



Homes  
England

Date: 29 May 2025

Our Ref: RFI5085

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

[REDACTED]  
By Email Only

Dear [REDACTED]

**RE: Request for Information – RFI5085**

Thank you for your request for information which was processed under the Environmental Information Regulations 2004 (EIR).

You requested the following information:

**This request concerns the proposed development by Esquire Developments on land south of Tunbridge Wells, adjacent to Bayham Road, which includes a residential housing scheme and the relocation of the Tunbridge Wells Rugby Football Club (TWRFC) to a site on Bunny Lane. The development involves land at Chase Farm, Pinewood Farm, and land adjacent to Bayham Road (including land understood to be owned by Homes England). My request covers the period from 2020 to the present.**

**Requested Information (2020–Present)**

**Please provide all relevant information and records in the categories listed below, for the time period from 2020 onward:**

- 1. Environmental Impact Assessments (EIAs):** All Environmental Impact Assessments or Environmental Statements prepared in relation to this development. If no EIA was conducted, provide any screening opinions, determinations, or documentation explaining why an EIA was not required for this project.
- 2. Correspondence:** All correspondence (including emails, letters, meeting minutes, and notes of telephone conversations) between any of the named authorities (Wealden District Council, Tunbridge Wells Borough Council, Homes England) and Esquire Developments, Sport England, Tunbridge Wells Rugby Football Club, or any other relevant stakeholders regarding this proposed development. This should encompass communications about planning, environmental considerations, land negotiations, or any aspect of the project.

2<sup>nd</sup> Floor  
The Lumen  
St James Boulevard, Newcastle Helix  
Newcastle upon Tyne, NE4 5BZ

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





Homes  
England

Date: 29 May 2025

Our Ref: RFI5085

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

**3. Land Ownership and Agreements:** Documents and records related to land ownership and agreements for the sites in question. This includes title deeds, land registry records, option or purchase agreements, leases, or memoranda of understanding for land at Chase Farm, Pinewood Farm, and the land adjacent to Bayham Road. Please include any correspondence or documents detailing land ownership transfers or agreements involving Homes England's land in this area.

**4. Environmental and Infrastructure Studies:** All studies, surveys, reports, or assessments concerning the potential impacts of the development. This should include (but not be limited to) documents on:

- **Biodiversity and Ecology:** Surveys of wildlife, habitat assessments, ecological impact studies, and mitigation plans.
- **Flood Risk and Water Management:** Flood risk assessments, drainage strategies, SuDS (sustainable drainage) reports, and any water contamination or hydrology studies.
- **Transport and Traffic:** Traffic impact assessments, transport studies, road infrastructure evaluations, or public transport impact analyses.
- **Community Infrastructure:** Assessments of impacts on healthcare services (e.g. local hospitals/GP surgeries), educational facilities (schools capacity), and utilities (water, sewerage, electricity, etc.) as a result of this development.

**5. Biodiversity Net Gain (BNG):** All documents related to Biodiversity Net Gain commitments or plans for this development. This includes any BNG assessments, calculations of biodiversity losses and gains, proposed offsetting measures, correspondence about BNG requirements, and any agreements on how a net gain in biodiversity will be achieved (for example, plans for habitat creation or enhancement either on-site or off-site).

**6. Public Consultation Records:** Records of any public consultations or community engagement undertaken regarding this project. This should include:

- Documentation of public meetings, exhibitions, or online consultations (such as dates, venues, and materials presented).
- Copies of consultation materials, leaflets, or presentations provided to the public.
- Summaries or analyses of public and community feedback received.
- Any documents showing how the feedback or objections from the community have been considered, addressed, or incorporated into planning or decision-making.

**7. Planning Applications and Decisions:** Copies of all planning applications or related submissions concerning this development (including any screening or scoping requests under the EIA regulations, outline or full planning applications, etc.). For each, please provide any associated documents such as:





Homes  
England

Date: 29 May 2025

Our Ref: RFI5085

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

- **Decision notices or outcome letters (approval, refusal, or withdrawal), including any conditions attached to an approval.**
- **Reports or minutes from planning committee meetings or officer reports pertaining to these applications.**
- **Any planning officer/inspector reports or recommendations.**
- **If no formal planning application has been submitted yet, any preliminary application references (such as the screening opinion mentioned) and the outcome of those processes.**

**8. Business Case and Viability Assessments:** Any business case documents, viability assessments, or financial appraisals related to the proposed development. This includes:

- **Analyses of the economic viability of the housing development and the rugby club relocation.**
- **Documents evaluating costs, funding sources, and financial planning for delivering the new rugby facilities and other community infrastructure.**
- **Any assessments of developer contributions, Section 106 agreements, Community Infrastructure Levy (CIL) considerations, or similar, including any viability arguments for the level of affordable housing or infrastructure contributions.**

**9. Lobbying and Meeting Records:** Records of any lobbying efforts, meetings, or representations made by third parties concerning this development. This should cover:

- **Communications or meeting notes involving developers, landowners, agents, or interest groups lobbying for or against the project.**
- **Correspondence or meeting records with elected officials (such as local councillors, MPs) or government departments about the development.**
- **Any registers of contact or lobbying that the councils or Homes England maintain in relation to planning proposals.**
- **Submissions or representations from groups such as local sports clubs, community associations, or environmental groups, and records of any meetings with such groups.**

**10. Governance/Devolution Impact:** Information on how any changes in governance, devolution deals, or local government reorganization have impacted the processes or decision-making for this development. For example:

- **Any correspondence or guidance about the interaction between Wealden District Council and Tunbridge Wells Borough Council (given the cross-boundary nature of the site) in handling this project.**





Homes  
England

Date: 29 May 2025

Our Ref: RFI5085

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

- Documents discussing how a devolution arrangement or a restructuring of local government responsibilities (if applicable since 2020) might affect planning authority or infrastructure funding for the development.
- Any changes in planning procedure or jurisdiction due to local government reorganisation that are relevant to this case.

Please include copies of all relevant documents, emails, meeting minutes, reports, and any other recorded information falling into the above categories, held by your respective authority, covering the time period from 2020 to present (the date of this request).

### Response

We can confirm that we do hold some of the requested information. However, to comply with your request would present a disproportionate burden on our resources. We therefore rely on regulation 12(4)(b), exception where the request is manifestly unreasonable.

The full text of the legislation can be found on the following link and we have quoted regulation 12(4)(b) below for ease.

<https://www.legislation.gov.uk/ukxi/2004/3391/regulation/12>

### Regulation 12(4)(b) – Manifestly Unreasonable

Regulation 12(4)(b) of the EIR provides an exception to the duty to disclose environmental information where the request is manifestly unreasonable. The information requested engages this exception because the request asks for “all relevant information” in relation to 10 questions about the land south of Tunbridge Wells, over a five-year period. In particular, the information in relation to question two concerning correspondence between Homes England and the named authorities is not all recorded centrally or in a manner that would allow us to identify correspondence held in relation to meetings, planning, environmental considerations, land negotiations. It would involve sifting through every piece of correspondence in relation to the proposed housing development for the last five years to determine which correspondence falls within scope of your request. We consider this would cause a disproportionate burden on Homes England’s resources.

In the earlier stages of handling your request, we thought that we may have been able to rely on Regulation 7(1) of the EIR, which would permit Homes England to extend the time limit for compliance to a

2<sup>nd</sup> Floor  
The Lumen  
St James Boulevard, Newcastle Helix  
Newcastle upon Tyne, NE4 5BZ

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





# Homes England

Date: 29 May 2025

Our Ref: RFI5085

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

maximum of 40 working days in order to facilitate compliance. However, after having used this time, we have concluded, after identifying further information in scope of the request, we still consider that the complexity and volume of information requested means that it is impracticable to comply with the request within 40 working days. We should have concluded that the exception contained at 12(4)(b) of the EIR was engaged sooner and for this we apologise.

## Public Interest Test

Regulation 12(4)(b) 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) Homes England 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 regulation 12(4)(b).

### Public interest in favour of disclosure:

- Homes England acknowledges that there is a presumption in favour of 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 acknowledges that the disclosure of environmental information increases public trust in how we undertake our responsibilities as a public authority.

