



SUNNICA ENERGY FARM




Appendix 8J: Badger Survey Report

Sunnica Ltd

September 2020



Quality information

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1. Introduction

1.1.1 In March 2019, AECOM (on behalf of Sunnica Limited), undertook a Preliminary Ecological Appraisal (PEA) (Ref 8J-1) for the proposed Sunnica Energy Farm (hereafter referred to as the 'Scheme'). This PEA identified the need for follow-up surveys to determine the potential impacts of the proposed Sunnica Energy Farm on protected / notable species¹, including Badger *Meles meles*. Therefore, AECOM was instructed to undertake a Badger survey within the Scheme boundary (the Development Consent Order (DCO) Site) the DCO Site) (see **Figure 8J-1** at the end of this report) to determine the presence or absence of Badger.

1.2 The Scheme

1.2.1 Sunnica Energy Farm is a new solar farm scheme proposal that would connect to the national electricity transmission network. Sunnica will use ground mounted solar photovoltaic (PV) panel arrays to generate electricity energy from the sun and combine these with a Battery Energy Storage System (BESS). The Scheme will be connected to the national electricity transmission network by an underground cable.

1.2.2 The BESSs will consist of a compound and battery array to allow for the storage, importation and exportation of energy to the National Grid. Details of the design of the BESS elements, including their power and energy ratings, and their dimensions and appearance, are currently in development.

1.2.3 Supporting electrical infrastructure will include an on-site substation and on-site cabling between the different electrical elements of the Scheme. The generating equipment of the Scheme will be fenced and be protected via security measures such as CCTV and lighting. Inside the fenced areas, in addition to the generating equipment will be, internal access tracks, landscaping and habitat management and drainage.

1.2.4 The Scheme will be connected to the existing Burwell National Grid Substation, most likely using 132kV cables buried underground. The cables will run between Sunnica West and Sunnica East (Grid Connection Route A), and then on from Sunnica West to the Burwell National Grid Substation (Grid Connection Route B). Details of the cable route, dimensions of the cables, the depth and method of burial, and numbers of joints required are currently in development.

1.2.5 The Scheme qualifies as a Nationally Significant Infrastructure Project (NSIP) and will require a DCO from national government, due to its generating capacity. It is expected to be an Environmental Impact Assessment (EIA) development.

1.2.6 The Scheme therefore comprises the following key areas:

- Solar Farm Sites:

¹ A notable species is a species with a conservation designation, but no legal protection

- Sunnica East Site A;
 - Sunnica East Site B;
 - Sunnica West Site A; and
 - Sunnica West Site B.
- associated electrical infrastructure for connection to the national transmission system comprise:
 - Grid Connection Route A (connecting the Sunnica East Site A with the Sunnica East Site B and then connecting to the Sunnica West Site A);
 - Grid Connection Route B (connecting the Sunnica West Site A and Sunnica West Site B and the Burwell National Grid Substation Extension); and
 - Burwell National Grid Substation Extension.

1.2.7 **Figure 8J-1** shows the locations of these key areas.

1.3 Site Description

1.3.1 A summary description of the habitats within the Scheme boundary (made up of the three Site) are provided below and a more detailed description of the habitats is provided in the PEA report (Ref 8-1). The extent of the Scheme is shown in **Figure 8J-1** at the end of this report.

Sunnica East Site

1.3.2 The Sunnica East is split into two sub-sites, one to the north of Freckenham (referred to as Sunnica East Site A) and the other to the south of Worlington (referred to as Sunnica East Site B). These two sites are approximately 1 km apart and are separated by agricultural fields. The Sunnica East Site A encompasses an area of approximately 231.7 ha and includes land within the county of Suffolk and Cambridgeshire. Sunnica East Site B lies within Suffolk and encompasses an area of approximately 323.1 ha (**Figure 8J-1**).

1.3.3 The landscape features within the Sunnica East Site A and Sunnica East Site B consist of arable agricultural fields interspersed with individual trees, hedgerows, linear tree belts, small woodland blocks, farm access tracks and local roads.

