ANNEX A

EIR DOF/2024-0237

Request

A copy of any valuation report held by Land and Property Services in relation to the disposal of a grass verge located at 27 Seafront Road, Cultra, Holywood, County Down, BT18 0BB.

DoF Response

I can confirm the department holds information relevant to your request however some information has been withheld as it falls within exceptions in the Environmental information Regulations (EIR) further details are provided below.

The valuation report is provided at Annex B.

The valuation amount is withheld (redacted) under the Environmental Information Regulations Regulation 12(5)(e)– Commercial or Industrial information. The use of this exception requires the department to carry out a public interest test (PIT) this is attached at Annex C

Some third party personal information, such as staff names, is withheld (redacted) under Regulations 12(3) & 13(1) of the Environmental Information Regulations (2004). Such disclosure would contravene the first principle of the Data Protection Act 2018, which requires that personal data must be processed lawfully, fairly and in a transparent manner. Disclosure would be unfair, because the individuals would not expect that this information would be made available to others.

Having considered all the information contained within the Lawfulness, Fairness and Transparency Test (which we are providing as a separate attachment – Annex D), the department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request of which the requester is not the data subject.

Redactions are withheld under Regulations 12(3) & 13(1) of the Environmental Information Regulations (2004) unless shown otherwise.

Land & Property Services
Seirbhísí Talún & Maoine

VALUATION REPORT

Prepared by:	**Land & Property Services (LPS)**
For the Client:	**Northern Ireland Environment Agency**
Relating to:	**Lands at 27 Seafront Road, Holywood**

Department of Finance
An Roinn Airgeadais
www.finance-ni.gov.uk

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PART I – EXECUTIVE SUMMARY

LPS Case Reference:	9026911
Interest to be Valued:	Fee Simple (Free of any encumbrances)
Basis of Value	Equitable Value
Valuation Date:	20/05/2024
Valuer:	[redacted]
Client:	Northern Ireland Environment Agency (NIEA)
Client Reference:	Unknown
Client Contact:	[redacted]
Purpose of Report:	Provide a Market Valuation of the subject lands as the owner of 27 Seafront Road has made an approach to NIEA seeking to acquire the lands.
Brief Description:	The subject comprises a small narrow strip of grass verge situated to the front of the existing property and gardens of 27 Seafront Road, Holywood.

PART II – VALUATION PRELIMINARIES

1. CLIENT INSTRUCTION

Instructions were received from the Client by email on 18/01/2024 requesting a Market Valuation of the subject lands to inform the premium to be attached to a potential disposal, as an approach has been received by the owner of 27 Seafront Road, Holywood, seeking to acquire same.

The client also requested advice on Disposal Guidance and I have provided the client contact [redacted] with contact details for [redacted] of LPS Central Advisory Unit to take this forward in tandem.

2. LPS TERMS OF ENGAGEMENT

As detailed in our acknowledgement letter, dated 18/01/2024, the LPS Standard Terms of Engagement apply to this Report unless they have been superseded by alternative terms specified in a Service Level Agreement or other agreement. These Terms may be subject to supplementary, special or amended terms and assumptions issued by the Valuer dependent on the instruction received. The LPS Standard Terms of Engagement can be viewed by clicking on the following link: LPS Standard Terms of Engagement

3. IDENTIFICATION AND STATUS OF THE VALUER

This report has been prepared by [redacted], a registered external Valuer as defined by the Royal Institute of Chartered Surveyors (RICS). I confirm that I have sufficient local market knowledge and the relevant skills, experience, knowledge and understanding to undertake the valuation assignment competently and to provide an objective and unbiased valuation.

4. CONFLICTS OF INTEREST

I have had no previous involvement with the subject land, therefore I do not consider there to be a conflict of interest in accepting this instruction. I do not have any material links to the Client or the subject property.

5. IDENTIFICATION OF THE CLIENT AND ANY OTHER INTENDED USERS

The Client is NIEA. This Report is confidential to the Client and their representatives and is for their use only. It should not be disclosed to any third party. The valuation is to be used solely for the purpose stated in this Report.

6. RESTRICTIONS ON USE, DISTRIBUTION AND PUBLICATION OF THE REPORT

LPS accepts responsibility to the Client that this Report has been prepared with the skill, care and diligence reasonably expected of a competent Chartered Surveyor, but accepts no responsibility whatsoever to any party other than the Client. Any other party who relies on this Report does so at their own risk. Neither the whole, nor any part of this Report or valuation, nor any reference thereto, may be included in any published document, circular or statement, nor published in any way, nor disclosed to any third party without the prior written consent of LPS.

