PART 12

MT.

CONFIDENTIAL FILING

Royal Commission on Environmental Pollution
Effects of Acid Rain
Ozone Layer Conference
Agriculture and Conservation
Climatic Change
In Folder: Draft Report - Estimates of Energy Related Greenhouse Gas Emissions + measures to ameliorate them

ENVIRONMENTAL AFFAIRS

PT1 : September 1979

PT12 : November 1989

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
~~8.11.89~~							
~~14.11.89~~							
30.11.89							
PT 12 ENDS							

PREM 19/2658

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 Lords. Session 1988-89. 6th Report
Select Committee on Science and Technology
GREENHOUSE EFFECT, volume 1- report
Ordered to be printed 31 October 1989
Published by HMSO
ISBN 0 10 487589 5

Signed J. Gray Date 1/8/2016

PREM Records Team

PART 12 ends:-

CDP - NOTE FOR THE RECORD. 30.11.89

PART 13 begins:-

R. WILSON TO PM 1.12.89

CS to dle

10 DOWNING STREET

NOTE FOR THE RECORD

The site of the European Environment Agency was raised in Cabinet. The Environment Secretary reported that he had agreed for siting in Britain and had proposed Cambridge. But Berlin was the clear favourite, and the chances of getting the Agency for the UK were very slight. No one disputed. CDP 30/11

MS0340p

CCPU

DO

Andrew Turnbull Esq
Principal Private Secretary
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London

Richmond House
79 Whitehall
London SW1A 2NS
Telephone 01 210 3000
From the Secretary of
State for Health

30 NOV 1989

Dear Andrew

FRG/WHO CONFERENCE ON ENVIRONMENT AND HEALTH

The Prime Minister may already be aware that there will be a conference on the theme of "Environment and Health" in Frankfurt on 7-8 December, under the auspices of the Federal Republic of Germany and the European Office of the World Health Organisations.

The central theme of the conference is the interaction between environmental and health issues and the need for an integrated approach, involving many sectors of the economy, in tackling these issues. This is not of course a new theme - it is, for instance, one of the priority areas in the WHO's programme of work and it features strongly in the WHO European Region's "Health for All" policy - but the Federal Republic and the Regional office look to the conference to give it a major new impetus. Ministers from both environment and health ministeries in all the region's 32 member states have been invited to attend.

The conference is expected to endorse a document setting out certain basic principles of environmental health protection. This document has been discussed widely, most recently at a meeting of officials in London in October chaired by the CMO which agreed a draft text (copy attached). We will have some reservations over the document - not least its being called a "Charter" which our delegation in London fought hard to change - but it is a considerable improvement over the version originally proposed by the WHO and represents an acceptable compromise between conflicting views in different countries on the extent to which industry can be constrained without adverse economic consequences.

We have considered the question of UK representation with responsible Ministers in other departments. If the UK were not to be represented it could be interpreted by our critics as a lack of commitment to health and safety issues, which could undermine the efforts being made across government to meet public concern over issues such as food safety and environmental protection. So we propose that the UK should be represented by a Health Minister (Roger Freeman) supported by senior officials from this Department, from the Foreign Office, and from the Department of the Environment. We do not, however, consider that the conference is of sufficient importance to justify the attendance of an environment minister as well. (We understand that many other European countries are likely to take a similar view).

Our line at the conference will be to draw attention to the UK's very real achievements in this area; and to state our belief that further progress should be based not on unrealistic aspirations but on an objective scientific assessment of environmental hazards. We will also make clear that we are adopting the charter only in the sense of a general statement of principle and without prejudice to the development of international law in the areas of environment and health. We do not, however, propose to seek further amendment to the text itself (and we will strongly discourage others from doing so). Our judgement is that it would do us harm and that if we pressed for changes there would be a real danger of ending up with something worse.

The responsible ministers for the other departments with a principal interest - DOE, FCO, DTI, DEmp, MAFF and other health departments - have been consulted and agree with our proposals.

Yours,

Helen

MRS HELEN SHIRLEY-QUIRK
Private Secretary

WORLD HEALTH ORGANIZATION
REGIONAL OFFICE FOR EUROPE

WELTGESUNDHEITSORGANISATION
REGIONALBÜRO FÜR EUROPA

ORGANISATION MONDIALE DE LA SANTE
BUREAU RÉGIONAL DE L'EUROPE

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ ЗДРАВООХРАНЕНИЯ
ЕВРОПЕЙСКОЕ РЕГИОНАЛЬНОЕ БЮРО

First European Conference on Environment and Health

Frankfurt, 7-8 December 1989

ICP/RUD 113/Conf.Doc./1
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12 October 1989
ORIGINAL - ENGLISH

DRAFT EUROPEAN CHARTER ON ENVIRONMENT AND HEALTH

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THE EUROPEAN CHARTER ON ENVIRONMENT AND HEALTH

PREAMBLE

In the light of WHO's strategy for health for all in Europe, the report of the World Commission on Environment and Development and the related Environmental Perspective to the Year 2000 and Beyond, (resolutions 42/187 and 42/186 of the United Nations General Assembly) and World Health Assembly resolution WHA42.26,

Recognizing the dependence of human health on a wide range of crucial environmental factors;

Stressing the vital importance of preventing health hazards by protecting the environment;

Acknowledging the benefits to health and wellbeing which accrue from a clean and harmonious environment;

Encouraged by the many examples of positive achievement in the abatement of pollution and the restoration of a healthy environment;

Mindful that the maintenance and improvement of health and wellbeing require a sustainable system of development;

Concerned at the ill-considered use of natural resources and man-made products in ways liable to damage the environment and endanger health;

Considering the international character of many environmental and health issues and the interdependence of nations and individuals in these matters;

Conscious of the fact that since developing countries are faced with major environmental problems, there is a need for global cooperation;

Responding to the specific characteristics of the European Region, and notably its large population, intensive industrialization and dense traffic;

Taking into account existing international instruments (e.g. agreements on protection of the ozone layer) and other initiatives relating to the environment and health,

The Ministers of the Environment and of Health of the Member States of the European Region of WHO, meeting together for the first time at Frankfurt-on-Main on 7 and 8 December 1989 have adopted the attached European Charter on Environment and Health and have accordingly agreed upon the principles and strategies laid down therein as a firm commitment to action.

ENTITLEMENTS AND RESPONSIBILITIES

1. *Every individual* is entitled to:

   - an environment conducive to the highest attainable level of health and wellbeing;

   - information and consultation on the state of the environment, and on plans, decisions and activities likely to affect both the environment and health;

   - participation in the decision-making process.

2. *Every individual* has a responsibility to contribute to the protection of the environment, in the interests of his or her own health and the health of others.

3. *All sections of society* are responsible for protecting the environment and health as an intersectoral matter involving many disciplines; their respective duties should be clarified.

4. *Every public authority and agency* at different levels, in its daily work, should cooperate with other sectors in order to resolve problems of the environment and health.

5. *Every Government and public authority* has the responsibility to protect the environment and to promote human health within the area under its jurisdiction, and to ensure that activities under its jurisdiction or control do not cause damage to human health in other states. Furthermore, each shares the common responsibility for safeguarding the global environment.

6. *Every public and private body* should assess its activities and carry them out in such a way as to protect peoples' health from harmful effects related to the physical, chemical, biological, microbiological and social environments. Each of these bodies should be accountable for its actions.

7. *The media* play a key role in promoting awareness and a positive attitude towards protection of health and the environment. They are entitled to adequate and accurate information and should be encouraged to communicate this information effectively to the public.

8. *Nongovernmental organizations* also play an important role in disseminating information to the public and promoting public awareness and response.

PRINCIPLES FOR PUBLIC POLICY

1. Good health and wellbeing require a clean and harmonious environment in which physical, psychological, social and aesthetic factors are all given their due importance. The environment should be regarded as a resource for improving living conditions and increasing wellbeing.

2. The preferred approach should be to promote the principle of 'prevention is better than cure'.

3. The health of every individual, especially those in vulnerable and high-risk groups, must be protected. Special attention should be paid to disadvantaged groups.

4. Action on problems of the environment and health should be based on the best available scientific information.

5. New policies, technologies and developments should be introduced with prudence and not before appropriate prior assessment of the potential environment and health impact and there should be a responsibility to show that they are not harmful to health or the environment.

6. The health of individuals and communities should take clear precedence over considerations of economy and trade.

7. All aspects of socioeconomic development that relate to the impact of the environment on health and wellbeing must be considered.

8. The entire flow of chemicals, materials, products and waste should be managed in such a way as to achieve optimal use of natural resources and to cause minimal contamination.

9. Governments, public authorities and private bodies should aim at both preventing and reducing adverse effects caused by potentially hazardous agents and degraded urban and rural environments.

10. Environmental standards need to be continually reviewed to take account of new knowledge about the environment and health and of the effects of future economic development. Where applicable such standards should be harmonized.

11. The principle should be applied whereby every public and private body which causes or may cause damage to environment and health is made financially responsible for the necessary remedial action or appropriate preventive measures.

12. Criteria and procedures to quantify, monitor and evaluate environmental and health damage should be further developed and implemented.

13. Trade and economic policies and development assistance programmes affecting the environment and health in foreign countries should also comply with all the above principles. Export of environmental and health hazards should be avoided.

14. Development assistance should promote sustainable development and the safeguarding and improvement of human health as one of its integral components.

STRATEGIC ELEMENTS

1. The environment should be managed as a positive resource for human health and wellbeing.

2. In order to protect health, comprehensive strategies are required, including, inter alia, the following elements:

   (a) The responsibilities of public and private bodies for implementing appropriate measures should be clearly defined at all levels.

   (b) Control measures and other tools should be applied, as appropriate, to reduce risks to health and wellbeing from environmental factors. Fiscal, administrative and economic instruments and land-use planning have a vital role to play in promoting environmental conditions conducive to health and wellbeing and should be used for that purpose.

   (c) Better methods of prevention should be introduced as knowledge expands, including the use of the most appropriate and cost-effective technologies and, if necessary, the imposition of bans.

   (d) Low-impact technology and products and the recycling and re-use of wastes should be encouraged. Changes should be made, as necessary, in raw materials, production processes and waste management techniques.

   (e) High standards in management and operations should be followed to ensure that appropriate technologies and best practices are applied, that regulations and guidance are adhered to, and that accidents and human failures are avoided.

   (f) Appropriate regulations should be promulgated; they should be both enforceable and enforced.

   (g) Standards should be set on the basis of best available scientific information. The cost and benefit of action or lack of action and feasibility may also have to be assessed but in all cases risks should be minimized.

   (h) Comprehensive strategies should be developed which take account of the risks to human health and the environment arising from chemicals. These strategies should include, inter alia, registration procedures for new chemicals and systematic examination of existing chemicals.

   (i) Contingency planning should be undertaken to deal with all types of serious accident, including those with transfrontier consequences.

   (j) Information systems should be strengthened to support monitoring of the effectiveness of measures taken, trend analysis, priority-setting and decision-making.

   (k) Environmental impact assessment should give greater emphasis to health aspects. Individuals and communities directly affected by the quality of a specific environment should be consulted and involved in managing that environment.

3. Medical and other relevant disciplines should be encouraged to pay greater attention to all aspects of environmental health. Environmental toxicology and environmental epidemiology are key tools of environmental health research and should be further developed as special disciplines and strengthened within the Region.

4. Interdisciplinary research programmes in environmental epidemiology with the aim of clarifying links between the environment and health should be encouraged and strengthened at regional, national and international levels.

5. The health sector should have responsibility for epidemiological surveillance through data collection, compilation, analysis and risk assessment of the health impact of environmental factors and for informing other sectors of society and the general public of trends and priorities.

6. National and international programmes of multidisciplinary training as well as health education and public information of public and private bodies which bear on health and the environment should be encouraged and strengthened.

PRIORITIES

1. The Governments and other public authorities, without prejudice to the importance of problem areas specific to their respective countries, should pay particular attention to the following urgent issues of the environment and health at local, regional, national and international levels and will endeavour to take action on them:

   global disturbances to the environment, such as the destruction of the ozone layer and climatic change;

   urban development, planning and renewal to protect health and promote wellbeing;

   safe and adequate drinking-water supplies on the basis of the WHO Guidelines for Drinking Water Quality together with hygienic waste disposal for all urban and rural communities.

   water quality, in relation to surface, ground, coastal and recreational waters;

   microbiological and chemical safety of food;

   environment and health impact of

   - various energy options;
   - transportation, especially road transportation;
   - agricultural practices, including the use of fertilizers and pesticides, and waste disposal;

   air quality, on the basis of the WHO Air Quality Guidelines for Europe, especially in relation to oxides of sulfur and nitrogen, the photochemical oxidants ("summer smog") and volatile organic compounds;

   indoor air quality (residential, recreational and occupational), including the effects of radon, passive smoking and chemicals;

   persistent chemicals and those causing chronic effects;

   hazardous wastes, including management, transport and disposal;

   biotechnology, in particular genetically modified organisms;

   contingency planning for and in response to accidents and disasters;

   cleaner technologies as preventive measures.

2. In addressing all of these priorities, the importance of intersectoral environmental planning and community management to generate optimum health and wellbeing should be borne in mind.

3. Health promotion should be added to health protection so as to induce the adoption of healthy lifestyles in a clean and harmonious environment.

4. It should be recognized that some urgent problems require direct and immediate international cooperation and joint efforts.

THE WAY FORWARD

1. Member States should:

   (a) take all necessary steps to reverse negative trends as soon as possible and to maintain and increase the health-related improvements already taking place. In particular, they should make every effort to implement WHO's regional strategy for health for all as it concerns the environment and health.

   (b) strengthen collaboration among themselves and with international organizations on mutual and transfrontier environmental problems which pose a threat to health.

   (c) ensure that the Charter adopted at this meeting is made widely available in the languages of the European Region.

2. The WHO Regional Office for Europe is invited to:

   (a) explore ways of strengthening international mechanisms for assessing potential hazards to health associated with the environment and for developing guidance on their control.

   (b) make a critical study of existing indicators of the effects of the environment on health and, where necessary, develop others which are both specific and effective.

   (c) establish a European Advisory Committee on the Environment and Health in consultation with the governments of the countries of the Region.

   (d) in collaboration with the governments of the European countries, examine the desirability and feasibility of establishing a European Centre for the Environment and Health or other suitable institutional arrangements, with a view to strengthening collaboration on the health aspects of environmental protection with special emphasis on information systems, mechanisms for exchanging experience and coordinated studies. In such arrangements cooperation with UNEP, ECE and other organizations is desirable. Account should be taken of the Environmental Agency to be established within the European Communities.

3. Member States and WHO should:

   promote the widest possible endorsement of the principles and attainment of the objectives of the Charter.

4. European Ministers of the Environment and of Health should:

   meet again within five years to evaluate national and international progress and to endorse specific action plans drawn up by WHO and other international organizations for eliminating the most significant environmental threats to health as rapidly as possible.

PRIME MINISTER

MEETING WITH JONATHAN PORRITT

You are meeting Jonathan Porritt at his request (his letter is at Flag C), following the GoodHousekeeping Dinner, and with the Secretary of State for Environment's encouragement. Mr Patten has already held a similar meeting with Mr Porritt and has commented that he is "a serious and decent man who cares passionately about the environment, and is not a point scorer." Mr Porritt is shortly to leave his post as Director of Friends of the Earth (you might ask him why) and so your meeting with him is partly a personal one.

Mr Patten will be present at tomorrow's meeting, at your request.

Carolyn Sinclair has written a very helpful brief on Jonathan Porritt, following a recent meeting. This is at Flag A. Defensive briefing from Mr Patten on some of the points which might be raised is at Flag B.

The meeting would be an opportunity to:

- to hear from someone who - although his views do not coincide with the Government's - has been an innovative force and a extremely successful publicist for environmental interests. Mr Porritt will probably want to raise the White Paper and propose a fundamental shift in the organisation of Government to reflect environmental concerns. You might want to ask about about FoE initiatives on recycling. You might also ask his views on how best to bring environmental questions home to the public in a thoughtful way;

- to underline the Government's and your own personal commitment to solving environmental issues. You might want to say something about the Environmental Protection Bill and about your own initiatives on global problems. Mr Porritt is an enthusiast for Environmentally Sensitive Areas (and dislikes the set-aside scheme) and so you might raise this;

- to consider whether there is any way in which Mr Porritt/Friends of the Earth might cooperate on environmental issues. When a meeting was proposed, you suggested to me the possibility of FoE taking part in the proposed campaign to clean up Britain - the Clean Nineties Campaign. Bernard Ingham reports that Tidy Britain would not welcome this; and DOE think that it may not be appropriate. In a recent interview in, I think, "Country Life," Mr Porritt was reported as saying when prompted that he would consider taking on a temporary position as your Environment Adviser!

Mr Patten advises that FoE have a good track record on the recycling of domestic waste; and suggests that you may like to encourage FoE to collaborate with industry, local authorities and Government in this area. Their line on litter is that the priority should be to reduce litter at source, by reducing packaging. They have been critical of the Government's efforts to promote recycling, although FoE and Government are cooperating in the Recycling City Project now underway in Sheffield (an FoE project to involve consumers in sorting waste for recycling, to which Government is contributing £90,000 for monitoring). The Government has of course set a national target of recycling 50% of household waste by the end of the century.

Carolyn Sinclair's note floats the idea of increasing the number of Environmentally Sensitive areas - which it seems Jonathan Porritt is likely to welcome. This may not be the forum to raise this idea but you might like to bear it in mind for the future.

I shall be present to take a note and, if you agree, Carolyn Sinclair would also like to sit in.

CNB

Caroline Slocock
30 November 1989

ENVIRONMENTAL PROTECTION - NATIONAL ACTION

Environmental Protection Bill - the Bill will complete a major overhaul of the national framework for the control of pollution begun with the Water Act 1989.

- **integrated pollution control (IPC):** will mean that all emissions from the most polluting industrial processes -to air, water and land - will be controlled by a single body, Her Majesty's Inspectorate of Pollution (HMIP).

- **local authority control of air pollution:** will strengthen local authorities' powers to control less polluting processes, by introducing a system of prior authorisation as under IPC.

- **public access to information:** registers with details of authorisations given by HMIP and local authorities will be available for public inspection. Together with the National Rivers Authority's registers of discharge consents, these will give the public extensive opportunities to understand the operation of pollution control systems.

- **waste:** the Bill will contain a wide range of measures to improve the control of waste, including placing a duty of care on waste producers, new restrictions on trade in waste, and the reform of local authorities' operation and regulation of waste disposal. It will also encourage waste collection authorities to carry out recycling.

- **litter and dogs:** there will be a package of measures to tackle the problem of litter, above all a new duty on local authorities and others to keep their land free of litter, and an increase in the maximum fine for littering to £1,000. There will also be a new duty on local authorities to keep their areas clear of dog faeces.

The Bill will also include updating of controls imposed by the Radioactive Substances Act; powers for Government to require information on chemicals and their use; controls on the release of genetically manipulated organisms into the environment; and the reorganisation of the Nature Conservancy Council and the Countryside Commission.

Friends of the Earth (FoE) are likely to welcome integrated pollution control, and access to environmental information, although they consider that information held by pollution control authorities and not placed in registers should also be made available to the public. We consider that the use of registers has practical advantages for both the authorities and the public.

FoE's line on litter is that the priority should be to reduce litter at source, by reducing packaging. They have been critical of the Government's efforts to promote recycling, although FoE and Government are cooperating in the Recycling City project now underway in Sheffield (an FoE project to involve consumers in sorting waste for recycling, to which Government is contributing £90,000 for monitoring). We have now set a national target of recycling 50% of household waste by the end of the century.

ENVIRONMENTAL PROTECTION - INTERNATIONAL ACTION

- UK at the centre of growing international efforts to gain a better understanding of global pollution and to agree an effective response.

- **acid rain** - we have a £2 billion programme to clean up power station emissions to meet the targets set by the EC large combustion plants directive. We have agreed tough new EC standards for controlling vehicle emissions of acid rain gases, and want proposals on CO_2 emissions as well.

- **depletion of the ozone layer** - with our EC partners, we have signed Montreal Protocol and have called for use of CFCs phased out by the end of the century. Next year we shall host a meeting of the parties to the Montreal Protocol which we hope will agree higher targets.

- **climate change** - we support current scientific efforts through the Intergovernmental Panel on Climate Change (IPCC), and the new UK centre for the prediction of climate change. We want a framework convention on climate change by 1992, when the World Conference on Environment and Development willl take place. Filling out that framework with specific protocols should be based on the IPCC's continuing work. At the Noordwijk conference, we endorsed the need to stablilise CO_2 emissions by the year 2000.

- **tropical forests** - we have called for a convention to conserve species, for which the tropical forests are an important habitat. We are committing £100 million to tropical forest activities over the next 3 years.

Flag B

B

WHITE PAPER

- the mainspring will be the objective of sustainable development, nationally and internationally, to ensure that the growth which is essential to all countries of the world is achieved in a way which protects and enhances the environment.

- we have made our commitment to sustainable development clear, principally in UK's 1988 response to the Brundtland Report.

- the purpose of the White Paper will be to demonstrate the integration of environmental concerns into our policies in areas such as transport, energy, agriculture and industry, with a more coordinated approach than hitherto.

Flag B

POSSIBLE FoE CONCERNS

"Greening of Government" - FoE support the recasting of the machinery of Government to give primacy to environmental policy. Their ideas include flanking DOE with an environmental coordinating unit in the Cabinet Office, and a Cabinet Committee; combining the pollution control functions of HMIP, the National Rivers Authority and local authorities in a single environmental protection agency; and creating an independent statistical bureau and an environmental ombudsman.

Line To Take - our commitment to a White Paper involves the Government as a whole. What matters is the political will; institutional changes are of lesser importance. We have made some changes, as with the establishment of HMIP in 1987 and the NRA in 1989. But to give major responsibilities for environmental policy, eg to an environmental protection agency, would erode Ministerial powers and hence accountability to Parliament.

Climate Change - FoE support firm undertakings on reductions of CO_2 emissions within a specific timescale. Mr Porritt may refer to press reports of a DEn paper which contained a range of estimates for future energy use in the UK; at the upper end, UK emissions of CO_2 would increase significantly. FoE also argue for increased Government spending on energy efficiency. They have recently claimed that expenditure of £4 billion on energy efficiency measures could produce savings of £12 billion, and a 30% reduction in CO_2 emissions.

Line To Take - our call for a framework convention on climate change has been supported by UNEP, CHOGM and the Noordwijk conference. In the Noordwijk Declaration, we joined with many other industrialised countries in recognising the need to stabilise our CO_2 emissions by the year 2000. Details must be worked out on the scientific basis to be provided by the IPCC next year.

We continue to support the role of the Energy Efficiency Office. Its budget (although reduced) stands at £15 million this year, and will allow effective and targeted operation. FoE's line on energy efficiency spending overlooks individual responsibility of different sectors; if energy efficiency measures are economic, those who will benefit should implement them.

The Roads Programme - FoE recently published a response ("Roads to Ruin") to the Government's White Paper "Roads to Prosperity". The main theme was that the growth in road transport envisaged in the White Paper was unacceptably harmful to the environment and that the Government should take active steps to choke off the demand for road transport and stimulate public transport.

Line to take - We must have an adequate road network. Underfunding the roads programme would lead to congestion and inefficiencies in the economy which would be harmful to the environment. We are not neglecting investment in public transport. For instance, investment in BR and LRT over the next 3 years will exceed £5bn. Transport policy, along with other major economic activities, will be reviewed in the process of preparing the White Paper.

Atmospheric Pollution - FoE's recent campaigning has focused on local air pollution issues. They have complained to the EC Commission that the UK is breaching the EC directive on nitrogen dioxide, after a short-term survey of pollution levels carried out by FoE themselves. Mr Porritt may also press for the introduction of a "pollution alert" system, with daily reports on levels of different pollutants at various UK sites - an extension of the low-level ozone system announced in August.

Line To Take - The UK nitrogen dioxide monitoring network was specifically designed in compliance with the EC directive to assess human exposure in areas of highest concentrations. It has been commended by the EC Commission to other member states. It shows that the limits set in the directive have not been breached. More widely, we are now considering the range of air pollution information that is made available to the public.

Drinking Water Quality - FoE have mounted a strong and often misleading campaign about the quality of drinking water. Their latest move has been to question the validity of programmes to improve water quality agreed between the water service companies and the Secretary of State.

Line To Take - UK drinking water is of high quality, and most public water supplies regularly comply with the stringent standards in the EC drinking water directive. Still higher standards will be achieved under the regime established by the Water Act 1989. There can be no point in taking enforcement action against a company which is implementing an investment programme as quickly as practicable, which has to be the case before the Government will accept an undertaking.

Bathing Waters/Long Sea Outfalls - FoE are concerned about the health risks of bathing in water contaminated with sewage, and the environmental effects of sewage discharges on fish, flora and fauna in the sea.

Line To Take - In 1988, 67% of our bathing waters complied with the EC directive. We have an investment programme of £1.4 billion to bring our bathing waters up to the directive's standards within the next 10 years. We are concerned about risks to health, but medical advice is that there is a negligible risk of contracting a serious illness from bathing around our coasts. We are also concerned about the potential effect of sewage discharges on the marine environment. The main problem here is dangerous substances, and the way to tackle these in through controls at source, as we propose in the Environmental Protection Bill, rather than relying on sewage treatment works.

Inland Sewage Discharges - FoE have orchestrated a campaign against the granting of temporary relaxations of consent standards to substandard sewage treatment works where improvements are planned as part of an accelerated investment programme announced in December 1988, and costing around £1 billion.

Line To Take - The campaign appears to fail to recognise the scale of the improvement programme which is underway. The 1985 River Quality survey showed a slight net decline in quality; the most recent data show that an improving trend has been resumed. But we are not complacent about the need to protect the water environment. That is why we have set up the National Rivers Authority, and why the investment programme to improve sewage treatment works has a value of around £1 billion.

THE RT HON JOHN WAKEHAM MP

SECRETARY OF STATE FOR ENERGY

NBPM
DMS

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01 238 3290

Malcolm Buckler Esq
Private Secretary to
The Earl of Caithness
HM Treasury
Treasury Chambers
Parliament Street
London
SW1

30 November 1989

Dear Malcolm

with CAS.

Your Minister wrote to mine on 27 November concerning the release of our study report on Control Measures for Energy-related Greenhouse Gas Emissions.

Our officials have liaised on the PQ reply we are issuing today and I can confirm the points raised by Treasury have been taken on board. I enclose the final text. The report itself is winging its way to the IPCC in Geneva.

I am copying this letter to Caroline Slocock and to Roger Bright.

Yours
David

DAVID MURPHY
Private Secretary

DEPARTMENT OF ENERGY PQ NO.

THURSDAY 30 NOV 1989 83

342 **Mr Patrick Thompson** (Norwich North): To ask the Secretary of State for Energy, what is the status of the report that his Department is preparing on possible further United Kingdom greenhouse gas emissions for the Inter-Governmental Panel on Climatic Change; and if he will make a statement. ¶

Mr John Wakeham

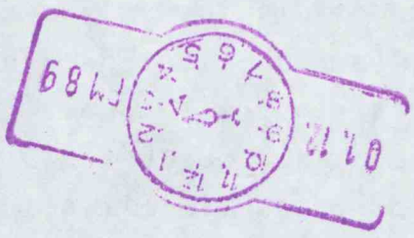
I am pleased to tell you that the study entitled "An Evaluation of Energy Related Greenhouse Gas Emissions and Measures to Ameliorate Them" for the Energy and Industry subgroup of the Response Strategies Working Group of the UNEP/WMO Intergovernmental Panel on Climate Change (IPCC) is now ready and has been sent to the IPCC. The UK along with certain other countries volunteered to submit such urgent studies in order to assist the subgroup in its work. The aim of the studies is to illustrate, from the national perspectives of participating countries, the practical technical options and their possible costs, which may be available to curtail emissions of the "greenhouse" gases from the many energy related activities of society.

Of necessity, the study has to consider the size of future emissions of the greenhouse gases and the shape of the then energy system, as background against which the technical measures can be analysed. Such scenarios of future emissions, being very dependent on the input assumptions, are only intended to provide a framework for assessing the options. They are not predictions of the future. Similarly the impact of any one technical option is uncertain; and since each option in the paper has been considered in isolation it would be wrong to draw any conclusion from any combination of them.

It is clear that the UK is responsible for only a fraction (approximately 3%) of the World's CO2 emissions and that this is likely to decline proportionately in the future. Therefore tackling the problem of climate change needs truly international action, as all recent studies of the subject (including the recent valuable contribution from the House of Lords Select Committee on Science and Technology) have stressed. That is why it is important for all countries to concentrate their efforts on the work of the IPCC. Once its advice is available, it will be for the international community to decide what measures should be taken, and how best individual countries can contribute to the global response.

I have today placed a copy of the study report in the Library of the House.

Env Affairs
Acid Rain. Pt 12.



SW

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

30 November 1989

Dear David,

CONTROL MEASURES FOR ENERGY RELATED GAS EMISSIONS

Thank you for your letter of 29 November. I am writing to record our earlier telephone conversation in which I confirmed that the Prime Minister was happy with the draft Parliamentary reply attached to your letter.

Yours sincerely,

Caroline

(CAROLINE SLOCOCK)

David Murphy, Esq.,
Department of Energy.

LN

CCN/
background

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

Caroline Slocock
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

30 November 1989

Dear Caroline

MEETING WITH JONATHON PORRITT, 1 DECEMBER 1989

The Prime Minister is to see Mr Porritt on 1 December. My Secretary of State will attend the meeting as well.

I enclose with this letter briefing for this meeting, as follows:

A: Government action at national level (essentially the main components of the forthcoming Environment Protection Bill)

B: Government action at international level (essentially climate issues and tropical forests)

C: the likely main theme of next year's Environment White Paper

D: short defensive briefing notes on possible concerns Mr Porritt may raise.

Mr Porritt's desire for a meeting at this time may well be principally inspired by his interest in seeing a fundamental shift in the organisation of Government to reflect environmental concerns. The prospect of next year's White Paper will have encouraged that interest. FoE's thinking is summarised in the paragraph on the "greening of Government" in section D of the enclosed briefing.

In your letter of 6 November, you also raised the question of Mr Porritt's possible involvement in the proposed campaign to clean up Britain - the Clean Nineties campaign - which is being organised by the Tidy Britain Group (TBG). Neither we nor TBG would have any objection to the suggestion that Mr Porritt should discuss with TBG how FoE might become involved. However, FoE's stance on the litter problem - that the issue is one of reducing litter at source and promoting recycling - may fit awkwardly with the main thrust of the TBG campaign. Mr Porritt is of course shortly to be succeeded at FoE by Mr David Gee, and this may increase the political element in FoE's approach, which could also be at odds with TBG's essentially apolitical approach.

As FoE have a good track record on recycling, and the Government is mounting a new initiative, it might be more appropriate for the Prime Minister to encourage FoE to collaborate with industry, local authorities and Government on post-consumer recycling of domestic waste. Several local authorities are interested in following the Sheffield project in which FoE are participating. More details of that project are given on the first page of the enclosed briefing.

Yours sincerely
Roger Bright

R BRIGHT
Private Secretary

Y SWYDDFA GYMREIG
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-270 3000 (Switsfwrdd)
01-270 0538 (Llinell Union)
Oddi wrth Ysgrifennydd Gwladol Cymru

WELSH OFFICE
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-270 3000 (Switchboard)
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From The Secretary of State for Wales

The Rt Hon Peter Walker MBE MP

CT/4954/89

30 November 1989

Thank you for copying to me your letter of 23 November to Geoffrey Howe in which you outlined your proposals for requiring local authorities to have regard to recycling in their management of waste collection and disposal.

I understand that your officials are considering separately the effect that these proposals might have on existing contracts for these services. On that basis, I am content with what you propose.

... I am copying this letter to the Prime Minister, Geoffrey Howe, other members of H Committee and Sir Robin Butler.

The Rt Hon Chris Patten
Secretary of State for the Environment
2 Marsham Street
LONDON
SW1P 3EB

COPY

SECRETARY OF STATE FOR SCOTLAND

PBPM

SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

DEC 1989

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

30th November 1989

Dear Secretary of State,

ENVIRONMENTAL PROTECTION BILL: RECYCLING AND WASTE DISPOSAL PLANS

Thank you for copying to me your letter of 23 November to the Lord President.

I fully support your proposals to highlight the important role which recycling should play in waste disposal and would wish similar provisions for Scotland to meet our rather different arrangements on waste.

In view of the vital role which waste management plans will assume in advancing the cause of recycling, I would like to suggest that Section 2(7) of the Control of Pollution Act 1974 (which gives a power to require waste management plans to be completed or revised by a specified date) should be restored. It was repealed by the Local Government, Planning and Land Act 1980 as part of our de-regulation exercise at that time, but I now believe that the pendulum has swung back in favour of its re-instatement for the 1990s. That would certainly be helpful in the event of any local authorities dragging their heels and failing to revise their own plans to take recycling on board. I am keen to make this change for Scotland but I recognise that to do so in isolation might invite invidious comparisons with England and Wales. I think that it would be preferable for us to act jointly in this regard and I should be grateful if you would consider the point. If we act now, we may avoid lengthy debate in Committee on what is possibly one of our weaker points.

I am copying this to the PM, the Lord President, other members of H Committee and to Sir Robin Butler.

Yours sincerely,

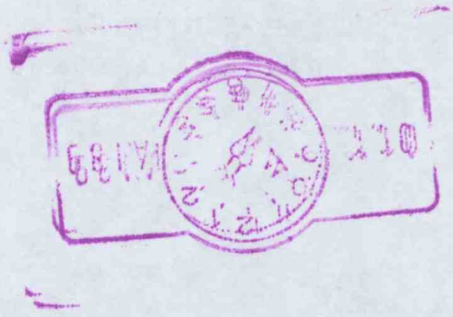
Ian Wright

pp MALCOLM RIFKIND

(Approved by the Secretary of State and signed in his absence)

AMC01604.119

ENV AFFAIRS: Acid Rain
P.12



cc PO

dti

the department for Enterprise

NBPM

The Rt. Hon. Nicholas Ridley MP
Secretary of State for Trade and Industry

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

Department of Trade and Industry

1-19 Victoria Street
London SW1H 0ET

Enquiries
01-215 5000

Telex 8811074/5 DTHQ G
Fax 01-222 2629

Direct line 01 215 5622
Our ref PB3AGL
Your ref
Date 30 November 1989

Dear Chris

ENVIRONMENTAL PROTECTION BILL : RECYCLING

Your letter of 23 November to Sir Geoffrey Howe invited colleague's agreement to the inclusion in the Bill of supplementary references to recycling.

I warmly welcome your proposals as a useful and necessary signal to local authorities and disposal contractors alike to give serious consideration to recycling as an alternative to traditional disposal options.

I recognise that the Bill itself can deal with recycling in only the most general terms. I understand that your Department will be preparing further guidance to local authorities as to how much weight to give to the benefits of recycling and other environmental considerations when assessing disposal options and I hope that my officials can be closely involved in this process.

We will, of course, need to consider carefully whether the signals you propose, together with rising landfill costs, will provide enough of a stimulus to potential recyclers; but this, I accept, is more for your White Paper next autumn.

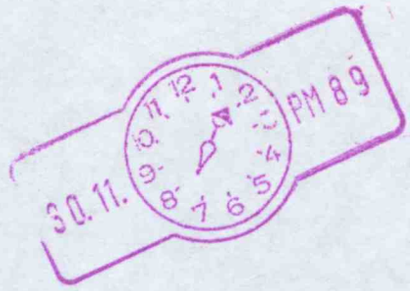
I am copying this letter to the Prime Minister, other members of H Committee and to Sir Robin Butler.

Yours

Nicholas

Recycled Paper

ENV AFFAIRS : Acid Rain PTIC



10 DOWNING STREET

From the Principal Private Secretary

MR. WILSON
CABINET OFFICE

FRG/WHO CONFERENCE ON ENVIRONMENT AND HEALTH

Cabinet Office do not appear to have seen the attached letter or the draft European Charter on Environment and Health which is being considered at this Conference. Department of Health have raised two issues:

(i) Should the UK be represented at the Conference?

(ii) Should the UK argue for adoption of the document as it stands, or seek to negotiate further changes with the risk that it could get worse rather than better?

Department of Health propose sending Mr. Freeman with instructions to argue for adopting the document as it stands.

I have not yet shown this to the Prime Minister. For the most part the document is a statement of the obvious which can mean everything or nothing. By listing virtually every course of action the effect is that nothing is a priority. One could therefore argue that it is a harmless piece of nonsense.

