



23 January 2018

INFORMATION REQUEST REFERENCE 18-001

Dear 

Thank you for your information request, received on 22 December 2017. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Environmental Information Regulations 2004 (EIR):

"These requests are made under paragraph 5(1) of the Environmental Information Regulations 2004 alternatively under the Freedom of Information Request 2000. Together with those made in the "Report on the Decision of the LLDC in Planning Application 16/00360/AOD" (the Report) they form one single thematically restricted request for purposes of the EIR / FOIA. I believe that the information requested is held by the LLDC, that the LLDC is a public authority within the meaning of the EIR and/or the FOIA, and so subject to the obligations set out therein to provide the information requested. Terms are as defined in the Report or in the DPDS letter of 20 September 2017, unless otherwise stated.

Please provide the requested information in electronic form to [email address] The information may be provided wholly or partly by schedule, so long as it is apparent which response corresponds with which request. Any correspondence should be directed to the contact details at the top of the letter.

Requests - Please provide:

1. *In respect of the 2017 Drawings "received ... on 15th September 2016":*
 - a) *a statement of the means by which the 2017 Drawings were received on that date;*
 - b) *If by letter:*
 - i. *the name of the sender and the addressee, together with the addressee's title/role;*

- ii. *any information / statements about the 2017 Drawings provided in the letter;*
 - iii. *the reason why the letter was not uploaded to the LLDC public register;*
 - iv. *whether the letter and/or the 2017 Drawings were scanned and to whom within the LLDC it/they were then sent, together with the dates and times of any e-mails to which it/they were attached;*
 - c) *If by e-mail:*
 - i. *the date and time of the e-mail (or e-mails) by which the 2017 Drawings were received;*
 - ii. *The identity of the sender, recipient and any addressee in copy, together with the title/role of any LLDC addressee;*
 - iii. *The specific content of the e-mail referred to in l(c)(i), where this relates to the 2017 Drawings and/or the Application;*
 - d) *The metadata recorded on the document control template (or elsewhere) in accordance with paragraph 5.2 of the LLDC Information Management Policy.*
- 2. *In respect of Ms Sarah Birt, please provide a timetable of her working day on 15 September 2016, setting out all here engagements including their duration and details of any time away from the office.*
- 3. *In respect of any internal LLDC e-mail sent between 15 September 2016 and 19 September 2016 (inclusive) which forwards or attaches the 2017 Drawings (or any of them), please provide:*
 - a) *The date and time of the e-mail;*
 - b) *the identity of the sender, recipient and any addressee in copy, together with the title/role of any LLDC sender or recipient;*
 - c) *The specific content of each e-mail, where this relates to the 2017 Drawings and/or the Application;*
- 4. *In respect of the Delegated Report on the Application by Sarah Birt:*
 - a) *The date on which the Word (or similar) document containing Delegated Report was created, as recorded in the document metadata, (including, where applicable, previous drafts);*
 - b) *The date and time of the last edit of the document referred to in 4(a), as recorded in the document metadata;*
 - c) *Whether the document referred to in 4(a) was converted to pdf before being passed to the Head of Development Management (Planning Policy and Decisions Team) and/or Authorised Officers on 15 September 2016, and if so, the date and time when that pdf document was created, as recorded in the document metadata;*
 - d) *The metadata recorded on the document control template (or elsewhere) in accordance with paragraph 5.2 of the LLDC Information Management Policy.*

5. *In respect of the passing of the Delegated Report to the Head of Development Management (Planning Policy and Decisions Team) and/or Authorised Officers on 15 September 2016:*
 - a) *The identity and title of the person to whom Ms Birt passed the Delegated Report;*
 - b) *The means by which the Delegated Report was passed to the person (or persons) referred to in 5(a);*
 - c) *If passed in hard copy:*
 - i. *Who passed the document on;*
 - ii. *Whether/how this was recorded;*
 - iii. *Any procedures which apply when a case officer passes Delegated Reports for decision;*
 - iv. *The number of LLDC Delegated Reports in 2016 that were passed for decision in hard copy only and the number that were passed for decision by e-mail.*
 - d) *If passed by e-mail:*
 - i. *the date and time sent of the e-mail (or e-mails) by which the Delegated Report was passed on;*
 - ii. *The identity of the sender, recipient and any addressee in copy, together, in each case, with their title/role;*
 - iii. *The specific content of the e-mail (or e-mails) referred to in S(d)(i), where this relates to the 2017 Drawings;*
6. *Regarding internal LLDC e-mails sent between 15 September 2016 and 19 September 2016 (inclusive) which forward or attach the Delegated Report, or which comment upon its content;*
 - a) *The date and time of the e-mail;*
 - b) *the identity of the sender, recipient and any addressee in copy, together, in each case, with their title/role;*
 - c) *The specific content of each e-mail where this relates to the 2016 Drawings and/or the 2017 Drawings.*
7. *Regarding e-mail communication between, on the one hand, Tughela Gino and/or the Applicants (or anyone acting on its/their behalf) and, on the other hand, the LLDC, before the Application was approved on 19 September 2016, please provide a schedule of e-mails sent and received (if any) stating:*
 - a) *the identity of the sender, recipient and any addressee in copy, together, in each case, with their title/role;*
 - b) *The date of each e-mail;*
 - c) *whether the e-mail had any attached documents;*
8. *In respect of any e-mail falling within 7, above, the specific content of that e-mail where this relates to the 2016 Drawings or the 2017 Drawings. For the avoidance of doubt, this includes (without limitation) any such content in the*

