

Mr Simon Cross

By email: [request-369448-ea453bf7@whatdotheyknow.com](mailto:request-369448-ea453bf7@whatdotheyknow.com)

5 January 2017

Dear Mr Cross

**FOI16-1622R – Internal review**

I am writing in response to your concerns about HS2 Ltd's handling of your requests for information received 6 November 2016 and which was responded to on 5 December 2016.

Your information request was handled by Nikki Neta, Freedom of Information Advisor. I was appointed to carry out an independent review as a member of the HS2 Ltd Executive team not involved in the original decision.

In your original request dated 6 November you asked for the following information:

**Please provide a comprehensive breakdown, community by community, of the number of residential properties within each of the following categories for the Meadowhall 2013 consulted route, stating the place name of the area or community, and the number for each and every community, also stating the overall total for each category:**

- Category 1 - properties within 100 metres of the route
- Category 2 - properties within 60 to 120 metres of the route
- Category 3 - properties within 120 to 180 metres of the route
- Category 4 - properties within 180 to 240 metres of the route
- Category 5 - properties within 240 to 300 metres of the route

**Please provide a comprehensive breakdown, community by community, of the number of residential properties within each of the following categories for the M18 eastern route, proposed on 7th July 2016, stating the place name of the area or community, and the number for each and every community, also stating the overall total for each category:**

- Category 1 - properties within 100 metres of the route
- Category 2 - properties within 60 to 120 metres of the route
- Category 3 - properties within 120 to 180 metres of the route
- Category 4 - properties within 180 to 240 metres of the route
- Category 5 - properties within 240 to 300 metres of the route

**For the purpose of answering these questions, any reference to 'the route' means the centre point of the two main high speed tracks, and the property count should include any residential properties (homes) that fall within the distance categories that are part of a business or other concern, for example a farm, smallholding, riding stables, garden centre, a residential home attached to a shop, post office, public house, school or place of worship, etc.**

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**Please count multiple occupancy residential care homes that fall within any category as 1 property, and please state the name and location of any such homes separately, identifying which route would impact upon the home, and which distance category the home is situated within.**

### **Original decision**

HS2 Ltd responded to your request on 5 December 2016. The response stated that we do not hold the information in relation to your request but that based on an indicative appraisal, the number of dwellings within 100m of the surface route for an alternative Meadowhall route is approximately 1,000 and 600 for the M18 route.

### **Internal review request**

On 6 December 2016 you contacted HS2 Ltd to request an Internal Review as you were not satisfied with the initial response. You stated:

**The purpose of my FOI request was to confirm, beyond doubt, the validity of HS2 Limited' claim by directly comparing the impact numbers for the first consulted scheme against those for the second consulted scheme.**

**Not only have HS2 Limited confirmed (or potentially falsely claimed) that they do not hold the information regarding impact, they have added insult to injury by making a comparison to 'an alternative' Meadowhall route, and not the 2013 consulted Meadowhall route that is the subject of my FOI request, against which the M18 Eastern Route is currently being promoted by HS2 Limited.**

**The reply to this freedom of information request is therefore entirely misleading to Government, stakeholders and the general public and it appears that the M18 Eastern Route is being promoted by HS2 Limited under false pretences.**

I will firstly respond to your concern that the information provided in our original response was based on an alternative Meadowhall route.

### **Route development following consultation**

Following the Phase Two route consultation, HS2 Ltd undertook a range of activities to develop and refine the entire Phase Two route. This included updating the route design to reflect lessons learned from the Phase One hybrid Bill design process. These changes are incorporated into the HS2 Ltd design requirements and must be incorporated into the design to ensure that it complies with the necessary technical standards. By incorporating these changes in to the route at this stage, we are able to provide greater confidence over the footprint and operability of Phase Two.

As well as applying updated technical standards, we also considered possible refinements driven by consultation feedback on issues such as the environmental impacts of the route, proposals for alternative alignments, and new intelligence about issues relevant to the route such as the presence of landfills. We examined specific route options that were put forward, as well as developing other options that may respond to concerns raised in consultation, considering these through our sifting process. More information about our approach to sifting and route development is set out in the 'Summary of Route Refinements' report published on <https://www.gov.uk/government/publications/hs2-phase-2b-summary-of-route-refinements>.

Based on this work, we made a range of changes to the Phase Two route. In seven areas (including the M18/Eastern Route), we are undertaking further consultation given the scale or scope of the change, to



ensure that those affected have the same opportunities to provide feedback, and that we have considered local concerns in the development of the route. Nonetheless, it should be noted that the majority of the Phase Two route has changed compared to the 2013/14 scheme, even if in many cases these changes are minor. This means that it is not possible simply to revert to a scheme proposed at an earlier stage of the design process.

