



Homes
England

Date: 21 September 2021

Our Ref: RFI3582

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

██████████
By Email Only

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

Dear ██████████

RE: Request for Information – RFI3582

Thank you for your recent email, which was processed under the Environmental Information Regulations 2004 (EIR).

You requested the following information:

Within the BBSRC Annual Report and Accounts 2015-2016, Houghton Grange and Wrest Park were identified as qualifying to be transferred to HCA under the model for transfer of sites to the HCA, within the financial framework agreed with the Treasury and were valued for reclassification accordingly. Consequently an individual valuation does exist somewhere within the organisation and even if the eventual transfer of Houghton Grange to Homes England is within a bundle of assets that were transferred, at the very least I would have expected you to share which sites were included in the transfer and the total sum paid.

More worryingly as a taxpayer myself is that given you are in the process of selling these sites individually, it would appear that not even a notional 'book value' has not been established for this site for the public accounts against which a return can be measured.

In discussions we have had with Homes England employees managing the process of obtaining outline planning permission for the phase II Houghton Grange field site, it is clear to us that a value has been established internally for this site and is known to them. In our discussions managers have openly stated that when selling on the site, they must recover this sum at the very least. It is this figure that we are seeking.

Response

We can confirm that we do hold the requested information.

The information that we hold that falls within the scope of your request is the valuation report for the Houghton Grange Site, dated September 2016. We are withholding this document from disclosure under the following exception:

OFFICIAL



Date: 21 September 2021

Our Ref: RFI3582

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Regulation 12(5)(e) – Confidentiality of commercial or industrial information

Under regulation 12(5)(e) of the EIR, Homes England may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

Four elements are required for Regulation 12(5)(e) to be engaged:

- 1) The information is commercial or industrial in nature;
The information details a value attributed to land that is due to be marketed by Homes England. Therefore it is commercial in nature as it relates to commercial activity.
- 2) Confidentiality is provided by law;
The withheld information is subject to confidentiality provided by law under a common law duty of confidence. The information has a common law duty of confidence because it is not trivial and not in the public domain. The information was created by two parties who have entered into contractually binding confidentially terms. These show that the parties had the intention that a duty of confidentiality would be created between them. Homes England therefore recognises that this information was intended to be held in confidence between the parties.
- 3) The confidentiality is providing a legitimate economic interest;
The site was transferred to Homes England as part of a statutory transfer order where Homes England were in receipt of funds for the land parcels transferred. If the confidentiality of this information was breached it would harm the ability of Homes England to achieve value for public money when the site is marketed on the open market. There is a legitimate economic interest in protecting the ability of Homes England to recoup public money spent.
- 4) The confidentiality would be adversely affected by disclosure;
Disclosure would result in third parties gaining access to commercially valuable information. Disclosure of the confidential information would harm the ability of Homes England to achieve good value for public money.

Public Interest Test

Regulation 12(5)(e) is subject to the public interest test. Once the exception has been engaged it is then necessary to consider the balance of the public interest in maintaining the exception or disclosing the information.

Under regulation 12(2) the public authority must apply a presumption in favour of disclosure, in both engaging the exception and carrying out the public interest test. In relation to engaging the exception, this means that there must be clear evidence that disclosure would have the adverse effect listed in 12(5).

Factors in favour of disclosure

- Homes England acknowledge that there is a presumption in disclosure regarding environmental information as well as a public interest in promoting transparency in how we undertake our work and allocate public money; and
- Homes England acknowledge that there is a public interest in the Houghton Grange site.



Date: 21 September 2021

Our Ref: RFI3582

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Factors in favour of withholding

- Homes England hold a valuation amount for the entire Houghton Grange site, and also individual valuations for the two parcels of land that the site has been split into. The first of the two parcels has been sold but the second has not yet been marketed by Homes England. Therefore, if the valuation amounts were made public a 'cap' would effectively be placed on the amount of money that Homes England could receive in offers for the phase 2 land when marketed. This would not be in the public interest as it would limit value for a return on public money that has been spent in the transfer of the site. Furthermore, the valuation amounts were provided in 2016 and therefore the amount of the current land value could be more. Therefore to release the information would significantly harm Homes England's ability to achieve current market value for the parcel, causing detriment to the public purse;
- As the valuation amounts relate to an ongoing development and marketing process, to release the information would be likely to inflate the future cost of goods and services at this site. If the public were aware of an amount transferred/value attributed there could be inferences about the available budget to procure works and ongoing development at this site. This would be likely to inflate the value of these works, ultimately impacting the ability of third parties to progress development at this site. This would not be in the public interest as it could disrupt the development of much needed homes and inflate prices that would ultimately be passed on to the public; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

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 Regulation 12(5)(e) in the legislation can be found via the following link: [The Environmental Information Regulations 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2004/12/12/125e).

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.

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.



Homes
England

Making homes happen

Date: 21 September 2021

Our Ref: RFI3582

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

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

OFFICIAL