



Tadmarton Road  
Bloxham, Banbury

## Protected Species Report: Badgers

**CONFIDENTIAL**

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G9731.02.019 Badger Survey Results

G9731.02.021 Badger Survey Results - Development Framework Plan

## Executive Summary

Introduction	<p>The site is located at Tadmarton Road, Bloxham, Banbury. The site application boundary measures 4.4ha. The anticipated footprint of the project elements, including construction and soft landscaping works, is estimated to be 4.4ha.</p>
Proposals	<p>It is understood an outline planning application will be submitted for the construction of up to 60 residential dwellings with provision for public open space, landscaping, a sustainable drainage system (SuDS) and a vehicular access point.</p>
Survey Details	<p>A badger survey was undertaken in conjunction with the Phase 1 habitat survey on 12<sup>th</sup> April 2023. The survey included land within the site boundary and land within 30m where access was permitted or accessible. All suitable habitats including woodland, dense scrub and hedgerow bases were checked for badger signs.</p>
Summary	<p>A potential badger sett was identified off-site, located approximately 13m to the northwest of the site boundary on a steep bank. Due to the steepness of the slope and ground conditions, it was not possible to access the holes to undertake a detailed, close inspection. Approximately five entrance holes were identified from bottom of the bank. Snuffle holes and mammal paths were identified on site.</p>
Potential Impacts	<p>The potential badger sett is located within a steep bank outside the site boundary. Given the topography of the bank, it is likely that the tunnels either run directly into the bank or parallel with the bank face, rather than extend towards the site boundary. Proposed works within the 30m buffer of the potential sett comprise predominantly soft landscaping. Limited construction works are also proposed within the 20-30m buffer. The proposed works within the 30m buffer are considered unlikely to directly impact the potential sett. The proposed works within the buffer are considered non-licensable. However, the proposed works may result in a temporary increase in disturbance.</p> <p>Badgers are known to forage within the site. There is risk of badgers being killed or injured as a result of increased road traffic during construction and post-development.</p>
Recommendations	<p>Once the landscape masterplan has been finalised, a detailed badger survey is recommended to take place during the winter months to undertake a detailed inspection of the site and land within a 30m buffer of the site. A pre-construction badger survey of all land within the site and the 30m buffer should also be conducted a maximum of 3 months prior to the commencement of works or at the start of each phase of development.</p> <p>Precautionary working measures will be set out within a Precautionary Working Method Statement (PWMS) to ensure no harm to badger during site clearance and construction works.</p>

This Executive Summary is not a substitute for the full report. Refer to the full text of this report for further detail.

