



Department  
for Environment  
Food & Rural Affairs

# Bovine TB: Consultation on revised guidance for licensing badger control areas

**A consultation exercise contributing to the delivery of the government's strategy for achieving Officially Bovine Tuberculosis Free (OTF) status in England**

February 2018



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## Contents

Part A: Background.....	4
1. Purpose of this consultation.....	4
2. Licensed badger control to date.....	4
Part B: Proposal for updating the NE guidance .....	5
3. Specific proposal .....	5
Part C: Tell us what you think .....	7
4. Your comments invited .....	7

# Part A: Background

## 1. Purpose of this consultation

- 1.1 This consultation is about a proposal to update the guidance that would apply to applications to Natural England (NE) for a badger control licence, from 2018<sup>1</sup>.
- 1.2 The proposal applies to England and is part of the ongoing implementation of the twenty-five year strategy for achieving Officially Bovine Tuberculosis Free status for England<sup>2</sup>. The aim of badger control within the Strategy is to reduce new incidents of Bovine Tuberculosis (bTB) in cattle. The proposal is intended to increase the potential for achieving disease control benefits.
- 1.3 You can respond to the consultation question at:  
<https://consult.defra.gov.uk/bovine-tb/bovine-tb-badger-control-areas>
- 1.4 Responses are invited by 15 April 2018.

## 2. Licensed badger control to date

- 2.1 Since 2013, NE has issued licences under section 10 of the Protection of Badgers Act 1992 and section 16 of the Wildlife and Countryside Act 1981 to enable the culling or vaccination of badgers for the purpose of controlling the spread of TB in endemic TB areas. The guidance to NE allows licences to be issued for areas that are subject to annual TB testing. When successfully completed, these farmer-led four-year culls are expected to prevent an increase in the incidence of cattle TB breakdowns in an area for around seven and a half years. In order to prolong these disease control benefits supplementary badger control licences have also been issued to maintain a steady badger population at the level achieved at the end of the four-year culls.
- 2.2 The UK Chief Veterinary Officer (CVO) has advised that action to prevent infection of cattle from significant reservoirs of TB infection in local badger

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<sup>1</sup> Licences to kill or take badgers for the purpose of preventing the spread of disease are issued under section 10(2)(a) of the Protection of Badgers Act 1992, and the Wildlife and Countryside Act 1981. Defra provides guidance to NE about licence criteria.

<sup>2</sup> The Strategy for achieving Officially Bovine Tuberculosis Free status for England, (PB 14088).  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300447/pb14088-bovine-tb-strategy-140328.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300447/pb14088-bovine-tb-strategy-140328.pdf)

populations is an essential component of the government's 25-year strategy to eradicate bTB in England<sup>3</sup>.

- 2.3 Since 2013, 21 areas have been granted four-year culling licences in the High Risk Area (HRA) and Edge areas in England where TB is endemic in both badger and cattle population. The CVO confirmed in the most recent assessment for 2017 that operations were delivered effectively, safely and humanely.
- 2.4 The Guidance to Natural England<sup>4</sup> currently states that only ten new areas may be licensed under the Protection of Badgers Act 1992 for badger disease control each year ("the ten area limit"). The proposal on which we seek views is the removal of this limit, allowing Natural England to issue licences to more than ten areas each year. We also want to make it clearer that when deciding how many licences to issue, NE is able to take into account the resources that it has available in order to ensure effective assurance and administration of the licences.

## Part B: Proposal for updating the NE guidance

### 3. Specific proposal

- 3.1 Any decision by the Secretary of State to implement this proposal will be informed by the experiences of badger control activity and evidence to date, scientific and veterinary advice as well as responses to this consultation.
- 3.2 The proposal is intended to increase the potential to achieve disease control benefits, by introducing more flexibility, while ensuring that additional risk is not introduced to planned disease control objectives.
- 3.3 Responses are invited to the question at the end of this section.

