

BADGERS AND DEVELOPMENTS

Badgers and the Law

Badgers, and the setts they live in, are protected under the Protection of Badgers Act 1992 and by Schedule 6 of the Wildlife and Countryside Act 1981.

The following actions can result in up to 6 months in prison, or an unlimited fine

- intentionally capture, kill, or injure a badger
- damage, destroy or block access to their setts
- disturb badgers in setts
- treat a badger cruelly
- deliberately send or intentionally allow a dog into a sett
- bait or dig for badgers
- have or sell a badger, or offer a live badger for sale
- have or possess a dead badger or parts of a badger (if obtained illegally)
- mark or attach a marking device to a badger

Protection of Badgers during development

All developers must comply with the legal protection of badgers. Badgers are also a 'material consideration' in planning applications, which means the local authority must take them into account when assessing an application.

Local authorities must support the protection and enhancement of biodiversity. The National Planning Policy Framework 2024 states that an objective of the planning system is to improve biodiversity. It also says that if significant harm to biodiversity from a development can't be avoided, mitigated or compensated for then planning permission should be refused.

How you can help.

If you are concerned that a proposed development may have an impact on a badger sett, or badger habitat, we encourage you to comment on the application and advise the West Kent Badger Group (WKBG) at westkentbadgergroup@yahoo.co.uk so we can also make comments. If you do make comments about badgers, ask the local authority not to post the details

of your comments online to avoid the potential ill treatment of any badgers on site.

If you are aware that a developer may apply for planning permission, but has not yet done so, keep an eye on the site to make sure the land isn't cleared (and habitats destroyed) prior to an application being submitted. If you think this has happened and there is, or was, a badger sett on site, please contact Kent Police and WKBG.

How to comment on a planning application

Planning application details will be on the local authority web site on what is known as a 'planning portal'. Here you can search for an application and read any documents that have been submitted with the application.

Email any comments to the generic planning email address, which should be provided on the planning portal page. Make sure you add the planning reference number and address.

What to look out for when commenting on an application

Developments on 'green sites' (fields, woodland, golf courses etc.) will normally have an ecological survey which will look at a range of flora and fauna on site. The report should detail the number and status of any badger setts affected by the proposed development (either on site or in the vicinity of the site). Setts tend to be main (active) setts and outlier or annex setts, which badgers may use occasionally. In spring, females and their cubs can also be found in temporary setts and vacate these once the cubs are old enough to leave.

As badgers are a protected species that are subject to persecution, details of setts should be redacted in an ecological report. If this is the case, you should contact the local authority directly to ask for the information. If the details are available online, please email the local authority to ask for them to be

Good practice for a badger survey

- Independent survey by a suitably trained ecologist undertaken within the past 12 months
- If setts are present, detailed surveys undertaken preferably in early spring or late autumn with trail cameras and other forms of monitoring to establish the status of the sett
- Details of any potential foraging land with an assessment of the value. Primary foraging habitat includes short grassland, grazing pasture, golf courses, mown grassland, riverbanks.
- Map of findings / photographs

Mitigation

If the presence of badgers, setts or foraging land is confirmed, mitigation will be required to protect them, both during the construction phase and once the development has been built. Mitigation details should be included in the ecological survey, but may be found in a separate report.

Mitigating the impact of the development

Mitigation is site specific, but may include

- Buffer areas around badger setts – at least 20m, or 30m from the use of heavy machinery
- Unlit wildlife corridors
- Non-public areas that are fenced off, but not in a way that it restricts badger access to suitable foraging land
- Planting of native fruit and nut bearing trees and shrubs
- Underpasses or traffic calming if new or enhanced roads are proposed
- Enhancement of public areas away from the main sett to provide improved foraging habitat
- Badgers should not be isolated by the development – they will need access to a large area for foraging

With the latest requirements to improve biodiversity as part of the site design, if it's not already outlined in the report, ask the local authority how this will be achieved on the site.

