

Review of Badger Licensing Procedures for England

Summary of responses

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1.0 Introduction

1.01 This document is a summary of the responses received to the public consultation 'Review of badger licensing procedures for England'. Held between 13 November 2003 and 5 February 2004. It summarises or paraphrases the responses and highlights the scope and nature of the points made. The authoritative sources are the respondents' formal replies which are available through Defra's Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London, SW1P 3JR.

1.02 Badgers and their setts are protected by the Protection of Badgers Act 1992. This legislation was introduced to prevent cruelty to badgers, particularly that associated with badger baiting. Nevertheless, the Government recognises that there may be occasions where it is necessary to undertake activities normally prohibited by the Act. To this end the legislation includes provisions for the issue of licences permitting action to be taken for certain clearly specified purposes.

1.03 It is now more than a decade since the Protection of Badgers Act was enacted, and it is right that Defra re-considers its internal procedures on the implementation of the licensing requirements of the Act. This will help ensure that the procedures we use are appropriate and efficient and that we are as open about them as we can be.

1.04 The purpose of the consultation was to inform future Defra strategy on its implementation of licensing requirements under the Protection of Badgers Act 1992, so that the Department offers the best possible service to applicants, and that we balance the interests of those suffering problems and those concerned with the welfare of badgers. Views were invited by posing 12 questions and asking for comments on other aspects of the licensing procedures. The Consultation document is at annex A. The scope of this consultation did not include issuing licences for the purpose of preventing the spread of disease.

1.05 The consultation did not attract a large number of replies (48). A list of those organisations and individuals who responded to the consultation is included at annex B. We would like to express our thanks to all those who took the time and effort to reply.

1.06 Since the start of this consultation the formation of the new integrated agency, Natural England, has been announced. This will bring the present two licensing authorities (RDS Defra and English Nature) together into one agency. This amalgamation will have consequences for how licensing is delivered and the results from this consultation will be used to inform the decisions to be made by Natural England.

1.07 Licensing is devolved to national assemblies and so this review will apply to England only.

2.0 Executive Summary

2.01 The main driver for this review was a desire to ensure that procedures within existing legislation are appropriate and efficient, whilst meeting the legislative requirements.

2.02 Respondents provided the following responses:

2.03 (a) Balancing competing interests

The strength of feeling appeared to be equal between those who thought it was biased against badgers, those who thought it was well balanced, and those who thought it was biased in favour of badgers. Therefore, overall the view is that the current system does achieve a balance.

2.04(b) Disclosure and consultation

Most respondents were against release of site specific information to the general public, recognising the need to provide appropriate protection to the privacy of applicants and licensees and to protect badger setts. There was support for publication of summary data (which would not be of a nature that identified sites or licensees).

Half of respondents thought that either no routine consultation was needed when determining licence applications, or that it should be restricted to government agencies only. The other half favoured wider routine consultation but this is difficult to reconcile with the desire for anonymity at particular sites.

2.05(c) Licensing administration

There was a strong view for a single licensing body. The formation of Natural England will address this issue.

Whilst there was strong support for all cases being visited, a significant proportion saw merit in targeting visits rather than visiting every one.

Overall the licence conditions were seen as neither too lax nor too onerous.

There was strong opinion against charging for the badger licensing activities that Defra carries out.

2.06 (d) Options for resolving problems

Almost all respondents thought it was important to consider alternative sett sites when determining applications to exclude badgers from setts.

Most respondents were either not in favour of translocations or viewed them as a last resort.

Although overall more respondents were against making licences to kill badgers more available, than those for it, this was not an overwhelming view. A significant proportion of respondents clearly wished for licences to kill to be more available. Some considered such action to be more humane and/or preferable to translocations.

A number of alternative approaches to deal with badger problems were suggested and these are listed in the relevant section below.

Conclusion

2.07 Taking account of the wide range of views received it appears that the overall opinion is that the licensing procedures are balanced and generally effective. However there were points which the responses raised as being worthy of further consideration, such as the necessity to survey for alternative setts, the availability of licences to allow translocation and whether killing badgers was preferable to translocation. These issues will need to be considered in conjunction with any proposed changes resulting from the formation of Natural England.

3.0 Collation of responses

3.01 Many respondents added qualifying comments to their agreement/disagreement of a proposal. In a summary of responses it is not possible to detail every suggestion and the rest of this report represents the range of views expressed and reflects the level of support for each. Many comments have been edited or para-phrased and so not all comments are verbatim. Comments have also been included to give a feel for the range of views expressed.

3.02 Not all respondents gave absolute answers to all 12 questions. The number of respondents answering any one question varied between 17 and 38. It is also interesting to note that direct experience of cases on which replies were based ranged from none to multiple cases.

3.03 This paper will be passed to the new integrated agency, Natural England.

4.0 Summary of responses to individual questions ('1' to '12').

Note: The quotes below may have been edited or paraphrased and are not necessarily verbatim. Some are allocated to one particular organisation, but this does not mean that other respondents did not make similar or other supportive comments.

(a) Balancing competing interests

4.01 (1) Does the current licensing system properly balance interests of those suffering from badger related problems and the welfare of badgers?

Views considering the system balanced

English Nature does not have any conservation concerns regarding the current Defra badger licensing procedures. (English Nature)

The current system generally provides a reasonable balance between the different interests, although there are cases of development which subsequently become damage issues. If dealt with properly at the development stage this may obviate the need for further (damage prevention) licences. (The Wildlife Trusts)

To the best of our knowledge there is normally a reasonable balance although we are aware that there have been concerns over badger welfare in some of parts of the country. (Durham County Council)

Views considering the system biased against those suffering from badger problems

Criteria for granting licences to kill badgers include, 'other methods of preventing damage have been shown to be ineffective or impractical and not just difficult to implement'. This should be reviewed to take account of costs, degree of difficulty of implementation and reasonableness. (Environment Agency)

Free-up current procedures so licences are quicker and easier to obtain. (Game Conservancy Trust)

The current system does not work. Only one licence has been issued to kill badgers in the past two years. Set against the sharp increase in the UK badger population in some areas and the growing number of badger related problems, the current arrangements do not appear to create the 'balance' referred to in the consultation paper. (BASC)

Views considering the system biased against badger interests

The NFBG has experience of numerous badger licences issued by Defra that have given cause for concern over badger welfare. However, because Defra does not make available the detail of its licences we are not in a position to assess whether the cases brought to our attention are unfortunate anomalies or the 'tip of a very large iceberg'. (NFBG)

No, with greater than 80% of applications being granted this suggests the balance is in favour of the interests of those claiming to suffer from badger related problems, with the welfare of badgers being of secondary consideration. The type of situation for which an application can be submitted in the first place, should be far fewer than at present. (Herefordshire Badger Group).

Overview

The strength of feeling appeared to be similar amongst those who thought the system was biased against badgers, those who thought it was well balanced, and those who thought it was biased in favour of badgers.

(b) Disclosure and consultation

4.02 (2) How much information about licences should Defra place in the public domain?

Views favouring information on individual licences being made available to non-government bodies / the public

The purpose of badger licensing is to ensure the protection of badgers and their setts while allowing legitimate humane activity to take place. A licensing system should therefore disclose relevant information to the necessary authorities, while providing appropriate protection to the privacy of applicants and licence-holders.

Defra should make information available on request to, badger groups, the Police and RSPCA. Relevant information often required includes the specific site covered by the licence, the activity permitted, the methods to be used and the expiry date. (NFBG)

We have on occasion been unable to obtain information on licences because the applicant has requested confidentiality. We find this situation unsatisfactory.....We would argue that failure to make detailed information regarding the issuing of licences available to responsible bodies and individuals, conflicts with the accountability expected of state-funded bodies such as Defra. (North Northants Badger Group).

Views expressing concern at individual licences being made available to non-government bodies / the public

CCW considers that summary statistics should be provided and individual cases should only be highlighted to reflect a specific issue or request. (CCW)

As little information as possible should be released, apart from the client and contractor. It is well known that normally when dealing with any emotional creatures the public and media create far more problems than the creature being controlled. (Meghun Consultants)

In view of the behaviour of animal rights activists towards those even remotely connected with Huntingdon Life Sciences it is hard to see how the general disclosure of information concerning individual licensees could be considered to be anything other than exempt from disclosure. (CLA)

As a principle we are in favour of Defra being as open as possible. However if there is any indication that applicants will be subject to harassment, either in the media or by activist groups, the information should only be disclosed on a regional or county basis to preserve anonymity. We are concerned that harassment may happen. (GCT)

Putting more information in the public domain may have adverse consequences. The (consultation) document refers to aspects such as personal safety of applicants but it may also be that the possibility of adverse publicity might discourage licence applications and tempt people to try to resolve problems by clandestine means. (RSPCA)

