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1 Stratford Place
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London
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16 November 2020

INTERNAL REVIEW - REFERENCE 20-021IR

Dear [REDACTED]

We refer to your email of 4 September 2020 where you requested an internal review under the Environmental Information Regulations 2004 (EIR) with regard to the response you received from the London Legacy Development Corporation (Legacy Corporation) in relation to your information request reference as above.

The internal review has been completed and the findings and recommendations of the internal review are as follows:

1. Background

- 1.1. The original request (Ref 20-021) was received on 23 July 2020 and requested that the Legacy Corporation provide information under the EIR as set out below:

“Please supply

1 Any reports concerning the discharges which have occurred in the Olympic Park and East Village as listed in your last response.

2 Plans showing how the recent constructions/alterations at East Village and Chobham Manor and any other sites in the vicinity connect/dischARGE into the culvert and the two ponds. The plans provided, as far I could make out, seemed to relate to the period of Olympic construction.”

- 1.2. The response to this request (20-021) was sent on 2 September 2020 and the full response is attached in **Annex A**.

- 1.3. This request followed on from an earlier request reference 20-018 received on 8 June 2020. The full response was sent on 8 July 2020 and is attached in **Annex B**.

- 1.4. The request for an internal review was received on 4 September 2020 setting out the grounds for appeal as follows:

“I would like to ask for a review of this response.

First, regarding the request for reports I referred to your earlier response and asked for reports relating to recent discharges 'as listed in your last response'. Your previous response listed a small number of sewage events known to the LLDC. My request was for reports of those events. There were only a few events known to the LLDC so I do not see why there should be any concern regarding costs as the events are limited in number and already known. I attach the original response.

Second, I can only express my surprise at hearing there are no further plans regarding the recent developments at Chobham Manor and how they link into the waste water system. I would have thought there were plans presented to the Planning Committee for the Chobham Manor development which would have shown how these developments linked into the culvert. I would ask for this to be reconsidered."

2. Review findings:

- 2.1. The internal review has now been concluded and the findings and recommendations of the review are set out below.
- 2.2. The Legacy Corporation response reference 20-021 identified that no formal reports were held in relation to these discharge incidents but also identified that there may be correspondence in relation to the known discharge events within the email archive however the search results for the original response identified over 200,000 emails and therefore this request was refused under EIR regulation 12(4)(b) manifestly unreasonable.
- 2.3. The Internal Review Panel (the Panel) have investigated and have confirmed that the Legacy Corporation does not hold any reports in relation to the list of known discharges as provided in the Legacy Corporation response reference 20-018. The Panel believe that this aspect of the response should have been more clearly stated at the beginning of the response 20-021 rather than included within the refusal under EIR 12(4)(b) manifestly unreasonable regulation in relation to the search of the email archive.
- 2.4. In addition, the original 20-021 request was for the reports in relation to the events identified in 20-018. As these did not exist, the Panel believe that this area of the request should not have been refused under the EIR 12(4)(b) manifestly unreasonable regulation but instead the Legacy Corporation should have cited EIR regulation 12(4)(a) which provides that a public authority is not required to disclose information it does not hold.
- 2.5. The Panel note that the Legacy Corporation only know about those discharges identified and actually reported to the Legacy Corporation. The requestor should have been advised that Thames Water may hold information in relation to this matter and, while they are not subject to the Freedom of Information Act 2000, they are subject to the Environmental Information Regulations Act 2004 and an EIR request can be submitted to them via the following link:
<https://www.thameswater.co.uk/about-us/regulation/environmental-information-requests>
- 2.6. In relation to the second part of the appeal, the Panel requested that the Legacy Corporation departments undertook further searches for plans in relation to the waste water system, specifically in relation to Chobham Manor.

- 2.7. In addition to the plans already provided in 20-018, one further piece of information was identified, however, this was a report which contained plans, dated September 2014 and was already publicly available on the planning register (planning reference 14/00354/AOD, Chobham Manor, Legacy Communities Scheme, PDZ6 Phase 2, Reserved Matters Planning Application, Surface Water Drainage Strategy, September 2014).
- 2.8. The Panel have determined that information in relation to the waste water system and any revisions to it will be held on the planning register and therefore will be publicly available. The Panel believe that the request for further plans should be refused on the basis of EIR Regulation 6(b) as the information is already publicly available and easily accessible to the applicant in another form or format as further plans are likely to be held within reports as above as opposed to a plan in isolation.

3. Panel Recommendations:

- 3.1. The Panel recommend that in this instance the clarification for the reason for the refusal should be stated at the outset before the explanation of the exception used.
- 3.2. The Panel recommend that the original request for the reports should have been refused under EIR regulation 12(4)(a) as the Legacy Corporation do not hold the information requested.
- 3.3. The Panel recommend that, in the interests of providing assistance and advice, the requestor should have been notified of the possibility of submitting an EIR to Thames Water.
- 3.4. The Panel recommend that further requests for plans should have been refused under EIR regulation 6(a) as the information is likely to be publicly available on the planning register.

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

Deputy Chief Executive
London Legacy Development Corporation