

**Copy of a relevant Paper given by William Hicks Q.C. at the PEBA conference
on the 18th May.**

“Retail Solutions - Regulation and Recovery”

Introduction:

1. I was asked to give this talk in October last year. I was asked to deal with the new PPS6 that was about to emerge in the context of recovering from what was then still being called the “credit crunch”.
2. It could not then have been anticipated that I would be discussing a very recent further consultation draft of PPS4, in the context of what we are now allowed officially to call a recession.
3. We have been promised new retail policy and associated guidance for a long time. We do not have that yet, but we do have a new consultation draft and perhaps more importantly for the first time a “living draft” Practice Guidance.
4. There is a lot of material in and associated with the drafts. I intend to deal only with retail, and I cannot hope to deal with all the detail. Before turning to the drafts I shall touch on the economic context into which they have emerged.
5. The impetus for a review of retail guidance arose from the Barker Report’s conclusion that the “need test” was a blunt tool which tends to distort competition and deny consumers choice.
6. In giving evidence to the Communities and Local Government Committee last Monday Ms.Barker put it like this:[SLIDE2]
“I felt that if a business was able to pass both a sequential test and the impact test it was very difficult to see why the planners were then coming along and saying, “Yes, we can see that there is nowhere else you can put this and we can see that putting it there will not have an impact on the town centre but actually we just think there is no need for it.” That seems, to me at least, a rather strange thing for planners to be doing and saying.”
7. There followed the Planning White Paper which set out the intention to remove the “need test”, the Competition Commission inquiry, and then the July 2008 consultation draft PPS6. Since then the Competition Commission process has been delayed by the Tesco challenge. We have also had the Taylor Report which was the immediate catalyst for a joint PPS.

8. These latest drafts are emerging into a very different economic climate than that which prevailed at the time of the Barker Report, the White Paper, and the previous draft PPS6.

9. Forecasts of growth (or lack of growth) in retail expenditure per head give an indication of the change and the uncertainty that prevails. Both Experian and Oxford Economics are issuing forecasts on a more frequent basis now and this table summarises their forecasts at March this year: [SLIDE 3]

	Convenience Goods		Comparison Goods	
	Oxford Economics	Experian	Oxford Economics	Experian
2008	2.2	0.2	4.91	1.3
2009	-0.04	-0.5	0.3	-3.0
2010	-0.04	-0.1	0.3	-0.8
2011	-0.04	0.4	0.3	0.6
2012	-0.04	0.4	0.3	2.0
2013	0.57	0.3	4.35	2.0
2014	0.57	0.3	4.35	2.3

Source: Oxford Economics, Retail Spending Outlook (March 2009, revised) and Experian Business Strategies, Retail Planner Briefing Note Update (March 2009).

10. The shape of these forecasts is very different from those that were being used a year ago. Both indicate a significant dip, with a very significant dip for comparison goods. It is a shock to see negative figures. The differences between the two forecasts are also an indication of the level of uncertainty. I suspect that there will be much more frequent updates over the next year or so. It will also mean that figures may change between application and appeal, and the uncertainty is likely to make sensitivity tests at different growth rates more common.

11. Growth in expenditure per head is of course not normally as important for convenience assessments, as for comparison assessments.

12. The recession is having a very significant effect on retail development activity. New Retail Warehousing activity has almost ceased, and most large comparison schemes are severely affected.

13. Brian Raggatt on behalf of the British Council of Shopping Centres said last week¹ that research carried out 18 months ago had suggested that floor space in the pipeline was going to result in some 486,000 square metres being built in town centres in each of the next three or four years. However his latest research indicated that 75% or more of that pipeline is now either on ice or not happening.
14. However there is still a considerable amount of food retail activity with new proposals coming forward for a range of different sizes and types of stores. Indeed food retail appears currently to be one of the few uses that can still generate mixed use development activity.
15. Because major comparison retail schemes take so long to come forward I would hope that there will be renewed activity relatively early in the cycle, once confidence starts to creep back.
16. The problem with a recession is that it intensifies the conflicting views about retail development. On the one hand protectionism and concern about TC's is likely to be heightened; on the other food retail is likely to be one of the few uses that is capable of creating employment and economic activity and making a mixed use development work even during the recession, and if large comparison schemes are not given every encouragement the recovery will be slowed.
17. Already difficult decisions on retail proposals are going to be made more difficult. That makes it all the more important that we have formally issued new policy and guidance and that it is appropriate for these economic circs.
18. I would therefore like to do a quick exploration of the new drafts with two particular questions in mind:
 - a) Will the changes to the way need is treated improve competition and choice for consumers?
 - b) Will the changes help to ensure that the right decisions are taken in the recession?

The New Drafts:

19. What have now got is 114 pages of consultation Draft PPS4, and 112 pages of a "Living Draft" Good Practice Guide on Need, Impact and the Sequential Approach (to be found on the Grimley Web site).

¹ Uncorrected transcript of CLG Committee 11/5/09

20. The draft PPS4 is intended in its final form to replace PPG4, PPG5, PPS6, and parts of PPS7 and PPG13². The text of the Consultation Draft itself is relatively short at 32 pages. That is about same length as PPS6 (but with a wider scope). It is out for consultation until the end of July. The draft was produced with admirable speed once the decision was made for it to be conjoined. However the same urgency will be necessary if it is to be issued in time to have an effect in stimulating recovery.
21. There is an Introduction, a section dealing with Objectives, and then the main part of the document is split into two parts:
 - a) Plan Making Policies (Policies EC1 – EC10)
 - b) Decision Making Policies (EC12 – EC24)
22. I shall deal only with the retail parts and concentrate on those parts most relevant to decisions on applications.
23. The thinking in Part 4: “Consultation Stage Impact Assessment” (that is impact of the document – not of a retail proposal) is worth looking at, particularly Annex A to that part which seeks to deal with current market trends.
24. The draft Guidance gives quite detailed guidance on how to approach assessments of Need, Impact, and the Sequential Approach. The appendices go into greater detail in relation to Need and Impact.

“Economic Development”:

25. The Introduction to the PPS provides a new definition. Although retail is still defined as a main town centre use there is now an overarching concept of “economic development” which includes town centre uses (and practically everything else except housing), :[SLIDE 4]
“... economic development includes development within the B Use Classes⁴, town centre uses and other development which achieves at least one of the following objectives ...
 1. provides employment opportunities
 2. generates wealth or
 3. produces or generates an economic output or product”
26. Economic development as a whole is subject to a very general Policy EC12.1 .
[SLIDE 5]

² 13/1

“EC12.1 Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development as defined for the purposes of this statement in both urban and rural areas.”

27. I am inclined to be cautious as to the effects of this in relation to edge of centre and out of centre retail development, because there are plenty policies dealing specifically with town centre uses and retail, the substance of which is not so encouraging.

Plan Making:

28. Given the time available I don't intend to dwell on the first main section of policies which deal with Plan Making. The overall approach is summarised by the matters to be dealt with in the selection of sites and land assembly for town centre uses, as set out in Policy EC7: [SLIDE 6]

1. Need
2. Scale
3. Sequential approach
4. Impact
5. Accessibility
6. Other considerations

29. As you can see the basic approach is not very different. That does not mean that there are no changes but time does not permit me to linger (although I will mention one or two of them briefly later).

30. In any event, by the time the final version of the policy is issued and finds its way into adopted plans (given the time they take), I would hope that we are well out of the recession!

31. The Minister says in the forward to the draft PPS that “we need to do everything we can to streamline the system to ensure it is not an obstacle to economic recovery.” I fear that large parts of the planning system are so geared up to preventing things happening and satisfying a NIMBY local electorate, and so complex and slow, that it will not be able to adjust in time to make a positive contribution. I certainly believe that it is hopeless to expect the development plan system to respond in time. What is needed I suspect are rapid, and in some cases difficult decisions on applications, and policies and guidance that will encourage that.

Decision Making:

32. The Policies relating to decision making do look different. Only two assessments are required: a sequential assessment and an impact assessment.

