

NOTICE OF 20TH ANNIVERSARY MEETING

Tuesday 3rd July 2007

4.30 pm in the Meridian Business Centre, Main Terminal,
London City Airport

NOTE CHANGE OF VENUE



AGENDA

1. **APOLOGIES FOR ABSENCE** should be notified to the Secretary at 9 Palace Green, Croydon, CR0 9AJ, Telephone: 020 8123 6374 or 01689 843434, Fax: 0208 251 9858, E-Mail: secretary@lcacc.org

2. **20TH ANNIVERSARY**

This is the 20th Anniversary meeting of the Committee which met for the first time at the Airport (not then open) on Tuesday 30th June 1987. Those present included the Chairman, Deputy Chairman and Secretary of the present Committee. The minutes of the meeting can be seen on the Committee's website¹. Since then there have been 101 meetings of the Committee.

To mark the occasion the Airport has arranged a Reception and Buffet Supper commencing after the meeting at about 18.30 hours. All members are invited. To help with the arrangements members are asked on this occasion to inform the Secretary by not later than close of business on 26th June 2007 whether they will be attending this meeting and the Supper afterwards.

3. **COMMITTEE MEMBERSHIP**
 - (a) **London Borough of Tower Hamlets**

The London Borough of Tower Hamlets (LBTH) has appointed Councillor Bill Townsend to serve on the Committee as their representative.
 - (b) **London Borough of Greenwich**

The Council has opted to appoint its representative to the Committee on an annual basis. This year they have again appointed Councillor Peter Brooks with Councillor Denise Hyland as his Deputy.
 - (c) **Beckton Community Forum**

Members will recall that because at the time the Committee was renewed in April 2006 there were no tenants and residents associations and/or community trusts or foundations operating in the Cyprus area, the Beckton Community Forum (BCF) was asked to nominate a second representative. The BCF responded by appointing Peter Kiu who attended meetings of the Committee over the last year. The Secretary has now been informed that the Forum has appointed Lyn Juniper in place of Peter Kiu. Lyn lives in Beckton Park which adjoins the Cyprus area. The BCF have asked the Secretary to make it clear that Lyn is not a member of the Steering Group of the BCF and the appointment is a temporary one 'in lieu of another organisation'.

¹ <http://www.lcacc.org/accmins/accmin0687.pdf>

(d) London Development Agency

The LDA has appointed Jacqueline Lindre to serve on the Committee as their representative in succession to Mark Ryan.

(e) Constitution

Because of the decision to ask the LBTH to appoint a member, and following the decision taken at the last meeting in relation to the representation of tenants and residents associations and/or community trusts or foundations in North Woolwich, Silvertown, West Silvertown and Cyprus, it is necessary to revise the Committee's constitution. The Secretary is discussing a draft with the Airport and the London Borough of Newham (as the parties to the s.106 planning agreement in which the constitution is contained) and it is hoped this will be ready for submission to the Committee's next meeting.

4. **THE MINUTES OF THE MEETING HELD ON TUESDAY 3RD APRIL 2007 – PREVIOUSLY CIRCULATED**

5. **MATTERS ARISING**

(a) Item 4(a) – Camel Road – Noise and Blast from Engines

Following the discussions at the last meeting the Airport decided to obtain a price to erect a high fence from the end of the current blast screens eastwards towards the Ledger Building terminating where the current fence ends. At this stage the Airport cannot be precise on timing but they hope to complete the fence very quickly.

As a short term measure the Airport spoke to residents with end of terrace properties to see if they would be interested in high level barriers above their current fences to provide a temporary barrier whilst the longer term solution was being scoped. This was not considered appropriate by the residents consulted.

Mrs England visited the site airside on Thursday 12 April. The Airport believe she found the visit helpful and she has been assured they will keep her apprised of their efforts.

(b) Item 4(b) – Parking in local streets

Following the long discussion at the last meeting, the Airport will update the Committee on the planned meeting to be attended by representatives of the London Borough of Newham, the local Community Forums, the University of East London, DLR and the Airport. Members will recall that this was to have been held in December last but was postponed to allow for consideration of the problem by Newham's Mayor as a borough-wide issue

(c) Item 4(e) – Summer 2006 Noise Contour

The Airport will update the Committee.

(d) Item 5 – Planning Applications

On 5th May 2007 the Secretary circulated a consultation letter from the London Borough of Newham who have been asked by the Airport's consultants, RPS Planning, for a formal "scoping opinion" on the Environmental Impact Assessment (EIA) which would accompany the first proposed planning application which would vary the total number of movements at the airport to allow for about three years growth, but not to seek permission to construct any new facilities (i.e. the Interim Application). Comments were requested but these were required by 23rd May - well before this meeting. Because the issues did not seem to justify a special meeting of the Committee it was left to members with comments to send them direct to the Council before the deadline.

