



ENGLISH HERITAGE

# Landscape Advice Note: Badgers on Historic Sites



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This Landscape Advice Note provides recommendations on how to mitigate badger damage as well as information on badger conservation, and their legal protection.

## INTRODUCTION

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The badger (*Meles meles*) is a familiar species, although it is rarely seen in the wild. Evidence of its activities are more obvious and can cause significant problems in the historic environment.

Badgers are widespread and common in suitable habitats in Britain but scarce in some upland and wetland areas. They also have a history of persecution, and it is this, rather than their rarity on a national scale, that has led to their legal protection.

## BADGER ECOLOGY

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Badgers live in social groups, sometimes called clans. Females tend to stay with their natal group, whilst males are more likely to disperse after reaching maturity. They live in underground tunnel systems known as setts which are used by successive generations of badgers, sometimes for centuries. Clans are territorial, and particularly in spring the animals dig latrine pits along the boundaries and on well-used paths to mark their territories.

Setts can be divided into four types depending on their size and importance to the group:

- Main sett

The main sett is large, continuously occupied and used for breeding.

- Annex sett

The annex sett is smaller, usually occupied, and connected to a main sett by well-worn pathways.

- Subsidiary sett

The subsidiary sett is seasonally occupied and some distance from the main sett.

- Outliers

Outlier setts are only used sporadically and may have no obvious path connecting them with another sett.

Typically a badger clan will have one main sett and additional smaller setts within its territory. Setts can usually be distinguished from tunnels of foxes or

rabbits by their size and shape. Badger tunnels are at least 25cm in diameter and often have an oval profile, and they are wider than they are high. There are large spoil heaps, often with bedding material, outside active entrances. However other animals, including foxes, may use badger setts, and sometimes when badgers are resident. In urban, upland, intensively farmed, or low-lying areas individual badger setts may be of high local importance.

Badgers are omnivorous, feeding on earthworms, insects, fruits and roots, carrion and crops. Earthworms are particularly favoured. Badgers will dig small holes to extract worms and grubs from grassland and lawns.

Badgers give birth to one to four young, usually in February. The cubs do not emerge from the sett until April. They take over a year to mature, and may live up to 11 years.

## LEGAL POSITION

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Badgers are protected under the Protection of Badgers Act 1992. This makes it an offence to kill, injure, capture or cruelly ill-treat a badger, or to interfere with a badger sett. Interference with a sett includes damaging, destroying or obstructing access to a sett, causing a dog to enter a sett, or disturbing a badger when it is occupying a sett.

## LICENSING

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Under Section 10 of the Protection of Badgers Act licences can be issued to allow otherwise prohibited actions for a number of specific purposes. In particular, Natural England can issue licences to interfere with badger setts for the purpose of the preservation or archaeological investigation of a monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979. This means that where an operation to preserve or investigate a Scheduled Monument is likely to result in interference or disturbance to a badger sett, a licence application must be made to Natural England's Licensing Section.

Department for Environment, Food and Rural Affairs (Defra) can issue licences for the purpose of preventing serious damage to land, crops and so forth, or any other form of property. This means that if a badger sett is causing damage to property, including Scheduled or non-scheduled monuments, Listed Buildings or Registered Parks and Gardens, a licence application must be made to Defra.

The two licensing authorities handle licence applications slightly differently. Natural England usually asks applicants for a site report from an appropriate consultant, or from a knowledgeable volunteer, and

01



02



**FRONT COVER**

With the appropriate licence from Natural England badgers can be excluded from a sett using one-way gates which allow them to leave but not return © Alan Cathersides

**IMAGE 01**

It may be necessary to mesh the area surrounding a one-way gate to prevent an alternative entrance being dug. Once it is certain the sett is empty the gate can be removed, the entrance stopped up and the mesh covering completed © Alan Cathersides

**IMAGE 02**

In some circumstances large areas may need to be meshed in order to prevent new tunnels being dug © Alan Cathersides

the licence is often issued to this person. Defra will normally accept an application without such a report but a site inspection will be made by a Defra Adviser who will then make recommendations on the issue of a licence.

If it is unclear whether a proposed operation requires a licence or not, which licensing authority is responsible, or if the operation appears unlicensable, advice should be sought directly from Natural England or Defra.

## WHAT IS DISTURBANCE TO A SETT?

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The point at which work close to a sett constitutes disturbance to the sett or badgers occupying it is not legally defined. In practice the acceptable distance is likely to depend on the work being carried out. Natural England has provided the following guidelines for developers:

- Light work such as hand digging or scrub clearance within 10m of a sett entrance usually requires a licence
- Between 10m and 20m from the nearest sett entrance use of hand tools such as chainsaws and brush cutters does not require a licence, provided no digging is involved; use of machinery would require a licence
- Use of heavy machinery such as tracked vehicles would require a licence for operations within 30m of a sett entrance

## HOW CAN DAMAGE BE PREVENTED?

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Where the presence of a badger sett is causing damage to a site, or threatening to do so, the main licensing option considered is usually closure of the sett. This means excluding the badgers from the problem sett, or part of the sett, whilst allowing them to remain in the general area. This is based on evidence from ecological studies which shows that badgers will usually have more than one sett in their territory. Conditions attached to the licence will determine what can be done, taking due regard for the animals' welfare, and the breeding season.

With all licensed operations there is a presumption in favour of avoiding the breeding season (November to June) if at all possible.

## MONITORING SETT DAMAGE

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The longer a sett has been established on a vulnerable site, and the more extensive it is, the more difficult it is likely to be to take mitigating action. In addition, significant damage to the site may already have

been done. The creation of new setts, or significant extension of existing ones, should be checked for routinely. If a sett poses a threat to a Scheduled Monument or other vulnerable site advice from the appropriate licensing authority should be sought as soon as possible.

In some cases, for example where a large well established sett is present, it may be impractical to deal with the whole sett. Such sites should be monitored for signs of new tunnelling and, whilst it may not be possible to prevent all damage, advice should be sought on limiting further damage.

## DAMAGE TO LAWNS AND FORMAL GARDENS

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Where damage to lawns and gardens is being caused by badger feeding activity a licence will not normally be appropriate. Feeding damage is usually caused when badgers forage for worms, grubs or nutritious roots and tubers. This is rarely a serious problem, often only occurring seasonally, but it can be unsightly and may create trip hazards.

If persistent damage occurs, it may be possible to identify the food item the badgers are digging for and reduce its abundance. In some cases, badgers may be fenced out of vulnerable areas, provided this does not deprive the clan of a substantial proportion of their foraging territory. Serious damage in gardens involving setts will probably necessitate applying for a licence (see previous sections).

## LATRINES

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These can be unsightly, and in public access areas may be perceived as a health risk, but again a licence will not normally be appropriate. The risks from badger droppings are comparable with those from dog and cat faeces. Like these animals, badger droppings can carry the parasitic worm *Toxocara* which can cause blindness in children. There is also a theoretical risk of tuberculosis, albeit very slight. If there is concern about a health risk, or latrines are considered intolerable because of their appearance or smell, dung should be shovelled up and removed, or covered over with soil. Appropriate safety equipment should be used if handling dung such as impermeable gloves, splash mask and coveralls. Again, it may be possible to exclude badgers from the site if the area concerned is not too extensive.

## FURTHER INFORMATION

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IMAGE 03

Badger setts on Scheduled Monuments can cause immense archaeological damage © Alan Cathersides

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