



Date: 12 June 2025

Our Ref: RFI5143

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

By Email Only

Dear [REDACTED]

RE: Request for Information – RFI5143

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

You requested the following information:

Please provide me with a copy of the Development Capacity and Delivery Strategy produced for Peterborough City Council by Tibbalds in 2024 and funded by Homes England.

Response

We can confirm that we do hold the requested information.

The information that we hold that falls within the scope of your request is the Peterborough Capacity and Delivery Strategy. We are withholding this document 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 requested information relates to a report concerned with future land development. Its release would be likely to prejudice the commercial interests of Homes England and the Peterborough City Council.
- 2) Confidentiality is provided by law;

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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 in circumstances creating an obligation of confidence; it has been created to assist decision making process. Homes England therefore recognises that this information was intended to be held in confidence within the organisation.

- 3) The confidentiality is providing a legitimate economic interest;
If the confidentiality of this information were breached it would harm the ability of Homes England and the Peterborough City Council to undertake their core functions. There is a legitimate economic interest in protecting the ability of Homes England and the Local Authority 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 and the Local Authority 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;
- Homes England acknowledges that there is an interest in the terms of the funding it delivers and the arrangements between the organisation and our partners.

Factors in favour of withholding

- The requested information relates to a report provided by Peterborough City Council to Homes England and contains information about options for the development of land in Peterborough. This information has been created as an aide to assist Peterborough City Council to undertake commercial decisions and inform strategy. If the information were released, it would prejudice the





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ability of Peterborough City Council to consider commercial information in a safe space away from outside interference. It is important that public sector organisations are provided with a 'safe space' to undertake preliminary commercial conversations and discussions in order to achieve value for public money.

- The information relates to land where Peterborough City Council is likely to be undertaking future works. If this information were released it would disadvantage the Local Authority's commercial position and have a negative impact on the Local Authority's ability to procure works for ongoing development. The Local Authority would not be able to negotiate effectively as this information could be used by third parties to distort or otherwise prejudice the ability of the Local Authority to secure works and meet their strategic objectives, resulting in damage to the public purse;
- This would also have the same negative effect on future commercial activity and other Homes England partnerships. This would not be in the public interest as it would put development at risk, inflate prices and damage Homes England's reputation as a partner. This would negatively affect public money and nullify work already undertaken;
- Disclosure would likely to result in partners being deterred from sharing commercially sensitive information with Homes England in future, if they fear this information could be disclosed. This could reduce the effectiveness of collaboration and limit Homes England's ability to deliver on its objectives in our strategic plan;
- 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:

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

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

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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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