



UK Airport Consultative Committees - Liaison Group

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The Rt Hon Eric Pickles MP
Secretary of State
Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU

Dear Mr. Pickles,

First of all may I introduce myself. I am the Chairman of the London City Airport Consultative Committee, a member of the Liaison Group of the United Kingdom's Airports' Consultative Committees (UKACCs) and the Chairman of the latter's Working Group.

UKACCs meets once a year at one of the airports represented on the Liaison Group. This year UKACCs met at London City Airport and I had the honour of chairing the meeting. You can see full details of our work on the UKACCs website at www.ukaccs.info.

At the meeting it was noted that the *Infrastructure Planning Commission* is to be abolished in favour of a *Major Infrastructure Planning Unit* which will sit alongside the Planning Inspectorate and that Ministers will take decisions on applications within the same statutory fast-track timeframe as the IPC regime. UKACCs had no views on the abolition of the IPC as such but all member committees were keen that in working through the detail of the changes the Government should consider carefully how best in future to organise public inquiries into major planning applications. In particular UKACCs was concerned that such applications might continue to be subject to the appalling, time-wasting and extremely expensive adversarial type of public inquiry which has been the norm hitherto. I was asked to write to you about this.

I personally served in the Planning Inspectorate for many years, holding a number of major public inquiries; but more importantly was the Assistant Chief and then Deputy Chief responsible for overseeing a considerable number of major infrastructure inquiries. These were mainly inquiries concerned with stretches of motorway but also included major airport inquiries notable amongst which were the Heathrow Fifth Terminal and Stansted Inquiries.

All these inquiries were conducted in the time-honoured adversarial way and cost an enormous amount of money and delayed any possible development in a quite unacceptable manner.

Aberdeen - Belfast City - Birmingham - Bristol International - Bournemouth International
- Cardiff Wales International - Durham Tees Valley - Edinburgh - Inverness - Glasgow -
Glasgow Prestwick - Leeds Bradford - Liverpool John Lennon - London City - London
Gatwick - London Heathrow - London Luton - London Stansted - Manchester - Newcastle
- Nottingham East Midlands - Robin Hood Doncaster Sheffield - Southampton

This matter was highlighted by Sir John Egan, then the Chief Executive of BAA plc, in a speech at the UKACCs Annual Meeting at Stansted Airport in 1991. Sir John's comments were discussed in some detail and in view of my experience with major infrastructure inquiries I was asked if I would write a paper on the advantages of changing the format from the existing unsatisfactory adversarial system to the kind of inquisitorial system used in examinations-in-public.

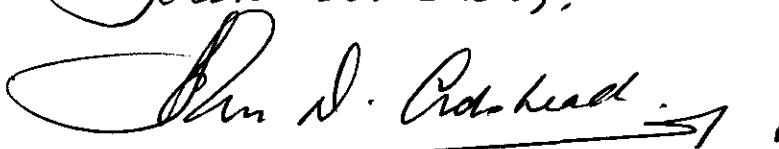
The paper I wrote was approved by UKACCs and was forwarded to the Government of the day. It fell on deaf ears and later in conversation with the Minister I was told the Civil Service had not wanted to change things and were very good at burying ideas which did not suit them!

I trust that things are now very different and that common sense and pragmatism are the order of the day.

I enclose a copy of my paper written in 1991 which you may find of interest. I appreciate that the detailed proposals in the second part of the paper are now somewhat out-dated but the main point of the paper is as relevant today as it was in 1991— and that is that the adversarial inquiry system is not the way to proceed if this country is to keep its head above water in this modern world.

UKACCs therefore urges the Government to ensure that in developing the new policy and guidance for determining major infrastructure planning applications we do not revert to the discredited adversarial public inquiry system.

I look forward to hearing from you.

