

Protection of Badgers Act 1992

LICENCE – Sett interference for development purposes



This licence authorises acts that would otherwise be offences under the above legislation

Any request for information in this licence will be considered under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 as appropriate.

Wildlife Licensing Service
Natural England
Horizon House
Deanery Road
Bristol
BS1 5AH

Tel: 0208 026 1089

Email: wildlife@naturalengland.org.uk

Licence number:

2022-61685-SPM-WLM

Under the Protection of Badgers Act 1992 Natural England has granted this licence for Badgers for the purpose of:

Any development as defined in section 55 (1) of the Town and Country Planning Act 1990, under section 10(1)(d) of the Protection of Badgers Act 1992

Name of Licensee (in full)

Mr [REDACTED]

Address

John Graham Construction Ltd
5 Ballygowan Road
Hillsborough, Co Down, Northern Ireland, BT26 6HX

Between the dates of:

9 November 2022

and

30 November 2022

inclusive, subject to the conditions specified.

At locations:

Site/Location Name	County	OS Grid Reference
Land West of M25 junction 28, Nr Harold Hill, Romford	London Borough of Havering	TQ562926

For the following species

Species Common Name (Taxonomic Name)	Sett reference (if applicable)	Activity	Method	Detailed Location	OS Grid Reference
Badger (<i>Meles meles</i>)	Setts 2, 4 and 5	Interfere with badger sett(s)	Obstructing sett entrances by means of one-way badger gates; Obstructing access to sett entrances by blocking or proofing; Damaging a sett by hand and mechanical means; Destruction of the vacant sett by hand and mechanical means; Disturbance of badgers whilst occupying a sett;	Land West of the M25 junction 28	TQ562926

This licence may only be used by the Licensee (named above) and the named Additional Authorised Persons (listed below) and is granted subject to the Licensee, Additional Authorised Persons and any assistants adhering to the conditions and notes specified below.

Name:

Date:

9 August 2022

(for Natural England on behalf of the Secretary of State, Department for Environment, Food and Rural Affairs)

Warnings, licence conditions and notes

Important Advice

- **This licence authorises acts that would otherwise be offences under the Protection of badgers Act 1992**
- **This licence conveys no authority for actions prohibited by any other legislation;**
- **This licence can be revoked at any time by Natural England, but this will not be done unless there are good reasons for doing so. The licence is likely to be revoked immediately if it is discovered that false information had been provided which was material to the issue of the licence.**

Licence conditions

1. These conditions apply to the Licensee, any additional authorised persons and to any assistants (see condition 2). The Licensee and any additional authorised person(s) are responsible for ensuring that any licensed operations/ activities comply with all terms and conditions of the licence.
2. The Licensee and additional authorised person(s) may employ assistants to work under their direct personal supervision.
3. The Licensee and any additional authorised person(s) shall permit an officer of Natural England, accompanied by such persons as he/she considers necessary for the purpose, on production of his/her identification on demand, reasonable access to the site for monitoring purposes and to be present during any operations carried out under the authority of this licence for the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with. The Licensee shall give all reasonable assistance to an officer of Natural England and any persons accompanying him/her.
4. This licence does not convey any right of entry upon land, and the landowner's/occupier's prior permission must be obtained, as necessary, before the licence is used.
5. The Licensee and additional authorised person(s) are responsible for ensuring that all reasonable precautions are taken to ensure that unnecessary suffering of any animals covered by this licence is avoided.
6. Additional authorised persons must provide the Licensee with such information as is within his/ her knowledge and is necessary for the Report (see condition 7), which the Licensee is required to make to Natural England
7. The 'Report by Licensee of action taken under licence' must be completed, even if no licensed action is taken. It must be sent to the Natural England office at the address shown on this licence, to arrive no later than 14 days (two weeks) after the expiry of the licence. Failure to make a report may result in the licence being revoked and/or any future applications being refused.

Eviction and exclusion of badgers by means of one-way gates

8. At the start of the operation, where vegetation clearance around the sett is required to access the sett, vegetation must be removed down to ground level only.