e-mail from Ms Birt of the LLDC to Tughela Gino dated 5 April 2016 providing pre-application advice.

9. *Regarding e-mail communication between, on the one hand, Tughela Gino and/or the Applicants (or anyone acting on its/their behalf) and, on the other hand, the LLDC, following the Decision Notice dated 19 September 2016, please provide a schedule of e-mail communication (if any) showing:*
 - a) *the identity of the sender, recipient and any addressee in copy, together, in each case, with their title/role;*
 - b) *The date of each e-mail;*
 - c) *whether the e-mail had any attached documents;*
10. *In respect of any e-mail falling within 9, above, the specific content of that e-mail where this relates to the 2016 Drawings or the 2017 Drawings. For the avoidance of doubt, this request applies to all correspondence once the architect identified that "the approved drawings had not been uploaded successfully onto the public register".*
11. *Regarding any telephone conversations or conversations in person between, on the one hand, Tughela Gino and/or the Applicants (or anyone acting on its/their behalf) and, on the other hand, the LLDC prior to the Decision Notice dated 19 September 2017 where the conversation referred to or concerned the 2016 Drawings and/or the 2017 Drawings, please provide:*
 - a) *A copy of the written note of the discussion that was placed on the planning file (or pre-application planning file) in compliance with paragraph 4.1.3 of the LLDC Planning Decisions Code of Practice;*
 - b) *If not clear from the note provided under 11(a), the name and titles of the persons holding the discussion, and the date on which it was held;*
 - c) *Any other information about the content of the conversation where this is recorded in a way other than that described in 11(a).*
12. *Regarding any telephone conversations or conversations in person between, on the one hand, Tughela Gino and/or the Applicants (or anyone acting on its/their behalf) and, on the other hand, the LLDC after the Decision Notice dated 19 September 2017 where the conversation referred to or concerned the 2016 Drawings and/or the 2017 Drawings, please provide:*
 - a) *A copy of the written note of the discussion which was placed on the planning file in accordance with paragraph 4.1.3 of the LLDC Planning Decisions Code of Practice;*
 - b) *If not evident from the note provided under 12(a), the name and titles of the persons holding the discussion, and the date on which it was held;*
 - c) *Any other information about the content of the conversation where this is recorded in a way other than that described in 12(a).*

13. Please state how the architect contacted the Corporation to identify that "the approved drawings had not been successfully uploaded onto the public register".
- a) If by telephone or other conversation, please provide:
 - i. A copy of the written note of the discussion which was placed on the planning file in accordance with paragraph 4.1.3 of the LLDC Planning Decisions Code of Practice;
 - ii. If not evident from the note provided under 13(a)(i), the name and titles of the persons holding the discussion, and the date and time when it was held;
 - iii. Any other information about the content of the conversation where this is recorded in a way other than that described in 13(a)(i).
 - b) If by e-mail, please provide:
 - i. the date and time sent of the e-mail (or e-mails) in which the architect identified the issue;
 - ii. The identity of the sender, recipient and any addressee in copy, together, in each case, with their title/role;
 - iii. The specific content of the e-mail (or e-mails) referred to in 13(b)(i), where this relates to the 2016 Drawings and/or the 2017 Drawings;
14. Regarding any internal LLDC e-mail relating to the 2017 Drawings following the communication referred to in paragraph 10:
- a) the date and time sent of the e-mail;
 - b) The identity of the sender, recipient and any addressee in copy, together, in each case, with their title/role;
 - c) The specific content of the e-mail (or e-mails) referred to in 14(a), where this relates to the 2017 Drawings;
- For the avoidance of doubt, this includes (without limitation) e-mails relating to the decision to upload the 2017 Drawings on to the LLDC public register.
15. The date on which the LLDC first attempted to upload the 2017 Drawings to the public register. If more than one attempt was made, please provide the date of each attempt.
16. Please state whether the requests for information in the DPDS Consulting letter dated 20 September 2017 were logged with the LLDC's FOI Coordinator in accordance with paragraph 5.5 of the LLDC Information Compliance Policy, and if so:
- a) The date on which the requests were logged; and
 - b) What specific requests were recorded.
17. If the requests referred to in paragraph 16 were not so logged, please state:
- a) the grounds on which it was determined that the LLDC Information Policy did not apply (with reference to any applicable paragraph of that Policy); and