33. The Sequential Approach ³ remains mostly as expected. The three categories of “in centre”, “edge of centre and “out of centre” remain the same, though they are not defined in the PPS, only the Guidance. The approach to flexibility and disaggregation is much the same as in the previous draft.
34. The new style Impact Assessment however is required to balance positive and negative impacts over a much wider range of matters.
35. “Key Impacts” (EC20 /3 p.35): [SLIDE 7]
- a) Limit carbon dioxide emissions and minimise climate change
 - b) Impact on spatial planning, in particular the role of the centre in the hierarchy
 - c) Impact on investment in centres in catchment
 - d) Scale
 - e) Accessibility, distance travelled, congestion, linked trips
 - f) Impact on in-centre and wider area trade including rural economy
 - g) Impact on town centre v and v, including consumer choice and range and quality
 - h) High quality and inclusive design
36. The Plan making stage is also intended to identify “the types of impacts having particular local importance” which should be tested in impact assessments⁴. [SLIDE 8] Where the Plan has not done so 4 further “wider impacts” are to be assessed:[SLIDE 9]
37. “Wider Impacts”
- a) Impact on allocated out of centre sites being developed
 - b) Deprived areas and social inclusion
 - c) Local employment
 - d) Economic and physical regeneration
38. Impact on out of centre allocated sites can be considered, but the Guidance comments that the weight to be attached to such an impact may need careful consideration, particularly if the proposal is sequentially preferable.
39. EC21 deals with the way in which the decision should be based on the two required assessments.[SLIDE 10]

³ EC7.3 at Plan stage, EC19 for Decisions.

⁴ EC5.1 / 7

Policy EC21: The consideration of planning applications for development for town centre uses not in a centre nor allocated in an up to date development plan.

1. Refuse planning permission where the applicant has not demonstrated compliance with the sequential approach
 2. Refuse planning permission where there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of climate change or any one or more other key impacts under the impact assessment
 3. Consider proposals favourably where any adverse impacts under “Key Impacts” are not significant and these are likely to be outweighed by significant wider economic, social and environmental benefits arising from the proposal in relation to “Local” or “Wider” Impacts or other material considerations
40. EC21.2 also provides that Judgements about the extent and significance of any impacts should be informed by:
- a) the development plan (where this is up to date).
 - b) Recent local assessments of the health of town centres which take account of the vitality and viability indicators in Annex A of this policy statement
 - c) and any other published local information (such as for example a town centre or retail strategy), will also be relevant.
41. Annex A includes the same list as in 4.4 of current PPS6 with the addition of:
“Land values and length of time key sites have remained undeveloped”
42. I had thought that the object of the new approach was to allow all the relevant considerations to be balanced according to the particular circumstances of the case. It would be consistent with such an approach to give some general guidance as to the relative weight which would normally be attached to some of those considerations.
43. However I believe that this Policy seeks to be too rigid, and needs rethinking.
44. For example:
- a) Paragraph 2 suggests that any significant harm to one of the 8 “key Impacts” should **always** lead to refusal.
 - b) Why should a proposal which causes no significant harm to any of the “Key Impacts” (para.3) also need further “outweighing” from other considerations?
 - c) Can even a slight uncertainty about the sequential approach never be outweighed by other benefits?(para.1)
45. The draft Guidance seems to me to be nearer to a more appropriate approach in suggesting that one way of assessing the positive and negative effects is to use an Impact Evaluation Matrix. [SLIDE 11] If used sensibly such an approach should concentrate minds on what the appropriate weightings should be in the particular case in question.

Need:

46. From the beginning a key reason given for the revision of PPS6 was to remove the “need test” in order to facilitate more competition and choice.
47. Those expecting to find that need is no longer an issue to be considered will be very disappointed:[SLIDE 12]
- a) Need is still an integral part of the Plan Making section;
 - b) Need in some form, but now in the guise of “positive impact”, will in practice have to be shown as part of the impact assessment – otherwise even insignificant negative impacts will prevail.
 - c) Quantitative work will have to be done as part of the traditional trade impact part of the impact assessment. Some form of capacity assessment will be necessary to provide a starting point and / or background to judgements on impact.
 - d) It is difficult to see how need can be excluded from the sequential approach. It is need that provides the starting point for a sequential assessment. It tells you what you are seeking to achieve. See for example the “Checklist: Adopting a Sequential Approach” provided in the draft Guidance⁵:
 - **Checklist: Adopting a Sequential Approach [SLIDES 13 +14]**
 - What is the scale and form of development needed (see Section 4).
 - Is the need ‘location specific’ or even ‘site specific’, or is it more generalised?
 - Are the PSA and wider town centre properly defined in the development plan?
 - How should the site/proposal in question be defined? Is it ‘in centre’, ‘edge of centre’ or ‘out of centre’?
 - Have all more central opportunities been thoroughly tested, having regard to their suitability, viability and availability?
 - Has this assessment adopted a sufficiently flexible approach?
 - Has the potential to overcome any obstacles to the availability of more central sites been discussed with the LPA?
48. The intention appears to be to make quantitative need only one of the factors to be taken into account, and to achieve a position where a lack of quantitative need can be outweighed by

