



Homes  
England

The Housing and Regeneration Agency

Date: 1 November 2024

Our Ref: RFI4906

Tel: 0300 1234 500

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

[REDACTED]  
By Email Only

Dear [REDACTED]

**RE: Request for Information – RFI4906**

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

You requested the following information:

**Under the Freedom of Information Act, I would like to request any Homes England correspondence and documents (limited to the 2024 calendar year only) related to the A40 HIF2 Smart Corridor project between Oxford and Witney, which is being funded by Homes England and delivered by Oxfordshire County Council.**

**I am particularly interested in details of any Material Change Requests requested by OCC and Homes England's response to these, but subject to the appropriate limit please do include any other correspondence or documentation relevant to the project.**

**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 Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provides for the appropriate limit referred to in section 12(1). Section 3(3) of this Regulation provides that the appropriate limit is £450.

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

An initial search confirms that we hold approximately 6000 pieces of email correspondence since 1 Jan 2024, and at an estimate of 1 minute to review each email, it would take at least 400 hours to determine what information fell within the scope of your request. This alone would exceed the 18-hour time limit for compliance. Additionally, this time does not include reviewing any email attachments and the additional

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documents held across our internal systems. We would also need to manually review each piece of correspondence in order to determine which specifically related to Material Change Requests in the second part of your request.

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**

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty, we confirm that the cost limit is reached particularly due to the wide scope of your request for “any correspondence and documents related to the A40 HIF2 Smart Corridor project”. We therefore advise that you may wish to consider narrowing the scope of your request for example, by requesting a specific document in relation to the project. Further to this, your request could be refined by a shorter timeframe. Whilst this would still be manual work, there would be fewer records in scope of your request to search through and it could bring your request within the cost limit for compliance.

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.

### **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)

Information Governance Team  
Homes England  
The Lumen  
2nd Floor  
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Newcastle upon Tyne

NE4 5BZ

United Kingdom

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

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