

Report for: Nick & Julie Pike

Commissioned by: D Chandler, DC Architectural Design

Ecological Impact Assessment



Proposed area for development

Land adj to Venton, Green Acres, Lilley, Luton, North Hertfordshire LU2
8LS

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SUMMARY

On the instructions of Nick Pike, MS Ecology carried out an Ecological Impact Assessment for the Land adj to Venton, Green Acres, Lilley, Luton, North Hertfordshire LU2 8LS.

Proposals for the site include for the erection of a detached two storey dwelling in the north of the site, which would be to the northeast of the existing dwelling, with the existing detached garage demolished, if necessary.

The dwelling would be accessed via a new crossover onto Hexton Road and would have a parking area for three cars. The existing access and parking area for Venton would remain, as would its garden areas outside of the red line boundary.

The desk study showed that legally protected areas of ecological importance would not be negatively impacted by the proposed development. Priority deciduous woodland is located immediately to the north of the site. Provided precautionary measures are implemented during the construction phase, no impacts to this habitat are foreseen.

Overall, the study site provides nature conservation value in a local (parish) context, containing ecological features such as boundary hedgerow and trees. The mown lawn offered few opportunities.

The site provides negligible potential for roosting bats though bats may use the site for foraging or commuting purposes and lighting on site should be in line with the [BCT lighting guidelines](#) (Guidance Note 8 Bats and Artificial Lighting (Bat Conservation Trust, 2023)).

There is suitable habitat in the surrounds of the site for badger, however, no evidence was found to suggest they are accessing the site as the site offers limited suitable habitat. Should any badgers or evidence of badgers be found on site during works, then all works must stop, and an ecologist consulted.

There is also limited suitable terrestrial habitat for herpetofauna on site, however, more suitable habitat is found in the surrounds and a waterbody is located within 100m of the site. Therefore, it is recommended that an unlicensed method statement be followed to provide a precautionary approach to the works regarding herpetofauna.

The trees and hedgerow provide high potential for breeding birds, and it is recommended that the works are completed outside of the breeding bird season.

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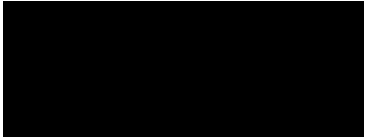
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DOCUMENT CONTROL

Document Title:	Ecological Impact Assessment Land adj to Venton, Green Acres, Lilley, Luton, North Hertfordshire LU2 8LS
The Client:	Nick & Julie Pike

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Report Number 3276	Status FINAL	Date of issue 07/01/25
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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

1.1 INSTRUCTIONS AND OBJECTIVES

On the instructions of Nick Pike, MS Ecology carried out an Ecological Impact Assessment for the Land adj to Venton, Green Acres, Lilley, Luton, North Hertfordshire LU2 8LS.

Proposals for the site include for the erection of a detached two storey dwelling in the north of the site, which would be to the northeast of the existing dwelling, with the existing detached garage demolished, if necessary.

The dwelling would be accessed via a new crossover onto Hexton Road and would have a parking area for three cars. The existing access and parking area for Venton would remain, as would its garden areas outside of the red line boundary.

The desk study, field survey (carried out on 03/12/2024) 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

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 North 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

3.1 SITE LOCATION AND SETTINGS

The site is centred on OS NGR TL 11667 26886, post code LU2 8LS, in Green Acres, Lilley, Luton.

The site is surrounded by low density residential housing and agricultural land.

Four waterbodies are present within 1km of the site, all to the southeast. These are at ~85m to the south, ~425m to the south, ~585m to the south and ~990m to the south.

There are several areas of woodland within the search area, with a small woodland copse immediately to the north of the site.



Figure 3-1 Location of proposed development site with red line 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 'The Chilterns' Area of Outstanding Natural Beauty.

The site falls into the SSSI Impact Risk Zone for Galley and Warden Hills (SSSI & Local Nature Reserve) ~2.1km west, Deacon Hill (SSSI) ~2.2km north, Barton Hills (SSSI) ~3.1km northwest, Knocking Hoe (SSSI & National Nature Reserve) ~3.9km northeast & Cowslip Meadow (SSSI) ~3.8km southwest.

