Department
for Environment
Food & Rural Affairs

Summary of responses to the consultation on proposals to introduce licensed badger control to prevent the spread of bovine tuberculosis in the Low Risk Area (England)

May 2018

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Contents

1. Overview....1

2. Summary of responses....3

3. The government's response to the consultation....12

Annex A: List of organisations who responded to the consultation....15

1. Overview

Introduction

1.1. This document provides a summary of responses to Defra's consultation exercise on proposals to introduce licensed badger control to prevent the spread of bovine TB in the Low Risk Area (LRA) (England) and the government's response. The consultation ran from 16 February 2018 to 15 April 2018. The aim of this document is to provide a summary of the responses received and how the government is responding to those. 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 livestock farming in England. The government is committed to delivering the 25 year strategy for achieving Officially Bovine Tuberculosis Free status for England.[1] Controlling the disease in badgers in areas where bovine TB is widespread is an important part of that strategy.

1.3. The consultation[2] set out proposals to extend the strategy to include badger control in the LRA of England in the rare event that disease is present in badgers and is linked with infection in cattle herds. In the consultation, options for badger control in these circumstances were set out, in order to re-establish a disease-free badger population in the LRA. We invited views on the following topics:

- Question 6 (a) – on the principle of controlling the risk from badgers with TB in the LRA (England).
- Question 6 (b) – on the principle of a government-led badger control operation where required.
- Question 6 (c) – on the principle of taking a precautionary case-by-case approach, dependent on the local conditions and situation, including as regards the number of years in which culling is carried out.
- Question 6 (d) – on the principle of using culling or vaccination or a combination of the two to control risks from badgers with TB in the LRA.

[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, 'Bovine TB: introducing licensed badger controls in the Low Risk Area of England,' consultation (2018) https://www.gov.uk/government/consultations/bovine-tb-introducing-licensed-badger-controls-in-the-low-risk-area-of-england

- Question 6 (e) – in relation to cases where culling is deployed, on the principle of lowering the badger population of the affected area sufficiently to reduce the risk of infection of cattle from badgers (whether through direct or indirect contact), and ideally substantially reduce or even eliminate it.
- Question 6 (f) – on proposed revisions to the Guidance to Natural England (NE) on licensed badger control.
- Question 6 (g) – an opportunity to provide any additional comments or approaches which respondents felt were relevant but not captured by questions 6 (a) to 6 (f).

1.4. We consulted on the Guidance to NE that the Secretary of State for Environment, Food and Rural Affairs would publish setting out the badger control licensing criteria that NE, as the delegated licensing authority, must have regard to when considering such licence applications.

1.5. Defra emailed over 300 interested parties about the launch of the consultation. These included organisations and individuals from the cattle sector (farming, health and welfare), wildlife and conservation groups and those registered on Defra's stakeholder lists.

1.6. The consultation closed on 15 April 2018.

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. 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.

Number and categories of responses

1.8. In response to the consultation, Defra received contributions from 832 respondents. These responses were received online via the consultation website, through email and by letter.

1.9. Respondents who chose to respond online were asked for their organisation name and their sector or interest. Some respondents who sent their response in an email or a letter also declared their organisation, sector or interest; others did not. Similarly, some respondents who responded online did not declare this information.

1.10. In summary, 32% of respondents were from individuals or organisations that stated that they supported wildlife, welfare or conservation, 30% did not disclose any

association, 20% stated they were members of the public, 5% stated they were ecologist/environmentalists, 3% stated they were farmers or from farming organisations, 2% were from landowners, 1% were from vets or veterinary organisations and 1% were from academics. A list of the organisations who responded can be found at annex A.

1.11. Many members of the public who responded expressed a strong interest in wildlife, badger welfare or conservation, for personal or professional reasons. Some stated that they had previously participated in badger vaccination programmes.

1.12. Approximately 16% of responses appear to have been submitted in response to email and postal campaigns initiated by wildlife or welfare organisations.

