



Homes
England

Date: 30 May 2024

Our Ref: RFI4331

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

The Housing and Regeneration Agency

██████████
By Email Only

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

Dear ██████████

RE: Request for Information – RFI4331

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:

In addition, we are keen to know what factors influenced your most recent market valuation – for example, how much was factored-in for the costs of MMC and CNZ.

Response

We can inform you that we do hold 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 the land valuation of Northern Arc, Burgess Hill 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 the tender and bidding process for land.

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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.
- There is a public interest in promoting good competition between bidders which may help achieve the best value for public money.

Arguments in favour of withholding:

- Disclosing the exact value of the land to the public at large would be likely to weaken the negotiating position of Homes England, as potential bidders will be able to use this information to inform their bids. This will result in Homes England no longer being able to negotiate for a better price and gain better value for money, which is not in the public interest.
- If the exact value of the land was disclosed and potential bidders could utilise this information to their advantage by bidding accordingly, this will provide them with an unfair advantage against developers who would not have had access to this information when making their bids. This therefore would be likely to prejudice the commercial interests of these developers who will not be able to effectively compete in the market. This will decrease the competition in the market which is ultimately not in the public interest.
- Releasing information that forms part of a competitive process before a decision has been made would be likely to compromise the bidding process.
- Releasing information which would be likely to allow competitors to undercut other developers may discourage these developers from working with Homes England, and other public authorities who are subject to the FOIA, in the future.
- 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 the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>



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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

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Homes England
Windsor House
6th Floor
42-50 Victoria Street
London
SW1H 0TL
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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