

# Badger Survey

Thames Young Mariners, Riverside DR, London

A Report To: Pick Everard  
Report Number: RT-MME-160594-03  
Date: July 2023



## Quality Assurance

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## Declaration of Compliance

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of Practice for Planning and Development”. The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

## Disclaimer

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment. Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

## Validity of Data

The findings of this study are valid for a period of 12 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

## Report Confidentiality

For reasons of animal welfare and in accordance with best ecological practice, the contents of this report are confidential and should not be made available to the public.

# Non-Technical Summary

## Project Background

In June 2023, Pick Everard commissioned Middlemarch Environmental Ltd to undertake a Badger Survey at Thames Young Mariners, Richmond, London. This assessment is required to inform a planning application associated with the redevelopment of the existing site to create new accommodation and educational facilities.

## Scope of Survey

To fulfil the above brief to assess the potential for the proposed works to impact badgers and to update the findings of the Badger Survey undertaken by Middlemarch in March 2022, a site visit was undertaken in June 2023. This involved assessing the suitability of the site for badger and record any badger setts (or other evidence of mammal activity) present.

## Survey Results

Five potential badger setts were recorded within the current site boundary, most of which had been previously recorded during the 2022 survey. Single burrows were identified at setts S5 and S7 which appeared to be potentially active and to be of a suitable size for use by badger, albeit these burrows were located well over 30m from the proposed development footprint. All other burrows are considered unlikely to be in current use by badger, albeit a number may be in use by fox or rabbit.

The site is considered to offer suitable foraging, commuting and sett building habitat for badgers and adjoins suitable habitats within the wider Thames Young Mariners site and within Ham Lands Local Nature Reserve. Badger setts are known to occur within these offsite areas (see report RT-MME-157100-05).

## Potential Impacts on Badgers

While a number of mammal burrows were recorded within the site, the badger survey recorded no evidence for the presence of active badger setts within 30 m of the proposed development works. Therefore, potential impacts on badger are restricted to badgers potentially becoming trapped within open excavations or pipework.

## Recommendations

- R1 General Safeguarding Measures:** Due to the confirmed presence of badgers on site (recorded during the surveys undertaken in 2022) appropriate safeguards should be adopted as part of the Construction Ecological Management Plan (CEcMP) for the site to minimise the risk of harm to individual badgers during the construction phases. The safeguards should include:
- Covering any excavations on site at night, or fitted with suitable mammal ramps in order to prevent badgers, or any other mammals, from becoming trapped;
  - Covering any open pipework, with an outside diameter of greater than 150 mm, at the end of each work day to prevent badgers entering/becoming trapped; and,
  - Remaining vigilant, and should any potential setts be identified, it will be necessary to contact a suitably experienced ecologist.
- R2 Scheme Design:** The proposed development should be designed in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG).
- R3 Updated Survey:** If works have not commenced within 12 months from the date of this report, then an updated Badger Survey should be carried out.
- R4 Mammal Pathways:** Existing mammal pathways should not be obstructed by site fencing or parked machinery etc.

**R5 Other Mammals:** Foxes and rabbits are protected against acts of cruelty under the Wild Mammals Protection Act (1996). In the unlikely event that clearance of potential fox dens or rabbit warrens required, this must be undertaken sensitively to ensure that no animals are injured or harmed during the works.

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# 1. Introduction

## 1.1 Project Background

In May, 2023 Pick Everard commissioned Middlemarch to undertake an updated Badger *Meles meles* Survey at Thames Young Mariners, Riverside Drive, London. This assessment is required to inform a planning application associated with redevelopment of the existing site to create new accommodation and educational facilities.

A Preliminary Ecological Appraisal was previously undertaken by Surrey Wildlife Trust Ecology Services in November 2020 (Report 3974-1). Subsequently, Middlemarch has carried out the following surveys/assessments at this site, the findings of which are detailed in the following reports:

- Preliminary Arboricultural Appraisal (RT-MME-157100-01);
- Arboricultural Impact Assessment (RT-MME-157100-02);
- Ecological Walkover Survey (RT-MME-157100-03);
- Preliminary Bat Roost Assessment (RT-MME-157100-04);
- Badger Survey (RT-MME-157100-05);
- Biodiversity Net Gain Assessment (RT-MME-157100-06); and,
- Dusk Emergence Bat Survey (RT-MME-158098).