No Natural England Protected Species licences (NEPS) were returned within the search area.

Priority habitat within the search area includes:

- Deciduous Woodland is found throughout the search area, with the closest point immediately to the north of the site.
- Several areas of Ancient Woodland are found within the search area. These include, Lilley Park wood ~737m south, Whitehill Wood ~1.7km south-west & Brogsdell Plantation ~1.2km north.
- Good quality semi-improved grassland located ~317m south-west & 1.7km north.
- Lowland Calcareous Grassland ~1.9km west.
- Woodpasture and Parkland is located ~1.1km south.

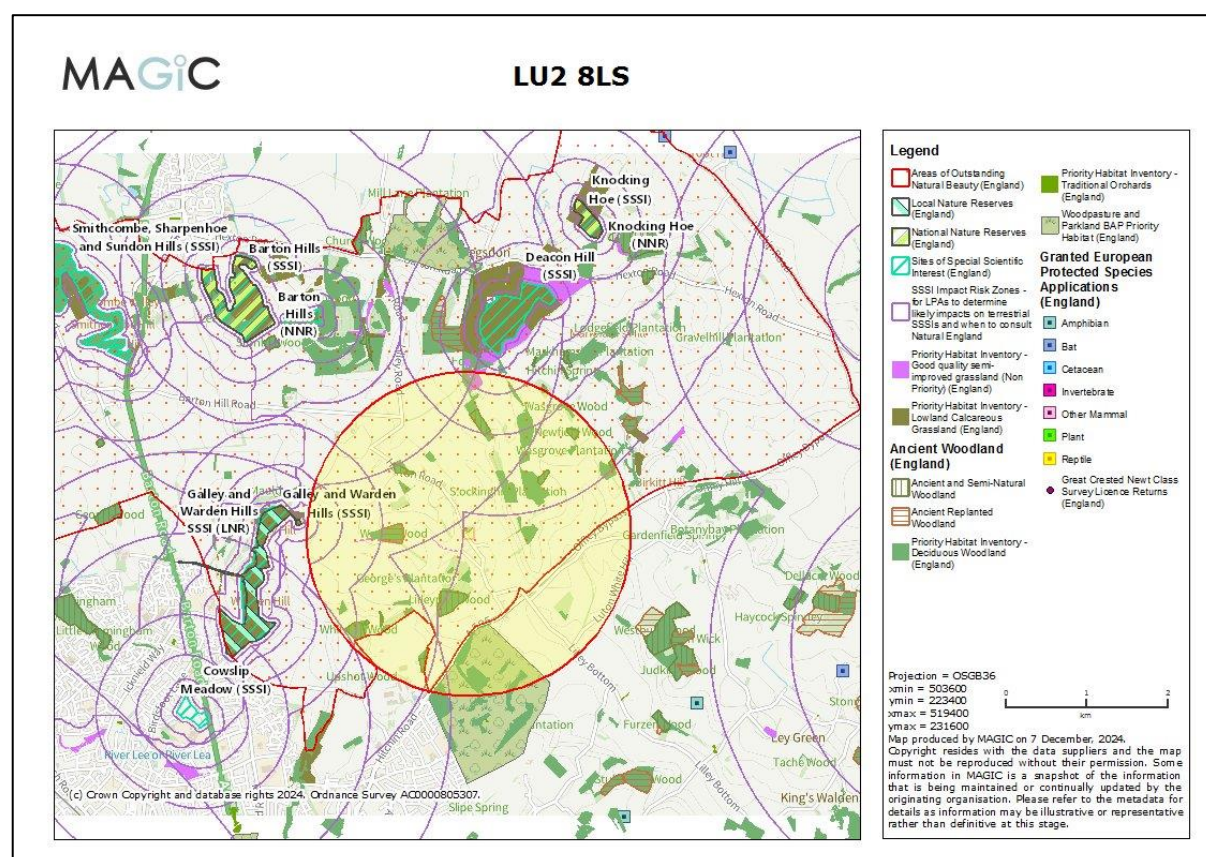


Figure 3-2 MAGIC Map

3.2.2 GCN RISK ZONE

The site falls into a green zone on the Impact Risk Zones map for North Hertfordshire, indicating that the site is in area of sparsely distributed GCN and is less likely to contain important pathways of connecting habitat for GCN.

