

**HITHER GREEN GOLF COURSE,
HITHER GREEN LANE, REDDITCH**

BADGER SURVEY

A Report to: Barratt David Wilson Homes Mercia

Report No: RT-MME-153160-02

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of practice for planning and development”.

Report Version	Date	Completed by:	Checked and approved by:
Final	17/09/2021	Carol Flaxman BSc (Hons) ACIEEM (Senior Ecological Consultant)	Tom Docker CEcol MCIEEM (Managing Director)

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 12 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

REPORT CONFIDENTIALITY

For reasons of animal welfare and in accordance with best ecological practice, the contents of this report are confidential and should not be made available to the public.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In May 2021, Barratt David Wilson Homes Mercia commissioned Middlemarch Environmental Ltd to undertake a survey for badger *Meles Meles* at Hither Green Golf Course in Redditch, Worcestershire. This assessment is required to inform a planning application associated with the proposed construction of residential dwellings with associated hard and soft landscaping. The purpose of this survey was to determine the presence/absence of evidence of badgers on and adjacent to the site.

Middlemarch Environmental Ltd has previously carried out the following surveys for Barratt Homes at this site:

- Preliminary Arboricultural Assessment (Report RT-MME-152753-01);
- Arboricultural Impact Assessment (Report RT-MME-152753-02); and,
- Preliminary Ecological Appraisal (Report RT-MME-152753-03 Rev A).

In addition, Middlemarch Environmental Ltd has been commissioned to undertake the following assessments:

- Preliminary Bat Roost Assessment (Report RT-MME-153160-01);
- Great Crested Newt Habitat Suitability Index Assessment and eDNA Survey (Report RT-MME-153160-03);
- Breeding Bird Survey (Report RT-MME-153160-04); and,
- Reptile Survey (Report RT-MME-153160-05).

Badgers are a protected species and are capable of being a material consideration in the planning process. A summary of the legislation protecting badgers is included within Appendix 1. Please note that the location of badger setts should remain confidential, and the findings of this survey should not be disclosed outside of the intended purpose of this report.

1.2 DEVELOPMENT SITE DESCRIPTION AND CONTEXT

The site under consideration is an irregularly shaped parcel of land that measures approximately 10 ha in size and is located at Hither Green Golf Course in Redditch, Worcestershire. The site is centred at National Grid Reference SP 0437 6937.

At the time of the survey, the eastern half of the site comprised part of a golf course with areas of plantation woodland. The western section of the site mainly consisted of open unmanaged grassland with hedges, scattered trees and scrub. A large pond was situated towards the northern site boundary and there were four smaller ponds which formed part of the golf course.

The site is bordered to the north by Dagnell End Road and to the west by Hither Green Lane. Residential houses and a continuation of the golf course border the site to the east and fields of grassland, residential dwellings and a public house are present to the north and west. The River Arrow corridor is present to the south of the site with fields of grassland, a cemetery and residential dwellings beyond. The wider landscape to the north, east and west is dominated by agricultural fields and small residential areas. Redditch town centre dominates the landscape to the south.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
Land off Hither Green Lane Redditch, Proposed Site Layout Rev Q	Urban Design

Table 1.1: Documentation Provided by Client

2. METHODOLOGY

2.1 DESK STUDY

As part of the Preliminary Ecological Appraisal (Report RT-MME-152753-03 Rev A) an ecological desk study was undertaken within a 1 km radius of the site. The consultee for the desk study was Worcestershire Biological Records Centre.

Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations. Relevant badger data are discussed in Chapter 3. In compliance with the terms and conditions relating to its commercial use, the full desk study data are not provided within this report.

2.2 HABITAT ASSESSMENT

A habitat assessment was undertaken to identify the suitability of the site for use by foraging and sett building badgers. This takes the nature of the surrounding landscape and connectivity with other areas of suitable habitat into account.

2.3 PRESENCE/ABSENCE SURVEY

The survey site was subject to a comprehensive walkover assessment for the presence of badger field signs. Such signs include badger setts, footprints, pathways, hairs, snuffle holes and latrine sites. Any signs recorded were plotted on an appropriately scaled map. Where possible, the survey included a 30 m radius around the proposed development site.

