

Department of Energy & Climate Change

55 Whitehall Place,
London SW1A 2EY
www.decc.gov.uk

Our ref: 12/1433

6 November 2012

RE: Request for Information

Thank you for your e-mail of 11 October requesting "Government correspondence regarding what [community benefits] packages could be offered over the past two years and similarly for correspondence between DECC and Cumbrian authorities for the same period."

This request was received following a request that you narrow the scope of an earlier request for "details of any proposed community benefits discussed by the government should Cumbria decide to host a proposed underground nuclear waste repository as is being discussed in the current Managing Radioactive Waste Safely consultation."

We consider that the information that you have requested constitutes environmental information for the purposes of the Environmental Information Regulations 2004 (EIRs). Accordingly, your request has been dealt with under the terms of the EIRs.

In order to ensure that the first part of your request - for 'Government correspondence regarding [community benefits] packages' - was not considered to be 'manifestly unreasonable' in terms of the material that had to be searched (and thereby fall under exception contained in regulation 12(4)(b) EIRs) we have interpreted 'Government correspondence' as being official submissions to DECC Ministers, correspondence from DECC Ministers to DECC officials, and correspondence between Government Ministers. We have interpreted 'Cumbrian authorities', in this request, as being Allerdale Borough Council, Copeland Borough Council, Cumbria County Council and the West Cumbria Managing Radioactive Waste Safely Partnership.

DECC does hold information relating to your request and the information that can be disclosed is enclosed with this letter.

However, some of the information that falls within the scope of your request falls under the exception in regulation 12(4)(e) EIRs as it constitutes internal communications.

We have considered whether, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

In carrying out this public interest balance we note the presumption in favour of disclosure and recognise that greater transparency makes the government more accountable to the electorate and can increase trust and understanding in the government's work. Disclosure also facilitates greater public engagement in, and contribution to, policy making, increasing effectiveness.

However, the disclosure of internal communications can undermine the ability of government to discuss, debate and test vigorously all available options in the process of formulating policy. Ministers and officials need to be able to make decisions in an environment which allows space for full consideration. It is essential that decision-making should be based on the best advice available and a full consideration of all options taken. We believe that if this information were made public at this time, frankness and policy development in relation to the application of community benefits would inevitably be inhibited and the Department would be prevented from taking decisions based on the fullest understanding of the issues involved. If the quality of discussions on substantive issues is hampered, this will, in turn, damage the Government's ability to take well-informed decisions.

It is noted in particular that the scope of community benefits are intended to be defined in discussion with the potential host community. The Government committed to providing a benefits package to the community that hosts a geological disposal facility in the 2008 White Paper *'Managing Radioactive Waste Safely: A Framework for Implementing Geological Disposal'*. The White Paper did not specify the specific scale and scope of potential community benefits packages, as the Government believes that any benefits packages should be developed between communities, the Government, and the Nuclear Decommissioning Authority as discussions progress, and taking into account local needs. These discussions are intended to begin when an area (or areas) decides to participate in the siting process (a decision which does not commit an area to host the facility).

As such government policy in relation to the content of community benefits for potential host communities of a GDF is still in progress and the disclosure of internal communications relating to the approach to such benefits at this stage has the potential to adversely affect the process to be undertaken with the local communities themselves. This would not be in the public interest and we therefore consider that the balance of public interest lies in withholding this information.

Appeals Procedure

If you are unhappy with the result of your request for information, you may request an internal review within forty working days of the date of this letter. If you wish to request an internal review, please contact:

Information and Security Rights Team (DECC Shared Service) Department of
Business, Innovation & Skills
Victoria 3, 5th Floor
1 Victoria Street
London SW1H 0ET
Email: foi@decc.gsi.gov.uk

Please remember to quote the reference number above in any future communications.

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