

Windsor House  
45 – 50 Victoria Street  
London  
SW1H 0TL

**Mrs Newsom**

By email only to: [request-521478-ed77d2c2@whatdotheyknow.com](mailto:request-521478-ed77d2c2@whatdotheyknow.com)

02 November 2018

Dear Mrs Newsom

**Environmental Information Regulations 2004 (EIR)**

**Our reference: RFI2507**

Thank you for your email of 24 September 2018. I am writing in response to your request for information held by Homes England which has been processed under the EIR. Please accept my apologies for the delay in responding.

For clarification, you made the following request:

*DAEDALUS / WATERFRONT : Lee-on-Solent Phase 1: Independent Dust Monitoring*

*Referring to above site and HCA's Jeremy Herring email of 30 August 2017 timed 16.32, subject heading "Daedalus Dust & Rubble Management".*

*That email states:-*

*"In advance of our meeting on Friday I should let you know that the HCA has undertaken further independent air monitoring at the boundary of the Daedalus site in the same location as the Natta dust monitoring stations. This is as a direct result of Mrs Newsom's concerns and is for reassurance purposes. I have sought to avoid it being confused with the statutory dust monitoring that Natta are undertaking."*

*"These tests are generally carried out weekly and started end of July/beginning of August. They cover dust quantum, heavy metals, organics and asbestos. ..."*

*Relating to above Project works (December 2016 to present) and immediately quoted above please supply all air monitoring information to the current date. Also please give the name of the firm undertaking the work. For avoidance of doubt including all reports, full test results, monitoring exact locations from commencement onwards giving full dates. Please include PM10 and PM25 tests, levels and frequency.*

*Please state if there is no such information beyond the site boundary supplying the information and why not. If there are additional air monitoring tests to those quoted immediately above please also supply that information with the exception of the Natta information immediately below described.*

*As the Natta EAC% benchmark frequently quoted as a dust benchmark is only an indicative tool of dust discolouration (Dust Management Plan) as well as only relating to road Natta building July 2017 onwards, not to demolition works (January 2017 – May 2017) I do not request that NATTA information as it appears irrelevant and misleading.*

*For information airborne dust from this highly contaminated site continues (22 months so far). It is extremely fine thus likely breathed deep into lungs. Continued at the Eastern side is absence of watering down of the churned up dusty site other than rain.*

I can confirm that Homes England holds some of the information you have requested. Please find information enclosed in Annex A. However, some of the information is being withheld as there is an exception from disclosure.

#### Regulation 12(3)

Under regulation 12(3), Homes England is required to not disclose personal data of a third party, except in accordance with regulation 13. Regulation 13 prohibits disclosure of third party personal data if releasing would contravene any of the data protection principles. In this case, release of the third party personal data would be unfair to the individuals concerned.

Regulation 12(3) is not subject to a public interest test. This means that we do not need to consider the wider public interest in disclosure. Once we have established that we are unable to release the personal data in accordance with regulation 13, then the exception is engaged.

The full text of regulation 12(3) can be found here:

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

#### Regulation 12(5)(e)

Under regulation 12(5)(e), Homes England is not obliged to disclose information that would adversely affect the confidentiality of commercial or industrial information.

The exception stated in regulation 12(5)(e) is a qualified exception, this means that Homes England must carry out a public interest test to decide whether the information should be released even if the exception is engaged.

Arguments in favour of disclosure:

- Homes England accepts there are some public interest in disclosing the information to promote transparency and accountability of public authorities to enable greater public awareness and understanding of environmental matters.

Arguments in favour of withholding:

- Homes England considers that disclosure of the commercial fee structure would adversely affect the legitimate economic interests of the relevant third party organisations.
- Disclosure would adversely affect Homes England's ability to enter into commercial agreements with third parties in the future.
- Homes England considers that the content of information would not contribute to the public debate on this matter and is therefore of no wider public interest.

Having considered the arguments both for and against disclosure of the information, Homes England has concluded that the balance of the public interest test favours withholding the information at this time.

The full text of regulation 12(5)(e) can be found here:

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

### **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: [foi@homesengland.gov.uk](mailto:foi@homesengland.gov.uk)

Information Access Team  
Windsor House  
45 – 50 Victoria Street  
London  
SW1H 0TL

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. We may be required to disclose your request and our response accordingly.

Yours sincerely

*L. Clare*

Information Access - Homes England