



**Badger survey of land at Wenny Road, Chatteris, Cambridgeshire**

**Survey Report**

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### **Notice to Interested Parties**

To achieve the study objectives stated in this report, we were required to base our conclusions on the best information available during the period of the investigation and within the limits prescribed by our client in the agreement.

No investigative method can completely eliminate the possibility of obtaining partially imprecise or incomplete information. Thus, we cannot guarantee that the investigations completely defined the degree or extent of e.g. species abundances or habitat management efficacy described in the report.

This report is only valid for external use in its final issued version.

### **Document Information**

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## 0 EXECUTIVE SUMMARY

- 0.1 On behalf of Cannon-Kirk (UK) Ltd), Cambridge Ecology Ltd was commissioned by Savills to carry out a Badger survey of land at Wenny Road, Chatteris, Cambridgeshire. The survey was required to investigate the presence of Badgers (Badger setts), a protected species, on the land within and adjacent to the development site, which could potentially be affected by a proposed residential development at the site.
- 0.2 The surveys were carried out by professional, qualified and licensed ecologists, with experience in Badger surveys and knowledge of Badger ecology. The surveys comprised comprehensive daytime searches of all areas of habitat within the Wenny Road development site and adjacent habitats where access was possible. In addition, the camera traps were used throughout the survey period during the night to record the presence of Badgers along certain mammal runs and sett entrances.
- 0.3 The information gathered from the surveys was considered to provide a robust and valid indication of the potential and actual presence of Badgers at the Wenny Road development site.
- 0.4 Within the development site and throughout the survey area there were no Badger setts found or signs indicating that Badgers were present. Overall, while the habitat in the survey area had potential to support Badgers, the survey indicated that Badgers were currently absent from the development site. A number of factors have been described that could contribute to their absence.
- 0.5 The absence of any Badger setts or signs of Badgers indicates that Badgers currently do not constitute a constraint to the development proposals for the Wenny Road site and therefore are not of material consideration during the planning decision process.
- 0.6 Based on the findings of this Badger survey, no mitigation measures are currently considered necessary. However a number of mitigation measures have been identified to address potential impacts of the development proposals on Badgers should they appear on site in the future before construction work commences. These recommendations would provide an opportunity for the development proposals to proceed without causing a significant adverse effect on Badgers and would aim to ensure the development proposals complied with wildlife legislation pertaining to Badgers.
- 0.7 In addition a number of enhancement measures have been recommended to meet the policy requirements of the NPPF and feedback from scoping opinion consultations. These measures may be incorporated into the landscape/habitat creation design proposals for the proposed development scheme that would be expected to result in conservation gain. These would be focused on the provision, maintenance and enhancement of foraging habitats in proximity to the proposed development site.

## 1 INTRODUCTION

- 1.1 On behalf of Cannon-Kirk (UK) Ltd), Cambridge Ecology Ltd was commissioned by Savills to carry out a Badger survey of land at Wenny Road, Chatteris, Cambridgeshire. The survey was required to investigate the presence of Badgers (Badger setts), a protected species, on the land within and adjacent to the development site, which could potentially be affected by a proposed residential development at the site.
- 1.2 The Badger survey was commissioned in order to establish whether Badgers (and/or Badger setts) were actually present or had been present at the site; and if present, to identify their use of the site.
- 1.3 Figure 1.1 shows the red line boundary of the Wenny Road site that formed the main area of the Badger survey area.
- 1.4 The aim of the survey and this report was to:
- identify the actual and/or likely presence of Badgers (and/or Badger setts) at the Wenny Road site.
  - evaluate the use of the land within the development site by Badgers including the status of any setts if present.
  - provide information to address any constraints caused by Badgers at the site, including whether additional Badger surveys are required and whether a Badger licence (a Natural England licence to interfere with a Badger Sett for the purpose of development) would be necessary to ensure legal compliance is maintained.
  - identify appropriate mitigation measures, necessary to comply with legal requirements pertaining to Badger and animal welfare legislation, and provide enhancement opportunities in relation to national planning policy in terms of the National Planning Policy Framework (NPPF). The key principles in the NPPF require that *"the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible."*
  - identify appropriate biodiversity habitat creation and enhancement measures that should be included in the design of any landscaping (habitat creation plans).
- 1.5 The results of the survey would indicate whether Badgers could be affected by the development proposals and therefore whether Badgers presented a potential constraint to the proposed works. For instance, the results of the Badger survey could be used to provide guidance on the presence of Badger setts and therefore the need for changes to the design layout for the site, whether any requirements were necessary for mitigation, to meet legal obligations, including the need to apply for a licence to close a Badger sett and/or build a replacement sett.



