

# GREATER **LONDON** AUTHORITY

**Derek Moss**

**Department: Housing and Land**

By Email  
[request-323248-7c6fcbee@whatdotheyknow.com](mailto:request-323248-7c6fcbee@whatdotheyknow.com)

**Our Ref:** MGLA180316-7735

Date: 14 April 2016

Dear Derek Moss,

**Re: Kingston Housing Zone, ref. MGLA 180316-7735**

Thank you for your request for information which the GLA received on 25<sup>th</sup> February 2016.

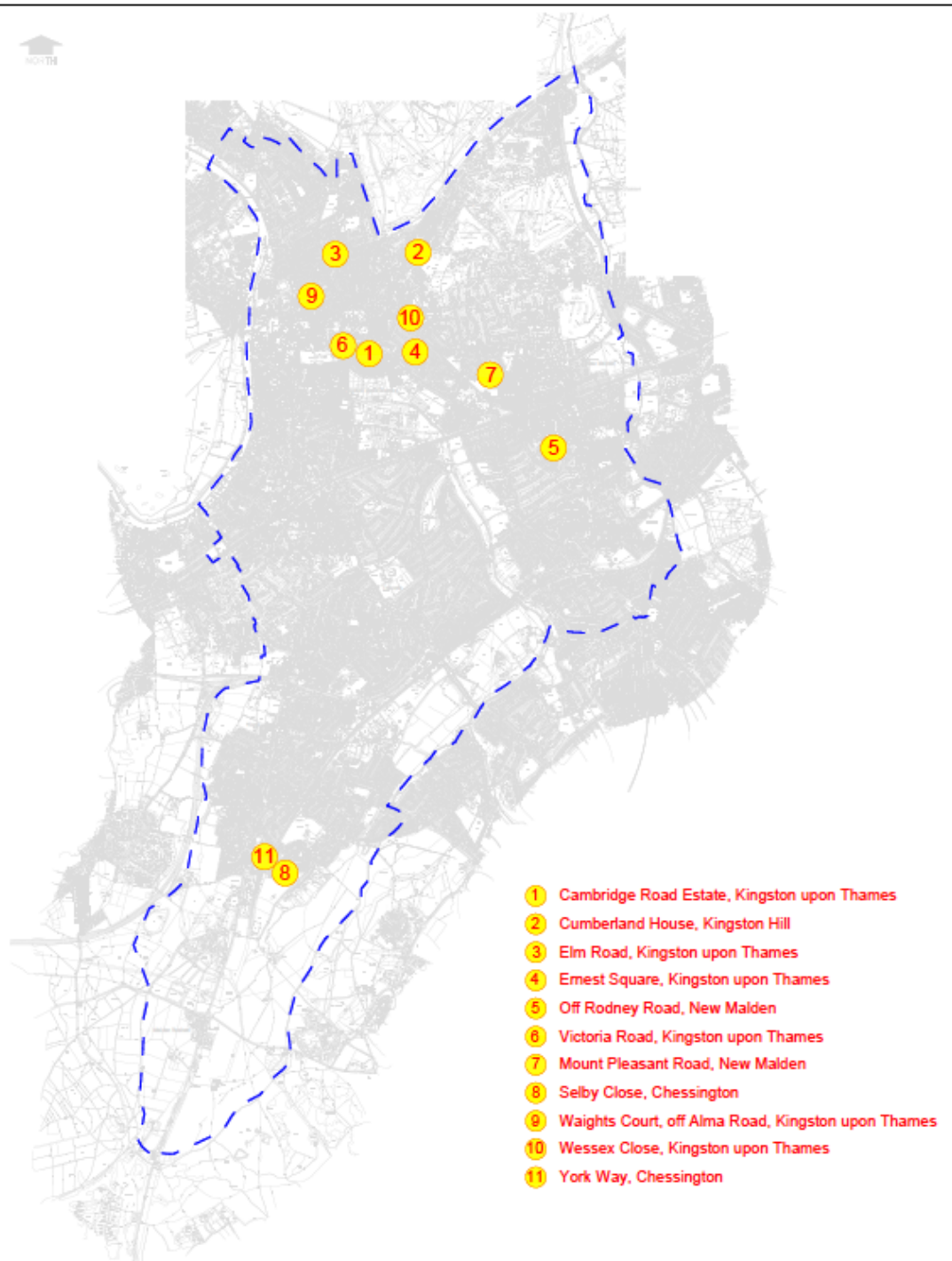
Your request has been dealt with under the Environmental Information Regulations 2004 (EIR). The information requested is 'environmental information' as it meets the definition set out in regulation 2(1)(c) of the EIR.

You asked for the following.

*The bid/application for Housing Zone funding submitted by the Royal Borough of Kingston upon Thames.*

We can release the following information about the Kingston housing zone bid.

