



Information Governance Team

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Dear Sir/Madam

**Environmental Information Regulations 2004 (EIR)
Request ID: FOI792533308**

Thank you for your request for information dated 29th January 2026 regarding various documents relating to the proposed Greenpower Park development and the associated closure of Coventry Airport.

You have requested the following information:

Pursuant to the Freedom of Information Act 2000, I hereby request copies of the following unpublished documentation relating to the proposed Greenpower Park development and the associated closure of Coventry Airport.

Councillor George Duggins' letter, dated 29th January, 2026, he referenced various public reports and confirmed that the Council's financial commitments are based on recovering costs via future land sales. To ensure full transparency and public accountability for the substantial public funds involved (£2.25 million committed by CCC, plus £23 million secured from the WMCA Investment Zone), I request access to the following documents:

- 1. The Option Agreement or Joint Venture Agreement (JV Agreement): A full copy of the legal agreement between Coventry City Council (CCC) and Coventry Airport Limited (CAL) regarding the promotion, development, and eventual sale or lease of the land for Greenpower Park. I request this document be provided with only essential redactions (e.g., specific commercial sensitivities like investor names, if necessary), but that the terms and conditions are made public.**
- 2. Risk Register: The most recent version of the project's Risk Register that specifically addresses the following risks:**

- The risk of proceeding with site preparation and airport closure without a guaranteed anchor tenant (major investor).
- The associated financial liability and exit strategy for public funds if the project fails to attract a suitable buyer.

3. Value for Money (VfM) Assessment/Business Case: The full Value for Money assessment or Full Business Case that was presented to the West Midlands Combined Authority (WMCA) or CCC's internal finance team to justify the £23 million capital expenditure for the power supply upgrade, including the stated Benefit-Cost Ratio (BCR) and any sensitivity analyses.

4. Valuation Report: The independent property valuation report or financial assessment that specifically justifies the claim that future land sales will cover the Council's £2.25 million investment plus the £23 million infrastructure cost.

5. Subsidy Control Assessment: The formal Subsidy Control Assessment (as required by the Subsidy Control Act 2022) conducted by Coventry City Council to ensure that the £23 million infrastructure investment does not constitute unlawful state aid to the private landowners (CAL/Rigby Group).

I am making this request in the public interest, as a local resident and taxpayer with a direct interest in the responsible use of public assets and funds.

Having considered the request under the Environmental Information Regulations 2004 (EIR), we set out below the Council's position in relation to each of the categories of information requested.

The Council considers the requested information to be environmental information as defined under Regulation 2(1), as it relates to land use, development, environmental impacts, and decisions affecting the physical environment.

Following careful consideration, the Council is able to respond to each category of your request for information as follows:

1. The Option Agreement or Joint Venture Agreement (JV Agreement): A full copy of the legal agreement between Coventry City Council (CCC) and Coventry Airport Limited (CAL) regarding the promotion, development, and eventual sale or lease of the land for Greenpower Park. I request this document be provided with only essential redactions (e.g., specific commercial sensitivities like investor names, if necessary), but that the terms and conditions are made public.

The Council can confirm that it holds the information requested. However, the disclosure of the agreement is withheld from disclosure under Regulation 12(5)(e) of the Environmental Information Regulations 2004 for the reasons set out below.

“Regulation 12(5)(e) states a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.”

Is the information commercial or industrial in nature?

The information requested includes the commercial proposals between the parties and outline the terms, strategy and conditions under which the parties will deliver the joint venture project at the site known as "Coventry Airport". This information encompasses detailed contractual terms, including financial strategy, how profits are to be calculated and shared and negotiated obligations which are crucial for the commercial transactions between the public authority and the JV partner.

Is the information subject to confidentiality provided by law?

The confidentiality is provided by virtue of confidentiality obligations contained in the Joint Venture Agreement.

Is the confidentiality provided required to protect a legitimate economic interest?/Would confidentiality be adversely affected by disclosure?

Maintaining confidentiality upholds the integrity of our processes, ensures fair competition, and fosters trust between the Council and its partners. The Council further argues that:

- disclosure would adversely affect the confidentiality of commercial/industrial information which may harm legitimate economic interests. We consider that disclosure could compromise commercially sensitive information, potentially harming the competitive position of the parties involved.
- companies may be less likely to engage in commercial activities and partnerships with the Council going forward if they believe confidential information concerning their legitimate economic interests will be disclosed. This could hinder the Council's ability to form beneficial partnerships and have a detrimental effect on the efficient use of public funds and the services the Council can provide to our residents and stakeholders
- disclosure could compromise commercially sensitive information, potentially harming the competitive position of the parties involved. Maintaining confidentiality ensures that commercially sensitive information held (pricing strategies, distinctive methodologies and business plans), is not disclosed to competitors. Revealing such information could undermine the competitive position of the parties involved, leading to financial losses and reduced market competitiveness

Regulation 12(5)(e) is also subject to a public interest test if the exception is engaged. Please see below.

