

## Public Interest Test

**EIR2024 01484**

2. Outline Business Case, or the latest draft version if not finalised.

### **Environmental Information Regulations 2004 exception**

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

#### ***Factors supporting disclosure***

There is a clear public interest in:

The scope, rationale, risks and costs of the A1 Morpeth to Ellingham dualling scheme.

National Highways being transparent about and 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 providing information about the scheme in order to inform public debate and facilitate effective participation in environmental decision making.

#### ***Factors supporting non-disclosure***

It is not in the public interest for National Highways to disclose parts of the A1 Morpeth to Ellingham dualling scheme Outline Business Case dated 4<sup>th</sup> November 2020 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, it would expose the commercial contractual position taken by the supplier at the time.

As the framework within which this contract was let is still live, and the supplier named is still an active participant in it (alongside other companies who may price these risks quite differently), it would detrimentally expose aspects of their commercial modelling. The budget remains effectively an initial 'bid price' as it had not then been assured by the market testing that would ordinarily precede the Full Business Case.

Although the scheme was cancelled on 30 October 2024 following the Government's budget announcement; should we be requested to progress the scheme in future, our ability to gain value from future suppliers (on this framework and in the market), would be harmed if our previous commercial negotiating position was known.

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	It would also undermine our ability to obtain the best deal for the public purse and result in increased costs for this scheme and others to the government and the taxpayer.
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**Conclusion:** There are compelling arguments which support withholding the information which outweigh those supporting release.

**Date of PIT:** 4 December 2024