out' clause for making difficult decisions. Members should be required to give evidence at inquiries, where they have refused planning permission against an officer's recommendation, as a disincentive.
- 3.23 Importantly, the overall level of certainty and efficiency for Marks and Spencer remains unchanged from the old planning system. We would resist any additional and major reforms, other than to simplify, it to address this. Major changes are not considered desirable (or likely) to improve the transparency and effectiveness of the system further at this stage i.e. before the new system has been given the opportunity to become familiar to users.
- 3.24 There is a further and very considerable concern at Marks and Spencer that the 5 December, 2005 announcement and consultation on Planning-gain Supplement (PGS) will bring about a further and very substantial revision of the planning system, without there being a period of time to test any revised s106 procedures/planning tariffs instead. It is considered that the introduction of PGS now will hinder rather than help the clearly identifiable problems. The current system should be given a chance to become established before being so quickly revised yet again.
- 3.25 In short, if legislation and Government policy were now to remain consistent for the foreseeable future, with the emphasis being on modest reforms that simplify, clarify and speed up the operation of the system, then it should be possible for Marks and Spencer to work within the new legislative framework.

“6. Is the planning system sufficiently “joined-up” with other related aspects of government policy? In particular, are Regional Economic Strategies delivering a clear economic framework to help inform Regional Spatial Strategies? Is there sufficient interaction between RDAs and RSSs when preparing their respective regional strategies and if not how might greater interaction be encouraged?”

- 3.26 As RESs do not generally deal with retail issues, we have not responded to these

questions.

“7. Planning applications for major projects will typically take a considerable time to work through all the necessary stages. Do you consider the system puts too much emphasis on speed or do you feel that is too slow? If there is an undue emphasis on speed, what are the negative consequences of this and how could they best be avoided? If the process is too slow, what could be done to overcome delays? In particular, what improvements might be made to the planning appeal system to improve its speed and efficiency?”

- 3.27 We support the proposed introduction later this year of a single, standardised planning application and other consents form, to simplify the various approval processes (e.g. planning permission, conservation area consent and listed building consent) required for a development to be implementable.
- 3.28 But this will make little difference to determination times, as in effect, the development control system does not emphasise speed over quality, but Best Value Performance Indicators (BVPIs) do. BVPIs should be refined for more accurate recording of quality of decision-making. For example, targets for major applications could be staged, to “front load” the process (e.g. % of consultation requests sent within X days or application registration), whilst specifically allowing time at later stages for discussions and full consideration. Some LPAs even abuse the 12 month resubmission provisions to meet (time based) BVPI targets, effectively treating the first application as pre-application discussion if a scheme is considered unacceptable.
- 3.29 Targets have also been unsuccessful, as they are clearly putting pressure on officers to not register applications; or refuse applications for reasons that could be resolved with a little more time. This is unacceptable for all, delaying the decision-making process if an appeal is made and putting more work on the Inspectorate, or on the LPA if the application is resubmitted and the whole administrative process has to be repeated.
- 3.30 Targets also discourage changes being made during the application determination process that arise from consultation and, by curtailing the time for discussion, can lead to a scheme that is just ‘acceptable’ (rather than anything better) being granted planning permission.
- 3.31 Planning application determination targets are also leading to the termination of discussions with applicants and requests for withdrawal on threat of refusal, and applicants then having to re-apply. These are the unacceptable consequences of the Planning Delivery Grant (PDG) being related to the numbers of applications determined. This is the Company’s experience, in spite of recent Government research findings apparently indicating to the contrary. The PDG assessment should therefore be changed so that where applicants agree to specific timescales, LPAs are not penalised in their PDG allocation. In other words, the percentage of minor applications determined in 8 weeks (and major applications in 13 weeks) would relate to those applications determined within that timescale, plus those not determined where there is applicant agreement for determination beyond this time frame. The pilot “*Planning Delivery Agreements*” for major applications will address these concerns to a limited extent, but need to be introduced expeditiously and widely, if the pilot proves to be a success.
- 3.32 The development control system, particularly in relation to major schemes, is also now being slowed down by the increasing problems arising from the extent to which some, but not all LPAs now require small (post-approval) amendments to unimplemented planning permissions to be the subject of entirely new planning applications-even with revised Environmental Statements. While this is a (perhaps temporary) consequence of case law established in *Sage* (and therefore new case law may be made at any time), it

