



Homes  
England

Date: 07/02/2020

Our Ref: RFI2883

Tel: 0300 1234 500

Email: [foi@homesengland.gov.uk](mailto:foi@homesengland.gov.uk)

Making homes happen

[REDACTED]  
[REDACTED]  
By Email Only

Windsor House  
Homes England – 6<sup>th</sup> Floor  
50 Victoria Street  
London  
SW1H 0TL

Dear [REDACTED],

**RE: Request for Information – RFI2883**

Thank you for your request for information, which was processed under the Freedom of Information Act 2000 (FOIA). For clarification, you requested the following information:

*My request relates to a strip of land that affects access from a housing development by David Wilson Homes at Doseley in Telford via a short road called The Bache through an adjacent housing development being undertaken by Bournville Village Trust at Lightmoor in Telford.*

*Homes England (previously HCA ) were in partnership with Bournville Village Trust (Joint Venture) and had ownership of this strip of land. The land was transferred to Bournville Village Trust in, I believe, early 2016.*

*I would like you to provide relevant information concerning:*

- 1. Ownership of the land prior to the transfer to Bournville Village Trust.*
- 2. Details of the conditions of the transfer such as valuation, costs, charges or planning conditions that were relevant.*

**Response**

We can confirm that we do hold recorded information that falls within the scope of your request. Please find attached Annex A.

Please note that information that does not fall within the scope of your request has been redacted. We have also redacted some information in this Annex under the following exemptions:

**Section 40 – Personal information**

We have redacted information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

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Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

#### Section 43 - Commercial interests

Under section 43(2) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party.

The information requested relating to financial information engages section 43(2) of the FOIA as it is commercial in nature and its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective operation of Land acquisition/sales.

Section 43 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether or not it is in the wider public interest for the information to be disclosed.

#### Arguments in favour of disclosure:

- Homes England acknowledges there is a general public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money.

#### Arguments in favour of withholding:

- Releasing the information would be likely to negatively impact relationships with future partners if information relating to financial agreements and negotiations were released to the public. This would result in a lack of trust from partners, which could result in a less competitive market or missed opportunities. This would not be in the public interest as it could result in poorer value for public money, or put potential development at risk;
- Releasing information relating to a third party's financial agreements and negotiations would severely impact trust in Homes England from these and future partners. There would be significant reputational, commercial and financial loss to Homes England and our partners as third parties could use the information to distort the market for their own gain; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.



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Having considered the arguments for and against disclosure of the information, we have concluded that at this time, the balance of the public interest favours non-disclosure.

The full text of in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

### **Right to Appeal**

If you are not happy with the information that has been provided or the way in which your request has been handled you may request an internal review by writing to;

The Information Access Team  
Homes England – 6<sup>th</sup> Floor  
Windsor House  
50 Victoria Street  
London  
SW1H 0TL

Or by email to [foi@homesengland.gov.uk](mailto:foi@homesengland.gov.uk)

You may also complain to the Information Commissioner however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

**Information Access Team**

For Homes England

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