Factors supporting disclosure

- General public interest in the disclosure of information to ensure transparency and visibility of public bodies being held to account regarding decisions made.
- That the Council is using public money effectively, and that the Council is getting value for money when making decisions and progressing joint venture projects.

Factors supporting withholding the information

- The central public interest in the information being withheld is the commercial prejudice which a disclosure of the information would cause the Council and its JV partner. Accordingly, the Council is of the view that the disclosure of the information would harm the interest of the parties and would cause commercial prejudice to their interest as it would highlight commercially sensitive financial information relating to their respective business.

- Disclosure of the information would amount to non-compliance with our existing Agreement with the JV partners. This would be detrimental to our working relationship. It is in the public interest that the relationship between partners is maintained so that the project can be delivered.

Balance of the public interest

The requested information was provided with an expectation that it would be treated as confidential and would not be disclosed to the world at large. There is therefore a strong public interest in maintaining the confidentiality of the information provided.

The Council is also of the view that Individuals should be able to share information with the Council in the expectation that this will be kept confidential. The Council considers that it is crucial for trust to be maintained by those who impart information in such circumstances, and that disclosure of information which is imparted in confidence may inhibit the full and frank disclosure to the Council of relevant information.

While there is clear public interest in transparency regarding large regeneration schemes, the Council is of the view that this is outweighed by:

- the strong public interest in protecting commercially sensitive information,
- ensuring the Council can negotiate effectively and secure value for money, and
- safeguarding third party commercial rights.

Based on the above, the Council has therefore concluded that the public interest in the maintenance of the exception outweighs the public interest in disclosure.

2. Risk Register: The most recent version of the project's Risk Register that specifically addresses the following risks:

- **The risk of proceeding with site preparation and airport closure without a guaranteed anchor tenant (major investor).**
- **The associated financial liability and exit strategy for public funds if the project fails to attract a suitable buyer.**

The Council can confirm that it holds the information requested. However, the disclosure of the agreement is withheld from disclosure under Regulation 12(5)(e) of the Environmental Information Regulations 2004 for the reasons set out below.

The Risk Register contains detailed assessments of commercial, financial, strategic, and delivery related risks. This information is highly sensitive and its disclosure would undermine the effective delivery of the project and prejudice both the Council's and third parties' economic interests.

The disclosure would also prejudice:

- ongoing commercial discussions,
- the Council's negotiating position,
- internal risk management processes, and
- third party commercial interests.

Regulation 12(5)(e) is also subject to a public interest test if the exception is engaged. Please see below.

Factors supporting disclosure

- General public interest in the disclosure of information to ensure transparency and visibility of public bodies being held to account regarding decisions made.
- That the Council is using public money effectively, and that the Council is getting value for money when making decisions and progressing joint venture projects.

Factors supporting withholding the information

Risk registers are commonly used when developing strategic projects. They are a vital part of risk management and thereby good project management. The effectiveness of risk registers is intimately linked to their form and the manner in which they are expressed. Accordingly:

- They are designed to identify all the main risks (however serious and however unlikely) associated with the delivery of the project
- They should be expressed in clear language. The red/amber/green (RAG) system of rating the risk is blunt but serves useful purposes.
- They are live and developing documents, subject to regular review and updating – so, at any point in time the mitigation measures for any risks may be more or less developed.

To this end, we have determined that the information contained within the risk register is confidential. Disclosure at this point would undermine the confidentiality of the commercial information and cause harm to the commercial interests of the partners.

Balance of the public interest

In addition to the above, the Council has also considered two further risks impacting on the public interest in not disclosing the risk register namely:

- The disclosure of the risk register would create a risk of serious distraction from progressing the project and therefore prejudice the ongoing commercial relationships between partners;
- The disclosure of the risk register carries the very real possibility of increasing the likelihood of some of the identified risks occurring as disclosure under Environmental Information Regulations is disclosure to the world at large. When risk are made public, those potentially affected are likely to act in a way that could increase the likelihood of the risk occurring. The purpose of a risk register is to secure mitigation of those risks, not precipitate them.

Based on the above, the Council has therefore concluded that in all circumstances of the case, the public interest in the maintenance of the exception outweighs the public interest in disclosure.

3. Value for Money (VfM) Assessment/Business Case: The full Value for Money assessment or Full Business Case that was presented to the West Midlands Combined Authority (WMCA) or CCC's internal finance team to justify the £23 million capital expenditure for the power supply upgrade, including the stated Benefit-Cost Ratio (BCR) and any sensitivity

analyses.

In relation to this request for information, please see attached a copy of the Strategic Outline Case – Single Assurance Framework dated 22nd July 2024 presented to the West Midlands Combined Authority.

