



25 June 2018

INFORMATION REQUEST REFERENCE 18-025

Dear 

Thank you for your information request, received on 27 March 2018. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“We should be grateful if you would provide a copy all communications between Bellway Homes Limited and the LLDC post-dating the section 106 Agreement relating to Cooks Road, Pudding Mill Lane, E15 including (but not limited to) the quarterly reports referred to at paragraph 2.2 of schedule 4 of the Agreement.”

I can confirm that the Legacy Corporation holds information relevant to your request. Please find a copy of all emails that we could identify as relevant to your request attached in **Annex A**.

Please note that information has been redacted under FOIA s40 – personal information:

Section 40(2) – personal information

*(2) Any information to which a request for information relates is also exempt information if—
(a) it constitutes personal data which do not fall within subsection (1), and
(b) either the first or the second condition below is satisfied.*

It is the standard practice of the Legacy Corporation to redact personal information for those members of staff under Head of Service level, and for non-Legacy Corporation personnel unless consent to release the information has been received. In addition, all phone numbers have been redacted.

The section 40 exemption is absolute and is not subject to the public interest test. In this instance, the relevant condition that applies is section 40(2) whereby the information is defined as personal data within the Data Protection Act 2018.

The Bellway results were identified from a search of the email archive for emails received from or sent to the email domain @bellway.com between the dates 12/08/2016 and 27/03/2018, and the reference 'Cooks' anywhere within the entire message. Unfortunately, the search function of the email archive does not allow for searches to be run using key terms that contain obliques which is how the planning applications are referenced. This means that it is not possible for us to search for communications that reference specific planning applications and therefore we used the broader 'Cooks' search term in order to ensure that we had the best possible chance of finding all the relevant information given the search limitations of the system. These results were then reviewed, the relevant correspondence identified and extracted from the search results.

Under section 16 of the FOIA we have an obligation to provide advice and assistance. With consideration for this obligation, even though your request was only for communications between the Legacy Corporation and Bellway, please be advised that the Planning Officer has identified that there is additional correspondence between the Legacy Corporation and the agents (Savills) acting on behalf of Bellway in relation to this s106, however, a provisional search has been run on the email archive using the same criteria as above but using the Savills email domain and the search results were over double the amount identified for the Bellway search.

As mentioned above, given the current limitations of the system and the broad nature of the search criteria therefore required, we cannot identify correspondence specific to your response without undertaking an email by email review of the results and identifying and extracting only those relevant. We are therefore not providing this information as we have estimated that the resources that would be required to identify, locate, retrieve and extract this information would far exceed the appropriate limit as defined within FOIA section 12.

The appropriate limit for the Legacy Corporation is £450, calculated as 18 hours at the rate of £25 per hour. For the Bellway search there were 229 items, which when extracted resulted in 989 pages of emails that were then individually reviewed. Using the Bellway exercise as a guide, the Savills search resulted in 574 items which when extracted would result in approximately 2,400 pages of emails that would need to be reviewed by the FOI / EIR coordinator and at least one member of the Planning Policy and Decisions team to identify the relevant communications.

The Legacy Corporation cannot justify the cost or the use of resources that would be required in order to provide this information. You may wish to submit a request for this information by narrowing the scope by being more specific about what information you particularly wish to obtain. We would then be able to ascertain whether we would be able to respond within the appropriate limit on this new request, or offer advice on how to further refine your search. This would be treated as a new information request.

Please note the below is an extract from the s106 you reference in your request:

"2. RELOCATION OF WASTE TRANSFER STATION

2.1 No Development shall be Commenced until a Relocation Strategy has been submitted to the LPA for Approval. The Relocation strategy shall set out the

steps and measures to secure the relocation of the Waste Transfer Station that the Developer has already taken prior to the date of the Agreement and proposes to take following the date of this Agreement. [12 August 2016]

- 2.2 The Developer shall use Reasonable Endeavours to achieve the relocation of the Waste Transfer Station in accordance with the Approved Relocation Strategy and shall provide quarterly written reports to the LPA outlining its compliance with this obligation.”

The quarterly reports you reference in your request are to be submitted by the Developer to the LPA once a relocation strategy for the waste transfer station has been approved. No relocation strategy has been received or approved by the Legacy Corporation.

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