



Our ref: EN00426
Your ref: S Dowding

S Dowding

E-mailed to: request-22175-
0d909783@whatdotheyknow.com

26th November 2009



Dear S Dowding

REQUEST FOR INFORMATION

We refer to your request dated 29th October 2009 requesting the following information:

Please supply all data you possess in relation to bird species, nesting sites and migration patterns and routes of birds on East Marsh, Hackney and its environs, and the Old River Lee from Lea Bridge Sluice through the 2012 Olympics site to Old Ford Lock.

We confirm that we hold information of the description specified in your request. The information held by us is as follows:

The ODA have undertaken bird surveys as part of the Environment Impact Assessment which accompanied the 2007 outline planning applications. The details of the surveys are contained in Chapter 16 of the Environment Statement which can be found on the ODA Planning Decisions Team website at:

http://planning.london2012.com/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=JD3JF2SZL0000

The ODA's contractors have also undertaken black redstart surveys. Please find a copy of the survey report attached.

A bird survey has also been undertaken in East Marsh. The report for these surveys is currently being redrafted and will be completed on 4th December 2009.



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Under regulation 12(4)(d) of the Environmental Information Regulations, we may refuse to disclose information to a requestor where the request relates to material which is still in the course of completion, unfinished or incomplete. Accordingly, the ODA considers that the regulation 12(4)(d) exception applies in relation to this information, as we are in the process of redrafting the survey report which is currently in an unfinished and incomplete state.

The exception is qualified and the public interest test must be applied to determine whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

We believe that, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosure of the information at this point in time, to ensure the data meets the stringent quality assurance requirements. We consider that it would be reasonable and appropriate not to disclose this information before it has been finalised, to ensure that the accuracy and integrity of the information is first verified. However, we can advise you that the survey report should be completed by 4th December 2009. The ODA considers that the reasonably short delay before the completion of the survey report will cause minimal harm to legitimate public interest and would rather facilitate and ensure accurate interpretation of the data. We will provide you with the completed survey report once it has been redrafted.

Under Regulation 11 you may make representations to the ODA if it appears to you that the ODA has failed to comply with a requirement of EIR in relation to this request. Representations must be made in writing to the ODA no later than 40 working days after the date on which you believe that the ODA has failed to comply. You should write to the Information Officer, Olympic Delivery Authority, One Churchill Place, Canary Wharf, London, E14 5LN. Please state detailed grounds for your complaint. The ODA shall on receipt of the representations consider them and any supporting evidence produced by you, and decide if it has complied with the requirement. The ODA shall notify you of its decision as soon as possible and no later than 40 working days after the date of receipt of the representations.

If you are not satisfied with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the complaint procedure provided by the ODA. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. You have the right to appeal to the Information Tribunal if you are not satisfied with a decision of the Information Commissioner.

Yours sincerely



Information Officer
Olympic Delivery Authority