

Our ref: 004/001/002798
Your ref:

Network Operations (East)
Woodlands
Manton Lane
Bedford MK41 7LW

Direct Line:
Switchboard:

16 June 2008

Dear [Name removed under the Data Protection Act]

**FREEDOM OF INFORMATION ACT REQUEST
ORWELL CROSSING LORRY PARK, SUFFOLK**

Thank you for your letter dated 5 May requesting information on:

1. Legal advice received by the Highways Agency with regards to the restrictions put in place at the Orwell Crossing Lorry Park in Suffolk, relating to limiting customers and advertising of its services, before and after the Planning Inspectorate made his decision to allow the appeal by the lorry park owners in July 2007.
2. All correspondence held in all forms between the Highways Agency and Suffolk County Council, Suffolk Coastal District Council and Ransomes Europark that relates to the provision of parking facilities now and in the future for lorries and heavy goods vehicles in the County.
3. All correspondence held in all forms between the Highways Agency and Suffolk County Council, Suffolk Coastal District Council, Ipswich Borough Council, Millard Consulting Engineers, or other Consulting Engineers, Bidwells and Ransomes Europark that relates to any access or egress regarding the A14 at junction 57/58 and the BP/Orwell Crossing slip road (clarified in your email to Stephen Jost dated 19 May).
4. In all cases, copies of any index or appendix relating to these specific areas.

I am writing to confirm that we have now completed our search for the information, and I have enclosed copies of correspondence in relation to points 2 and 3 above, and copies of any index or appendix relating to these points.

The information requested at point 1 is being withheld in reliance on the exemption in section 42 of the Freedom of Information Act 2000, because there is a very substantial

public interest in maintaining the confidentiality of Legal Professional Privilege (LPP) material.

Annex A to this letter sets out the exemption and the reasons for withholding information. In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosure. The key public interest factors for and against disclosure are identified in the Annex.

We have recently dealt with a similar request where this exemption has been applied, and have since received a complaint for withholding the information. We are currently handling the complaint through the Agency's Freedom of Information Act complaints process, and, if the complaint is upheld, I will review my decision for your request also.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

If you are unhappy with the way we have handled your request, you may ask for an internal review. A leaflet detailing our internal review process is available. If you require a copy, please phone the Highways Agency Information Line on 08457 50 40 30; or e-mail ha_info@highways.gsi.gov.uk. You should contact me if you wish to complain.

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

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

Gwyn Drake
Regional Director

ANNEX A

FOIA Exemption S.42 (1) Legal Professional Privilege	
<i>Factors supporting disclosure</i>	<i>Factors supporting non disclosure</i>
<ul style="list-style-type: none"> • There is a clear public interest in the work of government being closely examined to encourage the discharging of public functions in the most efficient and effective way. • There is an important public interest in the work of public bodies being transparent and open to scrutiny to increase diligence and to protect the public purse. • There is a public interest in public authorities being accountable for their decision making. Ensuring that decisions have been made on the basis of good quality legal advice is part of that accountability. 	<ul style="list-style-type: none"> • There is a very substantial public interest in maintaining the confidentiality of LPP material, to ensure that the confidential relationship between lawyer and client is protected. • It is in the public interest that decisions taken by government are taken in a fully informed legal context for the effective conduct of government business. The advice needs to be given in context with a full appreciation of the facts. • Legal advice will include arguments in support of final conclusions but also relevant counter-arguments for and against a particular view. This could set out the perceived weaknesses of a Department’s position. • Disclosure of legal advice has the potential to prejudice the government’s ability to defend its legal interests by unfairly exposing its legal position to challenge. • It is in the public interest that the provision of legal advice is fully recorded in writing and that the process of decision making is described accurately and fully. There is a risk that the disclosure of legal advice could lead to that advice not being recorded in full or lead to a reluctance to seek the advice at all.
<p><i>Reasons why public interest favours withholding information</i></p> <ul style="list-style-type: none"> • There are compelling arguments which support withholding the information which outweigh those supporting release. 	