According to the RPS Report the interim application will seek to raise the annual limit on the total number of flights (i.e. including private flights using the Jet Centre) to 120,000. There were about 80,000 such flights last year.

(e) Item 10 – Thames Gateway Bridge (TGB) – TFL Update

On 27th May the Secretary circulated a further letter from TFL announcing that pending the expected Government decision on the project they had given notice in the Office Journal of the European Union (OJEU) about the pre-qualification process to select four potential bidders for the concession to design, finance, build and operate the new road.

(f) Item 11 - Docklands Light Railway – Dagenham Dock Extension

It is understood that the DLR is about to enter into a further consultation in relation to this project. Details will be sent direct to members. The DLR have said they are willing to attend a future meeting of the Consultative Committee to provide details about the proposed extension.

(g) Item 12(a) - Annual Familiarisation Flight – Edinburgh – 12th July 2007

Fourteen members of the Committee will be participating in this year's visit accompanied by six members of the Airport's staff. The airport management at Edinburgh will meet and greet the party on arrival. There will then be a visit to the Castle followed by lunch and a guided tour of the Scottish National Museum.

6. AIRPORT DIRECTOR'S REPORT

Charles Buchanan will report

7. COMMUNITY REPORT

Elizabeth Hegarty will report.

8. STANDING ITEM ON ENVIRONMENTAL ISSUES

The report of the Airport's Environment & Planning Manager will be tabled at the meeting.

9. NOISE INSULATION PROGRAMME – PART IV

Jonathan Smith will report progress on the implementation of this part of the programme.

10. NOISE INSULATION – RENFREW CLOSE - CORRESPONDENCE

Members will receive with this Agenda a copy of the Secretary's correspondence with a resident of Renfrew Close about noise insulation. The resident concerned is also in touch with the Airport and the LBN.

11. DLR WOOLWICH EXTENSION PROJECT – PROGRESS REPORT

AMEC will update the Committee on the progress of this project.

12. PLANNING FOR A SUSTAINABLE FUTURE: WHITE PAPER

This White Paper², published on 21st May 2007, sets out the Government's proposals for reform of the planning system. It builds on recommendations from the Barker Review of Land Use Planning³ and the Eddington Transport Study⁴ and aims to improve speed, responsiveness and efficiency in land use planning.

² <http://www.communities.gov.uk/index.asp?id=1510502>

³ <http://www.communities.gov.uk/index.asp?id=1163202>

⁴ <http://www.dft.gov.uk/about/strategy/eddingtonstudy/>

In relation to airports a key proposal is that concerned with how decisions are taken on “nationally significant” infrastructure projects including airport projects for a new tarmac, runway or infrastructure which increases an airport’s capacity by over 5 million passengers per annum (mppa). These proposed reforms are described in Chapter 2 of the White Paper a copy of which is attached to this agenda. It will be seen that decisions on such projects will be taken by a newly created independent commission “within the framework of the relevant national policy statement”.

It is not clear whether these proposals, if they become law, will be applicable to the present plans of London City Airport. The Airport’s Master Plan provides for growth to 8 mppa. In 2006 the passenger throughput was 2.377 mppa. At its last meeting the Committee was told the Airport would apply in the Summer of 2007 for a raising of the movements limits sufficient to cater for growth expected over the next three years. This would bring the traffic at the Airport broadly into line with the capacity of the built and already approved facilities. During this period the Airport would develop a second planning application seeking approval for the facilities etc needed to develop the Airport to the Master Plan. The second application would follow approval of the first. The Airport expected that the process for the second application would start in the Spring of 2008. If at that stage the passenger total is still less than 3 mppa it could be that the decision on the second application will be one for the new commission assuming, of course, the new provisions are adopted and in operation by then.

The Government is seeking views on the new proposals. The Consultation Paper can be seen on their website⁵. The closing date for comments is 17th August 2007. It is some long time since last the Committee gave any thought to planning process issues. Attached is a paper prepared by the Chairman in 1992 advocating an inquisitorial approach at public inquiries in place of the adversarial arrangements which lay at the root of long and expensive inquiries. These ideas were submitted to the Government but little has changed. Whatever the outcome of the present proposals in the White Paper it may be worth submitting them once more for the Government’s consideration.

13. ANNUAL MEETING OF AIRPORT CONSULTATIVE COMMITTEES

This meeting was held at Stansted Airport on 13th/14th June. The Chairman and Secretary will report. The Programme and Agenda for the meeting can be seen on the Liaison Group’s website⁶ along with the various Papers considered at the meeting as follows:

- The Future of Air Transport White Paper - Progress
- Civil Aviation Act 2006
- Airport Security
- Access to air travel for people with reduced mobility
- European Directive 2002/49/EC - Environmental Noise Directive (END)
- European Aviation update
- Report of Support Service
- Surface Access Projects at Airports
- Planning White Paper
- European Draft Directive on Airport Charges
- DfT Study – Attitudes to Noise from Aircraft Sources in England (ANASE)
- Climate Change and Aviation
- Membership of Liaison Group

The minutes of the meeting will be circulated to members as soon as they are available.

