

Report for: Jawbox (Harpenden) Ltd

Commissioned by: Scott Moore

# Ecological Impact Assessment



Proposed Development Area

Land between Shang-Ri-La and Todds Corner, Todds Green, Stevenage SG1 2JE

Report No:3293

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## SUMMARY

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The desk study showed that legally protected areas of ecological importance would not be negatively impacted by the proposed development.

Overall, the study site provides limited nature conservation value in a local (parish) context, containing minimal ground cover. Boundary hedgerows offer limited ecological features.

The site provides negligible potential for foraging bats, badgers and herpetofauna, however, should any of these protected species be found on site during works, then all works must stop and advice from an ecologist sought.

The available trees, hedgerow and shrubs provide some potential for breeding birds.

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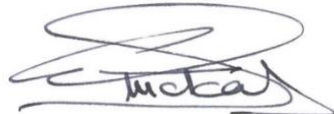
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## DOCUMENT CONTROL

|                 |                                                                                           |
|-----------------|-------------------------------------------------------------------------------------------|
| Document Title: | Ecological Impact Assessment<br>Shang-Ri-La, Todds Corner, Todds Green, Stevenage SG1 2JE |
| The Client:     | Jawbox (Harpenden) Ltd                                                                    |

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|-----------------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Report Number<br>3293 | Status<br>FINAL                                                  | Date of issue<br>028/03/2025                                                          |
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| Reviewed by           |                                                                  |                                                                                       |
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Species identified during this survey, including the date, the location, as well as a brief description of the circumstances of their identification, may be passed on to Biological Records Centre's, local wildlife groups, the Wildlife Trust, Natural England and any other interested parties unless written instructions not to do so are received within 30 days of receipt of this report.

# 1 INTRODUCTION

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## 1.1 INSTRUCTIONS AND OBJECTIVES

On the instructions of Scott Moore on behalf of Jawbox (Harpenden) Ltd, MS Ecology carried out an Ecological Impact Assessment for the Land between Shang-Ri-La and Todds Corner, Todds Green, Stevenage SG1 2JE

It is proposed that the site will be developed for residential housing.

The desk study, field survey (carried out on 15/03/2025) and evaluation are intended to provide information on the general habitat characteristics of the site and its surroundings including the likely presence of legally protected species and habitats encountered within the study area.

## 2 METHOD

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### 2.1 DESK STUDY

A desk study was carried out to identify the presence of any statutory or non-statutory sites within 2,000m of the centre of the study area together with records of any known legally protected, rare, or notable species.

Multi-Agency Geographic Information for the Countryside (MAGIC) was consulted to find records of Natural England Protected Species (NEPS) and statutory sites within the search area.

The Hertfordshire Environmental Records Centre (HERC) were asked to provide records of legally protected species, Biodiversity Action Plan species and locally rare and notable species within the search area. Details of any designated sites of importance for nature conservation (both statutory and non-statutory) within the search area were also requested.

The GCN Impact Risk Zone Map for Hertfordshire (Natural England) was checked to see what zone the proposed development site falls within.

### 2.2 FIELD SURVEY

A Preliminary Ecological Appraisal (PEA) of the study area was undertaken, broadly following the 'Extended Phase 1' methodology as set out in Guidelines for Baseline Ecological Assessment (Institute of Environmental Assessment 1995) amended where necessary to meet the revisions contained in the Guidelines for Preliminary Ecological Appraisal (GPEA) (CIEEM 2017). The PEA provides information on the habitats in the study area and assesses the potential for notable fauna to occur in or adjacent to the study area. Plant names follow New Flora of the British Isles (4th edition, Stace 2019) and the frequency of species presence is represented by the DAFOR scale, where D = Dominant, A = Abundant, F = Frequent, O = Occasional and R = Rare.

Preliminary investigations were undertaken where appropriate, to assess whether the site is supporting, or capable of supporting legally protected species by:

- Searching for suitable habitats for breeding populations of great crested newts within 500m of the study area.
- Searching for suitable habitat for reptiles by searching under suitable refugia and paying particular attention to potential basking sites.
- Searching for evidence of water vole activity such as the presence of burrows, feeding stations, faeces and latrines along the drainage ditches and streams and ponds where present within the study area.
- Searching for evidence of otter activity such as spraints, feeding remains, holts and laying up areas along the drainage ditches and streams where present within the study area, along with hedge banks, which can be used as holt sites by otter.
- Searching for suitable habitats for white-clawed crayfish in watercourses where present within and around the study area.
- Searching for signs of badger activity including setts, tracks, snuffle holes and latrines (both within the study area and within a zone of 30m around the study area).