7. IDENTIFICATION OF THE ASSET(S) OR LIABILITY(IES) VALUED

The asset to be valued is the property more particularly described in Part III of this Report.

8. PURPOSE OF THE VALUATION

NIEA requires a valuation of the subject to inform the premium to be attached to a potential disposal, as an approach has been made by [redacted] seeking to acquire same.

9. CONFIRMATION THAT THE VALUATION HAS BEEN UNDERTAKEN IN ACCORDANCE WITH THE INTERNATIONAL VALUATION STANDARDS (IVS)

I confirm that this valuation has been prepared in accordance with the RICS Valuation – Global Standards 'Red Book' 2022 (Incorporating the IVSC International Valuation Standards), issued November 2021 and effective from 31 January 2022, as well as the RICS Valuation – Global Standards 2017: UK National Supplement (which augments the Global Standards), issued November 2018 and effective from 14 January 2019.

10. NATURE AND SOURCE(S) OF THE INFORMATION RELIED UPON

Several sources of information have been relied upon in arriving at our valuation, including information provided by the Client, LPS Integrated Mapping Application, information held by LPS for rating purposes, local development plans, Planning Portal and Flood Maps NI.

11. MEASUREMENT

Measurements of the subject lands were taken from information provided by the client which has been relied upon.

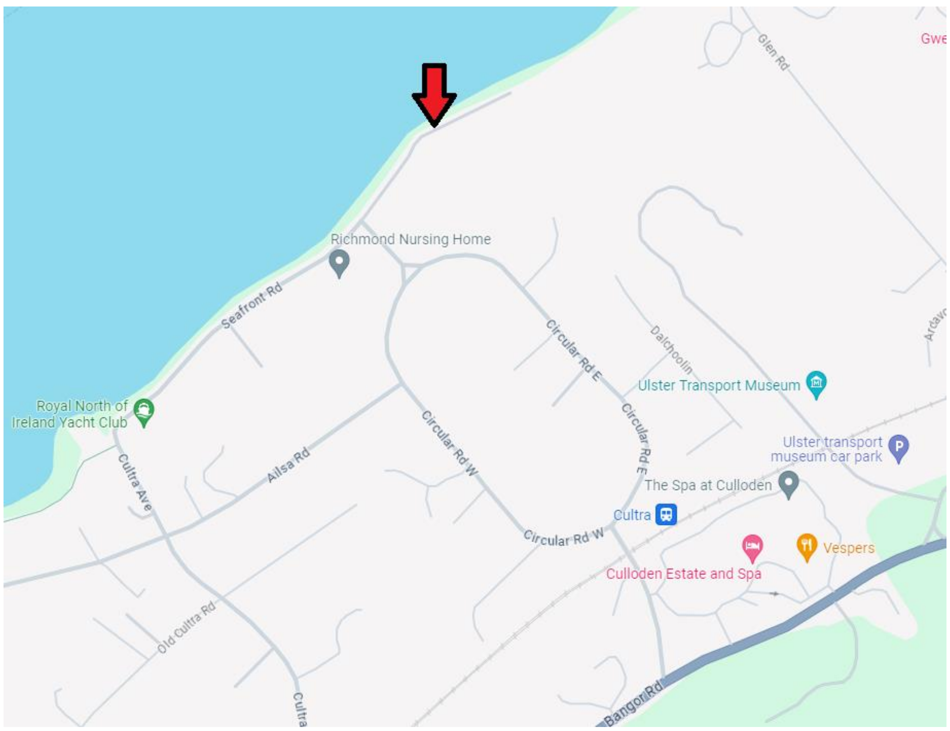
I have exercised my professional judgement in determining the reliability of the source and the information and confirm that I am prepared to professionally rely upon it.

PART III – PROPERTY REPORT

1. PROPERTY LOCATION

The subject land is situated fronting Seafront Road, a prime and one of the most sought after seafront and residential locations in Northern Ireland. Seafront Road is accessible off Bangor Road, via Circular Road East, in Cultra, Holywood.

The following map extract shows the location of the subject for reference.



2. PROPERTY DESCRIPTION

The subject land extends to 0.01 acres (45 sq m). The land comprises a small slither of grass verge, fronting an existing holding comprising a dilapidated small, detached dwelling and gardens at 27 Seafront Road, Holywood. This portion of Seafront Road is a private road, providing access to several residential properties. Given the subject location fronting the sea, the road is also used by walkers for recreational purposes.

3. EXTENT OF LPS INVESTIGATIONS

As far as it was possible to do so, in the circumstances prevailing at the time, the subject property was visually inspected by [redacted] on 19/02/2024. The inspection undertaken did not constitute a complex survey, nor did it seek to determine the suitability of the subject land for any proposed future use, nor did it seek to determine the presence of any significant adverse ground conditions, contaminants or deleterious materials or any other issue that could have a detrimental impact on value.

Photographs of the subject lands are attached as Appendix A.

As set out in our Terms of Engagement, the following assumptions apply to this valuation in respect of investigations:

3.1. Deleterious or hazardous materials

We assume that no deleterious or hazardous materials or techniques were used in the construction of any buildings or structures previously situated on the subject lands, or have since been incorporated.

3.2. Statutory requirements

We assume that the subject property complies with all applicable and current statutory requirements, including but not limited to planning and building control, to enable it to be occupied and used for its current use.

3.3. Contamination

We assume that the subject property is free from contamination and hazardous substances (including asbestos and radon), and deleterious materials. We have not carried out or commissioned any contamination searches or surveys. We would recommend that such investigations are carried by a suitably qualified contractor if so required.

3.4. Environmental factors

The client has not provided any information in relation to environmental considerations, and we have assumed there are none for the purpose of this report.

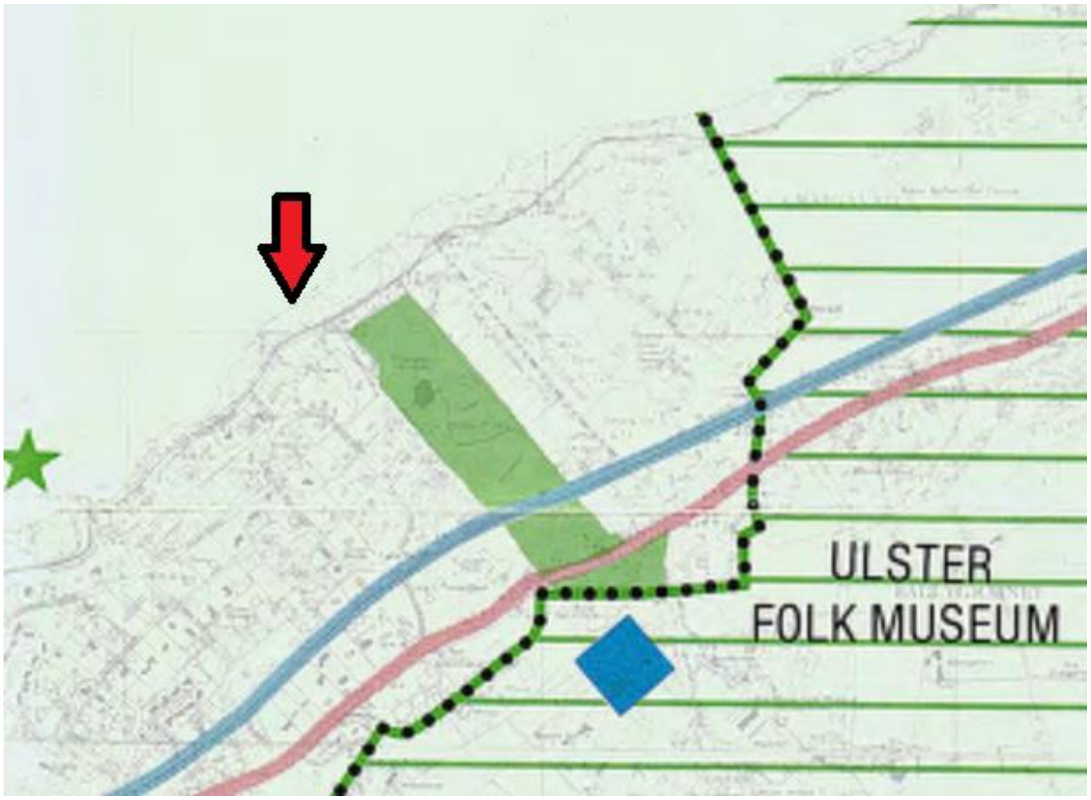
We have not carried out or commissioned any environmental surveys. We would recommend that such investigations are carried out by a suitably qualified contractor if so required. It is assumed that the subject property is free from Japanese Knotweed and other invasive plant species and that the subject property is free from flooding and the surrounding area is not subject to subsidence.