⁵ http://www.communities.gov.uk/pub/672/PlanningforaSustainableFutureConsultation_id1510672.pdf

⁶ <http://www.ukaccs.info/meeting07.htm>

14. JOINT WASTE DEVELOPMENT PLAN FOR EAST LONDON – CONSULTATION

On 7th May 2007 the Secretary circulated a letter from the London Borough of Newham about the consultation exercise then in progress about the Joint Waste Development Plan for East London. Comments were requested but these were required by 4th June - well before this meeting. Because the issues did not seem to justify a special meeting of the Committee it was left to members with comments to send them direct to the Council before the deadline.

The Airport believes this is potentially very important for them as they need to ensure that they are appropriately consulted should any major decisions be made from a regional perspective on waste management sites within the Airport's area. They accordingly responded to this consultation and a copy of the Airport's response has been circulated to members.

15. CROSSRAIL

On 7th May 2007 the Secretary circulated Project Bulletin Number 9. From this the Committee will have noted that the Department for Transport (DfT) has deposited a fourth set of Amendment of Provisions. These amendments concern revised proposals for the construction of works and acquisition of lands in the London Boroughs of Newham and Greenwich for the provision of a station at Woolwich and the realignment of running tunnels and associated works between North Woolwich and Plumstead. Some of these changes would have the effect of extending the scope of the Bill and such changes require the submission of Amendment of Provisions.

16. DATES OF FUTURE MEETINGS

The following dates are proposed for meetings of the Committee in 2007/2008:

- Tuesday 2nd October 2007
- Tuesday 8th January 2008
- Tuesday 1st April 2008
- Tuesday 1st July 2008
- Tuesday 7th October 2008

It is assumed that the Committee will want to continue to hold its ordinary meetings at City Aviation House at 16.30 hours.

17. ANY OTHER BUSINESS

18. DATE OF NEXT MEETING

Tuesday 2nd October 2007 at 16.30 hours at City Aviation House, London City Airport.

Improving the way nationally significant infrastructure projects are dealt with

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The challenge we face

- 2.1** In Chapter 1 we set out the long term challenges facing the planning system. Ensuring our communities remain vibrant and sustainable places where people can afford to live will mean building more houses. Continuing to enjoy sustained rises in our standard of living will mean further improving our economic competitiveness and securing our energy supplies. At the same time, we must further reduce our greenhouse gas emissions and develop not only places, but also a way of life, that are more environmentally sustainable.
- 2.2** Improving our nation's infrastructure is central to meeting these objectives. Planning for and enabling greater use of renewable and low carbon sources of electricity can help us both meet our emissions targets and provide energy security in a context of rising demand and increased dependence on energy imports. Improving our major transport networks, while at the same time encouraging wider use of sustainable forms of travel including walking, cycling and public transport, is critical to ensuring that people and goods continue to move around efficiently, so that we have the jobs and investment necessary to underpin our prosperity and quality of life. Building new water, waste disposal and recycling facilities, and constructing new housing developments to higher environmental standards, can also contribute to a more sustainable future while meeting the demand for new homes.
- 2.3** Delivering this infrastructure will involve challenges. The benefits of infrastructure are often widely dispersed and enjoyed by society as a whole, while the impacts of these projects tend to be concentrated in the immediate vicinity of the installation. So, while we all reap the rewards of new and improved infrastructure, the impacts tend to fall disproportionately on a few of us. For instance, society as a whole gains from improved transport networks or wind farms that produce low carbon energy with reduced emissions, but a relatively small number of people live next to the roads, rail lines and wind farms that deliver these benefits.

2.4 If we are to continue to develop sustainably as a nation, we have to take the decisions that will enable us to develop the key projects needed to support our communities, economy and society in a way that is efficient, open and provides certainty. If we do not, we are likely to face a range of problems – such as energy shortages, mounting congestion, and increased pollution – that will drive jobs and investment overseas, undermine the vitality of our communities, damage our environment, and threaten individuals’ health and well being. But we recognise that we also have to take account of the interests of those most directly affected by these major projects. That is why we are determined to ensure that decisions are taken in a way that is accountable, transparent, and enables the public to participate effectively in them.

The case for reform

2.5 While airports are dealt with under the town and country planning system, there are special regimes for considering whether to grant development consent for power stations and electricity lines, some gas supply infrastructure, pipelines, ports where development extends beyond the shoreline, roads, and railways.¹

2.6 Applications under these regimes are made directly to the relevant Secretary of State rather than to local authorities. The procedure varies according to the regime but, particularly for the major projects, there are usually a number of stages. There might be a consultation on various scheme options, which allows a preferred scheme to be identified. An application is then made for the necessary statutory permissions and powers. Generally, this is followed by a public inquiry, usually headed by a planning inspector or inspectors, where there is detailed consideration of the proposal and any objections. Evidence is typically tested via the cross-examination of witnesses. The inspector then writes a detailed report including recommendations and submits this to ministers. Following the inquiry, the Secretary of State considers the inspector’s report and recommendations and decides whether the project should be granted the necessary consents and powers to proceed.

