

United Environmental Services Ltd

1 Booths Park,
Chelford Road,
Knutsford,
Cheshire
WA16 8QZ



www.ues.org.uk

enquiries@ues.org.uk

01565 757788

BADGER SETT CLOSURE METHOD STATEMENT

At

Plot 3A

Wrexham Industrial Estate
Bryn Lane
Wrexham
LL13 9UT

NGR: (SJ) 339340 350457

Prepared for:	Emily Armstrong, FI Real Estate Management Ltd
Written by:	Kathryn James, UES Ecology Project Manager
Approved by:	Toby Hart, UES Managing Director

A handwritten signature in black ink, appearing to read 'Toby Hart', is positioned below the 'Approved by:' line.

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1 INTRODUCTION

1.1 Author and qualifications

This report is written by Kathryn James BSc MRes MCIEEM, UES Ecology Project Manager. Kathryn has extensive experience in badger surveying and mitigation work and has held several Natural England badger sett disturbance and closure licences.

1.2 Proposed development and previous survey information

United Environmental Services (UES) Ltd undertook a preliminary ecological appraisal (UES03448/01) at Plot 3A, Wrexham Industrial Estate, Wrexham in September 2021.

However, during minor vegetation clearance works to facilitate access for ecological surveys of the site, area of dense scrub adjacent to Pond 2. Three of the burrows showed no signs of activity.

During the monitoring period,

No additional evidence of badger activity was recorded on site during the other numerous ecological surveys of the site.

The development proposals are for the construction of three industrial units with associated parking and access roads. Settle 1 lies within the construction zone of the proposed development and will need to be closed in order to facilitate the proposals. Therefore, the works must proceed under a badger mitigation licence issued by Natural Resources Wales (NRW). This licence must be in place prior to the start of any works within 30m of the settle that has the potential to cause disturbance or damage to the settle. Licences are issued allowing settle closures to be undertaken between July and October inclusive to avoid disturbance to badgers during the breeding season.

The development will also be subject to a European protected species (EPS) mitigation licence for great crested newts (GCNs) *Triturus cristatus*. The mitigation works will need to be phased to allow the site to be cleared of GCNs prior to the ground works associated with closing Settle 1.

This method statement will outline the mitigation and compensation measures required in order to safeguard protected species throughout the duration of the development.



1.3 Report objectives and structure

This document sets out all the necessary procedures and mitigation measures to avoid impacts on badgers during works on site, and avoid any potential breaches of protected species legislation. This report should be read in conjunction with appendices 1 – 3.



2 IMPACT ASSESSMENT

2.1 Impacts without mitigation

Without mitigation, the proposed works could have the following impacts on badgers and their setts:

- Setts collapse – Ground works are scheduled in close proximity to the badger setts on site. Access of machinery in the area and ground works have the potential to cause collapse of tunnels and chambers within the badger setts.
- Setts disturbance - The planned works at the development site have the potential to disturb badgers through increased noise and vibration.
- Direct harm to badgers - The development has the potential to cause direct harm to badgers which may be present during the work in the case of any collapse or disturbance as detailed above, and also of badgers using the established badger paths which may stray onto the site and interact with construction areas or materials.

2.2 Licence to interfere with a badger sett for development purposes

Due to the anticipated impacts on badgers without mitigation, works will need to proceed under the mitigation and compensation measures detailed in sections 3 and 4 of this report. Works will not commence until a licence to interfere with a badger sett for development purposes has been obtained from Natural Resources Wales.



3 MITIGATION MEASURES

The following measures are designed with the primary objective of safeguarding badgers in the event that they are present during the works. They will ensure that the construction personnel have a high level of understanding about badgers and the legislation which protects them, and provide them with the necessary guidance and mechanisms should any badgers be discovered during the development process.