### Study Area and Development Proposals

- 1.6 For clarity in this report the development site comprises the red line boundary of the proposed development site and the survey area includes the area covered by the ecology survey.
- 1.7 The Wenny Road development site was located approximately 1 kilometre to the south east of Chatteris town centre and is bordered to the north and west by residential properties, part of Chatteris town and the west and south by the A142 road. Chatteris lies approximately 28km north of the city of Cambridge. The centre of the site is situated at Grid Ref TL 400 856. The total area within the red-line boundary of the development site covers an area of approximately 26 hectares (ha).
- 1.8 The survey area for the field survey comprised the red line boundary of the development site, plus an area up to 50m beyond the site boundary to the east and south (where access was possible). Due to the size and nature of the development the 50m area was chosen as the maximum potential zone of influence. The area beyond the site boundary to the north and west was not included in the field survey because it comprised entirely of a built environment with residential properties and roads, and therefore of very limited ecological value, while access to these areas was not possible.
- 1.9 The land beyond the A142 on the east and southern boundary of the development site and in the wider area around Chatteris is primarily intensively farmed arable land.
- 1.10 Within the survey area the habitats comprised:
- Arable land
  - Dry/Wet Ditches
  - Ponds/Standing Water
  - Amenity/Improved grassland
  - Scattered Scrub
  - Scattered Trees/Parkland/Broadleaved Woodland
  - Hedgerows
  - Tall Ruderal
  - Bare ground and Buildings
- 1.11 The development site and study area were primarily used for recreational dog walking and horse grazing.
- 1.12 The development proposals for the site adjacent to Wenny Road, Chatteris, would be for various residential properties.
- 1.13 Details of the number and layout of the scheme were not available at the time of preparing this report. However it would be expected that the results of this ecology survey (and other species specific surveys in the future) would help provide details that would influence the layout of the scheme and especially the landscaping and habitat creation.

## 2 METHODS

- 2.1 The Badger survey was carried out between January and February 2015, involving ten site visits. Darren Frost, an experienced ecologist, conducted the surveys.
- 2.2 The optimal time for Badger activity surveys is between February and April, when territories are most actively marked. Surveys can be undertaken at other times of year, but signs of activity will be fewer, particularly over the winter months when Badgers may stay underground for days at a time when temperatures are low.
- 2.3 The time of the survey fell within the optimal survey period; the survey was sufficiently thorough such that the presence of Badgers could be determined. By identifying runs, snuffle holes and latrines their main sett and other features of importance such as foraging areas, commuting routes and territory boundaries could also be found.
- 2.4 Observations were made from within the survey area, comprising the red-line boundary of the Wenny Road site (Figure 1.1). In addition, where access was possible a search was made of the surrounding land up to 50m beyond the red-line boundary of the development site. All fence lines, woodland and scrub habitats were systematically examined for evidence of Badgers in the form of:
- faeces: Badgers usually deposit faeces in characteristic excavated pits, concentrations of which (latrine sites) are typically found at home-range boundaries;
  - setts: comprising either single isolated holes or a series of holes likely to be interconnected underground;
  - paths between setts or leading to feeding areas;
  - scratching posts at the base of tree trunks;
  - hair traces;
  - snuffle holes, formed during foraging and comprising characteristically disturbed ground vegetation;
  - footprints.
- 2.5 If signs of Badgers were found, photographs would be taken to provide evidence of their presence. Camera traps were also used to confirm whether suitable holes, pathways scratching posts etc were being used by Badgers.
- 2.6 Where setts were found, activity levels were determined using the following criteria:
- number of well-used holes (with one or more of the features: well worn entrance; freshly excavated soil; bedding material);
  - number of partially used holes (leaves or twigs in entrance and/or mosses and other plants growing in or around entrance);
  - number of disused holes (partially or completely blocked, with considerable amount of excavation required for reoccupation).
- 2.7 All areas of potential habitat for Badgers both within the development site, and adjacent land (where access allowed) were systematically searched in order to ascertain the importance of the proposed development area for Badgers.

- 2.8 Features within the habitats in the survey area, such as hedgerows, earth banks, stockpiles, scrub patches, embankments (where access permitted), and the small wooded copses were searched for signs of Badgers and Badger sett building activity. This included actual setts and exploratory holes (the beginnings of a sett which are not fully excavated and are usually less than 2ft deep). Exploratory holes are often re-visited and fully excavated into a sett at a later date, so should always be recorded during surveys.
- 2.9 Any setts found would be searched for nearby latrines, dung pits, hairs around the hole entrances, paw prints, signs of fresh digging, and discarded bedding material.
- 2.10 Habitats such as the grassland areas were surveyed to look for signs of foraging snuffle holes and scrapes, dung pits, distinctive runways through the vegetation, and paw prints.
- 2.11 All habitat boundary features including hedgerows, walls, fence lines, access roads, tracks and field margins were searched for signs of large mammal pathways passing under or through them. All large mammal pathways under hedges and fences were searched for stray hairs, to specifically confirm use by Badgers. Signs of territory marking were also searched along the large mammal pathways; these would be indicated by the presence of dung pits. Territory markings would help provide an indication of the size of the territory and the proximity of other Badger clans.

#### **Sett Classification**

- 2.12 After examining each sett, its current level of usage was established; each hole was classified under one of the following categories to define its use:

##### *Well-used*

- 2.13 An entrance free of leaf litter and debris which also shows signs of recent excavation, with no vegetation yet growing in the fresh spoil. Hairs on top of the spoil are also a good indicator of very recent use.

##### *Partially-used*

- 2.14 An entrance containing some leaf litter and debris around the entrance hole, but some fairly recent digging apparent and often a fairly strong run still apparent leading to the hole.

##### *Disused*

- 2.15 An entrance full of leaf litter and debris, often partially obscuring the hole. No recent signs of digging or attempts to keep the hole clear, with vegetation (grasses, moss/lichens, weed seedlings) having become established on the surface of the spoil pile. There are no signs of Badger activity.
- 2.16 Once the level of usage has been defined, setts can be further classified into four main categories or types. Unlike the usage classification above, this categorisation is subject to interpretation and should be considered in conjunction with the findings of

the survey area as a whole. To clarify, the number and type of setts within any particular clan of Badgers is dependent on:

- the availability of foraging habitat
- the population of the clan (breeding success/mortality)
- hierarchy structure
- external disturbances (e.g. other developments causing Badgers to move further away).

2.17 As such, smaller non-typical main setts may become main setts, even though they are relatively small with few entrance holes.

2.18 The four main categories of sett are as follows:

*Main Sett*

2.19 A large well used and well established sett with around 5-10 holes (but can be in excess of 20), used for breeding (usually only one main sett per clan of Badgers).

*Annex Sett*

2.20 These are additional setts which are located close to the main sett, and connected to the main sett by well-worn paths, but not directly connected via underground tunnels. They usually have fewer holes than the main sett, with between 3-5 holes.

*Subsidiary Sett*

2.21 Subsidiary setts are often located some 150m from the main sett, and do not usually have any obvious paths linking them to other setts. They are sometimes used for breeding, (especially if the sow feels threatened) and are not always active. They often only consist of 1-3 entrance holes.

*Outlier Sett*

2.22 Outlier setts are usually much smaller in size than the other sett types, often only a single hole. They are intermittently used and located a good distance from the main sett.

2.23 All Badger activity (setts, exploratory holes, foraging areas, dung pits and runways) was recorded on suitably scaled base maps were annotated, and photographs taken, where appropriate, to highlight key areas for Badgers and for future reference of changes in levels of usage and activity.

2.24 Weather conditions and visibility were good throughout the survey period; characterised by mild temperatures, prolonged periods of rain and mostly overcast skies; the damp ground optimised the opportunity for identifying paw prints.

2.25 Table 2.1 shows details the actual survey dates and weather conditions.

**Table 2.1: Wenny Road Badger Survey Dates and Weather Conditions**

Date	Weather conditions				
	Temperature (°C)	Wind direction/ speed (mph)	Rain	Cloud/sun	Time
05/01/15	8	S / 13	No	Sun	0900-1430
06/01/15	9	S / 10	No	Cloudy	1030-1500
07/01/15	8	SW / 10	No	Sun	1130-1430
12/01/15	10	SW / 20	No	Sun	1100-1530
02/02/15	2	NW / 8	No	Sun	1100-1530
06/02/15	5	NE / 9	No	Sun	1100-1600

### 3 RESULTS

- 3.1 During the survey visits in January and February within the Wenny Road site, no Badger setts or signs indicating the presence of Badgers were found within or adjacent to the Wenny Road development site.
- 3.2 Photographs taken using camera traps at night did not reveal any Badger activity at the site or along any of the mammal pathways.
- 3.3 Figure 3.1 shows the location of features described in this report, while photographs show examples of some of the features encountered.
- 3.4 The presence of mammal pathways and mammal burrows were found on site, however these were considered to be created mainly by rabbits.
- 3.5 There were some signs of fresh burrow digging especially along the western boundary against the perimeter wall. All the excavations were considered to be created by rabbits. Other burrows were covered by debris and leaf litter indicating that they were not in use.
- 3.6 During the survey period the ground within the survey area was saturated and heavily waterlogged. Some burrows appeared to be flooded, this suggested that the area was influenced by a high water table.
- 3.7 It was noted that the survey area was heavily used by dog walkers during the day and at night.
- 3.8 Other mammals recorded during the Badger survey included Rabbit and Grey Squirrel.