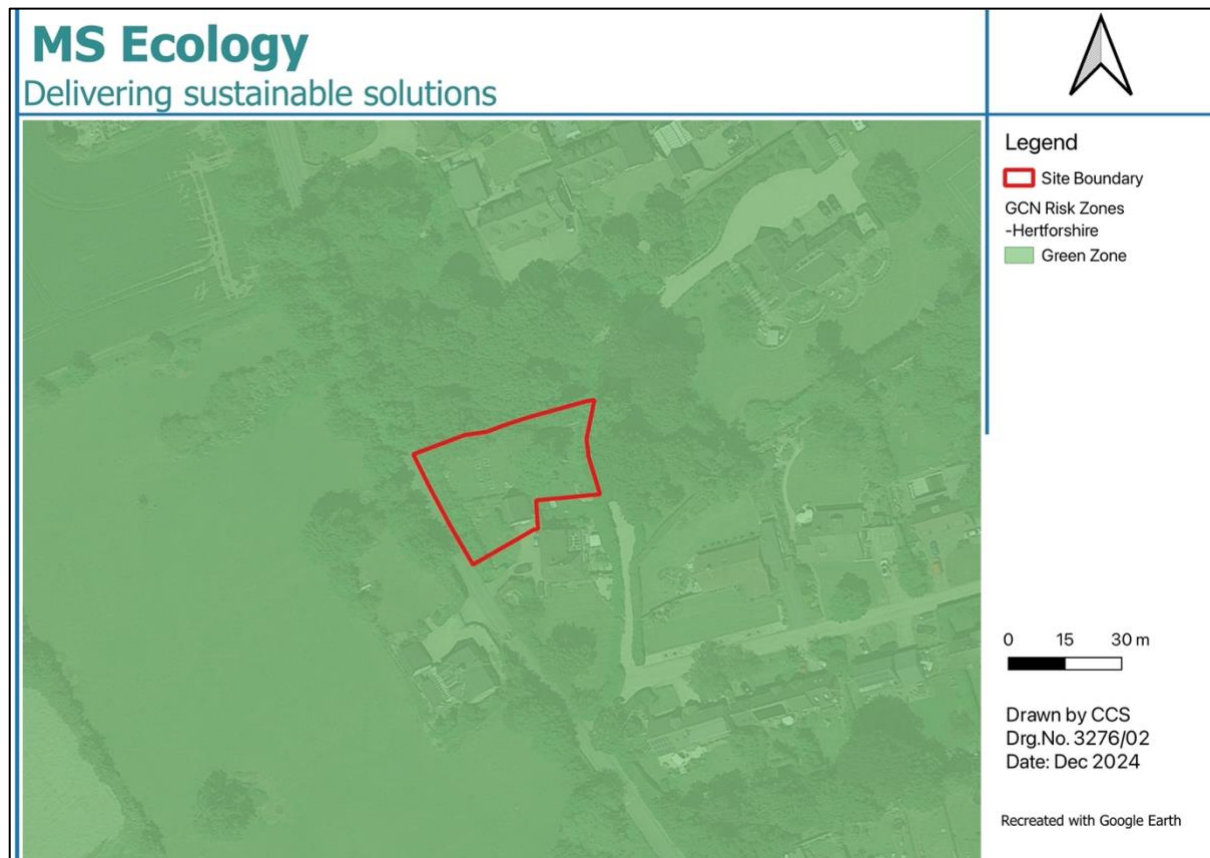


Figure 3-3 Site within a green risk zone for GCN

3.2.3 BIOLOGICAL RECORDS

There are six 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

Type	Name
Local Wildlife Site (LWS)	Gravel Hill
LWS	Icknield Way below Telegraph Hill
LWS	Wardswood Lane
LWS	Lilley Park Wood
LWS	Telegraph Hill & Hoo Bit
LWS	Putteridge Bury Icehouse

