

XXXXXXXXXXXX  
via email: XXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX  
**Head of Local Transport Funding,  
Growth & Delivery**  
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London SW1P 4DR

Direct Line: 020 7944 6541

XXXXXXXXXXXX@dft.gsi.gov.uk  
Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

27 April 2012

Dear XXXXXXXXXXXX,

**Freedom of Information Request: 0008773**

Thank you for your information request of 28 March which you subsequently narrowed down on 2 April. You originally requested the following information:

Copies of all correspondence between the DfT and Essex County Council regarding the Sadlers Farm road improvements project.

You narrowed this request down as follows:

1. Correspondence dating between January 2011 and the present day.
2. Correspondence referencing the proposed completion date of the Sadlers Farm project

Your request has been considered under the Freedom of Information Act 2000.

I am writing to confirm that the Department does hold the information you requested but has decided that some of this information cannot be disclosed for the reasons given below. The information that can be released is:

- Text of email correspondence between the Department and Essex County Council;
- Information contained in the attachments to those emails
- A summary of information provided on the forecast completion date of the scheme in Quarterly Monitoring Reports submitted to the Department by the Council.

A copy of the above information is enclosed.

Please note that Essex County Council has informed us that the document entitled Exception Report includes an inaccuracy relating to the Olympic embargo. Within the report the Council stated that this would be 1 June. However, I understand that this date is actually the hard embargo for highway

works on the Olympic Route Network of which the A13 and A130 are not part; they are part of the secondary ORN for which the embargo date is 27 June.

The information being withheld falls under the exemption in section 43(2) of the Freedom of Information Act 2000.

In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosure.

The attached annex A to this letter sets out the exemption in full and details why the public interest test favours withholding the information.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. A copy of this response and the information provided may now be published on our website together with any related information that will provide a key to its wider context.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/01  
Ashdown House  
Sedlescombe Road North  
Hastings  
East Sussex TN37 7GA  
E-mail: [FOI-Advice-Team-DFT@dft.gsi.gov.uk](mailto:FOI-Advice-Team-DFT@dft.gsi.gov.uk)

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you wish to discuss any of the above, please contact xxxxxxxxxxxx in our press office on xxxxxxxxxxxx. Please remember to quote the reference number above in any future communications.

Yours sincerely,

**XXXXXXXXXXXXXX**

### **Your right to complain to DfT and the Information Commissioner**

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## Annex A

Exemption in full	
<p>Section 43 - Commercial Interests</p> <p>(2) Information is exempt information if its disclosure under this Act would, or would be likely to prejudice the commercial interests of any person (including the public authority holding it).</p>	
Public interest test factors for disclosure	Public interest test factors against disclosure
<ul style="list-style-type: none"> <li>• That there is transparency in the accountability of public funds;</li> <li>• To show that public money is being used effectively and that local highway authorities are getting value for money when procuring services</li> <li>• Those local highway authorities' commercial activities including the procurement process are conducted in an open and honest way.</li> </ul>	<ul style="list-style-type: none"> <li>• Disclosing information could possibly prejudice the commercial interests of Essex County Council and weaken the Council's management of its Contractor for the A13/A130 Sadlers Farm Junction Improvements major transport scheme.</li> <li>• Disclosing information could possibly weaken the Council's negotiating position with organisations or individuals over potential legal claims relating to land issues connected with the A13/A130 Sadlers Farm Junction Improvements major transport scheme.</li> <li>• Prejudicing or weakening the Council's commercial interests and/or negotiating position (as described above) could make it more difficult for them to achieve value for money. There is always a very strong public interest in achieving value for money with public finances and there is an even stronger interest at the present time.</li> <li>• Disclosure could encourage companies, authorities or individuals to withhold information from the Department in the future and consequently undermine the ability of the Department to fulfill</li> </ul>

	its role in achieving value for money for public finances.
<p><b><u>Decision</u></b></p> <p>There is a public interest in releasing general information held regarding the A13/A130 Sadlers Farm Junction Improvements major transport scheme. However, releasing detailed information on scheme costs could prejudice the commercial interest of the local highway authority; weaken its negotiating position with its Contractor and other organisations or individuals; and make it more difficult for the Council, and ultimately the Department, to achieve value for money. On this basis, it is, therefore, in the public interest to withhold this document under Section 43(2) of the Freedom of Information Act.</p>	