

JANUARY 2017

BVA RESPONSE TO DEFRA CONSULTATION ON GUIDANCE TO NATURAL ENGLAND ON LICENSED BADGER CONTROL TO PREVENT THE SPREAD OF BOVINE TUBERCULOSIS

Introduction and background

1. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. With over 16,000 members, our primary aim is to represent, support and champion the interests of the UK veterinary profession. We therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.
2. We welcome the opportunity to contribute to this consultation on licensed badger control to prevent the spread of bovine tuberculosis (bTB). We have previously recognised the need for a comprehensive approach to tackling bTB, and our position states that ‘control measures in cattle must be accompanied by simultaneous and co-ordinated measure in badgers and other wildlife, and susceptible farmed species including deer and camelids.’
3. BVA wish to note that as part of a comprehensive strategy to tackle bTB we have called for the wider roll-out of targeted and humane badger culling using cage trapping and shooting only. We remain opposed to the continued use of controlled shooting as part of the badger control operations.
4. This consultation response represents a consensus opinion of BVA, the British Veterinary Zoological Society¹ and the Association of Government Veterinarians². BVA has also liaised with the British Cattle Veterinary Association, which has submitted a separate response to this consultation, to identify areas of agreement on this matter across the veterinary profession.

The proposed approach to licensing – including the conditions of licensing, the discretion in Natural England’s decision-taking and the licence period.

5. BVA’s 2015 policy statement on the pilot badger culls and badger culling policy in England states, “We continue to believe that humane, targeted and managed badger culling is an option to be used in carefully selected areas where badgers are regarded as a significant contributor to the persistent presence of bTB in cattle.” We understand that counties within the High Risk Area (HRA) are heterogeneous in both the prevalence of bTB in cattle and in their badger populations. Whilst we accept that measures must be taken to control the wildlife reservoir of disease, both the existing cull licence conditions and proposed licensing conditions for supplementary badger control would benefit from the inclusion of a clear definition of when badger populations are considered to become a significant contributor to the persistent presence of bTB in cattle.

¹ The British Veterinary Zoological Society (BVZS) is the specialist division of BVA recognised as having responsibility for the care and welfare of exotic pets, zoo animals and wildlife, with many members involved directly in the veterinary care of wildlife or research into wildlife disease and welfare.

² The Association of Government Veterinarians (AGV) is a specialist Division of the British Veterinary Association representing the views of veterinarians working in UK Government Departments and Executive Agencies.

GUIDANCE TO NATURAL ENGLAND ON LICENSED BADGER CONTROL TO PREVENT THE SPREAD OF BOVINE TUBERCULOSIS JANUARY 2017

6. In 2015, BVA responded to Defra's consultation on guidance to Natural England (NE) on licences to control the risk of bTB from badgers and raised concerns about moves to relax the licence conditions. BVA is concerned that the proposed licensing conditions for supplementary badger control do not include a requirement to consider the effect of the initial culls on the incidence of bTB in cattle, particularly whilst we continue to await data on the effect that the initial culls have had on the incidence of bTB in cattle. The proposed licensing conditions for supplementary badger control should include a condition defining the expected effect of badger control on the incidence of bTB in cattle in order to reassure stakeholders that disease control in cattle is the primary aim of control measures in badgers.
7. If initial culls are to be judged as effective based on a 70% reduction in the estimated number of badgers in a cull area³, it is critical that both population estimates and evaluation of numbers culled are as accurate as possible and quality assurance is rigorous. There is an argument for setting the minimum number of badgers to be culled at 70% of the maximum estimated population size, to ensure disease control benefits, and the maximum number to be culled at 95% of the minimum estimated population size.
8. It is clear that population estimates based on national survey data and topography have demonstrated considerable error with population estimates in some areas more than doubling. The Independent Expert Panel suggested that cull-sample matching is a more reliable method for estimating population size.⁴ In order to secure disease control benefits from future culls and address the risk of population extinction in the existing cull areas of Somerset and Gloucestershire it is important to include population estimates based on cull-sample matching as a condition within supplementary badger control licences. BVA supports the use of evidence-based methodology for estimating badger populations which is able to be adapted appropriately in the face of emerging evidence or research.
9. BVA is concerned about the revision of population estimates during the open season for the initial culls, when badger populations would be disturbed by culling activity and it would be difficult to obtain accurate estimates. For supplementary badger control, where badger numbers are being maintained at a lower level, it is critical that population estimates are as accurate as possible in advance of a licence being granted. In the advice to NE, 'Bovine TB: Setting the minimum and maximum numbers in licensed badger control areas in 2016,' two scenarios are presented to justify the revision of badger population estimates. If these scenarios are included within the advice to NE on supplementary badger control licences, they would benefit from the inclusion of indicators of how to quantify contractor effort and sustained effort, which are likely to vary between contractors, and a statement of the evidence required to demonstrate that the number of badgers in a cull area is low.
10. BVA understands that as part of the current cull activity, cull companies carried out a sett survey programme and APHA subsequently carried out a quality assurance check on this programme. The dataset related to the quality assurance checks does not appear to be publically available and BVA asks that it is made available in order to assess the reliability of the cull companies at estimating badger numbers.
11. The proposal states that NE would have discretion to decide what constitutes a sufficient extent of access for a culling operation and complex access agreements would no longer

³ Department for Environment, Food and Rural Affairs (2016) *Guidance to Natural England: Licences under section 10(2)(a) of the Protection of Badgers Act 1992 for the purpose of preventing the spread of bovine TB*. London, pg 4.

