



Badger Survey

Fortis Green Tennis Club, 31 Southern Road, N2 9LH

Fortis Green LLP

Status	Issue	Name	Date
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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

This report has been marked confidential due to the inclusion of sensitive information regarding badgers but a redacted report suitable for the public domain can be provided upon request.

Executive Summary

Arbtech Consulting Limited was instructed by Fortis Green LLP to undertake a badger survey at Fortis Green Tennis Club, 31 Southern Road, N2 9LH (hereafter referred to as “the site”). The survey was required to inform a planning application for the demolition of the existing pavilion and 2 tennis courts, and construction of a new tennis pavilion with 3 apartments, 1 new tennis court and 5 new dwellings (hereafter referred to as “the proposed development”).

The badger survey has been informed by a Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA/PRA) was completed by Arbtech Consulting Ltd. on 14th February 2023 (Arbtech, 2023). The survey reported that approximately 4 badger sett entrances were present on-site. The holes were connected to mammal trails which passed through the understorey vegetation and under a gate into Cherry Tree Woods to the south. Some hairs were also identified stuck to the gates where animals had been passing underneath.

The following is work you will need to commission to obtain planning permission and to comply with legislation. Further information is outlined in Table 3 of this report.

Survey Results Summary	Impact Assessment	Recommendations
No evidence of badger activity was associated with these holes and therefore this sett is concluded to be disused.	The proposed development is located within 30m of a disused badger sett. Development works are likely to damage subterranean tunnels which likely extend towards the development site based on the direction that the sett entrances face. Given that the sett is currently disused, this is unlikely to significantly impact badgers. However, badgers are very dynamic species, and it is possible that new setts could be established within the site or surrounding area or that the disused setts could become active during the intervening period between the badger survey and the start of the works. This could result in the damage, disturbance or destruction to badger setts and the death or injury of badgers.	As the identified setts are disused no badger development licence will be required. However, a precautionary working method should be followed to minimise impacts to badgers during the works and in the instance that new setts or activity are identified on or within 30m of the site. Further details are included in Table 3.
Foxes were seen entering and exiting hole 4 (see Target Note 1; TN1 in Appendix 3) during the final week of the survey, which may indicate that this hole has been taken over by a fox and a natal den may be present.	Demolition works could cause disturbance, death or injury to foxes which may be using the den.	Under The Protection of Animals Act, 1911 it is an offence to cause unnecessary physical or mental suffering to an animal. Further advice is included in Table 3.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Fortis Green LLP to undertake a badger survey at Fortis Green Tennis Club, 31 Southern Road, N2 9LH (hereafter referred to as “the site”). The survey was required to inform a planning application for the demolition of the existing pavilion and 2 tennis courts, and construction of a new tennis pavilion with 3 apartments, 1 new tennis court and 5 new dwellings (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in Appendix 1.

A Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA/PRA) was completed by Arbtech Consulting Ltd. on 14th February 2023 (Arbtech, 2023). The survey reported that approximately 4 badger sett entrances were present on-site. The holes were connected to mammal trails which passed through the understorey vegetation and under a gate into Cherry Tree Woods to the south. Some hairs were also identified stuck to the gates where animals had been passing underneath.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference TQ 27674 89212 and has an area of approximately 0.3ha comprising 1 building (designated as B1), 3 sheds (designated as B2, B3 & B4), clay tennis courts and amenity garden. It is surrounded by suburban dwellings with gardens, woodland copses and parkland with Cherry Tree Wood adjacent to the southern boundary of the site and East Finchley underground station ~425m to the East. The wider landscape comprises suburban dwellings, parks, woodlands and golf courses, the latter three provide suitable foraging and sett building habitats for badgers. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

This report describes the suitability of the habitats on the site for badgers and identifies any badger activity within the site and the surrounding 30m, where accessible. Where badger setts are present, these have been characterised in terms of sett type and current usage. It identifies possible constraints in relation to badgers as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

- A field survey has been undertaken, including site inspection and the deployment of infrared camera traps to identify badger activity within the site and to assess the suitability of the site for badger.
- An outline of potential impacts on badgers has been provided, based on the proposed development.
- Recommendations for further surveys and mitigation have been made, along with advice on the requirements for a badger development licence application if appropriate.
- Opportunities for the enhancement of the site for badgers have been set out.

