



Llywodraeth Cymru
Welsh Government

10 May 2018

Dear ,

ATISN 12255 - Licences issued under the Protection of Badgers Act

Thank you for your request which we received on 19 April 2018. You have asked for the following information on licences issued under the Protection of Badgers Act for the last 5 years:

- 1) Who licences were issued to;
- 2) The Region/Local Authority area where Licences were granted;
- 3) The period (dates) the Licences were issued for;
- 4) Under which section of The Protection of Badgers Act were the Licences granted;
- 5) The number of badgers removed/killed under each Licence.

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. I have decided this information is exempt from disclosure under EIR regulation 12 (5)(a). Please see annex A.
2. Please see enclosed spreadsheet. Licences issued for the TB Eradication Programme are broken down into Wales TB Regionalisation Areas and the remainder are by Local Authority area.
3. Please see enclosed spreadsheet.
4. Licences are granted under Section 10 of the Protection of Badgers Act 1992.
5. Please see the enclosed spreadsheet. I have interpreted the word "removed" as physically removing a live badger from a licenced site. The Welsh Government has not issued any such licence. We have not yet received a report from the TB Eradication Plan Licences and therefore are unable to confirm the number of Bovine TB test positive badgers killed under licence. It is the intention of the Office of the Chief Veterinary Officer to publish this information on the Welsh Government website during 2018.

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
Who licences were issued to.	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 question of who licences were issued to should be exempt from disclosure. Licences have been issued to allow individuals or individuals working within organisations to interfere with badger setts e.g. for the purpose of agricultural or forestry operations, maintaining or improving watercourses, and preventing serious damage to property. Licences have also been issued allowing individuals or individuals working within organisations to trap and vaccinate badgers in Wales in the a) Intensive Action Area, and b) as part of the Welsh Government Badger Vaccination Grant programme. As part of the Welsh Government's TB Eradication Programme licences have been issued to prevent the spread of disease and allows individuals working within organisations to allow for badgers to be trapped, tested for Bovine TB and for test-positive badgers to be humanely euthanized on individual farm holdings in Wales.

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 licensee could attract attention from activists that would endanger public safety. Additionally, identification of the individual holdings licenced as part of the TB Eradication Programme could also put a farmer at risk of harm.

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 information regarding individual permit holder. 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 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 licensees and 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.