2.7 Despite its complexities, Rod Eddington noted that the system has delivered “sensible judgements ... that allow the UK to grow and develop, but only where the schemes do not impose unjustified costs on individuals, the environment or society” (Eddington, 2006, p56). However, Eddington and Kate Barker also identified a range of problems arising from the current systems for granting development consent for infrastructure:

¹ These regimes include the Transport and Works Act 1992, the Highways Act 1980, the Harbours Act 1964, the Gas Act 1965, the Electricity Act 1989, and the Pipelines Act 1962.

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- The process can take too long to deliver decisions, impose substantial costs on all parties, and generate large amounts of uncertainty. This can extend planning blight, severely affecting the lives of individuals directly affected by proposals. It can delay delivery of key infrastructure, with harmful knock on effects for communities, business, the economy and the environment. And it can, in some cases, deter promoters from bringing forward projects in the first place, threatening our ability to deliver the infrastructure we need to continue to thrive as a nation.
- In part because of the length of time inquiries can take and the expense involved in participating in them, it can be difficult for local government, non-government organisations (NGO) and local people to participate effectively in the process and make their views heard. This means that those with the most resources, or the best knowledge of the system, can have the greatest say in decisions.

Box 2.1**Heathrow Terminal 5**

BAA's application to build Terminal 5 is an extreme example of the delays possible in the system. BAA eventually had to lodge 37 different applications across seven different pieces of legislation. The application was lodged in 1993, the public inquiry sat for a total of 46 months, the chairman of the inquiry (an eminent QC supported by planning inspectors) took a year and a half to write his report, and the Government took 11 months to consider the report before issuing a decision. In total, this meant that it took more than seven years from the date the application was made to the issuing of the final decision.

The delay meant that, in the time taken to consider and start constructing Terminal 5 at Heathrow, Schiphol airport in the Netherlands and Charles de Gaulle airport in Paris both increased their capacity with runway expansion and terminal capacity improvements. This delay means that UK airports may lose business to EU competitors, as well as risking imposing extra costs on UK businesses, as goods may have to be trans-shipped or direct connections from the UK may not be possible for air journeys, forcing longer, and often more expensive, journeys to be made.

The length and cost of the process also made it difficult for interested parties to properly engage with the evolution of the project. During the Terminal 5 inquiry, for example, the sheer length of the inquiry process and the costs of legal representation throughout the inquiry contributed to the London borough of Hillingdon having to pull out of the process, as its funds had been exhausted.

- 2.8** The planning process for Heathrow's Terminal 5 (see Box 2.1) illustrates many of the problems with the current system. A variety of underlying problems with the current regime were identified by Eddington and Barker:
- (a) Government policy, or the balance of different government policies, is sometimes unclear. The large scale and long timeframes of nationally

significant infrastructure projects mean that it is important that there is a clear, stable strategic framework for investment. The absence of a clear policy framework can discourage promoters from bringing proposals forward, or encourage them to bring forward proposals which are less than ideal but easier to get approved. This can also cause significant delays at the public inquiry stage because national policy has to be clarified, and the need for the infrastructure has to be established, through the inquiry process for each individual application.

- (b) Promoters do not always prepare their applications as well as they could. They also do not always engage early enough with key parties such as statutory environmental and heritage bodies, the Highways Agency and key non-governmental organisations (NGOs) – though in some instances this may be because those bodies are slow to respond to requests for engagement. And they sometimes do not consult widely or clearly enough on their proposals. This can result in members of the public sometimes feeling that they have been unable to influence the way a project has been developed. And it can mean that issues have to be resolved after an application has been made, sometimes during the inquiry itself. Once an application has been made, however, it can be difficult and costly to make changes to the original proposals.
- (c) There are too many different and overlapping development consent regimes. A single project can require multiple permissions under several different regimes, particularly projects involving linked developments – for instance, where a port expansion requires improved road or rail links. Most of these different statutory consent processes have their own procedural rules and, while there are similarities, there are also some important differences. This can significantly increase the costs of applications and can act as a real barrier to bringing forward proposals and to participating in the debate about them.
- (d) Although the procedural rules give some measure of flexibility, the current inquiry processes of examining applications can be slow and inefficient at times. Evidence is usually probed by means of the oral cross-examination of witnesses by opposing legal counsel, which can be time consuming and make it difficult to estimate how long an inquiry is likely to take, adding to uncertainty. And the legalistic and adversarial approach can make it intimidating and difficult for members of the public to engage effectively in the process.

