

Date: 08/03/19
Our Ref: RFI2619
Your Ref: FOI Request – Great Glen, Leicestershire
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

[REDACTED]
By Email Only

Windsor House
50 Victoria Street
London
SW1H 0TL

Dear [REDACTED]

RE: Request for Information – RFI2619

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

Under the Freedom of Information Act 2000 will you demonstrate, please, what arrangement there is between Homes England and David Wilson Homes to connect into Chestnut Drive from the proposed development site.

Response

We are able to inform you that we do hold the information that you have requested. However, we rely on section 21, exemption where information is accessible to applicant by other means under the FOIA.

The full text of the legislation can be found on the following link and we have quoted the section below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

Section 21 - Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1):

- (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
- (b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Advice and Assistance

In compliance with the Section 45 Code of Practice and to offer advice and assistance under section 16 of the Freedom of Information Act 2000 we are able to confirm that there is provision within a Transfer dated 7th January 1999 between the Secretary of State for Health and David Wilson Homes which allows for access to be achieved from Chestnut Drive into the proposed development site.

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The Transfer is readily available to the public via request to the land registry for a small fee. Details on how to obtain an official copy (such as a Transfer) can be found via the following link.

<https://www.gov.uk/get-information-about-property-and-land/copies-of-deeds>

The title number for this matter is LT380956.

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
Windsor House
50 Victoria Street
London
SW1H 0TL

Or via email 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