



Department
for Environment
Food & Rural Affairs

Summary of responses to the consultation on Guidance to Natural England on licensed badger control to prevent the spread of bovine tuberculosis

July 2017



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1. Overview

Introduction

1.1. This document provides a summary of responses to Defra's consultation exercise on the Guidance to Natural England on licensed badger control to prevent the spread of bovine tuberculosis. The consultation ran from 16 December 2016 to 10 February 2017. The aim of this document is to provide a summary of the responses received. It does not offer a detailed opinion on the comments received.

Background

1.2. Bovine TB is one of the most significant problems affecting animal health and sustainable livestock farming in England. The government is committed to delivering the 25 year strategy for achieving Officially Bovine Tuberculosis Free status for England.¹ Controlling the disease in badgers where TB is widespread is an important part of that strategy.

1.3. The consultation² set out proposals to update the licensing criteria that would apply to applications to Natural England (NE) for a supplementary badger control licence from 2017 to enable farmer-led licensed badger control in England to preserve the disease control benefits expected in areas where successful culls have been completed over at least four years. To achieve this it would be necessary to maintain a steady badger population at the level achieved at the end of the licensed culls. We invited views on the following topics:

- Question 6 - the proposed approach to licensing including the conditions of licensing, the discretion in Natural England's decision-taking and the licence period.
- Question 7 - the proposed plans to ensure that badger welfare is maintained, including views on the most appropriate time period for badger control within the open season.
- Question 8 - how Natural England should evaluate the effectiveness of supplementary badger control over the five-year licence period.

1.4. We consulted on the Guidance to NE that the Secretary of State for Environment, Food and Rural Affairs would publish setting out the licensing criteria that NE, as the delegated licensing authority, must have regard to when considering such licence applications.

¹ Defra, 'A strategy for achieving Officially Bovine Tuberculosis Free status for England', PB14088 (2014) <https://www.gov.uk/government/publications/a-strategy-for-achieving-officially-bovine-tuberculosis-free-status-for-england>

² Defra, 'Bovine TB: Supplementary badger disease control', consultation (2016) <https://www.gov.uk/government/consultations/bovine-tb-supplementary-badger-disease-control>

Methodology

- 1.5. Defra emailed over 300 interested parties about the launch of the consultation. These included organisations and individuals from the cattle sector (farming, health and welfare), wildlife and conservation groups and those registered on Defra's stakeholder lists.
- 1.6. The consultation closed on 10 February 2017; although a small number of late responses were received.
- 1.7. All responses were considered. This document summarises the main points raised and the themes that arose. The consultation was not designed to be a representative survey and so the results cannot be statistically generalised to the wider population. It is not intended to be an exhaustive record of all the points made and the absence of a particular issue does not indicate that it has been ignored or that it is of lesser importance.

Summary of statistics

- 1.8. Defra received 451 written or online responses to the consultation, of which 74% were from members of the public, 12% were from farmers or farming organisations (some of whom had been involved in previous culls), 8% were from wildlife or welfare organisations, 2% were from ecologists, 2% were from landowners, 1% were from vets or veterinary organisations and 1% were from gamekeepers. A list of the organisations who responded can be found at annex A.
- 1.9. Many members of the public who responded expressed a strong interest in wildlife, badger welfare or conservation, for personal or professional reasons. Some stated that they had previously participated in badger vaccination programmes.
- 1.10. Defra received some responses that appear to have been submitted in response to several campaigns or posts initiated by organisations such as wildlife or welfare organisations.

2. Summary of responses

Overview of responses

- 2.1. The majority of the farming community respondents were supportive of the principle of supplementary badger culling in order to maintain disease control benefits. They also stressed the importance of maintaining the progress already made in tackling the disease both in cattle and in wildlife, and recognised the international evidence which shows that sustained wildlife control is essential.
- 2.2. Many of the farming or landowner respondents gave answers directly relating to the consultation questions based on their experience and knowledge of carrying out licensed badger culling. These are detailed in the sections below.
- 2.3. Many respondents made general comments about badger control and disagreed with the proposal because they are opposed in principle to culling badgers to reduce the incidence of TB in cattle, without commenting on the specifics of the proposed policy.

