



Sally Randall
Defra (via email)

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Tel: 07500 993634

10th May 2024

Dear Sally,

Thank you for your 1st May letter to Marian Spain, which provided advice for consideration in informing Natural England's decisions with regard to Supplementary Badger Cull (SBC) licenses. Marian has asked me to reply to your letter to her as the decision maker on the licences.

On Friday 3rd May, I concluded that Natural England should grant nine new SBC licences and authorise the 17 existing SBC licences in 2024, subject to completion of the Operational Readiness Assessments.

A note describing the rationale used to make the decision is attached to this letter. We have carefully considered all the evidence including the operational readiness to implement alternatives at the scale required to be effective.

We believe there is now sound evidence that badger vaccination can be considered as an alternative to supplementary culling in localised areas, and that more targeted interventions may also offer a further alternative in the future. We note, and have taken into consideration, your advice that vaccination is not yet in place to the scale and certainty needed. We ask however that Defra and APHA now prioritise progress in further assessment, planning for delivery and industry engagement to build confidence around the implementation of alternatives by 2026, when culling will end as the primary mechanism for disease reduction. Our position is that we should not be culling protected species for any longer than is necessary to achieve the policy aims of eradicating this disease. Strengthening the evidence of the feasibility and effectiveness of alternative measures at scale is essential to achieve these aims, and to underpin our future licensing decisions.

Can I suggest that our teams meet and discuss how we work together on this evidence base and plan for the transition to alternative measures that will further support the successful eradication of Bovine Tuberculosis.

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Yours sincerely

A handwritten signature in black ink, appearing to read "O Harmar". The signature is written in a cursive style with a large initial "O" and a long, sweeping underline.

Oliver Harmar
Chief Operating Officer

Enc. Annex A

Annex A - Decision

Supplementary Badger Culling (SBC) in 2024: decision

The purpose of this paper is to outline our decision regarding the granting of nine new SBC licences and authorising 17 existing SBC licences in 2024.

In making this decision I have considered the following:

- Advice on the scientific evidence from Natural England's Director of Science, Dr Peter Brotherton in April 2024.
- Defra policy context and assessment of alternative measures from Sally Randall, Director General for Food, Biosecurity and Trade received 1 May 2024. This includes expert advice of the UK Chief Veterinary Officer (CVO)

I have consulted the Chief Executive Officer, Chair, Chief Scientist and Chief Officer for Legal & Governance within Natural England.

Policy objectives

I note that the 2014 National policy on control of Bovine Tuberculosis (bTB) states that *"The Government Policy is to enable the licenced culling or vaccination of badgers for the purpose of controlling the spread of bTB, as part of the Strategy for achieving Officially Bovine Tuberculosis Free status for England"*. It aims to ensure England is officially tuberculosis free by 2038.

The Strategy also refers to "making best use of all evidence and tools" and says that *"the government considers that licenced badger culling, delivered effectively, is an important bTB control measure in areas with high and persistent levels of bTB in cattle"*. It also envisages the role of badger vaccination in endemic areas developing further as the numbers of infected badgers are reduced through culling.

To tackle the disease in badgers, government policy has been to carry out intensive culls, with supplementary badger culls (SBCs) being implemented subsequently to maintain the lowered badger population (and any associated disease risk) achieved through intensive culls.

Since licensed culling commenced in 2013 the evidence available has evolved, and this has implications for decision-making.

Considerations in SBC licencing decision making

The five key questions when deciding whether to license any activity and that are particularly relevant to badgers and SBC licensing are:

1. is the activity for a licensable purpose?
2. to what extent would the activity contribute to achieving its objective?
3. is the extent of the activity to be authorised proportionate to the aim, given the particular interests to be protected?
4. to what extent could the badgers be protected better by satisfactory alternative measures that would achieve the objective of the activity to the same extent?
5. are we satisfied that the authorised activity does not harm the long-term conservation status of the species?

The answers to these questions have informed my decision, and are set out below.

Does the proposed activity satisfy these five questions as described above?

1. Is it for a licensable purpose

I am satisfied that the lethal control of badgers to control TB in cattle, and therefore prevent the spread of disease, is a licensable activity under section 10(2)(a) of the Protection of Badgers Act 1992.

2. Will it contribute to achieving its objective

I note from the scientific assessment that SBCs only maintains the disease risk reduction benefits achieved through the intensive culls, and there is no evidence of additional disease reduction benefits from SBCs. However, by holding the badger population at a low level, I am satisfied that it is rationale to conclude that the maintenance achieved through SBCs contributes to bTB control in cattle, and therefore to the governments stated policy objective.

