



12 December 2014

**INFORMATION REQUEST REFERENCE 14-049**

Dear 

Thank you for your information request, received on 25 November 2014. You asked us to provide the following information under the Freedom of Information Act 2000 (FOIA):

*“Please provide the legal advice used to show that the section 106 agreement relating to the recent planning decision to reverse the permission granted to allow the Manor Gardens Allotments Society to move back to the Olympic Park at Eton Manor satisfied the necessary legal tests.*

*This request is for the specific legal opinion on which the LLDC relied to show the legality of the Section 106 Agreement. As there had been an objection on the grounds that the Agreement did not meet the necessary tests the legal officer must have investigated these specific issues and established by examining precedents, rulings, statute, etc, that the Section 106 did meet the necessary tests. If so he/she will have drawn up a document to produce for the Committee or have prepared notes so as to be able to answer questions.*

*It was this legal advice that I was asking for. I assume the officer will have prepared a basic case to which he/she could refer to set out his/her argument as he/she was responding to a specific legal objection.”*

As explained in our letter of 10 November 2014, the London Legacy Development Corporation (Legacy Corporation) does not hold any documented legal advice in relation to this request other than the documents referred to in that letter.

Nonetheless, we would like to reassure you that in exercising its planning functions, the Legacy Corporation is at all times aware of the scope and constraints of its legal powers. In determining the application to which your request relates, the Legacy Corporation (amongst other considerations) did indeed consider whether the matter fell within the scope of section 106 of the Town and Country Planning Act 1990. This question was expressly raised at the Planning Decisions Committee held on 25 March 2014 and the views of Legacy Corporation’s legal advisor on this matter are summarised in paragraphs 6.13 and 6.14 of the minutes to that meeting<sup>1</sup>. I can also confirm that all reports prepared for the Planning

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<sup>1</sup> <http://www.london.gov.uk/LLDC/documents/g5187/Public%20minutes%20Tuesday%2025-Mar-2014%2018.00%20Planning%20Decisions%20Committee.pdf?T=11>

Decisions Committee, including those which considered the planning application for Eton Manor, are reviewed by the Corporation's legal advisor prior to publication.

If you are unhappy with our response to your request and wish to make a complaint or request a review of our decision, you should write to:

Executive Director of Finance and Corporate Services  
London Legacy Development Corporation  
Level 10  
1 Stratford Place  
Montfichet Road  
London  
E20 1EJ

Please note: complaints and requests for internal review received more than two months after the initial decision will not be handled.

If you are not content with the outcome of the internal review, you may appeal directly to the Information Commissioner at the address given below. You should do this within two months of our final decision. There is no charge for making an appeal.

Further information on the Freedom of Information Act 2000 is available from the Information Commissioner's Office:

Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Telephone 08456 30 60 60 or 01625 54 57 45

Website [www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely

  


London Legacy Development Corporation