

James Conboy

HS2@chilternsociety.org.uk

Date as email

Dear James Conboy,

FOI-21-4162

Thank you for your information request which was received on 18 April 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 Regulations.

REQUEST

"We understand from the response made to Lord Berkeley that approval for the HS2 Chilterns Tunnel has not yet been granted by the EA, but that various documents have been submitted by you in connection with this request."

- 1. Can you confirm that this request includes granting permission for the construction of the Ventilation and Intervention Shafts?*
- 2. If so, would you please supply copies of the risk assessments submitted in connection with each shaft?*
- 3. If the shaft permissions are not included with the tunnel request, would you please indicate for which shafts permission has been separately requested, and again supply copies of the risk assessments."*

RESPONSE

Regulation 12(4)(b) of the EIR allows public authorities to refuse a request for information where the cost or burden of dealing with the request would be too great.

The search for the requested information has yielded three vent shaft risk assessments documents, two completed and one currently in draft format for:

- Chalfont St Giles
- Chalfont St Peter
- Amersham (in draft)

The two complete documents - for Chalfont St Giles and Chalfont St Peter - contain a total of 1,025 pages. These documents are not only large, but also complex and technical in nature. A thorough manual review of the documents would need to take place in order to ensure that they do not contain exempt material – such as personal data. Given the nature of the material it would take at least 5 minutes per page to read through and examine. The size of the two complete assessments means that the task would take at least 85 hours. This would place a disproportionate burden on HS2 Ltd.

Please see Regulation 12(4)(b) - Manifestly unreasonable requests below for more detail. <https://www.legislation.gov.uk/uksi/2004/3391/regulation/12/made>

Please note that this calculation does not yet include the third risk assessment for Amersham which is still in draft format.

OFFER TO ASSIST

Rather than refusing your request outright at this stage, I would like to explore with you how HS2 Ltd may best assist you to request relevant information which we hold.

Unfortunately, considering the size of the material caught by this request, I am unable to suggest any practical way in which your request may be narrowed within the terms of the Regulations.

However, I am willing to consider any revised request which reduces the scope of the information captured. You may wish to consider focusing on specific aspects that are of interest to you. For example, the reports contain a number of technical annexes which may not, in themselves, be the focus of your request.

Additionally, while information requests can be applicant and purpose blind, it would help us to assist you if we understood the reasons for your request. We may then be better able to assist you in narrow the search to identify relevant information.

Please note that any reformulated request we receive will be treated as a new EIR request and we cannot guarantee that any relevant exceptions under the Regulations will not apply to a revised request.

REGULATION 12(4)(b)

Regulation 12(4)(b) of the EIR sets out that a public authority may refuse to disclose information to the extent that the request for information is 'manifestly unreasonable'. A request may be manifestly unreasonable if dealing with the request would create unreasonable costs or involve an unreasonable diversion of resources.

All exceptions under EIR are subject to a Public Interest Test (PIT) which means that we need to consider whether "in all circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information". We have weighed up the benefits to the public for releasing the information against the factors for not releasing it. We consider that the factors for not releasing the information outweigh those for disclosure. Please see **Annex A** for full details of our considerations.

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-21-4162** in any future communication relating to this request.

Yours sincerely

J. Palmer

Briefings, correspondence & FOI Adviser
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