

Wildlife Legislation

Badgers (*Meles meles*)

In the UK the relevant legislation pertaining to Badgers is the Protection of Badgers Act 1992 and the Wildlife and Countryside Act, 1981 (as amended). Under the Protection of Badgers Act it is an offence to:

- Wilfully kill, injure, take possess or cruelly ill-treat* a Badger, or attempt to do so;
- To intentionally or recklessly interfere with a sett# (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

* the intentional elimination of sufficient foraging area to support a known social group of badgers may, in certain circumstances, be construed as an offence by constituting 'cruel ill treatment' of a Badger.

a sett is defined as 'any structure or place which displays signs indicating current use by a Badger', with 'current use' defined by Natural England under interim guidance as over the preceding few months prior to a likely interference/disturbance event.

Licences can be obtained from the SNCO for development activities that would otherwise be unlawful under the legislation.

Bats

All British bats are European protected species and therefore receive protection under the Conservation of Habitats and Species Regulations (2017), making it an offence to:

- Deliberately kill, injure or capture a bat;
- Deliberately disturb bats, including in particular any disturbance which is likely to:
 - impair their ability to survive, reproduce or to rear or nurture their young;
 - impair their ability to hibernate or migrate; or
 - significantly affect their local distribution or abundance.
- Damage or destroy a breeding site or resting place of a bat;
- Possess or control any live or dead specimen or anything derived from a bat;
- Sell, offer for sale, possess or transport a bat (live or dead, part or derivative) for the purpose of sale or advertise for buying or selling.

In addition, all British bats are listed under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended), which contains further provisions making it an offence to intentionally or recklessly:

- Damage, destroy or obstruct access to any structure or place which any bat uses for shelter or protection; or
- Disturb any bat while occupying a structure or place which it uses for that purpose.

Licences can be obtained from the Statutory Nature Conservation Organisation (SNCO) for development activities that would otherwise be unlawful under the legislation.

Water Vole (*Arvicola amphibius*)

Water Voles are protected under the Wildlife and Countryside Act 1981 (as amended), making it illegal to:

- Intentionally kill, injure or take a Water Vole;
- Possess or control a live or dead Water Vole, or any part of a Water Vole;
- Intentionally or recklessly disturb, destroy or obstruct access to any place that Water Voles use for shelter or protection;
- Sell, offer for sale or advertise any live or dead Water Voles.

Otter (*Lutra lutra*)

Otters are a European protected species and therefore receive protection under the Conservation of Habitats and Species Regulations (2017), making it an offence to:

- Deliberately kill, injure or capture an Otter;
- Deliberately disturb Otters, including in particular any disturbance which is likely to:
 - impair their ability to survive, reproduce or to rear or nurture their young;
 - impair their ability to hibernate or migrate; or
 - significantly affect their local distribution or abundance.
- Damage or destroy a breeding site or resting place of an Otter;
- Possess or control any live or dead specimen or anything derived from an Otter;
- Sell, offer for sale, possess or transport an Otter (live or dead, part or derivative) for the purpose of sale or advertise for buying or selling.

In addition, Otters are listed under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended), which contains further provisions making it an offence to intentionally or recklessly:

- Damage, destroy or obstruct access to any structure or place which an Otter uses for shelter or protection; or
- Disturb an Otter while occupying a structure or place which it uses for that purpose.

Dormice (*Muscardinus avellanarius*)

Dormice are a European protected species and therefore receive protection under the Conservation of Habitats and Species Regulations (2017), making it an offence to:

- Deliberately kill, injure or capture a Dormouse;
- Deliberately disturb Dormice, including in particular any disturbance which is likely to:
 - impair their ability to survive, reproduce or to rear or nurture their young;
 - impair their ability to hibernate or migrate; or
 - significantly affect their local distribution or abundance.
- Damage or destroy a breeding site or resting place of a Dormouse;
- Possess or control any live or dead specimen or anything derived from a Dormouse;
- Sell, offer for sale, possess or transport a Dormouse (live or dead, part or derivative) for the purpose of sale or advertise for buying or selling.