English Nature provides licensing statistics as part of our annual report which demonstrates the number and purpose of all licences issued. In addition EN respond to requests and provide all information other than personal details or information regarding specific location of badger setts. (EN)

Rather than revealing individual details, statistics could be published on a county by county basis (or similar) so the public could monitor the efficacy of the licensing process without persons of ill-intent being able to identify, locate and harass licensees. (NGO)

We don't think that *details* of individual licences should be published. Making details of sett location available could place the badgers under increased risk of digging/baiting/persecution. This should be strenuously avoided. (WT)

Overview

Most respondents indicated that summary level statistics and information should be published, or at least gave no indication that they objected to this. On the whole it was felt that details by which licensees or sett locations could be identified should not be released to the public. However some respondents who supported this view (for example local badger groups) made a distinction between the groups they represented and the 'public'.

4.03 (3) What is the most appropriate way to make information on individual licences available?

Defra badger licences contain sensitive information that could lead to harassment to license holders and illegal disturbance to badger setts. A national network of Local Records Centres exists which has established protocols for handling sensitive biological information. (ALGAE)

Given our comments above (answer to question 2) it is clear that we would not support information on individual licences being made available in a freely accessible public domain, such as a website. (CLA)

We firmly believe that Defra has a 'duty of care' to ensure that anyone engaged in carrying out a legitimate activity under the terms of such a licence issued by the statutory authority are entitled to have their personal details withheld from the general public. (BASC)

Defra should place in the public domain (Defra website) limited detail relating to all badger licences, such as the actions permitted by the licence, in addition to summary statistics. We see no benefit in automatically making peoples' personal details available and this may discourage people from seeking help and result in illegal action being taken against badgers and their setts. We also recommend that details of sett locations are not placed in the public domain. (NFBG)

Overview

The majority view was that information that could identify sites and/ or individuals should not be released to the public. Reasons for this varied from protecting badger setts to protecting licensees.

Support for certain 'favoured' recipients (but not the general public) being privy to information on licences appeared to come particularly from organisations which sought such favoured status.

Suggestions for suitable recipients for such information, varied from strict limitations (e.g. only the Police) to those who thought a wide variety of non-government organisations should have access.

Suggestions for ways to make information more available therefore centred largely on ways to make summary statistics, not individual licence details, more available:

Suggestions for making summary statistics available

Information should be available on the Defra Website, with additional information concerning individual licences available on request only. (Institute of Ecology and Environmental Management)

Defra's RDS provides annual licensing summary statistics via the Defra website for certain categories of licences. This would appear to be a useful way of making information widely available. (EN)

Many other respondents mirrored this view.

Overview

The most popular view was that information on individual licences should not be available to the public and hence ways to provide information on individual licences were not really suggested by most respondents, other than to suggest limiting its distribution and to do so only on request.

For summary statistics, the Defra website was the most popular suggestion.

These replies need to be considered with the answers to question (2) in mind.

4.04 (4) Should Defra seek advice from bodies on individual licences?

Views not favouring wider consultation on individual licences

Involving bodies such as the RSPCA or badger groups in the licensing process is strongly opposed as the objectivity displayed by many animal welfare charities and volunteer conservation groups whilst undoubtedly well intentioned shows a lack of judgement and is often based on little more than emotion. (BASC)

We do not believe any non-government agencies should be consulted on individual applications. Certainly the RSPCA and badger groups should not be given any special privileges in this area. (GCT)

English Nature have the statutory role and they are scientifically based and sufficiently detached that they should be able to give impartial advice. Involving lobby groups, whether pro or anti control is unnecessary and would complicate matters greatly. (NGO)

Defra's own knowledgeable wildlife advisors are professionals in their field. These Advisors offer impartial advice to Defra, applicants and others. Non-governmental groups often have a campaigning remit with regards to badgers. Network Rail sees no benefit in Defra seeking advice from non-governmental bodies. The confidentiality of information given by applicants would be compromised. In this situation there is a potential that licenses are less likely to be sought and therefore actions are then more likely to be conducted outside of the licensing system. (Network Rail)

In general terms the RSPCA would not want to be consulted, as our field staff do not have the resources to become heavily involved. There may however be occasions when involvement may be appropriate because, for example, of local knowledge of an area or the people involved. (RSPCA)

The current consultation process between EN and Defra is effective. Consultation with other organisations regarding case by case applications is likely to add to the administrative process and not have direct benefits. (English Nature)

We believe the local knowledge of local badger groups could well be of assistance in resolving some badger damage related problems. However such groups do not cover the whole country and their interests, ability and resources are variable. Therefore it is difficult to see how they could be involved on a routine basis or to generalise on the role they might play. (RSPCA)

We are unsure as to why it should be necessary to seek advice from further groups or third parties, given that English Nature is already statutorily charged with advising on the protection and management of wildlife. It is not clear what additional benefit could be achieved and how this would add to the balance between competing interests of the badger and applicant. (CLA)

Views favouring more consultation on individual cases

There should be more routine consultation with Local Badger Groups and also Local Records Centres. Badger Groups generally have more detailed knowledge of a particular area and often of the sett in question. Consultation should not be at the discretion of the applicant, as the accurate assessment of the impact on badgers should be objective and paramount in considering a licence. (WT)

Defra should work with the NFBG to set up a standard protocol by which badger groups can assist Defra. This protocol may be locally adjusted to take account of the degree to which local groups can assist, in terms of time and expertise available. There should be a presumption to consult badger groups on all licence applications, unless a different arrangement is agreed at a local level. The NFBG should be consulted on individual licences of specific concern or interest. Defra should work with other organisations as appropriate, for example local wildlife trusts. (NFBG)

At a local level it would be beneficial to the licensing process if local authorities were offered an opportunity to comment on the details of all licence cases *prior* to the issue of a licence and informed of Defra's decision at the same time as a licence is issued. (ALGAE)

We recognise that English Nature is one of the key stakeholders in terms of giving advice but we recommend that other stakeholders should also be consulted where appropriate e.g. the British Cattle Veterinary Association and the National Farmers Union. (BVA)

Only in sensitive cases or where welfare of badgers is likely to be a significant issue. Applicants should be aware of any third party involvement and the time frame for comments should be strictly limited. We would suggest that the consultation period for the application only be extended with the prior agreement from the applicant. (Thames Water).

Overview

Some respondents thought that either no routine consultation was needed or that it should be restricted to government agencies only. Amongst those who thought consultation should go wider there was no consensus on who should be consulted. Some suggested other organisations which should be consulted, but it does not necessarily follow that these bodies would wish to be consulted, (e.g. the RSPCA stated they would not wish to be routinely consulted, but at least one other respondent suggested they should).

Licensing administration

4.05 (5) Would it be better to have a single licensing body?

Views in favour of a single licensing body

A single licensing body would be more straightforward for applicants to deal with. However, it would be essential to ensure that the diverse technical expertise necessary to cover both agricultural/forestry and planning/development issues is readily available as well as the animal welfare knowledge. If this is not achievable then the separation should be maintained. (WT)

A single licensing body should carry out all licensing under the Protection of Badgers Act 1992. A single body should ensure that all information is held and processed more effectively. We would expect it would result in greater consistency. (NFBG)

There would be merit in having a single authority. If Lord Haskin's delivery recommendations are carried forward one might expect this to be an inevitable consequence anyway. (GCT)

English Nature would welcome the development of a single licensing body for all different types of badger licence applications. A single licensing authority would lead to improved customer service by providing a single contact point for all applicants and related enquiries from the public would ensure consistency of approach. (EN)

It would be of benefit to the Police if all licences were to be issued by one body. (ACPO)

Views in favour of two licensing bodies (current situation)

Defra is responsible for issuing licences to deal with agricultural problems. English Nature issues licences when the concerns relate to conservation. This strikes us as a sensible division of responsibilities, though it of course assumes that individual decision makers take into account the relevant factors. (CLA)

Other Views on licensing authorities

It is not necessary to have a single badger licensing authority, but if no such body is established, it is essential that EN and Defra work more closely together to produce consistent guidance. (ALGAE)

The NGO has no strong view on whether Defra, EN or both should be the licensing authority. What matters is that the system works efficiently and fast and that it is based on fact and science rather than emotion and lobbying. (NGO)

It seems apparent to us that if the local Defra officer has inspected the job, discussed the relevant aspects, it is pure bureaucracy for that request to be referred to Bristol.... Why build in another step in obtaining approval, where time can be very critical? (DW. Dungey)

Overview

There was clear support for a change to a single licensing body, with little support for it remaining as at present with two bodies (English Nature and Defra).

Of those who supported a single body a few expressed a preference for it to be English Nature or Defra, but there was no clear consensus.

4.06 (6) Is it necessary to visit all cases?

Views in favour of site visits for all/ almost all cases, or all *new* cases

A proper impact assessment cannot be made without an inspection of the particular circumstances. This is also essential to verify the claim being made; as written applications may be misleading as to the degree of the

problem. Evidence of perceived problems by licence applicants should be sought. We would urge that EN and Defra consider additional site visits to enable proper enforcement of licences. (WT)

Visits by Defra wildlife advisers are essential in all cases...In my opinion one visit is insufficient when determining the level of activity at a sett. It is not acceptable for the applicant/ landowner to monitor activity at a sett and determine its activity. (Wirral& Cheshire Badger Group)

Site visits are necessary for all new licence applications. Site visits can provide the following benefits: information to householders and landowners, reduced need for draconian measures and provision of valuable background information. (NFBG)

Defra should continue to visit all valid new license applications but improved guidance and consultation beforehand will help target help and advice where it is most needed. (ALGAE)

Site visits are necessary for all new licence applications. How else would one 'ground truth' the accuracy of the claims made about damage? It is also an important opportunity to assess the options available in the specific circumstances and to discuss these with the applicant face to face. (RSPCA)

Defra Wildlife Advisers should continue to visit the site of all new license applications. (BVA)

Views in favour of targeted visits

If staff resources are available then, CCW considers that site visits can be a valuable tool for advising and supporting applicants experiencing problems with badgers. (CCW)

In some urgent cases the intervention could be reported to Defra retrospectively and the visit then made afterwards to ensure that everything had been done properly. In cases where a licence is requested for non-lethal intervention alone, it may well be that some applications do not merit a personal visit at all. (NGO)

Visits should not necessarily be required, but should be at Defra's discretion. They could be conducted randomly and where there might be particular concerns about welfare or sensitive local issues. (GCT)

We do not see why it is necessary to have to visit every fresh application as a matter of course. We suggest that this is a waste of time and money for both the licensing body and the landowner. A visit should only be made when the relevant licensing officer identifies a particular need. (CLA)

Overview

There was universal support for site visits and the majority view was that all *new* cases should be visited. However there was a strong call for other visits to be targeted rather than assuming every case needed a visit.

4.07 (7) If you have direct experience of a licence, do you think licence conditions are, too lax / too onerous / about right?

Views considering the licence conditions too lax

The current Defra licence conditions do not normally require feedback on the outcome of the licensed badger works. Defra licence conditions should require a report from the licence holder which should address the objectives of the licence and how these were met. (ALGAE)

We are particularly concerned about agricultural licences that Defra issues for the period of one year, to plough over setts in fields to a depth of 12 inches. We have received complaints from badger groups and others who believe that this effectively causes serious damage to setts and is likely to injure and kill badgers. (NFBG)

Views considering the licence conditions too onerous

Licence conditions are often too onerous and effectively render the licence very difficult to implement in practice. (NFU)

View considering licence conditions to be balanced

ADAS has experience of working under Defra licences. ADAS considers that licence conditions are 'about right'.

In general I think the conditions are about right. (B.I Wilkinson)

About right. (M. Reader)

Overview

This was the question which attracted the least number of replies (17), possibly because it requested that respondents had direct experience of a licence.

Overall it appeared the current system was considered to be about right. Most respondents thought it was about right and the few who did not were fairly evenly split between those who thought it too lax and those who thought it too onerous.

4.08 (8) What would be the advantages and disadvantages of introducing charging for licensing?

Views in favour of some charging

The introduction of a reasonable charge for a valuable service that enables developers and landowners to increase their profits seems, on the face of it, fair. However, if thought desirable the level should not be set so high as to discourage people from applying, thus potentially risking an increase in illegal sett interference and creating a black market type of 'work'. (WT)

We are not opposed to a reasonable fee being levied on the cost of issuing the licence, however, it must not place an undue burden on applicants. (BASC)

Views against charging

Charging for a licence may discourage individuals from applying, instead taking the law into their own hands. The size of the licence fee will clearly influence the extent to which this occurs. (NFBG)

CCW does not operate a charging policy as we feel that such a fee would lead to applications not being made and would also require a further administrative layer in the licensing process. (CCW)

If charges were to be made then applicants should have a reasonable expectation that the provisions of the licence will be adequate. Given the complexity of the current procedure then charging the true cost of a licence application would make it prohibitively expensive. (GCT)

We do not believe that a charge should be made for issuing licences. It could deter some people from following the legislation and from resolving problems in the most appropriate way utilising the advice of Defra advisers. One of the drivers behind the legislation was the suffering caused to badgers by the use of all sorts of action against badger setts. (RSPCA)

If land managers are required to pay for making applications, the level of scepticism over the licensing system will increase. This is unlikely to further its aims. (CLA)

EN note that The Protection of Badgers Act 1992 makes no reference to charging for licences and understood that charging was not possible without a change in the legislation. (EN)

Many people would be put off from applying for a licence if it cost money. They already don't feel they should have to pay for badger mitigation work for a species protected, as they see it, by the Government. (East Surrey Badger Protection Society)

Overview

There was a strong tide of opinion against the introduction of a charge for most licensing. Amongst those who could see advantages to charging, about half thought this should only be for certain types of applicant (such as developers, which EN currently deal with).

Options for resolving problems

4.09 (9) To what extent should knowledge of alternative sett sites be taken into account when considering excluding badgers from a sett?

In development situations where outlier, subsidiary or annex setts are to be destroyed then alternatives would be considered from those currently available to the badger social group. This information must be provided with the licence application. In situations where applications are sought to close a main sett then the applicant must demonstrate that other similar setts are suitable and available for the badger group. If this is not the case then EN would expect an artificial sett to be provided. (EN)

We believe that it is important to ascertain alternative setts or suitable sites are available when contemplating excluding the animals from their sett, particularly when the sett involved is a main sett. If considering exclusion, an understanding of the badger population in the area would assist in assessing the possible effects of exclusion in those circumstances. Situations in which badgers are excluded from a site heedless of any possible consequences to them could result in suffering to the animals. (RSPCA)

CCW operates a mitigation policy, particularly where a main sett or sett of importance to the clan is being destroyed. In such circumstances, surveys and advice are usually obtained from an experienced badger consultant. (CCW)

Knowledge of the availability of alternative setts is essential before considering sett exclusion. Evicting badgers without such knowledge could be interpreted as 'cruel ill-treatment'. In some scenarios, such as when single entrance setts are proposed for closure, it might be possible to assume that alternatives are available without the need for further survey or consultation, but applications involving larger setts should always require further survey information. (ALGAE)

The availability of alternative setts should be a primary consideration in every licensing case. One of the main concerns reported to the NFBG by badger groups and others is that Defra issues licences to exclude badgers from setts –often main setts– with no alternative sett having been identified. Defra should insist that all licence applicants show that the badgers have at least one alternative suitable sett. This will require a

badger survey to be conducted by the local badger group, a consultant or by Defra. (NFBG)

Defra should insist on a badger survey for every licence application and consult local badger groups. They should also take a strategic approach to dealing with urban badger problems. (NFBG)

It is essential to know where the badgers can be excluded to, in order to ensure their ongoing welfare and no exclusion should take place without it. (WT)

Overview

Almost all respondents thought this was an important consideration, but there was a suggestion to focus this requirement on deserving cases only (e.g. cases involving main setts rather than all exclusions).

4.10 (10) What are your views on relocating groups of badgers as a way of resolving damage problems?

Relocation should be used as last resort only under extreme circumstances where there is an overwhelming need. The movement of badgers into other territories can cause substantial welfare problems for both the existing and incoming groups. Exclusion to another sett within the same territory is preferable and an alternative sett should be provided in suitable habitat. (WT)

The NFBG has a presumption against translocating badgers. However, we think each case should be considered individually. Defra should aim to use methods that are effective but that have the least impact on badgers. The most satisfactory solution should be to reduce disruption to local badger populations by allowing badgers in the problem sett to continue to live in their territory or home range. This can be achieved in most cases by excluding the badgers, on the basis that they have at least one suitable alternative sett within their home range. (NFBG)

CCW does not advocate translocation as there is little or no evidence to support that this method of resolving a problem results in a satisfactory outcome. (CCW)

We are not in favour of relocating animals unless there are sound species conservation reasons for doing so. Relocation has been questioned recently by animal welfare scientists (joint BWRC/UFAW symposium 2003: Release of wildlife casualties after treatment). (GCT)

As there is no threat to the overall number of badgers, and given the harm they can cause, it seems unnecessarily cumbersome to encourage the relocation of problem badgers as opposed to their humane despatch. In the context of the large and increasing overall badger population the justification for safeguarding the life of individual animals diminishes. This is even more particularly so when the context is one where relocation has

the potential to adversely affect the health of both individual animals and the population more generally. (CLA)

In relation to translocation it is apparent that many people remain unaware of the practical difficulties, biological constraints and possible welfare consequences of translocating groups of badgers as a means of resolving problems. (RSPCA)

Overview

Overall it appeared that there was hardly any support for relocating badgers for a variety of welfare and disease reasons. Many considered that humane destruction would be a preferable option.

