Badgers

Where can badgers be found and what are the signs they are present?

Badgers prefer areas such as woodland edges or thick hedgerows. Badger setts vary in size – larger ones have can have over 40 entrances, whilst smaller ones may have as few as 2 entrances. Tunnels may extend a considerable distance, even up to 40 metres.

Setts can be used seasonally or all year round. Badgers often stay below ground for long periods in winter, especially in very cold or wet weather.

Any tunnel of 250mm or more in diameter should be considered as a possible sett. Entrance holes are generally wider than they are tall, appearing as a flattened oval. Badgers leave large soil heaps outside containing remnants of vegetation and often hairs (coarse white hairs with a black band near the tip). Their footprints are broad.

Other places of shelter occasionally used by badgers include sheds, concrete pipes or culverts. These are included in the legal protection given to setts.

Badger surveys are best carried out over a period of time. It is particularly difficult to tell whether a sett is occupied during winter.

What are the statutory requirements for protecting badgers?

Under the Protection of Badgers Act 1992, badgers and their setts have the following protection. It is an offence to:

- wilfully kill, injure, ill-treat or trap badgers
- intentionally or recklessly damage, destroy or obstruct setts which show signs of current use by badgers, including seasonal use
- disturb badgers whilst they are occupying a sett
- cause a dog to enter a sett.

There are a number of statutory defences under the Act, relating to mercy killing and incidental disturbance or damage to setts where this is unavoidable.

Licensable activities

The Act also contains provisions to permit by means of a licence certain activities which would otherwise be prohibited, such as injuring, killing or taking badgers or interfering with a badger sett. There are 2 types of licence, which must be obtained before any work goes ahead:

- licences from English Nature for new development
- licences from DEFRA for all non-development matters. These include problems caused by badgers on existing roads and rights of way.

As a guide, the following activities may require a licence:

- using heavy machinery within 30 metres of any entrance to an active sett
- using lighter machinery, particularly for digging, within 20 metres of any entrance to an active sett
- light work such as hand digging or scrub clearance within 10 metres of any entrance to an active sett
A licence may be granted with conditions. For example, for large setts, there may be requirements to:

- provide an artificial sett in a suitable safe area 6 months or more before destruction of a natural sett - if the sett is to be destroyed and no alternative setts are available
- enhance feeding areas and access routes for badgers both before and during building work.

Disturbance to badgers in setts, sett exclusion and destruction should be avoided completely between the beginning of December and the end of June due to breeding and rearing of cubs and the reluctance of badgers to emerge for long periods in winter. It is most unlikely that licences will be issued for this period.

**Unlicensable activities**

Licences are only provided for certain specified activities. Other work may only be carried out close to a badger sett if:

- it is incidental to an otherwise lawful operation
- it is necessary and unavoidable
- any injury, damage or disturbance is avoided or minimised – through a variety of mitigating measures such as appropriate use of machinery and timing of work to avoid the breeding season.

It is important to know that destruction of a badger’s foraging territory, the interruption of their paths to such territory or to water sources might be classed as cruel ill-treatment. Developments should ensure that this does not occur. Tunnels, gates and fencing can be provided to allow badgers access to existing feeding areas.

**What opportunities are there for mitigation and additional wildlife gains for badgers?**

Badgers can be disturbed by work near a sett even if there is no direct interference or damage to the sett. Work can be undertaken in particular ways to avoid disturbance and harm to badgers.

Design of schemes should incorporate:

- a buffer zone between a sett and work area/buildings, with fencing and/or clearly marked with protective planting
- location of roads and footpaths well away from a sett, with protective planting.
- location of drains and underground services away from the sett
- replacement of lost foraging areas by provision and appropriate management of alternative open space
- greenways, such as hedgerows and planting along footpaths/cycleways, to allow badgers to reach feeding areas
- road crossing points using tunnels or culverts with associated badger-proof fencing – for busy roads crossing a well-established badger path
- if road tunnels are impractical, the use of reflectors on the road edge can help to give badgers advance warning of approaching vehicles.

**Where should I go for further information?**

English Nature. 2002. Badgers and Development. Individual copies of this free publication can be obtained from English Nature’s Enquiry Service, tel. 01733 455100/1/2 or email at enquiries@english-nature.org.uk
For further information on mitigating measures for unlicensable activities, see below.

To obtain a development-related licence, contact:

Licensing Section
Terrestrial Wildlife Team
English Nature
Northminster House
Peterborough
PE1 1UA

Tel. 01733 455141

To obtain a non development-related licence, contact:

Wildlife Administration Unit
DEFRA
Burghill Road
Westbury-on-Trym
Bristol
BS10 6NJ

Tel: 0845 6014523
Fax: 0845 6013438

Email: enquires.southwest@defra.gsi.gov.uk

Protection of Badgers Act 1992
Guidance Note for Unlicensable Operations Close to Badger Setts

This note is intended to advise those who need to carry out work on, or near, badger setts where the purpose of the work does not fall within the scope of the Act. Licences are provided only for certain specified activities such as development of land. Other work may only be carried out if it is incidental to an otherwise lawful operation and in these cases the following should be considered:

1. The work may only be carried out if necessary and unavoidable.
2. The local badger group should be consulted if badgers may be disturbed within a sett to ensure that any risk of disturbance or injury is kept to a minimum. If such a risk exists a suitably experienced person should be on hand to advise.
3. All digging within 10 metres of the nearest sett entrance should be done by hand.
4. Noisy machinery near setts should be used before mid-day, if possible, to allow badgers to settle down afterwards so their normal foraging activity is not disrupted any more than necessary.
5. Operations involving use of machines near setts should be undertaken only by those suitably trained or competent in the use of the equipment.
6. Work near active badger setts should be carried out between the months of July and November, thus avoiding the badger breeding season (December to June) and avoiding the bird-breeding season when scrub clearance is undertaken.
7. No chemicals should be used in the immediate area of a sett unless absolutely necessary and in these circumstances, only those known to be safe for animals should be used. Chemicals should be stored safely away from the sett area.

8. Where badgers may be forced to move from the sett or place of shelter because the structure is being dismantled, the work should be carried out as late in the day as possible to avoid badgers being bolted above ground in broad daylight.

9. Scrub clearance should be avoided over the tops of setts and close to sett entrances.

10. Trees and shrubs should be felled away from the obvious direction of a sett and should not be uprooted but cut to ground level where necessary.

11. All trenches left open overnight should include a means of escape for any animals that may fall in.

12. Buildings and structures, such as sheds, may have to be dismantled, but in such cases the floor should be left in place, if possible, if it forms the top of the sett.

13. Fires should be lit at the furthest distance possible from the sett.

14. Obvious badger pathways should be left clear of obstruction.

15. No dogs should be taken onto the site by any of the workforce.

16. Reinstatement of sett damage should be under the guidance of an experienced badger worker.

17. Entrances may be protected against materials falling in accidentally. Any methods used should not restrict airflow and must be removed before leaving the site at the end of the day.

18. If the sett area is to be marked off to avoid interference, this should be done with rope, fencing or wire. Plastic tape can be very disturbing to badgers in windy weather and should be avoided.

19. Where it is necessary to walk over the top of a sett, planking should be provided to spread the load if the soil is very light, or there is a chance of sett collapse.

20. All work should be carried out as quickly and quietly as possible.