

Badger Ecologist Licence – When and how it should be used, an ecologist's guide

What is it?

Badger Ecologist licences are a way of streamlining badger licensing for ecologists, allowing them to permit works with low conservation impacts to go ahead (providing the situation meets clear criteria) without the need to submit individual licence applications for each development site. Badger Ecologist licences can permit certain activities for the purposes of development, preventing serious damage to property, forestry or agricultural operations. Prior to any works commencing on a site, the ecologist must notify the NatureScot licensing team of the site details, and receive confirmation that the site has been registered. They can then permit works to go ahead.

Licence holders are expected to retain badger survey reports and Badger Protection Plans (BPP) for all registered sites. These are expected to be carried out according to best practice and written in a way that adheres to the current industry standard following best practice [guidelines](#).

Badger Ecologist licences rely on licence holders understanding and adhering to the terms and conditions of the licence. If licence holders do not comply with the terms of their licence it will be revoked. The NatureScot licensing team will monitor works carried out under Badger Ecologist licences annually by reviewing a random sample of badger surveys and BPPs and visiting a selection of sites to ensure works are being carried out in accordance with the terms and conditions of the Badger Ecologist licence.

When can the Badger Ecologist licence be used?

A Badger Ecologist licence can be used provided that:

1. No works are carried out within 30m of breeding setts between 1st December and 30th June inclusive.
2. All the licence terms and conditions are met and the licence holder and/or agents work within best practice guidelines.
3. Any surveys and BPPs can meet our “NatureScot Survey and Badger Protection Plan criteria” (table 1) and each site under the licence has a site specific BPP and an up to date survey report in place.

What will the Badger Ecologist licence permit?

There are two types of Badger Ecologist licence, a Badger Ecologist - disturbance only licence and a Badger Ecologist- all operations licence.

A Badger Ecologist - disturbance only licence will permit the following actions;

- To disturb badgers for the purpose of development, preventing serious damage to property, for forestry or agriculture operations.

Additionally, a Badger Ecologist - all operations licence will also permit the following actions;

- Interference with badger setts (including exclusion and destruction of setts) for the purpose of development, preventing serious damage to property, for forestry or agricultural operations.

Badger Ecologist licences do not permit any works around setts used for breeding (or where this can not be ruled out) during the period 1st December to 30th June inclusive each year.

Who will be covered by the licence?

We consider that it will not always be necessary for the licence holder to be present on site to oversee actions which have the potential to disturb badger. Agents may work independently of the licence holder to carry out badger survey work or oversee works on site. However, in the case of All Operations licences, where exclusions and/or destruction of setts and the construction of artificial setts can not be carried out by the licence holder themselves, the agent must be an ecologist with previous experience in carrying out such activities.

The licence holder must be confident that any agent has the necessary skills and can carry out works with due care and attention to minimise any welfare risk posed to any badgers that might be present.

This is a judgement for the licence holder to make, but they should consider factors such as the potential risks to badger and the level of technical skill or experience to carry out the on-site activity in question.

Given the above, a Badger Ecologist licence holder can therefore authorise people on site to carry out some activities which will disturb badger (or interfere with badger setts with an All Operations licence). This means that they will be acting as agents on the Badger Ecologists Licence holder's licence. It will therefore be crucial for the licence holder to ensure that the agents understand what they can or cannot do.

An agent is only covered by the Badger Ecologist licence if they have signed the "Annex III - Agent Authorisation to Oversee Works on Site" prior to works commencing on site. This means that all agents, not just those who oversee works, must have signed this form. The signed form must be retained by the licence holder for their records, and displayed on site.

How do you register a site?

The licence holder must record each new site covered by their licence on their "Annex II - Permitted sites and returns form" that is sent to them when their licence is issued. All the columns (A-M) within the green and white sections of the form must be completed (site name, site grid reference (minimum six figure), the proposed start and end dates of works, the badger setts affected, the licensing purpose for which the works are required, justification of the purpose, sett number, agent details and any proposed compensatory sett locations). The updated form must be sent to Licensing@nature.scot each time a new site is added, and the licence holder must receive confirmation that NatureScot Licensing has received this notification and registered the site prior to any works commencing on site.

Where proposed compensatory setts or shelters form part of the works, the locations of these proposed setts must have been agreed with the NatureScot licensing team in advance by including the grid reference of the proposed sett (column M) on the Annex II form and sending this via email to licensing@nature.scot. We will then send an email confirmation that we are happy with the proposed sett location and that we have registered the site.

How do you submit a licence return?

The Badger Ecologist licence holder must provide the NatureScot licensing team with a completed "Annex II - Permitted Sites and Returns Form" each year, which lists each site that has been covered by the Badger Ecologist licence, with all columns (A-N) on the sheet completed for each site. Annual returns must be submitted by the 30th November each year, with the final return being submitted within one month of the expiry of this licence. This information must be sent by email (including your licence number in the subject line of the email) to: Licensing@nature.scot.