Nevertheless there are a couple of points which I think might concern the Prime Minister and you may spot others. Principle 11 is a rather bald statement of the "polluter pays". This is something we endorse as a general principle but stated in this way it does not take account of any of the usual caveats. For example there is no mention of the need to ensure that international competitiveness is not distorted - see paragraph 9(c) of the DOE paper for MISC 141; nor does it acknowledge any of the other constraints referred to in paragraph 8 of the Treasury's paper. Stated in this way it could be quoted back at the UK Government by those at home or abroad who wish it to accept certain costs.

Secondly, in the Way Forward, WHO Regional Office for Europe is invited to "examine the desirability and feasibility of establishing a European Centre for the Environment and Health". This is inconsistent with the line the Prime Minister has taken in numerous international meetings that the proliferation of institutions should be avoided. This Centre looks thoroughly avoidable to me. On this issue I would recommend the Prime Minister to seek some redrafting to achieve much less of a

presumption that such a Centre is necessary. The minimum would be to substitute "case for" in place of "desirability of".

Could we have a word on Friday before I put this to the Prime Minister.

I am copying this minute to John Gieve as the Treasury seem also to have been bypassed.

AT

(ANDREW TURNBULL)

30 November 1989

THE RT HON JOHN WAKEHAM MP

Prime Minister

Content with the terms of the PQ answer? Also note ⊗ below.

Department of Energy
1 Palace Street
London SW1E 5HE
01 238 3149

CAB 29/11

Yes Sir

Caroline Slocock
PS/Prime Minister
10 Downing Street
LONDON
SW1A 2AA

29 November 1989

Dear Caroline

CONTROL MEASURES FOR ENERGY RELATED GAS EMISSIONS

Thank you for your letter of ~~27~~ 29 November. I attach a revised PQ answer which incorporated the suggestions made by the Prime Minister. It is our intention to release this tomorrow.

The Prime Minister asked about the position of other countries submissions. We understand that probably five or six of the OECD countries are in a similar position to us. The less developed countries, including China, are not. We shall obtain more information at an experts' meeting which is to be held early next month and I shall let you have a further note then.

⊗

I am copying this letter to Richard Gozney (Foreign and Commonwealth Office), Duncan Sparkes (HM Treasury), Stephen Williams (Welsh Office), Rosalind Cole (Department of Trade and Industry), Uriel Jamieson (Scottish Office), Roy Griffins (Department of Transport), Alan Ring (Department of the Environment), Stephen Lambert (MAFF) and Trevor Woolley (Cabinet Office).

Yours

David

DAVID MURPHY
Private Secretary

DRAFT QUESTION

To ask the Secretary of State for Energy what is the status of the report that his Department is preparing on possible future UK greenhouse gas emissions for the Intergovernmental Panel on Climate Change, and if he will make a statement.

DRAFT ANSWER (as modified in light of PM's suggestion)

I am pleased to tell you that the study entitled " An Evaluation of Energy Related Greenhouse Gas Emissions and Measures to Ameliorate Them" for the Energy and Industry subgroup of the Response Strategies Working Group of the UNEP/WMO Intergovernmental Panel on Climate Change(IPCC) is now ready and has been sent to the IPCC. The UK along with certain other countries volunteered to submit such urgent studies in order to assist the subgroup in its work. The aim of the studies is to illustrate, from the national perspectives of participating countries, the practical technical options and their possible costs, which may be available to curtail emissions of the "greenhouse" gases from the many energy related activities of society.

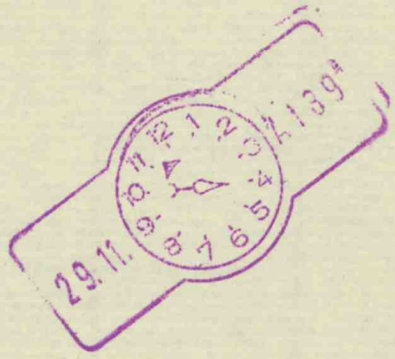
Of necessity, the study has to consider the size of future emissions of the greenhouse gases and the shape of the then energy system, as background against which the technical measures can be analysed. Such scenarios of future emissions, being very dependent on the input assumptions, are only intended to provide a framework for assessing the options. They are not predictions of the future.

Treasury add here impact of any new technical option is uncertain and since each option in no paper has been considered in detail it would be wrong to draw any conclusion from any combination of them. 30/11

It is clear that the UK is responsible for only a fraction (approximately 3%) of the World's CO2 emissions and that this is likely to decline proportionately in the future. Therefore tackling the problem of climate change needs truly international action, as all recent studies of the subject (including the recent valuable contribution from the House of Lords Select Committee on Science and Technology) have stressed. That is why it is important for all countries to concentrate their efforts on the work of the IPCC. Once its advice is available, it will be for the international community to decide what measures should be taken, and how best individual countries can contribute to the global response.

I have today placed a copy of the study report in the Library of the House.

ENV AFFAIRS: Acidrain PT12



CC PM

Ministry of Agriculture, Fisheries and Food
Whitehall Place, (West Block), London SW1A 2HH
Tel: 01-270-3000 Direct line: 01-270-8509 GTN: 270
Telex: 889351 Fax: 01-270-8125

Dominic Morris Esq
Prime Minister's Office
10 Downing Street
LONDON
SW1

29 November 1989

Dear Dominic,

STRAW AND STUBBLE BURNING STATEMENT: 30 NOVEMBER 1989

Further to my letter of 24 November, I attach a revised copy of the statement on straw and stubble burning which takes account of comments received. I should be grateful for immediate clearance.

A copy of this letter and enclosure goes to Bernard Ingham (No 10), Steve Catling (Lord President's Office), Roger Bright (Environment), Gillian Kirton (Lord Privy Seal's Office), Colin Walters (Home Office), Murdo Maclean (Chief Whip's Office), Ralph Hume (Lords' Whips), Stephen Leach (Northern Ireland), Jim Gallacher (Scotland), Stephen Williams (Wales) and Trevor Woolley (Cabinet Office).

Yours sincerely,

Ray Alderton

R L Alderton
Parliamentary Clerk

STRAW AND STUBBLE BURNING

ORAL STATEMENT

1. Honourable members will be well aware of the considerable problems this year on straw and stubble burning.

2. Honourable members will also recall a similar situation in 1983 when there were many complaints from the public.

3. In 1984 the Royal Commission on Environmental Pollution recommended a ban on straw burning to come into force within five years. By then the Government had already drawn up model byelaws providing for greatly enhanced controls, and the National Farmers' Union issued a toughened Code of Practice in 1986. A ban on burning was therefore not judged to be necessary.

4. But in 1989 the problems have returned - with a vengeance. There have been problems of smoke drifting across roads, in some cases with disastrous results, smoke-filled homes, dirty smuts and genuine fears for the safety of property. In addition there have been considerable losses of hedges and trees and, of course, wildlife. I have received over 600 letters many of which have been from honourable members on both sides of the house and my Department has received notification of over 2,500 complaints.

5. I have therefore carried out a thorough review of the policy and effectiveness of existing controls. I have considered the alternatives carefully so that I can respond first to the public's concern, secondly to farmers' concerns that prohibiting straw burning completely will add to their costs and thirdly to the fact that the reputation of the farming community suffers inevitably from the consequences that this practice has for others living in the countryside.

6. I note that the NFU has not come out in favour of a ban, but has instead proposed a licensing scheme, charging for the issue of licences and withholding them from farmers with a poor track record. There are legal difficulties with such a scheme in terms of withholding licences on a discretionary basis. But the strongest argument in my view against this proposal is that it would be unlikely to result in any significant reduction in burning.

7. The Government has therefore decided that straw and stubble burning should be banned. If Parliament agrees to the ban it will come into force in the late autumn of 1992. This will give farmers three seasons to adjust to this new situation and to develop alternative methods of cultivation.

8. Accordingly, the Government will be seeking the necessary powers to ban straw and stubble burning during the passage of the Environmental Protection Bill. The powers will also enable me to grant exemptions. I intend consulting the industry on their scope. But any exemptions would be strictly limited, for example to a specific crop like linseed. I do not propose to introduce a system of licences for farmers permitted to burn under these exemptions. I will also be discussing with the NFU how its existing Code of Practice should be strengthened and applied during the period leading up to the proposed ban.

Env Aff: Arab Race

Y SWYDDFA GYMREIG
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-270 3000 (Switsfwrdd)
01-270 0549 (Llinell Union)

ODDI WRTH YSGRIFENNYDD
PREIFAT YSGRIFENNYDD
GWLADOL CYMRU

NBPM cc PH.

WELSH OFFICE
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-270 3000 (Switchboard)
01-270 0549 (Direct Line)

FROM THE PRIVATE SECRETARY
TO THE SECRETARY OF STATE
FOR WALES

29 November 1989

Dear Mr Alderton,

with cac/sm?

STRAW AND STUBBLE BURNING

Thank you for copying to us your letter of 24 November to Dominic Morris enclosing a draft of the statement your Minister hopes to make on 30 November announcing a ban on straw and stubble burning.

As you will know from your conversation today with Vaughan Watkin, our Secretary of State is content with the text of the statement but considers it needs to make clear that he is associated with the proposed ban. It was agreed that this could best be achieved by amending the last paragraph of the statement to include "and my Rt Hon Friend the Secretary of State for Wales" after "I" in the first line, changing "me" to "us" in line 3 and amending "I" to "we" where it appears in the rest of the paragraph.

... Copies of this letter go to Dominic Morris (No 10), Steve Catling (Lord President's Office), Roger Bright (Environment), Gillian Kirton (Lord Privy Seal's Office), Colin Walters (Home Office), Murdo Maclean (Chief Whip's Office), Ralph Hume (Lords' Whips), Stephen Leach (Northern Ireland), Jim Gallacher (Scotland) and Trevor Woolley (Cabinet Office).

Yours sincerely,

A E Coleman.

ANNA E COLEMAN

Ray Alderton Esq
Parliamentary Clerk
Ministery of Agriculture, Fisheries and Food
Whitehall Place West
SW1A 2HH

ENV AFFAIRS : Acc Cour PTL

cc PM.

Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

2pps

NBPM

The Rt Hon Chris Patten MP
Secretary of State for the Environment
2 Marsham Street
LONDON

24 November 1989

Dear Chris,

ENVIRONMENTAL POLICY

flag PTII.

At the Party Conference your announcement of the publication next Autumn of a White Paper on the Environment was enthusiastically received and I have since seen copies of replies from colleagues to your minute to the Prime Minister on this.

As a former Environment Minister in the Province you will know that overall environmental quality here is high. I am keen to ensure that there is no decline from existing standards and that improvements are made whenever possible. I welcome your initiative and since so many environmental matters can have an impact far beyond the local scene - acid rain, depletion of the ozone layer and the greenhouse effect immediately spring to mind - it would seem sensible for the White Paper to cover the whole of the UK.

It would be helpful if your officials would liaise with Mr Ian B McQuiston, Director of Environmental Protection, Department of the Environment, Calvert House, 23 Castle Place, Belfast, BT1 1FY, so that the Northern Ireland aspects can be included.

I am copying this letter to Cabinet colleagues and Sir Robin Butler.

Yours

PB

ENV AFFAIRS : Acid Rain PTL

KPJ

SECRETARY OF STATE FOR SCOTLAND

SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

R L Alderton Esq
Parliamentary Clerk
Ministry of Agriculture, Fisheries
and Food
Whitehall Place (West Block)
London
SW1A 2HH

29 November 1989

Dear Mr Alderton

fr with CAs

STRAW AND STUBBLE BURNING

Thank you for copying to me your letter of 24 November to Dominic Morris at No 10.

My Secretary of State is content with the substance of the proposed oral statement by Mr Gummer, but would be grateful if it could be made clear that he would be speaking for England and Wales only. Straw and stubble burning is much less common in Scotland, and is not a big problem. No byelaws to control it have been found necessary. As my Secretary of State made clear in his letter of 6 November, he has no present plans to use the enabling powers in the Environment Bill to introduce any ban in Scotland, and would not do so until a case had been demonstrated.

My Secretary of State does not wish to make a statement but the Department would respond to queries on these lines.

No major adjustments to the draft statement would be required; we would not wish specific reference made to Scotland but it would be helpful if in any supporting briefing for him Mr Gummer is reminded of our position.

I am copying this letter to the recipients of yours.

Yours Sincerely
J D Gallagher

J D GALLAGHER
Private Secretary

DNG01510.119

010

CONFIDENTIAL

CEPU.

A

SECRETARY OF STATE FOR THE ENVIRONMENT

BF 30/4 at noon

118

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

The Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1A 2AT

28 November 1989

Dear Lord President

ENVIRONMENTAL PROTECTION BILL

At our meeting on 16 November you asked me to look again at two provisions which I had proposed to include in the Bill, but which Parliamentary Counsel felt raised problems of scope. Parliamentary Counsel also raised a scope problem in the statutory cover we were seeking for certain Departmental payments and grants, and I have looked at this too. I have subsequently seen the letter from the Prime Minister's Private Secretary of 21 November, about stray dogs and street cleaning.

Litter and highways

Counsel feared that the present proposals for dealing with the highways element in the litter proposals would open the scope of the Bill to highways. He was concerned in particular about the power proposed which would have enabled the Secretary of State for Transport to make regulations to define what fell within the category of maintenance (a duty which will remain with the highway authority) as opposed to cleaning (a duty which will be transferred to the district councils in the shires - the highway authority and the "litter" authority are of course one and the same in London and the Metropolitan areas). In the light of Counsel's fears, the Department of Transport are content to omit this particular element in the provisions. They take the view that the distinction between the two operations is one that in practice can be established by agreement between the two authorities concerned, or if necessary by the Courts. I should add that they consider that the proposed

amendment to the 1980 Highways Act to impose duties as to barriers and temporary traffic signs where cleaning operations are being carried out (the duty currently only extends to "works") is incidential to the new cleaning duty on the litter authorities and does not extend the scope of the provisions to cover highway maintenance. They take the same view of the provision for regulations designating highways which are not to fall within the cleaning duty of the litter authority (they have in mind here certain high-speed trunk roads).

I should emphasise that this minor change in the proposals does not affect what we wish to achieve - the rationalisation of the division of responsibilities for road cleaning between districts and counties in the shire. Districts will be in charge of road cleaning as we have proposed, and the litter duties remain the same.

Hazardous sites

Counsel also raised doubts about the effect on scope of the hazardous substances provision, on the grounds that this might bring amendments to planning legislation within the scope of the Bill. However the existing hazardous substances provisions, although introduced into planning legislation in 1986, serve a purpose which is quite clearly distinguishable from land use planning controls. they are concerned not with regulating the development of land, but with controlling the presence of hazardous substances which could present major hazards to people in the surrounding area.

We see these provisions as essentially an aspect of environmental protection. Though there may be interactions between issues of planning control and hazardous substances control in a particular area, the two regimes are separate. The hazardous substances provisions were included in planning legislation primarily because it was convenient to model the procedures for obtaining consent on those for obtaining planning permission. The current consolidation of planning legislation will take the provisions relating to hazardous substances into a separate Hazardous Substances Bill. I understand that this is likely to be introduced after Christmas. If all goes well it can then be enacted by the Spring or early Summer. This should enable amendments to be introduced during the passage of the EP Bill which would remove all direct reference to planning legislation from the Bill. Until that stage we could omit any provisions relating to Hazardous Substances. In the light of all this, my view is that we will be proof against amendments on planning legislation generally, and I propose with your agreement to table Government amendments to the Bill to give effect to these provisions when the Hazardous Substances Bill has reached second reading stage in the second House.

CONFIDENTIAL

Payments to outside bodies

I have looked carefully at the "built environment" element of the grants provisions. I think I can achieve much of what I am looking for without risk to the scope of the Bill, by dropping this reference to the built environment, and relying instead on the general meaning of "environment" within the Bill as a whole. Over half of the domestic environmental grants for which I am seeking statutory cover would be catered for, and most of the international payments.

Dogs

Counsel was particularly concerned about the effect that our proposals on stray dogs (as opposed to dog fouling) would have on the scope of the Bill. His advice was that including them in the Bill would run the risk of turning the Bill effectively into a miscellaneous provisions Bill. The meeting agreed that that was a most unwelcome prospect, which would greatly magnify the problems we already foresee in steering through the House a Bill which is bound to attract amendments across a very wide range of issues.

The contentiousness of the subject of dogs is a further aspect which caused us to consider whether we should not examine alternative options for pursuing our commitments on stray dogs. As you know I feel it inevitable that these proposals would once again attract very strong pressure for a national registration scheme. I am now urgently considering afresh how we might best deal with this pressure, and will be writing to colleagues very shortly with my proposals. I would not wish any concession on the dogs issue to be seen as being wrung out of us during the passage of the Environmental Protection Bill.

The Prime Minister raised the specific question of our response to the series of reported attacks by Rottweilers this summer. Our principal response to that was of course the Dangerous Dogs Act, which has been widely welcomed as a significant strengthening of the existing controls.

I would be grateful to know as soon as possible whether you are content with my proposals.

I am copying to the Prime Minister, members of MISC 141, those present at our meeting, and Sir Robin Butler.

CHRIS PATTEN
(approved by the Secretary of State and signed in his absence)

Recycled

Paris Minister?

This suggests that although algae do emit a large amount of sulphur in season, this is not a significant contributor to acid rain.

SECRETARY OF STATE FOR THE ENVIRONMENT

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

Caroline Slocock
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

28/11

28 November 1989

Dear Caroline

You sought comments on press reports of recent research work relating to acid rain and global warming. The advice of our experts is as follows.

Recent research carried out by the NERC in the North Sea suggests that emissions of dimethyl sulphide from algae blooms in spring and summer could be significant contributors to acid rain. The press article suggests that even with a full programme of desulphurisation on power stations, the problem of algae will have to be treated separately.

This source of sulphur is not a recent discovery. Arguments based on it have been deployed frequently over the years to counter the need to reduce power station sulphur emissions but have generally been discredited.

The recent work suggests that the peak average flux per unit area from the North Sea is about 25% of the average flux per unit area from Europe. Since the area of the North Sea is about one thirtieth of the European continental area the proportion of European sulphur emissions which arise from the North Sea is less than 1%, even at its peak. Additionally the sea emits very little sulphur in winter, so that averaged over the year, the anthropogenic component (i.e. man-made) dominates overwhelmingly.

This is borne out by scientific research carried out under EMEP (Environmental Monitoring and Evaluation Programme) of the UNECE to which the UK contributes.

On global warming the research has suggested that only 30% of man made carbon dioxide is absorbed by the oceans rather than 50% as has been assumed generally until recently. This result is based on a single study over a limited area and care should be taken in making extrapolations to a global scale. However, such a measurement is a British first and underlines the important contribution which British Scientists are making. It would not be surprising if this result turned out to be more generally true, since our knowledge of the carbon cycle is still limited. If true it implies that the missing 20% is taken up by the land biosphere. What is not in doubt, and which is important, is that about 50% of man made emissions of carbon dioxide remain in the atmosphere. This is confirmed by isotopic studies of carbon in the atmosphere.

It is not true to say that greenhouse warming will occur more rapidly since we have no reason to believe that the proportion of CO_2 emissions remaining in the atmosphere will change significantly, at least in the short term.

If it turns out that the land biosphere is a net sink of carbon dioxide then the impact of afforestation in ameliorating the rise in carbon dioxide would be greater than currently anticipated. We need to be generally cautious in this whole area however and await results of the research which is being done on the carbon cycle. In the meantime our policy of encouraging proper management of forests and afforestation is correct whatever the outcome.

CE J Bush

pp R BRIGHT
Private Secretary

Algae in North Sea 'causing acid rain'

NEW research shows that up to one quarter of Europe's acid rain is caused by emissions of dimethyl sulphide traced to algae in the North Sea, **writes Mary Fagan.**

Experiments carried out by the Natural Environmental Research Council indicate that during spring and summer the algae are producing enough dimethyl sulphide to make it a significant problem.

The dimethyl sulphide produces sulphur dioxide in the atmosphere, which is as environmentally damaging as any coming from power stations. The Government is embarked on a programme costing hundreds of millions of pounds to clean up acid emissions from power stations but scientists say that even if Britain eliminates such emissions it will still need to tackle this separate problem. They say that at the worst time of the year 25 per cent of the acid pollution carried by wind from the Continent will be caused by the algae.

The main problem is a high concentration of algae along the coasts of France, Germany, Belgium and The Netherlands, which produce most dimethyl suphide in April and May.

John Woods, marine atmospheric science director at the NERC, said: "Before you spend hundreds of millions of pounds, you ought to consider nature as well as man."

The NERC's £12m North Sea project, which ended this week, is the first sustained work on the seasonal cycles in the North Sea, and is crucial to developing accurate computer models of water quality and to understanding what is happening to the global environment.

Dr Woods said that policy-makers had been trying to take decisions on pollution and water quality on the basis of data which scientists have believed do not adequately describe what is going on in the North Sea. Other results from the project will help scientists to gauge what happens to pollution from estuaries.

Ocean tests show global warming is accelerating

By Mary Fagan
Technology Correspondent

THE GREENHOUSE effect may be heating the earth much more quickly than previously thought, according to results from a major research project run by British scientists in the North Sea.

Previous theories that the world's oceans absorb half of man's production of carbon dioxide — a major cause of the greenhouse effect — appear to have been turned on their heads.

Without this ocean sink, the build-up of CO_2 in the atmosphere will greatly accelerate, but the experiments show the oceans absorb only 30 per cent instead of 50 per cent of the 5.5 gigatonnes emitted into the atmosphere by man every year. Most of this man-produced carbon dioxide comes from burning fossil fuels.

Dr Andy Watson, who worked on the project organised by the Natural Environment Research Council, said: "This is a major problem in terms of global warming. We appear to be missing a lot of carbon dioxide from the global budget. We have now got to come to grips with the fact that this has serious implications for our ability to predict changes in global climate."

He also warned that although there has been little time to work on the recent results, the carbon dioxide in the earth's atmosphere may increase 20 per cent faster than current models predict.

Dr Watson said that the extra CO_2 may be taken up by land vegetation instead, which has serious consequences as land is thought to be a less efficient "sink" and one which becomes saturated much more quickly.

Scientists are worried that within a short time more of the carbon dioxide produced will stay in the atmosphere, thus accelerating the greenhouse effect.

Dr John Woods, director of marine atmospheric sciences at the council, said "the result is that we still do not have a handle on exactly where the carbon dioxide is going. If it is not the sea which is taking the carbon dioxide, then the back of the envelope calculation says that carbon dioxide in the atmosphere could double in 40 rather than 50 years and the planet will warm more rapidly".

The results come from a 15-month project, one of the most extensive undertaken, which measured physical, chemical and biological processes in the North Sea. But Dr Woods said the carbon dioxide uptake findings were fundamental and had serious implications for global climate change.

He said that it would be necessary to rethink research priorities for the future. The United Kingdom is currently involved in an international study to assess the impact of oceans and their plant and animal life on the greenhouse effect.

Dr Watson believes that tackling the problem of land instead of oceans could be much more difficult. "We do not know if, or why, the land vegetation takes the carbon dioxide up, or how long they might continue to do so. Scientists are being asked by the policy makers what they should do. It's rather embarrassing to admit we do not even know where the carbon dioxide is going."

Flag A

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MS SLOCOCK

27 November 1989

JONATHON PORRITT

I went to see Jonathon Porritt the other day. You may find the following useful as background for the Prime Minister's meeting with him on 1 December.

In general I found his views fairly reasonable. I think he may have been consciously distancing himself a little from some of the positions taken up by Friends of the Earth for example, on nuclear power.

The areas in which he is particularly interested are:

- the White Paper on the Environment (as an expression of the Government's attitude across the board)

- energy policy (where he would like more investment in renewable sources)

- recycling (where Friends of the Earth have taken some useful initiatives)

- agriculture and the countryside (where he would like to see a considerable expansion of Environmentally Sensitive Areas).

White Paper on the Environment

This has aroused great expectations. Chris Patten is acutely conscious that warmed up existing policies will not do. But he recognises the difficulty of getting agreement from colleagues to new approaches. Transport policy is likely to be the most controversial area.

Jonathon Porritt seems encouraged at the level of serious interest in Whitehall. (You are launching work on the White Paper at a MISC 141 meeting on 7 December, and two groups of economists are already beavering away under Treasury leadership.) He is likely to argue for a major shift of emphasis within Whitehall, with a powerful and proactive secretariat in the Cabinet Office ensuring that environmental considerations are fully weighed in all policy decisions. The very process of "weighing" will require values to be put on the environment. This in itself will be a major task.

Energy policy

Friends of the Earth feel vindicated by the decision not to privatise the nuclear side of the CEGB. They claim to have been arguing for years that the costs of nuclear energy were higher than anyone would admit. As an organisation, Friends of the Earth represent people who think that nuclear power is evil, and should not be used in any circumstances.

This is not Jonathon Porritt's position. He thinks that the present methods of using nuclear power are seriously flawed, and present too great a risk to man and his environment. But he does not rule out the possibility that in future scientists will discover ways of using nuclear power which carry fewer risks.

Meanwhile he would like to see investment in renewable sources of energy, such as wave power. Since these will not be profitable at the initial stages of development, this would require a strategic decision and some public money.

Recycling

Friends of the Earth have been campaigning for recycling, and are running a recycling city project in Sheffield funded

by the Department of the Environment. Jonathon Porritt believes that we still have a long way to go in changing attitudes to recycling (and litter) in the UK. We lag behind the rest of Europe in terms of attitudes.

This may well be a fruitful area for discussion with the Prime Minister. Chris Patten has just proposed giving recycling a prominent part in the Government's proposals on waste management in the Green Bill.

Agriculture and Countryside

Jonathon Porritt is critical of set-aside, which he sees as bringing little or no environmental benefit, but is enthusiastic about Environmentally Sensitive Areas (ESAs). At present these are limited to 120,000 hectares in areas such as the Somerset Levels, Norfolk Broads, Pennine Dales etc. The annual cost of the ESA scheme is £8.4 milllion.

A substantial expansion of ESAs would be popular with environmental groups and with the Country Landowners' Association. It is likely to be popular with the run of farmers if the take up in the existing eligible areas is anything to go by.

But like other incentives to farm extensively, ESAs are not an instant remedy for the ills caused by intensive farming. In some cases these require heavy investment to restore the countryside/earth to the state it would have been in if intensive farming had never occurred.

ESAs require further evaluation in terms of environmental value for money. So far they are not a "proven" panacea. But their likely value justifies some extension. Such a move would go down well with both farmers and environmentalists.

CAROLYN SINCLAIR

SECRETARY OF STATE FOR SCOTLAND

Prime Minister

EUROPEAN ENVIRONMENT AGENCY - PROPOSAL FOR SITING IN UK

Chris Patten copied to me his minute to you of 23 November.

I agree with him that the balance of advantage rests in presenting a range of possible UK sites to the Environment Council meeting tomorrow. I think it would be a great pity if the excellent booklet which his Department has prepared were not to become more widely available to other Member states. There has been considerable pressure from various Scottish interests for the Agency to be located in Scotland and it would be very helpful to me to be able to point to the prominence of Aberdeen and Edinburgh in the DOE booklet.

I also think that it would be wrong to reach a firm decision on our final choice of a UK site without further discussion. In particular, I am not convinced that London would be our best choice. This may be an occasion when we would be justified in striking out in a different direction rather than following the lead of other Member states in nominating their capitals. Both Cambridge and Edinburgh have an international reputation, both scientifically and culturally. In these environment-conscious days surely we should be thinking much more seriously about locating such agencies away from the major conurbations.

As you would expect, my own preference would be for Edinburgh. I do not think that its case is set out adequately in the Annex to Chris's note although I am pleased to say that such shortcomings are not evident in his Department's booklet. I would hope that a much more careful evaluation of the respective strengths and weaknesses of London, Edinburgh and Cambridge can be undertaken so that we may all have confidence in the final UK choice.

AMC03104.119

I am copying this minute to the Foreign Secretary, the Secretaries of State for Industry, the Environment, Wales and Northern Ireland, and Sir Robin Butler.

MR

MALCOLM RIFKIND

27 November 1989

AMC03104.119

Copy ①

Rt Hon Chris Patten

This is come in very late. Does it affect your conclusion? I have to say that I think it most unlikely that an EC institution would go with CSP? to Northern Ireland

Prime Minister

It looks as if we should have a brief discussion on

27 November 1989

EUROPEAN ENVIRONMENT AGENCY - PROPOSAL FOR SITING IN UK

I have seen Chris Patten's note to you about the proposed UK bid for the Agency. I would like to place on record a strong case for Northern Ireland to be the UK candidate for the siting of the Agency. In doing so I am not pressing for a particular option in the way we mount the UK bid but rather I am attempting to flesh out the rather sparse details about the Northern Ireland bid in the Annex to Chris Patten's note which I feel does not do us justice.

CDN 27/11

Please how also see Scottish Secretary's minute (attached) CDN.

A Northern Ireland location (and we can offer a number of suitable sites) offers three keys elements:

- an advanced telecommunication and computing infrastructure;

- a wide breadth of scientific expertise in environmental studies (including UK leaders in a number of fields); and

- the most cogent argument, in Community terms, for a UK site.

The telecommunications network in Northern Ireland is as advanced as anywhere in the UK and is being enhanced by a £100 million investment by BT to establish a fibre-optic network which will give

a system equal to anywhere else in Europe. This project has been aided by the Community as part of the Special Telecommunications Action for Regional development (STAR) programme. Northern Ireland also has particular strengths in software development and computer expertise and this will be of particular interest to the Agency. In addition there is a good air communications network to centres throughout GB and Europe, including Brussels, Paris, Amsterdam and Barcelona.

The scientific expertise in environmental studies which exists in the Province is particularly impressive and this is not reflected at all in the Annex to Chris Patten's note. Both the Queen's University, Belfast and the University of Ulster have environmental science departments which have an excellent record of co-operation and research. They have been particularly involved in work on water quality and the effects of nitrates and phosphates, marine environment matters and analytical methods, in which they are UK leaders. This has often been carried out in conjunction with government science establishments who themselves are acknowledged leaders in their fields. For instance the Veterinary Research Laboratory at Stormont was the first centre to identify canine distemper as the cause of seal deaths last year.

Another interesting development is the QUESTOR centre at Queen's University which is a collaborative venture between the University and industry to carry out strategic research on environmental matters. It is multi-disciplined and is carrying out research into atmospheric pollution, computer modelling of pollution escape, aquatic water treatment and microbial degradation of chlorinated hydrocarbons. This centre is a first in Europe and is linked with the Hazardous Substance Management Research Centre in New Jersey. Needless to say our scientific experts would be only too willing to help the Agency as much as possible.

The attached Annex sets out the centres of excellence in both the Universities and Government Service in more detail.

However I am convinced that we not only have a strong case on telecommunications and scientific expertise. A telling argument is the wider Community dimension to a site in Northern Ireland, which does not apply to other regions of the UK. The choice of Northern Ireland could be commended to our partners as a practical measure of political support, consistent with their enthusiastic support for the Anglo-Irish Agreement and their agreement to contribute to the International Fund for Ireland (which incidentally has supported the QUESTOR centre mentioned above).

The Community has long acknowledged a responsibility to address the disadvantaged position of peripheral regions such as Northern Ireland, particularly as their position will worsen post-1992 as economic activity drifts towards the centre of Europe. This is why Northern Ireland has benefitted from initiatives such as the STAR programme, and has been designated as an Objective 1 region for new structural funds. There is a very strong argument for the Community to act directly in line with this policy, and for this reason a Northern Ireland location must be an attraction.

I must also mention the psychological impact associated with the siting of the Agency in Northern Ireland. The multiplier effect of this flagship project, albeit small in terms of direct employment, would be many times greater than in other regions. It would act as a catalyst for other service sector organisations to take advantage of the exceptionally attractive business opportunities which Northern Ireland offers in terms of cost, quality of staff, infrastructure etc. The Agency would also encourage people in Northern Ireland by making them in effect stake-holders in the Community and its systems. The advantages in countering the

inevitable image problem which Northern Ireland has would be considerable.

In conclusion I cannot agree with Chris Patten in his shortlisting of the locations. The case I have outlined is, I feel, particularly strong and whatever strategy is decided, whether general or specific, I contend that Northern Ireland should be a front-runner. What better place to have this Agency than in one of the most scenic and pollution-free areas of the Community, yet with the infrastructure and facilities which will ensure its successful operation.

A copy of this memorandum goes to Chris Patten, the Foreign Secretary, the Secretaries of State for Industry, Scotland and Wales and to Sir Robin Butler.

Simon Spurrier.

PB

(Approved by the Secretary of State and signed in his absence)

NORTHERN IRELAND EXPERTISE IN ENVIRONMENTAL SCIENCE

The expertise and analytical quality available in the environmental laboratories of Northern Ireland is second to none and compares more than favourably with the rest of the UK.

GOVERNMENT SCIENCE SERVICES

DEPARTMENT OF AGRICULTURE (NI)

Newforge Lane Complex: joint DANI/QUB research and teaching centre for agriculture and food science. Areas of expertise include aquatic science (including the agriculture/fresh water interface), marine environment systems (using a marine research vessel), soil and plant science, soil analysis, forestry research (including acid rain), emission of ammonia and nitric oxides etc.

Veterinary Research Laboratory: research on animal disease and animals as disease vectors.

Freshwater Biological Investigation Unit: this unit has been a centre of excellence for studies on nutrient enrichment with particular reference to nitrogen and phosphate levels. Developed a nitrogen leaching model which is the most advanced of its kind in Europe.

The extensive databases of these centres would be available.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Industrial Science Division: nationally accredited laboratories providing a wide range of analytical and consultancy services in environmental matters.

DEPARTMENT OF ENVIRONMENT (NI)

Nature and Conservation Branch: expertise in areas of nature conservation, biotopes and ecological systems.

Ordnance Survey of Northern Ireland: state of the art systems utilising satellite survey, for production and storage of data vital to environmental studies eg geographic information systems, land use management etc. Advanced computer mapping facility.

UNIVERSITIES

Queen's University, Belfast: multi-discipline QUESTOR centre (first of its kind in Europe) to carry out strategic research into environmental studies such as water resources, pollutant spread, atmospheric emissions.

Chair of Analytical Chemistry (first in UK and one of only three) with particular emphasis on environmental analyses. Has carried out work for Community Bureau of Standards.

Department of Biology covering various centres of excellence which impinge on environmental science.

University of Ulster: strong Department of Environmental Science offering both undergraduate and postgraduate courses. Areas of expertise include study of Lough Neagh system (research laboratory on Lough shore) with emphasis on pollution indicators, algal problems, water chemistry, palaeoliminology etc.

Expertise in hydrology, coastal management, terrestrial ecology, environmental planning and image processing.

RESTRICTED

GEPU

Prime Minister 2

ADS 28/11

PAYMASTER GENERAL

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon John Wakeham FCA MP
Secretary of State
Department of Energy
1 Palace Street
LONDON SW1E 5HE

27 November 1989

Dear John

CONTROL MEASURES FOR ENERGY-RELATED GREENHOUSE GAS EMISSIONS

John Major has passed me your minute of 23 November to the Prime Minister.

I agree with the conclusions that you draw from the paper in your opening paragraphs; and your third point - that an abatement strategy is not costless - is one that must be kept in the forefront of our and other partners' minds. I understand that our officials have in fact agreed a redraft of the relevant section of the paper (Section 5.5) together with a few other changes. Subject to the incorporation of these and to the views of the Prime Minister and other colleagues, I would be content for you to submit your study to the IPCC sub-group as you propose.

I also agree that you should answer an arranged question when the study is published, which would give you an opportunity to put the paper in context. I should be grateful if the reply could be agreed in draft with my officials. One point that it might make, which I understand will be included in the summary of the final version, is that the estimated effects of the options in Section 5 cannot be cumulated. That might help to reduce the risk that unscrupulous users of the paper might compile a strategy for meeting objectives for curtailing greenhouse gas emissions that imposed substantially greater adjustment costs on the economy than was indicated by the analysis of the first-round effects of each.

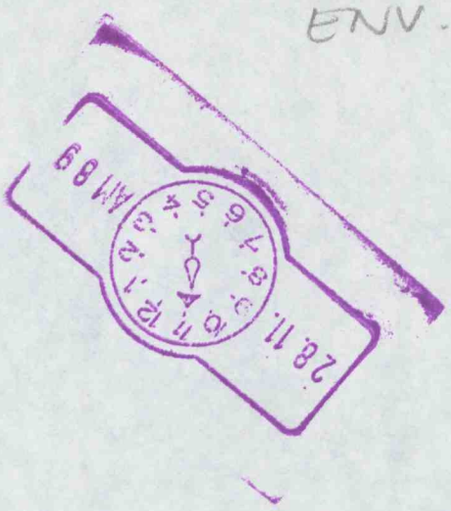
I am copying this letter to the Prime Minister and to Douglas Hurd, Peter Walker, Nicholas Ridley, Malcolm Rifkind, Cecil Parkinson, Chris Patten, John Gummer and Sir Robin Butler.

