

Ein cyf/Our ref: ATISN 27347
Eich cyf/Your ref: RN/8272



Llywodraeth Cymru
Welsh Government

23 September 2026

Dear _____,

Request for information (RFI) – ATISN 27347

Thank you for your request for information received on 14 August 2026. I apologise for the delay in responding to you.

Your request

You have asked for the following information relating to the disposal of Plot C1, Llantarnam Business Park on behalf of DJJ Precision Engineering Ltd.

Successful bidder / bid/s

Please provide copies of:

a) The successful bidder's bid submitted by the original bid deadline of 2 October 2020;

and

b) The successful bidder's further and/or revised bid submitted or confirmed by the later deadline of 13 November 2020.

Bid assessment and decision

please provide copies of:

a) The contemporaneous document recording the results of the comparison exercise undertaken between the two bids.

b) (If separate to a) above) the contemporaneous document recording the decision reached, preferring the successful bidder's bid to DJJ's bid.

c) The contemporaneous document in which ministerial approval was sought.

Contractual documents

6. please provide copies of:

a) Any Heads of Terms entered into between Welsh Government and the successful bidder and/or the proposed purchaser regarding the sale of the Land between the Award date and the Sale Date.

b) Any contract (including contractual variations) entered into between Welsh Government and the successful bidder and/or proposed purchaser, between the Award Date and the Sale Date, regarding the sale of the Land, including the record of the "buy-back option on the site" as referred to in your letter.

Valuations

please provide copies of:

a) The instructions to Alder King, and related terms of engagement.

b) The valuation by Alder King as at 28 February 2020, related instructions and terms of engagement.

c) Any other valuation (whether by Alder King or another valuer) carried out between February and December 2020, related instructions and terms of engagement, or confirmation there was no other valuation.

Our Response

ATISN 27149 comments

Thank you for the acknowledgement of the above response and your comments. It should be noted that due to an administrative error, the response did not contain some standard paragraphs relating to escalation or clearly state the FOIA exemptions applicable, apologies for this.

It has never been the Welsh Government's intention to be difficult or opaque with DJJ. You acknowledge there have been refusals on the basis of reasonable time and cost due to the amount of information that was requested. As is common in land transactions, much of the information requested has been withheld under section 43(2) of the Freedom of Information Act 2000 relating to commercial interests.

Notwithstanding the above, the Welsh Government officials have on numerous occasions through RFI responses, government business and other forms of correspondence tried to explain to DJJ the process that took place and the simple

fact was that the other bid was considered stronger based on the information available at the time.

Please find the responses to your revised request below:

Bids

3(a)

A copy of the successful bidder's bid submitted on 2 October 2020 is attached. Please note that certain information has been withheld under section 43(2) of the Freedom of Information Act 2000, which exempts information where disclosure would, or would be likely to, prejudice the commercial interests of any person, including the public authority holding the information. Full reasoning for applying this exemption is appended at Annex A at the bottom of this letter.

3(b). A redacted copy of the successful bidders best bid received on 13 November 2020 is attached. Redacted information has been withheld for the reasons set out at Annex A.

Bid assessment and decision

5(a) A redacted copy of the contemporaneous bid comparison document is attached. The document records the assessment and comparison of the two bids received for Plot C1, Llantarnam Business Park. Please note that certain information has been withheld under section 43(2) of the Freedom of Information Act 2000, commercial interests. Full reasoning for applying this exemption is appended at Annex A at the bottom of this letter.

5(b). Welsh Government does not hold a separate document recording the decision to prefer the successful bidder's bid to that of DJJ Precision Engineering Ltd. The assessment, comparison of the bids and recommendation are contained within the bid comparison document referred to at question 5(a) and within the Ministerial Advice referred to at question 5(c). No further recorded information is held.

5(c). A redacted copy of the relevant sections of Ministerial Advice MA-KS-3735-20, submitted to the Minister in November 2020 seeking approval for the disposal of Plot C1, Llantarnam Business Park, is attached. The disclosed information includes the recommendation presented to the Minister and the options considered in reaching that recommendation. Certain information contained within the remainder of the Ministerial Advice has been withheld under section 43(2) of the Freedom of Information Act 2000, which exempts information where disclosure would, or would be likely to, prejudice the commercial interests of any person, including the public authority holding the information.

Contractual documents

6(a) The Welsh Government holds Heads of Terms and related pre-contractual documents concerning the proposed disposal. These documents are being withheld under section 43(2) of the Freedom of Information Act 2000, commercial interests. Full reasoning for applying this exemption is appended at Annex A.