The Council has also provided links to the Full Business Case:

<https://governance.wmca.org.uk/documents/s20836/Enc.%201%20for%20Coventry%20and%20War>

This was the subject of consideration by the Investment Zone Board of West Midlands Combined Authority at their meeting dated 5th December 2024.

4. Valuation Report: The independent property valuation report or financial assessment that specifically justifies the claim that future land sales will cover the Council's £2.25 million investment plus the £23 million infrastructure cost.

The Council holds the information requested, namely a preliminary valuation report which has been produced on behalf of the West Midlands Combined Authority and provided to the Council in confidence for the purposes of finalising the grant funding arrangement. Accordingly, the disclosure of the agreement is withheld from disclosure under Regulation 12(5)(e) of the Environmental Information Regulations 2004 for the reasons set out below.

Is the information commercial or industrial in nature?

The independent valuation report requested contains financial projections, land value assessments, development uplift assumptions, and commercially negotiated valuation methodologies. The preliminary valuation is therefore considered to be commercial in nature.

Is the information subject to confidentiality provided by law?

The Council considers the withheld information to be subject to a duty of confidence provided by common law. The information has been shared with the Council in circumstances creating a duty of confidence. The information contained within the Preliminary Valuation Report is not trivial as it includes valuation methodologies and assumptions regarding disposal values of land within the Gigapark development.

Is the confidentiality provided required to protect a legitimate economic interest?/Would confidentiality be adversely affected by disclosure?

The Council considers that the disclosure of the withheld information would have an adverse effect on the own economic interests of the JV parties. If the information requested was disclosed, that information could be used by potential purchasers during the conveyancing process to negotiate a tougher price. This in turn, would inhibit the JV parties ability to maximise profits.

Similarly, if the information requested was disclosed, prospective purchasers could use this information to negotiate and reduce the price of land. The Council considers that this would adversely affect its economic interests by impacting its ability to maximise profits and could result in financial loss to the Council and, by extension, the public purse.

Regulation 12(5)(e) is also subject to a public interest test if the exception is engaged. Please see

below.

Factors supporting disclosure

- General public interest in the disclosure of information to ensure transparency and visibility of public bodies being held to account regarding decisions made.
- That the Council is using public money effectively, and that the Council is getting value for money when making decisions and progressing joint venture projects.

Factors supporting withholding the information

- The central public interest in the information being withheld is the commercial prejudice which a disclosure of the information would cause the Council and its JV partner. Accordingly, the Council is of the view that the disclosure of the information would harm the interest of the parties and would cause commercial prejudice to their interest as it would highlight commercially sensitive financial information relating to their respective business.
- There is a strong public interest in the Council being able to obtain best value for money when disposing land. As the Council's commercial activities are still on going, we consider that the disclosure of the withheld information would give buyers an advantage during sale negotiations which could hurt public finances.

Balance of the public interest

The requested information was provided with an expectation that it would be treated as confidential and would not be disclosed to the world at large. There is therefore a strong public interest in maintaining the confidentiality of the information provided.

The Council is also of the view that Individuals should be able to share information with the Council in the expectation that this will be kept confidential. The Council considers that it is crucial for trust to be maintained by those who impart information in such circumstances, and that disclosure of information which is imparted in confidence may inhibit the full and frank disclosure to the Council of relevant information.

While there is clear public interest in transparency regarding large regeneration schemes, the Council is of the view that this is outweighed by the fact that the withheld information contains commercially sensitive information and releasing them would compromise the Council's (and its JV partner's) ability to secure fair market value in the interest of taxpayers.

Based on the above, the Council has therefore concluded that the public interest in the maintenance of the exception outweighs the public interest in disclosure.

5. Subsidy Control Assessment: The formal Subsidy Control Assessment (as required by the Subsidy Control Act 2022) conducted by Coventry City Council to ensure that the £23 million infrastructure investment does not constitute unlawful state aid to the private landowners (CAL/Rigby Group).

The Council does not hold the information requested.

A measure is only a “subsidy” if it satisfies all four limbs in section 2(1) of the Subsidy Control Act 2022, including that it “confers an economic advantage” on an enterprise. Section 3(2) provides that financial assistance is not to be treated as conferring an economic advantage unless the benefit is provided on terms “more favourable... than the terms that might reasonably have been expected to have been available on the market”.

The grant funding has been secured by the Council on behalf of the JV parties for the development of the Greenpower Park which facilitates the public objectives of the region.

The Council is the grant recipient and no grant funding has been or will be paid by the Council to CAL and/or the Rigby Group (or any other private landowner) in connection with this funding.

The funding is used by the Council to deliver specified infrastructure works and is paid by the Council to its supplier(s) in return for the delivery of those works.

On that basis, the Council’s position is that the arrangement does not constitute a subsidy to CAL/Rigby for the purposes of the Subsidy Control Act 2022.

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email icocasework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance