



Northumberland

County Council

COMMITTEE: NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

DATE: 20 JANUARY 2022

Petition Regarding Badgers in Tweedmouth Cemetery

Report of the Director of Local Services, Paul Jones

Cabinet Member: Councillor John Riddle, Cabinet Member, Local Services

Purpose of report

To acknowledge and respond to the petition and update the Local Area Council on progress made in addressing the issues raised.

Recommendations

It is recommended that members consider the report and:

- a) note and support the approach taken by the Council to date in responding to this sensitive matter;
- b) note that badgers and the setts they live in are both protected by law from disturbance under the Protection of Badgers Act 1992;
- c) NCC is in the process of completing an application for a licence to relocate the badgers on the grounds of seeking to prevent their excavations causing serious damage to the cemetery under section 10(2)(b) of the 1992 Act, and to recognise that the evidence base required to support such an application is in itself a time consuming and costly undertaking, and;
- c) note the additional cemetery improvements that have been delivered or are planned following dialogue with petitioners and other stakeholders.

Link to Corporate Plan

This report is relevant to the “We want you to love where you live” priority included in the NCC Corporate Plan 2020-2021.

1. Key issues

- 1.1 There have been badger setts in an around Tweedmouth Cemetery for many years but during the summer of 2021 the damage caused by badger activity in the cemetery has become more prominent, which is extremely distressing for cemetery visitors.
- 1.2 The County Council's Neighbourhood Services team have undertaken regular inspections and reinstated any damaged ground identified.
- 1.3 Badgers are protected and so are the setts they live in under the Protection of Badgers Act 1992 and it is illegal to interfere with them or disturb them in any way without a licence being granted from Natural England.
- 1.4 Completing an application for a licence to relocate the badgers into order to prevent them causing serious damage to the cemetery, under section 10(2)(b) of the 1992 Act is a significant undertaking, requiring extensive evidence to justify the relocation activity, which includes detailed ecological survey work of badger activity and the appointment of named specialist ecologists to advise the Council on its application.
- 1.5 The County Council has engaged Natural England in dialogue on this issue, with senior staff from both organisations having attended several meetings to discuss the issue. Natural England officers have consistently stated during discussions that 'ground damage due to foraging alone is not normally considered sufficiently serious to warrant the issue of a licence'. Their conclusion following a site visit was that 'the sett was not apparently causing any physical damage to the cemetery and its graves and it was considered that closing the sett down would not currently be a suitable solution'.
- 1.6 Badgers causing damage is an issue that affects other cemeteries in the UK with examples of damage in some cemeteries elsewhere in the UK including the toppling of headstones, ground subsidence and the unearthing of human remains. Some visitors to Tweedmouth Cemetery are understandably concerned that this could happen in Berwick and want action taken to move the sett before this happens to their loved one's graves.
- 1.7 The Council has committed to making a licence application and wrote to Natural England to advise them of this in September. Specialist ecologists have been appointed to act as the Council's Named Ecologist and are due to conclude a formal Badger Survey at the end of December. In the meantime, Natural England has provided advice on potential mitigation measures and agreed to process our licence application as a priority application, notwithstanding their views as set out in paragraph 1.6 above.
- 1.8 An additional Ground Penetrating Radar Survey has been commissioned to try and determine the extent and location of any subterranean excavations relating to the badger setts within the cemetery to provide additional evidence for the licence application.

- 1.9 The Council and its Named Ecologist will submit an application for a licence to preventing serious damage, under section 10(2)(b) of Protection of Badgers Act 1992 in January 2022.
- 1.10 Whilst survey work has been ongoing Council Officers have considered a number of mitigations that may reduce the severity of damage from foraging activity in the cemetery.
- 1.11 During the summer Council Officers and Elected Members met with the Friends of Tweedmouth Cemetery Group, during discussions several non-badger related improvements were requested in the cemetery and officers have worked with stakeholders to deliver these improvements.

2. **Background**

- 2.1 A request for an e-petition was received in August 2021 asking Northumberland County Council to remove badgers from Tweedmouth Cemetery, the petition closed in October with 643 signatures. The wording of the petition request was:

‘Protect our loved ones remove badgers safely.

Safely remove badgers from cemetery and place deterrents around the perimeter to prevent more devastation’.