In addition, Middlemarch has been commissioned to undertake the following ecological survey work at the site in order to provide updated findings:

- Ecological Walkover Survey (RT-MME-160594-01);
- Preliminary Bat Roost Assessment (RT-MME-160594-02); and,
- Dusk Emergence Bat Survey (RT-MME-160594-04).

Badgers are a protected species and are capable of being a material consideration in the planning process. A summary of the legislation protecting badgers is included within Appendix 1. Please note that the location of badger setts should remain confidential, and the findings of this survey should not be disclosed outside of the intended purpose of this report.

## 1.2 Current Site Boundary

For the purposes of this assessment, the site boundary is considered to comprise the application red-line boundary as per the Landscape Strategy (PR-200-PEV-XX-XX-DR-L-00200) provided by Pick Everard, while the wider Thames Young Mariners site is considered to fall outside of the current survey boundary. Drawing C160594-03-01 displays the extent of the current survey effort.

## 1.3 Site Description and Context

Table 1.1 provides a brief summary of the site and its surroundings.

Attribute	Description
Site Location	The site forms the southern section of the wider Thames Young Mariners, Riverside Drive, Richmond TW10 7RX.
National Grid Reference	TQ16427236
Site Area (ha)	3.8 ha
Topography	Predominantly flat, albeit with steep banks in the north of the site, sloping down towards the lake.
Land Cover (on site)	The current development site forms the southern section of the wider Thames Young Mariners site. The site was used extensively for amenity purposes and was dominated by extensive amenity grassland, while also including the southern reaches of the large lake, fringed by a series of docks and pontoons, along with extensive semi-natural habitats including trees, scrub and woodland, which were also prevalent at the site boundaries). The site also included a complex of buildings towards the west, along with associated storage units and hardstanding, while the wider ownership boundary, to the north, included the remainder of the lake, with woodland and scrub bordering this.
Land Cover (site surrounds)	The surrounding area comprises urban housing to the east and west (beyond the Thames), with Ham Lands Local Nature Reserve (comprising woodland, scrub, grassland and wetlands) encircling most of the site and extending to the north and south. The wider area is predominantly urban with areas of amenity grassland to the north east and golf courses to the east and west. The site is in the London Borough of Richmond.

**Table 1.1: Summary of Site and Surroundings**

## 1.4 Documentation Provided

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.2.

Document / Drawing Number	Author
Landscape Masterplan PR-200-PEV-XX-XX-DR-L-00200	Pick Everard

**Table 1.2: Documentation Provided by Client**

## 2. Methods

### 2.1. Field Survey

The survey was carried out on 28th June 2023 by Nick Davey (Ecological Consultant) and Annabel Field (Ecological Project Officer). Table 2.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	22
Cloud (%)	100
Wind (Beaufort)	F2
Precipitation	Dry

**Table 2.1: Weather Conditions During Field Survey**

The survey comprised the following elements:

#### Habitat Assessment

A habitat assessment was undertaken to identify the suitability of the site for use by foraging and sett building badgers. This takes the nature of the surrounding landscape and connectivity with other areas of suitable habitat into account.

#### Presence/Absence Survey

The survey site was subject to a comprehensive walkover assessment for the presence of badger field signs. Such signs include badger setts, footprints, pathways, hairs, snuffle holes and latrine sites. Any signs recorded were plotted on an appropriately scaled map. Where possible, the survey included a 30 m radius around the proposed development site.