is currently a significant problem for Marks and Spencer when wishing to implement major development, as schemes are subject to minor alterations pre-and post-implementation. The delays in having to re-apply can be considerable and there are always risks associated with obtaining planning permission, even if there is an almost identical, recent approval in existence at the time. There is also the added complication that this approach brings, if a scheme requires a Stopping Up Order which has to be linked directly to the planning permission reference number. Applicants currently have to go through the whole stopping up process again, every time a new planning permission is granted for minor amendments. This current position seems to favour inertia, and is not promoting the implementation of major development. The lack of consistency between how different LPAs interpret or ignore *Sage* (in terms of pre-commencement and post-decision minor amendments) requires urgent consideration by ODPM. Primary/secondary legislation should be changed, to establish a procedure for dealing with “*minor post-approval amendments*”, based on a streamlined re-determination process. Again, this point should be considered in the context of the implications for delivering a “*speedier*” planning system - which the Government has promised.

- 3.33 Similarly, there should be scope to amend “*unreserved*” matters (e.g. siting, access etc.), i.e. those determined at outline planning permission stage, at reserved matters stage. There should be scope for making all but the most major amendments to unreserved matters (i.e. not to those affecting the scope/scale/principles of the outline scheme approved). Changes to reserved matters should be acceptable, if within defined parameters, or a more formalised test of “*materiality*” could be applied by LPAs as a possible safeguard.
- 3.34 The worst delays however still remain in the appeal and call-in systems. On call-ins, Marks and Spencer’s view is that the number of applications called in should be reduced, with central government guidance being revised to include a statement that call-in and referral only apply to applications of national significance or issues of impropriety. If this suggestion is not accepted by Government, then the aim should be to reduce the issues considered at call-in only to matters that are of greater than local significance. At present, there is considerable inconsistency in relation to issues relevant to call-ins.
- 3.35 The time taken to be given a date for an inquiry remains unacceptable, as is the time for hearings and the receipt of written representations’ decisions. There is also all too often an unexplained and significant delay in the issue of a decision in the case of a called in application, and a complete absence of transparency in the process when applications are with the Secretary of State either when deciding whether to call an application in or when considering a decision. The lack of clarity of both process and timescale is at odds with what we consider the reformed system should seek to achieve and is very frustrating for investors reliant on it.
- 3.36 There is also a desirability for meaningful contact with Government Offices (GO) at pre-and post-application, and post- resolution stages, where the GO objects. It would help if there could be more transparency and greater consistency in advice, guidance and then the approach amongst the GOs and individual GO civil servants dealing with applicants and applications(GONE is apparently more open than say GOWM). There is also a tendency for ODPM to require a comprehensive, detailed assessment of all planning issues relating to a proposal at a call-in inquiry, many of which do not often have a key bearing on the ultimate decision. ODPM should state the issues of particular national policy concern or strategic importance etc. and leave secondary issues to be the subject of the Statement of Common/Uncommon Ground, thereby enabling all Rule 6 parties, the Inspector and the GO to focus on the ‘*real*’ grounds for a call-in, rather than many secondary matters. It is of course appreciated that sufficient evidence must be

submitted on the secondary matters to enable the Inspector and the decision-maker to reach a balanced judgement on the proposals.

“8. *Is there evidence to suggest that the direct costs of making a planning application are deterring investment? Are there any unnecessary burdens/how might information requirements be streamlined to reduce the regulatory burden from the process of making an application?*”

3.37 The direct costs of making a planning application and ever-increasing information requirements are not a major issue for Marks and Spencer, but the costs of having to provide complex supporting information and potentially to resubmit applications may well affect smaller developers/companies. This is particularly the case as outline applications are required to provide more information, or a full application is encouraged, only to be refused on a single/minor ground. We do sometimes doubt the value of some of the supporting documents that we are obliged/requested to submit, in terms of whether their content is material to the decision made on an application.

3.38 In view of *Sage* however, and to reduce the regulatory burdens arising from the ruling, the 12 month ‘*free go*’ provision for repeat applications should be made more flexible for applicants’ benefit (this issue needs to be addressed, as few major schemes are built as originally permitted). As fees have increased, taken together with current law and practice, the development control system could be discouraging amendments which would improve the overall quality of schemes (in all respects - not just design, but also their commercial viability).

