

CONFIDENTIAL

Prime Minister 2

The Secretary of State stands by his decision not to grant aid to objectors, despite the representations that have been made.

01-211 6402

The Rt Hon Michael Heseltine MP
Secretary of State for the Environment
Department of the Environment
2 Marsham Street
London SW1

*lm
2/8*

30th July 1982

Dear Secretary of State

MS

SIZEWELL PWR INQUIRY: AID TO OBJECTORS

I wrote to you on 26 January about aid to objectors at Sizewell. It was agreed that the balance of argument was against the Government granting aid to objectors and that the CEGB who were at that time considering providing funds should be discouraged from doing so. The Board has since decided that this is a matter for the Government though it remains broadly in favour of funding.

As expected the issue featured prominently at the pre-Inquiry meeting held by the Inspector (Sir Frank Layfield QC) at the Snape Maltings from 1-3 June. I have just received from Sir Frank a letter (copy enclosed) setting out the main arguments in favour of Government funding deployed by objectors. Sir Frank makes no recommendation but asks that the provision of financial assistance be reconsidered "because of the extent, character and importance of the representations and the extent of the considered feeling they represent". He also asks that his letter and my reply be published in due course.

The Inspector's letter adds no new arguments in favour of funding. But by its tone it is bound to be interpreted by objectors as broadly supporting their case. It therefore requires a carefully considered reply.

I have re-examined the arguments and discussed the letter with Sir Frank Layfield. I remain firmly of the view that the Government should not fund objectors. I accept that public funds should be spent in investigating the validity of the CEGB's case. This is of course the purpose of the inquiry process which, barring an elaborate boycott is itself a guarantee that objections to the proposal will be aired, albeit with less backing and skill than they might be with the benefit of funding. But to fund objectors would call into question the credibility of the whole inquiry process.

CONFIDENTIAL

To ensure a thoroughgoing inquiry I have appointed an eminent and very experienced Inspector who will be helped in his detailed scrutiny of the CEGB's case by Assessors on a number of technical aspects. I have already announced the appointment of an Assessor on the biological effects of radiation; an engineering assessor will also be appointed and I intend to accede to the Inspector's request for an economic assessor. This will provide a formidable array of expertise to assist the thorough public airing of the CEGB's proposal.

The objectors also overlook the key role played by the NII in its independent examination of the safety of the PWR. The inspectorate has to date spent some £7m on this work. Its 15 July report on the CEGB's pre-construction safety report alone cost £200,000 and its current rate of expenditure on PWR safety work is £2m a year. This public expenditure to safeguard objectors' interests is already substantial. In addition the Atomic Energy Authority is devoting a sizeable effort to PWR safety research. It will spend some £14m on this in the current year.

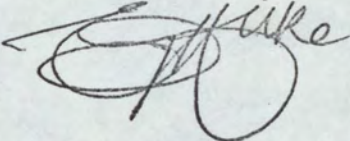
In my view no adequate case has been made for funding objectors to the Sizewell PWR. It would create a precedent which would inevitably be costly in terms of public expenditure, state funding would need to be generous to be effective. If the objectors' concern about the proposal is, as they suggest, shared by the wider public it should be possible for them to raise funds by voluntary subscription as indeed has been successfully done by objectors at other inquiries.

I have put these views to Sir Frank Layfield. Although I understand he is personally on balance in favour of funding objectors he believes it to be no part of his role as Inspector to express a view on the issue and he is prepared to accept the Government's decision. Moreover he takes the view that the absence of funding for objectors will not significantly affect his ability to conduct a thorough and fair inquiry and prepare a report. He attaches considerable importance however to the Government making a considered statement on the issue: my reply to his letter will provide the opportunity for this.

Nevertheless, we should recognise that there could be serious political difficulties over a decision to refuse funding. This will come not only from the objectors and the Opposition but also from some of our own backbenchers who have taken a lively interest in the issue. Any line we take now we have got to be prepared to hold.

For this reason and because I intend that Sir Frank's letter and my reply shall be published together and copied to all MPs I thought it right to bring these developments to your attention and to those of our colleagues to whom our original correspondence was copied. I would be grateful for your early views before I reply to Sir Frank.

I am sending copies of this letter to the Prime Minister, Geoffrey Howe, John Biffen, Peter Walker, George Younger, Nicholas Edwards, Arthur Cockfield, Michael Havers, Michael Jopling and Sir Robert Armstrong.