### 2.2. Constraints

Dense scrub and tall ruderal vegetation were present on site which may have reduced the visibility of mammal field signs such as badger setts. In particular, the tall ruderal vegetation surrounding the previously recorded mammal burrows 1-6 (i.e., potential sett 1; see report RT-MME-157100-05) has grown significantly and as such these mammal burrows were not fully accessible during the current survey. Nonetheless, this area was surveyed in detail from the periphery during the 2023 survey and in general, the survey results are considered to provide a detailed and accurate account of the potential for the proposals to impact badger.



## 3. Desk Study

### 3.1 Previous Badger Surveys

A Preliminary Ecological Appraisal has previously been undertaken by Surrey Wildlife Trust Ecology Services in November 2020 (Report 3974-1). The assessment included a walkover during which several mammal burrows consistent with badger excavation, along with a badger latrine, were recorded within the wider Thames Young Mariners ownership boundary, towards the north and east of the lake. However, no such features were recorded within 30m of the current site boundary.

An updated badger survey was undertaken by Middlemarch in 2022, the results of which are included within Report RT-MME-157100-05. This recorded the presence of a number of mammal burrows within the current site boundary, albeit these were confirmed not to be in current use by badger. No active badger setts were recorded within 30 m of the current site boundary, albeit an active badger sett and a number of latrines were recorded within the wider ownership boundary, with the active badger sett being located north of the lake.

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## 4. Survey Results

### 4.1 Habitat Suitability Assessment

Table 4.1 below summarises the suitability of the site for badgers.

Opportunities	Description
Sett-building	Suitable sett-building habitat on site is likely limited to the relatively small areas of scrub and tall ruderal vegetation, as well as the more extensive woodland, albeit much of the woodland is subject to extensive disturbance from recreational use and contains limited scrub cover. The woodland is therefore unlikely to provide favourable sett-building habitat for badger.
Foraging	The site is considered to provide extensive foraging habitat for badger in the form of woodland, scrub, amenity grassland, poor semi-improved grassland and tall ruderal vegetation.
Dispersal	<p>Overall, the site and surrounding areas are considered to offer good dispersal opportunities for badger. The wider Thames Young Mariners Site includes suitable habitat for badger including woodland and scrub, while evidence of badger activity, including an active sett, was recorded within these habitats during the 2022 survey.</p> <p>The boundary fence of the wider Thames Young Mariners site includes a number of mammal push-throughs, connecting the site with surrounding habitats. Ham Lands Local Nature Reserve is situated immediately north and south of the wider Thames Young Mariners site and includes suitable habitats including woodland, scrub and grassland. The River Thames to the west of the site, and the residential development to the southeast of the site, are likely to somewhat limit dispersal opportunities in these directions, albeit the site is considered to have good connectivity overall.</p> <p>Further, active badger setts are known to be present to within Ham Lands Local Nature Reserve to the north of the site, as described within the previous badger survey report (RT-MME-157100-05).</p>

**Table 4.1: Summary of Habitat Opportunities for Badgers**

### 4.2 Presence / Absence Survey Results

Drawing C160594-03-01 in Chapter 7 illustrates the location of any evidence of badger activity or mammal burrowing activity recorded on site. Photographs taken during the field survey are presented in Chapter 8.

Table 4.2 includes details of the mammal borrows recorded on site, including reference to the previous (2022) findings and how they compare to the current (2023) findings. Setts S2 and S3, which were recorded during the 2022 survey, are located over 30m outside the current site, within the wider Thames Young Mariners site. Given their separation from the current site, these setts are not included within the current assessment, albeit the locations of these setts are mapped (as burrows 7-12) on Drawing C160594-03-01 in Chapter 7.