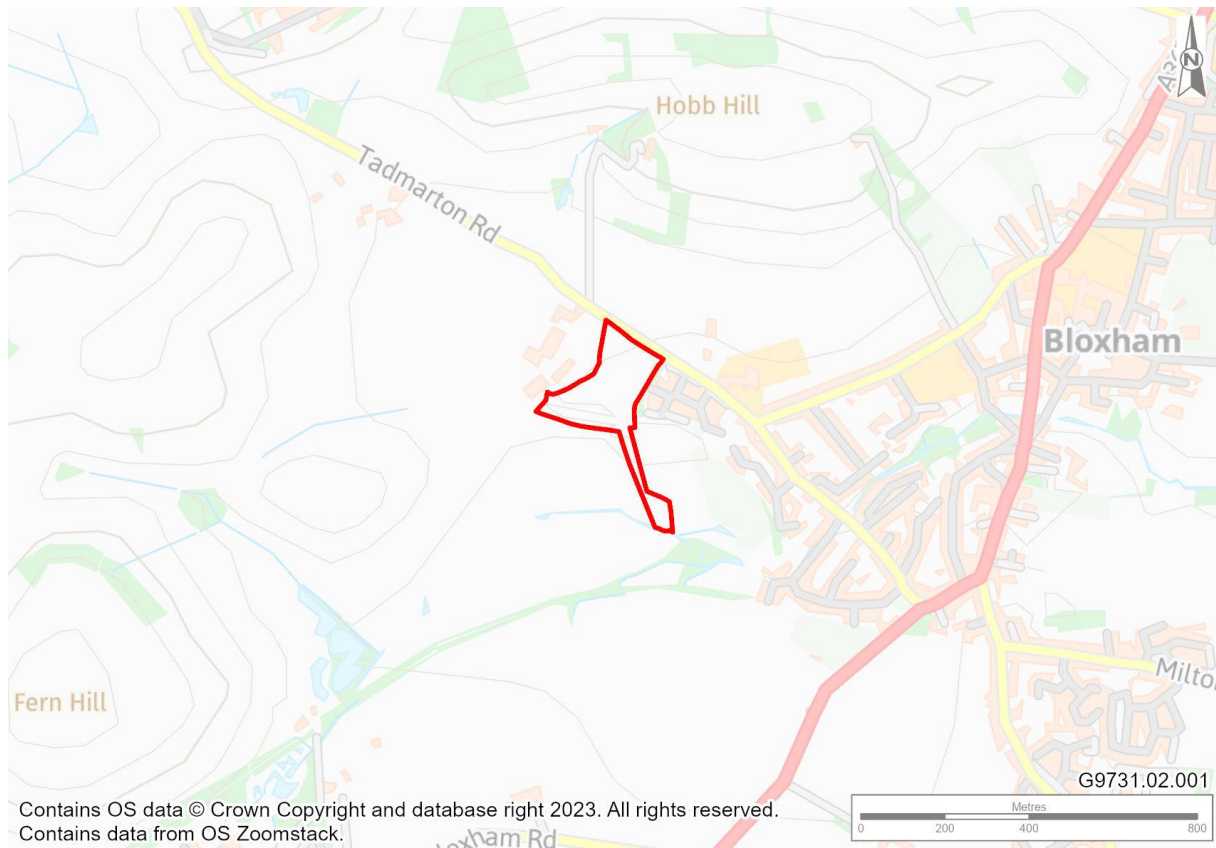
## 1.0 Introduction

- 1.1 The Environment Partnership (TEP) was commissioned by Gladman Developments in January 2023 to undertake an Ecological Impact Assessment (EclA) in support of a planning application for residential development at Tadmarton Road, Bloxham, Banbury (hereafter referred to as 'the site').
- 1.2 This technical report includes details of the methods employed and any limitations of the surveys undertaken. Results are provided with supporting maps, together with an evaluation of the ecological features within the site.
- 1.3 This report is **confidential** and should not be circulated or published into the public domain.

### Site Location

- 1.4 The site is located at Tadmarton Road, Bloxham, Banbury. The location of the site is depicted by the red line shown in Figure 1. The approximate central grid reference of the site is SP 42049 35945.
- 1.5 Tadmarton Road forms the north-eastern site boundary, a working farm is located directly to the north-west of the site, and the eastern boundary abuts a new housing development and associated public open space beyond which lies the village of Bloxham. Rural land under agricultural use extends in all other directions.

Figure 1: Site location



## Legislation

- 1.6 Badgers are protected under the Protection of Badgers Act 1992. This Act is based on the need to protect badgers from deliberate harm or injury and protects the badgers and their setts. This includes disturbance of badgers, obstructing access and damage or disturbance to setts. Further information is presented in Annex A.

## 2.0 Methods

### Desktop Study

- 2.1 In line with current best practice (CIEEM, 2016<sup>1</sup>, 2017b<sup>2</sup>), information regarding designated sites, notable habitats and existing protected and notable species records of the past decade, within a 2km minimum radius of the site was collated and reviewed to inform this ecological assessment. Further details are presented in the Ecological Desk Study (TEP Ref 9731.02.001).

### Field Survey

- 2.2 A badger survey was undertaken in conjunction with the Phase 1 habitat survey by a TEP Ecologist on 12<sup>th</sup> April 2023. The survey included land within the site boundary and land within 30m where access was permitted and accessible. All suitable habitats including woodland/scrub and hedgerow bases were checked for badger signs.
- 2.3 The badger survey was carried out in accordance with the following guidance:
- Badgers and Development, 2007<sup>3</sup>;
  - Surveying Badgers, 1989<sup>4</sup>; and
  - National Badger Survey, 1990<sup>5</sup>.
- 2.4 Evidence of badger occupation and activity sought included:
- Sett entrances - holes characteristically at field edges, in hedgerows or on earth embankments marking the entrance to a sett. Frequently accompanied by other field signs and mounds of earth (spoil);
  - Footprints – usually distinctive and easily recognisable for being broader than they are long. Often seen in recently dug earth or soft mud;

