

AMENDMENT SHEET

**Planning Committee
9 September 2021**

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 202025 – Land south of Berechurch Hall Road, Colchester

A more recent badger survey (August 2021) attached was submitted to the Council and uploaded to the website. This states that the setts had been recently monitored (for the required 21 days in line with Natural England Guidance) and all found to be disused by badgers with no signs of current use. These setts were then monitored again in August and September 2021 (for the required 21 days in line with Natural England Guidance) and still found to not be in use. As they were inactive, a licence for closure is not required from Natural England as they were considered not to be in current use.

It has been noted to CBC that a report to the Police had been made regarding interference of the badger setts however the Police have confirmed they have now closed the investigation into any wildlife offences (see attached email from Essex Police).

It is noted concerns have been raised regarding badgers on site and as such further clarification and monitoring by an Ecologist has been undertaken. The Ecologist has confirmed the below:

As discussed and for your reference the surveys were conducted using standard guidelines for classifying badger setts (Harris et al., 1989) and categorising entrance holes (Natural England, 2009) and monitoring methods as per Natural England guidance. An updated badger survey was conducted in April 2021 and the setts identified as part of this survey have been monitored twice this year before closing setts that were not in current use on the 16th September 2021. The report for the monitoring that was conducted in June 2021 is attached. An outline of the works conducted are summarised in the table below.

Works conducted	Dates of works	Outcome
Updated site Badger Survey	15 th April 2021	Setts identified
21 Day Badger Sett monitoring	7 th June 2021 - 28 th June 2021	All setts inactive with no signs of current use
21 Day Badger Sett monitoring	25 th August – 15 th September	All setts inactive with no signs of current use .
Closure of inactive Badger setts	16 th September 2021	Setts that were not in current use were closed.

The setts were last monitored for 21 days from the 25th August – 15th September which consisted of seven visits. Sticks were laid in front of entrances to see if any movements were made through the entrance. Hair sticks were placed inside the tunnels to trap hair from passing animals. Sand was placed inside the entrances of the tunnels to catch the prints of animals entering them. Signs of badger including prints, hairs, latrines were searched for and noted if observed. Activity such as spoil heaps and debris blocking entrances were also noted if observed. Trail cameras were used to gain footage of any activity at the sett entrances during the monitoring period.

The monitoring remained in place from the 15th to the 16th September when the setts were due to be closed. Only inactive setts displaying no signs of current use were closed on the 16th September by back filling the entrances and covering them in galvanised mesh which was secured with steel U-pins and wooden stakes.

All inactive setts along the boundary were closed without the need of a Licence from Natural England as they were considered not to be in current use and therefore fall outside of the definition of a badger sett as described within The Protection of Badgers Act 1992. During the closure works on the 16th September a new sett was identified with fresh digging on the eastern boundary which was retained and scheduled to be monitored.



Badger Monitoring Report

Berechurch Hall Road, Colchester

On Behalf of:

Persimmon Homes Essex

August 2021

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www.ses-eco.co.uk

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Technical Review	Darren Denmead BSc (Hons) ACIEEM
Report Status	Final
Date of Issue	13 August 2021

Ecology, Countryside Management
Professional Service • Pragmatic Solutions

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Executive Summary

1. This report presents the results of badger monitoring over 21 days carried out at Berechurch Hall Road, Colchester. The surveys were carried out following Natural England Guidance (Natural England, 2009) in order to verify which setts were active, classify each sett and to establish which setts, if any, would need to be closed under licence as a result of the proposed works.
2. The proposed development site is c.6.1ha and is subject to a planning proposal for residential development of 153 dwellings with associated parking, landscaping, open space, drainage and infrastructure and the formation of a new access and alterations to an existing access onto Berechurch Hall Road, Colchester.
3. The badger monitoring covered the potential badger setts impacted by the proposed works and up to 30m from the construction zone. The monitoring included the 10 potential badger setts identified by SES in April 2021 comprising 25 entrances in total.
4. All setts were found to be disused by badger showing no signs of current use and therefore can be closed without the need for a licence. It is recommended that disused badger setts are closed as soon as possible to reduce the potential for future constraints to the proposed works.
5. One sett was found to be used by fox, as such it is recommended that this sett is gated with a one-way gates and monitored for two weeks before closure to allow the animals to exit the sett but not return.
6. If the disused setts are not closed immediately after the period of 21-days of monitoring, a further period of 21-days monitoring would be required before any works can commence. The purpose of this survey would be to ascertain if the badger setts have become active in the intervening period.

[REDACTED]

From: [REDACTED]
Sent: 21 September 2021 11:09
To: Simon Cairns
Cc: James Ryan; Eleanor Moss
Subject: RE: EXTERNAL - Ref 202025 Berechurch Hall Road

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Good Morning,

Many thanks for the information, Just for awareness I was called to a potential wildlife crime, Where information has been provided and no crime has been identified, There will be no further action my end.

Regards

Jed

From: Simon Cairns <Simon.Cairns@colchester.gov.uk>
Sent: 20 September 2021 16:51
To: [REDACTED]
Cc: James Ryan <James.Ryan@colchester.gov.uk>; Eleanor Moss <Eleanor.Moss@colchester.gov.uk>
Subject: EXTERNAL - Ref 202025 Berechurch Hall Road
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Pc Raven

Thank you for your email. I am sorry but Eleanor Moss is on leave this week. As the Council has not initiated the closure of the sett and the planning application is undetermined, I suggest that further enquiries are directed to the developer – Persimmon Homes Harris, Paige paige.harris@persimmonhomes.com or Willsher, Stuart stuart.willsher@persimmonhomes.com who should be able to provide you with the information you are seeking concerning the land owner and the responsibility for any works undertaken.

I understand that we did receive a call from the owner of the adjacent land last week concerning alleged trespass but we are not in a position to comment regarding the veracity of the claims concerning land ownership. This is clearly a serious matter and I would appreciate an update as our planning committee were greatly concerned by the possible impact on badgers within the site.

Many thanks & regards

Simon

Simon Cairns ~ Development Manager ~ Place & Client Services ~ Colchester Borough Council

Tel. 01206 508650 ~ Textphone users dial 18001 followed by the full number.

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How our Customers can help us to keep Planning Services operational: In light of the current Covid-19 pandemic case officers will only visit sites where this does not involve entering private homes. So in order to avoid delays associated with paper correspondence and the need for scanning of documents **PLEASE** can you submit all correspondence via email and ensure that reports, photographs, maps etc. are sent to the case officer in digital format via email copying in Planning Services – Planning.Services@colchester.gov.uk Many thanks for your assistance.



From: Planning Services <Planning.Services@colchester.gov.uk>
Sent: 20 September 2021 15:43
To: Eleanor Moss <Eleanor.Moss@colchester.gov.uk>
Cc: Environmental Protection Team <Environmental.ProtectionTeam@colchester.gov.uk>
Subject: FW: Ref 202025

Hi Eleanor

Can you please see the email below and advise.

Thank you and kind regards

Sue

Sue Ecclestone
Contact and Support Officer
(Planning, Building Control, Licensing & Food Safety)
Colchester Borough Council
Telephone: 01206 282424
Textphone users dial 18001 followed by the full number that you wish to call.
www.colchester.gov.uk



Play your part – follow the guidance
Help keep us all safe



From: [REDACTED]
Sent: 18 September 2021 13:55
To: Planning Services <Planning.Services@colchester.gov.uk>
Subject: Ref 202025

This message originated **Externally**. Do not click links or open attachments unless you recognise the sender, were expecting it and know that the content is safe.

Good Afternoon,

My name is Jed RAVEN and I'm a police officer based on the rural engagement team within ESSEX POLICE.

Today 18/09/2021 We have received a report of a potential wildlife offence with regards to badger sett destruction/Blocking. I have a few questions to which you may be able to assist me with as part of my investigation

This is shown as on the Colchester Brough council Planning website as APPLICATION NUMBER 202025

"Development of 153 dwellings with associated parking, landscaping, open space, drainage and infrastructure and formation of new access and alterations to existing access onto Berechurch Hall Road"

Site address: Land south of, Berechurch Hall Road, Colchester

I am aware that this site has had a number of Ecological surveys conducted,

I have received reports that the MAIN Active badger sett mentioned in drawings and eco reports has now been filled in and destroyed, with the adding of metal meshing, and also a number of tree branches being broken to access the land to where this sett is located. To where there are concerns that a wildlife offence may have been committed.

I have also been informed that this work has been conducted by SES and I believe the Ecologist is a [REDACTED] [REDACTED] Members of the local badger group attended and have reported "Before I went out I spoke to the Ecologist who confirmed there had been a dispute on site but said the main sett was inactive and had been closed – I thought he said no Licence needed as it was inactive, and it appears this was done quickly - but I hadn't then been out to look or read the latest Report on the website. It would appear that this action should not have been taken and the lives of quite a few badgers lost"

I'm concerned that this sett has been destroyed after reading the latest report on the planning documents uploaded on the 02/09/2021 by Colchester council points 16.42 – "The badger survey confirmed the presence of one main sett and two subsidiary setts on site, The sett monitoring survey confirmed that the main sett and both subsidiary setts were considered Active.

Further in point 16.49 – I quote "An active main sett was recorded along the eastern boundary of the site and will be retained as part of the development. However, the two outlier/subsidiary setts are to be lost to development and as such will need to be closed under a Natural England license. As badgers are prolific sett-builders, it is recommended that an update badger survey is undertaken no less than three months before construction takes place to ensure all potential setts have been considered.

- The securing of the site perimeter to restrict access to contractors beyond the site boundary;
- The covering of trenches at night, with scaffold planks left as a means of escape if trenches can't be covered;
- The storing of chemicals in sealed compounds;
- Suitable ecological briefing to all contractors and site staff identifying all ecological constraints; and
- Regular monitoring of any setts and site by an ecologist.

This is in regards to land where planning permission is being obtained for, This land backs onto and near to 129 Berechurch Hall Road, Maypole Farm, Colchester, Essex – To which they are claiming is there land, are you aware of any boundary disputes between this planning records, Land owner & the owners of 129 Berechurch hall Road????

Do you have details of the site manager, or owner of the land where permission is being applied for?

Wildlife Heritage & Enviro Crime Officer
Rural Engagement Team
Essex Police HQ
PO BOX 2
Chelmsford
Essex
CM2 6DA

SEABIRD
OPERATION



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