- Searching for signs of potential roosting sites for bats, including urine stains, grease marks, droppings and feeding remains, in structures and mature trees with rot holes, peeling bark, split limbs and suitable cracks and crevices where present within the study area.
- Searching for suitable habitats for dormice and undertaking a 'nut search' where appropriate.
- Searching for signs of bird nests and identifying suitable nesting habitats. No bird surveys have been undertaken but all birds observed during study area visits have been noted.

In addition, the presence of any invasive species listed in Schedule 9 Part II of the Wildlife & Countryside Act 1981 (such as Japanese knotweed and giant hogweed) was recorded.

### 2.2.1 HABITAT CONDITION ASSESSMENTS

Habitats on site have been converted to the UK Habitat Classifications and, those which require a habitat condition assessment within the Statutory Biodiversity Metric, have been condition assessed accordingly. Full details of the condition assessments can be found within the separate 'Statutory biodiversity metric condition assessments' spreadsheet.

### 2.2.2 EVALUATION AND SIGNIFICANCE OF IMPACT

Ecological features are evaluated for their nature conservation value using the following criteria:

- International importance: Special Areas of Conservation, Special Protection Areas, Ramsar sites.
- National importance: Sites of Special Scientific Interest, National Nature Reserves.
- Regional/County importance: Local Nature Reserves, Sites of Importance for Nature Conservation, ancient woodlands, large area of priority Biodiversity Action Plan habitat.
- Local (parish) importance: Significant ecological features such as old hedges, woodlands, ponds.
- Negligible importance: Would usually be applied to areas of built development, active mineral extraction, or intensive agricultural land.

The significance of an adverse/beneficial impact is the product of the magnitude of the impact and the value or sensitivity of the nature conservation resources affected. There is no agreed absolute method for assessing the significance of adverse/beneficial impacts on nature conservation receptors/features.

Nevertheless, high levels of significance will generally be ascribed to large impacts on receptors/features of high nature conservation value. Low levels of significance will generally be ascribed to small impacts on receptors/features of high nature conservation value or large impacts on receptors/features of low nature conservation value.

The assessment of the potential impacts of the proposed development needs to consider both on-site impacts as well as those which may occur to adjacent areas of ecological value. Impacts can be permanent or temporary, direct, or indirect and can include:

#### Adverse

- Direct loss of wildlife habitats.
- Fragmentation and isolation of habitats.
- Disturbance to species from noise, light or other visual stimuli.

#### Beneficial

- Ecological enhancement
  - Habitat management
  - Habitat enhancement

## 2.3 LIMITATIONS

Ecological surveys are limited by factors which affect the presence of plants and animals such as the time of year, migration patterns and behaviour and the ecological survey of this site has not produced a complete list of plants and animals. Nevertheless, the results of the ecological survey allow evaluation of nature conservation value, assessment of the significance of potential impacts that may arise from the proposals and consideration of appropriate mitigation measures.

## 3 RESULTS

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### 3.1 SITE LOCATION AND SETTINGS

The site is centred on OS NGR TL 22065 26399, post code SG1 2JE.

The site is surrounded by medium density residential housing, with agricultural infrastructure and arable fields in the surrounding area.

There are four small water bodies located to the west of the site. ~486m NW, ~464m W, ~760m W & ~1.1km W.

Watercourses are located ~188m south & ~520m north-east.

The A1(M) is located ~200m east.

Several significant areas of woodland are found within a 1km search area:

- Lucas' Wood is located ~139m south-west.
- Margaret's Wood located ~177m north.
- Bury Wood ~347m north-west.
- Whitney Wood ~787m east.
- Fishers Green Wood ~647m south.