Yours sincerely


pp NIGEL LAWSON

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



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref: H/PSO/15579/82

Your ref:

16 AUG 1982

lh

SIZEWELL PWR INQUIRY: AID TO OBJECTORS

Thank you for your letter of 30 July.

I agreed that no new arguments have been advanced in favour of aid to objectors, that we should stand by our previous decision not to offer public funds for this purpose and that we must be prepared to hold that line under future pressure. We must also continue to discourage the CEGB from offering funds should they return to that option.

I have never been in any doubt that in this case pressure for aid to objectors would mount and could become intense. But like you I do not think it could be treated as unique. I believe we must rebut firmly the view that a full and fair public inquiry cannot be held without it, and we must restate the principle that where organisations and individuals make representations at inquiries it is up to them to fund the cost of putting their point of view, subject to the possibility of an award of costs against any party who has behaved unreasonably. I agree with you that in a case of this kind objectors have a fair prospect of raising funds by voluntary subscription.

I think it is right that Sir Frank's letter and your reply should be published together. If I (or my officials should I be on leave) could help in the drafting of your reply I would be grateful.

I am copying this letter to the recipients of yours.

yes to
lll

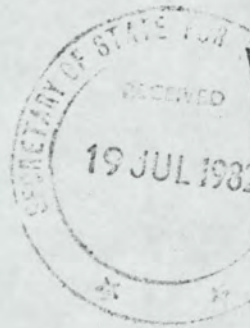
MICHAEL HESELTINE

2, MITRE COURT BUILDINGS,
TEMPLE,
EC4Y 7BX.

TELEPHONE: 01-583 1355.

18th July, 1982.

The Rt. Hon. Nigel Lawson,
Secretary of State for Energy,
Department of Energy,
Thames House, South Millbank,
S.W.1.P. 4Q.J.
LONDON.



SECRETARY OF STATE'S OFFICE	
TO MR PASH.	Copies to
FOR APPROVAL AND	Ps/Auss/MR MELLO
DRAFT OF	Ps/AUS
APPROPRIATE	MR MANLEY
PLEASE BY:	MR MORPHET
28/7/82	MR KELLY
	MR GILLIS
	MR ELLYDON
	MR PRIDDLE
	MR BISHOP

Dear Secretary of State,

THE SIZEWELL INQUIRY

On the 1st June I held a preliminary meeting for the Sizewell Inquiry which lasted for three days. During the meeting the most frequent request made to me was for the provision of public funds to objectors and others who wish to appear at the Inquiry. These requests came from individuals and interested groups of many kinds and corporate bodies such as Trade Unions and local authorities. It was clear to me that these requests reflected strongly and widely held views which, in many instances, were based on thoughtful and well-considered arguments.

Many of those present at the meeting asked me to pass on their arguments to you and this I now seek to do. In doing so, I realise that requests of a similar kind have been drawn to the attention of Ministers on a number of previous occasions; the Report of Mr. Justice Parker on the Windscale Inquiry (paragraphs 15.8 & 15.9) is a prominent instance. However, the correspondence regarding Sizewell between objectors and yourself and

your Ministerial colleagues has plainly left some of those objectors with the feeling that they have been unsuccessful in putting their arguments sufficiently effectively or clearly to Ministers. They complain that the Government's replies show that their requests have not been fully understood or considered.

The representations I now put before you raise questions that extend well beyond my scope and knowledge as your Inspector for the Sizewell Inquiry. I therefore make no recommendations to you about the provision of financial assistance to objectors. However, because of the extent, character and importance of the representations and the extent of considered feeling they reflect, I ask that the provision of financial assistance be reconsidered.

Those advising you will have seen the transcripts of the three-day meeting and can identify any special or particular reference for you. I attach to this letter a representative list of those who made relevant requests, with the key transcript references, should you or your advisers wish to look at the precise terms employed by those requesting assistance.

Before I summarise the principal arguments I was asked to convey to you, I draw attention to the distinction made as to the Scale of Finance help sought. The main weight of contention was addressed to the need to prepare an adequate case and its presentation at the Inquiry. Others, however, were content to seek the payment of 'expenses', meaning mainly the cost of travelling and accommodation incurred by a Party in order to attend the main hearing and its preliminary meetings. Some of

those who sought preparation and presentation costs, would if refused part or all of those costs, still contend strongly for their expenses to be paid.

