



Homes
England

Date: 17 February 2023

Our Ref: RFI4102

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 – RFI4102

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:

Please supply a list of all the infrastructure projects allocated funding under the Housing Infrastructure Fund between January 2000 and the end of September 2022, where the recipient has subsequently asked Homes England for more financial assistance/funding?

For each project, please include:

- *the name of the project*
- *the applicant*
- *the housing development(s) that this project is intended to support/unlock*
- *the size of the original grant and the this was granted*
- *the subsequent shortfall in funding identified by the applicant and when this was communicated to Homes England/the HIF.*
- *Where extra funding has been allocated, if possible please indicate the size of the extra funding and when this was agreed*

Response

We can inform you that we do hold the information that you have requested. However, we rely on section 43 (2) of the FOIA to withhold the information from disclosure.

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.

OFFICIAL



Date: 17 February 2023

Our Ref: RFI4102

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

The information requested relating to further funding under 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 HIF programme.

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:

- Many of the schemes allocated funding under the HIF relate to sites where a third party (the Local Authority) will yet be procuring/undertaking works. If this information were released it would be likely to disadvantage the third party's commercial position and have a negative impact on the third party's ability to procure works for ongoing development at this site. The Local Authority would not be able to negotiate effectively as this information could be used by third parties to distort or otherwise prejudice the ability of the Local Authority to secure works for market value, resulting in damage to the public purse. This would also be likely to have the same negative effect on future commercial activity and other Homes England funding. This would not be in the public interest as it would put development at risk, inflate prices and damage Homes England's reputation as a partner. This would negatively affect public money and nullify work already undertaken on these schemes;
- Confirming individual schemes where a Local Authority has requested further funding from the HIF would reveal financial information of third parties which may in turn affect their commercial interests. The consequences of releasing data that is part of a wider ongoing matter could damage our relationships with partners and put other potential funding allocations at risk. This would not be in the public interest as this could put potential homes in jeopardy and affect Homes England's ability to deliver against its objectives in our strategic plan;
- The schemes allocated funding under the HIF relate to sites that are currently progressing through the planning process. The consequences of releasing data that are part of wider ongoing proposals could damage our relationships with partners and put potential negotiations and planning at risk. The interests of the third parties involved would also be similarly affected by disclosure, as this would reveal financial and planning considerations that the Local Authorities are currently working to progress. If released, their interests would be adversely affected as it would undermine the proper planning process. Local Authorities may face undue pressure or distortion of the planning process if this information were in the public domain, which would not be in the public interest.
- Disclosure would result in local authorities being deterred from applying to the HIF in future bids for funding. If Local Authorities felt that Homes England would reveal commercially sensitive information or information that would prejudice the schemes they would not bid to be a part of the programme. This will



Date: 17 February 2023

Our Ref: RFI4102

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

mean that Homes England would have a narrower pool of applicants to the HIF. This would not be in the public interest as it would be likely to put potential homes in jeopardy and would undermine Homes England's position and ability to deliver against its objectives and targets in our Strategic Plan; 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
50 Victoria Street
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,



Homes England

Date: 17 February 2023

Our Ref: RFI4102

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

The Information Governance Team

For Homes England

Making homes happen