1.3.4 The landscape features immediately surrounding the Sunnica East Site A and Sunnica East Site B comprise small rural villages, including Worlington to the north, Barton Mills to the north-east, Red Lodge and Freckenham to the south and Isleham to the west. Industrial land uses adjoin the A11 to the south of the Sunnica East Site with an industrial installation of a 7.5 MW solar farm situated adjacent to the south-eastern extent of the Sunnica East Site and an anaerobic digestion (AD) plant located to the south of the Sunnica East Site.

Sunnica West Site

1.3.5 The Sunnica West Site is located within the East Cambridgeshire District Council administrative area, approximately 3 km north east of Newmarket and 6.5 km east of Burwell.

- 1.3.6 Sunnica West is split into two sub-sites, one to the south-east (referred to as Sunnica West Site A) and the other to the north-west of Snailwell (referred to as Sunnica West Site B). These two sites are approximately 1 km apart, separated by agricultural fields and Chippenham Road. The Sunnica West Site A encompasses an area of approximately 485.5 ha and includes land to the east and west of the A11, consisting of agricultural fields bounded by trees, managed hedgerows, linear tree shelter belts, small woodland and copses and farm access tracks. Sunnica West Site B encompasses an area of approximately 68.8 ha and comprise of agricultural fields, grassland, small woodland and copses, farm access tracks and irrigation ditches fed by the River Snail which runs along the western and northern boundaries of the Site (**Figure 8J-1**).
- 1.3.7 The surrounding landscape comprises regularly shaped arable fields interspersed with managed hedgerows, tall shelter belts of trees and in the Chippenham Hall area, a parkland landscape with mature individual trees. Much of the area is also characterised by grazed paddocks, horse gallops and exercise tracks.

Cable Route Corridors

- 1.3.8 The Scheme will connect to the existing Burwell National Grid Substation via a cable route corridor. The cable route corridors under consideration are Grid Connection Route A, which connects the Sunnica East Site A with the Sunnica East Site B and then runs between the Sunnica West Site A and the Sunnica East Site B; and Grid Connection Route B, between the Sunnica West Site A and Sunnica West Site B and the Burwell National Grid Substation Extension.

Grid Connection Route A

- 1.3.9 Grid Connection Route A connects the Sunnica East Site A with Sunnica East Site B and crosses two minor roads and arable farmland (**Figure 8J-1**).
- 1.3.10 Heading south from the Sunnica East Site B, the cable route corridor for Grid Connection Route A crosses the River Kennett, pastoral farmland, the Chippenham footpath 49/7 (a Public Right of Way (PRoW)) and B1085 (**Figure 8J-1**).

Grid Connection Route B

- 1.3.11 Heading east from the Burwell National Grid Substation, the cable route corridor for Grid Connection Route B crosses agricultural fields and a number of roads including the B1102 and A142. Grid Connection Route B also crosses a number of watercourses, including the Burwell Lode, New River, and the River Snail, as well as a number of drainage ditches associated with Burwell Fen, Little Fen, the Broads, and agricultural drains (**Figure 8J-1**).
- 1.3.12 The cable route corridor for Grid Connection Route B crosses a PRoW (footpath 92/19) before crossing the railway line and the A142 Newmarket / Fordham Road. The Route then runs alongside Snailwell Road and across the River Snail into Sunnica West Site B.

Burwell National Grid Substation Extension

1.3.13 The habitat within the Burwell National Grid Substation Extension (surrounding the existing substation) comprises small grassland fields to the east of the existing substation (bordered by hedgerows and mature trees) and arable land to the south and west of the existing substation (**Figure 8J-1**).

1.4 Scope of Report

1.4.1 The objective of the Badger survey reported in this document is to determine the presence or absence of Badger within the DCO Site and, if present, any mitigation that may be required.

1.4.2 This report includes the following information:

- relevant legislation and policy;
- methodologies for desk and field-based assessments undertaken in 2018 and 2019;
- limitations to the surveys undertaken and any assumptions made as a result of incomplete data;
- survey results;
- evaluation and potential impacts; and
- recommendations for further surveys and mitigation.

1.4.3 This report is a technical appendix to accompany the Preliminary Environmental Information report, reporting on and evaluating the baseline data collected as of August 2020.

