



Badgers

Ecology

The Eurasian Badger is a member of the mustelid family which also includes Weasels, Stoats, Polecats and Otters. Badgers are easily recognisable by the conspicuous black and white stripes running from the nose to the shoulders and silvery grey backs. They can reach up to 8-12kg and live up to 14 years.

Badgers are nocturnal and emerge from their setts at dusk. They live in family groups, of up to 20 individuals, which occupy a shared territory of several hectares. The boundaries of the territories are marked out with odour and defended. Their preferred food is earthworms, though they also eat seeds, bulbs, fruit, insects, frogs, rodents, birds, eggs and lizards.

Badgers defecate in dung pits with aggregations of pits being known as latrines. These tend to be found close to setts, along territorial boundaries or at path intersections within important feeding areas.

Habitat

Badgers inhabit underground burrows called setts, which consist of several chambers, passages and entrances and are used by successive generations of Badgers. Nesting material is often carried out of the sett in the day and aired in the sunshine.

A Badger social group usually uses more than one sett. The setts that Badgers use can be classified into 4 broad groups:

- The Main sett, where the majority of the group sleeps, and is in continuous use, with large, extensive, well established tunnels and numerous entrances. Large spoil heaps and well worn paths can usually be found in the immediate vicinity. There is generally only one main sett per social group with cubs most likely to be born here.
- The territory may also have an Annexe sett, which occurs in close association with the main sett, usually within 150m, and are linked by well used paths. Not necessarily
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- in use all the time, they are smaller and function as a retreat. Additional cubs may be reared here.
- Subsidiary setts are not in continuous use and are usually some distance from the main sett, 50m or more, with no obvious connecting path or ownership, again being smaller.
- Outlying setts are sporadically used with few holes and small spoil heaps, indicating they are not very extensive underground. They are often utilised by foxes or rabbits when not occupied by Badgers.

Badgers live in a wide range of habitats throughout Britain particularly in the lowlands and the south and south west. Habitats where they have been recorded include grasslands, woodland, scrub, gardens and urban settings.

The Badger Year

Their breeding season lasts from the beginning of December until the end of June. Mating occurs throughout the year but embryos are not implanted into the uterus until early winter with litters of up to 6 cubs being born late December to early April, emerging from the sett after about eight weeks.

Badgers do not hibernate, but remain below ground for long periods in winter, especially during very cold or wet weather, and live off accumulated fat reserves.

Conservation Status

Badgers are a common and widespread species. They are not listed on the UK Biodiversity Action Plan.

Legislation

Badgers receive legal protection under the Protection of Badgers Act 1992. This Act makes it illegal to willfully kill, injure or take any Badger, or attempt to do so and it is an offence to intentionally or recklessly damage, destroy or



obstruct access to any part of a Badger sett. A Badger sett is defined as “any structure or place which displays signs indicating current use by a Badger.” The law is in place to prevent their persecution and considers animal welfare rather than conservation status.

Planning Policy

Guidance on the consideration that local planning authorities should give to nature conservation interests is contained in Planning Policy Statement 9.

Under this guidance Badgers must be considered as part of planning applications. Planning authorities are obliged to attach appropriate planning conditions to secure the protection of Badgers if they are found to be present following an ecological assessment or if they are likely to be found (i.e. seasonally used setts).

Where works are unavoidable, reasonable steps must be taken to prevent contravention of the Protection of Badgers Act 1992.

Badger Surveys

Badger surveys to establish presence or absence of setts and other signs of Badger activity can be undertaken at any time of year. However searches for setts are best undertaken during the winter when the vegetation that would normally obscure setts has died back.

Searches for signs of activity are best undertaken in September and early spring when Badgers are highly active. This is also the most appropriate time of year to carry out bait marking exercises, which are used to determine the size and boundaries of a Badger social group’s territory. Bait marking exercises are appropriate in circumstances such as:

- if a main sett were to be lost
- if sett status is unknown
- to establish if habitat loss will be significant to a social group

Impacts

Impacts to Badgers arise primarily through disturbance and habitat loss.

