



Badger Survey

June 2018

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Land at Church Lane, Climping

June 2018

Parker Dann

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Waterside Centre

North Street

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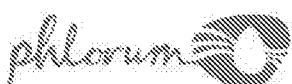
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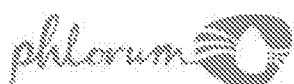
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1. Introduction

Background

- 1.1 Phlorum Ltd has been commissioned by Parker Dann to carry out a badger (*Meles meles*) survey prior to development at Land off Church Lane, Climping in West Sussex (hereafter referred to as "the site").
- 1.2 The badger survey follows on from a Preliminary Ecological Appraisal which identified potentially suitable habitat for this species within the site.
- 1.3 The report is based on a field survey which provides an assessment of the status of badgers on the site providing data on their presence/absence and distribution. Potential impacts of the proposed development are identified and measures to mitigate the effects on badgers are discussed.
- 1.4 It is understood that current proposals are for a residential development to include amenity facilities and the provision of green space. It is understood the woodland within the southern and western site extents will be retained and a series of ponds will be created as part of the proposed landscaping design.

Site Description

- 1.5 The site at Church Lane is within a relatively rural location within the centre of Climping in West Sussex. The site is bounded to the north by residential housing and Horsemere Green Lane and to the east by Church Lane. Yapton Road bounds the site to the west and Crookthorn Lane is directly south.
- 1.6 In the wider surrounds, agricultural land dominates the landscape to the south, east and west with residential properties and commercial buildings to the north. Littlehampton is located approximately 1.5km to the east and the coastline is approximately 1.3km to the south.
- 1.7 The National Grid Reference for the centre of the site is TQ000 020. The survey area extended over approximately 21 hectares (ha).



2. Methodology

Badger Survey

- 2.1 A survey was undertaken on 4th June 2018 by a suitably qualified ecologist to determine the use of the site by badgers. This evaluation was based on methodology developed for the National Survey for Badgers (Cresswell *et al.* 1990). This included a systematic search for badger field signs in the form of: Field signs identified during the badger survey are indicated on the survey plan in Appendix B.
- ❖ Setts: comprising either single isolated holes or a series of holes likely to be interconnected underground;
 - ❖ faeces: badgers usually deposit faeces in characteristic excavated pits called latrines, concentrations of which are typically found along home range boundaries;
 - ❖ paths: between setts or leading to feeding areas;
 - ❖ snuffle holes: formed during foraging and comprising characteristically disturbed ground vegetation;
 - ❖ hair: often found among spoil and bedding outside entrances to setts, or snagged on fences and other objects along well used runs; and
 - ❖ Tracks (footprints).
- 2.2 Where access permitted, areas within 30m of the site were also searched for evidence of badger activity. Where dense scrub precluded a thorough search, the perimeter of these areas was examined for evidence of runs or pathways into the scrub which may indicate the presence of a sett.
- 2.3 All holes potentially created by badgers were examined closely to determine if they were, or ever had been, used as badger setts. Where holes used by badgers were found, an intensive search within the area was undertaken to determine the number of entrances and levels of use. The sett was then classified according to the criteria shown in Table 1.

Table 1: Conventions Used in Classifying Badger Setts.

Sett Type	Definition
Main	Several holes with large spoil heaps and obvious paths emanating from and between sett entrances.
Annexe	Normally less than 150m from main sett, comprising several holes. May not be in use all the time, even if main sett is very active.



Sett Type	Definition
Subsidiary	Usually at least 50m from main sett with no obvious paths connecting to other setts. May only be used intermittently.
Outlier	Little spoil outside holes. No obvious paths connecting to other setts and only used sporadically. May be used by foxes and rabbits.

