



Homes
England

The Housing and Regeneration Agency

Date: 21 June 2024

Our Ref: RFI4694

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4694

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA). Please accept our apologies for the delay in providing this response to you. We recognise that our handling of your request has fallen below our standards and the timescales set out in the legislation.

You requested the following information:

I would like to make the following FOI/EIR requests concerning the restrictive covenant held by Homes England on the land comprising Betteshanger Country Park, Deal CT140BF:

1.1) I would like to have the times and dates of any meetings, whether face to face or electronic between any representatives or agents of Homes England and employees or others from Quinn Estates, Betteshanger Country Park or their agents concerning the restrictive covenant held by Homes England on the land comprising Betteshanger Country Park, between 1st August 2022 and 27th March 2024. I would like all copies of minutes or notes taken of any of these meetings specified above.

1.2) I would like to have the times and dates of any meetings, whether face to face or electronic between any representatives or agents of Homes England and employees, councillors or others from Dover District Council, or their agents concerning the restrictive covenant held by Homes England on land comprising Betteshanger Country Park, between 1st August 2022 and 27th March 2024. I would like all copies of minutes or notes taken of any of these meetings specified above.

2.1) I would also like copies of all emails or records of any telephone communications or texts which were sent or received between 1st August 2022 and 27th March 2024 between representatives or agents of Homes England, and employees or others from Quinn Estates, Betteshanger Country Park or their

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42 - 50 Victoria Street, Westminster
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@HomesEngland
www.gov.uk/homes-england





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2.2) I would also like copies of all emails or records of any telephone communications or texts which were sent or received between 1st August 2022 and 27th March 2024 between representatives or agents of Homes England, and councillors, employees or others from Dover District Council or their agents concerning the restrictive covenant held by Homes England on the land comprising Betteshanger Country Park.

Response

We can confirm we do hold some of the information requested. We will answer your questions in turn below:

1.1) I would like to have the times and dates of any meetings, whether face to face or electronic between any representatives or agents of Homes England and employees or others from Quinn Estates, Betteshanger Country Park or their agents concerning the restrictive covenant held by Homes England on the land comprising Betteshanger Country Park, between 1st August 2022 and 27th March 2024. I would like all copies of minutes or notes taken of any of these meetings specified above.

We can confirm an online MS Teams meeting took place between Quinn Estates, Thomas Lister (our agents), and Homes England on 19 March 2024 concerning Betteshanger Country Park. We can further confirm that this was an informal meeting and no notes were taken.

1.2) I would like to have the times and dates of any meetings, whether face to face or electronic between any representatives or agents of Homes England and employees, councillors or others from Dover District Council, or their agents concerning the restrictive covenant held by Homes England on land comprising Betteshanger Country Park, between 1st August 2022 and 27th March 2024. I would like all copies of minutes or notes taken of any of these meetings specified above.

We can confirm no meetings have taken place between Homes England (or our representatives or agents) and Dover District Council (or any of their representatives or agents) concerning the restrictive covenant specified in your request.





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2.2) I would also like copies of all emails or records of any telephone communications or texts which were sent or received between 1st August 2022 and 27th March 2024 between representatives or agents of Homes England, and councillors, employees or others from Dover District Council or their agents concerning the restrictive covenant held by Homes England on the land comprising Betteshanger Country Park.

We can inform you that we do hold some of 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.

The information requested relating to Betteshanger Country Park 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 Homes England.

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.





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Arguments in favour of withholding:

- If this information were to be released it would be likely to disadvantage Homes England and third party's commercial position and have a negative impact on continuing commercial negotiations;
- The consequences of releasing information that is part of ongoing negotiations could also damage Homes England's relationships with other partners and put other potential developments at risk, as partners may be deterred from working with Homes England if they felt information relating to their commercial and ongoing commitments would then be released to the public domain prior to any agreements. This would not be in the public interest as this could put potential developments in jeopardy and affect Homes England's ability to deliver against its objectives;
- This would also be likely to have the same negative effect on future commercial activity of a similar nature and the ability for Homes England to obtain best value for money through future competitive processes;
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

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

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

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42 - 50 Victoria Street, Westminster
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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

