

Policy Statement – Badger Licensing

1. Scope

This policy statement relates to licensing functions under the Protection of Badgers Act 1992 (POBA) and the Wildlife and Countryside Act 1981 (insofar as it relates to badgers) which Natural England are authorised to perform as set out in the [Part 8 Agreement](#) dated 29/09/06 between Natural England and Defra under section 78 of the Natural Environment and Rural Communities Act 2006. Therefore this guidance does not cover all purposes under section 10 (i.e. excludes those previously determined by English Nature). It should be viewed in conjunction with the '[Agreement on Natural England's discharge of Wildlife Management Functions](#)'.

This policy statement does not apply to POBA 1992 licence applications to prevent the spread of Bovine Tuberculosis (see separate Defra guidance to Natural England). but see paragraph 4. It does however, cover licences to prevent the spread of other disease, for example bovine salmonella.

2. Main Objectives

The Defra policy objectives are to grant licences, for those purposes and actions allowed under the relevant Acts whilst balancing the interests of those suffering from badger related problems and the welfare of the badgers by:-

- i) licensing solutions to problems which offer the least impact on the badgers but are effective in dealing with the problem;
- ii) allowing operations where the action affects badger setts only in a minor way and any impact on the badgers is minimal (e.g. some forestry operations/shallow ploughing). In these circumstances there should be a presumption of granting licences;
- iii) ensuring that the cumulative effect of licences is not detrimental to the survival of the badger population in England;
- iv) ensuring that licences are not unreasonably withheld or revoked; and
- v) balancing the risk of spreading or increasing bovine TB in wildlife or cattle whilst finding a solution to the problem (see section 4 below).

3. Licences to interfere with setts

Licences to interfere with badger setts should balance the impact on the badgers using the sett with the needs of the proposed operation and the impact on the applicant of being unable to carry out the interference if a licence were refused.

a) Operations incidental to the sett which are likely to have minimal impact on the badgers: e.g. Normal agricultural operations (such as shallow ploughing): there is no reason to believe the impact on the badgers will be anything other than minimal but the avoidance of the action (ploughing the sett area) will cause revenue loss for the farmer. A presumption for granting such licences is therefore justified. An in depth assessment need not be made for each individual case. Many drainage/ waterway maintenance and forestry operations may also fall into this category.

b) Operations specifically targeted at the sett which are likely to have a significant impact on the badgers: Licences to interfere with badger setts should only be granted where

- i) there is evidence that the problem being (or, where the law allows for preventative measures, likely to be) caused, is serious,
- ii) there are no other practicable methods of preventing the problem,
- iii) the proposed action is likely to be successful in preventing or reducing the problem;
and
- iv) the likely scale of the impact on the badgers in a local area is proportional to the scale of the problem being prevented or reduced (i.e. the more serious the consequences of not allowing the action, the more acceptable a solution with a higher impact on the badgers would be).

Each particular situation must be judged on a case by case basis and a judgement made as to what action is appropriate and proportionate.

4. Disease Risk

The risk of spreading disease, especially bTB, should be considered for all potential licences being determined for all purposes. This is especially important for translocations/ taking badgers and killing badgers, but also applies to sett interference licences. Advice should be sought from Animal Health and Defra.

5. Translocation and Killing Badgers

Licences to kill badgers should **only** be considered when all other reasonable options to solve the problem, aimed at keeping the badgers in their likely home range, have been fully explored and have been shown to be ineffective or impractical. Licences should only be granted where the proposed action is likely to be undertaken efficiently and humanely, will be unlikely to result in any welfare issues and should resolve the problem. Conservation considerations are covered above under 'Main Objectives'.

Translocations (moving the badgers out of their home range) have the potential to result in considerable risks to both the welfare of the badgers and the spread of disease to other wildlife and livestock. Translocations should, therefore, **only** be considered when:

- all other reasonable options to solve the problem, whilst aiming to keep the badgers in their likely home range, have been fully explored and have been shown to be ineffective or impractical
- the bTB disease risk is considered in accordance with the AH policy on this (see section 4) and
- the possible impacts on the welfare of the badgers, both during the operation and in the long-term, have been considered and addressed.

Biodiversity Programme: July 2011