⁵ P.41

other factors. See for example p.69 of the Consultation Impact Assessment of the draft PPS:[SLIDE15]

“The more holistic impact test will be used to rigorously test unplanned proposals. It is reasonable to expect that the absence of the need test could lead to development proposals coming forward which would not have been promoted previously. It will be for investors to establish whether they think a development is needed or not, and then for a proposal (in an edge-of-centre or out of-centre location, and which is not in accordance with an up-to-date development plan) to be subjected to a rigorous examination of its positive and negative impacts. Where previously a development proposal might have been refused on the basis of need (which might have been beneficial if its impacts against town centre policy objectives had been appropriately considered) with developers then having to look to other markets or locations, local authorities will now have to consider the specific impacts of such proposals. This is because, under the current policy, the consideration of need is often, wrongly, considered to be a pass or fail test, with limited consideration often being given to the impact of a proposal.

Linked to above, the Government expects local authorities to apply the revised policy to ensure that town centres remain the focus for new development. However, it is possible that these proposed changes could lead to some additional unplanned proposals coming forward, particularly in edge-of-centre locations where town centre capacity is limited. Such proposals will need to be consistent with the Government’s policy objectives for town centres, with the strengthened impact test helping to ensure that, amongst other things, development is of a high quality design and does not have a significant adverse impact in respect to one or more of the key impact considerations.”

49. What the final version of the Practice Guidance says about this will be critical. I think it needs spelling out more clearly.

Competition

50. The underlying objective in changing the way need is considered was to facilitate greater competition and choice for the benefit of consumers.

51. The Competition Commission Report of April 2008:[SLIDE 16]

“found that several grocery retailers have strong positions in a number of local markets. Barriers faced by competing grocery retailers that could otherwise enter these markets mean that consumers get a poorer retail offer in terms of prices, quality and service than would otherwise be the case, while those grocery retailers with strong local market positions earn additional profits due to weak competition in those markets.”

52. The Commission considers that competition has a beneficial effect in terms of:

[SLIDE 17]

- a) Store cleanliness,
- b) Service quality
- c) Freshness of fruit and vegetables
- d) Range of products

e) Vouchering

And that this is reflected in profits.

53. See 4.109:

“In a more competitive environment, effort in keeping store cleanliness to a high standard, maintaining store service quality, ensuring the freshness of fruit and vegetable products, and supplying a broad range of products will all lead to higher store costs and lower store profits. Alternatively, a store facing little local competition will not need to engage in ‘extra’ activities to attract customers. Fewer vouchering campaigns, less attention to stock and a reduced range of products are, for example, the result of a less competitive environment.”

54. I note in passing that there is some interesting material hidden in the commission’s Report. See for example Apx.5.2:

Para.2:

“We observe a complex picture of both entry and exit of convenience stores and specialist grocery stores since 1999. In general, in the 1,115 high streets and town-centre locations surveyed, convenience store numbers have increased while special-ist grocery stores have declined. The ongoing entry of convenience and specialist grocery stores of all types over the period suggests that barriers to establishing a new store, where there is sufficient demand for one, are not prohibitive.”

[SLIDE 18]

Para.3

Our econometric analysis indicates that entry by a larger store into an area results in an increased rate of net exit for greengrocers and local food markets. In contrast, the net rate of exit for bakeries declines with local entry by new larger stores. Other types of specialist grocery stores seem unaffected by the entry of a larger store.

55. The Commission recommended a competition test:[SLIDE 19]

“The OFT, as a statutory consultee, should provide advice to the LPA on whether a particular retailer has passed or failed the competition test. Applications would pass the test if within a 10-minute drive-time of the developed store (as calculated according to readily available software):

(i) the grocery retailer that would operate the store was a new entrant in the local area; or

(ii) the total number of fascias (including any of the full-range national or regional grocery retailers and symbol groups) operating larger grocery retail stores in the local area were four or more; or

(iii) the total number of fascias were three or fewer and the grocery retailer operating the developed store would operate less than 60 per cent of groceries sales area (including the new or extended store).”

