



Department
for Environment
Food & Rural Affairs

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[Redacted]

By e-mail: [Redacted]

Our ref: EIR2022/19442
7 October 2022

Dear [Redacted]

REQUEST FOR INFORMATION: National Nature Reserves and badgers

Thank you for your request for information of 28 September 2022 about National Nature Reserves and badgers. 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.

- 1. What is the total number of National Nature Reserves (NNRs), in whole or in part, that fall within the boundaries of the licensed badger control areas?*
- 2. Of the NNRs, in whole or in part, that fall within the boundaries of the licensed badger control areas, how many NNRs contain land that is accessible for culling badgers?*

We are writing to advise you that the information that you have requested is not held by Defra. The exception at 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, therefore applies to the information you have requested.

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.

However, under our duty to advise and assist applicants in pursuance of regulation 9, we can confirm that as Natural England (NE) are the licensing authority, and thus lead on issues such as detail on National Nature Reserves in licensed badger culling areas, the information may be held by them. NE can be contacted at: foi@naturalengland.org.uk or by post at:



Enquiry Service
Natural England
County Hall
Spetchley Road
Worcester
WR5 2NP

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 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/>