2.0 Methodology

2.1 Field Survey

The survey was undertaken by Ben Newbery.

Cameras were deployed between 24th March and 4th May 2023 (with a gap between 14th April to 25th April, whilst faulty cameras were replaced). Two cameras were used and these were positioned to capture footage from any sett entrances or established mammal paths through the site and surrounding 30m. The locations of the cameras are shown on the badger survey plan in Appendix 3. Weekly visits were made during that period to collect data and survey for evidence of badger activity. This included a search for field signs of badgers and an inspection of any badger setts on the site and in the surrounding 30m, where accessible.

The field signs searched for were as follows:

Badger Setts

Most badger holes/tunnels also have a distinctive shape as well as size, being generally wider than they are tall, with a flattened bottom. This gives them a “D” shape (on its side). Tunnels excavated by foxes or rabbits tend to be rounder or oval in shape, and taller than they are broad. However, there is a lot of variability and in some cases holes are used by more than one species. The tunnels excavated by badgers are approximately 30cm in diameter, certainly no smaller than 25cm in diameter. Rabbit burrows, on the other-hand can be quite large at their entrances, soon narrow to a diameter of about 15cm. In Britain, the badger is well studied and, several categories of setts have been determined. Every badger family group (“clan”) has one main sett. These are occupied continuously and are used for breeding; they are usually large, well-established setts which have been excavated by several generations of badgers and are vital to survival of that clan. These setts can become very substantial over time: setts with a dozen to 20 or more entrances are fairly normal but can grow up to setts with 50-100 entrance holes. Below ground there are hundreds of metres of networked tunnels, created by the excavation of many tonnes of earth.

In addition to the main sett, most clans also have one or more additional secondary setts within their territories. These secondary setts fall into three categories - annexe setts, subsidiary setts, and outlier setts. Secondary setts are less important to the badgers than main setts, but they are useful nonetheless, especially if the main sett is disturbed. Disused setts may be taken over by rabbits or used by foxes; both of these species will also co-habit with badgers in occupied setts.

Badgers are extremely powerful diggers and the nature of excavated material at sett entrances is often diagnostic. Badgers are able to excavate much greater quantities of material than rabbits and foxes and the nature of the excavated material is often much coarser even containing rocks. Sometimes softer rocks are even physically marked by the badger claws. Spoil is excavated out backwards from the hole and fresh excavations are a sign of occupation. In clay soils the excavated material often contains badger hairs. On occasions the bones of badgers, that have presumably died underground, are found in the excavated material.

Sett Characterisation

The following information was recorded for any badger setts:

- The number and location of well used or very active entrances - these are free from any debris or vegetation and are clearly in regular use and may, or may not, have been excavated recently.
- The number and location of inactive entrances - these are not in regular use and have debris such as leaves and twigs or plants in the entrance.
- The number of disused entrances - these have not been in use for some time, are partly or completely blocked and cannot be used without considerable clearance.

Where possible, the badger setts were characterised as follows:

- Main setts – these usually have a large number of holes with conspicuous spoil heaps, and the sett generally looks very active. There will be well used paths to and from the sett and between sett entrances. Although normally the breeding sett and in continuous use, it is possible to find a main sett that has become disused due to excessive interference or some other reason and is more common in areas of low badger density.
- Annexe setts – these are close to a main sett, normally less than 150m away, and are usually connected to a main sett by one or more obvious well-worn paths. They usually have several holes, but may not be in use all the time, even if the main sett is very active.
- Subsidiary sett – these often have very few holes, three to five on average. They are usually at least 50m from a main sett and do not have an obvious connecting path. They are not continuously active.
- Outlier sett – these usually only have one or two holes, often with little spoil outside and no obvious path connecting with another sett, and are only used sporadically. When not in use they may be taken over by foxes or rabbits.

Bedding Material

Badgers use bedding material within their setts- various types of plant material. Characteristic field signs associated with bedding material include old bedding material cleaned out of the sett; bundles of fresh material stored by the sett (a very clear indication of occupation) trails of bedding material dropped on the way to the sett.

Tracks and Badger Paths

Badger footprints are diagnostic. They consist of a broad, kidney-shaped pad with five toes lined up in front. The prints of the front feet are larger than those of the back feet, and the imprints of the ends of the claws are further away from the toes of the front feet as the claws are much longer than those on the hind feet. Sometimes the fifth does not show up on a print but the orientation of the other four toes is still rather characteristic. A typical adult print is about 5.5 cm (+/- 1cm) wide and the hind paws are slightly narrower. On clear ground there will often be an overlap between the front and rear paw print – characteristic of the badger's walk.

Badger paths are usually fairly obvious and represent regularly walked paths by the badger to a point that vegetation is suppressed. Other field signs are often associated with these paths and at certain times of year it is possible to get an idea of if they have been recently used by signs such as freshly crushed plants or new footprints.

Scratching Posts

Badger setts are usually associated with scratching posts-typically trees but often also artificial structures such as fence posts, the bases are criss-crossed with badger claw marks.

Badger Hairs

The hairs from the badger's backs and sides are very diagnostic and cannot be confused with other native mammals. They are white or whitish (although may be stained yellow in sandy areas), with a black band towards the tip. They are approximately 7 - 10 cm long. The black band measures 1 - 2 cm and the white tip is also approximately 1cm in length. The hairs can be straight or quite curly. The hairs are quite coarse unlike those of foxes or rabbits. They are oval in cross section and do not roll smoothly between finger and thumb of a surveyor. Hairs are often found trapped on wire fences where badgers cross between land parcels.

Signs of Foraging

Badgers typically make “snuffle” marks where they are winning soil invertebrates. These are conical holes about 10 -14cm wide with spoil generally in all directions. They are often just off badger paths. It is sometimes hard to distinguish badger holes from larger rabbit scrapes. Badgers also excavate ant and wasp nest particularly in the late summer. They will also excavate rabbit holes in order to obtain young rabbits.

Dung and Latrines

Badger droppings tend to look like those of dogs in size and shape, but they are more variable in appearance because of their catholic diet. When the diet is principally composed of earthworms the droppings are quite soft and muddy; while other foods leave more clearly identifiable traces such as the wing cases of beetles, the husks of grain, and the stones or pips of fruits and berries such as yew berries and blackberries – dung is often very purple when blackberries are in fruit.

Badger latrines are small pits (often referred to as dung pits), which in appearance are not unlike snuffle holes. Badger latrines are very diagnostic. No other native animal in Britain deposits its droppings in pits in the same manner as badgers. Felines dig pits for their droppings, but they cover them up after use, while badgers leave their droppings exposed. Foxes conversely site their droppings on prominent places such as tussocks, stumps etc.

2.2 Limitations

Badger surveys can be conducted at any time of the year, but the best times are in the spring and early autumn/winter. This survey provides a 'snap-shot' of the assessed habitat and wildlife value of the site at the time of survey only and may require further survey effort to provide robust, scientifically valid evidence of badger status.

Specific limitations include:

- Dense vegetation around several of the sett entrances meant that camera views were marginally obstructed initially, however the camera positions were slightly adapted during the survey to provide as clear a view of sett entrances and approach trails as possible.
- Both cameras had some issues recording video clips part way through the survey, as they would cut off after one second of footage. The cameras were taken away for a period whilst replacement cameras were sourced. Whilst both cameras were not recording videos correctly, they were still taking photographs, so monitoring of the setts was still possible throughout the survey duration.

3.0 Results and Evaluation

Table 1 below provides details of badger setts identified within the site and the surrounding 30m.

Mammal trails were present within the overgrown understorey vegetation around some of the sett entrances, these trails appeared to continue both eastwards into the undergrowth and southwards underneath a metal gate into Cherry Tree Wood. Hairs originally identified on the gate during the PEA survey were ultimately deemed to be cat hairs as they were too thin to belong to a badger. No other evidence of badger activity (i.e. latrines, footprints, snuffle holes, etc.) was identified during the survey.

Badger activity is illustrated within Appendix 3.

Table 1: Details of Badger Setts

Reference	National Grid Reference	Sett Type	Badger Activity and Observations
Sett 1	TQ 27678 89139	Disused badger sett	5 holes, facing south, located on a slight embankment within overgrown vegetation in a strip of land between the tennis club and Cherry Tree Wood. The nature of each entrance hole is as follows: <i>Figure 1: Hole 1 is overgrown with ivy and nettles and partially infilled with leaf litter. Items from a neighbouring garden are stored around the hole. There were no obvious trails leading to this hole. This indicates that the hole is disused.</i> 

Figure 2: Hole 2 is overgrown with ivy and nettles and partially infilled with leaf litter. Items from a neighbouring garden are stored around the hole. There were no obvious trails leading to this hole. This indicates that the hole is disused.

