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Confidential filing

Inquiry into the Archway
Road Scheme

TRANSPORT.

FEBRUARY 1984

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
28.2.84							
9.3.84							
14.3.84							
15.3.84							
23.3.84							
2.4.84							
21.6.84							
19.11.84							

PREM 19/1399

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
H (84) 7 th Meeting	14/03/1984
H (84) 11	09/03/1984

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate **CAB (CABINET OFFICE) CLASSES**

Signed  Date 3/10/2013

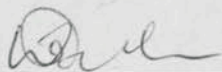
PREM Records Team

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

House of Commons HANSARD, 28 February 1984, column 143 to 149: Archway Road, North London (Inquiry)

Signed



Date

3/10/2013

PREM Records Team

CONFIDENTIAL

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Dubs
21/11
CCND
CC B1



Prime Minister

MB

Prime Minister (2)

No new inquiry on Archway.
And the GAC postpone a decision
on their long ban.

ARCHWAY : THE NEXT STEPS

You will recall that when Sir Michael Giddings resigned from the Archway Inquiry last Spring, following the harassment of himself and his wife, we said we would set up a new inquiry as soon as possible.

Dubs
19/11

Since then several things have happened. We have set up our own review of the techniques of trunk road assessment, we have defined London's strategic network and key routes - of which the A1 including Archway Road is part - and, as you know, I am announcing tomorrow as part of our programme for getting to grips with London's deplorable road problems, the start of assessment studies of 4 key corridors.

The East London study will include the Holloway Road and I have also asked the consultants to cover the Archway Road itself. There could well be alternative effective ways of handling the traffic flow right along this corridor.

In the light of this I shall therefore be announcing in a written Parliamentary Question tomorrow that I do not intend to set up a fresh inquiry until I have the results of this study. I attach the written Answer and Press Notice associated with this.

No doubt the Archway anti-road campaigners will seek to claim this as a victory, but I shall make clear that I am not interested in that kind of point but only in getting the right solutions. Equally I shall rebut any suggestion that the tactics of intimidation have worked.

CONFIDENTIAL

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On a quite different London point, you will also wish to know the latest news is that the GLC are postponing for a further month a final decision on their proposed lorry ban - we had expected them to take a decision on Wednesday. We shall be providing you with a suitable form of words should the matter be raised during your Questions on Thursday.

Because of their past involvement in the position at Archway I am sending copies of this minute to Patrick Jenkin, Leon Brittan and Quintin Hailsham.

A handwritten signature in dark ink, appearing to be 'NR', is centered on the page below the main text.

NICHOLAS RIDLEY
19 November 1984

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DRAFT PRESS NOTICE

East London Assessment Study to include Review of Archway Road Proposal

Nicholas Ridley, Secretary of State for Transport, today announced that there will not be a fresh Archway Inquiry until the results of the East London Assessment Study are at hand. The study area to be examined will include Holloway Road and the whole of Archway Road. In answer to a Parliamentary Question he said:

"I have announced today the commissioning of an assessment study of the problems and possible options for the traffic corridor in East London between the A1 and the A102. This will include a review of both Holloway Road and Archway Road. In view of this I am notifying all those concerned that there will not be a new inquiry into the present Draft Orders. When I have the results of this assessment study I shall be able to consider what the next steps for Archway Road should be."

Mr Ridley said: "The A1 is one of London's key routes. The East London Assessment Study will include a comprehensive look at the problems of this important corridor for London traffic movement. The consultants will be analysing problems and considering every practical solution having regard to environmental as well as traffic needs. Since new solutions to the very difficult problems of the Archway area may well emerge, I want the opportunity to consider them carefully."

C O N F I D E N T I A L

DRAFT PQ

Q To ask the Secretary of State for Transport if he is yet in a position to announce the date for the new inquiry for Archway Road and if he will make a statement.

A I have announced today the commissioning of an assessment study of the problems and possible options for the traffic corridor in East London between the A1 and the A102. This will include a review of both Holloway Road and Archway Road. In view of this I am notifying all those concerned that there will not be a new inquiry into the present Draft Orders. When I have the results of this assessment study I shall be able to consider what the next steps for Archway Road should be.

C O N F I D E N T I A L

Transport feb 84
Arduway Road

A19 NOV 1984





① cc Acting Unit
② n.b.p.m. dms
21/6

2 MARSHAM STREET
LONDON SW1P 3EB

01-212 3434

My ref:

Your ref:

21 June 1984

Dear David

INQUIRY PROCEDURES

Earlier this year, we were in correspondence about the Prime Minister's concern about the cost and length of major inquiries. Consideration is still being given to the case for substantial reform, as well as to the problems of disruption, and my Secretary of State expects to be in a position to put a memorandum to colleagues immediately after the recess.

- / In the meantime, the Prime Minister may wish to have the enclosed copy of a proposed Code of Practice on which the Department has recently gone to consultation and which is intended to help major inquiries to run smoothly, speedily and efficiently by making full use of the pre-inquiry period to prepare the ground.
- / I am sending a copy of this letter to Richard Hatfield.