The two principal arguments for financial assistance can be expressed shortly. First, the subjects to be examined at the Inquiry are of great national importance, especially those of Energy Policy, and concern actions and consequences that will extend over a long span of years. Some of the subjects involved are highly complex and technical whose understanding requires much work in fields bordering on the edge of existing knowledge. Some subjects, such as risks to human health and safety, have aroused widespread public concern. The financial implications of the proposals under scrutiny are very large, wideranging and have important repercussions. These aspects taken together, it was strongly urged, mean that the Sizewell Inquiry is a unique, at at least special, case so far as the provision of public funds is concerned.

Secondly, it was stressed that the likelihood is the Inquiry will be the sole opportunity which the public will have to take part in a critical examination of the national issues involved. It was argued that, if Sizewell B is permitted, all future Inquiries into P.W.R.Stations will be concerned, wholly or mainly with siting and local environmental aspects only.

Taken together, these two propositions mean that objectors must be in a position to carry out enough work, including research work, to enable them to advance an adequately critical case at the Inquiry. The very substantial documentation being provided by the CEGB and the NII needs

to be most carefully examined and considered, often with expert assistance, fully to understand the material if a response of any value is to be made to it at the Inquiry. That, it was stressed, cannot be done without substantial expense. That last point reflects Mr. Justice Parker's observation: "There can nevertheless be no doubt that the costs of presenting a fully developed case at the Inquiry and, equally investigating the validity of the appellants' case are very considerable" (para 15.9). It is the need to "investigate the validity" of the CEGB case that, as I understand it, lies at the heart of the objectors' requests to you.

Great emphasis was laid upon the disparity between the immense financial outlay in preparation for the Inquiry by the CEGB, NII, BNFL, Bechtel, Westinghouse and other supporting parties and that which will be available to opponents in the absence of financial assistance to objectors from public funds. They say that, apart from making their position very weak, the effects of that disparity will render it impossible for the Inquiry to have the characteristics of being "full, fair and thorough", which you wish it to have, both in appearance and in reality. From a purely technical point of view, it was asserted that P.W.R. technology will not be "put under the microscope" at the Inquiry as Ministers should wish. To enable that to be done by or with the assistance of objectors would cost a small fraction of the preparation costs of the proponents.

It was recognised by most objectors that if the Government were to grant their request in principle there remain problems about the distribution and use of the money provided. Two approaches were made to the

practical problem. First, my attention was drawn to the way in which such difficulties had been successfully met in Canada in regard to the Mackenzie Valley Pipeline Inquiry. (The way in which it was handled is set out in the transcript for 1st June at pp 67-68). It was considered there was no serious obstacle to adopting a similar approach in this country.

Secondly, while evidently accepting that no one would ever be entirely satisfied, effective and cooperative arrangements could readily be achieved to ensure fair distribution and proper use of any monies made available.

Critical comment was addressed to the reasons given by Ministers, in correspondence, for resisting requests for financial assistance. These were succinctly and lucidly summarised by Mr. Howell of counsel, appearing for the Friends of the Earth. I cannot do better than to attach an extract from the transcript of the 2nd June (pp 24-27) in which he states the response to Ministers' reasoning, and ask you to regard that extract as part of this letter.

The great majority of those who made representations to me did so on the basis of the contentions I have summarised above. A number of objectors went further and maintained that a failure to provide financial assistance might, sooner or later, have unfortunate political or social consequences. They based their warning on the belief that in the absence of financial assistance, the Inquiry would be seen, or believed to have been, an ineffective or insufficient critical examination of the proposals.

Throughout I have referred to objectors, for brevity, but the

word is intended to include all parties who sought financial help. But two parties who supported the pleas for such assistance represented those who support the CEEGB proposals. Doubtless, there will be other supporters who will wish to seek financial help if the request is granted in principle.

This letter is long and a tax on your time. In view of the considerable feeling and interest in the request I have reported and the anxiety to ensure that no misunderstanding could be reasonably thought to remain in Ministers' minds about the basis and nature of the request, I have sought to cover in outline the main arguments in this letter. As you and your colleagues will, I hope, be willing to reconsider the objectors' requests I am sending this letter to you and Sir Donald Maitland only. At a convenient later time, I hope you may agree to this letter becoming an Inquiry document.

Yours faithfully,

Frank Layfield

Sir Frank Layfield, Q.C.

Copy to : Sir Donald Maitland, G.C.M.G., O.B.E.,
Permanent Under-Secretary of State.