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<sup>1</sup> CIEEM (2016) Guidelines for Accessing and Using Biodiversity Data. Chartered Institute of Ecology & Environmental Management

<sup>2</sup> CIEEM (2017b) Guidelines for Preliminary Ecological Appraisal, 2nd Edition. Chartered Institute of Ecology & Environmental Management

<sup>3</sup> NATURAL ENGLAND (2007) Badgers and Development. Natural England, Peterborough

<sup>4</sup> Harris, S., Cresswell, P., & Jefferies, D. (1989) Surveying Badgers. Mammal Society Occasional Publication No.9. Mammal Society, London.

<sup>5</sup> CRESSWELL P., HARRIS S., & JEFFERIES D.J. (1990). The History, Distribution, Status and Habitat Requirements of the Badger in Britain. Nature Conservancy Council, Peterborough



- Badger trails through vegetation - badgers use the same routes within their territory, so the paths are usually well worn and obvious, being at least 20cm in width. The paths will often link feeding grounds with the badger sett;
- Dung pits/latrines - found along territory boundaries and near to inhabited setts. The pits are on average 15 cm across and 15 cm deep. Where dung pits are grouped together, they are termed latrines;
- Excavations – badgers often create shallow depressions to pass under fencing or push the fencing up to open up commuting routes;
- Badger hair – often snagged when the badger slides under fencing. The hairs are black and white and coarse, guard hairs being the most distinctive;
- Scratch marks – scratching poles can be found close to the sett entrance, with shredded or scored bark to a height of 2 or 3 feet. Sometimes scratch marks can be seen on rocks in the spoil heap close to a sett entrance where they have been loosened by badgers;
- Snuffle holes – excavated depressions in areas of bare earth where the badger has been searching for worms or insects;
- Bedding and bedding trails – piles of old bedding (bracken, dead leaves, and dry grass) in or near the entrance to a sett is a good sign that the sett is active or has been very recently. Badgers can gather bedding up to 100m away from the sett and trails of bedding can sometimes be seen along well-used badger trails;
- Other signs – for example, occasionally remains of dead badgers can be seen close to setts.

- 2.5 Particular attention paid to areas where the vegetation and/or the topography offered good suitability for sett creation. Areas with dense ground cover, including hedgerows, dense scrub and woodland were examined closely. If the vegetation prevented entry the perimeter was examined to detect paths suggesting a hidden sett within the area.
- 2.6 The survey area encompassed all land within the site boundary (The site is located at Tadmarton Road, Bloxham, Banbury. The location of the site is depicted by the red line shown in Figure 1. The approximate central grid reference of the site is SP 42049 35945.
- 2.7 Tadmarton Road forms the north-eastern site boundary, a working farm is located directly to the north-west of the site, and the eastern boundary abuts a new housing development and associated public open space beyond which lies the village of Bloxham. Rural land under agricultural use extends in all other directions.
- 2.8 Figure 1) and all suitable habitat within 30m of the boundary, where accessible.

2.9 Where setts are found, their status and level of activity is noted. Sett status is broadly categorised as follows:

- Main sett – several holes and conspicuous spoil mounds, with obvious paths emanating from and between entrance holes, used continuously or regularly with many signs of activity around;
- Annexe sett – usually located close to (within 150m) a main sett and comprising multiple holes. Usually connected to a main sett by well used paths. Annexe's may not be continuously occupied, even if the main sett is very active;
- Subsidiary sett – usually at least 50m from a main sett with no obvious paths connecting to other setts. Generally, only a few holes and may only be occupied intermittently;
- Outlier sett – one or two holes with little spoil and without obvious paths connecting to other setts. These are used sporadically by badgers but may be used by foxes or rabbits.