4.11 (11) Should Defra be more willing to grant licences to kill badgers to resolve problems?

Views supporting more willingness to grant licences to kill badgers

It is clear that badgers must be afforded a degree of protection. However, it is also clear that the protection afforded to badgers is considerably greater than that afforded to many other species, which often have smaller populations and may consequently be under a more immediate threat. (CLA)

Humane culling is accepted for other abundant mammalian species such as rats, mice, grey squirrels and rabbits. It is also accepted (under licence) for pest birds which are protected species under the Birds Directive. Why badgers should be the exception with culling only considered as a last resort has never been made clear. (NGO)

Large landowners or consortia of contiguous landowners should be granted annual licences to manage badger numbers and badger setts according to a management plan agreed with Defra. This would ensure conservation of badgers but allow some humane culling to maintain stable populations. (GCT)

It is a mistake to view the control of the badger population as differing from any other animal population control. This is not a view required by the Act. The NFU is committed to regulated and humane standards in all farming activities, but the issue should be approached not with sentiment but with common sense. (NFU)

Proper population control measures should be taken to foster a population of appropriate size. The fact badgers are moving into urban environments highlights the current imbalance generated by the burgeoning badger population. (NFU)

The protection of Badgers Act 1992 was introduced to protect badgers from cruelty. It was widely expected that it would be implemented so as to impose minimal restriction on those needing to protect infrastructure from

damage. However implementation of the Act has introduced significant obstacles to the sustainable maintenance of flood defences. (EA)

There are welfare and disease implications for badgers excluded from their setts. It could therefore be argued that killing badgers is a humane solution and licences to kill should be more readily available. (BVA)

The current policy is ecologically unsound. It is clear Defra avoids licences to kill at all costs (one issued from more than 600 applications), ironically <35000 are killed by motor cars. (Oliver-Bellasis)

Views not favouring a greater willingness to grant more licences to kill badgers

The general policy approach set out by the RSPCA's Council in the Society's policies is a presumption against killing wild animals unless there is evidence that control is necessary and that alternative methods are not appropriate. The RSPCA would therefore view the humane destruction of badgers causing damage as a means of last resort.

It is not CCW policy to consider killing badgers under such circumstances and we would not advocate such an approach. We would have grave concerns if this were available as an option provided by Defra. (CCW)

There is a considerable amount of public sentiment attached to badgers which should be taken fully into account before a licence to kill is considered. The long-term social effects on local communities of issuing licences to kill badgers, (neighbour disputes, etc.) should also be taken fully into account. (ALGAE)

More licences to kill badgers should not be issued. Badger populations are probably rebounding to previous levels and should not be threatened again, as they were prior to the introduction of protective legislation. Research on the effectiveness of measures to deal with badger 'problems' is required. (WT)

We do not think that killing badgers should be, or ever needs to be an option. Defra should not issue licences to euthanase badgers for the following reasons: euthanasing badgers would be contrary to the spirit of the 1992 Act, euthanasia must be shown to be a last resort when all alternative methods have failed, euthanasia is likely to attract negative publicity and cause a public outcry and euthanasia sets a dangerous precedent for the future and may weaken current legislation. (NFBG)

Other views

In all situations where Defra receive an application to kill badgers EN would wish to be consulted as is the current practice. In such cases our advice relates to the nature conservation implications of the proposed action. However, where applications involve the killing of relatively small

numbers of badgers English Nature is likely to advise that such activity will not affect the favourable conservation status. (EN)

Overview

There was no clear direction on this with similar strength of feelings between those who thought that licences to kill badgers should be more readily available and those who thought that they should remain a last resort.

Some held the view that licences to kill badgers should never be granted.

4.12 (12) Do you have any novel and practical approaches for resolving problems?

Quite a few respondents made suggestions for practical approaches to dealing with problems, but not all these were novel. Some suggested better consideration at the planning stage of development, which is an area English Nature, not Defra, deal with and therefore outside the scope of this consultation.

Suggestions made under 'Novel approaches' included:

- 'Badger farms' where translocated badgers (possibly neutered) could live out the rest of their lives.
- 'Canadian scarecrow' a device that senses animal (badger) movement and fires a harmless jet of water to scare them off.
- Researching plants that badgers avoid.
- More road signs to warn of badgers/ setts
- Methods to control the badger population such as discouraging new setts so the population does not expand further.
- Immunocontraception
- Further research into safe chemical repellents

5.0 Other comments/ issues respondents took the opportunity to raise:

Please note that this is a summary of respondents' replies and their inclusion does not infer that their views necessarily confer with those of Defra.