I have carried out the following desktop due diligence to help inform our valuation.

3.5. Town Planning

3.5.1. Development Plan Context

The subject is whiteland located within the Development Limit as per the Belfast urban Area Plan 2001, extract below:



3.5.2. Planning Applications / History

No approach has been made to the local planning authority regarding the subject land, however from searches carried out on the NI Planning Portal there is one live application relating to the subject.

- **LA06/2023/1391/F** – replacement dwelling with double garage at 27 Seafront Road, Holywood (In Progress – Status – Site Inspection Complete).

Extracts of planning drawings relating to this application are enclosed as Appendix C.

3.6. Ownership / Legal Title

The client has provided us with copies of legal title pertaining to the subject land.

The valuation detailed in this report has been assessed on the basis that the land is held on a fee simple basis, free of any encumbrances.

See Appendix B for a Red Line Boundary Map outlining the extent of the subject lands, as provided by the client.

3.7. Tenure / Occupation

The client has not provided us with copies of any leases or licences pertaining to the present use (if any) of the subject land.

The valuation detailed in this report has been assessed on the assumption that the subject land would be sold with vacant possession.

3.8. Rateable Value

The subject comprises a strip of land only and therefore is not liable for rates.

3.9. Flooding

From searches carried out on the Department for Infrastructure Flood Maps NI viewer, the subject land does not appear to be at risk of any present day or climate change related river or sea flooding. See map extract in Appendix D.

PART IV – VALUATION REPORT

1. BASIS OF VALUE ADOPTED

The subject land has been valued on the basis of Equitable Value, which is defined in the RICS Valuation – Global Standards effective from 31st January 2022 ("the Red Book") as;

> *"*The estimated price for the transfer of an asset or liability between identified knowledgeable and willing parties that reflects the respective interests of those parties (see IVS 104 paragraph 50.1).*"*

2. VALUATION ASSUMPTIONS

This valuation has been based on the following assumptions. The Client should review these assumptions carefully and, should any information be incorrect, or later found to be incorrect, or in need of amendment, the valuation should be returned for review and possible revision.

- The legal title to the subject land is held in fee simple and free from all restrictions and encumbrances.
- The legal title includes proper and appropriate means of access and there are no rights of way, easements or wayleaves over the subject property in favour of any third party.
- No persons have or will lay claim to all or any part of the subject land by adverse possession or otherwise and no other person has tenure over the property.
- There are no rights of support, rights of light or any other obligations or encumbrances in the legal title against or in favour of the subject property.
- The valuation is based on the assumed condition of the subject land at the date of valuation.
- Ground conditions and load bearing capacity are adequate to support any proposed development on the subject property.
- The legal boundary of the subject land is as indicated on the map(s) provided by the client. No action has been taken to verify the correctness or accuracy of same.

3. VALUATION APPROACH AND REASONING

The 'Market Approach' (comparative method) has been adopted in this valuation, which is defined by the RICS in the Red Book as;

> *"An approach that provides an indication of value by comparing the subject asset with identical or similar assets for which price information is available."*

4. MARKET COMMENTARY

The subject land comprises a small slither of grass verge bordering Seafront Road in Cultra, Holywood. As a standalone proposition offered for sale on the open market, I believe there would be limited interest. NIEA has also confirmed that it is of no future management interest to them and in essence therefore could be deemed to be an on-going maintenance liability.

NIEA has been approached by the owner of 27 Seafront Road, who is seeking to acquire the subject lands as part of a land assembly for a replacement dwelling on the wider holding. On this basis, it is deemed appropriate that the subject portion of land should be valued on an Equitable Value basis as opposed to Market Value, given the added value which the lands would have to the owner of 27 Seafront Road who could be considered to be a special purchaser.

