

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

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 despatch of trapped badgers by shooting	1 June - 30 November
Shooting free ranging badgers	1 June - 31 January ²

Duration of Licence	17 September 2012 until 30 November 2015 (inclusive) (or such longer period as may be specified by Natural England)
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Annual Cull	Means the killing of no less than the specified minimum number of badgers in a single period of 6 weeks during the Open Season. The start of the Annual Cull and the minimum number of badgers will be specified by Natural England in accordance with the provisions of conditions 1 and 2 below.
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Signature	<input type="text"/>	<i>(for Natural England on behalf of the Secretary of State, Department for Environment, Food and Rural Affairs)</i>
Date	17 September 2012	

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**).

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.

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 [REDACTED] and the information requested in sub-clauses c and d as soon as possible [REDACTED].
 - 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 placed or set in preparation, 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 dates between which operations may be carried out 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 which may be killed within that area by all permitted methods during that Open Season.
 - f. that there is access to culling to at least 70% of the total land area in the application.
3. 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.
4. Traps may only be set or placed, live badgers may only be handled, and badgers may only be killed by or on behalf of the Licensee by persons named by Natural England as authorised persons under this licence.
5. All reasonable precautions must be taken to ensure that no badger is subjected to unnecessary suffering.
6. 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 Health and Veterinary Laboratories Agency or the Food and Environment Research 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.
7. 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 at least 70% of land in the Control Area, as defined in Annex A, is accessible for action to be taken under this licence.

Conditions regarding the Trapping and Despatch of Badgers

8. 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.
9. No traps are to be placed and operated under this licence unless:

- a. they are live-capture cage traps, with a string-activated door, not less than 100cm in length, 35cm in width and 35cm in height, constructed of galvanised wire mesh of no less than 8-gauge wire and no larger than 5cm mesh size, or are of other suitable construction approved in writing by Natural England; and
 - b. they are placed and operated in accordance with Defra/Natural England's Best Practice Guidance on cage trapping and despatch of badgers (*'Cage-trapping and shooting of badgers under licence to prevent the spread of bovine TB in cattle'* – Best practice guidance).
10. 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.
 11. If it appears that a trapped badger may be a lactating sow, that animal must be released as soon as practicable and may not be despatched.
 12. Where trapped badgers are to be despatched, they may only be despatched 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 despatched swiftly and humanely.
 13. Any animal (other than a badger) caught in a trap must be removed and released at the point of capture as soon as its presence is known, with the exception of those which may be lawfully killed or for which release into the wild would be illegal.
 14. Any animal caught in a trap of a kind which is not ordinarily resident in or a regular visitor to Great Britain in a wild state, or is included in Schedule 9 of the Wildlife and Countryside Act 1981, must not be released and must be humanely despatched by a person suitably equipped and competent to do so, unless it is a native species listed in Schedule 9, in which case it must be released if uninjured, or veterinary advice must be sought.

Conditions regarding the Shooting of Free-ranging Badgers

15. No shooting of free-ranging badgers may take place under this licence unless it is carried out in accordance with Defra/Natural England's Best Practice Guidance on the controlled shooting of free-ranging badgers (*'Controlled shooting of badgers in the field under licence to prevent the spread of bovine TB in cattle'* – Best practice guidance).
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 despatched swiftly and humanely.
17. A shotgun may not be used to shoot any badger unless fired from a fixed shooting position, at an animal attracted to a baited location, and where the bait location and shooting position are such that the distance between the shooter and the target animal does not exceed 10 metres.
18. No badgers may be shot within 25 metres of a badger sett entrance and no bait location may be used which is less than 30 metres from the nearest badger sett entrance.

Recording and Reporting

19. 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 guidance (referred to at Conditions 9b and 15). 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 20.
20. The licensee must complete two copies of the 'Report of action taken under licence' (form WML-LR01TB) and the cull record sheet each year; one copy of each covering action taken in the first 3 weeks of the culling period, and an updated version of each following the end of the culling period and covering the whole cull for that year. These must be sent to the Natural England office at the address shown on the top of the report form, the first to arrive not later than 4 weeks after the start date specified in accordance with condition 2 and the second not later than 2 weeks after the end of the culling period. Reports must be submitted even if no action is taken during the period covered by the report.

21. The licensee must notify Natural England of the name and contact details for the disposal facility being used for disposal of carcasses of animals killed under this licence and must ensure that carcasses are double bagged and labelled, giving badger control area, contractor/controller reference number, carcass reference number and the date, and location where the animal was killed.

LICENCE ANNEX A: Land on which action authorised by this licence may be undertaken.