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<sup>3</sup> Comparable to the relative reduction in confirmed (now termed OTFW) breakdowns as seen in the proactively culled areas of the Randomised Badger Culling Trial (RBCT).  
<http://webarchive.nationalarchives.gov.uk/20081107201922/http://defra.gov.uk/animalh/tb/culling/index.htm>

<sup>4</sup> Guidance issued to Natural England by the Secretary of State under section 15(2) of the Natural Environment and Rural Communities Act 2006 (NERC), July 2017 <https://www.gov.uk/government/publications/guidance-to-natural-england-preventing-spread-of-bovine-tb>

## **Proposal: to allow more than ten new badger control areas to be licensed each year.**

- 3.4 The current Guidance to Natural England states that a maximum of ten new badger control areas may be licensed each year unless there are compelling disease control reasons to increase or decrease that number<sup>4</sup>. This limit was set on a precautionary basis when Defra published its Guidance to Natural England in 2011, in order to limit the impact of the policy on badger populations. For this same reason, a maximum number of badgers that can be removed in each culling period was also introduced. Badgers are a protected species under the Convention on the Conservation of European Wildlife and Natural Habitats 1979 (known as the 'Bern Convention'). The Bern Convention is binding on the UK in international law.
- 3.5 The wider and more rapidly that licensed badger control is deployed across TB High Risk and Edge Areas, the quicker the disease control benefits of the policy are likely to be realised. The current limit of ten new areas in any given year constrains the progress of the TB Eradication Strategy, and its ambition to be able to achieve the desired level of disease control within a 25-year timeframe.
- 3.6 The accumulated experience after badger control has been undertaken in 21 areas, for durations of up to 5 years, has shown that these operations do not appear to have caused local population extinction. All areas continue to cull substantial numbers of badgers each year. This is comparable with the evidence from the RBCI, which showed that an effective operation that secures at least a 70 per cent reduction in the population within the boundaries of the licensed area did not result in extinction; populations began to recover through breeding before the following year's operations resumed.
- 3.7 Furthermore, for each area NE will continue to set maximum numbers to ensure that local extinction does not occur. In addition, during cull operations NE monitors cull returns on a daily basis and it can intervene should it have concerns about local population levels. Therefore, we believe that the limit of ten areas is having no beneficial effect in terms of preventing local extinction and removing this limit will not increase the risk of local extinction.
- 3.8 Overall, the evidence and experience gained over the last five years strongly indicates that there is no necessity to set a limit on the number of new licences issued each year for the purposes of limiting the risk of extinction. Retaining the limit will slow down progress in disease control.
- 3.9 Question: We would be grateful for your views on removing the restriction on the maximum number of new badger control areas to be licensed each year.

# Part C: Tell us what you think

## 4. Your comments invited

- 4.1 Animal health policy, including bTB, is a devolved issue. This consultation therefore applies to England only. Further information is available on bTB policy in [Northern Ireland](#), [Scotland](#) and [Wales](#).
- 4.2 This consultation is about a specific licence change and has one question only. We recognise that there is interest in badger control and are therefore consulting publicly on our proposal. Anyone is welcome to respond to the consultation. The deadline for responses is 15 April 2018.
- 4.3 We have written to principal organisations that we believe have a direct interest in the proposals to help raise awareness about this consultation and to invite them to respond. We hope that this will help to ensure a wide range of informed views can be considered. Anyone else who would like to respond to the consultation is however free to do so. Each response will be considered in its own right and on its own merit.
- 4.4 You can respond in one of three ways.
- **Online** by completing the questionnaire at:  
<https://consult.defra.gov.uk/bovine-tb/bovine-tb-badger-control-areas>
  - **Email** to: [bTBengage@defra.gsi.gov.uk](mailto:bTBengage@defra.gsi.gov.uk).
  - **Post** to: Bovine TB Programme

Nobel House  
17 Smith Square  
London  
SW1P 3JR

Our preferred method is online because it is the fastest and most cost-effective way for us to collate, analyse and summarise responses. If you require a different format, please let us know.

Every response will be read and considered by the policy team in Defra in taking forward our work on the policy. We intend to publish a summary of responses to this consultation. It will not be practical to describe every response in detail.

The summary will not include your personal name (unless you have asked us to include it) or other personal data such as contact details. The summary may contain the name of your organisation, if you are responding on an organisation's behalf.

Defra will retain copies of responses for a suitable length of time. Please note that a member of the public can ask to see copies of information held. If you need to keep any part of your response confidential, please tell us when you respond. Please note that confidentiality disclaimers automatically added to emails do not count.

**Important:** We will take your reasons into account if someone asks for information. Because we must comply with the law, including access to information legislation, we cannot promise that we will always be able to keep details that you provide to us confidential.