

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, the 'Licence Holder':

Name (in full):

Address:

and such additional persons as are specified in writing by Natural England in accordance with Condition 2 ("Additional Authorised persons"),

to take and kill and to take and vaccinate badgers (*Meles meles*) within the area specified in Annex A ("the Control Area") for the purposes of carrying out the Minimum Annual Control of badgers 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
Controlled shooting of badgers	1 June - 31 January ²
Live-capture cage trapping and vaccination of trapped badgers	1 May – 30 November


Duration of Licence	13 September 2018 until 31 January 2022 (inclusive) (or such longer period as may be specified by Natural England).
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Minimum Annual Control	The deployment of no less than the Minimum Effort (or such revised Minimum Effort as may be specified by Natural England) in a single sustained and intensive period in any Open Season. The start of the Annual Cull will be specified in accordance with the provisions of condition 1.
Minimum Effort	The effort specified by Natural England in respect of any Open Season during the Licensed Period in advance of the start of badger control in that Open Season; or as subsequently revised.

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.

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Signature	
Date	13 September 2018

(for Natural England on behalf of the Secretary of State, Department for Environment, Food and Rural Affairs)

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 provide to Natural England the information requested in sub-clauses a, b, c and d below as soon as possible and no less than 14 days prior to the proposed start of licensed operations, or at such other time as required by Natural England:
 - (a) details of the funding arrangements in accordance with clause 3.2 of the Badger Control Supervisory 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) signed Badger Control Supervisory Agreements to allow Natural England to confirm that clause 2f has been satisfied.
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) that it is satisfied that approximately 90% of land in the Control Area is either accessible or within 200m of accessible land for action to be taken under this licence.
 - (e) the Minimum Effort required during that Open Season.
3. The Licence Holder must inform Natural England within 3 working days of any changes to the Firearm and/or Shotgun Certificates (including revocation) of Additional Authorised Persons, which would prohibit them from operating under this licence.
4. The Licence Holder must not, in relation to any year, take or kill badgers (or cause or permit badgers to be taken or killed), after any date which may be specified by Natural England.
5. Traps may only be set, live badgers may only be handled, and badgers may only be killed by or on behalf of the Licence Holder by persons identified by Natural England as Additional Authorised Persons.
6. All reasonable precautions must be taken to ensure that no badger is subjected to unnecessary suffering.
7. 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.
8. The Annual Cull shall only take place on those areas of land within the Control Area that are the subject of an extant Badger Control Supervisory Agreements made pursuant to section 7 of the Natural Environment and Rural Communities Act 2006.
9. 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

10. All cage trapping must be carried out in accordance with the Best Practice Guide (referred to in the Important Information section of this licence).

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 conform to the standards contained in 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 Controlled Shooting of Badgers in the field

15. All controlled shooting must be carried out in accordance with the Best Practice Guide (referred to in the Important Information section of this licence).
16. Controlled shooting of badgers in the field must only be carried out with a centre-fire rifle of .22 calibre, or larger, firing ammunition with a muzzle energy of not less than 1000 foot-pounds 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.

Conditions regarding Vaccination in the field

18. The licensee and additional authorised person(s) are responsible for ensuring that all reasonable precautions are taken to ensure that unnecessary suffering of the badger(s) (*Meles meles*) is avoided.
19. Persons may only vaccinate badgers trapped under this licence if:
 - a. they have received appropriate recognised training and hold a Certificate of Competence and are named on this licence; or
 - b. they are a qualified, registered veterinary surgeon and they are named on this licence; or
 - c. they are a qualified, registered veterinary surgeon, not named on the licence but are vaccinating badgers, on site, in the presence of the licensee or an additional authorised person.
20. The additional authorised person(s) may employ assistants to work under their direct personal supervision but such assistants may not vaccinate badgers (see note (c) below).
21. The additional authorised person(s) is responsible for ensuring that actions under this licence are only carried out on land where the owner or occupier has given permission for trapping and vaccination of badgers to take place on that land.
22. The 'Report by licensee of action taken under licence' (form VF3) must be completed, in accordance with the Guidance to Licensees, i.e. for each trapping day, in respect to each sett location where traps are set; and for each trapping day in respect to each trap set remotely. Completed VF3 forms must be sent to Natural England (to the address shown at the top of the report form) within 30 days of licensed activity ending for each licensed site. If no action is taken, one form must still be completed for each site each year, and be sent to Natural England to arrive not later than 31st December of each year the licence is valid.
23. The licensee and additional authorised person(s) shall permit an officer of Natural England, accompanied by such individuals as he/she considers necessary for the purpose, on production of his/her identification (on demand), to be present during any operations carried out under the authority of this licence for the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with. The licensee and additional authorised person(s) shall give all reasonable assistance to an officer of Natural England and any individuals accompanying him/her (see note (i) below).
24. Assistants are not authorised under the Veterinary Surgery (Vaccination of Badgers against Tuberculosis) Order 2010 under the Veterinary Surgeons Act 1966 to vaccinate badgers. Persons

