



Homes
England

Date: 10 February 2023

Our Ref: RFI4207

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 – RFI4207

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:

Proposed West of Ifield Development

asking for the exact location of the gypsy and traveller site which was mentioned on one of your information ? boards at your last public so called consultation. I have since sent a reminder to you that I had not received a reply and have still not had a reply. I am now asking for an answer to my question under a freedom of information request. I look forward to a prompt answer as I'm sure you know where this will be located as your maps showed all the planned houses, schools, roads etc,

Response

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),

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- (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 held by Homes England that falls within scope of this request (exact location) 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.

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 any current plans are illustrative and have been subject to consultation with the final location of any Gypsy and Traveller provision not being confirmed until the OPA is registered and validated by Horsham District Council.

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>



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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
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,

The Information Governance Team
For Homes England

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