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## RETAIL LOCATION, COMPETITION AND URBAN REDEVELOPMENT

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### Abstract

After rapid growth in off-centre retailing in the late 1980s and early 1990s, the UK Government is now determined to concentrate future retailing within urban areas and, wherever possible, close to existing town and city centres. By their very nature, however, major retail developments are extensive users of land. This makes suitable sites hard to acquire within cities, especially as large urban sites normally have to be assembled from several ownerships, while those of the periphery can often be purchased from a single owner.

Within this context, this paper examines how the availability of large redevelopment sites for future retailing within or close to the centres of four British cities was significantly constrained by multiple land ownership. It contends that, while tighter planning restrictions on retail development in off-centre locations may well be effective in thwarting development considered unacceptable in policy terms, such restrictions by themselves will not serve to re-direct retail development pressure to central areas, unless multiple land ownership can be readily resolved. Without such action, retail planning policy will increasingly frustrate retail competition and ultimately to become self-defeating.

### 1. INTRODUCTION

Modern retailing is a dynamic and highly competitive industry, in which market pressure for lower costs and greater efficiency is unrelenting [Lowe and Wrigley, 1996]. Over recent decades, the sector has experienced a continuous search for new methods, new products and new forms of development [Doel, 1996; Wrigley, 1998]. As a result, in order to protect or enhance their market share, British retailers have sought fresh business locations where newly-emerging commercial opportunities could be readily exploited away from traditional central retail pitches [Department of the Environment, 1992; Guy, 1994].

In the 1980s, this locational shift was actively encouraged by a British Government eager to promote competition in the retail industry and so secure the benefits of lower prices and greater choice for consumers [Guy, 1998]. By the early 1990s, however, extensive concern arose that the retail exodus had created unsustainable forms of development and threatened the vitality and viability of town and city centres. As a result, non-interventionist planning policies were reversed and much tighter planning controls were introduced on the location of new retail development [Department of the Environment, 1993 and 1996]. More recently, however, concern has been expressed about the potentially detrimental impact of such controls on retail competition [Competition Commission, 2000].

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This paper seeks to assess the likely availability for retail development of large redevelopment sites within four British cities. The paper is presented in four sections. The next section offers a brief overview of the recent developments in both retailing and retail planning policy. Section 3 explains the research undertaken, analyses its results and highlights the need to assemble urban land for future retail development. Section 4 presents the paper's overall conclusions, emphasising the necessity for effective land policies to match interventionist planning policies.

## **2. RETAIL CHANGE AND PLANNING POLICY**

In recent decades, the spatial distribution of British retailing has changed fundamentally. Suburban and out of town shopping, planned development and large freestanding development have all increased in importance while small, isolated or corner shops have greatly decreased in importance [Department of the Environment, 1992; Guy, 1994]. Critically, since the late 1960s, three waves of retail decentralisation have occurred in the UK [Schiller, 1986].

In the first wave, food and related convenience retailing began to decentralise from town and city centres as superstores and hypermarkets were constructed in off-centre locations from 1966 onwards. In the second wave, specialist non-food goods such as electrical appliances, furniture and carpets, DIY and garden equipment followed as retail warehouses were opened on industrial estates from the mid-1970s. In due course, purpose-built retail warehouses and then retail warehouse parks were developed more generally in off-centre locations. Finally, in the third wave from the mid-1980s, numerous proposals were initiated for entire out-of-town regional shopping centres offering the complete range of convenience and comparison retailing under a single roof, with extensive car parking and usually associated leisure facilities. Most of these proposals were submitted in locations well placed on the national road network, particularly for motorway travel.

These spatial changes reflected the far-reaching transformation that has taken place in structure and organisation of British retailing over the last 30 years. This has been evident in the increasing size and diversification of its largest firms (with mergers and takeovers a significant feature of their expansion), the increasing capitalisation of the industry, the decreasing number of retailers, and the decreasing number but increasing size of shops [Wrigley, 1993; Clarke, 1996]. Such concentration of retail capital has been matched by significant changes in behaviour and priorities of consumers. As living standards have improved, consumers now spend a higher proportion of real disposable income on luxuries and a lower proportion on necessities. Significantly, they are likely to travel a greater distance to shop, and travel by car [Bromley and Thomas, 1993].

