



Our Reference: FOI000

BY EMAIL ONLY

9 February 2015

Dear

Request for Information

Thank you for your email 12 January 2015 requesting information Whittingham Asylum site and Lancaster Moor Asylum site. For ease we have answered each of your questions for the two sites separately below.

A. Whittingham Asylum site / land

1. What was the transfer value of the site at the time of transfer from Secretary of State for Health to HCA

The transfer value of this site was £9,148,203.

2. What date did this transfer occur

The transfer occurred on 8 April 2005.

3. What was the price the site sold to Taylor Wimpey for to build housing on

We can confirm that we hold the information you have requested. However, the Homes and Communities Agency (HCA) determines that harm would arise from disclosure of the withheld information because it would compromise our commercial interests as the deal with Taylor Wimpey was related to Phase 1 of our site and represents 150 units of the full site of 650. We are currently in the process of disposing of Phase 2 and will in the near future turn our attentions to Phase 3. Releasing this sale price would undermine our ability to achieve best value for money for the remaining phases. Therefore Section 43 (2) of the Freedom of Information Act (FOIA) is engaged. A summary of this exemption and any relevant Public Interest test arguments are fully explained further in this letter.

4. When was this site sold to Taylor Wimpey

The deal became unconditional and completed in January 2015.

5. What is the current value of the site

The value of the site at the time of the sale to Taylor Wimpey was £6,118,521.

6. Is there any overage due to HCA on the subsequent development and if so how much and what triggers the payment?

Overage is due to the Homes and Communities Agency (HCA) if the houses achieve a greater value than their stated 'base value'.

B. Lancaster Moor Asylum Site / land

1. What was the transfer value of the site at the time of transfer from Secretary of State for Health to HCA

The transfer value of this site was £126,062.

2. What date did this transfer occur

The transfer occurred on 8 April 2005.

3. What was the price the site sold to Story Homes to build housing on

As above we can confirm that we hold the information you have requested. However, the Homes and Communities Agency (HCA) determines that harm would arise from disclosure of the withheld information. The HCA are currently negotiating on a disposal of the adjoining site known as Moorpark Offices (which was originally part of the main Lancaster Moor Hospital site). Disclosure of this sale price would undermine our ability to competitively negotiate a fair price for the adjoining site. Therefore Section 43 (2) of the Freedom of Information Act (FOIA) is engaged. A summary of this exemption is provided below. As disclosure for both sites has the same impact in the HCA the relevant Public Interest arguments have been combined to avoid repetition.

4. When was this site sold to Story Homes

The deal became unconditional and completed on 31 July 2013.

5. What is the current value of the site

The HCA does not hold the current value of the site as it is being developed out.

6. Is there any overage due to HCA on the subsequent development and if so how much and what triggers the payment?

Overage is due to the Homes and Communities Agency (HCA) if the houses achieve a greater value than their stated 'base value'.

Section 43(2) – Prejudice to Commercial interests

Section 43(2) of the Act permits a public authority to withhold information where disclosure "would, or would be likely to, prejudice the commercial interests of any party," including the public authority holding the information.

It would impact upon our ability to operate effectively and competitively within the marketplace as it would give both competitors and potential developers an advantage for future schemes or projects either for the remaining two sites or other similar sites. It would, or would be likely to, undermine the HCA's ability to effectively negotiate ensuring the best

outcome for a development and best value for money. We have concluded that Section 43(2) is engaged for the information that would cause this type of prejudice if released. Section 43(2) is a qualified exemption, which means a Public Interest Test is required in order for it to be maintained. A Public Interest test involves balancing the weight of arguments for and against disclosure.

Public Interest Test – Factors in favour of disclosure

Disclosing the requested information would promote the accountability and transparency of the HCA as well as providing increased information about the application of public funds. This in turn provides a basis for a more informed public debate about the value of money being obtained by the HCA.

Disclosure would also assist the public in understanding the HCA's position and gain an insight as to why certain decisions have been made or actions considered. This again helps to assist the public in informed debate around current and future projects, sites and developments.

Public Interest Test – Factors in favour of non-disclosure

Whilst the HCA appreciates the factors above, we have in this case determined that disclosure would cause harm rather than just create a likelihood of harm. This strongly adds to the factors below of non-disclosure.

The HCA needs to be mindful that such disclosures do not adversely affect our ability to achieve our operational objectives and discourage us and third parties to enter into contracts that may be tailor made for specific developments or developers.

Disclosure of the information would be likely to affect the HCA's ability to operate effectively in a competitive market as it would disclose our costs and/or valuations for one sale. If this were to be released it would diminish our ability to achieve best value for money as any third party wishing to enter into a future transaction with us may base their negotiations on the information contained within the withheld information.

It is not in the public interest to diminish a public authority's ability to be competitive in a commercial market by releasing information as the result of an FOIA request when it is seeking to achieve best value for the public purse.

We have, therefore, concluded that the balance of the public interest favours non-disclosure of this information at this time. We would, however, stress that the public interest is as ever changing concept and the arguments may change over time.

If you have any questions regarding this response or any further queries you can contact us at the following addresses and quote your unique reference number found at the top of this letter:

Email: mail@homesandcommunities.co.uk
Mail: Information Access Officer
Homes and Communities Agency
Fry Building
2 Marsham Street

Homes and Communities Agency
Fry Building, 2 Marsham Street, London, SW1P 4DF

0300 1234 500
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If you are unhappy with the way Homes and Communities Agency has handled your request you may ask for an internal review. You should contact

Head of Legal Services
Homes and Communities Agency
Fry Building
2 Marsham Street
London
SW1P 4DF

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

Naomi McMaster
Information Access Officer
Homes and Communities Agency