'Potential Sett' No.	No. of Entrances	Type	Location	Notes
1	6	Fox den	This group of connected burrows is located at the southern extent of the site, adjacent to a recreational rope course. The burrows are surrounded to the north, east and west by a mixture of habitats including building/hardstanding, amenity grassland, scattered trees, semi-natural broadleaf woodland and dense scrub. Ham Lands Nature Reserve is situated directly south of the den, connected by numerous push throughs.	This group of burrows (labelled as burrows 1-6 on Drawing C160594-03-01) was initially recorded during the badger survey conducted in March 2022. This work included four monitoring visits which recorded extensive fox activity at these burrows, suggesting that they formed a fox den (see report RT-MME-160594-03-01). The updated survey conducted in June 2023 recorded the area to be particularly overgrown with tall ruderal vegetation and as such it was not possible to fully access the burrows, which were partially visible from the periphery. The overall area was viewed in detail from the periphery and no mammal pathways or signs of recent activity such as spoil mounds were recorded. Based on this, the area is highly unlikely to have been colonised by badger since the previous survey.
4	2 (labelled 13 and 14)	Disused mammal burrow	The pair of burrows is located within an area of scrub adjacent to the southern edge of the lake. Ham Lands Nature Reserve is situated 30m south of the burrows, connected by numerous push throughs.	As with the 2022 findings, two entrances were present, labelled 13 and 14 on Drawing C160594-03-01. One of these (burrow 14) was recorded to be used by fox during the 2022 monitoring visits, while no activity was recorded at burrow 13 (see report RT-MME-160594-03-01). The current findings recorded neither entrance to appear recently excavated, while extensive leaves and/or cobwebbing were present at the entrance of burrow 13, and to a lesser degree at burrow 14. Therefore, it appears highly unlikely that either entrance is currently used by badger, albeit burrow 14 may be in occasional use by fox.
5	1	Mammal burrow unlikely in use by badger.	A burrow located on the southern bank of the lake, within an area of scrub. Ham Lands Nature Reserve is situated 30m south of the potential sett, connected by numerous push throughs.	One burrow was present (mapped as burrow 15 on Drawing C160594-01) which, as previously, was large enough for use by badger, albeit no disturbance was recorded during the 2022 monitoring visits. The latest survey recorded the entrance not to be blocked by debris or general vegetation, albeit no signs of recent use by badger such as hairs or a large spoil mound were present.

**Table 4.2: Details of Potential Badgers Setts/Mammal Burrows (Continues)**

'Potential Sett' No.	No. of Entrances	Type	Location	Notes
6	1	Disused mammal burrow	A burrow located on the southern edge of the scrub which borders the southern edge of the lake. Ham Lands Nature Reserve is situated 30m south of the burrow, connected by numerous push throughs.	A single newly recorded burrow mapped as burrow 18 on Drawing C160594-03-01. No evidence of use by badger, such as hairs or a spoil mound were present, while the entrance was overgrown by grassland, not appearing to be in current use.
7	2	Potential outlier badger sett	Two burrows located on the southern bank of the lake, within an area of scrub. Ham Lands Nature Reserve is situated 30m south of the potential sett, connected by numerous push throughs.	Two newly recorded burrows, mapped as burrows 16 and 17 on Drawing C160594-01. Of these, burrow 16 included a relatively large spoil mound (albeit compact and not recently formed), while the entrance was free of debris. As such, this burrow may be in use by badger or other mammals. Burrow 17 included no so spoil mound and was overgrown with grass, indicating no current use by badger or other mammals.

**Table 4.2 (Continued): Details of Potential Badgers Setts/Mammal Burrows**

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## 5. Impact Assessment

### 5.1 Summary of Proposals

The proposed works involve the demolition of the existing buildings and erection of a series of buildings to provide accommodation and learning facilities. The majority of the works will take place within the existing building footprints, however, small areas of amenity grassland, introduced shrub and poor semi-improved grassland will be lost.

#### Construction Phase

The following activities are likely to be associated with the proposed development during the construction phase.

- Site clearance and ground preparation;
- Use and movement of heavy goods vehicles and machinery;
- Storage of plant, materials and waste; and,
- Presence of and movement of site personnel.

#### Operational Phase

The following activities are likely to be associated with the operational phase of the proposed development.

- Permanent siting of buildings, structures and associated hardstanding;
- Frequent movement of vehicles;
- Use of lighting associated with roads and buildings;
- Presence of and movement of site personnel; and,
- Maintenance of landscaping.

### 5.2 Summary of Key Features for Badger

Overall, the site is considered to offer suitable foraging, commuting and sett building habitat for badgers. It is well connected with Ham Lands Local Nature Reserve which provides further suitable habitat for badgers.

Following the badger survey and monitoring visits undertaken in March 2022, the updated survey undertaken in June 2023 recorded the site to be broadly unchanged with regards to field signs of mammal activity. A number of mammal burrows were recorded, including within the dense band of scrub immediately south of the lake, and within an area of tall ruderal vegetation on the southern site boundary. Many of these burrows were overgrown with no evidence of current use by badger such as large spoil mounds or badger hairs. Therefore, consistent with the 2022 findings, it appears unlikely that any active badger setts occur within the current site boundary. Nonetheless, potential setts S5 and S7 included relatively large entrances clear of debris and overgrowing vegetation and as such their use by badger or other mammals cannot be ruled out. Further, it is possible that a number of the mammal burrows on site are used by other mammal species such as fox *Vulpes vulpes* or rabbit *Oryctolagus cuniculus*.

As recorded in 2022, the wider Thames Young Mariners site is known to support badger activity, including the presence of latrines and push throughs, while an active subsidiary sett was recorded to the north of the lake during the 2022 survey.

### 5.3 Potential Impacts on Badger

A number of potential badger setts were recorded on site, albeit consistent with the 2022 findings, these appeared unlikely to be in use by badger. Burrows were identified at potential setts S5 and S7 which appeared to be of a suitable size for use by badger and given the absence of debris or vegetation covering the entrance holes, their use by badger cannot be ruled out. However, these burrows are located within areas of the site proposed for retention, well over 30m from the development footprint and therefore the development is unlikely to result in a breach of relevant legislation if appropriate mitigation is implemented. As such, no recommendations regarding the need for a Natural England development licence have been made in Chapter 6.

It is also possible that a number of the burrows on site are in use by fox or rabbit, which are protected against acts of cruelty under the Wild Mammals Protection Act (1996). Given that all mammal burrows recorded are located within retained habitats and are well-removed from the proposed development footprint, the proposals are unlikely to impact fox or rabbit. Nonetheless, a precautionary safeguard is included within Chapter 6 below.

The proposed development area provided only very limited suitable foraging or commuting habitat for badger, and therefore, significant habitat loss is considered to be unlikely. Nonetheless, as recorded during the 2022 survey, badger are known to use the site and an active badger sett was recorded with the wider Thames Young Mariners site, north of the lake. As such, there is potential for an increased risk of badger injury or mortality should badger enter the site during the construction phase. Appropriate measures to safeguard badger have therefore been made in Chapter 6.

## 6. Recommendations

All recommendations provided in this section are based on Middlemarch's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

**R1 General Safeguarding Measures:** Due to the confirmed presence of badgers on site (recorded during the surveys undertaken in 2022) appropriate safeguards should be adopted as part of the Construction Ecological Management Plan (CEcMP) for the site to minimise the risk of harm to individual badgers during the construction phases. The safeguards should include:

- Covering any excavations on site at night, or fitted with suitable mammal ramps in order to prevent badgers, or any other mammals, from becoming trapped;
- Covering any open pipework, with an outside diameter of greater than 150 mm, at the end of each work day to prevent badgers entering/becoming trapped; and,
- Remaining vigilant, and should any potential setts be identified, it will be necessary to contact a suitably experienced ecologist.

**R2 Scheme Design:** The proposed development should be designed in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG). The mitigation hierarchy requires all development schemes to apply the following principles:

- *Avoidance and Mitigation* – the proposed development should seek to avoid/minimise losses of woodland, scrub, tall ruderal vegetation and grassland which offer foraging and/or and potential sett-building habitat for badger.
- *Compensation* – if unavoidable losses occur and mitigation cannot be provided, compensation for significant residual harm will be required as a last resort or planning permission could be refused.

Any retained/created habitat suitable for badgers should be subject to long term management in accordance with a Landscape and Ecology Management Plan (LEMP).

