

**LAND AT REAR OF 69 – 71 CULVERDEN DOWN
TUNBRIDGE WELLS
KENT
BADGER SURVEY**

BY

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D39.TQ576404.R



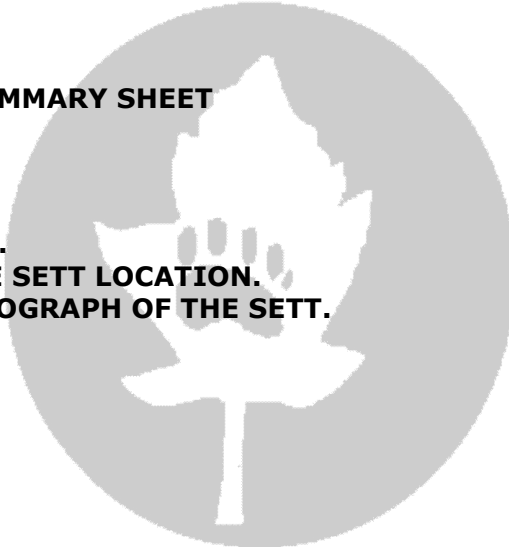
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- 1 THE SITE LOCATION.**
- 2 SKETCH MAP OF THE SETT LOCATION.**
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1.0 INTRODUCTION

- 1.1 This document was compiled in order to report upon a badger¹ survey of the grounds of 69 – 71 Culverden Down, Tunbridge Wells, Kent².
- 1.2 The site consisted of a 20th century detached house sitting in its own grounds of approximately 0.172 hectares; the plot is rectangular and is oriented north – west to south - east. The house is sited towards the front of the property, with a steeply sloping, south – east facing front lawn and drive leading down from Culverden Down; the vegetation here is mostly lawn but with a small shrubbery on the south – west side. The rear garden occupies approximately two thirds of the site, and slopes gently to the south – east. The rear garden has a small lawn space at its northernmost end but is otherwise mainly a shrubbery that is a mixture of old planted Leyland Cypress³, some beech⁴, Portuguese laurel⁵ and Rhododendron species, with entangled bramble⁶. The end of the rear garden nearest the house has been maintained as lawn, but otherwise there is the small relict of a lawn amidst the shrubbery. The site is fenced around its boundary and is in a wholly residential area. The soil is clay – sand and the site is located at a mean altitude of approximately 120 metres OD.
- 1.3 Badgers are protected under the Protection of Badgers Act 1992⁷, which consolidated and added to earlier legislation. It is illegal to wilfully kill, injure or maim a badger, and badger setts are protected from interference. Setts are often large and may extend over a wide area both above and below ground, which makes it necessary to consider them during any development schemes on sites where badgers occur.
- 1.4 Planning permission⁸ is being sought for residential development on the site.
- 1.5 The location of the site is shown in Figure 1.

¹ Meles meles.

² OS / TQ576404 – approximate location. Grid reference taken from <http://gridreferencefinder.com/#>

³ Cupressus × leylandii,

⁴ Fagus sylvatica.

⁵ Prunus laurocerasus

⁶ Rubus fruticosus agg.

⁷ Hereafter 'the 1992 Act'.

⁸ Tunbridge Wells 21/01700/FULL.

2.0 BADGER ECOLOGY

- 2.1 Badgers are social animals with each social group having a territory marked by scent from glands, dung, or urine. Earthworms are the main food item, although the diet is varied as the habitat allows: urban badgers eat more carrion and waste than do badgers in rural areas. Within a social territory there may be a main breeding sett and several smaller outliers. Badger setts are easily determined by experienced surveyors. The territorial boundaries of resident badgers are often marked by groups of dung pits known as latrines. Boundary latrines are much larger and more conspicuous to the human observer than are ordinary ones and are often adjacent to a clearly defined badger path. Dung pits, latrines, well-worn paths, footprints, and badger hair caught on barbed wire or brambles are all useful indications of areas of badger activity.
- 2.2 Badger setts are classified according to their regularity and extent of use. At one end there are large, continuously - occupied *main* setts which are normally used annually for breeding. Close to these may sometimes be found *annexe* setts, which are effectively lesser - used parts of a main sett which are sometimes used when the population in the main sett is high and / or when the main sett has been damaged or interfered with. Within a territory there are sometimes one or two *subsidiary* setts which may typically have between 3 - 5 entrances. Subsidiary setts can be quite active, and occasionally breeding may take place within them, but they may also sometimes become disused for short periods of time. *Outlying* setts often only have a single entrance and may be suddenly built by badgers but may remain unoccupied for prolonged periods of time or even fall into disrepair.
- 2.3 Badgers may use the same setts⁹ for hundreds of years and movement to and from feeding areas is generally along the same routes. Setts, feeding grounds and the routes themselves may be affected by developments. It is important not to allow this to happen without making attempts at mitigation, otherwise badgers may change their habits, which in urban areas may lead to damage to gardens and other artefacts.

