

BADGERS

ADVICE FOR PLANNING OFFICERS AND APPLICANTS SEEKING PLANNING
PERMISSION FOR DEVELOPMENTS WHICH MAY IMPACT ON BADGERS

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Introduction

Badgers (*Meles meles*) are a nationally protected species and they are susceptible to impacts from development such as disturbance or direct impacts on their places of refuge (normally setts). They are therefore a material consideration during the planning process.

Ecology

Badgers are a large mammal which is traditionally associated with woodlands. However they are widespread across Northern Ireland (NI) in both the rural and urban environments. In NI, they have a high tendency to use hedgerows for their setts due to our lower cover of woodland compared to the rest of the United Kingdom.

Badgers are omnivores, meaning they feed on both plants and animals. Earthworms and other invertebrates make up a large part of their diet. However they are opportunistic feeders and will take advantage of seasonal abundances of food such as berries in the autumn. They mainly forage in woodland, pasture, parkland, farmland, amenity grassland and gardens. They will leave characteristic marks on the ground, called snuffle holes, when foraging.

Badgers live in underground structures called setts which they excavate using their large powerful claws. Most social groups of badgers will have a number of setts in their territory with the main sett being the focus of activity and the place where the badgers normally live throughout the year and raise their cubs. The main sett is usually the largest and most active sett within a badger's territory and may have one or two, or up to over 20 entrances, although 6 to 7 is the average.

Main setts are usually characterised by considerable signs of activity, such as large amounts of bedding, latrines (toilet areas) and well worn paths to and from the sett. Well established main setts will have large soil heaps outside entrances indicating a large underground tunnel and chamber system.

Other types of setts will occur throughout the badger group's territory and these are usually categorised according to their use. However it should be noted that the status of a sett can change over time, particularly if other setts have been disturbed or land use changes have fragmented or removed feeding opportunities.

Another large sett is often found close to the main sett, and this is known as an annex sett (1 to 14 entrances; average of 3 to 4). Although generally smaller than the main sett it can be very active, particularly during the spring when it may also be used for breeding. Annex setts are usually found within 200m of a main sett and there may be well worn paths connecting them.

Other categories of sett include subsidiary setts (average 2 to 3 entrances) and smaller outlying setts (average 1 to 2 entrances). These may be found some distance away from the main sett and are not usually linked to it by any obvious paths. They may only be occupied on a seasonal basis.

Legislation

Badgers are listed on schedules 5, 6 and 7 of the Wildlife (Northern Ireland) Order 1985 (as amended). Under the Order it is an offence to:

- intentionally or recklessly kill, injure or take a badger; or
- intentionally or recklessly damage or destroy, or obstruct access to, any structure or place (normally a sett) that badgers use for shelter or protection; or
- intentionally or recklessly damages or destroys anything which conceals or protects any such structure; or
- intentionally or recklessly disturbs a badger while it is occupying a structure or place which it uses for shelter or protection.

In addition any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

There is no provision within the legislation to issue licences to kill badgers for the purpose of development.

Policy

Planning Policy Statement 2, Natural Heritage, NH2 and the Single Planning Policy Statement states that a development proposal shall not harm a protected species.

The policy indicates that development proposals are required to be sensitive to all protected species and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places.

Survey requirements

The NI Biodiversity Checklist (<https://www.daera-ni.gov.uk/topics/environmental-advice-planners>) should be used to establish if a survey is required for a complete application. This is more likely to be required if landscape features used by badgers are present on or adjacent to the site or badger use has been indicated within the local area. Badger survey specifications are available on the NIEA website <https://www.daera-ni.gov.uk/articles/site-surveys>.

Badger surveys can be undertaken throughout the year, though the optimum time is early spring and autumn especially if there is difficulty locating the main sett of a group. Although, badgers use some setts regularly and others only occasionally, all setts are protected, whether they are currently in use or not. If setts are found on or near the site, it is safest to assume that they are active.

