



Homes
England

Date: 2 March 2021

Our Ref: RFI3316

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 – RFI3316

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

I believe that a few years ago a loan of £8.3 million was made to the Lindhurst Group – helping to fund the development of land to the South of Mansfield, Nottinghamshire. Nottinghamshire CC are a member of the Lindhurst Group. From memory, the loan had a repayment date of March 2021?

At your total convenience could you update me with where this loan stands and whether any delay has been agreed? It was with the then Homes and Communities Agency

Response

Current Status of the Loan:

We can confirm that we do hold the requested information, however we are withholding this information from disclosure under the following exemption:

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 current statement of the loan 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 Local Infrastructure Fund.

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.

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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; and
- Homes England acknowledges there may be general interest in the repayments and drawdowns of Local Infrastructure Fund Loans.

Arguments in favour of withholding:

- To release the amount currently drawn-down and repaid would reveal project milestones and confidential information in relation to the progress of the scheme. This would not be in the public interest as if third parties were aware of the amount left to be drawn-down it would be likely to negatively affect the provider's ability to procure future services from contractors that reflected best value for money;
- Disclosure would result in the third party's negotiating position for funding being adversely affected. If other potential or confirmed sources of funding became aware of conditions and status of Homes England funding it could result in Homes England having to pay a higher loan than would have otherwise be the case. This would result in greater cost to the public purse which would not be in the public interest; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

We would advise that once development has been completed and the full funding amount 'drawn-down' this information may no longer be sensitive.

Delay:

We can confirm that we do hold the requested information. We can advise that an extension has been agreed.

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. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

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

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.



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Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) 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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