

[REDACTED]

12 February 2020

**INFORMATION REQUEST REFERENCE 20-002**

Dear [REDACTED]

Thank you for your information request, received on 9 January 2020. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*“Can you please provide any quality review panel reports newer than 25 July 2019, as these have not yet been published on <https://www.queenelizabetholympicpark.co.uk/planning-authority/making-an-application/quality-review-panel-reports-archive> .*

*Can you also provide any minutes from other quality review panel meetings since July 2019 that have not resulted in a report being written. If minutes are not available, the agenda of the meeting would be acceptable.*

*Can you also confirm if the quality review panel has reviewed the MSG Sphere planning proposal, and if so provide the report or minutes from the meeting.”*

I can confirm that the Legacy Corporation holds information relevant to your request, our response follows your order:

**Q1. Can you please provide any quality review panel reports newer than 25 July 2019, as these have not yet been published on <https://www.queenelizabetholympicpark.co.uk/planning-authority/making-an-application/quality-review-panel-reports-archive>**

While the Quality Review Panel (QRP) has met since 25 July 2019, they have reviewed information in relation to pre-applications (pre-apps) and this information is provided by the planning applicants to the Legacy Corporation and QRP on an understanding that it will be treated as confidential. The QRP terms of reference are published on our website: [https://www.queenelizabetholympicpark.co.uk/-/media/lldc/committee-terms-of-reference/2018-lldc-grp-terms-of-reference frame\\_new.ashx?la=en](https://www.queenelizabetholympicpark.co.uk/-/media/lldc/committee-terms-of-reference/2018-lldc-grp-terms-of-reference-frame_new.ashx?la=en)

The Legacy Corporation is refusing this request under FOIA section 41 – information provided in confidence.

**Section 41- Information provided in confidence.**  
*(1) Information is exempt information if—*

*(a) it was obtained by the public authority from any other person (including another public authority), and*  
*(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*

Please note: the word 'person' in the exemption is not restricted to an individual and also includes legal persons such as companies.

The Legacy Corporation have a duty of confidence in relation to information provided to them during the pre-application process. There is not a legal requirement to provide information to the Legacy Corporation or to the QRP and the decision of the third party to provide information is entirely voluntary. The quality of any information provided benefits the pre-application process, however, it is provided with the understanding that it will be treated in confidence.

The information withheld was provided as part the pre-application process to the QRP and the Legacy Corporation can confirm that this information was provided voluntarily, with the expectation that it would be treated in confidence and with no expectation of disclosure.

Making volunteered information available to the public would inhibit open and constructive discussions between the Legacy Corporation, QRP and third parties and adversely affect the value and effectiveness of the pre-application process.

Future pre-application processes would be harmed if the provision of information by the third party was restricted because the Legacy Corporation could not guarantee that their information could not be held in confidence and this would harm the effectiveness of these pre-app and QRP discussions as it would place restrictions on the information exchange and reduce their usefulness.

Q2. Can you also provide any minutes from other quality review panel meetings since July 2019 that have not resulted in a report being written. If minutes are not available, the agenda of the meeting would be acceptable.

The QRP can review information in the early stages of a possible pre-app and produce a report for every review. It is possible that the process will not progress to the submission of a planning application. For the pre-application review process to be effective it has to remain confidential and safe from premature or inappropriate exposure. Even the subject or agenda of a QRP review could impact on the business interests of a third party if made public.

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*(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*

Please note: the word 'person' in the exemption is not restricted to an individual and also includes legal persons such as companies.

The Legacy Corporation have a duty of confidence in relation to information provided to them during the pre-application process, including the existence of the pre-app. There is not a legal requirement to provide information to the Legacy Corporation or to the QRP or to enter the pre-app process at all and the decision of the third party to provide information is entirely voluntary. The quality of any information provided benefits the pre-application process, however, it is provided with the understanding that it will be treated in confidence.

The information withheld was provided as part the pre-application process to the QRP and the Legacy Corporation can confirm that this information was provided voluntarily, with the expectation that it would be treated in confidence and with no expectation of disclosure.

Making volunteered information available to the public would inhibit open and constructive discussions between the Legacy Corporation, QRP and third parties and adversely affect the value and effectiveness of the pre-application process.

Future pre-application processes would be harmed if the provision of information by the third party was restricted because the Legacy Corporation could not guarantee that their information could not be held in confidence and this would harm the effectiveness of these pre-app and QRP discussions as it would place restrictions on the information exchange and reduce their usefulness.

Q3. Can you also confirm if the quality review panel has reviewed the MSG Sphere planning proposal, and if so provide the report or minutes from the meeting."

The MSG Sphere planning proposal was reviewed by QRP on 25 July 2019. The QRP report is attached in **Annex A**.

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If you are unhappy with our response to your request and wish to make a complaint or request an internal 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](mailto: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](http://www.ico.gov.uk)

Yours sincerely

FOI / EIR Co-ordinator  
London Legacy Development Corporation