

Rush Wall Solar Park

Environmental Statement

Appendix 5.4

Badger survey

Badger Survey Rush Wall Solar Park February 2020

Report no: BGR-526.1

A report by

Colin Hicks BSc (Hons) MCIEEM, Principal Ecologist



Report details

Site name: Rush Wall Solar Park
Site address: Redwick, Newport
Grid reference: ST 416 853
Survey date: 14th February 2020
Report date: 21st May 2020
Report author: Colin Hicks BSc (Hons) MCIEEM
Checked by: Yolande Knight PhD, MRSB

Report no: BGR -526.1

Declaration of compliance

BS 42020:2013

This study has been undertaken in accordance with British Standard 42020:2013 Biodiversity, Code of practice for planning and development.

Code of Professional Conduct

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

Validity of survey data and report

The findings of this report are valid for 24 months from the date of survey. If work has not commenced within this period, an updated survey by a suitably qualified ecologist will be required.

Revisions

Date	Report no:	Comment
21/05/2020	WOR-526.1	Original report

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1. Introduction

Western Ecology has been commissioned to complete a Water Vole survey on an area of land for the proposed Rush Wall Solar Park near Redwick.

1.1. Survey aims

The aim of this survey is to ascertain whether Badger are present within this site.

Where appropriate, the survey will provide the information required to determine the appropriate level of mitigation required to ensure compliance with wildlife legislation and relevant planning policy.

2. Methodology

2.1. Desktop survey

The data search collated existing biological records of Badgers within 2km that are held by South East Wales Biodiversity Records Centre.

This data was examined and an assessment was then made, based on known habitat preferences, as to whether these species may be present within the site and how they may be affected by the proposal.

2.2. Field survey

A walkover survey was completed within the proposed development site, and in areas within 30 metres of the proposed development to the north and west where Badgers are known to be active. This was completed during daylight hours on 14th February 2020. All features resulting from Badger activity, including sett entrances, latrines, foraging scrapes and well-worn pathways, were accurately mapped using a Trimble Juno SC handheld GPS receiver running Arcpad 7.5. Where necessary, digital images of features were collected, and all entrances were assessed as to their level of use and placed into the following categories:

Active – Well-worn entrances with evidence of recent badger activity including paw prints, fresh bedding or excavations.

Occasional use – Entrances open but with small amounts of live vegetation or leaves along tunnel base. Evidence of excavations in last few months with old bedding seeding in spoil heap.

Abandoned - Partially collapsed entrance or completely filled with leaf litter. Spoil heap reduced by erosion with no pathway leading to the entrance. Includes badger sett entrances that have been adopted by rabbit or fox.

Status unknown – Tunnels which have firm evidence of badger habitation at some time in the past (either tunnel shape or evidence of seeded bedding/badger hair in spoil) but now appear to be inhabited by rabbits or foxes.

Dependent on how entrances were clustered and their importance to the local Badger populations they were also classified as part of a:

- Main sett – A large cluster of entrances, continually occupied and used for breeding.
- Annex sett – A smaller cluster, usually occupied and close to the main sett and connected to it by well-worn pathways.
- Subsidiary sett - Seasonally occupied and some distance from the main sett.
- Outlier – small number of entrances, sometimes only one. Used sporadically and no obvious connection to main sett.

The survey was completed by Colin Hicks a Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM), an ecologist with 20 years of professional experience and qualified as having the required Competency for Species Survey as outlined by the Chartered Institute of Ecology and Environmental Management.

Weather conditions during the survey were occasional light shower, 100% cloud cover, light westerly wind and 8°C.

2.3. Survey constraints

All areas associated with the proposed development were readily accessible and vegetation was readily searched due to a lack of leaf cover. Although Badger foraging activity is less evident in winter months, it is the best time to locate sett entrances, which are the main concern with solar projects.

2.4. Survey extent

The focus of the survey was the development footprint and all habitats within 30 metres.

3. Results

3.1. Biological records search

There are 2 records for Badger within 2 km of the Site.

3.2. Sett entrances

No Badger sett entrances were found within the survey area, although a small outlier sett is known to be present 200 metres to the south of the development boundary.

3.3. Latrines

No Badger latrine were found within the survey area.

3.4. Foraging evidence

Occasional foregoing evidence was found within the south east of the site. During multiple surveys since 2018, occasional foraging evidence associated with Maize crops has been recorded across site, and these are included on Map 1.

3.5. Badger pathways

No well-worn Badger pathways were found within the survey area although footprints were noted in F30 during a site walkover with consultees prior the Badger survey.

4. Badgers and the Law

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Act states that a person is guilty of an offence if they:

- a) damage a badger sett or any part of it;
- b) destroy a badger sett;
- c) obstruct access to, or any entrance of, a badger sett;
- d) disturb a badger when it is occupying a badger sett;
- e) wilfully kill, injure or take, or attempts to kill, injure or take, a badger;
- f) cause a dog to enter a badger sett;
- g) have in their possession or under their control any dead badger or any part of, or anything derived from, a dead badger; or
- h) cruelly ill-treat a badger, use badger tongs or dig for a badger.

There are also offences related to the sale and marking of badgers, and the type of firearm to be used when legally killing a badger.

In relation to developments, the most relevant parts of the Act are offences relating to a) to d) which apply to a badger sett that is in current use. Guidance on the term 'current use' was given by Natural England in 2009, where it was stated that:

"a badger need not be in current occupation, and may not have been for some time. As long as there are signs present indicating "current use" the sett is defined as such in the Act and is therefore protected."