In addition, Dormice are listed under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended), which contains further provisions making it an offence to intentionally or recklessly:

- Damage, destroy or obstruct access to any structure or place which a Dormouse uses for shelter or protection; or
- Disturb a Dormouse while occupying a structure or place which it uses for that purpose.

Amphibians

All British amphibian species receive a degree of protection under the Wildlife & Countryside Act 1981 (as amended). The level of protection varies from protection from sale or trade only, as is the case with species such as Common Toad (*Bufo bufo*) and

Smooth Newt (*Lissotriton vulgaris*), to full protection afforded to species such as Great Crested Newt (*Triturus cristatus*).

Great Crested Newt is a European protected species and as such receives full protection under the Conservation of Habitats and Species Regulations 2010, making it an offence to:

- Deliberately capture, injure or kill a Great Crested Newt;
- Deliberately disturb Great Crested Newts, including in particular any disturbance which is likely to:
 - impair their ability to survive, reproduce or to rear or nurture their young;
 - impair their ability to hibernate or migrate; or
 - significantly affect their local distribution or abundance.
- Deliberately take or destroy eggs of Great Crested Newts;
- Damage or destroy a breeding site or resting place of Great Crested Newts;
- Possess or control any live or dead specimen or anything derived from a Great Crested Newt;
- Sell, offer for sale, possess or transport a Great Crested Newt (live or dead, part or derivative) for the purpose of sale or advertise for buying or selling.

Reptiles

All reptile species receive protection under the Wildlife & Countryside Act 1981 (as amended), making it illegal to;

- Intentionally kill or injure reptiles;
- Sell, offer for sale, possess or transport reptiles (live or dead, part or derivative) for the purpose of sale or advertise for buying or selling.

In addition, due to their status as scarce species both Smooth Snake (*Coronella austriaca*) and Sand Lizard (*Lacerta agilis*) are European protected species, protected under the Conservation of Habitats and Species Regulations, 2017. This affords them additional protection, making it illegal to:

- Deliberately capture Smooth Snakes or Sand Lizards;
- Deliberately disturb Smooth Snakes or Sand Lizards, including in particular any disturbance which is likely to:
 - impair their ability to survive, reproduce or to rear or nurture their young;
 - impair their ability to hibernate or migrate; or
 - significantly affect their local distribution or abundance.

- Damage or destroy a breeding site or resting place of Smooth Snakes and Sand Lizards.
- Possess or control any live or dead specimen or anything derived from a Smooth Snake or Sand Lizard.

Birds

All wild birds, their nests and eggs are protected throughout the breeding season (typically late February to late August inclusive) under the Wildlife and Countryside Act, 1981 (as amended). This legislation makes it an offence to (with certain limited exceptions and in the absence of a licence) intentionally:

- Kill or injure any wild bird;
- Take, damage or destroy the nest of any wild bird whilst it is in use or being built;
- Take or destroy the egg of any wild bird;
- It is also an offence to possess any live or dead wild bird or egg, or anything derived from a bird or egg
- Restrictions on trade and advertising also apply.

Schedule 1 of the Wildlife & Countryside Act 1981 is a list of the nationally rare and uncommon breeding birds for which all offences carry special (i.e. greater) penalties. These species also benefit from additional protection whilst breeding, as it is an offence to disturb adults or their dependent young when at a nest.

The RSPB categorise British bird species in terms of conservation importance based on a number of criteria including the level of threat to a species population status. Species are listed as Green, Amber or Red. Red Listed species are considered to be of the highest conservation concern, being either globally threatened and / or experiencing a high level of population decline (e.g. a reduction in breeding population size greater than or equal to 50% over the past 25 years or since 1969, when the first species assessment was made).

Crayfish

White-clawed Crayfish (*Austropotamobius pallipes*) are protected under the Wildlife and Countryside Act, 1981 (as amended), making it an offence to:

- Take White-clawed Crayfish from the wild;
- Sell, offer for sale, possess or transport White-clawed Crayfish (live or dead, part or derivative) for the purpose of sale or advertise for buying or selling.

In addition, under the Wildlife and Countryside Act, 1981 (as amended) it is an offence to:

- Release or allow to escape into the wild any animal which is included in Part I of Schedule 9

Signal Crayfish (*Pacifastacus leniusculus*) are included in Part 1 of Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended).