



Homes
England

Date: 14 May 2024

Our Ref: RFI4677

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

██████████
By Email Only

Dear ██████████

RE: Request for Information – RFI4677

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

You requested the following information:

You have engaged Arcadis to carry out an EIA for Chalgrove Airfield, and they have submitted an EIA Scoping Opinion request to South Oxfordshire District Council on your behalf - document reference number 10042738-AUK-XX-XX-RP-ZZ-0003-01_P01

Please advise how much this Environmental Impact Assessment Scoping Report has cost, and the anticipated costs of the actual Environmental Impact Assessment when it is carried out.

Please also provide an updated breakdown of all costs associated with the Chalgrove Airfield project from inception to date, and indicate whether this figure includes the costs of this scoping opinion.

The breakdown should also include costs incurred when responding to the Regulation 18 Consultation for the Joint South and Vale Local Plan 2041, which seeks to remove Chalgrove Airfield from the Emerging Local Plan.

Applicable regime

We wrote to you on 16 April 2024 and 30 April 2024 advising that we required more time to consider the public interest in disclosure of the information. During these considerations, we have determined that your request for information is one for environmental information, and therefore should be handled under the EIR, rather than the Freedom of Information Act 2000. Please accept our apologies for the delay in providing this response to you.

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

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



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Response

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

You have engaged Arcadis to carry out an EIA for Chalgrove Airfield, and they have submitted an EIA Scoping Opinion request to South Oxfordshire District Council on your behalf - document reference number 10042738-AUK-XX-XX-RP-ZZ-0003-01_P01

Please advise how much this Environmental Impact Assessment Scoping Report has cost, and the anticipated costs of the actual Environmental Impact Assessment when it is carried out.

We can confirm that we do hold this information, We are withholding this information from disclosure under the following exception:

Regulation 12(5)(e) – Confidentiality of commercial or industrial information

Under regulation 12(5)(e) of the EIR, Homes England may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

Four elements are required for Regulation 12(5)(e) to be engaged:

- 1) The information is commercial or industrial in nature;
The information relates to the amount of money paid for a specific project cost. Therefore it is commercial in nature as it relates to commercial activity.
- 2) Confidentiality is provided by law;
The withheld information is subject to confidentiality provided by law under a common law duty of confidence. The information has a common law duty of confidence because it is not trivial and not in the public domain.

The information was created by two parties who have entered into contractually binding confidentially terms. These show that the parties had the intention that a duty of confidentiality would be created between them. Homes England therefore recognises that this information was intended to be held in confidence between the parties.

- 3) The confidentiality is providing a legitimate economic interest;





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The requested information relates to the current and future commercial activity of Homes England. If the confidentiality of this information was breached it would harm the ability of Homes England and third parties to negotiate effectively. There is a legitimate economic interest in protecting the ability of Homes England and third parties to negotiate in current and future commercial agreements.

4) The confidentiality would be adversely affected by disclosure;

Disclosure would result in third parties gaining access to commercially valuable information. Disclosure of the confidential information would harm the ability of Homes England to achieve good value for public money.

Public Interest Test

Regulation 12(5)(e) 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) the public authority 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 12(5).

Factors in favour of disclosure

- Homes England acknowledge that there is a presumption in 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 acknowledge that there is a public interest in the cost of completing an Environmental Impact Assessment.

Factors in favour of withholding

- If this information were to be released it would be likely to disadvantage Homes England's and the third party's commercial position and have a negative impact on continuing commercial arrangements.
- 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 tender processes.
- If released, this would reveal financial strategies and analysis disclosed to Homes England that were not meant for release into the public domain. Third party interests would be adversely affected as it could be used against them in negotiations for similar matters as other parties would have this prior knowledge of their business' operating models, forecasts and financial information; and,





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- 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 Regulation 12(5)(e) in the legislation can be found via the following link: [The Environmental Information Regulations 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk).

Please also provide an updated breakdown of all costs associated with the Chalgrove Airfield project from inception to date, and indicate whether this figure includes the costs of this scoping opinion.

The breakdown should also include costs incurred when responding to the Regulation 18 Consultation for the Joint South and Vale Local Plan 2041, which seeks to remove Chalgrove Airfield from the Emerging Local Plan.

We can confirm that we do hold the requested information. Please see table below which shows the costs incurred to date for Homes England's Chalgrove Airfield project. These costs are correct as at 2 April 2024. We can advise that these are actual, incurred costs, and not estimates. Furthermore, we can confirm that the Capital fees and consultancy costs includes the full cost of the ES Scoping Opinion (but not the full cost of the ES) and costs for responding to the Reg18 consultation.

Due Diligence, Initial Site Acquisition, Holding Costs	£244,770.35
Capital Fees & Consultancy Costs	£5,354,038.46
Offsite Highways Fees	£589,203
Legal Costs	£365,950.76
Pre -App and Application Fees	£286,204.96
Land Acquisition + SDLT	£5,763,875
TOTAL	£12,604,042.53



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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.

Email: infogov@homesengland.gov.uk

The Information Governance Team
Homes England
6th 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

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