



Department  
for Environment  
Food & Rural Affairs

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Our ref: RFI 5729  
Date: 18<sup>th</sup> September 2013

Dear [REDACTED]

## REQUEST FOR INFORMATION: MONITORING OF BADGER CULL PILOTS

Thank you for your request for information about the monitoring of the badger cull pilots, which we received on 20th August 2013. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information in accordance with the EIRs. They give broadly similar access rights to the Freedom of Information Act 2000 (FOIA).

Following careful consideration, we have decided not to disclose some of this information.

We set out below the information which can be disclosed in response to each of your questions and the information which is being withheld.

- 1)a) How many AHVLA staff will be involved in monitoring during the badger cull pilots in West Somerset, West Gloucestershire and/or Dorset?**
- b) What are their exact roles and how often will they be carrying out monitoring duties? How many AHVLA staff will be monitoring on each day that the killing of badgers is taking place?**
- c) How many AHVLA staff will be continuing with monitoring duties when the killing of badgers has ceased?**

- 2) a) Will staff from other departments of Defra be involved in monitoring? How many will be involved and from which departments?**
- b) What will their exact roles be?**
- c) How often will they be working?**

We are withholding the information sought in both of the requests above, on the grounds that it falls within regulation 12(5)(a) of the EIRs, which relates to information the



disclosure of which would adversely affect international relations, defence, national security or public safety. Disclosure of the number, roles and working patterns of the personnel involved would adversely public safety since it would increase the security risk posed by opponents of the cull to the personnel involved.

In applying this exception, we have had to balance the public interest in withholding the information against that in disclosure. We recognise that as with any controversial policy areas, there is a public interest in transparency and accountability surrounding badger control.

There is, however, also a strong public interest in withholding this information, to protect the personal security of those involved in this work. As you are aware, badger control is a sensitive and controversial subject. Some of the personnel involved have previously experienced not only intimidation by animal rights activists but also threats made to individuals and their families.

In the light of this, the Department considers that the public interest in withholding the information outweighs the public interest in its disclosure, and has therefore decided not to release this information.

**3) As regards the monitoring of the badger cull pilots, how many days will each member of the Independent Expert Panel be working each week during and after the badger cull pilots?**

The panel has overseen the development of protocols for monitoring the effectiveness and humaneness of controlled shooting in the badger control pilots, and will evaluate the results of this monitoring once the pilots have concluded. The specific number of days that each panel member will be working has not been agreed between Defra and the panel.

This is therefore information not held by Defra, and falls within the exception in regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which generally (that is to say, in the case of any other similarly qualified exception) means that a public authority is required to consider the balance of public interest to determine whether or not information should be disclosed or withheld. However, consideration of the balance of public interest would serve no useful purpose in cases where the information is in any event not held. (This is also the view of the Information Commissioner, who is the independent regulator for requests made under the EIRs.). Defra has not, therefore, considered the balance of public interest in this case.

**4) How was the Independent Expert Panel selected? Were Panel members approached by Defra or did they apply for advertised posts?**

The Independent Expert Panel has six members who were appointed for their expertise in

animal welfare, veterinary pathology, badger ecology, wildlife population biology, statistics, marksmanship and the management of wild animal populations.

Panel members were approached by Defra and did not apply for advertised posts.

**4) How is humaneness being assessed? I should like to know full details please.**

The information you requested is contained in the enclosed document.

The information redacted from that document is being withheld on the grounds that it falls within the exception in regulation 12(5)(a) or that in regulation 12(5)(g) of the EIRs, which relate respectively to information the disclosure of which would adversely affect international relations, defence, national security or public safety, and information the disclosure of which would adversely affect the protection of the environment.

Details of the individuals and/or organisations involved in the assessment of humaneness have been withheld on the grounds that the information falls within the exception in regulation 12(5)(a) of the EIRs. The reasoning set out in our response to questions 1 and 2 above, both in relation to the applicability of the exception and in relation to the balance of public interest, is equally applicable here, and we therefore rely on it in this context also.

Disclosure of further details of how humaneness is being monitored would additionally be likely to have an adverse effect on the gathering of robust and meaningful evidence through the monitoring being undertaken, and consequently on the efficacy of this monitoring. The gathering of that evidence is necessary to enable Ministers to take an informed decision on whether the policy should be rolled out more widely following completion of the pilots. Any adverse effect on the efficacy of that monitoring will therefore adversely affect the implementation of the Government's policy for controlling the spread of TB in the wildlife reservoir, and will consequently adversely affect the protection of the environment.

In applying this exception, we have also 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 how humaneness will be monitored, as it would provide public reassurance that there are adequate processes in place to ensure that this monitoring will be robust.

