



David Windham
By Email: request-623738-327fd76c@whatdotheyknow.com

Network Rail
Freedom of Information
The Quadrant
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27 December 2019

Dear Mr Windham

Information request
Reference number: FOI2019/01403

Thank you for your email of 27th November 2019, in which you requested the following information:

This is essentially a repeat of part of FOI2019/00559 which I requested in June 2019 and to which you confirmed you had received no such communication(s). In light of the passage of time since then, and given that I have good reason to believe some discussions about this proposed footpath have now taken place since, I am repeating this part of my EIR request.

Therefore please send me all communications, documents, minutes and any response(s) between yourselves and the Proposers (Alan Firmin Ltd), or their agent (DHA Planning Ltd or "DHA Transport"), in regards to potentially constructing a new footpath adjacent to Highfield House, Maidstone Road, Marden, Kent, which abuts the mainline railway and railway bridge on Maidstone Road, owned by Network Rail, as confirmed in FOI2019/00455.

Please send any such correspondence on this from 1st June 2019 to the present date.

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(c) of the EIR.¹

¹ Please note section 39 of the Freedom of Information Act 2000 (FOIA) exempts environmental information from the FOIA, but requires us to consider it under the EIR). In this case since your request refers to a measure affecting the environment, it is captured by the definition at regulation 2(c) of the EIR.

We have searched our records and I can confirm that we do not hold the information that would address your request²

To explain further, there have been no discussions between Network Rail and DHA or Alan Firmin Ltd regarding the construction of a new footpath adjacent to Highfield House.

I have also spoken to our Asset Protection Team and Route Asset Manager and have been advised that they are not aware of any plans with regards to widening or improving the Railway Bridge on Maidstone Road.

I am sorry that we cannot assist further with your enquiry, but I hope that the suggestion provided to you is helpful. 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

Emma Baker
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 Freedom of Information 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

² Strictly speaking, regulation 12(4)(a) of the EIRs requires that we carry out a public interest test to determine whether the requested information should be disclosed. However, as is recognised by the Information Commissioner's Office, it is obviously not possible to conduct a public interest test on disclosure when the information that has been requested is not held.

Cheshire SK9 5AF