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Guidance

Badgers: advice for making planning decisions

How to assess a planning application when there are badgers on or near a proposed development site.

From: [Natural England](#)
([/government/organisations/natural-england](#))

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Applies to England

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This is Natural England's 'standing advice' for badgers. It is a material planning consideration for local planning authorities (LPAs). You should take this

Related content

[Badgers: protection and licences](#)

([/guidance/badgers-protection-surveys-and-licences](#))

[Protected plants, fungi and lichens: advice for making planning decisions](#)

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advice into account when making planning decisions. It forms part of a [collection of standing advice for protected species](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species) (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species>).

Following this advice:

- avoids the need to consult on the negative effects of planning applications on badgers in most cases
- can help you make decisions on development proposals

You may need a qualified ecologist to advise you on the planning application and supporting evidence. You can find one using either the:

- [Chartered Institute of Ecology and Environment Management \(CIEEM\) directory](https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx) (<https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx>)
- [Environmental Data Services directory](https://www.endsdirectory.com/) (<https://www.endsdirectory.com/>)

How badgers are protected

Badgers and their setts (tunnels and chambers where they live) are protected by the Protection of Badgers Act 1992.

It is an offence to:

- take, injure or kill a badger - or attempt these actions
- treat a badger cruelly
- interfere with a badger sett
- possess or control a live badger
- mark or ring a badger

The developer must comply with the legal protection of badgers.

[advice-for-making-planning-decisions](#))

[Prepare a planning proposal to avoid harm or disturbance to protected species](#) ([/guidance/prepare-a-planning-proposal-to-avoid-harm-or-disturbance-to-protected-species](#))

[Badgers: licence to interfere with setts and to prevent damage \(A01 and LR01\)](#) ([/government/publications/badgers-licence-to-interfere-with-setts-to-prevent-damage](#))

[Reptiles: advice for making planning decisions](#) ([/guidance/reptiles-advice-for-making-planning-decisions](#))

Detailed guidance

[Protected species and development: advice for local planning authorities](#) ([/guidance/protected-species-how-to-review-planning-applications](#))

You should consider if the developer has taken appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects on badgers.

The developer may [need a wildlife licence](#) to carry out their proposal.

When to ask for a survey

You should ask for a survey if either:

- historical or distribution records show that badgers are active in the area - you can [search the National Biodiversity Network Atlas \(https://nbnatlas.org/\)](https://nbnatlas.org/) by species and location
- there is suitable habitat for sett building or foraging

Absence of a record does not mean there are no badgers. It could mean there is no survey data available for that location.

The survey should:

- show if the site is currently being used by badgers
- identify if there's a sett on or near the site
- estimate territorial boundaries

Surveys should be kept confidential to avoid ill-treatment of badgers.

You must check if the ecologist is qualified and experienced to carry out surveys for badgers. CIEEM publishes:

- [competencies required for species surveys \(https://cieem.net/resource/competencies-for-species-survey-css/\)](https://cieem.net/resource/competencies-for-species-survey-css/)
- advice on the [valid age of data \(https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf\)](https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf)

The ecologist should also follow the Biodiversity code of practice for planning and development (BS 42020:2013) available on the [British Standards](#)

[Institute \(https://www.bsigroup.com/en-gb/standards/\)](https://www.bsigroup.com/en-gb/standards/) website. These documents may not be accessible to assistive technology.

Assess the effect of development on badgers

To understand the level of mitigation needed, the development proposal must show how likely it is that badgers will be affected by any development work.

Badgers could be affected if the development proposal causes:

- damage to setts
- loss of setts
- loss of foraging areas
- disturbance to badgers while they're occupying setts - from noise, lights, vibration, fires or chemical use

The developer may need to apply for a [wildlife licence](#) before they start work if they:

- exclude a badger from a sett
- disturb a badger
- damage or remove a sett

Avoidance, mitigation and compensation measures

Where possible developments should avoid effects on badgers. Where this is not possible, the developer will need to include mitigation or compensation measures in their proposal.

The proposal could:

- design a layout that avoids isolating the badgers' territory
- avoid artificial lighting around setts
- retain vegetation around setts to provide cover

- avoid disturbance, including noise and vibration near active setts
- keep heavy machinery and excavation work away from setts
- avoid activity between dusk and dawn when badgers are most active

The proposal could include mitigation measures that:

- maintain foraging and watering areas, or create new areas
- maintain habitat connectivity, for example with tunnels, underpasses or green corridors

Mitigation should not include moving badgers from the site, known as translocation. This could risk the spread of bovine tuberculosis or affect the badger's welfare.

Where there is a loss of setts, the proposal could include creating artificial setts as a compensation measure.

For more information on mitigation and compensation plans, read the [planners guide for protected species and development](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#agree-avoidance-mitigation-or-compensation-measures) (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#agree-avoidance-mitigation-or-compensation-measures>).

Planning and licence conditions

The developer may need to [apply for a badger licence](https://www.gov.uk/government/collections/badger-licences) (<https://www.gov.uk/government/collections/badger-licences>) to carry out their activity. You may have also added mitigation or compensation strategies as a condition of planning permission. Before you can grant planning permission, you must:

- make sure these conditions do not conflict with the requirements of the wildlife licence
- be confident that Natural England will issue a licence

Enhance biodiversity

To meet your [biodiversity duty](https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity) (<https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>), you should suggest ways for the developer to:

- create new or enhanced habitats on the development site
- achieve a [net gain in biodiversity](https://www.gov.uk/guidance/natural-environment#biodiversity) (<https://www.gov.uk/guidance/natural-environment#biodiversity>) through good design, such as green roofs, street trees or sustainable drainage

Site management and monitoring

You should consider the need for site monitoring and management. These measures are likely to be needed by wildlife licences.

A site management and monitoring plan should:

- make sure sett building and foraging habitats are intact and still available in the long term
- check that setts have not been interfered with after development, such as from increased human presence or vandalism

This can include carrying out management works to habitats and additional survey work to check that mitigation measures are working as intended, followed by remedial work if needed.

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Explore the topic

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[Mammals \(/environment/environmental-management-wildlife-habitat-conservation-mammals\)](#)

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