



Network Rail
Freedom of Information
The Quadrant
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Ms Katie Wride
By email: request-296267-7662518b@whatdotheyknow.com

6th November 2015

Dear Ms Wride

Information request
Reference number: FOI2015/00978

Thank you for your request of 9th October 2015. You requested the following information:

"The residents of Plumpton would like to know who authorised the removal of essential parts of Plumpton Level Crossing gates prior to receiving planning permission and why. The crossing is now unable to be safely operated and the road will be closed for up to 3 months causing residents unlimited chaos. There is currently no provision for disabled access.

We would like to see any internal memos/ documents on this as well as NR's contingency plan if you didn't get planning permission.

We would like to know the specific details of why the current gates are now not safe to operate."

We are considering your request under the Freedom of Information Act and the Environmental Information Regulations 2004 (EIRs). In many cases, including yours, it is not always immediately clear which regime it is more appropriate to consider the request under.

Since your request does in part at least relate to environmental information it is necessary for us to consider the effect of the EIRs when considering it.

Section 7(1) of the EIRs

Under regulation 7(1) of the EIRs a public authority may '*extend the period of 20 working days ... to 40 working days if it reasonably believes that the complexity and*

volume of the information requested means that it is impracticable either to comply with the request within the earlier period or to make a decision to refuse to do so.'

The Information Commissioner's guidance makes it clear that a public authority should apply this section of the EIRs when '*it reasonably believes it will require additional time to locate and provide the information because the requester has asked for a large amount of complex information and it would not be practical to provide the information or make a decision about whether to refuse the request within 20 working days.*'

For further guidance as to the application of the EIRs, you may wish to consult the Information Commissioner's website at:

https://ico.org.uk/media/for-organisations/documents/1641/guide_to_environmental_information_regulations.pdf

In this instance owing to the amount of information which is potentially captured within the terms of your request it is necessary to extend the time in line with the provisions of regulation 7(1). Accordingly, I will now aim to respond to you by 7th December 2015 but much sooner if possible.

If you have any enquiries about this response, please contact me in the first instance at 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

Emma Wolstenholme
Information Officer

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 FOI Compliance and Appeals Manager 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 can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF