

CONFIDENTIAL

CCBG  
nbpm



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

16 December 1986

Dear Nicholas

at flap

**GOVERNMENT RESPONSE TO THE FIFTH REPORT FROM THE ENVIRONMENT  
COMMITTEE, SESSION 1985/86: PLANNING: APPEALS, CALL-IN  
AND MAJOR INQUIRIES**

You wrote to me on 2 December seeking H Committee's agreement to your proposals for responding to the report by the Select Committee on the Environment.

I note from your further letter of 12 December that you have been able to meet the points raised in their letters by Quintin Hailsham, Peter Walker, Nicholas Edwards and Paul Channon. You will also have seen John Moore's letter endorsing your approach while recording his preference for not standing too close to the presentation of the paper to Parliament. I note that Malcolm Rifkind is content with the draft paper and intends, where appropriate, to match the initiatives in Scotland.

No other member of the Committee has commented and you may take it that you now have H Committee's agreement to proceed.

I am sending a copy of this letter to the Prime Minister, the members of H Committee, the Secretaries of State for Energy, and Trade and Industry, and Sir Robert Armstrong.

The Rt Hon Nicholas Ridley MP

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010

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*nbpm yet*

*CCBG*

*B/F Friday with HB comments*

*may 3/12*



2 MARSHAM STREET  
LONDON SW1P 3EB  
01-212 3434

My ref:

Your ref:

The Rt Hon The Viscount Whitelaw CH MC  
Lord President of the Council  
Privy Council Office  
Whitehall  
LONDON  
SW1

2 December 1986

*Dear Sir*

GOVERNMENT RESPONSE TO THE FIFTH REPORT FROM THE ENVIRONMENT  
COMMITTEE, SESSION 1985-86:  
PLANNING: APPEALS, CALL-IN AND MAJOR INQUIRIES

On 17 September the Select Committee on the Environment published a report on 'Planning: Appeals, Call-in and Major Inquiries', and we must now respond.

The obligation presents a useful opportunity for us to set out in a coherent way the very substantial amount of work which we have been doing, by legislative means and administrative action, to speed up the handling of planning cases - both the important proposals which need major inquiries and run-of-the-mill planning appeals. I propose to use the occasion to publish the Action Plan which I have drawn up following a detailed management review of the handling of appeals requiring an inquiry; and to publish a consultation paper on the revision of the rules governing procedures at planning inquiries. The latter paper would be supported by a draft revision of the relevant rules, and would make public the measures which we agreed at H Committee on 2 October 1985 and 19 May 1986 to speed up major inquiries.

This package would constitute, in my view, a more than adequate response to the Select Committee and merits publication in the form of a Command Paper, to which would be attached the consultation paper, draft rules, draft code of practice on preparing for major inquiries, and the Action Plan inquiries appeals procedures.

Officials in the Departments principally interested in these matters have seen an earlier draft of the papers, and the present drafts take into account a number of points which they have made. In particular, paragraph 16 of the consultation paper and the related draft rule 16(3) take account, at the request of Peter Walker's officials, of the imminent need to take a decision on the Sizewell case following receipt of Sir Frank Layfield's report.

I am bound to say that rule 16(3) as drafted will be strongly criticised as not having full regard to recent case law on how decision-makers should treat new matters which are relevant but which were not ventilated at the inquiry. However, we need ourselves to do more detailed legal work on this question and, despite the risk of criticism, I am content to go out to

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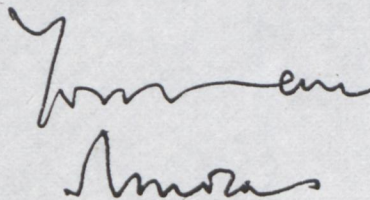
consultation on the basis of a text which is no more than a tidying-up of the existing rule on this point.

Expressly the draft rules would apply only to certain types of cases being inquired into under the Town and Country Planning Act 1971. The rules however are made by the Lord Chancellor under the Tribunals and Inquiries Act 1971, and the consultation paper explains that the revised rules are a consultation draft which the Lord Chancellor has agreed that the Department may publish. It also explains that the principles underlying the draft revision will in due course be applied to other sets of inquiry rules which are the policy responsibility of other Departments, but that there may be differences to suit the particular requirements of the types of case to which they would apply.