Until 1988, retail planning guidance in England and Wales sought to maintain existing shopping hierarchies and warned against the over-provision of retail development in any locality [Department of the Environment/Welsh Office, 1977]<sup>1</sup>. Although this conservative attitude to retail development was welcomed and implemented by most local authorities in the late 1970s and 1980s, a more flexible approach became evident in planning appeal decisions from the early 1980s. Between 1983 and 1986, for instance, the success rate for food superstore appeals doubled to over 70% [Department of the Environment, 1992].

In 1988, the Government introduced the first version of Planning Policy Guidance Note 6 (PPG 6) on major retail development to replace the earlier 1977 advice. This new guidance appeared to provide a green light for off-centre retail development, especially where it enabled derelict land to be reclaimed, resulted in environmental improvements or created competition for existing poorly-performing centres. Together with the Ministerial pronouncements, the Government's new policy was generally caricatured at the time as 'let the market decide'. This encouraged some 46 separate proposals for

regional shopping centres each of 500,000 sq ft or above that were made throughout England and Scotland between 1988 and 1991 [Department of the Environment, 1992].

It is unlikely that the market would ever have supported other than a small fraction of these proposals, even if they had all received planning approval. Nevertheless, the image their prospect conveyed was primarily one not of a bright new retail future but rather of crumbling town and city centres ever more dependent on public-sector support. Affluent shoppers would instead travel increasing distances by congested roads to huge retail complexes requiring extensive greenfield development. As a result, to defend the vitality and viability of existing centres and to meet the Government's new commitments to sustainable development entered into at the Earth Summit in Rio de Janeiro in 1992, the lax retail planning policies of the late 1980's were dramatically reversed in the early and mid-1990s with an emphasis instead placed on 'strengthening town centres and protecting the countryside'.

This switch received official recognition in the two revisions of PPG 6 [Department of the Environment, 1993 and 1996]. According to the most recent 1996 version, the location of retail development is to be plan-led by the public sector not market-led by retailers and developers. A sequential approach is to be adopted in site selection, in which off-centre locations are to be considered only after all central and edge-of-centre sites have been sequentially investigated and ruled out. Even then, off-centre locations must be well served by public transport to avoid excessive dependence on the private car. The vitality and viability of town and city centres is to be sustained and enhanced, with active town centre management commended as the norm. If site assembly is required for new retail development, compulsory purchase should be considered by the local planning authority.

According to PPG 6; "It is not the role of the planning system to restrict competition, preserve existing commercial interests or prevent innovation" [Department of the Environment 1996, para 1.1]. Although the restriction of retail competition is certainly not an explicit policy objective, it may arise as the unintended consequences of any shortage in the supply of suitable retail development sites. This explains why: "If anything, American discount giant Wal-Mart's acquisition of Asda, Britain's fourth largest grocery chain, this summer has aligned major UK retailers even more firmly behind the present policy stance on out-of-town development" [Johnston, 1999, p. 18]

This potentially damaging impact of restrictive planning policies on retail competition has recently attracted the interest of the Competition Commission [2000] which as part of its investigation into monopolies in food retailing, expressed concern that such policies may have allowed certain retailers to become too dominant in particular localities. In a proposed Remedies Statement, it asked "whether there are a significant number of localities in which one or two supermarket chains have a high market share, such that consumers might face insufficient choice, or the supermarkets concerned face insufficient competition" [Competition Commission, 2000, para. 4]. Among the possible remedies identified by the Commission, if such problems were proven, was the threat to force established retailers in such locations to sell land held for future development in order to facilitate entry or expansion by their competitors.

In the meantime, the House of Commons Environment, Transport and Regional Affairs Committee [2000] deplored the Competition Commission's interest in retail planning policy arguing that planning restrictions on off-centre developments should be maintained to protect town centres and village shops, even if they impeded market entry by retailers new to a locality.

