



Mr Richard Norman

By email:

[request-292475-fa5a8591@whatdotheyknow.com](mailto:request-292475-fa5a8591@whatdotheyknow.com)

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

T 01908 782405  
E [FOI@networkrail.co.uk](mailto:FOI@networkrail.co.uk)

24 February 2016

Dear Mr Norman

**Complaints about vegetation on the London Victoria to Meopham line**

**Internal Review reference number: FOI2016/00108**

**Original request reference number: FOI2015/01332**

I refer to your e-mail of 27 January 2016 which requested an internal review of the handling of your request for information originally made on 16 September 2015 and clarified on 22 October 2015 and 23 December 2015.

I note that you do not wish to proceed with a complaint in respect of the part of your request which sought information about costs. I have therefore made further enquiries with a view to resolving your complaint. As a result of these enquiries, I have located the information you are seeking in respect of the number of complaints regarding overgrown vegetation on the London Victoria to Meopham section over the last three years, and a summary of resulting actions. I therefore provide this information below.

I have included full details of the history of your request, and a consideration of the application of regulation 12(4)(b) in two Appendices following this letter. However, I hope that disclosure of the information below will serve to satisfy your complaint.

To locate this information, I asked the Network Rail's National Helpline to retrieve records of customer contacts to the Helpline under the relevant categories and sub-categories for the particular section of line that you are interested in. These categories are listed in the table below.

<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
1. Safety & Crime	Safety	Hazard to Operational Line	No Value
5. Nature & Environment	Vegetation	No Value	No Value
5. Nature & Environment	Vegetation	General Vegetation	No Value
5. Nature & Environment	Vegetation	General Vegetation	Nuisance
5. Nature & Environment	Vegetation	General Vegetation	Overgrowing into Property
5. Nature & Environment	Vegetation	General Vegetation	Threatening Safety of Line or Property
5. Nature & Environment	Vegetation	Trees	No Value
5. Nature & Environment	Vegetation	Trees	Dead/Diseased
5. Nature & Environment	Vegetation	Trees	Fallen Tree
5. Nature & Environment	Vegetation	Trees	Nuisance
5. Nature & Environment	Vegetation	Trees	Overgrowing into Property
5. Nature & Environment	Vegetation	Trees	Threatening Safety of Line or Property
5. Nature & Environment	Vegetation	Vegetation Other	No Value

For the three-year period ending on 23 December 2015 (the date of your clarified request), there were six customer contacts to Network Rail's National Helpline which were categorised at Level 3 as 'General Vegetation' or 'Trees' and at Level 4 as 'Nuisance' or 'Threatening Safety of Line or Property'.

The summary of the action taken in these cases is as follows:

1. Site investigated, no evidence of vegetation at location.
2. The customer was advised that overhanging vegetation would be removed.
3. The customer was asked to supply more detailed information about the exact location of vegetation.
4. A Network Rail representative visited the address and met the customer. The customer was not able to identify the tree which was the subject of his complaint. It was believed that the tree had been cleared before the visit.
5. Network Rail advised the customer that it will continue to monitor vegetation alongside the track to check if there are any issues.
6. Vegetation removed.

I hope that this information is helpful.

Yours sincerely

Colin Bendall  
Information Officer – Compliance & Appeals

### **Next steps**

If you are not content with the outcome of this 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

Please remember to quote the reference number at the top of this letter in all future communications.

## Appendix I - Request History

### FOI2015/00878

On 16 September 2015, you made the following request:

*'Please provide details of your policy with regard to vegetation clearing along train lines. Specific aspects include:*

- what factors determine clearing activities? (time based, distance from train carriages or other)*
- specific conditions covering vegetation clearing activities and patterns alongside track between VIC and MEP*
- arrangements to monitor for, and respond to, overgrown vegetation conditions between VIC and MEP*

*Also please provide the following information for the last 3 years:*

- amount spent per year on vegetation clearing on the VIC - MEP section of track*
- number of reports of overgrown vegetation from train drivers for the VIC-MEP section of track and a summary of resulting actions*
- number of complaints regarding overgrown vegetation on the VIC - MEP section and a summary of resulting actions*
- details of any damages or lost service availability (including delays and cancellations) as a result of overgrown vegetation'*

Network Rail acknowledged your request on 17 September 2015 and sought clarification of your request on 25 September 2015, asking whether you required details of delays and cancellations as a result of overgrown vegetation nationally, or only for the London Victoria to Meopham section of line.

### FOI2015/01050

You replied on 22 October 2015 to confirm that your request referred to the London Victoria to Meopham section of the line, including any services that passed through this section to or from other locations, for example Gillingham and Sheerness-on-Sea.

