



Department  
for Environment  
Food & Rural Affairs

helpline@defra.gsi.gov.uk  
www.defra.gov.uk

Our ref: RF15765

Date: 01/10/2013

Dear [REDACTED],

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

Thank you for your request for information about the pilot badger cull, which we received on 3 September. 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).

Following careful consideration, we have decided not to disclose some of this information. The information disclosed and withheld is presented below in answer to your questions.

**1. How will you measure whether the pilot badger cull has been safe? How will you measure whether the pilot badger cull has been humane?**

The design of the monitoring of humaneness and safety in the pilot areas has been overseen by an independent panel of experts. They will also evaluate the results of the monitoring once the pilots have concluded and report their findings to Ministers. Ministers will then take a decision on whether culling licences should be authorised in other areas, and whether the badger control policy should continue to include controlled shooting as a culling method.

Further information on the panel and its work can be found at:

<https://www.gov.uk/government/policy-advisory-groups/badger-culling-pilots-independent-expert-panel>

**2. How many monitors does Defra have working on the ground with shooting teams? (please break this down to each of the 2 cull zones).  
and**



INVESTORS  
IN PEOPLE

**3. How many monitors does Natural England have working on the ground with shooting teams? (please break this down to each of the 2 cull zones)**

There are two types of monitors; (i) humaneness and (ii) compliance with licence conditions.

The core humaneness monitoring team consists of six permanent staff who have existing firearms experience, as well as experience of fieldwork at night and undertaking behavioural observations of wild animals. There are four additional staff on fixed-term contracts who worked on the Randomised Badger Culling Trial (RBCT) and were employed in 2012, plus three staff without RBCT experience. This gives a main group of 13 staff.

Seven further staff with the experience considered necessary to undertake field observations also undertake field monitoring. At least 60 shooting events will be observed both for rifles and for shotguns.

Natural England have 5 staff undertaking monitoring work for both pilot areas to ensure compliance with the licence conditions and best practice guidance. Natural England will probably have on any single night, one monitoring team (normally consisting of 2 people) working in an area.

**4. What will the 240 post-mortems of badgers examine?**

Carcases will be subject to two different government laboratory investigations: radiography and post-mortem examination (PME). Combination of radiography and PME is the method of choice for investigation of firearm injuries.

**5. Are there any further measures of effectiveness, other than the overall number of badgers shot in the cull zone in the 6 weeks?**

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:

- i. identifying badgers by 'hair-trapping' within each pilot area, prior to the start of shooting operations;
- ii. establishing the number of marked badgers removed by the cull; and
- iii. 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 1km x 1km 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. 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.

**6. How many badgers were killed in the Somerset zone by 11 September?  
and**

**7. How many badgers were killed in the Gloucestershire zone by 11 September?**

The information you requested is being withheld on the grounds that it falls with the following exceptions in regulations 12(4)(d) (*incomplete data*) and 12(5)(f) (*Interests of the person who provided the information*)

*12(4)(d) – incomplete data*

Information from a night's operations is not immediately relayed to Defra in real time – rather it is collated over time as further information becomes available. Therefore at any one time, there are not complete data available covering the time up to a certain point – there will always be a delay in some data being collated. At the time that your request was received, the information was still being collated. There would be no public interest in disclosing incomplete data as this would not meet the purpose of the request, which was to establish the number of badgers that had been culled up to a certain point.

This exception requires the public authority in question to carry out a **public interest test**. In the light of the arguments above and notwithstanding the strength of feeling and desire for information around the badger control pilots, Defra has concluded that the public interest in withholding the information sought outweighs the public interest in its disclosure. By way of background, Defra has publicly committed<sup>1</sup> on numerous occasions to announcing whether further badger control licences should be granted following a review of the pilots and the report of an independent expert panel to Ministers. The panel will review how effective the pilots are in terms of badger removal. Therefore this information is expected to be released by February 2014 at the latest. The information can only be assessed for the purpose for which it is collected at the conclusion of the pilot culls. There is a strong public interest in deferring disclosure of the information until it is complete, rather than in fragments, so that the effectiveness of the pilot cull can be assessed as a whole on the basis of the completed data.

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<sup>1</sup> <http://transparency.number10.gov.uk/business-plan/10/35>

Defra recognises the strength of feeling around the badger control policy. However, in light of the arguments made above, Defra has concluded that, at this stage, when the information is incomplete, the public interest in withholding the information sought outweighs the public interest in its disclosure.

*12 (5) (f) – Interests of the person who provided the information*

This information is provided to Defra by the NFU, which collates this information on behalf of the licensees from contractors carrying out culling. The Regulations set out three criteria that must be met for this exception to apply, which are discussed below.

(1) Legal obligation to supply the information: This information is not being supplied to Defra under any legal obligation – rather it is being supplied under voluntary arrangements.

(2) Entitlement to disclose: This information has been provided to Defra in confidence – Defra therefore has a duty of confidence to those who provided it not to disclose the information, and is not otherwise entitled to disclose it. Defra has been clear that this information would not be released if provided.

(3) Consent to disclose: The NFU has not consented to the disclosure of this information. Defra believes that the interests of the NFU and the members it represents would be adversely affected by disclosing this information. Those interests are in ensuring that the information derived from the pilot cull is properly considered as a whole at the conclusion of the pilot, and not by taking fragments of the information in isolation.

Defra recognises the strength of feeling around the badger control policy. However, for the reasons given, Defra has concluded that the public interest in withholding the information sought outweighs the public interest in its disclosure.

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](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 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](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