


GREATER LONDON AUTHORITY


By email

Our Ref: MGLA311016-1328

9 June 2017

Dear 

Request for information - Northwood Town Centre

Thank you for your request for information which the Greater London Authority (GLA) received on 28 October 2016 which has been considered under the Environmental Information Regulations 2004. I apologise for the long delay in providing you with our response to your request.

Your request asked the GLA to release the following information:

"Ref. TfL Planning Application to Hillingdon Council under the LBH number: - 71083/APP/2015/3037 filed with LBH on the 2nd November 2015.

The above application is to develop the TfL Estate within the Northwood Town Conservation Area. This was due to be heard by Hillingdon Council on the 13 September 2016. TfL withdrew the application on the 5th September 2016

Under the Freedom of Information Act we ask for the correspondence between the GLA to Hillingdon Council Planning Officers and TfL on this planning application from Jan. 2016 to September 2016".

Please find accompanying this letter a copy of the information held by the GLA which is within the scope of your request. After careful consideration, we have decided some of the information covered by your request is exempt information under regulation 12(5)(b).

Regulation 12(5)(b) - The course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.

The annex to this letter explains how these provisions have been engaged.

We have also redacted some names and email addresses in the emails we have released. This information is being withheld under regulation 13 of the EIR as it constitutes third party personal data. The Greater London Authority has a responsibility to hold personal data securely in line with the principles of the Data Protection Act 1998. Releasing this information would contravene the first principle of fair and lawful processing.

In the Agenda document we have redacted some information that is not within the scope of this request.

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely

Ruth Phillips
Information Governance

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

ANNEX A – EIR Exception provisions

Exemption provisions
<ul style="list-style-type: none"> Regulation 12(5)(b) - The course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature
How the exemption applies to this information
<p>12(5)(b) – adversely affect the course of justice</p> <p>Regulation 12(5)(b) provides an exception from the disclosure of environmental information which would adversely affect the course of justice. The definition of the course of justice is wide reaching and in relation to this request relates to material covered by legal professional privilege.</p> <p>In order for the exception to apply there must be evidence of identifiable harm or negative impact. In the case of privileged information there would need to be significant factors at play for there not to be an adverse effect. Public access to privileged information when negotiations are still ‘live’ would provide an indication of the arguments, strengths or weaknesses which the GLA and TFL might have, unbalancing the level playing field under which adversarial proceedings are meant to be carried out.</p>
Public interest test
<p>Under regulation 12(5)(b), the GLA can only withhold the information if, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.</p> <p><u>Considerations favouring disclosure:</u></p> <p>There is an underlying rationale supporting the disclosure of environmental information, as outlined in Directive (2003/4/EC) which gave rise to the Environmental Information Regulations,</p> <p><i>Increased public access to environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision making and, eventually, to a better environment.</i></p> <p>In this case there is a strong public interest in the release of information that would inform and engage public debate on issues pertinent to this planning application. The release of this information would also therefore help reassure the public that we are considering the most appropriate options.</p> <p>There is a general public interest in transparency in relation to planning and development matters, particularly in the decision making behind, and progress of, developments of this size and impact. Disclosure of this information would enable the community affected by the development to understand more fully the decision making process.</p> <p>Furthermore, the public interest is served by the GLA being transparent and open to scrutiny to increase diligence.</p> <p><u>Considerations favouring non-disclosure:</u></p> <p>These communications took place in circumstances where a relationship of confidence was implied, and it is in the public interest to protect the principle of Legal Professional Privilege by allowing clients to have discussions with their lawyers in confidence.</p> <p>The best interests of the public – i.e. the public interest – is best served by ensuring that public authorities continue to deliberate robustly and comprehensively, considering all options and</p>

their potential impacts, in order for the best possible decisions to be taken.

There is also a strong public interest in favour of maintain the exception under 12(5)(b) for information which is legally privileged; an argument which is supported under common law.