Yours ever

Andrew

A C ALLBERRY
Private Secretary

David Barclay Esq

PREPARING FOR MAJOR INQUIRIES: A CODE OF PRACTICE

INTRODUCTION

1. This document sets out a Code of Practice for procedures leading up to major planning inquiries.
2. The public local inquiry is widely accepted as a fair and thorough way of examining the merits of development proposals and finding out and assessing what interested parties, organisations, and members of the public think about them.
3. But inquiries cost time and money for everyone involved. So when the development proposal is a major one or affects a lot of people it is in everyone's interest that the proceedings should be planned and organised so as to run smoothly and take no longer than is necessary.
4. The aim of the Code is to help the Inspector achieve this. It is intended as a non-statutory Code, which supplements the statutory rules on conduct of inquiries while conforming with the principles of natural justice. It takes account of experience of pre-inquiry procedures and practices already tried out.
5. The Code is intended for application in cases where the development proposal is of major public interest because of its national or regional implications, or the extent or complexity of the environmental, safety, technical or scientific issues involved. However, elements of the code will be available to assist procedures in many other cases.

WHAT THE CODE SEEKS TO DO

6. What the Code seeks to do is to enable the Inspector to prepare the ground for the public inquiry by:
 - a. identifying in advance those interested who intend to participate in the inquiry, making them known to one another, and enabling them to dispose of their time and resources to best advantage;
 - b. getting advance presentation of information and views so that the key issues and factors can be identified at an early stage, and those concerned can later concentrate their submissions on those issues;
 - c. where possible, getting certain facts generally agreed between the parties, and made available to all interested participants;
 - d. enabling the inquiry arrangements and procedures to be properly planned for the benefit of all concerned.

WHAT THE CODE INVOLVES:

FIRST STEPS

7. The Department will indicate at the earliest possible stage when it is proposed to apply the Code to a major proposal which is subject to a public inquiry.
8. Notice of Application of the Code will be given in the first instance to the initiator of the proposal, the local planning authority(ies) interested Government Departments and those with statutory rights to be heard at the inquiry.

PUBLICATION OF NOTICE OF APPLICATION OF CODE

9. The notice to the local planning authority will be accompanied by a request:
 - a. to supply within 14 days to all those with statutory rights to be heard at the inquiry (identified in the Inquiries Procedure Rules) and any other bodies or persons known to the authority to be interested, copies of:
 - i. the standard form of notice indicating that the Code will be applied;
 - ii. the Code itself;
 - iii. a standard registration form (standard notice and registration forms annexed);
 - b. to publish the notice in the press within 21 days with a request that interested parties who wish to make representations should obtain, complete and return the registration form.

REGISTRATION OF PARTICIPANTS

10. The registration form will request the following information:
 - a. the name, address and telephone number of the persons registering;
 - b. the name, address and telephone number of any agent;
 - c. any property interest in the site area;
 - d. an indication of the objection or representation to be made;
 - e. whether or not the person registering is prepared to consider co-operating with other parties sharing the same views in presenting their views at the inquiry;
 - f. whether or not he/she wishes to express a view in writing only or wants an opportunity to be heard; and if the latter
 - g. whether he/she wishes to call witnesses and to cross-examine other parties and their witnesses.

The Department will ask for the completed form to be returned within 21 days of publication of the Notice of Application of the Code to the inquiry secretariat or other nominated person. The notice is the indication of an intention to take part in the inquiry. Full statements follow at later stages.

REGISTER OF PARTICIPANTS

11. A Register of Participants will be produced from these forms and will be available on request from the Inquiry Secretariat which will be set up in the Planning Inspectorate. The Register will identify those intending to give evidence at the inquiry and those who wish to make written representations.

12. The use of the Register will enable information to be gathered at an earlier stage about the extent and nature of objections and other interests. This will enable the Inspector to programme the inquiry well in advance and with a greater

degree of accuracy than before. It will also help participants at the inquiry find out the identities of other participants, and their points of view, and give them the opportunity if they wish to approach others with a view to combining their representations or planning jointly their respective contributions to the inquiry.

13. Registered participants will be asked to submit a statement of case to the Inspector in advance of making representations or submitting evidence to the inquiry. They will be made aware of statements made by the participants and other parties. Certain parties have rights under the Rules to present evidence and to cross examine. These facilities will normally be extended to registered participants although failure to comply with requirements of the Code may result in withdrawal of those facilities. Under the Rules the Inspector retains the discretion to hear other interested persons and would normally hear those who had not been registered.

DEPARTMENT'S STATEMENT OF RELEVANT MATTERS

14. In the case of an application called-in under section 35 of the Town and Country Planning Act 1971 the Department will normally issue its Rule 6(1) Statement under the Town and Country Planning (Inquiry Procedure) Rules 1974 (SI 1974 No 419), at the same time as the Notice of Application of the Code. This Statement will indicate the reasons for call-in and the matters seen at that time to be relevant to the consideration of the proposal. These will be set out as clearly and as constructively as possible so as to focus attention on the main points to which the participants should address themselves in later submissions of information and views. Copies will be sent to all registered participants.

