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|----------------------|--------------------------------------------|
| <b>Report</b>        | Phase II Badger Survey Report              |
| <b>Site Name</b>     | Land North of Colwell Farm, Haywards Heath |
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## **1.0 INTRODUCTION**

### **1.1 Background**

Ecosupport Ltd carried out a Badger (*Meles meles*) activity survey for the site located at North Colwell Farm, Lewes Road, Haywards Heath, RH17 7SX (centred on OS grid reference TQ 35293 23299) hereafter referred to as the 'site'.

### **1.2 Brief Description of the Proposals**

Proposals involve the construction of up to 80 dwellings with associated landscaping, open space, infrastructure and access.

## 2.0 RELEVANT LEGISLATION & POLICY

### 2.1 Badgers

#### 2.1.1 *The Protection of Badgers Act 1992*

Badgers were initially partially protected by inclusion on Schedule 6 of the Wildlife and Countryside Act 1981. This protection has subsequently been strengthened by the Protection of Badgers Act 1992. The purpose of the Protection of Badgers Act 1992 is to protect badgers from incidental effects of lawful activities and deliberate attempts to inflict injury or kill badgers. Under the Act it is illegal to:

- willfully kill, injure, take, possess or cruelly ill-treat a badger or attempt to do so;
- interfere with a badger sett by damaging or destroying it;
- obstruct access to, or any entrance of, a badger sett; and
- disturb a badger when it is occupying a sett.

A badger sett is defined as '*any structure or place which displays signs indicating current use by a badger*'. This can include culverts, pipes and holes under sheds, piles of boulders, old mines and quarries etc. Natural England have not set a time period for current use as the rate of decay of badger signs around a sett varies depending on soil type, topography, etc. Natural England recommends that in addition to currently occupied setts, plans also consider the effect of development on seasonally used setts as these may be in use by badgers when development starts (Natural England, 2007).

### 3.0 BADGERS AND DEVELOPMENT

#### 3.1 Badger Disturbance

Under the Protection of Badgers Act 1992, any activity causing disturbance of badgers when they are occupying a sett is an offence unless it is undertaken in accordance with the terms of a disturbance licence from Natural England. As the Act does not highlight what constitutes disturbance, English Nature (the predecessor of Natural England) provided advice on the types of development activities, and their proximity to setts, that would warrant a badger disturbance licence (English Nature, 1995, 2002). English Nature (1995) state *“Up to 30 metres from any sett entrance is considered by English Nature to be a reasonable distance for work to be considered as licensable. Badgers are likely to show observable changes in their behaviour when some types of work are carried out within this distance”*. English Nature’s disturbance licensing guidelines can be summarised as follows:

- all work within 10m of the nearest sett entrance should be licensed;
- between 10 and 20m use of machinery is licensable, but hand digging is not unless tunnels are accidentally breached;
- between 20 and 30m only the largest machinery requires a licence; and
- over 30m the use of explosives and pile-driving may need to be licensed.

Natural England’s badger licensing guidelines (Natural England, 2011) do not refer to disturbance zones around setts for different types of development activities. This is largely due to uncertainty over what activities will disturb badgers and a lack of clarity over the legal interpretation of the word ‘disturbance’. The 2015 guidelines recommend the following in relation to badger disturbance:

- Badger tunnels can extend to 20m from the entrance holes and are located between 0.2 and several metres deep (depending on soil and topography), therefore excavation work and heavy machinery should be kept well away from where it could result in damage to the sett or disturbance to any badger occupying the sett; and
- disturbances, such as loud noise or vibrations, that might agitate badgers occupying a sett should be avoided or limited to areas well away from the sett

In 2015, Natural England published further guidance on badger disturbance licensing following a legal review (Natural England, 2015). This guidance suggests that badgers are relatively tolerant of moderate levels of noise and activity around their setts (e.g. badgers will create setts under roads and railways and within urban gardens that are well-used by children and pets) and that low or moderate levels of apparent disturbance at or near to badger setts would not necessarily disturb badgers and would therefore not require a licence under the Act. Examples of activities at or near badger setts that Natural England do not consider likely to causedisturbance to badgers, and therefore would not normally be expected to require a disturbance licence, include the following:

- development, or other activities occurring close to badger setts (use of hand tools and/or machinery), where there is no reason to believe that the 'disturbance' will be greater than that which badgers commonly tolerate, and therefore any badger(s) occupying the sett are unlikely to be disturbed;
- vegetation removal (including felling small trees or shrubs) over or adjacent to setts (using hand tools and/or machinery); and
- clearing out of ditches/watercourses using machinery and/or hand tools where badger setts are present.

Notwithstanding the above, the persons involved with activities near badger setts will need to exercise judgement as to whether their action may or may not cause disturbance to badgers. Where badger disturbance is unavoidable, works would need to be carried out under a Natural England badger disturbance licence. It is important to note that these licences are only issued by Natural England between July and November inclusive (see below).

