

[REDACTED]
(By email)

Our Ref: MGLA300518-3174

29 June 2018

Dear [REDACTED]

Re: Convoys Wharf Financial viability study

Thank you for your request for information which the GLA received on 25 May 2018. Your request has been dealt with under the Environmental Information Regulations 2004 (EIR).

You asked for “a copy of the GLA’s own FVS”. Unfortunately, we are unable to provide you with a fully unredacted version of the Financial Viability Statement (FVS) produced by Gerald Eve (GE) because some of the content falls under the exception to disclose in Regulation 12 (5)(e) (confidentiality of commercial or industrial information) 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 redacted from the report details the costs and potential profitability of the Development and is used to assess the commercial viability of the Development and to determine what proportion of the proposed housing could be affordable whilst ensuring overall viability. The information can therefore be considered as commercial or industrial in nature.

- Confidentiality is provided by law.

The GE review is covered by the common law obligation of confidentiality, the information is not trivial in nature, nor is it in the public domain.

GE were instructed by the GLA to produce the review to assist in the financial assessment being carried out by the GLA in relation to their client’s planning application. The review contains information provided to GE in circumstances creating an obligation of confidence as made clear in paragraph 1.4 of the report. The review also contains a footer on every page making clear that the report contains confidential information.

- The confidentiality is protecting a legitimate economic interest.

The confidentiality is protecting a legitimate economic interest in ensuring that purchasers and tenants do not gain access to commercially valuable information such as proposed sale process and rental charges. Disclosure would be likely to harm a commercial bargaining position in the context of existing or future negotiations.

- 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 must 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 Convoys Wharf 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 developers 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 information which would be likely to adversely affect fair commercial competition. This should be given weight in this case because the plans concern the proposal for 3,500 new homes (including affordable housing).

We acknowledge that there is a public interest in transparency, however, the GLA understands that Convoys Properties Ltd has held public consultation events within the local area on the 7th and 8th of July 2017 which as part of the overall open planning application process, demonstrates their commitment to the high degree of transparency and engagement already in operation.

If you have any further questions relating to this matter, please contact me, quoting the reference MGLA180518-2398.

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>