2. Summary of responses

Overview of responses

2.1. The majority of respondents were opposed to the proposal to extend badger control to the LRA, and many respondents didn't respond directly to any of the specific questions. Rather they were opposed in principle to badger control and offered general comments centred around two main themes:

- Some questioned the scientific rationale behind the general applicability of the Randomised Badger Culling Trial (RBCT) to any badger control policy.
- Some suggested that there is insufficient evidence of the benefits of culling on the incidence of bovine TB in cattle to continue with the policy.

2.2. There was some support for vaccination in general, not specifying whether for badgers or cattle, and many believed that risks in the LRA should be managed solely through cattle measures.

2.3. Supporters and opponents of the proposals suggested that implementation should be delayed until after the TB Strategy Review has completed its work.

2.4. Some respondents, including those who disagreed with culling policy, acknowledged the impact that dealing with bovine TB has on farmers and their businesses.

2.5. The majority of the farming community respondents were supportive of the principle of extending badger control to the LRA. They stressed the importance of tackling the disease both in cattle and in wildlife.

Responses to question 6 (a) – on the principle of controlling the risk from badgers with TB in the LRA (England).

2.6. We asked for views on the principle of controlling the risk from badgers with TB in the LRA risk area. All responses were considered.

2.7. We received 688 responses to this question; three fifths of respondents directly answered the question, with the remainder making contributions about the general policy of badger control.

2.8. Most respondents, who answered the question, expressed broad opposition to controlling the risk from badgers with TB in the LRA. Many of these expressed concerns with the badger cull policy itself and the scientific evidence relied upon to formulate it. Some suggested undertaking further research into vaccines for badgers and cattle and others supported a focus on the use of cattle biosecurity measures, cattle testing and movement control.

2.9. The Animal Welfare Group questioned whether there was evidence for any infection in badgers in the LRA. Whereas the Zoological Society of London (ZSL) questioned the cost benefit of undertaking badger control in the LRA given that only in rare circumstances is disease in badgers linked with infected cattle herds, '….*badger management to avoid badger-to-cattle transmission in the LRA may provide a poor return on investment'.*

2.10. The Badger Trust and Born Free organisations offered their view that, irrespective of the level of infection of badgers in the LRA, there is no evidence that badgers are a risk to cattle in the LRA, and for that reason badger control was not justified.

2.11. Most of those who expressed broad support for the policy did so in order to stop the spread of disease in the LRA. A third of the supporters only agreed with the proposal if vaccination was the control method to address the risk from TB in badgers in the LRA.

2.12. Most respondents who agreed with extending badger control to the LRA commented that badger control should be used in all areas of the country. This included the National Farmers Union (NFU), the British Cattle Veterinary Association (BCVA) and the British Veterinary Association (BVA) – '*This general principle applies in the HRA, Edge area and LRA of England*'.

2.13. Other organisations which agreed with the proposal were the Country Landowners Association (CLA), the National Beef Association, the National Farmers Union of Scotland and the Chartered Trading Standards Institute.

Responses to question 6 (b) – on the principle of a government-led badger control operation where required.

2.14. We asked for views on the principle of government-led badger control operations where required. All responses were considered.

2.15. We received 650 responses to this question; just under half opposed and about a tenth supported the proposal. Other respondents gave no clear answer.

2.16. Of those who expressed broad opposition, very few gave a reason as to why they opposed government delivery of an intervention.

2.17. Organisations rather than individuals were more likely to give specific reasons for their opposition. Some put forward the reasoning that when government intervention involved culling, it would cost a significant amount, and offered lower value for money compared with the High Risk Area (HRA) culls, due to the predicted low prevalence of infection of badgers in the LRA (ZSL).

2.18. Some respondents who supported the principle of government-led control, opposed the badger control policy. One individual commented that if it was badger culling to be undertaken then a government cull is '…*likely to be less cruel than one in which the farming industry leads*'.

2.19. The Wildlife Trusts, ZSL, the Badger Trust and the Animal Welfare Group all supported government-led vaccination but not culling.