I have carried out full due diligence and I do not consider to subject land to be 'key' to the ability to development a replacement dwelling on the site of 27 Seafront Road as the existing dwelling has an established access and visibility splays. The replacement dwelling will not be an intensification of use and therefore it is unlikely planners would seek an improved access as a condition of any approval. But the acquisition of the subject land would enhance the redevelopment opportunity on the following basis:

- It would marginally increase the site size;
- It would provide the landowner with flexibility to move or widen access if desired, subject to planning;
- It would provide the landowner with an ability to landscape and improve the site frontage.

The wording on the architects drawing submitted as part of the on-going planning application references works to the subject lands as follows:

'Grass verge to be cut back to accommodate 5M radius kerbs' (See Appendix D).

The subject land is situated in a very sought after location where site values for one of dwellings are capable of achieving in the region of £650,000-£750,000. On this basis, whilst the subject lands is small in size, based on the benefits to the owner of 27 Seafront Road as noted above, I have assessed a fair and reasonable premium payable for the subject lands to be in the region of Reg 12(5)(e) [redacted]

Note this premium is an estimate only and may be subject to future negotiations if required.

5. AMOUNT OF THE VALUATION

I am of the opinion that the Equitable Value of the subject lands is reasonably supported in the region of Reg 12(5)(e) [redacted]

6. FUTURE POTENTIAL NEGOTIATIONS

This assessment of value is an estimate only and may be subject to the cut and thrust of future negotiations if agreement cannot be reached with the interested party at this level. On this basis, only the value should be released, as a release of the full report could prejudice future potential negotiations.

7. VALUATION REVIEW

It is recommended that a review of the valuation is carried out in six months from the date of this report.

Should the market change significantly or should there be a material change to the state and circumstances of the property (including environmental, planning or legislative changes) in the interim period, we will be happy to advise if a formal review of the valuation is required, at any earlier date.

8. VALUATION DATE

20/05/2024

9. DATE OF THE VALUATION REPORT

20/05/2024

I trust that this report is to your satisfaction, however you should have any queries or wish to discuss the Report, please do not hesitate to contact me.

Yours sincerely,

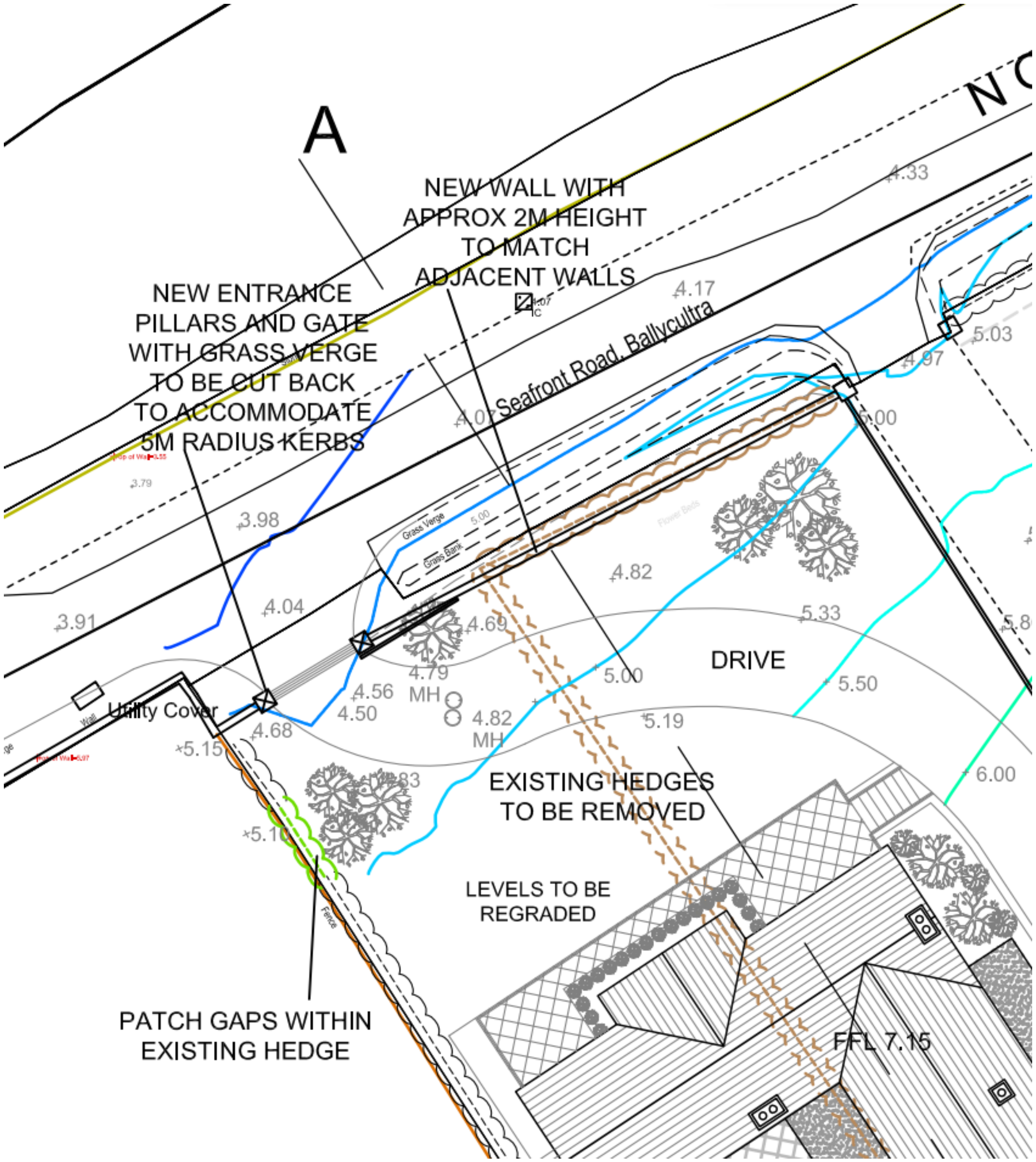
[redacted]