2.10 Level of activity is described as:

- Active / well used – holes clear of vegetation and debris, except for discarded bedding which may be present at the entrance of the sett. Usually worn at the entrance with trampled soil mounds and obviously active, with signs of regular badger activity such as presence of prints, dislodged guard hairs around the entrances;
- Partially active / used – some associated debris or plants at the entrance. Could be used with minimal excavation and usually with signs of activity within the vicinity, for example, badger pathways. May be brought into regular use with relatively little clearance or new digging;
- Disused/ collapsed – show no signs of recent use, often partially or completely blocked or collapsed entrances which may require considerable digging to allow reoccupation.

## Limitations

2.11 A steep bank is located outside the site to the northwest of the site boundary. The bank was not fully accessible to survey due to the steep topography and wet ground conditions.

## 3.0 Results

### Desk Study

- 3.1 Six pre-existing records of badgers were identified from the desk study. Due to confidentiality issues associated with badger records, no further detail was provided by Thames Valley Environmental Records Centre (TVERC).

### Field survey

- 3.2 The dense scrub, earth banks, arable field margins, hedgerows and woodland provide sett creation opportunities for badger within the site. Woodland and hedgerows are also located off site but within 30m of the site boundary, which provide additional sett creation opportunities for badger. The arable habitat which dominates the site provides sub-optimal habitat for sett creation.
- 3.3 The habitats mentioned above additionally provide suitable habitat for foraging and ranging badger within the site and within influencing distance of the site.
- 3.4 A potential badger sett was identified on a steep earth bank located outside the site to the northwest of the site boundary. Due to the steepness of the slope leading up to the mammal holes and the wet ground conditions at the time of survey, it was not possible to access the holes to undertake a detailed, close inspection. Approximately five holes were identified from ground level. The potential sett is located approximately 13m from the site boundary.
- 3.5 Snuffle holes were identified within the site on the southern edge of the arable field. A mammal path was also identified leading into an area of dense scrub within the south of the site. No other signs of badger were identified within the site, or within a 30m buffer from the site.
- 3.6 The locations of the potential badger sett and badger field signs are displayed on an aerial and on the site proposals, shown within the following drawings:
- G9731.02.019 Badger Survey Results
  - G9731.02.021 Badger Survey Results – Development Framework Plan

## 4.0 Evaluation and Recommendations

### Assessment of Potential Impacts

- 4.1 The potential badger sett is located within a steep bank outside the site boundary. Taking the topography of the bank into account, it is considered highly likely that any tunnels present either run directly into the bank or parallel with the bank face, rather than extend towards the site boundary.
- 4.2 Drawing G9731.02.021 Badger Survey Results – Development Framework Plan, shows the location of the potential badger sett relative to the proposals. The drawing shows that the proposed works within the 30m buffer of the potential sett comprise predominantly soft landscaping. Limited construction works are also proposed within the 20-30m buffer.
- 4.3 Based on information regarding the bank topography and therefore likely direction of tunnels, the proposed works within the 30m buffer are considered unlikely to directly impact the potential sett. The proposed works within the buffer are considered non-licensable. However, the proposed works may result in a temporary increase in disturbance.
- 4.4 Badgers are known to forage within the site. The proposals would result in a loss of suitable badger foraging habitat across the site. However, the most suitable badger habitat within the site shall be retained e.g. dense scrub. Furthermore, current proposals include areas of soft landscaping which would likely provide badger with suitable foraging opportunities. There is a risk of badgers being killed or injured as a result of increased road traffic during construction and post-development.

### Recommendations

- 4.5 Once the landscape masterplan has been finalised, a further badger survey should be undertaken to confirm that no badger setts have been excavated within the site or within 30m of the site which may be impacted by the works. The survey can be undertaken at any time of year however it is recommended that the survey takes place over the winter months when vegetation has died down.
- 4.6 The survey should include a detailed inspection of the potential badger sett to obtain an accurate grid reference and confirm the number of sett entrances and tunnel directions. The survey will also confirm if any further badger setts are located within the site or within influencing distance of the site which will be impacted by the proposals.