I should be grateful to know whether colleagues are content for the publication of these papers in the form of a Command paper responding to the Select Committee. The formal convention is that responses to Select Committee reports should be made within 2 months. I have told Sir Hugh Rossi that he should not expect a reply before December. If it were possible, I should like to publish the paper on 16 December. Being a Command paper, it would need formal approval at Cabinet on 11 December. If colleagues can only reply within the usual 10 day period, I should have to accept that publication would have to be deferred until Parliament returns after the Recess. But I should very much prefer publication by 16 December, and I should therefore be grateful if colleagues could indicate whether they are content by Monday 8 December.

I should also be grateful to know whether the Lord Chancellor, Peter Walker and John Moore wish to be associated with Nicholas Edwards, Malcolm Rifkind and myself in formal presentation of the paper for Parliament.

I am sending copies of this letter and enclosures to the Prime Minister, the other members of H Committee, the Lord Chancellor, Paul Channon, Peter Walker, the Chief Whip and Sir Robert Armstrong.



NICHOLAS RIDLEY



The Rt Hon The Viscount Whitelaw CH MC  
Lord President of the Council  
Privy Council Office  
Whitehall  
LONDON  
SW1

2 MARSHAM STREET  
LONDON SW1P 3EB  
01-212 3434

My ref:

Your ref:

12 December 1986

*Dear Sir*

GOVERNMENT RESPONSE TO THE FIFTH REPORT FROM THE ENVIRONMENT  
COMMITTEE, 1985/86  
PLANNING: APPEALS, CALL-IN AND MAJOR INQUIRIES

I am grateful to colleagues for the speed with which they have been able to respond on the substantial bundle of papers enclosed with my letter to you of 2 December on this subject. On present plans, I intend to publish it on 17 December: the Environment Committee Chairman, Sir Hugh Rossi, will receive copies of the Confidential Final Revise on Monday morning 15 December, according to the usual convention of providing texts of the Government response 48 hours before publication.

On matters of substance raised by colleagues:

- a. the footnote on page 1 of the Command paper has been amended to refer to Wales as requested by Nicholas Edwards;
- b. paragraph 36 has been amended as requested by Nicholas Edwards to make it clear that the recovery guidelines to which it refers to do not prevent the recovery of other cases on occasion; and paragraph 50 has been amended by omitting the detailed heads of guidance on call-in as they need further discussion with the Welsh Office;
- c. to meet Paul Channon's point, the last sentence of paragraph 9 has been amended by the deletion of all the words after "in Circular 14/85";
- d. to reflect a point discussed with the No.10 Policy Unit, a couple of sentences have been added to paragraph 23 to refer to the special study of long-running appeals cases which we are now undertaking;
- e. as requested by the Lord Chancellor the last sentence of paragraph 2 of the consultation paper on the inquiries procedure rules has been deleted;
- f. following the discussions between officials to which Peter Walker referred, paragraph 29(vii) of the Command paper has been omitted, we have made a minor amendment to paragraph 16 of the consultation paper on the rules, and

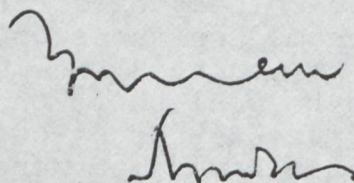
Local Gov't, Rating PTS

we have reverted to an earlier version of rule 17(1). To make it clear, however, that this is a consultation draft, we do not think it desirable to include any citation and commencement paragraph in the draft rules.

The paper will be formally presented by me, supported by Malcolm Rifkind, Nicholas Edwards and Peter Walker.

These points having been dealt with, the way is now clear to proceed, I think.

Copies of this letter are being sent to the Prime Minister, the other members of H Committee, Paul Channon, Peter Walker, the Chief Whip, the Attorney-General, Sir Robert Armstrong and Bernard Ingham.



NICHOLAS RIDLEY





10 DOWNING STREET

LONDON SW1A 2AA

*From the Private Secretary*

8 December 1986

GOVERNMENT RESPONSE TO THE FIFTH REPORT  
FROM THE ENVIRONMENT COMMITTEE, SESSION  
1985-86:

PLANNING: APPEALS, CALL-IN AND MAJOR INQUIRIES

The Prime Minister has seen your Secretary of State's letter of 2 December to the Lord President. She is content with both the content of the document, and his proposal for handling it.

