

Date as email

Dear [REDACTED]

FOI-21-4038

Thank you for your information request which was received on 10 February 2021. I have processed your request under the Environmental Information Regulations ('EIR') 2004 ('the Regulations') because the information you have requested concerns work affecting the environment according to the definition in Regulation 2. Section 39 of the Freedom of Information Act ('FOI') 2000 ('the Act') exempts environmental information from the Act but requires us to consider it under the EIR.

RESPONSE

Please note we address each of your questions in turn for ease of reference.

1) **Groundwater Assessment ref:1MC05-AU -EV-NOT- CS02_CL04-000001 produced by Align.**

I can confirm that HS2 Ltd does not hold a document with that reference. However, we have a document with a very similar reference number that we believe may be the one that you require. Accordingly, we are providing you with the following document:

1MC05-ALJ-EV-NOT-CS02_CL04-000001

Please note that this information is now out-dated, as it was written pre-detailed design.

Please also note that while **the majority of the information has been provided**, I am afraid that I am not required to release all of the information requested. Please find attached a redacted document entitled **FOI-21-4038 – Annex A**.

We are withholding the redacted information under Regulation 12(5)(a) - international relations, defence, national security or public safety and Regulation 13 – personal information. Please see **Annex B** attached for a full explanation of the legislation applied.

2) Bore hole report relating to the Little Missenden Vent Shaft site and Ground Investigation Report.

I can confirm HS2 Ltd holds information relevant to your request, however we are withholding this under Regulation 12(4)(d) (material which is still in the course of completion, to unfinished documents or to incomplete data).

Please see **Annex B** attached for a full explanation of the legislation applied.

3) Options for mitigation of the effects of shaft construction on groundwater as prepared by Align.

I can confirm that HS2 Ltd holds information relevant to your request and this is the document provided in respect to question 1.

Therefore, please find attached a redacted document entitled **FOI-21-4038 – Annex A**.

We are withholding the redacted information under Regulation 12(5)(a) - international relations, defence, national security or public safety and Regulation 13 – personal information.

Please see **Annex B** attached for a full explanation of the legislation applied.

4) Copies of the Site-specific risk assessment of the above works relating to groundwater and surface water at the site.

I can confirm that HS2 Ltd does not hold the information that you have requested. This document has not been written yet.

5) Baseline monitoring of groundwater and the River Misbourne since 2016, carried out by HS2

I can confirm that HS2 Ltd holds a report on baseline monitoring of groundwater.

However we are withholding this report under Regulation 12(4)(d) (material which is still in the course of completion, to unfinished documents or to incomplete data) and Regulation 12 (5)(a) (international relations, defence, national security or public safety) and Regulation 13 – (personal information).

Please see **Annex B** attached for a full explanation of the legislation applied.

6) Hydrological survey and ground investigation report to date, relating to Shardeloes Lake and the River Misbourne.

I can confirm that HS2 Ltd does not hold the information that you have requested. The two water bodies are considered as receptors and **will be considered in detail in the report referred to under item 4 above.**

7) I thank you for your email of the 8th February 2021, in which you refer to 'Little Missenden Vent Shaft Surveys', but just for the avoidance of doubt, I would confirm that the Report we are looking for is the document reference IMC05-ALJ-EV-NOT-CS02-300112. This was produced by the HS2 Main Works Contractor Align and is for a 'Groundwater Assessment for Construction Tasks - Shafts.'

I can confirm HS2 Ltd holds information relevant to your request, however, we are withholding this under Regulation 12(4)(d) **(material which is still in the course of completion,** to unfinished documents or to incomplete data).

Please see **Annex B** attached for a full explanation of the legislation applied.

8) A subsequent document, titled 'Options for mitigation of the effects of shaft construction on groundwater'(Document ref: 1MC05-ALJ-EV-NOT-CS02_CL04-0001) is also important since it discusses mitigation measures that may be necessary to protect groundwater and surface water quality around the Little Missenden Vent Shaft. This is of particular interest since it may have a bearing on the possible discharge of such waters into the River Misbourne. I do hope these documents can therefore be sent to us. The Environment Agency stated that copies of these reports, 'should be requested from HS2 directly'. We have done that, but have not received the reports, hence I assume, the matters being referred to yourselves. Can you please advise?

I can confirm that HS2 Ltd holds information relevant to your request and **this is the document provided in respect to question 1.**

Therefore, please find attached a redacted document entitled **FOI-21-4038 – Annex A.**

We are withholding the redacted information under Regulation 12(5)(a) - international relations, defence, national security or public safety and Regulation 13 – personal information.

Please see **Annex B** attached for a full explanation of the legislation applied.

9) We understand that this assessment for 'Options' will be further refined by site-specific risk assessments, to support the application for consent to construct the Vent Shaft. We appreciate that this application has not been made as at yet, but can you please advise us if the necessary 'risk assessments' have been carried out, or at what stage they are at? Can we please see the results of these 'risk assessments' when they are done?

I can confirm that HS2 Ltd does not hold the information that you have requested. This document has not been written yet.

10) In addition, we also understand that HS2 Ltd, have produced Hydrological Surveys and Borehole Test Reports for the Little Missenden Vent Shaft site and again we were advised by the EA that we should request copies of these ground investigation reports from HS2 directly so we trust you will also deal with this request.

This is the same document as requested within question 2. Consequently we are withholding this under Regulation 12(4)(d) (material which is still in the course of completion, to unfinished documents or to incomplete data).

Please see **Annex B** attached for a full explanation of the legislation applied.

11) You will also know that HS2 Ltd have been undertaking baseline monitoring of groundwater and the River Misbourne since 2016. The present level and flow rate of the Misbourne is at its highest ever, so we would be pleased to see a copy of this HS2 Report over the last 5 years. Again, the EA said we should request a copy of this baseline monitoring report, from HS2 Directly. Please can you send this?

I can confirm that HS2 Ltd holds a report on baseline monitoring of groundwater.

However, we are withholding this report under Regulation 12(4)(d) (material which is still in the course of completion, to unfinished documents or to incomplete data) and Regulation 12 (5)(a) (international relations, defence, national security or public safety) and Regulation 13 – (personal information).


Please see **Annex B** attached for a full explanation of the legislation applied.

12) The most recent and most urgent request for Ground Investigation Reports has been recently made in conjunction with the 'Report on the results of the test borings on the River Misbourne and Shardeloes Lake', at the point where the HS2 tunnel passes under the edge of Shardeloes Lake and the River. I say this is the most urgent because our own Hydrological experts want to satisfy themselves that the state of the chalk and subsoil at that point is sufficiently robust to accommodate the tunnel and workings, to the extent that they wish to be independently satisfied that the HS2/Align works will not endanger the integrity of the base of the lake and river.

I can confirm that HS2 Ltd does not hold a report entitled 'Report on the results of the test borings on the River Misbourne and Shardeloes Lake'. Therefore, the information that you have requested is not held. See response to question 2 for information on Ground Investigation Reports.

13) We were advised by the EA that the original Ground Investigation report 'should be requested from HS2 directly' which we have done, but during last summer considerable HS2 activity took place with further ground investigations adjacent to the lake. In June of last year, pollution of the lake was reported to HS2 and the EA where a white plume of discolouration was observed on the surface of the lake. An investigation was carried out and David Eve advised in his email of the 2nd June to various parties that he was satisfied that the discolouration was not connected to the works being carried out at the LMVS. We accept that, because no one had said it was, but we do believe the discolouration and therefore pollution was as a direct result of the Test Bore Hole drilling being carried out on the line of the HS2 tunnel, adjacent to the lake.

In relation to the above we can find no request for recorded information. However, HS2 Ltd can confirm **the Environment Agency** (as independent regulatory authority in England) **found no information that suggested that the discolouration could be due to HS2 Ltd borehole drilling operations.**

There are many potential causes of short-term turbidity events in shallow lakes. This includes simple activities such as dogs or children swimming in the water or algal growth which can happen in hot weather, especially in agricultural areas. 

14) As you can see therefore it is most important that a full Report of that incident and the findings, must be included in the Ground Investigation Report of the lake and river, as set out above.

I can confirm that **HS2 Ltd does not hold the information that you have requested.** See answer to question 13.

15) You may also know of the Pajares Tunnel project where the works resulted in the draining of local rivers and water resources. Most residents of Little Missenden are aware of that disaster and therefore naturally want to be reassured that such a possibility will not arise at Shardeloes Lake.

The hydrogeology of the chalk and its particular characteristics are well known and understood. Therefore, the tunnel has been designed knowing this and a specific type of tunnel boring machine has been selected for this specific purpose. HS2 Ltd know that c.75% of the tunnel length will be below water so water has to be kept out. As the tunnel boring machine cuts through the chalk it places pre-cast concrete lining segments immediately behind the cut rock and injects a rapid setting grout seal, the combination of the liner and the grout preventing water influx into the tunnel. The tunnel has been designed to a standard that will ensure only a very small amount of leakage during its construction. Any such leakage will be collected and reinjected into the aquifer so that there is no net loss from the aquifer.

Additional information

In your email dated 16 February 2021 you advised:

I had initially set out my request for these documents quite clearly in my letter of the 25 November 2020 addressed to HS2 Ltd, and this request was acknowledged by Michelle, the Community Engagement Advisor of the HS2 Helpdesk, on the 10th December 2020, saying that they had been submitted 'to the relevant personnel'.

Following a search of our systems we have identified, as part of a later email thread received from you, an email dated 25 November 2020. However, this email was addressed to Bucks Council and does not contain reference to reports included in your request.

Furthermore, we have located correspondence between yourself and the Enquiries Team. Your query was forwarded to Align Community Engagement who assisted you in identifying relevant documents. Your request was then passed onto the HS2 Ltd BCFOI Team to manage as a formal request.

To avoid delays in responding to any future requests you may wish to submit, please submit all EIR and Freedom of Information requests via the following email address:

Foi.request@HS2Ltd.or.uk

Regulation 12(4)(a) – No information

Where we have stated that we do not hold the information we are relying on EIR exception 12(4)(a) which is subject to a public interest test. However, the Information Commissioner's Office recognises that it can be impossible to do a meaningful public interest test (PIT) if the information is not held. As such, a PIT has not been carried out. The following link sets out regulation 12(4)(a) in full: <http://www.legislation.gov.uk/ukxi/2004/3391/regulation/12/made>.

Right to Review

If you are unhappy with the way we have handled your request or with the decisions made in relation to your request, you may complain in writing to HS2 Ltd. Please find below details of HS2 Ltd's complaints procedure which includes your right to complain to the Information Commissioner.

Please remember to quote reference number **FOI-21-4038** in any future communication relating to this request.

Yours sincerely,

Sent on behalf of Carl Bird

Briefings, Correspondence and FOI Manager

High Speed Two (HS2) Limited

Your right to complain to HS2 Ltd and the Information Commissioner

You have the right to complain to HS2 Ltd within 40 working days of the date of this response about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

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