

[REDACTED]

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**From:** Cornwall-Jones, Kate  
**Sent:** 20 February 2015 15:35  
**To:** Bryant, Tanya  
**Cc:** Williams, Peter  
**Subject:** Draft response to FOI/EIR requested from Andrew Parkinson 24 Jan

[REDACTED]

Dear Mr Parkinson

I am writing in response to your email dated 24 January 2015. As confirmed on 5 February 2015 your request for an internal review of our response to your previous EIR request has been logged.

I can reassure you the Council is very aware of the public interest in the Community Investment Programme and redevelopment of Liddell Road in this context. Furthermore we genuinely want to be as open and transparent as we can about all of the information used to assess the planning application.

In response to your two new questions:

**(i) Could you disclose the legal advice you have received**

The relevant regulations specifically provide for Councils not to release advice which is subject to legal privilege.

**(ii) Could you confirm whether or not members of the planning committee will be receiving the report in its redacted form. If so, why will they not be able to see this highly material information? If they will receive an unredacted report, why are the public unable to receive this too?**

Our viability report for this scheme, like all others, has been passed by planners to an independent assessor to analyse the assessment, check the data and supply an independent report which will be attached to the agenda for the development control committee. Because of our legal duties to protect all public money our lawyers advise us there should be some redactions of financial data in the published version of the report otherwise we could be accused of acting unlawfully.

What the Development Control Committee has to take into account in determining the application will be the overall conclusions of the independent assessment and the reasoning underpinning these conclusions, rather than the specific financial values the document contains. The values are based on professional valuation assessments outside the Committee's area of expertise. This is the case whether or not the application relates to council owned sites or is from a third party since the Council's basic overriding legal duties in respect of all planning applications are the same.

The redacted viability report that we have already published sets out the substance of our reasoning very clearly.

Kate Cornwall-Jones  
Senior Development Manager

Telephone: 020 7974 4903