

# Protection of Badgers Act 1992

## Supplementary Badger Disease 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  
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 1b ("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 a Supplementary 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>	1 June 2022 until 31 January 2024 (inclusive)
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<b>Supplementary Cull</b>	The killing of no less than the specified minimum number of badgers, in the period(s) agreed by Natural England in each year <sup>3</sup> of this licence, which shall continue until such time as Natural England notifies the Licence Holder that culling must cease in that Open Season. The start of the Supplementary 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 1 and 2.
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<b>Signature</b>	
<b>Date</b>	<b>16 May 2022</b>

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

In relation to a Supplementary 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**).

<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 to January 31 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.

<sup>3</sup> For the purpose of this licence, a year runs from 1 February to 31 January in the following year.

## LICENCE CONDITIONS

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### General Conditions

1. 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) the start date during that Open Season;
  - (b) the names of the persons authorised to take or kill badgers during that Open Season;
  - (c) the minimum number of badgers to be taken and killed within the Control Area during that Open Season;
  - (d) the maximum number of badgers to be taken and killed within the Control Area during that Open Season; and
  - (e) that it is satisfied that the land accessible for action under this licence ("Participating Land") is sufficient to enable the maintenance of the reduction in the badger population in the Control Area under this licence.
2. The minimum and maximum numbers specified by Natural England in accordance with conditions 1c and 1d respectively may be subsequently revised in writing by Natural England to the Licence Holder (but not so as to reduce the maximum number below the number of badgers which have been culled during the relevant Open Season before such notice is given to the Licence Holder).
3. In the event that the minimum number of badgers required to be killed has not been achieved in any year of this licence within the period(s) agreed by Natural England, the Licence Holder must, as soon as reasonably practicable, comply with any request by Natural England to submit proposals for achieving the minimum number in that year, and must implement those proposals if Natural England agrees to them, or such other proposals as Natural England may reasonably specify for that purpose, within such period as Natural England may reasonably specify.
4. 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 1d or such revised maximum number as specified under condition 2.
5. The Supplementary Cull shall only take place on those areas of land within the Control Area where access has been agreed with the landowner or occupier.
6. All reasonable precautions must be taken to ensure that no badger is subjected to unnecessary suffering.
7. 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.
8. The Licence Holder must not, in relation to any year, take or kill badgers (or cause or permit badgers to be taken or killed) in accordance with this licence, after any date which may be specified by Natural England.
9. 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 lawfully under this licence.
10. Any carcasses of animals killed as a result of action under this licence must be disposed of in accordance with the provisions of the Animal By-Products Regulations as they apply to Category 1 waste.
11. Requests for additional land to be accepted by Natural England as Participating Land within the Control Area must be submitted to Natural England with an accompanying map(s) no later than 60 days prior to the Supplementary Cull commencing in any year of the licence or such shorter period as agreed by Natural England.
12. Natural England must be informed immediately, in writing, about any land in the Control Area for

which access for action under this licence is no longer permitted. Natural England will assess if it is satisfied that the remaining Participating Land is sufficient to ensure the maintenance of the reduction in the badger population in the Control Area under this licence.

13. The Licence Holder must comply with such operational readiness and data requirements as may be specified in writing by Natural England having consulted with the Licence Holder before the start of the Supplementary Cull in any year of the licence.
14. If, at any time, Natural England has significant concerns about the level of the badger population in the Control Area, which cannot be resolved in discussions with the Licence Holder, it may require the Licence Holder to undertake a sett survey in any part of the Control Area before it specifies the matters set out in Condition 1 in respect of the next Open Season.

#### **Conditions regarding the Trapping and Dispatch of Badgers**

15. All cage trapping must be carried out in accordance with the Best Practice Guide (referred to in the Important Information section of this licence).
16. 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.
17. No traps are to be placed and operated under this licence unless they are certified live-capture cage traps, which conform to the standards contained in the Agreement on International Humane Trapping Standards.
18. Traps which are set to catch must be checked as soon as practicable after dawn each morning and, in any event, not later than:
  - 09.30 am between May and August
  - 10.30 am in September
  - 11.30 am during October and November.
19. 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**

20. All controlled shooting must be carried out in accordance with the Best Practice Guide (referred to in the Important Information section of this licence).
21. 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.
22. 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**

23. The Licence Holder must keep a record of any activity undertaken in relation to the taking killing of badgers within the Control Area for the duration of the licence. These records must conform to the requirements specified in the Operational Readiness Assessment or such other reasonable requirements as may be specified by Natural England before the start date of each Supplementary Cull (following discussion and agreement between the Licence Holder and Natural England).

**Land on which action authorised by this licence may be undertaken**

The Control Area is the land shown on the plan annexed hereto. The Supplementary Cull may only take place on areas of land within the boundary of the Control Area.

**Summary of all restrictions to licensed actions on Sites of Special Scientific Interest, Special Areas of Conservation, Special Protection Areas and Ramsar Sites:**

<https://www.gov.uk/government/publications/bovine-tb-authorisation-for-supplementary-badger-control-in-2022>

## IMPORTANT INFORMATION

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- 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) Access to Participating Land may be required from time to time by Natural England and the Secretary of State, their representatives, servants or agents and anyone authorised on their behalf to carry out monitoring of this licence. The Licence Holder will, so far as reasonably practicable, facilitate access for these purposes.
- e) Where firearms are used in connection with this licence, it is the firearm certificate holder's responsibility to ensure that all relevant legislation is complied with.
- f) 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.