(P.A. BEARPARK)

Brian Leonard, Esq.,  
Department of the Environment.


PRIME MINISTER

PLANNING APPEALS

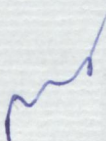
DOE are ready to issue their response to the  
Select Committee on the Environment.

You may wish to glance at Hartley Booth's  
minute - attached - and to note

- DOE have agreed to add a sentence to para  
23 saying "they accept the need to reduce  
the number of appeals taking over 12 months"
- subject to colleagues' comments the paper will  
require formal approval at Cabinet on Thursday.

  
P. A. BEARPARK

5 December 1986



PRIME MINISTER

GOVERNMENT RESPONSE TO THE FIFTH REPORT FOR THE ENVIRONMENT  
COMMITTEE 1985/86 PLANNING APPEALS CALL-IN AND MAJOR INQUIRIES

In 37 recommendations the Backbench committee makes many of the points that are made by the Sainsbury Committee. For example Recommendation 11 "that the Department should recruit sufficient full and part-time inspectors to ensure that it meets its target for a median handling time of 11 weeks by the end of 1988 for written representation appeals" has a familiar ring about it. The Committee demonstrates less dissatisfaction than this office with the planning appeal delays in the system. Predictably all the same responses are made by DoE that they make to you and Sir John Sainsbury.

In addition DoE add the following:-

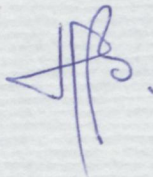
- (a) A note of a review of Inquiries Planning Appeals which is remarkably silent on the worsening situation recently disclosed by the Department on Section 36 appeals.
- (b) A note on Performance and Projected Performance of the system which represents the triumph of hope over experience.



(c) Proposed revision to the Inquiry Procedure Rules  
(together with a draft Statutory Instrument) which  
disguise the real need which is for more first rate  
inspectors.

Summary

DoE pick up some of the responsibility but also blame parties  
to planning cases. DoE sets itself to improved efficiency in  
management increasing flexibility and availability of  
Inspectors and greater use of statistics. But it states  
applicants must prepare and present their cases better.  
Nothing is said to commit the department to reducing the long  
delays among the 650 cases that they have had in hand for more  
than 12 months. We recommend now is the time for the DoE to  
be asked to sign up for a clear objective to improve this  
element in their performance.



HARTLEY BOOTH





NEW ST. ANDREW'S HOUSE  
ST. JAMES CENTRE  
EDINBURGH EH1 3SX

CONFIDENTIAL

The Rt Hon Nicholas Ridley MP  
Secretary of State for the Environment  
2 Marsham Street  
LONDON  
SW1P 3EB

NBRM

11 December 1986

Dear Nick,

GOVERNMENT RESPONSE TO THE FIFTH REPORT FROM THE  
ENVIRONMENT COMMITTEE, SESSION 1985-86: PLANNING: APPEALS,  
CALL-IN AND MAJOR INQUIRIES

Thank you for sending me a copy of your letter of 2 December to Willie Whitelaw seeking agreement to the publication of the response to this report as a Command Paper.

I am content with what you propose. As you know, apart from an appendix of evidence from the Scottish Office, the Committee's report relates directly to the planning system in England and Wales only; and the proposed response contains a paragraph in the introduction stating that the policy initiatives for England and Wales will in general be matched by initiatives in Scotland appropriate to Scottish circumstances. My department has work in hand on these initiatives.

I am of course content to be a signatory to the Government's response.

I am sending copies of this letter to the Prime Minister, the Lord President, the other members of H Committee, the Lord Chancellor, Paul Channon, Peter Walker, the Chief Whip and Sir Robert Armstrong.

MALCOLM RIFKIND

Local Gov't Planning PT3.





SCOTTISH OFFICE  
WHITEHALL, LONDON SW1A 2AU

The Rt Hon The Viscount Whitelaw CH MC  
Lord President of the Council  
Privy Council Office  
Whitehall  
LONDON  
SW1

10 December 1986

Dear Willie,

PAYING FOR LOCAL GOVERNMENT: CARAVANS, HUTS AND CHALETs

I refer to Nicholas Ridley's letter of 2 December.

