

Protection of Badgers Act 1992

TB Area Control LICENCE

This licence authorises acts that would otherwise be offences under the above legislation

Any request for information in this licence will be considered under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 as appropriate.



Natural England
BM 6283
London
WC1N 3XX
Tel. 0300 060 0550

Natural England Ref:

Natural England hereby authorises under section 10(2) of the Protection of Badgers Act 1992¹:

Name (in full)

Address

and such additional authorised persons as are specified in writing by Natural England in accordance with Condition 2,

to take and kill badgers (*Meles meles*) within the areas specified in Annex A for the purposes of carrying out an Annual Cull during each Open Season in which this licence is in force by the methods, and in the periods, specified below, for the purpose of preventing the spread of bovine tuberculosis (bTB) subject to the Conditions specified overleaf.

Method(s) of taking and killing permitted by this licence	The Open Season (all dates are inclusive)
Live-capture cage trapping and humane dispatch of trapped badgers by shooting	1 June - 30 November
Shooting free ranging badgers	1 June - 31 January ²
Duration of Licence	26 August 2016 until 30 November 2019 (inclusive) (or such longer period as may be specified by Natural England)
Annual Cull	The killing of no less than the specified minimum number of badgers, in a single sustained period which shall continue until such time as Natural England notifies the Licensee that the culling must cease in that Open Season. The start of the Annual Cull and the minimum number of badgers will be specified in accordance with the provisions of conditions 1 and 2.

Signature	<input type="text"/>	(for Natural England on behalf of the Secretary of State, Department for Environment, Food and Rural Affairs)
Date	26 August 2016	

¹ Natural England is authorised to exercise this power in accordance with an agreement made with the Secretary of State under Section 78 of the Natural Environment and Rural Communities Act 2006

² The period January 1st to January 31st shall be treated as part of the Open Season for the previous year for the purpose of the Conditions subject to which this Licence is granted.

In relation to an Annual Cull on any land within a Site of Special Scientific Interest, this licence acts as a consent for the purposes of Part 2 of the Wildlife and Countryside Act 1981 (as amended) (refer to **ANNEX B**).

LICENCE CONDITIONS

General Conditions

1. The applicant must submit to Natural England the information requested in sub-clauses a. and b. below as soon as possible and no less than [REDACTED] prior to the proposed start of licensed operations and the information requested in sub-clauses c and d as soon as possible and no less than [REDACTED] prior to the proposed start of licensed operations.
 - a. details of the funding arrangements in accordance with clause 3.2 of the Badger Deed of Control Agreement;
 - b. the proposed start date and time period for the operations in the forthcoming Open Season;
 - c. details (including name, unique reference, contact details and evidence of successful completion of an approved badger control training course) of the persons they wish to be authorised to take or kill badgers; and
 - d. details (sufficient to allow Natural England to cross-reference to the TB Management Agreements that have been signed) of those persons that have signed up to the applicant's Members Agreement.
2. No badger may be taken or killed, and no trap may be set, in respect of each Open Season within the period covered by this licence, until Natural England has specified in writing:
 - a. that it is satisfied that sufficient funds have been deposited to cover the cost of completing the cull;
 - b. the start date during that Open Season;
 - c. the names of the persons authorised to take or kill badgers during that Open Season;
 - d. the minimum number of badgers to be taken and killed within the area specified in Annex A during that Open Season; and
 - e. the maximum number of badgers to be taken and killed within the area specified in Annex A during that Open Season;
 - f. that it is satisfied that approximately 90% of land in the Control Area is either accessible or within 200m of accessible land, as defined in Annex A, for action to be taken under this licence.
3. The Licensee must inform Natural England within 3 working days of any changes to the Firearm and/or Shotgun Certificates of Authorised Persons (including revocation), which would prohibit them from operating under this licence.
4. No badger may be killed if that would result in the number of badgers killed within the area specified in Annex A in any year exceeding the maximum number which Natural England has specified in writing may be killed in the Open Season(s) for that year.
5. In relation to any year, not to take or kill badgers (or cause or permit badgers to be taken or killed), after any date which may be specified by Natural England.
6. Traps may only be set, live badgers may only be handled, and badgers may only be killed by or on behalf of the Licensee by persons identified by Natural England as Authorised Persons under this licence.
7. All reasonable precautions must be taken to ensure that no badger is subjected to unnecessary suffering.
8. All reasonable assistance must be given to an officer of Natural England, accompanied by such individuals as he/she considers necessary for the purpose, or an agent of Defra (including an officer of the Animal and Plant Health Agency) on production of his/her identification on demand, to access any land where action is being or may be taken under this licence for the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with or for monitoring related to the licensed activity.
9. The Annual Cull shall only take place on those areas of land within the boundary of the Control Area that are the subject of an extant TB Management Agreement made pursuant to Section 7 of the Natural Environment and Rural Communities Act 2006.

10. Natural England must be informed immediately, in writing, about any land that is withdrawn or which otherwise ceases to be eligible to participate in licensed operations. No operations authorised by this licence may commence unless approximately 90% of land in the Control Area, as defined in Annex A, is accessible or within 200m of accessible land for action to be taken under this licence.

Conditions regarding the Trapping and Dispatch of Badgers

11. Any traps not in use must be securely fixed open or closed in such a way as to ensure that they are incapable of catching animals.
12. No traps are to be placed and operated under this licence unless they are live-capture cage traps, which comply with the Agreement on International Humane Trapping Standards.
13. Traps which are set to catch must be checked as soon as practicable after dawn each morning and, in any event, not later than 12:00 noon.
14. Where trapped badgers are to be dispatched, they may only be dispatched using a smooth bore weapon (shotgun) of not less than 20 bore, firing a cartridge containing frangible ('reduced hazard') ammunition. All reasonable steps must be taken to ensure that such animals are dispatched swiftly and humanely.

Conditions regarding the Shooting of Free-ranging Badgers

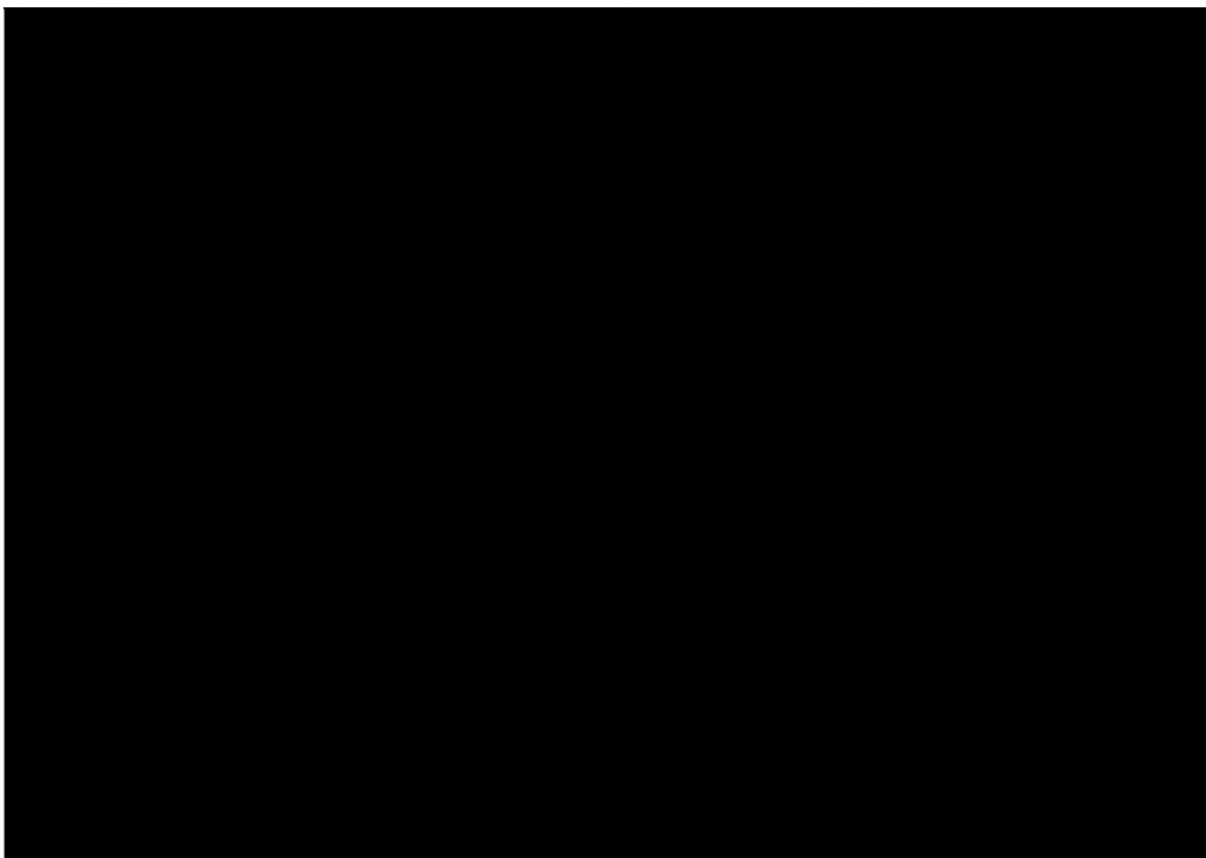
15. All controlled shooting must be carried out in accordance with the Best Practice Guide.
16. No free-ranging badger may be shot other than with a centre-fire rifle of .22 calibre, or larger, firing ammunition with a muzzle energy of not less than 1000 footpounds AND bullet weight not less than 50 grains or with a 12-bore shotgun firing a cartridge loaded with BB or AAA shot size. All reasonable steps must be taken to ensure that badgers shot under this licence are dispatched swiftly and humanely.
17. No badgers may be shot within 25 metres of a badger sett entrance, unless by a second shot intended to dispatch a wounded animal, and no bait location may be used which is less than 30 metres from the nearest badger sett entrance.

