



Homes
England

Date: 01/04/2020

Our Ref: RFI2945

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 – RFI2945

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

In relation to 30 Huntingdon Crescent, title number BM2020558:

I would while writing ask you to provide a schedule (I have asked a number of times before) of what trees, hedgerows and shrubs were planted by The Commission for New Homes or were in place on the property when it was sold by the Commission in 1994.

There is a contract dated 25th November 1994 that states in paragraph 5:-

“Not to cut down lop or top any of the timber or other trees hedgerows or shrubs on the property without the consent in writing of the commission which if granted may be subject to such conditions as the Commission may think”.

What schedule of timber, trees, hedgerows and shrubs did this paragraph cover?

What provisions were made for timber, trees, hedgerows and shrubs planted by future owners of the property did they also come under this paragraph?

What evidence do you have that these trees come under the remit of Homes England. Do you have an original schedule? Are these the original trees that form part of paragraph 5 of the 1994 contract?

Please provide the evidence.

Response

We can confirm that we do hold some information that falls within the scope of your request. This is detailed as follows:

- Authorisation for Development:
Provided attached to this response as Annex A

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- Deed packet containing the Transfer dated 25 November 1994:

21 - Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

The full text of the legislation can be found on the following link and we have quoted section 21 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

We can confirm that this information is available at Land Registry.

- Schedule of planting:

We can confirm that Homes England does not hold the information requested.

In order to conclude that the information is not held, we have searched with our Deeds and Records Management team who would have the requested information if held.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. Further to the information provided in Annex A, and that which is available at Land Registry, Homes England can confirm that there may be further information that was held in the past but destroyed in line with our retention schedule.

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;



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Windsor House
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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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COMMISSION FOR THE NEW TOWNS

File No PL/MK/04

Section 7 of the New Towns Act 1981 and the Town and Country Planning (New Towns) Special Development Order 1977 as amended by the Town and Country Planning (New Towns) Special Development (Amendment) Order 1985.

AUTHORISATION FOR DEVELOPMENT

Site: PLOT 40 HUNTINGDON CRESCENT, CHEPSTOW DRIVE, MILTON KEYNES.

Developer: MR A ROUSE

1. On the 28 January 1985, the Secretary of State for the Environment gave his written approval under Section 7(1) of the New Towns Act 1981 for the development of land belonging to Milton Keynes Development Corporation at Chepstow Drive, Milton Keynes, for residential development.
2. The Commission for the New Towns is the successor authority to the Development Corporation and was the owner of the land when this Authorisation was issued.
3. The Developer has submitted to the Commission for the New Towns proposals for residential development at Plot 40 Huntingdon Crescent, Chepstow Drive, as shown on the drawing numbered:

T390/1B PLANNING DRAWING

4. The Commission has approved such proposals and **HEREBY CERTIFIES** that the development in accordance with the drawing referred to in 3 above is permitted development under the Town and Country Planning (New Towns) Special Development Order 1977 as amended by Town and Country Planning (New Towns) Special Development (Amendment) Order 1985, subject to the following:-

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation - in interests of local amenity.

5. No other form of permission, approval or authorisation shall be deemed to be given by this notice.

Signed.....

Dated.....16.11.94.....

Director Central: John Napleton C Eng.,FICE
Commission for the New Towns (Land)
Saxon Court 502 Avebury Boulevard
Central Milton Keynes.
MK9 3HS

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