

Date: 12/07/2019  
Our Ref: RFI2705  
Your Ref: FOI Request – Bewsey Farm Close  
Tel: 0300 1234 500  
Email: [foi@homesengland.gov.uk](mailto:foi@homesengland.gov.uk)



Homes  
England

██████████  
By Email Only

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

Dear ██████████,

**RE: Request for Information – RFI2705**

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

*I am requesting information on the disposal of the land in Warrington that included Bewsey Old Hall. The land was sold to Urban Splash for development over ten years ago.*

*The title documents are registered with the land registry. I am seeking any correspondence or other material which indicates that the land includes paths which are public footpaths, or other rights of way. The present owners have blocked a well-used path from Bewsey Farm Close going north with the maze to the east.*

**Response**

We are able to inform you that we do hold the information that you have requested. However, to comply with your request would exceed the appropriate limit for the cost of compliance. We therefore rely on section 12, exemption where the cost of compliance exceeds the appropriate limit under the FOIA.

The full text of the legislation can be found on the following link and we have quoted section 12 below for ease.

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

**Section 12 - Exemption where cost of compliance exceeds appropriate limit**

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Minister for the Cabinet Office may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority:

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

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(5) The Minister for the Cabinet Office may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

We have considered the current wording of your request and in its current scope we have determined that to establish where all elements of the information is held, to locate the information, retrieving the information and extracting the information would exceed the appropriate limit in terms of timeframes.

Under the terms of the Act we are not obliged to provide any information compiled in the course of our searches prior to concluding section 12 is engaged.

### **Advice and Assistance**

In compliance with the Section 45 Code of Practice (Paragraph 14) and to offer advice and assistance under section 16 of the Freedom of Information Act 2000, you may wish to consider narrowing the scope of your request. This could be narrowed by limiting the time frame of the information requested, for example, a period of years prior to the transfer date of the Bewsey Old Hall Farm Site from Homes England to Urban Splash.

Please note that due to the broad scope of your request we cannot confirm that any further request would not also exceed the section 12 cost limit at this time.

### **Discretionary Disclosure**

We are able to provide the following information in relation to your request as a Discretionary Disclosure outside of the act.

The disposal of the land in question took place in June 2011.

#### **Regarding the land including paths that are public footpaths or other rights of way:**

We have checked the Council's planning portal which does not show any public footpaths that have been plotted that bisect the site. The Land Registry plans for the site show that there is a road path/footpath that crosses through the site but Homes England cannot comment further on the status of this route. We suggest you raise this with the Council as the relevant highway/planning authority.

#### **Regarding "the present owners have blocked a well-used path from Bewsey Farm Close going north with the maze to the east":**

The project manager for this site has spoken to Urban Splash to understand the reasons for blocking up the path. Urban Splash have confirmed to Homes England that this has been done on a temporary basis to allow construction works. Both the Council and the Woodland Trust amongst others were consulted in advance of this. The closure of the path was to maintain the Health and Safety of the public during the construction works.

Urban Splash have confirmed that the route will be opened up after construction and reinstated to its pre-existing condition prior to the temporary closure.

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### **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