



Homes
England

Making homes happen

Date: 26 August 2022

Our Ref: RFI4013

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

By Email Only

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

Dear [REDACTED]

RE: Request for Information – RFI4013

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:

*I would like to submit a FOI regarding how my house will be affected by increased traffic and noise pollution. **What noise reduction you will be proposing to counteract the additional noise pollution where I live and how you propose to prevent an increase in the number of speeding cars that the development will inevitably bring.** One day the ideal road layout was considered to run from Cawston Lane through to the A45/M45 roundabout thus diverting traffic away from an already heavily used and congested crossroads and all 4 incoming roads, however at some point the drawing changed with a road now meeting Coventry Road in Dunchurch and a dotted red line joining that road to a road that meets the A45/M45 roundabout.*

Who made the decision to change the road layout to that in the second drawing and why did they make that decision? It would have been a specific person or people within Homes England/RBC/WCC highways (in consultation with RBC), or a consultant working for Homes England/RBC/WCC. ***What was the evidence or opinion that led to this change?*** I do want to be very specific here and I would like this question to be answered. ***Who suggested this change to the roads and who (that you have evidence for within your files) agreed to this or who suggested the change?*** I do not want you to send a raft of information for me to read. I would like my question to be answered by you. I will not find the answer to this question in any published document, so there is no point in referring me to the published information. These would have been internal discussions, which should have been documented to provide evidence of why a decision was made by yourselves or the council/s as public bodies. Drawings do not change themselves, a person or people make the decision to change the drawing.

*As a separate comment about this matter. This new plan is VERY worrying. **What is the dotted red line?** No one seems to be able to explain exactly what the dotted red line actually is (sustainable transport corridor does not explain exactly what the intention for this will be) **and when is this part of the proposal scheduled to be built as this is also not listed in any of the phases?** How are the public meant to understand plans when they are not clear. When I went to the Homes England consultation at Dunchurch Village Hall, which I might add, I only received a flyer for a few days before the event and nearly missed due to this! Your transport expert couldn't tell us what the dotted red line was. They are transport planning experts and they don't know!!!!!! You are currently submitting plans to approve your road layout but you cannot explain what the proposed road connects to!*

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Response

We can confirm that we do hold some of the requested information, we will address each of your points in turn.

What noise reduction you will be proposing to counteract the additional noise pollution where I live and how you propose to prevent an increase in the number of speeding cars that the development will inevitably bring.

We can inform you that we do hold the information that you have requested. However, we rely on section 22, exemption where information is intended for future publication under the FOIA.

The full text of the legislation can be found on the following link and we have quoted section 22 below for ease.
<https://www.legislation.gov.uk/ukpga/2000/36/section/22>

Section 22 - Information intended for future publication.

(1) Information is exempt information if:

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).

Section 22 is a qualified exemption. This means that in order to withhold information under this exemption, we must consider the public interest in disclosure.

Public Interest Test – Factors in favour of disclosure

Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work.

Public Interest Test – Factors in favour of non-disclosure

The information in scope will be included in the Environmental Statement that will accompany the planning application for the Homestead Link Road. To disclose the information before the planning application has been validated and submitted by Rugby Borough Council would be likely to prejudice the result of the planning application and the consultation process which is a democratic and established procedure. Release of information under the FOIA is considered to 'the world at large' and interested parties could use the information in the statement to lobby or disrupt the required process. There is an established (public) procedure and consultation in relation to planning applications and to release information outside of this process would not be in the public interest. The information should only be published as part of the proper procedure and in the format required as part of this procedure once validated by the Council.



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Therefore, after careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure.

Advice and Assistance

In compliance with the Section 45 Code of Practice (Paragraph 14) and to offer advice and assistance under section 16 of the FOIA we can confirm that once the planning application has been validated by Rugby Borough Council it will be publicly available through the Council's online Planning Portal and notice of the application will be advertised by the Council on their website.

The planning application is expected to be submitted by the end of August 2022.

Who made the decision to change the road layout to that in the second drawing and why did they make that decision? What was the evidence or opinion that led to this change? Who suggested this change to the roads and who (that you have evidence for within your files) agreed to this or who suggested the change?

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 Planning and Enabling 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.

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 advise that this responsibility would have been with Rugby Borough Council and Warwickshire County Council, in their role as Local Planning Authority and Highway Authority. Homes England did not make this decision and holds no statutory duty to do so. We can further confirm that we hold no recorded information in relation to any specific person who made this decision. We therefore advise that you submit a request to both local authorities for further information via the below links:

Rugby Borough Council:

https://www.rugby.gov.uk/info/20030/information_and_data/108/freedom_of_information/3

Warwickshire County Council:

<https://www.warwickshire.gov.uk/council-democracy-councillors/access-information/2>



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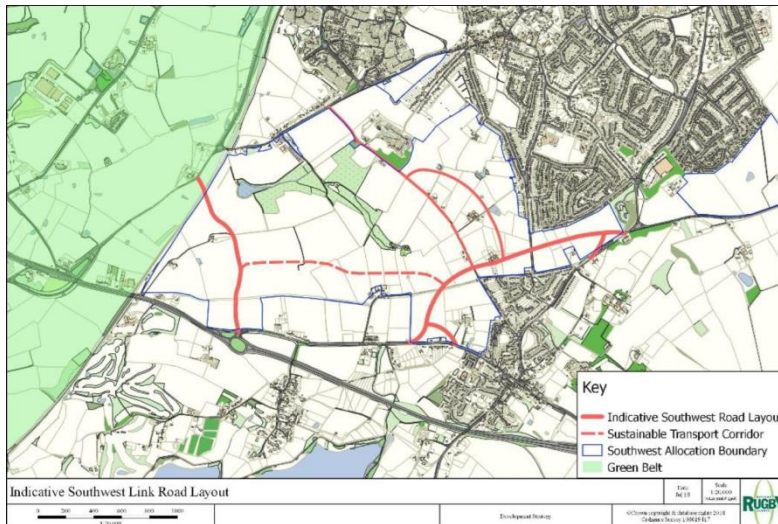
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What is the dotted red line?

We have assumed that the red dotted line referred to in your request is shown on the plan included at Policy DS9 of the Rugby Local Plan (2019). An extract of the plan is provided below.



We can advise that the extract identifies the red dotted line as a Sustainable Transport Corridor and is included in the South West Rugby Masterplan Supplementary Planning Document, adopted June 2021 (page 92). The purpose and use for the Sustainable Transport Corridor is included in the document at paragraphs 19.22 – 19.25 (page 64 – 65). A full version of the South West Rugby Masterplan Supplementary Planning Document is publicly available via the below link by searching South West Rugby Supplementary Planning Document:

<https://www.rugby.gov.uk/>

when is this part of the proposal scheduled to be built as this is also not listed in any of the phases?

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 Planning and Enabling 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.

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 this decision does not lie with Homes England. Homes England will be required to obtain planning permission to include the eastern section of the Sustainable Transport Corridor but we currently



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have no definitive date for when this application is going to made. Our current focus is to firstly secure planning permission for the Homestead Link Road.

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
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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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