In its response to the Committee's report, the Department of the Environment, Transport and the Regions [2000] noted that both the Office of Fair Trading and the Competition Commission were independent bodies whose recommendations would, in due course, need to be considered by the

Secretary of State for Trade and Industry. It reiterated the Government's position that new supermarkets should be located only in existing centres and that their size should be appropriate in relation to the size of that centre and its catchment area. The DETR also drew the Committee attention to the statement of the Competition Commission that it “provisionally does not believe that there is a case for any major change in the (planning) regime or the land use principles incorporated in the current guidance; but seeks views on the some possible changes which, consistent with these principles, might, if necessary, enable the system to be more responsible to the needs of competition in grocery retailing” [Competition Commission, 2000, para. 5]

This exchange of coded language obscures a very real battle underway between those who believe that the now-tightened retail planning regime should be upheld, even if it has detrimental side-effects on retail competition and those who consider that the potential conflict between a restricted supply of retail sites and a competitive retail industry should be resolved by measures to break the entrenched monopoly enjoyed by the more powerful supermarkets in certain locations.

Yet, without detailed research on the actual availability of sites for retail development at different locations, it is hard to resolve this dichotomy. It is vital that any such research should not limit itself to the planning status of potential retail development sites but should instead examine a range of supply constraints that can prevent the immediate development even of sites considered favourable for retailing in planning terms. The impact of contamination on the development potential of brownfield sites, for example, has attracted much public and parliamentary attention [Parliamentary Office of Science and Technology, 1998]. However, the often problematic process of land acquisition can be equally critical to development feasibility. For as the DETR [1999, para 7.4] itself makes clear: “If all the authority can do is to point the developer to semi-derelict land in multiple ownership and suggest that they negotiate as best they can (assuming they can identify all the owners] development may simply not take place.”

Land ownership in strict legal terms refers not to land but rather to property rights in land, known as estates and interests. These rights exist as ‘bundles’ [Denman and Prodano, 1972], the ownership of which may be divided, even for a single parcel, between different individuals or organisations. “For example, a farm may be held freehold by an investor but let to a tenant. The tenant may have sublet one of the fields for showjumping to the local pony club. The investor may have mortgaged the land to a bank who took out a legal charge. A developer may have obtained an option on part of the farm. Who owns the farm? None of the parties can claim exclusive ownership of the land, but each enjoys particular rights or entitlements in the land” [Adams, 1994, 16-7]. In such cases, development may be unable to proceed until the bundle of rights is united under the control of a single owner.

When a potential redevelopment site has no single owner, but is divided between two or more freehold owners, it is said to be in multiple or fragmented ownership. Multiple ownership of even small redevelopment sites can be endemic in some urban areas. Without state intervention, development cannot proceed unless agreement is reached with each owner. In a private market, the last owner to settle is thus in the strongest position to drive a hard bargain with any developer who has already bought out all other owners. In the next section, we therefore present the results of an indicative study of the likely availability of large retail development sites in four British cities which suggests that multiple ownership of land in central locations can be as problematic for retailers as planning policy.

### 3. RESEARCH APPROACH AND FINDINGS

#### 3.1 Research method

When seeking to assess the availability of land for new retailing within existing urban areas, it is important not to limit the search to sites already identified or accepted by the local authority as suitable for retail development. This is not simply because local authority views on what is and is not a suitable retail location may be overturned at appeal. Rather, as past development patterns have shown, redevelopment sites often come forward unexpectedly. Such ‘windfall’ opportunities demand the review of any previous planning allocations and, in a robust market, can themselves be the spur for ambitious proposals.

In consequence, the research presented in this paper was not restricted merely to urban sites with an existing retail allocation or consent. Rather, it sought first to identify every conceivable major redevelopment site in four British cities that was undeveloped at 31 December 1995 and of at least 2 hectares in area or on which at least 5,000m<sup>2</sup> of gross floorspace was then under active consideration, and then to consider which might have some retail potential. Two of the cities chosen for this research, Aberdeen and Nottingham, had witnessed strong recent development pressure, while the other two, Dundee and Stoke-on-Trent, had experienced weaker development pressure [Jones Lang Wootton, 1994].

