



Campaigners, including Tom Langdon (*below*), have lost a High Court battle to limit the badger cull.

Tom Langdon: Patricia Phillips/Alamy; badgers: Calum Dickson/Alamy

BRITISH WILDLIFE

Judicial reviews on badger culling thrown out

Culling to go ahead as The Badger Crowd's challenges fail to win over High Court judge.

Campaigners have failed to force the Government to rethink its approach to badger culling, after two judicial reviews were turned down by the High Court. Environmental consultant Tom Langdon (*below*), backed by The Badger Crowd, challenged the Department for Environment, Food and Rural Affairs (Defra) over supplementary culling, and Natural England over how it considered the impacts on other species when granting licences.

Despite not allowing either challenge to succeed, the judge Sir Ross Cranston found that Natural England had breached European legislation by failing to consider the indirect impacts of badger culling on protected areas and their wildlife. But he accepted Natural England's argument that – even had it carried out the Habitats

Regulations Assessments (HRAs) correctly – culling would have gone ahead.

Dominic Woodfield, an environmental consultant who provided testimony to support the case against Natural England, has written that the failure of the challenges “sends an alarming signal to government agencies that they can act with impunity, even when they are ‘found out’”. While environmental lawyer Carol

Day believes Judicial Reviews are not an adequate mechanism for cases of this nature. “Judges often don't want to go beyond procedural issues into the merits of the argument.”

The failure of the challenges means culling has expanded to 32 zones in 2018. An estimated 42,000 badgers were due to be shot from September. Langdon is taking his case to the Court of Appeal. He told *BBC Wildlife*

that Natural England has now changed the way it carries out HRAs to license culling. “It arguably misled the judge in not disclosing they were in the process of amending their procedures to deal with exactly the flaws we had identified.”

In a statement given to *BBC Wildlife*, Defra says: “Despite some issues with the Habitats Regulations Assessment process, the court found that Natural England acted appropriately in the granting of the licences as, based on the evidence presented, it would have concluded that the granting of the licences would not have an adverse effect on the sites in question.” JF

DID YOU KNOW?

Badgers occur at significantly higher densities in Britain than elsewhere in Europe, and their numbers here have increased by more than 80 per cent over the past 30 years.

FIND OUT MORE

Bovine TB: authorisation for badger control in 2018: <https://bit.ly/2xSgOf8>

