



Department
for Environment
Food & Rural Affairs

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[Redacted]

By email: [Redacted]

Our ref: FOI2020/01840
25 February 2020

Dear [Redacted]

REQUEST FOR INFORMATION: Badger Culling in Derbyshire

Thank you for your request for information of 29 January 2020 about badger culling in Derbyshire. 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).

The information you requested and our response are detailed below.

- 1) *Could you provide copies of all representations made between 1st June 2019 and 15th September 2019 to DEFRA ministers and the Secretary of State regarding badger culling in Derbyshire?*
- 2) *Could you provide records of all meetings held between 1st June 2019 and 15th September 2019 (including minutes, details of attendees and any supporting documents) that were attended by DEFRA ministers or the Secretary of State that were held to hear representations about the badger culling in Derbyshire?*
- 3) *Could you provide records of all phone calls held between 1st June 2019 and 15th September 2019 between DEFRA ministers or the Secretary of State regarding representations being made about badger culling in Derbyshire?*

We want to be as open as possible in answering requests. The EIRs also require us to provide advice and assistance to help people obtain the information they are looking for and make good use of the EIRs. Unfortunately, the amount of information you have requested is very substantial and gathering it together would involve a significant cost and diversion of resources from the Department's other work.



By virtue of regulations 12(1) and 12(4)(b) of the EIRs, Defra may refuse to disclose environmental information if the request for the information is manifestly unreasonable and, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

We consider that your request is manifestly unreasonable under regulation 12(4)(b) on cost grounds and, having carried out the above public interest test, we have concluded that, in all the circumstances of the case, the public interest falls in favour of maintaining the exemption.

We recognise that there is a public interest in disclosure of information concerning the management of bovine tuberculosis, including badger culling. Disclosing this information provides transparency to the public in how Government considers and manages these difficult policies.

However, on the other hand, there is a stronger public interest in withholding the information because the burden upon Defra's relevant teams is disproportionate to the request. The main issue is the volume of correspondence involved. Bovine tuberculosis and its management is a topic of high interest to the public and the Department therefore receives large volumes of related correspondence. In order to respond to your request, teams would have to sift through the hundreds of relevant correspondence cases on this issue to determine if they related to badger culling within Derbyshire. We estimate that this burden would be a disproportionate diversion of resources and cost from the provision of public services, i.e. Defra's core functions. We have therefore concluded that the public interest in withholding the requested information outweighs the public interest in its disclosure.

Regulation 9 of the EIRs requires public authorities to provide advice and assistance to applicants where reasonable. We have therefore provided details below to assist you to formulate a request that can be handled at less cost.

We can advise that no relevant records of meetings or phone calls have been identified in relation to the second and third parts of your request, so as the main issue with your request is the volume of correspondence involved in the first part of your request, the best way we can help you is to ask you to consider narrowing down this part of the request to focus more clearly on the precise correspondence you are seeking. You could, for example:

- consider reducing the relevant timeframe it (e.g. to one month); **and**
- explain more fully and precisely the kind of information you are looking for, eg correspondence from certain individuals or organisations rather than all members of the public.

Please note that we will handle your modified request as a new request. The 20-working-day timescale for responding to requests will therefore commence from the date that we receive the modified request.

We 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 the address below.

Yours sincerely

[Redacted]

Information Rights Team

InformationRequests@defra.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 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to [Redacted], Head of Information Rights, Area 5B, Nobel House, 17 Smith Square, London, SW1P 3JR (email: 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 at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF