



J Davies
request-585258-18f8fc3c@whatdotheyknow.com

Network Rail
Freedom of Information
The Quadrant
Elder Gate
Milton Keynes
MK9 1EN

T 01908 782405
E FOI@networkrail.co.uk

25 July 2019

Dear J Davies,

Information request
Reference number: FOI2019/00708

Thank you for your email of 26 June 2019. You requested the following information:

‘...how much money has been spent to allow Network Rail to be able to close Pitmedden Level Crossing (Pitmedden Road) as part of their works in Dyce.

If possible please break this down to:

- Land Purchase Costs
- Property Purchase Costs
- Network Rail administration Costs
- Legal Costs (External)

We are considering your request under the Environmental Information Regulations 2004 (EIR). This piece of legislation, like the Freedom of Information Act 2000 (FOIA) in the UK, allows people to access information held by public authorities¹. I have dealt with your request under the EIR because it refers to measures likely to affect the environment².

Section 7(1) of the EIRs

Under regulation 7(1) of the EIRs a public authority may *‘extend the period of 20 working days ... to 40 working days if it reasonably believes that the complexity and*

¹ Under s.39 of the FOIA information is exempt from disclosure if it meets the definition of ‘environmental information’ set out in the EIR.

² It is therefore explicitly covered by Regulation 2(c) of the EIR. See <http://www.legislation.gov.uk/uksi/2004/3391/regulation/2/made>

volume of the information requested means that it is impracticable either to comply with the request within the earlier period or to make a decision to refuse to do so.'

The Information Commissioner's guidance makes it clear that a public authority should apply this section of the EIRs when '*it reasonably believes it will require additional time to locate and provide the information because the requester has asked for a large amount of complex information and it would not be practical to provide the information or make a decision about whether to refuse the request within 20 working days.*'

For further guidance as to the application of the EIRs, you may wish to consult the Information Commissioner's website at:

https://ico.org.uk/media/for-organisations/documents/1641/guide_to_environmental_information_regulations.pdf

In this instance owing to the complexity of the questions you have raised and the need to consider the application of possible exceptions, it is necessary to extend the time in line with the provisions of regulation 7(1). Accordingly, I will now aim to respond to you by 22 August 2019 or sooner if possible.

If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk or on 01908 782405. Details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Anisha Pandya
Information Officer

Appeal Rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the Head of FOI at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at foi@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

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