

FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

HS2 Ltd is the company wholly owned by the Department for Transport that was established to implement the government's High Speed rail proposals. It is known that staff members from HS2 Ltd have been communicating with, and meeting with, staff or elected members of local authorities while planning the route for the proposed lines from Birmingham to Manchester and from Birmingham to Leeds/York Please provide copies of all information held by your authority the relates to the route options considered, including consideration of the location of stations. This will be documented

- 1. In records of communications with HS2 Ltd and/or the Department for Transport.**
- 2. In minutes, agendas, notes and associated documents from meetings with HS2 Ltd and/or the Department of Transport. This will include maps, diagrams and drawings.**

I would be content for you to limit the information provided to material generated since 1 January 2011, except in respect of route or station location option information recorded in earlier documentation that is not been published previously and which is not repeated or reiterated in the material dating from 1 January 2011 onwards.

ANSWER

As a public authority we have a have a very clear responsibility to avoid unnecessary blight. We have carefully considered your request but we are afraid that we are unable to provide any information relating to station location and / or line of route options. We consider it appropriate to exclude such information from release under the following EIR Exceptions:

Regulation 12(4)(d) – the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data

Regulation 12(5)(f) – its disclosure would adversely affect the interests of the person who provided the information

Regulation 12(4)(e) – the request involves the disclosure of internal communications

The above mentioned exceptions are subject to a public interest test (what is in the public interest, not what the public are interested in), whereby the factors for non-disclosure need to outweigh the factors for disclosure.

We list below some of the reasons why we think it would not be in the public's best interests to release such information at this time:

The release of this information is highly likely to cause unnecessary blight to communities surrounding the locations

No decision has been taken on the route or specific locations of stations.

These options need to be considered by ministers and a decision taken to avoid causing blight and stress in local communities that may well, in the end, not be affected

Once ministers have taken decisions on preferred options, information will be made available and public consultation will take place, when stakeholders and members of the public will have the opportunity to put their views forward

To release information before decisions have been taken could lead to inaccurate data or maps being published, which could in turn cause a reputational risk to the project and company

In line with the Government's transparency agenda, the preferred route options and station locations will be published and consulted upon in due course

Regulation 12(9)

It has been suggested in your letter that Regulation 12(9), which relates to "emissions" applies and therefore some EIR Exceptions – including 12(5)(f) – cannot be used to withhold information. We consider this would be too wide a view about what is meant by information relating to emissions. However notwithstanding this, 12(9) does not override 12(4)(d) and therefore we consider information that is incomplete, including any information relating to station locations and line of route, can still be withheld.

Thus we are unable to comply with your requests for information on this occasion.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

Information Governance Manager

Information and Support

Leicester City Council

FREEPOST (LE985/33)

**New Walk Centre
LEICESTER LE1 6ZG**

e-mail: info.requests@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow SK9 5AF

Telephone: 01625 545 700

www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.