



Homes
England

Date: 20 July 2022

Our Ref: RFI3939

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 Sir/Madam

RE: Request for Information – RFI3939

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

You requested the following information:

This is a Freedom of Information (FOI) request (dated 22/06/2022) with regards to Medway Council's Housing Infrastructure Fund (HIF) Project known as "New Routes To Good Growth".

This FOI is connected to the response received to a previous FOI - reference: RFI3884.

We are privy to the Council's Grant Determination Agreement (GDA), including the Deed of Variation (DoV) to the GDA, with Homes England.

We now understand that a Reservation of Rights letter has been drafted between the parties (Homes England and Medway Council) to reflect new mutually agreed conditions and milestones in relation to an ongoing project. This letter has not yet been signed by both parties (as of 21/06/2022). The agreement and conditions within are not finalised nor binding until the letter has been signed by both parties and that terms contained within are subject to change until both parties have signed and therefore agreed the terms.

Therefore, this FOI refers to the original GDA, including the original milestone dates, agreed and signed (binding) by both parties.

Please confirm the following...

- 1. That due to the letter (referred to above) not being signed by both parties the project's timetable extension from 2024 to 2025 is not yet binding.*
- 2. That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "SEMS Phase 1 - Commence construction - 31/12/2021"*

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3. *That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "SEMS Phase 1 - Agree Land Transfer Mechanism - 31/10/2021"*
4. *That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "SEMS Phase 2 - Commencement of submission of planning applications - 31/10/2021"*
5. *That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Road - Phases 1-6 Planning Applications Submitted - 31/10/2021"*
6. *That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Road - Phases 1-6 Procurement Commenced - 30/04/2022"*
7. *That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Road - Phases 1-6 Start of Utility/enabling works - 31/01/2022"*
8. *That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Rail - GRIP3 - Option Study Completion - 31/10/2021"*
9. *That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Rail - GRIP4 - Single Option Development Completion - 31/10/2021"*
10. *That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Wider - Hoo Collaboration Agreement Signed - 31/10/2021"*
11. *That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Wider - LOCAL PLAN: All Phases Submission of Draft Local Plan - 31/10/2021"*

Response

We can confirm that we do not hold recorded information in the scope of your request. The reason as to why recorded information is not held varies and therefore in accordance with our duty under Regulation 9(1) EIR to provide advice and assistance we have addressed your questions individually as below.

1. ***That due to the letter (referred to above) not being signed by both parties the project's timetable extension from 2024 to 2025 is not yet binding.***

Regulation 12(4)(a) – Information not Held

Under regulation 12(4)(a) of the EIR, Homes England may refuse to disclose information if the requested information is not held by that public authority.

Regulation 9(1) provides that an authority must provide advice and assistance to applicants and in accordance with this we can advise that the EIR only covers recorded information held by a public authority and does not oblige that authority to respond to questions where the answer to that question is not contained in recorded information.

2. ***That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "SEMS Phase 1 - Commence construction - 31/12/2021"***



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and

3. ***That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "SEMS Phase 1 - Agree Land Transfer Mechanism - 31/10/2021"***

Regulation 12(4)(a) – Information not Held

Under regulation 12(4)(a) of the EIR, Homes England may refuse to disclose information if the requested information is not held by that public authority.

Regulation 9(1) provides that an authority must provide advice and assistance to applicants and in accordance with this we can advise that there are no recorded defaults against the milestones and dates for these milestones as stated in your request.

4. ***That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "SEMS Phase 2 - Commencement of submission of planning applications - 31/10/2021"***

Regulation 12(4)(a) – Information not Held

Under regulation 12(4)(a) of the EIR, Homes England may refuse to disclose information if the requested information is not held by that public authority.

Regulation 9(1) provides that an authority must provide advice and assistance to applicants and in accordance with this we can advise that there is no recorded default against this milestone. To provide further assistance we can advise that this condition has been met.

5. ***That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Road - Phases 1-6 Planning Applications Submitted - 31/10/2021"***

and

6. ***That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Road - Phases 1-6 Procurement Commenced - 30/04/2022"***

Regulation 12(4)(a) – Information not Held

Under regulation 12(4)(a) of the EIR, Homes England may refuse to disclose information if the requested information is not held by that public authority.

Regulation 9(1) provides that an authority must provide advice and assistance to applicants and in accordance with this we can advise that there are no recorded defaults against the milestones and dates for these milestones as stated in your request.

7. ***That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Road - Phases 1-6 Start of Utility/enabling works - 31/01/2022"***

Regulation 12(4)(a) – Information not Held

Under regulation 12(4)(a) of the EIR, Homes England may refuse to disclose information if the requested information is not held by that public authority.

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8. ***That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Rail - GRIP3 - Option Study Completion - 31/10/2021"***
and
9. ***That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Rail - GRIP4 - Single Option Development Completion - 31/10/2021"***
and
10. ***That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Wider - Hoo Collaboration Agreement Signed - 31/10/2021"***
and
11. ***That the Council has defaulted (General Default) with a Milestone Failure for the following milestone: "Wider - LOCAL PLAN: All Phases Submission of Draft Local Plan - 31/10/2021"***

Regulation 12(4)(a) – Information not Held

Under regulation 12(4)(a) of the EIR, Homes England may refuse to disclose information if the requested information is not held by that public authority.

Regulation 9(1) provides that an authority must provide advice and assistance to applicants and in accordance with this we can advise that there are no recorded defaults against the milestones and dates for these milestones as stated in your request.

Right to make Representations

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 a reconsideration of our response (Internal Review). You can make this representation 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 reconsideration must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response (Reg 11(2)). Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for reconsideration 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/>



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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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