



Llywodraeth Cymru
Welsh Government

Rhydycar
Merthyr Tydfil
CF48 1UZ

Ein cyf / Our ref: ATISN 13029

Dyddiad / Date: 3 April 2019

Dear ,

ATISN 13029 - Programme Delivery Plan

Thank you for your request which was received on 6 March 2019. I e-mailed you on 12 March 2019 confirming that you would receive a response by 3 April.

In your request you asked for: *Copy of the latest version of Affordable Housing 3-year Programme Delivery Plan 2018 / 19, 2019 / 20. 2020 / 21 for Pembrokeshire County Council Area.*

Programme Delivery Plans are working documents and are regularly updated throughout the year which means the details and content are subject to change as updated information is made available or errors or omissions corrected. The latest PDPs submitted to the Welsh Government relate to Quarter 4 of 2018/19.

The information captured by your request relates to the plans and actions to buy and build upon land. The information therefore falls within the definition of Environmental Information Regulations 2004 (EIR), namely Regulation 2(1). Section 39 of the Freedom of Information Act has the effect of requiring any FoI request that captures environmental information to be considered under the EIRs.

In accordance with the Code of Practice issued by the Lord Chancellor, under Section 45 of the Freedom of Information Act, I consulted with Pembrokeshire County Council, whose interests may be affected by disclosure, in order to seek their views on whether the information in the PDP should be disclosed into the public domain or withheld. Their consultation response is reflected in my response.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE

Ffon / Tel:

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A copy of the information I have decided to release is enclosed. I have decided some of the information described in the enclosed list is exempt from disclosure under Regulation 12(5)(e) of the Environmental Information Regulations 2004 (EIR) and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex A to this letter. The remaining information is attached.

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 Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

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

I have decided to withhold the following information:

Information being withheld:		EIR Regulation Number and Exception Name
Pembrokeshire County Council's PDP	The developments contained within the PDP which are considered commercially sensitive because either the land has not yet been purchased, the tendering process for the build has not yet been completed, or both.	Regulation 12(5)(e) – the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest

This Annex sets out the reasons for the engagement of Regulation 12(5)(e) of the EIR and our subsequent consideration of the Public Interest Test.

Engagement of EIR Regulation 12(5)(e)

This Regulation provides an exception from the obligation to provide requested information where that information would adversely affect the confidentiality of commercial information to protect a legitimate economic interest.

The information caught by this request relates to potential sites of land where the purchase or acquisition has yet to be completed by the RSL or Local Authority. Subject to successful acquisition, the sites may be used to build affordable housing in areas which have been prioritised by the Local Authority to meet the need for affordable homes. The Local Authority is required to include such provisional information in their PDP in order to help the Welsh Government plan and manage the Social Housing Grant, Housing Finance Grant, Affordable Housing Grant and Rent to Own programmes.

The information caught by this request also relates to development schemes where the tendering process for a build contract has yet to be completed. Similarly, subject to the appointment of a contractor, these schemes have been prioritised by the Local Authority to meet the need for affordable homes.

We believe putting this commercially sensitive information in the public domain could enable other prospective purchasers to buy the land or prospective bidders for contracts to access competitive information. We believe this could prejudice the Local Authority and/or the Registered Social Landlord's ability to purchase the land at a fair price or build at a competitive contract rate. We further believe, this would impact on the Local Authority's ability to meet the identified housing need for affordable homes and compromise the effective use of public money.



In order to properly apply this exception, we need to consider whether the wider public interest outweighs any harm that may arise from disclosure or whether the wider public interest favours the application of the exception.

Public Interest in Disclosure

Increasing housing supply is a major issue across Wales which includes the provision of affordable housing. There is a strong public interest in knowing how Local Authorities and their partners are addressing this issue. Locally there is a strong interest in knowing the number, location and when such properties will be made available.

Public Interest in Maintaining the Exception

In order to increase the supply of affordable housing, the Welsh Government provides funding through its Housing Grant programmes. In order to achieve value for money and effective use of public money, RSLs and Local Authorities are expected to ensure costs for any land/property purchase or procurement for building works is kept as low as possible. Therefore, it is not in the wider interest to release information which will have the effect of raising the costs to RSLs and Local Authorities and thus to the Welsh Government.

In conclusion I believe the public interest in ensuring we can provide affordable housing outweighs the interest in knowing where providers are working to provide those affordable homes and, as such, the exception is properly applied.