Yours ever
Malcolm

THE EARL OF CAITHNESS

RESTRICTED

ENV. AFFAIRS: Acid Rain pt 12



BF 6/12

Report is in box.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

27 November 1989

I am writing to acknowledge safe receipt of your letter of 24 November enclosing a copy of the report by the Science and Technology Committee into the greenhouse effect.

I know the Prime Minister will read this with considerable interest.

CAROLINE SLOCOCK

Field Marshal Lord Carver,
GCB, CBE, DSO, MC

FILE

DA

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

27 November 1989

Dear Alan,

ENVIRONMENTAL PROTECTION BILL: RECYCLING

The Prime Minister has seen a copy of your Secretary of State's letter of 23 November to the Lord President. She is content with what he proposes to include in the Environmental Protection Bill.

I am copying this letter to the Private Secretaries of members of H Committee and to Trevor Woolley (Cabinet Office).

Yours sincerely,

Caroline

(CAROLINE SLOCOCK)

Alan Ring, Esq.,
Department of the Environment.

FILE
DA

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

27 November 1989

Dear Roger,

EUROPEAN ENVIRONMENT AGENCY - PROPOSAL FOR SITING IN UK

The Prime Minister was grateful for your Secretary of State's minute of 23 November about the handling of the UK's bid for the European Environment Agency to be established in Britain.

She considers that it would be best to give specific preferences at tomorrow's Environment Council rather than waiting for the European Council on 8 December. She feels that both London and Cambridge are good candidates and expressed no direct preference for either. However, she asked me to stress the importance of finding an attractive site for the new Agency. She does not like the idea of locating it in Cornwall House near the South Bank Arts Complex in London. She has said that a site near the Science Museum, perhaps at Imperial College, or alternatively in the Docklands, should be considered. As far as Cambridge is concerned, the Prime Minister feels that, provided space can be found, this would offer an attractive location for the Agency in a centre of academic excellence.

Your Secretary of State mentioned that other countries have mainly nominated capital cities and that Germany has nominated Berlin. You might like to note that the Prime Minister commented in response that Berlin is an international city under four-power administration.

I am copying this letter to Richard Gozney (Foreign and Commonwealth Office), Rosalind Cole (Department of Trade and Industry), Uriel Jamieson (Scottish Office), Stephen Williams (Welsh Office), Stephen Pope (Northern Ireland Office) and Trevor Woolley (Cabinet Office).

Yours sincerely,

Caroline

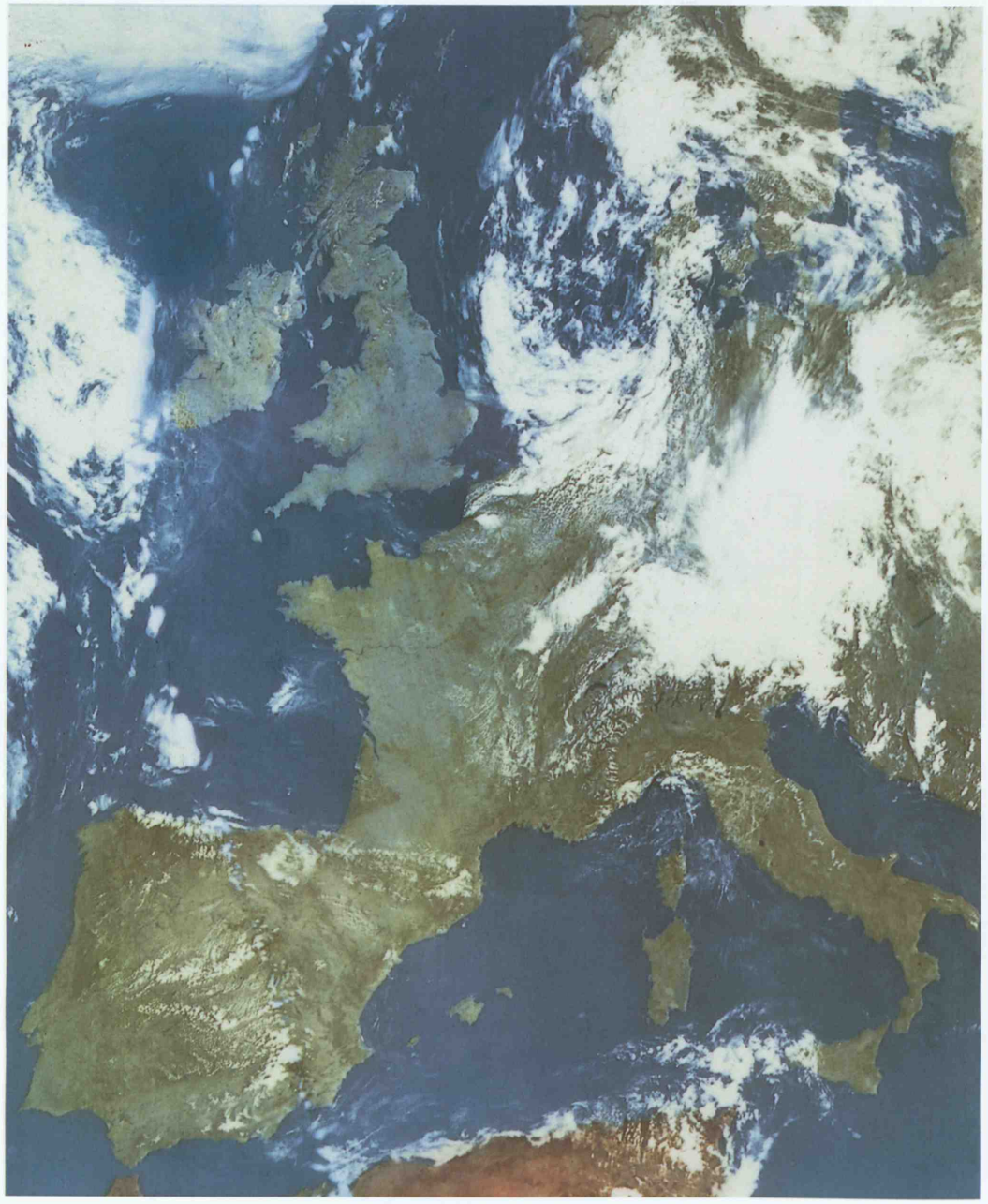
(CAROLINE SLOCOCK)

Roger Bright, Esq.,
Department of the Environment.

EUROPEAN ENVIRONMENT AGENCY

PROPOSALS FOR SITING THE AGENCY IN THE UNITED KINGDOM

The Department of the Environment



FOREWORD

The Rt Hon Chris Patten MP
Secretary of State for the Environment

Good environmental policy can only be built on sound science and economics. This is why it is essential for the Commission and member countries to have an effective means of assembling reliable and comparable environmental information for the Community, and the capacity to analyse such information expertly. The proposed European Environment Agency, operating through a network of focal points in the member countries, should fill an important gap in this respect. By linking centres of excellence to each other and to the Agency itself the maximum use can be made of existing high level expertise.

I am determined that the UK should play its full part in this important project. Our bid for the siting of the Agency in the UK is based on strong evidence of the existence of suitable sites and of the opportunities they offer for links with centres of excellence in the UK already having a high reputation in the international environmental information and analysis field. Many other advantages of siting in the UK are described in the pages of this short booklet.

The development of a Community system for delivering sound scientific and economic information of an authoritative kind on environmental issues has my strong support. My hope is that such a service, operating with the full support of Community countries, would take the 'facts' about the environment out of political dispute and leave the way clear for environmental policy to be built on firm and agreed foundations.

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Possible Agency sites in the UK – some examples

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The European environment monitoring and information network 16

Front cover: A view near Bywell, Northumberland, looking south over the valley of the River Tyne in the Tyneside Green Belt area.

We would like to thank the following for supplying photographs:

Meteorological Office.
British Antarctic Survey.
RAE Farnborough.
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City of Aberdeen.
Ivan J Belcher.
Andrew Lawson Photography.
Kevin Allen Photography.
Kirklees District Council.
NERC.

INTRODUCTION

Following the December 1988 European Council's adoption of the Rhodes' Declaration on the Environment, President Delors, in a speech to the European Parliament in January 1989, announced an initiative to create 'A European Environmental Measurement and Verification System'.

In response to this initiative the Commission has proposed the establishment of **a European Environment Agency.** The proposal, now in the form of **a draft Regulation,** was discussed by the Environment Council in September 1989 and accepted in principle by all member countries. Detailed discussions on the draft Regulation are now taking place.

At the September Environment Council **Chris Patten, Secretary of State for the Environment,** made **a strong bid** for the proposed Agency to be **located in the UK.** This document describes the advantages of choosing a UK location and gives examples of available space.

The main objective of the proposed Agency is to **furnish the Community, member states and, where appropriate, participating third countries with:**

- **Objective, reliable and comparable information** to enable them to take necessary measures for the protection of the environment and for assessing the results, and to ensure sound information for the public on the state of the environment.
- **Technical and scientific support** to allow them to achieve the goals of environmental protection and improvement.

It aims to meet these objectives by establishing a Community-wide system with **information being collected via a network of 'focal points'.** The Agency would operate by assembling information from this network and by making effective use of the existing work done in the environmental information field within member states. A more detailed explanation of how the Agency would work is given on page 15.

A number of sites in the UK offer excellent accommodation and services. Links with relevant centres of excellence in the international environmental, information and analysis field feature particularly strongly, and general support from Government, industry and the academic world for a UK location is very firm.

WHY LOCATE THE AGENCY IN THE UK?

The UK is able to offer a number of sites, both inside and outside London, situated close to world-recognised centres of scientific and technical excellence in the environmental monitoring and data-collecting field. A site in London can offer close links with the colleges of London University which are already involved in international environmental research, and sites outside London offer contact with, and often access to, computer networks, associated with high quality environmental research going on in, for example, Oxford, Cambridge and other universities.

Suitable office accommodation is available with ready access to superb computer and other services relevant to the successful running of an Agency. For some sites space is available immediately. For others plans are firmly in place for space to be ready for use in the near future. Travel facilities between the UK and the other Community countries are excellent, as are its transport links to other European countries. Hotel and conference facilities are well developed and available both in the capital and elsewhere in the UK, should they be needed to support Agency activities. The UK's cultural and recreation activities compare with any in the world today.

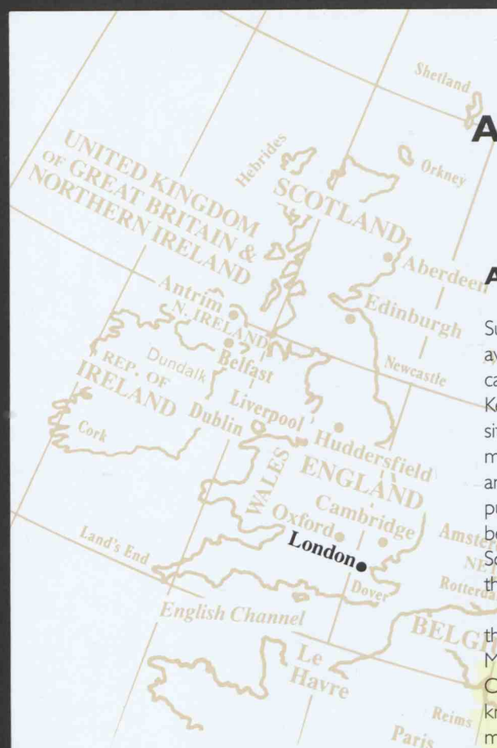
A decision to locate the Agency in the UK could be implemented within a short space of time and would be welcomed by Government, regulatory bodies, the academic world and industry alike.

UK SITES

Further details of all sites mentioned in this booklet are available on request from

Ms Claire Redbond, B243 Romney House, 43 Marsham Street, London SW1P 3PY
Telephone: +44 1 276 8874.
Fax: +44 1 276 8501.
Telex: 22221. Answerback: DOEMARG.

A SITE IN LONDON



Available sites

Suitable office accommodation is available within one of the University campuses of London University. The Kensington campus of King's College, situated in central London, has accommodation that is immediately available and, on a slightly longer time-scale, purpose-designed accommodation will be available in Cornwall House on the South Bank of the Thames adjacent to the National Theatre.

The proposed site would be on the same campus as the University's Monitoring and Assessment Research Centre (MARC). The centre is well known in the international environmental field and is staffed by high quality research professionals. It provides the focal point for the UK's contribution of scientific information to the United Nations Environment Programme (UNEP) and has strong links with the World Health Organisation (WHO).

London University has a most extensive range of activities in the environmental field. For example, the University's Centre for Remote Sensing brings together experts from many disciplines. A further example, particularly relevant to the functions of the proposed Agency, is the major involvement of Birkbeck College in the construction of the database for the CORINE project. In addition the University participates in international programmes such as the United Nations Environment Programme's GRID and GEMS and is involved in the planning of the new International Geosphere and Biosphere Programme.

The University's special expertise in environmental data collection and monitoring should not however be seen as separate from its other work. Rather, it should be seen in the broad context of the great range of environmentally related research being carried out in the University. This extends across the whole spectrum from the major work on the economics of environmental protection (Professor Pearce at University College); the agricultural environment (work going on in Wye College and elsewhere); the Centre for Environment Technology (Imperial College), through to the work in biological conservation, population biology and eco-system research taking place at a number of other colleges of London University.

London University's powerful computer network is well known and the Agency would be able to take advantage of these superb facilities.

Cornwall House is situated close to the South Bank Arts complex.

The Atkins Building, part of the University of London, is centrally placed in Kensington.

LONDON'S FACILITIES

Transport

Both the current and future proposed sites are excellently placed with respect to transport facilities. Heathrow and Gatwick Airports can be reached by direct underground and rail links, and offer unrivalled transport links within and beyond the Community. The new London City Airport offers a convenient terminal for turbo-prop aircraft from Northern European airports. A dedicated river bus service, timed to connect with flights in and out, cuts journey time into central London to 35 minutes.

Sport, recreation, the arts

London is justly famed for its recreational sport and cultural facilities. Few sites can best boast such an impressive acreage of central park land, such a galaxy of theatres, museums and art galleries, or indeed so many opportunities for participating in and watching sport.

London's reputation as an international centre for the arts speaks for itself. It houses 50 theatres, two leading ballet companies, the South Bank arts complex, the Barbican Centre and a whole range of art galleries and famous museums.

Hotels, exhibition centres, etc

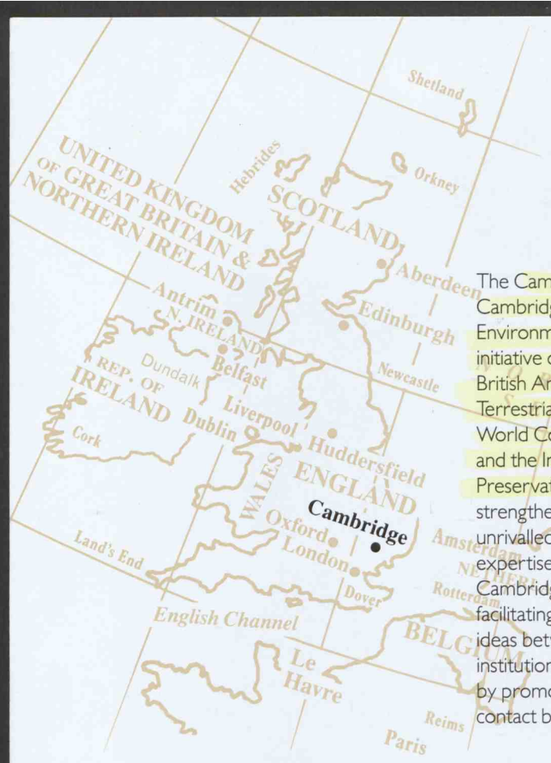
The sites suggested in London are within easy reach of many well-known hotels catering for a wide price range. There is also a well-established net of conference centres including the spacious modern Queen Elizabeth II Centre close to the Houses of Parliament.

Centres of excellence

In addition to the links with other parts of the University of London mentioned earlier, many research and academic bodies active in the international environment field are located in London, offering many opportunities for expert consultation.

London as a world centre

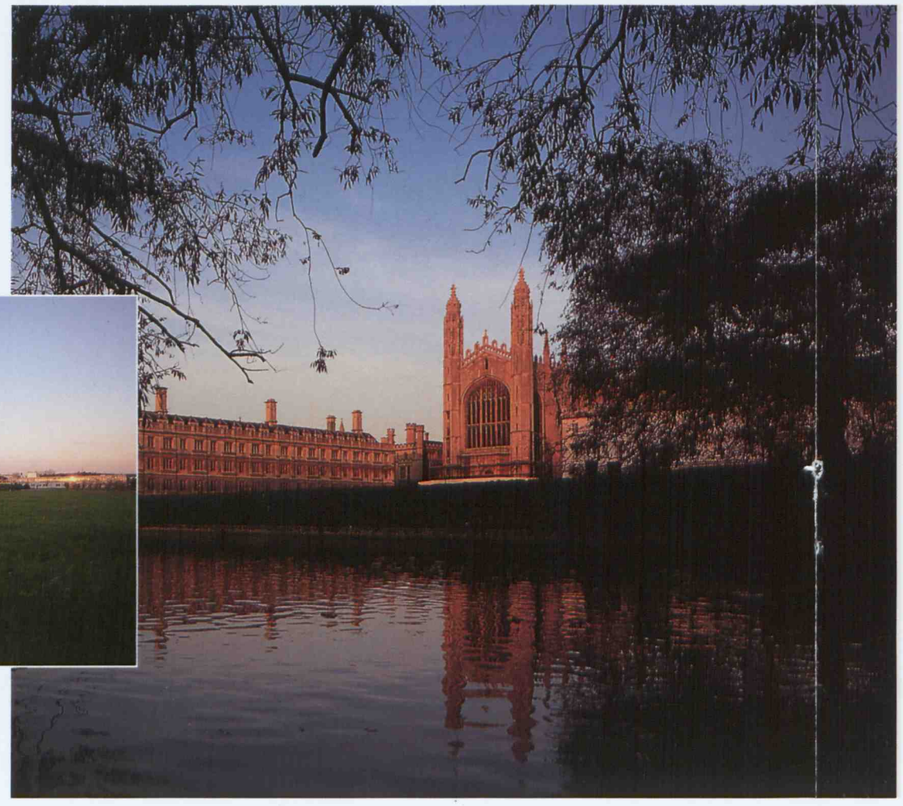
The Agency will need to look outward as well as inward as far as the Community is concerned. London's long historical position as a global centre makes it a natural home for an agency that needs to be seen as central in global environment terms.

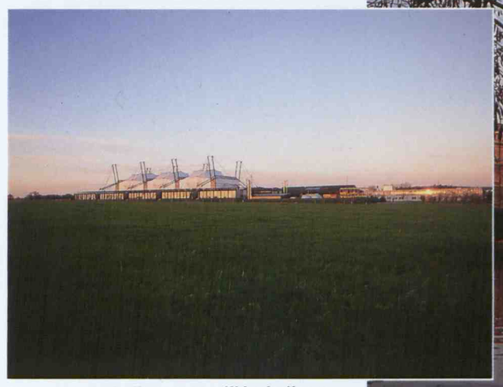


A SITE IN CAMBRIDGE

The Cambridge site is within the Cambridge Inter-Disciplinary Environment Centre which is a joint initiative of Cambridge University, the British Antarctic Survey, the Institute of Terrestrial Ecology (at Monks Wood), World Conservation Monitoring Centre and the International Council for Bird Preservation. The new centre aims to strengthen and consolidate the unrivalled technical and intellectual expertise that already exist in the Cambridge area. It will do this by facilitating the flow of information and ideas between departments and institutions in the Cambridge area and by promoting a much more direct contact between the University and specialist institutions and the wider national, European and world community. The EC/EFTA co-ordination centre for stratospheric ozone research is already located in Cambridge University.

Space is available for up to 100 staff and the accommodation will be backed by a full IBM super computer and data base. The Cambridge Centre also includes a full provision for environmentally specific training at graduate level and for mid-career and special short-term purposes. Cambridge is in a position to provide the highest quality of response to the need for environmental information in almost every environmental field.





The purpose-built centre will be built on this site and form part of the Cambridge Inter-Disciplinary Environment Centre.

In addition to the main Cambridge development a further location in the same area is offered, situated within the Natural Environment Research Council (NERC) site at Monks Wood. Computer facilities are particularly good here with a new computer network installed recently.

The Monks Wood location would allow access to NERC staff with direct and relevant experience of dealing with Community environmental information including the CORINE project. Its closeness to Cambridge means that the many centres of excellence are also accessible from Monks Wood.

Madingley Hall

The Natural Environment Research Council can provide excellent computer facilities at their site at Monks Wood.

CAMBRIDGE'S FACILITIES

Transport

Cambridge has a private airport which handles business and executive flights. Stansted Airport is only 25 minutes' drive from the City centre providing a regular service of flights to Brussels and other European cities. A direct train service from Cambridge to Stansted Airport is due to open shortly, improving transport facilities still further.

Arts and leisure

Cambridge provides ample scope for recreation and leisure activities. An Arts Festival is staged each year comprising a series of concerts and recitals, art exhibitions, drama, banquets, fairs and a folk music festival. At other times in the year two theatres provide a diverse programme of entertainment including drama, ballet, opera, music and films. Numerous facilities exist for active recreation. The City has a modern multi-purpose sports hall, swimming pools, golf courses and provides the opportunity to participate in many other sports and games.

Hotels and conference facilities

The City is an important conference centre and has many fine hotels catering for a wide price range.

Centres of excellence

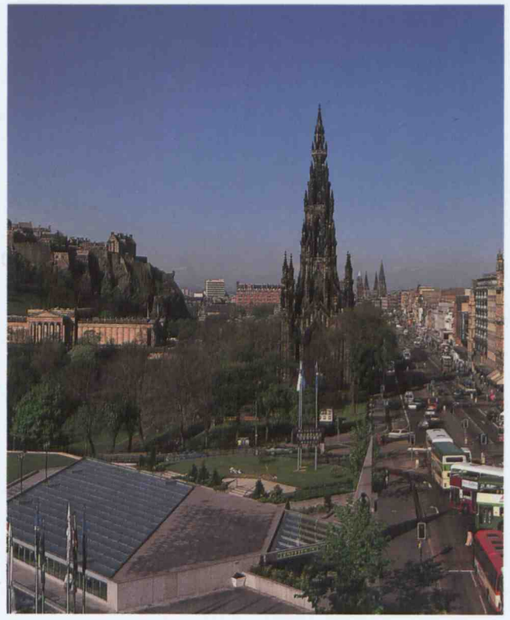
In addition to the institutions mentioned earlier it should be noted that almost all the departments of the University have research and teaching capabilities of international reputation, much of it directly relevant to the environmental field. The Centre is also establishing close working links with the Climate Research Unit at the University of East Anglia and with the Nature Conservancy Council Headquarters situated nearby, in Peterborough. The Scott Polar Research Institute located in Cambridge undertakes work in the environmental field and is currently developing a major new museum and exhibition project.

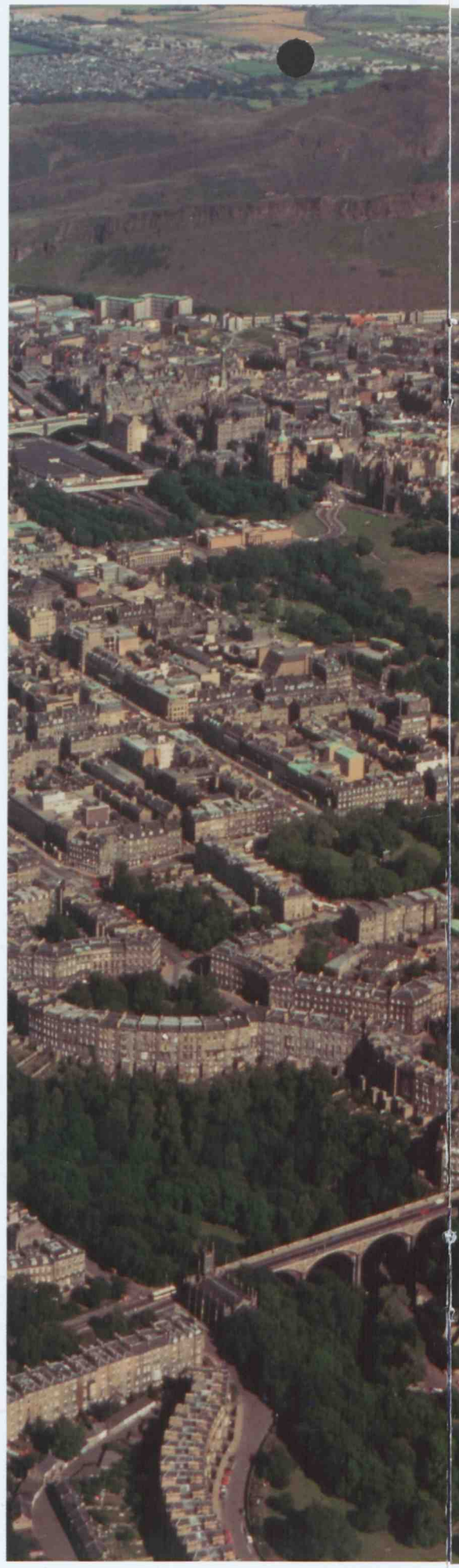
SITES IN EDINBURGH

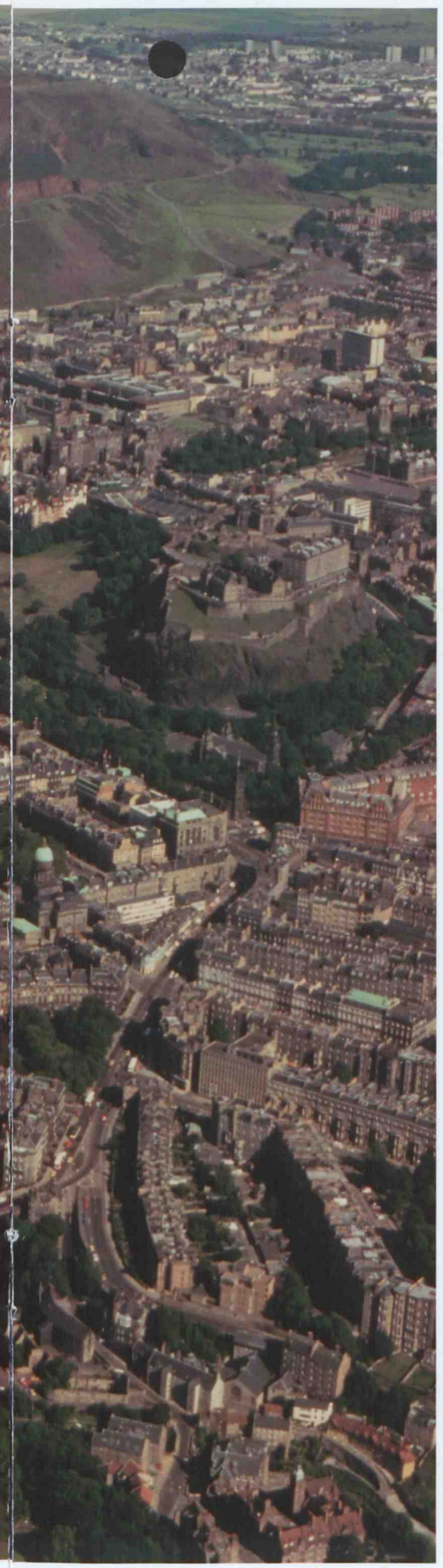
Edinburgh is a city with a strong history and foundation in the field of environmental science dating back to the 18th century. Edinburgh University's own reputation in this field is reinforced by the close proximity of a large number of centres of excellence, detailed below. Many of these organisations are actively involved in monitoring and collecting information through field research and there is a wide knowledge base and strong potential for collaboration that could be drawn on by a new and developing European Environment Agency.

The quality of life in Edinburgh is one of its greatest advantages. In a recent independent study on the quality of life in some 40 major British cities Edinburgh was ranked first as the most attractive place to live.

Edinburgh has a wealth of high quality sites which could be made available to house the Agency. One excellent site is situated close to the University in the heart of Edinburgh, at the foot of the Royal Mile, near the Palace of Holyroodhouse.







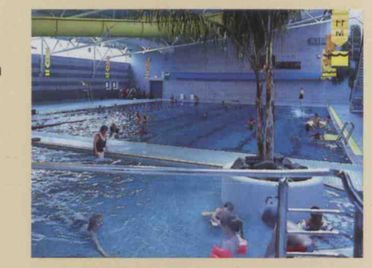
EDINBURGH'S FACILITIES

Transport

Edinburgh Airport is on the outskirts of the city, only 15 minutes or so by car from the central area. As well as regular flights to London (sometimes as many as three an hour), there are direct flights daily to many other UK cities and European destinations including Brussels, Dublin, Paris, Geneva, Frankfurt and Amsterdam. Scheduled flights to many other European countries are available from Glasgow Airport, which is less than 50 minutes away by car.

Arts

Edinburgh is a city rich in culture with an abundance of art galleries, libraries and museums to suit all interests. It also boasts a number of exciting cultural venues including the King's Theatre and Royal Lyceum Theatre which present a variety of theatrical performances as well as ballet and opera. The highlight of the Edinburgh cultural calendar, of course, is the International Festival, the world's largest arts festival.



Hotels and conference facilities

Edinburgh is able to offer a variety of fine hotels including a number which provide Conference facilities. An international conference centre will open in 1993.

Centres of excellence

- Edinburgh University
- Institute of Terrestrial Ecology (Edinburgh)
- Royal Botanic Gardens
- Centre for Tropical Veterinary Medicine
- British Geological Survey
- International Forest Science Consultancy
- The Meteorological Office
- UK headquarters of the Forestry Commission

Leisure

Sports facilities of all kinds are available, including the internationally known Meadowbank Sports Centre and the Royal Commonwealth Pool. Other facilities within its boundaries include Europe's largest dry ski slope, 23 golf courses and ice skating. There is also Murrayfield Stadium, home of Scottish international rugby.

A SITE IN HUDDERSFIELD

Accommodation is offered in a planned Business Park situated just outside Huddersfield in West Yorkshire. Development of the site, which is in a good quality residential area and close to open countryside, is due to begin in spring 1990.

Location
The site is situated on the north side of Huddersfield, about three miles from the town centre.

Transport
The location of Huddersfield at the hub of the UK motorway network is one of the area's greatest assets. Manchester International Airport is within an hour's drive and a direct rail link to the airport is planned. Leeds and Bradford Airport is also within easy reach.

Arts and leisure
The Huddersfield district is well provided with sporting and recreational facilities of all kinds. A new theatre is planned for Huddersfield town centre, and the surrounding area benefits from a wide range of cultural and arts facilities, including some notable museums, and countryside attractions. Huddersfield is renowned for its annual international Contemporary Music Festival.

A SITE IN OXFORD

Locating in Oxford
Oxford University has considerable expertise in the environment field. The University has particularly strong schools of geography and forestry and, in the Department of Zoology, an outstanding centre of ecological research. These academic groups are all participating in the development of an Environmental Change Unit. Furthermore there is the Hook Institute, which works in climatic and meteorological areas.

In addition to the activities in the University, the National Radiological Protection Board and the Environmental Section of the Atomic Energy Authority are both nearby, at Harwell.

Although no site has been identified at this stage, accommodation in the Oxford area could certainly be offered, allowing easy access to the resources available at the University and at nearby centres of excellence.

THE WORK OF THE AGENCY

The British Antarctic Survey is carrying out studies of deep ice cores from the Antarctic Ice Cap. Scientists have mapped the duration of Ice Ages and have discovered a close connection between air temperatures and carbon dioxide concentrations from samples taken from ice formed during the last 160,000 years.

The Meteorological Research Flight uses a Hercules aircraft to carry out research into the effects of clouds on atmospheric radiation from the sun and infra-red radiation from the earth; the physical characteristics of cloud formation at all levels; and the chemistry of the lower part of the atmosphere.

To enable the Agency to achieve its objectives it is proposed that the Agency be given the following tasks:

- to encourage the development of a European environment monitoring and information network and to assure its co-ordination. To this end, the Agency shall encourage the collection and the processing of data (particularly in the fields of the quality and sensitivity of and the pressures on the environment), which are necessary for the formulation and implementation of sound and effective environmental policies

- to help ensure the harmonisation and comparability of environmental data in the Community as well as the integration of European environmental data into international environmental monitoring programmes, such as those established within the framework of the United Nations and its system of agencies

- to ensure the wide diffusion of reliable environmental data. It shall publish every three years a report on the state of the environment

- to stimulate the development and application of techniques of environmental modelling and forecasting in order that adequate preventive action can be taken at the appropriate time

- to provide technical, scientific and economic information requested by the Commission in order that the latter may discharge its tasks of identification, preparation and assessment of actions and legislation in the field of the environment.

The Meteorological Office at Bracknell, Berkshire, uses some of the most up-to-date computer installations available for weather forecasting and climate modelling. Meteorologists are currently modelling the effects that global warming may have on world climates.

SAVING THE OZONE LAYER LONDON CONFERENCE 5-7 MARCH 1989

The Ozone Conference, initiated and organised by the United Kingdom, drew together representatives from 123 countries, of whom 23 signed the Montreal Protocol. The signatories to this agreement have pledged to halve their consumption of CFC gases by the end of this century. One of the foremost speakers at the Conference was President Moi of Kenya who stressed that all countries, whatever their stage of development, can play their part in conserving our planet.

Removing seawater from sediment core under nitrogen at 4°C on board the Natural Environment Research Council ship, RRS *Charles Darwin* during its global voyage 1986-89.

THE EUROPEAN ENVIRONMENT MONITORING AND INFORMATION NETWORK

In order to collect the data necessary to establish and maintain a European environmental data base it will be necessary to set up a network based on existing national institutes and organisations. This network should be flexible in its structure in order to accommodate current national arrangements but will consist of four main components:

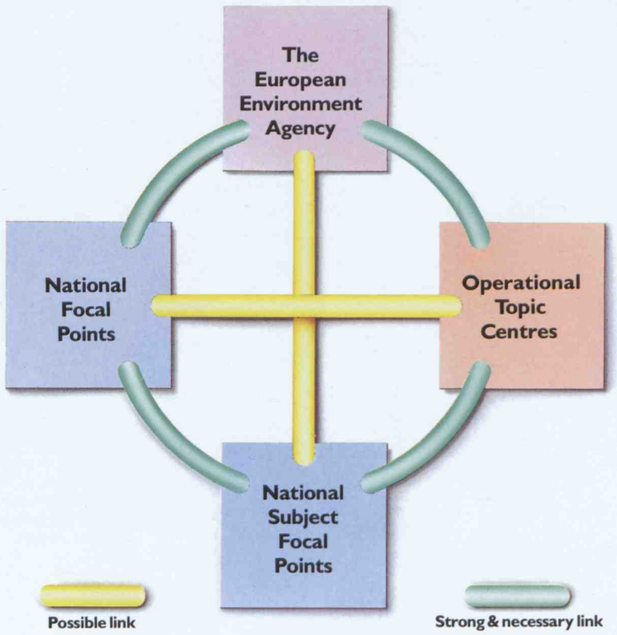
- **i** The European Environment Agency
- **ii** National focal points
- **iii** Operational topic centres
- **iv** Individual subject focal points within member states.