A sett is classified as any structure that displays signs indicating current use by a Badger (Natural England, 2007). The Act does not define ‘current use’. However Natural England has issued an advice note on the interpretation of ‘current use’ as follows:

- Displaying signs indicating current use is NOT synonymous with current occupation;
- A Badger sett is protected by the legislation if it “displays signs indicating current use by a Badger”. A sett is therefore protected as long as such signs remain present. In practice, this could potentially be for a period of several weeks after the last actual occupation of the sett by a badger or Badgers;
- Demonstration of the fact that a sett is not occupied by Badgers does NOT necessarily exempt it from the protection afforded by the Act if it still displays signs otherwise indicative of current use;
- A sett is likely to fall outside the definition of a sett in the Act if the evidence available indicates that it is NOT in use by Badgers; e.g. absence of Badger field signs, debris in sett entrances etc. In practice, such a sett may have been unused for several weeks.

Sett interference includes damaging or destroying a sett, obstructing access to a sett, and disturbing a Badger whilst it is occupying a sett. It is not illegal, and therefore a licence is not required, to carry out disturbing activities in the vicinity of a sett if no Badger is disturbed and the sett is not damaged or obstructed.

The Act does not define ‘disturbance’. Natural England has issued an advice note on the interpretation of ‘Disturbance’ in relation to Badgers occupying a sett. Within this guidance, Natural England define disturbance to a Badger sett as: ‘...more than limited noise or activity near a sett at levels which Badgers commonly tolerate, without apparently being disturbed’.



It is Natural England's view that Badgers are relatively tolerant of moderate levels of noise and/or activity around their setts and that '...low or moderate levels of apparent disturbance at or near to Badger setts do not necessarily disturb the Badgers occupying those setts'.

Examples of activities at or near setts that Natural England do not consider likely to cause disturbance to Badgers, and therefore would not normally expect to require a licence, include:

- Development, or other activities occurring close to Badger setts (use of hand tools and/or machinery), where there is no reason to believe that the 'disturbance' will be greater than that which Badgers commonly tolerate, and therefore any Badger(s) occupying the sett are unlikely to be disturbed;
- Vegetation removal (including felling small trees or shrubs) over or adjacent to setts (using hand tools and/or machinery);
- Clearing out of ditches/watercourses using machinery and/or hand tools where Badger setts are present.

Natural England requires a judgment to be made on a case by case basis as to whether a particular action may or may not cause disturbance to Badgers.

Licence Applications

Where interference with a sett showing signs of current use cannot be avoided, a licence must be sought from Natural England, which permits activities that would otherwise be illegal. Natural England will generally only issue licenses to permit activities during the period 1st July to 30th November as this avoids the Badgers' protracted breeding period. Natural England will only issue a licence after detailed planning permission has been granted, where applicable, so that there is no conflict with the planning process.

Mitigation

In the first instance attempts should be made to avoid impacts. This can be achieved by the alteration of development layouts to avoid sett disturbance and closure, as well as the loss of foraging habitat.

If impacts to setts are unavoidable the advice of an ecological consultant should be sought and a licence obtained if necessary.

Mitigation measures generally comprise one or a combination of the following approaches:

Incorporation of sett into development:

Retention of features on site requires instigation of a buffer zone (licensed works only allowed within) around setts to protect the Badgers from disturbance during and after development. Additional associated foraging areas and the retention of paths connecting to surrounding habitats may be additionally required to prevent isolation and subsequent mortalities.

Deterring Badger use of setts:

Discouraging use of a sett through exclusion methods such as fencing or the closing of sett holes, or by creating a more attractive artificial sett elsewhere.

Sett relocation/translocation of social group:

Closing down the sett on site and subsequent relocation of the social group should only be considered if the above options are not feasible. The translocation site and setts may have to be prepared several months in advance to avoid unnecessary disturbance.

Badger corridors, tunnels & underpasses:

These can be constructed across developments where Badger paths have been intercepted to minimise likely casualties and prevent disturbance to the species and its setts.

This information was accurate, to the best of our knowledge, at the time of publication (07/06/2011). These notes are intended as guidance only. Professional advice from an ecological consultant should be sought in relation to protected species and development. Surveys, impact assessment and the design of mitigation strategies must be considered on a site-specific basis.