

CONSULTATION PAPER**IMPROVING ENFORCEMENT APPEAL PROCEDURES****COMMENTS FROM THE INSTITUTION OF ENVIRONMENTAL SCIENCES****Introduction**

1. This note contains the comments of the Institution of Environmental Sciences on the above Consultation Paper issued by the Department of Environment, Transport and the Regions (DETR) in November 1999.
2. We welcome the invitation to contribute on the issues raised by the proposals for improving the planning process in relation to enforcement appeals. This is an important subject which merits improvement.
3. The structure of our note follows the ordering of the Consultation Paper. As relevant we have referred to the paragraph numbers in the Consultation Paper, and in general we have only commented upon key issues.

Comment

4. In broad terms we support the proposed changes raised in the Consultation Paper, and aside from the comments raised below our endorsement of proposals can be assumed.

The Questionnaire

5. We feel it is probably not appropriate to enforce the return of the Inspectorate's Questionnaire (QUE) through legislation. Aside from taking up valuable parliamentary time, this may be an overly prescriptive approach. Nevertheless, we are not opposed in principle to a course of action involving legislation, and would accept a consensus view on this issue.

Hearings

6. In terms of having hearing procedures backed by secondary legislation, we do endorse this option. This is likely to streamline procedures in the long term, and so worth the investment at this stage.

The Conduct of Inquiries

7. On the question of whether a closing written submission would be beneficial, we would support this in principle. There is a concern, however, over any additional cost burden on local planning authorities and represented appellants in doing so. This would need to be off-set by clearly identified long-term benefits in speeding-up the overall process, and thus reducing overall costs. On balance we think this is likely to be the case, but would caution that this needs to be explicitly recognised in promoting this option.

Postponements and Cancellations

8. In relation to the various options outlined to deal with postponing or cancelling appeal inquiries, our preference is not to accept a change to procedure or postponement once the Inquiry date has been fixed (except in very exceptional circumstances). We can see the merits of the other options, but we feel this option is likely to be the most effective in securing a streamlining of planning process, balanced against the needs of natural justice.