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By email only

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***Badger update survey on land at Stanborough, Hertfordshire***

Many thanks for instructing The Ecology Partnership Ltd to undertake a walkover and check of the previously identified badger setts on land at Stanborough, Hertfordshire. This letter presents the results of this survey and the most up to date status of the setts.

**Site Context and Status**

The site is situated on the northeast edge of the town of Hatfield, Hertfordshire. There is dense housing to the south, with the A1 (M) bordering the eastern edge. To the north and west is largely a rural agricultural landscape. Welwyn Garden City lies less than 1km to the north and St Albans approximately 4km to the south west. The site is dominated by arable fields and some horse paddocks interspersed with hedgerows and isolated mature oak trees. There are designated sites within 2km.

The site has been subject to various ecological surveys between 2015 and 2017. The Ecology Partnership undertook a Preliminary Ecological Appraisal in July 2016 and various phase 2 surveys such as bat activity transects, reptile surveys and breeding bird surveys across the 2017 survey season. Andrews Ecology undertook a Preliminary Ecological in 2015 and update badger work in 2017.

## Badger surveys

In December 2015 Andrews Ecology undertook a site survey and identified numerous mammal holes across the site. Three well used setts were located within the central woodland copse in the eastern field, with outlier holes present on the southern edge of this field, on the eastern edge of the central triangular field, and within the far western field. The locations can be seen in Figure 1 below.

At the time of The Ecology Partnership's July 2016 survey, no badger setts were confirmed to be present within the red line boundary, however this was largely due to the growth of dense vegetation at the time. The central copse in the eastern field was overgrown and inaccessible with head-height bramble and nettles. The holes previously identified by Andrews Ecology therefore could not be located to re-assess the level of activity. No evidence such as mammal pathways or faeces were found in this area or within the surrounding fields. Rabbit holes were noted on the edge of this wooded scrubby area. Disused mammal holes were located along some of the boundaries of the site, as per the 2015 Andrews Ecology Report. Update surveys were recommended for the following year.



*Figure 1: The approximate red line boundary of the site and identified badger setts by Andrews Ecology in 2015. These holes were re-assessed by The Ecology Partnership in 2017.*

## 2017 update

Various visits have been made to the site across the 2017 survey season and attention is always paid to the presence of badger field signs such as new latrines. Evidence would likely be found during the reptile surveys when particular attention is paid to the edges of the site and low vegetation. During these visits, no new evidence of badger activity was noted. Faeces and mammal pathways were absent from the edges of the site and around the central copse in the eastern field.

The previously identified holes were specifically assessed on the 18<sup>th</sup> July 2017 by ecologist Emma Bagguley BSc (Hons) MSc ACIEEM. The central copse area in the eastern field is still heavily overgrown and only four holes were located within the scrub, part of two of the setts. The holes on the eastern edge as previously identified by Andrews Ecology as 'Sett 1' was considered to be inactive, with no recent spoil by the entrances and leaf litter present and cobwebs present around the holes suggesting little disturbance. One of the holes on the southern edge of the copse (identified as 'sett 3' by Andrews Ecology) did appear to have some recent activity and digging. Further inspection led to the belief the hole is used by foxes (see figure 2). The holes on the western edge of the copse, 'sett 2', were inaccessible at the time of the survey without clearing significant amounts of vegetation. No push-throughs were noted within the dense scrub however, and no pathways or latrines were noted. This suggests badgers have since vacated the isolated island copse in the eastern field and are no longer using the holes present. Rabbits and foxes are considered likely to now occupy these holes.

The single holes on the southern edge of the eastern field and on the western edge of the central triangular field were considered to be disused and inactive with the entrances overgrown with vegetation and debris. The hole in the central hedgerow of the far western field has undergone recent high levels of disturbance with the felling of mature trees close by. The hole is current considered to be disused.

The badger sett identified on the western side of Coopers Green Lane, outside of the redline boundary is considered to be very active (blue star in figure 1). There are several holes within a 20m radius and there is large quantities of recent spoil around the entrances (see figure 3). This sett is considered to be a main sett with bedding and digging evident across the area.



(a)



(b)

*Figure 2: (a) disused mammal hole, large amounts of leaf litter and debris present in the entrance; (b) active mammal hole considered to be used by foxes on the southern edge of the copse.*



(a)



(b)

*Figure 3: Active badger sett on the western side of Coopers Green Lane*

The holes were initially identified by Andrews Ecology in 2015 and ecologist Louis Pearson BSc MSc GradCIEEM at Andrews Ecology undertook an update walkover on the 28<sup>th</sup> June 2017. The results from this survey support the findings of The Ecology Partnership survey in July 2017.

