



Homes
England

Date: 01/04/2020

Our Ref: RFI2957

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 – RFI2957

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

- 1. Has Homes England, MHCLG or the Government stipulated that the contents of, or the documents making up Wiltshire Council's HIF bid for Chippenham Urban Expansion are confidential, or 'commercial in confidence'?*
- 2. Is there any agreement between Homes England, MHCLG or the Government, on the one hand, and Wiltshire Council on the other, that makes Wiltshire Council unable to share the HIF bid or any of its contents with a member of the public?*

For clarification, where I refer to the HIF bid contents or documents, I do not refer to its Appendices.

- 3. If there is any such stipulation or agreement, please may I see the documentary evidence of it, such as a memo, letter, email or exchange of the same, a note of an oral agreement or meeting, or a contract?*
- 4. Please may I receive the same information for the Wiltshire Council HIF bid known as Ashton Park Urban Extension, Yarnbrook-West Ashton Relief Road or similar?*

Response

I am able to confirm that Homes England does not hold the information detailed in your request. This is because there is no legal or business reason for Homes England to do so.

In order to conclude that the information is not held, we have searched with our Housing Infrastructure 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>

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Advice and Assistance

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 no 'official agreement' between the parties detailing that the information is commercially sensitive.

However, all information held by public authorities and subject to release under the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004 (EIR) may be withheld from disclosure where an applicable exemption/exception applies. Certain exemptions are absolute and others are subject to a public interest test. The public interest test weighs the arguments for and against disclosure. Information may be withheld under an applicable exemption if it is considered that the balance of the public interest favours withholding the information.

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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