15. Subject to any additions or modification to this initial Statement the Inspector will expect participants throughout the proceedings to orient their submissions on the issues identified.

ANNOUNCEMENT OF INQUIRY

16. As soon as possible after the decision to call in the application, or other procedure leading to an inquiry, and the decision to apply the Code, the Department will announce the appointment of the person to conduct the inquiry, and any assessors (where required and if known at this stage), and (provisionally if necessary) the date of commencement of the inquiry, and the venue. Other details, and confirmation of provisional details, will be announced at appropriate stages during the procedure.

REPORTS OF ENVIRONMENTAL ASSESSMENTS

17. Once the Rule 6(1) statement has been issued, the Secretariat will formally ask the applicant whether the proposal has been the subject of an Environmental Assessment (EA) (ie a study of the environmental implications). If it has, the Secretariat will ask for copies of any report of the assessment to be submitted within 28 days of the request. The applicant will also be asked to make copies of the report available at suitable locations which will have been designated for the purpose, and to supply copies at a reasonable price to any registered participant who applies for them.

18. The Secretariat will notify participants that copies of the report are available for inspection at suitable locations and can be purchased from the developers.

ADVANCE STATEMENTS FROM MAIN PARTIES

19. 14 days after the EA report has been available or, if no EA has been made, immediately after issue of the Notice of Application of the Code the Department will request:

- a. a statement of case under Rule 6(2) or equivalent statement under the appropriate inquiry procedure rules from the local planning authority(ies);
- b. a statement of case under Rule 6(6) or equivalent statement under the appropriate inquiry procedure rules from the applicant;
- c. a statement of case from any other Government Department, statutory body or undertaker with an interest in the proposal.

The Department will ask for these statements to be submitted within 28 days of the issue of the request for them.

20. On receipt by the Department, copies of the statements will be sent to the other parties listed in a. to c. above.

21. Other copies will be placed by the Department (or Inquiry Secretariat) on deposit at the designated locations.

22. All registered participants will be notified of the places where copies of these statements may be inspected and of the cost of obtaining copies.

23. The purpose of the statements is to ensure that accurate details of the proposal, the site and surroundings, relevant central and local Government policies, development plan provisions, Departmental and planning authority views and results of consultations are available before other participants prepare their contributions. They will also enable the Inspector to plan the forthcoming inquiry.

24. So far as possible the statements should be confined to the issues identified in the Department's Rule 6(1) statement and to such other issues as are identified as being relevant by the participants.

25. A list of documents to which references has been or will be made should be included. A separate list should be supplied of relevant research studies or reports which have been taken into account or are being prepared.

26. Participants may submit supplementary statements taking account of or replying to views expressed by other participants but all such statements should be submitted before the pre-inquiry meeting or meetings. Supplementary statements will be circulated or placed on deposit like the main statements.

ADVANCE STATEMENTS FROM OTHER PARTICIPANTS

27. Once the advance statement have been received from the main parties, the Department will request all other registered participants to provide an advance statement of case.

28. Copies of all these statements will be circulated to all other registered participants except that where they are very lengthy or bulky, or the numbers involved are very large, they may instead be deposited for inspection at the chosen locations.

29. These statements should contain all relevant items which the Inspector will asked to take into account, classified so far as possible under the issues identified in the Rule 6(1) statement. A list of documents referred to should be included.

30. Whether or not the participant appears at the inquiry the statement will become an official inquiry document and will be taken into account. The Inspector may permit any other participant to respond to it either in writing or at the inquiry.

31. The Inspector will normally expect participants at the inquiry to concentrate their comments on the matters outlined in their statement together with any comments that they wish to make in response to submissions made by other participants. If participants at that stage seek to introduce entirely new evidence, he may adjourn the inquiry to allow other participants to consider this new material. He may also consider making a recommendation on award of costs against a party who unreasonably occasions such an adjournment. Refusal to comply with the requirements of the Code, or reasonable requests for the presentation of information within specific time limits, or other actions which may cause delay to proceedings, are matters to be taken into account by the Secretary of State when determining an application made to him for an award of costs.

INSPECTOR'S APPRAISAL OF WRITTEN STATEMENTS

32. The Inspector will consider all written statements which have been received before the pre-inquiry meeting (see below). He will seek to produce a list of the topics relevant to the inquiry which expands or amplifies those identified in the Rule 6(1) statement so far as it seems appropriate to do so. After possible amendment in the light of any discussion at a pre-inquiry meeting the list will be circulated to all participants and used as a general framework for the inquiry.

33. Participants whose written statements indicate that they hold the same or similar views on any topic may be invited by the Inspector to consider collaboration to present a single case at the inquiry.

34. The Inspector may by a circular letter to all participants indicate matters on which clarification or additional information is needed.

35. The Inspector may invite persons who are not registered participants to attend the inquiry and give evidence on matters on which they have expert knowledge, if he considers that there is otherwise a risk that some relevant issue may not be properly investigated at the inquiry.

