

Our ref: ECO5487 008 let pf (Badger Trust)

29 May 2020

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**Sent By E-Mail Only**

Dear Mr Frampton

**LAND OFF OAKHURST RISE, CHELTENHAM  
PLANNING APPLICATION: 20/00682/OUT**


Thank you for forwarding the Badger Trust's consultation response in regard to outline planning application 20/00682/OUT.

I note the Badger Trust attended site on 8<sup>th</sup> May 2020, and their findings are congruent to those recorded by Aspect Ecology during our site visit on 1<sup>st</sup> April 2020, and assessment of use of the site is broadly the same in that an active main sett and other less regularly used setts are present on site, and foraging activity is considered to extend beyond the site to gardens and local green open spaces.

The Trust has issued an objection to the planning application based on a number of comments which I consider below.

The Trust states *'the ecological report supplied makes very little mention of badgers despite their clear presence on site'*, although then acknowledge details on use of the site by Badgers is detailed within a Confidential (Badger Report) Appendix that is available on request. This is not *'a serious attempt to minimise the presence of a major protected species on site'* as assumed by the Trust, but rather we are following guidance provided by the professional body the Chartered Institute of Ecology and Environmental Management (CIEEM) which states *'It may be necessary to mark the report as confidential where locational details are provided of sensitive species (where the locations need to be kept confidential due to the risk of human interference) including the location of badger setts...'*

In relation to the Trust's comment regarding the lack of mitigation proposed for inactive setts recorded within the site, the status of which are not disputed by the Trust, I am pleased to confirm that underground connectivity between the main and nearest other setts has been considered as indicated at para. 3.3.2 of the Confidential (Badger Report) Appendix; and, importantly, that the mitigation strategy is based on the most up to date survey results, with provision provided at para. 4.6.2 of the Confidential (Badger Report) Appendix to undertake an update Badger survey ~3 months prior to the commencement of work to ensure the mitigation strategy is still appropriate. Should any of the setts previously recorded as inactive show signs of use by Badgers, appropriate mitigation would be undertaken in accordance with Natural England's advice in respect of disturbance/interference of a Badger sett.



The Trust has expressed a concern that Badger relocation can be an expensive and potentially time consuming process; however, planning consent and the requirement of a licence from Natural England will secure commitment to undertake appropriate mitigation within suitable timeframes regardless of cost. In regard to the mitigation proposed, this does not solely relate to the relocation of the badgers, but also considers access to on-site foraging areas and open standing water, and connectivity through/around the site to maintain links with foraging grounds and other setts in the locale. Should the Council feel further assurance is needed in relation to the safeguard of Badger at the site, a condition could be secured via planning consent that requires a granted Natural England licence, if required, be provided to the Council prior to the commencement of the mitigation works, and/or that construction safeguards to protect Badgers during development be detailed within a CEMP informed by an updated Badger survey.

I trust the information herein is helpful in assuring Cheltenham Borough Council that the presence of Badgers within the site has been fully considered.

Yours sincerely



Dan Walker  
Principal Ecologist

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