

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:

This licence is supplemental to Natural England Licence Ref

Natural England hereby authorises under section 10(2) of the Protection of Badgers Act 1992¹:

Name (in full)

Address

and such additional authorised persons as are specified in writing by Natural England in accordance with Licence

to take and kill badgers (*Meles meles*) within the areas specified in Annex A of Licence Ref: 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	Duration of Licence (all dates are inclusive)
Live-capture cage trapping and humane despatch of trapped badgers by shooting	16:00 hours on 23 October 2013 – 12:00 hours on 30 November 2013
Shooting free ranging badgers	16:00 hours on 23 October 2013 – 12:00 hours on 18 December 2013

Signature

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

Date

23 October 2013

This licence acts as a consent for the purposes of Part 2 of the Wildlife and Countryside Act 1981 (as amended) in respect to any land within a Site of Special Scientific Interest (please refer to **ANNEX B** of Natural England Licence Ref:).

¹ 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

LICENCE CONDITIONS

General Conditions

1. No badger may be taken or killed, and no trap may be set to catch within the period covered by this licence, until Natural England has specified in writing:
 - a. the minimum number of badgers to be taken and killed by all permitted methods within the area specified in Annex A of licence ref [REDACTED], and
 - b. the maximum number of badgers which may be killed within that area by all permitted methods.
2. No badger may be killed if that would result in the number of badgers killed within the area specified in Annex A of licence ref [REDACTED] exceeding the maximum number which Natural England has specified in writing. Traps may only be set, live badgers may only be handled, and badgers may only be killed by or on behalf of the Licensee by persons named by Natural England as authorised persons under licence ref [REDACTED] who are also considered authorised persons for the purposes of this licence.
3. All reasonable precautions must be taken to ensure that no badger is subjected to unnecessary suffering.
4. 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 Health and Veterinary Laboratories Agency or the Food and Environment Research 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.
5. 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. Natural England must also be informed immediately, in writing, about any relevant change of circumstances (e.g. amendments to firearms/shotgun certificate) of persons named by Natural England as authorised persons, which affects their ability to operate under this licence.

Conditions regarding the Trapping and Despatch of Badgers

6. 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.
7. No traps are to be placed and operated under this licence unless:
 - a. they are live-capture cage traps, with a string-activated door, not less than 100cm in length, 35cm in width and 35cm in height, constructed of wire mesh of no less than 8-gauge wire and no larger than 5cm mesh size, or are of other suitable construction approved in writing by Natural England; and
 - b. they are placed and operated in accordance with Defra/Natural England's Best Practice Guidance on cage trapping and despatch of badgers (*'Cage-trapping and shooting of badgers under licence to prevent the spread of bovine TB in cattle'* – Best practice guidance).
8. 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.
9. If it appears that a trapped badger may be a lactating sow, that animal must be released as soon as practicable and may not be despatched.
10. Where trapped badgers are to be despatched, they may only be despatched 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 despatched swiftly and humanely.
11. Any animal (other than a badger) caught in a trap must be removed and released at the point of capture as soon as its presence is known, with the exception of those which may be lawfully killed or for which release into the wild would be illegal.
12. Any animal caught in a trap of a kind which is not ordinarily resident in or a regular visitor to Great Britain in a wild state, or is included in Schedule 9 of the Wildlife and Countryside Act 1981, must not be released and must be humanely despatched by a person suitably equipped and competent

to do so, unless it is a native species listed in Schedule 9, in which case it must be released if uninjured, or veterinary advice must be sought.

Conditions regarding the Shooting of Free-ranging Badgers

13. No shooting of free-ranging badgers may take place under this licence unless it is carried out in accordance with Defra/Natural England's Best Practice Guidance on the controlled shooting of free-ranging badgers (*'Controlled shooting of badgers in the field under licence to prevent the spread of bovine TB in cattle'* – Best practice guidance).
14. No free-ranging badger may be shot other than 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 despatched swiftly and humanely.
15. A shotgun may not be used to shoot any badger unless fired from a fixed shooting position, at an animal attracted to a baited location, and where the bait location and shooting position are such that the distance between the shooter and the target animal does not exceed 10 metres.
16. No badgers may be shot within 25 metres of a badger sett entrance and no bait location may be used which is less than 30 metres from the nearest badger sett entrance.

Recording and Reporting

17. The Licensee must keep a record of any activity undertaken in relation to the taking and killing of badgers within the area to which this licence applies and during the period it covers, including details of any traps placed or 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 guidance (referred to at Conditions 7b and 13). This information must be provided to the licensee by additional authorised persons in sufficient time for the licensee to meet the reporting deadlines specified in Condition 18.
18. The licensee must submit the information required in the 'Report of action taken under licence' (form WML-LR01TB) at the end of each week of the period covered by this licence, and a consolidated final version following the end of the culling period, which is to detail all culling operations under both this licence and licence ref [REDACTED]. The weekly reports must be sent to Natural England to arrive not later than 1 day after the end of the period to which they apply and the final report is to arrive not later than 1 week after the end of the culling period. Reports must be submitted even if no action is taken during the period covered by the report.
19. The licensee must notify Natural England of the name and contact details for the disposal facility being used for disposal of carcasses of animals killed under this licence and must ensure that carcasses are double bagged and labelled, giving badger control area, contractor/controller reference number, carcass reference number and the date, and location where the animal was killed.