Natural England has also given guidance on the term 'disturbance' of a badger whilst occupying a sett and it is generally said to be above the level of background disturbance that they normally tolerate at a site. Activities which would not normally be considered an offence under the Act include:

- light vegetation removal at, or around, a sett;
- development activities close to a sett where there is no reason to believe that the 'disturbance' will be greater than that which badgers in this location commonly tolerate; and
- clearing out of ditches/watercourses using machinery and/or hand tools where badger setts are present.

If an activity is likely to result in an offence being committed, a licence may be issued by Natural England to allow that activity to lawfully proceed. A licence may be granted for a number of reasons, including interference with a badger sett for the purpose of any development as defined in section 55(1) of the Town and Country Planning Act 1990. For a licence to be issued for the purpose of development, it is required that full planning permission has been granted.





Badger foraging habitat is not protected although the consideration of biodiversity and wildlife management is a material planning consideration.

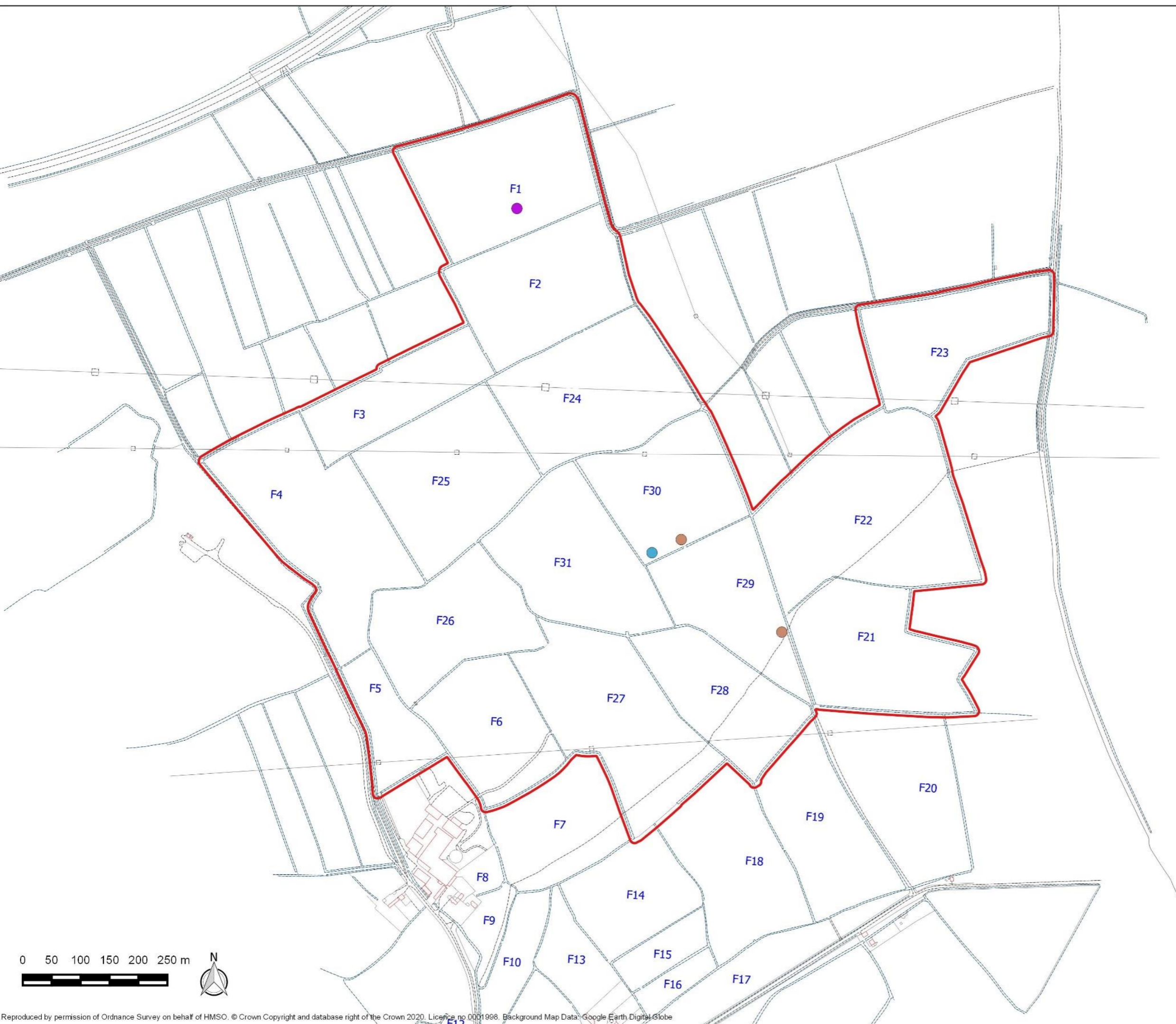
5. Assessment of the site value for Badger

The site is occasionally exploited by Badgers as a foraging resource, largely when maize is available. It is unlikely that the managed grasslands at this site provide sufficient soil invertebrates for regular foraging by Badgers and this conclusion is supported by a lack of well-worn pathways that area usually associated with areas of good habitat for Badgers.

The site is of Site value for Badger.

Legend

-  Development footprint
-  Foraging evidence during survey
-  Foraging evidence noted in 2018
-  Footprint evidence during survey



Title: Map 1. Field survey results

Project: Rush Wall Solar Park

Checked by: CDH Version: 01
Date: 21/05/2020