



Department
for Environment
Food & Rural Affairs

www.gov.uk/defra

Summary of responses to the consultation on Guidance to Natural England on licences to control the risk of bovine tuberculosis from badgers

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1. Overview

Introduction

1.1. This document provides a summary of responses to Defra's consultation exercise on Guidance to Natural England (NE) on licences to control the risk of bovine tuberculosis from badgers. The consultation ran from 28th August 2015 to 25th September 2015. The aim of this document is to provide a summary of the responses received. It does not offer a detailed opinion on the comments received.

Background

1.2. Bovine TB is one of the most significant problems affecting animal health and sustainable farming in England. The Government is committed to delivering the twenty-five year strategy for achieving Officially Bovine Tuberculosis Free status for England.¹ Controlling the disease in badgers, where TB is widespread, is an important part of that strategy.

1.3. The consultation document² set out three proposals to update the licensing criteria that would apply to applications to NE for a badger control licence, from 2016, in the event of badger control being extended to other areas.³

- Proposal 1 - to increase the likelihood of achieving a significant reduction of the badger population (and thereby disease control) by providing for NE to keep the duration of the culling period under review, without specifying in the licence an initial limit on its duration. N.B. No change is proposed to the current closed seasons.

¹ Defra, 'A strategy for achieving Officially Bovine Tuberculosis Free status for England', PB14088 (2014) <<https://www.gov.uk/government/publications/a-strategy-for-achieving-officially-bovine-tuberculosis-free-status-for-england>>

² Defra, 'Consultation on Guidance to Natural England (NE) on licences to control the risk of bovine tuberculosis from badgers' (2015) <<https://consult.defra.gov.uk/bovine-tb/licences-to-control-tb-from-badgers/>>

³ Badger control is currently licensed in three areas in South West England.

- Proposal 2 - increase the range of potential areas that can achieve disease control benefits by acting on evidence that indicates a change can be made to the licensing criteria to allow culling in a minimum area size of 100km².
- Proposal 3 - increase the range of potential areas that can achieve disease control benefits by providing more flexibility for licensing new areas with the potential to deliver an effective cull, by removing the licence requirement for at least 70% of the land in candidate areas to be accessible but retaining a requirement that approximately 90% of the land in the control area be either accessible, or within 200m of accessible land.

1.4. The proposals are intended to increase the potential for achieving disease control benefits, by introducing more flexibility to enable culling where it will be effective in reducing badger populations. They apply to England only.