⁴ Independent Expert Panel (2014) *Pilot Badger Culls in Somerset and Gloucestershire: Report by the Independent Expert Panel*. London, pg. 51.

GUIDANCE TO NATURAL ENGLAND ON LICENSED BADGER CONTROL TO PREVENT THE SPREAD OF BOVINE TUBERCULOSIS JANUARY 2017

be required. Our understanding is that the current requirement for approximately 90% of land to be accessible or within 200m of accessible land is based on evidence from the RBCT and that any variance from 90% would only be considered with advice from the Chief Veterinary Officer (CVO). This advice should be based on independent scientific and veterinary advice. In order to ensure that ongoing population control is effective, simultaneous and intensive, it seems likely that an equivalent degree of access should be maintained throughout a licence for supplementary badger control. Therefore, BVA recommends retaining the requirement for access agreements and supports NE having the discretion to decide what constitutes a sufficient extent of access for a culling operation only where they have sought advice from the CVO.

12. A licence period of five years, to be reviewed annually by NE, seems reasonable.

The proposed plans to ensure badger welfare is maintained, including views on the most appropriate time limit for badger control within the open season.

13. BVA broadly supports the proposal to not permit controlled shooting during the closed seasons, 1 December to 31 May for cage-trapping and 1 February to 31 May for controlled shooting as part of any supplementary badger control. Records for the admission of badger cubs to rescue centres show that it is not uncommon for cubs to be born in January and therefore extending the closed season for controlled shooting to 1 January to 31 May is advisable.

14. As stated in our joint consultation response in 2015, BVA supports a six-week time limit for badger control within the open season. This is in line with the original proposal and allows an intensive and simultaneous operation in order to secure optimum disease control benefits. We would question whether allowing scope to keep the duration of the culling period under review, without specifying in the licence an initial limit on its duration, is supported by robust evidence, and would urge Defra to ensure that any revised guidance is clear that a simultaneous and intensive operation undertaken without causing any unnecessary pain, suffering or distress to the badgers, remains the primary goal. With regard to all badger control, including supplementary badger control, we would like to see greater emphasis on the aim of culling 'simultaneously' across the cull area with a view to removing as many badgers as possible in as short a time as possible in order to minimise the risk of perturbation, and the culling operation needs to be designed accordingly. We understand that any trapped animal would be protected by the Animal Welfare Act (2006) and call for this to be noted in the guidance to NE.

15. As stated in paragraph 3, BVA remains opposed to the use of controlled shooting. We note that the level of observation of controlled shooting by NE has fallen with approximately 20% of all controlled shots taken observed in 2014 and only 2% of all controlled shots taken observed in 2016.^{5,6} As part of any supplementary control plan, an adequate level of audit is essential in order to protect animal welfare and assess the competence of the licensee. This should include continued observation of controlled shooting, collation of information regarding shooting events and post mortem evaluation where appropriate. This information should be maintained and be publicly available.

⁵ Department for Environment, Food and Rural Affairs (2014) *Summary of badger control monitoring during 2014*. London, p.1-2.

⁶ Department for Environment, Food and Rural Affairs (2016) *Summary of badger control monitoring during 2016*. London, p.2-3.

**GUIDANCE TO NATURAL ENGLAND ON LICENSED BADGER CONTROL TO PREVENT THE SPREAD OF BOVINE TUBERCULOSIS
JANUARY 2017**

How Natural England should evaluate the effectiveness of supplementary badger control over the five-year licence period to ensure that it meets the aim of keeping the population at the level required to ensure effective disease control benefits are prolonged.

16. Please refer to our comments in paragraph 7. In order to evaluate the effectiveness of supplementary badger control over a five-year licence period, NE must have made the most accurate assessment possible of the badger population within that area of the HRA. Furthermore, the licensing conditions would benefit from clear definition of the expected effect of badger control on the incidence of bTB in cattle in order to determine if badger culling has been effective as a disease control intervention.

Conclusion

17. BVA gives conditional support for the introduction of supplementary badger control as part of a comprehensive strategy to tackle bTB. However, we would like to see a number of conditions met, including: quantifying when badgers are considered to be a significant contributor to the persistent presence of bTB in cattle; the maintenance of existing licence conditions; estimating the populations of badgers in an area as accurately as possible using an evidence-based methodology; and retention of adequate levels of monitoring and audit. We have previously called for the wider roll-out of targeted and humane badger culling using cage trapping and shooting only. We remain opposed to the continued use of controlled shooting as part of the badger control operations.