

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA120417-9051

Date 15 June 2017

Dear [REDACTED]

Thank you for your request for information which the GLA received on 11 April 2017. Your request has been dealt with under the Freedom of Information Act 2000. Please accept my apologies for the delay in responding.

You asked for:

All correspondence between the GLA / Mayor of London and Southwark Council about planning policy relevant to the Old Kent Road area, including the emerging Southwark Plan and the Old Kent Road Opportunity AAP.

Please find attached the requested information. Unfortunately some of the information you have requested is being withheld as it falls under the exception in Regulations 12 (4)(d) of the Environment Information Regulations.

Regulation 12(4)(d) is engaged when a request relates to material still in the course of completion, unfinished documents or incomplete data. If the information in question falls into one of these categories, then the exception is engaged.

Guidance published by the Information Commissioner defines material which is still in the course of completion as including information created as part of the process of formulating and developing policy, where the process is not complete. The guidance goes on to state:

"The fact that the exception refers to both material in the course of completion and unfinished documents implies that these terms are not necessarily synonymous. While a particular document may itself be finished, it may be part of material which is still in the course of completion. An example of this could be where a public authority is formulating and developing policy."

The information must be considered in the context of the ongoing scheme which is very much live and could undermine the council's position in negotiating s106 obligations.

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.

There is a public interest in fostering accountability and transparency in respect of planning and development matters. In considering the public interest in this case, the GLA is mindful of regulation 12(2) of the EIR instructing authorities to apply a presumption in favour of disclosure.

There is a general public interest in increased understanding of the general approach to handling planning issues to enable communities affected by developments to better engage and improve participation in the decision making processes.

The redevelopment of Old Kent Road Opportunity AAP is a major regeneration project for London and of great benefit to the public. Whilst it is only right that a scheme of this size, scale and impact, receives a high level of public scrutiny, it is vital that public authorities can engage and discuss ideas and strategies. We consider the best interests of the public are served by ensuring public authorities can deliberate robustly and comprehensively, consider all options and potential impacts, to reach the best possible decision. It is therefore in the public interest that the space to assess proposals fully is protected.

We therefore conclude that on the balance of the public interest our consideration falls in favour of maintaining the exceptions, and towards non-disclosure, of some of the requested information at this time.

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

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>