There is, however, a strong public interest in withholding the information in view of the risk disclosure would pose to the gathering of robust and meaningful evidence through the monitoring being undertaken, and consequently (for the reasons given above) the adverse effect disclosure would be likely to have on the protection of the environment. It is of paramount importance that the effective implementation of the Government's policy of controlling the spread of bovine TB in the wildlife population is not jeopardised. We have therefore concluded that the balance of public interest favours withholding the information.

The outcome of the pilot culls and an analysis of the results will be published after the pilots have been completed.

**5) a) How is effectiveness (in terms of badger removal) being assessed? I should like to know full details please.**

The work to monitor cull effectiveness will provide an estimate of the proportion of the badger population that is removed from each of the two pilot areas.

The Independent Expert Panel who have overseen development of the monitoring protocols agreed the following approach for this:

1. identifying badgers by 'hair-trapping' within each pilot area, prior to the start of shooting operations;
2. establishing the number of marked badgers removed by the cull; and
3. estimating the proportion of the population removed.

In addition, as a further check, the Panel agreed a supplementary method, by which badger genetic identities and hair-trapping records will be subject to a separate analysis to estimate the size of the population in each area immediately before the cull.

Prior to the cull, the following approach was taken to identify badgers in each pilot area:

- Badgers were sampled in 50 1 km x 1 km cells in both pilot areas.
- Within these cells, hair traps (short lengths of barbed wire suspended between two short stakes or trees) were deployed at all active setts and along badger runs associated with setts, and including those adjacent to non-compliant land.
- Hair samples were removed daily for 18 days and stored in a paper envelope; one per sample. The hair trap was then de-contaminated by flaming with a cigarette lighter.
- DNA from the bulb of a single guard hair from each sample was amplified and sequenced to provide a unique genetic finger print for each badger. In cases where sufficient microsatellites could not be isolated from a hair, the entire sample was sequenced and identified as comprising a single individual, or multiple individuals. Only samples identified as coming from single individuals will be used in the eventual estimates of effectiveness.
- By sampling in this way, genetic profiles were established to constitute the 'marked' population.

During the cull period, tissue samples will be removed from every culled badger for DNA

profiling. Profiles of culled badgers will be matched to profiles of the badgers profiled by hair-trapping.

Following completion of the pilots, for each pilot area the number of profiled animals retrieved in the cull will be divided by the number of animals originally profiled to quantify the proportion of the profiled animals that was culled and retrieved. These results will then be extrapolated across each pilot area to produce estimates of the proportion of the pilot area populations that were culled. This will require calculation of confidence intervals from the size of the marked sample.

All further information relating to the monitoring of effectiveness in the badger cull pilots is being withheld on the grounds that it falls within the exception in regulation 12(5)(a) of the EIRs, which relates to information the disclosure of which would adversely affect international relations, defence, national security or public safety. The reasoning set out in our response to questions 1 and 2 above, both in relation to the applicability of the exception and in relation to the balance of public interest, is equally applicable here, and we therefore rely on it in this context also.

The outcome of the pilot culls and an analysis of the results will be published after the pilots have been completed.

**5. b) Of the total number of badgers killed during the badger cull pilots what percentage of their carcasses are to be examined for monitoring purposes?**

The number of carcasses to be examined for monitoring purposes is a fixed number, not a percentage of the population. It is a maximum of 240 carcasses.

**6) Is there going to be a tally of the number of badgers wounded but not killed?**

This information is being collected.

**7) Is there going to be a tally of other species wounded or killed?**

This information is being collected.

**8) How many veterinary surgeons are involved in the badger cull pilots? How many will be on call during the period of culling to attend to wounded wildlife?**

No veterinary surgeons from the Defra network will be on call during the period of culling to attend to wounded wildlife.

The information requested in relation to the number of veterinary surgeons involved in the badger cull pilots is being withheld on the grounds that it falls within the exception in regulation 12(5)(a) of the EIRs, which relates to information the disclosure of which would adversely affect international relations, defence, national security or public safety. The

reasoning set out in our response to questions 1 and 2 above, both in relation to the applicability of the exception and in relation to the balance of public interest, is equally applicable here, and we therefore rely on it in this context also.

In keeping with the spirit and effect of the EIRs, and in keeping with the Government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt from disclosure by virtue of one of the exceptions in the EIRs. 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.

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 have any queries about this letter, please contact me.

Yours sincerely,

Defra TB Programme

Email: [ccu@correspondence@defra.gsi.gov.uk](mailto:ccu@correspondence@defra.gsi.gov.uk)

## Annex A

### Copyright

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## Annex B

### Complaints

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