6(b) A copy of the transfer is not provided because the information is already available in the public domain, namely through HM Land Registry. The information is therefore exempt under section 21(1) of the Freedom of Information Act 2000. Please use the following links to access this information:

[Search for land and property information - GOV.UK](#)

[Official copies of documents: registration \(OC2\) - GOV.UK](#)

The sale contract, option agreement and related contractual documents are withheld under section 43(2) of the Freedom of Information Act 2000. Full reasoning for applying this exemption is appended at Annex A.

Valuations

7(a) A redacted copy of the instruction provided to Alder King in relation to the valuation dated 22 December 2020 is attached. Certain information has been withheld under section 40(2) of the Freedom of Information Act 2000, personal data. Full reasoning for applying this exemption is appended at Annex A.

There were no separate terms of engagement issued specifically in relation to this instruction. The instruction was issued under Welsh Government's existing arrangements for the provision of estate professional services.

No further recorded information falling within the scope of this part of the request has been identified.

7(b) A copy of the valuation is attached.

7(c) The Welsh Government confirms that it does not hold any record of a further valuation of the site being commissioned or undertaken between February 2020 and December 2020. Accordingly, no further information is held.

Next steps

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: Freedomofinformation@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.

Non-FOI request

4. If either bid referred to above was not in fact submitted or confirmed by the above deadlines, please confirm this.

Whilst this is not a request for recorded information under the Freedom of Information Act, we can confirm the following:

Both your client's bid and best bid, and those of the successful bidder, were submitted via Welsh Government's appointed agent on 2 October 2020 and 13 November 2020 respectively. It was originally understood that all submissions had been received by the stated deadlines, and this was advised in previous correspondence.

On closer inspection, it has become apparent that the successful bidder's submissions were received after the 12:00 noon deadline stated in the invitations to bid.

In this regard, the following points are relevant:

- RICS regulations require an agent to notify their client of any offer received for a property being marketed. The client may then decide whether or not to consider that offer.
- The invitations to bid did not state that bids received after the 12:00 noon deadline would be automatically excluded or disregarded.
- Welsh Government has a duty to seek best value for the taxpayer.

- On each occasion, Welsh Government received both bidders' submissions at the same time through its appointed agent.

The disposal was undertaken through an informal tender process involving sealed bids. Welsh Government considered the submissions received through its appointed agent, together with the information provided by bidders as part of the bidding process. The disposal decision was subsequently made having regard to the bids received and Welsh Government's obligation to secure best value for the taxpayer.

Yours sincerely

Annex A

Section 43 (2) – Commercial Interests

The information caught by this exemption relates to your request regarding Bids, for questions 3a, 3b, and 5a. Decisions relating to non-disclosure of this information have been taken with due consideration of the exemptions identified under Section 43(2) of the Freedom of Information Act 2000 (FOIA). This exemption states that:

- (2) *Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

Section 43 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. I have therefore given consideration to the effects of disclosure of the information to the world at large as the information is made available to anybody and everybody, not just the requestor.

Public Interest For Release

I recognise the general public interest in openness and transparency and releasing the information would help the public gain a better understanding of the decisions made by Government. It is also recognised that there is a public interest in how public money is to be, or has been, used to ensure that Government gets the best value from the public purse.

Public Interest Against Release

3a and 3b - The redacted information comprises detailed development proposals, financial information, commercial assumptions, funding arrangements, pricing information and other commercially sensitive material submitted as part of a competitive land disposal process. Although the disposal has completed, disclosure of this information would be likely to prejudice the commercial interests of both the successful bidder and Welsh Government. The information reveals aspects of the bidder's commercial approach, development strategy and financial position which may remain relevant to its current and future negotiations and business activities. Disclosure would also be likely to prejudice the Welsh Government's commercial interests by undermining confidence amongst prospective purchasers that commercially sensitive information provided during disposal exercises will be appropriately protected, potentially affecting the quality and detail of information provided in future transactions and thereby impacting Welsh Government's ability to secure best consideration from public asset disposals.

There is a strong public interest in protecting legitimate commercial interests where disclosure would be likely to cause commercial harm. In this case, releasing detailed commercial, financial and development information provided as part of a competitive

bidding process would be likely to prejudice both the commercial interests of the successful bidder and the Welsh Government's ability to conduct future land transactions effectively.

5a - The contemporaneous bid comparison document records the assessment and comparison of the two bids received for Plot C1, Llantarnam Business Park. The withheld information comprises commercially sensitive information relating to the competing bids, including details of development proposals, financial information, business plans, funding arrangements, commercial assessments and bid evaluation commentary. Disclosure would be likely to prejudice the commercial interests of the bidders concerned by revealing commercially sensitive information relating to their businesses and development proposals. Disclosure would also be likely to prejudice the commercial interests of Welsh Government by revealing aspects of its commercial assessment processes and the criteria applied in evaluating competing bids for public land disposals.

