



Homes
England

Date: 24/12/2019

Our Ref: RFI2866

Tel: 0300 1234 500

Email: foi@homesengland.gov.uk

Making homes happen

████████████████████
████████████████████
By Email Only

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

Dear ██████████,

RE: Request for Information – RFI2866

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

My request relates to a strip of land - a ransom strip - that prevents access from a housing development by David Wilson Homes at Doseley in Telford via a short road called The Bache through an adjacent housing development being undertaken by Bournville Village Trust at Lightmoor in Telford.

Homes England (previously HCA) were in partnership with Bournville Village Trust (Joint Venture) and had ownership of this land. The land was transferred to Bournville Village Trust in, I believe, early 2016. Telford & Wrekin Council would have an interest in this as they had imposed a planning condition on David Wilson Homes that required a second access for their development and The Bache would have been the only option available to meet this condition.

I would like you to provide all and any documentation that you possess that relates to:

- 1. Ownership of the land prior to the transfer to Bournville Village Trust.*
- 2. Ownership of the land following the transfer, including evidence of legal ownership.*
- 3. Details of the conditions of the transfer, any valuation, costs, charges or planning conditions that were relevant.*
- 4. Details of payment, if any was made, by BVT to HCA/Homes England for the land*
- 5. Details of any involvement by Telford & Wrekin with the transfer of the land, either in favour or against the transaction.*
- 6. Details of any notification to or involvement of David Wilson Homes in the transaction/transfer.*
- 7. Any further documentation that you consider to be relevant to the circumstances that I have described at the beginning of this email.*

Response

We are able to inform you that we do hold information that falls within the scope of your request. 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>

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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.

(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 to narrow the timeframe of information requested, or request correspondence/information between certain parties only.

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.

We would also advise you that information relating to your request may be publicly available from Land Registry.



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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 – 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.

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

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