- 4.7 If works have not commenced within 3 months of the survey date, an additional pre-commencement badger survey will be required. The pre-construction badger survey should be conducted a maximum of 3 months prior to the commencement of works or at the start of each phase of development and should include all land within the site and 30m buffer.
- 4.8 If a sett is identified during the detailed badger survey or pre-construction badger survey which may be impacted by the proposals, monitoring of the sett may be required to confirm activity levels. There should be no works within the 30m buffer zone of an active sett. If works take place within the buffer zone, there is potential for disturbance to badgers because of higher levels of activity, noise and possibly vibration.
- 4.9 If it is not possible for an appropriate buffer zone to be either implemented or maintained around an active badger sett during future works, the requirement for a licence from Natural England will be reviewed.
- 4.10 Any soft landscaping proposals should include the planting of native fruit and berry producing shrubs and trees to increase foraging opportunities for badger.

### Precautionary Working Method Statement (PWMS)

- 4.11 There is potential for impacts on foraging and ranging badgers during site clearance and construction works, if present on site. Standard precautionary working measures will need to be implemented to ensure no harm or disturbance to foraging or ranging badger as a result of the development.
- 4.12 Measures would be set out in a Precautionary Working Method Statement (PWMS). The standard working measures are as follows:
- Construction staff will be given a pre-commencement toolbox talk by an ecologist, in which they will be made aware of the presence of badger in the local area and the need to implement the measures set out herein.
  - The site supervisor or other nominated site-staff representative will be appointed from the construction team whose role will be to ensure works adhere to the PWMS and that a suitably qualified ecologist is contacted if further advice is required.
  - Where dense vegetation must be cleared and the potential for hidden setts has been indicated by the Project Ecologist, clearance will be undertaken using a strimmer/hand saws to avoid disturbing the ground prior to excavation. Clearance of any vegetation which may potentially obscure a sett will be undertaken under the supervision of the ECoW.

- If a sett is discovered during vegetation clearance, works will stop immediately and a 30m buffer will be put in place around it. If a 30m buffer cannot be maintained, the requirements for sett monitoring to confirm activity levels, and the requirements for a licence will be reviewed.
- Appropriate speed limits will be enforced, and signage installed on site to mitigate against potential collision impacts during the construction phase.
- Night-time working will be avoided if possible, including within the hour before dusk and an hour after dawn.
- Excavations will be boarded or otherwise suitably covered at night. Where this is not practicable, a ramp will be provided (at an angle of no more than 45°) to allow any animal that may become trapped to escape.
- Pipes stored on site would be capped or if caps are not available, stored vertically to prevent entrapment.
- Any spoil piles present on site will be compacted to discourage use by badgers for sett building.
- Any chemicals or pollutants used or created by the development must be stored and disposed of correctly according to COSHH regulations.

4.13 **It should be noted that if a Natural England development licence to permit the closure of any badger sett on site is required, the sett closure works can only be undertaken between July and November (inclusive).**

## Annex A: Legal Context

## Legal Context

**Disclaimer:** This Annex provides general guidance and does not give specific advice in relation to any site or species or project. It represents an interpretation of legislation and procedure as of November 2023. Readers should note that legislation and procedure changes continually and is interpreted on a case-specific basis. Nothing in this Annex should be construed as an offer of advice or legal opinion.

Badgers are protected under the Protection of Badgers Act 1992. This act is based on the need to protect badgers from baiting and deliberate harm or injury. The act makes it an offence to:

- Wilfully kill, injure, take possess or cruelly ill-treat a badger, or attempt to do so;
- To intentionally or recklessly interfere with a sett.

A sett is defined as *“Any structure or place that displays signs indicating current use by a badger”*.

Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access routes.

It is not illegal, and therefore a licence is not required, to carry out disturbing activities in the vicinity of a sett providing that no badger is disturbed, and the sett is not damaged or obstructed.

Work that disturbs badgers whilst occupying a sett is illegal without a licence; badgers may be disturbed by work near the sett even if there is no direct interference or damage to the sett.

Licences are granted by the appropriate Licensing Authority and are project specific, meaning they cannot be issued until full planning permission (or any other relevant consent required to permit the proposed activity) has been awarded.

Licences typically only allow works to be carried out between July and November inclusive.

The legislation recognises the need for a range of legitimate activities to be carried out and allows licences to be granted for certain purposes permitting work that would otherwise be illegal, including development.

Due consideration of badger foraging and commuting habitat is also taken in planning decisions.



## Drawings

G9731.02.019 Badger Survey Results

G9731.02.021 Badger Survey Results – Development Framework Plan



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