Enclosures:

1. Representative list of relevant requests together with the key transcript references.
2. Mackenzie Valley Pipeline Inquiry - transcript for 1st June at pp 67-68.
3. Friends of the Earth - Extract from the transcript of 2nd June (pp 24-27)

Parties raising the question of funding (in order of appearance at the preliminary meeting; references are to the transcripts of that meeting, Day 1 is June 1 and so on).

- 1 Welsh Anti Nuclear Alliance (Mr Richards); Day 1, p 37
General request for funding
- 2 Portskewett Action Group (Mr Hancock); Day 1, p 38
Ditto
- 3 Mr Stuart (individual objector); Day 1, p 40-44
Imbalance between GCEB's resources and those available to objectors; funding required to ensure a full and thorough Inquiry; CEGB should fund all bona fide objectors.
- 4 Council for the Protection of Rural England (Mr Grove-White); Day 1, p 45
Imbalance in resources; request for £50,000 to finance research into the economics of the PWR (letter of 1 April to the Inspector)
- 5 Town and Country Planning Association (Mr Blake); Day 1, p 51
Funding needed to ensure the public credibility of the Inquiry; a fund of Government or CEGB money (minimum of £ $\frac{3}{4}$ m) be made available for independent research.
- 6 Dr Wakstein (individual objector); Day 1, p 59
Request for £17 $\frac{1}{2}$ thousand plus expenses to analyse safety problems.
- 7 East Anglian Alliance Against Nuclear Power (Mrs Armstrong); Day 1, pp 66-68
Effective presentation of objectors' cases requires funding. Such funding would not be too costly, and could be administered, if necessary, along lines used at the Mackenzie Valley Pipeline Inquiry in Canada.
- 8 Anti Nuclear Campaign (Dr Arnott); Day 1 pp 75-77; Day 2 pp 37-38
Funding required to ensure a full and competent Inquiry.
- 9 Friends of the Earth (Mr Howell); Day 2, pp 246-27A
Funding of objectors needed for a full, fair and thorough Inquiry; it would not create a precedent for other Inquiries since the Sizewell Inquiry would be unique, dealing with major issues of national energy policy; the very availability of documentary material requires funding for its adequate analysis; without public funding, the CEGB's case would not be adequately tested; the necessary funds could ^{not} be raised from within the Friends of the Earth's own resources; ways could be found to distribute to objectors any funds made available to them.
- 10 Mr Bunyard (of The Ecologist); Day 2, p 28
Funds should be made available to bona fide objectors, at least for travel and accommodation.
- 11 The Suffolk Preservation Society (Mr Popham); Day 2, p 32A
Funding for research at least is essential
- 12 Cornwall Anti Nuclear Alliance (Mr Pritchard); Day 2, p 40G
Disparity in funds available to the CEGB and those to objectors.
- 13 National Union of Public Employees (Mr Birch); Day 2, p 46B
General request for funding
- 14 Mr Lowry (individual objector); Day 2, p 53
Request for funds to defray at least travel and accommodation costs of objectors.

- 15 Mr Saddler (individual objector); Day 2, p 55D
Request for funding for research and presentation of cases.
- 16 Socialist Environment and Resources Association (Mr Blackmore); Day 2, pp606, 62-6
Funding crucial for full, informed and adequate discussion; reimbursement of expenses of those at the preliminary meeting.
- 17 Ipswich Friends of the Earth (Mrs Webb); Day 2, p 67
Expenses for attending and general request for funding.
- 18 National Campaign for Nuclear Disarmament (Mr Gerratt); Day 2, p 696
Ditto
- 19 Mr Irving (individual objector); Day 2, pp 71-2
Would be proper for the CEGB to fund objectors since it is in the electricity consumer's interest for the Board's application to be tested as thoroughly as possible.
- 20 Wansbeck District Council (Mr Gray); Day 2, p 74A
General request for funding
- 21 A Power for Good Ltd (Mr Greenhalgh); Day 2, p 75
Funding for counsel; for research into safety and environmental impacts of non-nuclear fuels.
- 22 Pro-Nuclear Power People (Mr Stanley); Day 2 p 76
General request for funding
- 23 Dr Little (of Ridgeway Consultants); Day 2, p 786
Funding for legal representation.
- 24 National Union of Mineworkers (Mr Bundred); Day 3, p 17A
Supports views of ANC, Friends of the Earth and others.
- 25 Scottish Campaign to Resist the Atomic Menace (Mrs Hendry); Day 3, p 20A
Supports TCPA's case for funding.
- 26 Mrs Hendry (individual objector); Day 3, p 21D
General request for funding
- 27 Mr Stoner (individual objector); Day 3, pp 21-22
Bona fide objectors should be given funding for research; would not be unjust for the CEGB to provide this.
- 28 Ipswich Constituency Labour Party (Mrs Sierakowski); Day 3, p 25E
Labour party usually have reservations on funding of objectors but nature of the Inquiry is such that it should be treated as a special case from the point of view of funding.
- 29 Mr Slightholme (individual objector); Day 3 p 27H
Funding required for a fair and thorough Inquiry.
- 30 Miss Foster (individual objector); Day 3 p 40B
General request for funding
- 31 Fire Brigades Union (Mr Immanuel for Mr Segars) and TCWU Agricultural and Allied Workers Trade Group; Day 3, p 42. Supports views of NUM, NUPE, ANC and others.

