

Giulia Barbone

From: Sarah Fitzpatrick (Head of Planning)
Sent: 03 November 2023 12:39
To: FOI
Cc: Aimi Blackmore; Peter Thomas; Carina Wentzel; Giulia Barbone; Rebecca Bell
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117] [NRF_EMEA-UK.FID1533930]
Attachments: FOI202300138 response.pdf

Importance: High

Tracking:	Recipient	Read
	FOI	
	Aimi Blackmore	
	Peter Thomas	
	Carina Wentzel	
	Giulia Barbone	Read: 06/11/2023 09:00
	Rebecca Bell	Read: 03/11/2023 12:40

Dear Anisha

I refer to the attached FOIA response provided on 28.2.23. In that response you declined to provide the information requested despite having found the document requested, the reason you gave was as follows:

"....we hold reports relevant to your request, including an option selection report, within the central folder referenced in response to FOI2022/01512. However, it is my view that this information is exempt from disclosure under regulation 12(4)(d) of the EIR (material in the course of completion). I will explain this exception and how it applies in the remainder of this response letter.

Regulation 12(4)(d)

Regulation 12(4)(d) of the EIR can be applied when the request relates to material which is still in the course of completion, unfinished documents or incomplete data. The Information Commissioner's guidance explains that examples of incomplete or unfinished documents can include the following:

'Material which is still in the course of completion can include information created as part of the process of formulating and developing policy, where the process is not complete. Draft documents are unfinished even if the final version has been produced.' 2

In the case of your request, while this particular document is finished, it has bearing on a larger piece of work still in progress, specifically our application for a Transport and Works Act Order (TWAO)."

NR has of course now applied for the TWAO, application having been made on 17 April 2023, and the inquiry commences on 14 November 2023. As you should know, the adequacy of NR's optioneering exercise and the appraisal of alternative sites is a major issue at the inquiry. It is clear that you hold and have not disclosed information material to the proper examination of the issues before the inspector at the inquiry. This of course now raises issues of natural justice. We trust that the document identified can now be disclosed and look forward to hearing from you asap. We have put your solicitors Addleshaw Goddard on notice that we may ask for an order for disclosure from the inspector in the event that our repeated requests for information from NR are ignored or rebuffed.

We look forward to hearing from you accordingly as soon as possible.

Kind Regards

Sarah Fitzpatrick | Head of Planning, Partner
Barrister, qualified in England & Wales

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sarah.fitzpatrick@nortonrosefulbright.com

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From: Anisha Pandya <Anisha.Pandya@networkrail.co.uk> **On Behalf Of** FOI
Sent: 28 February 2023 17:36
To: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>
Cc: Sarah Fitzpatrick (Head of Planning) <Sarah.Fitzpatrick@nortonrosefulbright.com>; Peter Cole <Peter.Cole@nortonrosefulbright.com>; Aimi Blackmore <Aimi.Blackmore@networkrail.co.uk>; Peter Thomas <Peter.Thomas2@networkrail.co.uk>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

OFFICIAL

Reference Number: FOI2023/00138

Dear Sophie

Please find attached a letter from Network Rail in response to your recent request for information.

Kind regards



Anisha Pandya
Information Rights Specialist | Freedom of Information
[Network Rail](#), 1st Floor Willen Building, The Quadrant: MK, Elder
Gate, Milton Keynes, MK9 1EN
Website: [Freedom of information \(FOI\) - Network Rail](#)

From: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>
Sent: 28 February 2023 15:14
To: FOI <FOI@networkrail.co.uk>; Aimi Blackmore <Aimi.Blackmore@networkrail.co.uk>; Peter Thomas <Peter.Thomas2@networkrail.co.uk>
Cc: Sarah Fitzpatrick (Head of Planning) <Sarah.Fitzpatrick@nortonrosefulbright.com>; Peter Cole <Peter.Cole@nortonrosefulbright.com>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

You don't often get email from sophie.jacobs@nortonrosefulbright.com. [Learn why this is important](#)

Hi Anisha

I hope this email finds you well.

Please let us know Network Rail's response to our Freedom of Information Request under reference number FOI2023/00138 by the legal deadline today, 28 February 2023.

Kind regards
Sophie

Sophie Jacobs | Trainee Solicitor

Norton Rose Fulbright LLP
3 More London Riverside, London, SE1 2AQ, United Kingdom
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sophie.jacobs@nortonrosefulbright.com

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From: Anisha Pandya <Anisha.Pandya@networkrail.co.uk> **On Behalf Of** FOI
Sent: 31 January 2023 16:35
To: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>; Aimi Blackmore <Aimi.Blackmore@networkrail.co.uk>; Peter Thomas <Peter.Thomas2@networkrail.co.uk>
Cc: Sarah Fitzpatrick (Head of Planning) <Sarah.Fitzpatrick@nortonrosefulbright.com>; Peter Cole <Peter.Cole@nortonrosefulbright.com>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

OFFICIAL

Hi Sophie

I have logged this as a new request under reference number FOI2023/00138. Our legal deadline to respond to you is 28 February 2023 but I hope to issue a response sooner than this.