Box 2.2**The North-Yorkshire grid upgrade**

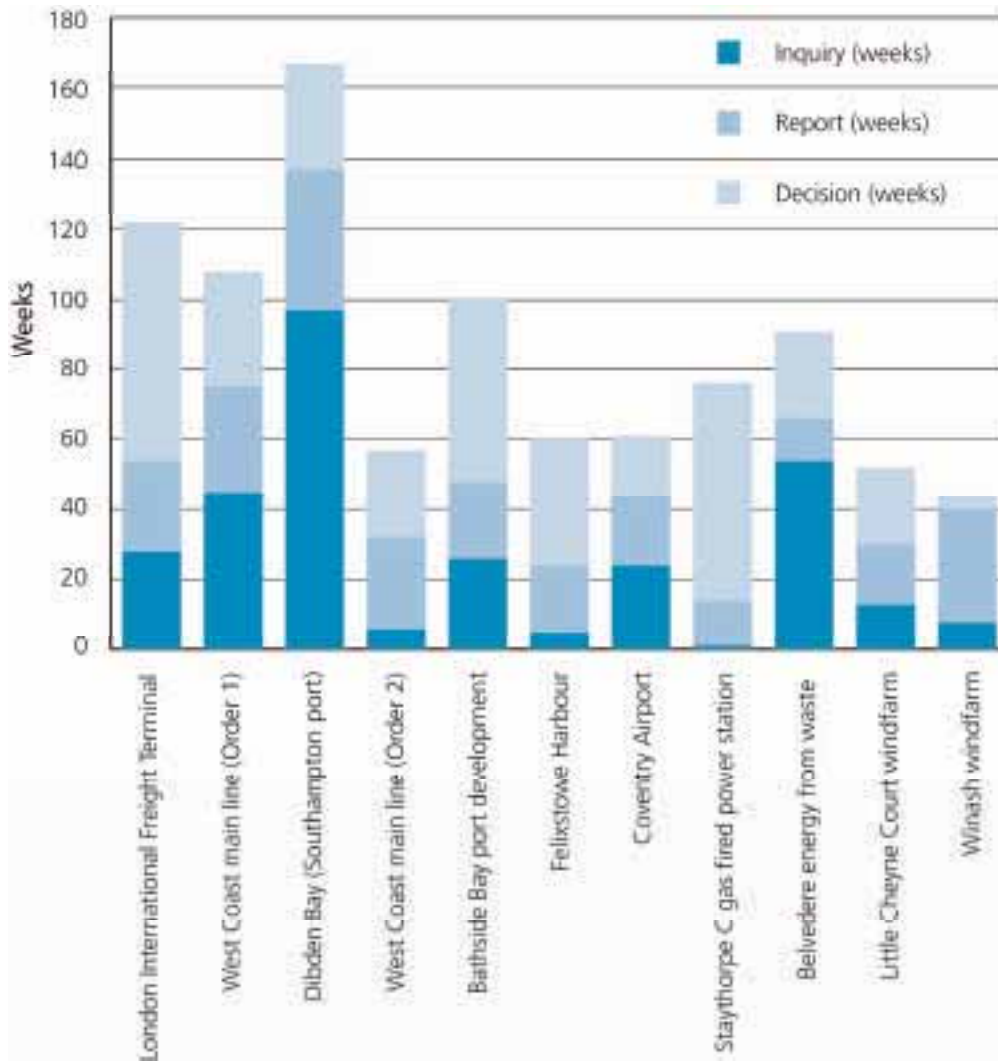
The North-Yorkshire grid upgrade was a major high-voltage transmission line upgrade essential for the integrity of the UK electricity system and security of energy supply. The line upgraded the backbone of the system that transfers electricity generated in one part of the country to where it is needed most to supply homes and businesses. Lines such as these are essential to the economy of the country.

In total, it took 77 months from the application to secure planning permission. The application for two route options for a North line and three route options for South line was made to the Department for Trade and Industry (DTI) in September 1991. The first public inquiry was held from May to November 1992 and inspectors reported in October 1993. In May 1994 the Secretary of State for Trade and Industry made a 'minded to' decision supporting the inspector's recommendations on routing and their recommendation to refuse two small sections (that therefore required new applications for diversions). At the same time the Secretary of State made clear the final decision had to await the outcome of proceedings to secure access to land rights for the line.

From March to April 1995 a second public inquiry was held on the proposed diversions. At this second inquiry the need for the lines had to be confirmed again. From November 1994 to April 1995 four batches of public hearings on compulsory wayleaves were held concurrently with the second Public Inquiry and a Public Inquiry into a Compulsory Purchase Order for a 'sealing and compound' site to facilitate the undergrounding of one section of the line. This long process drew to an end in March 1998 when the Secretary of State for Trade and Industry made a final decision.

