

Our ref: 10783 / KGF/ LTW
Approved: JD

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VIA EMAIL: stuart.pearson@laganhomes.com

16th August 2023

Dear Stuart,

Land West of Ratby, Leicester – Condition 5 Badger Survey

FPCR Environment and Design Ltd were commissioned by Lagan Homes to undertake a pre-commencement badger survey on land west of Ratby, Leicester (Central grid ref: SK 50540 06412) in support of discharging Condition 5 of application 22/00648/OUT, which states:

'Prior to the submission of the first reserved matters application for the development a badger survey shall be submitted to and approved in writing by the local planning authority. Any agreed mitigation measures or recommendations resulting from the findings of the survey shall be implemented as agreed prior to the commencement of development.'

Reason: To help protect and conserve badgers and their habitat in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016.'

Site Location and Context

The site is approximately 4.7ha in size and is formed of arable field compartments bound and divided by hedgerows. The site borders a willow *Salix* sp. plantation to the west and broadleaved plantation woodland to the northwest, with ancient woodland also present to the north of the site on the opposite side of Markfield Road. Construction of residential development is present immediately to the east with the wider area to the south and west comprising large arable fields, grassland, pasture and woodland.

Development Proposals

Proposals include the residential development of approximately 75 dwellings with associated green space and attenuation features. National forest planting is proposed to the west of site to buffer the existing woodland.

Legislation

The survey was undertaken in response to the above condition and to ensure compliance with the protection afforded to Badgers by the Protection of Badgers Act 1992. Under this legislation it is an offence to:

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- Wilfully kill, injure, take possess or cruelly ill-treat a badger, or attempt to do so;
- 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 routes.

A sett is defined as: “Any structure or place that displays signs indicating current use by a badger”.

Work that disturbs badgers whilst occupying a sett is illegal without a licence; badgers may be disturbed by work near the sett even if there is no direct interference or damage to the sett. Generally the types of activity requiring a licence include:

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

However, recent guidance from Natural England recommends that the potential for such disturbance might not be as great as originally assumed due to the relatively high tolerance levels of badgers. Whether disturbance will be caused should take into account the sett characteristics, current usage and proposed extent of works with the need for a licence being assessed on a site-by-site basis.

Licences only allow works to be carried out between July and November inclusive.

Methodology

The site was surveyed by an experienced ecologist from FPCR Environment & Design Ltd on the 2nd August 2023 to determine the presence/absence of setts, latrines, pathways and evidence of foraging within the site and accessible habitats within 30m.

The standard methodology as recommended by Harris, Creswell and Jefferies (1989)¹ was followed to complete a thorough search for evidence which would indicate the presence of badgers both on the site and locally. Evidence of badger occupation and activity sought included:

- *Setts*: including earth mounds, evidence of bedding and runways between setts;
- *Latrines*: often located close to setts, at territory boundaries or adjacent to favoured feeding areas;
- Prints and paths or trackways;
- Hairs caught on rough wood or fencing;
- Other evidence: including snuffle holes, feeding and playing areas and scratching posts.

Where setts are found, their status and level of activity is noted. Sett status is broadly categorised as follows:

- *Main sett* – usually continuously used with many signs of activity around, a large number of holes and conspicuous spoil mounds;

¹ Harris, Creswell and Jefferies 1989 Surveying Badgers. The Mammal Society

- *Annexe sett* – usually located close to a main sett and connected to it by well used paths. Annexes may not be continuously occupied;
- *Subsidiary sett* – lesser used setts comprising a few holes and without associated well-used paths. Subsidiary setts are not continuously occupied;
- *Outlier sett* – one or two holes without obvious paths. These are used sporadically.

Level of activity is described as:

- *Well used* – clear of debris, trampled soil mounds and obviously active, with signs of activity such as presence of prints, dislodged guard hairs around the entrances;
- *Partially used* – some associated debris or plants at the entrance. Could be used with minimal excavation and usually with signs of activity within the vicinity, for example, badger pathways;
- *Disused* – partially or completely blocked entrances.

Results

Desk Study

Five badger records were returned within 1km of the site from Leicestershire Environmental Records Centre (LERC), the closest of which was located 310m from site.

Field Survey

The arable fields offer suitable foraging habitat to badgers, while the hedgerows, ditches and woodland edges provide potential sett building opportunities for this species, although none were observed during the survey. The neighbouring woodlands also provide suitable habitat for badgers and the site may form part of a commuting resource/movement corridor, providing access to these habitats.

No evidence of badgers was identified during the survey within the site or accessible habitats within 30m.

Discussion

No evidence of badgers was noted throughout the course of the survey and is it therefore considered that this species does not pose a constraint to the proposals. However, given the site and its surroundings provide suitable badger habitat, to ensure no badgers which may be present occasionally in the area are harmed during the construction phase, the following precautionary measures are recommended:

- Open excavations on site should be covered over at night or a suitable means of escape must be provided (e.g. battered sides or ladder boards) to prevent the accidental trapping of badgers.
- Chemicals or materials which may be harmful to badgers should be stored away from areas of suitable habitat, ideally on areas of hardstanding or bare ground. Alternatively, these should be stored off the ground, raised on pallets.
- Works should be restricted to daylight hours where possible.

All contractors on site should be observant for any signs of badger activity. If any signs of badger activity are observed on site, works in that area should stop immediately and FPCR should be contacted for advice.

I trust that the above is sufficient for you although please do not hesitate to contact me should you require any clarification or wish to discuss the above in more detail.

Yours sincerely,

