



Statement

3 June 2023

Sett Destruction Court Case Dropped

We have been involved with a Court case for over a year, where three of our Committee Members were witnesses for the prosecution. We are disappointed to learn that the case has been dropped from being heard in Court, a week before the court date.

In March 2022 we were informed by a local dog walker that a sett she looked at regularly had been destroyed. The sett was next to a popular public bridleway, and clearly visible to the many walkers that passed it daily. The Informant had seen someone burning vegetation and scrub on the bridleway. This material had been removed from the sett area which appeared to have been destroyed.

We have records of this sett spanning over a decade. It has been seen and recorded by many of our group and members of the public over the years. It was clearly visible from the bridleway which runs next to it, with an obvious badger mammal path from the sett across the bridleway. We have also attended to dead badgers killed on the adjacent road, only a few metres away.

On the night of the incident, six Committee Members immediately mobilised and telephoned the Police. We were informed that the Police would meet us at the crime scene that night. On arrival, it was dark, so we used torches and a video camera to record the scene as best we could.

The sett had been previously observed on numerous occasions as a large Main Sett. This included multiple active entrances, undulating soil heaps from years of badger excavation, grass, and trees. On the night of the incident the sett was no longer visible at all. The area was cleared of all vegetation, with soil re-graded and levelled, with signs of compaction and large tractor tyre marks.

The destruction appeared to be localised around the extents of the badger sett only, with surrounding vegetated areas generally left undisturbed.

We feared the worst, that the tunnels of the sett had collapsed and the resident badgers had been crushed, suffocated, and killed.

As we knew the sett so well, we focussed our attention on areas of the site where we knew some sett entrances had been. It was clear that there were dips in the re-levelled soil in these locations, so we were able to find some of the entrances and locally remove the soil that had been deposited over them during the clearance work. Thankfully, the entrances we managed to re-open by hand showed that the tunnels inside appeared to still be intact.

The Police did not arrive, and after another call to them we were told that they would not be attending. We called an expert witness on badgers and they confirmed the police needed to attend ASAP to



gather evidence, as at any crime scene. That night, we informed the Police Sergeant and Wildlife Crime Team of the situation via email, providing information including photos. This email highlighted the need for immediate Police attendance at the crime scene to gather evidence.

The next day we returned to the crime scene to check the sett area for badger activity. We found fresh badger footprints next to the entrance holes we had uncovered. We spoke to the Police Wildlife Crime Officer and were informed that the RSPCA would be attending that day to look at the sett. We met the RSPCA representative on site who confirmed that the area was a badger sett. The RSPCA representative was seen speaking to the Landowner from the nearby farm, who was present.

The previous night we had placed small sticks at the sett entrances. These had been knocked down overnight which is a way to record evidence that an animal has entered or left the sett. There were fresh badger footprints next to the sett entrances. On subsequent days we were able to obtain video footage of badgers using the sett entrances.

Our groups photographs and records of the sett over the years were handed to the Police. This included the latest evidence of the crime scene from the night of the incident and weeks afterward. Statements were taken by the Police.

The Police took the matter forward under the [Protection of Badgers Act 1992](#), with the case due to be heard in Court in January 2023. This was subsequently put back to Monday 5 June 2023.

We have been informed this week (w/c 26 May 2023) that the Court case had been dropped. The reasoning being that the [Protection of Badgers Act 1992](#) only covers setts that have signs of active use, and that there are issues with satisfactorily evidencing 'signs of current use at the time of the incident'.

Northamptonshire Badger Group have provided various forms of evidence that make it clear that the sett was active at the time of its destruction.

The Police did not gather their own evidence at the time, nor did they instruct an Expert Witness to attend the scene for several months after the incident.

FACT:

- The contractor said to the RSPCA Inspector onsite 'the badgers can dig their way out' confirming, on record, that they knew it was an active badger sett but clearly didn't care.
- We have regular records and photographs of this sett showing clear signs of active use over the past 10+ years.
- We have photographs showing how the sett was easily visible, and clearly identifiable as a badger sett, from the bridleway.
- We have records of dead badgers reported to us and attended by us on the adjacent road.
- We have photographic evidence of badger footprints next to the re-opened entrance holes the day after the incident.
- We have photographic evidence of badger footprints on the adjacent mammal path the day after the incident

NORTHAMPTONSHIRE BADGER GROUP

Actively involved in the welfare of badgers
in Northamptonshire



RESCUES. SETT RECORDING. EDUCATION. WELFARE. ADVOCACY

- We have video footage of a live badger using the re-opened entrance holes in the days & weeks immediately after the incident.
- The sett is once again currently active, with fresh spoil, latrines, strong mammal paths and footprints present.

It is inconceivable that the Landowner and their Specialist Contractor did not know that this was an active badger sett, having been an obvious feature of the land for over a decade.

They had every opportunity to seek expert advice on the 'animal holes' that were clearly present to ensure they were not breaking the law. They chose not to do this. Therefore, in our opinion, the destruction of the area around the sett was a clear case of reckless behaviour, but more than that it is bizarre that the only area cleared was exactly where the badger sett was, so we firmly believe it was actually intentional illegal activity.

Legal loopholes have been exploited to prevent the case being heard in Court. There was not sufficient attention or urgency given by the Police to gather evidence to make the case.

FACT: We are watching this sett and others and we will not let this happen again. We are angry and disappointed, but we will learn from this and make sure we never experience this again. We are here to be the voice for badgers in a country where they are wrongly vilified and persecuted.

HOW YOU CAN HELP: We appeal to all our Members and Followers to try to send us regular updates on setts they watch or know about. We must ensure we have up-to-date records of setts (including Photos), particularly if they might be vulnerable. If you need advice on this please contact us.

Sadly, in our experience, many badger setts on farmland in the countryside are vulnerable to blocking, destruction from clearance, ploughing, or persecution based on a misplaced dislike of badgers generally. We also have the ongoing issues where developments are proposed that could impact badger setts.

NOTES:

Northamptonshire Badger Group has existed for over 30 years and is involved in all aspects of the welfare of badgers across the county.

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