

5 September 2018

INFORMATION REQUEST REFERENCE 18-049

Dear [REDACTED]

Thank you for your information request, received on 8 August 2018. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Environmental Information Regulations 2004 (EIR):

“We write to request information pursuant to the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004.

We note that in November 2017 Stratford Garden Property Limited acquired the freehold interest in land lying west of Angel Lane, Stratford, London E15 1AA, with title number TGL433721 (the Site). We understand that Stratford Garden Property Limited is a company within The Madison Square Garden Company group of companies (MSG). It has been widely publicised that MSG plans to build a music venue on the Site and is consulting the public on its proposals.

We assume that MSG will in the near future submit a planning application to the London Legacy Development Corporation (LLDC) in respect of the Site. We should be grateful if you would provide a copy of any record or notes of:

- 1. pre-application discussions or correspondence between any MSG group company (or its agents) and LLDC in relation to the development of Site; and*
- 2. discussions about the need for, content or scope of the environmental statement which will accompany the planning application.*

We note that there are no public records of either a screening or scoping opinion in relation to the Site. This is unusual for a scheme of the proposed scale.”

I can confirm that the Legacy Corporation holds information relevant to your request. Please find copies of all meeting notes attached in **Annex A**. Please note that information has been redacted under the following EIR regulations: 12(5)(a) – adversely affect international

relations, defence, national security or public safety; 12(5)(e) adversely affect commercial confidentiality; and all personal information has been redacted under EIR regulation 13 – personal data.

A schedule of the specific meetings and any exceptions applied is attached in **Annex B**. Details for the exceptions applied are provided below:

Regulation 12(5)(a)

12(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—

(a) international relations, defence, national security or public safety;

Under regulation 12(5)(a) a public authority may refuse to provide information in response to a request where the disclosure of the information would adversely affect national security and public safety. The notes for the Security and Anti-terrorism meeting, held on 8 June 2018 (Annex A, pages 46-48) have been withheld under this exception as they provide details of security arrangements in relation to the proposed Sphere and for the protection of its visitors.

In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure. The factor we considered in deciding where the public interest lies is that this venue is likely to have a high profile and attract national and international attention and with consideration to its location, may become a target for external forces. The information contained within the meeting notes may assist any individual whose aim may be to cause maximum disruption and harm on a large scale.

The Legacy Corporation considers that there are strong and overriding public interest considerations here because we are seeking to safeguard national security and public safety, and not seek to undermine the protection of the public. The Legacy Corporation considers that the balance of the public interest is to withhold this information.

Regulation 12(5)(e)

12(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;

Under regulation 12(5)(e) a public authority may refuse to provide information in response to a request where the disclosure of the information would adversely affect the commercial interests of the third party that provided the information.

To maintain this exception, the public authority needs to consider the commercial nature of the information and if there is an obligation of confidentiality in relation to the information provided in addition to the consideration of the public interest and the balance weighed in favour of release.

The information withheld under this exception was provided during the pre-application discussions which comes with an expectation of confidentiality for information provided that could harm the 3rd party if released. If all information received during the pre-app process was considered public, this would harm the effectiveness of these discussions as it would

place restrictions on the information exchange and reduce their usefulness. However, this is always balanced by an understanding that the public authority has EIR obligations where the emphasis is on release. It is therefore important for both the pre-app process and EIR that consideration is given to releasing as much as possible but balanced against protecting the commercial interests of the applicant which would be harmed if certain confidential information was released.

The information withheld under this exception, if released, would harm the commercial interests of the 3rd party that provided the information. It is the consideration of the Legacy Corporation that the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Regulation 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;

(3) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1) of that Act and, in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it.

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. 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 3(2) of the Data Protection Act 2018.

Please be advised that the EIR legislation covers requests for recorded information held by the public body. Any assumptions or opinions stated in your original request have not been addressed.

Please note that where the meeting records contained information that was not relevant to your request, this information has been removed and the record annotated to identify the placemark. Furthermore, email correspondence has not identified in relation to this request at this as the official record in relation to your request have been provided.

Please be advised that, since the receipt of your information request, Stratford Garden Property Ltd has submitted a request for a Scoping Opinion. The request was made on the 13 August 2018 and this sets out the proposed need for, content and scope of the environmental statement that will accompany the planning application. An electronic copy of

the scoping report is available online on our planning register under planning reference 18/00390/SCOES. You can access the online planning register using this link: [LLDC Planning Register](#)

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