

Date: 14/03/19
Our Ref: RFI2635
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 – RFI2635

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

- 1. Please send me the recorded information held by Homes England, that details the valuation of the land on which the proposed development is to take place.*
- 2. Please send me the recorded information held by Homes England, that details the agreement between Homes England and Leicester Grammar School with particular reference to onward sale of the land which Leicester Grammar School propose to develop. My request pays particular attention to Best Value for the tax payer and is the reason for the request.*
- 3. Please send me the recorded information held by Homes England which will demonstrate that you, Homes England, have market tested the value of this land and obtained Best Value for the tax payer. This request is, of course, made on the assumption that this land has not just been given a current market value on which this hybrid application is being made. Great Glen is a highly sought after village and developers are keen to purchase land here.*
- 4. Please send me the recorded information, held by Homes England, that details the arrangements between Homes England and David Wilson Homes with regard to access from the site in the two places shown in the proposed plans. I am aware that Chestnut Drive is an adopted road owned, Title Absolute, by David Wilson Homes. I am also aware that there is case law precedent. Homes England's proposals state that access to the extra care housing units will be from Chestnut Drive. This, therefore, implies that Homes England, who are delivering the extra care housing, will be in negotiation with David Wilson Homes to secure access onto Chestnut Drive from the site. Please include in your recorded information details how the cost of the second access onto Chestnut Drive, from the proposed Leicester Grammar School car will be met. As a government agency my expectation is that Homes England will be fully conversant with the arrangements needed to be made with David Wilson Homes and that this will be built into the costings and onward sale of this proposed hybrid development. I ask for this information with particular reference to Best Value for the tax payer.*

Response

We are able to confirm that we do hold information that falls within the scope of your request. We will address each of your points in turn.

- 1. Please send me the recorded information held by Homes England, that details the valuation of the land on which the proposed development is to take place.*

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Section 43 - Commercial interests

The information requested engages section 43(2) of the FOIA as its release would be likely to, prejudice the commercial interests of the Agency and a third party.

Section 43 is a qualified exemption. This means that in order to withhold information under this exemption, we must consider the public interest in disclosure.

Public Interest Test – Factors in favour of disclosure

Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work.

Public Interest Test – Factors in favour of non-disclosure

Homes England believes that it should not disclose information held which is a draft valuation report.

The information held is in draft format, received from a professional external Valuer who was procured to conduct the valuation. The Agency, at this moment in time, considers the information held to be commercially sensitive and to disclose would be likely to prejudice the commercial interests of the Agency and of the third party involved.

To disclose a copy of the draft valuation would be likely to prejudice ongoing and future commercial and contractual obligations between the Agency and the third party concerned. This would prejudice the ability of Homes England to effectively manage the requirements and negotiations of this matter which would not be an effective use of public money.

It is also our view that disclosure of the draft valuation could be detrimental concerning future requests of a similar nature, if the wider public is provided with information that could be used to exploit for profit or other gain.

After careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure of the draft valuation report.

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

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

- Please send me the recorded information held by Homes England, that details the agreement between Homes England and Leicester Grammar School with particular reference to onward sale of the land which Leicester Grammar School propose to develop. My request pays particular attention to Best Value for the tax payer and is the reason for the request.*

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Public Interest Test – Factors in favour of disclosure

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Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work.

Public Interest Test – Factors in favour of non-disclosure

Homes England believes that it should not disclose information held which is a draft contract for sale.

The information held is in draft format and is currently being produced by legal professionals. The draft contract that is held is subject to amendments. The Agency, at this moment in time, considers the information held to be commercially sensitive and to disclose would be likely to prejudice the commercial interests of the Agency and of the third party involved.

To disclose a copy of the draft contract would be likely to prejudice ongoing and future contractual obligations between the Agency and the third party concerned. This would prejudice the ability of Homes England to effectively manage the requirements and negotiations of this matter which would not be an effective use of public money.

It is also our view that disclosure of the draft contract could be detrimental concerning future requests of a similar nature, if the wider public is provided with information that could be used to exploit for profit or other gain.

After careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure of the draft contract for sale.

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

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

- Please send me the recorded information held by Homes England which will demonstrate that you, Homes England, have market tested the value of this land and obtained Best Value for the tax payer. This request is, of course, made on the assumption that this land has not just been given a current market value on which this hybrid application is being made. Great Glen is a highly sought after village and developers are keen to purchase land here.*

Section 43 - Commercial interests

The information requested engages section 43(2) of the FOIA as its release would be likely to, prejudice the commercial interests of the Agency and a third party.

Section 43 is a qualified exemption. This means that in order to withhold information under this exemption, we must consider the public interest in disclosure.

The recorded information held is the draft valuation report. We rely on the public interest test as detailed in our response to question one (above) and after careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure of the draft valuation report.

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 and Section 45 of the FOIA. To comply with this duty we are able to confirm that once this matter has concluded under legal obligation of the Land

Registration Act 2002 there will be a requirement to make available to the public any transfer of sale which will include the purchase price and requirements of the sale.

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4. *Please send me the recorded information, held by Homes England, that details the arrangements between Homes England and David Wilson Homes with regard to access from the site in the two places shown in the proposed plans. I am aware that Chestnut Drive is an adopted road owned, Title Absolute, by David Wilson Homes. I am also aware that there is case law precedent. Homes England's proposals state that access to the extra care housing units will be from Chestnut Drive. This, therefore, implies that Homes England, who are delivering the extra care housing, will be in negotiation with David Wilson Homes to secure access onto Chestnut Drive from the site. Please include in your recorded information details how the cost of the second access onto Chestnut Drive, from the proposed Leicester Grammar School car will be met. As a government agency my expectation is that Homes England will be fully conversant with the arrangements needed to be made with David Wilson Homes and that this will be built into the costings and onward sale of this proposed hybrid development. I ask for this information with particular reference to Best Value for the tax payer.*

Section 21 - Information accessible to applicant by other means

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>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 and Section 45 of the FOIA. To comply with this duty 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.

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.

We can confirm that the cost of the access from Chestnut Drive to serve the proposed Leicester Grammar School car park will be met by Leicester Grammar School.

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

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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.