



By email

23 April 2014

Re: Municipal Waste Incinerator

Thank you for your email of 27 February 2014 in which you asked Public Health England (PHE) to reconsider its disclosure decision following your original request for information, dated 31 January 2014.

PHE's reply of 27 February 2014 shows that your request was handled under the Freedom of Information Act 2000. You asked:

- a) *the distance from the incinerator to the nearest residential property*
- b) *the distance from the incinerator to the nearest primary school*
- c) *the distance from the incinerator to the nearest secondary school*
- d) *the distance from the incinerator to the nearest area regularly frequented by members of the public.*

Please also indicate which of these incinerators are of a similar type to the one proposed at Charlton Lane Eco Park, Shepperton - i.e. Multi-Chamber Fluidized Bed Gasifier/Batch Oxidised Gasifier/Any other type of Gasifier.

I have therefore considered your request and reviewed this decision in accordance with PHE's internal review procedure.

The information requested also falls within scope of the Environmental Information Regulations (the Regulations). For the purpose of this review I have considered your request under both the FOI Act (the Act) and the Regulations.

Section 1(1)(a) of the Act places a requirement on public authorities to confirm or deny whether it holds the information specified in a request for information. Similarly, Regulation 5(1) places a duty on public authorities to make available on request environmental information that it holds. PHE denied that it holds the information you have requested. I have reviewed the case and can confirm that PHE does not hold the information specified and the response is therefore compliant with Section 1(1)(a) and Regulation 5(1).

Section 16(1) of the Act places a requirement on public authorities to provide advice and assistance. Likewise, Regulation 9(1) places the same duty on public

authorities 'so far as it would be reasonable to expect the authority to do so'. In our original response, PHE provided you with a link to the searchable public register of permit applications held by the Environment Agency. At the time of writing the public register was, and remains, the best source for the information you requested. In cases where the information you have specified has been recorded it will be accessible via these permit applications. To this extent, PHE complied with its obligation to advise and assist as set out by the Act and the Regulations.

PHE could have gone further in discharging its duty to advise and assist by drawing your attention to the published fact that the study into Municipal Waste Incinerators has been commissioned by PHE and is being carried out by King's College London and Imperial College, as explained on its webpage:

<http://www.hpa.org.uk/ProductsServices/ChemicalsPoisons/ResearchAndDevelopment/chemHealthandwasteincinerators/>

I have considered whether further advice and assistance could have been provided by informing you that you may be able to find further assistance in this matter by contacting the Colleges conducting the study. The likelihood of either college holding the information is dependent on the methodologies being employed in the study. Given that the research aims to take a wide ranging view of the factors involved in the exposure assessment by taking into account issues such as local physical geography and meteorology, the colleges might not hold information requested. The best source for accessing the information remains the permit applications as detailed above. Therefore, I consider that PHE was right not to provide this further advice.

In conclusion, I have determined that PHE was right to deny that it holds the information under Section 1(1)(a) of the Act. Under Section 16(1) and Regulation 9(1) PHE provided a link to the best source of information to enable you to access the information requested. PHE could have further discharged this duty by informing you of published information about the organisations carrying out the study in addition to that supplied in the response.

In addition to this review I have attempted to provide clarification on your subsequent point, sent on 27 March 2014:

You are conducting, presumably detailed research, into the effects of incinerators on human health, but you do not have details on the proximity of said incinerators to humans.

As discussed above, PHE has commissioned this research and is not responsible for its conduct. You might be interested in the following paper, which discusses methodologies that may be used in this research to assess exposures to people around incinerators. This publication may explain the importance it places on the proximity of incinerators to humans:

<http://www.hindawi.com/journals/jeph/2013/560342/>.

Please note that you have the right to an independent review by the Information Commissioner's Office if a complaint cannot be resolved through the PHE complaints procedure. The Information Commissioner's Office can be contacted by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

Freedom of Information Officer