Methodology

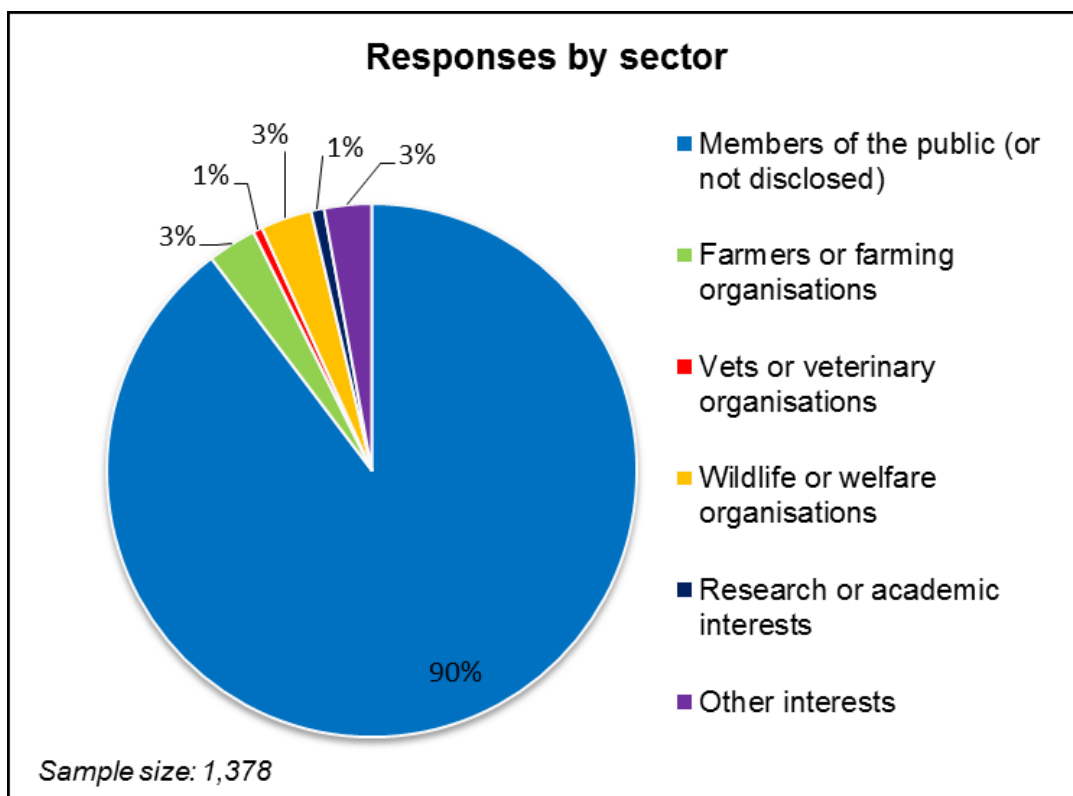
1.5. Defra alerted by email over 300 interested parties considered to have cattle sector farming and welfare interests or registered on Defra's distribution lists, about the launch of the consultation.

1.6. The consultation closed on 25th September 2015, although a small number of late responses were received.

1.7. All responses were considered. This document summarises the main points raised and the themes that arose. The consultation was not designed to be a representative survey and so the results cannot be statistically generalised to the wider population. The following analysis reflects only the views of individuals or organisations that responded to the consultation. It includes a summary of the main comments made in response to each question. It is not intended to be an exhaustive record of all the points made and the absence of a particular issue does not indicate that it has been ignored or that it is of lesser importance.

Summary of statistics

1.8. Defra received 1,378 written or online responses to the consultation, of which 90% were from members of the public, 3% were from farmers or farming organisations, 3% were from wildlife or welfare organisations, 1% were from vets or veterinary organisations, 1% were from research or academic interests and 3% were from other interests (see chart 'responses by sector' below).⁴



1.9. Defra received many responses that appear to have been submitted in response to several campaigns or posts initiated by organisations such as wildlife or welfare organisations.

⁴ The total percentage of responses by sector appears to add up to 101 percent due to rounding.

2. Summary of responses

Overview of responses

2.1. Many respondents made general comments about badger control and many respondents disagreed with the proposals because they are opposed in principle to culling badgers to reduce the incidence of TB in cattle.

2.2. Many of the responses that made general comments did not go on to address the specific questions raised in the consultation document. Some of these responses suggested that:

- Measures other than culling, such as vaccination, biosecurity, improved husbandry and stricter cattle movement controls, should be explored.
- The policies to tackle bovine TB of the Scottish and Welsh Governments were preferable.

2.3. A number of themes emerged that were common across the responses and to all three proposals. These included:

- Concerns that the proposals are deviating from the methodology used in the Randomised Badger Culling Trial (RBCT).
- Information on TB prevalence in badgers is not available because badger carcasses have not been tested.
- The proposals would undermine scientific evaluation of the trial culls and modifications to the licensing criteria should not be considered before the outcomes of the pilot culls are known.
- The impact of the proposals on cost effectiveness and police resources. There was some concern that even if RBCT- level benefits are achieved, the costs of achieving them would not be proportionate or represent good value for money.
- The need to consider the impact of the proposals and culling on local communities.
- For a cull to achieve the reductions in bovine TB incidence in cattle predicted by the proactive culling carried out in the RBCT, it should be conducted in a 'coordinated, sustained and simultaneous manner' according to minimum criteria.