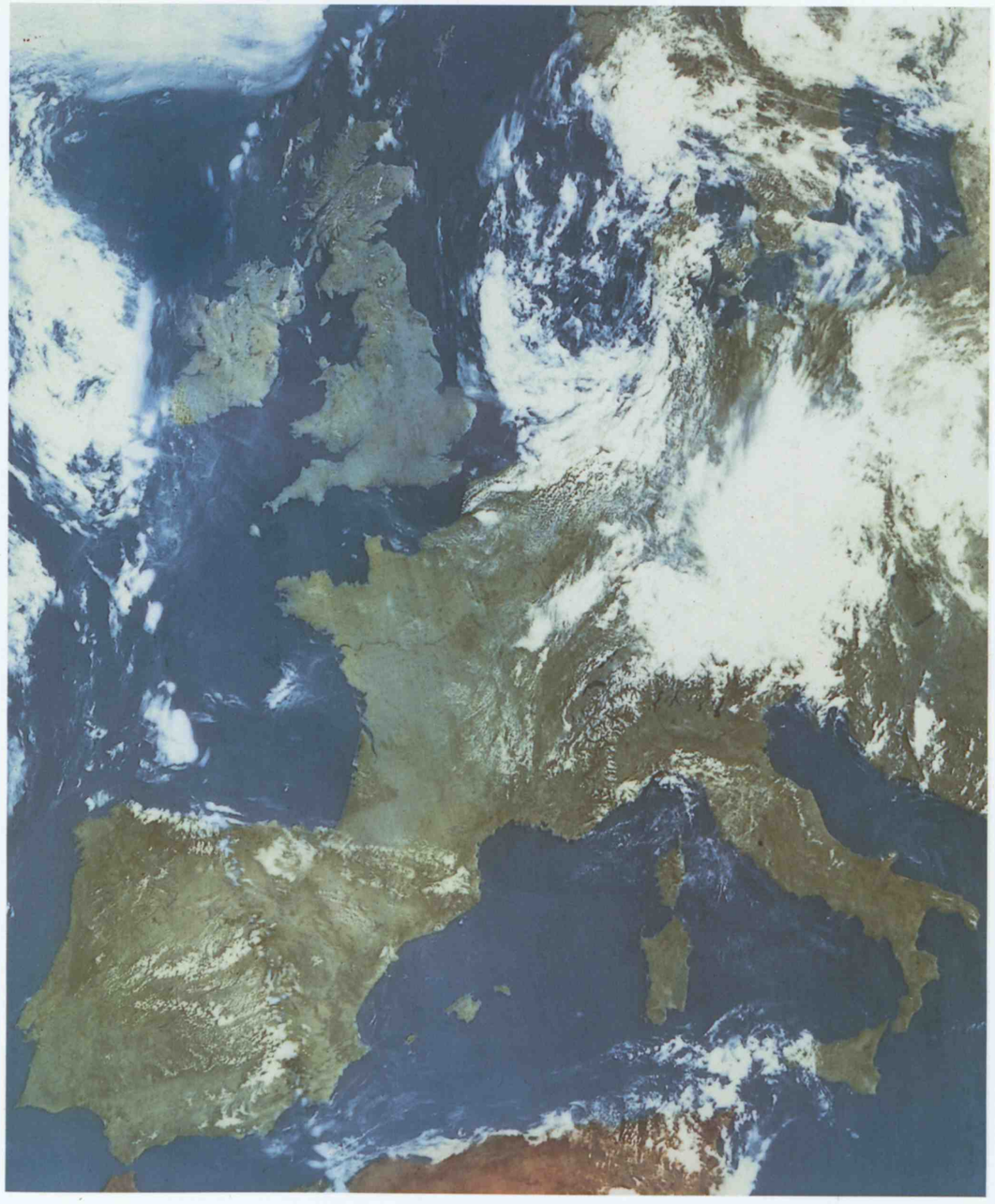
The diagram shows how the network components will fit together.

The individual subject focal points within member states will be situated in a national institute with staff who are expert in the particular field of study. They will co-ordinate the national data, likely to come from a variety of sources, for that subject. They will then supply that information to the Agency, possibly via the national focal point, and to the topic centres.

The national focal points will co-ordinate all the environmental information for that country. It may often be necessary for the national subject focal points to provide their information direct to the Agency but the national focal points will be able to monitor all the data supplied from their country and to liaise between the Agency and the subject focal point when required.

The topic centres will undertake statistical evaluations of data from the various countries' data with a view to ensure comparability. For some subjects maybe just one topic centre will be needed for the whole Community whereas for others it may be more appropriate for there to be a number of topic centres collecting data together from like countries.





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RESTRICTED

FLE

DA

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

27 November 1989

Dear David,

CONTROL MEASURES FOR ENERGY RELATED GREENHOUSE GAS EMISSIONS

The Prime Minister was grateful for your Secretary of State's note of 23 November about the study he hopes to submit to the Intergovernmental Panel on Climate Change by the end of this month.

She is content that the study should be announced by means of an Arranged Question, and that a copy should be placed in the Library of the House. She agrees that in presenting the report it will be important to bring out that the UK is responsible for only 3% of the world's CO^2 emissions, that our share will decline proportionately in the future, and that global action will therefore be crucial.

BF. 1

The Prime Minister asked whether other countries at the Conference are similarly placed; and I would be grateful if you could come back to me on this point.

I am copying this letter to Richard Gozney (Foreign and Commonwealth Office), Duncan Sparkes (HM Treasury), Stephen Williams (Welsh Office), Rosalind Cole (Department of Trade and Industry), Uriel Jamieson (Scottish Office), Roy Griffins (Department of Transport), Alan Ring (Department of the Environment), Stephen Lambert (MAFF) and Trevor Woolley (Cabinet Office).

Yours sincerely,

Caroline

(CAROLINE SLOCOCK)

David Murphy, Esq.,
Department of Energy.

RESTRICTED

PM/89/059

PRIME MINISTER

European Environment Agency - Proposal for Siting in UK

1. I have seen the Secretary of State for the Environment's minute of 23 November, and agree with him that we need to narrow the UK field to one site, with reserves, if we are to have any chance of securing this agency for the UK - there is heavy competition, with nine other countries bidding. I also think this needs to happen quickly. It is for the Secretary of State for the Environment to say whether with his attractive booklet he wants to raise hopes only to dash most of them, but the sooner we can make a choice the more strongly it will run.

2. Copies of this minute go to the Secretaries of State for the Environment, Trade and Industry, Scotland, Wales and Northern Ireland, and Sir Robin Butler.

DH.

(DOUGLAS HURD)

Foreign and Commonwealth Office
24 November 1989

RESTRICTED

PRIME MINISTER (1)

What about the other countries at the conference? Are they similarly placed? ns

CONTROL MEASURES FOR ENERGY RELATED GREENHOUSE GAS EMISSIONS

I attach a minute from Mr Wakeham about the study he hopes to submit to the Intergovernmental Panel on Climate Change by the end of this month. This suggests that the commitment in the Noordwijk Declaration to aim to stabilise the industrialised nation's CO2 emissions by the year 2000 will not be achieved in the UK without substantial action. I have flagged the graph which shows the report's estimates for the increase in CO2 emissions according to low and high price assumptions.

The report looks at a number of technical options for reducing CO2 emissions. It suggests action is needed right across the spectrum of energy suppliers and users; and that no single technology will offer a solution. Enhanced energy efficiency and the use of gas in power generation will be particularly important.

Mr Wakeham plans to come forward with proposals, particularly on energy efficiency, in due course. But at this stage he is seeking your views on how to handle the Report. He proposes to publish it by means of a PQ rather than allowing its conclusions to leak out in a potentially damaging and unstructured way. In particular he wants to stress in publishing the report the need for global action, given that the UK is responsible for only 3% of the world's CO2 emissions, and that our share will decline proportionately in the future.

Once the Report is submitted to the IPCC it is effectively in the public domain. Mr Wakeham's proposal to take the presentational initiative in publicising the report's conclusions therefore makes sense. But it is still bound to lead to increased pressure for the Government to come forward with a strategy for controlling CO2 emissions.

Content for the Secretary of State for Energy to publish the report in the way he suggests?

CBS

Caroline Slocock
24 November 1989

Yes ns

NBPM
CATS

SCPU

SECRETARY OF STATE FOR THE ENVIRONMENT

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

The Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1

24 November 1989

Dear Lord President

I have seen your letter of 7 November to John Gummer. I am writing to you to set out our our proposals for Crown Immunity under the Environmental Protection Bill.

I accept the Solicitor General's view that Departments of central Government should be expected to meet legislative standards without the threat of criminal prosecution. This, and the technical difficulties involved in prosecuting the Crown, make the case against waiving full Crown immunity. At the same time I agree that there is advantage in allowing enforcement agencies a role regarding the performance of the Crown. This, I feel, is particularly so in the case of environmental matters, where as far as possible Government Departments should be seen to be in the same boat as anyone else.

Generally speaking, therefore, I believe it is essential to ensure in the Environmental Protection Bill that duties and standards should apply to Government Departments as they do to others, even if we stop short of prosecution. However, the Bill covers a wide and diverse range of subjects and situations and we need to adapt the general line I am proposing so as to take account of the individual features of the constituent parts of the Bill. I describe below how we have proposed to deal with Crown immunity in each part.

Integrated Pollution Control/Local Authority Air Pollution Control

We propose that Government Departments should be bound by the provisions dealing with integrated pollution control (IPC) and local authority air pollution control in Part I of the Bill, apart from those on offences and prosecution. However, to avoid difficulties over local authority personnel having access to restricted areas, we intend to take out all Crown premises except NHS premises that would otherwise have come under local authority control and pass them to Her Majesty's Inspectorate of Pollution, who would then deal with them as under IPC. These proposals, will do much to meet public concern about standards of Crown control.

Recycled Paper

The IPC provisions are built upon the Health and Safety at Work Act 1974. The 1974 Act, however, did not apply to the Crown the serving of notices where a statutory provision has been breached or where a risk of serious personal injury was likely. I propose that notices to be served under this Part of the Bill should apply to the Crown. If the Crown fails to meet the terms of a notice it will not be subject to prosecution. However, the enforcing authorities will be required to maintain registers of information including details of notices they serve (save only for information which is sensitive on the grounds of national security or commercial confidentiality). This will mean that information about inadequate (and indeed satisfactory) Crown standards will be placed in the public domain. I consider that this provision will ensure that Government Departments are seen to be operating as far as possible on the same level as others. It obviates, in my view, the need to allow the enforcing authorities to be able to apply to the courts for a declaration of non-compliance, as is the case with the Food Safety and NHS Reform Bills.

Amendments to RSA 1960

A similar procedure will apply to the amendments we propose to the Radioactive Substances Act 1960. Under the 1960 Act hospitals are exempted from the need to register for the keeping and use of radioactive substances, but are subject to all other provisions of the Act including those on offences. Other Crown premises are exempted from the Act altogether.

We are amending the Act to withdraw these exemptions. Hospitals will no longer be exempted from the requirement to register for the keeping and use of radioactive substances, and other Crown premises (including Government Departments) are to be subject to all provisions of the Act, with the exception of those relating to offences. As with IPC and air pollution controls, notices may be served by the enforcing authority, and details of these will be placed on public registers. The performance of Government Departments will therefore be publicly visible. We are, however, retaining for reasons of national security the existing exemption for premises occupied by the MOD and visiting forces.

Waste Law

We are also reforming waste law. We plan to introduce a duty of care on producers and holders of waste to exercise reasonable care in ensuring its legal disposal or reclamation when consigning it to another person. This is the only aspect of our reforms which we intend to apply to the Crown, and it would apply only in respect of health service hospitals. (Virginia Bottomley, before moving to DH, had been keeping Roger Freeman in touch with our proposals.) Other than that, I have concluded that this section of the Bill should not bind the Crown. The reason for this is that local authorities will operate the waste licensing system we propose under the Bill. As with local authority air pollution control, difficulties of access to restricted areas could arise. However unlike the solution adopted for air pollution (to pass control over Crown premises to HMIP) enforcement in this case cannot be passed to a central authority.

Recycled Paper

Genetically Modified Organisms

Application to the Crown of our proposals for genetically modified organisms causes me a little more difficulty. MOD is likely to be the only major user of GMOs under the Crown. Given that much of this work will be sensitive, I am not persuaded that encouraging information, either through the use of registers or by enabling a declaration of non-compliance, would be appropriate. Nevertheless, the public will rightly expect full control to be exercised. I propose therefore that these provisions (including offences) should bind the Crown. Information on consents would, however, only be released at my discretion and prosecutions would be taken only with my consent or that of the Director of Public Prosecution. MOD are content with this proposal.

Litter

On litter, I have written separately to H colleagues seeking views on a number of issues, including Crown Immunity, arising out of responses to our July consultation paper. That letter suggested that the provisions of the clauses, except for those on offences, should bind the Crown, again matching the general course I am proposing throughout the Bill. In this case, however, I propose that enforcing authorities should be able to seek a declaration of non-compliance. Without that, information relating to non-compliance by Government Departments with the standards would not be available, because unlike in the case of IPC and the RSA there are to be no public registers.

Information on Existing Chemicals

Our proposals on powers to require information about existing chemicals apply to manufacturers and importers of chemicals. They will not therefore particularly affect the Crown (only MOD is likely to be affected) and I do not propose therefore to bind the Crown.

Other Contents of the Bill

As you know, the Bill also contains a number of other provisions including the restructuring of the countryside agencies and a number of small amendments to existing legislation. Crown Immunity will not be affected by these amendments.

I am copying this letter, as you did, to members of MISC 138, Tom King, David Waddington, Patrick Mayhew, Nicholas Lyell, Richard Luce and to Sir Robin Butler and First Parliamentary Counsel.

CEJRush

pp CHRIS PATTEN
(approved by the Secretary of State and signed in his absence)

Recycled Paper

24.11.
89

From: Field Marshal Lord Carver, GCB, CBE, DSO, MC

Prime Minister 4

I have sent an acknowledgement. DOE are coordinating the Government's response.

HOUSE OF LORDS

R 25/4

24th November 1989

You may like to read the Summary of the conclusions, which I have flagged.

CPS 1/12

Dear Prime Minister,

I have pleasure in enclosing a confidential copy of the report by the Science and Technology Committee into the greenhouse effect. This will be published on Tuesday 28th November.

As you will see the Sub-Committee which I chaired concentrated on the scientific basis for policy on the greenhouse effect rather than on the policy issues themselves. The main conclusions of the Committee are that, although it is still not proven that significant global warming will take place, action by way of insurance or "no regrets policies" is needed now to limit greenhouse gas emissions and mitigate the possible effects of global warming. Intensive research and monitoring are needed to establish how quickly the world is warming up and whether this is the result of greenhouse gas emissions, as on theoretical grounds is likely. The research and monitoring must be done internationally but the United Kingdom, as one of the nations with the greatest expertise, should take a leading role.

I welcome your recent announcement of the establishment of a National Centre for Climate Modelling at the Meteorological Office. As you will see this is something recommended by the Committee - we agreed our report in October - and the Centre should make a valuable contribution to the British research effort.

Yours sincerely,

Carver FM

CARVER

The Right Honourable
Margaret Thatcher MP,
The Prime Minister,
10 Downing Street,
LONDON.
SW1

Prime Minister

CONTROL MEASURES FOR ENERGY RELATED GREENHOUSE GAS EMISSIONS

My Private Secretary wrote to yours on 2 October giving details of the background to and a summary of an interim draft of a study my Department has been undertaking for the Energy and Industry subgroup of the Intergovernmental Panel on Climate Change (IPCC) Response Strategies Group. The interim draft was presented to the subgroup on 28 September. The study is now almost complete. It is my intention to submit it to the IPCC before the end of this month.

The study is a technical analysis of some of the options, and their costs, open to the UK to curtail CO2 emissions. It contains, by the very width of the topic, and by the short timescale in which it has had to be prepared, only a partial analysis, but nevertheless it shows some of the important features. First, it demonstrates that, set against the rising trend in UK CO2 emissions modelled in the study, CO2 emission control will require action right across the spectrum of energy suppliers and users, including transport, with Government, industry and individual consumers all playing a part. Second, no single technology will prove dominant in our search for solutions, although enhanced energy efficiency in all sectors and the increased use of gas for power generation are among the most promising for the short and medium term. Nuclear power has a potentially important role to play but, as recent events have shown, is subject to special difficulties and needs to improve its economic performance if it is to achieve its full potential.

Third, none of the options, apart from a proportion of energy efficiency measures, comes cheaply, and the costs rise markedly as the technologies are made to penetrate less and less favourable niches.

In the light of the Noordwijk Declaration, in which David Trippier was able to subscribe to the aim of stabilisation of industrialised nations' CO2 emissions by the year 2000, and your own speech to the UNGA, where you raised the possibility of international agreement to targets to reduce greenhouse gas emissions after the 2nd World Climate Conference next autumn, we must expect to be questioned on how we are to reconcile such approaches with the CO2 trends set out in the study. Delivery of the study to the IPCC will effectively put it into the public domain and we have seen last Friday the kind of misrepresentations the press might make.

There is much to be said, therefore, for taking the initiative in order to get over the most important point, which is that this is a matter for international action - the UK is responsible for only 3% of the world's CO2 emissions, and our share will proportionally decline in the future. What is needed is a truly global agreement, under which, as you envisaged in your UNGA speech, each nation will make an appropriate contribution to an agreed international programme of measures. The best way to do this might be for an arranged question, in which we could make the existence of the document known, by placing it in the Library at the same time stressing the need for international action.

But beyond that we need to recognise that within the UK all sectors will need to make an effective contribution to the total national effort. Actions will impinge on a number of Departments, notably my own, Transport, Trade & Industry, the Environment Departments and Agriculture.

I shall be bringing forward proposals, particularly on energy efficiency, which this study, and other similar analyses, indicate is amongst the most effective options. I am sure colleagues will also be ready with their Departmental responses.

I copy this minute to Douglas Hurd, John Major, Peter Walker, Nicholas Ridley, Malcolm Rifkind, Cecil Parkinson, Chris Patten, John Gummer and Sir Robin Butler.

Secretary of State For Energy

23 November 1989

Env Affairs
Acid Rain
Pt 12

Prime Minister'
Content?

ACP

ANS
24/11

SECRETARY OF STATE FOR THE ENVIRONMENT

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

The Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1A 2AT

Y
10
mf

23 November 1989

Dear Lord President

ENVIRONMENTAL PROTECTION BILL: RECYCLING

I have been considering how to reflect in the Environmental Protection Bill the priority we wish to attach to recycling waste, recently emphasised by the Prime Minister in her address to the United Nations.

Colleagues have already agreed the provisions relating to waste management in the Bill. I now propose to graft onto them references to recycling so that:

- there should be a presumption in favour of recycling as a means of waste disposal
- a collection authority (generally districts) should be able to arrange for the recycling of any waste unless the disposal authority (generally counties) objects and has entered into an existing contract to have that waste recycled
- a specific reference to recycling should be added to the proposed provision requiring disposal authorities to have regard to the environmental impact of the disposal method when letting contracts for the disposal of waste

Recycled Paper

- collection authorities should be required to make a recycling plan for the waste they collect, and disposal and regulation authorities should take account of recycling in their plans and reports.

These changes would not require any new clauses and can be accommodated in the waste provisions without difficulty.

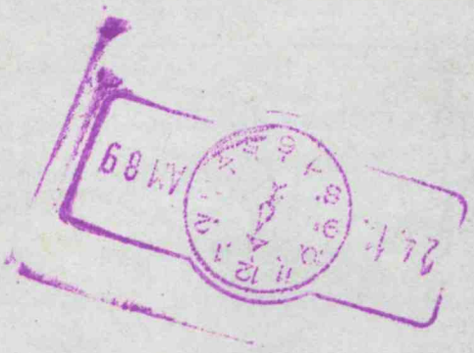
I would be grateful for colleagues' agreement to these proposals by 30 November.

I am copying this to the Prime Minister, other members of H Committee and to Sir Robin Butler.

Yours sincerely

CHRIS PATTEN

(approved by the Secretary of State and signed in his absence)



Recycled Paper

60

Prime Minister ① CCPU

Do you agree to what Mr Patten proposes at ⊛ overleaf?

CRS
24/11

PRIME MINISTER

EUROPEAN ENVIRONMENT AGENCY - PROPOSAL FOR SITING IN UK

At the last meeting of the Environment Council in September all member countries accepted in principle that a European Environment Agency should be established. It would be a small body coordinating environmental information from national sources. The aim is to raise the standard of available environmental information in terms of its comparability and reliability. Discussions are well advanced on the draft Regulation that would establish the body.

Although the Agency is intended to comprise only about 20 professionals with support staff, it is likely to be a prestigious body and practically all Community countries have made some sort of bid for it to be located within their boundaries. In September I made a bid for it to be located in the UK without specifying a particular location. In preparation for the next Environment Council in November my officials have been preparing a 16-page booklet illustrating the range of locations available in the UK but not singling out one in particular.

We are now ready to circulate this booklet but we have had advice from the Foreign Office that tabling a document that does not specify a particular site is likely to weaken our case. I am not convinced that this is necessarily right; while I accept that it will be necessary at the real negotiation stage to narrow the choice down, it seems to me that at this stage the booklet would usefully illustrate options and show that we are serious.

I need to clear a line on this for the 28 November Environment Council and for the European Council on 8 December.

SECRETARY OF STATE FOR THE ENVIRONMENT

As far as the Environment Council is concerned I am reluctant simply to reiterate a generalised offer to host the Agency without further details. I could simply circulate our booklet as evidence of attractive UK locations on offer and trail an intention to select front runners in due course. If on the other hand narrowing down locations at an early stage is seen as essential by colleagues it will be necessary to choose one (with perhaps two reserves) from the attached list. In that case my own preference would be to go for London; other countries have mainly nominated capital cities (Germany has nominated Berlin). Cambridge and Edinburgh, both well known centres for environmental studies, might be seen as reserves. You may however prefer to postpone singling out a preferred location until the European Council, at which this issue may arise.

It seems to me that there are therefore three options:

(i) Continue to press a general case (without details) for the UK hosting the Agency.

(ii) Continue to press the general case for the UK hosting the Agency on the basis of a number of illustrative locations/sites.

(iii) Select one location (with reserves).

The preferred location could be put forward at either the Environment Council or the European Council.

I would be glad to know which of these options you and colleagues prefer. I am inclined to favour (ii) for the Environment Council, moving to (iii) for the European Council. I should therefore be grateful for agreement that London should be our first runner, with Cambridge and Edinburgh as reserves.

A copy of this minute goes to the Foreign Secretary, the Secretaries of State for Industry, Scotland, Wales and Northern Ireland, and Sir Robin Butler.

pp CP

23 November 1989

(approved by the Secretary of State and signed in his absence).

Possible UK Sites for the European Environment Agency

London

Suitable office accommodation is available within one of the campuses of London University. The proposed site would be on the same campus as the University's Monitoring and Assessment Research Centre (MARC) which is well known in the international environmental field. It provides the focal point for the UK's contribution of scientific information to the United Nations Environment Programme (UNEP) and has strong links with the World Health Organisation.

NB Professor Pearce is at UCL and there is also Imperial College's IRC in Population Biology. MB

London University has a most extensive range of present activities in the environmental field. For example the University's Centre for Remote Sensing brings together experts from many disciplines. A further example, particularly relevant to the functions of the proposed Agency, is the major involvement of Birkbeck College in the construction of the database for the CORINE project. In addition the University participates in international programmes such as the United Nations Environmental Programme's GRID and GEMS and is involved in the planning of the new International Geosphere and Biosphere Programme.

Cambridge

The Cambridge site is within the Cambridge Inter-disciplinary Environment Centre which is a joint initiative of Cambridge University, the British Antarctic Survey, the Institute of Terrestrial Ecology at Monks Wood, the World Conservation Monitoring Centre and the International Council for Bird Preservation. The EC/EFTA coordination centre for stratospheric ozone research is already located in Cambridge University. Space is available for up to 100 staff and the accommodation will be backed by a full IBM data base and super computer.

An additional site, just outside Cambridge, is also available, within the boundaries of the Natural Environment Research Council at Monks Wood. Computer facilities at this site are excellent with a new computer network only recently installed.

Edinburgh

Edinburgh is a city with a strong history and foundation in the field of environmental science dating back to the 18th century. Edinburgh University's own reputation in this field is reinforced by the close proximity of a large number of centres of excellence. Many of these organisations are actively involved in monitoring and collecting information through field research and there is a wide knowledge base and strong potential for collaboration that could be drawn on by a new and developing European Environment Agency. Edinburgh has a wealth of high quality sites which could be made available to house the Agency.

Aberdeen

The Grampian Region of Scotland contains one of the most important concentrations of Life and Resource Scientists in Western Europe and offers considerable expertise in the environment field. In addition there is proven experience in inter-disciplinary co-operation and management and a history of public and private sector initiatives in this area of work. Aberdeen is able to offer a wide variety of accommodation.

Antrim

Space is offered in the Antrim Technology Park. Situated 15 miles from Belfast this location would provide excellent accommodation, with all the necessary facilities. Latest telecommunications systems provide the most modern worldwide telephone, telex and data transmission links.

Oxford

Oxford University have considerable expertise in the environment field. The University has particularly strong schools of geography and forestry and, in the Department of Zoology, an outstanding centre of ecological research. These academic groups are all participating in the development of an Environmental Change Unit. Furthermore there is the Hook Institute, which works in climatic and meteorological areas.

Huddersfield

Accommodation is offered in a planned Business Park situated just outside Huddersfield in West Yorkshire. Development of the site, which is within a good quality residential area and close to open countryside, is due to begin in Spring 1990.

SECRETARY OF STATE FOR THE ENVIRONMENT

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

Charles Powell Esq
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

Prime Minister

A progress report.

CDP 21/XI

21 November 1989

Dear Charles

We understand from UKMIS New York that the Prime Minister has asked where matters stand on the proposed global Convention on biological diversity which she endorsed in her speech to the UN General Assembly.

There are a number of existing conventions in this area dealing with, for example, migratory birds, wetlands and endangered species but they are patchy in quality, coverage, effectiveness and participation. In addition they have been sponsored and are administered by a mixture of international bodies such as UNESCO, the International Union for the Conservation of Nature (IUCN) and the Council of Europe, and inevitably this has created some inconsistencies. The IUCN has done some good work in bringing together the many strands with a view to co-operating with UNEP in drawing up an umbrella convention. The Convention was proposed at this year's UNEP Governing Council where the UK supported the idea and was instrumental in drafting a formal Decision (copy attached).

As you will see, the Decision goes further than simply advocating the merging of existing international agreements. It will also cover relevant aspects of biotechnology. The price of getting developing countries to agree to a global convention was the reference to "adequate machinery for financial transfers" in operative paragraph 4. This was a more acceptable formulation than the original one from Latin American countries which called for an international compensation fund.

UNEP has already done some preliminary work on the areas which might be covered by a Convention and formal negotiations will begin shortly in a group of legal and environmental experts. This department will be taking the lead in the negotiations in close association with other departments and particularly the ODA who are already considering how the aid programme can take account of projects for conserving biological diversity.

I am copying this to Stephen Wall (FCO), Ben Slocock (DTI), Steven Lambert (MAFF), Miles Wickstead (ODA) and to Sir Crispin Tickell.

Yours

CE S Bush

KATE BUSH
Private Secretary

UNEP GCXV DECISION
May 1989

15/34. Preparation of an international legal instrument on the biological diversity of the planet

The Governing Council,

Having considered the report of the Executive Director on rationalization of international conventions on biological diversity, 77/

Bearing in mind that, as stated in the note by the Executive Director on rationalization of international conventions on biological diversity, submitted to the Ad Hoc Working Group of Experts on Biological Diversity at its first session, biological diversity encompasses all species of plants, animals and micro-organisms and the ecosystems of which they are part, 78/

Recognizing the need to conserve biological diversity on Earth by, inter alia, the implementation of existing legal instruments and agreements in a co-ordinated and effective way and the adoption of a further appropriate international legal instrument, possibly in the form of a framework convention,

Recognizing that, for environmental, ethical, social, economic and technical reasons, the conservation and utilization of biological diversity is more than ever essential for environmentally sound and sustainable development, and continued functioning of the biosphere and human survival,

Aware of the establishment of the Commission on Plant Genetic Resources and of the ongoing work of the International Union for Conservation of Nature and Natural Resources regarding draft articles for possible inclusion in the proposed international legal instrument on the biological diversity of the planet,

Agreeing that the full implications of the new biotechnologies should be taken into account in any international legal instrument on the conservation of the biological diversity of the planet,

1. Notes with appreciation the actions taken by the Executive Director pursuant to Governing Council decision 14/26 of 17 June 1987;

2. Agrees that the impoverishment of biological diversity and the consequent loss of natural resources of great potential economic value is a problem with global dimensions that calls for sustained multilateral co-operation towards its solution;

3. Urges the Executive Director to continue to support, within available resources, actions to promote effective co-operation in the implementation of existing international instruments and agreements in this field;

77/ UNEP/GC.15/9/Add.2, paras. 22-26.

78/ UNEP/Bio. Div.1/2, para. 3.

4. Notes that the economic dimension, including, inter alia, the question of adequate machinery for financial transfers from those who benefit from the exploitation of biological diversity, including through the use of genetic resources in biotechnology development, to the owners and managers of biological resources, and appropriate measures to facilitate the transfer of technical means of utilizing biological diversity for human benefit, will need to be properly considered in the negotiations of any future legal instrument for the conservation of biological diversity;

5. Requests the Executive Director to convene, within available resources, in close co-operation with other appropriate international organizations including the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Intellectual Property Organization, the International Board on Plant Genetic Resources and the International Union for Conservation of Nature and Natural Resources, additional working sessions of the Ad Hoc Working Group of Experts on Biological Diversity to consider the technical content within a broad socio-economic context of a suitable new international legal instrument and other measures that might be adopted for the conservation of the biological diversity of the planet;

6. Authorizes the Executive Director, on the basis of the final report of the Ad Hoc Working Group of Experts to convene, in consultation with Governments and within available resources, an ad hoc working group of legal and technical experts with a mandate to negotiate an international legal instrument for the conservation of the biological diversity of the planet;

7. Calls upon Governments that are in a position to do so to provide the necessary financial and technical resources to enable the full and effective functioning of the ad hoc working groups and, in particular, the full and effective participation of the developing countries;

8. Requests the Executive Director, subject to the availability of resources, to expedite the work of the ad hoc working groups as a matter of urgency with the aim of having the proposed new international legal instrument ready for adoption as soon as possible;

9. Further requests the Executive Director to submit a progress report on the subject at the first session of the preparatory committee for the 1992 United Nations conference on environment and development, provided it is established by the General Assembly, and to the Governing Council at its sixteenth regular session.

12th meeting
25 May 1989

15/35. Progress in the protection of the ozone layer

The Governing Council,

1. Notes with satisfaction the entry into force of the Vienna Convention for the Protection of the Ozone Layer, on 22 September 1988, and of the Montreal Protocol on Substances that Deplete the Ozone Layer 1 January 1989;

/...

PC.

KC 1

CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 01-270 0259

From John W Fairclough FEng
Chief Scientific Adviser

W0287

Professor Sir David Phillips
Advisory Board for the Research Councils
Department of Education and Science
Elizabeth House
York Road
London SE1 7PH

21 November 1989

Dear David,

letter attached.

INTER-AGENCY COMMITTEE ON GLOBAL ENVIRONMENT RESEARCH (GER)

As you know it was agreed at the E(ST)(O) meeting on 9 November that the Cabinet Office would consider the coordination of science and policy aspects of current Government activities related to the environment. David Fisk (DOE) undertook to come back with proposals on arrangements for Science Base activities in GER. His letter of 10 November is a most helpful contribution to the identification of a way forward.

I said at the meeting that I would be seeking further discussion with those involved in the Inter-Agency proposal. I think it would be useful to set out what I see as the key principles involved and to highlight some of the problems which need to be addressed.

We should not limit ourselves to considerations of climate or climate change although that is where the current emphasis lies.

We should avoid confusion of roles, as far as possible. We should separate concerns of policy responsibility which lie with Departments of State, from the identification and execution of an agreed research programme. In other words, I think that we need to identify and to separate the customer and contractor roles, though I realise that the research councils are both customers for research and contractors to others.

I share the unease expressed at E(ST)(O) about the terms of reference and membership of the proposed Inter-Agency Committee. Instead of the Inter-Agency Committee I propose that we use two mechanisms to coordinate the main sets of players.

First, responsibility for science policy and the support of policy-led research lies with departments. I therefore propose to use E(ST)(O) to clarify overall requirements and to identify

gaps and overlaps; it will, of course, link with the broader policy discussion. I expect to have meetings of chief scientists from time to time to deal with questions in detail.

Secondly, I would favour a more efficient overarching structure than the proposed Inter-Agency Committee, with an underlying network of active scientists. I believe that much of this network is already in place. My preference would be a committee comprising the HORCs, the DG of the Meteorological Office, a governmental representative (recognising that the lead in government on environmental issues lies with DOE), under an independent chairman appointed by DES. The key task of the committee should be to identify an agreed annual programme of work to take account of broad policy guidance and to agree responsibilities for carrying it through. To do this it may be necessary to establish sub-groups to cover the main fields including modelling, process studies and impact studies.

Judgements about what is supported by the Science Base and the balance between the main fields must continue to be made by the ABRC and research councils according to the accepted criteria including excellence, timeliness, pervasiveness and applicability. Clearly, such a process with the identification of priorities will uncover work which cannot be done because of resource constraints, be they financial, manpower or equipment; and reveal gaps in the research agenda which will need to be progressed through established mechanisms.

I therefore hope that you and the HORCs will consider further the composition and terms of reference of the proposed new body. I appreciate that there has already been considerable discussion about an Inter-Agency Committee and I understand that HORCs will again consider this at a meeting later this month. However, the debate at E(ST)(O) revealed considerable unease with the proposal as presently constructed and further consideration has emphasised these doubts. My concern is that we should arrive at a sensible structure with appropriate communication channels and clear lines of responsibility.

I should be happy to expand on any of the points in this letter which I am copying to members of E(ST)(O).

Yours sincerely,

John

JOHN W FAIRCLOUGH

CONFIDENTIAL

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

21 November 1989

Dear Gillian,

ENVIRONMENT PROTECTION BILL

The Prime Minister has seen a copy of your letter of 16 November to Roger Bright.

She notes that the Lord President intends to remove the proposals in the Environment Protection Bill to control stray dogs but will retain those on dog fouling. She has commented that there will be severe criticism if the Government removes proposals on stray dogs. These measures were of course seen as central to the Government's response to the recent spate of Rottweiler attacks on children. She also notes that the Lord President has asked Mr Parkinson to consider the case for removing a number of other measures in the Bill including those which would clarify the responsibilities for street cleaning between the two levels of local authority. The Prime Minister has commented that street cleaning must stay in the Bill. She has said that it is vital and she does hope this part of the Bill will not be cut about.

I am copying this letter to the Private Secretaries to the members of MISC 141 and to Richard Wilson, Philip Mawer and Joan Bailey (Cabinet Office).

Yours sincerely,

Caroline Slocock

CAROLINE SLOCOCK

Ms. Gillian Baxendine
Lord President's Office

CONFIDENTIAL

SECRETARY OF STATE FOR THE ENVIRONMENT

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref :

Dominic Morris Esq
PS/Prime Minister
10 Downing Street
LONDON
SW1A 2AA

18 July 1989

Dear Dominic

You asked, in the light of the recent article in the Daily Telegraph, whether we could send you a copy of the OECD report. As you will see, it is a substantial work, running to over 300 pages.

The report, quite rightly, sounds many notes of caution about direct comparisons of the figures among aountries, and places emphasis upon study of the footnotes as well as the main text. Definitions and classifications are not completely harmonised throughout the OECD countries and it is difficult to assess the accuracy of some national figures. Nevertheless the article did, I think give a fair summary. There is no worst offender, nor does any country emerge completely unscathed. The article did not, and could not have been expected to cover all the information within the report. You may also like to see the attached annexes which summarise some of the major points from the report.

There are perhaps two points at which the article does not give a rounded view. The first of those is on research where in fact the UK spends £161m a year on environmental research (£90.9m alone going to the Natural Environment Research Council). Secondly, the diagram for water quality takes rather a partial view. As the attached tables show the overall river quality has improved since 1975. Nitrates are one of only two substances to show an increase in the three English rivers cited in the report.

