



Llywodraeth Cymru
Welsh Government

20 October 2017

Dear ,

ATISN 11574 TB Eradication Plan Licences

Thank you for your request which was received on 22 September. You asked for:

1. How many licences to kill badgers have been issued under the TB Eradication Plan?
2. How many licences to kill badgers have been issued per intervention area under the TB Eradication Plan?
3. What are the start and end dates for each of these licences?
4. What is the area of land covered by each of these licences?
5. What is the total area of land covered by all of these licences?
6. Can details of these licences be made public (redacted as necessary)?

I have decided that some of the information you have requested is exempt from disclosure under regulation 12 (5)(a) of the Environmental Information Regulations and is therefore withheld. The reasons for applying this exception are set out in full at Annex A to this letter.

The answers to your request are as follows, in point order:

1. Three licences to kill badgers have been issued in relation to the Welsh Government's TB Eradication Plan. We are not expecting to receive any further licence applications in 2017.
2. We have interpreted your use of the term "intervention area" to mean whether the licences issued are in areas of low, intermediate or high risk, based on levels of TB. All three licences issued in relation to the Welsh Government's TB Eradication Plan are in areas of high risk.
3. The licensing period for the first licence is between 13 September 2017 and 31 December 2017. The licensing period for the second licence is between 28 September 2017 and 31 December 2017. The licensing period for the third licence is between 13 October 2017 and 31 December 2017.
4. I have decided this information is exempt from disclosure under EIR regulation 12 (5)(a). Please see annex A.
5. The total area of land covered by all of these licences is 685 hectares.
6. Yes. It is the Welsh Government's intention to publish licence information on our website shortly.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Additionally, for your information, and ahead of the publication of licence information on our website, I enclose copy templates of the three licences at Docs 1, 2 and 3 which are issued for each application approved in relation to the Welsh Government's TB Eradication Plan.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at: Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or Email: FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

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

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,

Annex A

I have decided to withhold the following information:

Information being withheld	Section number and exemption name
What is the area of land covered by each of these licences?	Regulation 12(5)(a) - "public safety"

This Annex sets out the reasons for the engagement of regulation 12 (5) (a) of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

Engagement of Regulation 12(5)(a) – International relations, defence, national security or public safety; of the Environmental Information Regulations.

The Welsh Government believes that the area of land covered by a licence to kill badgers should be exempt from disclosure. Licences have been issued to individual farms in Wales to allow for badgers to be trapped, tested and for test-positive badgers to be euthanized.

Individual farm areas are very specific and given this work is only being carried out in a targeted way in already identifiable areas in Wales (classified as High Risk bTB areas), it would be relatively simple to use other public information to identify an individual holding from this information.

We are aware that the work being carried out under licence is controversial and similar work in the past and in England has drawn the attention of animal rights activists.

Because release under FOI and EIR regulations is released to the world, and not just to the individual making the request, there must be a real risk that release of information that could potentially identify a licensed farm could attract attention from activists that would endanger public safety. Identification of the individual holdings could put not only the farmer at risk of harm but also Welsh Government staff and their agents carrying out the fieldwork.

Methods used to sabotage the operation could result in distress, injury or substantial harm to the general public, Animal and Plant Health Agency staff working on behalf of the Welsh Government and the landowners and cattle keepers on whose land the interventions are taking place.

Public Interest Test

Public interest arguments in favour of disclosure

Destroying any members of a wild species is an emotive issue. The Cabinet Secretary for the Environment and Rural Affairs has not taken this decision lightly - it is an evidence based policy designed to tackle long standing TB infection in a relatively small number of herds. Nevertheless there is a public interest in ensuring that the activities are carried out in a professional and humane manner. There is also a public interest in providing specific land areas covered by licences inasmuch as it provides clarity and reassurance about the limited scale of the cull.

Public interest arguments in favour of withholding

We believe that there is a substantial risk that harm would arise should we disclose the land area covered by individual permits, because this information can be used in conjunction with information in the public domain to identify those holding the licences. It is well known that there is a small, but radical, group of animal rights activists who are prepared to use direct action in support of their beliefs. Disclosure of information identifying licence holders could allow those extremists to target them and those employed to carry out the licensed activities, as well as those individuals employed to ensure that the activities are carried out professionally and humanely.

Balance of public interest test

We recognise that there is some public interest in disclosure of information regarding this limited badger cull and there is also public interest in transparency and accountability in this contentious policy area.

However the public interest in seeing land area covered by the licences in terms of reassuring the limited scope of the cull can also be met by providing the aggregate land area of all licences issued.

It is not in the public interest to increase the risk to public safety and to expose people to intimidation and therefore Welsh Government is withholding the information requested in order to avoid such events happening. The premises involved in the badger removal programme should not be revealed. However the Cabinet Secretary has committed to producing and publishing reports on both the programme delivery and any impact on the disease picture.