



REQUEST 19195

Under the Freedom of Information Act 2000, I request the following information regarding the council-owned parcel of land off Plank Lane, between Health Lane and Erica Walk, Leigh, WN7 4XD:

1. All documentation, correspondence, and internal communications relating to the decision to place this land “under offer” for potential residential development.
2. Records of resident or community consultation undertaken prior to placing the land under offer.
3. Copies of any reports, assessments, or advice provided to officers or councillors regarding the suitability of this parcel for residential development, including environmental, amenity, access, and safeguarding considerations.
4. Details of any planning or estate strategies that considered this land as part of the wider Bracken Road cluster, including internal committee papers, minutes, or risk assessments.
5. Any legal or policy advice provided to officers relating to the disposal, sale, or development of this parcel.

RESPONSE

1. The Council confirms it has information somewhat related to the question; however, information is exempt under EIR - Section 12(5)(e) which states disclosure would adversely affect “the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest”.

The Council confirms it holds some of the information requested alongside various internal communications on a range of matters having at least some relevance to the subject of the request, but is withholding it from disclosure as it believes that disclosure of the information would impact the live marketing and sales pipeline of council owned land that is currently underway and is seen as “live”.

Disclosing information of the requested nature could have the potential to impact the live sales and marketing period of council held land in terms of open public knowledge, and developers who are competitively bidding for sites.

The Council has undertaken a Public Interest Test and concluded that the balance of that test favours withholding the information.

Public Interest Test:

Exemption Applied

EIR - Section 12(5)(e) which states disclosure would adversely affect “the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest”

Public Interest in Maintaining the Exemption (Against Disclosure)

The Council considers that the exception is engaged for the following reasons:

Commercial Nature of the Information

The requested information includes financial valuations, marketing matters, negotiations with potential purchasers, and internal officer correspondence. These are part of an ongoing commercial process and are inherently sensitive.

Confidentiality Provided by Law

The information is subject to a duty of confidence under common law, arising from the nature of the negotiations and the expectations of confidentiality between the Council and third parties.

Protection of Legitimate Economic Interests

Disclosure would undermine the Council's ability to secure best value for public assets. It could distort the market, affect bidding behaviour, and prejudice the Council's negotiating position. Active negotiations (before heads of terms are signed or while price is still fluid) strengthen the case for prejudice/adverse effect.

Adverse Effect of Disclosure

Releasing the information during an active marketing discussion phase would likely harm the commercial interests of both the Council and third parties, potentially reducing land values and deterring future engagement.

Public Interest in Disclosure (For Disclosure)

Transparency and accountability: There is a strong public interest in understanding how and why the Council is considering selling plots of land and the changes that could affect local residents.

Public engagement: Disclosure could enhance public debate and allow stakeholders to contribute more meaningfully to the process, however this can be covered by the planning process in future.

Consideration/Test/Conclusion

In accordance with Regulation 12(2), the Council has considered the public interest in disclosing the information. While there is a clear public interest in transparency and accountability in land disposals and officer decision-making, this must be balanced against the need to protect commercially sensitive information and the integrity of ongoing transactions.

On balance, the Council concludes that the public interest in maintaining confidentiality outweighs the public interest in disclosure at this time.

The exception under Regulation 12(5)(e) is engaged. The Council is therefore withholding the requested information relating to the actively marketed land sites and associated officer correspondence and sensitive documents.

This decision is made in accordance with the Environmental Information Regulations 2004 and relevant guidance from the Information Commissioner's Office.

Additional:

The provision of the 2025 Cabinet Report gives justification and agreement from the Council, via the cabinet decision, as to the direction of travel on the land release programme and identifies c52 sites for release, that may have potential for development.

2. Site was publicly advertised with regards to the intention to dispose of the open space at the site(s) in question, no objections were received in relation to the public notice below, within the time period 2nd December 2025 to the 6th January 2026 inclusive.

This is a statutory process in terms of the intention of selling council owned land and it does not mean a final decision has been made.

Engagement with any developer pre-planning and through the planning process would be required as part of any disposal.

Notice:

**WIGAN COUNCIL Local Government Act 1972 Section 123 (2a) and Town and Country Planning Act 1990 Section 233
Notice of Intended Disposal of Open Space Land**

NOTICE IS HEREBY GIVEN under Section 123 (2A) of the Local Government Act 1972 and Section 233 of the Town and Country Planning Act 1990 that Wigan Borough Council intends to dispose of the land described below for the purpose of securing the future use of the open land for housing development and implementation of supporting infrastructure and services.

DESCRIPTION OF LAND**Site 2:**

Three parcels of land off Bracken Road, Gorse Walk and Erica Walk/Heath Lane, Leigh.

Total area: 0.84Ha (90,417 Sq ft)

Parcel 1 – Open land to the West of 40 Bracken Road, Leigh

Parcel 2 – Open land to the South of 12 Gorse Walk, Leigh

Parcel 3 – Open land to the South of Erica Walk and North of Heath Lane, Leigh

3. The Council confirms it has information related to the question; however, information is exempt under EIR - Section 12(5)(e) which states disclosure would adversely affect “the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest”.
4. Background contained within the [Cabinet report 2025](#)
5. Legal advice contained within [Cabinet report 2025](#)