

Mr Tom Watkins

Via email: request-436649-702ee166@whatdotheyknow.com

26 October 2017

Dear Mr Watkins,

FOI17-1850

Thank you for your information request dated 6 October. 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 would you be able to provide the forecasted cost breakdown for each area of phase 1 and phase 2 down to the lowest level of granularity that is allowed under the FOI act."

I can confirm that HS2 Ltd holds information in relation to your request. Information on the funding envelope for Phase One, Phase 2a and Phase 2b is available in the HS2 Phase Two Financial Case which was published on 17 July 2017, please refer to paragraphs 2.1 and 2.4. The figures for Phase One and Phase 2b are inclusive of rolling stock. Phase 2a does not require the purchase of additional rolling stock.

The document is available via the following link: <https://www.gov.uk/government/publications/hs2-phase-two-financial-case>.

We are withholding further information related to your request on the following grounds:

Regulation 12(5)(e) - Confidentiality of commercial or industrial information.

The EIR exception at Regulation 12(5)(e) provides that information is exempted if its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. The regulation is set out in the following link: <http://www.legislation.gov.uk/ukxi/2004/3391/regulation/12/made>.

The withheld information relates to estimated costs which, if released, would cause harm to and impact upon HS2 Ltd's commercial position. If disclosed, this information would prejudice future procurements. Disclosure would be to the detriment of the project and the public interest in seeing that HS2 is developed with the best advice and services, and at favourable and competitive rates. If the estimated costs for land purchase, track, signalling, tunnels, viaducts, stations, etc were released this would undermine HS2 Ltd's ability to negotiate competitive rates because potential suppliers would adjust their bids accordingly. This would have a negative effect on the value for money that HS2 could potentially achieve resulting in an undesirable outcome for the taxpayer.

Public Interest Test

Although the information falls under the exception at Regulation 12(5)(e), it is 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.

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 **FOI17-1850** in any future communication relating to this request.

Yours sincerely,

M Choudhari
Freedom of Information 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