



Homes  
England

The Housing and Regeneration Agency

Date: 11 September 2023

Our Ref: RFI4460 and RFI4463

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

By Email Only

Information Governance Team  
Homes England  
Windsor House  
6<sup>th</sup> Floor  
42-50 Victoria Street  
London  
SW1H 0TL  
United Kingdom

Dear

**RE: Request for Information – RFI4460 and RFI4463**

Thank you for your recent emails, which were processed under the Environmental Information Regulations 2004 (EIR). For ease of reference, we have combined our response to the two requests you have made in this letter.

You requested the following information:

**RFI4460**

**I wonder if you could advise what became of all the documentation relating to the South East England Development Agency's (SEEDA) involvement in the regeneration of Betteshanger Colliery, Sholden, Kent?**

**SEEDA was disbanded around 2013 and the Homes and Communities Agency (now Homes England) were involved in this project for a while.**

**Does Homes England hold any archive information relating to Betteshanger Colliery, and if so, would it be possible to have access to it?**

You exchanged some correspondence with our Enquiries team, who provided a list of files we held and you selected the following files from the list provided:

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[www.gov.uk/homes-england](http://www.gov.uk/homes-england)

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**1. Item 1 on spreadsheet**

**File Ref: EP309766 SKP Box: 000004045**

**Title: SEEDA 25 Betteshanger Plans/Reports**

**2. Item 6 on spreadsheet**

**File Ref: EP309768 SKP Box: 000004045**

**Title: SEEDA 25 Betteshanger Colliery Regeneration - OJEU Procurement - SEEDA 25**

**3. Item 10 on spreadsheet**

**File Ref: EP309768 SKP Box: 000004045**

**Title: SEEDA 25 Betteshanger Colliery Regeneration Pre October 2002 - General SEEDA**

**4. Item 12 on spreadsheet**

**File Ref: EP309783 SKP Box 000004045**

**Title: SEEDA 25 Betteshanger Colliery Regeneration - Rummey Design Associates**

**5. Item 13 on spreadsheet**

**File Ref: EP309783 SKP Box 000004045**

**Title: SEEDA 25 Betteshanger Colliery Regeneration - Derek Lovejoy Partnerships**

**6. Item 14 on spreadsheet**

**File Ref: EP309784 SKP Box 000004045**

**Title: SEEDA 25 Betteshanger Colliery Regeneration - Derek Lovejoy Partnerships**

**7. Item 18 on spreadsheet**

**File Ref: EP309784 SKP Box: 000004045**

**Title: SEEDA 25 Betteshanger Colliery Regeneration - Peter Brett Associates Reports**

**8. Item 19 on spreadsheet**

**File Ref: EP309784 SKP Box: 000004045**

**Title: SEEDA 25 Betteshanger Colliery Regeneration - Peter Brett Associates Reports**

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**9. Item 20 on spreadsheet**

**File Ref: EP309784 SKP Box: 000004045**

**Title: SEEDA 25 Betteshanger Colliery Regeneration - Rummey Design Associates**

**10. Item 23 on spreadsheet**

**File Ref: EP309784 SKP Box: 000004045**

**Title: Betteshanger Colliery Regeneration - Approval**

**11. Item 24 on spreadsheet**

**File Ref: EP309785 SKP Box: 000004045**

**Title: Betteshanger Colliery Regeneration - Coalfields**

**12. Item 25 on spreadsheet**

**File Ref: EP309785 SKP Box: 000004045**

**Title: Betteshanger Colliery Regeneration - Visitors Centre**

**13. Item 26 on spreadsheet**

**File Ref: EP309786 SKP Box: 000004045**

**Title: Betteshanger Colliery Regeneration - Planning Issues**

**14. Item 28 on spreadsheet**

**File Ref: EP309787 SKP Box: 000004045**

**Title: Betteshanger Colliery Regeneration - General Correspondence**

**15. Item 30 on spreadsheet**

**File Ref: EP309787 SKP Box: 000004045**

**Title: Betteshanger Colliery Regeneration - Fowlmead Country Park Visitors Centre**

**16. Item 33 on spreadsheet**

**File Ref: EP309789 SKP Box: 000004045**

**Title: Betteshanger Colliery Regeneration - Community Park Phase 1, Colliery and Tip Site, Rummey Design Associates**

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**17. Item 35 on spreadsheet**

**File Ref: EP309789 SKP Box: 000004045**

**Title: Betteshanger Colliery Regeneration - Peter Brett Associates**

**19. Item 45 on spreadsheet**

**File Ref: EP309794 SKP Box: 000004045**

**Title: Betteshanger Colliery Regeneration - Reports SEEDA -25**

**RFI4463**

**I would like all the information you hold relating to Hadlow College's ownership of Betteshanger Country Park (formerly known as Fowlmead Country Park and which was the colliery spoil site. I am not looking for financial or personal information.**

**Response**

We can confirm that we do hold the requested environmental information.

We can confirm that the environmental information that we hold consists of the 18 files listed above in request RFI4460 and I can confirm we do hold information relating to the sale of the land to Hadlow College. We are withholding this information from disclosure under the following exception:

**Regulation 12(4)(b) – Manifestly unreasonable**

Regulation 12(4)(b) of the EIR provides an exception to the duty to disclose environmental information where the request is manifestly unreasonable. The information requested engages this exception because the 18 files requested concerning the Betteshanger Colliery and the additional information related to Hadlow College represent a substantial volume of information which we consider would cause a disproportionate burden on Homes England's resources.

