



Our Reference:

BY EMAIL ONLY

15 April 2015

Dear

**Request for Information**

Thank you for your email dated 12 March 2015 requesting information on land at Browns Lane, Coventry. For ease of reference your request is below:

*"I am making a Freedom of Information request in relation to land at Browns Lane Coventry. The land is under the local authority of Coventry, ref. 2667, Site name LB11-Browns Lane, Locality is Land at Lyons Park, Postcode CV5 9BF. The information that I am requesting is as follows*

*I would like to see the documents that relate to the calculation of the market value of the land since January 2012. This would need to include who has performed the calculation and the actual market value"*

We have now had an opportunity to investigate your request and are writing to communicate our response. Firstly, we can confirm that the valuations were carried out by Jones Lang LaSalle (2012), GVA (2013 and 2014) and DTZ (2015).

We can confirm that we hold four documents that related to the calculation of the market value of the land in question. All four documents have been provided to you alongside this letter, however the valuation figures have been redacted from these documents. The document concerning the 2012 valuation, entitled 'HCA Valuation Report v3 Mar-12 page 33 redacted', also contains the valuation information for a number of other pieces of land. This information has been redacted as it does not concern the land you have identified and is therefore outside of the scope of your request. Where the document does relate to Browns Lane, the information relating to its valuation has also been redacted.

The valuation figures have been redacted from these documents because we have determined that the release of this information would cause harm to the commercial interests of the Homes and Communities Agency (HCA) by undermining our ability to achieve the best price for the land should it be sold. Therefore the information relating to the

valuation of the land has been redacted under Section 43(2) of the Freedom of Information Act 2000.

### **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.

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. The arguments for and against disclosure are set out below.

### **Public Interest Test – Factors in favour of disclosure**

Disclosure of this information would assist the public in being able to understand the HCA’s position and help understand the decisions that have been made regarding this site. This would help keep the public informed of the future of the site and lead to a more informed public debate regarding this site.

Disclosure would also promote accountability and transparency of the HCA and increase information and understanding of the application of public funds. This would lead to a more informed debate about the value for money being obtained by the HCA for land it owns.

### **Public Interest Test – Factors in favour of non-disclosure**

The HCA acknowledges the factors in favour of disclosure; however this must be weighed against the factors against disclosure of the information. In this case, we have decided that the release of the valuation would cause harm to the HCA rather than just create a likelihood of harm. This gives additional weight to the factors outlined below.

Disclosure of the valuation information would clearly indicate the HCA’s valuation of the land to the world at large, including any parties who may be interested in purchasing this land. Therefore, if this information was released, it would significantly weaken the HCA’s negotiating position with regard to a sale price as the potential buyer would know the value the HCA place on the land. It is not in the public interest for a public authority’s ability to be competitive in the commercial market place to be weakened as a result of a Freedom of Information request when it is seeking to get the best possible value and outcome for the public purse.

In light of these concerns, we have decided that the balance of public interest falls in favour of non-disclosure at this time. However, the public interest is an ever changing concept and this does not rule out disclosure of this information at another 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](mailto:mail@homesandcommunities.co.uk)

**Mail:** Information Access Officer

Homes and Communities Agency

Fry Building  
2 Marsham Street  
London  
SW1P 4DF

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