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8 November 2019

Dear Mr Ridley,

**Information request**  
**Reference number:** FOI2019/01121

Thank you for your email of 13 October 2019, in which you requested the following information:

*'Page 10 of the Anglia Route Study as follows:*

*"Options have been developed as an investment choice to allow an increase in services from the West Anglia route to Stratford. This would require four-tracking, alongside additional platform capacity at Stratford and a third track between Stratford and Ruckholt Road.*

*This option would allow between 2 and 4 additional services per hour between West Anglia and Stratford."*

*Please provide details for the options that have been developed alongside any associated Business Case and investment choice documents.'*

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)<sup>1</sup> of the EIR (which refers to measures and activities affecting or likely to affect elements of the environment).

### **Background information**

I thought it might be useful for me to explain why the quote you have referenced was included within the Anglia Route study. The summary on page 10 was to show that Network Rail endorsed and supported Crossrail 2 as Crossrail 2 was developing options to

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<sup>1</sup> 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.

increase services to an area of the network (the West Anglia Mainline) that requires additional infrastructure.

The business case for 4 tracking is a component part of the business case for Crossrail 2 – there is no separate Network Rail business case for 4 tracking. Studies into four tracking have been completed by and for Crossrail 2, of which Network Rail is a partner with Transport for London and the Department for Transport; Network Rail has not conducted its own independent studies into 4 tracking.

If you were specifically looking for the options developed by Crossrail 2, then you can make a new FOI request for this information. However, as these options are still being developed and being used as part of policy making decisions, it may be likely that we would be unable to provide these documents under Regulation 12(4)(d) – material in the course of completion.

## **Response**

We have located documents which we believe will assist with your query. These documents do not include options developed for the 4 tracking of the West Anglia Mainline itself, but they were used in conjunction with the studies done for 4 tracking as part of Crossrail 2.

Please note these studies were completed several years ago and that the assumptions and other information contained within are likely to have changed.

The documents I have attached are:

### **Stratford to Orient Way – Pre-Grip Report ver1.3.pdf**

This report was produced for the Anglia Route study and is from 2015. The report examines – at a very early stage of development (Pre-GRIP<sup>2</sup>) – what may be necessary to operate more train services between Stratford and Tottenham Hale (exclusive). This was on the assumption that it might be required in order to operate the 4 trains per hour service between Stratford and Tottenham Hale, however this was not the case. The report was later used to inform the 2016 Route Study.

The report references an early report into the provision of additional platforms at Stratford which I have also attached titled '**Stratford Additional Platforms**'.

### **Stratford station briefing 160706.pdf**

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<sup>2</sup> <https://www.railengineer.co.uk/2019/04/01/grip-governance-for-railway-investment-projects-process-explained/>

This is a briefing document explaining the position in mid-2016 regarding the potential for additional bay platforms at Stratford. It centres around the issue of buying land required for the project from a residential development adjacent to the line.

Please note that I have withheld a small amount of personal information such as names in black under Regulation 13(1), and cost information in blue under Regulation 12(5)(e).

### Regulation 13(1) – personal data

This exception allows us to withhold personal information when its disclosure would contravene one or more of the data protection principles of the Data Protection Act 2018. In this case, the individuals in question would have no reasonable expectation that their personal details would be disclosed to ‘the world’ under EIR. This means that disclosure would be unfair and so breach the first data protection principle that personal information must be handled lawfully, fairly and transparently.

### Commercially confidential information

Regulation 12(5)(e) of the EIR allows public authorities to withhold this type of information providing four conditions are met<sup>3</sup>:

- The information is commercial or industrial in nature.
- Confidentiality is provided by law.
- The confidentiality is protecting a legitimate economic interest.
- The confidentiality would be adversely affected by disclosure.

In this instance we are of the view that all four requirements are met because:

1. The information is clearly commercial information as it relates to a commercial development project, namely the West Anglia Mainline programme of works.
2. We believe that the information possesses the necessary common law quality of confidence as it is not trivial and it is not otherwise accessible.
3. We are satisfied that Network Rail and Crossrail 2 are legitimate commercial parties with legitimate economic interests.
4. As the withheld financial information is not accessible by other means, disclosure under the EIRS would adversely affect the confidentiality of this commercial information.

### *The public interest test*

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<sup>3</sup> These factors come from the decision in *Bristol City Council v Information Commissioner and Portland and Brunswick Squares Association* (EA/2010/0012, 24 May 2010). You can read the full judgment at: [http://www.informationtribunal.gov.uk/DBFiles/Decision/i392/Bristol\\_CC\\_v\\_IC\\_&PBSA\\_\(0012\)\\_Decision\\_24-05-2010\\_\(w\).pdf](http://www.informationtribunal.gov.uk/DBFiles/Decision/i392/Bristol_CC_v_IC_&PBSA_(0012)_Decision_24-05-2010_(w).pdf)

While we believe that we have demonstrated that regulation 12(5)(e) is engaged (i.e. we think we have shown that disclosure would have an adverse effect on the confidentiality of commercial relations) this is not sufficient for us to withhold the information, we must also establish that the public interest lies in maintaining the exception. Our findings are set out below.

As with any request for information there is a general presumption in favour of openness and transparency since this allows for greater scrutiny and accountability of public authorities. In this instance we understand that there is local interest in this project since it might potentially have a significant impact on the region. Allowing the local population sufficient information to engage in environmental decision making is one of the key purposes of the EIRs.

However, set against this, releasing rates and how we benchmark such costs would be likely to cause prejudice to us. The information we have withheld sets out our expectations of costs – it is to the disadvantage of any party entering negotiations to set out its expectations. Undermining our capacity to conduct negotiations is never in the public interest – the money we spend is tax payers' money and we are obliged to make sure it is spent as prudently as possible.

Taking all of this into consideration, I am of the view that withholding this small amount of information is the correct thing to do because any public interest in disclosure is largely met by our disclosing the remainder of the information; and in consequence the potential damage caused by disclosure significantly outweighs the potential benefits.

If you have any enquiries about this response, please contact me in the first instance at [FOI@networkrail.co.uk](mailto: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

Anisha Pandya  
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](mailto: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  
Cheshire SK9 5AF