Recording and Reporting

18. The Licensee must keep a record of any activity undertaken in relation to the taking and killing of badgers within the area to which this licence applies and during the period it covers, including details of any traps placed or set, any shooting (whether or not successful), and of all badgers trapped and/or killed, including the location where they were killed, the date and culling method. These records must conform to the guidance on record keeping provided in the relevant Best Practice Guide (referred to in the Important Information section). This information must be provided to the licensee by additional authorised persons in sufficient time for the licensee to meet the reporting deadlines specified in Condition 18.
19. The Licensee must comply with the data requirements specified in the Badger Control Deed of Agreement in relation to the Annual Cull or such other reasonable requirements as may be specified by Natural England before the start date of each Annual Cull (following discussion and agreement between the Licence Holder and Natural England)

Licence Annex A:

The Control Area is the land shown on the plan annexed hereto. The Annual Cull may only take place on those areas of land within the boundary of the Control Area that are the subject of an extant TB Management Agreement made pursuant to section 7 of the Natural Environment and Rural Communities Act 2006.



IMPORTANT INFORMATION

- a) You must comply with the relevant Defra/Natural England Best Practice Guides (*'Controlled shooting of badgers in the field under licence to prevent the spread of bovine TB in cattle'* – Best Practice Guide and *'Cage-trapping and shooting of badgers under licence to prevent the spread of bovine TB in cattle'* – Best Practice Guide) whilst undertaking activity under this licence.
 - b) This licence authorises acts that would otherwise be offences under the Protection of Badgers Act 1992. Failure to comply with its terms and conditions:
 - a. may be an offence against that Act or mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the Act is, at the time of the issue of this licence, a level 5 fine (£5000) and/or a six month custodial sentence; and
 - b. may result in this licence being revoked and/or a refusal to grant future licences
 - c) This licence does not confer any right of entry upon land.
 - d) Where firearms are used in connection with this licence, it is the licence user's responsibility to ensure that all relevant legislation is complied with.
 - e) The licensee and any authorised persons are expected to familiarise themselves with the latest list of species in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) at the time that they are carrying out trapping. A full list of species in Schedule 9 of the Wildlife and Countryside Act can be found via the link to the Act on the GOV.UK website.
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Date: 26 August 2016

Our ref: [REDACTED]



Natural England
BM 6283
London
WC1N 3XX

Tel: 0300 060 0550

Email: BTB@naturalengland.org.uk

Dear Sirs

PROTECTION OF BADGERS ACT 1992

Location: Controlled shooting of/trapping and killing of badgers

Following your application for a licence received on [REDACTED] please find enclosed a licence to enable you to shoot/trap and kill badgers for the purpose of preventing the spread of bovine Tuberculosis.

Please read the licence conditions and restrictions in Annex B relating to action on Special Areas of Conservation and Sites of Special Scientific Interest carefully as these must be complied with.

Please note that **only those individuals authorised in writing by Natural England are permitted to undertake any licensed operations by or on behalf of the Licensee.** Assistants may help with some operations connected with the licence, but they must not carry out any operations directly involved with setting traps or the taking or killing of badgers.

No action may be taken under this licence until Natural England has specified the dates, authorised persons, and numbers of badgers to be taken or killed, that it is satisfied that sufficient funds have been deposited and that evidence is provided to show that the members have all signed up to the Company Members Agreement, in accordance with Condition 2.

You are reminded that there must be access for culling over approximately 90% of the land within the application area either accessible or within 200m of accessible land, and that **Natural England must be informed immediately, in writing, about any land that is withdrawn or which otherwise ceases to be eligible to participate in licensed operations.**

If you have any queries about this licence please contact the Bovine TB Licensing Unit on 0300 060 0550.

Yours faithfully,

[REDACTED]

for and on behalf of Natural England

Appeals

Although there is no formal appeal process available under licensing legislation if you are unhappy or disagree with our decision and wish to have it reviewed, please contact Natural England at the above address, explaining why you believe that the decision is incorrect.

Complaints

If you are dissatisfied with the service you have received please write to the Bovine TB Licensing Unit at the address above and we will try to resolve the issue. To find out more about Natural England's complaints procedure, you can call our Enquiry Service (Tel: 0845 6003078; or email: info@naturalengland.org.uk) or view the details on our website www.naturalengland.org.uk/about_us/contact_us/complaints.aspx.