36. The Inspector will seek to identify from the statements those areas where facts appear to be capable of agreement between the main parties, such as descriptions of the proposal, the site and surroundings or facts and methodologies relating to environmental effects. The statement of agreed facts and matters still in dispute which are relevant to the inquiry would be deposited and circulated in the same way as the written statements. The Inspector may lay down units of measurement, nomenclature, acronyms etc to be used throughout the inquiry.

37. The Inspector may allocate responsibility for preparation of the draft list of facts to the developer or any other party. Meetings of participants may be arranged to discuss the list of facts or matters still in dispute which are relevant to the inquiry and it may be a subject of discussion at a pre-inquiry meeting.

THE PRE-INQUIRY MEETING

38. The Inspector will hold one or more pre-inquiry meetings to ensure that as much information as possible is made available as early as possible and to clarify what needs to be done before the inquiry opens. The first of these meetings will normally take place about 28 days after the date by which main parties have been asked to submit their statements and the last at least 28 days before the opening of the inquiry. All main parties and all registered participants will be invited to attend and they will be given at least 28 days notice of the arrangements.

39. The matters to be considered at the pre-inquiry meeting(s) will include:

- a. any necessary amendment to or clarification of the Inspector's list of topics for the inquiry;
- b. identification of any material required by the Inspector and not already covered by statements, and consideration of how this is to be provided, including the progress of any research studies being undertaken;
- c. responses to any invitation from the Inspector to participants to consider collaboration;
- d. arrangements for preparation of agreed statements of facts including establishment of Working Groups where appropriate;
- e. a review of the timetable for the work to be done before the inquiry opens, including the submission of any further statements;
- f. the role of the assessors (if any).

THE PROGRAMME MEETING

40. The Inspector will also hold a meeting to consider procedural matters (often this will be incorporated into one of the Pre-Inquiry meetings). At least 28 days Notice of the Meeting will be given. The matters to be considered at the Procedural Meeting will include:-

- a. details of the venue and proposed dates and times of sittings;
- b. programming the inquiry;
- c. the need for additional venues for parts of the Inquiry;
- d. accommodation and facilities at the Inquiry (eg copying, transcripts, telephones, public address system, and facilities for the media);
- e. secretariat arrangements;
- f. procedural matters (eg consideration of the form of opening and closing statements and the order of appearances);
- g. arrangements for the submission, circulation and inspection of documents, including the listing of documents already submitted.

41. To assist programming, the Secretariat will normally circulate a questionnaire inviting participants to say how long the presentation of their case is likely to take, which witnesses they will wish to cross-examine, and how long they expect this to take. This questionnaire could be circulated in conjunction with the requests for statements at earlier stages of the procedure. A final, detailed programme will be compiled and circulated at least 7 days in advance.

INFORMAL MEETINGS

42. The Inspector may wish to arrange for informal meetings to be held to see whether agreed statements of facts can be prepared on particular issues (eg forecasts), to help participants with similar views to consider the possibility of collaboration, or for similar purposes. The Inspector will indicate the purpose and membership of such meetings, designate a chairman, and say when he expects to receive a report of the outcome, which will normally be at least 21 days before the opening of the inquiry. In the case of technical evidence, the chairman should aim to produce a report which will identify matters which are agreed, the matters in dispute, and the factors or assumption which have led to the difference of view.

PROOFS OF EVIDENCE

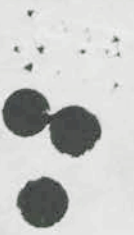
43. The Inspector will require parties to submit proofs of evidence at least 21 days before the evidence in question is to be given, and he may also give directions about the form and layout of proofs and about their circulation. While the practice of taking proofs of evidence as read or the use of summaries can be helpful in speeding up the inquiry, it can sometimes give rise to difficulties, and the Inspector may therefore wish to sound out the views of participants on this point at the pre-inquiry meeting.

CONCLUSION

44. These procedures are intended to ensure that the inquiry itself runs as smoothly, speedily and efficiently as possible. If by their use the general structure of the inquiry can be agreed and as much as possible of the factual background can be established before the main part of the inquiry opens, then the presentation of cases, submissions and evidence, can concentrate on the important issues that need to be addressed at the inquiry.

Department of the Environment

June 1984



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RS

File



10 DOWNING STREET

From the Private Secretary

2 April 1984

MAJOR INQUIRIES

Thank you for your letter of 27 March in reply to mine of 15 March.

I have shown your letter to the Prime Minister, who was grateful for the consideration so far given to her comments. She has noted that an interdepartmental group will be reviewing the scope for restructuring major inquiries, and she looks forward to hearing the outcome of their deliberations.

I am sending copies of this letter to Janet Lewis-Jones (Lord President's Office), to the Private Secretaries to the members of H Committee and to Richard Hatfield (Cabinet Office).

David Barclay

Andrew Allberry, Esq.,
Department of the Environment.

CONFIDENTIAL

sv



CONFIDENTIAL

4/NO
CEBI 2

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

Prime Minister

My ref:

To note

Your ref:

27 March 1984

Dear David,

A 30/3

mf

Thank you for your letter of 15 March to John Ballard, expressing the Prime Minister's concern about problems with major inquiries.