#### **Survey Constraints**

- 3.9 It was considered that the Badger survey of the land within and adjacent to the Wenny Road site provided a robust and valid indication of the current presence of Badgers within the features searched at the site. A thorough search was made of all habitats within the survey area.
- 3.10 The survey was considered to have been carried out methodically and all accessible areas searched thoroughly to locate signs indicating the presence of Badgers.
- 3.11 It was acknowledged that very dense areas of Blackthorn and/or bramble scrub, particularly around the field perimeters were inaccessible (see Figure 3.1). Therefore the presence/absence of Badger setts could not be verified, but their presence was considered unlikely due to the lack of other Badger signs.
- 3.12 It should be noted that the absence of Badgers from the site, would not preclude their presence. There would always be a risk that Badger signs were over-looked, either owing to the timing (both time of day and time of year) of the survey, the scarcity of the species at the site or the ability of Badgers to move to new sites and excavate

setts periodically and therefore move into an area after the survey had been carried out.

## 4 RECOMMENDATIONS

4.1 As the Badger surveys carried out in January and February 2015 did not find evidence indicating the presence of Badgers no specific mitigation measures are currently considered necessary. However as a precaution the following measures may be considered appropriate nearer the time when construction works are due commence. These include:

- provision of tool-box talks to be given relating to protected species in general and Badgers in particular. All appropriate site personnel should be informed of their legal obligations, responsibilities and what to do in the event that a protected species is found on site.
- an action plan should be developed for use during the construction work in the event that a protected species, such as a Badger (or Badger sett) is found. In the unlikely event of Badgers being encountered at any stage of the development, work must stop and advice be sought. For immediate advice contact Cambridge Ecology 01954 231239. In this event, further advice can be given on how to proceed with the development whilst ensuring that Badgers and/or their setts at the site are protected maintained.
- an ecological clerk of work may be employed periodically to oversee the construction works to provide advice, guidance and on-site support, to address any unforeseen ecological issues that may arise. For instance, as with all ecological surveys and the nature of wildlife, the behaviour and dwellings of Badgers can change periodically.
- vehicles and excavations must be kept at least 30m away from any Badger sett entrances. To assist with maintaining an exclusion zone barrier fences must be installed between the Badger sett and any construction traffic and excavation work. However, Badger passes must be installed in any barrier fencing that traverses Badger pathways, thereby enabling Badgers to carry on foraging in traditional feeding areas at night.
- construction work must only take place during daylight hours.
- during construction and operation any excavations need to be covered at night or for any potential permanent excavations a fine meshed grill must be installed to prevent animals from falling in. If this is not possible then features such as gently sloping ramps to allow trapped animals to climb out unaided must be installed.

4.2 The provision of biodiversity enhancement measures that should be included as part of the landscape/habitat creation design proposals for the proposed development are recommended and would be expected to mean the requirements highlighted by various consultees in the scoping opinion responses.

4.3 The measures that would form part of the biodiversity enhancements comprise the following:



- any planting associated with landscaping/habitat creation to be aimed to provide suitable feeding, breeding and shelter for Badgers. For instance, the planting of native species known to benefit wildlife would be expected to provide an enhancement, the location of which has yet to be decided. Areas sown with a suitable wildflower seed mix would be expected to be managed to ensure the plant species have the best opportunity to grow and flourish. These habitats would encourage invertebrates to flourish and provide a food source for Badger, therefore enhancing the foraging habitat for Badgers and benefit wildlife in general.
  - the areas of existing woodland should be maintained and enhanced to enable wildlife to use them.
  - where the opportunity arises new /hedgerow areas should be created within the landscaped areas to enable wildlife to forage. This would offset some of the foraging areas that would be lost to the proposed development.
- 4.4 This enhancement opportunity would be essential for the development to deliver a net gain in biodiversity and therefore meet the terms of the NPPF.
- 4.5 It is recommended that all the trees and scrub plants around the perimeter of the development site should be augmented with new native planting, especially along the eastern boundary next to the A142 road. Thereby creating hedgerow linkage commuting routes between areas across the development site boundary.
- 4.6 As with all ecological surveys and the nature of wildlife, the behaviour and dwellings of Badgers can change from time to time. Therefore it is recommended that a qualified ecologist be present on site during certain construction activities e.g. excavations, vegetation clearance etc; to ensure legal compliance and to advise on the response to any new ecology associated eventualities.
- 4.7 Bearing in mind the ability for wildlife to periodically move to new locations, it is recommended that if the development proposals were to be delayed for three years or more, then further Badger surveys would be required to update the results provided in this report and inform the development proposals in the future.

## 5 KEY POINTS AND FINDINGS

- 5.1 During January and February 2015 Badger surveys were carried out on land within and adjacent to the proposed development site at Wenny Road, Chatteris, Cambridgeshire.
- 5.2 The surveys were carried out by professional, qualified and licensed ecologists, with experience in Badger surveys and knowledge of Badger ecology. The surveys comprised comprehensive daytime searches of all areas of habitat within the survey area and adjacent habitats where access was possible. In addition, camera traps were used throughout the survey period during the night to record the presence of Badgers along certain mammal pathways.
- 5.3 The information gathered from the surveys was considered to provide a robust and valid indication of the potential and actual presence of Badgers at the Wenny Road development site. Although it was recognised that access inside very dense areas of Blackthorn and/or bramble scrub was not possible. Therefore, in these areas the presence/absence of additional Badger setts or signs of neighbouring Badger clans could not be verified.
- 5.4 Within the development site and throughout the survey area there were no Badger setts found or signs indicating that Badgers were present. Overall, while the habitat in the survey area had potential to support Badgers, the survey indicated that badgers were currently absent from the development site. A number of factors could contribute to their absence. These factors include:
- low lying ground that appeared to be water logged (during the survey at least) and a high watertable, therefore rendering any sett building liable to flooding.
  - areas of foraging habitat and sett building exposed to frequent and regular human disturbance day and night, particularly from dog walkers.
  - the proximity of residential areas that result in increased human disturbance
  - the proximity of a A142 road that presents a risk to Badger movement through the area
- 5.5 The absence of any Badger setts or signs of Badgers indicates that Badgers currently do not constitute a constraint to the development proposals for the Wenny Road site and therefore not of material consideration during the planning decision process.
- 5.6 Based on the findings of this Badger survey, no mitigation measures are currently considered necessary. However a number of mitigation measures have been identified to address potential impacts of the development proposals on Badgers should Badgers appear on site in the future. These recommendations would provide an opportunity for the development proposals to proceed without causing a significant adverse effect on Badgers and would aim to ensure the development proposals complied with wildlife legislation pertaining to Badgers.

- 5.7 In addition a number of enhancement measures have been recommended to meet the policy requirements of the NPPF and feedback from scoping opinion consultations. These measures may be incorporated into the landscape/habitat creation design proposals for the proposed development scheme that would be expected to result in conservation gain. These would be focused on the provision, maintenance and enhancement of foraging habitats in proximity to the proposed development site.

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**BIBLIOGRAPHY**

- Andrews, R. (2013). The Classification of Badger *Meles meles* Setts in the UK: A Review and Guidance for Surveyors. In Practice CIEEM.
- Anon (1992) Protection of Badgers Act HMSO, London.
- Cresswell, P., Harries, S. and Jefferies, D.J. (1990). The history, distribution, status and habitat requirements of the Badger in Britain. Nature Conservancy Council, Peterborough
- English Nature (1995) Badgers Guidelines for Developers. English Nature, Peterborough.
- Cambridge Ecology Ltd (2014). Report into the findings of an extended Phase 1 Habitat Survey and Protected Species scoping survey for Wenny Road, Chatteris.
- Harris, S., Cresswell, P. and Jefferies, D. (1989). Surveying Badgers. The Mammal Society, Occasional Publication No.9. Published by the Mammal Society.
- Harris S, Jefferies D, Cheeseman C, and Booty C. (1994) Problems with Badgers? RSPCA.
- Neal, E. and Cheeseman, C. (1996) Badgers. Poyser, London.
- Roper, T. (2010) Badgers. Harper Collins. London.
- Woods, M (1995) Badgers. The Mammal Society.

## 7 FIGURES

Figure 1.1 Map showing the red line boundary of the Wenny Road site and Badger survey area.

