

Public Interest Test

EIR2024/00076

Please supply me with the latest Appraisal Summary Table (AST) which was part of the Full Business Case for:

- 1) A428 Black Cat to Caxton Gibbet
- 2) M54 to M6 Link Road

Environmental Information Regulations 2004 exception

Regulation 12(5)(e) - Commercial or industrial information

Regulation 12(4)(d) - Material in the course of completion, unfinished documents, and incomplete data

Factors supporting disclosure

Factors supporting non-disclosure

There is a clear public interest in:

The impact that the A428 Black Cat to Caxton Gibbet scheme and the M54 to M6 Link Road scheme will have on the economy, the environment, social factors and public accounts.

National Highways being open and transparent about its quantitative, qualitative, monetary and distributional assessment of the scheme.

National Highways evidencing and being accountable for the way in which public money has been used to progress the scheme, the decisions made at each stage of the scheme, and the reasons for those decisions.

National Highways evidencing the criteria and processes used to assess options.

Providing information about the scheme in order to inform public debate.

It is not in the public interest for National Highways to disclose parts of the A428 Black Cat to Caxton Gibbet Appraisal Summary Table (AST) because the information is considered confidential and protects a legitimate economic interest:

It is commercial information where confidentiality is provided by the common law of confidentiality.

If this information was released at this point in the scheme's delivery, it would negatively impact the commercial settlements between tiers in the supply chain, and the commercial settlement of final costs between National Highways and the scheme's supply chain.

It would undermine National Highways' leverage in future negotiations to obtain the best deal for the public purse and result in the increased cost of this scheme to the government and taxpayer.

It is not in the public interest for National Highways to disclose the M54 to M6 Link Road scheme AST because it is part of the draft Full Business Case (FBC) which at this time is material in the course of completion and therefore an unfinished document.

We are currently in the course of completing the FBC in order to determine the impact of the scheme. The information will need to be considered in full to allow robust, evidence based decisions to be made about it.

Once complete the FBC will go through the required governance assurance and approval process. We then intend to publish it.

Conclusion:

It is not in the public interest to release this information. There are compelling arguments for withholding the information which outweigh the arguments supporting its release.

Date of PIT: 26 June 2024