



Department  
for Environment  
Food & Rural Affairs

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[Redacted]

By email: [Redacted]

Our ref: EIR2021/12062  
18 May 2021

Dear [Redacted],

**REQUEST FOR INFORMATION: Badger Control in Herefordshire**

Thank you for your two requests for information of 3 May 2021 about badger control in Herefordshire. 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 requests and our response are set out below.

Request 1

*Please can you send me the following:*

1. *Daily returns for badger control in 2020 for Areas 40 and 47 Herefordshire set out as follows*

*Day | Controlled Shooting | Cage Trapping | Total Removed*

2. *The number of (a) shooters and (b) cage trappers who recorded at least one culled badger during the cull period*

Request 2

1. *Which counties apart from Herefordshire, are covered by the license for badger cull zone Area 40 (if any)*
2. *the name of the cull company which administers culling in Area 40 Herefordshire*

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 to the best of our knowledge the information is held by Natural England who can be contacted here:

[foi@naturalengland.org.uk](mailto:foi@naturalengland.org.uk)

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](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's offices are currently closed so please visit their website on how to contact them during this period, here:

<https://ico.org.uk>

Additionally if you wish to make a complaint to the ICO please use the following link:

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