



Department  
for Environment  
Food & Rural Affairs

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Our ref: RFI 6456  
Date: 1<sup>st</sup> May 2014

Dear [REDACTED]

### **REQUEST FOR INFORMATION: Badger Cull Costs and Culled Badger Numbers**

Thank you for your request for information about badger cull costs and culled badger numbers, which we received on 28 March. 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 questions and the responses are below.

- 1. Please disclose the cost of the (a) cages, (b) bait, (c) gloves, masks and disinfectant, and (d) ammunition for shooting badgers at close range which were used during the original six weeks of the pilot badger culls in (i) West Somerset and (ii) West Gloucestershire.**

### **And**

- 2. Please disclose the cost of the (a) cages, (b) bait, (c) gloves, masks and disinfectant, and (d) ammunition for shooting badgers at close range which were used during the extended period of the pilot badger culls in (i) West Somerset and (ii) West Gloucestershire.**

Defra was responsible for purchasing cages, but is withholding the costs of the cages under regulation 12(5)(e), protection of economic interests. Defra is likely to procure cage traps this year and the release of cage costs would affect the tender process.



All other items were purchased by the NFU or the cull companies. Defra does not hold information on their cost and therefore regulation 12(4)(a), information not held at the time of the request, applies.

**3. Please disclose the labour costs of cage-trapping and shooting badgers during the (a) six-week pilot cull and (b) extended period culls in (i) West Somerset and (ii) West Gloucestershire.**

Labour costs were met by the NFU and cull companies. Defra does not hold information on their costs and therefore regulation 12(4)(a), information not held at the time of the request, applies.

**4. Who paid for the (a) cages, (b) bait, (c) gloves, masks and disinfectant, (d) ammunition and (e) labour? Was it (i) the culling companies, (ii) farmers, (iii) landowners, (iv) Defra or (v) others?**

As mentioned above at questions 1 and 2, Defra paid for cages. All other items were paid for by the NFU and cull companies.

**5. If Defra did not pay for the items listed at question 4, will it be reimbursing the parties who did pay for them? Are the relevant parties asking to be reimbursed? What is the amount that Defra will be paying towards these costs in (i) West Somerset and West Gloucestershire? When will the money be reimbursed by Defra?**

Defra has no plans to reimburse NFU or the cull companies for any of the costs they incurred.

**6. How many badgers were killed using the method of cage trapping and shooting during the (a) six week pilot cull and (b) the extended period in (i) West Gloucestershire and (ii) West Gloucestershire?**

The numbers are shown in the table below

<b>Area</b>	<b>Pilot Cull (Cage Trapped)</b>	<b>Pilot Cull (Shooting)</b>	<b>Extended Period (Cage Trapped)</b>	<b>Extended Period (Shooting)</b>
<b>West Gloucestershire</b>	165	543	149	67
<b>West Somerset</b>	500	365	49	41

**7. When was the first badger killed by the method of cage-trapping and shooting during the pilot badger cull in (i) West Somerset and (ii) West Gloucestershire?**

Area	Pilot Cull (Cage Trapped)	Pilot Cull (Shooting)	Extended Period (Cage Trapped)	Extended Period (Shooting)
West Gloucestershire	4 September	3 September	25 October	28 October
West Somerset	28 August	26 August	12 October	11 October

**The Regulations and Public Interest Test**

**Regulation 12(4)(a)**, information not held at the time of the request, 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, 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 Information Commissioner's view, Defra has not conducted a public interest test in this case.

**Regulation 12(5)(e)**, protection of economic interests has been applied to the request for cage costs. In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information concerning the operations of the badger pilot culls in 2013, given the controversial nature of the policy and the wider interest from the general public, parliament and interested NGOs in how the two pilots were delivered on the ground.

On the other hand, there is a strong public interest in withholding the information because, as Defra is likely to procure cage traps this year, releasing this information would prejudice the tendering process and damage Defra's commercial interests in securing best value for money. Defra has a strong commercial interest in a tendering process that can secure the best prices from its suppliers. Releasing data on the price of cage traps units purchased in 2013 from our preferred supplier would effectively create a *de minimis* unit price for cage traps in future procurement exercises. Disclosure of these figures would actively undermine Defra's ability to obtain the best value for money through the tendering process, damaging the department's commercial interests as a result.

Therefore, we have concluded that in all the circumstances of the case, this information should be withheld.

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. The information released to you will now be published on [www.gov.uk](http://www.gov.uk) together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach 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

**Defra TB Programme**

**Email:** [ccu.correspondence@defra.gsi.gov.uk](mailto:ccu.correspondence@defra.gsi.gov.uk)

## **Annex A**

### **Copyright**

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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 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [requestforinfo@defra.gsi.gov.uk](mailto:requestforinfo@defra.gsi.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 for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

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