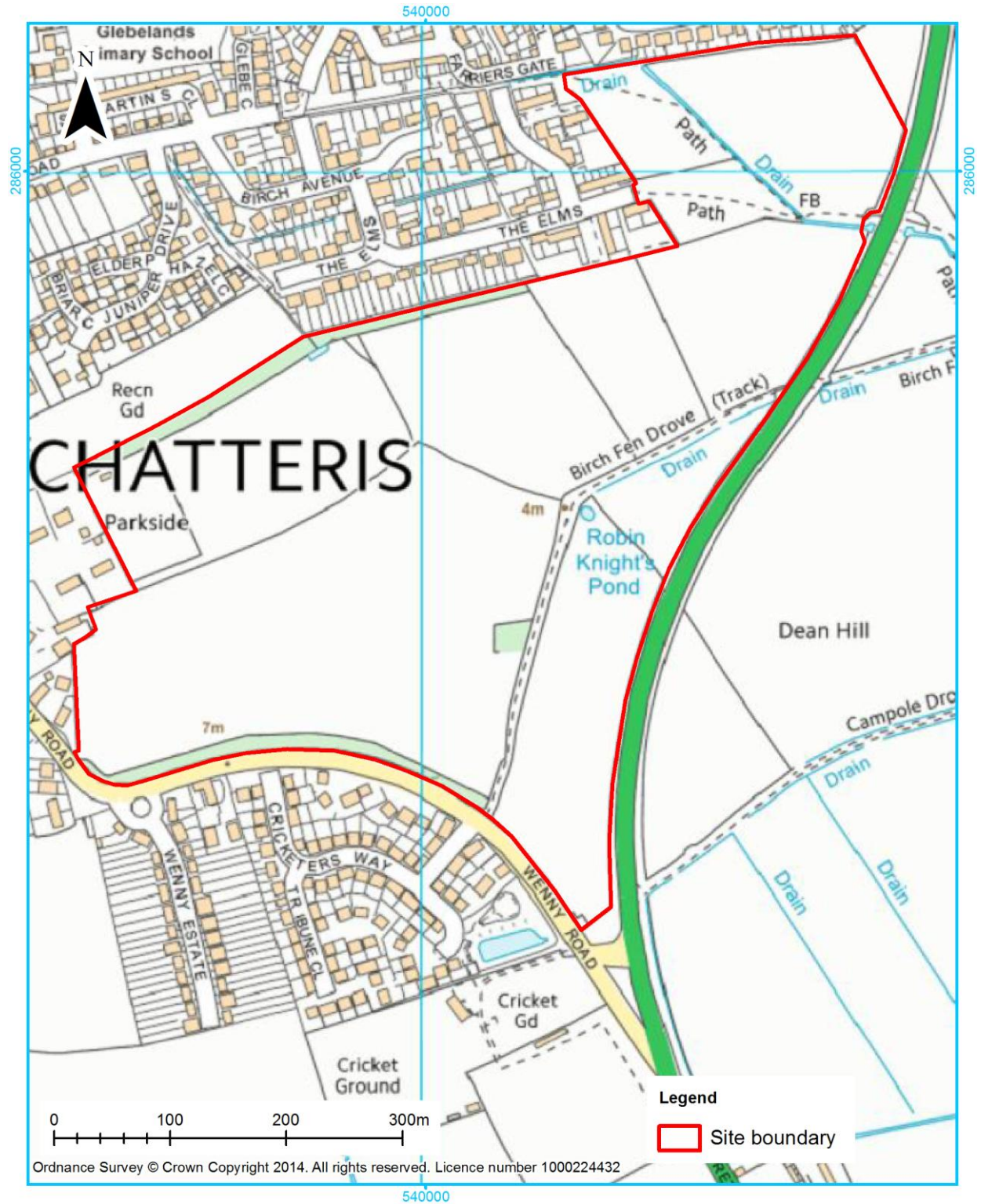
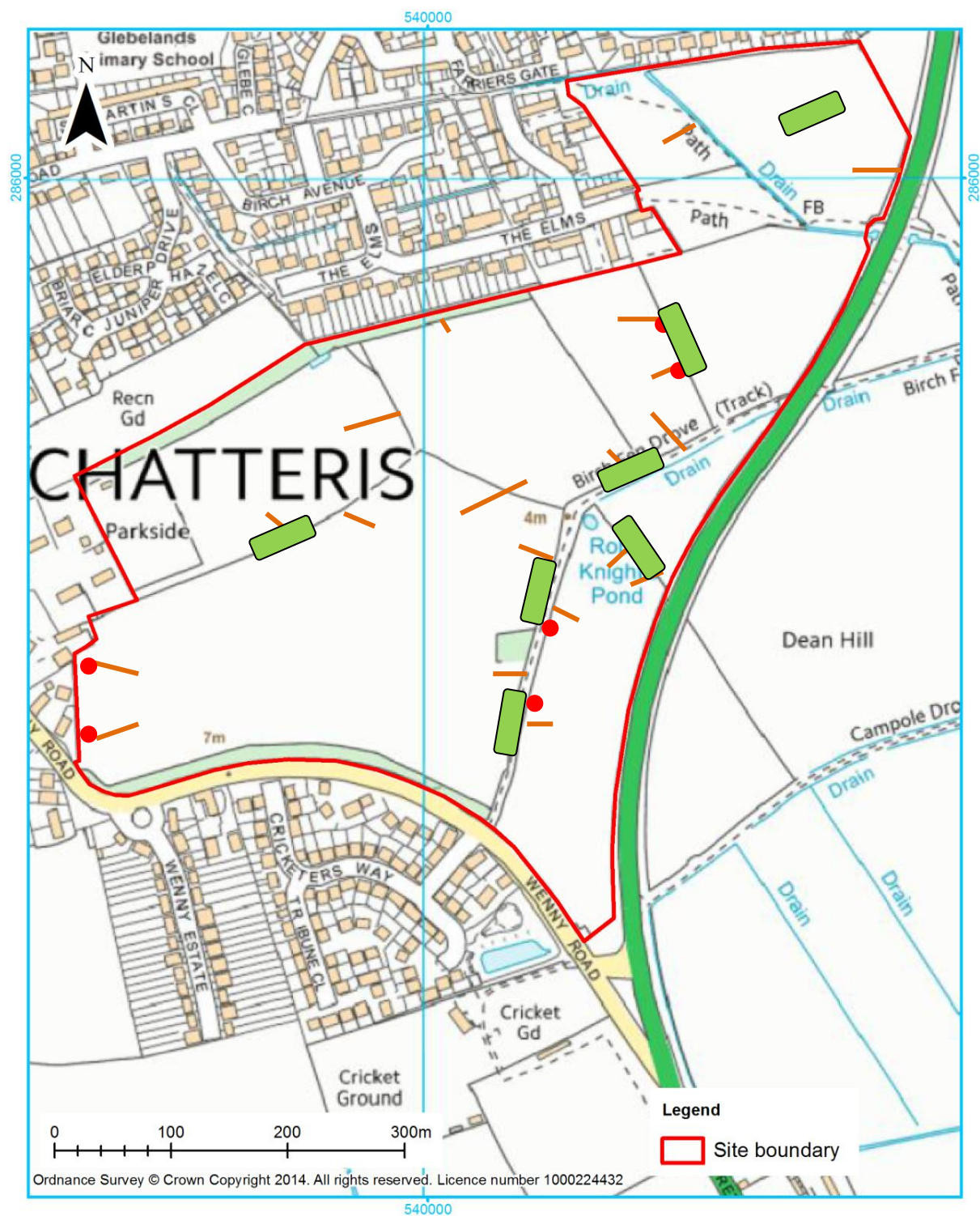







Figure 3.1 Plan showing the location of features discussed in this report






8 PHOTOGRAPHS

Photo No.	Photograph	Description
1		Ground waterlogged with standing water across large areas of the development site. Not suitable for foraging or sett building Badger
2		Ground waterlogged with standing water across large areas of the development site. Not suitable for foraging or sett building Badger
3		Ground waterlogged including earth banks next to ditches. Not suitable for foraging or sett building Badger






**Badger survey of land adjacent to Wenny Road, Chatteris, Cambridgeshire**




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4		Some animal burrows flooded
5		Animal burrows considered to be created by Rabbits
6		Animal burrows considered to be created by Rabbits






7		<p>Location of mammal burrows and pathways probably created by rabbits</p>
8		<p>Area of extensive burrowing activity on area of high ground at the western boundary</p>
9		<p>Animal burrows considered to be created by Rabbits along the western boundary</p>




**Badger survey of land adjacent to Wenny Road, Chatteris, Cambridgeshire**

10		Animal burrows considered to be created by Rabbits along the western boundary
11		Animal burrows considered to be created by Rabbits along the western boundary
12		Disused animal burrows considered to be created by Rabbits



13		Disused animal burrows considered to be created by Rabbits
14		Areas of dense scrub where access was not possible to confirm the presence/absence of Bader setts
15		Areas of dense scrub where access was not possible to confirm the presence/absence of Bader setts




**Badger survey of land adjacent to Wenny Road, Chatteris, Cambridgeshire**

16		Areas of dense scrub where access was not possible to confirm the presence/absence of Badger setts
17		Residential area close the development site a source of disturbance for Badger on the northern boundary
18		Roadside of the A142 creating a barrier to safe passage of Badgers to and from the development site on the eastern boundary






19		Tall Ruderal vegetation by the side of Birch Fen Drove suitable for Badger
20		Hedgerow boundary by the side of arable land suitable for Badger use
21		Birch Fen Drove suitable for Badger use

**Badger survey of land adjacent to Wenny Road, Chatteris, Cambridgeshire**



22		Improved grassland used for walking dogs suitable for Badger but a source of human disturbance
23		Improved grassland used for grazing horses
24		Improved grassland used for grazing horses suitable for foraging Badger



25		Scattered trees, improved grassland tall ruderal and parkland suitable for Badger
26		Mature trees in deciduous woodland belt habitat potential for bat roost and foraging habitat
27		Understorey habitat within deciduous woodland belts potential for Badgers.

**Badger survey of land adjacent to Wenny Road, Chatteris, Cambridgeshire**

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28		<p>Wenny Road next to residential areas creating a barrier to safe passage of Badgers to and from the development site on the western boundary</p>
29		<p>Mature hedgerow alongside improved grassland used for livestock grazing suitable for Badger use</p>



9

## LEGISLATION AND ECOLOGY

The information set out within this report does not constitute a legal opinion on the relevant legislation. The opinion of a legal professional should be sought if further advice is required.

The information below is intended only as guidance to the legislation relating to these species. The relevant legislation themselves should be referred to for the correct legal wording.