Housing zone	Borough	Private units	Affordable units 2015-2021	Affordable units 2021-2026	Total homes	Funding
Kingston	Kingston	879	60	760	1,699	£46,200,000



- 1 Cambridge Road Estate, Kingston upon Thames
- 2 Cumberland House, Kingston Hill
- 3 Elm Road, Kingston upon Thames
- 4 Ernest Square, Kingston upon Thames
- 5 Off Rodney Road, New Malden
- 6 Victoria Road, Kingston upon Thames
- 7 Mount Pleasant Road, New Malden
- 8 Selby Close, Chessington
- 9 Waights Court, off Alma Road, Kingston upon Thames
- 10 Wessex Close, Kingston upon Thames
- 11 York Way, Chessington

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## ROYAL BOROUGH OF KINGSTON UPON THAMES

### HOUSING ZONE BID

Map Description		Date	
N			
Scale	1:20000	Author	20.12.15



Royal Borough of Kingston upon Thames  
Planning and Development  
20.12.15

Other information in the bid falls within one of the exceptions to our duty to disclose under regulations 4 and 5:

*Under 12 (4) a public authority may refuse to disclose information to the extent that (d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data;*

*Under 12 (5) a public authority may refuse to disclose information to the extent that its disclosure would adversely affect (e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest;*

Under regulation 12(1)(b), the public authority 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 disclosure.

The 'public interest' is not what might be of interest to a member of the public but what is in the interests, or the greater good, or to the benefit of the public at large. We must 'balance' the public interest and decide whether the information should still be withheld, bearing in mind the general presumption in favour of disclosure under the EIR.

Assessing all the considerations relevant to your request, we consider that the balance of the public interest favours maintaining the disclosure-exception provisions under regulations 12(4)(d) and 12(5)(e) at this time. Our rationale is to be found in the annex below.

I hope the enclosed information is of interest and would again thank you for your patience and understanding in this matter. If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

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/greater-london-authority-gla/sharing-our-information/freedom-information> understanding in this matter.

Yours sincerely,



Area Manager

### **EIR exception provisions**

**EIR Regulation 12(4)(d)** – A public authority may refuse to disclose information to the extent that the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data

**EIR 12(5)(e)** – A public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

### **How the exceptions apply to this information**

#### **12(4)(d) – material in the course of completion:**

Regulation 12(4)(d) relates to material still in the course of completion, unfinished documents or incomplete data. A finished document can therefore still be material in the course of completion where it is part of formulating and developing policy. Effective policy and decision making often requires public authorities to have sufficient space to think in private to exchange ideas freely and frankly to consider all options fully. The GLA has designated the application but contracts are yet to be signed. The funding process is ongoing and the information may change. The exception is therefore engaged.

#### **EIR 12(5)(e) – the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.**

The information is commercial comprising high level details of cost, density, funding, purchase and timing. The HZ Prospectus undertook to treat it as commercially confidential so a duty of confidence arises. Disclosure would harm the legitimate economic interests of LB Kingston and the GLA relating to commercial bargaining position with developers and other zone applicants respectively.

Disclosure of considerations on the best approach to deliver different parts of the scheme would reveal the council's thinking. This would weaken its negotiating position allowing developers to cherry pick attractive parts and impact the councils' ability to seek mitigation. This would harm both the confidentiality of the information and the legitimate economic interests identified.

### **Public interest test**

#### **Considerations favouring disclosure:**

In considering the public interest, we are mindful of regulation 12(2) instructing us to apply a presumption in favour of disclosure and the underlying rationale in Directive (2003/4/EC)3 giving rise to the EIRs, that increased public access brings greater awareness, more participation in environmental decisions and a better environment. There is a public interest in transparency which fosters public understanding of the basis upon which Mayoral decisions are made. This includes awarding public money to schemes developed by other bodies involving important local issues like affordable homes and in understanding the GLA's approach to funding issues generally. Scrutiny reassures the public that the GLA is considering the most appropriate options for the Kingston Zone.

#### **Considerations favouring non-disclosure:**

In balancing the public interest we are required to consider what is in the best interests of the public at large.

Good decision making is best informed by public and stakeholder engagement but for this to be most effective it needs to be structured and timely.

At this point in time, disclosure would affect the funding process distracting resource

away from the ongoing funding discussions to respond to external queries.

The zone will benefit the people of Kingston and a comprehensive funding process is in train. It is therefore in the public interest that the funding process runs its course and reaches the best possible solution.

Avoiding disclosures harmful to organisations' economic interests is key to fostering relationships of trust. This ensures partners' confidential information is available when processing funding applications and maintains the efficacy of the funding regime.

It is also in the public interest that applications are candid and contain sufficient detail for the GLA to effectively scrutinise proposals. The benefits to public authorities' mean they will continue applying, but disclosing sensitive financial information would deter future sharing. Less detail would hinder our ability to properly scrutinise schemes' worth and lead to less robust decisions.

We therefore conclude that the public interest falls more in favour of maintaining the exceptions and withholding the information than disclosing at this time.