- (e) The decision making process is complex. There are two separate stages: the inspector's recommendations to the minister, and the ministerial decision. The final decision can be subject to significant delay where new matters and evidence arise or issues need to be revisited for clarification as the North Yorkshire grid update shows (see Box 2.2). For major infrastructure projects with linked development, there can also be multiple decision makers – because of the different legislation and the different ministerial accountabilities, often more than one minister will be involved in making the final decision on a specific project.
- (f) The role of ministers in planning decisions on major infrastructure is also not well understood. For example, confusion can arise where ministers take decisions on schemes in which they or the Government has a specific policy interest, and it is sometimes thought that they are able to take into account wider political factors not directly related to the development. In reality, however, ministers perform a quasi-judicial role when deciding planning applications, basing decisions on the evidence presented and published policy and take great care to avoid any real or perceived conflict of interest.

Time from start of Inquiry to decision



Our proposals

2.9 The Government’s recent reforms have focused on the town and country planning system. These reforms have included changes aimed at improving the procedures for inquiries for major infrastructure projects determined under the town and country planning regime, such as introducing a streamlined inquiry process with concurrent sessions to deal with particular topics. But these reforms have not been extended in all cases to the other, multiple regimes governing development consents for key national infrastructure projects. Moreover, the analysis presented by Rod Eddington and Kate Barker suggests that the problems associated with planning for major infrastructure are deeper and cannot be fully addressed by changes to inquiry procedures alone. The Government agrees with this analysis and believes that, if we are to meet the long term challenge of delivering the infrastructure that we need, more radical and wider ranging reform is needed.

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2.10 Eddington proposed a three stage process, in which:

- ministers would set strategic objectives for national infrastructure development up front, integrating economic, social and environmental goals in order to deliver sustainable development;
- promoters would then develop project proposals within a clear strategic framework, and subject to requirements to consult the public to ensure that promoters are adequately prepared for the issues likely to arise; and
- decisions on applications would be taken by an independent commission comprising well respected experts using more focused inquiry procedures that would provide more accessible opportunities for participation.

2.11 The Government supports this overall approach, which we consider has the potential to improve the delivery of nationally significant transport infrastructure such as major airport and port projects, and improvements to the Strategic Road Network; nationally significant energy infrastructure such as major new power generating facilities and facilities critical to energy security; and nationally significant water and waste infrastructure, such as major reservoirs and waste water plant works.

2.12 Our detailed proposals for reform therefore build on the recommendations made by Rod Eddington and Kate Barker, but are firmly rooted in the principles set out in Chapter 1 of this White Paper:

- planning should be responsive, particularly to long term challenges such as increasing globalisation and climate change, and properly integrate our economic, social and environmental objectives to deliver sustainable development;
- planning should be streamlined, efficient and predictable;
- there should be full and fair opportunities for public consultation and community engagement;
- planning should be transparent and accountable; and
- planning should be undertaken at the right level of government – national, regional or local.

2.13 To achieve this, we propose to:

- (a) **Produce national policy statements for key sectors to ensure that there is a clear policy framework for decisions on nationally significant infrastructure.** The statements would integrate national economic, environmental and social goals to deliver sustainable development, and provide clear direction by setting out strategic objectives for infrastructure capacity and development. There would need to be thorough and effective consultation on national policy statements in order to provide an opportunity for the Government's proposals to be scrutinised and debated. Where a policy statement identified particular locations, the local authorities for those areas would have an important role in consultation, representing their communities. There would also need to be an opportunity for Parliamentary scrutiny before these statements were finally adopted by the Government as policy. Policy statements would then set the framework for subsequent decisions by an independent commission (discussed below). Our proposals in relation to national policy statements are set out in detail in Chapter 3.
- (b) **Help promoters of infrastructure projects to improve the way that they prepare applications by making better advice available to them, requiring them to consult the public and local communities effectively and requiring earlier engagement with key parties such as statutory environmental and heritage bodies and the Highways Agency.** Effective scheme development on detailed projects is essential to ensuring quicker and better decisions on infrastructure development. This is primarily the responsibility of developers but a clear understanding of key requirements, rules and best practice can help. The proposed new infrastructure planning commission would, subject to appropriate rules to ensure propriety, provide advice to promoters and other interested parties to ensure that they understood the procedural requirements for their application and consultation with the public and local communities was effective. More detail on our proposals to improve scheme development is set out in Chapter 4.
- (c) **Clarify the decision making process and achieve a clear separation of policy and decision making by creating an independent infrastructure planning commission to take the decisions on nationally significant infrastructure cases.** The commission would comprise well respected experts, drawn from a range of fields. These might include national and local government, community engagement, planning, law, engineering, economics, business, security, environment, heritage, and health, as well as, if necessary, specialist technical expertise related to the particular sector. It would take charge of the development consent process for nationally significant infrastructure projects, and take the final decision as to whether permission should be granted.

