



Date: 20/02/2020
Our Ref: RFI2892
Tel: 0300 1234 500
Email: infogov@homesengland.gov.uk

██████████
By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear ██████████,

RE: Request for Information – RFI2892

Thank you for your recent email, which was processed under the Environmental Information Regulations 2004 (EIR). You requested the following information:

I am carrying out a detailed unexploded ordnance risk assessment of a development site in Kent that includes part of the Lodge Hill development site on the Hoo Peninsula in Medway (Kent). This site was passed to Home England ownership by the MOD in early 2018. I have found Home England info online which states that:

Since becoming involved in the site, Homes England has instigated a complete review of the evidence base and associated technical analyses. This technical work is comprehensive covering, ground conditions and contamination (in particular unexploded ordnance - UXO).

I would like to see all technical work relating to UXO at this site please.

Response

We can confirm that we do hold recorded information that falls within the scope of your request. Please find attached to this response Annex A. Annex A has been divided into six parts due to file size.

Please note that we have redacted some information within Annex A under the following exceptions of the EIR:

Regulation 13(1) – Personal Information

We have redacted information on the grounds that it constitutes third party personal data and therefore engages regulation 13(1) of the EIR.

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.

Regulation 13(1) is an absolute exception 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 exception is engaged.



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The full text in the legislation can be found on the following link;
<https://www.legislation.gov.uk/uksi/2004/3391/regulation/13>

Regulation 12(5)(a) – Threat to Public Safety

We have redacted information on the grounds that release would adversely affect the safety of the public.

The information requested contains detailed maps, plans and co-ordinates of the location of potential UXO. This information engages Regulation 12(5)(a) of the EIR as Homes England has identified that the information requested, if released, would be likely to endanger the safety of the public.

Regulation 12(5)(a) 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 the impact of this on the environment.
- Homes England acknowledges that there is a general public interest in the site and it is in the interest of the public to be informed about potential dangers and UXO on accessible land.

Arguments in favour of withholding:

- The site contains land that is currently freely accessible to the public. Homes England acknowledges that there is a considerable 'market' for the public to buy and sell UXO. Homes England believes that disclosing maps and co-ordinates that detail the specific locations of potential UXO could encourage 'treasure seekers' to dig for UXO in these locations. Disturbing the ground in this way could put the safety of these individuals and the wider public at risk; and
- Homes England has been unable to identify a wider public interest in disclosing the specific locations of potential UXO's found at the site.

Having considered the arguments for and against disclosure of the information, given the very high risk to the safety of individuals, 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/uksi/2004/3391/regulation/12>

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;



Homes
England

Making homes happen

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The Information Access Team
Homes England – 6th Floor
Windsor House
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Or by email to infogov@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,
The Information Governance Team
For Homes England

OFFICIAL