who have received appropriate recognised training and who are required to carry out vaccination should be named as additional authorised persons under this licence.

25. Trapping must only be carried out during the period from 1 May to 30 November, inclusive, each year. Traps must not be set to catch during the period 1 December to 30 April, inclusive. Any traps left in place during this period must be securely fixed open or closed to ensure that they are incapable of catching animals.
26. Traps must be checked early the following morning, in accordance with the times set out in the APHA SOP, LV_WP040, as follows:
 - a. May – up to 9am
 - b. June – Aug – up to 8am or within 3 hours of first light, whichever is the later
 - c. Sept – up to 9am or within 3 hours of first light, whichever is the later
 - d. Oct-Nov – up to 10am or within 3 hours of first light, whichever is the later

Traps must be checked by the person who set them, or by someone who observed the traps being set, unless in extreme circumstances where the person is unable to check the traps themselves.

27. Provision must be made for prompt veterinary assistance to treat any injured badger or to deal with any badger which appears to be so seriously injured or in such a condition that to kill it would be an act of mercy. Where a trapped badger does appear to be so seriously injured or in such condition it may be killed by a veterinary surgeon or other competent person.
28. All badgers vaccinated during operations under this licence must be temporarily marked by fur clipping and/or with animal-safe spray paint, or similar. Any such marked badgers that are recaptured in the same trapping season (see note (d)), unless in need of treatment in accordance with Condition 16, must be released, as soon as practicable, without further vaccination. All badgers captured must be re-released at the point of capture unless they are not fit for release.
29. Where firearms or veterinary products are used in connection with this licence, it is the licensee's responsibility to ensure that all relevant legislation and best practice is complied with (see points 10-15).
30. Any non-target animals caught 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 & Countryside Act 1981 (as amended), 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 on Schedule 9 (see note (g)), in which case it must be released if uninjured, or veterinary advice sought.
31. Any carcasses of animals killed as a result of action under this licence must be disposed of in accordance with relevant waste legislation.
32. To ensure compliance with the manufacturer's datasheet, the Badger BCG vaccine must be stored and transported at temperatures of between 2° C and 8° C, and protected against light. Vaccine should not be used after the expiry date stated on the label. The expiry date refers to the last day of the stated month. Shelf-life after reconstitution is 4 hours.
33. Natural England, in partnership with APHA, will undertake compliance monitoring of licensed action. This will take the form of paper audits, (based on VF3 returns); and either pre-arranged site visits or (short notice) unannounced site visits during the period of the licence. Natural England will aim to carry out at least one pre-arranged site visit within the first season of the licence being issued. On receiving notification from Natural England that you have been selected for a compliance monitoring visit, you must give Natural England 5 (five) working days' notice of your intended trapping dates.