**R3 Updated Survey:** If works have not commenced within 12 months from the date of this report, then an updated Badger Survey should be carried out.

**R4 Mammal Pathways:** Existing mammal pathways should not be obstructed by site fencing or parked machinery etc.

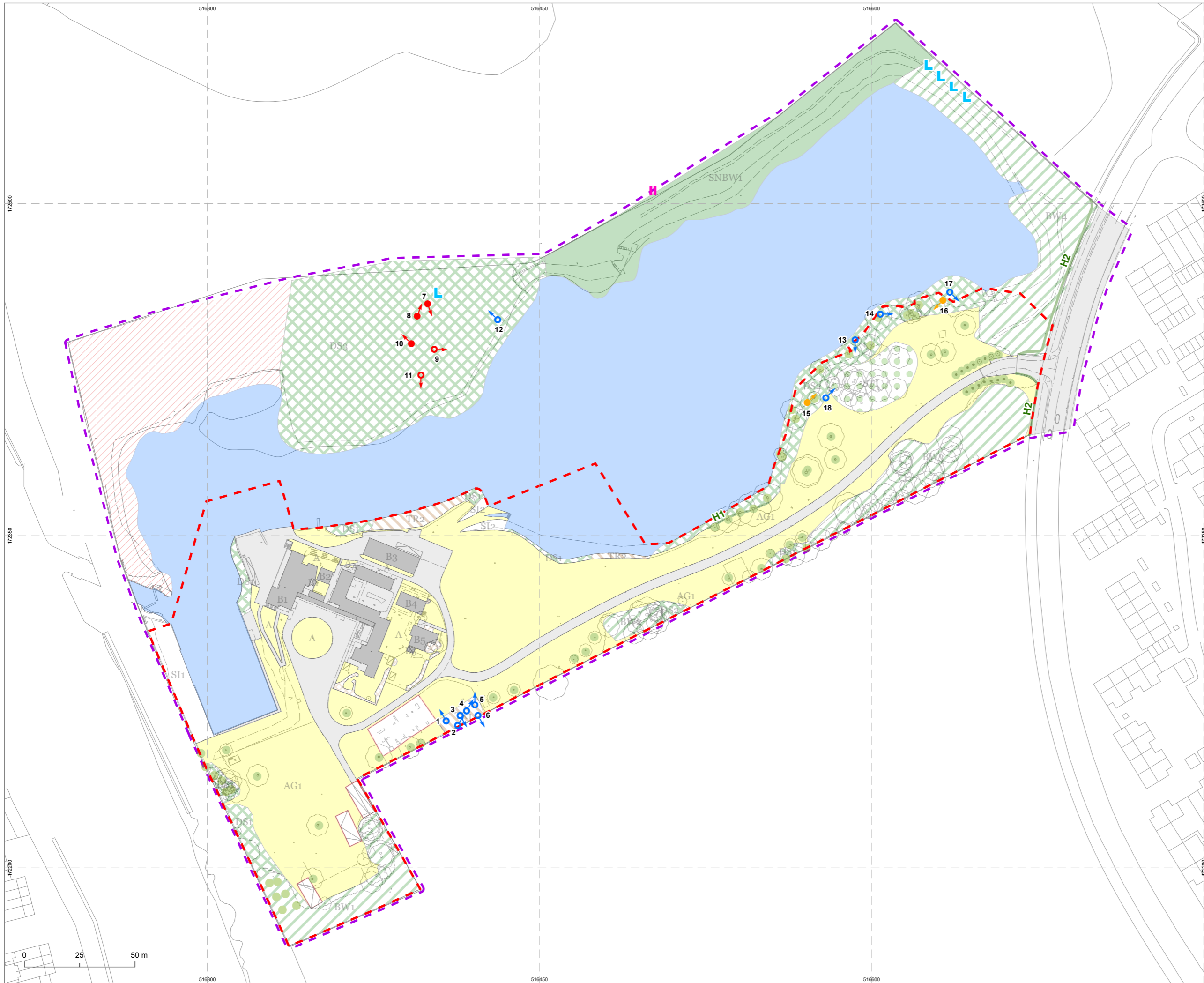
**R5 Other Mammals:** Foxes and rabbits are protected against acts of cruelty under the Wild Mammals Protection Act (1996). All mammal burrows identified on site are located within areas proposed for retention. However, in the unlikely event that clearance of potential fox dens or rabbit warrens required, this must be undertaken sensitively to ensure that no animals are injured or harmed during the works. Clearance of the feature should be completed carefully and slowly, to allow any animals present to escape and disperse to surrounding habitats. This should be undertaken when dependent young are unlikely to be present (generally avoiding January – July).

