



Homes
England

Making homes happen

Date: 12 December 2022

Our Ref: RFI4142

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 ██████████

RE: Request for Information – RFI4142

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:

During your recent presentation to District and Parish Councillors, one of our Rusper councillors believed that he was told that Homes England had done a Landscape Assessment for the proposed area of development (West of Ifield).

Rusper Parish Council would like to have sight of that assessment to help us to form an informed view of the proposed development.

Please would it be possible to share this with the parish council?

Response

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

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

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(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 held by Homes England that falls in scope of this request (Landscape Assessment) will be published when Homes England submits our Outline Planning Application (OPA). It would not be in the public interest to disclose this information in advance of this as there is a recognised procedure for the public to comment on planning proposals and to disclose the information outside of this procedure would be likely to interfere with the legislative planning requirements.

Disclosure would also be likely to create a burden on Homes England in responding to further requests and enquiries in relation to this planning in advance of the submissions and the responses that would be addressed as part of the proper process.

Furthermore, it is reasonable that a public authority does not divert resources to release information under FOIA where the information will be readily available to the public in due course. To disclose information via FOIA that is available on a gov.uk site 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 confirm that the Landscape Character Assessment fed into the masterplan development and will be a supporting document submitted as part of the OPA for the proposed development. The Assessment will also form part of the Environmental Impact Assessment (EIA) baseline / scoping and will be assessed as part of the EIA process. The Landscape Character Assessment will be available once the OPA is registered and validated by Horsham District Council.



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The OPA and supporting documents will be published on Horsham District Council's website and will be able to be accessed via the planning application online register / search via the following link:

<https://www.horsham.gov.uk/planning/planning-applications/view-and-comment-on-planning-applications>.

The timing of the submission of the OPA will be confirmed once Horsham District Council release the Local Plan timetable.

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
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Windsor House
50 Victoria Street
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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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