Mrs J Armstrong (East Anglian Alliance Against Nuclear Power)

Day 1 pp 67-68

The second point put in defence of funding is the problem of who would have the money and what it would be used for. This again is a very limp excuse. If this country does not have the ability to administer a fund then we can take on the Canadian system from which I intend to quote in a minute. Their objection is that of precedent. I think it is worth saying there has never been a Public Inquiry like this before, and it is also worth saying there is such a thing as a good precedent. The present situation, just to fill you in, is this. The Department of Energy have turned down any question of funding. However, their letters have been totally contradictory. They say they deny funding but state the Inspector will take objectors' interests fully into account in reaching a recommendation. I ask you, how can you do this if we are denied from appearing even at the Inquiry? You will be unable to know what on earth our objection is as far as the CEGB are concerned.

Since it was revealed the Board is financing the whole Public Inquiry I think it is fair to say objectors have taken a different view to accepting funds from that particular body, and there was a short article in the Sunday Times of 16th May which said that the CEGB were ready to pay towards the costs of objectors to the scheme, but no fund has been established, and no public announcement has been made on this point.

A third initiative which perhaps you ought to know about is that of the local M.P. of this area, the M.P. for Eye, who has set up some kind of trust fund. After a great deal of correspondence with him he has now named three trustees, but there is no money in that fund and there is no promise of money from anybody. I think the whole thing is rather academic. Neither side, those who would be thinking of putting money in or those wishing to apply for funds, have been approached about the trustees, and I think we could write off that fund altogether. However, time is running out, and a decision may be reached and publicised in the very near future.

The Alliance has looked in detail at the Canadian system of funding which was first used by Judge Burger at the Mackenzie Valley Pipeline Inquiry and used on several occasions since. We

A I turn to the first of those arguments which is based on precedent. The fear appears to be that to give money to objectors at this Inquiry would lead to paying money to objectors at all Inquiries to the detriment of the taxpayer. Sir, that is not an argument which is decisive with the Secretary of State. In the debate in the House of Commons in February of this year, he was prepared to consider public funding, notwithstanding the fear of any precedent it might create. In fact, in my submission, it would not create a precedent. This Inquiry is unique. It will be an Inquiry into the major issues of national energy policy for the rest of this century. To make a worthwhile contribution the participants will have to have a fund of expertise at their disposal. It is quite unlike the normal planning Inquiry as you, sir, will be aware. The fact that Regulations governing the procedure at this Inquiry may be made under the self-same Section as those of planning Inquiries, is, in my submission entirely irrelevant. It is not even similar to a major motorway Inquiry. Issues of the merits and the needs underlying the national road programme, are not principal issues to be investigated at such Inquiries. The scope of the issues go way beyond what one would normally expect with the normal run-of-the-mill Inquiry and payments to objectors in this case could not conceivably create a precedent for those other Inquiries.

B
C
D Even if public funding did create a precedent, it would nonetheless be in the taxpayers' interests that the money should be paid. The scale of public expenditure involved is so large that any sums paid to objectors would be comparatively trifling and they might serve to secure a rigorous and objective testing of the merits of the public investment involved.

E Sir, such public funding would be justified to ensure that any decision to commit taxpayers' money was taken in the light of the best information reasonably obtainable.

F I turn to the second reason which has been offered, the availability of documentary material. As I have already pointed out, even if further material is available, it cannot be fully understood or tested by objectors without funds available to them. Without such funds, the availability of such documentation may only extend the benefit to my clients of providing more paper for them to re-cycle!