Yours

CES Bush

KATE BUSH
Private Secretary

TABLE 1: SELECTED ENVIRONMENTAL INDICATORS a)

		CANADA	USA	FRANCE	GERMANY	ITALY	UK	JAPAN	NORTH AMERICA	OECD EUROPE	OECD TOTAL	WORLD
AIR												
Emissions of:												
- SOX												
Total emissions	(1000 tonnes)	3,670	21,200	1,517	2,223	2,075	3,867	1,079	..	..	..	..
per capita	(kg/cap)	144.8	87.7	28.6	36.4	36.7	68.2	8.9	93.2	39.7	54.1	20.1
per unit of GDP	(kg/1000 US$)	11.7	6.6	2.2	2.5	4.1	6.4	0.8	7.1	4.0	4.9	6.9
- NOX												
total emissions	(1000 tonnes)	1,940	19,300	1,652	2,969	1,570	2,303	1,416	..	..	..	..
per capita	(kg/cap)	76.5	79.9	30.7	48.6	27.8	39.1	11.7	79.6	31.3	44.7	13.8
per unit of GDP	(kg/1000 US$)	6.2	6.1	2.3	3.4	3.1	3.7	1.1	6.1	3.2	4.0	4.7
- Particulates												
total emissions	(1000 tonnes)	2,150	6,800	373	562	413	230	133	..	..	..	..
per capita	(kg/cap)	84.8	28.1	6.5	9.2	7.3	4.8	1.1	33.5	10.9	17.0	11.6
per unit of GDP	(kg/1000 US$)	6.9	2.1	0.5	0.6	0.8	0.4	0.1	2.6	1.1	1.5	4.0
- CO												
total emissions	(1000 tonnes)	10,100	60,900	6,198	8,926	5,571	5,264	..	..	..	..	..
per capita	(kg/cap)	398.4	252.1	116.1	146.2	98.5	89.4	49.4	266.0	105.1	152.5	36.0
per unit of GDP	(kg/1000 US$)	32.3	19.1	8.8	10.1	10.9	8.4	4.6	20.3	10.7	13.8	12.3
SOLID WASTE												
Waste Generated												
- Municipal Waste												
total generated	(1000 tonnes)	16,000	178,000	15,000	19,387	15,000	17,737b)	41,530	194,000	120,000	370,000	..
per capita	(kg/cap)	636	744	272	318	265	353b)	344	734	265	441	..
- Industrial Waste												
total generated	(1000 tonnes)	61,000	628,000	50,000	55,932	35,000	50,000b)	312,000	..	..	1,300,000	..
per unit of GDP	(kg/GDP)	201	203	70	65	71	85b)	243	203	67	146	..
NOISE (from Traffic)												
- Population Exposed to Leq>65dB(A)	(million inh.)	..	17	9	6	..	6	37	19	61	119	..

Source: OECD Environmental Data, Compendium 1989

NOTES:

.. not available
a) Most recent yearly data
b) England and Wales only

TABLE 1 (cont) : SELECTED ENVIRONMENTAL INDICATORS a)

		CANADA	USA	FRANCE	GERMANY	ITALY	UK	JAPAN	NORTH AMERICA	OECD EUROPE	OECD TOTAL	WORLD
WATER												
- Waste Water Treatment Plants	(% population served)	62.2	74.0	49,7	86.5	30.0	84,0b)	39.0	77.0	55.0	60.0	..
- Total Water Withdrawal	(mill m3)	41,470	467,000	39,995	41,216	56,200	11,511b)	84,831	508,500	278,200	893,000	..
per capital	(m3/cap)	1,635	1,952	725	675	1,010	231b)	726	1,920	700	1,120	..
- Fish Catches (Inland + Marine)	(%)	1.6	5.4	0.9	0.2	0.6	0.9	13.1	7.0	12.4	33.1	100
LAND												
- Total Area	(%)	7.0	7.0	0.4	0.2	0.2	0.2	0.3	14.1	3.2	23.6	100
- Major Protected Areas	(%)	5.4	15.3	0.4	0.1	0.1	0.4	0.5	20.7	20.4	50.7	100
- Pesticides on Agricultural Land total	(tonnes)	39,259	334,000	85,922	31,417	..	40,300c)	83,056	..	..	..	..
per Km2	(Kg/km2)	51	77	274	262	..	356c)	1,550	73	161	61	..
FOREST												
- Area	(% land area)	49	32	27	30	23	10	67	41	33	33	31
- Wood Production	(%)	3.8	11.9	1.0	0.7	0.3	0.1	0.7	15.7	6.2	23.2	100
- Forest Trade												
- Exports	(%)	21.1	10.9	3.3	6.2	1.6	1.5	1.7	32.1	44.2	79.1	100
- Imports	(%)	1.8	17.3	5.7	10.0	5.2	9.7	10.2	19.1	47.6	78.4	100

Source: OECD Environmental Data, Compendium 1989

NOTES:

.. not available
a) Most recent yearly data
b) England and Wales only
c) Great Britain only

TABLE 2 : ECONOMIC TRENDS a)

		CANADA	USA	FRANCE	GERMANY	ITALY	UK	JAPAN	NORTH AMERICA	OECD EUROPE	OECD TOTAL
POPULATION											
- Growth	(%)	20.3	19.0	9.6	0.9	7.4	2.3	17.7	19.1	10.6	14.7
- Population Density	(/km2)	2.6	26.0	101.7	246.2	188.1	232.5	327.9	13.9	93.1	25.5
GROSS DOMESTIC PRODUCT (1980 exchange rates)											
- Growth	(%)	93.1	60.9	55.3	44.3	57.0	42.2	103.7	63.3	51.3	62.4
- Per capita	(1000 US$/cap)	12.7	13.5	13.4	14.7	9.3	11.0	11.2	13.5	10.1	11.4
ENERGY REQUIREMENTS											
Total Energy Requirements	MTOE	240	1,866	206	272	149	209	372	2,106	1,314	3,887
Total Growth	(%)	58.0	17.2	36.7	14.8	28.4	-0.1	38.9	20.8	27.9	25.4
- Change in Solid Fuels	MTOE	15.7	184.0	-17.4	-14.4	5.0	-20.3	5.2	199.7	-0.1	215.9
- Change in Oil	MTOE	3.6	75.3	-5.2	-13.4	5.9	-25.7	23.7	78.8	-25.6	81.5
- Change in Gas	MTOE	17.9	-91.0	17.2	34.3	21.9	39.2	33.7	-73.1	148.4	124.0
- Change in Nuclear Energy	MTOE	17.1	102.6	58.0	27.9	1.3	6.5	40.9	119.7	135.0	295.5
ROAD TRANSPORT											
Road Vehicle Stocks:											
- Total Stocks	(1000)	14,903	179,625	26,052	29,284	24,769	21,490	49,908	194,528	145,731	401,306
- Growth	(%)	84.4	65.7	81.0	95.0	122.7	58.4	183.9	67.0	101.0	88.9
- Per capita	(veh./cap)	0.58	0.74	0.47	0.48	0.44	0.38	0.41	0.72	0.36	0.49
Road Traffic Volumes:											
- Total Volume	(billion veh. km)	211	3,001	379	396	274	311b)	489	3,212	1,911	5,776
- Growth	(%)	67.3	67.9	82.2	69.1	87.3	73.7b)	161.5	67.9	80.8	75.6
- Per capita	(1000 veh km/cap)	8.22	12.30	6.81	6.47	4.84	5.62b)	4.00	11.92	4.69	7.06

Source: OECD Environmental Data, Compendium 1989

NOTES:
a) All growth and change values cover (1970-1987) period of time
b) Great Britain only

TABLE 2 (cont) : ECONOMIC TRENDS a)

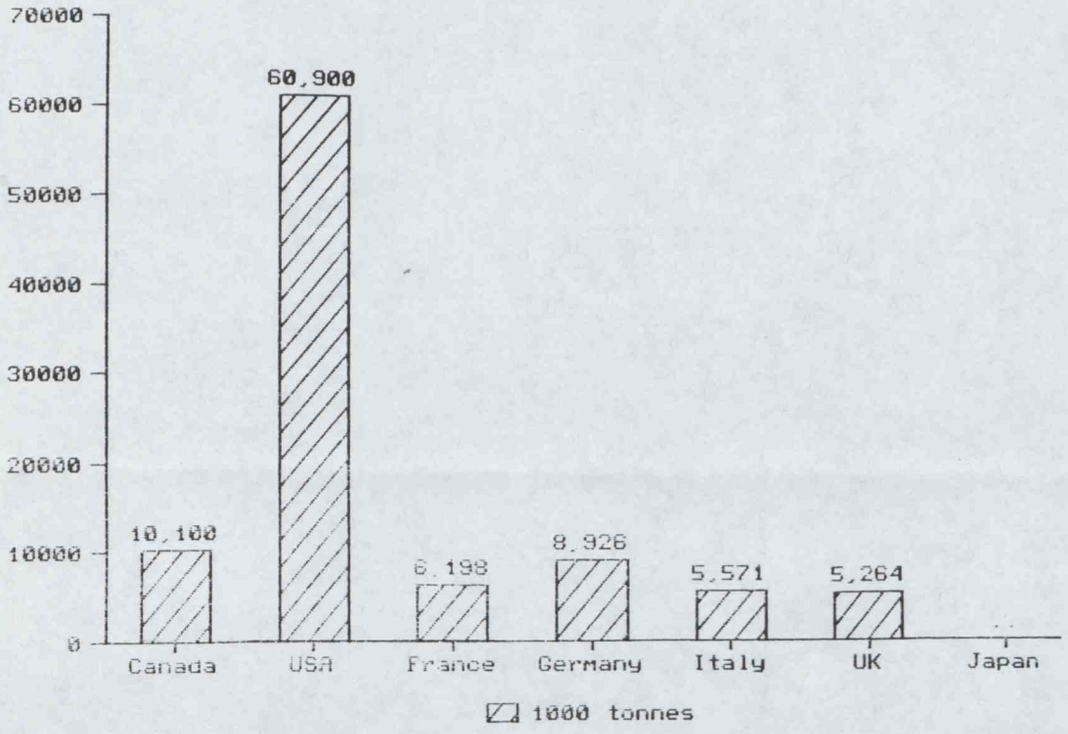
		CANADA	USA	FRANCE	GERMANY	ITALY	UK	JAPAN	NORTH AMERICA	OECD EUROPE	OECD TOTAL
INDUSTRIAL PRODUCTION											
- Growth	(%)	78.2	64.4	37.3	26.2	5.7	26.4	82.4	66.4	37.2	53.0
AGRICULTURE											
Fertilizer Use:											
- Amount	(1000 tonnes)	2,203	17,717	5,812	3,104	2,320	2,531	2,008	19,920	22,393	45,953
- Growth	(%)	174.7	14.0	25.0	-3.9	73.4	37.6	3.1	21.9	30.8	24.8
- Fertilizer on Agricultural Land	(tonnes/km2)	2.8	4.0	18.7	26.6	46.5	14.5	37.7	3.9	13.5	3.9

NOTES:

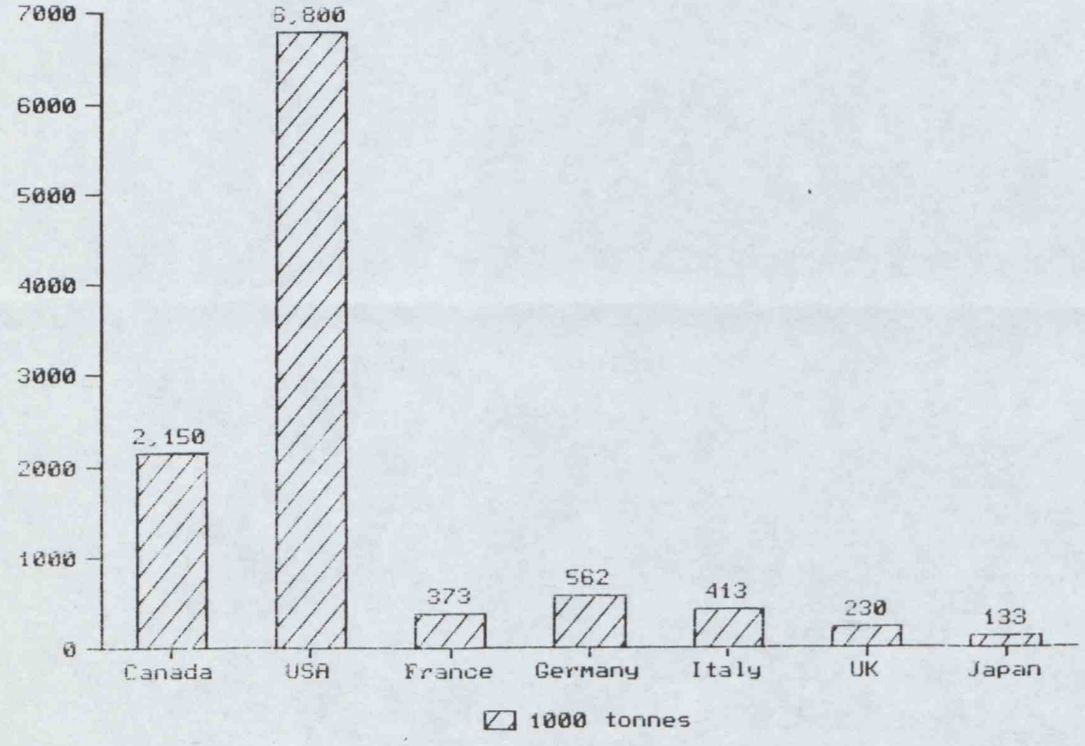
Source: OECD Environmental Data, Compendium 1989

a) All growth and change values cover (1970-1987) period of time
b) Great Britain only

Total Emissions of CO

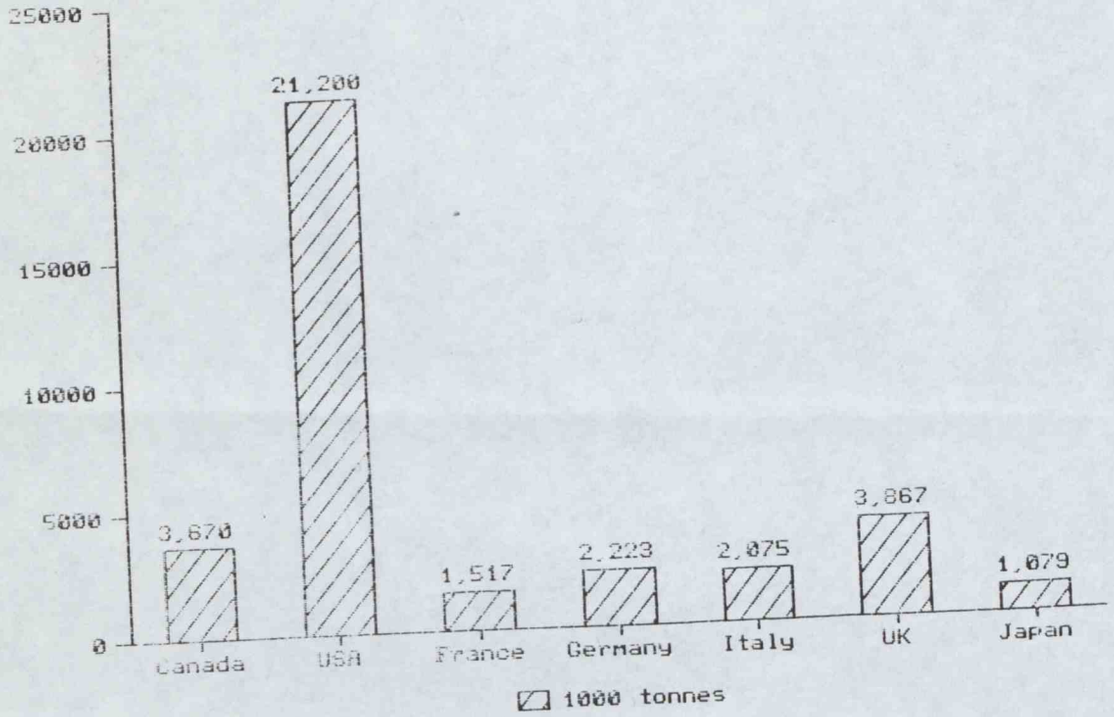


Total Emissions of Particulates

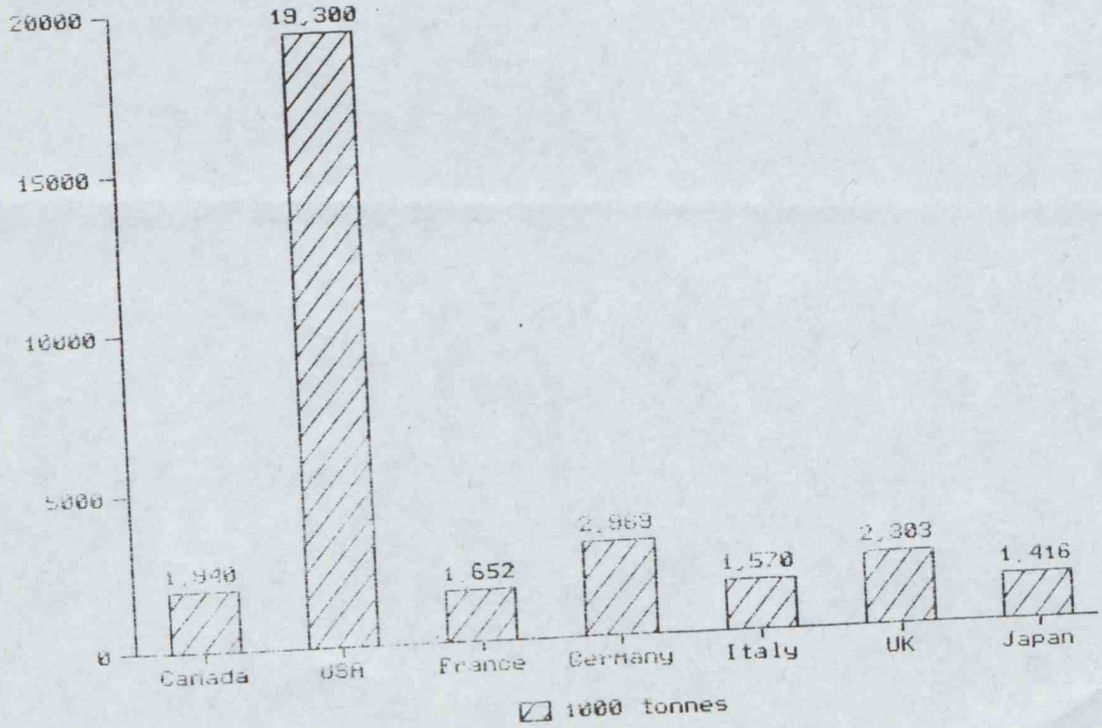


Source: OECD Environmental Data, Compendium 1989

Total Emissions of SOX



Total Emissions of NOX



Source: OECD Environmental Data, Compendium 1989

ANNEX B

AIR EMISSIONS (1000 tonnes) (1980 figures)

	Sulphur Dioxide	Particu-lates	NOx	Carbon Monoxide	Hydro-carbons
UK	4836	290	2264	4999	2241
Belgium	856	267	317	839	339
Denmark	452	47	245	577	197
France	3512	483	1861	6620	1972
FRG	3187	696	2935	11708	2490
Greece	546	40	217	695	130
Ireland	217	94	71	497	62
Italy	3211	386	1585	5487	1566
Lux'rg	24	-	23	-	11
Neth'ds	462	162	553	1450	493
Portugal	266	119	166	533	159
Spain	2543	1521	937	3780	843
Canada	4650	1907	1942	9928	2100
USA	23900	8500	20300	76100	23000

AIR EMISSIONS (Kg per capita) (1980 figures)

UK	86	5	40	89	40
Belgium	87	27	32	85	34
Denmark	88	9	48	113	38
France	65	9	35	123	37
FRG	52	11	48	190	40
Greece	57	4	23	72	13
Ireland	64	28	21	146	18
Italy	58	7	28	99	28
Lux'bg	66	-	63	-	30
Neth'ds	33	11	39	102	35
Portugal	29	13	18	57	17
Spain	68	41	25	101	23
Canada	193	79	81	413	87
USA	105	37	89	334	101

PERCENTAGE OF THE POPULATION SERVED BY (a)

	Waste Water Treatment Plants	Municipal Waste Services
UK	84	100
Belgium	23	100
Denmark	98	-
France	50	98
FRG	86.5	100
Greece	0.5	69
Ireland	11	77
Italy	30	-
Lux'b'g	83	100
Neth'ds	90	100
Portugal	12.5	75
Spain	29	85

---

a) most recent yearly data.

	Phosphorous (mgP)			Ammonium (mgN)			Lead (ug)		
75	80	85	75	80	85	75	80	85			
Thames	1.1.	1.2	1.3	0.3	0.3	0.3	-	10	9
Severn	0.7	0.5	0.7	0.2	0.1	0.2	29	40	4
Mersey	1.0	0.8	1.4	5.8	4.5	4.6	50	15	11

Cadmium(ug)			Chromium(ug)						Copper(ug)		
			75	80	85	75	80	85	75	80	85
Thames	-	1.0	0.8	-	11	10	-	10	11		
Severn	5.2	10.0	0.2	9	30	11	18	21	12		
Mersey	20.0	0.8	0.2	20	20	12	20	19	9		

MAJOR PROTECTED AREAS
(Scientific reserves, national parks, natural monuments, nature reserves and protected landscapes) - as defined by the IUCN)

	Number of Sites	% territory
UK	57	6.3
Belgium	4	0.4
Denmark	25	32.1
France	37	2.3
FRG	45	2.1
Greece	14	0.5
Ireland	3	0.3
Italy	34	1.7
Lux'b'g	4	44.2
Neth'ds	50	4.4
Portugal	12	4.1
Spain	56	3.4

ANNEX C

The OECD report does not contain the following information, which may also be useful to repeat here.

CARBON DIOXIDE (emissions per capita - (1986) tonnes)

U.K.	2.94
FRG	3.06
Italy	1.65
U.S.A.	5.0
Czechoslovakia	4.2
Bulgaria	3.6
U.S.S.R.	3.59
Norway	2.1

RESEARCH

The UK spends £161m per annum (not £46m as quoted in the Daily Telegraph article) on environmental research. Only FRG £159m (1987 figure) spends a similar amount. Selected other EC countries spend:

	£
Netherlands	28m
Italy	25m
France	23m
Belgium	9m

WATER

90% of the river length in England and Wales is classified as being of good or fair quality. This compares with an average of 75% in the EC.

EC COMPLIANCE

The article stated that the UK was the only country never to have been successfully prosecuted by the EC for environmental misdemeanours. In fact, we believe that Ireland, Luxembourg, Portugal and Spain have not been prosecuted.

WASTE RECOVERY (% recovery rate)

	Paper & Cardboard	Glass
UK	27	13
Belgium	15	39
Denmark	31	32
France	33	26
FRG	41	37
Greece	-	-
Ireland	15	8
Italy	-	38
Lux'b'g	-	-
Neth'ds	50	62
Portugal	38	14
Spain	44	22

ENERGY

	Total Energy Requirements Per Capita in 1987 (1975 = 100)	Consumption of Energy by unit of GDP in 1987 (1975=100)	% of Electricity generated by nuclear power (1987)
UK	102	81	16
Belgium	107	86	62
Denmark	110	84	-
France	116	94	66
FRG	114	86	29
Greece	141	116	-
Ireland	124	95	-
Italy	111	83	-
Luxb'g	78	58	-
Neth'ds	102	88	5
Portugal	144	107	-
Spain	115	99	30
Canada	112	85	15
USA	98	77	17

WATER QUALITY (annual mean concentrations mg/litre unless otherwise stated)

	dissolved oxygen			biological oxygen demand			nitrates(mgN/litre)		
	1975	80	85	75	80	85	75	80	85
Thames	10.8	9.9	10	3.4	2.7	2.4	6.5	6.9	7.5
Severn	10.1	10.4	10.8	2.8	2.6	1.7	5.5	5.8	6.3
Mersey	5.1	6.1	6.2	7.2	5.1	5.0	1.8	2.3	3.1

Prime Minister ①

Are you content with the changes proposed or under consideration? The Lord President intends to remove proposals to control stray dogs but to retain those on dog fouling. But these proposals were seen as central to the Government's response to Rottweiler attacks, which itself was criticised by many as too weak.

CC PS

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

16 November 1989

Street cleaning must stay. It is vital. I do hope this will not be cut down.

Dear Roger

The Lord President has also asked Mr Patten to consider removing proposals on street cleaning, the NCC reorganisation and Hazardous Substances. I attach an earlier summary of the Bill for comparison.

CMS 20/4

ENVIRONMENT PROTECTION BILL

The Lord President held a meeting yesterday to discuss this Bill with your Secretary of State, accompanied by officials, and the business managers. The Secretaries of State for Agriculture and Energy attended for part of the meeting; Steven Mason (Parliamentary draftsman for the Bill) and Philip Mawer and Joan Bailey (Cabinet Office) were also present.

The Lord President opened the meeting by stressing the importance for the whole of next year's programme of controlling this Bill. He pointed to the example of the Local Government and Housing Bill where the level of amendment had delayed drafting work for this Session. It was, therefore, vital for this Bill to be introduced in good order and with minimum subsequent amendment. As far as possible the scope should be limited to reduce pressure on the Government to extend its provisions. The proposed White Paper might be a useful defence against additions to the Bill which appeared to have grown from the 100 clauses originally agreed by Cabinet to almost 150.

Your Secretary of State accepted that difficulties had arisen over the Local Government and Housing Bill, and that it would be important to avoid the same level of amendment on this Bill. He pointed out that the majority of clauses in the Bill - which on the latest estimate was in fact likely to run to 130 clauses including consequential Scottish clauses - dealt with uncontroversial environmental protection measures. The main attack would be that the Government was not going far enough and was not providing enough resources to police the provisions. There was also the risk of Members trying to push through their own ideas and here the White Paper would be a very useful vehicle for fending off proposals for additions to the Bill. He had discussed it in detail with the Labour shadow spokesman who viewed most of the Bill as uncontentious.

The Lord President said that, given the work still to be done on the Bill, the business managers were assuming that while it should be introduced in December, Second Reading would be after Christmas. It would, however, be important for business management reasons to achieve this as early in January as possible.

Contd 2/ . . .

Your Secretary of State identified three issues which were contentious: litter, dogs and the reorganisation of the Conservation agencies. On litter he said that the Government was publicly committed to all of the measures in the Bill and he could see no prospect for reductions without damaging the impact of the package. The Lord President expressed concern that the proposals on street-cleaning would extend the scope of the Bill to cover highways maintenance. Mr Patten said that it was essential to clarify the responsibility for street-cleaning between the two levels of local authority. The Parliamentary draftsman advised that there was no way to achieve this without bringing highways into the scope and that this, together with the pollution and conservation measures, would make it a multi-purpose Bill. Mr Patten agreed to consider again whether these measures needed to be in the Bill.

On dogs, Mr Patten agreed to drop the proposals relating to strays in view of the controversy they could arouse and the problems of scope. The Lord President and the Lord Privy Seal were grateful for this offer and noted that provisions relating to dog mess would be covered in the litter clauses.

The Lord President asked about the reorganisation of the NCC and the Countryside Commission which were likely to be contentious in themselves and to bring countryside issues within the scope. Mr Patten said that the dismemberment of the NCC was generally unpopular in England. The Government were likely to be criticised for acting in a way which would be damaging to conservation interests. In particular, the lack of guarantee of a Great Britain wide science base was a matter of concern, and he was doubtful whether the proposed Statutory Joint Committee of the territorial NCCs and a central scientific unit would satisfy the Government's critics, particularly in the House of Lords. On the other hand the proposals had been welcomed in Scotland and Wales. The Lord President said that in view of the controversy surrounding the proposals and the problems of scope which they would entail he would wish to hold a separate meeting to discuss them with interested Ministers.

The Lord President raised four further points. He asked for the provisions clarifying local authorities' role in recycling to be cleared as soon as possible. He encouraged Mr Patten to ensure that the line on Crown Immunity in relation to radioactive substances and any other relevant provisions was consistent with the approach in the Food and Health Service Bills. He asked whether there was a clear need for the addition of GMOs to the Bill. He accepted Mr Patten's assurance that these were uncontroversial provisions and very likely to be the subject of amendments if the Government omitted them. Finally, the Lord President expressed concern that the proposals for a system of consents related to Hazardous Substances might well open up the possibility of amendments to the Town and Country Planning Act.

Contd 3/ . . .

Mr Patten pointed out that the provision in itself added only one clause and one schedule to the Bill, but agreed to consider again whether, in view of the implications for the scope of the Bill, these provisions might be dropped.

Straw-Burning

The Lord President repeated the business managers' anxiety about the controversiality of this measure. However, he and the Lord Privy Seal accepted the argument of the Minister for Agriculture that it would be introduced by amendment if the Government failed to make provision; it was therefore accepted, with your Secretary of State's agreement, that provisions on straw-burning should be included in the Bill.

Insulation Grants

The Secretary of State for Energy agreed to the Lord President's proposal that provisions on insulation grants should be included in the Social Security Bill rather than the Environmental Protection Bill. The Secretary of State for Energy would approach the Secretary of State for Social Security, who had indicated that he was likely to accept this proposal.

Summing up, the Lord President said that your Secretary of State should consider further the proposals on street-cleaning, the reorganisation of the conservation agencies and hazardous substances. The proposed measures on stray dogs should not be included in the Bill but those on straw-burning should. Subject to the concurrence of the Social Security Secretary the insulation grants measures should go into the Social Security Bill.

I am copying this letter to the Private Secretaries of the Prime Minister, members of MISC 141, and of those present, and to Philip Mawer and Joan Bailey in the Cabinet Office.

Yours sincerely,

Gillian Baxendine

GILLIAN BAXENDINE
Private Secretary

Roger Bright Esq
PS/Secretary of State for the Environment

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

16 November 1989

Dear Malcolm

ENVIRONMENTAL PROTECTION BILL - CONSERVATION AGENCIES

As I mentioned in our brief talk at the back of the Chair yesterday, concern was expressed at the business managers meeting with Chris Patten yesterday about the implications of including in next session's Environmental Protection Bill the proposed provisions splitting the Nature Conservancy Council (NCC) into separate conservation agencies for England, Scotland and Wales. I should be glad of an early opportunity to discuss this issue with Chris, Peter Walker and yourself.

I am familiar with the history of this proposal and have seen the minutes of the H Committee meeting last June at which policy approval was given to it. The concern expressed at my meeting was twofold. First, the inclusion of these provisions in the Bill will bring conservation issues within its scope. This is inherently undesirable, given the already broad sweep of the Bill and the wide range of additional issues which could thereby be brought into the debates on it, especially in the House of Lords. Secondly, while the proposal has, I understand, been generally welcomed in Scotland and Wales, it has been very strongly criticised not only by the NCC itself but by the majority of GB and English voluntary conservation bodies, and by much of the national media. This is bound to mean that the debates on these clauses of the Bill will be highly controversial, again especially in the House of Lords.

The major criticisms have included the need to retain the science base built up by the NCC and the threatened loss of the NCC's overview role at GB and international level. I understand from what you said that Chris Patten and you are working up proposals to meet these criticisms, and that you have some confidence that they will go a long way towards satisfying the critics; but that must remain open to question.

Contd 2/ . . .

My concern remains that the inclusion of the proposals in the Bill will severely hamper its swift and successful passage. I should be glad therefore if we could meet with Chris Patten and Peter Walker as quickly as possible to discuss the structure and position of the proposals in relation to the Bill and whether some alternative, less contentious way forward is possible.

My Private Secretary will be in touch about the arrangements for our meeting.

I am copying this letter to the Prime Minister, members of H Committee and of MISC 141, Sir Robin Butler and First Parliamentary Counsel.

GEOFFREY HOWE

The Rt Hon Malcolm Rifkind QC MP

cc PM

SECRETARY OF STATE

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000
DIRECT DIALLING 01-218 2111/3

MO 21/1D

15 November 1989

NRTM
CNB

Dear Chris

Hope.

Thank you for sending me a copy of your letter of 1st November to Geoffrey Howe about your proposals for including provisions on the release of genetically manipulated organisms in the forthcoming Environmental Protection Bill.

My officials have written to yours expressing concern about how the proposed legislation will relate to work being carried out at the Chemical Defence Establishment (CDE). CDE have a continuing need to carry out work which would fall within the ambit of the Bill, but for security reasons we would not wish the nature of that work to be disclosed. At present I do not believe that the draft Instructions to Parliamentary Counsel adequately address these concerns. I understand, however, that you are content for them to be taken into account in the drafting process. I should be grateful, therefore, if my officials could be kept fully informed as work on the Bill proceeds.

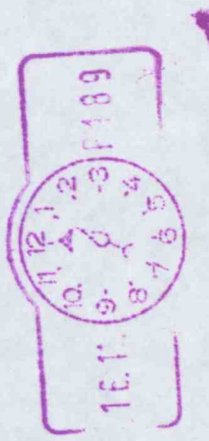
The Rt Hon Christopher Patten MP

I am copying this letter to the Prime Minister, other members of 'H' committee, John Gummer and to Sir Robin Butler.

Tom King

Embowed
Albis.

PHR Acid Rain



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

14 November 1989

Thank you for your letter of 13 November. The Prime Minister is delighted that Mr Patten should write a review of "The End of Nature" for The Independent.

Caroline Slocock

Miss Kate Bush
Department of the Environment

Prime Minister

Content for Mr Patten to write a review of "The End of Nature" for the Independent?

ONS
13/11

13/11

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

Caroline Slocock
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

Yes - delighted

13 November 1989

Thank you for yr letter of 13 November. The P — M — is delighted that Mr Patten should write a review of "The End of Nature" for the Independent

Dear Caroline

My Secretary of state has been approached by the Literary Editor of The Independent who has asked if he would like to review a book for them: Bill McKibben's "The End of Nature". This book was referred to in the Prime Minister's speech to the United Nations' General Assembly last Thursday and Charles Powell has a pre-publication copy of it. My Secretary of State would very much like to accept this invitation to review what he considers to be an important new book on the environment.

According to paragraphs 127 to 129 of Questions & Procedure for Ministers it suggests that the Prime Minister should be consulted when an article is to be contributed to the press. I am unclear as to whether or not my Secretary of State undertaking such a review constitutes the contribution of an article but I would be grateful if you could seek the Prime Minister's agreement to Mr Patten taking this on. I can assure you, that my Secretary of State would not receive any remuneration for undertaking this review and he is confident that such a review could be undertaken without him making any statements which could be interpreted as statements of Government policy.

Yours
CE Bush

KATE BUSH
Private Secretary

CCH

PRIVY COUNCIL OFFICE
WHITEHALL. LONDON SW1A 2AT

13 November 1989

NBPM
CMS

Dear Chris

GENETICALLY MANIPULATED ORGANISMS:
ENVIRONMENTAL PROTECTION BILL

Thank you for your letter of 10 October WILL (EQUEST IF AGREED in which you seek H Committee's policy approval for including provisions in the Environmental Protection Bill on the release of Genetically Manipulated Organisms. You wrote again on 1 November setting out revised proposals which took account of colleagues' comments and the further discussions which were held between Departments at official level.

Nicholas Ridley, David Waddington, Norman Fowler and John Gummer wrote supporting the revised proposals subject to certain detailed matters being resolved at official level. These include the administrative arrangements for enforcement of the new regulatory regime, and the detailed provisions for criminal offences. John Belstead and Malcolm Rifkind were also content with your proposals. Malcolm has said that he would wish any legislation on this issue to apply also in Scotland. No other colleague has commented and you may take it therefore that, subject to the satisfactory resolution of the detailed matters referred to above, you have H Committee's policy approval for your proposal.

We are meeting on 15 November to discuss the composition and timing of the Environmental Protection Bill. While I would not wish to hold up your Instructions to Counsel on this issue, you will appreciate that the position of these provisions in the Bill remains subject to the outcome of that discussion.

Contd 2/...

I am copying this letter to other members of H Committee, HISC(H), to Tom King and John Gummer, and to Sir Robin Butler and First Parliamentary Counsel.

GEOFFREY HOWE

The Rt Hon Christopher Patten MP

ccfy.

CONFIDENTIAL

Prime Minister 4

You may be interested to see this comprehensive summary of the provisions of the Ozone Layer Protection Bill.

CBS

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

Private Secretary to
The Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council
Privy Council Office
68 Whitehall
LONDON
SW1

10/4

A good summary. We should ask for the consultation papers when we see them.

8 November 1989

Dear Steve

LEGISLATIVE PROGRAMME 1989/90
ENVIRONMENTAL PROTECTION BILL

gap

In his letter of 2 November to the Secretary of State, the Lord President asked for a table setting out the contents of the Environmental Protection Bill and our best estimate of the number of clauses involved. This is attached, as a basis for the meeting to discuss the size and shape of the Bill.

I am sending copies of this letter and the table to the Private Secretaries to the Prime Minister and other recipients of the Lord President's letter.

Yours

CE Bush

KATE BUSH
Private Secretary

Recycled Paper

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

ENVIRONMENT PROTECTION BILL

Part I
Integrated Pollution Control (IPC) and Local Authority Air Pollution Control

Background IPC is an innovatory cross-media approach to controlling emissions from the most polluting industrial processes in England and Wales. It, and the extension of LA controls over air pollution from a second tier of less polluting processes, implement in full the Air Framework Directive. IPC also implements RCEP thinking on the "best practicable environmental option". Important new provisions for public access to environmental information are included, and IPC will have a major impact in the field of waste minimisation. Both systems have been the subject of extensive public consultation and have been broadly welcomed by all sides.

Likely controversiality Little expected (although there is bound to be discussion of the adequacy of HMIP resources).

Number of clauses 27 clauses, 1 schedule.