The badger survey carried out must meet the survey specifications detailed on the NIEA website. The survey should consist of looking for sett entrances within the site and immediate area (at least 25m from the boundary), as well as signs of activity including badger paths, latrines, badger hair on fences or evidence of digging for food. Putting down

sand or food baiting are methods that may be used by licensed ecologists to establish if setts are active, or if more than one group is within a site.

Where the survey proposes a closure of a sett (outlier/subsidiary), the ecologist must have indentified the main sett of that social group. This may require additional survey work outside the application site.

The NI badger group (<http://www.badgersni.org.uk/>), Centre for Environmental Data and Recording (CEDaR) (<http://www.nmni.com/cedar>) and National Biodiversity Network Gateway (<https://data.nbn.org.uk/>) may provide useful information in relation to badger setts.

Mitigation

Impacts on badgers and their setts should be avoided during the planning application process. Mitigation may reduce the impacts to a badger group. Badger tunnels can extend over 20m from a sett entrance. Excavation and heavy machinery can damage the sett underground. Therefore any works within 25m of a sett entrance will require a licence from NIEA, Wildlife Licensing.

The following mitigation should be adhered to avoid impacts on badger groups:

- foraging areas for badgers should be maintained or new accessible foraging areas created;
- access between setts and foraging/watering areas should be maintained or new ones created. Habitat connectivity must be shown on plans. This may require a fenced area with native thorny species planting in areas of high human disturbance;
- development that isolates a badger territory by surrounding it by roads or housing should be avoided as this can often result in problems such as increased road traffic collisions and damage to gardens by foraging badgers;
- loud noises or vibrations from heavy machinery that might disturb badgers occupying a sett should be avoided or limited near a sett. An NIEA licence would also be required for blasting or piling within 100m of a sett entrance;
- all badger protection zones (25m) should be shown on drawings and conditioned to ensure no construction works or development activity occur within the protected area during construction of the proposal;
- where mitigation is not possible and a sett is impacted on the following applies:
 - destruction of a breeding sett (main and annex) would significantly impact on the group of badgers and would be considered to be contrary to policy as this would harm the group;
 - where a badger sett is requested to be destroyed for development, a badger expert must undertake a survey of the site and produce a report detailing their findings. This must consider proposed appropriate mitigation. NIEA should only be consulted if there is doubt with the survey or the related site specific strategy provided.

Licensing requirements

Where impacts to a badger sett cannot be reasonably avoided, a licence must be sought by the developer from NIEA. However it should be highlighted that any works impacting on a badger sett should only be considered as a last resort and in the case of a main/annex sett a licence may not be possible.

A licence application will only be considered by NIEA if accompanied by an appropriate survey report (undertaken by a suitably qualified and experienced ecologist). In granting a licence NIEA may place restrictions on both the timing and methodology of any works affecting a badger sett. The following should be considered:

- impacts to badger setts must be avoided during the breeding season between the beginning of December and the end of June because pregnant females or dependent juveniles may be underground during this period; and
- the ecology of badgers is such that physically moving them out of the way for development purposes is not a licensing option.
- See <https://www.daera-ni.gov.uk/articles/wildlife-licensing> for more information on licensing.

Reference Material

The booklet badgers and development provides some more background information on badgers and how to mitigate for them. See <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/natural-information-badgers-and-development-2011.pdf> (PDF, 1.23MB)

Badger informative for decision notices

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works must cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

