



Homes
England

Date: 18/03/2020
Our Ref: RFI2925
Tel: 0300 1234 500
Email: infogov@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 – RFI2925

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 Homes England have approached a number of property owners in the Redditch and Bromsgrove areas of Worcestershire regarding land previously owned by the former Redditch Development Corporation/Commission For The New Towns and transferred to the Homes and Communities Agency.

With reference to your attachment 'Annexe A' as previously supplied, please would you provide a list of all of the corresponding Land Registry title numbers where this approach has been made.

For the avoidance of doubt or misunderstanding, I do not require any additional (owner-specific) details whose direct disclosure by Homes & Communities Agency and/or Homes England would otherwise be prohibited under GDPR legislation.

This was in relation to information provided in response to a previous request (RFI2721):

I am seeking detailed information concerning the transfer of land parcels between Redditch Development Corporation (RDC) and / or The Commission for The New Towns (CNT) to either or both of Homes & Communities Association (HCA) / Homes England (HE), such transfers relating to residual plots / parcels of land left over from the construction of the Redditch New Town and surrounding housing areas during the late '70s – early '80s.

I have been advised by Redditch Borough Council that “... any records associated with disposal of land previously associated with the Redditch Development Corporation, were transferred to Homes England, formerly Homes & Communities Agency. However, you may be able to find information from Land Registry”.

Insofar as Land Registry records rely on Title Plan reference numbers, I would be grateful if you could provide Title Plan numbers in respect of all land transferred to HCAE/HE lying within the areas for which Redditch Borough Council (RBC) and Bromsgrove District Council (BDC) are the relevant local authorities.

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Response

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

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 ongoing negotiations 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 third party land owners of adjacent land and their ability to negotiate effectively in relation to any prospective purchases.

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 engages with the public.

Arguments in favour of withholding:

- Releasing the requested information would prejudice the ability to have effective and impartial negotiations between Homes England, adjacent landowners and potential purchasers of the affected land. There is a risk that individual members of the public would be contacted by other parties if Homes England were to release this information, which would cause Homes England to suffer reputational damage and damage public perception of the agency;
- Adjacent landowners or potential purchasers may be put under pressure by third parties and have their negotiating position or sale put at risk if Homes England were to release the information. While we acknowledge that neighbours and potential purchasers may want to communicate amongst themselves regarding potential purchases, this should be at their own discretion and choice. Providing or indicating to ongoing negotiated sales that the agency is involved in may provide information that the purchaser would not want any other party to be made aware of;
- The purpose of approaching the affected/adjacent land owners is to allow them the opportunity to regularise their titles. Homes England have been approached by affected land owners who have faced issues in selling their land/properties. In contacting the affected parties, Homes England are taking a pro-active approach to allowing landowners who may be affected the opportunity to regularise/formalise their titles in advance of any issues that may occur if they wish to sell their property in the future. It would therefore not be in the public interest to put these sales at risk. Any completed sales will be published on land registry once the transaction is complete; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.



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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>

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

Or by email to infogov@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,

The Information Governance Team
For Homes England

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