2. Legislative and Policy Framework

2.1 Relevant Legislative Context

2.1.1 Badgers and their setts², are protected under various legislation, drawn together under the Protection of Badgers Act 1992 (Ref 8-2), which protects Badgers from deliberate harm and injury. Restrictions under this Act, which apply to development, make it an offence to:

- wilfully kill, injure, possess or cruelly ill-treat a Badger, or attempt to do so;
- interfere with a sett by damaging or destroying it;
- obstruct access to, or an entrance of, a sett; and
- disturb a Badger when it is occupying a sett.

2.1.2 This legislation prevents development on a site occupied by Badgers without any mitigation being agreed and undertaken prior to development commencing. If potential impacts are perceived on Badger setts, such as

² A Badger sett is a Badgers homestead, which is a network of underground tunnels and chambers

disturbance or loss, then a licence to close a sett would be required from Natural England. It would also be necessary to undertake appropriate mitigation that comprises construction of artificial sett(s).

- 2.1.3 The Protection of Badgers Act, 1992, was introduced to combat the cruel ill-treatment and persecution to which Badgers are sometimes subjected. This report identifies the location of a number of Badger setts and therefore to safeguard these animals, the report should be treated as confidential and not released into the public domain.

2.2 National and Local Planning Policy

- 2.2.1 National and local planning policy relevant to nature conservation is provided in detail in the Preliminary Ecological Appraisal for the Scheme (AECOM, 2019) (Ref 8-1).

Local Biodiversity Action Plan

- 2.2.2 Badgers are not listed as Priority Species on the Cambridgeshire and Peterborough Biodiversity Action Plan (Ref 8-3) or the Suffolk Biodiversity Action Plan (Ref 8-4).

3. Methods

3.1 Desk Study

3.1.1 A desk study was undertaken in December 2018 through the Cambridgeshire & Peterborough Environmental Records Centre (CPERC) and the Suffolk Biodiversity Information Service (SBIS), to obtain records of Badger from within a 2 km radius of the DCO Site (the search area). This data request was limited to records of Badger recorded within the last ten years of the request date, as any records older than ten years are unlikely to be still representative of Badger presence in the local area.

3.2 Field Survey

Survey Area

3.2.1 The area surveyed for Badgers (the survey area) included all habitat within the following areas (see **Figure 8J-1**):

- Sunnica East Site A and Sunnica East Site B;
- Sunnica West Site A and Sunnica West Site B;
- cable corridor connecting the Sunnica East Site A to Sunnica East Site B;
- cable corridor connecting the Sunnica West Site A to Sunnica West Site B; and
- the Burwell National Grid Substation Extension.

3.2.2 Where access allowed, the survey area was extended to 50 m beyond these areas and any additional Badger setts that were found during the course of other ecological surveys, were also recorded.

Badger activity

3.2.3 The survey was based on standard survey methods for surveying Badger as described in the Mammal Society publication, *Surveying Badgers*, (Ref 8-5) and in the *National Badger Survey methodology* (Ref 8-6).

3.2.4 A walkover survey was carried out on 2nd February, 25th April, 26th April and 17th December 2019 to look for evidence of Badger activity within the survey area. Furthermore, any evidence of Badger activity that was noted whilst undertaking other Ecology surveys of the survey area throughout 2020 was also recorded.

3.2.5 The survey area was searched for all signs of Badger activity within the Scheme boundary including:

- setts;
- pathways in vegetation;
- footprints;
- hairs;
- latrines / dung pits; and

- snuffle holes / signs of foraging activity.

3.2.6 Any holes considered to be a Badger sett were categorised using sett classification criteria (Ref 8J-6) and identified setts were classified using the following criteria:

- **Main sett:** These are large setts with a number of active holes and conspicuous spoil heaps around the sett. There will be well used paths to and from sett entrances and they are usually in continuous use. A main sett is most likely to be where cubs are born and there is only one main sett per Badger clan.
- **Annexe sett:** These setts are often close to main setts and are linked to main setts through well-worn paths in vegetation. There are usually several entrance holes to an annexe sett, but these may not be in use all the time.
- **Subsidiary sett:** These are smaller setts and usually comprise three to five entrance holes, often >50 metres from a main sett, with usually no connectivity to other setts.
- **Outlier sett:** There are usually one to three holes in an outlier sett, with small spoil heaps outside the hole. They are often used sporadically and have no connectivity with other setts. When not in use by Badger, they may be taken over by other ground-dwelling mammals.

3.2.7 Once a sett was identified, entrance holes were classified further as being one of the following:

- **Well used:** The entrance hole is clear of debris and vegetation and is in regular use. It may not have been recently excavated.
- **Partially used:** A hole not in regular use, with minimal clearance when in use. Debris, including leaves and moss may be present in the entrance hole.
- **Disused:** Holes have obviously not been in use and are partially or completely blocked. They cannot be used without considerable clearance. Where a hole has not been used in some time, the hole may be just visible as a depression in the ground and former spoil heap.

3.2.8 Additionally, a subjective assessment of the habitat quality within the survey area was used to determine 'foraging potential' for Badgers. This assessment was based on the number of available food sources and included:

- **'Good' foraging potential:** where habitat was considered to provide Badgers with a variety of foraging opportunity throughout the year;
- **'Moderate' foraging potential:** where foraging opportunities are seasonal and limited; and
- **'Poor' foraging potential:** areas with no food value for Badger.

3.3 Assumptions and Limitations

Desk Study

- 3.3.1 The aim of a desk study was to help characterise the baseline context of the Scheme and provide valuable background information that would not be captured by a single site survey alone. Information obtained during the course of a desk study was dependent upon people and organisations having made and submitted records for the area of interest. As such, a lack of records for Badger does not necessarily mean that Badger does not occur in the study area. Likewise, the presence of records for Badger does not automatically mean that these still occurred within the area of interest or were relevant in the context of the Scheme.

Field Survey

- 3.3.2 At the time of the surveys, there was no access to land within the cable route corridors (Grid Connection Route A (between the Sunnica West Site and the Sunnica East Site) and Grid Connection Route B (between the Sunnica West Site A the Burwell National Grid Substation Extension) and therefore no Badger surveys were carried out within these areas. This is considered to be a significant limitation as the construction within these infrastructure areas could impact upon Badger within these areas, if present. Therefore, these areas will need to be surveyed for Badger activity once access has been arranged.
- 3.3.3 Sufficient information has been gathered during the assessment to provide a representative evaluation of the population of Badger present within the site boundaries of the Sunnica East Site A, Sunnica East Site B, Sunnica West Site A, Sunnica West Site B and Burwell National Grid Substation Extension survey areas.

4. Results

4.1 Desk Study

4.1.1 The desk study returned a number of records of Badger from the CPERC and SBIS data search, the closest of these records being found in 2016 approximately 660 m south of the Sunnica East Site B.

4.2 Field Survey

Badger setts

4.2.1 Eleven Badger setts were identified during surveys in 2019, with seven setts located within the DCO Site, four of which were active. A description of these setts is summarised in **Table 8J-1**. The information regarding specific locations of setts is confidential and has therefore been redacted. Should you require access to the full report please contact: info@sunnica.co.uk / 0808 168 7925.

Table 8J-1 Description of Badger setts identified within the DCO Site

<i>Sett reference (see Figure 8-2)</i>	<i>Sett classification and current activity levels</i>	<i>Number of entrance holes</i>	<i>Notes / Badger signs</i>	<i>Within DCO Site?</i>
1	Outlier, partially used.	1	One south facing hole, Badger hair present, relatively fresh spoil heap.	Yes
2	Outlier, partially used.	1	Large fresh spoil heap, one north east facing hole, no other signs	No
3	Possible Outlier	1	Inconclusive. >20cm diameter hole just in the scrub, next to stream but no other evidence of Badger use.	No
4	Main, well-used	4	One active west facing entrance, 3 partially used entrances (1 west facing, 1 east facing and 1 north facing).	Yes
5	Main, well used	3	One south, one south west and one north facing entrance. All entrances 20 cm diameter. Very active sett, lots of fresh spoil, snuffle holes nearby. Footprints indistinct due to rain. At edge of mixed woodland.	No
6	Outlier, well used	1	One north west facing entrance, 25 cm wide. large fresh spoil in conifer plantation. Hole under fence.	Yes