Mitigation during construction

- Exclusion zones around setts with physical barriers
- Excavations / trenches to be covered over at night
- Avoidance of topsoil mounds so badgers don't dig into them
- Ensure badger paths aren't blocked
- No chemicals or materials harmful to badgers should be used, safe storage of other chemicals
- Security lights kept to a minimum
- No dogs on site
- Staff talks to advise them about the presence of protected species, exclusion zones, relevant legislation, and potential penalties

Badger exclusion

As an absolute last resort, badgers can be excluded from a sett to enable the development to go ahead. This requires approval in the form of a licence from Natural England. If badgers are to be excluded, artificial setts should be built nearby to accommodate the badgers

In order to move a badger sett a Licence must be obtained from Natural England and expert advise sort, which can be an expensive option. Sometimes developers take matters into their own hands and if you are concerned about any badgers or their setts please contact the police or the WKBG

USEFUL ADDRESSES

Kent Police Rural Taskforce (covers wildlife crime):
07870252185 (office - 01795 433021)

The Badger Trust 95 Ditchling Road, Brighton BN1 4ST
www.badgertrust.org.uk

DEFRA (Natural England)

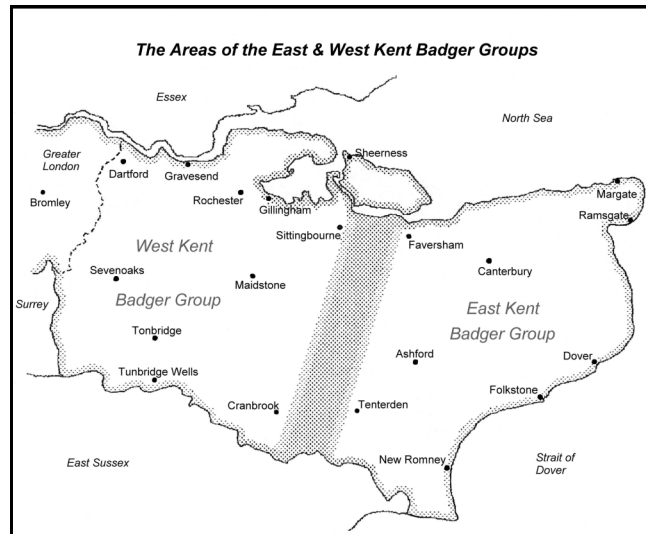
Wildlife Management and Licensing, International House,
Dover Place, Ashford, Kent, TN23 1HU
Tel: 0300 060 3900

Please use the map to decide which Group you need to contact.:

Email: westkentbadgergroup@yahoo.co.uk

Website: www.wkbg.org.uk

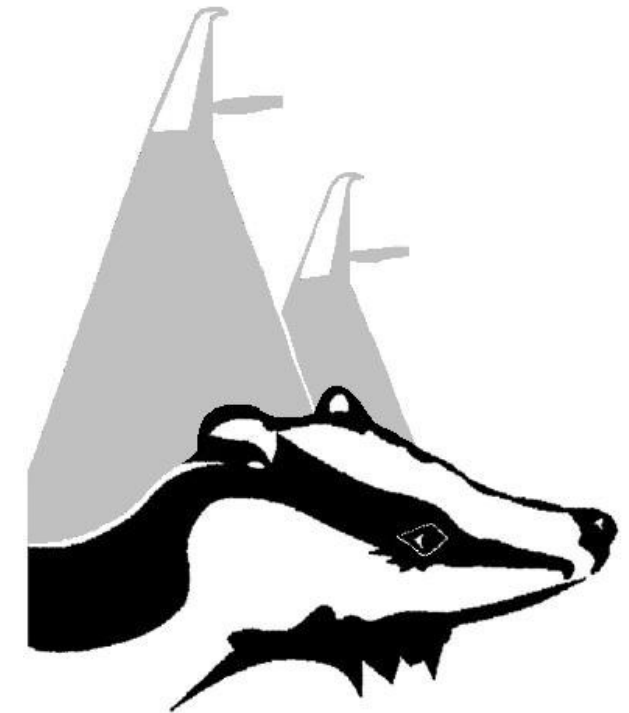
For the East Kent Badger Group please
Telephone Martin Newcombe 01233 720229



The West Kent Badger Group produces leaflets on the following topics:

1. General Information about Badgers
2. WKBG: Protecting the Badger
3. How to Watch Badgers
4. The Badger's Enemies
5. Badgers in your Garden
6. *Badgers and Developments*

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A free information leaflet from the
West Kent Badger Group

Registered Charity no. 1214038