



Department  
of Energy &  
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[redacted]

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Your ref:

Our ref: 12/1831

29 January 2013

Dear [redacted]

### **Environmental Information Regulations Request (Ref: 12/1831)**

Thank you for your letter of 31 December 2012 to the Department of Energy and Climate Change in which you made a request under the Environmental Information Regulations for information about the Gas Generation Strategy.

The terms of your request were:

**I am writing to request information under the Environmental Information Regulations Act 2004. Under the Act I am requesting the following:**

- **All correspondence amongst DECC staff internally, and with HM Treasury, on the sensitivity analysis in the Government's Gas Strategy that leads to 37GW of new gas being built by 2030 (and an emissions intensity of 200gCO<sub>2</sub>/kWh).**
- **The modeling underpinning this sensitivity analysis.**

**All relevant information should be between the dates 17<sup>th</sup> March – 5<sup>th</sup> December 2012, the dates during which the Gas Strategy was being developed.**

**I would be interested in any information your organisation hold regarding the above request. I understand that I do not have to specify specific files or documents and that it is the department's responsibility to provide the information I require.**

Following a search of our paper and electronic records, I have established that the Department holds some information that falls within the scope of your request.

The Environmental Information Regulations require public authorities to disclose information falling within their scope. However, certain sub-categories of information are specified as exempt from disclosure where the public interest in maintaining the exemption outweighs the public interest in disclosing them ("the

public interest test”). In applying the public interest test, public authorities should start from the presumption that information is to be disclosed (Regulation 12(2)).

We have considered your request, and the information that we have decided can be released to you in relation to the modelling underpinning the sensitivity analysis is attached to this letter at Annex A.

The Gas Generation Strategy set out three different decarbonisation trajectories to 2030. The main analysis reflected the central assumption used consistently in analysis of Electricity Market Reform by DECC, namely a trajectory to around 100g CO<sub>2</sub>/kWh grid emissions intensity in 2030. The second was a sensitivity analysis based on a trajectory to around 200g CO<sub>2</sub>/kWh in 2030, which is taken as a proxy for a scenario in which the 4th Carbon Budget is revised upwards following the 2014 review in line with a continuation of the EU ETS’s current trajectory. The third was a sensitivity analysis based on a trajectory to around 50g CO<sub>2</sub>/kWh in 2030, reflecting the advice of the Committee on Climate Change on an appropriate level for 2030.

Please see the attached spreadsheet for the new build, total capacity and generation estimates from the modelling of these sensitivities.

With regard to the part of your request that asks for “correspondence amongst DECC staff internally, and with HM Treasury, on the sensitivity analysis in the Government’s Gas Strategy that leads to 37GW of new gas being built by 2030 (and an emissions intensity of 200gCO<sub>2</sub>/kWh)” we have decided to apply the exception to disclosure under Regulation 12(4)(e) of the EIRs which provides that a public authority may refuse to disclose information if “the request involves the disclosure of internal communications”.

Guidance issued by the Information Commissioner’s Office (ICO) on regulation 12(4) (e) says: “The underlying rationale behind the exception is that public authorities should have the necessary space to think in private”. As with all EIR exceptions, this is a qualified exception and public authorities are required to apply a public interest test as set out in Regulation 12(1) (b).

The ICO guidance also states: “Communications between central government departments are expressly included as internal communications by virtue of regulation 12(8).”

In applying this exception, we have considered the public interest in disclosing the information. The information that we have decided not to disclose is in the form of communications between DECC staff and with HM Treasury staff while working on the Gas Generation Strategy which was published on 5 December 2012.

In this respect we recognise that disclosure could enhance public understanding of the Government’s position on issues affecting future gas generation in the

UK. Disclosure of information can facilitate the accountability and transparency of Government decisions.

However, we consider the balance of the public interest to lie in favour of withholding the information in this case. Officials need to be able to consider a full range of options when formulating policy before presenting advice to Ministers. Officials should be able to conduct rigorous and candid assessments of their policies without premature disclosure which might close off discussion and the development of better options. Officials also need to work within a private space to develop policy without draft material being disclosed which may cause confusion or misrepresent Government policy. Disclosing such internal communications could inhibit the ability of officials to exchange views, sensitive information and advice in future which could have a detrimental effect on the conduct of Government business.

#### Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to me.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

[redacted]