The particular problems of disruption and personal harassment of the Inspector, such as arose at the Archway inquiry, are being followed up in the light of H Committee's discussion. Advice on how to deal with disruption was prepared by an interdepartmental Working Party and made available to Inspectors and the Police last year. These Notes for Guidance were annexed to the Lord Chancellor's paper; they have been welcomed by Inspectors and the Police and should enable them to deal with most contingencies. Mr Jenkin proposes, however, to ask the Working Party to review this advice, and the legal background, in the light of the events that occurred at Archway and to consider whether there is now a need either for legislation or for the revision of the Notes for Guidance.

The wider questions of the cost and duration of major inquiries (eg Sizewell and Stansted) raise different issues, and the Secretary of State shares the Prime Minister's concern. It is a limited problem, in that of the thousands of public inquiries held each year, less than twenty take more than a month to complete and the great majority are completed within a day or two; but some can run for a year or more.

This Department has been doing some work on this subject over the past year or so, and has prepared draft papers on which officials are consulting other Departments. The first of these proposes a new code of practice for the "pre-inquiry" stages of major inquiries which should go a long way to ensuring that the inquiry itself is well structured, addresses the main issues and discourages irrelevant repetitive evidence. If these arrangements are adopted it should also help to shorten the proceedings and avoid unnecessary cost, while serving the interests of all the parties involved in the inquiry. It could also assist in discouraging disruption since the great majority of those taking part in the inquiry, and who wished it to proceed in an orderly manner, could see that the inquiry was organised in a way that enabled them to put their case effectively. These proposals draw on the best of existing practice and the advice of some of those who have experience of conducting major inquiries.

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The second paper that the Department has prepared concerns the possibility, which is sometimes canvassed, of a "two stage" inquiry process for dealing with major proposals. The first stage would address matters of general application (eg. the need for a new international airport) and the second stage would relate to a specific site or sites. It is not clear that such a procedure would in fact shorten the time taken by the inquiry overall, or that matters considered at the first stage could be wholly excluded at the second stage. But the possibility of restructuring major inquiries in this or alternative ways is worth reviewing and an interdepartmental meeting to consider this has been arranged for early next month. The Secretary of State has asked that the specific points made by the Prime Minister should be considered at the same time.

The Secretary of State will be reporting back to colleagues on these matters.

I am sending copies of this letter to Janet Lewis-Jones (Lord President's Office), to the Private Secretaries to the members of H Committee and to Richard Hatfield (Cabinet Office).

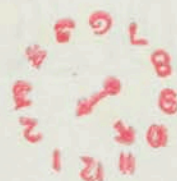
Yours ever,

Andrew

ANDREW ALLBERRY
Private Secretary

Transport: Archway

Feb 84



27 FEB 1984



JD

10 DOWNING STREET

From the Private Secretary

23 March, 1984.

Dear Andrew,

Archway and the Scott Wilson Report

The Prime Minister has seen a copy of your Secretary of State's letter of 20 March to the Lord Chancellor about the Archway and related issues. She has taken note without comment.

Yours ever,

David

David Barclay

Andrew Melville, Esq.,
Department of Transport.

NC



Prime Minister (2)

To note

BT 24/3

24/3

C/f copy

DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

The Rt Hon Margaret Thatcher MP
House of Commons
London SW1

R23

21 March 1984

Dear Margaret

As you know, in the exchanges following my statement to the House on 28 February about Sir Michael Giddings' withdrawal from the Archway Inquiry I undertook that we would follow up a number of the points he had made in his adjournment statement. One of these concerned new traffic surveys to take account of the effect of the M25.

Sir Michael asked for new survey work to be undertaken in April and May so that the results would be available by July and, if necessary, re-validated data by October. The Department has therefore arranged for origin and destination surveys to be undertaken between 22 March and 10 April and again between 1 May and 11 May (the dates have been chosen to avoid school holidays which might distort the results).

I thought you would like to know about our arrangements, which have been agreed with the GLC and the London Boroughs concerned.

Nicholas Ridley

Nicholas Ridley

NICHOLAS RIDLEY

DEPARTMENT OF TRANSPORT
POSTAL TELEGRAPH TELEPHONE BOARD

Transport Feb 24



Archway Road

COMMERCIAL



CCJR

DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

The Rt Hon The Lord Hailsham of
St Marylebone CH FRS DCL
Lord Chancellor
Lord Chancellor's Office
House of Lords
LONDON SW1A 0PW

ms

20 March 1984

Prime Minister⁽²⁾

Mr Ridley proposes to publish the Scott Wilson Report on Hampstead Garden Suburb. Before doing so, he needs to determine what line to take on Falloden Way and the Regents Park Road improvement in your constituency. He will consult you again about this.

Dear Quentin

ARCHWAY AND THE SCOTT WILSON REPORT

As I told you at H(84)7th Meeting last week, before you have to deal with Lord Harris' unstarred Question on 22 March, I shall have announced my intention to make the Scott Wilson Report publicly available. I enclose a copy of the proposed Question and Answer which will be dealt with tomorrow (I had originally thought this might come up at Monday's Oral Question session but it did not fit).

