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Information and Records
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Date: 24/07/2026

Case reference: CAM13007

Dear Requester

Thank you for your request for information dated 04/06/2026 about **BT Tower**. We have dealt with this under the Environmental Information Regulations 2004 (EIR 2004).

Response

The council holds some, but not all of the information requested. We explain below what we hold and what we do not hold. We are withholding some of the information we hold because it is excepted as explained below. We have explained where we are withholding information and what exceptions apply. Please see the refusal notice at the end of the answer which explains how and why they apply.

This request for information concerns the proposed redevelopment of the BT Tower site, as described here <https://www.bttowerconsultation.co.uk/>

I understand that pre-planning discussions have been held between the developer and planning officers and councillors in the London Borough of Camden.

I would like the following information:

1. What is the total rateable value of the BT Tower development site?

We do not hold this information. This is because despite its sale the BT Tower is in the central list for rating purposes, its business rates are handled directly by the Valuation Office Agency (VOA),

2. What is the existing gross internal area (GIA) in square metres (sqm) of the BT Tower development site?

We do not hold this information. This has not been provided in any pre-application documents.

3. Is there a site planning brief that describes what the planning department consider as potential development opportunities for the site?

No, there is no adopted or emerging site allocation for the site or guidance in the form of a planning brief or framework.

4. I would like to see documents and drawings presented to planners and councillors by the developers as part of pre-planning discussions and advice.

This information is excepted – please see the exception notices set out below.

5. I would like to see the pre-planning advice and comments offered by officers and members of any strategic design panel with regard to this development site.

We do not hold this information. We have not yet issued any written pre-application advice.

6. I would like to know how much of a material consideration the draft new Local Plan will have on this application.

The planning system is a plan-led system, the legislation sets out that local authorities should determine applications in accordance with the development plan taking account of material considerations. The new Local Plan is a material consideration but with limited weight at this stage, as it progresses through the local plan hearing to adoption it will gain more weight.

Refusal Notice

The exceptions that apply are:

Regulation 12(4)(d): material in the course of completion, unfinished documents and incomplete data

We consider that the requested material falls within regulation 12(4)(d) because it consists of draft and incomplete pre-application material, including drawings, visualisations, design iterations, and preliminary environmental and sustainability data.

The documents themselves are described as draft, work in progress, evolving, preliminary, or to be updated, and the schedule supplied identifies numerous pages as containing incomplete design material and

data that are not final.

The ICO's guidance confirms that regulation 12(4)(d) is engaged where the information is still in the course of completion, relates to unfinished documents, or relates to incomplete data; it is not necessary to show adverse effect in order for the exception to be engaged, although the likely consequences of disclosure are relevant to the public interest test. The ICO also explains that draft documents can remain unfinished even where later versions exist, and that incomplete data or material still being developed may properly fall within this exception.

The documents are not final planning proposals. They are part of an iterative pre-application process, during which early design concepts are exchanged with officers to inform further development. The fact that the proposals have materially evolved since these documents were produced, and that updated versions were presented publicly on 25 June 2026, confirms that the material is superseded and incomplete rather than final and settled. Disclosure would therefore risk presenting the public with a misleading and outdated picture of the scheme.

We also consider that disclosure at this stage would undermine the purpose of the pre-application process. The ICO guidance recognises that the timing of a request is relevant under regulation 12(4)(d), and that there can be a strong public interest in protecting a "safe space" for the development of proposals before they are finalised. It also recognises that disclosure of draft or incomplete material can cause misleading public debate, distract from proper decision-making, and create a chilling effect on future exchange of early-stage information.

Regulation 12(5)(e): confidentiality of commercial or industrial information

The information is commercial in nature because it concerns the developer's early design strategy, development approach, sustainability assumptions, and planning-related commercial position for a high-profile redevelopment project. The ICO guidance states that the exception applies where the information is commercial or industrial in nature, confidentiality is provided by law, that confidentiality protects a legitimate economic interest, and disclosure would adversely affect that confidentiality.

In this case, confidentiality is provided by law through the common law duty of confidence and by the Planning Performance Agreement ("PPA") between the Council and the developer. The PPA expressly states that discussions during the planning process are to remain confidential, and that information disclosed in confidence is to be maintained in strict confidence and not disclosed to third parties except as required to perform obligations under the agreement. That contractual framework is strong evidence that the information was exchanged on a confidential basis in order to facilitate candid pre-application engagement.

The information also protects a legitimate economic interest. The documents contain commercially sensitive design and development information about a major redevelopment of a landmark site. Premature disclosure of draft plans, early design alternatives, and preliminary sustainability assumptions could materially weaken the developer's position in the development process, expose strategy before it is settled, and invite market, media and stakeholder commentary on incomplete information. The ICO guidance recognises that legitimate economic interests can include protecting bargaining position, business strategy, and development-related commercial confidentiality, and that the focus is on whether disclosure would adversely affect the confidentiality that protects those interests.

