Adran yr Economi, Gwyddoniaeth a Thrafnidiaeth
Department for Economy, Science and Transport

Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref ATISN 9988

23 December, 2015

Dear ,

Request for Information – ATISN 9988

I wrote to you on 1 December regarding your request for copies of all land valuations undertaken for the 1.5-acre site in SA1, Swansea sold by the Welsh Government to the Coastal Housing Group Ltd announced in August 2014.

The Welsh Government commissions external firms of valuers to provide independent valuation advice on the terms of land disposals. This was the case for the land you refer to where it was confirmed by the external valuer that the terms agreed were reflective of market value. The valuation was provided by the external valuer on the basis that the report is provided for the stated purpose only and for the sole use of the named client. This is the usual position for valuations conducted for clients.

I therefore confirm that we hold the information relating to your request. I have concluded, however, that the information is exempt from disclosure under Section 29(1)(a), the economy, of the Freedom of Information Act 2000. Full reasoning for applying this exemption is given at Annex A to this letter.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at: Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference number above.

Welsh Government
Penllergaer Business Park
Ground Floor
Swansea
SA4 9NX

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

ANNEX A

ATISN 9988 – Application for exemption

Decisions relating to non-disclosure have been taken with due consideration of the exemption identified under Sections 29(1)(a) of the Freedom of Information Act 2000 (FOIA).

<u>Section 29(1)(a) – the economic interests</u>

This exemption states that (1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice – (a) the economic interests of the United Kingdom or of any part of the United Kingdom.

This section is a qualified public interest tested exemption. This means that in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it.

It is recognised that there is public interest in there being openness and transparency within Government, particularly in terms of efficiency, effectiveness and in holding spending Departments to account. It is also recognised that disclosing the information might increase understanding of how public money is used.

The Welsh Government commissions external firms of valuers to provide independent valuation advice on the terms of land and property acquisitions and disposals. This is in line with current guidance on best practice and was the case for the disposal of the land you are referring to where it was confirmed by an external valuer that the terms agreed were reflective of market value. The valuation was provided by the external valuer on the basis that the report is provided for the stated purpose only and for the sole use of the named client. This is the usual position for valuations conducted for clients. The Welsh Government does not publish each valuation of the sites it is selling, but protects the public interest by following best practice guidance.

I do not believe it would be in the public interest to disclose the copies of the valuations obtained by the Welsh Government. Any purchase that the Welsh Government undertakes is assessed on a case by case basis and reflects the risk and benefit to the Welsh Government and the public purse. It is considered likely that releasing information about the valuations would create a level of expectation for other companies in believing that they would receive a similar value and indeed may artificially inflate prices if it is perceived that the Welsh Government may have an interest in investing. Release of such information is also considered likely to adversely affect Welsh Government's negotiating position. It would therefore be likely to affect the Welsh Government's efforts to obtain value for money in future negotiations using the public purse. Disclosure of such information would be likely to inhibit the Welsh Government's efforts in this regard. If the Welsh Government were to follow this process, companies acquiring property from Welsh Government would be likely to become the subject of public debate and would become disengaged in working with the Welsh Government and ultimately developing their business within Wales.

Whilst I accept that, as a public body, the public will always have an interest in the work of the Welsh Government and that release of this information would engender our willingness to be open and transparent in the way that we work, I do not believe there is any pressing public interest in the release of the valuation. The price paid for the land is already in the public domain which goes some way to satisfying the public interest in this area. I am satisfied that releasing the information would, therefore be likely to prejudice the economic interests as defined by this exemption.

As a general rule, the sensitivity of information is likely to reduce over time but in this case the information captured is very much current information. I believe that the balance of the public interest therefore falls in favour of withholding the information.

It is my view, therefore, that the public interest is best served by withholding the information requested relating to the valuation.