



Our ref: FOI 5975
Date: 2nd December 2013

Dear [REDACTED],

REQUEST FOR INFORMATION: MONITORING PILOT BADGER CULLS

Thank you for your request for information about monitoring the pilot badger culls, which we received on 7 November. 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 under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

You referred to correspondence between Defra officials and Professor Randal Munro, Chair of the Independent Expert Panel. The questions you asked and the responses are below:

Question 1: *The DEFRA official's original plan to 'deploy the team back into Somerset to secure a complete set of data' suggests that, at that point in time, the data collected did not constitute a 'complete set of data' for the purposes of the IEP's assessments. Since the team was subsequently stood down, this brings into question how valid the IEP's assessments will be, since they will be working without 'a complete set of data', which presumably means that the number of observations, post mortem examinations, matched pairs etc. to be collected, as decided upon prior to the commencement of the pilots and representing the minimum numbers considered to be statistically sound, may not have been reached. If this is the case, then how can the IEP's assessments be 'statistically sound'?*

And

Question 2: *Given that the AHVLA monitoring team was not stood down until 15th October, have data from both the initial 6-week Somerset cull (which ended on 6th October) and from the first part of the extension (up to 14th October) been included in the*

AHVLA's analysis, on which IEP will report? If so, will that additional data have been collected according to the same protocols used in the first six weeks of the cull?

And

Question 3: *Since it appears the AHVLA's humaneness observation teams were stood down following the completion of the original 6 week pilots, how was humaneness independently monitored and ensured through the extended period of culling in Somerset, and how is it being monitored and ensured during the ongoing extended period in Gloucestershire?*

And

Question 4: *Given the humaneness monitoring periods for each of the two pilot culls, for the purpose of gathering data which will be examined by the IEP, have now passed, will DEFRA now release full details of the humaneness monitoring protocols and criteria as originally requested by Humane Society International/UK in October 2012?*

Full monitoring was carried out over the full 6 week period of the pilot cull in both cull areas as planned and therefore the IEP will have a complete data set for review. Their conclusions will be presented in their report which will be published in the New Year. When an extension period in Somerset was being considered, careful thought was also given to whether there was a need to extend the evidence gathering into the extension periods, and advice was taken from the IEP chair. It was concluded that there were no advantages in continuing the humaneness monitoring for a longer period. An extension of observations beyond the required 60 and associated 120 post-mortems would add little to the robustness of the planned study.

However, some data were still collected during the extension period, notably the numbers of badgers shot and DNA analysis of ear tips and the IEP may opt to comment on these data in their report, which is currently being prepared. This is their decision as they are responsible for the content of their report and as such they may decide to ignore these data and focus solely on the data collected during the 6 week pilot cull.

When operating under the extended period of the cull under the new licence, it is important that cull companies and their contractors continue to maintain the high standards of safety and humaneness that have been observed in the first six weeks of the pilot cull. Natural England maintained its monitoring of shooting and cage trapping to ensure that licence conditions and the requirements of the Best Practice Guidance continue to be complied with during the extended periods. The Best Practice Guidance sets out clear requirements for humane shooting practices, including:

- a) that only trained marksman are employed (using Defra approved competency course);
- b) use of correct rifles (centre fire – not rim-fire rifles) and correct ammunition and night sights;
- c) maximum distance for shooting – no more than 70 metres;
- d) shot placement in heart / lung area on stationary animals;

e) shots must be taken at least 30 metres away from the nearest sett, and away from dense vegetation.

In addition, the TB Area Control Licence, issued under the Protection of Badgers Act 1992 includes a number of licence conditions regarding the shooting of free-ranging badgers (conditions: 13 – 16). Condition 13 states that no shooting of free-ranging badgers may take place under the licence unless it is carried out in accordance with the Best Practice Guidance. There are also requirements for the licensed cull company to report details of shooting and trapping activity, which includes the number of shots, the number missed, and un-retrieved carcasses.

If Natural England monitors do have concerns about humane shooting practices, and decide that further investigation is needed, AHVLA were requested to maintain a PM capability to provide investigatory back-up, including the necessary radiography and post-mortem equipment and staff capacity. If necessary this service could be offered to police if they are pursuing an investigation relating to possible cases of wildlife crime.

As you are aware, the release of the humaneness protocol is subject to an appeal to the Third Tier Tribunal and therefore will be withheld for the foreseeable future until the appeal is finalised. However, the full protocol will be included with the final reports when they are published in due course.

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. Therefore, the information released to you will now be published on 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 also attach an annex 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

Annex

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) 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