- The proposals could provide more flexibility and enable the potential to achieve more effective culls by, e.g. better mitigating unknown factors such as the weather and protest activity.

Responses to question 1 – duration of the period of operations

2.4. We asked for views on altering the duration of the culling period, and amending the Guidance to NE as set out in paragraphs 3.9 and 3.10 of the consultation document.

2.5. Of the 675 responses that directly answered this question: 531 expressed broad opposition to the proposal; 46 expressed broad support for altering the duration of the period of operations; and 98 made comments that neither directly supported nor opposed the proposal or made comments that supported the proposal in part. An outline of some of the points made in the responses is listed below:

- Concern about the potential impact that the proposal might have on the local communities where any future culls might be undertaken.
- Concerns that the cull is moving away from the RBCT model.
- The proposal could lead to increased perturbation and reduce the likelihood of disease control benefits.
- A culling duration limit should be indicated or the cull should not be open-ended. Some also commented that the length of a cull should be for a maximum of 6 weeks, if not shorter.
- The period of the culls should not be able to be extended. Some also commented that the culls should be able to be terminated early for various reasons (e.g. minimum numbers being met, issues with humaneness etc.).
- No restrictions on the duration of the period of operations should be imposed.
- The duration of the culling period should be flexible or longer, to ensure that targets are met.
- A more flexible duration would help to mitigate unknown factors, such as the weather or protest activities.

- The need for consultation or dialogue between NE and the culling companies over the duration of the cull, and in particular the decision by NE on when the cull should be brought to an end.
- Concerns over policing resources and police operational planning.
- Extending the cull periods in pilot areas in previous years did not lead to proportional improvements in culling success.
- Agreement (as the proposal stated) that the closed season should remain in place.
- What epidemiological data would be available to assist the Chief Veterinary Officer in taking an informed opinion to advise NE in its assessment of the duration of a cull on a case-by-case basis.

Responses to question 2 – minimum size of a control area

2.6. We asked for views on reducing the minimum area size to 100km².

2.7. Of the 669 responses that directly addressed this question: 596 expressed broad opposition to the proposal; 40 expressed broad support for reducing the minimum size of a control area; and 33 made comments that neither directly supported nor opposed the proposal. An outline of some of the points made in the responses is listed below:

- The proposal might lead to the extinction of local badger populations.
- Smaller net benefits of disease control would be realised and any net benefits would take longer to be achieved.
- The minimum area size should either not be decreased, or it should be increased.
- The proposal could render any licences to control the risk of bovine tuberculosis from badgers illegal, by increasing TB incidence.
- The proposal could lead to increased perturbation.
- Concerns that the cull is moving away from the RBCT model.
- Acknowledgement that the proposal is based upon new evidence but that, while the reasoning for reducing the minimum licensable cull area is

understandable, because culling methods deviate from those used in the RBCT the same outcomes cannot be assumed.

- The proposal would lead to fragmentation of land areas and this would mean that the likelihood of achieving the projected benefits in disease reduction would decrease.
- The importance of hard boundaries when determining areas.
- The minimum area size should be smaller.
- There should be no restriction on the size of an area.
- NE should assess applications for licences against the criteria consistently.
- The proposal would enable TB hotspots to be better targeted.

Responses to question 3 – land access requirements

2.8. We asked for views on removing the ‘at least 70%’ land access requirement from Defra’s Guidance to NE, and retaining a requirement that approximately 90% of land in the cull area should be accessible or within 200m of accessible land.

2.9. Of the 703 responses that directly addressed this question: 629 expressed broad opposition to the proposal; 42 expressed broad support for the proposal; and 32 made comments that neither directly supported nor opposed the proposal.