Network Rail acknowledged your request on 23 October 2015 and indicated that we would endeavour to respond as soon as possible and by 19 November 2015.

On 19 November 2015, we wrote to you to explain that we were considering your request under EIR. The letter explained that, due to the amount and complexity of information which was potentially within the scope of your request, it was necessary to extend the time for consideration of your request under regulation 7(1) of EIR. The revised date for a response was 17 December 2015 at the latest.

On 18 December 2015, Network Rail wrote to explain that we had located a significant amount of information, but in order to respond to your request required clarification of the request for details of our policy with regard to vegetation clearing along train lines. Network Rail asked whether you were asking for a copy of the policy itself, or the specific aspects listed in your request.

FOI2015/01332

On 23 December 2015, you replied as follows:

*'Thank you for your reply. I confirm that I am interested only in the effective policy - i.e. if there are other documents or policies that refer or take precedence or in other ways inter-relate with the Network Rail one, then it is the resulting requirements.'*

Network Rail acknowledged your request on 24 December 2015 and responded to the request on 26 January 2016. The response disclosed information in response to the parts of your request about our policy with regard to vegetation clearing along train lines; the number of reports of overgrown vegetation from train drivers for the London Victoria to Meopham section of track and a summary of resulting actions; and details of any damages or lost service availability (including delays and cancellations) as a result of overgrown vegetation.

Network Rail refused the parts of your request relating to the amount spent per year on vegetation clearing on the London Victoria to Meopham section of line for the past three years; and the number of complaints regarding overgrown vegetation on the London Victoria to Meopham section of line and a summary of resulting actions for the past three years. The response explained that this information was excepted from disclosure under regulation 12(4)(b) of EIR (a public authority may refuse to disclose information to the extent that a request for information is manifestly unreasonable).

The response explained that information about costs and complaints is not held specifically for the section of line between London Victoria and Meopham. It would be necessary to review hundreds of documents to separate out only the information which referred to that section of line and to calculate the cost of all vegetation clearance works and the proportion which should be attributed to that specific section of line.

In considering the balance of the public interest, Network Rail considered that the factors in favour of disclosure (transparency; and the subject matter of the request being of interest to a number of people in the local community) were outweighed by the factors in favour of withholding the information (the disproportionate and onerous

burden of the work required to extract the information and diverting resources from answering other requests).

You replied on 27 January 2016 as follows:

*Thank you for your response. While I accept the reason for declining to provide figures regarding costs of vegetation clearance, I am not happy with the response regarding complaints.*

*You state "The chief factor that determines our vegetation clearing activities is the National Standard for Management of Lineside Vegetation. This standard is predominantly guided by the principle that there should be a distance of 6 metres between vegetation and the nearest running rail. This is not, however, an absolute and there are differences depending line speeds and local conditions. "*

*and*

*"In terms of the arrangements to monitor and respond to overgrown vegetation on the VIC-MEP section of the network, we regularly carry out inspections of the track. From the information generated by these inspections we develop plans (most notably our weed spraying trains which run in the summer) necessary to maintain the 6 metre clearance zone between the track and vegetation . "*

*This is clearly failing to be effective because branches were regularly hitting commuter trains for months during the summer so the required 6 metre clearance was not being maintained on this section of track. I complained about this and I believe that others did as there was fairly widespread concern that failure to manage this encroachment would lead to the usual delays when autumn came.*

*I think it is therefore important for transparency that the public be provided the requested information about complaints received so that the public can assess whether the response of Network Rail was adequate - especially as Network Rail was not able to maintain the separation required by the standard. I therefore request an internal review of this please.'*

Network Rail acknowledged your request for an internal review on 28 January 2016.

## **Appendix II - Whether regulation 12(4)(b) applied to the request**

Regulation 12(4)(b) of EIR provides that:

*'12(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that –  
(a) the request for information is manifestly unreasonable'*

This means that the range of information sought by a request is so broad that it would impose a significant burden on the public authority to retrieve and review all the requested information for disclosure.

Your request for an internal review states that you accept the reason for declining to provide figures regarding costs of vegetation clearance:

*'While I accept the reason for declining to provide figures regarding costs of vegetation clearance, I am not happy with the response regarding complaints.'*

If a public authority concludes that any part of a request is manifestly unreasonable under regulation 12(4)(b), then, strictly speaking, this exception applies to the entire request, rather than the public authority selecting certain parts of the request to which the authority is able to respond. In this case, Network Rail decided to disclose information in response to several parts of your request and only applied regulation 12(4)(b) to part of it. I appreciate that Network Rail sought to provide information to you, rather than simply refuse the request outright, and I have taken this approach to the review.

