



Date: 3 November 2022

Our Ref: RFI4067

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 – RFI4067

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:

1. *Please provide in relation to the properties at Gardiners Close, Basildon, Essex, known as: Kinderhaven (title number EX454648), Kinderhaven backland (title number EX38760), Land (under title number EX 704142), and any other property (please identify and provide title number for it) if there is any, making up the parcels included in the phase 3 development for Gardiners Lane South:-*
 - a. *The sum agreed for each parcel,*
 - b. *The sum paid for each parcel,*
 - c. *Was any land or housing units exchanged as part of a deal for payment,*
 - d. *The date that funds were transferred to Homes England/HCA,*
 - e. *The date transfer of land took place,*
 - f. *Which company paid Homes England/HCA,*
 - g. *Which company were the various plots of land transferred to, from Homes England/HCA,*
 - h. *Whether there were, or are, any claw backs attached to any of the properties,*
 - i. *or, was it a straight sale with no clawbacks or uplifts etc.*

Please refer to the various plots individually where possible and relevant.

2. *Since the reported resale / onward transfer to Stonebond, for the properties named in question 1 :- Did Homes England/HCA receive any additional sums/value, or Are Homes England/HCA in the future set to receive additional sums/value*
3. *Please include the maps of parcels of land transferred.*



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Response

We can inform you that we do hold some of the information that you have requested. For clarity, we will address each of your questions in turn.

- 1. Please provide in relation to the properties at Gardiners Close, Basildon, Essex, known as:
Kinderhaven (title number EX454648),
Kinderhaven backland (title number EX38760),
Land (under title number EX 704142),
and any other property (please identify and provide title number for it) if there is any, making up the parcels included in the phase 3 development for Gardiners Lane South:-**

We can confirm that the title numbers that make up the phase 3 development are:

EX764997

EX704142

EX454648

EX38760

In relation to these title numbers, we can advise that a transfer has taken place and that applications have been lodged with HM Land Registry to update the title information as contained in the Registers of Title. These title numbers are currently recording that there are 'pending applications' at HM Land Registry which relate to this transfer.

Section 22 - Information intended for future publication

We can confirm that the information in questions 1) a, b, d, e, f & g and question 3 of your request will be able to be answered by the information that will be available at HM Land Registry and therefore Section 22 of the FOIA currently applies to these questions in your request:

- 1.**
 - a) *The sum agreed for each parcel,*
 - b) *The sum paid for each parcel,*
 - &
 - d) *The date that funds were transferred to Homes England/HCA,*
 - e) *The date transfer of land took place,*
 - f) *Which company paid Homes England/HCA,*
 - g) *Which company were the various plots of land transferred to, from Homes England/HCA,*

- 3. Please include the maps of parcels of land transferred.**

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>



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(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).

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 will be publicly available at HM Land Registry once the sale registration is complete. It is reasonable that a public authority does not divert resources where the information is readily available to the public. To disclose information via FOIA that is available at HM Land Registry would increase the likelihood of future requests being made under FOIA for similar publicly available information. This would divert resources away from requests for information that would not otherwise already be in the public domain. This would cause detriment to Homes England's ability to promptly deal with requests under FOIA.

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 advise that the information will be available via the following link: [Get information about property and land - GOV.UK \(www.gov.uk\)](https://www.gov.uk).

The remaining questions in your request have been addressed as follows:

1.

c) Was any land or housing units exchanged as part of a deal for payment,
We can confirm that no land or housing units were exchanged in lieu of payment.

h) Whether there were, or are, any claw backs attached to any of the properties,
&

i) or, was it a straight sale with no clawbacks or uplifts etc.

We can confirm that there were no claw back agreements in the transfers for the title numbers detailed above.



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2. *Since the reported resale / onward transfer to Stonebond, for the properties named in question 1 :-*

a. Did Homes England/HCA receive any additional sums/value, or

&

b. Are Homes England/HCA in the future set to receive additional sums/value

We can confirm that Homes England did not and will not receive any further additional sums or value from the transfer.

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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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