DMS
20/3

My Department will need a few days to get enough copies of this 4-volume report and maps assembled and distributed. On the actual day of publication I shall answer another Arranged PQ with a very clear statement about their status. Otherwise we shall indeed have widespread unnecessary blight, the fear of which was the reason why all my predecessors (endorsed by the Ombudsman) refused to publish the document.

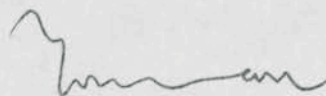
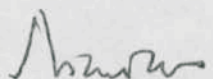
I cannot however produce this full statement yet. The reason is that when I come out with a categorical denial of all the options studied in the report, I am bound to be asked about the Government's intentions for Falloden Way itself - the road that joins Archway with the Regents Park Road junction of the North Circular Road. There is a notorious bottleneck on this road where the 4 lanes narrow to 3. During the years of paralysis while the Archway question has remained unresolved, and the Scott Wilson Report itself - publicly rejected as it was - has remained unpublished, the Department's line has simply been that it has no plans for this stretch of road. However I feel that the position we have now reached means that I need to state unequivocally whether I envisage tackling this particular road problem. That in turn raises a number of difficult and sensitive questions about the Archway

Inquiry itself, the forthcoming inquiry into the Regents Park Road junction and the impact on householders along Fallden Way.

I have spelt this out, because it explains why there must be an interval before I can make my formal statement repudiating the Scott Wilson Report's findings, and spelling out my intentions on Fallden Way. Ideally I would like rather longer to examine the position, but given we need to get out the Scott Wilson Report now, I think I must take a decision to this timetable before it appears.

All this I think lends weight to the view that you should on Thursday avoid being drawn into any discussion at all about what should or should not form the substance of the information in front of the Archway Inquiry. You will be able to refer to my announced intention of publishing the report shortly to remove one source of contention. In doing so you may need to reiterate our view and public stance that Archway stands on its own merits, irrespective of any road widening either to the north or the south.

Because these issues are so close to the boundary of her constituency - and indeed the Regents Park Road improvement is within it - I am sending a copy of this minute to the Prime Minister. I am also sending copies to the Secretary of State for the Environment and the Home Secretary because of their involvement in the Archway question.

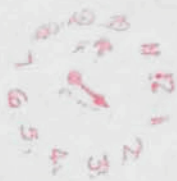



NICHOLAS RIDLEY

To ask the Secretary of State for Transport if he will now make the Hampstead Garden Suburb Report publicly available.

Yes, shortly.

TRANSPORT: Archway
Feb '84



20 MAR 1984

✓C.



10 DOWNING STREET

bc. Mr. Redwood
 c. LPO DHSS
 LCO CDL
 HO D/M
 DES CS, HMT
 NIO D/Trport
 SO CWO
 WO Ld Denham
 LPSO CO

15 March 1984

From the Private Secretary

Inquiry Procedures

The Prime Minister has seen a copy of the Lord Chancellor's paper (H(84)11) on the Archway Inquiry, which was considered by H Committee on 14 March. She has also noted from the minutes of that meeting that your Secretary of State will be considering further both the confidential guidelines for inspectors and the question of whether any change in the law is required.

The Prime Minister hopes that in considering these matters your Secretary of State will examine the case for substantial reform. There is widespread concern, which the Prime Minister shares, about not only the disruption of major inquiries but also their cost and length of time which they take. Mrs Thatcher feels that inquiry procedures have become unduly protracted, and she would be grateful if your Secretary of State could consider in particular the possibility that each interested group at an inquiry should be given a specified amount of time to make their case. She would also be grateful if he could look at how these matters are handled abroad, especially in the United States where she recalls that the inquiry into the use of Concorde at US airports was very expeditious.

I am sending copies of this letter to Janet Lewis-Jones (Lord President's Office), to the Private Secretaries to the members of H Committee and to Richard Hatfield (Cabinet Office).

(David Barclay)

John Ballard, Esq.,
 Department of the Environment.

dr

PRIME MINISTER

The Archway Inquiry

The Lord Chancellor has circulated a paper to members of H Committee about the next Archway Inquiry. The paper is mainly about the prevention of disorder, and it reaches the conclusion that the existing law is adequate if it is properly applied. (It emerges, for example, that Sir Michael Giddings had been offered police protection but declined much of it.)

I attach John Redwood's comments on the paper. He suggests - with Sizewell in mind - that an opportunity might be taken to seek a speedier form of procedure for public inquiries generally.

Any such proposal would no doubt evoke the response (with some justification) that the arrangements have already been thoroughly explored, and that there is little that can be done by way of fundamental reform which does not prejudice the rights of objectors to have their case heard.

Would you nevertheless like to propose a wider review of inquiry procedure?

Yes - I seem to remember that when the U.S. had their 'Concord' engine, it took 10 days only

DB

12 March, 1984.

Our procedures have got ridiculously long. I suggest we give each witness a specified time within which their case should be put out.

CONFIDENTIAL

12 March 1984

MR BARCLAY

H COMMITTEE: THE ARCHWAY INQUIRY

The Lord Chancellor's paper contains much common sense about how to proceed in the case of the Archway Inquiry.