2.20. One individual who supported the principle of government intervention, commented that *'farmer motivation alone may be insufficient in areas which have low cattle TB."*

2.21. The BCVA, BVA, CLA and NFU were all supportive of the principle, with the NFU emphasising the benefit of a shared approach.

Responses to question 6 (c) – on the principle of taking a precautionary case-by-case approach, dependent on the local conditions and situation, including as regards the number of years in which culling is carried out.

2.22. We asked for views on the principle of taking a precautionary case-by-case approach, dependent on the local conditions and situation, including as regards the number of years in which culling is carried out. All responses were considered.

2.23. We received 620 responses to this question; a tenth of respondents agreed whereas two fifths disagreed, and the remainder did not answer the question.

2.24. Many respondents who opposed the principle of taking a precautionary case-by-case approach did so based on concerns with the policy and their perception of the scientific evidence that supports the policy, or had a preference instead for badger vaccination.

2.25. Of those respondents who agreed to the principle of taking a precautionary case-by-case approach, some expressly stated that they would support badger culling but not an indiscriminate cull, and many commented that evidence of disease in badgers linked with cattle must be provided before culling of any type should be implemented.

2.26. The Royal Society for the Prevention of Cruelty to Animals (RSPCA) support '*the principle that it should be demonstrated scientifically that badgers are indeed contributing to the problem before any lethal measures are proposed.'*

2.27. Several respondents, both those who agreed and disagreed with the precautionary approach, were concerned that the proposed culls in the LRA would replicate the reactive culls, abandoned in the RBCT, in particular that:

- there is uncertainty on the length of time the cull should continue for in each area;
- there is no minimum control area defined; and
- there is no minimum number of badgers to be removed.

Responses to question 6 (d) – on the principle of using culling or vaccination or a combination of the two to control risks from badgers with TB in the LRA.

2.28. We asked for views on the principle of using culling or vaccination or a combination of the two to control risks from badgers with TB in the LRA. All responses were considered.

2.29. We received 676 responses to this question; only a tenth of respondents directly answered the question.

2.30. Of the respondents who directly answered the question, roughly equal numbers opposed and supported the principle of using culling or vaccination or a combination of the two to control risks from badgers with TB in the LRA.

2.31. Some respondents, although supportive of vaccination, nevertheless commented that there was no scientific evidence that it would lead to a reduction in cattle TB incidence, e.g. the RSPCA. The BVA and BCVA commented that they require further information to demonstrate the effectiveness of badger vaccination before they would support its use. The Badger Trust commented that '*neither measure could have any meaningful impact.'*

2.32. Other organisations such as ZSL, Born Free, The Wildlife Trusts, and many individuals commented that they supported vaccination and that it would have a beneficial effect.

2.33. The NFU and some individuals, supportive of culling, also supported the use of vaccination in uninfected badgers surrounding a control area or following on from culling, but not instead of culling.

Responses to question 6 (e) – in relation to cases where culling is deployed, on the principle of lowering the badger population of the affected area sufficiently to reduce the risk of infection of cattle from badgers (whether through direct or indirect contact), and ideally substantially reduce or even eliminate it.

2.34. In relation to cases where culling is deployed, we asked for views on the principle of lowering the badger population of the affected area sufficiently to reduce the risk of infection of cattle from badgers (whether through direct or indirect contact), and ideally substantially reduce or even eliminate it. All responses were considered.

2.35. We received 651 responses to this question; less than a twentieth of respondents agreed with the proposal and approximately a third opposed the proposal, and the remainder gave unclear responses.

2.36. Some supported this proposal on the proviso that evidence was provided to support the action.

2.37. The majority of respondents opposed the proposal; overwhelmingly on the basis of their opposition to badger culling with a high proportion stating that they had an issue with the overall policy and the scientific evidence on which it is based.

2.38. Concern was expressed by several respondents that neither maximum nor minimum numbers (of badgers to be removed) would be set, and that as a result an ineffective cull would take place. In addition to highlighting the absence of minimum and maximum numbers, several respondents queried the uncertainty associated with Defra's methodology to estimate badger populations.