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3. DESK STUDY RESULTS

3.1 BIOLOGICAL RECORDS

As part of the Extended Phase 1 Habitat Survey completed by Middlemarch Environmental Ltd, a desk study for records of protected species was completed. This study identified a single badger record within a 1 km radius of the site. This record was of a deceased badger noted along Dagnell End Road to the north of the site, dated 2003.

3.2 PREVIOUS BADGER SURVEYS

At the time of the Preliminary Ecological Appraisal completed by Middlemarch Environmental in June 2020 and updated in May 2021, no evidence of badger was recorded within the site including setts or latrines. However, a number of mammal paths were noted in the west of the site.

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4. RESULTS

4.1 INTRODUCTION

The results of the Badger Survey are presented in Sections 4.2 to 4.4. The Badger Survey was undertaken on 8th June 2021 by Carol Flaxman (Senior Ecological Consultant). Table 4.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	21
Cloud (%)	10
Wind (Beaufort)	Nil
Precipitation	F0

Table 4.1: Weather Conditions During Survey

4.2 SURVEY CONSTRAINTS

Access was not possible to search all areas of dense scrub during the survey due to the nature of the dense and inaccessible vegetation. Any mammal paths leading into these areas of scrub were noted and potential evidence of setts, such as large spoil mounds, were searched for around the accessible boundaries of the dense scrub vegetation.

4.3 HABITAT SUITABILITY ASSESSMENT

The areas of woodland, dense scrub, hedgerows and grassland habitats within the site provide opportunities for sett building and foraging activity, particularly the unmanaged and less frequently disturbed areas of the site. The aquatic habitats on site also provide a source of drinking water for badger to utilise. The site is also connected to other areas of favourable habitat including the wider golf course, which supports similar habitats to the site, and grassland fields with boundary hedgerows.

4.4 PRESENCE/ABSENCE SURVEY RESULTS

No evidence of badger, including setts, latrines or foraging activity, was noted within the site. It is considered that the mammal maths noted in the west of the site may be attributed to dog walkers as this activity was noted on site during the survey using the paths identified. No mammal paths indicative of badger use were noted extending into the areas of inaccessible dense scrub and no piles of spoil were noted within the scrub where the ground was visible beneath the woody vegetation.

Evidence of rabbit was recorded on site, including burrows and droppings, which was particularly associated with the hedgerow in the centre of the site.

During a walkover of the wider golf course, a pit latrine was noted off site, approximately 650 m to the east of the site.

5. DISCUSSION AND CONCLUSIONS

5.1 SUMMARY OF SITE PROPOSALS

The proposals for the site involve the construction of residential dwellings with associated hard and soft landscaping. The central hedgerow and some of the areas of plantation woodland will be removed to facilitate the works. Other areas of plantation woodland will be retained.

5.2 STATUS OF BADGERS ON SITE

The habitats on site and immediately surrounding the site provide suitable sett building and foraging opportunities for badger.

No evidence of badger was recorded within the site during the walkover survey and no setts were recorded within an accessible 30 m of the site. However, badgers are known to be present in the wider area as a deceased badger was reported in the desk study on the road adjacent to the site and a pit latrine was noted in the wider golf course off site.

5.3 CONCLUSIONS AND SUMMARY OF POTENTIAL IMPACTS

Due to an absence of setts recorded within the site or within an accessible 30 m radius of the site, no adverse impact on badgers associated with setts are predicted as a result of the proposed development. There will be no breach of legislation in relation to badgers and a Natural England development licence is not required at the site.

Badgers are known to be present in the local area and the habitats on site are suitable for foraging badger. There is therefore the potential for badgers to traverse the site during the construction phase of the proposed development and open excavations have the potential to trap badger which may be commuting across the site. The areas of dense scrub which were inaccessible at the time of the survey may also be used by sheltering badger in the future and vigilance should be maintained during site clearance. A recommendation for the protection of badger during the construction phase in accordance with best practice is made in Chapter 6.

Precautionary measures to ensure rabbits are not harmed or injured during site clearance works are also recommended at Chapter 6.