Recording and Reporting

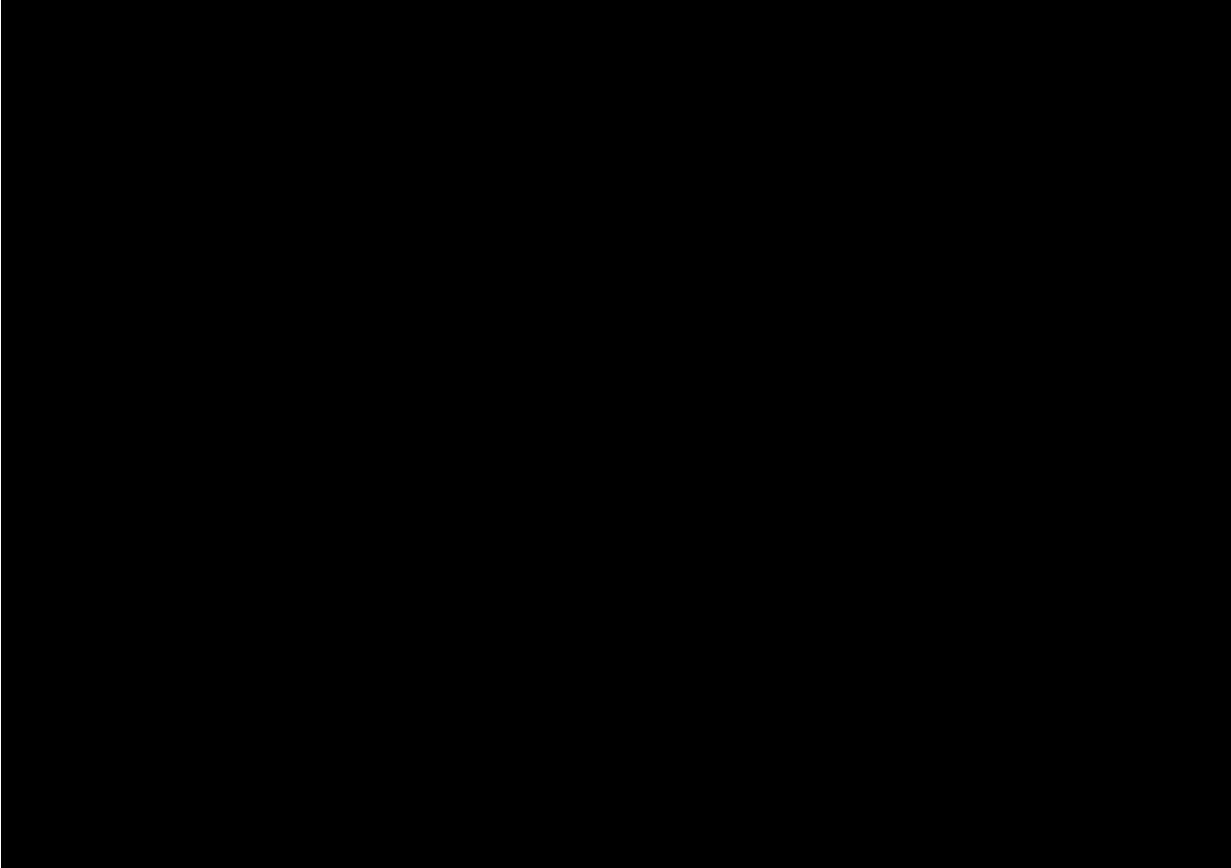
34. The Licence Holder must keep a record of any activity undertaken in relation to the taking and killing of badgers within the Control Area for the duration of the licence, including details of any traps set, any shooting (whether or not successful) and any vaccination, and of all badgers trapped and/or 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 of this licence). The Additional Authorised Persons must provide the Licence Holder with the information specified in condition 21 in sufficient time to allow the Licence Holder to meet the reporting requirements of that condition.

35. The Licence Holder must comply 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

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 Licence Holder. 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 Badger Control Supervisory Agreement made pursuant to section 7 of the Natural Environment and Rural Communities Act 2006 (see condition 8) and which lies wholly or mostly within the Low Risk Area.



LICENCE ANNEX B

Restrictions relating to licensed actions on Sites of Special Scientific Interest and Special Areas of Conservation: <https://www.gov.uk/government/collections/bovine-tb-controlling-the-risk-of-bovine-tb-from-badgers>

IMPORTANT INFORMATION

- a) You must comply with the relevant, and most recently published, Defra/Natural England's 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 and/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, an unlimited fine 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 firearm licence holder's responsibility to ensure that all relevant legislation is complied with.
- e) The Licence Holder and any Additional 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.