<i>Sett reference (see Figure 8-2)</i>	<i>Sett classification and current activity levels</i>	<i>Number of entrance holes</i>	<i>Notes / Badger signs</i>	<i>Within DCO Site?</i>
7	Main, disused	3	Old sett revegetating. No recent spoil. Debris found blocking entrances. One south facing entrance 15-20 cm wide, one south facing entrance 25 cm wide and one west facing entrance, 20 cm wide under tree. Sett in conifer plantation.	Yes
8	Outlier, disused	1	One west facing hole blocked by roots. 15 – 20 cm wide and irregular shape. Within mixed plantation, leaf litter obscures hole, and no fresh bedding.	Yes
9	Outlier, disused	1	One west facing hole, 15 cm wide with roots over entrance. Leaf litter in hole. Part of an old sett which now could be a rabbit warren. 10 m from path, within mixed plantation.	Yes
10	Main, well used	Multiple	Large sett	No
11	Main, well used	6	Large sett	Yes

Badger activity

- 4.2.2 Badger latrines and Badger footprints were recorded within the DCO Site.
- 4.2.3 No other signs of Badger activity (hair etc) were found within the DCO Site.

Foraging habitat

- 4.2.4 Terrestrial habitat within the DCO Site consists of predominantly arable farmland and woodland, connected by hedgerows and tree lines.
- 4.2.5 Therefore, these habitats within the DCO Site offers opportunity for Badger to forage throughout the year and is therefore classified as good foraging habitat for Badger.

5. Evaluation

- 5.1.1 The survey of Badger activity identified four active Badger setts (setts 1, 4, 6 and 11) within the DCO Site in 2019.
- 5.1.2 Two well-used main setts were recorded in the DCO Site and two main setts, no longer in use (setts 5 and 7), were also recorded. A well-used main sett was recorded c. 150 m outside of the DCO Site (sett 10).
- 5.1.3 Two outlier setts, in current use, were recorded within 50 m of the DCO Site.
- 5.1.4 The potential impacts on Badger that could arise from the Scheme include direct impacts, such as the loss of setts or increased risk of injury to Badgers, and indirect impacts, such as through disturbance to setts or a reduction in the quantity or quality of foraging habitat within a Badger's social territory.
- 5.1.5 Within a territory, Badgers use their setts for different purposes. The significance of impacts on each sett can be evaluated through assessment of the severity of the impact and the type of sett to be impacted. Therefore, any assessment of the potential impacts of the Scheme on Badger setts must consider the type of sett affected along with the number of setts affected. The availability of alternative setts within the territorial range of a Badger social group is also of consideration when determining the severity of any impacts to Badger setts which may potentially arise from the Scheme, as affecting just one sett from a number of setts within a Badger's territorial range may not necessarily result in adverse impacts to Badgers.
- 5.1.6 Badger territories range between 20 to 50 ha but can cover areas as large as 150 ha (Ref 8-7 and Ref 8-8). Badger social groups are present in low densities within the DCO Site.
- 5.1.7 Other signs of Badger that were noted during the survey, including latrine pits, old latrine pits and footprints. This demonstrates that Badgers are roaming widely around some areas of the DCO Site. Therefore, during the construction phase, all excavations should be covered overnight or fitted with ramps to prevent any animals from getting trapped within them. It is also recommended that construction sites and storage compounds are fenced off so Badgers cannot gain access and injure themselves.

6. Conclusions

- 6.1.1 The Badger surveys undertaken in 2019 identified the presence of Badger within the DCO Site..
- 6.1.2 Surveys for Badger will be required within the cable route corridor, once access has been granted.
- 6.1.3 Badgers and their setts are protected under various legislation, drawn together under the Protection of Badgers Act 1992 (Ref 8-2). Therefore, through the implementation of a mitigation strategy, formalised through a Construction and Environment Management Plan (CEMP), the potential for deliberate harm and injury to Badgers will be avoided. Mitigation is required to:
- ensure compliance with relevant legislation; and
 - avoid impacts that would give rise to a potential “significant effect”, therefore contrary to planning policy and biodiversity obligations of the Natural Environment and Rural Communities Act (NERC) Act 2006 (Ref 8-9).
- 6.1.4 A significant negative effect is one which undermines nature conservation objectives or changes the conservation status of a species population (Ref 8-10).
- 6.1.5 The woodland habitat within and surrounding the DCO Site will be retained and therefore the main Badger setts located in these areas will not be lost.
- 6.1.6 No development will be undertaken adjacent to sett 2 and therefore, the habitat supporting this outlier sett will be retained.
- 6.1.7 A pre-commencement check by a suitably qualified ecologist of Badger setts located within the Scheme boundary will be required to reappraise each sett’s status prior to the start of any development works. This check will be used to determine the need for a development licence from Natural England. It is further advised that a suitably qualified ecologist is consulted on the finalisation of the details of the development, once determined. This will ensure that any impacts of the Scheme upon Badgers are fully determined and that the appropriate mitigation and enhancement measures are recommended to support both the submission of the planning application and development licence application (should one be required).
- 6.1.8 The foraging habitat within the DCO Site is considered as ‘good’ for Badger and will provide suitable foraging opportunities for Badger throughout the year. Therefore, any loss of habitat may result in limited foraging opportunities and habitat fragmentation that will directly impact the Badger clan on Site.
- 6.1.9 The majority of ecological data are valid only for short periods due to the inherently transient nature of the subject (CIEEM, 2019) (Ref 8-11). On this basis, it is recommended that the surveys for Badger will need repeating in two years (*i.e.* in 2021).

7. Outline Mitigation Proposals

- 7.1.1 This section presents the conclusions of the survey work. Where recommendations are made, these will be taken forward as part of the EIA process and presented in the Environmental Statement supporting the DCO application.
- 7.1.2 Appropriate mitigation, avoidance and enhancement measures will need to be included within the Scheme proposals to ensure that the long-term integrity of the main setts are maintained. These measures should also seek to maintain habitat connectivity between these setts and the wider landscape outside of the Scheme.
- 7.1.3 Should the Scheme result in any damage or destruction to any main setts, then these setts may need to be closed and appropriate mitigation, including the provision of an artificial sett, would need to be provided within the same social group's territory. Any closure of a Badger sett must be undertaken between 1st July and 30th November and can only be undertaken under a licence issued by Natural England, prior to the onset of works.
- 7.1.4 Any impacts upon main setts, arising as a result of construction of the Scheme, could have a potentially significant adverse impact upon Badgers. Potential impacts upon main setts include: those arising from disturbance; the potential loss of the sett; or habitat loss resulting in reduced opportunities for foraging. However, the magnitude of impacts from the Scheme on Badgers is dependent on a number of factors.
- 7.1.5 These factors could include:
- the distance between the main sett and any works that are considered likely to cause a disturbance;
 - the nature of the work;
 - the machinery used; and
 - the timing of the works.
- 7.1.6 The above factors will also need to consider the level of Badger activity recorded at the main sett prior to the onset of works.
- 7.1.7 Any licence application must include a method statement that clearly describes how the Scheme will interfere with the Badger sett and also demonstrates how any mitigation work will be carried out.
- 7.1.8 All method statements must contain the following information:
- the likely status of the setts (whether main, subsidiary, annexe or outliers) and whether they are active or not. The number of entrance holes at each sett should be provided;
 - an indication and specification as to which setts are to be disturbed, damaged, destroyed or obstructed and specification of any setts that will be re-opened at the end of the works;

- the location of any mitigation work e.g. artificial setts, new foraging habitat, water sources etc;
- a detailed schedule for all proposed sett interference, stating how and when each Badger sett will be affected and indicating the type of machinery or tools to be used and the distance from the sett(s) with an explanation of the rationale for the necessary Badger interference and the dates of any proposed mitigation work (if applicable);
- details of maintenance and monitoring procedures to ensure that Badgers do not regain access to excluded setts before and during site clearance and sett destruction; and
- the mechanisms for monitoring whether or not the Scheme work has ensured that all licence conditions are met.

7.1.9 It is recommended that, where possible, habitat of value to Badger is retained within the DCO Site and that any loss of habitat should be compensated for by incorporating features of value to foraging Badgers in the landscape proposals.

8. References

- Ref 8-1 AECOM, 2019. Sunnica Energy Farm Preliminary Ecological Appraisal.
- Ref 8-2 Anon, 1992. Protection of Badgers Act 1992. HMSO.
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- Ref 8-7 <http://www.badgerland.co.uk/animals/family/territories.html>
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- Ref 8-10 Chartered Institute of Ecology and Environmental Management (CIEEM) (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland; Terrestrial, Freshwater and Coastal. Second Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
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Figures

Figure 8J-1 Confidential Figure - redacted

