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The idea for this note was generated by the RSS/IOS Conference on "The Statistician and the Law" and in particular by the paper on the role of the expert witness and the discussion which followed! The appearance of expert witnesses at planning inquiries was briefly referred to, but not developed, since the main pre-occupation of the session was with the statistician in court (in a professional capacity, need I add).

I have an interest (which I ought to declare) in the field of planning and its related inquiries. By a curious set of chances, I found myself from 1972 to 1974 the Chairman of the Planning Committee of Canterbury, County Borough Council. I have also been an objector to planning applications, a member of an amenity society's planning committee, and one of three members of a Panel Hearing (an informal substitute for a full dress public inquiry). It is altogether possible that my views are coloured by this experience, so it is as well that you should know of this.

The overwhelming impression created by this experience is one of imbalance. Routine consideration of planning applications is dominated by the professional input from the local authorities' town planners. Views of the public are often filtered through the town planners to the formal decision-makers, the planning committee of councillors, rather than being presented directly. Even when one or more amenity groups interests itself in major application, their views (and criticisms of them) will generally be summarised and presented by Council Officers. Something is lost in the process - the main points will be conveyed in the summary, but the depth of feeling will generally not; and there is no "right of reply" to officer criticisms of the objectors' point of view. Once planning permission is granted, it is very rare for a decision to be revoked because of the enormous legal, administrative and compensation costs involved.

However I do not want to concentrate on observations of the routine procedures. My main concern is with the conduct of planning inquiries, which either result from appeals against the refusal of planning permission, or which are held before a decision is made because of the decision's importance and the actual or expected weight of objection to the application. In addition, there is the special case of inquiries into major road proposals produced on the initiative of the Department of Transport.

The initiators of a proposal are required to justify it, and can be questioned by representatives of objectors. The views of objectors are also subject to cross-examination. The inquiry is presided over by a nominee of the Department of the Environment.

The initiators of a proposal have a considerable advantage over the objectors. The developers are able to employ full-time professionals, while most objectors must take time off work at their own expense (or rely on retired people or housepersons to represent them). Documents supporting the proposal are rarely circulated sufficiently much in advance for their assumptions and analysis to be subjected to proper scrutiny by objectors (if they are lucky enough to have the relevant professional skills available within their membership or acquaintance, or be sufficiently financed to buy in expertise).

If the developer comes from the private sector there is some possibility that the planning authority will act as the guardian of the public interest, though its officers will work within politically determined policy guidelines (though the political input can come from senior officers as well as from party political council members). But if the developer is the planning authority, this possibility is hopelessly compromised; this also applies, though with lesser force, to the case where the developers are other public sector agencies with whom the planning authority has to maintain harmonious relationships.

The poverty of most objectors in terms of expertise has unfortunate consequences. The inquiry can become unbalanced as a result of the inadequate appraisal of the developers' case. Developers can also use the argument that "you objectors will not understand our complicated technical case, as you lack the necessary scientific, technical, economic demographic or statistical background" so we will not give you the information. This argument has been advanced even in the case where a water company's proposed reservoir would flood (amongst others) the house of a professor of demography: a major argument for the scheme rested on official projections of population growth.

Fortunately the basis of these official projections has been the subject of a considerable weight of publications both official and academic, and OPCS are open about their methods. This is not always the case. A former colleague appearing for objectors at a road inquiry was shocked to discover that the technical documents outlining the forecasting methods used in predictions of the stock of cars would not be made available to him or indeed to anyone else not covered by the Official Secrets Act. Fortunately the major facets of the method have since been published (unauthorised) in the "New Scientist".

Their Statistical Inadequacies have been made transparent. The relevant reports are now available, but it is still the case however that the Department of Transport maintains that its predictions of vehicle stock and usage are a matter of policy, and cannot be questioned at road inquiries. Only the most aggressive of tactics by objectors have begun to force the DOT to be marginally less unforthcoming.

There are important questions of professional responsibility here. Does the statistician have a responsibility to ensure that the weaknesses as well as the strengths of analysis and the questionability of his assumptions are made clear to all concerned with an inquiry? Will he have anywhere to turn to in the profession for support if he takes the view that responsibility to the community and professional standards overrides his obligations to his employers? Should we be urging that objectors should be able to hire professional assistance at public expense to do their case justice? And should we not be helping to fill the statistical "advice gap" in this area, unpaid if necessary, until the law is changed?

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