PART V – APPENDICES

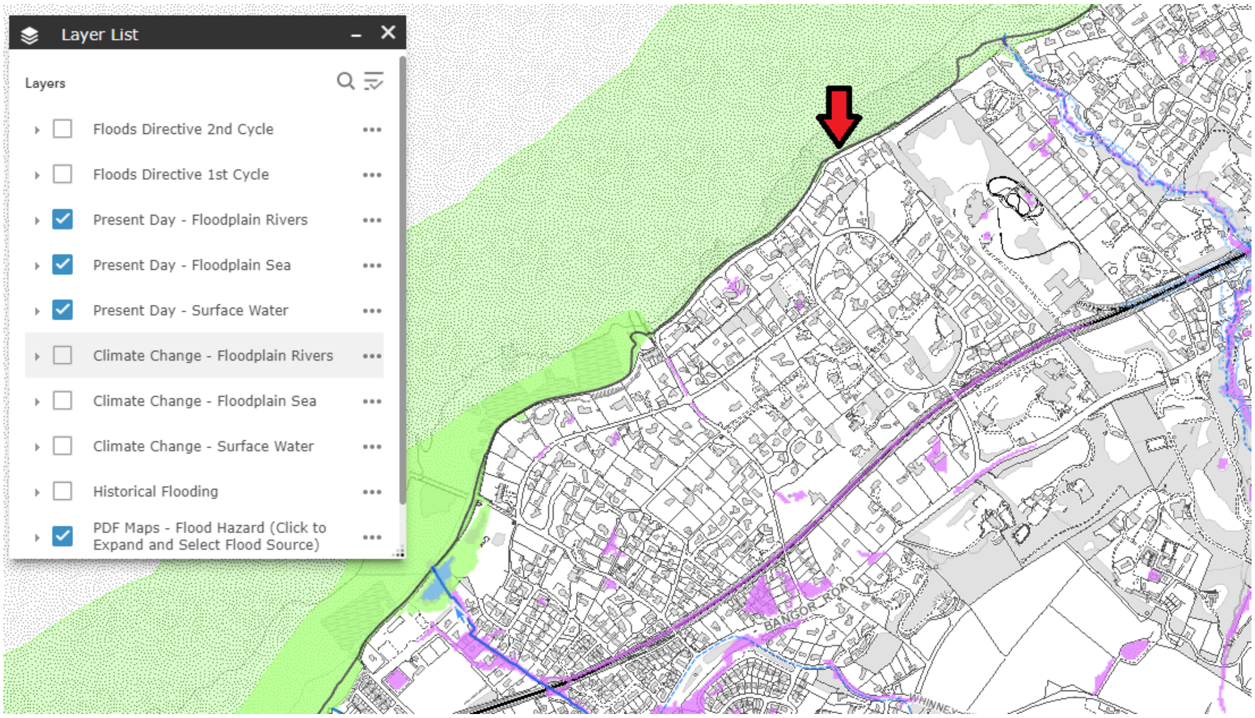
APPENDIX A – Photographs

APPENDIX B – Red Line Boundary Map

APPENDIX C – Planning Application Extracts


A
NEW WALL WITH
APPROX 2M HEIGHT
TO MATCH
ADJACENT WALLS
NEW ENTRANCE
PILLARS AND GATE
WITH GRASS VERGE
TO BE CUT BACK
TO ACCOMMODATE
5M RADIUS KERBS
Seafront Road, Ballycultra
Utility Cover
DRIVE
EXISTING HEDGES
TO BE REMOVED
LEVELS TO BE
REGRADED
PATCH GAPS WITHIN
EXISTING HEDGE
FFL 7.15
MH
MH
4.33
4.17
4.07
3.98
3.91
4.04
4.56
4.50
4.68
5.15
4.79
4.82
4.69
4.82
5.00
5.19
5.33
5.50
5.03
5.00
6.00

APPENDIX D – Flood Maps NI – Map Extracts



Annex C

<table>
<tr><td colspan="6">PUBLIC INTEREST TEST</td></tr>
<tr><td>Request Ref:</td><td>EIR DOF/2024-0237</td><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="2">Request Summary:</td><td colspan="4">valuation report held by Land and Property Services in relation to the disposal of a grass verge located at 27 Seafront Road, Cultra, Holywood, County Down, BT18 0BB.</td></tr>
<tr><td colspan="2">Information details:</td><td>Exception applied</td><td colspan="2">Disclosure</td><td>Non-disclosure</td></tr>
<tr><td colspan="2"></td><td></td><td colspan="2"></td><td></td></tr>
<tr><td colspan="2">Valuation of land details provided under contract for NIEA</td><td>Regulation 12(5)(e): commercial information</td><td colspan="2">There is a public interest in individuals being able to exercise their rights under the FOI/EIRs, in order to enhance their understanding of the reasons for decisions taken by senior members of a public body.

Showing compliance with the spirit of the Environmental Information Regulations 2004 by disclosing information held by the Department.

Promoting accountability and transparency by public authorities.</td><td>The release of the valuation figure into the public domain would prejudice future negotiations on both the subject lands and other similar instructions in the locality which LPS may be asked to enter in to on behalf of its clients in due course.
It would also prejudice negotiations if a request to purchase the subject lands was received from another prospective purchaser..

To release the information would damage commercial relations with other clients and inhibit LPS's ability to provide a valuation service which ensures value for money is achieved for any sales/disposals relating to other government clients. LPS clients such as Forest Service have previously stated they would not want such information released, preserving the principle of confidentiality should be considered.</td></tr>