In each city, public and private-sector contacts from local authorities, prominent chartered surveyors, Chambers of Commerce and, in Aberdeen and Dundee, local enterprise companies were contacted to pinpoint all sites meeting the research criteria. As Table 1 shows, although 166 potential sites were identified by this exercise, 78 were discarded once detailed investigation by the research team had showed that they did not meet the specified criteria. This alone may reflect false perceptions of the availability for redevelopment of large redevelopment sites. The remaining 88 sites were then reduced to 80 (20 per city) through the random elimination of four sites in Nottingham, three in Stoke-on-Trent and one in Aberdeen.

	<i>Meeting research criteria</i>	<i>Failing to meet research criteria</i>				
		<i>Below size threshold</i>	<i>Buildings not economically or physically obsolete</i>	<i>Green-field site</i>	<i>Dev't commenced prior to 31.12.95</i>	<i>Total</i>
Aberdeen	21	10	3	5	3	42
Dundee	20	8	5	6	4	43
Nottingham	24	21	7	4	1	57
Stoke	23	0	0	0	1	24
<b>Total</b>	<b>88</b>	<b>39</b>	<b>15</b>	<b>15</b>	<b>9</b>	<b>166</b>

Contacts with local authorities, landowners and developers revealed that only 28 of these 80 were considered by one or more of these sources to have some potential for retail development. For the other 52 sites, developments considered more suitable by such contacts included offices, industrial and warehouse units, private and social housing, hotels, leisure and tourist uses, a further education college and even a new fire station. Of the 28 potential retail sites, 23 were identified for major retail redevelopment and 5 for ancillary retail development as part of a larger scheme. The location of these sites is shown in Table 2. As is evident, only six of the major retail development sites were centrally located.

<b>Table 2: Location of Research Sites with Retail Potential</b>					
		<i>Central</i>	<i>Edge-of-Centre</i>	<i>Off-Centre</i>	<i>Total</i>
Aberdeen	Major	1	2	2	5
	Ancillary	2	0	0	2
Dundee	Major	1	2	2	5
Nottingham	Major	3	1	3	7
	Ancillary	0	3	0	3
Stoke-on-Trent	Major	1	1	4	6
Total Major Development		6	6	11	23
Total Ancillary Development		2	3	0	5
<b>Overall Total</b>		<b>8</b>	<b>9</b>	<b>11</b>	<b>28</b>

### 3.2 Constraints to development

Previous work on housing and industrial development has demonstrated how planning, physical and ownership constraints can seriously impair the availability of potential development sites [Adams *et al.*, 1994; Civic Trust, 1999]. Detailed inspection of planning and development records held by local planning authorities and other relevant bodies was thus undertaken to reconstruct the development history of each sample site between 1986 and 1995. Successful contact was also made with 140 of the 212 separate ownership interests known to exist in the 80 research sites, representing a response rate of 66%. From this work, recent development proposals were identified and available information noted on all planning, physical, and ownership constraints to development.

The study thus concentrated on identifying the main supply constraints impeding the redevelopment of particular urban sites for retail use, while recognising that their development prospects and potential were driven, in the first place, by broader economic and infrastructural factors beyond the immediate research investigation including consumer expenditure and the efficiency of the local transport system. Table 3 thus shows the extent to which the 28 sites with retail development potential had been constrained by either a planning refusal, ground contamination and other serious ground problems or multiple ownership at some point since 1986. Overall, only 10 sites were free from such constraints, of which three were located centrally, three edge-of-centre and four off-centre. The varying spatial impact of each of these constraints is shown in Table 4.

