

Mr Graeme Amis

request-513397-ce4908d7@whatdotheyknow.com

27 September 2018

Dear Mr Amis

FOI18 2093

Thank you for your information request of 28 August 2018. I have processed your request under the Environmental Information Regulations 2004 ('EIR') as the information requested is environmental according to the definition in regulation 2 of the EIR. Section 39 of the Freedom of Information Act 2000 ('the Act') exempts environmental information from the Act, but requires us to consider it under the EIR.

In your email you requested the following information:

"The designs provided by HS2 Ltd to Fusion regarding the Chiltern area which they are basing their Environmental Management plans on, as per point 22 in the Meeting Minutes of HS2 Chiltern AONB Review Group of 8th March 2018."

I can confirm that HS2 Ltd does hold the information that you have requested. However, this is being exempted under Regulation 12(4)(d) of the Environmental Information Regulations 2004.

Regulation 12(4)(d) – Material in the course of completion, unfinished documents and incomplete data

Regulation 12(4)(d) of the EIRs provides that a public authority may refuse to disclose information "to the extent that the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data". If the information falls into any one of these categories, then the exception is potentially engaged (subject to a consideration of whether the public interest in maintaining the exception outweighs the public interest in disclosing the information).

The information withheld under this exception forms part of material which is still in the course of completion. The planning areas and the designs are still in the course of completion. HS2 officials should be allowed a safe space in which to work freely, employing this information. We recognise that there is a strong public interest in releasing information, particularly when it concerns public expenditure on a large-scale project. However there is also a public interest in ensuring that public authorities are given space to compile assessments and make informed decisions, without concern that the public debate could be

skewed by the early release of advice documents when the policy has not yet been formulated.

Public Interest Test

Although the information falls under the exception at Regulation 12(4)(d), it is subject to a public interest test. We have weighed up the benefits to the public of releasing the information against the factors for not releasing it. We consider that the factors for not releasing the information outweigh that for disclosure. Please see Annex A for full details of our consideration.

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 at the address below. Please also see attached details of HS2 Ltd's complaints procedure and your right to complain to the Information Commissioner.

Please remember to quote reference number **FOI18-2094** in any future communication relating to this request.

Yours sincerely

F Woollard

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 two calendar months of the date of this letter 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