



Homes
England

Date: 4 March 2022

Our Ref: RFI3773

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 – RFI3773

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:

We formally request copies of any reports, both internal and external, between English Partnerships/Homes and Communities Agency and all parties from August 2019 to August 2020 in relation to the following
1. Land owned by HCA at Canada Dock West- Land at Derby Rd/Bankfield St Liverpool 20. Title MS 348370 and MS 377672 that was transferred to S Norton on 30.11.2016 which references a transfer document and agreement in the Title Absolute section under Section B Proprietorship Register No's 3 and 4.

Response

We can inform you that we do hold the information that falls within the scope of your request. Please find attached as Annex A, a copy of the 'G4 Approval to Dispose' internal report. However, we rely on Section 40(2) of the FOIA to withhold the information from disclosure.

Section 40 – Personal information

We have redacted information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names and contact details could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

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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. 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.

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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G4: APPROVAL TO DISPOSE: NEGOTIATED			
PCS No.	19037	PROJECT NAME	Canada Dock Central
PARCEL No.	2365	PARCEL NAME	Canada Dock West
PROGRAMME	Single Land	APPROVAL LEVEL	s. 40(2)
RESPONSIBLE OFFICER	s. 40(2)	OPERATING AREA	Land
DECISION REQUIRED			
1. Approval is sought not to trigger the option clause in the overage agreement on the above land for the agency to buy back the freehold interest.			

Structure of Disposal			
Disposal Method	Freehold		
Payment Structure	Upfront		
Payment Structure Comments including (if relevant): - Proposed deferred terms (timing/triggers) - Absolute final payment date - Overage provisions	Payment to be made upon completion of contracts		
Gross Disposal Receipt (£)	N/A		
Minimum Net Receipt (£)	N/A	Discounted Receipt at 3.7% p.a.(£)	N/A
Net Book Value	0	Red Book Value	0
ALVVE Valuation	N/A	Deductions (£)	0
Overage	An overage agreement was included in the transfer of the site whereby 50% of any uplift in value would be payable to the agency for any change of use from B1, B2, B8.		

Conditions		Date to be Met
1.	N/A	N/A

Additional RDEL Investment For Disposal Costs up to £50k:	£0
Current Project Approval (£)	113,423
Additional RDEL Investment Required (£)	0
Total Approval Sought (£)	113,423

Template Version	Revised and Issued
Version 1.2	26 April 2017

1. DISPOSAL PROCESS OUTCOME

Parcel Profile Summary	
Disposal Route	Freehold
Gross Area (ha)	N/A
Net Developable Area (ha)	N/A
Local Authority	Liverpool City Council
Proposed Use	B1, B2, B8
Planning Status	Allocated
OGD Transfer	Y
Brownfield /Greenfield	Brownfield

Parcel Map Image



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Housing Capacity	Agency	OGD
PLfH Target	N/A	N/A
Target Claim Date	N/A	N/A
Current Outturn	N/A	N/A
Current Claim Date	N/A	N/A

- 1.1.1 The subject site comprises a 0.64Ha, (1.581 acres) vacant, brownfield site is in an established industrial area of North Liverpool adjacent to the Port of Liverpool. It has been confirmed by the Local Planning Authority as suitable for a range of business uses within classes B1, B2 and B8 including trade warehouses.
- 1.1.2 In 2015, the site was subject to a Right to Contest application to release the site to the market. Historically, part of the site was reserved to protect a potential future freight rail link to the port. However, following feasibility investigations by the local Liverpool City Region partners and HCA, an alternative route was selected enabling the policy restriction to be removed, and making it possible for the site to be marketed for development without this constraint.
- 1.1.3 The land was sold via a tender process and G4 approval to the highest compliant tender
- 1.1.4 The development potential of the Canada Dock West site is limited by its size, configuration and condition including retaining walls to the adjacent highways. Access is via private access road from Regent Road with rights of way reserved in the title.
- 1.1.5 The objective of this disposal - alongside meeting receipts targets - was to achieve development in support of local economic growth in this strategically important location adjacent to the Port of Liverpool. In order to seek to mitigate against the risk of land banking, SMT approved a marketing strategy to secure highest compliant price, with a pass/fail assessment of bids against a number of deliverability criteria prior to considering price.
- 1.1.6 The site was marketed between 23rd May and 13th July 2016 and five bids were received. This report recommends the approval of the highest bid which is one of the

2 compliant bids received. This generated a receipt of £600k, which was £460k above book value. This highest compliant offer was from the party that made the Right to Contest application.