### Route Development in South & West Yorkshire

The work set out above included a number of refinements to the route serving Meadowhall in the South Yorkshire area (as consulted on in 2013/14), which led to improvements in the route, for example by reducing some environmental impacts, engineering risks, or costs. This route, referred to as the 'Updated Meadowhall' route (or 'alternative' Meadowhall route as it has also been referred to), addressed concerns raised in consultation, and incorporated more recent design standards, based on the lessons learned from Phase One.

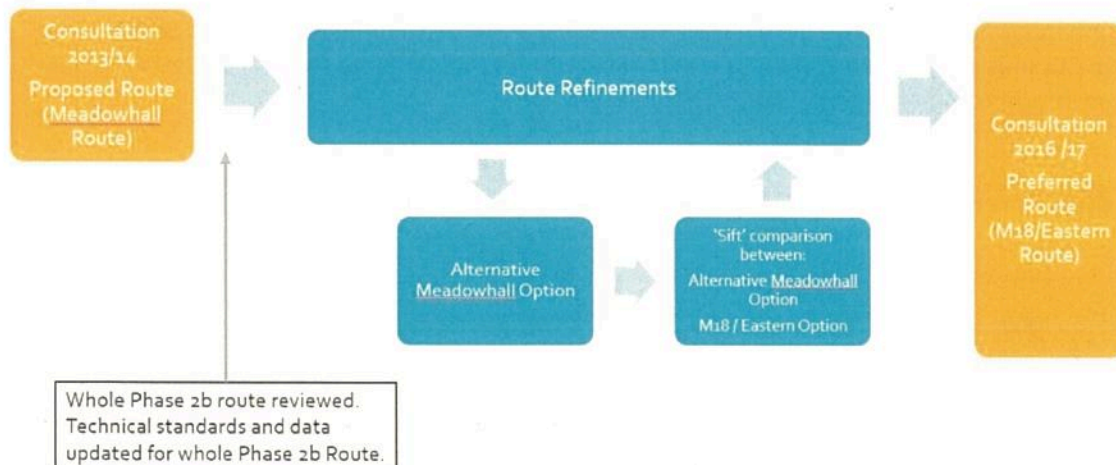
If the Government had asked us to continue with a route serving Meadowhall, we would have therefore expected to take this updated route forward (subject to the agreement of the Secretary of State, and any further consultation that may have been required). In the interests of avoiding further blight, and to avoid anticipating any later decisions, HS2 Ltd is not publishing the updated/ alternative Meadowhall route. This is consistent with the majority of HS2 route options that have been considered over the years.

I can also confirm that we do not hold the detailed information that you have requested in relation to the Phase Two 2013 consultation route.

### Approach to comparison

The diagram below represents how consideration of the M18/Eastern route fits into the wider route development context. As our updated Meadowhall route incorporated a number of improvements over the route presented at consultation, this was the most appropriate route to compare against the M18/Eastern route.

### Route Refinements Timeline



*Route Refinement Timeline: M18/Eastern Option decision making process Source: HS2*

Hence, the information we have provided to you in the past is based on the difference between the M18/Eastern route compared to the updated (or alternative) Meadowhall route as we do not hold a similar level of information on the Phase Two 2013 consultation route for the reasons given above.

## Internal review response

Your request was treated under the Environmental Information Regulations 2004 (EIR). It may be helpful if I explain that the EIR and the Freedom of Information Act (2000) gives individuals and organisations the right of access to all types of recorded information held at the time the request is received. The legislation does not require organisations to generate information in order to respond to a request. As HS2 Ltd does not hold the detailed numbers of properties within the distances that you have specified along the M18/Eastern route or the updated Meadowhall route, I can confirm that I uphold the original response under EIR.

### ***Regulation 12(4)(a) – No information***

Where I have stated that HS2 Ltd does not hold the information I am 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/ukssi/2004/3391/regulation/12/made>.

This concludes my review of the original response under the EIR.

### **High level analysis**

I appreciate the concern that you have raised about the numbers of properties that would be impacted by the Phase Two route. I have therefore asked our Geographic Information Systems team to analyse the mapping data for the M18/Eastern route and the updated Meadowhall route and to generate information on the numbers of properties within the distances that you have specified in your request. I should however advise that the information will be a high level analysis along the whole of the two routes. It is not possible to break the information down by community or provide detailed information on the names and locations of any residential care homes because of the amount of time that would be needed to provide this detailed level of analysis.

We will send the information to you by 13 January.

### **Conclusion**

If you are unhappy with the way we have handled your review you may complain in writing to the Information Commissioner, further details below. Please remember to quote reference number **FOI16-1622R** in any future communication relating to this letter.

Yours sincerely



Alison Munro  
Managing Director, Development  
High Speed Two (HS2) Limited

### **You're right to complain to the Information Commissioner**

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