Part II
Land Wastes

Background Part II introduces a wide reform of the waste disposal system in England Scotland and Wales. There is strong public pressure for improved standards and tighter enforcement of controls on waste disposal. The main proposals include the transformation of waste disposal authorities into waste regulatory authorities and the creation of local authority companies to handle disposal operations; the placing of a duty of care on waste producers; and tighter controls over trade in wastes. These reforms, which have all been the subject of public consultation, fulfil Government commitments dating back to 1985.

We also aim to introduce provisions clarifying and strengthening local authorities' role in recycling; policy clearance from colleagues is being sought.

Likely controversiality Little expected (except possibly some LA concern at the formation of companies). There will be criticism if there is no provision on recycling.

Number of clauses 40 clauses and 3 schedules (estimated. We believe that the inclusion of provisions on recycling will not increase this number.)

Part III
Clean Air and Nuisance

Background These clauses introduce a number of minor but

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desirable amendments to the Public Health Act 1936 and one to the Clean Air Acts. The main purpose is to streamline the procedure for dealing with statutory nuisance under the 1936 Act, thereby implementing proposals on which DOE consulted in 1986. One clause transfers offensive trades from control under the PHA to tighter controls under Part I of the Bill. The proposals have been generally welcomed by LAs and others.

Likely controversiality Little.

Number of clauses 6.

Part IV
Litter

Background The proposals include stricter measures to deal with litterers (higher penalties and fixed penalty schemes) and a new duty on local authorities and other owners of public land to keep their land litter-free and have regard to a code of practice. The Department of Transport have additionally proposed rationalising the present split in street cleaning duties between highway authorities and district councils. The proposals were developed by the Prime Minister's ad hoc meeting in May, which recognised the need for urgent new measures to combat litter, and were consulted on in a consultation document published in July 1989.

Likely controversiality The measures have been welcomed in most quarters. The most controversial aspect is likely to be the question of additional LA resources. Ministers are considering extending the duty to frontagers, which may be resisted by commercial interests.

Number of clauses 10 (estimated).

Part V
Radioactive Substances

Background These proposals are for a series of amendments to the Radioactive Substances Act (RSA) 1989, following an interdepartmental review of the Act. The main purpose is to close loopholes in the system of controsl eg by removing UKAEA and Crown (except MOD) exemption. The proposals (on what is a politically sensitive subject) were the subject of a consultation document published in May 1989 and were strongly supported.

Likely controversiality Little.

Number of clauses 5 clauses, 2 schedules.

Part VI
Genetically modified organisms (GMOs)

Background These proposals were set out in a consultation document in June 1989. The response from all quarters was

Recycled Paper

strongly in favour of the proposed early action by Government to control GMOs. The clauses are designed to control the release of GMOs to the environment, in such cases as micro organisms used to protect plants against pests or degrade wastes and pollutants. There will be a new general duty of care on those releasing GMOs; a scheme for pre-notification and Government authorisation of proposed releases; and appropriate enforcement of the provisions. The proposals meet the recommendations of the RCEP report on GMOs, and implement two EC directives.

Likely controversiality Little.

Number of clauses 15 (estimated).

Part VII
Conservation Agencies

Background The proposals, announced in July 1989, are for reorganisation of the Nature Conservancy Council (NCC) and Countryside Commission (CC) in Great Britain, with the aim of improving handling of national (ie English, Scottish and Welsh) conservation issues. The NCC and CC would be split up. A single agency would be created for Wales (the Scottish successor to the NCC would be combined with the existing Countryside Commission for Scotland under separate Scottish legislation at a later stage). Arrangements would be provided for whereby the successor bodies could cooperate on GB-wide and international issues, and pool scientific resources; these are still the subject of Ministerial discussion.

Likely controversiality These clauses are certain to be the most controversial in the Bill.

Number of clauses 8 clauses plus 3 schedules for the splitting up of the NCC; an estimated 2 for the creation of the Welsh single agency (on which WO have instructed separately).

Part VIII / other possible provisions

(A) Departmental Expenditure

Background DOE is committed to these provisions to meet criticism from the Environment Select Committee at the lack of statutory cover for payments made by way of subscription to certain international environmental bodies and by way of grant to voluntary organisations, under the Special Grants Programme.

Likely controversiality Little.

Number of clauses 2.

(B) Dogs

Background The proposals are for a new duty on local authorities to round up stray dogs in their areas and a power for them to charge owners who reclaim dogs from them. They complement Home

Recycled Paper

Office proposals to improve controls over dangerous dogs, and were considered in tandem with the proposals for dealing with litter. (The litter proposals cover the separate problem of dog muck.) A public consultation document was published in August 1989.

Likely controversiality The proposals themselves are not particularly controversial, although the subject of dogs provokes great interest within and without Parliament. The inclusion of these clauses on the other hand will inevitably lead to further calls for some kind of dog registration scheme.

Number of clauses/schedules 2-3 (estimated).

(C) Hazardous chemicals

Background These proposals were set out in a consultation document in April 1988 welcomed by both industry and the public. It outlined the need for new powers requiring information on and if necessary testing of existing chemicals, to complement (existing) powers for dealing with possible environmental harm from their use. These powers would for example enable the Government to investigate chemicals as soon as suspicion about their environmental behavious arose. They are in line with international developments on the need to improve and cooperate on knowledge of existing chemicals, particularly a draft EC directive on risk assessment and regulation of existing chemicals.

Likely controversiality Little.

Number of clauses 3-5 (estimated).

(D) Amendment to S.100, COPA

Background The consultation document mentioned at (C) above also proposed a widening of the power provided by S.100 of the Control of Pollution Act for controlling the import, industrial/ commercial use, and supply of substances. We propose to amend the section eg to allow mixtures and articles to be controlled as well as "substances".

Likely controversiality Little.

Number of clauses 1 plus 1 schedule.

(E) Groundwork Pensions

Background This clause is to provide statutory cover for Groundwork staff remaining in the Principal Civil Service Pension Scheme following the hiving off of Groundwork from theCountryside Commission.

Likely controversiality None.

Number of clauses 1.

Recycled Paper

(F) BWB IWAAC Salary

Background This is a minor provision designed to regularise payments of salary to the Chairman of the British Waterways Board's Inland Waterways Advisory Council. The Environment Select Committee has (see A above) criticised the making of such payments under the Appropriation Act.

Likely controversiality None.

Number of clauses 1.

(G) Disposal of Pesticides

Background This provision would close a loophole in the Food and Environmental Protection Act 1985. It would provide control over disposal of pesticides after use and thereby meet obligations under the EC directive on toxic and dangerous waste. MAFF and DEm Ministers have recently agreed the policy.

Likely controversiality Little.

Number of clauses 1 (estimated. Instructions have not yet been prepared - would need to be introduced at Committee stage).

(H) Licensing of dumping at sea

Background This is a MAFF proposal to amend Part II of the Food and Environmental Protection Act to extend licensing for the dumping of foreign waste from vessels loaded in foreign ports in continental shelf waters. There is no specific Governement commitment - but international law in this area is developing in this direction, and the power should meet a likely pressure point at the 3rd North Sea Conference.

Likely controversiality Little.

Number of clauses 1.

(I) Banning Straw and Stubble Burning

Background This is recent MAFF proposal, designed to deal with a problem which has received further prominence this year. There has been no announcement as yet, and there is no public commitment to action, but MAFF Ministers are strongly of the view that the only solution to this perennial problem is an outright ban.

Likely controversiality Would probably be widely welcomed in most quarters, but resisted by the farming lobby.

Number of clauses 1-2 (estimated. Instructions have not yet been prepared; would need to be introduced at Committee stage).

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PARLIAMENT: Legislation pr 19

(J) Scottish Office amendment to COPA

Background This minor amendment would make provision for River Purification Authorities in Scotland to carry out their duties under Part I of the Control of Pollution Act without prejudice to water quality objectives under Part II. The proposal parallels changes already made by DOE to COPA.

Likely controversiality Little.

Number of clauses 1.

(K) Hazardous substances

Background This proposal is to amend the Hazardous Substances Consent regime proved for in the Housing and Planning Act 1986 and is designed to introduce a system of consents for the presence of hazardous substances on land akin to but separate from planning permission. Without an amendment to the transitional provisions new regulations cannot be made and the legislation controlling the location of hazardous substances cannot be brought into force.

Likely controversiality Little.

Number of clauses 1 plus 1 schedule (estimated).

Part "X"
Miscellaneous and General

Number of clauses 10 plus 2 schedules (estimated).

ESTIMATED TOTAL NUMBER OF CLAUSES (EXCLUDING SPECIFICALY SCOTTISH CLAUSES): 138 - 142 PLUS 13 SCHEDULES

Department of the Environment
6 November 1989

Recycled Paper

47a/2 pmg.vd/docs/murphy

CC PM
Prime Minister
CAPS
8/11

PAYMASTER GENERAL

Treasury Chambers, Parliament Street, SW1P 3AG

David Murphy Esq
Private Secretary to
The Rt Hon John Wakeham FCA JP MP
Secretary of State
Department of Energy
1 Palace Street
LONDON SW1E 5HE

8 November 1989

Dear David,

GOVERNMENT RESPONSE TO THE ENERGY SELECT COMMITTEE REPORT ON THE POLICY IMPLICATIONS OF THE GREENHOUSE EFFECT

Just for the record we were not happy with the passage circulated under your Secretary of State's letter of 1 November to Chris Patten which said: "the Government will continue to press for the pricing of fuels to reflect their full economic and environmental costs" This is not, in fact, the Government's present policy, and adopting such a policy would carry major implications, not least for the coal industry, which would need a great deal of study.

We understand that No 10 has proposed the following alternative wording for paragraph 5, last sentence:

> "In addition, the Government recognises that the pricing of fuels is increasingly likely to reflect their full economic and environmental costs".

We are entirely happy with this alternative formulation. Thank you for changing paragraph 4.1. It is important also not to exaggerate possible effects on international competitiveness.

I am copying this letter to the Private Secretaries to Members of Cabinet and to Sir Robin Butler.

Yours sincerely
Deana Gable

MISS D M GABLE
Assistant Private Secretary

FILE
DA.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

7 November 1989

The Prime Minister has come across the attached reports on acid rain and global warming. She would be grateful for your comments on these, particularly on the suggestion that algae in the North Sea is a major cause of acid rain.

I am copying this letter and enclosure to David Murphy (Department of Energy).

(CAROLINE SLOCOCK)

Alan Ring, Esq.,
Department of the Environment.

The Independent 3.11.89

Algae in North Sea 'causing acid rain'

NEW research shows that up to one quarter of Europe's acid rain is caused by emissions of dimethyl sulphide traced to algae in the North Sea, writes **Mary Fagan.**

Experiments carried out by the Natural Environmental Research Council indicate that during spring and summer the algae are producing enough dimethyl sulphide to make it a significant problem.

The dimethyl sulphide produces sulphur dioxide in the atmosphere, which is as environmentally damaging as any coming from power stations. The Government is embarked on a programme costing hundreds of millions of pounds to clean up acid emissions from power stations but scientists say that even if Britain eliminates such emissions it will still need to tackle this separate problem. They say that at the worst time of the year 25 per cent of the acid pollution carried by wind from the Continent will be caused by the algae.

The main problem is a high concentration of algae along the coasts of France, Germany, Belgium and The Netherlands, which produce most dimethyl suphide in April and May.

John Woods, marine atmospheric science director at the NERC, said: "Before you spend hundreds of millions of pounds, you ought to consider nature as well as man."

The NERC's £12m North Sea project, which ended this week, is the first sustained work on the seasonal cycles in the North Sea, and is crucial to developing accurate computer models of water quality and to understanding what is happening to the global environment.

Dr Woods said that policy-makers had been trying to take decisions on pollution and water quality on the basis of data which scientists have believed do not adequately describe what is going on in the North Sea. Other results from the project will help scientists to gauge what happens to pollution from estuaries.

Ocean tests show global warming is accelerating

By Mary Fagan
Technology Correspondent

THE GREENHOUSE effect may be heating the earth much more quickly than previously thought, according to results from a major research project run by British scientists in the North Sea.

Previous theories that the world's oceans absorb half of man's production of carbon dioxide — a major cause of the greenhouse effect — appear to have been turned on their heads.

Without this ocean sink, the build-up of CO_2 in the atmosphere will greatly accelerate, but the experiments show the oceans absorb only 30 per cent instead of 50 per cent of the 5.5 gigatonnes emitted into the atmosphere by man every year. Most of this man-produced carbon dioxide comes from burning fossil fuels.

Dr Andy Watson, who worked on the project organised by the Natural Environment Research Council, said: "This is a major problem in terms of global warming. We appear to be missing a lot of carbon dioxide from the global budget. We have now got to come to grips with the fact that this has serious implications for our ability to predict changes in global climate."

He also warned that although there has been little time to work on the recent results, the carbon dioxide in the earth's atmosphere may increase 20 per cent faster than current models predict.

Dr Watson said that the extra CO_2 may be taken up by land vegetation instead, which has serious consequences as land is thought to be a less efficient "sink" and one which becomes saturated much more quickly.

Scientists are worried that within a short time more of the carbon dioxide produced will stay in the atmosphere, thus accelerating the greenhouse effect.

Dr John Woods, director of marine atmospheric sciences at the council, said "the result is that we still do not have a handle on exactly where the carbon dioxide is going. If it is not the sea which is taking the carbon dioxide, then the back of the envelope calculation says that carbon dioxide in the atmosphere could double in 40 rather than 50 years and the planet will warm more rapidly".

The results come from a 15-month project, one of the most extensive undertaken, which measured physical, chemical and biological processes in the North Sea. But Dr Woods said the carbon dioxide uptake findings were fundamental and had serious implications for global climate change.

He said that it would be necessary to rethink research priorities for the future. The United Kingdom is currently involved in an international study to assess the impact of oceans and their plant and animal life on the greenhouse effect.

Dr Watson believes that tackling the problem of land instead of oceans could be much more difficult. "We do not know if, or why, the land vegetation takes the carbon dioxide up, or how long they might continue to do so. Scientists are being asked by the policy makers what they should do. It's rather embarrassing to admit we do not even know where the carbon dioxide is going."

PRIME MINISTER

GOVERNMENT RESPONSE TO THE ENERGY SELECT COMMITTEE REPORT ON THE ENERGY POLICY IMPLICATIONS OF THE GREENHOUSE EFFECT

You may recall that there was a difference of view between the Treasury and DOE about what the Response should say about targets for reducing greenhouse gases; and on the pricing of fuels to reflect environmental costs. I attach the final revised version of the response with the two relevant passages flagged and highlighted. My manuscript amendments represent the latest revise of the passage on targets (para 1.9), which has been amended to reflect the text of your UN speech.

The Secretary of State for Energy has decided to retain the wording suggested by Mr Patten as follows: "In addition the Government will continue to press for the pricing of fuels to reflect their full economic and environmental costs.." I have pointed out that this seems to go rather further than your UN speech.

However, Mr Wakeham says that the passage is consistent with the Government's long-held view that such prices should reflect the full resource cost; and that the long-term cost of environmental damage is something that the Government now needs to take account of. He also explains that he "said as much" in his recent speech to the World Energy conference in Montreal; and the DOE's recently published booklet, "Global Climate Change" reinforces the point. He also feels that the issue cannot be ignored in the Response.

Content for the Government's response to be issued tomorrow as in the attached draft?

CNB

Caroline Slocock
7 November 1989

RESTRICTED

file DCA

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

7 November 1989

Dear David,

GOVERNMENT RESPONSE TO THE ENERGY SELECT COMMITTEE REPORT ON THE ENERGY POLICY IMPLICATIONS OF THE GREENHOUSE EFFECT

I am writing to record our earlier telephone conversation. As you know, the Prime Minister would prefer a slightly different form of words to the passage on the pricing of fuels which your Secretary of State has agreed to include in paragraph 5 of the Government's response.

In particular, the Prime Minister feels that the words "continue to press for" do not give the right emphasis. She would instead like the passage to read as follows:

> "In addition, the Government recognises that the pricing of fuels is increasingly likely to reflect their full economic and environmental costs ...".

You will of course need to adjust the wording of the second half of the sentence accordingly.

I am copying this letter to the Private Secretaries of Members of the Cabinet and Trevor Woolley (Cabinet Office).

Yours sincerely,

Caroline

(CAROLINE SLOCOCK)

David Murphy, Esq.,
Department of Energy.

RESTRICTED

cc PUS.

MAFF

Ministry of Agriculture, Fisheries and Food
Whitehall Place, London SW1A 2HH
01-270 8709/8667

NBPM
CMS
7/4

From the Minister's Private Office

Miss Kate Bush
PS/Secretary of State for the Environment
Department of the Environment
2 Marsham Street
London
SW1P 3EB

7 November 1989

Dear Kate

with CMS

ENVIRONMENT PROTECTION BILL: GENETICALLY MANIPULATED ORGANISMS.

Thank you for copying to us the letter from the Secretary of State for the Environment to the Lord President. As you know, our Departments have been in touch to ensure that the responsibilities of the Ministry of Agriculture, Fisheries and Food are correctly incorporated in the Green Bill and we appreciate that you are working against a deadline in sending the current instructions to Parliamentary Counsel. We have therefore agreed that the instructions go forward on the understanding that it is made quite clear to Counsel that supplementary instructions giving effect to the role of the Minister of Agriculture, Fisheries and Food are to follow and the appropriate provisions incorporated in the Bill before it is published.

On this understanding my Minister sees no difficulties with the Secretary of State proceeding as indicated in his letter.

Copies of this letter go to the Private Secretary to the Prime Minister, Private Secretaries to members of "H" Committee, Ministry of Defence and to Sir Robin Butler.

Yours sincerely

Andy

A J Lebrecht
Principal Private Secretary

Environmental Affairs Pt 12!

Acid Rain

CEPU

THE RT HON JOHN WAKEHAM MP

File

Department of Energy
1 Palace Street
London SW1E 5HE

01 238 3290

The Earl of Caithness
Paymaster General
Treasury Chambers
Parliament Street
LONDON
SW1P 3AG

6 November 1989 RT

Dear Malcolm,

with cop?

GOVERNMENT RESPONSE TO ENERGY SELECT COMMITTEE REPORT ON THE ENERGY POLICY IMPLICATIONS OF THE GREENHOUSE EFFECT

Thank you for your letter of 31 October. You will by now have seen the revised draft of the response, circulated under cover of my letter of 1 November to Chris Patten.

On the matter of emissions targets, I have made a minor amendment to para 1.9 of the Response, to bring it into line with your view, as expressed to No 10, on the Prime Minister's UNGA speech. Line 9 of Para 1.9 will now read "..targets for emissions of greenhouse gases, and the way in which.." (changes underlined).

On the question of fuel prices reflecting their environmental (as well as other) costs, this is consistent with our long-held view that such prices should reflect the full resource cost; and the long-term cost of environmental damage is something that we now need to take account of. I said as much in my recent speech to the World Energy Conference in Montreal; and DoE's recently published booklet "Global Climate Change" reinforces the point. I do not think that we can ignore this issue in the Response; and the Government's position has already, as I have said, been spelt out. I therefore propose to leave this part of the draft as it stands.

Finally, you mention the position on CFCs and the Montreal Protocol. It is true that the Protocol does not cover all CFCs; but this is an area of policy where DoE has the lead, and I am inclined to accept the wording which they have presented to me.

SECRETARY OF STATE FOR ENERGY

I should perhaps add that time is now beginning to press: there is a debate next Friday (10 November) on a Government motion on climate change, and Sir Ian Lloyd has asked if the Response will be available before then. It remains my firm intention to hand it over to the Committee on 8 November.

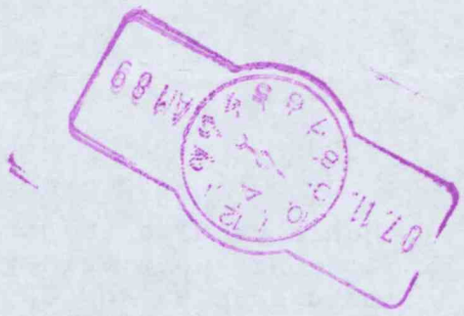
I am copying this letter to the recipients of yours.

Yours ever

JOHN

JOHN WAKEHAM

Environmental Affairs
Pt 12 - Acid Rain.



From: THE PRIVATE SECRETARY

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

6 November 1989

Dear Ms Bush

ENVIRONMENTAL PROTECTION BILL:
GENETICALLY MANIPULATED ORGANISMS

We discussed on the telephone your Secretary of State's letter of 1 November to the Lord President covering draft instructions to Parliamentary Counsel dealing with these provisions. I explained that while the former Home Secretary agreed in his letter of 16 October to the Lord President that these new arrangements should be underpinned by the criminal law, a number of points on the proposed criminal offences remain to be resolved between Department of Environment officials and our Criminal Policy Department. Our agreement to the section in the draft instructions dealing with criminal offences cannot be taken for granted.

Nevertheless, we understand the need for work to start on drafting the legislation as soon as possible, and we are content for the instructions to be sent to Parliamentary Counsel provided that it is clearly understood that the policy on criminal offences has not yet been agreed between our respective Departments, and that it cannot be assumed at this stage that we shall agree to the detailed proposals on criminal offences in the draft instructions. Paragraph 22(iv) of the draft, which anticipates the Home Office's agreement to what is proposed, will need some amendment to make it clear that the proposals are still under discussion.

I am copying this letter to the Private Secretaries to the Prime Minister, members of 'H' Committee, the Secretary of State for Defence, the Minister for Agriculture, Fisheries and Food, and Sir Robin Butler.

Yours sincerely

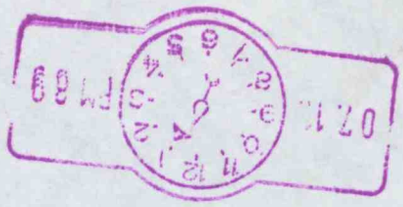
Sara Dent.

MS S J DENT

Ms C Bush
Private Secretary
Department of the Environment
2 Marsham Street
LONDON, SW1

ENV AFFAIRS: Acid Rain

PT 2



47a/2 pmg.vd/docs/powell

RESTRICTED

PAYMASTER GENERAL

Treasury Chambers, Parliament Street, SW1P 3AG

Charles Powell Esq
Private Secretary
10 Downing Street
LONDON SW1A 2AA

6 November 1989

Dear Charles,

CLIMATE CHANGE: FOREST SERVICE CHARGES FOR CARBON LOCK-UP AND PRIME MINISTER'S UNGA SPEECH

The Paymaster General and the Chief Secretary have seen Myles Wickstead's letter of 2 November and Stephen Haddrill's letter of 27 October.

The Paymaster agrees that direct assistance to developing countries with forest management, as Mrs Chalker proposes, is a better way forward than paying rental on existing tropical forests. In his view the objections identified by Mrs Chalker to the rental idea are real and formidable. He also agrees that there is serious doubt about the cost-effectiveness of such a scheme.

It appears to the Paymaster that the announcement that we aim to commit a further £100 million bilaterally to tropical forestry activities over the next 3 years will have a marked effect at the UN. He understands that ODA intend to find this sum from within their own provision.

I am copying this to Stephen Wall (FCO), Stephen Haddrill (DEn), Roy Griffins (DTp), Neil Thornton (DTI), Roger Bright (DOE), Andy Lebrecht (MAFF) and Myles Wickstead (ODA).

Yours

MALCOLM BUCKLER
Private Secretary

RESTRICTED

Environmental Alert A 12
Acid Rain.

10 DOWNING STREET

LONDON SW1A 2AA

THE PRIME MINISTER

6 November 1989

Dear Dr. Tolba.

Thank you for your letter of 14 September proposing a meeting of environment ministers from the Group of Seven to follow up the Paris Economic Summit Declaration.

As Mr. Patten said to you when you met in London recently we think this is an interesting idea. We welcome any discussion of international environmental problems although there can be disadvantages in a meeting attended by only a small number of countries. To tackle the many serious environmental problems which face us today all the countries of the world need to act together. Although the Summit countries can give a lead, in the end we must look to other bodies, with a wider representation, to take things forward. That is why we value organisations such as UNEP.

As you may know Britain hosted a meeting of Summit environment ministers in 1984. Although this was a success it created bad feeling amongst those who were not invited to participate and was boycotted by the French.

A decision to call a meeting of environment ministers under the umbrella of the Economic Summit would be for France this

year or the United States next year. Whatever happens, I am confident that the environment will continue to play a major role in future Summits.

Yours sincerely

Margaret Thatcher

Dr. Mostafa K. Tolba

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

6 November 1989

MEETING WITH JONATHON PORRITT, 1 DECEMBER 1989

As you know, the Prime Minister is to see Mr. Porritt at 1000 on 1 December. Your Secretary of State will be present. I should be grateful if you could consider whether the Prime Minister needs any briefing on this and let me have it by 29 November. I think I mentioned in my earlier letter that the Prime Minister was considering whether to invite Jonathon Porritt to help in the Clean Up Britain Campaign which is proposed. I should be grateful in particular for your advice on this suggestion; as well as defensive briefing on any points Mr. Porritt is likely to raise.

CAROLINE SLOCOCK

Alan Ring, Esq.,
Department of the Environment.

The Independent 3.11.89

Algae in North Sea 'causing acid rain'

NEW research shows that up to one quarter of Europe's acid rain is caused by emissions of dimethyl sulphide traced to algae in the North Sea, **writes Mary Fagan.**

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The dimethyl sulphide produces sulphur dioxide in the atmosphere, which is as environmentally damaging as any coming from power stations. The Government is embarked on a programme costing hundreds of millions of pounds to clean up acid emissions from power stations but scientists say that even if Britain eliminates such emissions it will still need to tackle this separate problem. They say that at the worst time of the year 25 per cent of the acid pollution carried by wind from the Continent will be caused by the algae.

The main problem is a high concentration of algae along the coasts of France, Germany, Belgium and The Netherlands, which produce most dimethyl suphide in April and May.

John Woods, marine atmospheric science director at the NERC, said: "Before you spend hundreds of millions of pounds, you ought to consider nature as well as man."

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Dr Woods said that policymakers had been trying to take decisions on pollution and water quality on the basis of data which scientists have believed do not adequately describe what is going on in the North Sea. Other results from the project will help scientists to gauge what happens to pollution from estuaries.

Ocean tests show global warming is accelerating

By Mary Fagan
Technology Correspondent

THE GREENHOUSE effect may be heating the earth much more quickly than previously thought, according to results from a major research project run by British scientists in the North Sea.

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Without this ocean sink, the build-up of CO_2 in the atmosphere will greatly accelerate, but the experiments show the oceans absorb only 30 per cent instead of 50 per cent of the 5.5 gigatonnes emitted into the atmosphere by man every year. Most of this man-produced carbon dioxide comes from burning fossil fuels.

Dr Andy Watson, who worked on the project organised by the Natural Environment Research Council, said: "This is a major problem in terms of global warming. We appear to be missing a lot of carbon dioxide from the global budget. We have now got to come to grips with the fact that this has serious implications for our ability to predict changes in global climate."

He also warned that although there has been little time to work on the recent results, the carbon dioxide in the earth's atmosphere may increase 20 per cent faster than current models predict.

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The results come from a 15-month project, one of the most extensive undertaken, which measured physical, chemical and biological processes in the North Sea. But Dr Woods said the carbon dioxide uptake findings were fundamental and had serious implications for global climate change.

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Dr Watson believes that tackling the problem of land instead of oceans could be much more difficult. "We do not know if, or why, the land vegetation takes the carbon dioxide up, or how long they might continue to do so. Scientists are being asked by the policy makers what they should do. It's rather embarrassing to admit we do not even know where the carbon dioxide is going."

file TD
c: climate

bc PC

cc G. Guise

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

3 November 1989

CLIMATE CHANGE: FOREST SERVICE CHARGES FOR CARBON LOCK-UP

Thank you for your letter of 2 November giving Mrs. Chalker's further reflections on the idea of a forest rental scheme. The Prime Minister shares the conclusions which Mrs. Chalker has reached, and agrees that we should not pursue the idea further at the present time.

It was useful to have the further drafting suggestions for the Prime Minister's speech. I will arrange for you to see the latest draft once the Prime Minister has herself had a go at it.

I am copying this letter to Bob Peirce (Foreign and Commonwealth Office), Roger Bright (Department of the Environment), John Gieve (HM Treasury), Andy Lebrecht (Ministry of Agriculture, Fisheries and Food), and Trevor Woolley (Cabinet Office).

C.D. POWELL

Myles Wickstead, Esq.,
Overseas Development Administration.

BF for papers for Porritt meeting.

MISS SLOCOCK

3 November 1989

JONATHON PORRITT

Jonathon Porritt is still director of Friends of the Earth. His departure has been delayed from December of this year until June 1990. As you will see from the attached press cutting, the new director designate is David Gee. He is currently working more or less full time in FOE as Jonathon Porritt spends more and more time developing his career in television.

DOE tell me that FOE have been much involved in recycling recently. They are organising a recycling city project in Sheffield funded by DOE.

This does not mean they have abandoned their campaigning activities, to which Jonathon Porritt has devoted much time. They are consistently critical of water standards, often with justification. They remain something of a thorn in the DOE's side, but this has not prevented the development of a reasonably good working relationship.

I am going to see Jonathon Porritt on 14 November. I should then be able to let you have a fuller brief for his meeting with the Prime Minister on 1 December.

CAROLYN SINCLAIR

st night: "The eggs in east
n were marked sufficiently to
e person who bought them that
re poisoned."

oventry, two cartons of marked
re found by w[illegible]en shopping
city's Central Midland Co-Op
ore on Monday.

activists claim they have
d eggs in several east London
ut would not say why.

nd Yard said last night:
in Leyton are investigating an
n that eggs discovered last

their campaign to take advantage of heightened public awareness of food risks. Less than two months ago the ALF claimed responsibilty for a spate of fire bomb attacks on fur trade outlets in London and other cities, and the organization is feared to be on a new wave of militancy.

Mr Tom Meffen, assistant chief constable of the West Midlands, said yesterday: "We are taking the matter seriously. There was a similar case in Coventry involving confectionery three years ago and we have had the same thing involving bread."

[illegible] were withdrawn from sale in the store for an hour while the rest were checked. More than 100 other stores in the region made checks and 1,000 Co-op milkmen were subjected to random checks of their egg stocks.

The new telephone "hotline" (freephone 0800 282 407) set up by Asda, Gateway, Morrisons, Sainsbury, Safeway and Tesco, amid fears over salmonella and listeria, will be manned by a panel led by Professor Will Waites, head of the Department of Applied Biochemistry and Food Science at Nottingham University's agricultural school.

criticism

By Thomson Prentice and Sam Kiley

Professor Sir Mark Richmond, vice chancellor of Manchester University, is one of Britain's leading microbiologists.

He is an expert in salmonella and other bacteria and has investigated the resistance that some bacteria develop against antibiotics. He was professor of bacteriology at Bristol University between 1968 and 1981 and was a member of the board of the public health laboratory service for 10 years until 1985.

"He is extremely well qualified to chair a committee which is looking at the bacterial contamination of food," a senior microbiologist who has worked with him said yesterday.

Sir Mark, chairman the Committee of Vice Chancellors and Principals, has been an outspoken critic of the Government's policies for higher education and won key concessions on the issue of academic freedom during the passage of the Education Reform Act 1988.

He has been widely credited with forging the committee into a cohesive political pressure group which is currently involved in negotiations with the Department of Education and Science for extra funds to finance a pay rise for academics.

Experts agree that as head of the Government's new committee on food hygiene and production he is likely to take a "hard headed and independent view" of problems given his commitment to the right of academics to publish their work free from political pressures.

Sir Mark is the "independent and external" chairman which the Government said earlier this month would head the new committee. His key task will be to lead investigations into the scientific basis of the current bacterial contamination of foods.

This will involve examining every link in the food chain, from production to marketing. Senior health advisers, including the Government's chief medical officer, Sir Donald Acheson, believe that there are hygiene problems at every stage which need to be tackled.

Sir Mark is believed to have maintained close contacts with microbiologists and other scientists within the public health laboratory service.

Sir Mark said last night that his appointment required him to take on a "challenging and daunting task".

During the passage of the education Act he led the

Taking on green mantle

Mr David Gee, who is to be the new director of Friends of the Earth, in Somerset yesterday where he is to give evidence for the environmental group at the Hinkley Point power station public inquiry today. He will join as campaign co-ordinator in May, and will early next year succeed Mr Jonathon Porritt, the present director, who is leaving to work in television. Mr Gee, aged 41, is a member of the Labour Party and a consultant to Friends of the Earth and Greenpeace. He is a prominent trade unionist and authority on occupational hazards.

Richmond by-election

Poll satisfaction for Owen

By Nicholas Wood, Political Correspondent

Dr David Owen predicted yesterday that SLD MPs will force Mr Paddy Ashdown to abandon his strategy of seeking to smash the SDP.

The SDP leader's statement came after a Survey Research Associates opinion poll showing the Conservatives profiting from the bitter struggle between the two centre parties in the in the Richmond by-election. Dr Owen said that would be a potent force in persuading Mr Ashdown to embrace electoral pacts once the North Yorkshire result had been declared on Friday.

Mr Ashdown said that Dr Owen was becoming overexcited with his talk of candidates standing down in favour of their rivals. The last two days of a by-election campaign were not the time to talk about such "ridiculous

third since the general election because of public concern about controversial government policies such as reform of the health service.

He said: "If there is anything poetic in this opinion poll, it is that those who tried to live by opinion surveys now look as if they are about to die by opinion surveys."

Mr Frank Robson, the Lab-

cc PS
cc. A. Cuisse

OVERSEAS DEVELOPMENT ADMINISTRATION
ELAND HOUSE
STAG PLACE LONDON SW1E 5DH
Telephone 01-273 0409

Rim Ministre

Agree not to pursue the forest rental scheme?

From the Private Secretary

Charles Powell Esq
Private Secretary
10 Downing Street
London
SW1A 2AA

2 November 1989

CDP 2/11

Dear Charles,

Yes pls

CLIMATE CHANGE: FOREST SERVICE CHARGES FOR CARBON LOCK-UP AND PRIME MINISTER'S UNGA SPEECH

I refer to your minute of 15 October to me setting out the Prime Minister's views on the ODA paper which examined the idea of paying a service charge on existing tropical forest areas in developing countries, and to your minute of 30 October to Roger Bright, saying that the Prime Minister would like to announce a further expansion of our assistance to forestry through the Tropical Forestry Action Plan. Mrs Chalker has also seen Mr Haddrill's letter of 27 October to you.

Mrs Chalker has considered further the idea of a forest rental scheme and believes that this should not be pursued further at the present time. Her reasons for this are:

i) any rental scheme would involve substantial deadweight expenditure regardless of the extent to which it was effective in reducing the rate of deforestation;

ii) for much of Africa and Asia in particular (and for the countries we are most closely associated with) Mrs Chalker believes that one can only stop deforestation by tackling the underlying associated problems of population pressure, poverty and agricultural practices;

iii) the problems of monitoring would be substantial: not only would it be technically difficult and have to include ground-truthing, but she believes that the administrative and political difficulties associated with agreeing how much should be paid each year have been underestimated.

iv) we do not yet have a clear idea of what we should be be prepared to pay as a rent to conserve forests purely for carbon lock-up. Mrs Chalker agrees with the Department of Energy that we should not embark upon a scheme that cannot be demonstrated to be cost-effective compared to other ways of reducing carbon emissions such as increased energy efficiency.

Mrs Chalker agrees with the Prime Minister that it would be a better use of money to assist with forest management directly. However Mrs Chalker believes that we should not lose sight of the basic ideas behind Sir Alan's scheme. She believes that it is important to give developing countries an incentive to manage their forests. She believes that this can be achieved through offering to provide assistance for forestry. She also believes that it is important that the assistance we provide is effective in achieving its objectives, that progress should be carefully monitored, and that continued assistance should depend upon satisfactory performance.

As regards announcing a further expansion of our assistance to forestry, Mrs Chalker is content that the Prime Minister mentions a figure of £100 million which we would expect to commit over the next three years on the forestry initiatives which we are already working up.

On the assumption that this approach is acceptable to the Prime Minister, I have sent to Roger Bright suggested redrafting of the forestry paragraphs (attached) for the Prime Minister's speech. Mrs Chalker is particularly concerned that the concepts of reinvesting in the world's forests and the revitalising of the TFAP are retained. The TFAP is the most effective vehicle for tackling tropical forestry but it needs an overhaul so that it properly addresses policies as well as projects. The Prime Minister's call for this in her speech will give this process the critical political impetus.