I should also explain there is no single route for someone to make an enquiry or complaint to Network Rail. It is possible that an enquiry or complaint could be made verbally to any of Network Rail's 34,000 employees at any of our locations, including any of our managed stations, offices or any other location. It is also possible that a complaint could be made to station staff at any of the stations on the line between London Victoria and Meopham; however, most of the stations on the line are not managed by Network Rail. Information about any complaints made to those stations would be held by the relevant Train Operating Company (Southeastern Trains) rather than by Network Rail. The Train Operating Companies are not subject to the Freedom of Information Act 2000 or the EIR, but you may wish to contact Southeastern Trains to seek information on any complaints about overgrown vegetation which were made to them.

In conducting my enquiries, I consider that it is most likely that an enquiry or complaint would be made to Network Rail's National Helpline and I therefore made enquiries which focussed on customer contacts recorded by the National Helpline. The National

Helpline uses a system called Oracle Service Cloud, which is a Customer Relationship Management (CRM) system which has been in place since September 2014.

Customer contacts made to the National Helpline are categorised in the following ways:

- the category of query or issue being reported (these are a pre-set list of categories, with a number of different possible combinations of sub-category). Category 5 is 'Nature & environment' and includes the following possible combinations of sub-category:

Level 1	Level 2	Level 3	Level 4
Nature & Environment	Vegetation	No Value	No Value
Nature & Environment	Vegetation	General Vegetation	No Value
Nature & Environment	Vegetation	General Vegetation	Nuisance
Nature & Environment	Vegetation	General Vegetation	Overgrowing into Property
Nature & Environment	Vegetation	General Vegetation	Threatening Safety of Line or Property
Nature & Environment	Vegetation	Hogweed	No Value
Nature & Environment	Vegetation	Hogweed	Nuisance
Nature & Environment	Vegetation	Hogweed	Overgrowing into Property
Nature & Environment	Vegetation	Hogweed	Threatening Safety of Line or Property
Nature & Environment	Vegetation	Japanese Knotweed	No Value
Nature & Environment	Vegetation	Japanese Knotweed	Nuisance
Nature & Environment	Vegetation	Japanese Knotweed	Overgrowing into Property
Nature & Environment	Vegetation	Japanese Knotweed	Threatening Safety of Line or Property
Nature & Environment	Vegetation	Ragwort	No Value
Nature & Environment	Vegetation	Ragwort	Nuisance
Nature & Environment	Vegetation	Ragwort	Overgrowing into Property
Nature & Environment	Vegetation	Ragwort	Threatening Safety of Line or Property
Nature & Environment	Vegetation	Trees	No Value
Nature & Environment	Vegetation	Trees	Dead/Diseased
Nature & Environment	Vegetation	Trees	Fallen Tree
Nature & Environment	Vegetation	Trees	Nuisance
Nature & Environment	Vegetation	Trees	Overgrowing into Property
Nature & Environment	Vegetation	Trees	Threatening Safety of Line or Property
Nature & Environment	Vegetation	Vegetation Other	No Value



- a summary of the issue that is being reported, which is a free type text box. The guidance for the format of the text box is to list the Issue followed by the address (e.g. 'Overhanging trees – rear of 15 The Street, Anytown') although the information inputted can vary; and
- location information.

Customer contacts prior to September 2014 were categorised in the same way as described above and have been imported from the previous system into the current system. The completeness and accuracy of an individual record may vary as it is subject to human error and the information which was transferred into the current system from the previous system.

Therefore, as part of this internal review, I asked the National Helpline to retrieve records of customer contacts to the Helpline under the following categories and sub-categories for the relevant section of line:

<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
1. Safety & Crime	Safety	Hazard to Operational Line	No Value
5. Nature & Environment	Vegetation	No Value	No Value
5. Nature & Environment	Vegetation	General Vegetation	No Value
5. Nature & Environment	Vegetation	General Vegetation	Nuisance
5. Nature & Environment	Vegetation	General Vegetation	Overgrowing into Property
5. Nature & Environment	Vegetation	General Vegetation	Threatening Safety of Line or Property
5. Nature & Environment	Vegetation	Trees	No Value
5. Nature & Environment	Vegetation	Trees	Dead/Diseased
5. Nature & Environment	Vegetation	Trees	Fallen Tree
5. Nature & Environment	Vegetation	Trees	Nuisance
5. Nature & Environment	Vegetation	Trees	Overgrowing into Property
5. Nature & Environment	Vegetation	Trees	Threatening Safety of Line or Property
5. Nature & Environment	Vegetation	Vegetation Other	No Value

These searches produced the results which I have provided to you in the main body of this letter.