However, some of the more important inquiries are unduly lengthy and often disrupted. The costs, aggravation and bad publicity that can flow from something like the Sizewell Inquiry are considerable.

Is there no more judicial procedure which could be adopted to ensure:

- (a) a fair hearing of the issues;
- (b) a speedier hearing;
- (c) a more imposing enforcement of rules of conduct?

Now would be the time to raise this general question if there is any general dissatisfaction on these matters.



JOHN REDWOOD

CONFIDENTIAL



HOUSE OF LORDS,
SW1A 0PW

28th February 1984.

Confidential

My dear Nicky:

Inquiry into the Archway Road Scheme

You wrote to me on the 27th February about the resignation of Sir Michael Giddings as the Inspector for the inquiry into the Archway Road Scheme and my officials have since passed on my comments on the wording of your statement in the Commons.

Finding a new Inspector will be no easy task but we must do our best and my department will be in touch with yours as soon as possible for a discussion on names.

I am copying this to be recipients of your letter.

yrs:

The Right Honourable
Nicholas Ridley, M.P.,
Secretary of State for Transport.



10 FEB 1984

PRIME MINISTER

pa
DMS
29/2

ARCHWAY

Mr. Ridley's statement went quietly. With one exception there was universal condemnation of the treatment of the Inspector. The exception was Jeremy Corbyn (Islington North) who refused to condemn the harassment of the Inspector and his family, and instead criticised the Department of Transport for withholding vital evidence in an attempt to override local objections.

The Opposition spokesman, John Prescott, while condemning the treatment of the Inspector, called for a fresh start with the new inquiry. He asked that it should take evidence on the effects of the M25 and of the GLC lorry ban, and on the Hampstead Garden Suburb study. Mr. Ridley said that he would do all that he could to ensure that the fullest possible evidence was available.

Peter Fry argued that the case for major road schemes should in future be considered by Parliament rather than at local inquiries; but he failed to obtain much support for this point of view. Several Conservatives pressed for action by the police against those who may have broken the law in the way they had treated the Inspector. Mr. Ridley said that he understood that the police were examining not only the question of possible past offences but also ways in which the new Inspector might be protected.

Generally speaking, there was much sympathy for Sir Michael and Lady Giddings, and solid support for the line taken by Mr. Ridley.

DMS

ml

28 February 1984

STATEMENT BY RT HON NICHOLAS RIDLEY MP, SECRETARY OF STATE FOR
TRANSPORT, ON THE ARCHWAY ROAD INQUIRY

With permission, Mr Speaker, I would like to make a statement on the inquiry into the proposals for the Archway Road in North London.

I very much regret to have to tell this House that Sir Michael Giddings, the inspector nominated by the Lord Chancellor and appointed by the Secretary of State for the Environment and myself has withdrawn. This was as a result of the harassment he and his family has undergone. In his letter of resignation he describes how for several months he has been plagued with telephone calls, how callers have sought various means of speaking to his wife, the receipt of hundreds of letters at his private home, some addressed to his wife, two deputations at the house over Christmas, the receipt of a parcel of excreta, trespassers in his garden and the breaking of a window. The Police have been in regular touch and have taken the special steps sought by him in relation to his home. He has told me that while he has no doubt that he could carry the inquiry through he is not prepared to see his wife further distressed or alarmed. He therefore feels he must withdraw.

The Government totally condemns such tactics of intimidation and domestic harassment. They are clearly intended to subvert the statutory processes established by Parliament to protect the interests of the public. In 1978 when announcing the abandonment of the previous Archway Inquiry my predecessor likewise had to tell the House that it had been subjected to a campaign of disruption. The object of any inquiry is to provide a full and fair hearing of all the arguments in the case at issue, and behaviour designed to suppress this is an attack on the rights of the community as a whole.

A new inquiry will be set up as soon as possible with a new inspector nominated by the Lord Chancellor. He has in mind nominating a senior lawyer. Tactics of harassment to prevent a proper hearing of the issues at stake will not be allowed to prevail.

Carbyne inquiry adjourned because of M25

DTP withholding / local objections

↓
ings shd be open & evidence shd be available

NR: only we not to condemn harassment

↓
relevant is clear

Si Hughes: associate with condemnation

- hope will be no attempt to circumvent news
inquiry

NR: prosecutor not f in

probab looking at the past and files

Resent:

under review
will report be made available
every some

Setting up a fresh inquiry means that the time and money of many people will have been wasted as a result of these actions by the few. I have conveyed to Sir Michael Giddings my deep regret at the personal attacks on himself and his family that they have had to endure.