Mrs Chalker also believes that the speech should place greater emphasis on energy efficiency, which makes sound economic sense as well as being relevant to climate change issues. It is in the interests of all countries, including developing countries, to tackle energy efficiency more rigorously. Again we will let the DOE have drafting suggestions.

I am copying this letter to recipients of your minute of 30 October to Roger Bright.

Yours sincerely,

Myles A. Wickstead

M A WICKSTEAD
Private Secretary

BP
RB
JG
AL
TW

SECRETARY OF STATE FOR THE ENVIRONMENT

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

Charles Powell
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

2 November 1989

Dear Charles

MEETING OF G7 ENVIRONMENT MINISTERS

Thank you for your letter of 10 October covering one from Dr Tolba, Executive Director of the United Nations Environment Programme, which proposes a meeting of Summit Environment Ministers to follow-up the Paris Economic Summit Declaration.

My Secretary of State discussed this briefly with Dr Tolba when they met in London recently and indicated his concern about the proposal. There are a number of disadvantages in Dr Tolba's suggestion. He proposes institutionalising the summit by creating a G7 forum for discussion of environmental matters at Ministerial level. This runs contrary to the practice of Summits' giving stimulus and policy direction to work in the relevant, existing international organisations. The summit process does not have follow-up machinery of its own to take forward matters discussed in that forum. In any case Dr Tolba's proposal misses the point that to be effective environmental action needs to be taken globally, not just by the Summit countries. The G7 countries can - and did in Paris - give a lead, but it is up to other bodies such as UNEP itself to take things forward. Mr Patten also mentioned to Dr Tolba that our own Lancaster House meeting in 1984 of G7 Environment Ministers had been a success but was boycotted by the French.

With the exception of the Germans, who are thought to be keen, other G7 countries are unlikely to be supporting Dr Tolba's proposal. The United States and Canada are opposed and France is lukewarm. The Japanese are cautious; they have no basic objection to a meeting but they doubt whether it would be effective.

R BRIGHT
Private Secretary

SCANNED

DRAFT REPLY FROM THE PRIME MINISTER TO DR TOLBA

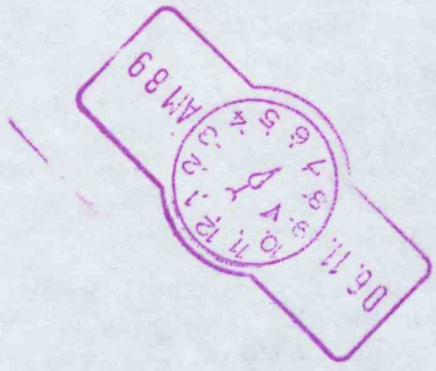
Thank you for your letter of 14 September proposing a meeting of environment ministers from the Group of Seven to follow up the Paris Economic Summit Declaration.

As ~~Chris~~ Mr. Patten said to you when you met in London recently we think this is an interesting idea. We welcome any discussion of international environmental problems although there can be disadvantages in a meeting attended by only a small number of countries. To tackle the many serious environmental problems which face us today all the countries of the world need to act together. Although the Summit countries can give a lead, in the end we must look to other bodies, with a wider representation, to take things forward. That is why we value organisations such as UNEP.

As you may know Britain hosted a meeting of Summit environment ministers in 1984. Although this was a success it created bad feeling amongst those who were not invited to participate and was boycotted by the French.

A decision to call a meeting of environment ministers under the umbrella of the Economic Summit would be for France this year or the United States next year. Whatever happens, I am confident that the environment will continue to play a major role in future Summits.

CR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THE RT HON JOHN WAKEHAM MP

Department of Energy
1 Palace Street
London SW1E 5HE
01 238 3290

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

1 November 1989

Dear Chris,

GOVERNMENT RESPONSE TO THE ENERGY SELECT COMMITTEE REPORT ON THE POLICY IMPLICATIONS OF THE GREENHOUSE EFFECT.

Thank you for your letter of 20 October and your comments on the draft response.

I accept that we should delay giving the Government's response to the Committee so as to leave the field clear for the Prime Minister's speech on 8 November. However, this is an area in which events are moving fast, providing endless opportunities for further revision; the line has to be drawn somewhere, and I therefore intend to hand over the response to the Committee on the same day as the Prime Minister's speech. This would not produce any public reaction until the Committee subsequently publish it.

Turning to the document itself, I am content with the various drafting amendments which you and others have suggested. We have ourselves made some changes to the section on energy efficiency, and I hope that these will provide evidence of the more open attitude which you would wish to see. I attach a reviewed copy of the draft response, incorporating the various changes, which are underlined for ease of identification.

I hope that we can now agree this final version of the response - subject to any last-minute and minor polishing which may be necessary in the light of the Prime Minister's UNGA speech.

I am copying this letter to recipients of yours.

Yours ever

John

JOHN WAKEHAM

Environment

NBPM
CNB
1/11

CCBU

SECRETARY OF STATE FOR THE ENVIRONMENT

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

The Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council
Privy Council Office
68 Whitehall
LONDON
SW1

1 November 1989

Dear Lord President

into cas: without / agreed

Following my letter of 10 October, I have received the views of colleagues on my proposals for including provisions on the release of genetically modified (manipulated) organisms in the Environmental Protection Bill.

Colleagues were generally content that I should proceed to instruct Parliamentary Counsel to draft appropriate provisions. However, Norman Fowler, Nicholas Ridley and John Gummer had certain reservations on the scope of the proposed legislation and its interface with existing legislation. My Department has now reconciled these concerns at official level and revised the draft instructions to Counsel accordingly. In particular, agreement has been reached that the Bill will provide for a general duty to protect the environment against GMOs, and for appropriate systems for release consent, etc to be established by regulations. We have confirmed that while insurance may legitimately be a condition of individual consents, it is not a matter to be referred to in the Bill. And very importantly, we have dealt with the problem of the disclosure of potentially sensitive information by agreeing that the circumstances in which disclosure may take place will be set out in regulations.

I enclose a copy of the revised instructions. Unless I hear from colleagues to the contrary, I intend sending these to Parliamentary Counsel by lunchtime tomorrow. My office will contact the relevant Private Offices tomorrow morning to confirm that everything is now in order.

Copies of this letter, together with the draft instructions to Counsel, go to the Prime Minister, other members of "H" committee, Tom King, John Gummer and Sir Robin Butler.

CE J Bush

pp CHRIS PATTEN

(approved by the Secretary of State and signed in his absence)

Recycled Paper

ENVIRONMENT PROTECTION BILL

GENETICALLY MODIFIED ORGANISMS

Department of the Environment and the Welsh Office

Instructions to Parliamentary Counsel

1. Introductory
2. Requirement for consent, and duty to employ BATNEEC
3. Requirement for notification and classification
4. "Personal" imports
5. Meaning of "GMO", "containment", "release to the environment" and "significant harm to the environment"
6. Scope of requirement for consent to importation of GMOs
7. Scope of requirement for consent to containment of GMOs
8. Scope of requirement for consent to release of GMOs
9. Applications for consents
10. Power to require information
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12. BATNEEC
13. (Withdrawn)
14. Emergency plans
15. Prohibition notices
16. Inspectors: appointment, powers and protection
17. Charging for consents

18. Disclosure of information by Secretary of State

19. Reserve power of Secretary of State

20. The regulations

21. Offences

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24. Miscellaneous

ENVIRONMENT PROTECTION BILL

GENETICALLY MODIFIED ORGANISMS

Department of the Environment and the Welsh Office

Instructions to Parliamentary Counsel

1. Introductory

(i) Outline of the Department's proposal

Genetic engineering, or modification, is a relatively new technology. It consists of a variety of different techniques for altering genetic material. These techniques may have little in common other than being different from traditional methods of breeding animals and plants. The resulting organisms (GMOs), be they animals, plants or other organisms such as viruses, may range in size from farmyard animals to the sub-microscopic. The heart of the Department's proposal is to control the import, containment, or release to the environment of GMOs by requiring persons who perform any of these operations in prescribed cases,in the course of an undertaking, to obtain a consent (which may contain limitations and conditions) from the Secretary of State. The second string to the Department's bow is to provide that any person importing, containing or releasing a GMO to the environment in the course of an undertaking is to be under a duty to employ BATNEEC (elaborated below) to ensure that significant harm to the environment is prevented. Further, there is to be

a requirement for prior notification to the Secretary of State in prescribed cases of such operations. We envisage making a single, comprehensive set of regulations setting out the details of the regime.

(ii) The environmental problem presented by GMOs

The structure of genetic material, which is fundamental to all living things, came to be understood less than forty years ago, and the techniques for artificially altering an organism's genes to modify, add to or remove from the organism's characteristics have been exploited only within the last twenty years. Experience so far indicates that the potential hazard posed to humans by GMOs is not as great as was feared at first. However, the hazard that such organisms (for example, breeding in the wild) might pose to the environment is considerable. There are precedents (admittedly, not concerning GMOs) which show the sort of damage that might occur: rabbits introduced to Australia in the nineteenth century have had a devastating effect on the landscape; the myxoma virus, which is endemic in South America, ran out of control when introduced to European and Australian rabbits; and forty pairs of starlings introduced to Central Park, New York, in 1890 are the ancestors of the starling population of America, which is now a considerable pest. The lessons of past misjudgements point to the need to get the new GMO technology off on the right footing, and in particular to the need to promote public confidence. To be effective, the regulatory framework needs to provide a secure basis on which industry can develop whilst protecting the environment from

potential hazards. Development has already reached the stage where GMOs are routinely employed in contained factory processes, and thus may reach the wider environment in waste streams or by accident. Other GMOs, designed to carry out specific functions in the wider environment, for example pollution clean up and pest control, are reaching the stage where either experimental releases are required or products are ready for marketing.

(iii) Related initiatives and consultation paper

The Royal Commission on Environmental Pollution published their report on the release of genetically engineered organisms to the environment in July. This proposed that, at the current state of knowledge, releases should only take place with the consent of the Secretary of State for the Environment and the Health and Safety Commission (" the HSC"), exercising their responsibilities for protecting the environment and human safety respectively. In formulating these proposals, the Department has had regard to this report. The European Community has reached agreement in principle on two draft Directives, one on the deliberate release of GMOs to the environment, and the other on the contained use of GMOs. The Department intends that the provisions requested herein will suffice to empower the Secretary of State to implement those aspects of these Directives which relate to environmental protection when this becomes necessary. The Secretary of State for Employment will make regulations under powers contained in the Health and Safety at Work etc Act 1974, c. 37, to implement those aspects of these Directives which relate to human safety. Those regulations will also require a

system of consents relating to GMOs. Together with the Welsh and Scottish Offices, the Department issued a paper for public consultation in June entitled "Proposals for additional legislation on the intentional release of GMOs". Copies of the RCEP Report, the two Directives, and our consultation paper are available should Counsel wish to see them.

(iv) Proposed arrangements for operating the control regime

Counsel may wish to be aware of the Department's plans for implementing the scheme. An amount of legislation, both primary and secondary, already exists which deals with GMOs, including the Genetic Manipulation Regulations 1989 (No 1810) (two copies enclosed), which is operated by the Health and Safety Executive (the "HSE"). The Department intends to operate the new control regime in co-operation with the HSC. We propose to establish a single advisory committee which will advise both the Secretary of State and the HSC in relation to the granting of consents. In order to minimise the burden on industry, it is intended that an applicant will be enabled to apply for any necessary consents on a single application form, and that the consents will also be issued in a single document. Counsel may wish to note that there is an interrelationship between human and environmental safety: actions serving to increase human safety could interact with actions serving to increase environmental safety. Thus it will be appropriate for the advisory committee to consider the applications to the Secretary of State and to the HSC together.

We hope to enter into an agency agreement with the HSC for their inspectorate to enforce our provisions.

DETAILS OF THE PROPOSAL

2. Requirement for consent, and duty to employ BATNEEC

The essence of our proposal is, firstly, that in prescribed cases, a consent, granted by the Secretary of State, is to be required for the import, containment, or release to the environment of a GMO in the course of an undertaking; and, secondly, that every person (without exception) importing, containing or releasing a GMO to the environment is to be under a statutory duty to employ BATNEEC to ensure that significant harm to the environment is prevented. Breach of this requirement or duty, both of which are to apply only to those acting in the course of an undertaking, is to be an offence. The Secretary of State is to be empowered to make regulations (by statutory instrument subject to negative resolution) covering a variety of matters mentioned below.

3. Requirement for notification and classification

Additionally, it is to be a requirement that any person who intends to import a GMO, or contain one, or release one to the environment, in prescribed cases, shall notify the Secretary of State in a form and manner to be prescribed in the regulations. Breach of this requirement is to be an offence. Further, the Secretary of State is to be empowered to require, in the regulations, that persons intending to perform specified types of operations with GMOs, shall carry out a safety assessment to

classify the nature of the GMO and the type of operation in which they are intending to use it. The Secretary of State is to have powers to require such persons to justify their classifications to him. "Operations" refers here, as elsewhere in these Instructions,to import, containment or release.

4. "Personal" imports

Further, in prescribed cases, any individual importing a GMO, other than in the course of an undertaking carried on by him (for example, for his own use or that of his family), is to require a consent from the Secretary of State. Breach of this requirement is to be an offence. We do not seek to control "personal" containment or release, nor to require notification or the use of BATNEEC in connection with "personal" import.

5. Meaning of "GMO", "containment", "release to the environment" and "significant harm to the environment"

(i) **GMO.** In this phrase, it is the Department's intention to include within the meaning of **"organism"** all living entities, animals, plants, bacteria, fungi and viruses, but to exclude (whole) human beings. An "organism" is to encompass an individual biological entity, a population, or a strain (in the sense of a biological line) which is capable of reproduction, replication or transfer of genetic information. We intend to include within our controls, in addition to complete organisms, cells from multi-cellular organisms (including human beings) although we appreciate that these would not usually be encompassed within the term "organism". **Genetic modification**

is the use of certain recently developed techniques for altering genetic material. These techniques effect changes in genetic material in a way that does not occur by mating or natural recombination. They do not include traditional methods of breeding animals, plants or other organisms. There is no generally accepted definition of GMO amongst scientists, nor is there universal agreement as to which techniques should properly be classified as genetic engineering, and which not. In order to prevent doubt as to whether a particular existing, or yet to be developed, technique is or is not genetic modification for the purposes of the Act, we require power to specify, in the regulations, which techniques shall be so construed.

(ii) **Containment and release to the environment.** We mean by "containment" to refer to the case where physical, chemical or biological barriers, or any combination of these, are used to prevent contact between the GMO and the environment. "Release to the environment" is to be taken as occurring whenever the GMO is not contained. The "environment" here is to be understood as including air, water and land, and all living things including man.

(iii) **Significant harm to the environment.** In this phrase, the "environment" is to be understood in the same sense as in the subparagraph above, except that mankind is excluded. (This is necessary as the Department's remit does not include protecting man as such, please see paragraph 20(ii) below.)

"Harm" is to include any pollution to air, water or land. "Significant harm" means any harm which is not de minimis.

6. Scope of requirement for consent to importation of GMOs

In cases to be prescribed in the regulations, any person importing a GMO, in the course of an undertaking carried on by him, is to be required to have a consent covering its import. This is to apply whatever the purpose of import may be, whether containment, release to the environment, or re-export.

7. Scope of requirement for consent to containment of GMOs

In cases to be prescribed in the regulations, any person possessing a GMO, in the course of an undertaking carried on by him, is to be required to have a consent covering its containment. Essentially, containment will be of two types, firstly, containment prior to something else being done with the GMO, for example a planned release or re-export of the GMO, and secondly, containment of a GMO used in a manufacturing or other process.

8. Scope of requirement for consent to release of GMOs

In cases to be prescribed in the regulations, any person releasing a GMO to the environment, in the course of an undertaking carried on by him, is to be required to have a consent covering its release. It is envisaged that GMOs will be deliberately released to the environment in three different ways:-

1. For experimental purposes
2. As waste, principally from processes involving the contained use of GMOs, and
3. In the form of finished products for use by consumers. (It is appreciated that this is not really "release to the environment", but this is the stage at which it is considered practical to apply control.)

In the case of releases for trial purposes and as waste, the consent will be granted to the applicant who will be authorised to make the release or releases, subject to any limitations or conditions. In the case of finished products, the release consent is to be obtained by the manufacturer or importer of the product, and will authorise him to arrange for the sale of the GMO, again subject to any limitations or conditions. No consent will need to be obtained by the consumer of the product for its containment or release.

9. Applications for consents

(i) The Secretary of State is to have power to prescribe in the regulations the nature of the information to be supplied by an applicant for a consent, and the form and manner of applications including any time limits applicable. In some cases the Secretary of State will require the applicant to advertise his proposed operation in such manner as may be prescribed in the regulations (compare draft Schedule 1 paragraph 1). (All references to draft clauses and the draft Schedule in

these Instructions are to the set of draft clauses numbered 1 to 27 and draft Schedule 1 dated 20 September 1989.)

(ii) On consideration of an application for a consent, the Secretary of State, with a view to protecting the environment, is to be empowered to grant the application, either with or without limitations or conditions, or refuse to grant the application. (For Counsel's information,the sorts of limitations and conditions envisaged include the identity of the GMO; the methods and scale of containment; the types of use during containment; the number and location of releases to be allowed; requirements for continued monitoring; reporting the results, say of trial releases, to the Secretary of State; the type of information to be obtained and kept in respect of the release; the retention of a viable sample of the GMO to be available to the Secretary of State in the event of an accident; requirements for the labelling and packaging of products and the provision of instructions and conditions for their use). In particular, the Secretary of State is to be empowered to make it a condition of a consent that the person concerned carries insurance which is, in the view of the Secretary of State, adequate to cover the risk of any significant harm to the environment which might reasonably arise from release of the GMO.

10. Power to require information

The Secretary of State is to have power to require further information, in addition to that prescribed in the regulations, from an applicant, or from anyone else, should he consider it

necessary to enable him to deal with an application for a consent or a variation, or where he is considering whether to revoke or vary a consent. Failure to provide such information when required, or knowingly or recklessly providing false or misleading information, is to be an offence.

11. Variation and revocation of consents

The Secretary of State is to be empowered to vary a consent, either on application by the holder, or on his own initiative. The Secretary of State is also to be empowered to revoke a consent at any time.

12. BATNEEC

(i) **Meaning of.** The duty to employ BATNEEC means a duty to employ the best available techniques not entailing excessive cost. What is "excessive" cost is to depend on the risk of harm to the environment, and the extent and degree of that potential harm, not on the operator's financial resources. It may well be that in many cases a person proposing to import, contain or release to the environment a GMO will not be able to afford to employ the best available techniques not entailing excessive cost to prevent harm to the environment. In such cases, the effect of the BATNEEC requirement will be to prevent him from lawfully engaging in the proposed operation. The effect of draft clause 5(10) is also to be applied here.

(ii) **Scope of.** The duty to employ BATNEEC is to apply to any person (without exception) importing, containing or

releasing a GMO to the environment, in the course of an undertaking carried on by him. The duty is to ensure that significant harm to the environment is prevented. The consequences of the duty are to include the following. A person containing a GMO is to be under a duty to prevent any significantly harmful release to the environment, and should there be such a release (whether accidental or not), he is to be under a duty to minimise the impact of the release on the environment. A person releasing a GMO is to be under a duty to ensure that the nature and state of the GMO, and the circumstances of its release, are such as to prevent significant harm to the environment.

(iii) **Proof of.** In any prosecution for the offence of failing to employ BATNEEC to ensure that significant harm to the environment is prevented when importing, containing or releasing a GMO, the onus of proving that BATNEEC was employed is to be on the defendant. (Similar to draft clause 21.)

13. (Withdrawn)

14. Emergency plans

(i) The Secretary of State is to be empowered to direct an applicant for a consent to prepare an emergency plan for his (the Secretary of State's) approval as a condition precedent to the granting of the consent. Such a plan is to specify what action is to be taken by the prospective consent holder, and by a "relevant body", to prevent any significant harm

to the environment from the release of the GMO in the event of a significant accident or other comparable untoward event occurring. The Secretary of State is to be empowered to specify, in the regulations, those bodies or classes of bodies which may be "relevant bodies" for this purpose. (We envisage specifying as "relevant bodies" certain classes of local authorities, water and sewerage undertakers (Part II of the Water Act 1989, c 15), and certain authorities such as the London Fire and Civil Defence Authority and the National Rivers Authority). The Secretary of State is to be empowered to direct which of these relevant bodies, if any, is to be involved in any particular emergency plan. A body which is so directed is to be under a duty to co-operate with the applicant for the consent in the preparation of the plan, and (should the consent be granted) to respond in any relevant emergency in the manner described in the plan (or in an equally or more efficacious manner). The applicant is to be under a duty to disclose all information concerning his prospective undertaking which is necessary for the purpose of adequately constructing the plan to any body involved in the plan (or to the Secretary of State if so directed). It is to be an offence for a body or an applicant to breach the duty to respond in an emergency. It is considered that the other duties do not require such backing. Not obtaining the consent should be sufficient sanction as regards the applicant, and the body's duty to co-operate in preparing the plan can be enforced by the usual civil remedies at the suit of the applicant.

(ii) Further, it is to be an offence for any person to disclose confidential information which has been given to or obtained by him in accordance with these provisions except:

(a) with the consent of the (prospective) consent holder; or

(b) in accordance with a direction given by the Secretary of State; or

(c) in connection with the execution of this part of this Act; or

(d) for the purposes of any legal proceedings arising out of this Part of this Act or of any report of any such proceedings.

(This last offence is modelled on section 13(3) of the Radioactive Substances Act 1960, c 34.)

15. Prohibition notices

If an inspector (see next paragraph) is of the opinion that the continued import (including personal import), containment or release of a GMO under the terms of a consent poses an unacceptable risk of significant harm to the environment, he is to be empowered to serve a prohibition notice on the person carrying on the operation. The effect of serving the prohibition notice is to be to suspend the consent or any part thereof specified in the notice with immediate effect, until such time as the prohibition notice is varied or revoked by the Secretary of State.

16. **Inspectors: appointment, powers and protection**

(i) **Appointment.** The Secretary of State is to be empowered to appoint as inspectors, to assist him in the execution of these provisions, such persons having suitable qualifications as he considers necessary, and he may make to or in respect of any person so appointed such payments, by way of remuneration, allowances or otherwise, as he may with the approval of the Treasury determine.

(ii) **Powers and protection.** Counsel is requested to provide provisions similar to those found in draft clauses 13, 14 and 15, with the following differences:-

* throughout clause 13, the powers to enter (with a constable and with equipment and materials), examine and investigate, direct to be left undisturbed, measure, photograph and record, and take samples, should be extended so as to apply to any land or water which the inspector or person authorised has reason to believe may have been affected by the "relevant operation", and not just to the operator's premises (but always excluding domestic premises). "Relevant operation" means the import, containment or release of a GMO. We are concerned that the effects of the operation in question, for example a release of a GMO to the environment, may be felt at some considerable distance from the operator's premises, and not just in their "vicinity" (see subsection (3) (f)).

* in subsection (1) (line 8), "functions of the enforcing authority" should be functions of the Secretary of State;

* in subsection (3)(b)(i), (line 22), the "duly authorised person" provision is inapplicable, as in our case such persons are to be authorised by the Secretary of State (and consequently are to have a right of entry etc themselves in accordance with subsection (9));

* in subsection (3)(f), we require a power to take samples of GMOs, although these may not be articles or substances, and we further require power to take samples of or from all living things (animals, plants, bacteria, fungi and viruses, including samples from, but of course not of, human beings) as well as samples of air, water or land. GMOs should also be encompassed within the provisions of paragraphs (g) and (h), so that they may be subjected to any process or test, and seized and detained for the purposes specified therein. (We do not seek to have variation and enforcement notices as such in these provisions.)

* subsection (3) (j) is not required for our purposes.

* we require the inspectors to be empowered to seize any documents found on the operator's premises which appear to them to be relevant to the functions of the Secretary of State under this part of this Act.

17. Charging for consents

We wish the Secretary of State to be empowered to introduce a scheme of charging for consents, similar in most respects to the scheme already provided for in draft clause 6. We wish the Secretary of State to have the power, subject to Treasury approval, to provide for: (i) a once only charge for the consideration of an application for a consent (or variation of a consent) (this charge is to be payable on making the application and is to apply whether or not the application is successful); (ii) an annual charge payable by every holder of a consent which runs from year to year (some consents will relate to particular events, for example a particular import or release, and not run from year to year). An application for a consent is only to be valid if accompanied by the appropriate fee. If the annual charge is not paid when due, the consent is to cease to be valid forthwith, or following a period of grace at the discretion of the Secretary of State. The Secretary of State shall, in setting charges, aim to ensure that the total amount recovered in charges does not exceed his estimated costs of operating the consent regime. (This is not to be limited to a financial year or other specific period.) There are to be powers to provide in the scheme for different charges in different cases, and for times and manners of payment, and for incidental and supplementary provisions. We wish to have a provision similar to draft clause 6(5)(a), but instead of the charge reflecting the nature and size of the process and its potential for causing environmental

harm, we wish to have power to adjust the charges to reflect the costs to the Department of administering the system of consents (which is to include monitoring consent holders' premises to ensure compliance with the limitations and conditions in the consents). It is our intention to levy charges in co-operation with HSE, and to present a single account to the applicant or consent holder.

18. Disclosure of information by Secretary of State

The Secretary of State is to be empowered to provide in the regulations as to the circumstances in which he may, at his discretion and having due regard to proper considerations of confidentiality (including commercial confidentiality), disclose information as to an operation in respect of which he has received an application for a consent, or as to the effect on the environment of the release of a GMO.

19. Reserve power of Secretary of State

We wish the Secretary of State to be given power to contain, make harmless, or destroy GMOs which, in his opinion, are causing or are likely to cause significant environmental harm, where it appears to him that there is no person responsible for the GMOs, or that the person responsible for them is unable, unwilling, or for any other reason unlikely to take appropriate measures to protect the environment. The Secretary of State is to be empowered to recover his reasonable expenses from any person responsible for the GMOs. (This power, modelled on section 10(4) of the Radioactive Substances Act 1960, c. 34, is in addition to

the power requested for inspectors to deal with the cause of imminent serious environmental harm in paragraph 16(ii) above.)

20. The Regulations

(i) As has been indicated above, the Department requires an enabling power to make regulations covering a variety of matters. Counsel might find it of assistance to have these matters collected together at this point:-

(a) the prescribed cases in which a person intending to import, contain, or release a GMO in the course of an undertaking will be required to notify the Secretary of State (paragraph 3);

(b) the form and manner (including time limits) of notification to be given by any such person (paragraph 3);

(c) the classes of operations which are to carry the obligation to classify and to justify with a safety assessment (paragraph 3);

(d) the prescribed cases in which a person importing, containing, or releasing a GMO in the course of an undertaking will be required to have a consent granted by the Secretary of State (paragraph 2);

(e) the prescribed cases in which a person personally importing a GMO will be required to have a consent granted by the Secretary of State (paragraph 4);

(f) which techniques are to be included in the meaning of "genetic modification" for the purposes of the Act (paragraph 5(i));

(g) the nature of the information to be supplied by an applicant for a consent, and the form and manner of applications including any time limits applicable (paragraph 9(i));

(h) the manner in which an applicant is to advertise his proposed operation (paragraph 9(i));

(i) the bodies or classes of bodies which may be relevant bodies for the purposes of emergency planning (paragraph 14).

(j) the circumstances in which the Secretary of State may disclose information (paragraph 18).

(ii) It will be appropriate to apply draft clause 25 to these regulations (and to the powers of direction requested in these Instructions). In addition, the power is to include making different provision for different circumstances, and making incidental and supplemental provisions. The Department has it in mind as a possibility that it may be attractive to make, together with the Department of Employment, a single set of regulations covering both environmental protection (under these statutory provisions) and protection of human beings, under the provisions of the 1974 Act. Counsel will note, from the preamble to the Genetic Manipulation Regulations 1989, which

powers in the 1974 Act the Department of Employment considers it is exercising in making those regulations. Subject to Counsel's advice, we should like our enabling powers drafted so as to facilitate the making of such regulations with the Department of Employment.

21. **Offences**

There follows a list of the offences which are required:-

1) **importing, containing,** or **releasing** to the environment a GMO, knowing or having reasonable grounds for believing it to be such, in a case for which a consent is required, in the course of an undertaking carried on by him, except in accordance with a consent granted by the Secretary of State (passim);

* **special defence to offence 1**

We wish Counsel to provide a special defence to the charge of breaching a limitation or condition in a consent. This is to be that the breach was necessary in order to comply with the duty to employ BATNEEC to ensure that significant harm to the environment was prevented. When this defence is pleaded, the onus of satisfying the court that the action taken was indeed necessitated by the BATNEEC duty is to be on the defendant.

2) failing to employ **BATNEEC** to ensure that significant harm to the environment is prevented when importing, containing, or releasing to the environment a GMO, knowing or having reasonable grounds for believing it to be such, in the course of an undertaking carried on by him (paragraph 12);

3) failing to **notify** the Secretary of State, in the prescribed form and manner, in a case in which such notification is required, prior to importing, containing, or releasing to the environment a GMO, knowing or having reasonable grounds for believing it to be such, in the course of an undertaking carried on by him, (paragraph 3);

4) **importing** a GMO **(for "personal" use)**, knowing or having reasonable grounds for believing it to be such, in a case in which a consent is required except in accordance with a consent granted by the Secretary of State (paragraph 4);

5) without reasonable excuse, failing to supply **information** when required to do so by the Secretary of State, or knowingly or recklessly supplying information to the Secretary of State which is false or misleading in a material particular, in connection with:-

any application for a consent, or any variation of a consent.

(This is to apply to information supplied by the applicant or by any other person, see paragraph 10 above);

6) breach of certain duties involved in **emergency planning** (paragraph 14), namely:-

(a) failing to respond as planned or in an equally efficacious manner in a relevant emergency without

reasonable excuse (this applies both to the consent holder and to any "involved body") (paragraph 14(i));

(c) **disclosing confidential information** as detailed in paragraph 14(ii);

7) offences relating to the **powers of inspectors** (paragraph 16), namely:-

(a) without reasonable excuse, contravening any lawful requirement made by an inspector or authorised person in the exercise or performance of his powers or duties;

(b) preventing any other person from appearing before or from answering any question to which an inspector or authorised person may require an answer in the exercise or performance of his powers or duties;

(c) intentionally obstructing an inspector or authorised person in the exercise or performance of his powers or duties;

(d) falsely pretending to be an inspector or authorised person.

8) wrongfully failing to comply with any requirement in the **regulations** (paragraph 20);

9) with intent to deceive, **forging** or using a consent or making or having in one's possession a document so closely resembling a consent as to be likely to deceive;

10) failing to comply with an **order** made by the court ordering the cause of an offence to be remedied (paragraph 23 (iv)).

22. Penalties

(i) Offences 1 and 2 in the paragraph above are central to the Department's proposed control regime. These offences are to be triable either way. On summary conviction, the maximum penalty is to be the statutory maximum (currently £2000) or imprisonment for up to 6 months or both. On indictment, an unlimited fine or imprisonment for up to 5 years or both.

(ii) The other offences are also to be triable either way, and the penalties are to be the same as in subparagraph (i) above, except that the maximum period of imprisonment on indictment is to be 2 years.

(iii) We wish Counsel to provide for a continuing offence in all appropriate cases, namely the following offences: 1 and 2 in respect of containment only, 6(a), and 7(a) to (d). In all these cases the daily penalty is to be 10% of the summary maximum fine (ie, currently £200).

(iv) My administrators have liaised closely with the Home Office over these offence and penalty provisions and we have had the benefit of considerable advice from them. Their formal approval is anticipated. Counsel will be informed as soon as this is obtained.

23. Further provisions relating to offences

(i) We require the usual directors' liability clause, and the usual provision for prosecuting another whose act or default caused the commission of the offence (see for example section 87(2) of the Control of Pollution Act 1974, c 40.)

(ii) Proceedings in respect of any offence under these provisions are to be instituted only by the Secretary of State or by or with the consent of the DPP.

(iii) We wish inspectors, who are neither barristers nor solicitors, to be empowered to prosecute in respect of any offence under these provisions in a magistrates court, if so authorised by the Secretary of State.

(iv) Following draft clause 23, we wish the court to be empowered to order the cause of the offence to be remedied.

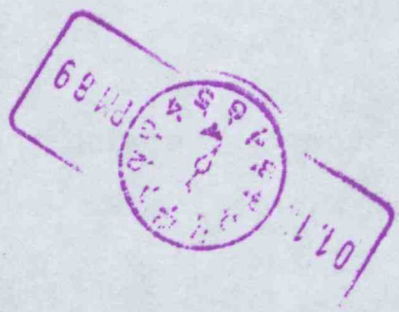
24. Miscellaneous

(i) These provisions <u>are</u> to bind the Crown. However, the effect of draft clause 27(4) is to be applied here (Crown exemption for Her Majesty in her private capacity).

(ii) These provisions are to apply to England and Wales only.

(iii) The Department intends to bring these provisions into force by commencement Order.

(iv) Service of notices. Please apply the burden of draft clause 26 (except subsection (1): we do not require any provision for notices to be served on our inspectors).



PRIME MINISTER

GOVERNMENT RESPONSE TO THE ENERGY SELECT COMMITTEE ON THE POLICY IMPLICATIONS OF THE GREENHOUSE EFFECT

You saw a draft of the Government's response last month. The Secretary of State for the Environment has since suggested that the reply should not be given until after your UN speech. You may wish to be aware of two differences of view which have arisen over the draft as follows:

- Mr Patten wants to make a more positive reference to international targets for CO2 reduction than the Treasury (paras 1.8-1.9 of the draft response). He wants to include a sentence which reads "Once the IPCC has reported we hope to have a firmer basis on which to determine appropriate global measures which may well include targets for greenhouse gases and the way in which individual countries should contribute to that achievement." The Treasury want to stick to the original wording or to the text of your UN speech;

- Mr Patten would like to insert the following sentence "In addition the Government will continue to press for the pricing of fuels to reflect their full economic and environmental costs..." The Treasury are objecting to such a public commitment at this stage.

I am enclosing the relevant papers.

Do you want to express a view on this debate?

Not until I have finished the U.N. speech.

CDS

Caroline Slocock
1 November 1989

GOVERNMENT OBSERVATIONS ON THE SIXTH REPORT FROM THE HOUSE OF COMMONS ENERGY SELECT COMMITTEE (SESSION 1988-89) ON THE ENERGY POLICY IMPLICATIONS OF THE GREENHOUSE EFFECT.

INTRODUCTION

1. The Government welcomes the Select Committee's report as a valuable contribution both to raising the level of public awareness of the implications of global warming and to the national and international debate on the issue itself. The Government has been at the forefront of those who have identified global warming, and associated climate changes, as one of the most important issues facing the world today. If the changes which some have predicted come about, no individual country or region will be untouched or able to isolate itself from other countries' problems. It represents, therefore, a truly global challenge, and one in which all countries will need to co-operate more than ever before.

2. The Committee's enquiry has illustrated that, although there is a good deal of agreement about the roots of the greenhouse problem and the way it could lead to significant climate change, there remains a wide range of uncertainty about the extent and timing of that change, and almost no real information about the detailed regional climate changes which might follow rises in average global temperature. Global warming may mean changes in sea levels, in the extent and distribution of rainfall, and consequently in patterns of land use, including agriculture. These changes could, at the worst, have devastating effects on the world's geography and ecosystems, and on human economic, social, and cultural life. No single solution seems likely to solve the problem of climate change: a mixture of responses - in energy supply, energy use, and the use of other resources, will in all probability be needed.

3. It is against that background, of major scientific uncertainties, and of the need to develop responses having the support of nations all round the world, that the Government must frame its policies and consider the way forward. Action is needed in a variety of areas - scientific research to reduce the uncertainties; in the political arena, international agreement on the seriousness of the problem and agreed international action; and, in the UK's own energy sector, the immediate pursuit of policies which are already justified in their own right, and which contribute to the amelioration of the greenhouse effect. The Government is already committed to taking these steps, and supporting research and other action which will lead to

greater understanding of the problem and more soundly-based response strategies in the future. These actions cover the responsibilities of a number of Government Departments, all of whose contributions will be needed.

4. The basis for international action will come from the activities of the Intergovernmental Panel on Climate Change (IPCC), organised under the United Nations Environment Programme and the World Meteorological Organisation. The IPCC, whose membership embraces a wide range of nations, including some from the developing world, has embarked on a wide-ranging programme, examining the causes, effects, and possible responses to global warming. The UK is playing a major role in this work, which will, amongst other things, produce better data on which to base future decisions. The UK has also independently proposed at the United Nations a Framework Convention on global warming (which the Committee has welcomed), and is taking a leading role in this work.

