



Homes
England

The Housing and Regeneration Agency

Date: 12 February 2025

Our Ref: RFI4993

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk


By Email Only

Dear 

RE: Request for Information – RFI4993

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:

Please may I have any information of any outstanding loans or grants made to Wyre Forest District Council, either directly or indirectly via a third party in respect of the land and buildings situated at 8 & 8A Bridge Street, Stourport-on-Severn DY13 8XD. This request applies to Homes England and its predecessor organisations.

In providing this information, please can you state what, if any, loans or grants are due for repayment by the Council and when.

Response

We can inform you that we do hold the information that you have requested. We can advise that the Bridge Street site was acquired with funding from Homes England's predecessor body Advantage West Midlands and Wyre Forest District Council's rights and liabilities for the Bridge Street site are set out in a Collaboration Agreement. However, we rely on section 43(2) of the FOIA to withhold the information from disclosure.

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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 relates to a collaboration and funding agreement which 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 funding agreement.

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.

Arguments in favour of withholding:

- The information relates to and directly affects ongoing commercial negotiations that Homes England and the third party (the council) are undertaking. If this information were released it would be likely to disadvantage Homes England's and the council's commercial positions. Disclosure of this information would negatively impact the council's commercial interest relating to the potential future disposal of this land. This would likely result in significant commercial and financial loss as the release of this information could allow other third parties to unduly influence the potential disposal or development process;
- Releasing the information could reveal financial information of a third party which may in turn affect their commercial interests. The consequences of releasing data that is part of a wider ongoing matter could damage our relationships with partners and put other potential funding allocations at risk. This would not be in the public interest as this could put potential homes in jeopardy and affect Homes England's ability to deliver against its objectives in our strategic plan;
- If information regarding value that has been derived were in the public domain there could be expectations from the public and potential future partners about the value of the site and the value





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of potential works. This would mean that prices could be inflated and negotiating positions put at risk. This would not be in the public interest as it would be likely to result in poorer value for public money;

- The funding agreement also contains confidentiality provisions in relation to the third party's obligations and release of the information would breach these undertakings. This would be likely to cause significant detriment to Homes England in our relationship with a partner. As the Government's housing accelerator Homes England has to support relationships with partners in order to achieve our strategic objectives and support home delivery with best value for public money. If partners felt that Homes England would reveal confidential commercial information in relation to projects where we were collaborating it would be likely that future partners would be unwilling to work with us or be wary of being open and transparent. This would cause significant risk in Homes England being able to invest public money and resources in the widest possible net of partners in order to achieve best value for money. It is imperative that Homes England is able to attract competitive partners and is respected in the market as a positive force; and
- 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>

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
The Lumen

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United Kingdom

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,

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For Homes England

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