



Homes
England

Date: 28 June 2022

Our Ref: RFI3864

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 – RFI3864

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:

South Lancaster Growth Catalyst | The Housing Infrastructure Fund (HIF) bid referenced direct housing outputs enabled by HIF infrastructure in the Garden Village specifically and elsewhere in the south Lancaster area, if achieved these would represent up to 9,185 homes. The indirect outputs, the sites not in the south Lancaster area but where development is also planned and would benefit from the overall programme of investment in highway capacity and transport management, at; North Lancaster; East Lancaster and the Canal Quarter, bring the total number of dwellings with either direct or indirect benefit from the investment to around 11,300.

How were these housing figures arrived at ?

What email communications took place between Lancaster County Council and Homes England between January 1 2019 and March 31 2019 relating to the HIF bid? (Officers and Councillors)

Response

We can inform you that we do hold some of the information that you have requested. However, some of the information requested is not held by Homes England. Therefore, we have addressed each of your questions in turn.

How were these housing figures arrived at ?

We can confirm that Homes England does not hold the information detailed in your request.

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.

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The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

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 the housing figures detailed in your request do not correlate to the figures contained in the Business Case submitted to Homes England. Furthermore, it will have been the Local Authority who will have determined any justification or modelling for housing output. Therefore, we recommend you contact the Local Authority.

What email communications took place between Lancaster County Council and Homes England between January 1 2019 and March 31 2019 relating to the HIF bid? (Officers and Councillors)

Please find attached Annex A, which contains the communications that fall in scope of your request.

Information contained within Annex A has been redacted under the following exemption:

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, contact details, addresses, email addresses and personal opinions 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>

Furthermore, information contained within the emails in Annex A as attachments are exempt 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 information requested relating to draft versions of submissions to the Housing Infrastructure Fund (HIF) 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 Housing Infrastructure Fund.



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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.

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.

Arguments in favour of withholding:

- The withheld information is draft versions of documents that were ultimately submitted by the Local Authority to Homes England as part of the HIF bid. To disclose draft versions of these submissions would undermine Homes England's position as a respected and trusted partner. If third parties felt that Homes England would disclose documents submitted to them in their role as 'critical friend' it is likely that they would be unwilling to provide frank and honest submissions for review. This would mean that Homes England would be appraising options where inaccurate or incomplete information were submitted. This would not be in the public interest as it would be likely to make decision making less robust, as officers would not be fully informed. This would be likely to result in misallocation of public funds;
- To disclose draft documentation when finalised submissions have now been made would allow third parties to compare the draft documentation with the finalised. This would reveal how Homes England appraise and approve submissions and reveal information related to our internal decision making processes. This would not be in the public interest as third parties could use this knowledge to tailor or misrepresent future bids for funding to Homes England schemes, including the HIF. This would be likely to result in damage to the public purse, as funds could be distorted or mis-allocated, 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.

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>

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



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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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s. 40(2)

From: s. 40(2)
Sent: 07 Janua 2019 11:55
To: s. 40(2)
Cc: s. 40(2)
Subject: Transport Assessment Summary
Attachments: Summary of Transport Approach.docx

s. 40(2)

Please see the attached. The completion and return of this form is long overdue. I appreciate that s. 40(2) may not have passed it on, but it does need completing and returning to me, s. 40(2) at Steer (email above) and the HIF inbox, at the earliest opportunity. Any questions do let me know.

Kind regards,

s. 40(2) Homes England

s. 40(2)

Arpley House, 110 Birchwood Blvd, Birchwood, Warrington WA3 7QH



We launched as Homes England on 11 January 2018. Please note our email addresses have changed to from hca.gsi.gov.uk to homesengland.gov.uk – although emails sent to our old addresses will be forwarded for 12 months, it would be appreciated if you update your records to reflect this change.

s. 40(2)

From: s. 40(2)
Sent: 18 March 2019 11:48
To: s. 40(2)
Cc: s. 40(2)
Subject: RE: Lancaster HIF Economic Case Draft

s. 40(2)
Thanks. Lancashire understand the context of the review tomorrow.
s. 40(2) will lead on this.

Kind regards,

s. 40(2) Homes England

s. 40(2)

Arpley House, 110 Birchwood Blvd, Birchwood, Warrington WA3 7QH



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From: s. 40(2)
Sent: 18 March 2019 09:22
To: s. 40(2)
Cc: s. 40(2)
Subject: RE: Lancaster HIF Economic Case Draft

Hi s. 40(2)

Happy to attend a 30m call tomorrow to provide comments on their economic case. My diary is updated, so please feel free to find a suitable slot.

s. 40(2) important to emphasise that we are acting as “critical friend”, therefore we will not validate any element of the business case. We can only provide feedback on critical issues that can be identified without reviewing annexes and evidence.

I hope that makes sense.

Thanks.

s. 40(2)

From: s. 40(2)
Sent: 15 March 2019 18:03
To: s. 40(2)
Cc: s. 40(2)
Subject: FW: Lancaster HIF Economic Case Draft

s. 40(2)
Please can we arrange a call for Monday or Tuesday with s. 40(2) of the Lancashire HIF bid team to provide feedback to the attached draft economic case.

Kind regards,

s. 40(2) Homes England

s. 40(2)

Arpley House, 110 Birchwood Blvd, Birchwood, Warrington WA3 7QH



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From: s. 40(2) [redacted]@lancashire.gov.uk
Sent: 15 March 2019 18:01
To: s. 40(2)
Subject: FW: Lancaster HIF Economic Case Draft

Hi again s. 40(2)

As per our conversation a little earlier, please find attached our draft Economic Case.

I will be having some serious 'read time' this weekend!

Many thanks for your ongoing support.

Kind regards

s. 40(2)

s. 40(2)

Lancashire County Council

s. 40(2)

www.lancashire.gov.uk

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