



Peter Cole  
By email: [peter.cole@nortonrosefulbright.com](mailto:peter.cole@nortonrosefulbright.com)

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

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

25 January 2023

Dear Peter

**Information request**  
**Reference number: FOI2022/01512**

Thank you for your email of 22 December 2022, in which you requested information about our plans to build a lineside logistics compound on the site currently occupied by Jewson. In the interests of brevity, I have included the full wording of your request in Annex A at the end of this letter.

I have processed your request under the terms of the Environmental Information Regulations 2004 (EIR).<sup>1</sup>

I am afraid that as with your previous request (FOI2022/01332), it is not possible to comply with this new request without creating a disproportionate burden on our resources. In consequence, this response represents a refusal of your request under Regulation 12(4)(b) of the EIR.

**Regulation 12(4)(b) of the EIR**

This regulation allows a public authority to refuse a request if the time taken to locate, retrieve, collate and review the requested information would place a 'disproportionate burden' on the organisation. When working out what constitutes an unreasonable or disproportionate burden, we draw guidance from Section 12 of the Freedom of Information Act 2000, which allows a public authority to refuse a request if the cost of providing the information exceeds the 'appropriate limit'.<sup>2</sup>

---

<sup>1</sup> Section 39 of the Freedom of Information Act 2000 (FOIA) exempts environmental information from the FOIA and requires us to consider it under the EIR. Information about the construction of a lineside logistics compound meets the definition of environmental information at Reg.2(1)(c) of the EIR because it is a plan that will affect elements of the environment such as the landscape.

<sup>2</sup> The appropriate limit is defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 as £600 for government departments and £450 for all other public authorities.

We refused your previous request because of the time it would have taken us to locate all the information requested on why the Jewson site has been deemed 'the only suitable site'. In the case of this new request, we face exactly the same difficulties in locating the information for questions 1 and 3.

Like before, this new request is very broad as it is looking for a large number of different reports and studies which cover a time period of four to five years. As explained before, this information is not all held in a central folder, some of it is held on individual's local files. There is a minimum of eight people who are working or have worked on the team. Each of these individuals would need to carry out comprehensive searches of their emails, hard drives and anywhere else where they might conceivably have stored information over the last four to five years. We estimate that this would take a minimum of three hours per individual. For those no longer working at Network Rail, we would need to "rebuild" their profiles to locate any records they may have held locally. This process adds an additional two hours onto the time required to search the systems.

Taking this into account, the process of locating the information alone would take at an absolute minimum 24 hours.

Once we had located all the information relevant to your request, we would need to read and review each document to remove any personal, commercial or security data and consult with relevant stakeholders before issuing any disclosure. This would be a timely process dependent on the length and sensitivity of each document.

Considering the above, I am content that there is no means of meeting your request without placing a disproportionate burden on our resources.

### **The public interest test**

Regulation 12(4)(b) can only be applied subject to a public interest test. I have considered the public interest factors for and against disclosure and have set out my findings below.

There is a general presumption in favour of public authorities providing information under the EIR to promote transparency and accountability, and I appreciate that there is a public interest in any development associated with Old Oak Common. However, complying with your request would place significant demands on our resources and would hinder us from being able to deliver other services and answering other requests.

---

This equates to eighteen hours of staff time at a flat rate of £25 per hour. Further information can be found here: <http://www.legislation.gov.uk/ukxi/2004/3244/contents/made>

In view of the arguments above, it is my decision that the reasons for maintaining the exception outweigh the public interest in complying with the request on this occasion and I am therefore refusing your request under Regulation 12(4)(b).

### **Next steps – refining your request**

I note you have asked us to provide the cost of complying with your request so you have an opportunity to pay it directly. However, in line with the Regulations it is up to the public authority to choose whether to pursue charges for dealing with a request. In this instance, the difficulty we face in locating and reviewing all the information you have requested is the burden it would place on our resources as it would take people away from their day jobs and other tasks. As a publicly funded organisation, and in the current economic climate, we have an obligation to use our staff time efficiently so we cannot comply with this request.

Going forward, we believe we could provide the information for all of the questions apart from 1 and 3. I would therefore recommend removing questions 1 and 3 entirely from your request.

If you did still want to progress with questions 1 and 3, I would consider the Information Commissioner's guidance on how to make a clear request:<sup>3</sup>

*Where possible, ask for specific information or ask clear questions. Avoid vague or general statements.*

*Try to include details such as dates and names, if you can.*

*You may want to include the reason why you are asking for the information. This may help you get what you need.*

*Don't submit catch-all requests such as "send me everything about x". Public bodies can refuse requests that they think are too broad or burdensome.*

As your request currently stands, you are requesting a large number of documents over a lengthy period of time. If you could provide us with some guidance on what you are trying to establish from the documents you are requesting, we may be able to advise which documents we have readily available which could address your queries. We are happy to discuss on the telephone if easier.

On a final note, in our last response to you, we provided you with the Old Oak Common Lineside Logistics Compound Strategy document which explains the rationale and basis for why the Jewson site has been identified as the 'only suitable site'. Ultimately, the

---

<sup>3</sup> <https://ico.org.uk/for-the-public/official-information/how-to-write-an-effective-request-for-information/>

reason why other sites are unsuitable is because they are either too far away from the site or they are too steep due to being in a rail cutting.

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). 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 Rights Specialist**

You are encouraged to use and re-use the information made available in this response freely and flexibly, with only a few conditions. These are set out in the [Open Government Licence](#) for public sector information. For further information please visit our [website](#).

### **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 Compliance and Appeals team at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at [ComplianceandAppealsFOI@networkrail.co.uk](mailto:ComplianceandAppealsFOI@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 (ICO) can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or you can contact the ICO through the 'Make a Complaint' section of their website on this link: <https://ico.org.uk/make-a-complaint/>

The relevant section to select will be "Official or Public Information".

## Annex A

*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 2019, 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:*

- 4. A document titled “NR Western Route Engineering Access Statement”, as referred to on page 6 and quoted in Figure 5;*
- 5. 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;*

6. *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”;*
7. *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;*
8. *A document entitled “NR Infrastructure Access Points – Best Practice Design Guide”, referred to on page 9;*
9. *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*
10. *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:*

11. *The Network Rail Old Oak Common Lineside Logistics Compound Power Point for Ealing, at pages 1 and 2 of the Minutes; and*
12. *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.*