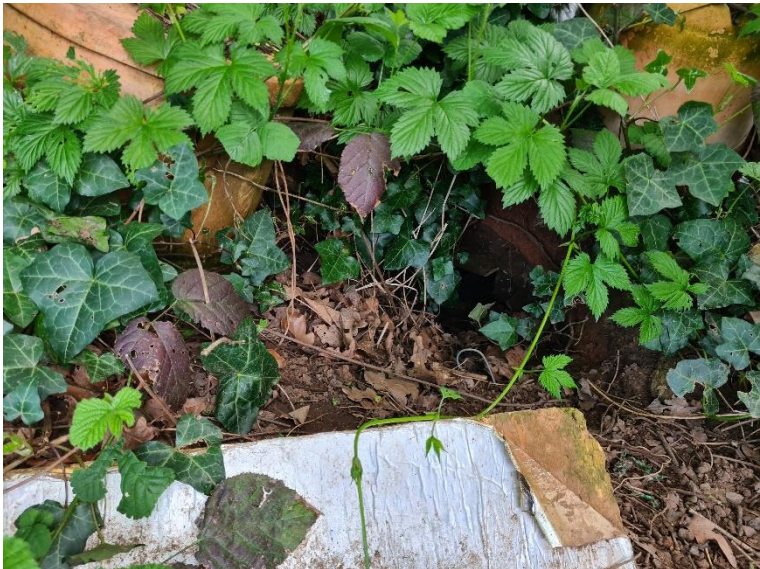


Figure 3: Hole 3 appears more rounded in shape and has fresh spoil at the entrance.



Figure 4: Hole 4 - hole appears more rounded in shape and has large amounts of fresh spoil at the entrance.



Figure 5: Hole 5 – hole hidden within the undergrowth with a trail leading to the entrance. No signs of fresh spoil.



Table 2 provides details of the camera surveys. No badger activity was associated with the identified setts.

Table 2: Details of Camera Footage

Camera Number	Position	Observations
1	TQ 27664 89142 Monitoring Sett 1 Entrance 1 & 2	No badger activity was observed around the holes. They are considered disused 24/03 – 31/03: A small amount of fox activity was observed around holes 1 and 2. Foxes were seen to sniff nearby vegetation and around the holes and, on one occasion, a fox part-entered hole 2 to investigate then almost immediately came back out. Foxes were also seen commuting either west through the undergrowth or east into a neighbouring garden. A hedgehog was seen commuting from west to east past the sett entrances. Cat and squirrel activity was observed around the holes. 31/03 – 07/04: High fox activity was recorded around the holes including commuting, urinating (marking territory) and general activity (e.g. sniffing) around the holes and vegetation. Cat and squirrel activity was observed around the holes. 07/04 – 14/04: A small amount of fox and cat activity was observed. 25/04 – 04/05: A small amount of fox activity was observed, including a fox that briefly disappeared inside both hole 1 and 2. It did not stay inside either hole for longer than 10 seconds. Cat and squirrel activity was observed around the holes.
2	TQ 27674 89139 Monitoring Sett 1 Entrance 3, 4 & 5	No badger activity was observed around the holes. They are considered disused. 24/03 – 31/03: A small amount of fox activity was observed, including on fox investigating hole 4 but not entering. Hedgehogs were seen commuting past the holes. Cat activity was observed. 31/03 – 07/04: A small amount of fox activity was observed, including on fox investigating hole 4 but not entering. Hedgehogs were seen commuting past the holes. Cat activity was observed. 07/04 – 14/04: A small amount of fox activity was observed, including on fox investigating hole 4 but not entering. Hedgehogs were seen commuting past the holes. Cat and bird activity was observed. 25/04 – 04/05: A fox was seen entering/exiting hole 4 on several different occasions. On 3 occasions a fox was witnessed excavating hole 4. Hedgehogs were seen commuting past the holes. Cat and squirrel activity was observed.



Figure 6: Fox emerging from hole 4 on 26th April 2023.



Figure 7: Fox excavating the entrance of hole 4 on 1st May 2023.

