

# 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 1992<sup>1</sup>, 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 badgers (*Meles meles*) within the area specified in Annex A ("the Control Area") 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
Controlled shooting of badgers	1 June - 31 January <sup>2</sup>

<b>Duration of Licence</b>	8 September 2017 until 31 January 2021 (inclusive) (or such longer period as may be specified by Natural England)
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<b>Annual Cull</b>	The killing of no less than the specified minimum number of badgers in a single sustained period which shall continue until either (a) the specified maximum number of badgers to be culled has been reached; or (b) such time as Natural England notifies the Licence Holder that the culling must cease in that Open Season; whichever is sooner. The start of the Annual Cull will be specified in accordance with the provisions of condition 1 and the minimum and maximum numbers of badgers will be specified in accordance with conditions 2 and 3.
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<sup>1</sup> 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

<sup>2</sup> The period January 1<sup>st</sup> to January 31<sup>st</sup> 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.

Signature		<i>(for Natural England on behalf of the Secretary of State, Department for Environment, Food and Rural Affairs)</i>
Date	8th September 2017	

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

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### 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 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. signed TB Management 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. the minimum number of badgers to be taken and killed within the Control Area during that Open Season;
  - e. the maximum number of badgers to be taken and killed within the Control Area during that Open Season; and
  - f. 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.
3. The minimum and maximum numbers specified by Natural England in accordance with conditions 2d and 2e respectively may be subsequently revised in writing by Natural England following discussion with the Licence Holder.
4. The License 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.
5. 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 under condition 2d or such revised maximum number as specified under condition 3.
6. 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.
7. Traps may only be set, live badgers may only be handled, and badgers may only be killed by or on behalf of the License Holder by persons identified by Natural England as Additional Authorised Persons.
8. All reasonable precautions must be taken to ensure that no badger is subjected to unnecessary suffering.
9. 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.
10. The Annual Cull shall only take place on those areas of land within 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.

11. 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**

12. All cage trapping must be carried out in accordance with the Best Practice Guide (referred to in the Important Information section of this licence).
13. 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.
14. 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.
15. 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.
16. 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**

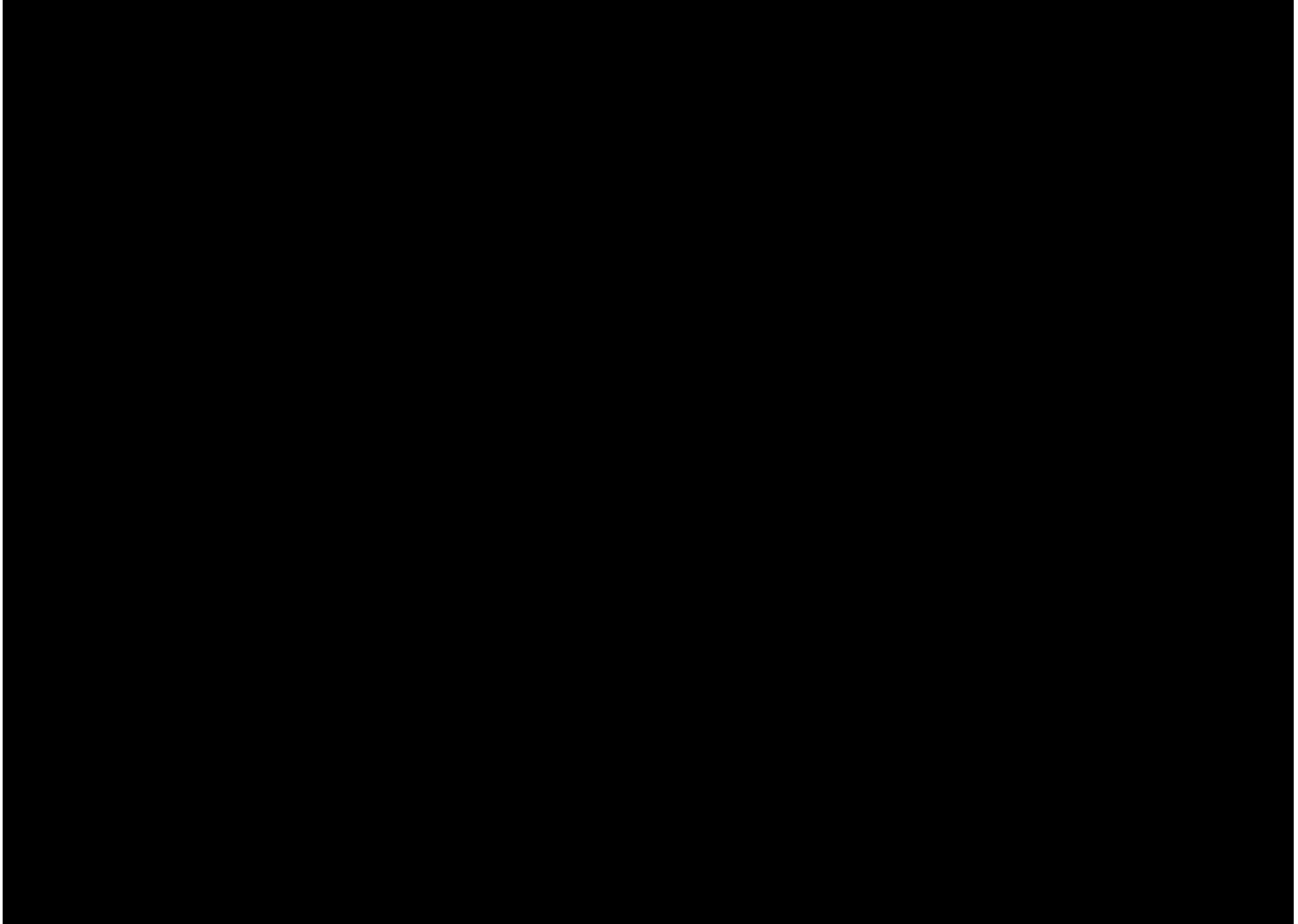
17. All controlled shooting must be carried out in accordance with the Best Practice Guide (referred to in the Important Information section of this licence).
18. Controlled shooting of badgers in the field must only be carried out with a centre-fire rifle of .22 calibre, or larger, firing ammunition with a muzzle energy of not less than 1000 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.
19. 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**

20. The License 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 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 20 in sufficient time to allow the Licence Holder to meet the reporting requirements of that condition.
21. The License Holder 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: 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 TB Management Agreement made pursuant to section 7 of the Natural Environment and Rural Communities Act 2006 (see condition 10).



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

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## IMPORTANT INFORMATION

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- a) You must comply with the relevant 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. 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>.
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**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](mailto:info@naturalengland.org.uk)) or view the details on our website [www.naturalengland.org.uk/about\\_us/contact\\_us/complaints.aspx](http://www.naturalengland.org.uk/about_us/contact_us/complaints.aspx).