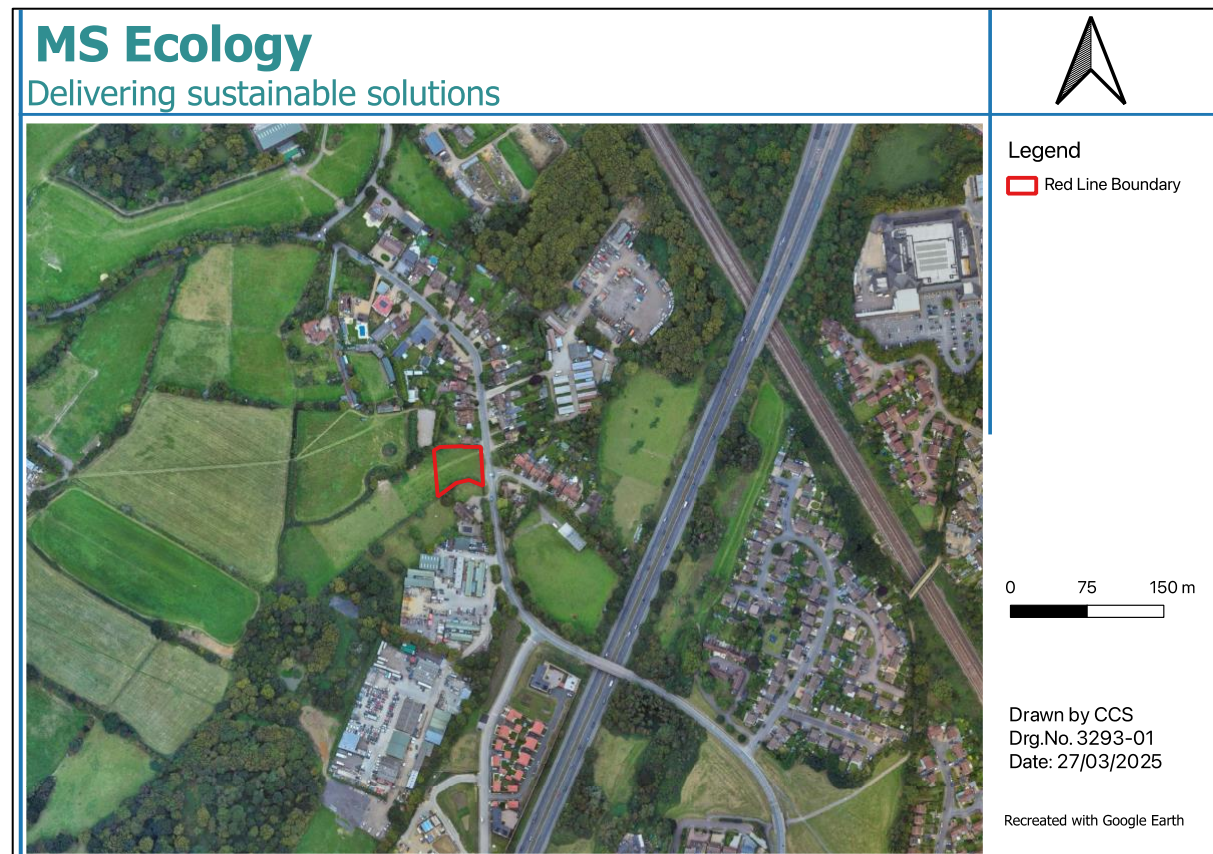
The John Henry Newman School is located ~777m east.

Several areas of Play Space and Public Garden are located to the south of the site. The closest is located ~265m south.

An area of public garden is located ~780m north-east.

Lister Hospital is located ~766m north-east.

Areas of allotments are located ~809m north.



*Figure 3-1 Proposed development area with red boundary.*

## 3.2 DESK STUDY

### 3.2.1 MAGIC

Interrogation of the Multi-Agency Geographic Information for the Countryside (MAGIC) showed that the site falls into the SSSI Impact Risk Zone for Wain Wood (SSSI) ~3.7km west & Knebworth Woods (SSSI) ~3.2km south.

One Natural England Protected Species licences (NEPS) for bats (common pipistrelle and soprano pipistrelle) was granted within the search area, License No. 2017-32115-EPS-MIT, 30/04/2018, ~1.2km west.

One Great Crested Newt Class Survey License was returned within the search area dated 02/09/2015, ~719m north-west.

One Natural England Protected Species licences (NEPS) for Great Crested Newts was granted within the search area, License No. 2014-1797-EPS-MIT, 30/04/2016, ~943m north-west.

An area of good quality semi-improved grassland is located ~317m west.

Two areas of Ancient & Semi-Natural Woodland are located within the search area. ~193m south & ~185m north.

Deciduous Woodland is found throughout the search area. The closest area is found ~130m south-west.

Three areas of Traditional Orchards were returned. Located ~1.2km north-west, ~736m west & ~180m north.

