

Date: 12/06/2019
Our Ref: RFI2700
Your Ref: FOI Request – Sites A and B at Ifield Crawley
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

██████████
By Email Only

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

Dear ██████████,

RE: Request for Information – RFI2700

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:

I would like to request a copy of all documents, redacted as/if necessary, which refer to sites A and B at Ifield, near Crawley.

If you calculate that this would take longer than the amount of time you are obliged to spend on my request, please can I just have a copy of all maps and images of sites A and B at Ifield near Crawley, and their respective proposed developments.

Response

Section 43 - Commercial interests

The information requested relating to this site engages section 43(2) of the FOIA as its release would be likely to, prejudice the commercial interests of the Agency.

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 relating to these sites as they are part of ongoing negotiations.

At this moment in time, Homes England 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 parties involved.

The land at Sites A and B at Ifield, Crawley is currently part of a proposed Local Plan between Homes England and two local district councils. The Local Plan is currently being reviewed by these councils. Releasing working information ahead of the completed Local Plan process could prejudice the district council's statutory role as local authority and disrupt ongoing and future relationships between Homes England and these councils. The Local Plan for this site must also be considered alongside other potential strategic sites that are being put forward to be considered and therefore release of an ongoing Local Plan could also have detrimental effects on Homes England's relationships with other councils.

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To disclose this information would be likely to prejudice ongoing and future commercial and contractual obligations between the Agency and the third parties 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.

Some of the information held to date is based on very high level of initial due diligence and early promotion of a potential development opportunity which is not yet allocated in a Local Plan document. Homes England are currently working with the local councils involved to respond to changes in the plan as they arise in order to maximise the chances of the council securing allocation in the next Local Plan. Releasing any information to the wider public at this stage would undermine both Homes England and the local council's positions and ability to deliver our objectives at these sites.

A significant amount of the land at sites A and B Ifield are not yet in Homes England's control. We believe that disclosure of preliminary information at this stage would impact on the commercial interest of Homes England as part of any future negotiations with affected landowners. Sharing information on land outside of Homes England's ownership could give commercial advantage to stakeholders or other parties and therefore put Homes England at a commercial disadvantage. This could negatively affect the public purse and would not be an effective use of public funding.

Release of information relating to ongoing negotiations to the wider public could give a commercial advantage to speculative third party promoters looking to establish land interests in the area.

Releasing information relating to the Local Plan process could be detrimental concerning future requests of a similar nature, if the wider public is provided with information that could be used to exploit the process for profit or other gain.

Therefore after careful consideration we have concluded that at this time, the balance of the public interest favours the 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 – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Or by email to 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.

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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