b) *who made the determination referred to in paragraph 17(a)."*

With reference to your question 5(a), the delegated report was passed to Alison De Marco, who was the Head of Development Management at that time.

With reference to your other requests above numbered 1 to 15, please be advised that the Legacy Corporation are refusing your requests on the basis of EIR regulation 12(4)(b) manifestly unreasonable.

EIR regulation 12(4)(b) – manifestly unreasonable

12(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

(b) the request for information is manifestly unreasonable;

The Legacy Corporation is not a large organisation and the time and resources taken to answer the questions as above would have a considerable impact on those resources. In addition, the Planning Officer and the Head of Development Manager as at September 2016 are not with the Legacy Corporation and cannot be consulted in relation to your requests.

In order to provide you with the information you have asked for in your requests 1 to 15 we would have to review all of the relevant planning documentation, both electronic and hardcopy, in order to try to identify the requested information.

While there are no appropriate costs limit under the EIR, the exception at regulation 12(4)(b) of the EIR can apply if the cost or burden of dealing with a request is too great.

In assessing whether the cost or burden of dealing with a request, public authorities need to consider the proportionality of the costs involved and decide whether they are clearly or obviously unreasonable.

Within the numbered requests 1 to 15 there are between 43 to 45 different questions, with the variance dependent on the expected media used, for example: if the information is held either as hard copy or as email.

As of the date of this request, the Legacy Corporation Planning Policy and Decisions Team has 8 Planning Officers within its Development Management team. The Legacy Corporation have considered the public interest in respect to their decision and appreciate that they also have to balance public interest with the effective, efficient and economic use of the resources that they have responsibility for as a public authority. In this instance the Legacy Corporation cannot justify the disproportionate burden these requests would place on the Legacy Corporation's limited resources or the impact they would have on delivery of its other responsibilities. While there is a presumption in favour of disclosure under EIR, responding to these requests would place unreasonable demands on our resources and for this reason, the Legacy Corporation have considered your requests 1 to 15 and consider them to be manifestly unreasonable under regulation 12(4)(b) of the EIR.

Regarding your questions 16 and 17, our response is as follows:

16. *Please state whether the requests for information in the DPDS Consulting letter dated 20 September 2017 were logged with the LLDC's FOI Coordinator in accordance with paragraph 5.5 of the LLDC Information Compliance Policy, and if so:*
- a) *The date on which the requests were logged; and*
 - b) *What specific requests were recorded.*

No requests for information were registered in relation to the letter reference 'DPDS Consulting letter dated 20 September 2017' (the Letter).

17. *If the requests referred to in paragraph 16 were not so logged, please state:*
- a) *the grounds on which it was determined that the LLDC Information Policy did not apply (with reference to any applicable paragraph of that Policy); and*
 - b) *who made the determination referred to in paragraph 17(a)."*

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 both cover any recorded information held by the public authority. This means that in order to be considered as a valid request under either of these legislations, the request must be for recorded information.

On receipt of the Letter, it was reviewed and considered to be a planning enquiry/complaint as it contained no requests for recorded information and therefore did not need to be handled as an information request. The Legacy Corporation accepts that the guidance within the Information Compliance Policy is not clear on this aspect, although it is explicitly stated on the Freedom of Information page on our website - [Freedom of Information requests](#) and also within the Information Commissioner's Office (ICO) guidance for both pieces of legislation: [ICO FOI Guidance](#) and [ICO EIR Guidance](#).

Please note: The Information Compliance Policy has been removed from the website and is being revised to provide clearer guidance.

Under EIR we have a responsibility to provide advice or assistance where it will help the requestor with their request. While we cannot provide all of the information requested as explained above, if you could focus your request down to the main recorded information that you are interested in, we would hopefully be able to respond without the disruptive impact on resources, however, please note that this more focused submission would be handled as a new information request.

A response to your enquiries that did not come under the remit of FOI or EIR are being answered separately and I understand that a response will be with you soon.

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:

Deputy Chief Executive

London Legacy Development Corporation
Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ

Email: FOI@londonlegacy.co.uk

Please note: complaints and requests for internal review received more than two months after the initial response 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