3.1 Settle closure

A licence to close the outlier settle will be sought from Natural Resources Wales. The development will also be subject to a EPS mitigation licence for GCN. The mitigation works will need to be phased to allow the site to be cleared of GCNs prior to the ground works associated with closing Settle 1. The following measures will be followed to ensure the safe and effective closure of the settle:

- Between 1st July and 30th November, one-way badger gates, opening outwards, will be securely installed in the settle entrances within the development footprint to allow badgers to exit from but not enter the settle. Vegetation will be cleared from the surrounding area using hand tools to facilitate access to the settle. The gates will be fitted in accordance with Natural England's Technical Information Note (TIN) 025 'Using one-way gates on badger settle entrances' (Natural England, 2011).
- Heavy gauge chain-link netting (galvanised and 2.5mm gauge) or similar material will be pegged down over the surface of the ground surrounding the gated entrances to prevent the re-entry of badgers.
- The setts will be visited at intervals of three days to inspect the gates to ensure that it opens and closes freely, and to check for signs of badgers having regained access to the setts.
- The badger gates will remain continuously in position for at least twenty-one days following the last sign indicating possible access by badgers into the setts and until immediately before action is taken to proof the setts.
- Badger activity at the one-way badger gates will be monitored using infra-red motion-triggered cameras to ensure that no badgers enter the settle. The gates will also be monitored by placing small sticks in front of and behind the gates, and smoothing the soil or sand in front of the gate in order to detect badger footprints. Sticks will not obstruct access or prevent closure of the gates if disturbed.
- After the settle has been declared free from signs of attempted re-entry by badgers for at least 21 days it will be sensitively excavated under ecological supervision, taking care to ensure that all chambers and tunnels are explored. Once this has been achieved, the ground will be levelled and heavy gauge chain-link netting (galvanised and 2.5mm gauge) or similar material will be pegged down over the former settle area to prevent badgers from attempting to re-excavate the settle. If a badger forces entry into the settle or excavates an alternative entrance burrow during the 21-day monitoring period or prior to the destructive works, this procedure will be repeated until 21 days of successful badger exclusion are achieved.



- Immediately prior to the start of any works on site and the access of machinery, a pre-commencement badger check will be undertaken by a suitably qualified ecologist to search for signs of any new or additional badger setts, if a potential badger sett is discovered a 30m buffer zone will be implemented around the sett and the procedure detailed above will be followed to close the sett. If any areas of dense vegetation cannot be confidently searched, the vegetation should be removed by cutting / strimming prior to heavy machinery accessing the site, as directed and overseen by an ecological clerk of works.

3.2 Site operations

Once the sett has been successfully closed under licence then works on the site may commence. The following measures will ensure the potential of harm to badgers entering the site is minimised.

- Contractors working on site will be briefed as to the potential presence of badgers on the site, and their individual and collective responsibilities under the legislation. An ecologist will remain on call for the duration of the works.
- There will be no works on site in the evenings or during the hours of darkness. This is in order to minimise the potential for disturbance of badgers when they are above ground.
- Any site lighting will be directed away from the wildlife corridors along the site boundaries, the retained habitat to the south of site, and the ecological compensation area.
- The site manager will carry out a site walkover each week to check the site for new evidence of badger setts or digging. If new evidence is found, ecological advice is to be sought immediately.
- Ideally any open excavations should be filled in before the site is closed in the evenings. If this is not possible and excavations are to be left open overnight, then either the edge of the excavation should be cut at a 45° angle to allow animals to exit unaided or mammal ladders should be left in the holes.
- Excavations should be checked prior to infilling in order to ensure that no animals are present. If animals are present then the site manager should be informed and a suitably experienced ecologist should be called for advice.
- Chemicals and materials which have the potential to harm wildlife such as fuels, concrete mix, solvents, nails, reels of wire etc, should be stored in a way which removes any risk of badgers (or other wildlife) coming into contact with them.
- Barbed wire or other similar materials should not be used on the site.
- Any temporary exposed pipe system will be capped so that badgers are prevented from gaining access during non-operational hours.



4 COMPENSATION MEASURES

No compensation measures, such as the construction of an artificial sett, are considered necessary to offset the closure of Sett 1, as it is an outlier sett which is only used on an occasional basis by a single or very low number of individuals.

