

“The badger cull is the biggest, planned, public-funded intervention in the British countryside in the past 50 years.”

Campaigners have taken out a Judicial Review against Natural England, which questions the processes that the public body followed in relation to the badger cull.

In mid-July, a High Court judge will hear two Judicial Reviews relating to the Government’s policy of culling badgers in certain areas of the country to reduce levels of bovine tuberculosis (bTB) in cattle. What’s at stake is more than the decision, which has courted controversy, to allow farmers and landowners to shoot badgers across 21 areas in the south and west of England in 2017. It could also potentially impact on the reputation of Natural England (NE), the official agency charged with protecting wildlife in this country.

The campaigners who are taking Natural England to court believe it has failed to follow rules laid down under both European and British legislation. Court scrutiny will also examine what some professional ecologists describe as a “culture of secrecy” within the organisation that forced them to take the matter to the Information Commissioner (ICO) and a regulatory court in order for certain evidence to be released.

Documentation was originally supplied in a heavily redacted form. Before a hearing with the ICO tribunal where he won access to the detail, ecologist Tom Langton said, “For all the use these documents are, the blacked-out assessments frankly might as well have been carried out in complete secrecy.”

In order for NE to grant licences for badger culling, it had to carry out Habitats Regulations Assessments, or HRAs, in any areas where proposed activity might impact on wildlife in a protected area such as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), or Special Protection Area (SPA).

From the autumn of last year Langton, who is heading a move to make NE’s processes more transparent, has been working with Dominic Woodfield, who is the managing director of an ecological consultancy called Bioscan. He has carried out thousands of impact assessments, including HRAs, on behalf of commercial clients. “I wasn’t involved

in the anti-badger culling campaign at the time,” he recalls, “other than having a general misgiving about it not being run on scientific principles.”

Langton asked Woodfield to help because of his HRA experience, and they set out to discover what NE had done in its HRAs to assess the possible side effects of badger culling.

“I was horrified by what I saw,” says Woodfield. “Appallingly bad practices, and it was clear to me that what I was seeing was a rubber-stamping exercise, and that came out especially in relation to the impact on birds.”

As an example, Woodfield cites the HRA carried out on the Dorset Heathlands SPA, which is protected under the European Birds Directive. The citation for the SPA specifically mentions the presence of both overwintering hen harriers – an estimated 20 individuals, representing 2.7 per cent of the British population – and 15 merlin.

Badger culling began in that area of Dorset from 2017, but before it did ▶

Badgers sharing the UK landscape with livestock is seen as an issue by some, but the opposing view questions if their removal has an impact on wild mammals and birds.

Report by James Fair