3. Is the proposed activity proportionate?

Bovine TB is a disease that has negative effects on individual farmers and financial implications for government. I believe that maintaining reduced badger populations through SBC following intensive culling is a proportionate response. Natural England's methodology for SBC licences is designed to ensure that numbers of badgers culled under licence is enough to maintain populations at a low level, with safeguards in place to ensure supplementary culling does not exceed those numbers and threaten the survival of badger populations.

4. Are there satisfactory alternatives available?

I have reviewed the evidence around SBCs, and specifically whether there are satisfactory alternatives that could be feasibly implemented within the period that disease risk remains low following intensive culling.

I have carefully considered the scientific assessment from Dr Peter Brotherton that concludes:

Over the past few years, the balance of evidence has shifted. In my opinion it is now clear that badger vaccination can provide an effective alternative to SBC, and recent evidence demonstrates that vaccination can be deployed before any recovery in the badger population poses an increased disease risk to cattle. Alternatives to a vaccination-only approach are also available and could potentially be deployed rapidly, such as that proposed through a targeted badger control policy currently being consulted upon by Defra.

While this makes clear that vaccination and other alternatives could now be deployed successfully, I have considered whether we can be sufficiently confident that these approaches can be effective within the timescale and at the geographic scale required.

Considering these factors, and to achieve the stated policy objective, I have concluded that it is premature to not continue with the SBC licences for the following reasons:

- The UK Chief Veterinary Officer (CVO) has advised that *“any gap between the end of one form of badger control and the successful deployment of another, should be as narrow as possible*

to bank the maximum disease control benefits and ensure progress towards disease eradication by 2038 is not jeopardised”.

- While the scientific evidence shows that disease reduction benefits to cattle achieved through badger culling are sustained for several years, it is currently not possible to conclude when alternative measures, either vaccination or more targeted badger control policy, will be operationally ready to maintain the reduced disease risk at the scale required. In coming to this view, I have specifically noted the Defra advice that there are insufficient numbers of trained personnel to undertake the required scale of vaccination programme over the coming months, and that the costs of such a programme are considered prohibitive alongside a lack of public resources. Taking account of the expert advice from the CVO, I cannot, at this time and with sufficient confidence, determine the likely gap between SBCs and alternative measures, if SBCs were to cease at this stage. Notwithstanding the fact that a number of SBC licences in some areas have already ceased, I am giving weight to the CVO advice that any gap should be minimised for this licencing decision.
- Furthermore, although further analytical work is underway, the Defra advice also shows there is a lack of clear quantitative data on the effectiveness of previous badger vaccination on reducing disease risk in cattle in England, and a lack of evidence on the comparative efficacy of vaccination against supplementary culling.
- With regard to more targeted badger intervention, I note this is subject to an ongoing consultation exercise and further ministerial decisions. I therefore conclude it is too early to consider this as an effective alternative that can be deployed successfully at the timescale and geographic scales required.

For these reasons I do not believe that either vaccination or more targeted badger intervention are currently satisfactory alternatives to SBCs.

I also note the Defra advice that the challenges around operational readiness of alternatives at the required scale mean that farmers’ confidence may be undermined if supplementary culling is not authorised. I accept that their engagement is going to be vital if alternative measures are going to be delivered by and in cooperation with farmers.

5. Will the conservation status of the species be harmed?

While SBC licences aim to maintain badger populations at a lower level following intensive culls, there is good evidence that populations will survive prolonged culling and are expected to recover following licensed culling. The SBC methodology is specifically designed to prevent local extinctions, with regular reviews in place to ensure numbers are sustainable.

Decision and further recommendations

My decision based on consideration of the evidence is that I’m minded to authorise and issue the 17 existing and nine new SBC licences, subject to satisfactory completion of the Operational Readiness Assessments in accordance with our procedures. The new licences will be subject to annual authorisation.

It is also clear however that scientific judgement has evolved to the extent that badger vaccination can be considered as a realistic alternative to supplementary culling in localised areas, and that more targeted interventions may offer a further alternative in the future. Given these developments, I

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also believe that now is the time to fast track further assessment, planning, and engagement so that the best available evidence can be developed for future licencing decisions. With that in mind I recommend that:

- Subject to the ongoing consultation exercise, more targeted badger intervention policy is quickly developed and implemented.
- The vaccination evidence base is improved and measures are put in place to rapidly develop delivery models and build industry confidence across the sector.
- Cattle based measures, including the evidence base of their impact, are further developed at pace.

Oliver Harmar

Natural England Chief Operating Officer

3rd May 2024