

# GREATER LONDON AUTHORITY

[REDACTED]  
(By email)

Our Ref: MGLA170521-3215

21 June 2021

Dear [REDACTED]

## **EGL336646, Waterside Park / Barrier Park East development.**

Thank you for your request for information which the Greater London Authority (GLA) received on 14 May 2021. Your request has been dealt with under the Environmental Information Regulations (EIR) 2004.

You asked for:

1. *Planning applications*
2. *Completion certificates*
3. *Inspection reports*
4. *Correspondence between Barratt & Taylor Wimpey and GLA Land and Property, in relation to the site*
5. *Any document claiming to demonstrate compliance with building regulations*

Our response to your request is as follows:

The London Development Agency was previously responsible for appointing the Developer (Barratt Homes and Taylor Wimpey) in 2010, passing this contract to the successor organisation the GLA and subsidiary company GLA Land and Property Ltd.

Following the appointment of Barratt (BDW Trading Ltd) and Taylor Wimpey Developments Ltd, the obligations and responsibilities are passed to the Developer to ensure the development scheme is delivered in accordance to all relevant regulations including obtaining approvals from the appropriate authorities. The Developer holds the responsibility of seeking completion certificates and ensuring the development is completed in accordance with Building Control regulations relevant and correct at the time of obtaining approval.

## **Planning applications**

Main application and reference number as follows:

An outline planning application with reserved matters was granted in 2008, with numerous associated conditions discharged and non-material amendments applications made to the Local Planning Authority, as available on the Newham Planning portal:  
<https://pa.newham.gov.uk/online-applications/>

08/01042/OUT | Outline planning application for a mixed use development comprising between 750 and 780 residential dwellings; retail/commercial (class A1-A5 and B1) up to maximum of 1,014sqm; community (class D1) up to a maximum of 144sqm; assembly and leisure (CLASS D2) uses up to maximum of 124sqm; ancillary uses; landscaping open space; car parking; new internal roads; and maintenance compound. Layout, Scale, Appearance and landscaping matters are reserved. (This application is accompanied by an environmental written statement) | Barrier Park East North Woolwich Road Silvertown London

### **Completion certificates**

Leases of Block A – G were granted on the development in reaching a sequential completion. The GLA or GLA Land & Property Ltd (GLAP) does not hold associated certificates of the completion. The Practical Completion certificates will have been received by the developer once the scheme reached a satisfactory completion under the terms of the build contract, for a phased completion as follows:

- Phase 1. Lease of Block B
- Phase 2. Lease of Block D
- Phase 3. Lease of Block E and F
- Phase 4. Lease of Block G
- Phase 5. Lease of Block A

### **Inspection reports**

GLAP does not hold this information. Inspection reports will have been received by the Developer in relation to the inspections undertaken to the satisfaction of the appointed professional (Project Architect or Contract Administrator).

### **Correspondence between Barratt & Taylor Wimpey and GLA Land and Property, in relation to the site**

We have established that this part of 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 acknowledge that public authorities may use the fees regulations as the basis of considering the cost and time of complying with a request.

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<sup>1</sup> [Manifestly unreasonable requests - regulation 12\(4\)\(b\) \(ico.org.uk\)](https://ico.org.uk/for-organisations/guide-to-the-information-commissioner/manifestly-unreasonable-requests/)

<sup>2</sup> [fs\\_50585926.pdf \(ico.org.uk\)](https://ico.org.uk/for-organisations/guide-to-the-information-commissioner/decision-notices/fs50585926/)

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.

The nature of the requested information necessitates it be reviewed initially by two members of staff within our Royal Docks Team on behalf of GLA (or GLAP) who are experienced with the background of the development. Given the small number of people working in the team, this 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 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 we have identified would likely engage one or more of the disclosure-exception (exemption) provisions of the EIR. 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 development. 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. I understand this response may cause frustration, but it aims to ensure – as recognised in the guidance – that our responsibilities under the act do not distract from our other statutory functions as a public authority.

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. However, this part of your request is particularly broad, and the correspondence held by the GLA / GLAP spans several years. It is not clear what specific type of information you are most interested in in relation to the development. You may wish to consider reducing the scope of your request by identifying particular themes or subjects for the correspondence in which you are most interested in.

Below are some categories of information we hold in terms of our remit with Barratt London and Taylor Wimpey – if you are interested in one of these areas then we can target the searches of our files appropriately, with the exception of commercially sensitive, legally privileged, and confidential information.

- Selection and appointment of the Developer (appointment by the London Development Agency)
- Monitoring of legal contract (the Development Agreement)
- Granting a legal interest in the property following satisfaction of obligations under the Development Agreement

### **Any document claiming to demonstrate compliance with building regulations**

Documents related to the compliance and confirmation of the Building Regulations will have been issued by the Building Control Officer of the Local Authority or Corporate Approved Inspector, an appropriately qualified and appointed company to the Developer. The GLA (or GLAP) does not hold this information.

For further information please visit:

[Newham Building Control – Building control – Newham Council](#)

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

Yours sincerely

  
**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: [Freedom of information | London City Hall](#)