Who can get a Badger Ecologist Licence?

The Badger Ecologist (disturbance only) licence can be issued to any ecologist who has either held or been the named agent on a minimum of three “works affecting badger” licences for Scotland in the last three years, or an equivalent licence in England, Wales or Northern Ireland. The ecologist must have carried out the survey work themselves in support of the three development licences, and have written or signed off the BPP.

Applications for a Badger Ecologist (all operations) licence must also be supported by evidence that the applicant has carried out a minimum of three successful badger sett exclusions, and has experience of the successful construction of artificial badger setts.

All survey work and BPPs must be deemed to have been carried out in accordance with current best practice by the NatureScot Licensing team. Quality of previous applications will be assessed by NatureScot Licensing Officers and will be based on adherence to current best practice documents, industry standards and justification of non-standard approaches.

The licences will be issued for a two year period after which a review will take place by NatureScot Licensing Officers of the work carried out under these licences. In particular we will check that the terms and conditions of the licence were adhered to and we will check the quality of badger surveys and BPPs produced against best practice. During the year Licensing Officers or Operations staff will also visit a selection of sites to ensure works are being carried out in accordance with the terms and conditions of the licence.

How we will monitor standards

Licence holders will be expected to retain badger survey reports for all registered sites and to provide these together with site specific BPPs to NatureScot Licensing on demand for quality assurance checks. NatureScot will check a random sample of badger survey reports and BPPs from all licence holders, we will also visit some sites to check compliance with licence conditions.

NatureScot may at any time request further information from the licence holder in order to carry out routine compliance checks across our licences. Where deviation from best practice has clearly taken place with no reasonable justification within the badger survey report and BPP, or the terms and conditions of the licence have not be upheld, there may be grounds for revoking the licence. Surveys and BPPs must meet criteria set out in the table below (table 1) and adhere to best practice guidance described on our webpages: "[Guidance - badger survey best practice](#)" and "[Guidance - best practice model badger protection plan](#)". NatureScot will assess a sample of BPPs and badger surveys across the year to ensure they follow best practice and meet our criteria.

Table 1. NatureScot survey and Badger Protection Plan criteria

What we will look for	Further information
Proposed impacts to setts only include those permitted under a badger ecologist licence	A Badger Ecologist Licence cannot be used to permit any works around setts used for breeding (or where this can not be ruled out) during the period 1 st December to 30 th June inclusive each year.
Have badger surveys been carried out by an experienced ecologist, and	The surveys must have been carried out in accordance with best practice as outlined within the document entitled: " Guidance - badger survey best practice " on the NatureScot website. This includes covering a 1km survey radius around the development area

do they accord with current best practice guidance?	to identify social groups in the vicinity. The Badger Ecologist licence holder is responsible for making sure that any badger surveys used to inform works on a site covered by their Badger Ecologist Licence accord with best practice and have been undertaken by appropriately licenced/experienced ecologists. This is to give confidence in survey results.
Badger Survey Coverage	Badgers surveys should be undertaken within an area of search extending 1km from the periphery of the development area. All fence lines, woodland and scrub habitat within this area should be systematically surveyed for evidence of badgers. Data should be recorded on 1:25000 scale maps and Microsoft Excel spreadsheets. Six-figure grid references should be documented using the OS number system rather than the letter system for 100km squares.
Survey dates	The optimum time for undertaking badger surveys is February to April, a secondary less pronounced peak of activity occurs in October. Outside of these times field signs will be less abundant and obvious, so justification of survey dates outside this period should be detailed.
Has the badger survey been undertaken within two years of the start date of the works?	Our current guidance is that badger surveys are valid for a period of two years, after which further survey work to update the results must be carried out.
Limitations/constraints and deviations from best practice	All limitations of the badger surveys must be detailed in the survey report.
Bait marking	Bait marking surveys are essential when initial surveys indicate that two or more main setts are located within 1km of a proposed development area. Bait marking should be carried out according to Best practice guidelines for bait marking found in our "Guidance – badger survey best practice" .
Sett type	Setts should be classified using the conventions shown in the "Guidance – badger survey best practice" guidelines and classified within the survey as either Main, Annexe, Subsidiary or Outlier setts.
Description of site	The badger survey report should give a clear description of the site layout, including a map showing all setts affected (and where works will need to be covered by the licence), and detailing restricted works and no-works areas, and the topography of the area. The description should be clear enough to give a licensing officer an accurate picture of what the site looks like, detailing all the setts present that will be affected by works, and should be accompanied by maps/photographs to illustrate this.
Details of proposed works	The BPP must provide details of the proposed works and how they will affect each sett covered by the licence, this should be detailed and clear. For example; <i>"Annex sett (map reference A) disturbance due to machinery working within 20m of sett. Outlier sett (map reference B) exclusion and destruction required as the setts lies in the path of new forestry access track. "</i>
Consideration of Satisfactory Alternatives	The site specific BPP must clearly consider alternative options to the proposed works which would avoid impacts to badger and badger setts. A justification must be given for discounting these options as