2.39. The BVA, ZSL and Born Free also expressed concern that a minimum number of badgers to remove would not be set, as that would mean government would be significantly diverging from the findings of the RBCT.

2.40. Others that expressed concern regarding no maximum number being set, including ZSL, the Badger Trust and Born Free, stated that this would contravene Article 9 of the Bern Convention[3].

2.41. The Wildlife Trusts commented that the '*estimates of population size reduction made by Defra are unreliable*', and want an '*accurate population estimate before culling begins*'.

2.42. Many respondents were concerned with the proposal to remove as many badgers as possible, rather than addressing the point about whether such reduction would be likely to reduce disease transmission.

[3]Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention 1982): http://jncc.defra.gov.uk/page-1364

2.43. Many respondents that support culling commented that where intervention is put in place it needs to remove as many badgers as possible, if not all, in order to have the best chance of success.

2.44. The Badger Trust and Born Free were not supportive of culling and both criticised the proposal stating that using this approach '*the only sure way of eliminating infection in the badger population using culling would be to remove the entire population in the area*.'

2.45. The National Trust, which questions the evidence supporting badger control in the LRA, commented that '*the unit cost of removal of any species increases as density goes down*' and '*question whether it would be cost effective to seek eradication*'.

Responses to question 6 (f) – on proposed revisions to the Guidance to Natural England on licensed badger control.

2.46. We asked for views on proposed revisions to the Guidance to Natural England on licensed badger control. All responses were considered.

2.47. We received 485 responses to this question; two fifths of respondents expressed broad opposition to the revisions, and less than a twentieth supported the revisions. The remainder did not comment directly on the revisions.

2.48. Over half of those opposed to this proposal stated that the revisions are based on flawed evidence and that they deviate from the original policy[4]. Some believed that badger-to-cattle transmission of bovine TB, as detailed in the Guidance to Natural England, is overstated, invalid or unsupported by scientific evidence, and therefore licensing under the Protection of Badgers Act 1992[5] is not justified.

2.49. Several organisations, including the BVA and ZSL, commented that the guidance related to badger culling in the LRA needed to be more specific, otherwise the

[4] Defra, 'Bovine TB eradication programme for England', (2011): https://www.gov.uk/government/publications/bovine-tb-eradication-programme-for-england

[5] The Protection of Badgers Act 1992: http://www.legislation.gov.uk/ukpga/1992/51/pdfs/ukpga_19920051_en.pdf

proposed revisions to the Guidance would allow industry to undertake small scale reactive culls '*without clear goals or guidance'*.

2.50. Ethical concerns were raised by some individuals about the Guidance to Natural England, such as that controlled shooting and controlled trapping are inhumane practices. Many respondents also felt that badger culling was cruel in principle.

2.51. Some of the respondents that expressed broad support for the proposed revisions to the Guidance to Natural England on licensed badger control were concerned about the safety of controlled shooting.

2.52. A few respondents commented that they felt the guidance needed to make clearer reference to badger vaccination in the LRA.

2.53. A badger group member agreed that '*there is a reasonable argument for a quick and limited response*…' if *'…local badgers are the cause of an outbreak in the LRA'*.

2.54. Those respondents who have undertaken or been involved in HRA culls commented that the Guidance seems appropriate.

Responses to question 6 (g) – an opportunity to provide any additional comments or approaches which respondents felt were relevant but not captured by questions 6 (a) to 6 (f).

2.55. We invited respondents to provide any additional comments or approaches which they felt were relevant but had not been captured by questions 6 (a) to 6 (f). All responses were considered.

2.56. We received 493 responses, 5 of which were categorised as not relevant because respondents made no reference to anything related to badger control or the wider bovine TB strategy.

2.57. Some of the 493 responses were written consultation responses that had been received by letter or email. These sorts of responses were registered as responses to 6 (g) when the respondent did not directly reference questions 6 (a) to 6 (f) in their response.

2.58. Overall, responses to 6 (g) were similar to the responses received for questions 6 (a) to 6 (f).

2.59. Many respondents expressed opposition to badger culling because they believe that there is little evidence to show that it is having an impact on reducing levels of

bovine TB and some believe that badgers should not be implicated in the spread of the disease.