### Public interest in maintaining the exception:

- Responding to the request would place a disproportionate burden on Homes England in terms of time, resources, and cost. This is particularly relevant to question two relating to correspondence, as the information is not all recorded centrally. Retrieving this information would require a significant volume of staff in relation to the delivery of the work to search and retrieve information which may fall within scope. This would divert significant resources away from other essential functions and services, ultimately impacting Homes England's ability to fulfil its core responsibilities effectively;
- Some of the requested information will become available in due course by virtue of already established disclosure procedures in the planning process. It is important that resources are not diverted away from participating in already established transparency processes to release information at an earlier stage in proceedings via an alternative process;







# Homes England

Date: 29 May 2025

Our Ref: RFI5085

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

- The extensive effort required to process the request could negatively affect the Homes England's authority's ability to deliver timely and efficient services to the public. This could lead to delays in other important areas of work, reducing the overall quality of service provided to the public;
- Homes England has limited resources, and it is in the public interest to ensure that these resources are allocated efficiently. Processing a manifestly unreasonable request could result in the misallocation of resources, preventing the authority from addressing other pressing issues that may have a higher priority or greater public benefit;
- The request is so voluminous that it would create an administrative overload, making it difficult for Homes England to manage its workload effectively. This would lead to inefficiencies and hinder the Agency's ability to respond to other requests. Locating, retrieving, and extracting information would also require the support of technical staff. Due to the volume of information that would need to be searched to identify information in scope of this request, this would also cause a disruption to delivery of other services provided by Homes England;
- Responding to the request could encourage similar requests in the future, further straining Homes England capacity. It is in the public interest to discourage the submission of unreasonable or vexatious requests to ensure that Homes England can operate efficiently and focus on legitimate inquiries;
- Much of the requested environmental information consists of information that was provided to Homes England by third parties. Homes England may be required to consult with involved third parties about the disclosure of the environmental information and considers that the review of this information would place a disproportionate burden on the other third parties involved;
- Due to the nature of the requested information and the current stage in proceedings in the development, it is likely that the exceptions contained within regulation 12(5)(e) confidentiality of commercial or industrial information and regulation 13 – personal data would be engaged. Identifying the information held that engaged the exception and conducting the public interest test for all information held would be a complex and voluminous exercise that would inhibit the ability to respond to other requests for information; and
- There is a strong public interest in ensuring that Homes England can govern effectively and make informed decisions. Processing a manifestly unreasonable request could undermine Homes England's to function efficiently and effectively, ultimately detracting from good governance.

Having considered the argument for and against disclosure of the information, we have concluded that at this time, the balance of the public interest continues to favour non-disclosure.





Homes  
England

Date: 29 May 2025

Our Ref: RFI5085

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

### **Advice and Assistance**

Regulation 9(1) provides that an authority must provide advice and assistance to applicants. In accordance with this we can advise that the part of your request that states **'All correspondence between any of the named authorities and Esquire Developments... or any other relevant stakeholders'** is a broad request as this includes several thousands of items of communication held by Homes England which are not recorded in a way in which is easy to identify whether it falls within the scope of your request. Therefore, each email and any attachments would need to be reviewed to identify and extract information in scope and then consider the applicability of any exceptions.

Additionally, your request states **'Please include copies of all relevant documents, emails, meeting minutes, reports, and any other recorded information falling into the above categories, held by your respective authority, covering the time period from 2020 to present (the date of this request).'** Identifying all the information we hold in scope of this request would require a manual search of all records held, both centrally and by staff. As detailed above, this amounts to thousands of pieces of information, including documents and communications.

We recommend that you refine your request by firstly limiting the timeframe for the information requested as a 5 years is a large timeframe to search given that there is an ongoing application for the proposed development.

A significant amount of time would also be required to retrieve, extract, review any documentation held in order to comply with the remaining questions in your request, therefore, limiting your request to fewer and more specific questions would be likely to reduce the burden on Homes England's resources.

Please note that due to the broad scope of your request we cannot confirm that any further request would not also be considered manifestly unreasonable pursuant to regulation 12(4)(b) EIR.

For further assistance the Information Commissioner's Office have some useful information online that you might find helpful:

<https://ico.org.uk/for-the-public/official-information/how-to-write-an-effective-request-for-information/>

2<sup>nd</sup> Floor  
The Lumen  
St James Boulevard, Newcastle Helix  
Newcastle upon Tyne, NE4 5BZ

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





# Homes England

Date: 29 May 2025

Our Ref: RFI5085

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

## **Right to make Representations**

If you are not happy with the information 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](mailto:infogov@homesengland.gov.uk)

The Information Governance Team  
Homes England  
2<sup>nd</sup> Floor  
The Lumen  
St James Boulevard  
Newcastle Helix  
Newcastle upon Tyne  
NE4 5BZ

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

2<sup>nd</sup> Floor  
The Lumen  
St James Boulevard, Newcastle Helix  
Newcastle upon Tyne, NE4 5BZ

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