Constraints

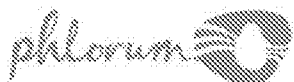
- 2.4 It was not possible to access residential gardens to the north of the site or parcels of agricultural land to the west, south and east. These areas were viewed remotely however signs of badger activity in these areas may have been missed.
- 2.5 Areas of dense nettle (*Urtica dioica*) and bramble (*Rubus fruticosus* agg.) scrub had developed within the southern and western site extents and obscured a significant amount of the ground within areas. This may have resulted in field signs including foraging areas, footprints and latrines being missed during the survey however the perimeter of these areas were thoroughly searched for pathways extending into the dense vegetation which would have indicated signs of mammal activity.



3. Results

Badger Survey

- 3.1 No setts or secondary signs of badger were found within the site or the surrounding 30m where access permitted.
- 3.2 Although access throughout discrete areas within the site was restricted due to dense vegetation, no pathways were observed leading into these areas therefore it is considered unlikely that any secondary signs would have been missed at the site during the survey.
- 3.3 The site provides extensive areas of suitable foraging habitat for badgers. The nature of the arable fields and the associated field margins are likely to provide a high invertebrate density including earthworms, providing a food source for badgers. In addition, the woodland edge habitat provides cover and topography likely to support sett construction.
- 3.4 Surrounding residential gardens and agricultural land provides an additional range of food sources for badgers in the form of vegetable patches, planted beds and extensive areas of grassland, all of which may support earthworms, their preferred prey item, as well as other prey including caterpillars and other insect larvae. Berry yielding trees and shrubs both within the site and throughout the wider landscape also provide a food source for badgers for some of the year.



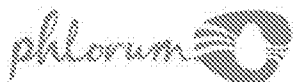
4. Conclusions and Recommendations

Conclusions

- 4.1 The land at Church Lane is located within a predominantly rural area within Climping in West Sussex. The site measured approximately 21ha and comprised extensive areas of arable land, woodland blocks, scattered trees, scrub, ruderal vegetation and a hedgerow. Design proposals include the re-development of the site for residential and amenity use.
- 4.2 No setts were found on site at the time of the survey. No secondary signs including foraging areas or latrines were found within the site during the survey.
- 4.3 Based on the results of the survey, badgers do not pose a significant constraint to works. However due to the potential presence of badgers in the wider surrounds and suitability of the on-site habitats for foraging, there remains potential for badgers to pass through the site and therefore a series best practice measures are recommended in order to safeguard this species during the proposed works.
- 4.4 Further details are provided in the recommendations section below.

Recommendations

- 4.5 Badgers may use the site for commuting. No setts were found within the site or adjacent to it therefore no further survey is required at this stage. Badgers are faithful to their foraging and commuting routes and therefore the presence of badgers must be taken into account during and post development. Badgers receive protection under The Protection of Badgers Act 1992.
- 4.6 Boundary habitat must be maintained during works and incorporated into the landscaping design. Where possible, boundary features must measure at least 5m in width. This will enable badgers to continue to pass through the site to habitats in the wider landscape in the long-term.
- 4.7 During the construction phase of the development activities may result in disturbance to badgers. This should be mitigated for by undertaking the following:
 - ❖ All on-site contractors must be made aware of the presence of badgers in the locality- a tool box talk should be given by a qualified ecologist to immediately prior to the start of construction works to discuss the potential for badgers to pass through the site and to provide information on legislation and the ecology of this species;
 - ❖ all materials must be stored safely and lids securely fitted;



- ☒ trenches must be covered at the end of each day or if this is not possible, ramps must be installed into the trenches to enable badgers to escape should they enter the excavations;
 - ☒ adjacent water sources should be protected from contamination and damage; and
 - ☒ Felled trees must not block access routes i.e. between buildings or through cleared vegetation.
- 4.8 Compensatory planting should be incorporated into the post development landscaping. This should include native fruit/berry bearing trees and shrubs which could be incorporated around the site to include the retained boundary features. This would serve to increase the amount of food sources currently available and would serve to improve the overall biodiversity of the site post development in accordance with local and national planning policy.
- 4.9 Additional planting would also serve to further enhance habitat connectivity between the site and the wider surrounds.