5(c). A redacted copy of the relevant sections of Ministerial Advice MA-KS-3735-20, submitted to the Minister in November 2020 seeking approval for the disposal of Plot C1, Llantarnam Business Park. The withheld information comprises commercially sensitive information relating to the competing bids, including financial, operational and commercial information provided by the bidders and the assessment of those bids by Welsh Government. There is a significant public interest in protecting commercially sensitive information where disclosure would be likely to cause commercial harm and undermine the ability of Welsh Government to conduct future land transactions effectively. Disclosure of the withheld information would provide detailed insight into the commercial positions of the bidders and the way in which competing development proposals were evaluated. This would be likely to prejudice the commercial interests of the parties concerned and could adversely affect Welsh Government's ability to obtain and assess commercially sensitive information during future disposal exercises.

6a - The documents comprise commercially sensitive information generated during negotiations between the Welsh Government and the preferred bidder, including proposed contractual terms, negotiating positions, development obligations, transaction structures, timescales, conditions precedent and other commercially negotiated provisions relating to the disposal of the site. Although the transaction has completed, the information would continue to provide insight into the commercial approach adopted by the Welsh Government and the purchaser during property negotiations.

Disclosure would be likely to prejudice the commercial interests of both the Welsh Government and the purchaser by revealing information about negotiated positions, acceptable contractual outcomes and transaction-specific commercial arrangements. This information would provide insight into the Welsh Government's approach to negotiating contractual terms in land transactions and could be used to inform third

parties own negotiating strategies, thereby diminishing the Welsh Government's ability to negotiate from the strongest commercial position and secure best consideration for public assets.

6b – The sale contract option agreement and related contractual documents contain commercially sensitive contractual provisions including negotiated commercial terms, option arrangements, development obligations, remedies, contractual protections, financial provisions and other bespoke terms agreed between the parties. Whilst the documents relate to a historic transaction, they contain negotiated commercial provisions, development obligations, option arrangements and contractual protections which continue to inform Welsh Government's approach to land disposal transactions. Disclosure would be likely to prejudice the commercial interests of both Welsh Government and the purchaser by revealing commercially sensitive contractual arrangements and providing insight into the contractual provisions Welsh Government may be willing to accept in future transactions. This would be likely to weaken Welsh Government's negotiating position in future property disposals and could adversely affect its ability to secure best value for the taxpayer.

We must ensure that the Welsh Government can continue to negotiate commercial transactions effectively and protect commercially sensitive information belonging both to itself and third parties. Disclosure of the withheld contractual provisions would be likely to prejudice those interests whilst adding only limited further transparency regarding the disposal itself.

I am aware that as a general rule, the sensitivity of information is likely to reduce over time, so that the age of information, or timing of the request may be relevant in determining whether to apply the exemption, or where the public interest may lie. In this case, however, the information captured is very much current information.

Having considered the competing public interest factors, the Welsh Government has concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure of the withheld information.

Section 40 – Personal Data

Freedom of Information Act 2000, personal data.

The Freedom of information Act provides a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

We have decided to withhold the following information:

- The personal data contained in the information you have requested under Section 40 of the Freedom of Information Act 2000 (FOIA), personal data.

This Annex sets out the reasons for the engagement of Section 40 of the FOIA.

Engagement of S40(2) – Personal Data

The Welsh Government believes the personal data contained in the information being released with this request should be exempt from disclosure

Section 40(2) of the Freedom of Information Act 2000 (FOIA), together with the conditions in section 40(3)(a)(i) or 40(3)(b), provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 2018 (‘the DPA 2018’) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, some of the information contained within the information caught by your request contains third party personal data. Specifically, this relates to number 7 of your request, Valuations, the instruction provided to Alder King in relation to the valuation dated 22 December 2020.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the UK GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

“processed lawfully, fairly and in a transparent manner in relation to the data subject”

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f) of the UK GDPR. This states:

“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

1. The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;

2. The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
3. The Balancing test: Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate Interest Test

The Welsh Government recognises there is a legitimate interest in being able to identify the parties involved in any communication in order to follow the flow of that communication. We do not believe, however, there is any legitimate reason why the personal data would need to be released. The letter was addressed to a Welsh Government official who is not a Senior Civil Servant and would not expect us to release their name into the public domain. As such it is irrelevant as to who the letter is addressed to in the Welsh Government. The Welsh Government cannot identify any other legitimate interest in you or the public receiving the personal data captured by your request.

2. Is disclosure necessary?

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request. It is straight forward, even when withholding the personal data, to follow the information including in the letter. As such we do not believe it is necessary to disclose the personal data.

3. The Balancing Test

As it has been concluded that there is no necessity to disclose the personal data of another individual, the fundamental rights and freedoms of the affected third party prevail in this instance and releasing the information cannot be justified under Article 6(1)(f).

Conclusion

To conclude, as release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.