Kind regards

Anisha

From: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>
Sent: 31 January 2023 11:06
To: FOI <FOI@networkrail.co.uk>; Anisha Pandya <Anisha.Pandya@networkrail.co.uk>; Aimi Blackmore <Aimi.Blackmore@networkrail.co.uk>; Peter Thomas <Peter.Thomas2@networkrail.co.uk>
Cc: Sarah Fitzpatrick (Head of Planning) <Sarah.Fitzpatrick@nortonrosefulbright.com>; Peter Cole <Peter.Cole@nortonrosefulbright.com>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

You don't often get email from sophie.jacobs@nortonrosefulbright.com. [Learn why this is important](#)

Dear Anisha, Aimi and Peter

Thank you for your time and the helpful discussions this morning.

As agreed, the Network Rail FOI team will provide a response to question 1 as set out in our request letter of 22 December 2022. As such the Network Rail FOI team undertakes to review the central folder as referred to in its

response letter dated 25 January 2023, which we understand to be an accessible online resource, in order to locate and provide the documentation described in question 1 of our request.

Please let us know if you have any questions. We look forward to receiving a response within 20 working days.

Kind regards
Sophie

Sophie Jacobs | Trainee Solicitor

Norton Rose Fulbright LLP
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sophie.jacobs@nortonrosefulbright.com

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From: Anisha Pandya <Anisha.Pandya@networkrail.co.uk> **On Behalf Of** FOI
Sent: 26 January 2023 16:01
To: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

OFFICIAL

Hi Sophie

We can meeting Tuesday 31 at 10:30. Aimi, the consultation manager for this project, will also be able to join us. I will send a teams invite now.

Kind regards

Anisha

From: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>
Sent: 26 January 2023 10:04
To: FOI <FOI@networkrail.co.uk>; Anisha Pandya <Anisha.Pandya@networkrail.co.uk>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

Dear Anisha

We have duly the FOI response from Network Rail. We would be grateful if we could set up a call to discuss the response and how to proceed with the request.

Would you be available in any of the time slots below:

- This afternoon, Thursday 26 January from 14.00
- Tuesday 31 January at 10:30am
- Wednesday 01 February at 10:30 am

Kind regards
Sophie

Sophie Jacobs | Trainee Solicitor

Norton Rose Fulbright LLP
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Tel +44 207 444 2379 | Fax +44 20 7283 6500
sophie.jacobs@nortonrosefulbright.com

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From: Anisha Pandya <Anisha.Pandya@networkrail.co.uk> **On Behalf Of** FOI

Sent: 25 January 2023 19:06

To: Peter Cole <Peter.Cole@nortonrosefulbright.com>

Cc: 'Adam Rhead' <ARhead@geraldeve.com>; Sarah Fitzpatrick (Head of Planning) <Sarah.Fitzpatrick@nortonrosefulbright.com>; Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>; David Sinclair <David.Sinclair@nortonrosefulbright.com>

Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512

OFFICIAL

Reference Number: FOI2022/01512

Dear Peter

Please find attached a letter from Network Rail in response to your recent request for information.

Kind regards



Anisha Pandya

Information Rights Specialist | Freedom of Information

[Network Rail](#), 1st Floor Willen Building, The Quadrant: MK, Elder
Gate, Milton Keynes, MK9 1EN

Website: [Freedom of information \(FOI\) - Network Rail](#)

From: Emma Meadows **On Behalf Of** FOI

Sent: 23 December 2022 10:14

To: Peter Cole <Peter.Cole@nortonrosefulbright.com>

Cc: Adam Rhead <ARhead@geraldeve.com>; Sarah Fitzpatrick (Head of Planning) <Sarah.Fitzpatrick@nortonrosefulbright.com>; Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>; David Sinclair <David.Sinclair@nortonrosefulbright.com>

Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512

Reference number: FOI2022/01512

Dear Peter Cole

Information request

Your correspondence was received by Network Rail on 22 December 2022. I can confirm that your request is being processed under the terms of the Freedom of Information Act (FOIA) / Environmental Information Regulations (EIR). I will endeavour to respond to you as soon as possible and in any event by 25 January 2023.

I have understood your request to be for the following information:

We write on behalf of our client Bellaview Properties Ltd, the freehold owners of 239 Horn Lane, London, W3 9ED (the Site). Bellaview Properties Ltd has leased the Site to Saint-Gobain Building Distribution Limited (who trades from the Site as Jewson).