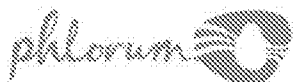
Additional Recommendations

- 4.10 It is recommended that an update badger survey is undertaken if more than 12 months have elapsed between the survey and the point at which any development decisions have been made at the site. This will serve to update the findings and status of the setts within the site. The recommendations may then need to be revised accordingly.



5. References

- ❖ Cresswell P, Harris S, & Jefferies D.J (1990). *The history, distribution, status and habitat requirements of the badger in Britain*. Nature Conservancy Council, Peterborough.
- ❖ Phlorum (2018). Land at Climping: Preliminary Ecological Appraisal Report. Unpublished report for Parker Dann. Brighton, East Sussex: Phlorum



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Appendix A

Legislation

Legislation

This section contains information pertaining to the legislation and planning policy applicable in Britain. This information is not applicable to Northern Ireland, the Republic of Ireland the Isle of Man or the Channel Islands. Information contained in the following appendix is provided for guidance only.

Species

The objective of the EC Habitats Directive¹ is to conserve plants and animals which are considered to be rare across Europe. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (as amended) (formerly The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).

The Wildlife and Countryside Act 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and also implements the obligations set out for species protection from the Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Various amendments have been made since the Wildlife & Countryside Act came into force in 1981. Further details pertaining to alterations of the Act can be found on the following website: www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CROW) Act (2000) and Nature Conservation (Scotland) Act 2004.

There are a number of other legislative Acts affording protection to species and habitats. These include:

- ❖ Countryside and Rights of Way (CROW) Act 2000;
- ❖ Deer Act 1991;
- ❖ Natural Environment & Rural Communities (NERC) Act 2006;
- ❖ Protection of Badgers Act 1992; and
- ❖ Wild Mammals (Protection) Act 1996.

Badger

Badgers and their setts are protected under the Protection of Badgers Act (1992), which consolidated and added to the previous Badger Acts of 1973 and 1991. Under this legislation it is an offence to:

- ❖ cruelly ill-treat a badger, including use of tongs and digging;
- ❖ intentionally or recklessly cause a dog to enter a badger sett;

¹ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.

- ❖ intentionally or recklessly damage, destroy or obstruct access to a badger sett² or any part thereof;
- ❖ intentionally or recklessly disturb³ a badger when it is occupying a badger sett;
- ❖ possess or control a dead badger or any part of a badger;
- ❖ sell or offers for sale, possesses or has under his control, a live badger; and
- ❖ wilfully kill, injure, take, or attempt to kill, injure or take a badger.

A Development Licence will be required from Natural England for any development works affecting an active badger sett, or to disturb badgers while individuals are occupying the sett. Depending on the nature of the works and the specifics of the sett, badgers could be disturbed by work near the sett even if there is no direct interference or damage to the sett itself. Natural England has issued guidelines on what constitutes a licensable activity. There is no provision in law for the capture of badgers for development purposes and therefore it is not possible to obtain a licence to translocate badgers from one area to another.

² 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. Natural England (2009) have issued guidance on what is likely to constitute current use of a badger sett: www.naturalengland.org.uk/images/WMLG17_tcm6-11815.pdf

³ For guidance on what constitutes disturbance and other licensing queries, see Natural England (2007) Badgers & Development: A Guide to Best Practice and Licensing. www.naturalengland.org.uk/images/badgers-dev-guidance_tcm6-4057.pdf, Natural England (2009) Interpretation of 'Disturbance' in relation to badgers occupying a sett www.naturalengland.org.uk/images/WMLG16_tcm6-11814.pdf, Scottish Natural Heritage (2002) Badgers & Development. www.snh.org.uk/publications/online/wildlife/badgersanddevelopment/default.asp and Countryside Council for Wales (undated) Badgers: A Guide for Developers. www.ccw.gov.uk.

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