



Homes
England

Date: 4 March 2021

Our Ref: RFI3323

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

██████████
By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear ██████████

RE: Request for Information – RFI3323

Thank you for your request for information which we have processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

1. *For each of the last 10 financial years, and the current financial year to 07.02.2021 please state:*
 - the number of legal disputes between your department and other central government departments and non-departmental government bodies.

For each, please provide

- A list of the court cases related to the dispute, with current status (resolved or ongoing)
- Total time period of the dispute from bringing of proceedings until conclusion.
- Total cost in legal fees and related administration costs to your department

2. *For each of the last 10 financial years, and the current financial year and up to and including the 07.02.2021 please supply the number of legal disputes between your department and a UK local council (including district, county, borough, unitary, parish).*

For each, please provide

- A list of the court cases related to the dispute with current status (resolved or ongoing)
- Total time period of the dispute from bringing of proceedings until conclusion.
- Total cost in legal fees and related administration costs to your department.

3. *For each of the last 10 financial years, and the current financial year to 07.02.2021 please state the number of legal disputes between your department and a regional mayoral department.*

For each, please provide

- A list of the court cases related to the dispute, with current status (resolved or ongoing)
- Total time period of the dispute from bringing of proceedings until conclusion.
- Total cost in legal fees and related administration costs to your department

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4. *Re: Newburn Sidings Swindon, and the information as given by a spokesman to the local Swindon Advertiser daily newspaper appertaining to Homes England having taken ecological advice from a Company that they use, prior to fitting an embankment rail and fence across the culvert. We would in this instance and as part of the FOI request like to know the name of the Company concerned.*

Response

We can inform you that we may hold some information that would fall within the scope of your request, However, to comply with your request would exceed the appropriate limit for the cost of compliance. We therefore rely on section 12, where the cost of compliance exceeds the appropriate limit under the FOIA.

The full text of the legislation can be found on the following link and we have quoted section 12 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/contents>

Section 12 - Exemption where cost of compliance exceeds appropriate limit

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.*
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.*
- (3) In subsections (1) and (2) "the appropriate limit" means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.*
- (4) The Minister for the Cabinet Office may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority:*
(a) by one person, or
(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.
- (5) The Minister for the Cabinet Office may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.*

We have considered the current wording of your request and in its current scope we have determined that to establish where all elements of the information is held, to locate any information, to retrieving any information and to further extract any information would exceed the appropriate limit as defined by legislation.

Advice and Assistance

We have a duty to provide advice and assistance in accordance section 16 of the FOIA, to comply with this duty we can confirm that in response to question 4 and on voluntary basis (outside the statutory regime) that the Frameworks consultant is The Environment Partnership (TEP).



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We also have a duty to provide advice and assistance surrounding the section 12 exemption to comply with this duty we advise that you may wish to consider narrowing the scope of your request.

We can confirm that we do not collect or collate the information you have requested centrally and therefore we would have to undertake manual searches of hundreds of files from numerous Homes England departments to conclude that information may be held that falls within the scope of your request.

To bring your request under the time limit for compliance you could request this information in relation to a particular matter or site.

As a result of our conclusion in respect of the application of section 12, we are not legally obliged to provide any information compiled in the course of our searches. However, we can advise you on a voluntary basis (outside the statutory regime) that as far as we are aware, in the last 7 years we have no knowledge of any legal disputes that would fall into the scope of your request for questions 1 and 3.

On a similarly voluntary basis, we can advise that there was a planning appeal (involving Northampton Borough Council) in respect of land at Hardingstone in 2016.

Further information can be found on the following link:

<http://www.northamptonboroughcouncil.com/documents/s49592/Hardingstone%20Appeal%20Decision.pdf>

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

In writing:

The Information Governance Team

Legal Services

Homes England

Windsor House

50 Victoria Street

London

SW1H 0TL

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 and we aim to issue a response within 20 working days.



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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 FOIA. 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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