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IMPLEMENTATION OF THE EUROPEAN DIRECTIVE ON ENVIRONMENTAL ASSESSMENTS

I have seen Kenneth Baker's letter of 23 January seeking colleague's agreement to the issue of a consultation paper on implementation of this Directive. ^{WILL REQUEST IF REQUIRED}

Kenneth rightly stresses the need to ensure that the Directive is implemented in a way that minimises the burdens on those developers affected by it. With that in mind, we successfully obtained agreement in Brussels to mandatory assessments being required only for the limited categories of projects in Annex I of the Directive. It was always our intention that application of the Directive to Annex II projects should be minimal.

I am therefore concerned that we should not at the consultation stage rule out the possibility of giving blanket exemption to Annex II projects. Otherwise we would bring virtually all new mineral extraction and energy projects (including new coal mines) within the scope of the Directive. While it is proposed to take only a discretionary power to this effect, its every existence would encourage objectors to press for its use.

We all recognise the lengthy and costly delays that can arise under our existing planning requirements. CBI and NICG among others have been pressing for measures to reduce them and 'H' Committee has already taken action in the field of public inquiries. The discretionary power to apply this Directive to Annex II projects could be seen as a move in the opposite direction.



I am advised that it is open to us to justify blanket exemption of Annex II projects to the Commission on the basis of our existing legislation. I note also that Article 4.2 of the Directive gives Member States discretion either to specify types of Annex II projects to be covered or to establish criteria and thresholds for the same purpose. I therefore propose that we keep our options open by amending paragraph 8 (and elsewhere as necessary) of the consultative document to the effect that we are considering the extent to which we should exercise this discretion in respect of Annex II projects. Officials could then consider further in the light of reactions.

Copies of this go to the Prime Minister, members of H Committee, Michael Jopling, David Young, Paul Channon and Michael Havers.

A handwritten signature in black ink, appearing to read 'Peter Walker', with a large, stylized initial 'P'.

PETER WALKER

