

Dr Paul Thornton

By email: request-392490-1f942c6a@whatdotheyknow.com

28 March 2017

Dear Dr Thornton

FOI17-1713

Thank you for your information request dated 28 February. 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:

"I refer to the Hansard accounts that are cited in the recent article at this link;

<https://beleben.wordpress.com/2017/02/28/hs2-speed-and-capacity-loss/>

The article asserts that Sir David Higgins repeatedly misled parliament by claiming that there was a direct association between train speed and line capacity. In fact, increased train speed diminishes overall line capacity. Faster trains have to be more widely spaced to allow for the increased emergency stopping distance .

Under the provisions of the Environmental Information Regulations, please provide the information contained in

- 1. copies of any communications sent subsequently by HS2 Ltd to either or both of the select committees with regard to the relationship between train speed and line capacity. This would include any apology, clarification or correction in respect of Sir David's oral evidence.**
- 2. copies of the correspondence received, or press coverage held, that would determine when HS2 Ltd was first made aware, by external commentary, of this flaw in Sir David's evidence .**
- 3. copies of any communications between HS2 Ltd and DfT that references or relates to this evidence to parliament submitted by Sir David.**

Also, I note your previous failure to respond to the related request for information from Mr Marriott dated 11 February 2015 in respect of this topic at the link below:

https://www.whatdotheyknow.com/request/relationship_between_capacity_an

You may wish to correct that omission concurrently with responding to this request.

Mr Marriott certainly made HS2 Ltd aware of the error in Sir David's evidence 2 years ago. That unfulfilled request may have triggered the creation of material by HS2 Ltd that falls within the terms of my new request above. I would be grateful if you would also send me copies of any

internal correspondence arising from the partial processing of Mr Marriott's request. This should be considered to be a "meta-request" as described in ICO guidance at this link:

<https://ico.org.uk/media/1620/requests-about-previous-requests-for-information-meta-requests.pdf>

I confirm that HS2 Ltd does not hold any correspondence regarding the first part of your request for communication sent by HS2 Ltd to either or both of the select committees with regard to the relationship between train speed and line capacity. The statements referred to were made by David Higgins in relation to the broader strategic context for high speed rail and how it will increase capacity. This will primarily be through the movement of some services from the existing network onto the high speed network plus new services creating capacity both on the high speed network and releasing capacity on the existing network.

The rationale for the quotes by David Higgins is established in the report 'HS2 Strategic Alternatives' published in October 2013. This report shows that a conventional speed line would attract significantly fewer passengers from existing services and from alternative modes. Unlike HS2, a conventional speed line would not lead to the release of significant additional capacity on existing lines. A conventional speed line would also generate less demand from new growth and so fail to achieve the strategic purpose of HS2 which is to rebalance Britain. Because it would attract fewer passengers it would not be commercially rational to offer so many services which would result in less new capacity being introduced. Please follow this link to read the report: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/2c3456/hs2-strategic-alternatives.pdf.

With regard to the second part of your request, as explained above, the statements were made in the context of wider discussions about how HS2 will increase capacity. The first request that HS2 Ltd received for clarification of David Higgins' statements was the request from Mr Marriott dated 11 February 2015 which you refer to in your email. As you note, the correspondence is published on the www.whatdotheyknow.com website.

In relation to the third part of your request, I confirm that neither HS2 Ltd's Chairman, David Higgins' office nor HS2 Ltd's Public Affairs team hold any correspondence between HS2 Ltd and DfT that references or relates to the statements made by David Higgins in relation to speed and capacity at the select committees referred to in your request.

Finally, with regard to your fourth question for internal correspondence relating to Mr Marriott's request submitted via the www.whatdotheyknow.com website at the link you provided, I can confirm that the FOI team, the Chairman's office and the Technical team have conducted searches on the FOI reference numbers, "House of Commons Transport Committee" and "House of Lords Economic Affairs Committee" and do not hold any internal emails that fall within scope of this part of your request.

Regulation 12(4)(a) – No information

Where we have stated that we do not hold the information we are relying on EIR exception 12 (4)(a) which is subject to a public interest test. However, the Information Commissioner's Office recognises that it can be impossible to do a meaningful public interest test (PIT) if the information is not held. As such, a PIT has not been carried out. The following link sets out regulation 12(4)(a) in full: <http://www.legislation.gov.uk/ukSI/2004/3391/regulation/12/made>.

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 above address. 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 **FOI17-1713** in any future communication relating to this request.

Yours sincerely

Jane Ivey

Freedom of Information Manager

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