		<i>Central</i>	<i>Edge-of-Centre</i>	<i>Off-Centre</i>	<i>Total</i>
Major Dev't	Constrained	4	4	7	15
	Unconstrained	2	2	4	8
Minor Dev't	Constrained	1	2	0	3
	Unconstrained	1	1	0	2
<b>Total</b>		<b>8</b>	<b>9</b>	<b>11</b>	<b>28</b>

	<i>Central</i>	<i>Edge-of-Centre</i>	<i>Off-Centre</i>	<i>Total</i>
Planning refusal	0	4	3	7
Contamination or other serious ground problems	0	4	4	8
Multiple land ownership	5	2	2	9

### **3.3 Planning constraints**

As Table 4 indicates, planning refusals (all for major retail development) had been issued on seven research sites since 1986, although on three of these sites, permission was later obtained via a successful appeal to the Secretary for State. None of these sites was centrally located: four were in an edge-of-centre location and three in an off-centre location. In almost all cases, the anticipated negative impact of the intended development on a central retail location was cited as a major reason for refusal. In this context, it is interesting to note that about half these refusals were issued even before 1993 when English planning guidance on retail development was tightened in favour of town and city centres.

By mid-1998, only about of half the 28 sites had received a planning permission for retail development. Moreover, as one case in Stoke-on-Trent clearly demonstrated, planning permission for retail development on former industrial sites can sometimes be sought speculatively rather than reflect any strong demand for retail use at that location. In this case, the owner cleared the site of industrial buildings in 1994, obtained an outline retail permission for non-food retail warehouse and thereafter marketed it without success for between £1 million and £1.5 million. Neither of the independent chartered surveyors interviewed in the research considered this a suitable retail site, although one ventured to suggest that the site might fetch up to £650,000 for industrial use. The site thus remained vacant.



### **3.4 Contamination and other ground conditions**

Contamination or other serious ground problems affected 8 sites, again all with potential for major retail development. Five of these were former industrial sites (all situated in an edge-of-centre location or off-centre) which also experienced at least planning refusal for major retail development since 1986. This was not a coincidence. In such cases, developers and landowners considered the uplift in value expected to result from a retail planning permission as necessary to cover the high costs of site treatment. In Dundee, for example, remediation of a severely contaminated site previously used for over 100 years as a gas works was expected to cost between £1 million and £1.5 million. British Gas was adamant that it would wait until such time as planning permission for retail warehousing was eventually granted, before cleaning up the site.

### **3.5 Multiple ownership**

Town and city centres are notorious for their patchwork of existing ownerships and it is not unusual for the creation of a retail development site of any size to involve some measure of land assembly. As Table 4 showed, nine research sites were constrained by multiple land ownership, of which five were centrally located, two sited in an edge-of-centre location and two off-centre. Each of these sites, apart from the one exceptional case (described below) in which there were 37 separate interests, was owned by between two and five different parties. None of these nine sites had suffered a planning refusal: indeed, all were considerable acceptable for retail development in policy terms. It is thus ironic that the retail pitch now most favoured by Government policy appeared to be the most constrained by multiple ownership.

Development that is frustrated by multiple ownership provides a good example of a lost opportunity in welfare economics. This was illustrated by the detrimental impact of multiple ownership on development in Central Dundee. Here, a prominent UK property developer/investor would have undertaken major retail redevelopment in the city centre if it had been able to amalgamate its backland site with an existing retail frontage. After its attempts to acquire an adjoining building society branch with a high street frontage proved fruitless, the company sold on its interests to a less pro-active investor. The lost redevelopment would have boosted confidence in the city centre which ironically, the local authority was then starting to promote through active central area management.

To overcome multiple ownership, retailers or developers have to be determined and persistent. This is shown by the example of a substantial retail redevelopment in Nottingham that was undertaken in the mid-1990s on land originally in five different ownerships. Four of these were successfully acquired in good time by negotiation. The fifth was a restaurant that was valued by the developers at no more than £150,000. The restaurant owners, exploiting their monopoly position, refused to settle at anywhere near that sum. The developers turned to the City Council to initiate compulsory purchase action. Although they received positive indications that this would be favourably considered by the City Council, before long, the developers realised that, were the compulsory purchase order to be opposed by the restaurant owners, it would substantially delay the whole project. At this point, they agreed to pay £450,000 to the restaurant owners and the scheme proceeded.

