



Department  
for Environment  
Food & Rural Affairs

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**Your ref:**  
**Our ref:** RFI 6739  
**Date:** 26<sup>th</sup> September  
2014

Dear 

**REQUEST FOR INFORMATION: DEFRA CORRESPONDENCE WHICH  
DISCUSSES BEAVERS IN BRITISH WATERWAYS**

Thank you for your request, which we received on 15 July, for information about Defra correspondence which discusses beavers in British waterways directly.

As you know we have handled your request under the Environmental Information Regulations 2004 ("the EIR Regulations"). The EIR Regulations apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIR Regulations. Public authorities are required to handle requests for environmental information under the EIR Regulations. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Since the presence of the pair of beavers on the River Otter was made known to us earlier this year, we have been concerned for two reasons. Firstly, as their presence in the river was not licenced by Natural England, they were either deliberately or illegally released there, or they were negligently allowed to escape into the river. Clearly we cannot condone actions which violate section 14 of the Wildlife and Countryside Act 1981, not least because turning a blind eye could suggest to others that are interested in releasing non-native or previously native species into the wild that Defra would also turn a blind eye to further breaches of the law. Before any non-native species is introduced into the wild, or a formerly native species is re-introduced, it is in the interests of the local environment and the animals themselves that an assessment of the suitability of such a release takes place. No such assessment has yet been made, and whilst it is clear that the animals have survived and bred successfully this year, and apparently caused no harm to the environment, this cannot automatically be assumed for the long term. International Union for Conservation of Nature (IUCN) guidelines set out the issues that should be considered and these include the long term suitability of the location for the survival of the animals themselves.

Our second concern has been the possibility that either of the adults could be a host for the zoonotic disease *Echinococcus multilocularis* (EM). Without knowing the

origins of the animals, and with a beaver in captivity nearby having been found recently to have been carrying the disease, we have no choice but to capture the animals and test them. Whilst the risk of transmission of the disease to wildlife and humans is low it would be indefensible to ignore that risk. Treating the disease in a human has a low chance of success and over a 10 year period can cost around £100,000 per person. Once captured, for the reasons given in the preceding paragraph, re-releasing the animals into the wild would be an offence under section 14 of the Wildlife and Countryside Act 1981 and for this reason we have been seeking a captive location to rehome them in pending any longer term considerations, so that their welfare is protected as far as possible.

The issue has generated a lot of public interest, but despite what some have assumed we have no plans to cull the animals. Rather we intend to try to capture and test the adults to see if they are infected with EM, to capture the other members of the family to maintain the family unit and provide the best chances of survival of the yearling and kits, and then to rehome them to a location that serves their needs. Re-releasing them into the River Otter without proper consideration of the long term suitability of the sites could be reckless, as well as illegal. With the Scottish trial reintroduction exercise not reporting until 2015, any release that occurred prior to hearing what lessons can be learnt from that could also be premature. We have been working very closely with the Devon Wildlife Trust to ensure that the welfare of the animals is considered at all stages, and we expect to continue to do so.

I enclose a copy of the information which can be disclosed:

- report - NE summary Beavers on R Otter Devon 28 Feb 2014
- report - NE update 20 March 2014
- report - imports NE March 2014
- minutes - Telecon draft Minutes 25 April 2014
- report - Copy of River Otter Beaver Reports
- advice - draft RZSS advice on Echinococcus screening in live beavers
- meeting - summary of HAIRS discussions River Otter beaver 4 June 2014
- report - progress against SLA annex 24 June 2014
- report - NE visit report and River Otter Beaver Meeting June 2014 EMAIL
- meeting request advice template Hugo Swire June 2014
- meeting – summary of Ministerial meeting 140708 Hugo Swire and Devon Wildlife Trust - Beavers on the River Otter
- collected correspondence with MPs and the public relating to beavers – all DWO MSU PQ

In accordance with the guidelines on the release of environmental information and following careful consideration, we have decided not to disclose some information.

Within the information which has been disclosed, personal data of individuals has been redacted, in accordance with Regulations 12(3) and 13 of the EIRs. In addition, the names of organisations have been redacted in a small number of instances under Regulation 12(5)(e) which relates to the confidentiality of commercial information where such confidentiality is provided by law to protect a legitimate economic interest and (f) the interests of the person who provided the information where that person (i) was not under, and could not be put under, any

legal obligation to supply it to that or any other public authority. The redacted information does not have a significant bearing on the information being released and it is not considered that the public interest in release outweighs the reason for redaction.

Some additional information is being withheld as it falls under the exceptions in:

- Regulation 12(4)(b) of the EIR Regulations, which relates to a request for information which is manifestly unreasonable.
- Regulation 12(4)(e) of the EIR Regulations, which relates to the disclosure of internal communications.
- Regulation 12(5)(b) and (d) which relate to the it concerns information the disclosure of which would adversely affect – b. the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature, or, d. the confidentiality of the proceedings of that or any other public authority where such confidentiality is provided by law.

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

We recognise that there is a public interest in disclosure of information concerning Government's decision making about those beavers outside of captivity in England.

On the other hand, there is a strong public interest in withholding the information because the task of reviewing the several hundred documents and emails which may fall within the scope of your request, and redacting all personal details and any other information for which redaction was necessary and justified, would have been manifestly unreasonable.

We have taken the approach, which we hope is helpful to you, of focusing on documents which set out a lot of the thinking and the conclusions of those exchanges. If you do not feel that the information provided is what you expected please contact us further, with very specific requests, so that we can quickly supply that information or provide you with details of why it is not possible to release such information.

Furthermore, in this case, releasing certain information could aid interference with AHVLA's work to recapture the beavers, jeopardising the success of a legitimate activity and potentially waste public money. For example, specific details about the means, timing, and location of the intended recapture, could enable the work to be unduly delayed or sabotaged. Such action would result in a risk to public health remaining present in the area. Therefore, we have concluded that, in all the circumstances of the case, such information should be withheld under Regulation 12(4)(e) of the EIR Regulations. However, the rationale for recapturing the beavers, including the protection of public health, is set out in the disclosed information.

In keeping with the spirit and effect of the EIR Regulations, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be

published on [www.gov.uk](http://www.gov.uk) together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

Any statements of law or of legal advice in these documents were intended only for the purpose for which the document in question was created and were not intended to be used, and should not be relied on, for any wider purpose. They should not be treated as legal advice, and instead you should seek your own legal advice where you wish to be advised on these matters.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you do not feel that the information provided is what you expected please contact us further, with very specific requests, so that we can quickly supply that information or provide you with details of why it is not possible to release such information.

If you have any queries at all about this letter, please contact me.

Yours



Defra FOIA & EIRs Team

## **Annex A Copyright**

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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## Annex B

### Complaints

1. If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [requestforinfo@defra.gsi.gov.uk](mailto:requestforinfo@defra.gsi.gov.uk)) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you 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 Defra's own complaints procedure. The Information Commissioner can be contacted at:

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