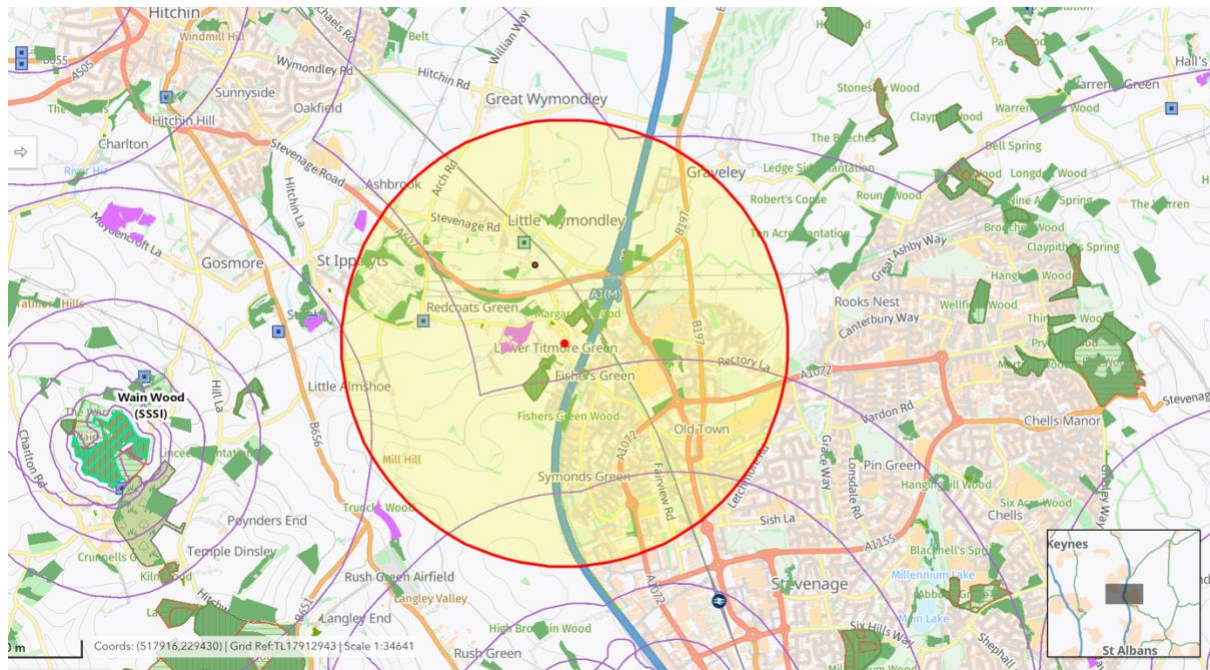


Figure 3-2 MAGIC Map

### 3.2.2 GCN RISK ZONE

The site falls into an Amber Impact Risk Zones. These zones contain main population centres for GCN and important connecting habitat. Developers can use district level licensing in these zones.



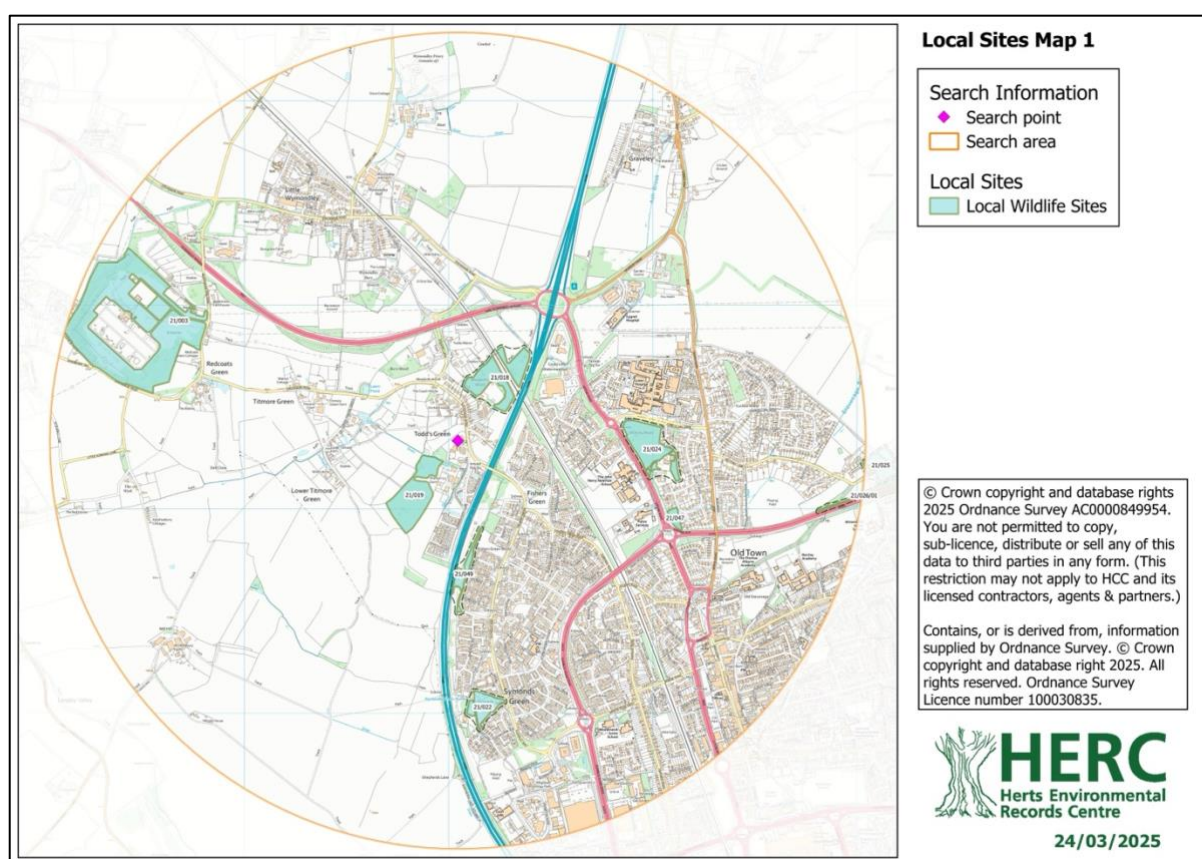
Figure 3-3 Site within an amber risk zone for GCN

