

**BY EMAIL to: [foi@londonlegacy.co.uk](mailto:foi@londonlegacy.co.uk)**

Deputy Chief Executive  
London Legacy Development Corporation  
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London  
E20 1EJ

Our ref: SJA/050587.00001  
Your ref: 050587.00001

11 September 2018

Dear Sir/Madam

### **Information request reference 18-049 (the Request)**

We write further to your response dated 5 September 2018 in relation to the above Request (**the Response**). For the reasons detailed below we are dissatisfied with the way in which parts of the Response have been handled and request a review.

The Request sought: *"a copy of any record or notes of:*

- 1. pre-application discussions or correspondence between any MSG [Madison Square Garden] group company (or its agents) and LLDC in relation to the development of the Site [the land north west of Angel Lane]; and*
- 2. discussions about the need for, content or scope of the environmental statement which will accompany the planning application".*

The Response has been incorrectly handled in the following ways:

#### **1. Failure to provide copies of all records relating to the requested information**

The Request clearly sought copies of *"any records or notes"* relating to, amongst other things pre-application discussions between any Madison Square Garden group company (or its agents) and LLDC in relation to the development of the Site. However, with the exception of the photographed mark-ups on page 68 of the Response, LLDC have limited the disclosure to notes of formal pre-application meetings. Page 3 of the covering letter of the Response states *"email correspondence has not identified in relation to this request at this as the official record in relation to your request have been provided [sic]"*. The intended meaning of that sentence is unclear, but LLDC appear to have limited the response to formal meeting notes only. In doing so, LLDC have misunderstood the full nature of the Request and, in error, responded on an overly narrow basis. LLDC are requested to review the Request afresh and provide copies of all information created relevant to the Request (i.e. any record or note in respect of the Request). We expect this to include but not be limited to:

- copies of emails and letters to MSG, or its agents regarding the development of the Site;
- notes of telephone calls with MSG, or its agents regarding the development of the Site;
- copies of any correspondence regarding MSG's representations on the Local Plan Review (as referred to on pg.4);
- the draft Planning Performance Agreement (as referred to on pg. 3 of the Response);
- any further correspondence (including with LB Newham as referred to on pg. 3) regarding, and subsequent drafts of, the Planning Performance Agreement;
- the details of the briefing on the proposals for potential projects coming forward for Stratford Station (as referred to on pg. 19);
- agendas for pre-application meetings and the supporting materials;
- a copy of the briefing note and presentation to the London Legacy Development Corporation Planning Decisions Committee on 27 March 2018 (as referred to on pg. 13);
- a copy of the Energy Strategy (as referred on pg. 20);
- a copy of the presentation to the London Legacy Development Corporation on 31 May 2018 (as referred to on pg. 38);
- a copy of the Energy Strategy (as referred on pg. 69 (if different to that referred to on page 20); and
- any feedback on the baseline, 2022 and 2031 methodology for views analysis (as referred to on pg. 67).

## **2. Failure to explain the application of the exemption in Regulation 12(5)(e)**

LLDC has withheld information in reliance on Regulation 12(5)(e) but have failed to demonstrate why the exemption applies. LLDC have failed to explain:

- how the withheld information is commercial or industrial in nature;
- how the confidentiality is protecting a legitimate economic interest; or
- how the disclosure would cause harm.

Given that some, if not all, the information was submitted to LLDC in relation to a Scoping Request which has now been submitted, the authority should consider the sensitivity of the information and the nature of any harm that would be caused in that light. To the extent that there are legitimate economic interests (which we are not in a position to comment on given the paucity of the response), the disclosure of this information at this stage would not impact on those interests. LLDC should review the extent to which the exemption applies.

We expect to hear from you with the conclusions of your review within 40 working days.

Yours faithfully



Stephen Ashworth  
Partner  
Dentons UK and Middle East LLP