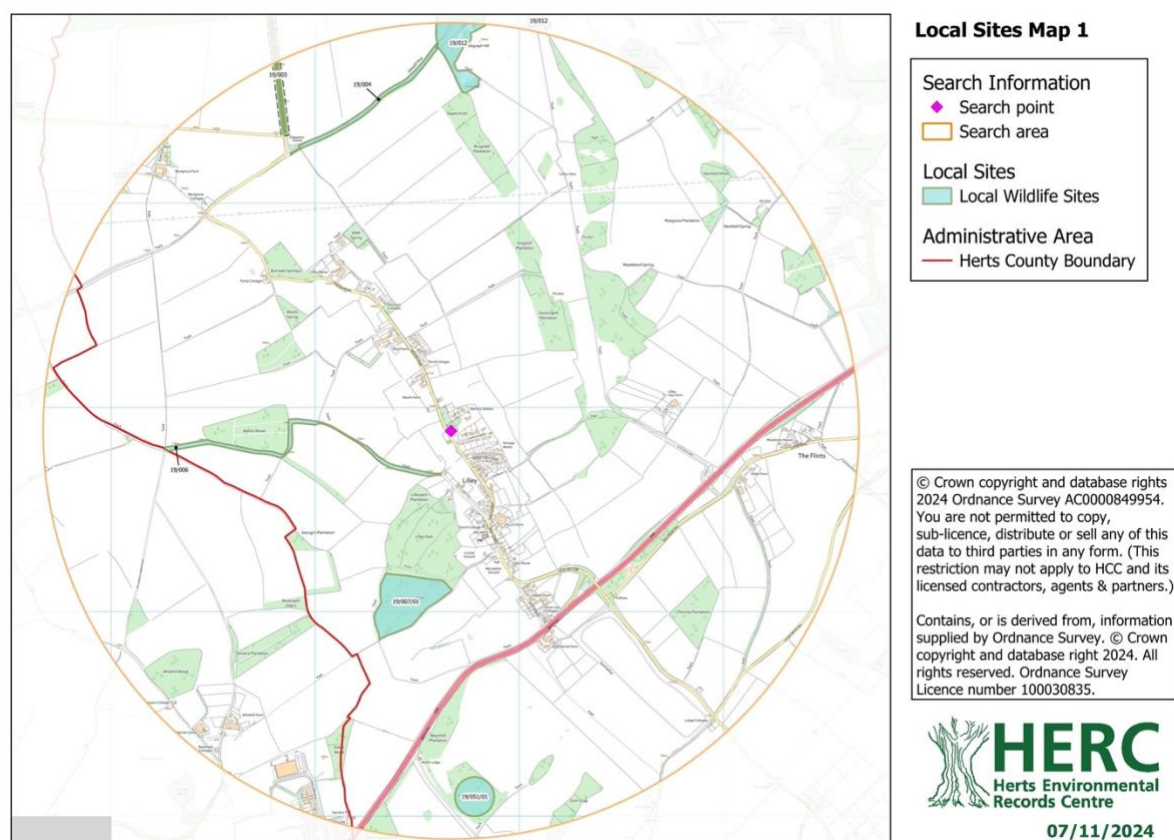


Figure 3-4 Non-Statutory Sites (HERC, 2024)

The species records provided by the HERC returned two records for GCN, however, these are dated 1934 and 1984 and only have a two-figure grid reference.

Common toad, common lizard, slow worm and hazel dormouse records were also returned, however, they all also pre-date 2000.

More recent records returned include Western European Hedgehog. The most recent record is dated 2021, located ~290m from the site.

There are several records of badgers dated between 1985 and 2023, none of which fall within a 500m radius of the site.

Bat records returned include brown long-eared bat, common and soprano pipistrelle, Natterer's bat, serotine, noctule and Daubenton's bat. The closest of these is a common pipistrelle maternity roost, dated 2016 and located ~300m from the site.

3.3 SURVEY - PEA

3.3.1 SITE DESCRIPTION

The site consists of a vegetated garden with a double garage (B1) with gravel access, a timber barn (B2) and occasional trees. B2 will not be impacted by the development.

