

Guidance

Badgers: advice for making planning decisions

How to assess a planning application when there are badgers on or near a proposed development site.

From: **Natural England**
(<https://www.gov.uk/government/organisations/natural-england>)

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Applies to England

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This is Natural England's 'standing advice' for badgers. It is a material planning consideration for local planning authorities (LPAs). You should take

this advice into account when making planning decisions. It forms part of a collection of standing advice for protected species (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species>). You should read this guidance alongside protected species and development: advice for local planning authorities (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>).

Following this advice:

- avoids the need to consult on the negative effects of planning applications on badgers in most cases
- can help you make decisions on development proposals

You may need a qualified ecologist to advise you on the planning application and supporting evidence. You can find one using either the:

- Chartered Institute of Ecology and Environment Management (CIEEM) directory (<https://cieem.net/i-need/finding-a-consultant/>)
- Environmental Data Services directory (<https://www.endsdirectory.com/>)

More guidance for developers, ecologists and planners is available on the Badger Trust website. (<https://www.badgertrust.org.uk/planning-development-and-badgers>)

How badgers are protected

Badgers and their setts (tunnels and chambers where they live) are protected by the Protection of Badgers Act 1992.

It is an offence to:

- take, injure, ill-treat or kill a badger - or attempt these actions
- treat a badger cruelly
- obstruct, disturb, damage or destroy a badger sett or any part of it
- sell, possess or control a badger (or any part, alive or dead)
- mark, tag or ring a badger

The developer must comply with the legal protection of badgers.

The developer may need to apply for a badger licence (<https://www.gov.uk/government/collections/badger-licences>) to carry out their development proposal.

When to ask for a survey

You should ask for a survey if either of these apply:

- historical or distribution records show that badgers are active in the area - you can [search the National Biodiversity Network Atlas \(https://nbnatlas.org/\)](https://nbnatlas.org/) by species and location
- there is suitable habitat for sett building or foraging

Absence of a record does not mean there are no badgers. It could mean there is no survey data available for that location.

The survey should:

- show if the development site and surrounding areas are currently being used by badgers
- identify if there are setts on or near the development site
- identify the different types of setts on or near the development site
- estimate territorial boundaries

Surveys should be kept confidential to avoid ill-treatment of badgers.

You must check if the ecologist is qualified and experienced to carry out surveys for badgers. CIEEM publishes:

- [competencies required for badger surveys \(https://cieem.net/resource/competencies-for-species-survey-css/\)](https://cieem.net/resource/competencies-for-species-survey-css/)
- [advice on the valid age of ecological reports and surveys \(https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf\)](https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf)

Assess the effect of development on badgers

Developers should submit information with their planning application on how their development avoids or mitigates harm to badgers.

Badgers could be affected if the development proposal causes:

- damage to setts
- loss or isolation of setts
- loss of foraging areas
- disturbance to badgers while they're occupying setts – from noise, lights, vibration, fires or chemical use

The developer may need to apply for a badger licence (<https://www.gov.uk/government/collections/badger-licences>) before they start work if they:

- exclude a badger from a sett
- disturb a badger
- damage or remove a sett

For information about badgers, their distribution and conservation status, read chapter 8.3 of Natural England's 'A Review of the Population and Conservation Status of British Mammals (<https://publications.naturalengland.org.uk/publication/5636785878597632>)'. The document may not be accessible to assistive technology.

Avoidance, mitigation and compensation measures

Where possible development proposals should avoid negative effects on badgers. Where this is not possible, the developer will need to include adequate mitigation or, as a last resort, compensation measures in their development proposal to allow you to make a planning decision.

The development proposal could:

- design a layout that avoids isolating the badgers' territory
- avoid artificial lighting around setts
- retain vegetation around setts to provide cover
- avoid disturbance, including noise and vibration near active setts
- keep heavy machinery and excavation work away from setts
- avoid activity between dusk and dawn when badgers are most active

The development proposal could include mitigation measures that:

- maintain foraging space and watering areas, or create new areas
- maintain habitat connectivity, for example with tunnels, underpasses or green corridors

Mitigation should not include moving badgers from the development site, known as translocation. This could risk the spread of bovine tuberculosis or affect the badger's welfare.

Where there is a loss of setts, the development proposal could include creating artificial setts as a compensation measure.

For more information on mitigation and compensation plans, read section 3 on Protected species and development: advice for local planning authorities (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#agree-avoidance-mitigation-or-compensation-measures>).

Planning and licence conditions

The developer may need to apply for a badger licence (<https://www.gov.uk/government/collections/badger-licences>) if their activities are likely to affect badgers. You may also need to add mitigation or compensation strategies as a condition of planning permission.

Before you can grant planning permission, you must:

- work with the relevant ecologist to make sure these conditions do not conflict with the requirements of the badger licence
- be confident that Natural England will issue a licence – read section 4 of Protected species and development: advice for local planning authorities (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>)

You do not need to consult Natural England on the wording or discharge (approval) of any conditions you impose on a development proposal. Natural England is unable to provide advice on this.

Natural England will not generally issue a licence until planning conditions relating to protected species have been discharged. This applies to conditions that are intended to be and capable of being discharged before development begins.

Natural England will only confirm if you need a licence when the development proposal is a Nationally Significant Infrastructure Project (NSIP).

Enhance biodiversity

To meet your biodiversity duty (<https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>), you should suggest ways for the developer to:

- create new or enhanced habitats on the development site
- achieve improvements in biodiversity through good design
- follow other relevant plans and strategies for nature

Site management and monitoring

You should consider the need for site monitoring and management. These measures are likely to be needed by wildlife licences.

A site management and monitoring plan should:

- make sure sett building and foraging habitats are intact and still available in the long term
- check that setts have not been interfered with after development, such as from increased human presence or vandalism

This can include carrying out management works to habitats and additional survey work to check that mitigation measures are working as intended, followed by remedial work if needed.

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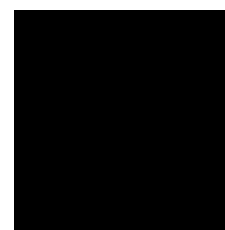
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[Show all updates \(https://www.gov.uk/guidance/badgers-advice-for-making-planning-decisions#full-history\)](https://www.gov.uk/guidance/badgers-advice-for-making-planning-decisions#full-history)



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