

## **Freedom of Information Request – East Cowes Development**

Thank you for your email dated 24 March 2010 following up on our answer to your question concerning contractual arrangements between SEEDA and Waitrose regarding potential store development in East Cowes, Isle of Wight.

To summarise your latest request, you are asking SEEDA to provide the following information:

- 1) *Confirm that SEEDA has already entered into an agreement with Kimberley Developments and is currently negotiating the Draft Sale and Purchase Contract and the Option Agreement provided for under the terms of that agreement. If not, can you please explain the status of the above agreements?*
- 2) *Explain the factors you took in account when applying the public interest test before deciding not to disclose the agreement.*

### **Information Held**

In response to your Freedom of Information Request we can disclose the following information:

- 1) SEEDA entered into an agreement with Kimberley Developments on 21 December 2009. This is the conditional sale and purchase agreement referred to in our letter of 19 March 2010 and also the Land Registry information you mention in your letter. On 24 March 2010 SEEDA entered into a further conditional agreement (the supplemental agreement) with Kimberley Developments, which varied some of the conditions of the original conditional sale and purchase agreement.

2) SEEDA respects the principle of transparency and favours full disclosure in response to information requests as generally being in the public interest. However, in this case, SEEDA had to take into account that disclosing the details of the agreement could damage the commercial interests of third parties. The final decision was particularly influenced by the following factors:

- The ongoing renegotiations regarding the terms and conditions of the original agreement;
- The linkages with other conditional agreements between Kimberley Developments and Waitrose that are critical to the delivery of the scheme;
- Details of the conditions that need to be satisfied in order to successfully complete the scheme;
- Details of landownership, rights and approvals required in order to be able to implement the scheme.

At the time of the original request SEEDA considered that the general public interest in disclosing the full agreement between SEEDA and Kimberley Developments would be outweighed by the likely damage to the commercial interests of third parties, namely Waitrose and Kimberley Developments. SEEDA believes that the development is in the public interest and full disclosure at that time could potentially lead to delays or compromise the scheme. Consultation with the relevant parties confirmed our concern about the likely commercial detriment caused if we were to disclose the conditional agreement. This led to our decision not to disclose the document at that time, as explained in our response dated 19 March 2010. Once contractual negotiations have been fully completed we will be able to release the requested information, subject to the redaction of any items that are exempt from disclosure under the Freedom of Information Act.