Comments that expressed opposition to the policy of supplementary culling itself centred around two main themes:

- 1) Some questioned the scientific rationale behind supplementary culling and the general applicability of the Randomised Badger Culling Trial (RBCT).
- 2) Some suggested that there is insufficient evidence of the benefits of culling on the incidence of bovine TB in cattle to merit supplementary culling.

Some of these responses suggested that:

- Other disease control methods should be explored further, such as vaccination, biosecurity and improved cattle testing regimes and stricter cattle movement controls.
- The approach to wildlife control in other countries should not be used to support badger culling in England due to the differences in the species involved.

Many respondents, including those who disagreed with culling policy, acknowledged the impact that dealing with bovine TB has on farmers, their businesses and the beef and dairy industries overall.

Responses to question 6 – licensing supplementary badger culling

- 2.4. We asked for views on the proposed approach to licensing: including the conditions of licensing, the discretion in Natural England's decision-taking and the licence period, as set out in parts 4.1-4.12 in the consultation document.
- 2.5. Of the 161 responses that directly answered this question: 100 expressed broad opposition to the proposal; 51 expressed broad support for the proposal; and 10 made comments that neither directly supported nor opposed the proposal.
- 2.6. Of those who expressed opposition, they were broadly objecting to the wider badger control policy. The respondents who particularly addressed this question made the following points.

Licensing conditions

- 2.7. The British Cattle and Veterinary Association (BCVA), National Farmers' Union (NFU) and some individual respondents agreed that some of the licensing requirements for a four-year cull could be removed for a supplementary cull.
- 2.8. The NFU advocated a simpler licensing approach and stated that 'a difficult and overly complex licensing process for supplementary culling would be damaging to the wider roll out of intensive [i.e. four year] culling'.
- 2.9. Several respondents called for an area-based licence to be introduced, rather than one which licenses a cull company due to the additional administration and associated costs involved in establishing, managing and licensing a cull company.

2.10. Some respondents thought that licensing decisions should be made on the basis of disease control indicators, and that alternative ways of estimating badger populations should be considered.

Some respondents thought that there should be additional requirements for licences:

- There should be a requirement to consider the effect of the intensive culls on the incidence of bovine TB in cattle in an area, and to define what impact that supplementary culling may have on this.
- That licences should only be granted where there is evidence of the incidence of bovine TB in the badger population which poses a clear risk to the local cattle population.
- That there should be evidence that biosecurity measures had been implemented for a specified length of time before the licence was granted.

Some respondents argued that removing some of the requirements of intensive culls was a risk and that removing the requirement for a minimum level of accessible land may lead to an increase in the incidence of TB in cattle.

Natural England's role

2.11. Members of the farming community expressed strong support for Natural England's (NE's) discretion and decision-making.

2.12. Several responses stressed that NE's knowledge and experience means that they will have a good understanding of any new supplementary culling area, and were supportive of NE having discretion to make case-by-case judgements on issues such as the level of land access and whether a survey might be required during the licence period.

2.13. Some respondents challenged the extent of NE's discretion, suggesting that in practice decisions are made by Defra and by those directly involved in cull operations.

The limited cull period within each open season

2.14. A significant number of farmers and those involved in culling operations expressed views about the proposed limited cull period within each open season of the duration of the five-year licence. Many suggested that culling over a longer period would enable a more effective cull, and allow for flexibility according to local circumstances. A number of reasons were put forward:

- It would be safer and more effective to cull over a longer period as contractors could manage the balance of their time between culling duties and their rural businesses and family commitments.
- Harvest times and crop patterns specific to local areas affect contractors' ability to take part in culling, as does participation in neighbouring areas' intensive culls. Culling over a longer period reduces the impact of these competing work pressures.

- It would allow for cull plans to adapt to local situations: geography and topography, cropping patterns, weather events and climate, major events and seasonal fluctuations. Being able to adapt culling times would meet the varying requirements of different cull areas and within cull areas.
- To take account of local variations of badger activity in response to crops or habitats specific to an area, as the availability of food attractive to badgers in different parts of the culling area at different times can affect their movements.
- Contractors may need to deploy more effort and it will be more practical to spread this over a longer time period.
- It would allow for adaptations in culling methods over the summer and autumn.

Many respondents disagreed with the proposed time frames for the following reasons:

- Concerns that it differs from the time frames used in the RBCT.
- Concerns that a longer cull period might increase the risk of perturbation.

