

Marrk Keir
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Date as email

Dear Marrk Keir,

FOI-22-4587

Thank you for your information request which was received on 22 March 2022. 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

"You recently informed the world that notices for all compulsory purchase orders (CPO) for properties pertaining to Phase 1 had been issued.

- 1. Please tell me how many CPOs have been issued?***
- 2. For how many of those notices has a final settlement sum been agreed?***
- 3. How many of those CPO properties were subject to temporary purchase orders beforehand?***
- 4. What is the total sum to be paid to settle those CPOs, and how much of that has been paid to date?"***

RESPONSE

Our data is not organised in a way which would allow us to easily provide the information you request. Therefore, in accordance with Regulation 12(4)(b) we are refusing your request for information because it is 'manifestly unreasonable'.

Regulation 12(4)(b) allows a public authority to refuse a request for information where the information requested is wide-ranging and covers a significant amount of information. Requests of this nature are considered manifestly unreasonable because the cost or burden of complying with such requests is too great. In assessing the cost or burden of complying

with a request, a public authority must consider the proportionality of the costs involved and decide whether they are reasonable. In this instance, the cost involved in complying with the request is too great as information captured by this request covers a wide range of information.

In determining your request was manifestly unreasonable, we conducted a preliminary search for information. This preliminary search identified that 784 General Vesting Declarations (GVDs), also known as Compulsory Purchase Orders (CPOs), have been executed to acquire land or rights over land under the Compulsory Purchase (Vesting Declarations) Act 1981.

A single GVD/CPO can consist of a number of parcels of land with multiple stakeholders and a variety of uses, each of which could have their own valuation or potential for a claim.

The 784 GVDs/CPOs issued cover more than 6,000 plots, to ascertain whether we even hold the data to be able to respond to the request would require a manually review of the records relating to these 6,000+ plots. We estimate, it would take a minimum of 5 minutes per plot in order to:

- interrogate how the notice/notices are linked to the GVD/CPO, claim or claims, and party or parties with an interest in that plot,
- investigate what notices have been served on the individual plot,
- then review the progress of each individual plot in order to ascertain whether or not a final settlement sum has been agreed.

It should also be noted that some plots may have more than one use, i.e., residential, commercial, agricultural, etc., and while a claim might have been submitted and settled for a given use, a stakeholder might submit a further claim in the future for another of the use on a particular plot. (There is a statute of limitations for GVD/CPO claims. A claim should be made within 6 years of the land being compulsorily acquired). At 5 minutes per plot, with 6,000 plots, we estimate it would take at least 30,000 minutes or 500 hours to identify whether HS2 Ltd holds the data relevant to your request. This estimation is based on the following calculation:

$$6,000 \text{ plots} \times 5 \text{ minutes per page} = 30,000 \text{ minutes or } 500 \text{ hours}$$

In this instance, complying with this request would place a disproportionate burden on HS2 Ltd and would therefore be deemed manifestly unreasonable as defined by the Regulations. Please refer to **Annex A** attached, where you will find a full explanation of the legislation applied.

Offer To Assist

When refusing a request for environmental information under Regulation 12(4)(b) on the grounds of being manifestly unreasonable; a public authority is required to provide advice and assistance to help requesters refine their requests so they do not place a disproportionate burden on the public authority. Therefore, I would like to

explore with you how HS2 Ltd may best assist you to request relevant information which we hold.

We could possibly search for information held within question 3 of your request, we believe this would not place a disproportionate burden on HS2 Ltd's resources. You may also find it useful to review HS2 Ltd's published reports, noted in the links below, this may provide you with some useful information which relates to your request:

- End of year reports showing expenditures:

<https://www.gov.uk/government/collections/hs2-annual-reports-and-accounts>

- Public Accounts Committee reports:

<https://committees.parliament.uk/publications/7381/documents/77661/default/>

- The Department for Transport publishes a HS2 Ltd 6-monthly report to Parliament

- Oct 2021:

<https://www.gov.uk/government/speeches/hs2-6-monthly-report-to-parliament-october-2021>

- Mar 2022:

<https://www.gov.uk/government/speeches/hs2-6-monthly-report-to-parliament-march-2022>

If the above will not satisfy your request, please refine your request and re-submit this to HS2 Ltd for consideration. Please note that any refined request we receive will be treated as a new request under the Regulations and we cannot guarantee that relevant exceptions will not apply to the new 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-22-4587** in any future communication relating to this request.

Yours sincerely,

J. Palmer

Briefings, Correspondence and 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