As he acknowledges, I have already obtained the agreement of E(LF) for the proposal that holiday caravans be left within the rating system, apart from those which are licensed for all-year occupation and are rated as dwellinghouses at present. This decision has been announced and has received a general welcome from the caravan lobby.

In considering the proposals Nicholas Ridley is now making it may be helpful for colleagues to be reminded of the background. At present most caravan sites are not subject to domestic rates, but are rated on a commercial basis. This is true of the pitches for touring caravans and for "holiday caravans", that is to say caravans on large sites licensed for occupation for only part of the year. There is no reason why the abolition of domestic rates should affect these caravans. Certain other caravans are licensed for residential use throughout the year and accordingly rated as dwellinghouses. With the abolition of domestic rates they will cease to be subject to rates and, if they are used as second homes, will be subject to the standard charge.

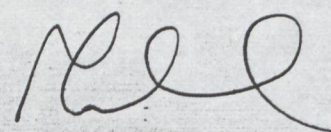
There is a grey area consisting of holiday caravans on small sites together with those on large sites which have opted out of the arrangements for collective site valuations: both such categories may be valued as dwellinghouses and would therefore cease to be subject to rates and become liable to the standard charge. My proposals were designed to avoid that anomaly by leaving the caravans in this category within the rating system. It is my clear impression therefore, that what Nicholas Ridley is now proposing, to take all holiday caravans out of the rating system, represents a bigger step than leaving the few anomalous cases I have identified within rating, along with the others.

If the difference between us were only a question of rating treatment I would be relatively relaxed about differences arising north and south of the Border. But I do have serious concern about the implication of Nicholas Ridley's proposals for the administration of the standard community charge. He argues that holiday caravans are just like second homes, but goes on to propose a limitation in the amount of the standard charge. This is the top of a slippery slope: if we acknowledge that the

standard charge needs to be modulated according to some judgement about the value of property or the extent to which it can be used throughout the year we will quickly come under irresistible pressure to grant local authorities a much wider discretion - in effect to recreate something like the rating system for second homes. And that in turn will begin to undermine our position that the community charge must be a flat rate, even in isolated areas where rateable values are low at present reflecting a low level of service.

I am therefore concerned that Nicholas Ridley's proposals will give us the worst of all worlds. There will be sustained criticism from the caravan lobby - who I must point out have been led to expect a concession of the kind I have announced by signals which Angela Rumbold gave this summer about the possibility of leaving the tax burden of holiday caravans largely undisturbed. And our flat rate approach not only to the standard community charge but also to the personal community charge itself will be undermined. For these reasons I will not be adopting Nicholas Ridley's proposals in Scotland and I would be unhappy if they were adopted south of the Border.

I am copying this letter to members of E(LF), to Norman Lamont and to Sir Robert Armstrong.

*Yours ever,*  


MALCOLM RIFKIND



LOCAL GOVT : planning pt 3

nbpm CC/BC



Y SWYDDFA GYMREIG

GWYDYR HOUSE

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Tel. 01-233 3000 (Switsfwrdd)  
01-233 6106 (Llinell Union)

*Oddi wrth Ysgrifennydd Gwladol Cymru*

WELSH OFFICE

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

Tel. 01-233 3000 (Switchboard)  
01-233 6106 (Direct Line)

*From The Secretary of State for Wales*

The Rt Hon Nicholas Edwards MP

9 December 1986

PAB

**GOVERNMENT RESPONSE TO THE FIFTH REPORT FROM THE ENVIRONMENT COMMITTEE,  
SESSION 1985/86**

**PLANNING: APPEALS, CALL-IN AND MAJOR ENQUIRIES**

I am writing in response to your letter of 2 December to Willie Whitelaw with which you enclosed a draft White Paper and associated documents responding to the Fifth Report of the Environment Committee.

Since my officials last saw your draft, there are two new proposals which were, unfortunately, inserted without prior consultation. In paragraph 50 you propose to spell out the guidance on the basis of which call-in action will be considered. At present we have three main criteria which guide us in Wales. The first, and the one most often quoted publicly and which is well known to those concerned with planning, is that the development proposed must have more than local significance. This is a widely drawn criterion but it enables us to exclude from call-in many matters which can properly be dealt with by the local planning authority and which certainly ought not to land up on Ministers' desks. We may also respond to requests for call-in where the development is taking a quantity of good agricultural land and my Agriculture Department ask me to take the decision away from the local planning authority. Finally, we occasionally call in applications where they are linked with other statutory action before me and it is appropriate that all the issues be considered at the same time.

The Rt Hon Nicholas Ridley MP  
Secretary of State for the Environment

/The categories ...





The categories listed in paragraph 50 go well beyond these simple and well recognised criteria and, it seems to me, are likely to involve our departments in a far greater number of requests for call-in and in far greater difficulty in refusing them. This would have implications for the Inspectorate's workload; but a more substantial objection is that it points the way to a policy of greater central intervention in local decision making and would certainly present some local planning authorities with an ideal opportunity of passing to us unpopular local decisions which they should be making themselves.

The general policy is correctly stated in the paragraph preceding the list, namely, that it is expected that directions to refer applications to the Secretary of State will be relatively rare. To follow this with a list of twelve categories of cases likely to be considered which includes circumstances which may be of no more than local importance (eg those in ii, viii and ix) seems perverse. I suggest that our only chance of meeting your timetable for the publication of this White Paper will be if you revert to your previous draft which simply indicates that it is proposed to give revised guidance to the department's regional offices on these decisions. If you accept this and decide subsequently that this guidance needs publicity I would think it important enough to justify a separate circular following consultation with local authority associations.

My other concern arises from paragraph 36 of the Paper in which you set out details of revised criteria for the recovery of appeal cases for decision by the Secretary of State. My concern is that in striving to meet the select committee's recommendation we may be unduly restricting our freedom of action. The criteria which you propose will cover the main circumstances in which we are likely to want to recover jurisdiction, but there will remain a number of cases falling outside these ten categories which I would want to consider for recovery. For example there is the occasional case where retail development of less than 100,000 sq ft might give rise to a policy consideration within its area which I, rather than an Inspector, ought to deal with. In the past we have had the occasional cases involving occupancy conditions related to the Welsh language where I have felt it desirable to recover. To overcome this problem I suggest that you add an eleventh criterion which would be:

"11. Such other cases as, exceptionally, appear to the Secretary of State to justify recovery".

Finally there is one further point which would help clarify the position of the Welsh Office. This concerns the footnote which at present relates only to Scotland and which might be enlarged as follows:

"Although the committee invited the Scottish and Welsh Offices to submit memoranda its recommendations relate only to England. The planning system in Wales is the same as that in England and the policy initiatives described below will also, generally, apply in Wales where activities described in this paper to the Department of the Environment will be undertaken by the Welsh Office. The underlying principles of the planning system in Scotland are the same as in England and Wales and the new initiatives for England will in general be matched by initiatives in Scotland appropriate to Scottish circumstances".

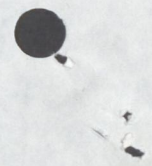
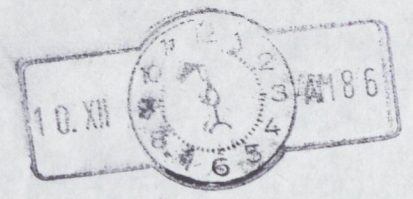
/If we can ...



If we can agree to proceed in this manner I am content for the White Paper to cover England and Wales and to issue swiftly. I would also be content to be associated with it.

/ Copies of this letter go to the Prime Minister, the other members of H Committee, the Lord Chancellor, the Secretaries of State for Trade and Industry and for Energy, the Chief Whip and to Sir Robert Armstrong.

*J. er*  
*Nu*



~~D. Dredale~~  
Am I to write this?  
JH

~~MR. INGHAM~~

GOVERNMENT RESPONSE TO THE FIFTH REPORT  
FROM THE ENVIRONMENT COMMITTEE, SESSION  
1985-86:  
PLANNING: APPEALS, CALL-IN AND MAJOR INQUIRIES

I understand from DOE that they should have copied this to you as the No.10 Press Officer. They forgot to do so, so I attach a copy herewith (this is our only copy so I should be grateful for its return in due course). The Prime Minister has seen and is content with it.

Will Hanks  
SH  
16/12

PSB

(P.A. BEARPARK)

pc  
10/12  
17/12

8 December 1986



SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ

01 211 6402

The Rt Hon Nicholas Ridley MP  
Secretary of State for the Environment  
2 Marsham Street  
LONDON  
SW1P 3EB

8 December 1986

FIFTH REPORT FROM THE HOUSE OF COMMONS ENVIRONMENT COMMITTEE

Thank you for your letter of 2 December enclosing your proposals for responding to the Environment Committee's Report on "Planning: Appeals, Call-In and Major Public Inquiries". <sup>WITH PAS</sup>

I can confirm that I am prepared to agree to the publication of the response to the Select Committee as you propose, subject only to certain amendments to the papers that have been agreed between our officials. I am also content to be associated with the response as you suggest.

I am copying this letter to the Prime Minister, the Lord President of the Council, the other members of H Committee, the Lord Chancellor, Paul Channon, the Chief Whip and Sir Robert Armstrong.

PETER WALKER



FILE

DA

MR. INGHAM

GOVERNMENT RESPONSE TO THE FIFTH REPORT  
FROM THE ENVIRONMENT COMMITTEE, SESSION  
1985-86:  
PLANNING: APPEALS, CALL-IN AND MAJOR INQUIRIES

I understand from DOE that they should have copied this to you as the No.10 Press Officer. They forgot to do so, so I attach a copy herewith (this is our only copy so I should be grateful for its return in due course). The Prime Minister has seen and is content with it.

(P.A. BEARPARK)

GA

8 December 1986

CCBG



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WELSH OFFICE  
GWYDYR HOUSE  
WHITEHALL LONDON SW1A 2ER  
Tel. 01-233 3000 (Switchboard)  
01-233 6106(Direct Line)

Oddi wrth Ysgrifennydd Gwladol Cymru

Rt Hon Nicholas Edwards MP

From The Secretary of State for Wales

nbpm

8 December 1986

*Nicholas*

*4/11/86*

Thank you for your letter of 25 November letting me know about your proposed circular "Development and Conservation". I confirm that I do not wish to join in the new circular as we have no Green Belts in Wales and the pressures for major development in the countryside here are not on such a scale as to justify a circular at present. There are some points in the Annex which we will need to disseminate, but we can deal with these separately.

I am sending copies of this letter to the Prime Minister, Willie Whitelaw, David Young, Malcolm Rifkind, Michael Jopling, Paul Channon and Sir Robert Armstrong.

*J* *am*  
*Nicholas*

The Rt Hon Nicholas Ridley MP  
Secretary of State for the Environment  
2 Marsham Street  
LONDON  
SW1P 3EB



LOCAL GOVT Planning PTB



010 16pm 939  
DEPARTMENT OF TRADE AND INDUSTRY

1-19 VICTORIA STREET

LONDON SW1H 0ET

Telephone (Direct dialling) 01-215 5422

GTN 215) .....

(Switchboard) 01-215 7877



Secretary of State for Trade and Industry

8 December 1986

The Rt Hon Nicholas Ridley MP  
Secretary of State for the Environment  
Department of the Environment  
2 Marsham Street  
LONDON  
SW1P 3EB

*Dear Nicky.*

GOVERNMENT RESPONSE TO THE FIFTH REPORT FROM THE ENVIRONMENT  
COMMITTEE, 1985-1986 : PLANNING : APPEALS, CALL-IN AND  
MAJOR ENQUIRIES WITH PAS

Thank you for copying to me your letter of 2 December to Willie Whitelaw about your proposed response to the Environment Committee's report on 'Planning : Appeals, Call-in and Major Enquiries'.

As you know I have particular interest in seeing that planning procedures place as light a burden as possible on business, and I therefore welcome the positive thrust of your memorandum and the moves which are being made to speed up the planning process.

I am therefore content to agree to the publication of the draft enclosed with your letter subject to one minor amendment. The final sentence of paragraph 9 of the memorandum ascribes the fact that six tenths of decisions by authorities are upheld on appeal to the continuing need (my underlining) stressed in Circular 14/85 'to ... conserve good agricultural land'. I am a little concerned that this explicit reference could be taken as prejudging decisions we have yet to reach on ALURE, where we have been considering the possibility of planning changes to facilitate rural development and job creation. I think that the point paragraph 9 makes about the increase in the proportion of appeals allowed is clear without the final sentence.

