



Department  
for Environment  
Food & Rural Affairs

Nobel House  
Area 1E  
17 Smith Square  
London  
SW1P 3JR

T: 03459 33 55 77  
helpline@defra.gov.uk  
[www.gov.uk/defra](http://www.gov.uk/defra)

[Redacted]

By email: [Redacted]

Our ref: EIR2022/15643  
17 August 2022

Dear [Redacted]

**REQUEST FOR INFORMATION: Access to Forestry Commission land for culling badgers**

Thank you for your request for information of 4 August 2022 about access to Forestry Commission land for culling 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.

*Information request about access to Forestry Commission land for culling badgers*

- 1. Please disclose whether the Secretary of State for the Department for Environment, Food and Rural Affairs (DEFRA) has permitted access to Forestry Commission land for culling badgers.*
- 2. Please disclose the name of each DEFRA Secretary of State who has permitted access to Forestry Commission land for culling badgers.*
- 3. Please disclose whether a person or persons other than a DEFRA Secretary of State has permitted access to Forestry Commission land for culling badgers.*

We are writing to advise you that the information that you have requested is 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.



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 permissions for culling on Forestry Commission land, the information may be held by them. NE can be contacted at: [foi@naturalengland.org.uk](mailto: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 me.

Yours sincerely

[Redacted]

**Information Rights Team**

[InformationRequests@defra.gov.uk](mailto: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](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 can be contacted using the following link:

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