### 3.2.3 BIOLOGICAL RECORDS

There are nine non-statutory sites within the search area, none of which fall within the boundaries of the proposed development site, these are:

*Table 3.1 Non-Statutory Sites falling within the 2,000m search area*

| Local Wildlife Site (LWS) | Wymondley Transforming Station                 |
|---------------------------|------------------------------------------------|
| LWS                       | Margaret's Wood & Spoil Bank Wood, Todds Green |
| LWS                       | Lucas Wood                                     |
| LWS                       | Symonds Green                                  |
| LWS                       | Whitney Wood                                   |
| LWS                       | St Nicholas Churchyard, Stevenage              |
| LWS                       | Martins Way, Stevenage A1072 East              |
| LWS                       | Whitney Drive Wood                             |
| LWS                       | Fishers Green Wood                             |



Several records for Badgers were returned within a ~300m – 1.9km of the site, dated 1998 – 2020.

Two records for Great Crested Newt were returned. Closest record ~780m. Dated 1975 & 2015.

Several records for Hedgehogs were returned. Closest record ~260m. Dated 1966 – 2022.

Records for bats include:

- Brown Long-eared. Closest record ~850m. Dated 2002 – 2014.
- Common Pipistrelle. Closest record ~870m. Dated 2011 – 2022.
- Daubenton's bat. Closest record ~870m. Dated 2022.
- Leisler's Bat. Closest record ~870m. Dated 2014 – 2022.

- Myotis Bat species. Closest record ~870m. Dated 2012 – 2022.
- Nathusius's Pipistrelle. Closest record ~870m. Dated 2012 – 2022.
- Natterer's Bat. Closest record ~900m. Dated 2010.
- Noctule. Closest record ~870m. Dated 2011 – 2022.
- Serotine. Closest record ~870m. Dated 2022.
- Soprano Pipistrelle. Closest record ~460m. Dated 2004 – 2022.

### 3.3 SURVEY - PEA

#### 3.3.1 SITE DESCRIPTION

The site consists of an empty field previously used as a paddock for horses.



Figure 3-4 Baseline habitat plan

#### 3.3.2 HABITATS

The proposed development site is devoid of buildings and enclosed by a post and wire fence on the eastern, northern and southern boundaries. The western boundary is unfenced, with access into the adjoining paddock. All boundary hedgerows and trees will be retained.



*Figure 3-5 Eastern and Northern boundary*



*Figure 3-6 Southern and open western boundary*

#### 3.3.2.1 HEDGEROWS / TREES

The eastern boundary has newly planted cherry laurel hedge along the post and wire fence. The southern boundary has a species poor hedgerow comprising hawthorn and privet behind a post and wire fence with a short section of holly hedge containing one mature holly tree (T-2). There is a mature Western Red Cedar (T-3) present in the garden close to the boundary holly tree.

The hedgerow along the northern post and wire fence is hawthorn with a small ornamental cherry (T-1) in the northeastern corner close to the entrance. Two further trees are located within the boundary hedgerow, T4 cherry and T5 hawthorn. The big oak referred to in the LPA response to the Pre-App statement is located 20m west of the northwest boundary and outside of the development area.