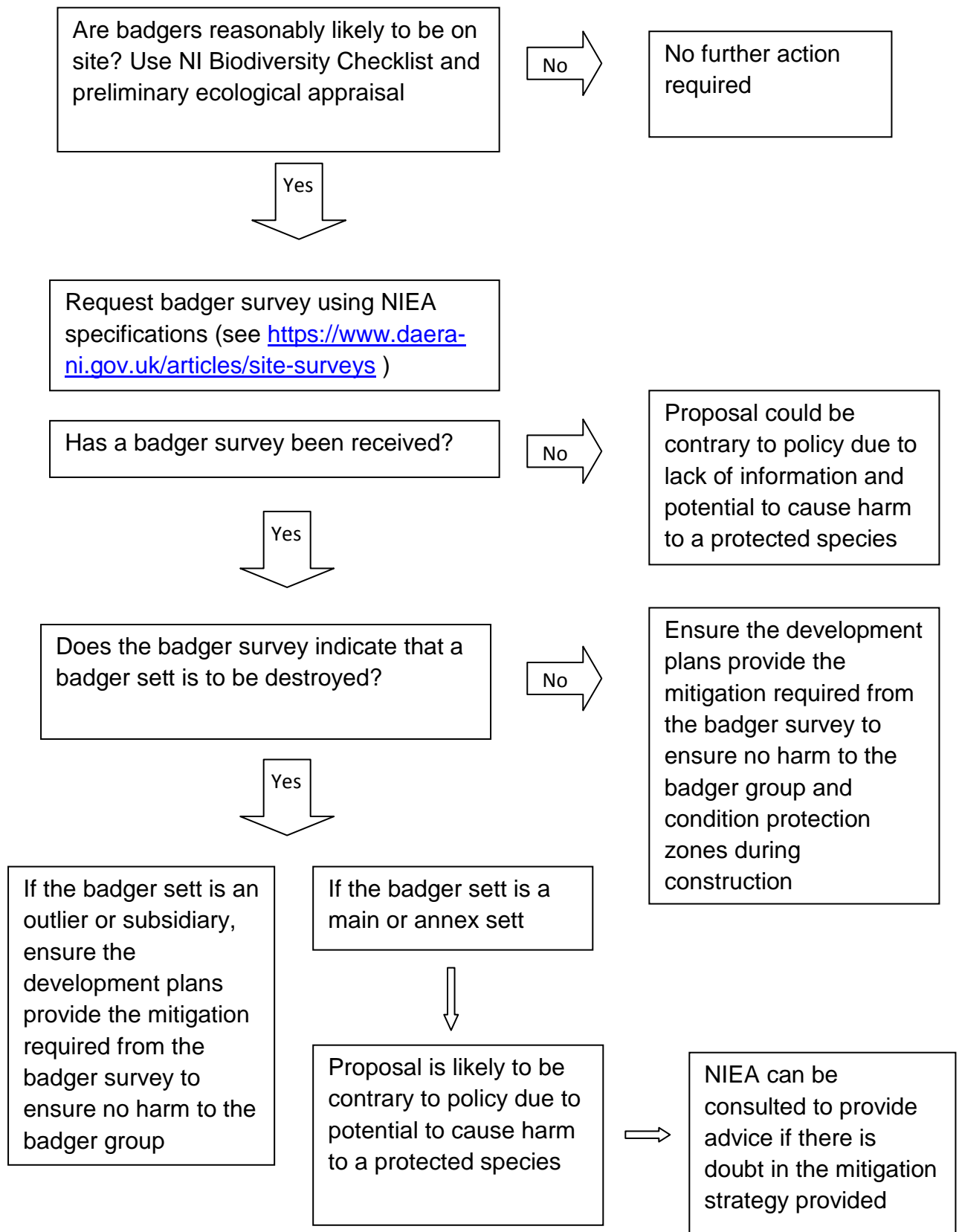
When a licence is required for works replace the last paragraph with:

Any works within 25 metres of a badger sett will require a wildlife licence to be obtained from NIEA. Licence applications should be made to the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

Or the following for blasting or piling within 100m of a badger sett:

Any blasting or piling within 100 metres of a badger sett will require a wildlife licence to be obtained from NIEA. Licence applications should be made to the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

Process to consider when dealing with badgers for applications





**Creating prosperity and well being
through environment and heritage
excellence**

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