- 1.1.7 The transfer to the purchaser, S Norton and Co, included a 10 year overage agreement that should the site obtain planning consent for a different use to B1, B2, B8 the agency would be entitled to 50% of any uplift in value. In addition a 3 year buy back clause was included in the transfer allowing the agency to acquire the site should the land remain undeveloped.
- 1.1.8 The overage agreement is for a ten year period and will lapse on 30th November 2026
- 1.1.9 The opportunity for the agency now exists to serve notice to buy back the land, with the notice to be served within a one month period from 30th November 2019.
- 1.1.10 However although the land remains undeveloped and would be eligible for the service of the notice, this land is located in an industrial area with no prospect of development for residential and given the agency's drive to divest itself of all non core, none housing related assets, there is little reason for the agency to serve the required notice and approval is therefore requested to formally record not to serving the notice under the buy back clause of the transfer is sought. We have discussed this with Delivery Area colleagues who are in agreement and see no reason to trigger the buy back.

See Annex 1.2 for map showing the parcel within the wider project.

1.1 Milestones

	Position at G3	Position at G4
Conditional Date	N/A	N/A
Unconditional Date	N/A	N/A

1.2 Evaluation Outcome

1.2.1 There are no evaluation outputs associated with this paper as it deals with a request not to serve the buy back notice in favour of the agency to acquire the land.

1.3 Resultant Impact of the Disposal

1.3.1 Outputs and Benefits

1.3.1.1 There are no outputs associated with this paper as it deals with a notice to buy back land now in third party ownership.

1.3.2 Receipts Profile

The table below summarises the DEL and cash receipt profiles for the parcel covered by this approval.

£'000	Previous Years	2017/18	2018/19	2019/20	2020/21	2021/22	Future Years	Total
DEL								
Capital	(600)	-	-	-	-	-	-	-
Resource	-	-	-	-	-	-	-	-
Total DEL income	(600)	-	-	-	-	-	-	-
Cash								
Capital	(600)	-	-	-	-	-	-	-
Resource	-	-	-	-	-	-	-	-
Total Cash Income	(600)	-	-	-	-	-	-	-
Present Value @3.7%	100%	100%	96%	93%	90%	86%	83%	
Budget Transfer Value	-	-	-	-	-	-	-	-

Other repayment obligations

1.3.2.1 This paper deals with a buy back option. There are no financial implications and therefore no receipt matters to consider.

2. RISK MANAGEMENT

Key Risks	Management / Mitigations	Residual	
		Impact	Likelihood
The agency does not serve the notice.	Should the agency not serve the notice and the land use changes in future years, the agency will still have the benefit of overage. Given the location of the site it is difficult to see the use changing from the current industrial use during the life of the overage agreement.	LOW	LOW

- 2.1 The risks sit with the owner of the subject site and therefore there are no risks to be considered as part of this paper.

3. POST- CONTRACT MONITORING ARRANGEMENTS

- 3.1 The existing contract monitoring record will continue to be monitored to check for any change of use and trigger of the overage agreement.

4. RESOURCE IMPLICATIONS

- 4.1 There are no resource implications. All matters have been dealt with in-house by the CALs team.

5. STATE AID

Appropriate legal advice has been taken where necessary and is attached. The proposed disposal is state aid compliant

6. EQUALITY AND DIVERSITY

This paper has paid due regard to the Agency's statutory obligations under the Equality Act 2010.

- 6.2 The decision not to serve the notice to acquire the subject site will not contribute to any of the three Public Sector Equality Statements.

Declaration			
I confirm that:			
The above sections and mandatory annexes comprise the complete and sole matters for which approval is requested.			
<ul style="list-style-type: none"> ▪ This is in accordance with the Agency's relevant policies, procedures and programme criteria. ▪ The proposal is in line with the current G2 and G3 approval. ▪ The relevant corporate teams have been consulted on financial /legal /procurement implications. ▪ The recommendations and conditions are appropriate given the risks identified. ▪ All relevant data has been taken from system records indicating the timing and nature of any associated expenditure, receipts and outputs. 			
Project Manager:	s. 40(2)	Date:	17/12/2019
Chair of Peer Review:		Date:	17/12/2019
Head of CAL's:		Date:	17/12/2019

ATTACHMENTS: Annex 1.2: Project and Parcel Details (Attached)