

Report for: Bruce Parker

Commissioned by: Tom Donovan – Peter George Town Planning

Ecological Impact Assessment



View across the site

Land at New Pound Farm, Old Hale Way, Ickleford, Herts. SG5 1XT

Report No: 3228-2

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SUMMARY

On the instructions of Bruce Parker, Morgan & Stuckey Ecological Consultants carried out an Ecological Impact Assessment for the Land at New Pound Farm, Old Hale Way, Ickleford, Hertfordshire SG5 1XT.

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, with the only ecological features of note being the boundary hedgerow and grassed bund, with the adjacent River Purwell.

The proposals include for the erection of a new dwelling, to be situated on the existing gravel, therefore, no vegetated habitat will be impacted.

The site provides negligible potential for bats due to a lack of suitable roosting features, however, bats likely use the site for foraging and commuting and lighting on site should be in line with the [BCT lighting guidelines](#) (Guidance Note 8 Bats and Artificial Lighting (Bat Conservation Trust, 2023)).

No evidence of badger or any other terrestrial mammal, including water vole and otter was found on site, though given the connectivity to surrounding habitats there is low potential for their presence. No further surveys are required for these species, however, should any be found during works, all works must stop, and an ecologist consulted.

The site provides low potential for GCN due to a lack of nearby waterbodies and though there is high potential for reptiles in the surrounds, the gravelled site provides limited opportunities. As the area to be impacted by the development consists purely of gravel hardstanding and no vegetated habitat is to be impacted, full reptile surveys are not considered proportionate to the site, and it is not considered necessary to enter into the district licencing scheme for GCN.

Instead, it is recommended that a working method statement be drawn up and followed for the construction phase of the development, to ensure that the adjacent habitat is not impacted.

The hedgerow provides high potential for breeding birds and the development should take place outside of the breeding bird season where possible.

Further recommendations for the site can be found in Section 6.

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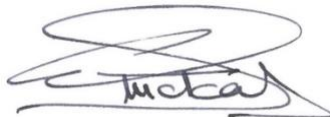
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DOCUMENT CONTROL

Document Title:	Ecological Impact Assessment Land at New Pound Farm, Old Hale Way, Ickleford, Hertfordshire SG5 1XT
The Client:	Bruce Parker

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Report Number 3228-2	Status FINAL	Date of issue 24 July 2024
Prepared by	Clifford Stuckey BSc (Hon's) PhD MCIEEM CEnv Ecologist	
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.

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1 INTRODUCTION

1.1 INSTRUCTIONS AND OBJECTIVES

On the instructions of Bruce Parker, Morgan & Stuckey Ecological Consultants carried out an Ecological Impact Assessment for the Land at New Pound Farm, Old Hale Way, Ickleford, Hertfordshire SG5 1XT.

Proposals for the site include the construction of a new residential dwelling for the farm workers.

The desk study, field survey (carried out on 24/06/2024) 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 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 TL18593116, post code SG4 0AA, in Hitchin, Hertfordshire

The site is surrounded by moderate density residential housing, arable fields, a large area of allotments to the south and occasional woodland areas further afield.

The River Purwell runs 10m east of the eastern boundary of the site, with the River Oughton found ~200m to the northwest. The River Oughton pools at this point, before joining the River Purwell to the north of the site.

A waterbody is found ~250m to the east, on the far side of the River Purwell. No further waterbodies are found within 1km of the site.

A railway line runs north-south ~200m east of the site.