Responses to question 7 – plans to ensure that badger welfare is maintained

2.15. We asked for views on the proposed plans to ensure that badger welfare is maintained, including views on the most appropriate time period for badger control within the open season, as set out in part 4.7 and 4.8 of the consultation document.

2.16. Comments relating to the proposed limited cull period were received for both questions 6 and 7 and are summarised under the subheading ‘The limited cull period within each open season’ in the previous section.

2.17. Many respondents provided practical suggestions on how badger welfare could be maintained. These are summarised below:

- That licensed culling would not compromise badger welfare as it is carried out by trained contractors adhering to the standards set out in NE’s Best Practice Guidance and they are monitored as necessary.
- That all new contractors for supplementary culling should undergo and pass the relevant training which sets standards and protocols for culling methods.
- Several responses commenting on culling methods, with some disagreeing with the use of controlled shooting and expressing concern about badger welfare with regards to trapping.
- Some questioned the acceptability of shooting wildlife, and argued that a point made in the consultation - that the likelihood of suffering in badgers which are culled by controlled shooting is comparable with shooting of other wildlife species - should be challenged due to the lack of published information.

- Some questioned the objectivity of reporting by cull contractors and requested independent monitoring of cull operations.
- Many of those who responded who disagreed with culling in principle felt that all culling compromised badger welfare.
- Some comments were made about the potential wider impact of the culls on badger welfare, and suggested that since the introduction of the culling policy that illegal activity affecting badgers and other wildlife has increased.

Responses to question 8 – evaluating the effectiveness of supplementary badger control

- 2.18. We asked for views on the proposed approach to Natural England’s evaluation of the effectiveness of supplementary badger control over the five-year licence period, as set out in parts 4.5 and 4.8-4.15 of the consultation document.
- 2.19. The majority of respondents agreed with the importance of evaluating the effectiveness of supplementary badger control. The majority of the farming community responses pointed out that NE’s knowledge of the area and organisation would allow them to use their judgement and experience to appropriately monitor the cull progress and outcome.
- 2.20. Several respondents outlined what they saw as shortfalls in the current methods of evaluation, particularly that:
- Estimations of badger populations are not accurate enough to give a clear idea of badger populations before and after culling operations. ZSL argued that estimating a pre-cull population was vital in assessing culling impacts and that the methods currently used are ‘unreliable’. Moreover, they argued that the proposed changes to culling ‘cannot inform future policy decisions because their effectiveness cannot be monitored.’
 - Some thought that other indicators of the effectiveness of culls could be used, rather than measuring the reduction in local badger populations:
 - Evaluation could include assessing the levels of TB in cattle in a cull area, through monitoring the numbers of new confirmed cases and the number of herds under TB restrictions, and assessing the levels of TB in local badger populations.
 - Some argued against using the incidence of TB in cattle as a measure of efficacy for the culls given that other disease control measures are also applied in cull areas. Some respondents disagreed with the use of interferon-gamma testing in cull areas for this reason³.

³ Wider use of interferon gamma blood testing in the High Risk Area of England was introduced in April 2017: <http://www.tbhub.co.uk/tb-policy/england/>

- Conversely, others thought that assessments of effectiveness should only take account of the numbers of badgers removed each year along with the results of any surveys carried out.

2.21. A wide range of suggestions was provided on evaluation methods:

- Having an accurate estimation of badger populations both before and after the culling period is needed, and many stressed the importance of regular sett surveys in achieving this.
- Respondents from both the cattle and wildlife sectors suggested that post-mortems should be carried out on culled badgers to assess the levels of TB in the local badger population.

3. The government's response to the consultation

- 3.1. Defra is grateful to all those who took the time to respond to the consultation. The responses received, as well as the experience from the badger control operations to date and the scientific evidence and veterinary advice available have helped inform the Secretary of State's decision to implement the proposal.
- 3.2. The Secretary of State has noted the range of responses. The government's view remains that introducing supplementary badger control will prolong the expected disease control benefits. The consultation responses have not provided new or compelling evidence to change that view. The rationale and evidence for making the proposed policy change was set out in the consultation paper⁴, and additional information is set out below to address specific points raised by respondents.
- 3.3. On the issue of the humaneness of controlled shooting as a cull method comparable to other wildlife controls, the Independent Expert Panel (IEP) acknowledged that in setting an acceptable level for events of concern it was a subjective judgement. Therefore they suggested that comparisons with other methods of killing animals for population management could provide a context within which to make a judgement.
- 3.4. Following this approach it is noteworthy that the proportion of events of concern observed during NE monitoring visits of controlled shooting was lower than that reported during rabbit shooting⁵, while the proportion of events of concern reported by