<tr><td colspan="6">PUBLIC INTEREST DECISION: In balancing where the public interest lies, my view is that the public interest considerations against disclosure are predominant and the public interest would be better served by partial non-disclosure i.e. the non-disclosure of third party personal information (names) in the valuation report and the valuation amount.

Signed: Angela McGrath Date: 18/06/2024</td></tr>
<tr><td colspan="6"></td></tr>
</table>

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

Application of EIR exceptions 12(3) & 13(1)

DOF/2024-0237

A Lawfulness, Fairness and Transparency Test must be carried out by the Department of Finance when considering disclosure of third-party personal data which falls within the scope of an FOI or EIR request.

FOI / EIR request

A copy of any valuation report held by Land and Property Services in relation to the disposal of a grass verge located at 27 Seafront Road, Cultra, Holywood, County Down, BT18 0BB.

Consideration of the personal data falling within the scope of the request

Guidance from the Information Commissioner’s office states that personal data only includes information relating to natural persons who:

- can be identified or who are identifiable, directly from the information in question; or
- who can be indirectly identified from that information in combination with other information.

Description of personal data/issue(s) under consideration:

Third party names in the report – 2 x LPS staff names and 1 X NIEA staff name.

Lawfulness

Do either of the two lawful basis below, which allow for the disclosure of personal data, apply? **No**

☐ **Consent:** This applies when the data subject(s) clear consent exists, allowing the department to disclose personal data falling within the scope of this request.

☐ **Legitimate interests:** This applies when disclosure is necessary for the department’s legitimate interests or the legitimate interests of a third party that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

Conclusion

Having considered all the information contained within the Lawfulness, Fairness and Transparency Test, the department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request (of which the requester is not the data subject).