4.0 Conclusions, Impacts and Recommendations

Taking the field survey results into account, Table 3 presents an evaluation of the value of the site for badgers in relation to the proposed development which will comprise the demolition of the existing pavilion and 2 tennis courts, and construction of a new tennis pavilion with 3 apartments, 1 new tennis court and 5 new dwellings.

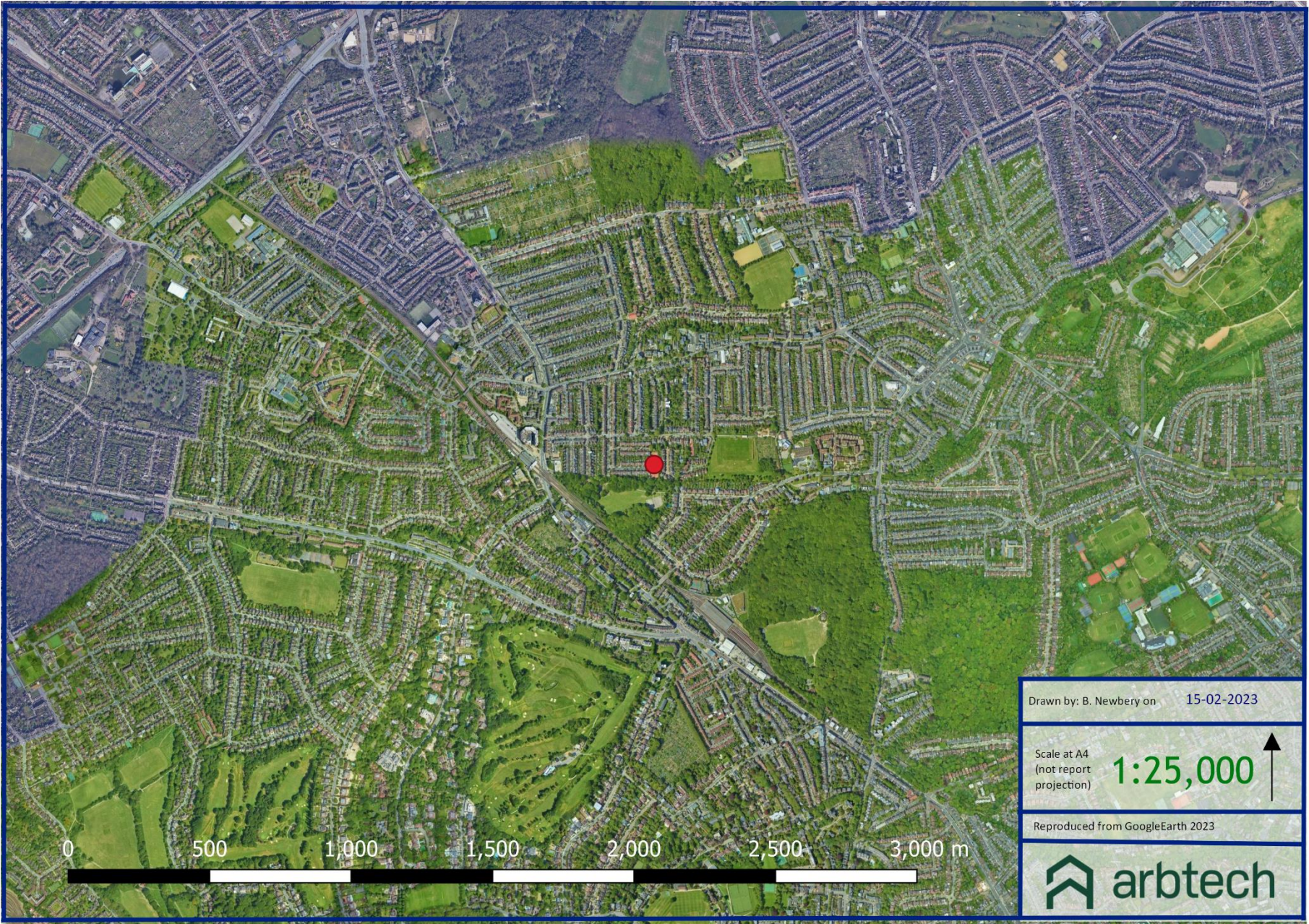
Table 3: Evaluation of site for badgers

Survey Results Summary	Impact Assessment	Recommendations
No evidence of badger activity was associated with these holes and therefore this sett is concluded to be disused.	The proposed development is located within 30m of a disused badger sett. Development works are likely to damage subterranean tunnels which likely extend towards the development site based on the direction that the sett entrances face. Given that the sett is currently disused, this is unlikely to significantly impact badgers. However, badgers are very dynamic species, and it is possible that new setts could be established within the site or surrounding area or that the disused setts could become active during the intervening period between the badger survey and the start of the works. This could result in the damage, disturbance or destruction to badger setts and the death or injury of badgers.	As the identified setts are disused no badger development licence will be required. However, a precautionary working method should be followed to minimise impacts to badgers during the works and in the instance that new setts or activity are identified on or within 30m of the site. Measures will include: - Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. - The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which badgers could use. - Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. - If a suspected new badger sett is identified, works must cease and advice must be sought from a suitably qualified ecologist.
Foxes were seen entering and exiting hole 4 (see Figures 6 & 7 and Target Note 1; TN1 in Appendix 3) during the final week of the survey, which may indicate that this hole has been taken over as a fox den.	Demolition works could cause disturbance, death or injury to foxes which may be using the den.	Under The Protection of Animals Act, 1911 it is an offence to cause unnecessary physical or mental suffering to an animal. Guidance is available on GOV.uk on how to deter foxes from using your property and Natural England can be contacted for advice on dealing with wildlife management.

5.0 Bibliography

- Arbtech (2023). Preliminary Ecological Appraisal and Preliminary Roost Assessment: Fortis Green Tennis Club, 31 Southern Road, N2 9LH.
- Harris, S., Cresswell, P. and Jefferies, D.J. (1989). Surveying badgers. Mammal Society, London.
- Haringey's Local Plan (2013). https://www.haringey.gov.uk/sites/haringeygovuk/files/final_haringey_local_plan_2017_online.pdf
- Natural England (2007). Badgers and Development a Guide to Best Practice and Licensing. Natural England. Bristol. <http://www.wildlifeco.co.uk/wp-content/uploads/2014/03/badgers-and-development.pdf>

