



Homes
England

The Housing and Regeneration Agency

Date: 26 February 2025

Our Ref: RFI5019

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI5019

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 forward copies of all communications between Homes England and the University of Derby. Please provide copies of all Homes England's communications (internal and with other external organisations) relating to the University of Derby.

We asked you for clarification and you advised the following:

we are looking for information relating to properties connected to the University of Derby in Buxton.

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 communication between Homes England and the University of Derby engages section 43(2) of the FOIA as it is commercial in nature and its release would be likely to

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prejudice the commercial interests of the University of Derby and 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 future development around the site.

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 the third parties are undertaking regarding future proposals at the site. Disclosure of this information could prejudice the commercial interests of the third parties involved by revealing sensitive details that competitors could exploit;
- Whilst commercial negotiations are live and ongoing, it is important that all negotiating parties are given a 'safe space' for which to have exploratory and confidential discussions. The disclosure of this information would be likely to prejudice that safe space and harm the quality of discussions, negotiations and information sharing;
- Disclosure is likely to be prejudicial to the commercial interests of both Homes England and third parties as there is reasonable expectation that such information provided to Homes England in this capacity would not be disclosed. This may deter future partners from sharing commercial information with Homes England which would harm our ability to negotiate effectively and achieve value for public money;
- Disclosing details of a third party's business proposals, and future strategic decisions relating to estate planning and information not in the public domain may affect their relationship with other parties, including Homes England, and affect a party's reputation in the market. This would be likely to have a negative impact on the third party's ability to procure works or funding for future development;

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- Releasing information in relation to a third party in a competitive market would be likely to distort competition, making it a less competitive process. This would not be in the public interest as it would be likely to lead to third parties being unable to secure works for market value, or be successful in securing approvals for works and services;
- 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

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Homes England
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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,

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For Homes England

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