



David Windham

By email: request-798688-9757ca8d@whatdotheyknow.com

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

E FOI@networkrail.co.uk

5 November 2021

Dear **David Windham**

Information request

Reference number: FOI2021/01474

Thank you for your email of 9 October 2021 in which you requested the following information

“Please send me a copy of ALL communications regarding the proposed development at Marden between 1st August 2020 and today, between Network Rail (you) and the “proposers” (DHA Planning/DHA Transport, and Countryside Properties).”

I have processed your request under the Environmental Information Regulations 2004 (EIR). The EIR, like the Freedom of Information Act 2000 (FOIA), allows people to access information held by public authorities, like Network Rail. When people ask for environmental information, we need to consider the request under the EIR rather than the FOIA.¹ Information on vegetation maintenance meets the definition of environmental information at Reg.2(1)(c) of the EIR² because works like this are a measure affecting the landscape, which is to say ‘...an area of land whose character and appearance has resulted from the interaction of natural or human factors’.

I can confirm that we hold recorded information that meets your request; please find attached 18 emails that list our correspondence between us and DHA Planning/DHA transport and Countryside properties. Within the 18 emails we have also attached the following 6 attachments.

¹ Section 39 of the Freedom of Information Act 2000 (FOIA) exempts environmental information from the FOIA and requires us to consider it under the EIR.

² <https://www.legislation.gov.uk/uksi/2004/3391/regulation/2/made>

Email 1:

- Attachment 1_redacted
- Attachment 2_redacted

Email 2


- Attachment 3

Email 3

- Attachment 4_redacted

Email 4

- Attachment 5_redacted
- Attachment 6_redacted

I made these available to you via OneDrive Link:  [FOI202101474](#)

Regulation 13(1) EIR

Please note I have withheld names from the works done report under Regulation 13(1) of the EIR; this regulation allows us to withhold information which constitutes the personal data of identifiable individuals in circumstances where its disclosure would breach the key principles set out in Article 5 of the General Data Protection Regulations. In this instance, disclosure would breach the first principle which mandates that data must be processed fairly, lawfully and in a transparent manner. The individuals in question would have had no reasonable expectation that their names would be disseminated to the world at large through the FOI/EIR process. It would not be a fair or lawful processing of their data to disregard this expectation.

I hope this is helpful. If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk. 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

Elliot Palk
Information Officer

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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 (ICO) can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or you can contact the ICO through the 'Make a Complaint' section of their website on this link: <https://ico.org.uk/make-a-complaint/>

The relevant section to select will be "Official or Public Information".