IMPORTANT INFORMATION

- a) This licence can be terminated or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so. For the avoidance of doubt:
 - a. Natural England may revoke a licence at any time if it feels it is necessary to prevent the risk of disappearance of the local badger population.
 - b. The licence is likely to be revoked immediately if it is discovered that false information had been provided which resulted in the issue of the licence.
 - c. Natural England may revoke a licence at any time following advice from the police on public order issues.
- 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 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, a level 5 fine (£5000) and/or a six month custodial sentence; and
 - b. may result in this licence being revoked and/or the refusal to grant future licences
- c) Natural England checks compliance with licences and the attached conditions.
- d) This licence does not confer any right of entry upon land.
- e) This licence conveys no authority for actions prohibited by any other legislation but should be read in conjunction with the Wildlife and Countryside Act 1981 Class Licences WLM-CL04 and WLM-CL05, which permit the holder of this licence to use a method otherwise prohibited by section 11 of that Act.
- f) It is the responsibility of each person relying on this licence to use appropriate equipment (e.g. trap, firearm and ammunition) and to ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering.
- g) Where firearms are used in connection with this licence, it is the licence user's responsibility to ensure that all relevant legislation is complied with.
- h) The licence should be read in conjunction with the Badger Control Deed of Agreement made between the licensee, Natural England and Defra, and the Badger Control Deed of Agreement No. 2 between the same parties which extends the former agreement so as to apply (subject to certain modifications) in relation to the taking and killing of badgers under this licence.
- i) Only those individuals authorised in writing by Natural England under licence ref [REDACTED] may trap, despatch or shoot badgers under this licence and Natural England will not authorise anyone unless they have received training in the methods to be used and have successfully completed a course or assessment in such methods recognised by Natural England as suitable for this purpose.
- j) Assistants may help with operations connected with this licence, such as driving a vehicle to the site, carrying and operating a spotlight to assist in night shooting, carrying traps or other equipment to the site and assisting with inspecting traps, but, unless authorised in writing by Natural England to do so, they must not set traps or handle, shoot or dispatch badgers. Assistants using an image intensifier or artificial light (e.g. a torch or spotlight) in the course of taking or killing badgers should be supervised by an Authorised Person and comply with Class Licences WML-CL04 and/or WML-CL05, as appropriate.
- k) Traps should not be positioned where they can be seen easily from public access areas or rights of way or where they can be easily accessed by persons other than those acting under the authority of this licence or the landowner/occupier or other authorised persons within the meaning of section 27(1) of the Wildlife & Countryside Act 1981.
- l) Traps should normally be pre-baited for 3-10 days before being set to catch. This encourages badgers to enter the traps and helps to maximise the capture rate. During pre-baiting traps should be checked each day and re-baited as necessary. During this period the trap doors must be securely tied open with wire (minimum diameter 1mm).
- m) The Licensee and any authorised persons are expected to familiarise themselves with the latest list of species in Schedule 9 to 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 to 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>.

- n) Shooting over bait points, using baits such as peanuts, may be useful in encouraging animals to feed in an area where they can be safely and humanely shot. If bait points are used, they should be far enough away from the nearest badger sett (see condition 16) or dense cover to allow a second shot to be taken, if necessary.
 - o) All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006. Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal under the control of man (section 4 of the Act). This applies to the humane despatch of captured animals and to the treatment of animals held in traps. For advice on the relevance of the 2006 Act to wildlife management please refer to the Natural England leaflet 'The Animal Welfare Act 2006: what it means for wildlife' (TIN72).
 - p) Carcasses of animals killed under this licence must be disposed of in accordance with the Animal By-Products Regulations 1069/2009/EC.
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Date: 23 October 2013
Our ref: [REDACTED]



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Natural England
BM 6283
London
WC1N 3XX

Tel: 0300 060 0550
Email: BTB@naturalengland.org.uk

Dear Sirs

PROTECTION OF BADGERS ACT 1992

Location: Controlled shooting of / trapping and killing of badgers within the West Somerset badger Control Area.

I refer to your request for a licence to continue culling badgers after 15th October 2013 (dated 9th October 2013). Natural England has carefully considered your application and I now enclose a licence which enables you to shoot/trap and kill badgers for the purpose of preventing the spread of bovine Tuberculosis for an additional limited period of from 16:00 hours on 23rd October 2013 to 12:00 hours on 30th November 2013, with respect to cage trapping and shooting, and to 12:00 hours on 18th December 2013, with respect to controlled shooting. Please note that this licence is supplemental to licence reference no. [REDACTED]. I also enclose a letter of authorisation in accordance with condition [1].

Please note that **only those individuals authorised in writing by Natural England under Licence [REDACTED] are permitted to undertake any licensed operations under this licence.** Assistants may help with some operations connected with the licence, but they must not carry out any operations directly involved with setting traps or the taking or killing of badgers.

If you have any queries about this licence please contact the licensing team on 0300 060 0550.

Yours faithfully,

[REDACTED]

for and on behalf of Natural England

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) or view the details on our website www.naturalengland.org.uk/about_us/contact_us/complaints.aspx.