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By e-mail: [Redacted]

Our ref: EIR2022/00670
31 January 2022

Dear [Redacted]

REQUEST FOR INFORMATION: Badger Cull

Thank you for your request for information of 11 January 2022 about the badger cull. 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).

Your information request and our response are set out below.

What written evidence is there that Defra had regard to conserving biodiversity, in particular the within-species genetic diversity, in making decisions in preparation for the badger cull?

Ecological considerations were factored into the policy making process for that pertaining to badger culling. We draw your attention to the following:

A. A 2010 consultation: 'Bovine Tuberculosis: the Government's approach to tackling the disease and consultation on a badger control policy.'

<https://webarchive.nationalarchives.gov.uk/20110203030352/http://www.defra.gov.uk/corporate/consult/tb-control-measures/index.htm>

Please refer to sections 5.31 and 8.4 on monitoring and wider environmental impact tests, respectively.

B. A January 2011 paper: Evaluation of the Potential Consequences for Wildlife of a Badger Control Policy in England:

<https://www.gov.uk/government/publications/wildlife-of-a-badger-control-policy-in-england-evaluation-of-the-potential-consequences>

Please refer to the sections on the requirements of the Natural Environment and Rural Communities Act 2006 and details of Biodiversity Action Plans.

C. A 2011 final impact assessment on measures to address bovine tuberculosis in badgers:



<https://www.gov.uk/government/publications/measures-to-address-bovine-tuberculosis-in-badgers-impact-assessment>

Please see section 9.4 on the wider environmental impact test.

For context – government guidance <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity> states that “you should be able to show your duty to have regard for conserving biodiversity ...” and yet a recent EIR reply (EIR2020/22996 23 September 2020) stated that you didn’t have any information on within-species genetic variation in badgers so I am trying to find out through in-practice evidence how Defra define ‘conserving biodiversity’ if it doesn’t include within-species genetic variation.

Defra defines ‘conserving biodiversity’ as set down in chapter 1 of the 1994 Command Paper ‘Biodiversity: The UK Action Plan’ (Cm 2428):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/272038/2428.pdf

Information disclosed in response to this EIRs request is releasable to the public. In keeping with the spirit and effect of the EIRs and the government’s Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and 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 the address below.

Yours sincerely

[Redacted]

Information Rights Team

InformationRequests@defra.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 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to [Redacted], Head of Information Rights via email at InformationRequests@defra.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's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure.

The ICO can be contacted using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>