Prospect: - full condemnation of harassment

- agree object of inquiry is to provide a fully fair hearing

- will be 4th or 5th inquiry

|
disrupted ∴ Dept has refused inspectors
publication of TI report

|
recognise that M25 opening could make a
difference

|
time is not for fresh start for all in DTP

- new consultants reports: M25 / Long bar
make available to hearing

NR: know controversial 13rd inquiry

M25 are matter for new inquiry: will do all we can to
make full info available

HR: maj of costs dep. ed condemn
we law agst offenders

NR: assure full rig of law will protect inquiries

Petering: look again at whole basis of inquiry
Path to avoid general principle & leave
only local issues to inspectors

NR pros ahead with existing law

CONFIDENTIAL

Pa 28/2

Apprs



DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

The Rt Hon Lord Hailsham CH FRS DL
The Lord Chancellor
Lord Chancellor's Office
House of Lords
LONDON SW1A 0PW

Any reference to previous expenses of this nature? "substantive" the "statement" made by the Minister? Mr. Ralley's statement? 27 February 1984

Dear Quinston

INQUIRY INTO THE ARCHWAY ROAD SCHEME

As I mentioned at Cabinet, Sir Michael Giddings, the Inspector you nominated to preside over this road inquiry has felt obliged to withdraw as a result of the personal and domestic harassment he has undergone. I attach a copy of the letter of resignation he has submitted.

There is of course a history of trouble at Archway and the two previous abandoned inquiries put the Inspectors concerned under similar enormous personal strain - the second in particular involving the same sort of domestic persecution.

I think it was agreed that I should make an early statement in the House deploring what had happened and announcing our intention to set up a fresh inquiry forthwith.

I should like to be able to say something about our intentions with regard to the new Inspector. In the light of experience I believe he will have to be a senior lawyer with the status of a judge, if he is to cope with what is likely to be involved.

My officials are urgently discussing this and the other handling aspects with your people and also with the other Departments most closely concerned. Meanwhile I attach a draft of the sort of statement I have in mind to make, and would welcome any comments you have on this as soon as possible. I would like to make my statement this week.

We must handle this particular case under our present rules, but I agree with you that we do need to look at the rules for inquiries generally in the longer term.

I am sending a copy of this letter to Patrick Jenkin (who jointly with me appointed the Inspector), to Willie Whitelaw, Leon Brittan, John Biffen, John Wakeham, Lord Denham and the Prime Minister.

*Your man
Nicholas*

NICHOLAS RIDLEY

CONFIDENTIAL

CONFIDENTIAL

DRAFT STATEMENT

With permission, Mr Speaker, I would like to make a statement on the inquiry into the proposals for the Archway Road in North London.

I very much regret to have to tell this House that Sir Michael Giddings, the inspector nominated by the Lord Chancellor and appointed by the Secretary of State for the Environment and myself has withdrawn. This was as a result of the harassment he and his family has undergone. In his letter of resignation he describes how for several months he has been plagued with telephone calls, how callers have sought various means of speaking to his wife, the receipt of hundreds of letters at his private home, some addressed to his wife, two deputations at the house over Christmas, the involvement of the Police and his neighbours in deterring cars away from his drive, the receipt of a parcel of excreta, trespassers in his garden and the breaking of a window. He has told me that while he has no doubt that he could carry the inquiry through he is not prepared to see his wife further distressed or alarmed. He therefore feels he must withdraw.

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A new inquiry will be set up forthwith. The Lord Chancellor will nominate a new Inspector. He has in mind nominating a senior lawyer with the status of a judge. Tactics of harassment to prevent a proper hearing of the issues at stake will not be allowed to prevail.

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CONFIDENTIAL

Setting up a fresh inquiry means that the time and money of many people will have been wasted as a result of these actions by the few. I have conveyed to Sir Michael Giddings my deep regret at the personal attacks on himself and his family that they have had to endure.

CONFIDENTIAL

CONFIDENTIAL

Air Marshal ~~air~~ Michael Giddings
159 Long Lane
Tilehurst
Reading, Berks. RG3 6YW
22 February 1984

Dear Mrs Chalker,

I am very sorry to have to tell you that I have finally decided that I must withdraw from the Archway inquiry. I tentatively proposed doing so in October last year, ten weeks before the inquiry opened. Eventually, however I opened the inquiry with the intention of re-assessing the matter in the light of what transpired. Unfortunately the situation has got worse.

The problem concerns the pressure on my family. For several months we have been plagued with telephone calls (27 on one day in December). Even last Sunday, after the adjournment had been in progress for more than two weeks, we received four calls. On occasions callers have asked to speak to my wife and have tried various devious measures to ensure this. Over 600 letters have been sent to my home (many admittedly by way of proforma). Some of these were addressed to my wife. Two deputations came to the house over Christmas and subsequently the police (and, in two instances, my neighbours) have deterred cars away from the drive. A parcel of excreta was sent to the house. I have found two people in my garden. One window has been broken.

While I have no doubt that I could carry the inquiry through I am afraid I am not prepared to see my wife further distressed or alarmed.

I hope I can truthfully say that I have given my services responsibly over the last five years. I have received much kindness and help from many officers of both Departments, for which I am most grateful. At the same time I have always sought to approach problems objectively, and I have not always come out in favour of the official proposals. I am very much distressed at the conflict of duty.

Finally, may I offer my sincere and profound apologies to you personally. I fully realise the trouble my withdrawal will cause you, and I am deeply sorry.

Yours sincerely,

Michael Giddings

Mrs Lynda Chalker MP
Minister of State
Department of Transport
2 Marsham Street London.