5. The Government agrees with the Committee's view (Para26 of the Report) that the UK and other developed nations should set an example to the rest of the world, to demonstrate the seriousness of its intent. On the domestic front, the Government is pursuing a number of policies in the energy sector which will help to deal with the potential threat of global warming:

- programmes for support for energy efficiency and research into renewable sources of energy;

- new requirements for for nuclear and renewables elements in the electricity supply system, under the Non-Fossil Fuel Obligation;

- new incentives for improved efficiency of electric power generation, arising from the privatisation of that industry;

- support for research into cleaner and more efficient coal combustion.

These policies are considered in more detail in the following paragraphs of the Department's response to the Committee. In addition, the Government will continue to press for the pricing of fuels to reflect their full economic and environmental costs, and for amendments to the Montreal Protocol to secure the full phasing-out of chlorofluorocarbons (CFCs) as quickly as possible.

6. The Memorandum below sets out the Government's detailed response to the Committee's Report. The headings and paragraph references correspond (unless otherwise indicated) to those in the Report.

1. BACKGROUND

1.1 The Committee briefly explains the origin of the Greenhouse Effect, and its possible implications, and considers, in broad terms, some of the responses which might be made. In general, the Government agrees with the Committee (and much of the mainstream scientific community) that the subject needs urgent attention. In the energy sector, however, the priority is to pursue actions which, while justified in their own right, will also assist in dealing with the greenhouse problem.

DoE

1.2 The Government endorses the Committee's view (Para 4) that the UK is in no sense particularly to blame, and that effective action will need to be co-ordinated internationally. The Committee notes (Table 1) that Carbon Dioxide (CO_2) emissions are generally thought to be responsible for about half of the postulated warming, although such estimates must be treated with caution, since there is as yet no definitive method of distinguishing man-made warming from the various natural cycles. As a later section of the Report explains, there are a number of other greenhouse gas emissions, resulting from a wide variety of human activity - commerce, industry, leisure; and some of the non-energy related ones (such as Chlorofluorocarbons - CFCs) may be more readily amenable to control without significant change to lifestyles or to economic activity than are emissions from the energy sector.

1.3 The lack of firm scientific data on the possible extent and effects of global warming makes it difficult, at this stage, to define the appropriate response to meet a problem whose scale is as yet uncertain. Much scientific work is in progress into the mechanisms and interaction of the oceans, the atmosphere, the biosphere, and the geosphere; but this will take many years to attain any degree of comprehensiveness. Clearly, it would not be right to wait for 20 years or more, until work such as the World Ocean Circulation Experiment is complete: we might then, as the Committee suggests, find ourselves beyond the point of no return. But more data is clearly needed, and it is expected that the preliminary work of the Intergovernmental Panel on Climate Change (IPCC), in which the UK plays a major role, to be reported in its interim report due in 1990, will provide further and expert assessment of impacts and

possible responses to allow future policy to be more soundly based than is possible at present.

1.4 Para 12 also discusses the possibility that there may be both winners and losers among countries as a consequence of global climate change. The Government agrees with the Committee that it would not be sensible to base our approach on the possibility of some national or regional benefit for the UK.

1.5 The Committee suggests (Para 20) that much more money should be devoted to R&D into global warming, and that only governments can be expected to fund or co-ordinate this. Research in this area has moved into higher gear, and the vast bulk of the science is international. Within the UK, responsibility for this work lies mainly with the Department of the Environment and the Research Councils, who have a large and growing commitment to research in this area. In addition, the Department of Energy joined quickly with the Department of the Environment to find the funding necessary to help set up the IPCC's Working Group I (on the science of the effect). Much of the energy-related research being undertaken by the Department of Energy (ie renewables, nuclear, energy efficiency, and clean coal combustion) is providing the basis for future emission-curtailment systems, so that response strategies can be initiated more quickly, if they are required.

1.6 The Committee suggests that the UK and its EC partners should devote a sum equivalent to an arbitrarily specified proportion of GDP into global warming R&D (Para 22). While the Government accepts the need for developed countries to provide adequate funding for such R&D, it does not accept that such funding would necessarily be related to some arbitrary proportion of GDP. Effective research requires a bottom-up pressure of sensible ideas, and cannot simply be called into existence by allocating large R&D funds. UK expertise in global environmental research lies in well-defined areas; and it is important that research should remain focussed and goal-oriented, rather than simply expand to mop up all the funding available to it.

1.7 The Government welcomes the Committee's recognition (Para 25) of the seriousness of its intent in relation to the international community, in the proposing of a Framework Convention on global warming. The UK is setting an example to other countries in the systematic way in which it is approaching both the science and the technology of the threat: on the science front, we are supporting and expanding the relevant areas of our national expertise (eg modelling, oceanography); while on technology our continuing

support of the nuclear option, extensive promotion of renewables technologies, the push to repeal the EC Directive on gas burning, and support for tropical forestry initiatives, are all clear positive leads which we hope others would follow.

1.8 There are, as the Committee recognises, a number of difficulties with the conclusions of the Conference Statement of the Toronto Conference on the Changing Atmosphere (Paras 27-39), which proposed, without scientific rationale, an arbitrary 20% target for reduction in CO_2 emissions. The evidence given to the Committee illustrates the wide span of views on the technical practicability of the proposed Toronto targets; and some of the witnesses mentioned too that large social, as well as economic, changes might be required.

1.9 The Government notes the view of the Committee that targets will be a useful measure to judge progress in combatting global warming. The present difficulty is that there is no clear, agreed objective (other than the broad one of reducing the threat of global warming), and targets and intermediate "milestones" cannot properly be set yet. Once the IPCC has reported, we hope to have a firmer basis on which to determine appropriate global measures, which may well include targets for greenhouse gases, and the means by which individual countries should contribute to their achievement. The work of the IPCC, with its United Nations base, its wide range of participation (including countries from the developing world), and its deliberate concentration on proper scientific appraisal, will provide a more thorough and comprehensive view of impacts and responses than was possible at a single event such as the Toronto Conference.

2. CARBON DIOXIDE AND OTHER ENERGY-RELATED GREENHOUSE GASES

Hydrocarbons

2.1 A considerable research effort is in hand to reduce the uncertainties about the quantities of hydrocarbons emitted from various sources. Regulatory action is already in hand to limit emissions of non-methane hydrocarbons, primarily in order to protect human and plant health against the effects of episodes of tropospheric (low-level) ozone. Major improvements in car emissions (about 80% reduction per car) were agreed in the EC this year, and further work is in progress on regulations to deal with evaporative emissions. Methane control measures are possible through a number of initiatives, including the use of landfill gas and coalbed gas for energy purposes.

Landfill gas

2.2 The development of the UK landfill gas resource is one of the key elements of the Department of Energy's renewable energy R&D programme. The Department has played a pivotal role in the development of this technology, through both its landfill gas R&D programme and nine demonstration projects funded under the Energy Efficiency Office's (EEO) demonstration programme, which has been particularly sucessful at stimulating commercial application of the existing technology. There are now 30 commercial projects in operation with another 28 at the planning and construction stage, utilising landfill gas for heating and electricity generation. It is expected that a significant number of other schemes will be drawn up over the next few years as awareness of the economic and environmental benefits of landfill gas extraction become more widely known.

2.3 The R&D programme is developing the technology further to extract the maximum benefit and utilise the resource to the fullest extent. 29 advanced projects (in addition to those at 2.2 above) are under way or planned, with a contractual commitment of over £5 million.

2.4 A detailed technology transfer plan is being developed for landfill gas, which will further aid the promotion and uptake of the technology. The results of the Department's R&D programme in this area are being disseminated via conferences, technical workshops, seminars etc. In addition, a comprehensive range of promotional literature is now available, directed both at lay public audiences, to raise general awareness about the prospects for landfill gas and other renewables, and at target professional audiences in particular market sectors, to stimulate greater interest in the development of these technologies. These activities will intensify over the next year or two.

2.5 The Non-Fossil Fuel Obligation (NFFO), which is an important part of the Electricity Act 1989, will also provide an enhanced opportunity for the development of landfill gas for electricity generation. There are now around 14 sites generating electricity from landfill gas, with an installed capacity of around 18MW. This is expected to increase to over 26 sites, with an installed capacity of around 50MW, by 1991. An example of current interest in this area is that shown by NORWEB, who co-sponsored a study by ETSU of landfill gas possibilities (with the "renewables" tranche of the NFFO specifically in mind), and have initiated discussions with Local Authorities and private waste disposal companies with a view to setting up joint

ventures to exploit landfill gas, which could, in time, provide perhaps 15-20 MW capacity.

Oxides of Nitrogen

2.6 While, as Para 45 notes, there are emissions of nitrous oxide (N_2O) - which is a powerful greenhouse gas in its own right - from power stations, most N_2O is believed to be of natural origin, and only a small proportion comes from energy facilities. Emissions of nitric oxide (NO) and nitrogen dioxide (NO_2) - which do come largely from power stations and transport, and are known collectively as NO_x - are only indirectly relevant to global warming, although they are involved in the formation of acid rain. Their main greenhouse impact is in the production of tropospheric ozone, and will be controlled as a secondary consideration for that purpose, the prime consideration being to reduce acid deposition. The Government recognises the need for vigorous controls in this area, and is committed to NO_x emissions standards for new generating plant, to substantial cuts in emissions from existing plant, and to a freeze on total emissions, as a result of its agreement to the EC Large Combustion Plant Directive and the UNECE NO_x Protocol.

The Carbon Cycle and Forestry

2.7 The Committee suggests (Para 49) that the Government reassess the possibility of energy forestry as a means of producing energy. On behalf of the Department, the Energy Technology Support Unit (ETSU) has recently reviewed the potential of wood as a fuel, and a report will be published shortly. The main conclusions of the report are:

- wood fuel from forestry wastes can already be supplied to small scale industrial users, predominantly in rural areas. With further development and improvement, the market could be widened;

- energy forestry, both single stem and coppice plantations, can supply wood at £2.00/GJ if developed and managed by farmers;

- simple market penetration models have been used to show that, by the year 2000, the economic potential for wood from conventional forestry could be 0.64 - 1.23 Mtce per annum;

- short rotation forestry could have a short term economic potential of 0.09 - 0.19 Mtce per annum. By the year 2050 this potential could have risen to 0.42 - 2.09 mtce per annum.

As part of the Department's biofuels R&D programme, over 35 projects with a contractual commitment of over £7 million are under way or planned on forestry. These include pilot scale trials, and projects aimed at reducing the uncertainty in the economics and potential contribution from forestry, with the R&D covering both the supply and use of wood as a fuel. The programme is being undertaken in close collaboration with the forestry industry.

2.8 A further review will be undertaken once the results of the present and planned R&D work are available. All the results of the Department's forestry programme will be widely disseminated and promoted, both to the forestry industry and to potential users of fuel wood in industry and commerce.

2.9 The impact of improvements in forestry and wood use in the UK will, however, be limited, due not least to the relatively small amount of woodland remaining here. Of far greater moment is the need to maintain tropical forests, which have a role of global importance in the recycling of CO_2 and in the maintenance of genetic diversity of plants and animals. The Overseas Development Administration (ODA) is responsible for UK policy in this area. Its aims are to support efforts to arrest the destruction of rainforests; to direct more UK overseas aid to encourage the wise and sustainable use of forest resources in developing countries; and to encourage additional forestry research. This involves assistance to many developing countries (eg Cameroon, Ghana, Indonesia, Nepal), with increasing aid expenditure on forestry as part of a new initiative announced by the Prime Minister in October 1988. The first results of this initiative include an offer of up to £40 million of new aid to India for forestry projects (and developement of CFC-free strategies) and the package of measures to assist Brazil announced by the ODA following the then Minister's visit there in July 1989.

Flue Gas Decarbonisation

2.10 Flue gas decarbonisation is a theoretical option for the reduction of airborne CO_2, by removing it from flue gases and disposing of it in some other way. As the Committee notes, this is a very difficult problem, not simply from the point of view of the technology, which has only been tried in small-scale plant; but also because of

the problem of disposing of the large quantities of the CO_2, of the order of 5-6 million tonnes annually for each GW of baseload coal-fired power station. The Department has commissioned, via ETSU, studies on the costs of extracting CO_2 from flue gas with a view to using it for enhanced oil recovery and/or injection into depleted North Sea gas wells - these being options which offer reasonable prospects of low leakage back into the environment. The Department will continue to keep under review technological options in this sector.

3. CHANGING THE FUEL MIX

Greater use of Natural Gas

3.1 The Government agrees with the Committee that increased use of natural gas for power generation would help reduce the potential greenhouse problem (Para 68), and welcomes the Committee's endorsement of its stance on the EC Directive on the burning of gas for power generation.

3.2 The Committee recommends (Para 69) that the Government consider favourably any proposition for joining Great Britain to the European gas grid. At current gas prices, the need for a European connection to allow imports in large quantities is not clear. As and when such a development is proposed, it would be considered in the usual way; but it must be for the market to come to a view as to when such a connection might be necessary.

Tsy

Hydrogen

3.3 The Government accepts the recommendation of the Committee (Para 73) that the potential benefits of hydrogen be reviewed, and is undertaking such a review with ETSU which should be completed in 1990. However, for any impact on CO_2 emissions to accrue from the use of hydrogen, it must be produced (usually using electricity) from a non-fossil source, and, in the UK, these are relatively limited, apart from nuclear or the electricity-generating renewables. In many uses, the electricity used to produce the hydrogen is likely itself to be the more versatile and efficient fuel.

3.4 The Department is aware of the the joint Canadian/German/EC initiative mentioned by the Committee (Para 73), which is intended to demonstrate the transport infrastructure needed for bulk hydrogen, and its use in vehicles. The gas is to be produced in Canada from hydroelectric sources and shipped to Germany for use in conventional power generation and a public transport bus

fleet. While there may not be much new technology involved in the proposal, it should help to illustrate the economics of long-distance transport of hydrogen and its use in sectors such as transport. The Department will keep in touch with developments on the project.

Nuclear Power

3.5 The Government shares the view of the Committee that nuclear power on its own cannot provide the answer to global warming, but that it can make an important contribution to reducing CO_2 emissions from power generation (Para 82). It notes that the Committee intends to investigate fast reactor research in the light of increasing concern about CO_2 emissions and the long-term viability of traditional fission. The Department will, of course, be giving evidence to this enquiry.

Renewables

3.6 The Committee recommends (Para 90) that "the Department should undertake further thorough analysis of the renewable energy sources which could be deployed over the period to 2025 in the UK.." and that "funding of renewables should be increased substantially so that technologies are brought nearer to exploitation." The most comprehensive review of the potential of the UK renewable energy resource was undertaken in 1988, and the results published as Energy Paper 55. Existing programmes are developing the technology and enabling substantial estimates of potential to be produced on an ongoing basis. From time to time, as data become available from the programme, updated estimates will be made and published.

3.7 Energy Paper 55 also included, for the first time, a detailed breakdown of the financial resources required to develop the UK renewable energy resource over the next ten years. These estimates are being used as the basis for the Department's resource planning for renewables R&D as part of the annual Government expenditure cycle, and will be reviewed from time to time, as more information from the programme becomes available. For 1989/90, the provision represents a 10% increase in the budget over that for 1988/89. Over £50 million is earmarked for expenditure on renewables R&D over the next three years. It is expected that the existence of the tranche of the Non-Fossil Fuel Obligation reserved exclusively for renewables will provide further impetus to the private sector to invest in relevant R&D, and will give a considerable boost to the prospects for generation from renewable forms of energy in the UK.

Tsy

3.8 The Committee also suggests (Para 90) that the analysis of renewables should take into account "the advantage of their environmentally benign nature". It should be borne in mind that no energy production is environmentally benign, or even neutral - there is always some impact, which changes the environment in some way. It is true that renewables may have some advantages in the context of the greenhouse effect: but they still have a local, or even regional, impact. The obvious local effects are visual intrusion, noise, and effect on land values: but it is less easy to be certain of the cost of such things as the long term effect of changes to bird habitats, or of the potential costs of changes to local underground water tables as a result of a Severn barrage.

3.9 Proper assessment of environmental factors associated with different energy sources is, however, an important topic, for which methodologies have not yet been fully developed. For this reason, at the request of the Department, ETSU placed in June 1989 a contract with Newcastle University to develop a methodology for assessing the external costs and benefits of energy technologies, and which can be applied across the whole spectrum of such technologies. This work follows on from the pioneering work of Olaf Hohmeyer, whose book "Social Costs of Electricity Production", published by the European Commission, was an important first step in the quantification of external costs of electricity production, covering atmospheric pollution, major accidents, land use, noise, landscape values, employment, depletion,public costs, and subsidies. The first report from Newcastle University is due at the end of 1989.

Coal

3.10 The Government welcomes the Committee's agreement (Para 93) that coal is by far the largest source of fuel resources, both in the UK and in the world, and that we cannot turn our back on that fact. The important issue, then, is to seek cleaner and more efficient ways of burning that coal so as to reduce the amount needed to produce power, and thereby to reduce emissions of CO_2.

3.12 The Committee mentions the "Topping Cycle", which is a new development which avoids the temperature limitations of the fluidised bed process and enables full advantage to be taken of advances in gas turbine technology. The prime purpose of the "Topping Cycle" programme at Grimethorpe is to take advantage of the existing facilities to test the advanced hot gas cleaning systems which are essential if the full potential of the system is to be realised. A

commercial plant would use fluidised bed combustion to consume partially reacted coal from the partial gasification stage; but for this programme, the facility will burn coal to generate hot dusty gases, and the temperature of the gases leaving the hot gas cleaning stage will be raised to the operating level for modern gas turbines by the firing of propane gas as a supplementary fuel. This high temperature gas will be fed to an experimental gas turbine through the hot gas cleaning system. In this way, the ability of the cleaning system to protect the gas turbine will be assessed under conditions similar to commercial operation.

3.13 Detailed discussions between the Department and British Coal (BC) have been taking place since January 1989, with attention focussed on the technical basis for the advanrages claimed for the Topping Cycle and the level of private sector support which might be obtained. These discussions culminated in the Government's decision to provide additional funds for this work, and the Secretary of State's announcement on 24 August of up to £8 million Government support for the £16 milliom Topping Cycle development. BC is confident is confident that the balance of the funding can be found mainly from private sector sources.

3.14 European Community support amounting to around £3.5 million has been secured by British Coal for R&D on the partial gasification stage and other components of Topping Cycle R&D being carried out at their Coal Research Establishment, and BC will seek further such support whenever the opportunity arises. The Government's assistance will help bring Topping Cycle technology to the point where support for a prototype power plant can be sought from the new Community "Thermie" programme which is expected to start in 1990.

4. ENERGY EFFICIENCY

4.1 The Government agrees that energy efficiency measures have great potential for containing CO_2 emissions (Para 102); as the Committee found, however, there are different views on how that potential can best be realised. There is evidence that energy efficiency has in the past been substantially boosted by price rises (particularly in the 1973 and 1979 fuel crises), but the related effects on the economy suggest that price rises as a means of promoting energy efficiency would have profound effects on our international competitiveness.

4.2 In this context, the Committee asked the then Secretary of State, Mr Parkinson, about the relative energy efficiency performances of the UK and Japan (Q.510). While the Report notes the difficulty of making accurate assessments of countries' comparative performances (para 106), it is instructive to consider the impact of Japanese fuel prices. Modelling the effect of such prices on UK energy consumption, using the price elasticities of demand incorporated in the Department's energy demand model, the UK's energy intensity for 1987 would fall from the 0.43 shown in Table 25 to 0.31, compared with 0.26 for Japan (this calculation excludes consequential effects on the economy of the massive price rises). It is clear, therefore, that a large part of the difference between current energy intensities in the UK and Japan is attributable to higher Japanese energy prices, which in turn are due particularly to their lack of indigenous energy resources; we have not attempted to quantify the contribution to the remaining difference of obvious factors such as ambient temperature and dwelling space per head, but they suggest that the underlying levels of energy efficiency would be much more similar if UK prices moved to Japanese levels. As a more direct and local comparison, the UK's energy ratio has improved considerably in recent years against other Member States of the EC, and has been improving twice as fast as the EC average.

4.3 The Government believes in the full market pricing of fuels as fundamental to promoting efficiency in the economy and safeguarding international competitiveness. The efficient working of the market is essential for the continued development of energy efficiency throughout the economy. The Government therefore has a key role in stimulating the market for energy efficiency goods and services, and tackling barriers (especially lack of information, but also institutional barriers) to the free play of market forces.

4.4 The Report refers to an apparent relegation of energy efficiency initiatives in the Department's priorities (Para 104). As Mr Parkinson made clear in his evidence to the Committee, the EEO's work has moved on to a new phase, from general advertising and subsidies to focussed dissemination of authoritative information and advice. This is not a relegation of priority; the Government's response to the 4th Report of the Committee sets out the funding changes in detail - and explains that they will not adversely affect progress towards a national improvement in energy efficiency of 20% over ten to fifteen years from 1983.

4.5. The Government agrees with the Committee's view that there are market imperfections in the energy efficiency field (para 107), and the EEO aims to improve the operation of the market. It has recently introduced a major new initiative, "Best Practice", covering for the first time the provision of specific authoritative information and guidance across the whole range of existing technologies and techniques for energy management, as well as helping to develop and spread new methods of improving energy efficiency. The resources available to Regional Energy Efficiency Officers are being enhanced, and the Government is confident that they will ensure that the Best Practice programme reaches key decision makers at all levels. The EEO has also recently renewed its efforts to promote further improvements in energy efficiency in the public sector (paras 109,112). Mr Parkinson announced on 20 July the framework for a campaign within Government Departments to achieve savings rising to £45 million per year (15% of their current energy bill) in five years; this includes the appointment in each Department of a Minister with specific responsibility for energy efficiency.

EEO

4.6 The anomalies in the new tariff structure for gas (recorded in para 110) were drawn to the attention of Ofgas who discussed it with British Gas. The Government was glad to learn that British Gas are considering a revision of their tariffs to remove this disincentive to energy efficiency.

4.7 The Report urges a review of strategy and a higher profile and pro-active stance in the promotion of energy efficiency (para 111), a mixture of regulation, penalties and incentives (para 113) including a mandatory labelling system for appliance and domestic buildings (para 115), and incentives to encourage the installation of energy efficiency measures (para 118). The Government believes that, since energy efficiency is above all a matter for decisions and actions by individuals, and is to the benefit of those individuals and their organisations, then the best way forward is through the operation of the market, lubricated by information and advice. The Government accepts that it will from time to time be necessary to draw people's attention to the possibilities, to regulate (eg the Building Regulations), and to subsidise - the Government has recognised, through the Homes Insulation Scheme, support for Community Insulation Projects, and its proposed new Home Improvement Scheme, the special position of low-income households, and it continues to recognise this fact.

EEO

4.8 The Government welcomes measures designed to reduce market barriers to the take up of cost-effective energy

efficiency measures. The EEO has commissioned a comprehensive survey of the energy efficiency of appliances, covering the various options for facilitating rational choice by providing energy information in various ways, including energy labelling. Under a voluntary agreement concluded early this year, virtually all manufacturers of domestic electric appliances in Western Europe are now providing standard energy consumption information in harmonised form for those appliances which are major consumers of electricity (dishwashers, washing machines, tumble driers, refrigerators, freezers, ovens); in addition, all electrical appliances are marked with their maximum rate of consumption - for appliances such as fires or lamps this is the same as average consumption, effectively an energy label. Also, the trade in domestic electrical appliances is well developed, with many major manufacturers operating from bases in different countries and selling electrical models in different markets: the energy consumption of appliances sold in the UK is generally similar to those sold elsewhere. Special high efficiency freezers are insulated to withstand periods of power failure up to 48 hours and are not cost-effective in terms of energy saving alone - it is the general reliability of electricity supply in the U.K. which makes them unmarketable.

SENTENCE DELETED EEO

4.9 As with appliance labelling, the Government supports the development of home energy audits and labels, and is continuing to encourage the development of commercially-based home energy labels.

SENTENCE DELETED EEO

4.10 In relation to transport (paras 121-124), the Department of Transport is concerned with energy efficiency and has promoted improved energy efficiency in road transport by providing publicity and information about the financial advantages of fuel saving to vehicle owners and operators. This includes:-

- twice yearly publication of official fuel consumption figures for new cars available in the UK. These booklets which are available in showrooms enable new car buyers to compare different models on the basis of results from standards tests;

- advice, included in the above booklets, on which cars can use unleaded petrol and on driving operation and maintenance techniques to enable motorists to make the most of their petrol;

- in collaboration with the EEO, publication of a booklet "Energy Efficiency in Road Transport" which gives advice to commercial vehicle operators on ways of improving fuel economy.

Account is also taken of fuel efficiency in policies on control of emission of carbon monoxide, hydrocarbons, nitrogen oxides and diesel particulates. In Europe the Government has championed an approach to regulating these emissions which would allow the most fuel efficient engines to be used. A European Community Directive now sets state-of-the-art emissions standards for new small cars. These standards will take effect in 1992, and will probably entail the use of three-way catalysts. The Government welcomes the Directive. It will pave the way for tighter standards for all sizes of car, and enable manufacturers to plan their production with those limits in mind. However, while controls involving the use of three-way catalysts will significantly reduce emissions of carbon monoxide, hydrocarbons, and the oxides of nitrogen, they will do nothing to reduce emissions of CO_2. This is a serious omission. In the development of the roads programme, and specifically in the recent Roads White Paper, one of the major objectives is to relieve traffic congestion and hence to improve road transport energy efficiency. Congestion is a major cause of poor energy efficiency, as well as costing industry and motorists dearly in terms of time lost.

4.11 A key Government objective is to investigate the options for reducing the amount of fuel burnt by vehicles. These include many of the options mentioned by the Open University in their evidence to the Committee. They have been given added significance by the concern over global warming from CO_2 emissions. The European Community is committed to looking for ways to reduce these emissions.

4.12 Fiscal incentives (Para 123), both in relation to company cars and to vehicle excise duty, are a matter for the Chancellor of the Exchequer, who bears such questions in mind.

4.13 The Government agrees that there are unresolved environmental questions concerning the burning of aviation fuel at high altitude (Para 124). High altitude pollution monitoring is very costly, but Warren Spring Laboratory is about to embark on a study of aircraft emissions which will include assessment of the possible significance of the greenhouse gases CO_2 and N_2O from this source.

4.14 The Government notes the Committee's general welcome for its policy in regard to Combined Heat and Power (Paras 125-129), and will continue to encourage the economic implementation of CHP, and work towards the identification and elimination of barriers which inhibit such development. Section 47 of the Electricity Act places a duty on the Director-General of Electricity Supply to keep CHP under review.

4.15 The Committee recommends (Para 131) the development of methodology for conservation supply curves. The Government has been aware for some time of the approaches described, and the arguments for the development of such methodology. It is interesting as a concept, but in practice there are difficulties in ascribing values to the variables in any model (for example, if demand for energy falls, the exact fuel type and timing of the reduction may be as important as its volume); for this reason, it is not likely that conservation supply curves can be a reliable predictive tool.

5. THE MARKET

5.1 The Committee suggests (Para 134) that market mechanisms unaided would not produce an adequate response to global warming, and that it would like to see "..market forces in favour of moderating demand fortified by the fiscal system, regulatory measures, and incentives." The Government has made it clear (Baroness Hooper's evidence, Question 139) that it does not regard concern for the environment and the operation of free market mechanisms as incompatible. Many free markets operate within a range of given parameters which are set by government intervention, such as regulations on health or safety. But for such intervention to come about in a realistic and useful way, it is first necessary to understand quite well the problem which is to be overcome and the appropriate means of resolving it: this is difficult, in the present state of knowledege, with the greenhouse effect.

5.2 Current and future energy prices are likely to continue to encourage the efficient use of energy. It is recognised that there are external costs associated with energy consumption which are not fully taken into account by market mechanisms; and the Department is taking steps (Paragraph 3.9 above) to provide a methodology to allow this to be done. However, when that knowledge is gained, and the parameters for appropriate action set - by regulation if that should prove necessary - it is expected that market

mechanisms would provide the most efficient means through which a response to global warming can be made.

5.3 The Committee recommends (Para 136) "..that the environmental costs and benefits of all energy technologies should be at the forefront of the Department's thinking in future.." The need for proper analysis of environmental impact is recognised - although, as already mentioned, the methodology does not yet exist for a precise quantification of environmental impact, especially in global terms. The Department's Energy Paper 54 "Energy Technologies for the United Kingdom: 1986 Appraisal of Research,Development, and Demonstration" included an initial assessment of the environmental impact of each of the technologies considered (spelt out in detail in the Background Papers, published as ETSU-R-43). That assessment did not take account of global warming; but it will be reviewed, incorporating the new environmental impact methodology when that is available. The Department has powers under the Electricity and Pipeline Works (Assessment of Environmental Effects) Regulations 1989 to require the production of an environmental impact assessment before granting consent to new large-scale power sources: this allows due consideration of the environmental effects of new plant, but, if tighter national emissions standards are eventually to be required, that would be covered by existing (or revised) legislation on air quality.

5.4 The Committee recommends (Para 138) that "..energy saving be included in the non-fossil fuel component of electricity supply.." and that "..something akin to the non-fossil fuel requirement must be introduced to secure the full take-up potential of CHP." The primary aim of the Non-Fossil Fuel Obligation is to achieve security of supply through diversity of fuel inputs. Energy efficiency and fossil fuel CHP schemes do not fulfil this aim, and have therefore not been included in the obligation. Electricity from CHP schemes, where the fuel source is non-fossil, contribute to diversity in supply, and will be able to count towards the obligation. As diversity has a cost, it is necessary to legislate to ensure that it is maintained. Measures which improve efficiency, however, such as CHP and energy efficiency, benefit those who implement them. There is no need to legislate for proposals which are in the producers' and consumers' own interests to implement.

TSY

5.5 The Committee accepts (Para 141) that a simple carbon tax would create problems of acceptability on the grounds that nations would be affected to different extents by virtue of their energy sources rather than their energy consumption, and recommends that the EC should examine the feasibility of fiscal measures which would reflect the costs

of global pollution caused by energy production of all types. Such measures would reflect transboundary costs, and not those specific to the nation where the energy production is taking place. It may be that proposals for fiscal measures of this kind could arise out of the work that the IPCC is carrying out at present, and which ranges much wider than the EC. The Government will give serious consideration to any recommendations from that forum on this aspect, taking into account both internal and transboundary effects.

TSY

6. CONCLUSIONS

6.1 The Committee says (Para 146) that it would be inexcusable if pusillanimity and the inability of governments to plan long term allowed irreversible global warming to occur. The Government fully agrees: the question is what, at the present state of knowledge and international consensus, are the sensible courses of action. The Government has already been able to settle on a number of policies which will help with the problem. Further information, eg from the IPCC, will allow this process to continue.

6.2 The Committee accepts (Para 147) that the present uncertainties surrounding the scale, pace, and consequences of global warming are such as render unjustifiable the immediate introduction of expensive or draconian penalties for CO_2 emissions. It recommends the setting of emissions targets because the "insurance premia" required to achieve them are so modest - although much of the evidence presented to the Committee suggested that the Toronto target of 20% reduction, used for illustrative purposes, would be very difficult indeed to achieve and would even then take many years. The Government believes that, at this stage, the adoption of targets would be premature, in the absence of adequate information.

6.3 The Committee acknowledges that the Government had been in the forefront of UN activity on climate change (Para 149), and looks for early action to accelerate the adoption of energy supply and demand measures which are inherently economic and which would reduce CO_2 emissions. The Government is pursuing a number of such measures already. To go beyond this, at significant cost to the UK, in the absence of agreed international action, might be both economically punitive and unlikely to have any significant global impact.

TSY

6.4 The Committee expresses concern at changes in the Department's R&D budget, and recommends that this should be

substantially increased. Recent developments in the Department's budget have been explained to the Committee. The Committee is to conduct a separate enquiry into the fast reactor. Expenditure on renewables is rising, and the Govrnment has announced, as already noted, a substantial increase in expenditure on clean coal combustion research. These areas of research are both ones which carry large potential benefits in terms of global warming.

6.6 Against a background at the time of media speculation and rumour, the Committee recommends (Para 154) the retention of the Department of Energy, to provide a coherent overview across all sectors so as to deal with the likely problems ahead. The Prime Minister has announced that the Department will continue as a separate entity at least for the life of the current Parliament. It should, however, be borne in mind that the Department of Energy is only one of a number of Departments in this particular area: other important roles are played by the Department of the Environment, the Department of Transport, the Ministry of Defence (via the Meteorologiocal Office), the Foreign and Commonwealth Office and the Overseas Development Administration, and the Ministry of Agriculture, Fisheries, and Food.

DTp

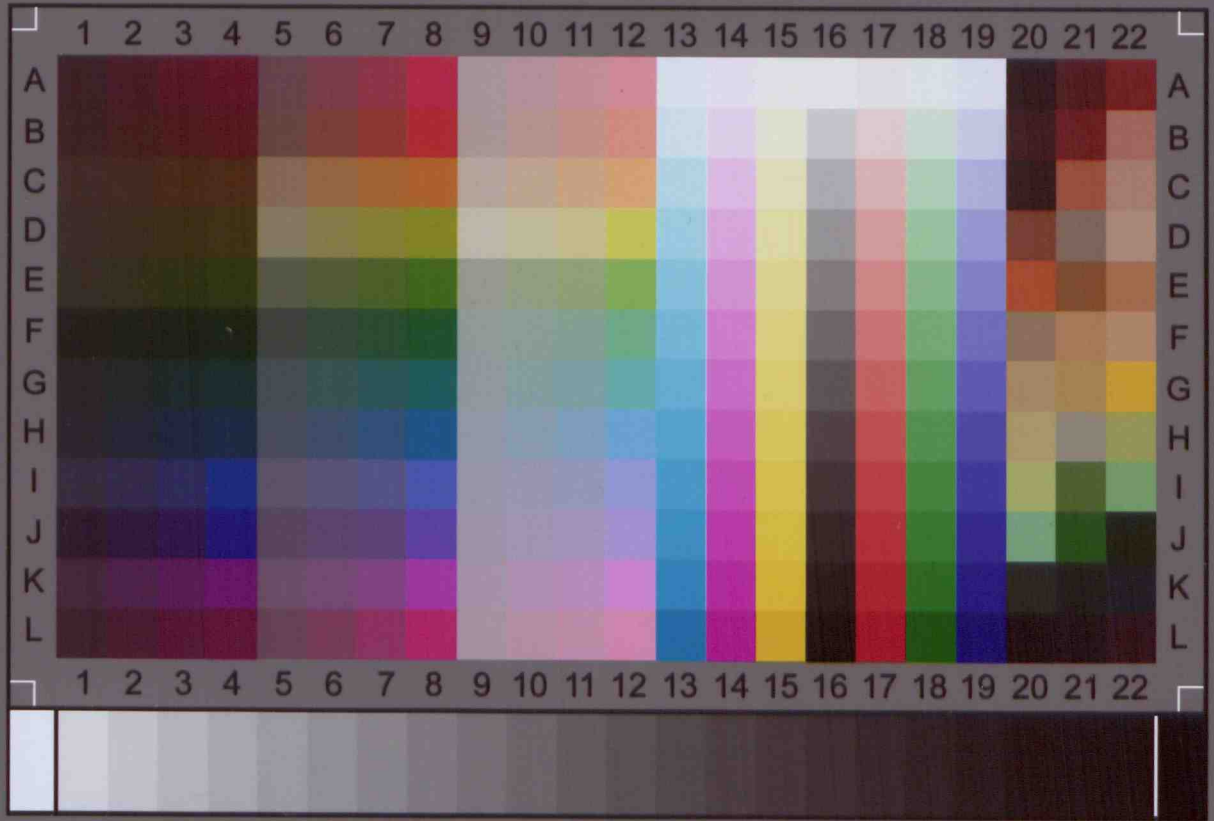
6.7 As noted at the beginning of this Memorandum, the Committee's enquiry and Report have performed a valuable service in helping to expose the debate on the greenhouse effect to a wide audience. It is encouraging to note that, overall, the Report agrees that the Government is generally doing the right things; and that the Department's programmes - in their support of nuclear power, renewables, and clean coal combustion - are aimed in the right directions to help combat the threat of global warming. In an area beset with so much uncertainty, there is clearly room for some divergence of views on how quickly and how far to react. Both the Committee and the Government recognise the great importance of this issue, and the Government will continue, through its support for work via the IPCC and elsewhere, to devote great attention to resolving the uncertainties and developing policies to combat the problem.

PART 11 ends:-

DOG to DM 31.10.89

PART 12 begins:-

CAS to PM. 1.11.89



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