#### 3.3.2.2 MODIFIED GRASSLAND (G4)

The modified grassland, dominated by perennial rye grass, includes common daisy, yarrow, plantain and thistle sp. Grassland is heavily grazed by horses with substantial areas of bare mud (see pictures below).



*Figure 3-7 Paddock showing bare mud.*

The western boundary is not delineated on the ground and crosses the paddock with the same grassland habitat.

### 3.3.2.3 HARDSTANDING

There is no hardstanding within the red line boundary of the proposed development site.

### 3.3.2.4 WATER

There is no aquatic habitat on site.

### 3.3.3 HABITAT CONDITION ASSESSMENT

The table below provides a summary of the results of the habitat condition assessments carried out on the above habitats.

*Table 3.2 Habitat Condition Assessment (Example)*

| Habitat              | Condition |
|----------------------|-----------|
| Modified Grassland   | Poor      |
| Hedgerow (North H-1) | Poor      |
| Hedgerow (South H-2) | Poor      |

### 3.3.4 EVIDENCE OF PROTECTED SPECIES

#### 3.3.4.1 MAMMALS

No badger setts were present within the boundary hedgerows and no evidence of foraging activity or other field signs were found, but there were signs of grey squirrel and rabbit.

There are no suitable mature trees or buildings within the site for bats, and the foraging habitat is poor.

#### 3.3.4.2 BIRDS

The boundary hedgerows provide foraging and nesting opportunities for birds.

#### 3.3.4.3 HERPETOFAUNA

As there are no water bodies on site or within the boundaries the terrestrial foraging habitat for GCN is extremely poor.

There is no suitable habitat for reptiles within the site.

#### 3.3.4.4 INVERTEBRATES

No invertebrate surveys were undertaken.

## 4 DISCUSSION

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### 4.1 HABITATS

#### 4.1.1 BAP PRIORITY HABITATS AND LEGALLY PROTECTED SITES OF CONSERVATION VALUE

The proposed development site contains no priority habitat. There will be no impact on any designated sites of conservation value resulting from the proposed development.

### 4.2 PROTECTED SPECIES

#### 4.2.1 MAMMALS

Whilst terrestrial mammals have access to the site the level of disturbance and the lack of suitable habitat makes it unattractive to this group and there is more suitable habitat further afield.

The trees on site were assessed from ground level with no suitable features for roosting bats.

#### 4.2.2 BIRDS

Hedgerows on site provide suitable habitat for nesting birds during the breeding season.

#### 4.2.3 HERPETOFAUNA

The terrestrial foraging habitats for herpetofauna is extremely poor.

#### 4.2.4 INVERTEBRATES

No invertebrate surveys were undertaken. The boundary hedgerows may provide a nectar source.

## 5 CONCLUSION

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The desk study showed that legally protected areas of ecological importance would not be negatively impacted by the proposed development.

Overall, the study site provides limited nature conservation value in a local (parish) context, containing minimal ground cover. Boundary hedgerows offer limited ecological features.

The site provides negligible potential for foraging bats, badgers and herpetofauna, however, should any of these protected species be found on site during works, then all works must stop and advice from an ecologist sought.

The available trees, hedgerow and shrubs provide some potential for breeding birds.

## 6 RECOMMENDATIONS

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### 6.1 MITIGATION

#### 6.1.1 BIRDS

Damaging or destroying the nest of any wild bird (whilst being built or in use) is an offence under the Wildlife and Countryside Act 1981. Therefore, any vegetation clearance or demolition of structures, in which birds are nesting, should be undertaken outside the breeding season. The bird breeding season can be taken to run between the 1 February and 31 August (in practice, it is usually March to July and is subject to geographical and seasonal factors).

If vegetation clearance outside the breeding season is not possible, further surveys for breeding birds should be carried out prior to any works being undertaken. A minimum of a survey 24 hours prior to commencement of works would be required to minimise opportunities for nest building between the survey and the start of works. Any nest in use or being built during this survey may need to be left undamaged for the entire nesting period and alternative approaches to the works proposed.

To avoid disturbance of birds listed under Schedule 1, it is recommended that no work should be undertaken within 'line of sight' of the nest.

#### 6.1.2 GENERAL

The habitats on site should continue to be managed as they currently are or mown if no longer grazed until development begins.

Should any protected species be unexpectedly found on site during works, all works must stop, and an ecologist consulted.

Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each workday to prevent animals entering/becoming trapped.

#### 6.1.3 LIGHTING

Any lighting on site should be in accordance with the [BCT lighting guidelines](#) (Guidance Note 8 Bats and Artificial Lighting (Bat Conservation Trust, 2023)) to ensure that any commuting routes or foraging areas are unimpacted.

### 6.2 ENHANCEMENTS

#### 6.2.1 BATS

Where appropriate integrated bat boxes can be installed within the new buildings when development begins. Ideally, these should face southeast/southwest and be no less than 3m above ground level. These require no maintenance and can be faced in any material for aesthetic purposes.

If the buildings do not allow for integrated bat boxes, then external boxes can be installed instead. These should be hung on the building or suitable trees if available within the grounds, these should face southeast/southwest, be no less than 3m above ground level and be placed away from any neighbouring ledge to avoid opportunities for predators to access the box.

Integrated bat boxes do not require any maintenance. External boxes should be checked annually for damage in the winter by observation from a distance. If the boxes are damaged and require replacement, an ecologist must be present. Monitoring of bat boxes is considered unnecessary, but monitoring could be undertaken by a local bat group providing they hold the appropriate licences. This

could include activity surveys to ascertain whether the bat boxes are being used, but we do not recommend direct inspection of bat boxes.



Example of built in bat box ([Bird Brick Houses](#))

### 6.2.2 BREEDING BIRDS

Where appropriate a combination of open fronted and songbird boxes can be used to provide nesting opportunities for common garden birds. One of each box type can be installed, these should be placed between 2-4m above ground level and face between the north and east (or in a shaded & sheltered area) to avoid strong sunlight and prevailing winds/rain. The front of the nest box should be angled vertically or slightly downwards to prevent rain from entering the nest box. There should be a clear flight path to and from the box and it should be located away from any neighbouring ledge to avoid opportunities for predators to access the box.

Check the boxes annually, outside of the breeding season (March-August) for any damage and remove nest debris.

### 6.2.3 SMALL MAMMALS & HERPETOFAUNA

Where appropriate 'hedgehog highways' can be installed within the boundary walls & fences to allow small mammals such as hedgehogs and herpetofauna species a continuous corridor between the neighbouring residential gardens and green spaces in the area.

A 13x13cm hole is recommended as this is sufficient for any hedgehog to pass through but too small for nearly all household pets.

Bricks can be removed from the base of walls and holes can be cut into the base of fence panels (ensure the edges are sanded). Alternatively, a channel can be dug under the wall/ fence. This will require more regular maintenance to ensure the channel remains clear.

## 7 LEGISLATION

### 7.1 ANIMALS (EXCEPT BADGERS)

Wild animals listed on Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and/or Schedules 2 and 4 of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended)

|              | Sections of the Act applicable                                                       |
|--------------|--------------------------------------------------------------------------------------|
| Bats and GCN | 9 (1), (2) (4 a & b) of the WCA and Regulation 39 (1 a-c) of the Habitats Regulation |

Species listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) are afforded protection subject to the provisions of Section 9. A person will be guilty of an offence if they:

1. intentionally kill, injure or take any wild animal included in Schedule 5,
2. have in their possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal,
- 3.
4. intentionally or recklessly—
  - a. damage or destroy any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection.
  - b. disturb any such animal while it is occupying a structure or place which it uses for shelter or protection; or
  - c. obstruct access to any structure or place which any such animal uses for shelter or protection.
5. Subject to the provisions of this Part,
  - a. sell, offer, or expose for sale, or have in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal; or
  - b. publish or cause to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things,
6. In any proceedings for an offence under subsection (1), (2) or (5)(a) relating to an act which is mentioned in subsection (1), (2) or (5)(a), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Species listed on Annex II and Annex IV of The Conservation (Natural Habitats &c.) Regulations 1994 (the Habitats Regulations) which transpose into UK law Council Directive 92/43/EEC of 21st May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (often referred to as the 'Habitats [and Species] Directive.') are afforded further protection. The former Annex relates to the designation of Special Areas of Conservation (SACs) for some species.

Inclusion on Annex IV ('European protected species') means that member states are required to put in place a system of strict protection as outlined in Article 12, and this is done through inclusion on Schedule 2 of the Regulations. Regulation 39 makes it an offence to:

Deliberately capture or kill an animal listed on Schedule 2 [Regulation 39(1)(a)]

Deliberately disturb an animal listed on Schedule 2 [Regulation 39(1)(b)]

Deliberately take or destroy the eggs of an animal listed on Schedule 2  
[Regulation 39(1)(c)]

Damage or destroy a breeding site or resting place of an animal listed on  
Schedule 2 [Regulation 39(1)(d)]

Where applicable legislation applies to all life stages of a species.

## 7.2 BADGERS

| Species               | Sections of the Act applicable |
|-----------------------|--------------------------------|
| Badgers & their Setts | All                            |

Badgers were initially protected by inclusion on Schedule 6 of the Wildlife and Countryside Act 1981. The protection has subsequently been strengthened by the Protection of Badgers Act 1992. The purpose of the Protection of Badgers Act 1992 is to protect badgers from the incidental effects of lawful activities and deliberate attempts to inflict injury or kill badgers.

Under the Protection of Badger Act 1992:

1. A person is guilty of an offence if, except as permitted by or under this Act, he willfully kills, injures, or takes, or attempts to kill, injure, or take, a badger.
2. If, in any proceedings for an offence under subsection (1) above consisting of attempting to kill, injure or take a badger, there is evidence from which it could reasonably be concluded that at the material time the accused was attempting to kill, injure or take a badger, he shall be presumed to have been attempting to kill, injure or take a badger unless the contrary is shown.
3. A person is guilty of an offence if, except as permitted by or under this Act, he has in his possession or under his control any dead badger or any part of, or anything derived from, a dead badger.
4. A person is not guilty of an offence under subsection (3) above if he shows that—
  - a. the badger had not been killed, or had been killed otherwise than in contravention of the provisions of this Act or of the Badgers Act 1973; or
  - b. the badger or other thing in his possession or control had been sold (whether to him or any other person) and, at the time of the purchase, the purchaser had had no reason to believe that the badger had been killed in contravention of any of those provisions.
  - c. If a person is found committing an offence under this section on any land it shall be lawful for the owner or occupier of the land, or any servant of the owner or occupier, or any constable, to require that person forthwith to quit the land and also to give his name and address; and if that person on being so required willfully remains on the land or refuses to give his full name or address he is guilty of an offence.

Cruelty.

1. A person is guilty of an offence if—
  - a. he cruelly ill-treats a badger.
  - b. he uses any badger tongs in the course of killing or taking, or attempting to kill or take, a badger.

- c. except as permitted by or under this Act, he digs for a badger; or
- d. he uses for the purpose of killing or taking a badger any firearm other than a smooth bore weapon of not less than 20 bore or a rifle using ammunition having a muzzle energy not less than 160 foot-pounds and a bullet weighing not less than 38 grains.

2.2 If in any proceedings for an offence under subsection (1)(c) above there is evidence from which it could reasonably be concluded that at the material time the accused was digging for a badger he shall be presumed to have been digging for a badger unless the contrary is shown.

Interfering with badger setts.

3 A person is guilty of an offence if, except as permitted by or under this Act, he interferes with a badger sett by doing any of the following things—

- (a)damaging a badger sett or any part of it.
- (b)destroying a badger sett.
- (c)obstructing access to, or any entrance of, a badger sett.
- (d)causing a dog to enter a badger sett; or
- (e)disturbing a badger when it is occupying a badger sett,

intending to do any of those things or being reckless as to whether his actions would have any of those consequences.

Selling and possession of live badgers.

4. A person is guilty of an offence if, except as permitted by or under this Act, he sells a live badger or offers one for sale or has a live badger in his possession or under his control.

Marking and ringing.

5. A person is guilty of an offence if, except as authorized by a license under section 10 below, he marks, or attaches any ring, tag, or other marking device to, a badger other than one which is lawfully in his possession by virtue of such a license.

### 7.3 BIRDS

| Species                   |
|---------------------------|
| All species of wild birds |

All wild birds, with certain exceptions, are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

It is an offence for any person to:

Intentionally kill, injure, or take any wild bird.

Intentionally take damage or destroy the nest of any wild bird whilst it is in use or being built.

Intentionally take or destroy the egg of any wild bird.

Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The penalty for each offence under the Wildlife and Countryside Act - in respect of a single bird, nest, or egg - is a fine of up to £5,000, and/or six months' imprisonment.

Bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 are further protected from intentional or reckless disturbance whilst nest building or at (or near) a nest with eggs or young; or disturb the dependent young of such a bird.

To avoid disturbance, recommend that no work should be undertaken within 'line of sight' of the nest. Note Certain activities e.g., pile driving, pneumatic drilling and borehole drilling will require a wider buffer zone.