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Our ref: EIR2020/28440  
19 November 2020

Dear [Redacted]

## REQUEST FOR INFORMATION: Badger Culling Boundaries 2020

Thank you for your request for information of 22nd October about the 2020 badger culling boundaries. 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 first element of your request for information and our response are set out below;

*I have recently been given to understand that whilst Nottinghamshire was originally NOT to be included in the badger culling zone (and indeed a lot of work has already been done to vaccinate badgers in Nottinghamshire, partly funded by you) it now is apparently to be included. I would like to know if it is correct that badger culling is now scheduled to take place in Nottinghamshire, despite there having been no sign of TB infection in any dead badgers tested in this county in the last three years?*

Part of Nottinghamshire was licensed by Natural England in 2020 to cull badgers to prevent the spread of disease. An opportunity to comment exercise ran from 17 February to 02 March this year and the summary of responses can be found here: <https://www.gov.uk/government/consultations/bovine-tb-comment-on-an-application-for-a-badger-disease-control-licence-february-2020>

We have handled part 2 of your request where it asks for an explanation under general correspondence as it does not ask for recorded information held by the department.

Your query and our response to is part 2 set out below;

*If it is correct, then I would appreciate an explanation of the reasons for this and also details of documents wherein this was discussed including maps indicating the change of boundary, which I had understood was to end at Leicestershire.*

As the licensing authority Natural England are responsible for the decision-making process regarding the issuing of badger control licences. As noted above, part of Nottinghamshire



was licensed by Natural England in 2020 to cull badgers for the purpose of preventing the spread of bovine tuberculosis. Guidance and information on licensing requirements for effective, safe and humane culls are available here: <https://www.gov.uk/government/collections/bovine-tb-controlling-the-risk-of-bovine-tb-from-badgers>

Due to the risk to public safety culling boundaries are not published. Information on the counties for which badger control licence applications or expressions of interest were submitted was made available on a county level via the opportunity to comment exercises undertaken by Natural England.

Please note that there are no details, discussions or maps held, as part of Nottinghamshire was always planned to be included in a cull zone this year (Area – 48). The information that you have requested is therefore not held by Defra.

The information is therefore exempt under 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. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner's Office (ICO), who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the ICO's view, Defra has not conducted a public interest test in this case.

We can confirm that to the best of our knowledge the information is not held by another public authority.

Information disclosed in response to this EIR 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 me.

Yours sincerely

[Redacted]

**Information Rights Team**  
[InformationRequests@defra.gov.uk](mailto:InformationRequests@defra.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 or logos) 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 11 of the EIRs, as applicable, within 40 working days of the date of this letter.

Please write to <sup>[Redacted]</sup>, Head of Information Rights via email at [InformationRequests@defra.gov.uk](mailto: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's offices are currently closed so please visit their website on how to contact them during this period, here:

<https://ico.org.uk>