The retained woodland habitats on site will remain suitable for foraging, commuting and sheltering badger in the long-term and one of the ponds will also be retained on site providing a long-term drinking source for badger.

6. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

As no evidence of badger activity was found on site, no further survey or mitigation works with regard to these animals are required at this stage. However, as badgers are mobile animals and may pass through the area, the following recommendations are made:

- R1 Open excavations:** Any excavations on site should either be covered at night, or fitted with suitable mammal ramps in order to prevent badgers, or any other mammals, from becoming trapped. Any open pipework with an outside diameter of greater than 150 mm must be covered at the end of each work day to prevent badgers entering/becoming trapped.
- R2 Vigilance during site clearance:** Due to the presence of suitable habitat on or adjacent to the site and areas of dense scrub which were not possible to fully inspect, it is possible that badgers may colonise and excavate new setts in the area prior to works commencing. Consequently, it is important to remain vigilant during site clearance and dense scrub removal and, should any potential setts be identified, it will be necessary to contact a suitably experienced ecologist.
- R3 Rabbit:** Rabbits are protected against acts of cruelty under the Wild Mammals Protection Act (1996). As such, it is recommended that clearance of the rabbit burrow on site is undertaken sensitively to ensure that no animals are injured or harmed during the works. Clearance of the burrow should be completed carefully and slowly, to allow any rabbits present to escape and disperse to surrounding habitats.
- R4 Survey validity:** Should no work have commenced within 12 months, this survey should be updated to ensure the status of badger within the site has not changed.

REFERENCES AND BIBLIOGRAPHY

- Andrews, R. (2013) *The Classification of Badger Meles meles Setts in the UK: A Review and Guidance for Surveyors*. In Practice, Bulletin of the Chartered Institute of Ecology and Environmental Management. Issue 82.
- English Nature (2002). *Badgers and Development*. English Nature, Peterborough.
- Harris, S., Cresswell, P. and Jefferies, D. (1989) *Surveying Badgers*. Occasional Publication No. 9. Mammal Society, London.
- Natural England (2009a). *Badgers and Development: A Guide to Best Practice and Licensing*. Interim Guidance Document Version 11/09. Natural England, Peterborough.
- Natural England (2009b). *Protection of Badgers Act 1992 (as amended): Guidance on 'Current Use' in the definition of a badger sett*. Natural England, Peterborough.
- Natural England (2009c). *Protection of Badgers Act 1992 (as amended): Interpretation of 'Disturbance' in relation to badgers occupying a sett*. Natural England, Peterborough.
- Protection of Badgers Act 1992 (as amended).
- Wildlife and Countryside Act 1981 (as amended).

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APPENDIX 1

Badger Legislation

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- *'Any structure or place that displays signs indicating current use by a badger'*.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England³⁰. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

Previous guidance from English Nature, Badgers and Development (English Nature, 2002) considered that the following types of activity may require licensing within certain distances of the sett entrances (these distances are not included within the Protection of Badgers Act, 1992):

- using very heavy machinery (generally tracked vehicles) within 30 m of any entrance to an active sett;
- using lighter machinery (generally wheeled vehicles), particularly any digging operation, within 20 m of any entrance to the active sett;
- light work such as hand digging or scrub clearance within 10 m of any entrance to the active sett.

However, some activities may cause disturbance at greater distances, including pile driving and the use of explosives. These activities require individual consideration to ensure that best ecological practice is followed, however, it is generally considered that a licence is more likely to be required if these works are undertaken within 50m of an active badger sett.

New guidance was issued by NE in 2009 which states that disturbance is something less than what might otherwise be considered damage to a sett, but it is also something more than limited noise or activity near a sett at levels which badgers commonly tolerate, without apparently being disturbed. NE therefore believes that badgers are relatively tolerant of moderate levels of disturbance at or near to badger setts, but such disturbance does not necessarily disturb the badgers occupying the setts. The disturbance, which different activities may or may not cause to a badger sett, should therefore be assessed on a case by case basis.

Although the above prescriptive distances are no longer referred to by NE, they can be used as an aid to assess where works would constitute a disturbance to each sett.

The reader should refer to the original legislation for the definitive interpretation.