Full details of the legislation can be found at:

[www.legislation.gov.uk/ukxi/2010/490/contents/made](http://www.legislation.gov.uk/ukxi/2010/490/contents/made),  
[www.legislation.gov.uk/ukxi/2007/1843/contents/made](http://www.legislation.gov.uk/ukxi/2007/1843/contents/made)  
[www.legislation.gov.uk/ukxi/2009/6/contents/made](http://www.legislation.gov.uk/ukxi/2009/6/contents/made)

It remains the client's responsibility to maintain legal compliance relating to national and international wildlife legislation.

### Badger legislation

Badgers are protected under the Protection of Badgers Act (1992); the Wildlife and Countryside Act (1981); and a subsequent Amendment to the Wildlife and Countryside Act (1985).

As such it is an offence to wilfully take, kill, injure or ill-treat a Badger. Under the Protection of Badgers Act (1992), their setts are also protected against obstruction, destruction, or damage in any part, and the animals within a sett cannot be disturbed.

A person is not guilty of killing or injuring a Badger, or damaging a sett, obstructing access to a sett or disturbing a Badger at a sett, if it can be shown that the act was 'the incidental result of a lawful operation and could not have been reasonably avoided'. This situation can be averted by undertaking Badger surveys in advance of development or forestry operations. Should an offence be inadvertently committed, work must stop immediately and Natural England contacted for advice.

If necessary, it is possible to move Badgers from a sett; it should be noted, however, that for each sett within an occupied territory, Natural England must sanction and issue a licence before Badgers can be moved or the sett destroyed. The success of this type of mitigation measure will depend on a number of factors, including sett type and size.

If an occupied sett has to be destroyed, the Badgers must first be excluded and removed, under licence, and relocated within their own territory, by encouraging them to use other suitable alternative setts. If Badgers do not have suitable alternatives, exclusion is considered to be cruel ill treatment - an offence under the legislation. Where there is no alternative method of mitigation, artificial Badger setts can be constructed; this should, however, be seen as a last resort. Artificial setts need meticulous advance planning, and can be time-consuming

and expensive to build. Sites need to be carefully selected in consultation with landowners and Natural England.

Any attempt to move Badgers by indirect means (using exclusion fencing or one-way displacement gates, for example) must be done responsibly. The licensing authorities will need to be satisfied that the implications of such an action have been fully investigated; that appropriate mitigation measures are to be taken; and that a person with the required expertise will undertake the work.

Licences will not normally be issued for work on setts in which Badgers are still living between December and June inclusive. There is effectively a 'close season' on activities which disturb Badgers during this period because:

- the animals are markedly less active during winter and hence such actions are unlikely to be effective;
- pregnant/lactating females and their dependent cubs are likely to be found underground between mid-January and the end of June.

In general, work involving machinery and/or excavation within 30m of a sett will require a licence. In the case of more extensive or potentially disruptive operations such as blasting and pile-driving this distance may be increased. While each case will be considered individually, it is recommended that these activities are not carried out within 100m of the closest sett entrance. In all cases, early consultation with Natural England is essential.

### **Badger ecology**

Badgers are gregarious animals that normally live in social groups, often referred to as 'clans'. Each clan will defend their territory from neighbouring groups; their territory consisting of foraging areas, a main sett where most breeding takes place and a range of other setts which vary in size, usage and distance from the main sett.

The size of a clan's territory or range varies depending on food supplies. A range must include enough foraging opportunities to ensure that sufficient food sources are available all year round. A Badger's diet varies throughout the year, with the exception of earthworms and insects which form a staple part of their diet or earthworms and insects form a Badger's staple diet, other food sources vary throughout the year. Badgers favour cereals in the summer (e.g. maize) from June to September and fruit (especially apples, plums, cherries, nuts, and berries) in the autumn months from August to October. They are not hunters, but will eat small mammals, sick/injured rabbits and bird eggs, should the opportunity arise.

Badgers do not hibernate, but in the winter they spend much more time underground, sometimes not emerging from their sett for several nights depending on local weather conditions.

Mating can occur at any time throughout the year, but due to the sow's ability of late/delayed implantation of the fertilised egg, cubs are all born at the same time

of year when the conditions are best for their survival. Cubs are born between mid December and early April (majority born in first two weeks of February), and most are usually active and above ground and weaned by May. Implantation usually occurs in early winter, and female Badgers are very sensitive to disturbance during this period (RSPCA, 1994), hence why sett exclusion and disturbance is restricted to the beginning of July until the end of November.

Each clan usually produces one litter of cubs per year. In much larger groups, it is not uncommon for two or three females to breed in the same year. When this occurs, one or more of the smaller outlier or subsidiary setts within the territory may also be used for breeding and rearing cubs.

Badgers are most territorial in early spring most territorial marking (in the form of dung pits) are visible.