Yours sincerely,


John D Adshead,
Chairman
Liaison Group of UK Airports Consultative Committees 2010

c.c. Rt Hon David Cameron MP, Prime Minister
Rt Hon Philip Hammond MP, Secretary of State for Transport
Rt Hon Theresa Villiers MP, Minister of State for Aviation and Rail

A Shorter Planning Procedure for Airport Development at the Public Inquiry Stage

During my working life in the Planning Inspectorate I personally held a number of major inquiries and for the last 10 years was very closely involved in the day-to-day running and conduct of the majority of such inquiries. I also took part in a number of meetings and conferences the object of which was to explore ways and means of speeding up the planning process where major public inquiries were involved. Some progress was made but unhappily nothing like enough to overcome the problem of delay inherent in the present system.

Sir John Egan, the then Chief Executive of BAA plc, in his speech to the Airport Consultative Committee Chairmen on 27th June 1991, highlighted his concern in so far as this problem affects airport development, and it is this aspect of the problem that I wish to address in this brief paper.

If this country is to retain its pre-eminent position as the hub of world air transportation, which I am sure everyone recognises is one of the essentials for the economic well-being and growth of the country, the planning process must be radically altered so that necessary airport development can proceed without the kind of delays to which it is at present subjected and which work so greatly to the advantage of our competitors.

Having been involved with so many public inquiries myself, I seriously question what purpose the adversarial system with its expensive and time-consuming court-like examination and cross-examination by professional advocates representing frequently conflicting interests actually serves, and what it really achieves.

I appreciate that those most affected by potentially environmentally damaging airport development must have the right to make their views known to the Secretary of State – but this can be achieved quite simply without the time-consuming efforts of the professional advocates and others on the opposing benches questioning and trying to negate much of what is said.

Ideally, I suppose, proposals for major airport developments ought to go through Parliament in the form of bills as have many infrastructure proposals in the past; and it should be possible to collect the views of those affected by such proposals either in writing or at non-adversarial hearings. I have no doubt, however, that such a solution would be politically unacceptable given that public inquiries have now become so much a part of the democratic process in this country.

Consequently, I believe that what is required is something between the two; and I am sure that the proper way forward would be to have major airport proposals looked into at non-adversarial public hearings somewhat on the lines of an examination-in-public.

The case for the development would be made in writing and this would be scrutinised in detail by the Inspector and the other members of his panel and then any questions they might have about the proposals or about the validity of the need for them would be put to the proposers by the Inspector at the examination-in-public. Similarly, the written cases for all other parties would be scrutinised by the Inspector and his panel and then questioned in public by the Inspector as necessary.

The advantage of this inquisitorial system is that it would enable the Inspector to concentrate on the main points at issue, and to probe them himself until he was satisfied that he had all the information he needed, without time-consuming cross-examination which so often causes pointless digressions and frequently amounts to little more than point-scoring over the opposition.

The present form of examination-in-public includes the discussion with invited participants of certain selected issues and this aspect of this examination-in-public could, if considered appropriate, form an integral part of the kind of examination-in-public I have in mind, but the main emphasis would be on the inquisitorial nature of the proceedings. Such a system would

also protect members of the public from what they perceive as unpleasant, inhibiting and often needlessly aggressive cross-examination by professional advocates.

I realise that many will say that the only way to test evidence is to subject it to cross-examination in public; but I would counter this argument by pointing out that much of what is said at public inquiries is not evidence as such but perception and opinion presented in the form of submissions - and in my experience it is rare for strongly held views to change under cross-examination directed to this end; and under an inquisitorial system the Inspector and his panel are in a position to, and could and should, do any testing of evidence that is necessary.

At the end of his examination the Inspector would be in a position to write a relatively brief report to the Secretary of State which sets out the main points of the proposal together with his assessment and appraisal of each of the main points at issue followed by his conclusions and recommendations.

I appreciate that reports of this kind are now written by Inspectors after major inquiries whenever it is appropriate to do so, but the process of going through the evidence garnered at public inquiries at which there has been lengthy examination and cross-examination can be just as time-consuming as such an inquiry itself – and, in my view, a great deal of the time now wasted by examination and cross-examination and the extra post-inquiry work it causes could be dramatically curtailed by a change from an adversarial to an inquisitorial or examining process.

To conclude: I firmly believe that if this country is to keep its pre-eminent position at the hub of the world's air transportation system, all future proposals on major airport developments must be considered in a much quicker and more effective manner on the lines I have suggested.

John D Adshead
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