



Department
for Transport

Department for Transport
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Dr Paul Thornton

Our Ref: FOI0018095

14 January 2020

Via email:
request-627440-84d5bac0@whatdotheyknow.com

Dear Dr Thornton,

**Freedom of Information Act Request 2000 /Environmental
Information Regulations 2004 – FOI0018095**

Thank you for your recent request for information which we received on 13 December 2019. You made a request for documentation as follows:

The publishing of the information contained in the documentation fulfilling the requirements outlined below, that was prepared to inform the last RNEP gateway decision for each of the schemes listed in section 2 of the October 2019 publication.

I note the publication “Rail Network Enhancements Pipeline: Autumn 2019 Schemes Update” dated October 2019 which has been published on line at the following link:

<https://assets.publishing.service.gov.uk...>

This reports several proposals for enhancement of the rail network that have been deemed appropriate to progress through “gateways” in an evaluation process known as the Rail Network Enhancement Pipeline (RNEP).

The evaluation process is set out in a document about the RNEP dated March 2018 subtitled “A new approach for rail enhancements”. That 2018 document is on line at this url;

<https://assets.publishing.service.gov.uk...>

I note that the recent document appears to have added a precursor stage to the process - a "decision to initiate". At page 7 of the recent document, it confirms that a "decision to initiate" would require a "Strategic Outline Business case".

In the appendix to the 2018 document at paragraphs A.4 and A.5 is set out the information required to inform a "Decision to Develop.". At appendix paragraphs A.10 and A.11 is set out the information required to inform a "Decision to Design". Appendix paragraphs A.15, A.16 and A.17 set out the information required to inform a "Decision to Deliver". Appendix Paragraph A.20 indicates the information required for an "acceptance decision".

Please publish the information contained in the documentation fulfilling the above requirements that was prepared to inform the last RNEP gateway decision for each of the schemes listed in section 2 of the October 2019 publication.

The information requested here falls under the provisions of the Environmental Information Regulations.

Your request is being handled under both the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Having fully considered your request and consulted with colleagues in the Department for Transport (DfT) we have estimated that the cost of complying with your request would exceed £600. Section 12 of the FOI Act (the full text of which is attached at Annex A) does not oblige the Department to comply with requests that exceed this limit, and we are therefore refusing your request. To the extent that the information is considered environmental in nature we are relying on the exception at regulation 12(4)(b) covering manifestly unreasonable requests on the basis that to process your request would place a significant burden on the Department's resources. (The full text of which is attached at Annex A).

We are unable to answer your request within the cost limit because we do not keep a central record of this information and the scope of your request is just too wide. We would need to contact multiple teams across the central Department and ask each of them to carry out a manual and

electronic search of their paper and electronic records in-order to determine what information they hold, then to locate, retrieve and extract it. This would clearly exceed 24 hours staff time.

If you send us a new, more specific request, we will consider if that can be dealt with within the limit. You could for example narrow your request to just one or two rail projects. I should also point out that by refining your request further, I am unable to guarantee that the information you request will be held or disclosed.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's FOI Advice Team at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gov.uk

Please send or copy any follow-up correspondence relating to this request to the FOI Advice Team to help ensure that it receives prompt attention. Please also remember to quote the reference number above in any future communications.

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Graham', enclosed within a large, loopy circular flourish.

Graham Buckley
Briefing and Correspondence Manager

Your right to complain to DfT and the Information Commissioner

You have the right to complain 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. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

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

Section 12 exemption:

Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,
the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

EIR Regulation:

12(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

(b) the request for information is manifestly unreasonable;