## Legislation

Badgers receive protection under The Protection of Badgers Act 1992, which consolidates the previous Badger Acts of 1973 and 1991. The Act makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger;
- Cruelly ill-treat a badger, including use of tongs and digging;
- Possess or control a dead badger or any part thereof;
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett<sup>1</sup> or any part thereof;
- Intentionally or recklessly disturb a badger when it is occupying a badger sett;
- Intentionally or recklessly cause a dog to enter a badger sett;
- Sell or offer for sale, possess or have under his control, a live badger.

It must be noted that badger foraging habitat and corridors are not legally protected, although should be considered within any development. A Development Licence would be required from Natural England for any development works are liable to affect an active badger sett, or disturb badgers whilst in a sett. However, Natural England states that *“badgers are relatively tolerant to moderate levels of noise and activity around their setts and that low to moderate levels of apparent disturbance at or near to badger setts do not necessarily disturb the badgers occupying those setts”* and therefore such disturbance around setts does not always require a licence (Natural England, 2009).

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<sup>1</sup> A badger sett is defined in the legislation as “any structure or place which displays signs indicating current use by a badger”. This includes seasonally used setts. Latest guidance from Natural England a sett is defined as such (and thus is protected) as long as signs indicate “current use”. Additionally, Natural England state that “the maximum lapse of time between last occupation by badgers and the inspection of a sett for it to be considered in “current use” is how long it takes the signs to disappear, or more precisely, to appear so old as to not indicate “current use”” (Natural England, June 2009).

## **Mitigation and recommendations**

All setts previously identified within the redline boundary are currently considered to be inactive in terms of badger use. Therefore in their current state, as of July 2017, no setts will require a Natural England to be closed. The sett outside of the redline boundary is considered to be far enough from the proposed development not to be directly impacted by the works.

Other mammals may be using the holes on site however. It is currently understood that the central copse in the eastern field is to be retained and protected and therefore no mitigation is required. If this changes and the holes are required to be closed or will be impacted, then their closure should be done after any young have left the den. The holes can be gradually filled in in stages that allows the vixen to be able to dig out and remove any young present, and then filled in more securely once the foxes are known to have left the site. A licence from Natural England is not required to close a fox earth, however they are protected under the Wildlife and Countryside Act 1981 (as amended), and it must be carried out humanely.

Rabbit droppings, scrapings and holes were observed around the site. The Wild Mammals Protection Act 1996 states that it is an offence to crush or cause asphyxiation to mammals. Therefore, if any rabbit warrens are found which are to be disturbed or excavated, this should be done by hand rather than mechanical equipment.

Badgers may return to the disused setts at any time or create new holes on site. If badgers do return, the setts will immediately fall under the Protection of Badgers Act 1992 and receive full protection under The Act.

Update badger monitoring across the site is recommended to be undertaken regularly across the site between now and the start of the development and specifically within several months of any proposed works including boundary vegetation clearance and any work to impact the land within 20m of the central island copse in the eastern field. Monitoring in order to close an active badger sett requires at least 4 weeks of results / surveying effort and Natural England can take 30 working days to issue a licence. The underground excavations of badger setts can extend up to 20m from sett entrances, and this will

need to be taken into account during the design of the site and throughout the construction stage. It is advised that a 20m buffer zone be enforced around the excavations.

### **Recommendations**

Enhancements for badgers should be considered as part of the development. This would include the provision of alternative foraging habitats to replace the lost area of agricultural land. The provision of fruiting trees would allow badgers opportunities to forage for fallen fruits. Furthermore, green corridors around the site and through the site should be created, which will facilitate the movement of badgers from the sett to alternative foraging habitat.

### **Conclusions**

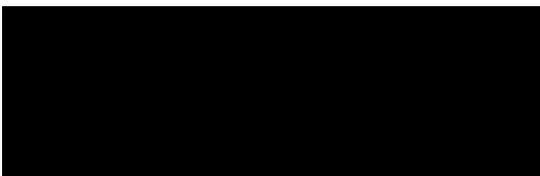
The setts previously identified within the wooded copse in the eastern field are not considered to be current use by badgers. One annex hole is likely to be used by foxes, whilst the others are inactive or used by rabbits. The remaining single holes around the site are not considered to be in use.

At present, no 'setts' within the redline boundary require a Natural England licence to be closed. The active sett on the western edge of Coopers Green Lane is considered to be outside of the impact zone of the development and will not require closure under the current plans.

Badgers may move back onto the site and monitoring of the holes is recommended to ensure no works are carried out within the vicinity of an active badger sett. It is also recommended that during site clearance, any areas of dense vegetation are checked prior to clearance as badgers may excavate new setts if required and in a relatively short period of time.

If you require any further details. Please do not hesitate to contact me.

Kind regards



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Managing Director