56. Tesco challenged the Commission in the Competition Appeals Tribunal who gave judgement in March 2009. The Tribunal concluded that the Commission’s consideration of the competition test had been defective. The Commission is now reconsidering, and the government is awaiting

that reconsideration. However the Tribunal made it clear that their judgement did not mean that there could not or would not be a competition test: [SLIDE 20]

“170. We have *not* concluded that a competition test, whether in the form proposed or in any other form, would be ineffective as a remedy for the AEC which the Commission has identified, nor that such a test would be unreasonable, disproportionate or otherwise inappropriate or unlawful. Our conclusions do not preclude the possibility that the test would ultimately be lawfully recommended by the Commission and implemented.”

57. Current PPS6 mentions enhancing consumer choice, and supporting competitive retail not as “key objectives” but as second tier “other objectives” which need to be taken into account.

58. Although the July 2008 draft PPS6 said in the introduction that:

“The proposed changes strengthen the references to competition considerations by listing the promotion of competition between retailers as one of the Government’s key objectives for town centres.”

It did strengthen the wording to:

“promote competition between retailers and enhance consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially excluded groups;”

But retained it within the “other” rather than “key” objectives.

59. The Consultation Impact Assessment of the new May 2009 draft PPS – supporting material states at p.73:

The Barker review noted that local authorities refusing planning permission on the basis of absence of need was likely to result in more limited choice and higher prices of goods in stores. The report also noted that the current policy in PPS6 requiring the demonstration of need can have unintended effects, including adverse impacts on competition. The Competition Commission’s investigation of the grocery market identified evidence that the current need test may be, or may become, a barrier to entry in many local areas when the available capacity has been absorbed by new development.

The removal of the current need test will remove identified barriers and, in principle, facilitate a greater likelihood of entry by operators who may not otherwise have been able to enter a local market where identified local need is taken up by existing incumbents and/ or unimplemented planning permissions. In addition, the strengthened approach to plan making requires local authorities and regions to consider the promotion of choice and competition when developing policies. Additionally at the development control stage, **the new impact test will promote competition by enabling a more thorough assessment of the impact of development upon consumer choice and retail diversity.** Where development is permitted, this would be likely to increase competition, resulting in greater consumer choice, and potentially reducing prices. However, local authorities would also be able to turn down development where it would have a significant adverse effect on a struggling town centre, particularly where the town centre would be adversely affected by loss of trade or turnover, or where there are other significant negative impacts related to other key impact considerations.

Taking account of these considerations the proposal is expected to enhance competition, with no significant redistributive effects, and will improve entry to local markets.

60. But if we turn to Policy EC20 which deals with the Impact Test it is not clear where we find the requirement for that more thorough assessment of competition and consumer choice.
61. Competition is not mentioned and the only reference to consumer choice is in 3.(g) which is:[SLIDE 21]
“what the impact is on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer”
62. Quite apart from the failure to mention competition this element of the assessment appears only to consider choice **in** the town centre, and not the overall choice for consumers including edge of centre and out of centre provision.
63. Policy EC6, which deals with choice and competition in the context of Plan Making seems to take the same line:[SLIDES 22 +23]
“EC6.1 Local planning authorities should proactively plan for consumer choice and **promote competitive town centre environments by:**
1. supporting the **diversification of uses in the town centre** as a whole
2. **planning for a strong retail mix so that the range and quality of the comparison and convenience retail offer meets the requirements of the local catchment area**
3.”
64. The suspicion that the benefits of competition and choice will only be considered in relation to in centre development is confirmed by the way in which objectives are set out in paragraph 6 of the new draft:[SLIDES 24 +25]
“promote ... competition between retailers and enhance consumer choice through the provision of innovative and efficient shopping, leisure and local services **in town centres**, which allow genuine choice to meet the needs of the entire community, and particularly socially excluded groups;”
65. Current PPS6 does not require need to be assessed for an in centre applications. The point of removing the need test was to allow more competition as a result of edge and out of centre applications. If the intention is to only consider competition and customer choice “in centre” then the exercise would appear to be pointless.
66. I note that the draft Guidance does not appear to limit consideration of the benefits of competition and choice to “in centre”:[SLIDE 26]
“Conversely, there may be circumstances where a lack of quantitative need may be offset by choice and competition considerations. For example, a development on the edge of an existing centre may provide additional choice and competition, be consistent with sustaining

and enhancing the vitality and viability of the centre, and be supported by a robust impact assessment which shows a diversion of expenditure from less accessible out-of-centre locations to a more accessible edge-of-centre location. This is exemplified by the Beverley case study.”⁶

67. I hope that the discrepancy between apparent intent and the drafting of the PPS is unintentional.
68. If the benefits of competition and choice are to be given weight, then the PPS and the Guidance need to be absolutely clear about it. If not then we should be told that the Government has changed its mind.