2.60. The majority of these respondents criticised the bovine TB strategy and asked for it to be changed. Some respondents were concerned that badgers free from infection had been culled and therefore asked for more post-mortem tests to be carried out in the future.

2.61. Environmental, ecological or biosecurity concerns were raised by respondents with some commenting that badger culling would likely result in an increase of infection due to perturbation. Some respondents expressed concerns about slurry or manure from infected cattle, and some were concerned that a badger cull may result in localised badger extinction.

2.62. Some respondents expressed concern about cattle measures or cattle being the main vector that spreads bovine TB. Many of these respondents suggested that cattle measures or movement restrictions should be strengthened in order to combat bovine TB. However, the responses often did not specify what these measures should be. Some felt that cattle TB testing should be improved and that more research should be carried out because they believe that undiagnosed infection in herds is spreading bovine TB. Others felt that cattle movements should be stopped between the HRA and the LRA.

2.63. Some of these responses were related to vaccination. Of these there were expressions of support for badger vaccination, without specifying whether it should happen in the LRA, HRA or Edge Area. Some expressed support for vaccination, without specifying badger or cattle vaccination and neither specifying whether it should happen in the LRA, HRA or Edge Area. A smaller number expressed support for cattle vaccination, without specifying whether it should happen in the LRA, HRA or Edge Area.

2.64. Several of the responses expressed economic concerns with the bovine TB strategy. They felt that the badger cull was a waste of taxpayers' money, suggesting that it should be funded by industry.

3. The government's response to the consultation

3.1. Defra is grateful to all those who took the time to respond to the consultation. The responses received, as well as the experience from the badger control operations to date, and the scientific evidence and veterinary advice available, have informed the Secretary of State's decision to implement the proposal.

3.2. The Secretary of State has noted the range of responses. The government's view remains that enabling badger control in the LRA where disease in badgers is linked with infected herds is a rational extension of the TB strategy to eradicate bovine TB. The consultation responses have not provided new or compelling evidence to change that view. The rationale and evidence for making the proposed policy changes were set out in the consultation paper, and additional information is set out below to address specific points raised by respondents.

3.3. The government's objective for the LRA is to continue to protect it from the ingress of disease through the movement of cattle and the possible resulting infection of wildlife vectors. Sporadic cases of bovine TB do occur in the LRA, mostly due to movements of TB-infected cattle that escape detection through routine and pre-movement cattle testing. Where a case is identified, the objective is to stamp it out quickly. Once a 'potential hotspot'[6] is identified we implement a suite of additional cattle measures, including 6 monthly testing, pre-movement testing, use of interferon gamma tests, and wildlife surveillance. This is a long-standing policy and the extent and duration of the enhanced TB surveillance in such areas ('potential hotspots') will differ from case to case, based on expert veterinary judgement and epidemiological assessments.

3.4. Badger control in the LRA is expected to only be permitted in a very small number of areas that are identified as 'hotspots' by Animal and Plant Health Agency

[6]APHA can sometimes instigate additional TB testing of cattle herds and TB surveillance of found-dead badgers and wild deer following the detection of one or more cattle herds with lesion- and/or culture-positive TB breakdowns of obscure origin in the LRA of England. This is a long-standing policy and the extent and duration of the enhanced TB surveillance in such areas ('potential hotspots') will differ from case to case, based on expert veterinary judgement and epidemiological assessments. Of the 18 'potential hotspot' zones set up in the LRA of England between 2004 and 2017, only in one of them [Shap, Eastern Cumbria] was M. bovis infection eventually confirmed in the local badger population surveyed and thus became a 'confirmed hotspot'.

(APHA) veterinary epidemiologists. Of the 21 ‘potential hotspot’ zones set up in the LRA of England between 2004 and 2017, in only one of them was *M. bovis* infection eventually confirmed in the local badger population surveyed and thus became a confirmed ‘hotspot’.

3.5. Decisions to allow badger control in the LRA will be taken by Ministers on a case-by-case basis after all the evidence has been examined.

