

Dr Conboy
Email: HS2@chilternsociety.org.uk

Date as email

Dear Dr Conboy

FOI-24-5446

Thank you for your information request which was received on 06 February 2024. 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 Regulations.

REQUEST

Water from the Siltbusters at Gt Missenden has been discharging into the River Misbourne since December (possibly intermittently) - see <http://www.hs2amersham.org.uk/News/2023/MintheM.html> Would you please respond to the following Environmental Information Regulation requests ?

- 1. Under what circumstances do the Siltbusters discharge water via the overflow pipes ? Does this indicate that drainage ponds 1 and 2 are full ?***
- 2. For how many days (in the last month) has this discharge occurred ?***
- 3. Is the South Heath Culvert currently in use (i.e. draining the North Portal to Drainage pond 1) ?***
- 4. The S17 application for the North Portal (Drainage - https://pa-csb.buckinghamshire.gov.uk/online-applications/files/AAA1F2B2BAD63FD8B77C5ABDE5D60CD2/pdf/PL_23_1591_HS2-DRAINAGE_MITIGATION_REPORT-4726062.pdf)***

makes no reference to overflows from the ponds, other than figure 3 shows a spillway 'to convey excess flows downstream'. What steps will be taken to ensure that water drained from the tunnel portal cannot find its way into the Misbourne, via the culvert under the A413 ?

RESPONSE

I am writing to ask you to clarify your request. This is because we need further details from you in order to identify and locate the information you require.

Whilst we can provide responses to the first three parts of your request for information, and do so in the attached **Annex A**, we cannot respond to the fourth as the link you provide as this part of the request does not allow HS2 Ltd to access what is contained therein.

Please note, under Regulation 12(4)(c), if a request is not sufficiently clear to enable the public authority to locate or identify the requested information, then there is duty for that public authority, to provide advice and assistance to the requester in seeking further clarification.

Therefore, I should be grateful if you would provide an accessible copy of the information contained in the link, in order to allow us to respond fully to your request.

Please note, under Regulation 12(4)(c), if a request is not sufficiently clear to enable the public authority to locate or identify the requested information, then there is duty for that public authority, to provide advice and assistance to the requester in seeking further clarification.

Advice and Assistance

The fourth part of your request for information has now been refused under Regulation 12(4)(c).

It is necessary for me to inform you that once a public authority has refused a request under this Regulation and provided reasonable advice and assistance, it is not required to take any further action unless it receives a response back from the requester.

To enable us to proceed, I would be grateful if you could resubmit your request, providing an answer to the above query. This will enable us to try to locate the information you require.

This matter is now closed, pending receipt of further correspondence from you.

Should you provide us with clarification, your request will be treated as a new request, and you will receive a response within the statutory timescale of 20 working days, as defined by the Regulations. Please note that other exceptions under the Regulations may apply to any clarified request.

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-24-5446** in any future communication relating to this request.

Yours sincerely

Briefings, Correspondence and FOI Adviser

High Speed Two (HS2) Limited

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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