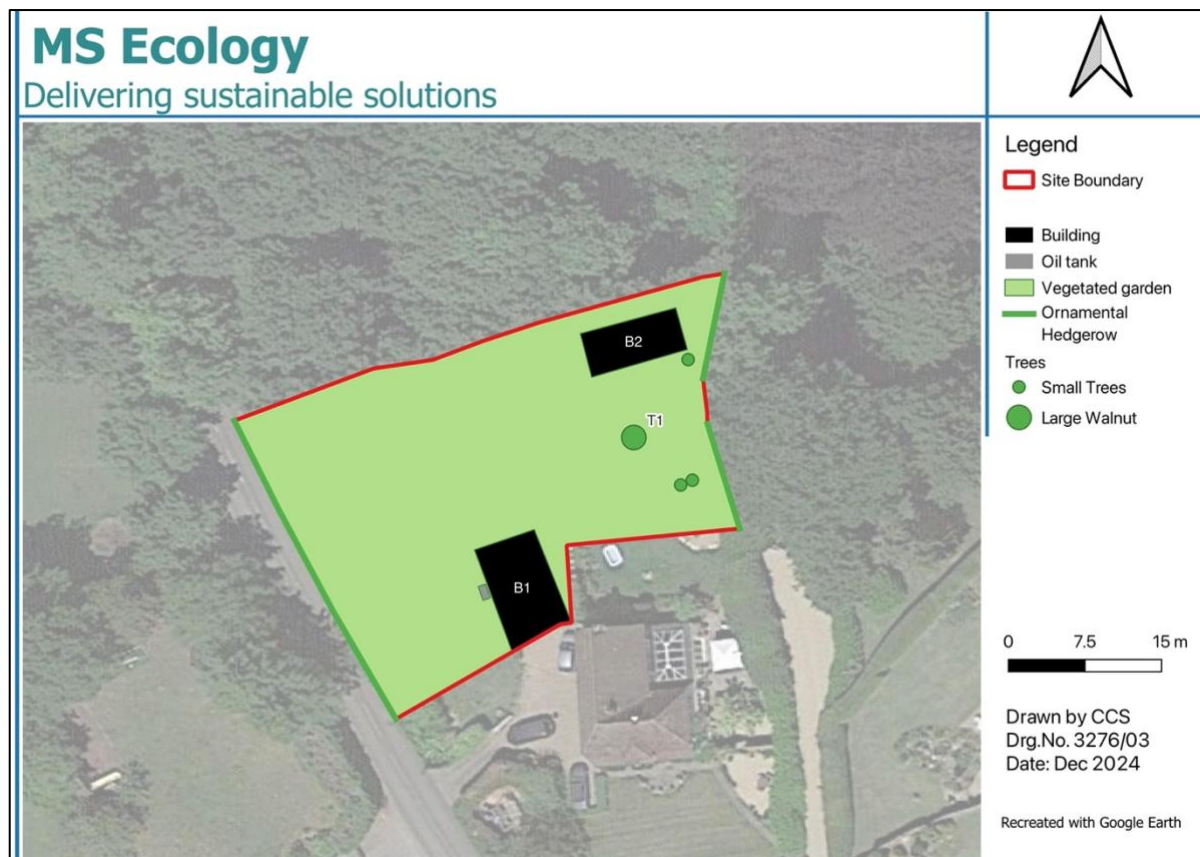


Figure 3-5 Baseline Habitats

3.3.2 HABITATS

3.3.2.1 BUILDINGS

The garage (B1) is of breezeblock construction with a pitched clay tiled roof covered in moss. Access is through double up-and-over doors and internally the building is open to the ridge with sawn timber rafters. There is no ceiling or void present, and the tiled roof is lined with bitumen felt in good condition. The unit is currently used for storage.



