

Department for Environment, Food and Rural Affairs

July 2011

## Annex H:

# Natural England's draft guidance to applicants on reasonable measures to reduce the risk of detrimental impacts on non-participants

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**Please Note:** This is a working draft of guidance, which will be revised and will form part of Natural England's Guidance to Applicants if a policy of badger control is adopted. This is not intended to be a standalone document.

# Protection for non-participants in and around a TB Badger Control Area

## 1. Purpose of this guidance

1.1. As the licensing authority in England under the Protection of Badgers Act 1992, Natural England deals with licence applications to cull badgers for the purpose of preventing the spread of bovine tuberculosis (TB). This note provides guidance on what Natural England considers to be the reasonable<sup>1</sup> measures to mitigate the risk to non-participating farmers and landowners of a potential increase in confirmed new incidents of TB in vulnerable livestock within the Control Area and in the 2km ring surrounding the Control Area; and to protect the interests of any non-farming interests that may be affected by badger control.

## 2. Scope

2.1. People not involved in the licensed control of badgers (referred to as 'non-participants') that may be affected are considered to include:

- a) Farmers or keepers of vulnerable livestock. Vulnerable livestock are, for the purposes of this advice, primarily cattle, but in some circumstances holdings which keep other highly susceptible animals may need to be considered.
- b) Non-farming interests that may be affected by badger control. This could include other countryside dwellers, nature reserves, 'wildlife watching' businesses or other parts of the tourism/leisure industry.

2.2. The requirement to take reasonable measures applies within the entire Control Area<sup>2</sup> and within two kilometres of the outer edge of the Control Area. For this purpose "reasonable measures" means measures that in the particular circumstances are practicable, proportionate and appropriate.

## 3. Requirements

3.1. This section sets out the general principles that apply to farming and non-farming non-participants. In judging what is expected in any particular case Natural England's assessment of what is reasonable will take account of the cost of implementing any relevant measures and the potential benefits that they might provide.

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<sup>1</sup> See paragraph 9 g of the 'Guidance to Natural England'

<sup>2</sup> The Control Area is the land included in the licence, once granted, including both land that is participating and land that is not participating in culling.

## Farmers or keepers of vulnerable livestock

- 3.2. These requirements apply only in respect of non-participants with vulnerable livestock. The principal aim is to reduce the risk that culling leads to an increased incidence of TB breakdowns on farms belonging to non-participants. This may occur due to the so-called perturbation effect whereby culling is believed to lead to an increased badger movement and through this to an increase in disease transmission from badgers to cattle.
- 3.3. This risk is to be mitigated by incorporating landscape features and land-use types, or where these are not possible, putting in place reasonable measures to protect livestock on non-participating farms. The types of features or measures that may be used for this purpose fall into three main categories:
- physical barriers** that would reasonably be expected to reduce badger movement across the boundary between culled and un-culled land;
  - buffer** areas where, even if some badger movement does occur, there is a reduced risk of increased TB-breakdowns in vulnerable livestock because, for example, the area is poor badger habitat, so the incidence of badger movement or increased contacts is likely to be relatively low, or where there are few or no cattle (or other vulnerable livestock) present;
  - measures** that can be put in place in the absence of (a) or (b) to aim to reduce the risk of badger to cattle transmission or badger to badger transmission of bovine TB.
- 3.4. The following examples are given as guidance on what Natural England considers to be potentially suitable protective features or measures. There is no hierarchy of acceptability between these different means of protection. Further alternative measures may also be acceptable and will be judged on a case by case basis.

Barriers	Buffers	Measures
Sea coast	Large urban areas	Badger-proof fencing
Lakes & reservoirs	Areas free of vulnerable livestock (2km+)	Badger vaccination
Major rivers & estuaries	Areas including farms with vulnerable livestock (2km+) where:	Enhanced biosecurity
Motorways	<ul style="list-style-type: none"> <li>it has been agreed culling will not take place, and</li> <li>the farmers agree to accept any TB risks associated with culling-related perturbation</li> </ul>	
Major A/Trunk roads	Poor badger habitat; e.g. upland/blanket bog/wetland (2km+)	
	Sections of boundary which are contiguous with other badger TB Control Areas where control is taking place in the same year.	

- 3.5. These features and measures may not be required to protect non-participants with vulnerable livestock in certain circumstances where the disease risk can be tackled in other ways. Situations where the requirement may be waived include areas of non-participating land with vulnerable livestock:

- a) that are no more than 200 metres from accessible land where culling is taking place (increased badger control effort on access land adjoining the non-participating land can reduce disease risk by intercepting dispersing animals from culled land and by reducing the badger population on the non-participating land);
- b) where the owner or occupier is content to accept the risk that badger control may increase his/her risk of a TB breakdown; and
- c) where the vulnerable livestock are kept in conditions where there little or no opportunity for contact with badgers (e.g. they are housed in badger proof buildings or enclosures).

### **Other countryside dwellers and visitors**

3.6. If a non-participant expressly does not want badgers resident on its land removed by culling operations on immediately adjoining land, then we expect licence applicants to take reasonable steps to negotiate an agreed approach to badger control operations along the relevant boundary with that landowner/occupier. Where agreement is not reached, Natural England may advise applicants on the appropriate approach to take on a case by case basis.

3.7. To minimise disturbance to non-participants and potential safety risks during badger control operations:

- a) Licensees are required to liaise with local police forces in areas where badger control operations are to be carried out and follow police advice on measures to protect public and operator safety. For example, if so advised by the police it may be appropriate to post notices at relevant access points or, e.g. on parish notice boards, alerting people to the fact that shooting may take place in specified areas within a specified period.
- b) There must be strict compliance with the relevant Best Practice Guidance for shooting and trapping (which is a condition of culling licences) and normal good practice regarding the use of firearms. (See Annex G of the consultation).

Natural England, July 2011.

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