We have identified 26 files that fall within the scope of your request for environmental information. These files individually consist of a number of different documents, which are not individually indexed at a more granular level than file level. Consequently, we have reviewed the requested files and determined that





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each file contains approximately 500-1000 pages of information relating to the Betteshanger Colliery Regeneration and the sale of the land to Hadlow College.

The documents contained within the files relate to funding which will contain commercially confidential information of both Homes England and involved third parties. Due to the nature of the documents that contain the environmental information requested, commercially confidential information which may fall under regulation 12(5)(e) would be woven intrinsically throughout each document.

Furthermore, we recognise that the documents contain information which can identify individuals. We cannot identify a lawful basis for processing this information for the purpose of disclosure under the EIR and we are therefore required to withhold it from disclosure under regulation 13. As many of the documents contain correspondence, we consider that personal information will be present in all files.

We consider that it would present a disproportionate burden on our resources to consider regulation 12(5)(e) and regulation 13 in each document. Many of these files are large, and we estimate the information requested totals around 19,500 pages of information.

We recognise that, when discussing your request with our Enquiries team, you had offered to visit a Homes England office and view the files, as all information is held in manual form. However, we would still be required to undertake the work outlined above prior to your viewing of the information.

We have considered whether it would be appropriate to rely on regulation 7(1) of the EIR, which would permit Homes England to extend the time limit for compliance to a maximum of 40 working days in order to facilitate compliance with the request. However, we still consider that the complexity and volume of information requested means that it is impracticable to comply with the request within 40 working days.

### **Public Interest Test**

Regulation 12(4)(b) is subject to the Public Interest Test. Once the exception has been engaged it is then necessary to consider the balance of the public interest in maintaining the exception or disclosing the information.



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Under regulation 12(2) Homes England must apply a presumption in favour of disclosure, in both engaging the exception and carrying out the public interest test. In relation to engaging the exception, this means that there must be clear evidence that disclosure would have the adverse effect listed in regulation 12(4)(b).

Public interest in favour of disclosure:

- Homes England acknowledges that there is a presumption in favour of disclosure regarding environmental information as well as a public interest in promoting transparency in how we undertake our work and allocate public money; and
- Homes England acknowledges that there is a public interest in development processes and the robustness of the applications and planning in such developments.

Public interest in maintaining the exception:

- Homes England is a small public authority with limited resources. Identifying the environmental information that would engage regulation 12(5)(e) and regulation 13 in all of the documents identified in scope of this request would place a disproportionate burden on our resources and would prevent us from answering other requests.
- Much of the requested environmental information consists of information that was provided to Homes England by third parties, including Hadlow College. Homes England would be required to consult with involved third parties about the disclosure of the environmental information and considers that the review of this information would place a disproportionate burden on the other third parties involved.
- We estimate that there are 19,500 pages of information contained within the requested information. The documents consists of text, data and plans relating to redevelopment of Betteshanger Colliery. We estimate that reviewing the information held would take in excess of 1,625 hours of staff time to review. This is calculated at five minutes per page and includes identifying any environmental information that would engage regulation 12(5)(e) and regulation 13, conducting the Public Interest Test and applying redactions if appropriate. We do not consider that this is a proportionate use of our limited resources and will impact our ability to respond to other requests and disrupt the delivery of Homes England's work.
- Homes England has been unable to identify a wider public interest in disclosing the information requested.





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Having considered the argument for and against disclosure of the information, we have concluded that at this time, the balance of the public interest continues to favour non-disclosure.

### **Advice and Assistance**

We have a duty to provide advice and assistance in accordance with regulation 9(1) of the EIR. In accordance with this duty, we can advise that you may wish to consider narrowing the scope of your request.

We recognise that when initially corresponding with our Enquiries team, you provided a list of information you were seeking, which included an environmental impact assessment, correspondence and a s 106 agreement. As previously outlined, we do not have information pertaining to Betteshanger Colliery indexed at a document/information level. It is indexed at file level, and those files contain brief descriptions of their contents which were provided in the list of 180 files by our Records and Enquiries teams. It may be possible for us to locate and review some of this information without causing an unreasonable burden on our resources.

We can also advise that the information we hold relating to Hadlow College is held in the same manner, in that it is indexed at file level, not document/information level. We would also recommend that you narrow the scope of your request relating to Hadlow College. If you are seeking any specific information, we may be able to review this information.

We do consider that it is possible for some of the information we have reviewed to be digitised, meaning should you make a further request we may be able to provide a permanent copy of the information to you, rather than arrange a visit to our offices.

When considering a further request, we must advise that some environmental information contained within the files consists of personal data, which engages regulation 13 of the EIR and is an absolute exemption, meaning it is not subject to the Public Interest Test. The information related to both the redevelopment of Betteshanger Colliery and Hadlow College also contains environmental information that would engage regulation 12(5)(e) – Confidentiality of commercial or industrial information, which is subject to a Public Interest Test.



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Please note that due to the broad scope of your request we cannot confirm that any further request would not also be considered manifestly unreasonable pursuant to regulation 12(4)(b) EIR.

### **Right to make Representations**

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 a reconsideration of our response (Internal Review). You can make this representation by writing to Homes England via the details below, quoting the reference number at the top of this letter.

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Your request for reconsideration must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response (Reg 11(2)). Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for reconsideration 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/>

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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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