



Department  
for Environment  
Food & Rural Affairs

helpline@defra.gsi.gov.uk  
[www.defra.gov.uk](http://www.defra.gov.uk)

[REDACTED]  
[REDACTED]

Our ref: RFI 5830  
Date: 16<sup>th</sup> October 2013

Dear [REDACTED],

### **REQUEST FOR INFORMATION: Pilot Badger Cull**

Thank you for your request for information about the pilot badger cull dated 16 September. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

These Regulations apply to environmental information as defined in regulation 2(1) of the EIRs. Public authorities are required to handle requests for such information under the EIRs. They give broadly similar access rights to the Freedom of Information Act 2000 (FOIA).

Whilst we have been able to answer a number of your questions, there are some for which we do not have all of the information necessary. In answer to each of your questions we confirm what details if any have been withheld and why (with reference to the exception allowed for under the EIRs where appropriate).

**1. Owen Patterson is quoted as saying (2<sup>nd</sup> September 2013) "The aim of the pilot cull is to test how an industry-led badger control programme can be delivered effectively, humanely and safely. Monitoring will be carried out to test that controlled shooting meets these assumptions." Please detail exactly what 'industry led' means and why an 'industry led badger control programme' has been approved.**

Industry led means that in licensed areas, groups of farmers will employ contractors to carry out the culling operation. All those involved in badger culling have been required to undertake specific training and demonstrate their competence. Shooting free-ranging badgers has been approved under licence because it is a technique already widely used



by the rural and pest-control communities. It is commonly used to kill foxes and deer, but it has not been used to date in any trial or field test on badgers.

**2. Please detail all corporations, organisations, businesses and significant individuals involved in this “industry led” badger control programme; what interests they have in and for what purpose or reason they are involved in the badger control programme?**

Information requested regarding the “*corporations, organisations, business and significant individuals involved*” has been withheld as disclosure would identify the organisations involved in the pilots, the level of individual involvement and would lead to the identification of individual operatives, putting their safety at risk. It would also place members of the public at risk, for example from acts of sabotage or interference with operations. The information therefore engages exception 12(5)(a) of the EIRs.

Defra takes the view that the release of any operational information relating to the badger control pilots increases the risk to public safety and potentially undermines the security of the operations. This includes increased exposure to danger of those carrying out badger control operations, including monitors. Field operatives have already been exposed to harassment and intimidation and threats have been made against their families. Therefore security is of paramount importance.

In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure, taking account of the presumption in favour of disclosure. We recognise that there is a strong public interest in disclosure of information concerning field operations, monitoring and the assessment of humaneness and efficacy in the pilot culls. As a result the report on field operations, post mortems and the results will be published early next year. The Expert Panel will also publish their findings at the same time.

Whilst Defra recognises the presumption of openness and transparency in relation to environmental information and the strength of feeling around information relating to the badger control pilots, the public interest of protecting the safety of those involved in the badger controls outweighs the public interest in the release of the information. Disclosure of this information would not be in the public interest, because it is never in the public interest to endanger the safety of individuals.

**3. Please detail whether the aim of the current pilot cull of badgers is to only ascertain humane badger cull methods on any land across Britain, regardless of whether it is a farm or not, or is the aim of the pilot cull to only tackle bTB on the British farm where cattle are present?**

The purpose of the pilots is to find out whether the shooting method is safe, effective and humane. The pilots are being carried out in high risk bTB areas where incidence of the

disease in cattle is high and includes farm land and surrounding areas where there are badger setts.

**4. Please confirm whether any shooting estates in West Somerset have been granted badger cull licenses in this pilot cull and list those shooting estates granted a license. Please detail whether each shooting estate has cattle on its land.**

Information requested is 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. Licenses are issued by Natural England. 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 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

**5. I request that Owen Patterson declares his interests in or connections to any corporation, organisation or business involved in this industry led pilot badger cull programme.**

The Register of Members' Interests is published on the House of Commons website:

<http://www.publications.parliament.uk/pa/cm/cmregmem/contents1314.htm>

**6. I request to know why Owen Patterson has not re-established the extremely effective Area Eradication Scheme on the British farm.**

We are not familiar with the term '*Area Eradication Scheme*' to describe a previous Defra bTB control policy. If you provide further information then we will look into this for you.

**7. I request of Owen Patterson to declare why his department did not listen to Government's own scientific advisers on the ineffectiveness and inappropriateness of the culling of badgers to tackle bTB in the British herd, choosing instead to go totally against it. For what reason did Owen Patterson make this decision when it was shown it could only make the situation worse?**

The results of the Randomised Badger Culling Trial (RBCT), overseen by the Independent Scientific Group, show clearly that proactive badger culling, coordinated over a large area, sustained for at least four years, can lead to an overall reduction in TB in cattle in the

culled area and land up to 2km away. The policy is firmly based on the scientific evidence base from the RBCT.

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

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) 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

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