



## Judge says Natural England failed to assess impacts of badger cull on birds in SSSIs

Rachel Salvidge

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**A High Court judge has ruled that Natural England failed to properly assess the impacts of badger cull licensing on birds in a number of sites of special scientific interest (SSSI).**

The claimant, Tom Langton, an ecological consultant and member of the Badger Trust, brought the case, alleging that, in its consideration of the environmental impact of granting badger cull licences, Natural England's SSSI citations were unclear and did not include key features such as rare bird species, meaning that the impact of the cull on the birds was not taken into account.

Langton asserted that these flaws led to legal errors in the granting of the badger cull licences in that Natural England failed to have regard to its statutory duties. He presented to the court a sample of 45 SSSIs in which he said Natural England had been deficient in this way.

In response to the claim, Natural England reviewed the 45 SSSIs to identify any omissions of a feature of special interest, and where that omission would make a difference to the conditions imposed on badger control licence, and found three such sites and amended the licences accordingly.

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## Wildlife and Countryside Act 1981 (c.69)

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At a number of sites, Mr Justice Cranston, agreed with Langton that Natural England's assessment of SSSI citations were "deficient", or that birds were not described as key features when they should have been.

The judge concluded that Langton had achieved limited success in his claim, but has yet to make an order on what action should be taken.

Langton told ENDS he would be pressing for the judge to quash two of the related badger control licences and that he would be ready to appeal if not satisfied.

Langton also told ENDS that Natural England has been withholding environmental information from him, leading him to pursue the regulator via the information commissioner to eventually successfully access the data. He said he feels as though is "living in a failed state where simple environmental information is withheld from the public".

The decision follows a ruling handed down August on an earlier related case brought by Langton. Mr Justice Cranston said that Natural England had

breached its duty under the Habitats Regulations by failing to consider the possibility of indirect effects on protected sites close to areas earmarked for badger culls.

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