⁹ Especially main ones.

3.0 METHODS

3.1 A visit was made to the site on Tuesday 30th November 2021¹⁰ and lasted two hours. During this visit a search was made for badger setts on site which, if found, would be compared with the criteria for the identification of badger setts, rabbit¹¹ warrens and fox¹² earths given by Lawrence and Brown (1979), Harris and Yalden (2008), Woods (2010) and Neal and Cheeseman (1996). The examination would include detailed scrutiny of the spoil heaps, sett entrances and the adjoining areas, as well as a more general walkover survey of the type described by Harris *et al.* (1989), looking for field signs and animal holes as described by Lawrence and Brown (1979) and Bang and Dahlstrom (1980). Once determined as a badger sett, the sett would be classified using the criteria listed by Harris *et al.* (1991).



¹⁰ An additional brief visit was made to site on Thursday 24th June 2021.

¹¹ *Oryctolagus cuniculus*.

¹² *Vulpes vulpes*.

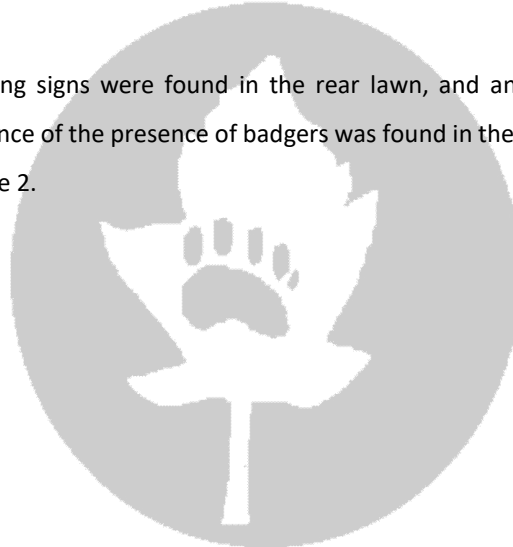
4.0 RESULTS

4.1 These results should not be made public due to the risk of badger persecution.

4.2 One badger sett was present in the survey area:

4.2.1 Sett 1. An outlying badger sett which was found in the south - western boundary of the property, approximately half way down the south – western side next to a dilapidated wooden shed. The sett consists of only three entrances, of which one was active and the other two were disused at the time of survey. The sett was identified because of the presence of a large spoil heap of the type that is characteristic of badger setts, in which were found a number of badger hairs of varying age; the spoil heap had probably last been disturbed in the last two months. A badger footprint was found in part of the entrance to the used entrance; this had been deposited within approximately the last week. No other signs of badgers were found at the sett.

4.2.2 A couple of foraging signs were found in the rear lawn, and an old latrine pit was found elsewhere on site. No evidence of the presence of badgers was found in the front garden. The position of the sett is shown in Figure 2.



5.0 DISCUSSION AND CONCLUSIONS

- 5.1 The methods of the survey have been used extensively elsewhere with consistent results. Signs of badger activity are fairly obvious to an experienced badger surveyor¹³.
- 5.2 During the survey only one small partially - active outlying badger sett was found, despite a thorough search of the survey area. The evidence suggested that only a single badger was using the sett at the time of the survey, but that it was probably not living in it all the time, but probably just visiting it from time to time. However, the fact that there had been some recent excavation at the sett suggested that a badger had lived in it for an unknown amount of time in the last six months. Foraging and dispersing animals from a nearby main sett are more than likely to enter the survey site from time to time, find the sett and occasionally reside in it.
- 5.3 However, despite the small size of the sett, it is still protected by the 1992 Act. As a result, a licence under the Act will be needed before work can begin. Such licences are obtainable from Natural England once planning permission has been obtained, and for use during the period July to November inclusive. The development footprint¹⁴, suggests that the sett will be lost, due to the proximity of the proposed development to the sett. However, this need not necessarily be so given that the tunnels associated with the sett appear, as far as can be judged, to extend beneath the back garden of no. 73 Culverden Down. but assuming the worst case viz. that the sett will be lost to the proposed development, it will have to be closed down under licence and then destroyed without replacement. Such low status setts are easily recreated by badgers, so the impact of the loss of the sett will be minimal, and there is no requirement for mitigation. If the sett is retained and not directly affected, care must be taken not to approach too closely with construction works due to the legal protection; a licence and appropriate protection may still be needed. The sett should therefore, in this case, be protected by Heras fencing during any construction operations until a licence has been granted.
- 5.4 If the sett is to be closed down, it would normally have one – way badger gates installed in a matrix of chain link or steel mesh. Once the gates have been fitted, the sett is checked every three days, and provided that the badger has left, the sett can then be destroyed under ecological supervision.
- 5.5 It is recommended that the sett is checked immediately prior to the commencement of development, as the activity status of outlying setts can be sporadic¹⁵ and they can suddenly become used or disused as the case may be. If disused, the sett would not show any signs of badger presence and would therefore not be protected as the 1992 Act, which states that a sett is '*any structure or place which displays signs indicating current use by a badger*'. This interpretation is reinforced in Natural England

