



Homes  
England

Date: 2 August 2021

Our Ref: RFI3527

Tel: 0300 1234 500

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

Making homes happen

██████████  
By Email Only

Windsor House  
Homes England – 6<sup>th</sup> Floor  
50 Victoria Street  
London  
SW1H 0TL

Dear ██████████

**RE: Request for Information – RFI3527**

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

For clarification, you requested the following information:

*In your previous guise as the Homes and Communities Agency, in 2017, a loan reported to be of value £53.8m was granted to Hodson Developments in order for a new development near Ashford in Kent to take place.*

*I would like all available details of the tendering and due diligence process undertaken at the time, including but not limited to, plans, financial models, tender paperwork, commitments made by the developer. I would also like to have a copy of the loan contract, the precise amount advanced, details of repayments, interest charges, guarantees placed by the developer. I would like details of any competing tenders or bids made by other developers. Any notes or email conversations that took place between staff at the HCA at the time relating to the award of this loan. Finally, and more up-to-date: is the loan still outstanding? Has it been repaid? What amount is left outstanding? If stage-payments were required, have they been made on time?*

**Response**

We can inform you that we do hold the information that you have requested. However, to comply with your request would exceed the appropriate limit for the cost of compliance. We therefore rely on section 12, exemption 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.

OFFICIAL



Date: 2 August 2021

Our Ref: RFI3527

Tel: 0300 1234 500

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

(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 the information, retrieving the information and extracting the information would exceed the appropriate limit in terms of timeframes.

Under the terms of the Act we are not obliged to provide any information compiled in the course of our searches prior to concluding section 12 is engaged.

### **Advice and Assistance**

In compliance with the Section 45 Code of Practice (Paragraph 14) and to offer advice and assistance under section 16 of the Freedom of Information Act 2000, you may wish to consider narrowing the scope of your request.

We can advise that the section 12 limit is reached particularly due to the request for documentation in relation to “tendering and due diligence process” relating to the Hodson Development site. We proceeded to work with the responsible Information Owners for this request to determine what information was held. We hold several documents within our electronic files and across multiple internal systems where we will need to find, retrieve, and manually extract the required information that we hold that is specific to your request.

Further to this, your request for “notes or email conversations” extends the limit as searches of individual inboxes and other locations of conversations will need to be carried out. Once all the information is located and accumulated it will then need to go through a review process to provide the specific information that has been requested. At this stage it was determined that to comply with your request would exceed the appropriate limit for compliance.

Your request could be refined by specifying the type of information you are seeking such as requesting only emails, legal documents or correspondence, for example.

However, please note that due to the broad scope of your request, we cannot confirm that any further request would not also exceed the section 12 cost limit at this time.



Homes  
England

Making homes happen

Date: 2 August 2021

Our Ref: RFI3527

Tel: 0300 1234 500

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

**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](mailto:infogov@homesengland.gov.uk)

The Information Governance Team  
Homes England – 6<sup>th</sup> Floor  
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. 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

OFFICIAL