⁴ Defra, 'Guidance to Natural England on licensed badger control to prevent the spread of bovine tuberculosis: a consultation exercise contributing to the delivery of the government's Strategy for achieving Officially Bovine Tuberculosis Free (OTF) status for England' (2016) <https://consult.defra.gov.uk/bovine-tb/supplementary-badger-disease-control/>.

⁵ HAMPTON, J. O., FORSYTH, D. M., MACKENZIE, D. I. & STUART, I. G. (2015) A simple quantitative method for assessing animal welfare outcomes in terrestrial wildlife shooting: the European rabbit as a case study. *Animal Welfare* 24, 307-317

the contractors shooting badgers was much lower than that reported by hunters shooting deer⁶.

- 3.5. Therefore the CVO remains of the view that the likelihood of suffering in badgers culled by controlled shooting is comparable with the range of outcomes reported when other culling activities, currently accepted by society, have been assessed.
- 3.6. Some respondents suggested that supplementary culling should only continue while TB levels in cattle are high and that there should be a stated level of bTB in cattle below which supplementary culling should cease. Given the dynamic flow of disease between and from badgers it is not possible to identify a level of disease in cattle which clearly indicates that all transmission from badgers has ceased. However, nobody wants to cull badgers if it is no longer necessary, therefore supplementary badger culling will be reviewed if the incidence of TB in an area drops significantly during the five year period of the licence.
- 3.7. Having consulted Natural England, the Environment Agency and members of the public in accordance with section 15(3) of the Natural Environment and Rural Communities Act 2006, the government has therefore published new Guidance to Natural England⁷ on licences to control the risk of bovine tuberculosis from badgers. This Guidance incorporates the proposed changes which were consulted on.
- 3.8. Natural England should have regard to this Guidance when considering any licence applications, from 2017, to kill or take badgers for the purpose of preventing the spread of bovine TB under section 10(2)(a) of the Protection of Badgers Act 1992.

⁶ AEBISCHER, N. J., WHEATLEY, C. J. & ROSE, H. R. (2014) Factors associated with shooting accuracy and wounding rate of four managed wild deer species in the UK, based on anonymous field records from deer stalkers. PLoS ONE 9, e109698

⁷ Defra, 'Guidance to Natural England: preventing the spread of bovine TB' (2017)
<https://www.gov.uk/government/publications/guidance-to-natural-england-preventing-spread-of-bovine-tb>.

Annex A: List of organisations who responded to the consultation

Animal Aid
Animal Welfare Group
Badger Action Network
Badger Trust
Binfield Badger Group
Born Free
British Cattle Veterinary Association (BCVA)
British Veterinary Association (BVA)
Cornwall Badger Rescue & Brock
Country Land and Business Association (CLA)
Dartmoor Commoners' Council
Devon Badger Group
Dorset Badger & Bovine Welfare Group (DBBW)
Dorset Mammal group
Dyfi Badger Group
Essex Badger Protection Group
Friends of Ham Woods
Friends of Oakhill Woods
Herts & Middlesex Badger Group
Herts Against the Badger Cull
Humane Society International
International Fund for Animal Welfare
League Against Cruel Sports
Lismore Nature Centre
Mid Derbyshire Badger Group
National Beef Association (NBA)
National Farmers' Union (NFU)
National Trust
New Forest Badger Group
North East Essex Badger Group
Oxfordshire Badger Group

Royal Society for the Prevention of Cruelty to
Animals (RSPCA)

Save Me Trust

Scottish Badgers

Shropshire Badger Group

Somerset Against The Badger Cull

Somerset Badger Group

Somerset Badger Patrol

Staffordshire Badger Conservation Group

The Wildlife Trusts

Thorne & Hatfield Moors Conservation Forum

Viva!

Warwickshire Badger Group

Worcestershire Vegans & Veggies

[Www.forwildlife.co.uk](http://www.forwildlife.co.uk)

Zoological Society of London (ZSL)