

27 April 2015

INFORMATION REQUEST REFERENCE 15-010

Dear [REDACTED]

Thank you for your information request, received on 26 February 2015. You asked us to provide the following information under the Environmental Information Regulations 2004 (EIR):

- *Copies of any correspondence, minutes, reports or meeting notes whether formal or informal relating to the requests by Landprop, Vastint or any other entity to LLDC (or their predecessor THGDC) to consider the use of compulsory purchase powers to assemble the area comprised within the London Borough of Newham (Sugar House Lane) Compulsory Purchase Order 2014 site boundary or a similar area.*
- *Please also provide any decisions or views given on whether or not to use such powers and confirmation as to whether any meetings on such topics were held with the authority or their predecessor.*
- *Please provide copies of the any viability information/development appraisal provided to the LLDC's predecessor LTGDC to justify a reduced level of affordable housing provision in respect of application reference 12/00335/LTGOUT.*
- *Please also provide LTGDC's independent development appraisal.*

Please find below the London Legacy Development Corporation (Legacy Corporation) response to your requests, following your order:

Item 1 - Copies of any correspondence, minutes, reports or meeting notes whether formal or informal relating to the requests by Landprop, Vastint or any other entity to LLDC (or their predecessor THGDC) to consider the use of compulsory purchase powers to assemble the area comprised within the London Borough of Newham (Sugar House Lane) Compulsory Purchase Order 2014 site boundary or a similar area.

A search has been undertaken by the planning officer of his email correspondence. A separate search was also undertaken of the Legacy Corporation fileserver on the search terms "Sugar House Lane" and / or "CPO".

The Legacy Corporation does not hold any correspondence relating to consideration of the use of compulsory purchase powers to assemble the area comprised within the London Borough of Newham (Sugar House Lane) Compulsory Purchase Order 2014 site boundary (or a similar site boundary).

Item 2 - Please also provide any decisions or views given on whether or not to use such powers and confirmation as to whether any meetings on such topics were held with the authority or their predecessor.

Item 3 - Please provide copies of the any viability information/development appraisal provided to the LLDC's predecessor LTGDC to justify a reduced level of affordable housing provision in respect of application reference 12/00335/LTGOUT.

The planning application files for the London Thames Gateway Development Corporation (LTGDC) were held by the relevant boroughs – in the case of this application, London Borough of Newham (LBN). The application can be accessed via the LBN website under planning application reference 12/00336/LTGOUT – <https://pa.newham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Item 4 - Please also provide LTGDC's independent development appraisal.

The Legacy Corporation can confirm that they hold this information. Please find the requested document attached in Annex A. Information within the document has been redacted. The details for the exceptions that have been applied and our conclusion on the public interest for each exception is summarised below. Where appropriate, third parties have been consulted and their responses taken into consideration when balancing the public interest factors for and against disclosure. Annex B is a schedule that identifies what redactions have been made and the exception that was applied.

Reg. 13(1) - Personal data

13.—(1) *To the extent that the information requested includes personal data of which the applicant is not the data subject and as respects which either the first or second condition below is satisfied, a public authority shall not disclose the personal data.*

(2) *The first condition is—*

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under these Regulations would contravene—
(i) any of the data protection principles;

It is the standard practice of the Legacy Corporation to redact personal information unless consent to release has been received. As such, names and other personal data have been redacted in line with regulation 13(1) of the Environmental Information Regulations 2004 regarding personal data. This Regulation states that a public authority shall not disclose personal data, to the extent that the requested information includes personal data of which the applicant is not the data subject and as respects which the conditions in either Regulation 13(2) or Regulation 13(3) apply. In this instance, the relevant condition that applies is Regulation 13(2)(a)(i), whereby the information is defined as personal data within Section 1(1)(a) of the Data Protection Act 1998. As we have not received consent of the data subjects, release of the requested information at this time would contravene the first data principle under Schedule 2(1).

Reg 12(5)(e)—Confidentiality of commercial information

(5) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect—

(e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest;

The Legacy Corporation has considered the public interest in deciding whether to disclose the redacted information. While there is no information in the report that would be considered commercially confidential by the Legacy Corporation, the commercial interests of the 3rd party, Vastint (known as Landprop at the time of the report) have been taken into consideration.

Note: LBN has initiated a compulsory purchase order (CPO) to secure remaining land interests within this area. A public inquiry is to take place in September 2015.

While the report is nearly three years old, Vastint has identified the information within the report that is still commercially sensitive in relation to their commercial and economic interests.

Even though historic property purchase prices are in the public domain, Vastint consider that the disclosure of the estimated values contained within the report would prejudice open negotiations for the acquisition of land. The report also contains assumptions on potential works that would need to be carried out and assumptions on the cost of these works, that if disclosed would prejudice Vastint's ability to tender effectively for those works and would prejudice their ability to obtain fair and competitive prices. Disclosure would also give competitors an unfair insight into their pricing strategy.

While the Legacy Corporation appreciate that there is an interest in the information, the public interest would not benefit from the information being released at this time and therefore the Legacy Corporation is withholding specific information within the report as we consider it would be under the exception reg. 12(5)(e) as defined above. At this time the public interest in maintaining the exception outweighs the public interest in disclosing the information.

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

Yours sincerely



FOI / EIR Co-ordinator

London Legacy Development Corporation