The proposed development will result in the loss of areas of suitable foraging and commuting habitat namely dense scrub and grassland. Despite this, the layout for the site has been designed to incorporate significant habitat retention, including the retention of wildlife corridors along the site boundaries. A 10m strip of dense scrub or grassland will be retained along the boundaries of the site which will ensure that connectivity of habitats and foraging opportunities are maintained.

To compensate for the loss of areas of grassland and scrub, the ecological compensation area within the eastern section of the site will be enhanced to provide higher quality foraging habitat and sett building opportunities through scrub and woodland planting, pond creation, conversion of agricultural grassland to both species-rich wildflower grassland and tussocky rough grassland and the creation of a small orchard area. Connectivity between the ecological compensation area and offsite habitats, including the suspected offsite main sett that lies approximately 200m south of the site, will be retained through the habitat corridors at the site boundaries and the retention of habitats within the southern section of the site.

No detailed lighting proposals have been provided to UES at this stage, however a wildlife friendly external lighting scheme should be designed for the operational phase of the development. The scheme should be designed to avoid overspill onto the ecological corridors at the site boundaries and any retained areas of high-quality badger habitat including the entire ecological compensation area.



5 REFERENCES

Chartered Institute of Ecology and Environmental Management (2013). *Competencies for Species Survey: Badger*.

Department for Communities and Local Government (2012). *National Planning Policy Framework*.

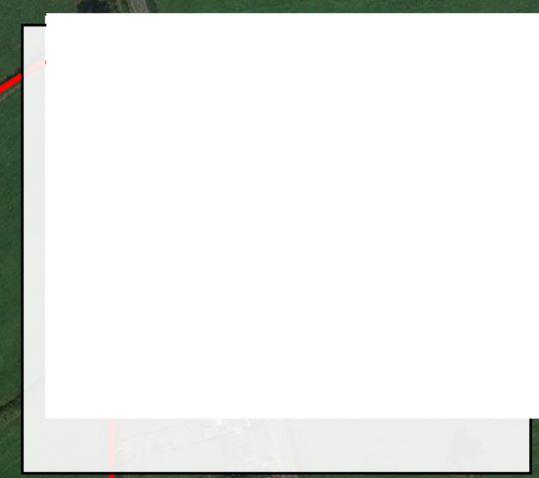
Natural England (2011). *Badgers and Development: A Guide to Best Practice and Licensing*, IN75 Version 12/11.

Natural England (2011). *Technical Information Note TIN025: Using one-way gates on badger sett entrances*.



APPENDICES

Appendix 1 – Site plan





Appendix 2 – One-way badger gate





Appendix 3 – Statutory and planning context

STATUTORY AND PLANNING CONTEXT

Ecological assessments

Ecological assessments play an important part within the planning context; they include an initial assessment which highlights any specific interests of a site. From the initial site assessment, the surveyor assesses the suitability of habitats within the site to support protected species and makes recommendations for further survey works if required. The following paragraphs provide a brief interpretation of the legislative protection that is relevant to the findings of this report.

Badgers

European badgers *Meles meles* and their habitat are protected under The Protection of Badgers Act 1992 and are also included on Schedule 6 of the Wildlife and Countryside Act 1981, and Appendix III of the Bern Convention. The legislation affords badgers protection against deliberate harm or injury making it an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger (or attempt to do so)
- To interfere with a sett by damaging or destroying it
- To obstruct access to, or entrance of, a badger sett
- To disturb a badger whilst it is occupying a sett

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Works that disturb badgers whilst they are occupying a sett are illegal without a licence. Disturbance can occur even without direct interference or damage to the sett in question. In general, the following activities are likely to require a licence:

- Use of heavy machinery or significant earth moving within 30m of a sett
- Use of lighter machinery (usually any wheeled vehicles) within 20m of a sett
- Any digging, chain saw use or scrub clearance within 10m of a sett

Planning Policy

National planning guidance is issued in the form of Planning Policy Wales (PPW - 2018). The most relevant sections are included in Chapter 6: Distinctive and Natural Places. This chapter details the policies on issues such as the protection of trees, woodlands, species, and designated sites. The document is free and available to view online