3.39 The principle of a free right of appeal should be maintained, but the opportunity for a ‘*fast track*’ appeal on payment of a fee (for hearings and inquiries) could generate revenue and speed up the process. Any future proposals for third party rights of appeal will continue to be resisted by Marks and Spencer.

“9. *To what extent are high occupation costs in England likely to be due to planning constraints, or due to other factors such as imperfect competition or lack of transparency in the land market? What is the economic impact of these costs in terms of the main drivers of productivity?*”

3.40 It is the Company’s view that high retailer occupation costs are, overall, due to a variety of causes, including limited land availability which in part is due to the land use planning system. The important issue as stated at the outset is that the planning system should create a ‘*level playing field*’ for operators.

“10. *How does the planning system impact on competition, through influencing barriers to entry and exit and economies of scale? If there are areas where there is a negative impact, how can these be addressed, while protecting other goals of the planning system?*”

3.41 As a Company, we accept that any restrictions on land use or development will inevitably affect competition to some degree but operation of the planning system should not unnecessarily restrict competition, indeed policy advice should give weight to the benefits that flow from fair competition.

“11. *To what extent does the planning system effectively support innovation through fostering the formation of business clusters and wider agglomeration of economic activity?*”

3.42 We are not in a position to answer this question.

“12. Do planning authorities have the skills and resources required to help promote sustainable economic development? If not, what is the best way to ensure that resources match the challenges the system faces? Are there ways to increase further efficiency of process?”

3.43 The turnover and loss of planning staff resources from the public sector is a major issue for LPAs trying to meet the significant demands of the new planning system. This underlies a number of our concerns identified elsewhere. LPAs are seriously under-resourced in terms of planning staff with sufficient experience to process and recommend, particularly on major applications. It is not always practical to expect the LPA to outsource development control functions and frequently, conflicts of interest arise. But there should be scope/finances available for outsourcing, as put forward in the recent Audit Commission report, and with LPAs having powers to recover the costs of doing so from applicants.

3.44 There needs to be a focus by Government on reviewing and raising the remuneration of public sector planners, to reflect the increasing complexity of tasks they have to deal with and the skills required.

“13. Are the new arrangements for stakeholder engagement in the plan-making process succeeding in engaging those representing economic interests, including SMEs? If not, what are the barriers to that engagement and how might they be addressed?”

3.45 As we state above, the new development planning system does not encourage participation *per se*, due to its overly complicated structure leading to a vast number of consultation documents being published, the relatively short statutory time periods for making representations and the fact that LPAs are taking different approaches to preparing their LDFs.

“14. Are there ways that the incentive structure for decision-makers and local communities can be improved so that a balance is achieved between local interests and the interests of the wider community regarding proposals for economic development?”

3.46 This is a matter for local circumstances and, to an extent, individual applications and accompanying s106s which can specifically mitigate against local and wider impacts of developments. A balance could be better achieved by reducing intervention by regional/central government e.g. through call-ins, with more major development decisions being taken by locally elected and community representatives, with the appeal mechanism giving recourse to a more independent view if local members' views are not sufficiently objective.

“15. Economic development can help achieve the regeneration and renaissance of urban and rural areas. Are there ways which planning could strengthen economic performance in regions, sub-regions (including city regions) and at the local level?”

3.47 The principal way that planning could strengthen economic performance would be for decision-making on planning applications to be speeded up - once again, this is a resources issue.

4.0 Conclusion

4.1 Marks and Spencer's overall conclusion is that this is not the right time for a further overhaul of the land use planning system, even when limited to examining its role in the

economy, when the new development planning processes are in their infancy and their success/otherwise cannot yet be assessed, and many of the proposed changes to the development control system in the Planning and Compulsory Purchase Act 2004 have not yet been implemented. Likewise, their effects have not yet been evaluated. The effect of the changes should, however, be monitored (as is currently occurring for development planning) and where there is scope to reform processes and guidance to simplify, clarify and speed up the operation of the system this should be positively considered.

- 4.2 A more urgent area for review would be how to meet the immediate need for providing additional resources in the planning system, as referred to above.

Please do not hesitate to contact me if you wish to discuss any aspect of our detailed views expressed above, or seek clarification of any point made.

Yours sincerely

Garreth Keating
Head of Estates