

Date: 25/11/19  
Our Ref: RFI2797  
Your Ref: FOI Request – Planning Application  
Tel: 0300 1234 500  
Email: foi@homesengland.gov.uk



Homes  
England

[REDACTED]  
By Email Only

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

Dear [REDACTED]

**RE: Request for Information – RFI2797**

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:

*Under the FOI Act I request the following documents in relation to the Planning Application: 19/00325/FUL Made By Galliford Try and Homes England*

- 1. The bid requirements and development brief for the site.*
- 2. Submitted schemes for each bid.*
- 3. Assessment of each bid.*

*Also the Homes England policy on affordable housing clustering*

**Response**

I can confirm that Homes England holds some of the information requested. Please find enclosed to this response Annex A which is the bid requirements and development brief for the site which answer point one of your request. We are however withholding information held for points two and three of your request under section 43(2). Furthermore, we can confirm that Homes England does not have a specific policy on affordable housing clustering.

**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 submitted schemes for each of the bids and assessments of each bid 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 operation of the procurement process.

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.

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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.

Arguments in favour of withholding:

- *Releasing information that forms part of a competitive process would be likely to compromise future bidding processes;*
- *Releasing the information could reveal financial information of the bidders which may in turn affect their commercial interests;*
- *Releasing information in relation to one party in a competitive market would be likely to distort competition, making it a less competitive process, which would not be in the public interest; and*
- *Releasing the information would be likely to negatively impact future competitive bidding processes as interested parties may feel unable to provide all the information requested for fear of disclosure, which would impact the ability of Government officials and ministers to make effective, informed decisions.*

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>

**Advice and Assistance**

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

**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

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<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