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In taking the decision, it would operate within the framework of the relevant national policy statement, although this would not be the only consideration. The Commission would approve any application for development consent for a nationally significant infrastructure project which had main aims consistent with the relevant national policy statement, unless adverse local consequences outweighed the benefits, including national benefits identified in the national policy statement. Adverse local consequences, for these purposes, would be those incompatible with relevant EC and domestic law, including human rights legislation. Relevant domestic law for infrastructure sectors would be identified in the planning reform legislation. In some instances, this might lead the commission to reject an application, even where it was consistent with the national policy statement. Ministers would have no role in taking decisions on whether to approve individual applications for development consent for these national infrastructure projects. More detail on the proposed commission is set out in Chapter 5.

- (d) **Streamline the procedures for infrastructure projects of national significance by rationalising the different development consent regimes and improving the inquiry procedures for all of them.** This will harmonise requirements on developers and, as far as possible, create a single application process for all of the development authorisations needed for nationally significant infrastructure projects. We also intend to improve the speed, quality and accessibility of the procedure for examining applications by allowing the commission to gather the majority of evidence in writing, probe it by means of direct questioning rather than relying on cross-examination by opposing counsel, and imposing statutory time limits on the entire process. More details on these proposed reforms are set out in Chapter 5.
- (e) **Improve public participation across the entire process by providing better opportunities for public engagement at each stage of the development consent process.** There would be opportunities for public consultation and engagement at each of the three key stages of the new regime. First, there would be thorough and effective public consultation on each national policy statement. This would provide an important opportunity to scrutinise, consider and debate the Government's proposals for infrastructure development, including the need for infrastructure and how economic, environmental, and social goals can best be integrated. Second, promoters would be required to consult the public on the details of their particular proposals, taking account in particular of the need to ensure local communities were properly engaged in proposals which directly affected them. The commission would need to satisfy itself that such consultation had been properly carried out. Third, there would be improved processes to ensure that

communities and individuals could participate fairly in inquiries on specific projects. This would include setting out clear processes for inquiries including clear timetables, ensuring hearings were less adversarial, and providing opportunities, including through a specific open floor stage, for the public to participate in inquiries.

- (f) **Explore devolving decisions on smaller infrastructure projects, where appropriate, to local authorities.** At present many smaller infrastructure projects are decided nationally by the relevant Secretary of State. In some cases, these will need to continue to be taken nationally because smaller projects can still be nationally significant (for instance, projects necessary to the operational effectiveness and resilience of the electricity transmission and distribution network). In principle, however, we believe infrastructure projects which are primarily local in effect should be determined by local planning authorities, with the normal right of appeal and call-in procedures, if possible.

The benefits of the package as a whole

2.14 We believe that this system offers a better way of dealing with applications to build key national infrastructure. It will:

- Make the system more responsive to long term challenges by ensuring government policy is clearly set out and integrates our economic, social and environmental objectives.
- Make the system more streamlined, efficient and predictable by providing a settled strategic context in which to develop schemes, making the application process much more straightforward, and providing advice to ensure that applications are properly prepared. This should reduce the uncertainty that affected communities can sometimes suffer.
- Provide clearly defined opportunities for public consultation and engagement at each key stage in the process and enable local authorities to ensure that local views are reflected in debate. Consultation on national statements of policy will create an opportunity for people to express their views about the infrastructure that we need and how we should deliver it. Consultation on proposals for particular projects will make sure that local communities are able to express their views about the way this infrastructure is then delivered. And the changes to inquiries will not only make the entire system much more accessible, but also mean that members of the public can engage on a much more equal footing with the professional advocates who currently dominate the process.

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- Improve the transparency and accountability of the system by ensuring that government policy is set out clearly and that ministers are clearly accountable for this. Policy and decision making roles will be clearly separated – ministers will set policy, but decisions will be taken by an independent, expert commission on a transparent and objective basis. The commission will operate within a clear legislative framework set by Parliament and a policy framework set by ministers, and will have to give reasons for its decisions and account for its performance to Parliament. There will be rights of legal challenge to national policy statements and to final decisions of the commission.
- Ensure decisions are taken at the right level. Applications for projects which are nationally significant will be determined by a national body within a policy framework which clearly sets out the national interest. Applications for local infrastructure projects will be taken, as far as possible, by local authorities, in accordance with their wider responsibilities for place-shaping and developing sustainable communities.

2.15 Overall, we believe that this system offers a better way of dealing with applications to build key national infrastructure. It should reduce significantly the time to reach decisions on applications for development consent for nationally significant infrastructure projects. The time saving overall for projects will depend in part on how well the scheme development process is run by promoters, but we estimate that if these changes are implemented, the average time from an application being made to the commission to its decision should be around one year. Based on our initial estimate, the total cost savings to the application process could be over £1 billion over ten years.

