



Animal &
Plant Health
Agency

Animal and Plant Health Agency
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[REDACTED]
{By Email}

Our Ref: ATIC0826

12 April 2016

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information about a pet incineration plant, which we received on 14 March 2016. Your request has been handled under the Freedom of Information Act 2000.

The information you requested and our response is detailed below:

"I would like to gain some information for the above Site. I am aware that it has 'Approval of Incineration Plant' dated 3rd December 2012 under reference 51/757/8000 ABP/INC.

I would like to know:

- if and when the Site was last inspected and what was the outcome of this?
The last full inspection from APHA was on 26 October 2015. The outcome of this visit has been withheld under Section 43(2). Please see more detail below.
- is there a requirement for you to inspect the Site?
Yes, there is a requirement for APHA to inspect this site. Please see link for guidance on pet cemeteries <https://www.gov.uk/guidance/pet-cemeteries-where-you-can-build-them-and-how-to-register>
- if there is a requirement for the operator to send information to yourselves?
The operator is obliged to notify APHA of any detail changes, for example incinerator approval or moving the incinerator.
- whether there have been any compliance issues with this Site?"
This information has been withheld under Section 43(3) by virtue of Section 43(2). Please see more detail below.

Section 43(2) of the FOIA exempts information if its disclosure under the Act would or would be likely to prejudice the commercial interests of any person.

The Animal and Plant Health Agency is an Executive Agency of the Department for Environment, Food and Rural Affairs working to safeguard animal and plant health for the benefit of people, the environment and the economy.

Section 43(3) of the FOIA exempts the duty to confirm or deny a Public Authority holds information if it would prejudice the interests mentioned in Section 43(2).

APHA can neither confirm nor deny whether there have been any compliance issues with Greenacres Pet Crematorium, from our inspections.

The Exemptions in Section 43(2) and 43(3) are subject to a Public Interest Test to ensure it is being appropriately applied.

Public Interest Test

APHA understand that there is a public interest in the publication of information concerning the animal by-product disposal at such premises, including any advice that may have been given out. We also understand that further information in this area may facilitate accountability and transparency as to the decisions taken by a public authority, as well as allowing the public to better understand the decisions and process we undertake.

However, APHA have to fulfil statutory duties, under Animal Welfare legislation, and our relationship with our customers is based on trust. Any disclosure of inspection reports could prejudice and mislead the general public who would base their opinions on such reports, even if any potential problems have been rectified. This could then lead to financial losses by the establishment. Furthermore, APHA believe that to furnish you with commercial information could result an adverse working relationship between APHA and our customers, and therefore interfere with APHA carrying out its statutory duties.

In light of this APHA believe that withholding the information outweighs that of the public's interest in the right to know.

I attach an Annex which explains the copyright that applies to the information being released to you and contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the Access to Information Team at the email address below or postal address at the top of this letter.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: enquiries@apha.gsi.gov.uk

Annex

Copyright

The information supplied to you is Crown copyright, unless otherwise stated, and is protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, and for the purposes of news reporting. You can find details on the arrangements for re-using Crown copyright information at:

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Information you receive which is **not** subject to Crown Copyright continues to be protected by the copyright of the person, or organisation, from which the information originated. You must ensure that you gain their permission before reproducing any third party (non Crown Copyright) information.

In keeping with the spirit and effect of the Freedom of Information Act 2000/Environmental Information Regulations 2004, all information is assumed to be releasable to the public unless exempt. The information released to you may now be published on our website together with any related information that will provide a key to its wider context.

Complaints

If you are unhappy with the result of your request for information you may request an internal review within 40 working days of the date of this letter.

If you wish to request an internal review, please contact: The Access to Information Team at enquiries@apha.gsi.gov.uk or at the postal address at the top of this letter, who will arrange for an internal review of your case.

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. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted APHA's own complaints procedure. The Information Commissioner can be contacted at:

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