We hereby request on behalf of our clients:

- 1. In relation to the “extensive research” described in the Consultation Document, specifically, any optioneering studies, constructability reports, assessments of options produced in the year prior to, and since HS2 published the public consultation document entitled “Old Oak Common Station Design” on 5 February 2019², which provide the basis for NR’s conclusion that the Site is “the only suitable area” for the Lineside Logistics Compound.*
- 2. All consultation documents sent or received from the local planning authority since 5 February 2018, which consider the utility of the Site or any of the other alternative sites for the Lineside Logistics Compound considered.*
- 3. Any assessments, reports or studies since 5 February 2018 which provide a response to each of the questions set out at paragraph 2.5 onwards of the First Request, in relation to the following topics:*
 - a. Site searches, assessments or reports in relation to the identification of a relocation site;*
 - b. A copy of the revised plan referred to at paragraph 2.6 of the First Request;*
 - c. Any assessments or reports which contain information on parking and/or vehicular-access needs;*
 - d. Information which contains the number of vehicle trips scheduled, which specify the type of vehicle that they would expect during construction phase;*
 - e. Copies of plans that show all alternative options considered.*

Further to the above we also request under the Act and the Regulations copies of the following documents which are referred to in the Strategy Document:

- 1. A document titled “NR Western Route Engineering Access Statement”, as referred to on page 6 and quoted in Figure 5;*
- 2. Assessment or reports which include information on Jacobs Ladder, specifically which set out and evidence the stated “historical issues” with storing materials at this site, referred to on page 8;*
- 3. Details of the materials that are proposed to be stored at the Lineside Logistics Compound, including their quantity that allows NR to draw the conclusion at page 8 that “access at Jacobs Ladder...will allow no storage of materials”;*
- 4. Information on the number of vehicle trips scheduled, which specify the type of vehicle that NR would expect to be used during construction phase, which assesses the amount of possessions necessary to complete the 6-year programme, referred to at paragraphs 6 and 7, page 8;*
- 5. A document entitled “NR Infrastructure Access Points – Best Practice Design Guide”, referred to on page 9;*
- 6. Any reports, assessments, consultations or communications with depot operators Agility/ Hitachi and / or with the Department for Transport, which show their views on the lineside logistics compound at the North Pole Depot, as set out in the penultimate paragraph on page 10; and*

7. *Supporting documentation that provides the basis for the assessment of available locations for the lineside logistics compound as shown at figure 8, page 11.*

We also request a copy of the following documents referred to in the Minutes:

1. *The Network Rail Old Oak Common Lineside Logistics Compound Power Point for Ealing, at pages 1 and 2 of the Minutes; and*
2. *We note that reference is made on page 1 of the Minutes to the views of local residents to having the Lineside Logistics Compound on the Site. We therefore request copies of all consultation responses received by NR in response to the Consultation Document, from any party, which reference the proposed location of the Lineside Logistics Compound.*

If I have misunderstood or misinterpreted your request in any way, please let me know as soon as possible.

On occasion we may need to consult with third parties about requests, in line with the recommendations in the Code of Practice issued by the Cabinet Office.

If you are looking for information about yourself or on behalf of someone else (for example CCTV footage of yourself, details of a complaint you've made, information about a job application you've made, etc.) it is very unlikely that we would be able to provide that information to you under the FOIA/EIR. You may however be able to obtain it through a Subject Access Request (SAR) under the Data Protection Act 2018 - details of our SAR process, the form we ask you to complete and your right to access information about yourself can be found at: <https://www.networkrail.co.uk/wp-content/uploads/2021/09/NR-Subject-Access-Request-Form.pdf>

If you have any queries please contact me.

Please remember to quote your reference number in all future communications.

Yours sincerely

Emma Meadows
Information Rights Specialist
Freedom of Information

Network Rail | The Quadrant: MK
Elder Gate | Milton Keynes | MK9 1EN
Email: FOI@networkrail.co.uk

Web: <https://www.networkrail.co.uk/who-we-are/transparency-and-ethics/freedom-of-information-foi/>

From: Peter Cole <Peter.Cole@nortonrosefulbright.com>

Sent: 22 December 2022 11:09

To: FOI <FOI@networkrail.co.uk>

Cc: Adam Rhead <ARhead@geraldev.com>; Sarah Fitzpatrick (Head of Planning)

<Sarah.Fitzpatrick@nortonrosefulbright.com>; Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>; David Sinclair <David.Sinclair@nortonrosefulbright.com>

Subject: FOIA request - Old Oak Common Lineside Logistics Compound

Dear Network Rail,

Please see attached for a request pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004, along with certain documents referred to in that request for ease of reference.

We would be grateful if you could acknowledge safe receipt.

Kind regards

Peter Cole | Senior Associate
Solicitor, qualified in England & Wales
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