

Date: 09/09/19
Our Ref: RFI2762
Your Ref: FOI Request – Traffic Monitoring Data
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 – RFI2762

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 understand that you have recently announced plans to build 10,000 new homes on land to the west of Ifield in Crawley. This is now open to public consultation.

In order that I can respond to this consultation can you please supply me with the data that you gathered from the road traffic monitoring exercise that you undertook along Ifield Green and Rusper Road referred to below.

Please note that I am making this request under the Freedom of Information Act and I look forward to your early response.

Response

Section 43 - Commercial interests

Under section 43(2) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party.

The information requested relating to the traffic monitoring exercise engages section 43(2) of the FOIA, as its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the development.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective consideration and implementation of the Local Plan for Horsham. The land at Ifield referred to in the request is proposed to be promoted by Homes England through the Horsham Local Plan review. This process is still ongoing and the Local Plan will be considered alongside other potential strategic sites. This is run as part of a competitive process and is directly linked to the commercial interests of all parties involved.

The requested information forms part of early promotion of a potential development opportunity which has not yet been finalised into a Local Plan document. The information forms part of high level initial due diligence. If this information were in the public domain Homes England would not be able to respond to changes in the (currently in progress) Local Plans for both Horsham District Council and Crawley Borough Councils, helping these councils maximise the chances of securing allocations in the next Local Plan.

A significant amount of the land at Ifield which falls within the proposed Local Plan is not in Homes England Control. Publicly sharing initial and non-final information at this stage would impact upon the commercial interests of Homes England as part of any future negotiations with affected landowners. A premature release of information into

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the public domain could present a commercial advantage to speculative third party promoters looking to establish land interests in the area.

Section 43 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.

Public Interest Test – Factors 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 how it spends public money.

Public Interest Test – Factors in favour of non-disclosure

- Homes England have to support our relationships with councils in order to achieve best value for public money and best possible delivery of Homes. Releasing working information ahead of the proper Local Plan process could prejudice Horsham District Council's statutory role as a local authority;
- Releasing information at this stage prior to this information being in the public domain would undermine Homes England's position and ability to deliver against its objectives and targets in our Strategic Plan;
- Sharing of information on land outside of Homes England control could give commercial advantage to landowners and therefore put Homes England at risk of State Aid;
- Releasing the information would be likely to negatively impact future Local Plan processes and proposals as interested parties may feel unable to provide all the relevant information necessary for fear of disclosure, which would impact the ability of Government officials to make effective, informed decisions;
- Homes England support transparency and engagement with local residents and endeavour to share as much information as possible, and will be carrying out several public consultation events in Autumn 2019 and beyond regarding development at Ifield;
- Homes England will be sharing and gathering information on the development of the preferred approach and the final scheme as part of the public consultation events for the site;
- Information surrounding this matter will be shared as it is developed at these consultations and will also be posted online once any commercial sensitivities have been resolved; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

Having considered the arguments for and against disclosure of the information, 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
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50 Victoria Street

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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.

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