



Planning: Badgers

Badgers are short-legged omnivores of the weasel family, and are widely distributed throughout Britain.

They predominately eat earthworms, insects, roots and grubs. They are most abundant where there is a mosaic of different habitat types, including wooded areas, scrub, moorland and open fields, as this mosaic provides a wide variety of food sources. They live in underground tunnels and chambers known as setts which they usually dig in soft soil, often beneath trees where the roots offer support. They are frequently found on slopes, which are well drained, keeping the sett warm and dry, and are surrounded by trees or scrub, concealing the badgers when they emerge from their sett. Badgers usually have a main sett with one entrance and additional setts in a complex with up to 40 entrances.

Badgers and their setts are protected by the Protection of Badgers Act 1992. It is illegal to kill, injure, disturb or cruelly ill-treat a badger, or to interfere with, or obstruct access to, a badger sett without a licence. Unlike other 'protected species', badgers are primarily protected due to historical persecution, rather than being endangered.

Badgers and Sites of Development

If badgers are thought to be using a development site, then a survey should be undertaken by a suitably qualified ecologist. Natural England has produced guidance on badgers and development. Setts can be disturbed or destroyed only under licence and when suitable mitigation is provided to protect the individual animals. Such licences will only be granted following consultations with Natural England. Disturbances within 30 metres of a sett will require a licence if they cannot be avoided. Natural England states that 'development should not be permitted unless it is possible to take steps to ensure the survival of the badgers in their existing

range and at the same population status, with provision of adequate alternative habitats if setts and foraging areas are destroyed'.

Relevant Planning Guidance and Legislation

Planning conditions can be implemented to protect and, where possible, improve habitat when a proposed development is granted in such areas.

Unless material considerations indicate otherwise, planning law requires that planning applications must be determined in accordance with the provisions of the relevant development plan. The National Planning Policy Framework [NPPF] must be taken into account in preparing local and neighbourhood plans, and is a material consideration in planning decisions. The NPPF replaced Planning Policy Statement 9: Biodiversity and Geological Conservation. The administrative guidance on application of the law relating to planning and nature conservation (Circular 06/05) still applies until further Government notice. The NPPF states that the planning system should contribute to and enhance natural environments by minimising impacts on biodiversity, and providing net biodiversity gains where possible.



Badger - Credit Elliott Neep (www.elliottneep.com)



Coherent and more resilient ecological networks need to be established. It states that the Government's planning objectives are to 'promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations'. It advises that the planning system must plan for biodiversity at a landscape-scale across local authority boundaries. NERC 2006 also includes the 'duty to conserve biodiversity' which includes 'restoring or enhancing a population or habitat' (S.40(3)). The EU Habitats Directive and Birds Directive give legal backing to Special Areas of Conservation and Special Protection Areas which form a network of protected nature sites across Britain called Natura 2000.

What to do if concerned about possible threats to badgers

- If you believe a badger to be under direct threat, contact your local Wildlife Crime Officer
- If the threat is as a result of a proposed development, contact the planning officer dealing with the application at your local authority to ensure adequate procedures have been followed
- Contact Natural England if you believe that there is a contravention of a licensed operation taking place
- You may also wish to contact your local badger group. For assistance with injured animals contact Ryedale Wildlife Rehabilitation Centre

Further information

For more planning documents visit www.ywt.org.uk/we-defend-wildlife or call 01904 659570.

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