- 2.2 There have been badger setts in an around Tweedmouth Cemetery for many years, during the summer of 2021 badger activity in the cemetery has become more prominent. The Council has received a significant increase in enquires, complaints and comments relating to the damage caused and the significant upset experienced by visitors to the cemetery.
- 2.3 In foraging for food the badgers are damaging the ground on and around graves which is extremely distressing for cemetery visitors, most of the damage consists of small shallow holes in the ground or scratching on the surface but has included deeper excavations and newly laid turf being ‘dug up’ along the length of an individual grave. Badgers prefer to feed in short grassland which is why well mown lawns, such as those in the cemetery, are often targeted by them.
- 2.4 The County Council’s Neighbourhood Services team has recorded inspections in the cemetery on each workday since August 2021 and undertaken additional inspections at weekends, reinstating several hundred individual pieces of damaged ground immediately following these inspections.
- 2.5 Specialist ecologists were appointed to act as the Council’s Named Ecologist in October and begun a Badger Survey on 15 October which included a number of remote wildlife cameras being placed in the cemetery for 3 weeks. Following the review of footage it was advised that further evidence would be

required to support the licence application and a further 3 week camera survey begun on 8 December 2021.

- 2.6 A Ground Penetrating Radar Survey was commissioned to provide additional evidence for the licence application, this was undertaken in December and it is hoped the results will conclusively show where the setts are located at a subterranean level and whether there is an actual risk of damage to graves below the surface. If the setts are not interfering with graves this will provide some reassurance to visitors, some of whom have expressed concern that this is happening out of sight. If they are proven to be posing a risk of interference with graves below the surface it is hoped this will add significant weight to the licence application.
- 2.7 The Council and it's Named Ecologist will submit an application for a licence to preventing serious damage, under section 10(2)(b) of Protection of Badgers Act 1992 in January 2022.
- 2.8 Council Officers have considered a number of mitigations that may reduce the severity of foraging activity in the cemetery. Some potential mitigations such as an electric fence have not been actioned at this stage due to this being an unsuitable solution in this setting. However, other mitigations have been implemented, including the application of natural nematodes to try and reduce the badgers' favourite food sources such as chafer grubs and leatherjackets, and consideration is also being given to applying pheromones at the appropriate time of year to help discourage foraging activity.
- 2.9 During the summer Council Officers and Elected Members met with the Friends of Tweedmouth Cemetery Group, during discussions several non-badger related improvements were requested in the cemetery and officers have worked with stakeholders to deliver or plan these improvements, they have included resurfacing of damaged roads, introduction of a public bench and landscaping improvements.
- 2.10 Neighbourhood Services staff have responded effectively and compassionately to the understandable increase in enquiries and complaints about the damage being caused by the badgers.

Implications

Policy	It is an accepted practice for a Burial Authority when exercising its duties with regards to the maintenance and management of a cemetery to undertake the remedial work and undertake the mitigations described in this report.
Finance and value for money	The cost of mitigation measures taken to date has been met by existing cemetery revenue maintenance budgets. If the advice from the Named Ecologist on potential Licensable Actions would result in potential costs that could not be met by existing

	budgets then a report would be prepared for the Council's Executive Team to consider appropriate funding arrangements.
Legal	As a Burial Authority the Council, subject to the provisions of The Local Authorities' Cemeteries Order 1977 may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery. Badgers are protected and so are the setts they live in under the Protection of Badgers Act 1992
Procurement	None
Human Resources	None
Property	The County is the landowner and responsible for the cemetery in its entirety.
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	There are no equality considerations.
Risk Assessment	None
Crime & Disorder	None
Customer Consideration	The Council has received a significant increase in enquires, complaints and comments relating to the damage caused and the significant upset experienced by visitors to the cemetery. Neighbourhood Services staff have responded effectively and compassionately and prioritised repairing any damage as quickly as possible.
Carbon reduction	None
Wards	Berwick West with Ord

Background papers:

None

Report sign off.

	initials
Monitoring Officer/Legal	Neil Masson
Service Director Finance & Interim S151 Officer	Jan Willis
Relevant Director	Rob Murfin
Chief Executive	n/a
Portfolio Holder(s)	John Riddle

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