## 4.0 METHODOLOGY

In addition to the walkover survey completed by Ecosupport Ltd (December 2023 & June 2024), remote trail camera Badger surveys were completed. A summary of methodologies of these are outlined below:

### 4.1 Badger

#### 4.1.1 Walkover survey

The site and where possible outside of private gardens in the surrounding environments was thoroughly searched for evidence of use by Badgers (*Meles meles*), with the specific aim of identifying the presence and location of any setts. In accordance with the *Badgers and Development: A Guide to Best Practice and Licensing* (Natural England, 2011) guidance, the survey accounted for a 50m from the site's boundary (observed where possible i.e. does not conflict with private dwellings). Evidence of Badgers could include latrines, dung pits, feeding remains and foraging evidence, trails and setts.

#### 4.1.2 Trail Camera Surveys

Due to the identification of 13 potential Badger sett entrances during the updated walkover, to determine the levels of use and allow the sett types to be classified, a Badger activity survey using motion-activated cameras was subsequently undertaken following best practice guidelines (Natural England, 2015 & 2018). All 13 sett entrances were monitored with cameras between the 13<sup>th</sup> October 2025 and the 17<sup>th</sup> November 2025, with periodic site visits undertaken within this period to check camera footage, change the batteries and note any fresh footprints at the entrance. During each return visit to the site the full site area was searched for the presence of additional sett entrances and field signs.

#### 4.1.3 Limitations

All surveys were carried out during the optimal survey period with suitable weather conditions (i.e no hard frost), and all trail cameras were in operation.

## 5.0 BADGER SURVEY RESULTS

### 5.1 Site Description & Location

The site comprises three grassland parcels separated by mature tree lines located at North Colwell Farm, Lewes Road, Haywards Heath, RH17 7SX (centred on OS grid reference TQ 35293 23299) (**Figure 1**). The site is bound by residential dwellings and Lewes Road to the north, ancient woodland to the east and south and an access track and patches of woodland to the west. The immediate wider environment is predominantly semi-rural located on the southern outskirts of the town of Haywards Heath.

**Figure 1.** Redline boundary of the site (Google satellite 2024).



### 5.2 Walkover Survey

Initially 12 sett entrances were found to be present during the walkovers in June 2024 and October 2025 to the south of the site (**Table 1** & **Figure 2**). One further sett entrance was identified within the first week of trail camera deployment, increasing the total entrances to 13. All setts were located within the ancient woodland bordering the site boundary to the south. The surrounding habitats for each entrance were very similar, featuring mostly bare ground with areas of bracken and a large woodland canopy made of a variety of native mature trees (**Figure 3**).

The presence of badgers was confirmed by the trail camera surveys. The entrance holes were also inspected and found to be the shape and size that correspond to Badger excavation. Typical snuffle foraging holes were also noted throughout the site.

**Table 1.** All sett entrances surveyed and their grid references.

| Sett Entrances | Grid reference |
|----------------|----------------|
| 1              | TQ3524623214   |
| 2              | TQ3521223235   |
| 3              | TQ3521323233   |
| 4              | TQ3521723219   |
| 5              | TQ3523723222   |
| 6              | TQ3522923200   |
| 7              | TQ3523323202   |
| 8              | TQ3523123198   |
| 9              | TQ3522823205   |
| 10             | TQ3522823205   |
| 11             | TQ3522823205   |
| 12             | TQ3522523212   |
| 13             | TQ3522223209   |

**Figure 2.** The location of the 13 sett entrances surveyed.

**Figure 3.** Photos of some of the trail cameras set up at the sett entrances.



### 5.3 Trail Camera Surveys

Trail cameras were deployed to monitor 12 sett entrances on 13<sup>th</sup> October 2025, with an additional camera set up to observe a newly identified sett entrance that was subsequently monitored for a further 28-day survey period, as per the best-practice guidelines. All entrances were recorded for a minimum of 28 consecutive days. Review of the footage recorded a single adult badger emerging twice from entrance 6 (**Figure 4** & **Figure 5**) and displaying occasional foraging and commuting behaviour around entrances 1, 3, 5, 6, 7, 9, and 13 (see **Figure 2** above for locations). At no time during the monitoring period were more than one individual badger observed. Based on size, markings, and pelage, it is considered highly likely that all sightings relate to the same adult individual. Activity levels were sporadic over the 28-day period, with several nights recording no activity at all.

Based on the high number of entrances it is considered likely that the sett may have been previously utilised as a main sett. However, Given the limited and irregular activity, and the presence of only a single individual, the sett is assessed as an **outlier sett** used intermittently by one adult badger.