2.16 Moreover these benefits can be delivered while at the same time maintaining the quality of decision making and clarifying and improving the opportunities for public consultation and engagement.

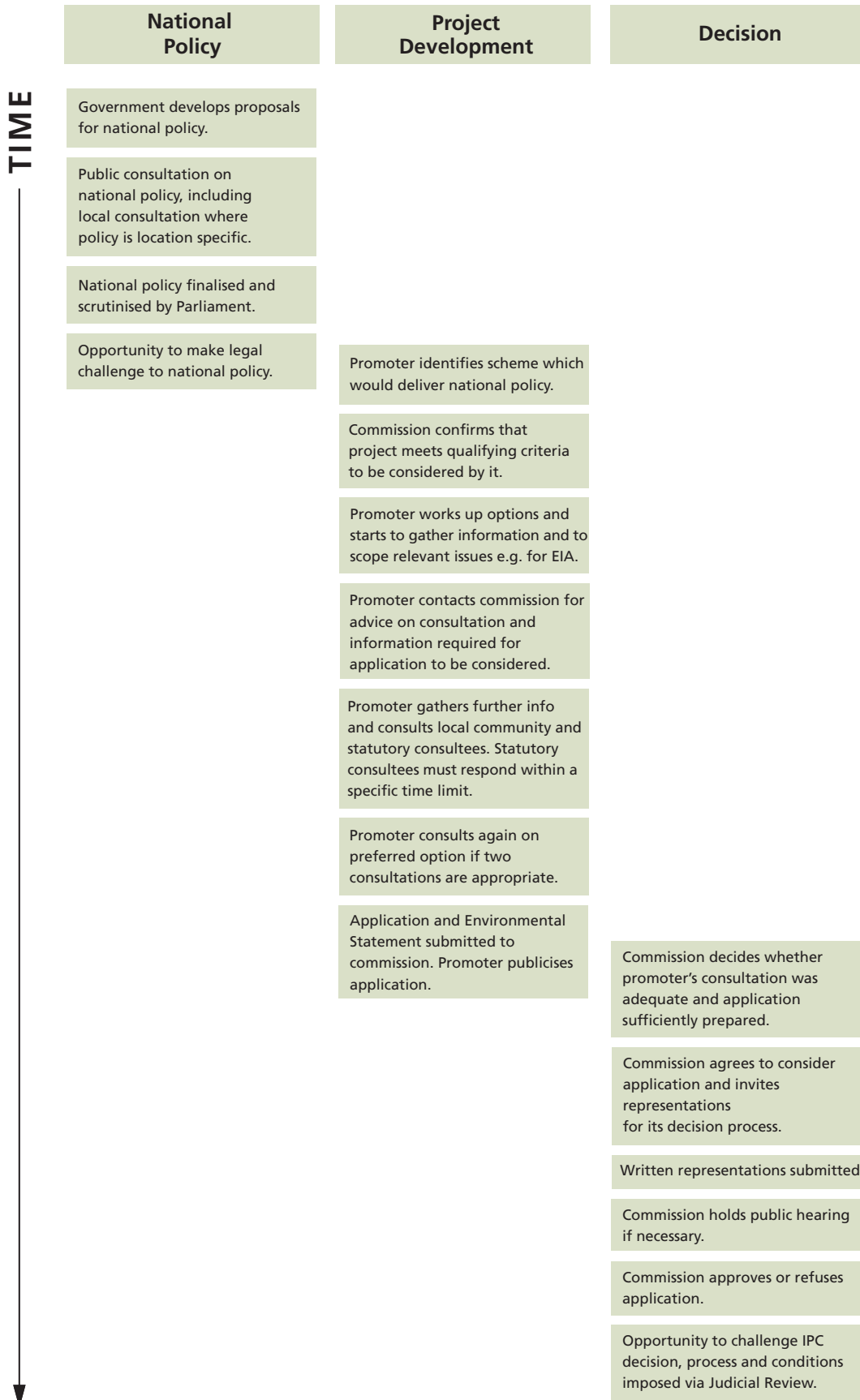
Consultation questions:

Do you agree that there is a strong case for reforming the current system for planning nationally significant infrastructure?

Do you agree, in principle, that the overall package of reforms proposed here will achieve the objectives that we have set out?

If not, what changes to the proposed reforms or alternative reforms would you propose to better achieve these objectives?

Proposed New Regime for Nationally Significant Infrastructure Projects



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 ten 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 Chief Executive of BAA Plc, in his speech to the Airport Consultative Committee Chairmen on 27 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 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 most 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 proposals looked into at non-adversarial 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 involved participants of certain selected issues and this aspect of an examination-in-public could, if considered appropriate, form an integral part of the 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 many of them 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 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 set 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 the inquiry itself - and, in my view, a great deal of 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 for major airport developments must be considered in a much quicker and more effective manner on the lines I have suggested.

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