Figure 3-6 South face of the double garage showing leylandii concealing oil tank

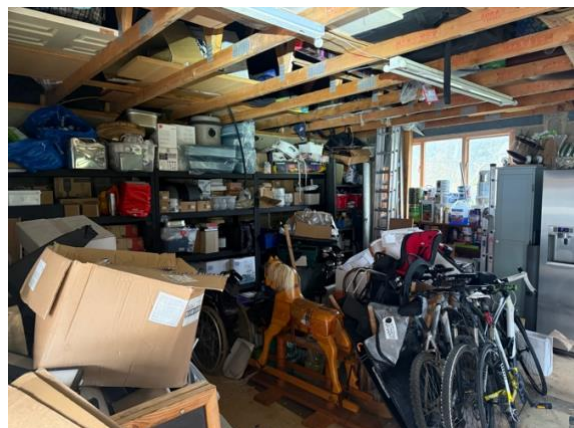
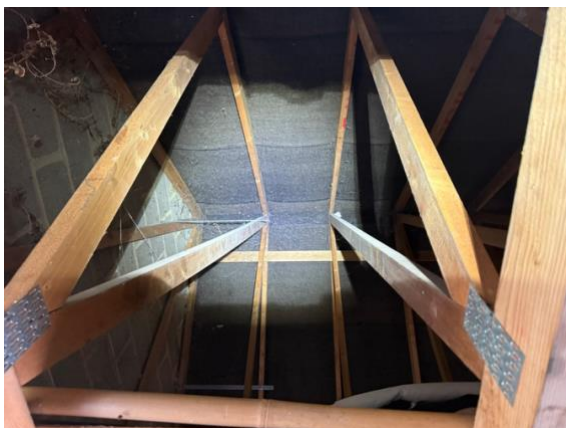


Figure 3-7 Internally the garage is open to the ridge with a well-lit interior used for storage.

The barn (B2) (previously a double stable block) is of wooden construction with a low apex roof covered in corrugated asbestos type cement sheets. This building will not be impacted by the development.



Figure 3-8 Timber barn formerly a double stable block now used for storage.

3.3.2.2 HARDSTANDING

Gravel hardstanding forms the front drive to the garage.

3.3.2.3 VEGETATED GARDEN

The garden consists mainly of regularly mown garden lawn which is banked towards the western and a short length of the northern boundaries.

Occasional trees are present within the garden, the largest of these is a walnut (T1) with a DBH of 63cm. Based on the proposed development plan, A010 - Site Plans 220824, the walnut tree (T1) will not be adversely impacted by the new build. The remaining trees are small (with DBH's of less than 30cm) and include a yew and two silver birch.



Figure 3-9 Example of garden area on site



Figure 3-10 Example of garden trees on site

3.3.2.4 NON-NATIVE & ORNAMENTAL HEDGEROW

Leylandii dominated hedgerow, cut to a height of 2m is present along the eastern boundary. The eastern boundary is also lined with an ornamental hedgerow, with leylandii, cherry laurel and lime topped to 2m.

3.3.2.5 ADJACENT HABITAT

The northern boundary of the garden is fenced with stock wire attached to stumps/ posts. Beyond this is found a small area of priority deciduous woodland.



Figure 3-11 Fenced northern boundary with small area of woodland beyond

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. For full details please see the separate excel spreadsheet.

Table 3.2 Habitat Condition Assessments

Habitat	Condition
Developed Land; Sealed Surface	N/A
Vegetated Garden	N/A
Urban Tree (T1)	Good
Non-Native & Ornamental Hedgerow	Poor

3.3.4 EVIDENCE OF PROTECTED SPECIES

3.3.4.1 MAMMALS

No evidence of bats was found within any of the buildings on site and no evidence of any other mammals was found within the garden.

3.3.4.2 BIRDS

No active nests were found on site; there was evidence that pigeons had built a nest in the walnut tree (T1).

3.3.4.3 HERPETOFAUNA

No herpetofauna were found during the survey. A pond is found ~85m to the south of the site. This is located along the roadside and at the time of the survey held water and was overgrown. It is shaded on the western side by trees and shrubs and no evidence of waterfowl presence was noted. As the pond was publicly accessible an HSI calculation was conducted, returning a score of 'Average'.

Table 3.3 HSI Calculation

Suitability Index	Factor	Notes	Score
SI 1	Location	Optimal	1.00
SI 2	Pond area	~170m ²	0.20
SI 3	Pond drying	Rarely	1.00
SI 4	Water quality	Poor	0.33
SI 5	Shoreline shade	60%	1.00
SI 6	Fowl	Absent	1.00
SI 7	Fish	Absent	1.00
SI 8	No ponds/km ² *	3	0.60
SI 9	Terrestrial habitat	Good	1.00
SI 10	Macrophytes	40%	0.70
HSI			0.68

Table 3.4 HSI Category Definitions

HSI	
<0.5	Poor
0.51-0.59	Below average
0.6-0.69	Average
0.7-0.79	Good
>0.8	Excellent

4 DISCUSSION

4.1 HABITATS

4.1.1 BAP PRIORITY HABITATS AND LEGALLY PROTECTED SITES OF CONSERVATION VALUE

The proposed development site contains no priority habitat; however, priority deciduous woodland is located immediately adjacent to the northern boundary. Provided precautionary measures are implemented during the construction phase, no impacts to this habitat are foreseen.
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

On B1, the various eaves, soffits and bargeboards are all tight-fitting with the walls and afforded no potential access points for bats. There is no internal loft void as it is well sealed with no suitable roosting features or access points for bats identified.