2.10. An outline of some of the points made in the responses is listed below:

- The current land access requirements should not be altered.
- The proposal might lead to less humane culls, e.g. the RBCT found that lactating females were culled more frequently when targeting inaccessible land than when targeting setts on accessible land.
- Reservation about the use of the word ‘approximate’, e.g. it made the criteria too vague.
- The proposal could lead to patchy and less efficient culls.
- Concern that cull operatives might use the proposed flexibility to try and remove parcels of land that cause operational difficulties.

- The proposal could lead to an increase in perturbation, and thus an increase in TB incidence, which could render control licences unlawful.
- In the RBCT fewer badgers were taken per square kilometre from inaccessible land than from accessible land.
- The need for directly accessible land in order to assess the size and distribution of local badger populations in order to set meaningful reduction targets.
- The requirement to achieve precisely a minimum of 70% access is a severe interpretation of the evidence from the RBCT.
- The proposal better accounts for the mobility of badgers and the probability of their ranging over access land.
- The proposal could help to mitigate various factors that could hinder the successful outcome of a cull.

3. The Government's response to the consultation

Guidance to Natural England

- 3.1. Defra is very grateful for all those who took the time to respond to the consultation. The responses received, as well as the experiences of a third year of badger control in Somerset and Gloucestershire and the first year of badger control in Dorset, have helped inform the Secretary of State's decision to implement these proposals.
- 3.2. The Secretary of State has noted the range of responses but does not consider that new, compelling evidence has emerged to change the Government's view that making the three proposed changes to the licensing criteria will increase the potential to achieve disease control benefits, by introducing more flexibility to enable culling where it will be effective in reducing badger populations. The rationale and evidence for making each of the proposed changes to the licensing criteria was set out in the consultation paper.⁵
- 3.3. Having consulted Natural England, the Environment Agency and members of the public in accordance with section 15(3) of the Natural Environment and Rural Communities Act 2006, the Government has therefore published new Guidance to Natural England on licences to control the risk of bovine tuberculosis from badgers. This Guidance incorporates the three proposals that were consulted on.
- 3.4. Natural England should have regard to this Guidance when considering any licence applications, from 2016, to kill or take badgers for the purpose of preventing the spread of bovine TB under section 10(2)(a) of the Protection of Badgers Act 1992.

⁵ Defra, 'Consultation on Guidance to Natural England (NE) on licences to control the risk of bovine tuberculosis from badgers' (2015) <<https://consult.defra.gov.uk/bovine-tb/licences-to-control-tb-from-badgers/>>

Annex A: List of organisations who responded to the consultation

Animal Defenders International

Animal Welfare Group

Avon & Somerset Police

Badger Trust

Badgerland

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust

Binfield (Berkshire) Badger Group

Born Free Foundation

Bow Group

British Veterinary Association

British Veterinary Zoological Society

Cheshire Wildlife Trust

Country Land and Business Association

Derbyshire Wildlife Trust

Devon & Cornwall Police

Devon Badger Group

Devon Wildlife Trust

Dorset Police

Dorset Wildlife Trust

Essex Badger Protection Group

Family Farmers' Association
Foot Anstey LLP
Gloucestershire Police
Guitarnotes
HNV Associates Limited
Humane Society International / UK
International Fund for Animal Welfare
Lancashire Badger Group
League Against Cruel Sports
Leicestershire & Rutland Badger Group
Leicestershire and Rutland Wildlife Trust
Mid Derbyshire Badger Group
National Beef Association
National Farmers' Union
National Trust
Northern Ireland Badger Group
Royal Society for the Prevention of Cruelty to Animals
Royal Society for the Protection of Birds
Sheffield and Rotherham Wildlife Trust
Shropshire Badger Group
Somerset Against the Badger Cull
Somerset Badger Patrol
South Downs Badger Protection Group
Sussex Wildlife Trust

The Mammal Society

The Wildlife Trusts

Warwickshire Badger Group

West Surrey Badger Group

Wildlife and Countryside Link

Wildlife Trust for Lancashire, Manchester & North Merseyside

Zoological Society of London