G Sir, the third reason advanced by the Secretary of State is the distinction, sir, in which he holds you and the Assessors yet to be appointed. The point of the Inquiry is not for you and the Assessors simply to hear the case for the Board, it is for you to hear that case tested. It will not be tested unless the case against the proposals is thoroughly put. The Friends of the Earth have no doubt whatsoever about your scrutiny and your Assessors' integrity in examining those proposals. However, sir, in my submission that would be no substitute for the scrutiny of a well prepared cross-examination, the illumination to be derived from a variety of expert opinion and the rigour introduced into any Inquiry by the presentation of conflicting views at it. Sir, even the Devil needs his own advocate.

H

A Without public funding my clients fear that you and your Assessors will be submerged beneath the mass of material to be presented by the Board without any assistance from others to help you analyse, digest or appraise the arguments advanced.

The point of the Inquiry is to hear both sides and without public funding both sides will not be properly heard.

B May I turn to the fourth argument which has been raised in Hansard, which is that the money is not needed? Sir, Windscale has been cited as an example of an Inquiry which demonstrates that public funding is not needed. You heard yesterday the benefit of Mr. Justice Parker's remarks on that matter. I can only speak for my clients. They were certainly not happy with the resources available to them to present a case at that Inquiry. They felt it was seriously deficient in consequence in a number of respects. My clients will not have the same resources available at this Inquiry as they did for Windscale. The same costs today amount to more than their total income for the last finance year. Moreover, the fact is that in the present recession they can see no reasonable prospect of raising such a sum even by a special appeal. My clients will have spent shortly after this pre-Inquiry meeting sums in total of £10,000 in preparing this case. That fund is now nearly exhausted.

D I have no wish to go into the details of the difficulties which continuing in this Inquiry will present my clients with but, sir, you and the Secretary of State will wish to know that there are particular difficulties even in mounting a serious campaign for funds by my clients. Such an appeal would result in my clients' other activities being severely curtailed by the diversion of their limited staff to fund raising. It would also mean that they could not adequately prepare their case for Sizewell. The staff employed in fund raising would not be able to contribute properly to the preparation of the case. No-one should be under any illusion whatsoever about the scale of costs of presenting a case properly at this Inquiry. A case which is not properly prepared will not be of very great assistance of illumination to you, sir, on the technical issues. It is not simply a question of maintaining a team and accommodating witnesses in Suffolk, it is a question of the research which goes into the case. It requires many experts, and many experts who simply cannot be found in this country.

G Friends of the Earth have in the past been commissioned by the Atomic Energy Authority of the United Kingdom to carry out research. They have a long-standing interest in the issues which are the subject of this Inquiry. They are a body who should be enabled to participate properly in that Inquiry if the Inquiry is to be seen as full, thorough and fair, as both the Secretary of State and the Board desire. So I say plainly, funding is necessary in order to enable them to do so.

H The final ground on which public funding is objected to is in distributing any funds made available. I have no

A doubt that no-one will ever be satisfied with what they might receive, but that is not really an argument against making funds available. My clients could more easily live with the dissatisfaction of having not enough money than with the dissatisfaction of having no money whatever.

B The Friends of the Earth would, therefore, in principle like to join their support to the representations which you have already received in connection with funding from the Campaign for the Preservation of Rural England, from the Town and Country Planning Association, from the East Anglia Alliance Against Nuclear Power, from the Anti Nuclear Campaign and from the Welsh Anti Nuclear Alliance. Sir, the Friends of the Earth's case is that public funding is necessary not because the Friends of the Earth and other objectors want it, but it is necessary in the public interest. It is necessary to ensure that this Inquiry is not abortive and that it is full, fair and thorough. It is a worthwhile investment of the taxpayer. C It would ensure that a decision which may assist in determining how public expenditure is invested, is made in the light of the best information and assessment available.

D Sir, funding the objectors is the only way in which the public will be re-assured that PWR technology is acceptable. That has already been made perfectly plain by the representations which you have received at this pre-Inquiry meeting from Mr. Stuart, among others. It is in the national interest and, indeed, in the Board's interest that this Inquiry should be seen to be full, fair and thorough. Unless funding is made available it will not be seen to be so.