3.6. Many respondents argued against a reactive i.e. small scale cull. This is not what government is proposing. The area where intervention could happen will be informed by APHA veterinary epidemiologists and badger ecologists. The risk of perturbation in the local badger population, the location of likely diseased badgers, and social group territory size will be taken into account when determining the size of the area and the length of the cull, rather than following a set of rules. Each ‘hotspot’ will have unique risk characteristics that may require action over a larger or smaller area or longer period.

3.7. On the issue of a minimum number being set as suggested by the BVA, the goal is to remove all potentially infected badgers as quickly as possible to remove infection before it has chance to spread widely in badgers in the area. Therefore, setting a minimum number in advance is of low utility compared with surveillance during a cull to determine the remaining population. Likewise with the required land coverage: the percentage coverage is less important than ensuring that control is undertaken on sufficient land surrounding potentially infected badger setts, again it is of low utility to formalise this into set pre-determined threshold.

3.8. Some respondents commented that not setting a maximum number would contravene the UK’s obligations under the Bern Convention. We will inform the Bern Convention Secretariat of our proposals for the LRA. We do not consider the proposals to breach the Bern Convention. We only envisage badger control being implemented on very rare occasions in defined areas within the LRA. If this is not the case, NE has the discretion to set maximum numbers.

3.9. Ideally, we would repeat an RBCT-style trial in the LRA to gather an equivalent evidence base, but given that there have been very few badger associated breakdowns in the LRA this is not possible. None of the comments that suggested the proposal is based on a lack of evidence base have put forward a proposal for how we could gather the evidence that would satisfy them. Data collection on TB prevalence in badgers would be undertaken where lethal control was implemented.

This would provide evidence as to whether the intervention area was appropriate and contribute towards implementing an exit strategy as soon as justified.

3.10. Several respondents suggested vaccination as an alternative to culling to achieve eradication of disease where it is found in badgers in the LRA. No new scientific evidence has been presented which changes our position that vaccination is unlikely to lead to disease eradication in the badger population within an acceptable time period. The revised guidance to Natural England does however permit vaccination in the LRA.

3.11. 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[7] on licences to control the risk of bovine TB from badgers. This Guidance incorporates the proposed changes which were consulted on.

3.12. Natural England should have regard to this Guidance when considering any licence applications, from 2018, 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.

[7] Defra, 'Guidance to Natural England: preventing the spread of bovine TB' (2017) https://www.gov.uk/government/publications/guidance-to-natural-england-preventing-spread-of-bovine-tb.

Annex A: List of organisations who responded to the consultation

Animal Aid

Animal Welfare Group

Badger Action Network

Badger Trust

Binfield Badger Group

Born Free

British Cattle Veterinary Association (BCVA)

British Veterinary Association (BVA)

Cornwall Badger Rescue & Brock

Country Land and Business Association (CLA)

Dartmoor Commoners' Council

Devon Badger Group

Dorset Badger & Bovine Welfare Group (DBBW)

Dorset Mammal group

Dyfi Badger Group

Essex Badger Protection Group

Friends of Ham Woods

Friends of Oakhill Woods

Herts & Middlesex Badger Group

Herts Against the Badger Cull

Humane Society International

International Fund for Animal Welfare

League Against Cruel Sports

Lismore Nature Centre

Mid Derbyshire Badger Group

National Beef Association (NBA)

National Farmers' Union (NFU)

National Trust

New Forest Badger Group

North East Essex Badger Group

Oxfordshire Badger Group

Royal Society for the Prevention of Cruelty to Animals (RSPCA)

Save Me Trust

Scottish Badgers

Shropshire Badger Group

Somerset Against The Badger Cull

Somerset Badger Group

Somerset Badger Patrol

Staffordshire Badger Conservation Group

The Wildlife Trusts

Thorne & Hatfield Moors Conservation Forum

Viva!

Warwickshire Badger Group

Worcestershire Vegans & Veggies

Www.forwildlife.co.uk

Zoological Society of London (ZSL)