Some additional points in relation to the draft Practice Guidance:

69. I strongly support the production of Practice Guidance and welcome what I believe is an excellent first draft, which for the first time deals with detailed matters in relation to which a greater consensus and standardisation is very desirable.
70. I cannot hope to comment on more than a very few points in a paper such as this, but it is clearly vital that as many people as possible are involved in the consultation process which has now been launched.

Benchmarks, Efficiency, and Overtrading:

71. A proper understanding of the purpose of benchmarks, and floorspace productivity factors is important, and very relevant to the issue of competition.
72. [SLIDE 27] A benchmark turnover is intended to represent a turnover which is sufficient to allow a particular store or centre to trade in a way which is consistent with vitality and viability. However a benchmark turnover also represents the level of turnover that is to be protected from competition. The choice of benchmark can therefore be fundamental in the assessment of where the balance should lie between protection and competition.
73. [SLIDE 28] Making an allowance for floorspace productivity is simply a way of adjusting the benchmark over time, and a higher level of increase will protect more turnover from competition.

⁶ P.18

74. The Guidance does for the first time start to deal with these issues, has made a good start, and points out some of the difficulties. We should strive to make it even better. I make three points by way of example:
75. The Guidance helpfully includes some simple explanatory diagrams. Figure B3 deals with a “productivity” allowance and B4 with Benchmarks.[SLIDES 29 +30]
76. Firstly I believe that it is important to emphasise that there is no magic in the existing level of turnover, and that it would normally be wrong to apply a to the existing turnover rather the benchmark.
77. Secondly I believe it is important to emphasise that the benchmark may well be below the existing turnover level, and to include a diagram illustrating that possibility.[SLIDE 31]
78. Thirdly I believe that further guidance should be provided as to the logic of adding a “Floorspace Productivity” increase.
79. The Guidance also helpfully seeks to explain overtrading by reference to benchmark turnovers. I believe it is important to make the difference between financial and physical overtrading clearer. In the context of competition, financial overtrading by comparison with benchmark indicates a potential opportunity to introduce greater competition.
80. The Guidance also deals with the issue which can arise relating to the identity of the intended occupier. Retail assessments in this country have for many years been based on the identity of the occupier where that is known, I don’t believe there are very many cases where that has proved to be misleading. If sensitivity tests are to be required it would be helpful if clear guidance were given as to the circumstances in which they are necessary, and their extent.

Impact:

81. I strongly endorse the guidance given that (trade draw) impact assessments should be based on sound survey material and be as transparent as possible. In particular assessments should in so far as is possible be built up from judgements made on a sector by sector basis, broken down by area and if possible type of trip.
82. Impact assessments will always have an iterative element, but unless there is some element of bottom up rather than top down analysis they are very difficult to test.

83. I also welcome the statement that there are no meaningful benchmarks of an acceptable percentage impact. Impact is not an easy issue, but it must be assessed on the facts of the particular case, and start from as good an understanding as possible of how shopping patterns in that area work. Constant reference to percentages that led to refusal in other locations is not helpful. Let's save paper by not adding the Honiton decision to every appendix!
84. Finally. Please don't suggest that PTAL's should be more widely used. The issue is how a particular catchment is served by Public Transport. That is not necessarily the same as how many buses pass bus stops near the site.

Conclusions:

85. My provisional conclusion is that the PPS in its current draft form would not improve competition and choice for customers as was originally intended. I have some doubts whether there is any real determination to achieve those objectives.
86. The indications are that policy is tending towards increased protectionism. If that is right there is a danger that opportunities to create economic activity and assist a recovery will be missed.
87. The draft Practice Guidance is very much to be welcomed. We should take every opportunity to be involved in the consultation process. It has the potential to considerably assist the retail planning process and could help to mitigate some of the potential failings of the PPS.

William Hicks

17th May 2009