



Homes  
England

The Housing and Regeneration Agency

Date: 2 February 2024

Our Ref: RFI4584

Tel: 0300 1234 500

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

[REDACTED]  
By Email Only

Dear [REDACTED]

**RE: Request for Information – RFI4584**

Thank you for your recent email, which was processed under the Environmental Information Regulations 2004 (EIR).

You requested the following information:

**Freedom of Information request concerning the housing allocation in Middlesbrough Council's Housing Local Plan, 2014 - Coulby Newham, Policy H26**

**Please provide the following information:**

- 1. Copy of the agreement entered into with Middlesbrough Council, to undertake work on the Coulby Newham Housing development and associated highway improvements, in 2022 to date, together with any associated costs**
- 2. Copies of all electronic and paper correspondence between Middlesbrough Council and Homes England regarding the above housing development, since January 2022, including:**
  - a) associated highway alterations funded by the Levelling Up Fund round 2 successful bid**
- 3. Copies of all electronic and paper correspondence between Simon Clarke MP and Homes England regarding the above housing development, since January 2022, including:**
  - a) associated highway alterations funded by the Levelling Up Fund round 2 successful bid**
- 4. Copies of all electronic and paper correspondence between Redcar and Cleveland Council and Homes England regarding the above housing development, since January 2022, including:**
  - a) associated highway alterations funded by the Levelling Up Fund round 2 successful bid**

6<sup>th</sup> Floor  
Windsor House  
42 - 50 Victoria Street, Westminster  
London, SW1H 0TL

0300 1234 500  
[@HomesEngland](https://twitter.com/HomesEngland)  
[www.gov.uk/homes-england](http://www.gov.uk/homes-england)

OFFICIAL



Date: 2 February 2024

Our Ref: RFI4584

Tel: 0300 1234 500

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

## **Response**

We can confirm that we do hold the requested information. However, to comply with your request would present a disproportionate burden on our resources. We therefore rely on regulation 12(4)(b), exception where the request is manifestly unreasonable.

The full text of the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukxi/2004/3391/regulation/12>

### **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 correspondence between Middlesbrough Council and Homes England regarding the above housing development represent a substantial volume of information which we consider would cause a disproportionate burden on Homes England's resources.

We have identified at least 2000 files that might fall within the scope of your request as they relate to the Newham Hall development site in Coulby Newham. These files consist of a number of different emails and documents, which are not individually indexed.

As much of the correspondence contains documents, some documents may contain commercially confidential information which may fall under regulation 12(5)(e) and would likely be woven intrinsically throughout each document. Furthermore, we recognise that the correspondence contains 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. We consider that it would present a disproportionate burden on our resources to consider regulation 12(5)(e) and regulation 13 in each correspondence.

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.





Homes  
England

The Housing and Regeneration Agency

Date: 2 February 2024

Our Ref: RFI4584

Tel: 0300 1234 500

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

### **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.

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 Middlesbrough Council as part of an application for funding. Homes England would be required to consult with the Council and other third parties involved 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;
- The correspondence is highly likely to consist of text, data, surveys and plans relating to the housing development in Coulby Newham. We estimate that reviewing the information held would take more than 300 hours of staff time to review, determine, and extract the requested information. 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.

6<sup>th</sup> Floor  
Windsor House  
42 - 50 Victoria Street, Westminster  
London, SW1H 0TL

0300 1234 500  
[@HomesEngland](https://twitter.com/HomesEngland)  
[www.gov.uk/homes-england](http://www.gov.uk/homes-england)

OFFICIAL



Date: 2 February 2024

Our Ref: RFI4584

Tel: 0300 1234 500

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

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**

Regulation 9(1) provides that an authority must provide advice and assistance to applicants. In accordance with this duty, we can advise that you may firstly wish to narrow the scope of your request by limiting to a shorter time frame.

Additionally, you may wish to provide us with a more specific question in relation to the development as this would help us determine what specific correspondence falls within the scope of your request. For example, in Question 2, you have asked for “all electronic and paper correspondence between Middlesbrough Council and Homes England regarding the housing development”. If there was a specific question you would like answered (for example, if a specific piece of work was completed or not) this would help us search for the relevant information.

When considering a further request, we must advise that some environmental information contained within the agreement (Question 1 of your request) 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.

It may be helpful to know that the Department for Levelling Up, Housing and Communities (DLUHC) are responsible for delivering the levelling up fund. We therefore advise that you contact DLUHC directly in relation to your questions raised about the levelling up fund as Homes England do not hold this information.

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.

For further assistance the Information Commissioner’s Office have some useful information online that you might find helpful:

<https://ico.org.uk/for-the-public/official-information/how-to-write-an-effective-request-for-information/>

### **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





Homes  
England

Date: 2 February 2024

Our Ref: RFI4584

Tel: 0300 1234 500

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

representation by writing to Homes England via the details below, quoting the reference number at the top of this letter.

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

The Information Governance Team

Homes England

6<sup>th</sup> Floor

Windsor House

42 - 50 Victoria Street

London

SW1H 0TL

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/>  
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

6<sup>th</sup> Floor

Windsor House

42 - 50 Victoria Street, Westminster

London, SW1H 0TL

0300 1234 500

@HomesEngland

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