Prime Minister

2 MARSHAM STREET
LONDON SW1P 3EB

ms 23/3

My ref:

Your ref:

27 March 1982

MS

Deputy

Thank you for your letter of 26 January on the Sizewell public inquiry and the question of aid for objectors.

I entirely agree with your conclusion that we should not grant aid to objectors at Sizewell. However, we run the risk of some embarrassment if we are upstaged by a decision of the CEGB to give aid from their own funds, and I hope therefore you will be able to dissuade them from making any such offer. This would I think be seen as a most unfortunate precept against our traditional policy on this matter.

I am copying this letter to the recipients of yours.

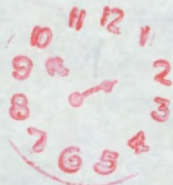
Yours ever

MICHAEL HESELTINE

The Rt Hon Nigel Lawson

RESTRICTED

23 MAR 1902



[Faint red stamp]

01-405 7641 Ext.

Communications on this subject should
be addressed to

THE LEGAL SECRETARY
ATTORNEY GENERAL'S CHAMBERS

Energy CC AD JU

ATTORNEY GENERAL'S CHAMBERS,
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

Dr. David Lumley,
Department of Energy,
Thames House South,
Millbank,
London SW1.

2 February, 1982.

*NBSM
h
4i*

Dear David Lumley,

Sizewell PWR Inquiry: Aid for Objectors

The Attorney General has seen a copy of your Secretary of State's letter of 26 January to the Secretary of State for the Environment.

The Attorney General shares your Secretary of State's view that the balance of argument is against granting aid.

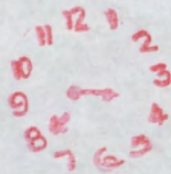
I am sending copies of this letter to Michael Scholar (No. 10), John Kerr (H.M. Treasury), David Heyhoe (Lord President's Office), Robert Lawson (M.A.F.F.), Muir Russel (Scottish Office), John Craig (Welsh Office), John Rhodes (Department of Trade), Anthony Mayer (Department of Transport), and David Wright (Cabinet Office).

Yours sincerely,

Gerald Roscoe

G. ROSCOE.

3 FEB 1982



50



MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
WHITEHALL PLACE, LONDON SW1A 2HH

Energy

From the Minister

NBPM

The Rt Hon Nigel Lawson MP
Secretary of State for Energy
Thames House South
Millbank
London
SW1P 4QJ

MUS 2/2

2 February 1982

Handwritten signature

SIZEWELL PWR INQUIRY: AID FOR OBJECTORS

Thank you for sending me a copy of your letter of 26 January to Michael Heseltine about granting aid to objectors in the Sizewell Inquiry. I have also noted the Prime Minister's comments in Michael Scholar's letter of 27 January.

I share your view that financial aid should not be granted to these objectors.

I am copying this letter to the Prime Minister, Geoffrey Howe, Francis Pym, Michael Heseltine, George Younger, Nicholas Edwards, John Biffen, David Howell, Michael Havers and Sir Robert Armstrong.

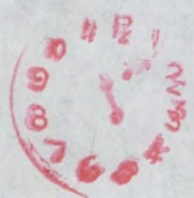
Handwritten signature of Peter Walker

PETER WALKER

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20535



2 FEB 1982



February 1982

DEPARTMENT OF JUSTICE, ALL FOR OBJECTORS

Thank you for sending me a copy of your letter of 26 January to
Michael Reardon about printing his objection in the Washington
Journal. I have also noted the Washington comments in
Michael Reardon's letter of 17 January.

I share your view that a novel idea should not be granted to
these objectors.

I am copying this letter to the Washington, Washington,
Washington, Washington, Washington, Washington,
Washington, Washington, Washington, and Washington.

PETER WALKER

CF
10 DOWNING STREET

From the Private Secretary

27 January, 1982.

Sizewell PWR Inquiry: Aid for Objectors

The Prime Minister saw a copy of your Secretary of State's letter of 26 January to the Secretary of State for the Environment about the case for and against granting aid to objectors in the Sizewell Inquiry.

The Prime Minister shares your Secretary of State's view that the balance of argument is against granting aid.

I am sending copies of this letter to John Kerr (HM Treasury), David Heyhoe (Lord President's Office), Robert Lawson (Ministry of Agriculture, Fisheries and Food), Muir Russell (Scottish Office), John Craig (Welsh Office), John Rhodes (Department of Trade), Anthony Mayer (Department of Transport), Jim Nursaw (Law Officers' Department), and David Wright (Cabinet Office).

