

# GREATER LONDON AUTHORITY

██████████  
(By email)

Our Ref: MGLA131117-4274

11 December 2017

Dear ██████████

Thank you for your request for information which the GLA received on 11 November 2017. Your request has been dealt with under the Environmental Information Regulations 2004.

Our response to your request is as follow:

- 1. I would like to know how the housing target figure was decided for Tower Hamlets as per Mayor's press release 27/10/17 (New figures reveal London needs to double rate of homebuilding). Please could you let me have all the correspondence between the GLA and Tower Hamlets and also notes and minutes from any meetings held on the subject leading to this target being determined*

Your request falls under the exception to disclose because it is considered to be 'manifestly unreasonable' under regulation 12(4)(b) of the Environmental Information Regulation (EIR). This provision allows public authorities to refuse requests which are obviously or clearly unreasonable or when the estimated cost of compliance is too great.

In reaching this decision we have considered the views of the Upper (Information Rights) Tribunal in 'Craven v IC & DECCC [2012] UKUT442 (AAC)' in respect of the EIR exception under regulation 12(4)(b), the formal guidance issued by the Information Commissioner's Office<sup>1</sup>, along with Decision Notices regarding this EIR exception, such as FS50585926<sup>2</sup>, amongst others, which all acknowledge that public authorities may use the fees regulations as the basis of considering the cost and time of complying with a request.

The SHLAA process has been undertaken for a period of 12 months and is a substantial undertaking. It has involved:

---

<sup>1</sup> **ICO guidance – regulation 12(4)(b) -**  
<https://ico.org.uk/media/fororganisations/documents/1615/manifestly-unreasonable-requests.pdf>  
<sup>2</sup> **ICO Decision Notice FS50585926 -** [https://ico.org.uk/media/action-weve-taken/decision-notices/2015/1560291/fs\\_50585926.pdf](https://ico.org.uk/media/action-weve-taken/decision-notices/2015/1560291/fs_50585926.pdf)

- the identification of potential sites through a call for sites and mapping process
- liaison with boroughs and other stakeholders to collate various spatial data layers showing the range of planning, environmental and delivery constraints which may impact the probability of development
- the development of a bespoke web-based system used by boroughs and the GLA to appraise individual sites and estimate overall housing capacity
- the assessment of the suitability and potential for housing of over 11,000 individual sites across London, including their likely density, land use mix, phasing and probability for housing
- a separate modelling exercise to estimate potential housing capacity from small sites
- an assessment of housing from non self-contained accommodation

In this instance, we have decided this request falls within the parameters of regulation 12(4)(b) and is manifestly unreasonable because of the considerable amount of time that would be required to collate and review the information within the scope of the first part of your request.

The nature of the requested information necessitates it be reviewed initially by a member of staff within our Planning team who is experienced with the background of the SHLAA process and would place an unacceptable burden on their limited resources and constitute an unreasonable distraction from normal work.

A public authority can only withhold information if the public interest in maintaining the exception outweighs the public interest in disclosing the information. We are mindful of the general public interest in transparency and accountability, and of the presumption in favour of disclosure and to read exceptions restrictively.

A sizeable proportion of the information would likely engage one or more of the disclosure-exemption (exemption) provisions of the EIR; for example, information on other potential sites in the SHLAA is considered commercially confidential and disclosure might pre-empt the statutory planning decision process, undermine current land uses and businesses and lead to increases in land value through the speculative disposal and purchase of sites. This would not support optimum housing development outcomes and could compromise wider planning objectives of the Plan. We would consequentially have to spend a considerable amount of time reviewing each piece of information individually and consulting with third parties to consider whether it would be exempt from disclosure. The time and resources required to review this information would be unreasonable given the potential for it to remain exempt information.

Similarly, a large volume of information caught by this request is administrative in nature to the SHLAA process. Where this information might be suitable for release under the EIR, the time and resources required to review this information – given it cannot be easily separated from the exempt information – would also be unreasonable given the limited benefit to the public debate on this matter.

On balance therefore, it is our view that the public interest in maintaining the exception in regulation 12(4)(b) outweighs the public interest in disclosure. In making this decision, we have taken account of the fact that the SHLAA process has resulted in the publication of the draft new London Plan and can be accessed below. Chapter 4 of the document sets out the new housing targets and provides a summary of how the targets were prepared through the 2017 London Strategic Housing Land Availability Assessment (SHLAA) – see paragraphs 4.1.1 to 4.1.8:

<https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan>

The 2017 London SHLAA report has now been published and can be accessed here:

[https://www.london.gov.uk/sites/default/files/2017\\_london\\_strategic\\_housing\\_land\\_availability\\_assessment.pdf](https://www.london.gov.uk/sites/default/files/2017_london_strategic_housing_land_availability_assessment.pdf)

When refusing a request for environmental information under regulation 12(4)(b) on the grounds of cost, public authorities are required to provide advice and assistance and explaining how a request may be refined. Given the subsequent publication of the above reports, you may wish to review these in the first instance. Appendix D and E of the SHLAA report provide site-specific information on the SHLAA sites that are already in the public domain. This covers large sites that are already approved or allocated for housing.

*2. Is this the only housing target for Tower Hamlets proposed by the current GLA administration since Boris Johnson's London Plan was written?*

This is the first housing target which has been proposed for London Borough of Tower Hamlets by the current administration. The London Plan also includes an indicative benchmark for new housing and jobs for the Isle of Dogs, Poplar Riverside and City Fringe Opportunity Areas. These are based on the 2017 London SHLAA study. A development capacity study has informed the draft Isle of Dogs OAPF and the SHLAA findings.

If you have any further questions relating to this matter, please contact me, quoting the reference MGLA131117-4274

Yours sincerely

**Paul Robinson**  
**Information Governance Officer**

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>