9. One-way badger gates, opening outwards must be securely installed in all sett entrances displaying signs of possible occupation by badgers to allow badgers to exit from but not re-enter the sett.
10. In order to prevent badgers from digging into the ground surrounding the sett, material capable of preventing access by badgers, such as heavy gauge chain-link netting, must be pegged down over the surface of the ground surrounding the gated entrances. Chain-link netting or weldmesh (if used) must be of at least 2.5 mm gauge.
11. The sett must be visited at intervals of no more than three (3) days to inspect the gates to ensure that they open and close freely, and to check for signs of badgers having regained access to the sett.
12. The badger gates must remain continuously in position for a minimum period of twenty-one (21) consecutive days following the last sign indicating possible access by badgers into the sett and until immediately before action is taken to close or destroy the sett.
13. If applicable, un-gated entrances to tunnels which have been shown not to be occupied by badgers must be blocked or proofed against re-entry by badgers.
14. Measures to exclude badgers must remain in place until immediately before sett destruction or proofing is carried out.

Recommendations

1. Monitoring of badger activity at the one-way badger gates can include: placing small sticks in front of and/or behind the gate, tying a fine thread across the front of the gate, or smoothing the soil or sand in front of the gate in order to detect badger footprints. If sticks are used, care must be taken that they do not obstruct access or prevent closure of the gate if disturbed.
2. Once badgers have been successfully evicted and excluded from a sett, and where the sett is going to be destroyed, dig back all tunnels as far as possible and backfill with materials appropriate for the particular site, eg soil/concrete/rubble. If it is not possible to destroy the sett, the entrances and as much of the associated tunnels as possible should be blocked with materials appropriate for the particular site eg soil/concrete/rubble/expanding foam.
3. After the sett has been destroyed or tunnels have been blocked, the area should be proofed against re- entry by badgers using material capable of preventing access by badgers, for example chain-link netting or similar material laid on the surface of the ground and/or as a vertical barrier (buried to a depth of at least 1.5 metres below ground) and secured to prevent further access by badgers. Chain-link netting (if used) should be of 2.5 mm gauge.

Notes

1. Natural England checks compliance with licences and the attached conditions.
2. Amendments to the list of people authorised to act under this licence can be made by completing their details on line or by contacting Natural England. Additional persons must not undertake licensable activities until their name is listed on a valid licence.
3. You are advised to carry a copy of this licence with you at all times whilst undertaking licensed activities.
4. The data required in your report includes information about: Species, Date of action, Action taken, Number, County, OS grid reference and Site name. You can also send additional information. The required format of the data return can be viewed on the Natural England website. Please note the information and format may have changed from previous years.
5. It is the responsibility of the Licensee (and those acting on their behalf in respect of this Licence) to resolve, as far as is reasonably practicable, the potential for conflict between the Licence conditions, any Planning Conditions and/or Permits relevant to the licensable activity under this Licence. In the event that there is a likelihood that the Licensee is unable comply with the terms and Conditions of this Licence as a result of conflict with Planning Conditions and/or Permits, the Licensee should notify Natural England in writing as soon as possible and take steps to resolve the conflict and confirm as soon as practicable to Natural England once this has been done.
6. To avoid transmitting COVID-19 from people to wild mammals, you should: stay at least 2 metres from live wild mammals at all times and only capture or handle live wild mammals if necessary. If you cannot follow these guidelines, then you should minimise the time spent in close proximity and handling mammals; limit the number of people that come into close proximity or handle mammals, and keep animals separate from other individuals as far as possible.
7. Persons acting under this licence should follow good hygiene practices, including wearing of disposable gloves, or clean and disinfected non-disposable gloves; wearing a face covering when handling and in close proximity to any mammal, and washing hands before and after close proximity or handling of any mammal. Face coverings, non-

disposable gloves and overalls or other clothing should be washed / disinfected between uses when handling mammals.

8. You should not carry out activities under this licence that involve close proximity to mammals if you feel unwell, test positive for COVID-19 or live with someone who has or might have COVID-19.

Additional Authorised Person(s)

The additional authorised persons listed below are also authorised to act under the terms and conditions of this licence:

Title	First Name	Surname	Address Line 1	Postcode
Mr	Richard	Webber-Salmon	Sweco UK Ltd, North Kiln, Felaw Maltings, 46 Felaw Street, Ipswich, Suffolk	IP2 8PN
Mr	Joshua	Stafford	Sweco UK Ltd	CM6 1SR