JF5BOH

1786  
1986  
BOARD OF TRADE  
BICENTENARY

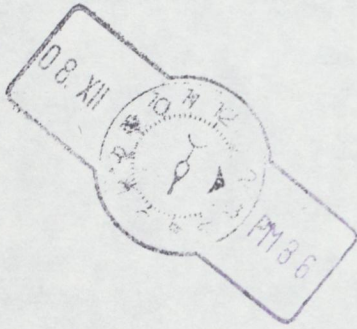


I am copying this to the Prime Minister, to other members of  
H Committee, the Lord Chancellor, Peter Walker, the Chief Whip and  
Sir Robert Armstrong.

*Y  
ms /*

*Paul*

PAUL CHANNON



010  
**CONFIDENTIAL**

nbpm.

CUBG



HOUSE OF LORDS,  
LONDON SW1A 0PW

8 December 1986

My dear Willie:

GOVERNMENT RESPONSE TO THE FIFTH REPORT FROM THE ENVIRONMENT  
COMMITTEE, SESSION 1985-86: PLANNING: APPEALS, CALL-IN AND  
MAJOR ENQUIRIES

*WITH AS?*  
I have seen a copy of Nicholas Ridley's letter to you dated  
2nd December and am content for him to publish the Command  
paper as he suggests.

Given respective constitutional responsibilities regarding policy  
in this area, I do not however think that it would be appropriate for me  
to be formally associated with the publication of the Command Paper.

In the circumstances, it may also be preferable for the last sentence of  
paragraph 2 of the consultation paper to be deleted, although I do not feel  
strongly about this particular point.

I am copying this to the Prime Minister, Nicholas Ridley, the  
other members of H Committee, Paul Channon, Peter Walker, the  
Chief Whip and Sir Robert Armstrong.

Yrs :

The Right Honourable  
The Viscount Whitelaw, CH, MC  
Lord President of the Council  
Privy Council Office  
Whitehall  
London SW1

**CONFIDENTIAL**



LOCAL GOVT  
PUNNING  
P. 3



CCBG

DEPARTMENT OF TRANSPORT  
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

abpm

The Rt Hon Nicholas Ridley MP  
Secretary of State for the Environment  
Department of the Environment  
2 Marsham Street  
LONDON SW1P 3EB

5 December 1986

*Don Nicholas*

GOVERNMENT RESPONSE TO THE FIFTH REPORT OF THE ENVIRONMENT  
COMMITTEE

WITTHAB?

Thank you for sending me a copy of your letter of 2 December to Willie Whitelaw enclosing the draft response to the Environment Committee.

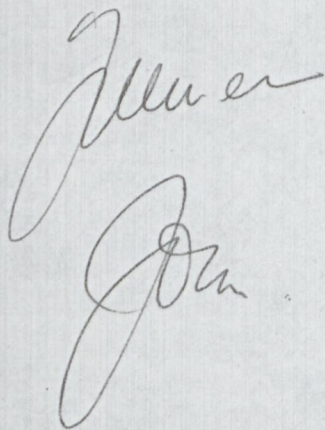
The paper contains many proposals that I am happy to support, including giving a more formal status to pre-inquiry meetings and the clarification of Inspectors powers to control the proceedings at inquiries. I am therefore content with the response as it applies to planning inquiries and for it to be published as a Command paper.

I shall also be looking to see how best to incorporate some of the changes you propose into highways procedures. However, some of the changes carry the risk of undermining the independence of the highway inquiry procedure if they are implemented in the same way as you propose for planning inquiries. As Secretary of State I have dual roles as both promoter and, jointly with yourself, decision maker for road schemes. I would not therefore want to attempt to intervene in the proceedings of an inquiry by, for example, setting out detailed terms of reference.

My officials have drawn these points to the attention of yours and I am pleased that they have been taken fully into account in this draft by reserving the position for highway and other types of inquiry. However given these reservations, I should prefer not to stand too close to the proposals by joining in the formal presentation of the paper for Parliament. The Select Committee did after all devote only very passing attention to highway inquiries.

CONFIDENTIAL

Copies of this letter go to the Prime Minister, the other members of H Committee, the Lord Chancellor, the Secretaries of State for Trade and Industry and for Energy, the Chief Whip and to Sir Robert Armstrong.

A handwritten signature in cursive script, appearing to read 'John Moore', written in dark ink.

JOHN MOORE

CONFIDENTIAL

2F.



LOCAL GOVT

PLANNING

PT 3