Appendix 2: Site Location Plan



Appendix 3: Badger Survey Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

Badgers are protected under the ***Protection of Badgers Act 1992*** under this Act it is an offence to:

- Intentionally capture, kill or injure a badger
- Damage, destroy or block access to their setts
- Disturb badgers in setts
- Treat a badger cruelly
- Deliberately send or intentionally allow a dog into a sett
- Bait or dig for badgers

It is also an offence if you:

- Have or sell a badger, or offer a live badger for sale
- Have or possess a dead badger or parts of a badger (if you got it illegally)
- Mark or attach a marking device to a badger

Activities that can harm/affect badgers include:

- Destroying or damaging their setts
- Noise, additional lighting or vibration
- Pile driving
- Quarry blasting
- Lighting fires
- Using chemicals
- Excavation
- Ploughing and harvesting crops
- Tree felling and timber extraction
- construction or repair of flood defences or watercourses

NATIONAL PLANNING POLICY

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as UK Biodiversity Action Plan priority species) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

LOCAL PLANNING POLICY

Haringey's Local Plan (March 2013)

The Haringey Local Plan can be viewed here: https://www.haringey.gov.uk/sites/haringeygovuk/files/final_haringey_local_plan_2017_online.pdf

The following planning policies have implications in relation to biodiversity and the proposed development:

- SP13: Open Space and Biodiversity:
 - All development shall protect and improve sites of biodiversity and nature conservation, including private gardens through its: contribution to wildlife and ecological habitats and, where possible, include green and brown roofs, rainwater harvesting, green walls, bird and bat nesting/roosting opportunities; protection, management and maintenance of existing trees and the planting of new trees where appropriate; and protection, enhancement and creation of Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs).

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Licences are issued by the Statutory Nature Conservation Organisation (Natural England, Natural Resources Wales, Scottish Natural Heritage) for development operations likely to result in an offence. In most cases it should be possible to avoid disturbing badgers and damaging or blocking access to their sett. However, if this is unavoidable an application for a licence to interfere with a badger sett must be obtained.

A licence is usually not required to:

- Work with hand tools or machinery above or below ground close to a sett
- Clear vegetation near setts, including felling small trees or shrubs, provided they are not uprooted and don't block access to the sett
- Clear ditches and watercourses using hand tools or machinery

The Statutory Nature Conservation Organisation will consider the existing level of disturbance around a sett when deciding if you need a licence.