



Homes
England

Date: 08/01/2020

Our Ref: RFI2848

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 – RFI2848

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:

Background

Homes England purchased the old airfield at Lympne Kent for £7.5 million plus VAT of £1.5 million on the 21.03.2018, according to land registry data. The land forms part of the Otterpool Park Development. As such Homes England (HE) have been in communications with Folkestone & Hythe District Council (FHDC) about the development of the site.

The Request

Please provide me with any information on

- *Communications to include emails and meeting dates (if any) between HE and FHDC. This is to include any reports, minutes, notes for the period 25th May 2018 to present.*
- *A summary of any costs involved for the build out of the site*

Response

We can confirm that we do hold information that falls within the scope of your request. We will address each of your points in turn.

- 1. Communications to include emails and meeting dates (if any) between HE and FHDC. This is to include any reports, minutes, notes for the period 25th May 2018 to present.***

Please find attached Annex A. We have redacted some of the information contained within under the following FOIA exemptions:

Section 40 – Personal information

We have redacted information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

OFFICIAL



Date: 08/01/2020

Our Ref: RFI2848

Tel: 0300 1234 500

Email: foi@homesengland.gov.uk

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

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 Otterpool Park Development 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 delivery of homes at this site.

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.

Arguments in favour of withholding:

- 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 proposed acquisition and development process could prejudice Folkestone & Hythe 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;
- Disclosure would adversely affect the relationship between Homes England and current and potential partners. There would be significant reputational, commercial and financial loss to Homes England and our partners as third parties could use the information to distort the market for their own gain; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.



Homes
England

Making homes happen

Date: 08/01/2020

Our Ref: RFI2848

Tel: 0300 1234 500

Email: foi@homesengland.gov.uk

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>

2. A summary of any costs involved for the build out of the site

We can confirm that we do not hold information relating to this part of your request.

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty we are able to confirm that there is currently no build out on site.

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

OFFICIAL