

# GREATER LONDON AUTHORITY

[REDACTED]  
[REDACTED]

Our Ref: MGLA220318-7263

23 April 2018

Dear [REDACTED]

Thank you for your request for information which the GLA received on 21 May. Your request has been dealt with under the Environment Information Regulations (EIR) 2004.

You asked for;

*We are aware that there is a proposal in gestation for a planning application in relation to the above site by a company known as Greystar or its associates. This is for an exceptionally high building, standing much higher than its neighbours at 45 floors and intended to provide rooms for 1000 students. The proposal is the successor to a very high predecessor, at 31 floors, that provided for some 500 student rooms and which was approved, (without any social housing provision) in 2010/11 without the intervention of the GLA.*

*Given the involvement of the GLA in the previous application (for the building dubbed 'The Quill') it would seem inevitable that the GLA will have been consulted in relation to the proposed doubling of an already ultra-high-density scheme. Accordingly, under the EIR, please provide copies of all emails, letters, minutes, attendance notes or other documents in the possession of the GLA relating to the impending proposal by way of pre-application communications.*

Please find attached the information we have identified as being within the scope of your request. Some of the content is covered by the exceptions to our duty to disclose, found under regulation 12(5)(e) of the EIR.

Applying the four-stage test from *Bristol City Council v Information Commissioner and Portland and Brunswick Squares Association* (EA/2010/0012, 24 May 2010):

- **The information is commercial or industrial in nature.**

The information identified as exempt from disclosure is a list of sites that are being considered by the applicant for purchase and are in negotiations over. This is commercial because it involves the purchase of interests in property.

- **Confidentiality is provided by law.**

The information is not in the public domain and has not been shared beyond the project team. There can be no doubt that the information was provided to the GLA in confidence: the email to which it was attached (dated 5 March) was headed "PRIVATE AND CONFIDENTIAL", the note itself was headed "COMMERCIALLY SENSITIVE AND STRICTLY CONFIDENTIAL" and within the note, immediately preceding the list it was stated "It should be noted this list is commercially sensitive and not to be shared beyond the immediate project team."

The information is not trivial in nature, nor is it already in the public domain and therefore has the necessary quality of confidence about it for this exception to be engaged.

- **The confidentiality is protecting a legitimate economic interest.**

The confidentiality is protecting a legitimate economic interest in ensuring that competitors do not gain access to commercially valuable information and protecting a commercial bargaining position in the context of existing or future negotiations.

The harm to the commercial interest of the applicant caused by disclosure of the information is that it would be likely to harm their negotiating position in respect of the ongoing negotiations in relation to the schemes by alerting parties interested in the negotiations and competitors to the applicant's position with regards these schemes / sites.

- **The confidentiality would be adversely affected by disclosure.**

Disclosure of the information would inevitably harm the confidential nature of it.

## **Public interest**

Regulation 12(5)(e) constitutes a qualified exemption from our duty to disclose information under the EIR, and consideration has to be given as to whether the public interest favouring disclosure of the information covered by this exemption outweighs the public interest considerations favouring maintaining the exemption and withholding the information.

The GLA acknowledges that there is a public interest in the activities being undertaken with regards to the development of the Capital House site and a specific public interest in the transparency of the GLA's achievement in delivering Mayoral commitments. However, it is not in the public interest to prejudice the applicants negotiating position.

As noted in the ICO guidance on the public interest test, there is a public interest in ensuring fair commercial competition in a mixed economy. This would be harmed by disclosing the information because it would adversely affect fair commercial competition over the sites. This should be given particular weight in this case because the negotiations in question concern the provision of affordable housing and prejudicing these negotiations could compromise both the applicant and the GLA's ability to provide affordable housing. The fact that the information was produced only last month and relates to ongoing negotiations is also a factor that should weigh heavily against its disclosure.

We acknowledge that there is a general public interest in transparency, however, it is not necessary for the information to be disclosed to present a full picture of the application or the decision-making process because whichever of these sites are brought forward as the off-site

affordable housing connected with the application scheme will be subject to public scrutiny through the planning system in due course.

Beyond the general public interest in transparency, there is no specific public benefit in disclosure as all information relevant to any planning decisions will be made public in due course and therefore on balance the exemption should be maintained.

If you have any further questions relating to this matter, please contact me, quoting the reference MGLA220318-7263.

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>