## 7. Drawings

Drawing C160594-03-01 – Badger Survey

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C160594-03-01

**Legend**

- - - Phase 1 Survey Area
- - - Previous Phase 1 Survey Area of Wider Ownership Boundary (from 2022 survey)
- Setts entrance (active)
- Setts entrance (inactive)
- Mammal burrow (potentially in use by badger or other mammals)
- Mammal burrow (not currently used by badger)
- L Latrine
- || Push-through
- Phase 1 habitats**
- Scattered tree
- Species-poor intact hedgerow
- A Amenity grassland
- B Building
- DSg Dense scrub
- H Hardstanding
- I Introduced shrub
- N No access
- O Other habitat
- P Plantation broad-leaved woodland
- SI Poor semi-improved grassland
- S Scattered trees
- SNBW1 Semi-natural broad-leaved woodland
- W Standing water
- T Tall ruderal

Project Thames Young Mariners, Riverside Dr, London

Drawing Badger Survey

Client Pick Everard

Drawing Number C160594-03-01	Revision 00
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Scale @ A3 1:1,600	Date July 2023
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Approved By WR	Drawn By VO/KB
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## 8. Photographs



**Plate 1: Tall ruderal vegetation surrounding Burrows 1-6 (Potential Sett 1)**



**Plate 2: Burrow 13 (Potential Sett 4)**



**Plate 3: Burrow 14 (Potential Sett 4)**



**Plate 4: Burrow 15 (Potential Sett 5)**





**Plate 5: Burrow 18 (Potential Sett 6)**



**Plate 6: Burrow 16 (Potential Sett 7)**



**Plate 7: Burrow 16 (Potential Sett 7)**



**Plate 8: Burrow 17 (Potential Sett 7)**

# Appendix 1

## Relevant Legislation

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- *'Any structure or place that displays signs indicating current use by a badger'*.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

Previous guidance from English Nature, Badgers and Development (English Nature, 2002)<sup>1</sup> considered that the following types of activity may require licensing within certain distances of the sett entrances (these distances are not included within the Protection of Badgers Act, 1992):

- using very heavy machinery (generally tracked vehicles) within 30 m of any entrance to an active sett;
- using lighter machinery (generally wheeled vehicles), particularly any digging operation, within 20 m of any entrance to the active sett;
- light work such as hand digging or scrub clearance within 10 m of any entrance to the active sett.

However, some activities may cause disturbance at greater distances, including pile driving and the use of explosives. These activities require individual consideration to ensure that best ecological practice is followed, however, it is generally considered that a licence is more likely to be required if these works are undertaken within 50 m of an active badger sett.

New guidance was issued by Natural England in 2009 which states that disturbance is something less than what might otherwise be considered damage to a sett, but it is also something more than limited noise or activity near a sett at levels which badgers commonly tolerate, without apparently being disturbed. Natural England therefore believes that badgers are relatively tolerant of

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<sup>1</sup> English Nature (2002). *Badgers and Development*. English Nature, Peterborough.

moderate levels of disturbance at or near to badger setts, but such disturbance does not necessarily disturb the badgers occupying the setts. The disturbance, which different activities may or may not cause to a badger sett, should therefore be assessed on a case by case basis.

Although the above prescriptive distances are no longer referred to by Natural England, they can be used as an aid to assess where works would constitute a disturbance to each sett.

The reader should refer to the original legislation for the definitive interpretation.

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