¹³ The author of this report has been involved professionally with badgers for over thirty years. He is also involved with and has helped found several badger groups.

¹⁴ Anon, 2021.

¹⁵ Harris, Cresswell and Jefferies, 1989.

(2010) where it states that 'A sett is likely to fall outside the definition of a sett in the Act if the evidence available indicates that it is NOT [sic] in use by badgers, e.g. absence of badger field signs, debris in sett entrances etc.' However, any failure to check before the commencement of development which led to the destruction or damage to an active sett would be a breach of the 1992 Act.

- 5.6** In **conclusion**, therefore, there could be a slight impact upon sett 1 which will probably be lost to the proposed development, with a licence being required to close it down. No mitigation would be needed. The sett should be checked for activity immediately prior to the commencement of any works.



6.0 BIBLIOGRAPHY

- Anon, 2021. 69 – 71 Culverden Down, Tunbridge Wells. Site plan. Drawing number CD.114.
- Bang P. and Dahlstrom P. 1980. *Collins guide to animal tracks and signs*. London, Collins.
- Harris S. Cresswell P. and Jefferies D. 1989. *Surveying badgers*. London, Mammal Society Occasional Publication No.9.
- Harris, S., and Yalden D. W. (Eds). 2008. *Mammals of the British Isles. Handbook 4th edition*. Southampton, The Mammal Society.
- Lawrence M. J. and Brown R. W. 1979. *Mammals of Britain. Their tracks trails and signs*. Poole, Blandford.
- Natural England. 2009. Protection of Badgers Act 1992 (as amended). Guidance on 'Current Use' in the definition of a Badger Sett. Natural England.
- Neal, Ernest, and Cheeseman. Chris. 1996. *Badgers*. T. & A. D. Poyser.
- Woods, Michael. 2010. *The badger*. Southampton, Mammal Society.



APPENDIX 1: BADGER SETT SUMMARY (nb. All data approximate).	
LOCATION: 69 - 71 CULVERDEN DOWN, TUNBRIDGE WELLS, KENT.	
GRID REFERENCE:	TQ576404
ALTITUDE (m.):	
HABITAT	
Garden (G)	G
Scrub (S)	S
SOIL	
Sandy Clay (SC)	
THE SETT (nb. Data approximate)	
Slope (S)	S
Direction facing:	NE
Total no. of entrances :	3
No. probably in use:	1
SETT CLASSIFICATION	Outlier
Date of observation:	30th November 2021
Notes:	On boundary with no. 73.



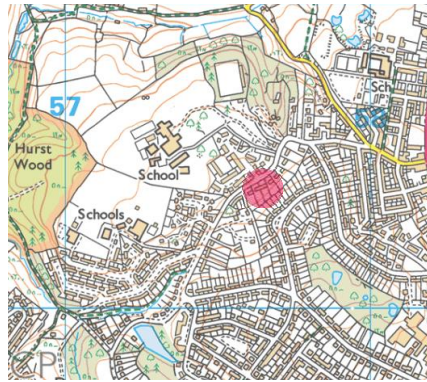


FIGURE 1: THE SITE LOCATION.

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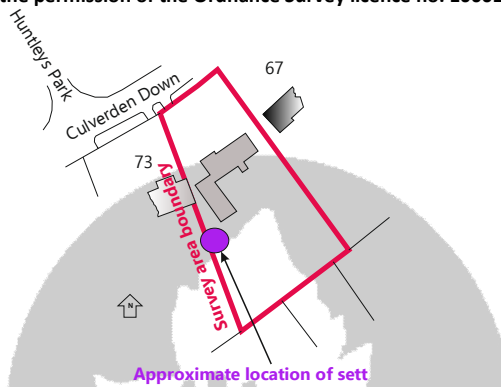


Figure 2: SKETCH MAP OF THE SETT LOCATION.



Figure 3: A COMPOSITE PHOTOGRAPH OF THE SETT.