



Homes  
England

Date: 9 November 2021

Our Ref: RFI3640

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

Making homes happen

██████████  
By Email Only

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

Dear ██████████

**RE: Request for Information – RFI3640**

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

*Under the Freedom of Information Act 2000 I wish to see the following:*

*Full copies of all reviews, reports, memos, information notes, briefing materials and presentations relating to the Arena Island/Temple Island development in Bristol produced in 2021.*

**Response**

We can confirm that we do hold some information that falls within the scope of your request. However, we rely on Section 43(2) of the FOIA to withhold the information from disclosure.

**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 requested information for documents relating to Arena/ Temple Island in Bristol 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 future development at the wider site.

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.

Arguments in favour of withholding:

- The information relates to a site where a third party (the council) is still procuring/undertaking works. If this information were released it would be likely to disadvantage the third party's commercial position and have a negative impact on the third party's ability to procure works for ongoing development at the wider site. The council would not be able to negotiate effectively as this information could be used by third parties to distort or otherwise prejudice the ability of the council being able to secure works for market value, resulting in damage to the public purse. This would also be likely to have the same negative effect on future commercial activity and other Homes England funding. This would not be in the public interest as it would put development at risk, inflate prices and damage Homes England's reputation as a partner. This would negatively affect public money and nullify work already undertaken;
- The information we hold sets out performance criteria in relation to ongoing milestones and targets. To release the details of these targets and milestones would be likely to prejudice the ability to fulfil requirements agreed between the parties involved in the development at the wider site. It is imperative that the local authority be able to work to achieve the targets set out in the document without undue influence from third parties that could disrupt the development. This would prejudice the development of new homes which would not be in line with the strategic objectives set out by the government that Homes England is tasked with achieving as per our strategic plan;
- If Homes England were to release the information ahead of the agreed publication this would adversely affect the relationship between Homes England and current and potential partners. There would be significant reputational, commercial and financial loss to Homes England and our partners as third parties could use the information to distort the market for their own gain;
- Releasing the information would be likely to negatively impact future development processes and proposals as third parties may feel unable to provide all the relevant information necessary for fear of disclosure, which would impact the ability of Government officials to make effective, informed decisions and work effectively with partners; 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 the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>



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### **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 – 6<sup>th</sup> Floor  
Windsor House  
50 Victoria Street  
London  
SW1H 0TL

Or by email to [infogov@homesengland.gov.uk](mailto: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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