

# 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  
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*) for the purposes of carrying out the Minimum Annual Control of badgers and to take and mark badgers (to enable vaccination) within the area specified in Annex A ("the Control area") 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 free-ranging badgers	1 June - 31 January <sup>2</sup>
Live-capture cage trapping and marking of trapped badgers to enable vaccination	1 May – 30 November


<b>Duration of Licence</b>	31 January 2024 until 31 January 2026 (inclusive) (or such longer period as may be specified by Natural England).
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<b>Minimum Annual Control</b>	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.
<b>Minimum Effort</b>	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.

<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.

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<b>Signature</b>	
<b>Date</b>	<b>30 January 2024</b>

*(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

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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 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, mark or kill badgers; and
  - (d) signed Badger Control Supervisory Agreements to allow Natural England to confirm that clause 2d has been satisfied.
2. No badger may be taken, marked 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, mark 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, mark or kill badgers (or cause or permit badgers to be taken, marked or killed), after any date which may be specified by Natural England.
5. Traps may only be set to catch, live badgers may only be handled, and badgers may only be marked or 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 (implemented in the UK by the Humane Trapping Standards Regulations 2019).
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:
  - 9:30am in June to August;
  - 10:30am in September; or
  - 11:30am in October and November.
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 Free-ranging 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 free-ranging 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 Licence Holder and Additional Authorised Person(s) must take all reasonable precautions to avoid causing unnecessary suffering to badgers.
19. The Licence Holder and Additional Authorised Person(s) may only vaccinate badgers trapped under this Licence if they have completed an approved training course and hold a Certificate of Competence (see note (g) below). Registered veterinary surgeons can vaccinate badgers without registering as an Additional Authorised Person (or needing to complete an approved training course and hold a Certificate of Competence), if they are operating in the presence of the Licence Holder or an Additional Authorised Person.
20. The Licence Holder and Additional Authorised Person(s) may use Assistants to assist with action taken under this Licence (see note (f) below). Assistants are not permitted to vaccinate badgers (see note (g) below).
21. The Licence Holder and Additional Authorised Person(s) must only take action under this Licence on the Vaccination Site(s) specified by Natural England in Annex A.
22. The Licence Holder must report action taken under this Licence at the end of each month in the Open Season, even if they took no action, using the form provided to them by Natural England. The final report must arrive two weeks after the last day of the Open Season.
23. The Licence Holder agrees to permit Natural England or anyone appointed for that purpose to monitor action taken under this Licence. Any such monitoring is to ascertain whether these terms and conditions are being, or have been, complied with (see note (k) below).
24. The Licence Holder and Additional Authorised Person(s) must only take action under this Licence during the permitted Open Season. They must fix in an open or closed position any cage-traps left on the Vaccination Site(s) outside of the Open Season, such that they are incapable of capturing animals.

25. Cage-traps set to catch under this Licence must be checked early the following morning by:

- 9:30am in May to August;
- 10:30am in September; or
- 11:30am in October and November.

Assistants may check cage-traps set under this licence to determine if badgers have been caught but they are not permitted to engage in additional activities such as releasing already vaccinated badgers, handling or vaccinating badgers or resetting cage-traps that have been tripped (see notes (f) and (g) below). Where badgers have been caught or cage-traps have been tripped, Assistants must make contact with the Licence Holder or an Additional Authorised Person to request that they attend site.

26. The Licence Holder must make provision for prompt veterinary assistance to treat any injured badger. If any badger appears to be so seriously injured or in such a condition that to kill it would be an act of mercy, a registered veterinary surgeon or other competent person should kill the badger.
27. The Licence Holder and Additional Authorised Person(s) must temporarily mark badgers once vaccinated by fur clipping and with animal-safe spray paint (or other similar product). They must release any badgers that are recaptured in the same Open Season (see notes (h) and (i) below) as soon as practicable at the point of capture and without further vaccination, unless they are not fit for release (see condition 26).
28. If firearms or veterinary products are used in connection with this Licence, it is the Licence Holder's responsibility to ensure compliance with relevant legislation and best practice (see note (j) below).
29. The Licence Holder and Additional Authorised Person(s) must release any non-target animals that are captured as soon as practicable at the point of capture, except those where release into the wild would be illegal (see note (e) below).
30. The Licence Holder and Additional Authorised Person(s) must dispose of any animal carcasses killed as a result of action taken under this Licence in accordance with relevant legislation and best practice.

### **Recording and Reporting**

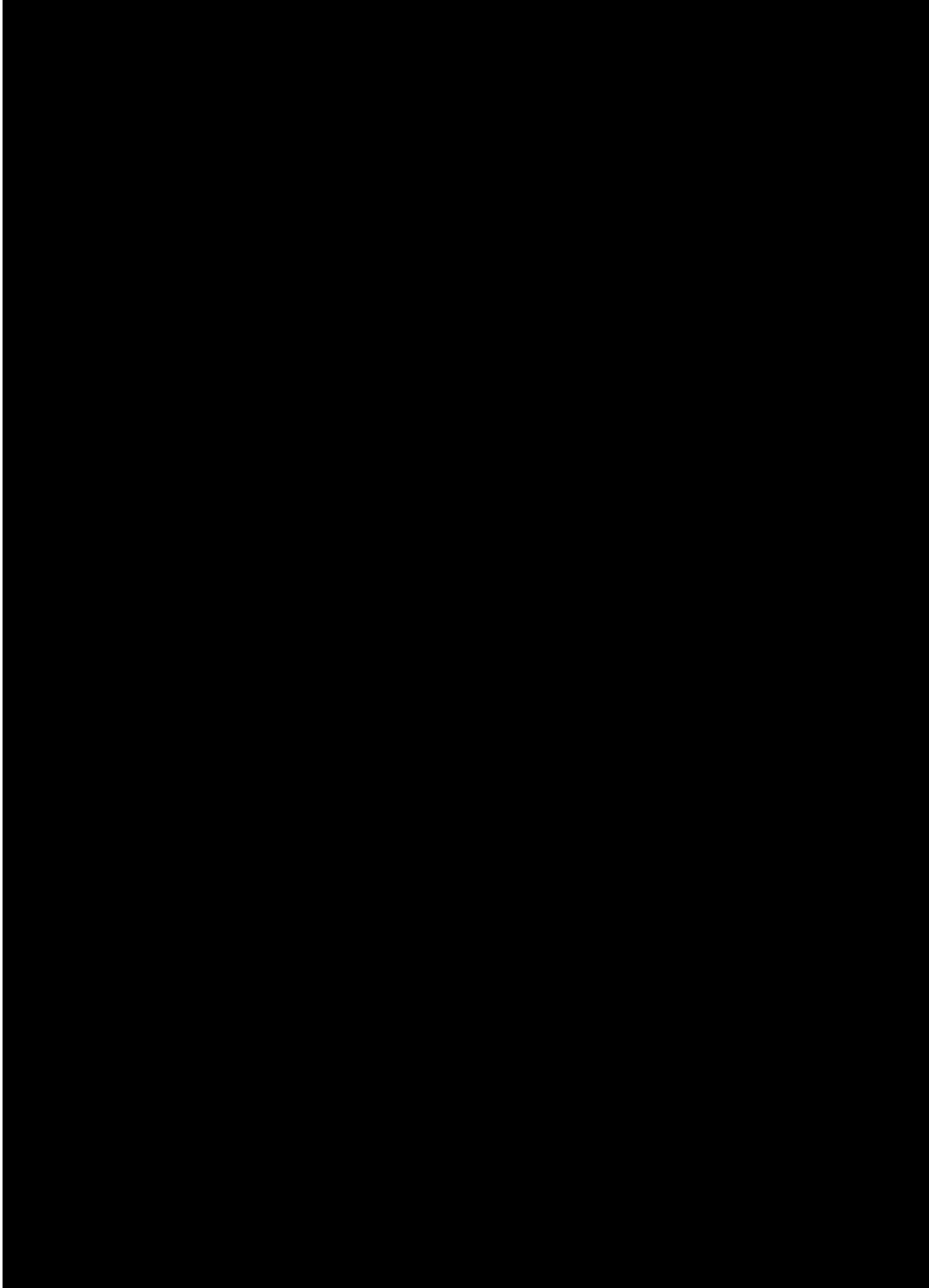
31. The Licence Holder must keep a record of any activity undertaken in relation to the taking, marking and killing of badgers within the Control Area for the duration of the licence, including details of any traps set, any shooting (whether or not successful) and any vaccination, and of all badgers trapped, marked 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 22 in sufficient time to allow the Licence Holder to meet the reporting requirements of that condition.
32. The Licence 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

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

The land specified below where access to carry out the cull and vaccination 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

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Restrictions relating to licensed actions on Sites of Special Scientific Interest and Special Areas of Conservation: <https://www.gov.uk/government/publications/bovine-tb-authorisation-for-badger-control-in-2023>

## 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) Where firearms are used in connection with this licence, it is the Shotgun and/or Firearm Certificate 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.
- f) The deployment, pre-baiting and checking of cage-traps are not prohibited activities under the 1981 Act or the 1992 Act. They therefore do not require a licence to undertake. Persons solely undertaking these activities do not need to be named in Annex A providing they have no intention of setting a cage-trap to catch a badger.
- g) Assistants are not authorised under the Veterinary Surgery (Vaccination of Badgers Against Tuberculosis) Order 2010 to vaccinate badgers. Persons intending to vaccinate badgers must have completed the approved training course, hold a Certificate of Competence and be named as an Additional Authorised Person.
- h) A badger should be considered a 'recapture' if it has already been vaccinated (as identified by fur clipping and animal-safe spray paint or other similar product) in the same Open Season.
- i) Mark badgers (by fur clipping and with animal-safe spray paint or other similar product) that were deemed unsuitable for vaccination but nevertheless released in a manner that distinguishes them from other vaccinated badgers.
- j) Store and transport the vaccine at temperatures of between 2°C and 8°C, and protected against light. Do not use the vaccine 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.
- k) Natural England may undertake pre-arranged or unannounced site visits to check that action taken under this Licence complies with these terms and conditions. Upon receipt of notice from Natural England that it intends to conduct a compliance monitoring visit, the Licence Holder should provide five working days' written notice to Natural England of the date they intend to set cage-traps to catch.