5.1 *How* the licensing procedures work and their effectiveness is not necessarily transparent –at least not to those who are not directly involved. (RSPCA)

5.2 Defra should cease to allow 'live digs' (licences to dig into badger setts while the badgers are resident). (NFBG)

5.3 The consultation document provides no evidence that the licensing system and the ability to resolve problems, has significantly changed since the last MAFF (Defra) report of 1996. (RSPCA)

5.4 The NFU entirely endorses the protection of badgers from being used in baiting. The NFU would however strongly contend that the emphasis of the Act has been shifted beyond the normal scope of reasonable construction by exploitation of the licensing system.... This has led to a fundamental shift where, rather than (as is the case with the control of other wild animals that can disrupt agricultural activity) broad considerations of control being the norm, it is necessary to justify each case almost in relation to each individual badger. (NFU)

5.5 Although the UK's wildlife legislation is clumsy, tinkering with current Acts for the sake of badgers alone could be counter-productive. In the long-term all our wildlife legislation needs rationalising. (NGO)

5.6 There is a wider need for Defra to look more closely at the current badger population and the affect their numbers are perceived to be having on farming and other wildlife.... Land managers are permitted to control foxes using a variety of humane methods where a need arises but are severely restricted when damage occurs due to badgers. (BASC)

5.7 Defra should conduct research into methods it advocates to deal with badger problems. (NFBG)

5.8 It may not be an appropriate part of the licensing procedure to consider routinely monitoring the badgers involved but it would be useful to consider specific research to monitor a number of licensed operations and their effect on the badgers. (RSPCA)

5.9 Damage to wildlife in general must be better understood. We need some urgent research on the wider impact of the badger increase and ways of managing the population. (NGO)

5.10 The impact of ever-increasing badger populations on ground nesting birds and other species is already of concern. Just as there should be balance between the competing interests of badgers and those affected by badger activity, so there should be balance in the management of wildlife. (Country Land and Business Association)

5.11 BASC appreciates the scope of this consultation but feel there is a wider need for Defra to look more closely at the current badger population and the affect their numbers are perceived to be having on farming and other wildlife. (BASC)

5.12 Defra should endeavour to advise landowners on keeping badgers off their property to reduce damage and general nuisance value. (British Veterinary Association)

5.13 Overall there is a major need for awareness, education and training for all those involved in the process. (The Wildlife Trusts)

5.14 Defra should improve communication with landowners. Many are antagonistic towards badgers because they are unaware that problems can be legally and humanely resolved through Defra licences. (NFBG)

As badgers are protected under an Act of Parliament, consideration should be given for financial help to be made available.....I have been given to understand that some insurance companies tend to be reluctant to consider such damage to be covered by their policies. (Rev. J. McCollough)

There should be a qualification in order to become a consultant and that person should remain unbiased with the welfare of the badgers to be taken into account as well as a common sense attitude to the problem. (Secret World)

Applicants have to employ a suitable badger consultant in development cases-surely this should apply in controversial cases where badger populations are poor. (Wirral Wildlife).

END

Annex A – consultation document (see separate document)

Annex B – list of respondents in alphabetical order

Association of Chief Police Officers
ADAS
Association of Local Authority Ecologists
Association of Drainage Authorities
British Association for Shooting and Conservation
Bellasis, Oliver
Black Sluice Internal Drainage Board
British Pest Control Association
British Veterinary Association
Bryant, John
Countryside Commission for Wales
Confidential: B
Confidential: S
Country Landowners & Business Association
Cox, Darryl
Dorset Badger Group
Durham County Council
East Surrey Badger Protection Group
East Winch RSPCA Wildlife Centre
English Nature
Environment Agency
Forestry Commission
Forestry Enterprise
Game Conservancy Trust
Greater London Authority
Herefordshire Badger Group
Hughes, MR
Institute of Ecology & Environmental management
McCullough, J
Meghun
National Farmers Union
National Federation of Badger Groups
National Gamekeepers Organisation
Network Rail
Northumbrian Water
North East Essex Badger Group
North Northants Badger Group
Reader, MJ
Royal Society for the Prevention of Cruelty to Animals
Scottish Game Keepers Association
Secret World
Thames Water
West Sussex Badger Protection Group
Wildcru Oxford University
Wildlife Trusts
Wilkinson, BI
Wirral & Cheshire Badger Group
Wirral Wildlife