

Barker Review Team
4/E1, 1 Horseguards Road
London
SW1A 2HQ

Direct Line: 020 7887 7057
Direct Fax: 020 7887 4225
kay-chaldecott@capshop.co.uk

By Post & E-mail: barkerreview@hm-treasury.gov.uk

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Dear Sir / Madam

**BARKER REVIEW OF LAND USE PLANNING IN ENGLAND: FURTHER RESPONSE BY
CAPITAL SHOPPING CENTRES**

Following receipt of the Interim Report of the Barker Review please find enclosed our further representations. We provide our view on whether we consider the Interim Report is heading in the right direction and also comment on those areas where we feel further work needs to be done.

For ease of reference our original representations are also attached and this provides some background to our business and our interest in land use planning in supporting our activities.

Is the Review Heading in the Right / Wrong Direction

The Interim Report identifies a large number of highly relevant issues which require further examination if this review of land use planning and the economy is to lead to a meaningful change for the better. We welcome the clear understanding that is being shown of the relationships between business and land use planning.

Overall we consider the Interim Report and the work associated with it is heading in the right direction although we feel that the importance of certain matters, which affect our business activities, has been under-estimated. We concentrate on these matters below.

Areas of Further Work and Gaps / Missed Points

The Interim Report (paragraph 1.13) refers to "*significant progress*" in local authority development control processes as a result of recent reforms and much is made of the statistics from ODPM. Whilst there have been some improvements, further analysis needs to be made of the "*perverse outcome from local authority targets*" referred to in paragraph 1.14 of the Interim Report. We have experience of delayed acknowledgement of applications, refusal to accept amendments to applications and more general resistance to negotiation on minor problems or objections which could, in most circumstances, easily be addressed and resolved. The result is that applications have to be withdrawn and resubmitted (with the unnecessary costs and delay that this entails), when a short extension of time for the determination of the application would deal with the matter quicker and more cost effectively. Local planning authorities act in this way as a direct result of the targets, the procedures for the implementation of which have failed to provide the flexibility to agree alternative ways forward where this would clearly benefit both parties.

In our previous submissions we raised a large number of other points where we consider the efficiency and transparency of the planning system could be improved, not only to the benefit

of our business activities but for all those involved in the planning system. The Interim Report provides little by the way of analysis of representations received by the Barker Review team and much of the research referred to is several years old and does not reflect the changes that have occurred since the introduction of the new planning system. We hope that the large amount of evidence submitted to the team will be fully utilised, in order that this review results in practical recommendations reflecting the needs of those who use the planning system on a daily basis. We are concerned that there is a danger that the review becomes an academic exercise which fails to reflect the needs of those working "*at the coal-face*". On top of the large amount of research that has already been reviewed, we would encourage the team to explore some of the anecdotal evidence (and we would be willing to assist in this regard) as this can provide the most up to date feedback on how the current system is working.

An overriding theme of our previous submissions is the complex nature of the planning system in England and the burdens this places on businesses and all others involved in the process. One very recent matter (that has arisen since publication of the Interim Report) demonstrates this well. DCLG published a Consultation Paper on 25th July 2006 on the "Validation of Planning Applications". This sets out what can only be described as an over-engineered set of proposals that will potentially complicate rather than simplify matters. Whilst we have the opportunity to comment on this paper the point relevant to your team is that those involved in planning reform and its implementation (most notably DCLG) need to get closer to the practical workings of the system itself. If this were to be the case, there would be a far greater prospect of the existing shortcomings being identified and a more effective and a simplified process being introduced.

There is one additional issue we wish to comment on that relates to our experiences since the submission of our previous representations. This relates to the process of formulation of Regional Spatial Strategies, in particular the role of the Examination of Public (EIP). The first Panel Reports have recently been received; whilst it is too early to judge the effectiveness of the whole RSS process, certain problems are already emerging.

The Panels' Reports following the EIPs for the North East and East of England Regional Spatial Strategies in our view demonstrate that the EIP process does not provide proper or robust scrutiny of issues. The examination takes the form of a structured discussion forum with no opportunity for questioning or cross examination of other parties' submissions. As a result unsubstantiated evidence is left untested and there is no quality control mechanism in place, with the discussion then being reported in the Panel Report and recommendations and policies being drafted on an unsound basis.

This deficiency takes on greater significance when the evidence base presented by the Regional Assembly is often not adequate in the first place (e.g. some RSS are informed by retail and leisure needs assessments, others are not). The result is that regional policies are emerging based on an unsubstantiated evidence base and lack of scrutiny. These problems have significant implications across the whole of the development plan system, as the EIP is now the mechanism by which objections will be heard and decided upon in the future, at regional (via the RSS) and local level (via Development Plan Documents). The recent rejection of draft core strategy development plan documents at Lichfield and Stafford would suggest that similar problems are also already occurring at the local level.

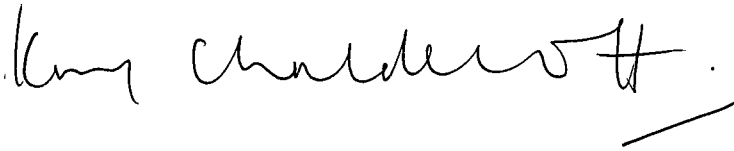
These problems may partly be a result of the introduction of new processes and also the lack of resources which is hampering the effectiveness of many aspects of the planning system. It is imperative that this situation is investigated, monitored and if necessary, addressed as

otherwise the longer term implications for the regional and local development plan policy base across England (which may not have been formulated or scrutinised in a robust fashion) would potentially be very significant for all those involved in land use planning. Our decisions to invest are made on the basis of a consistent formulation and application of development plan policy, reflecting the needs of any specific area. This provides greater levels of certainty which enable us to plan ahead and invest with greater confidence. This all requires a robust process for development plan-making.

We note that the Interim Report indicates (paragraph 1.39) that because the new system is bedding down, the focus of the final report will not be on this aspect (i.e. development plan formulation) of land use planning. Whilst we understand the reasons for stating this, we believe that some careful examination of the issues now, could usefully help in bedding down the new plan-making system and provide those involved in the process with greater confidence that the benefits the Government think it can provide, do actually materialise.

As we have stated before we would, of course, be happy to enter into further dialogue should you feel this would be of benefit to your review.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kay Chaldecott', with a horizontal line drawn underneath the signature.

Kay Chaldecott
MANAGING DIRECTOR