The land specified below where access to carry out the cull has been granted shown on the Plan annexed hereto marked “the Control Area” together with such other parcels of land as Natural England may agree in writing to add, from time to time, following an application for that purpose by the Licensee. 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.

LICENCE ANNEX B: Restrictions relating to licensed actions on Sites of Special Scientific Interest.

[Redacted text block]

IMPORTANT INFORMATION

- a) This licence can be modified, extended, terminated or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so. For the avoidance of doubt:
 - a. It is Natural England's intention to terminate the licence if and when it is satisfied that an effective cull has been carried out. This will normally be after 4 years but may be longer depending on the particular circumstances.
 - b. Natural England may revoke a licence at any time if it feels it is necessary to prevent the risk of disappearance of the local badger population.
 - c. The licence is likely to be revoked immediately if it is discovered that false information had been provided which resulted in the issue of the licence.
 - d. Natural England may revoke a licence at any time following advice from the police on public order issues.
- 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 the refusal to grant future licences
- c) Natural England checks compliance with licences and the attached conditions.
- d) This licence does not confer any right of entry upon land.
- e) This licence conveys no authority for actions prohibited by any other legislation but should be read in conjunction with the Wildlife and Countryside Act 1981 Class Licences WLM-CL04 and WLM-CL05, which permit the holder of this licence to use a method otherwise prohibited by section 11 of that Act.
- f) It is the responsibility of each person relying on this licence to use appropriate equipment (e.g. trap, firearm and ammunition) and to ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering.
- g) 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.
- h) The licence should be read in conjunction with the Badger Deed of Control Agreement made between the licensee, Natural England and Defra.
- i) Natural England will not authorise any individual to trap, despatch or shoot badgers under this licence unless they have received training in the methods to be used and have successfully completed a course or assessment in such methods recognised by Natural England as suitable for this purpose.
- j) Assistants may help with operations connected with this licence, such as driving a vehicle to the site, carrying and operating a spotlight to assist in night shooting, carrying traps or other equipment to the site and assisting with inspecting traps, but, unless authorised in writing by Natural England to do so, they must not place or set traps or handle, shoot or dispatch badgers. Assistants using an image intensifier or artificial light (e.g. a torch or spotlight) in the course of taking or killing badgers should be supervised by an Authorised Person and comply with Class Licences WML-CL04 and/or WML-CL05, as appropriate.
- k) Traps should not be positioned where they can be seen easily from public access areas or rights of way or where they can be easily accessed by persons other than those acting under the authority of this licence or the landowner/occupier or other authorised persons within the meaning of section 27(1) of the Wildlife & Countryside Act 1981.
- l) Traps should normally be pre-baited for 3-10 days before being set to catch. This encourages badgers to enter the traps and helps to maximise the capture rate. During pre-baiting traps should be checked each day and re-baited as necessary. During this period the trap doors must be securely tied open with wire (minimum diameter 1mm).
- m) 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. Currently, non-target animals that are listed, and must not be re-released into the wild, include Grey Squirrel (*Sciurus carolinensis*), Edible Dormouse (*Glis glis*) and American Mink (*Neovison/Mustela vison*). Some native species are also listed in Schedule 9 and these must be released unharmed. It is unlikely that any of these would be captured as non-target species; they are: Barn Owl (*Tyto alba*), White-tailed Eagle (*Haliaeetus albicilla*), Capercaillie (*Tetrao urogallus*), Northern Goshawk (*Accipiter gentilis*), Corncrake (*Crex crex*), Common Crane (*Grus grus*), Red Kite (*Milvus milvus*) and Red-billed Chough (*Pyrrhocorax pyrrhocorax*). If captured, these species must be released unharmed as permitted by Natural England General Licence WML-GL22. A full list of species in Schedule 9 of the Wildlife and Countryside Act can be found via the link to the Act on our website:

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/policyandlegislation/legislation.aspx>.

- n) Shooting over bait points, using baits such as peanuts, may be useful in encouraging animals to feed in an area where they can be safely and humanely shot. If bait points are used, they should be far enough away from the nearest badger sett (see condition 18) or dense cover to allow a second shot to be taken, if necessary.
 - o) All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006. Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal under the control of man (section 4 of the Act). This applies to the humane despatch of captured animals and to the treatment of animals held in traps. For advice on the relevance of the 2006 Act to wildlife management please refer to the Natural England leaflet 'The Animal Welfare Act 2006: what it means for wildlife' (TIN72).
 - p) Carcasses of animals killed under this licence must be disposed of in accordance with the Animal By-Products Regulations 1069/2009/EC.
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