Building B2 will be unaffected by the proposed development.

The trees on site were assessed from ground level and no suitable roosting features for bats were observed. Bats may use the site for foraging and commuting purposes.

The garden itself offers limited opportunities for terrestrial mammals with the short-mown garden lawn, however, there is suitable habitat immediately adjacent to the site. The garden is enclosed by hedges on the eastern and western boundaries with stock wire fencing around all boundaries, with no evidence of mammal entry found.

4.2.2 BIRDS

The hedgerows and trees on site provide suitable habitat for nesting birds.

4.2.3 HERPETOFAUNA

The garden area is dominated by short-mown garden lawn, therefore suitable terrestrial habitat for this group is limited to the garden boundaries. More suitable terrestrial habitat is found in the surrounding habitat and there is a pond with an HSI score of 'average' ~85m from the site. No other waterbodies are present within 250m.

5 CONCLUSION

The desk study showed that legally protected areas of ecological importance would not be negatively impacted by the proposed development. Priority deciduous woodland is located immediately to the north of the site. Provided precautionary measures are implemented during the construction phase, no impacts to this habitat are foreseen.

Overall, the study site provides nature conservation value in a local (parish) context, containing ecological features such as boundary hedgerow and trees. The mown lawn offered few opportunities.

The site provides negligible potential for roosting bats though bats may use the site for foraging or commuting purposes.

There is suitable habitat in the surrounds of the site for badger, however, no evidence was found to suggest they are accessing the site as the site offers limited suitable habitat.

There is also limited suitable terrestrial habitat for herpetofauna on site, however, more suitable habitat is found in the surrounds and a waterbody is located within 100m of the site.

The trees and hedgerow provide high potential for breeding birds.

6 RECOMMENDATIONS

6.1 MITIGATION

6.1.1 HABITAT

To protect the adjacent priority woodland during the construction phase, it is recommended that Hera's/Harris fencing and dust screening be erected along the northern boundary to prevent encroachment of machinery and debris into the woodland. Once construction work is complete, the fencing can be removed.

6.1.2 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.

6.1.3 GCN

There is limited suitable habitat for GCN on site, however, as the site falls into a green risk zone, there is a waterbody within 100m of the site and there is suitable habitat in the surrounds of the site, it is recommended that an unlicensed method statement be followed to provide a precautionary approach to the works regarding herpetofauna. Should any GCN be found during works, then all works must stop, and an ecologist consulted.

6.1.4 GENERAL

The habitats on site should continue to be managed as they currently are 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.

6.1.5 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

It is recommended that two integrated bat boxes be installed within the new building.

Ideally, these should face north or south 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 building does not allow for integrated bat boxes, then external boxes can be attached instead. These should be hung on the building or suitable trees within the grounds, face south/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

There is an increasing lack of nesting opportunities for swifts in modern built homes, so it is recommended to install swift bricks into the building. These should be placed high, a minimum of 5m above ground level, under the eaves or on a gable wall and face between the north and east (or in a shaded & sheltered area) to avoid strong sunlight and prevailing winds/rain. There should be a clear flight path to and from the box, it should be located away from any neighbouring ledge to avoid opportunities for predators to access the box and placement over windows and doors should be avoided.

Swifts leave very few droppings within or outside the nest, so the boxes should not require any cleaning, unless used by any other bird species. Check the box annually, outside of the breeding season (March-August) for any damage and fix as required.



Built in swift box ([Bird Brick Houses](#))

Bird boxes could also be installed within the garden. It is recommended that a combination of open fronted and songbird boxes 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

'Hedgehog highways' can be installed within any firm 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.