	appropriate. The conclusion of this consideration of alternatives must be that there is no alternative to the proposed works (a simple change to works) that will avoid the impact to badger or badger setts.
Details of the impact of works on each sett	Details of the impact of works (disturb, obstruct, damage, destroy) on each sett present within an area extending 1km from the periphery of the proposed development area should be detailed in the BPP. Maps clearly showing the “no works areas” and “restricted works areas” must also be included. These areas must be clearly marked out on site and all works carried out within restricted works areas must be under the direct supervision of the licence holder or agent(s).
Details of proposed mitigation and is it sufficient.	Details of all mitigation proposed to minimise the impact of works on badger should be included in the BPP and should be appropriate for the sett types and works proposed. This must include provision of mitigation as specified by the conditions of the Badger Ecologist licence.
Details of proposed compensation and is it sufficient (For Badger Ecologist All Operations licence ONLY)	Any proposed compensatory setts (if applicable) should be detailed in the BPP, and should accord with our Guidance for the creation of artificial setts and the locations of the proposed compensatory setts or shelters must have been agreed with the NatureScot licensing team in advance via email to licensing@nature.scot .
Exclusions – only when necessary and under direct supervision of an ecologist (For Badger Ecologist All Operations licence ONLY)	Exclusions and/or destruction of setts must be justified within the BPP. Exclusion and/or destruction of sett(s) must only be carried out as a last resort and only when absolutely necessary to allow work to proceed. Destruction of sett(s) is only permitted following successful exclusion. The exclusion, closure and destruction of sett(s) must be carried out under the direct supervision of the licence holder or another ecologist appointed as an agent by the licence holder, who has previous experience of carrying out successful badger sett exclusions and can demonstrate this if requested by a licensing officer.
Exclusions carried out to best practice (For Badger Ecologist All Operations licence ONLY)	A method statement for any proposed exclusion must be detailed in the BPP. For any sett(s) proposed for exclusion: the setts must be excluded using one-way badger gates. The gates must be set to open two-ways for a minimum of three days, followed by opening one-way (outwards) for a minimum of 14 days or until the licence holder is satisfied that badgers are no longer using the sett (whichever is longer). When exclusion is deemed to be successful the gate must be wired shut. In exceptional circumstances, if gates are to be wired shut before the 14 day one-way exclusion period, the licence holder must be able to provide sufficient evidence that badgers are no longer using the sett such as trail camera recordings. If the sett is to be excluded, no machinery, vehicles or works, other than those directly connected with the exclusion process, are permitted within 30 metres of the sett entrances proposed for exclusion until they have been excluded.

How do I apply for a Badger Ecologist Licence?

To apply for a Badger ecologist licence please email licensing@nature.scot with the following information:

Name

Organisation/consultancy name (if this is your work address)

Address and postcode

Type of address (home or work)

Contact telephone number(s)

For the Badger Ecologist (disturbance only) Licence

Please provide the licence numbers of three Scottish “works affecting badger” licences that you have either held or been the named agent for in the last three years or copies of licences held in England, Wales or Northern Ireland along with copies of the relevant surveys and Badger Protection Plans. You must have carried out the badger survey work in support of these licences, and have either written or signed off the Badger Protection Plan for these licences*.

For the Badger Ecologist (all operations) Licence

Please provide the licence numbers of three Scottish “works affecting badger” licences that you have either held or been the named agent for in the last three years or copies of licences held in England, Wales or Northern Ireland along with copies of the relevant surveys and Badger Protection Plans. You must have carried out the badger survey work in support of these licences, and have either written or signed off the Badger Protection Plan for these licences*.

Please also provide supporting evidence that you have carried out a minimum of three successful badger sett exclusions, and that you have experience of construction of artificial badger setts.

*If you did not sign off the Badger Protection Plan or the survey but were heavily involved in the work you may submit a signed statement from the person who signed off the work detailing your involvement.

If you have held licences for works affecting badger in England or Wales and would like to provide these licences instead of a Scottish licence in support of your application, you must send us all of the documentation in relation to these licences.

Please note:

- That all the information you provide in your application and any accompanying documents must be true and accurate to the best of your knowledge or belief.
- That failure to comply with any conditions included on any licence granted in respect of your application may constitute an offence.

Your details will be held by NatureScot for the purposes of licensing for development, preventing serious damage to property, forestry or agricultural operations under Section 10(d)(h)(i) of The Protection of Badgers Act 1992. We will share this information with Police Scotland for the purposes of crime prevention and detection. [Please see our privacy notice for further information.](#)

Please email licensing@nature.scot if you require any assistance.