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10 DOWNING STREET

From the Private Secretary

11 March 1985

Dear Janet

Planning Inquiries

The Prime Minister has seen the Lord President's minute of 6 March. She was grateful for the report of H committee's proposals and is content with them.

I am copying this letter to the Private Secretaries to members of H committee, Michael Reidy (Department of Energy), Alex Galloway (Paymaster General's Office), Henry Steel (Law Officers' Department), Iain Jack (Lord Advocate's Department) and Richard Hatfield (Cabinet Office).

Yours

Mark Addison

Mark Addison

Miss Janet Lewis-Jones
Lord President's Office

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PRIME MINISTER

Public Inquiries

The Home and Social Affairs Committee (H) discussed at its meeting on 27 February the problems of delay and disruption at public inquiries. We had particularly in mind such cases as the Archway Road inquiry where the inspector resigned last year, and the Stansted/Heathrow Terminal 5 and Sizewell cases where the whole inquiry procedure has taken or is taking a very long time to complete.

2. There is no doubt that the generality of public inquiries do not take particularly long (last year only 70 (out of 3,000) exceeded a week) and a good deal has already been done to improve procedures since 1979. The cases that suffer delay are usually those that raise large and controversial issues where necessarily more debate is required if proposals are to prove acceptable at the end of the day. Nonetheless the Committee were very concerned at the effort that has to go into these cases, and the time they take, and was convinced that action must be taken to improve the situation.

3. From time to time suggestions have been made for radical change of one kind or another in our arrangements for implementing major projects. Many of these involve divorcing consideration of the relevant policy issues from consideration of the specific proposal in one way or another. Some see a role here for a Parliamentary procedure, some for a preliminary inquiry or Commission into the wider issues, some for both. We considered a number of proposals but were unable at this stage to identify an alternative approach which would save time overall while continuing to command public confidence and acceptability at the end of the day. Any such change would in any case itself require considerable public debate and legislation.

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4. In fact we do not believe that the scope for securing improvements within the present framework, and which can take effect quickly, is by any means exhausted. We therefore identified the first priority as securing such improvements. Patrick Jenkin made suggestions for improving what happens before the inquiry opens, for limiting the scope of inquiries, and for spelling out more clearly such matters as the power of the Inspector to order persons guilty of disruptive behaviour to leave the inquiry, to require some evidence to be submitted in writing and to take some written evidence as read. Peter Walker made a number of further suggestions based on experience at Sizewell. Final proposals on a package of improvements of this kind will be ready by Easter. The Committee attached particular importance to ensuring that underlying policy issues, about which there is inevitably debate at the first public inquiry of any particular kind, cannot be endlessly rediscussed at subsequent inquiries of the same kind. We also asked for events after the inquiry to be further examined to reduce the time taken (though the dangers of legal challenge are a limiting factor).

5. Our belief is that comprehensive and early action of this kind will help a lot. In addition, Nicholas Ridley suggested that the arrangements for compensating those affected by major public projects should be re-examined to see whether changes could be made here which would help to reduce delay by reducing to some extent the concern and uncertainty felt by those whose property is involved.

6. I am sending copies of this minute to the members of H Committee, the Secretary of State for Energy, the Paymaster General, the Attorney General, the Lord Advocate and Sir Robert Armstrong.

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7 MAR 1968



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