

Mr Richard Knight

request-523298-050ec21b@whatdotheyknow.com

13 November 2018

Dear Mr Knight

FOI18-2125

Thank you for your information request of 2 October 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:

"Please could you supply copies of correspondence held, either electronic, paper or otherwise, between Rugeley Power Limited or its agents, representatives, advocates or parent company Engie and High Speed Two (HS2) Ltd in specific relation to HS2 plans to construct a new electricity substation and associated plant, power lines and access provision across the site at the former Rugeley Power Station, Rugeley, Staffordshire WS15 1NZ, for the purpose of providing a power supply to HS2 phase 2a.

Rugeley Power Limited's petition in relation to this plan is already in the public domain. Any additional correspondence you can provide would much appreciated. Thank you"

I can confirm that HS2 Ltd holds information relating to your request. However, we are withholding it under the following grounds:

Regulation 12(5)(d) EIR – confidentiality of proceedings provided by law

Regulation 12(5)(d) EIR provides an exception under the EIRs for information which, if disclosed, would adversely affect the confidentiality of proceedings being undertaken by a public authority where such confidentiality is provided by law.

Correspondence between Rugeley Power Limited (including their agents, representatives, advocates or parent company) and HS2 Ltd includes correspondence regarding HS2's decision making process (i.e. proceedings) to construct a new electricity substation and associated plant and power lines, as well as correspondence in relation to Rugeley Power Limited's petition currently before parliament. The correspondence between Rugeley Power Limited

and HS2 on this matter has not been passed to any third parties which would waive the obligation of confidence. Therefore, this exception is engaged.

This exception is set out in full on the government legislation website:

<http://www.legislation.gov.uk/ukxi/2004/3391/regulation/12/made>

Public Interest Test

Under the Regulations, the exceptions are subject to a public interest test 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 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.

Regulation 12(5)(e) EIR – confidentiality of commercial or industrial information where confidentiality is provided by law to protect a legitimate economic interest

Regulation 12(5)(e) EIR provides an exemption under the EIRs for information which is commercial in nature, confidential and where disclosure would adversely affect a legitimate economic interest.

The correspondence in question is commercially sensitive in nature for both parties in relation to the sale and purchase of land. If such information was disclosed this would harm HS2 Ltd's and Rugeley Power Limited and its agents legitimate economic interests. Therefore, this exception is engaged.

This exemption is set out in full on the government legislation website:

<http://www.legislation.gov.uk/ukxi/2004/3391/regulation/12/made>

Public Interest Test

Under the Regulations, the exceptions are subject to a public interest test 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 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 B** 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 **FOI18-2125** 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