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Secretary of State for Trade and Industry

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15 April 1986

The Rt Hon Kenneth Baker MP
Secretary of State for the
Environment
Department of the Environment
2 Marsham Street
LONDON
SW1

CDP 1574

Dear Kenneth,

EC ENVIRONMENTAL ASSESSMENT DIRECTIVE

Thank you for your letter of 27 ^{at 4:00} March.

Your officials have provided mine with the detailed legal advice which prevents you accepting the redrafted passage which I had proposed in my letter of 18 March.

In the light of that advice, I accept that we cannot propose thresholds or criteria which would automatically exclude categories of project from the powers you propose to take. Given that, I agree with your view that express mention of thresholds and criteria would probably be counter productive, in that it would encourage those lobbying for Environmental Assessments to propose categories of project for which they would be mandatory, rather than leaving matters to your discretion.

I am therefore content that the passage in the consultation document should revert to something on the original lines. For the reasons explained in my earlier letter, I hope that it is however still understood between us - even if it would be unwise in Community terms to say so in the consultation document - that the Government would only expect to use these reserve powers on very rare occasions.

I am copying this letter to the Prime Minister, Willie Whitelaw, Geoffrey Howe, members of H Committee, Kenneth Clarke, Peter Walker, Michael Jopling, Michael Havers and Sir Robert Armstrong.

Paul
PAUL CHANNON
Paul

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