

RS / EP DS1441

20th September 2019

STRICTLY PRIVATE AND CONFIDENTIAL

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Dear Claire,

**CONFIDENTIALITY DISCLOSURE OF THE FINANCIAL VIABILITY ASSESSMENT.
Planning Application for Fort Halstead, Sevenoaks, Kent, TN14 ("the Site")**

DS2 has submitted a Financial Viability Assessment in support of a planning application for the subject Site which provides information, including that relating to the British government department of defence, (the "Financial Information") and for the avoidance of doubt this comprises not only the documents that contain the financial information, but also the financial information itself) which is confidential and commercially sensitive.

This should be treated accordingly in respect of any request for disclosure made under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or otherwise. It is being submitted in support of the planning application for the proposed development and provided to you, on a strictly confidential basis, to assist your consideration of the planning application.

It is important the basis upon which the Financial Information is provided to you is clearly understood. This is as follows:

1. The Financial Information will be made available to you and should be held by you in complete and strict confidence.
2. The Financial Information will not be disclosed to any other person or party without our prior written consent, which may be given at our complete discretion and, if given, will be on the same terms as set out in this letter.
3. In the event any questions on the Financial Information are raised at Council's planning committee meeting held to determine the planning application, such questions shall be answered by the officers in a closed, private session of the meeting from which members of the public will be excluded and the members shall be made aware of the confidential and commercially sensitive nature of the information.
4. The Financial Information will not be used by you for any purpose other than for the purpose of considering the planning application for the above mentioned development.
5. We recognise and agree that disclosure of the Financial Information may have to be made by you if so required as a matter of law. Immediately upon a request for disclosure of information being made you will notify us in writing of the information the Council holds, and whether the Council considers that

any of that information should be disclosed and you will have full and proper regard to our representations and comments, including any reasonable request to resist such disclosure, when determining how to address such potential disclosure.

6. In the event some or all of the Financial Information is not released and the Council's decision not to release such information is appealed to the Information Commissioner, the Council will notify us in writing as soon as you become aware of such appeal and will have full and proper regard to our representations and comments when preparing your case.
7. In the event of a breach of the terms of this letter the Council will immediately notify us of such breach and the steps you have taken to remedy such breach and to prevent any further breaches occurring.

A redacted version of the Financial Viability Assessment is submitted. This document includes removal of items which are considered commercially sensitive, summarised as follows:

Item	Rationale for Redaction
Sales and rental values	<p>Pricing information is sensitive as no sales have been negotiated yet and revealing this information would provide bidders with key sensitive information which they could exploit in any negotiations with the applicant.</p> <p>Future negotiations would be prejudiced by the release of such assumed values. In addition, the disclosure of this information would give an unfair advantage to competitors who could remodel their own developments to give them a commercial advantage.</p> <p>In addition, the lease negotiations for the 'X' enclave of the Site are ongoing and the rent has not yet been agreed. Rents have also not been agreed on other parts of the Proposed Development. It follows the proposed rents are commercially sensitive and disclosure of this information could reduce the applicant's ability to secure leases on competitive terms.</p>
Programme	<p>The timing of sales, if publicly disclosed in advance, could be used to the Applicant's disadvantage by bidders and suppliers during the construction phases.</p> <p>In addition, potential buyers of the residential units could also apply commercial pressure in negotiations with the applicant to secure a lower price than they would have obtained without the knowledge that the applicant proposes to secure sales by a certain deadline.</p> <p>Reference to when it is assumed Dstl vacate the site has been removed, given Dstl is an executive agency of the Ministry of Defence and information regarding the exit process of such an organisation needs to be kept out of the public domain for security purposes.</p> <p>The construction programme contains information about when the applicant potentially intends to tender build contracts and sets out key dates and the milestones to deliver the development.</p> <p>If this information is known in advance, then it could be used by contractors who could apply commercial pressure in negotiations with the applicant negotiate a lower price than they would have otherwise contemplate.</p>

Construction costs	<p>The construction cost report contains information on detailed construction costs and site wide costs, disclosure of which would be harmful as this information would put contractors and purchasers at a significant and unfair advantage in negotiations with the applicant.</p> <p>None of the main contracts for the proposed development have been agreed and all remain to be negotiated. All of these future negotiations would be prejudiced by the release of this information.</p>
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Yours faithfully,



Emma Powell MRICS
SENIOR SURVEYOR

Email: 
Direct: 