

## UK Badger legislation



Badgers are protected by the **Badgers Act 1973**, **Badger Act 1991** and **Protection of Badger Act 1992**, Schedule 7 of the **Wildlife & Countryside Act 1981** and the **Wildlife & Countryside (Amendment) Act 1985**. The Badger laws do specify distances from setts where appropriate licenced work can take place, and prescribe licenced work than can be done within 30 metres of a sett.

The Department of the Environment issued **Planning Policy Guidance: Nature Conservation (PPG9)** to local authorities, and this explains the role of planners in protecting wildlife and the requirements of wildlife legislation (Department of the Environment, 1994).

Natural England (English Nature), the government body which oversees UK and European Community law where applicable, has issued **Guidelines for developers** (English Nature, 1996, 1997), and are responsible for issuing licences with Defra under section 10 (1) (d) of the Protection of Badgers Act 1992 to permit interference with a badger sett, in the course of development (which includes building and construction work). Any work that disturbs badgers is illegal without a licence. The use of :

*'very heavy machinery within 30 metres of any entrance to an active sett, and lighter machinery (particularly used for any digging operation) within 20 metres, or light work such as hand digging operation) within 20 metres, or light work such as hand digging or scrub clearance within 10 metres, all require a licence' (English Nature 1996).*

Although a lot of badger law was drafted as a direct response to badger-baiting (especially **The Badgers Act and Badgers (Further Protection) Act 1991**), it is clear that the law as it stands is directly applicable to anyone who interferes with badgers or their setts, in whatever manner. **The Badgers Act 1973** and its amendments to the 1981 and 1985 Acts refers to the animals themselves regarding taking, injuring or killing of badgers. Further guidelines are drawn up by Paula Cox (1992) '**Badgers on site, A guide for developers and planners**', sponsored by English Nature.

**The Badgers Act 1991** gives the badger sett protection, and adds to the 1973 Act the following; if any person shall interfere with a badger sett by doing any of the following things, they shall be guilty of an offence, that is to say:

- a) *damaging a badger sett or any part thereof*
- b) *destroying a badger sett ;*
- c) *obstructing access to or any entrance of a badger sett*
- d) *causing a dog to enter a badger sett: or*
- e) *disturbing a badger when it is occupying a badger sett:*

According to the Badgers Act 1973 with its amendments of 1981 and 1985, licences can be issued to interfere with badgers and their setts for the following purposes:

- i) *the purpose of any development as defined in section 55(1) of the **Town and Country Planning Act 1990**,*
- ii) *for any agricultural or forestry operation,*
- iii) *for the purposes of any operation (whether by virtue of the **Land Drainage Act 1976** or otherwise),*
- iv) *for preservation or archaeological investigation under section 1 of the **Ancient Monuments and Archaeological Areas Act 1979**, or*
- v) *for the purposes of controlling foxes.*