Even with the tacit support of the local authority, land assembly by the developer requires the commitment of considerable time and resources. To illustrate this, a major local development company spent two and a half years assembling 37 different ownerships in the early 1990s to form an 8 hectare site in Stoke-on-Trent for commercial and retail development. Together with site preparation work, this cost £4.5 million. Of this, £300,000 was reimbursed from the Single Regeneration Budget. Some 26 of the 37 interests were residential occupiers of property that the City Council was prepared to declare unfit and acquire by compulsory purchase, had they not been willing

to settle with the developer. Of these, several were owner-occupiers in severe negative equity who the developer eased out by paying significantly above current market value for their dwellings. Most of the other 11 interests on the redevelopment site were commercial concerns. The developer provided replacement premises for one of the smaller business but found negotiations with national companies owning parts of the site very difficult. Other developers less committed to Stoke-on-Trent may well have been deterred from completing the acquisition process and may well have looked instead to the development of less problematic sites.

If these experiences are typical of British cities, it would suggest that restrictive planning policies alone will be unable to secure a permanent redirection of retail development to central or edge-of-centre locations, primarily owing to the problems inherent in pulling together disparate ownership interests to create an attractive central area redevelopment site.

#### **4. CONCLUSIONS**

As the research showed, although 12 of the 80 sites investigated were considered to offer potential for major retail development at central or edge-of-centre locations, only four of these had not experienced a planning refusal, ground contamination etc or multiple ownership at some point since 1986. Of these four sites, only one could be considered a prime retail development location in a truly central position. This raises very serious doubts about the actual availability of retail development sites in locations now favoured by Government policy. Indeed, while tighter planning restrictions on retail development in off-centre locations may well be effective in thwarting development considered unacceptable in policy terms, such restrictions by themselves will not serve to direct retail development pressure to central areas, unless multiple land ownership, in particular, can be readily resolved.

In the 1950s and 1960s, Compulsory Purchase Orders (CPOs) were extensively used by British local authorities to assemble substantial central area sites for comprehensive commercial redevelopment. Among the many new shopping developments constructed as a result were over 16 Arndale Centres, built by Town and City Properties in partnership with the respective local authorities, of which the largest are in Manchester (almost 1.2 million sq ft) and Luton (700,000 sq ft). After 1973, few such schemes were initiated as a result of the property slump, the demise of comprehensive central area redevelopment and concerns about the ethical nature of such partnerships [Guy, 1994].

Soon after its election in 1997, the new Labour Government expressed support for the renewed use of compulsory purchase as a regeneration tool, especially in town centres [Johnston, 1997]. A series of policy reviews and research projects were initiated to ensure more effective use of compulsory purchase in urban regeneration. Despite such fresh emphasis on CPOs as a statutory mechanism to overcome multiple land ownership, it remains unlikely that the complex and protracted nature of compulsory purchase could ever deliver sites quickly into the development pipeline to meet demand from developers and retailers during an upturn. Equally importantly, unless a widely-acceptable mechanism is found to fund compulsory purchase from private resources, competitive demands for public funds from health, education and other priorities are likely to mean that such a policy is permanently under-resourced.

It is thus probable that the use of planning policy alone to deny retailers access to off-centre locations will prove ultimately self-defeating unless it is linked directly to a more holistic land policy that explicitly seeks to provide or create a sufficient supply of central sites for new retail development. In the short term, failure to put such a policy in place is likely both to result in frustrated demand for new retail spaces as well as reinforce the lack of competition in retailing. In the longer term, however, its impact is likely to prove far more serious as restrictive planning policies fall into disrepute and may

have to be abandoned at short notice if unfulfilled pressure build up for new retail development. On the basis that it is better to act now to reinforce retail planning policy by an effective land policy, we therefore argue elsewhere, in respect of both retail and other forms of development, for an innovative participatory approach to land assembly linked to greater planning certainty, and where appropriate, to taxation and other financial benefits [Adams *et al.*, 2001].

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## Footnotes

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- <sup>1</sup> For the sake of brevity, this paper does not discuss the slight differences in retail planning policy north of the border. Readers who wish to investigate Scottish policy should consult the relevant guidance published by the Scottish Office Development Department [1998].