We consider that disclosure would adversely affect that confidentiality. The information is not merely commercially sensitive in the abstract; it is sensitive because it concerns incomplete, evolving, and strategically significant material that was shared for the specific purpose of obtaining officer feedback in confidence. Releasing such material now would diminish the value of confidentiality in the pre-application process and could deter future applicants from engaging openly with the Council at an early stage. The ICO guidance specifically recognises that the preservation of confidential commercial information can carry substantial public interest weight because it supports candid exchange and protects legitimate economic interests.

Regulation 12(5)(f): interests of the person who provided the information

We also consider that regulation 12(5)(f) applies. The documents were provided voluntarily by the developer in the course of pre-application discussions. The developer was not under, and could not have been put under, any legal obligation to supply them; the information was not supplied in circumstances in which the Council was entitled apart from the EIR to disclose it; and the developer has not consented to disclosure. Those are the three conditions set out in regulation 12(5)(f)(i)–(iii).

The ICO guidance explains that the threshold for adverse effect under regulation 12(5)(f) is not a high one, and that disclosure may adversely affect the provider's interests where it would cause commercial or reputational harm, prejudice negotiations or planning strategy, or undermine the confidence with which parties provide information in future. The developer's representations explain that disclosure of superseded design iterations and incomplete environmental information would cause direct commercial and reputational harm, could generate adverse press coverage based on inaccurate material, and would damage the developer's position as proposals continue to evolve.

In addition, the information was given in circumstances importing confidence. The schedule and covering representations make clear that the material was shared as part of officer engagement in the pre-application process, before finalisation of the scheme. The reason for that engagement is to allow a frank exchange of early ideas without those early-stage iterations being prematurely placed into the public domain. The public

interest in preserving the ability of applicants to test ideas openly and receive candid feedback is a substantial factor supporting the maintenance of this exception.

Public interest

The public interest arguments for releasing this information are: -

- it would improve the transparency in the planning matters, particularly where a scheme is high profile and may affect the local environment, views, heritage, townscape and local amenity
- it would increase the understanding of the general public in how a major redevelopment proposal is being developed

The public interest arguments for withholding the information are: -

- there is a strong public interest in preserving trust between the local planning authority and prospective applicants so that pre-application discussions remain frank, effective and useful.
- if parties believe draft and exploratory material will be disclosed prematurely, they may withhold early design thinking or provide only near-final material, reducing the quality of pre-application engagement and harming the planning process more generally. The First-tier Tribunal in *Meira v Information Commissioner* recognised the risk of a chilling effect on the pre-application process and the adverse consequences of premature disclosure.
- there is also a strong public interest in avoiding the release of material that is likely to mislead. The draft documents are incomplete, superseded and expressly marked as draft, work in progress or preliminary. Releasing them now could cause confusion about the nature of the proposals, distort public debate, and generate objections or commentary based on information that no longer reflects the project's current position. The ICO guidance expressly recognises that misleading information and the need for accurate information are significant factors in the public interest test under regulation 12(4)(d).
- the public interest in early disclosure is limited. The public will have a full opportunity to scrutinise the finalized proposals once a formal planning application is submitted. At that stage, the final plans, environmental information and supporting documents will be made publicly available and subject to the planning consultation process. In those circumstances, disclosure now would not materially advance transparency; it would simply release incomplete and outdated material before the point at which the public can most usefully engage. The ICO guidance recognises that the timing of disclosure matters and that the public interest may favour withholding where premature release would impair the quality of future debate and decision-making.
- the developer is continuing to release the most up-to-date information on the proposals as the scheme develops. That means the public is not being denied access to current information; rather, what is being withheld is outdated draft material that no longer provides an accurate basis for understanding the scheme.

It is felt that in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

There is a presumption in favour of disclosure in the EIR 2004. We considered whether this overrides the

public interest test conclusion and have concluded that it does not.

As the information not held is environmental, we have to comply with a technicality and tell you that because it is not held it is excepted under [Regulation 12 \(4\)\(a\)](#) of the EIR 2004. The Information Commissioner does not require a public interest test where the information is not held.

Further Information

We do not give our consent for any names and contact details provided in this response to be sent marketing material. Any such use will be reported to the ICO as a breach of General Data Protection Regulations and the Privacy and Electronic Communication Regulations.

Why not check our Portal [Open Data Camden](#) before making a new request as your question may already be answered by a previous [FOI response](#) or in one of our many useful and interesting datasets.

Your Rights

If you are not happy with how your response was handled you can request an Internal Review within 40 working days of this letter by email to foireviews@camden.gov.uk or post: Information and Records Management Team, London Borough of Camden, Town Hall, Judd Street, London WC1H 9JE. Please quote your case reference number. If you are not satisfied with the Internal Review outcome you can complain to the Information Commissioner's Office at icocasework@ico.org.uk, Telephone: 0303 123 1113, live chat <https://ico.org.uk/global/contact-us/live-chat/> or webform <https://ico.org.uk/global/contact-us/>. The ICO website <https://www.ico.org.uk> may be useful.

Yours sincerely,

Peter Williams
Information Rights Officer