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Mr Julian Cheyne

Email: juliancheyne@hotmail.com

23 October 2008

Our ref: FOI 308C

Dear Mr Cheyne,

Formal Appeal – Requests for Information – Freedom of Information Act 2000

I write further to your email to the LDA Public Liaison Unit of 26 September 2008, in which you request an internal review of the LDA's response to your request for information regarding total amounts paid to freeholders and leaseholders of identified plots of land on the Olympic Park site. I confirm that I have undertaken an independent review and re-evaluation of your request for information and I am writing to advise you of the outcome of that review.

Your original request as contained in your e-mail dated 15 September 2008 was for information about the total values paid to site owners or leaseholders for the following plots of land:

Clays Lane Estate

Park Village Estate

Eastway Cycle Circuit and Land

Manor Garden Allotments

Waterden Road Travellers Site

Clays Lane Travellers Site

Eastway Sports Centre

East Marsh

and the identities of those freeholders and leaseholders.

The identities of those freeholders and leaseholders who have, or will, receive payment for land covered by your request was provided in the LDA's response to your request dated 26 September 2008.

How much was paid

In the LDA's response to your request dated 26 September 2008, you were advised that the information you requested about the prices paid for land was exempt from release under section 21 of the Freedom of Information Act 2000 ("the Act") as it was included in the Title Deed for each land interest available from a Land Registry search. Section 21 exempts information which is reasonably accessible to the applicant by other means.

For land obtained through the compulsory purchase order ("CPO"), compensation payments may consist of amounts paid in addition to land value. The LDA in its response of 26 September 2008 considered this information to be exempt from disclosure pursuant to section 43(2) of the Act because it was claimed that disclosure would, or would be likely to, prejudice the commercial interests of the LDA. The reason given for this was that the LDA is still in the process of negotiating with owners, tenants and others who have compensatable interests in land subject to the CPO. The disclosure of compensation amounts already paid it was said was likely to adversely affect the LDA's bargaining position and its ability to obtain best value for the public funds it spends.

As part of this review I have considered whether any information about amounts paid for any of the plots of land identified in your request is actually reasonably accessible to you by other means, for example from a land registry search. In doing so we have spoken with the Land Registry directly. It appears that all land making up the Olympic Park has now been put into a number of larger scheme titles and there are currently no individual land titles shown on the land registry which may at one time have contained information about individual land values for each site. Historical information may not be straightforward to obtain. I have therefore, for the purposes of this review, assumed that the information is not otherwise reasonably accessible to you.

I now turn to consider the specific plots of land referred to in your request for information dated 15 September 2008. I note that you have requested information about total amounts paid to site owners and leaseholders and not to individual occupants.

We assume when referring to the **Eastway Cycle Track and Land** you are referring to the cycle circuit on Lee Valley Regional Park. The LDA has never acquired the freehold interest from Lee Valley or what you refer to as the rest of the **Eastway**

Sports Centre so it does not hold information about total amounts paid in respect of freehold value to Lee Valley the freeholder. The LDA has rights to draw down a lease of this site. Similarly the LDA has never acquired the freehold interest in the **Manor Garden Allotments** from Lee Valley.

The LDA has never acquired the freehold interest for plots of land on **East Marsh** from the London Borough of Hackney. In the agreement with the London Borough of Hackney the LDA can draw down a lease of certain plots of land on East Marsh.

In terms of actual total compensation paid in respect of the plots of land acquired by the LDA identified in your request, which represents the value of the 'interest' in land to the owner or leaseholder, this can consist of open market value of any land acquired, but in addition compensation for severance, disturbance and other losses not directly based on the value of the land. There may be a variety of competing commercial considerations at play when arriving at a global compensation value for any particular piece of land including but not limited to the development potential of the land for example.

Section 43(2) of the Freedom of Information Act 2000 provides an exemption from disclosure for information which would, or would be likely to, prejudice the commercial interests of any person, including the public authority holding it. Information about total levels of compensation paid by the LDA when acquiring land using powers of compulsory purchase I am satisfied does relate to the commercial interests of the LDA. The Information Tribunal has stated that the risk of prejudice must be a real and significant one. Because the LDA is engaged in ongoing negotiations with the owners of similar plots of land, some of which is adjoining the plots of land in relation to which you seek information about total compensation paid, I am satisfied that the exemption applies to total amounts paid which you have requested. Each claim for compensation is based on competing commercial considerations applying at the time and each claim may be made up of a number of heads of individual claim. If landowners knew the total amounts paid, arrived at through commercial negotiations, for comparable land interests, there is a real risk that this would prejudice the bargaining position of the LDA in negotiations with those landowners which may in turn lead to increased public costs. The LDA, as a public authority, must seek to obtain best value for money in relation to amounts paid. Also final compensation in respect of the freehold for Clays Lane Estate and Travellers' Site and Waterden Road Travellers' site has yet to be agreed.

A public authority considering the section 43 exemption must consider carefully whether there is an overriding public interest in providing the information. Clearly there is a public interest in the scrutiny of how public money is spent and transparency of decision making is important. I have reached the view however that at the present time whilst negotiations are ongoing in relation to the land making up the Olympic Park, the public interest in ensuring that the LDA is able to negotiate

freely with any other landowners leans in favour of not providing the information at this stage.

If you are not satisfied with my response to your complaint, you may lodge an appeal with the Information Commissioner to determine whether your request was dealt with in accordance with the requirements of the Freedom of Information Act.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'D Adams', written in a cursive style.

Debbie Adams
Director of Law and Governance