**Figure 4.** One adult badger emerging from sett entrance 6.



**Figure 5.** One adult badger emerging from sett entrance 6.



## 6.0 IMPACTS & MITIGATION

### 6.1 Impacts

#### 6.1.1 Impacts from Proposed Works

Proposals involve the construction of up to 80 dwellings with associated landscaping, open space, infrastructure and access. The extent of the developable area is shown in **Figure 6** below. It should be noted that **the active sett is not within the developable area, and is located over 30m from the sites redline boundary (Figure 6)**. Furthermore, the development area does not include the removal of any ancient woodland or vegetated areas nearby to the sett. **All identified setts are to be retained under proposals.**

#### 6.1.2 Construction and Landscaping

The construction of the new dwellings on site and associated will take place within the centre of the parcel, away from the badger sett location (**Figure 6**). Generally, works within 30m of a main Badger sett are considered likely to result in disturbance impacts, causing distress to the animals and possible abandonment of the sett. In addition, excavations within 20m of a sett risks breaching tunnels and/or chambers and causing tunnel collapse through the use of heavy machinery. The active sett is located 31m away from the site boundary and 65m from the nearest dwelling. Due to this, **the sett will not be impacted by the construction phase of the development.**

General landscaping will take place across the developable area and primarily involve the management and creation of grassland habitats. The works will not involve heavy machinery, however there may be increased foot traffic and use of hand tools. As the active sett is located around 30m away from the site boundary, and no landscaping will take place near to the active entrance sett, **the active entrance will not be impacted by landscaping works.**

#### 6.1.3 Site Operation

Potential indirect impacts to Badgers, associated with the operational phase, are considered to comprise disturbance by lighting, and increased recreational pressure. Due to proposed development on the site, there will be a reduction in available foraging and commuting habitat. However, as there is extensive habitat available to the south in the form of ancient woodland, **the sett will not be significantly impacted by loss of foraging and commuting habitat.**

**Figure 6.** Proposed extent of the development with badger sett location indicated with a 30m buffer (active sett shown as red dot).



## **6.2 General Badger Mitigation**

The following mitigation will be followed during the construction period to minimise impacts upon badger movement and foraging behaviour across the Site:

- Avoid blocking badger runs which are not directly affected by the Scheme.
- Avoid leaving open trenches into which animals could fall. If this is not possible a means of egress should be provided, such as a plank. It should be ensured dangerous areas such as deep excavations are fenced to prevent badger access or covered overnight.
- Across the Scheme, ensure at least one safe crossing point of the construction footprint is available every 100m.
- Avoid storage of plant or materials on areas of potential foraging habitat (such as retained grassland).
- Avoid night works where possible to avoid disturbance from the use of artificial lighting, and ensure the Site is left unlit at night during the construction period. If lighting of some areas is unavoidable, then hoods, cowls or shields should be used to avoid light spill onto setts or known badger paths.

## 7.0 CONCLUSION

A suite of trail camera monitoring surveys were carried out on a Badger sett located at Land North of Colwell Farm, in Haywards Heath for a development comprising the construction of up to 80 dwellings with associated landscaping, open space, infrastructure and access. The trail camera monitoring was undertaken in October - November 2025, with each entrance monitored for at least 28 days. A total of 13 sett entrances were identified just outside of the development boundary within the ancient woodland immediately south of the site boundary.

The trail camera survey recorded limited and irregular activity, with footage showing a single adult badger using the area mostly for sporadic foraging and commuting. The individual was recorded emerging from entrance 6 on two occasions. During the monitoring period, no more than one individual was observed at any given time, and activity was absent on several nights. Based on these findings, the sett is classified as an **outlier sett** used intermittently by a lone adult badger, likely for temporary refuge or occasional foraging.

The nearest active entrance (entrance 6) is located over 30m from the site boundary and more than 65m from the nearest proposed dwelling. As the sett lies outside the developable area and will be retained under the current proposals, no direct impacts are anticipated. The implementation of standard precautionary measures during construction, such as avoiding night works, leaving escape routes in open excavations, and preventing light spill onto the woodland, will ensure any potential indirect disturbances are minimised. Consequently, the proposed development is not expected to result in the loss of a sett or significant adverse effects on the local badger population.

## 8.0 REFERENCES

English Nature (2002). Badgers and development. English Nature, Northminster House, Peterborough.

English Nature (1995). Species Conservation Handbook: Badgers. English Nature, Northminster House, Peterborough.

JNCC (2010). *Handbook for Phase 1 Habitat Survey – a technique for environmental audit*. JNCC, Peterborough.

Harris, S. (1984). Ecology of urban badgers *Meles meles*: Distribution in Britain and habitat selection, persecution, food and damage in the city of Bristol. *Biological Conservation* 28, 349-375.

Natural England, 2011 *Badgers and Development: A Guide to Best Practice and Licensing*

Natural England (2015) Badgers: surveys and mitigation for development projects. A Guide to Best Practice and Licensing.

## **Appendix I – Trail Camera Photos**



1) Individual badger foraging (week 1)



2) Badger emerging from entrance 6 (week 1)



3) Badger foraging (week 3)



4) Badger emerging from entrance 6 (week 4)



5) Badger commuting (week 4)



6) Badger commuting (week 4)

