

Date: 17/10/2019  
Our Ref: RFI2791  
Your Ref: FOI Request – Chalgrove Heritage  
Tel: 0300 1234 500  
Email: 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 – RFI2791**

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 writing on behalf of the Battlefields Trust, a national charity dedicated to the preservation, research and presentation of battlefields as educational and historical resources (see [www.battlefieldstrust.com](http://www.battlefieldstrust.com) for more details).*

*The Trust is aware of a recent purchase of two lots of land in the vicinity of Chalgrove airfield. Your own publicity (see [https://www.chalgroveairfield.com/en/news\\_and\\_events.php](https://www.chalgroveairfield.com/en/news_and_events.php)) seems to suggest that the purpose of this is to improve road links for the proposed development at Chalgrove airfield.*

*You may or may not be aware that part of the land purchased covers the nationally important registered battlefield at Chalgrove (1643).*

*Given this, the Battlefields Trust would welcome confirmation that the importance of the battlefield as a heritage asset has been recognised by Homes England in developing its plans for the recently purchased land.*

*Separately, under the Freedom of Information Act (2000) I would be grateful if you could provide any documentation you hold relating to the purchase of land around Chalgrove airfield and plans for its use which considers heritage issues relating to the battlefield of Chalgrove.*

**Response**

We can confirm that we do hold recorded information that falls within the scope of your request.

We have provided as Annex A the following documents, which relate to the purchase of the land around Chalgrove airfield and plans for its use:

- Redline Plan
- Land to the north of Chalgrove Airfield Plan
- Plan identifying the Registered battlefield area

I can confirm that Homes England also holds further information that falls within the scope of your request, however in this case we are withholding the information under section 43(2).

**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.

OFFICIAL

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The information requested relating to the Chalgrove land engages section 43(2) of the FOIA as it is commercial in nature and its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective development proposals at this site.

The information relates to the purchase of land that is currently ancillary to the development proposed at this site. However, release of this information before the planning process is complete for the adjacent land could adversely affect the planning for the proposed development.

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.

Arguments 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.
- Homes England acknowledges that there is a public interest as the land is a registered battlefield site and heritage asset.

Arguments in favour of withholding:

- The consequences of releasing data that is part of a wider ongoing planning application could damage our relationships with partners and put potential planning allocations at risk. This would not be in the public interest as this could put potential homes in jeopardy;
- Homes England have to support our relationships with councils and partners in order to achieve best value for public money and best possible delivery of Homes. Releasing working information ahead of the proper planning process could prejudice the Council's statutory role as a local authority and jeopardise relationships with our partners;
- 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;
- Releasing the information would be likely to negatively impact future planning 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 regarding development at Chalgrove as it progresses; 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 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>

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### **Advice and Assistance**

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. As such, we provide the following statement in relation to the question contained within your request:

#### **Discretionary Disclosure outside of the FOIA**

Homes England has purchased 467.32 acres (189 hectares) of land to the north of Chalgrove Airfield. Homes England believe the recently purchased land would provide flexibility for the high quality housing and employment uses identified in our masterplan, if required. This supports our plans for a new sustainable 21<sup>st</sup> century market town.

If it can be demonstrated that additional flexibility is required in how we bring forward our proposals on the Chalgrove Airfield site we will consider in detail how best to achieve this. Should this require the land to the north to be developed on, we fully recognise the importance of the Registered Battlefield (Chalgrove 1643) as a designated heritage asset and will ensure that any proposals are developed in accordance with the requirements of national and local planning policies.

Should the land be identified as necessary to support development at Chalgrove Airfield, then Homes England will undertake further public consultation on its plans.

### **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