M. C. SCHOLAR

Dr. David Lumley,
Department of Energy.

Prime Minister

Do you agree that

there should be no aid?

01 211 6402

MS 26/1

Yes Mr

The Rt Hon Michael Heseltine MP
 Secretary of State for the Environment
 Department of the Environment
 2 Marsham St
 London SW1

26 January 1982

Dear Secretary of State

SIZEWELL PWR INQUIRY : AID FOR OBJECTORS

We need to reach an early decision on this question. It was raised by several members when I announced the timing of the Sizewell inquiry on 20 January. Pressure for aid will now build up. There are indeed some strong arguments for giving it. But I believe the balance of argument is against aid and that we should stand firm on that position. I made it clear on 20 January that there were no present plans for Government aid.

The argument for aid is that the success of the nuclear power programme and other major energy developments depends on carrying public opinion both on policy and on the fairness of the procedure by which decisions are reached. We are fortunate to have escaped so far the virulent and violent opposition to nuclear power which there is in the US and in some Continental countries. Public interest will be raised by the Sizewell inquiry which comes against the background of growing debate about nuclear weapons. The inquiry needs to proceed expeditiously without boycott or interruption. There is much sympathy for the view that an inquiry in which public agencies with large resources are arraigned against amateurs who have to raise their funds by voluntary efforts cannot be fair. The Inspectors at the Windscale and Belvoir inquiries, Mr Justice Parker and Mr Michael Mann QC were both sympathetic to the idea of financial aid to the objectors. Granting aid would not win over committed opponents of nuclear power. But it would reduce the risks of disruption and support for the argument that the inquiry was stacked against the objectors. The Sizewell inquiry could perhaps be distinguished from subsequent nuclear inquiries or other major public inquiries on the grounds that a national issue - the acceptability of the PWR - will be tested.

On the other hand, a planning inquiry is not a Court of Justice. It is a procedure to enable an experienced person who can allow for the objectors' problems in presenting their case to make an independent recommendation to a Secretary of State who is answerable to Parliament for his decision. In practice if the precedent of granting aid to objectors is set at Sizewell it is unlikely thereafter to prove possible to refuse aid to objectors in other large planning inquiries. Indeed it could bring pressure for aid at the current Stansted inquiry. The principle once established could well spread to all inquiries on planning applications by public bodies: and there would

also be pressure for financial aid to objectors who took proceedings in the Courts subsequent to the planning inquiry. The result could well be to encourage objections and litigation leading to long delays such as those on some major energy projects in Germany and the USA. Moreover, a ceiling would have to be applied to any Government funds made available. There would be severe practical problems in deciding how those funds should be divided between objectors, defining the purposes to which they might be applied and requiring applicants to demonstrate their seriousness of purpose through their own financial commitment. Dissatisfaction about the allocation of funds could undermine the intended benefit.

If we were to give aid, a possible half-way house would be for us to appoint and pay for Counsel and Solicitors to co-ordinate and present the arguments of those objectors who wished to be so represented. This is open to many of the same objections as direct financial aid and there could also be practical difficulties. Nevertheless, if we wanted to make a gesture, I think this would be the best way of doing so politically.

The position is complicated by the fact that it has become public knowledge that the CEGB have been considering setting up a fund to aid objectors. The Board have not yet taken a decision and the odds are they will decide against. Should they take the contrary view I would want to try and dissuade them since if aid is to be given to objectors it is both appropriate and politically advantageous that it should come from the Government. My legal advisers tell me that it is in any event doubtful whether the CEGB have the powers to give aid to those opposed to the Board carrying out their statutory functions, so this should help them to explain their decision publicly.

As you said in your letter to David Howell of 3 July last, we will need to stand firm on a concerted response to the request for aid. I should therefore be glad to know if you and our other colleagues concerned share my view that the balance of argument is against granting aid; that the Government should now make this clear and stand firm on that decision; and that if necessary I should seek to discourage the CEGB from granting aid.

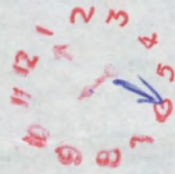
I am sending copies of this letter to the Prime Minister, Geoffrey Howe, Francis Pym, Peter Walker, George Younger, Nicholas Edwards, John Biffen, David Howell, Michael Havers and Sir Robert Armstrong.

Yours sincerely
David Lunley

pp NIGEL LAWSON

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

12 6 JAN 1982



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