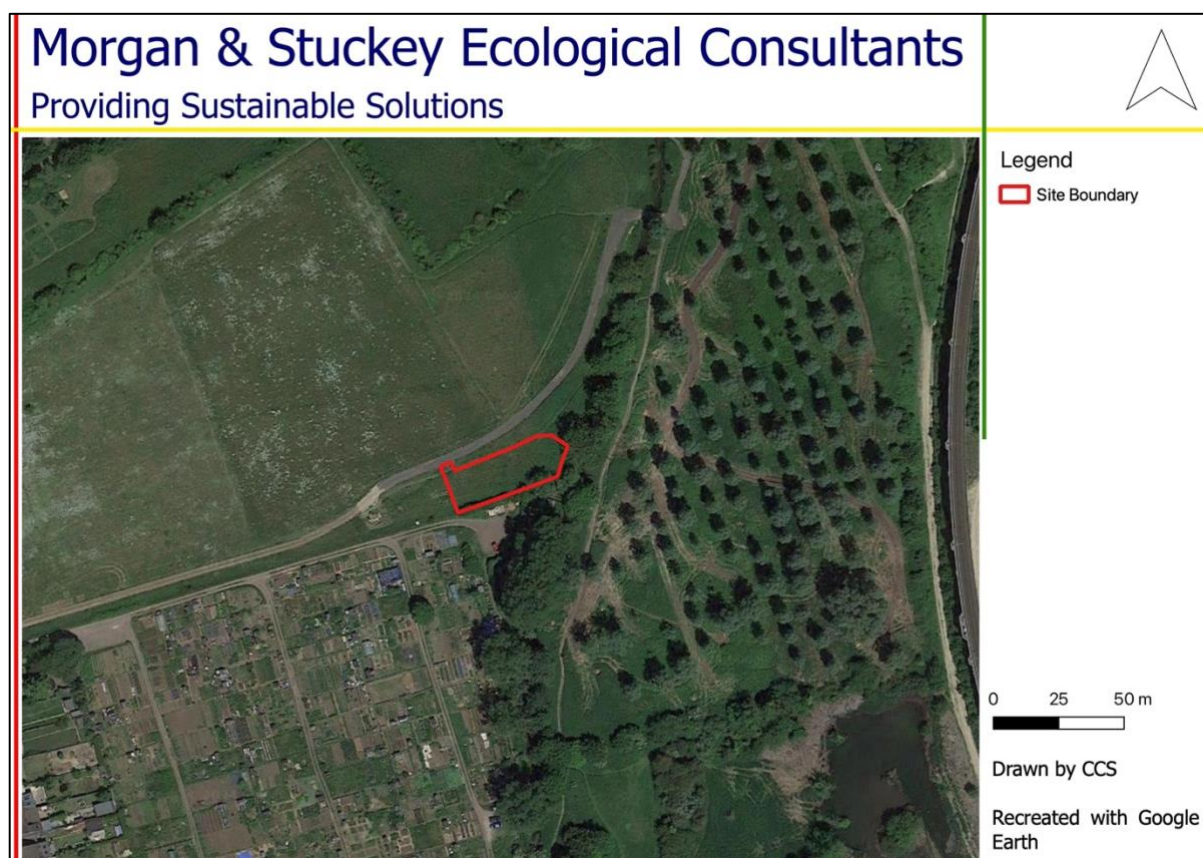


Figure 3-1 Proposed development area with red boundary.

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 Oughtonhead Lane SSSI, Knocking Hoe SSSI, Wain Wood SSSI & Deacon Hill SSSI.

Two Local Nature Reserves fall within the search area:

- Purwell Meadows ~1.7km southeast

- Oughtonhead Common ~800m west

There are several areas of Deciduous Woodland near the site. The closest area is found ~250m northeast.

A significant area of Coastal and Floodplain Grazing Marsh is located ~630m north.

An area of 'Good' quality semi-improved grassland is located ~250m east.

Two Natural England Protected Species licences (NEPS) for bats (common pipistrelle and soprano pipistrelle) were granted within the search area.

1. License no. EPSM2012-5071 ~940m west – Common Pipistrelle – 2012-2013
2. License no. 2016-21240-EPS-MIT ~1.6km southwest – Soprano Pipistrelle - 2016-2021

MAGiC

SG4 0AA

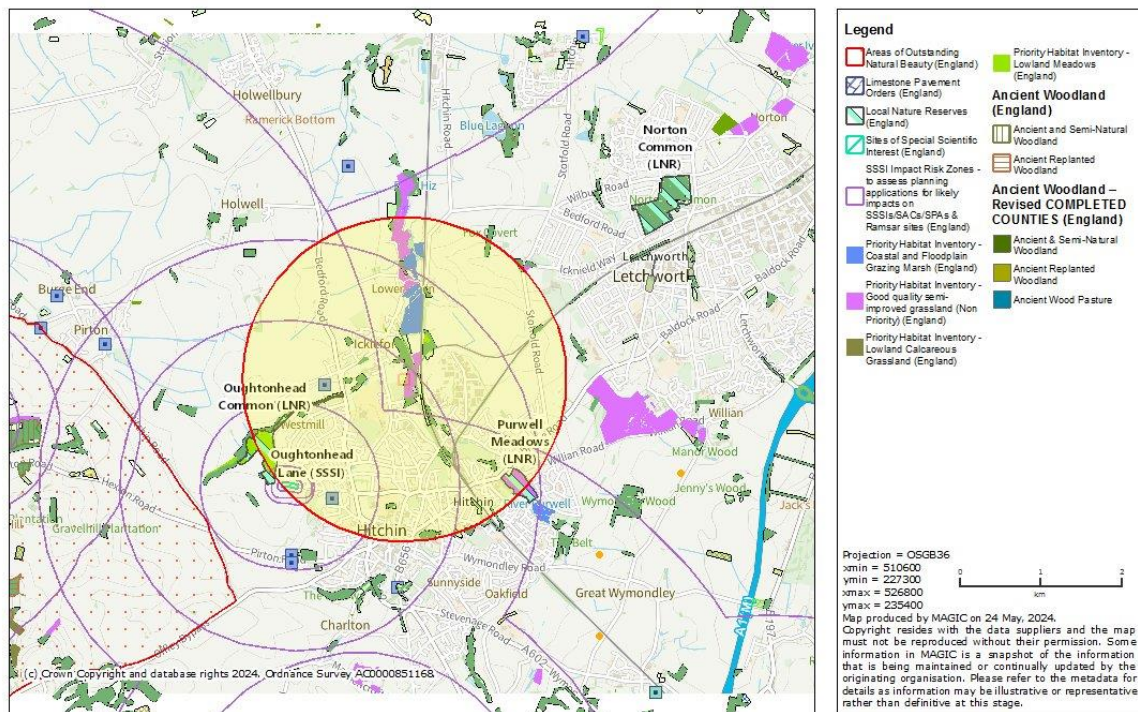


Figure 3-2 MAGIC Map

3.2.2 GCN RISK ZONE

The site falls into a green zone on the Impact Risk Zones map for 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.

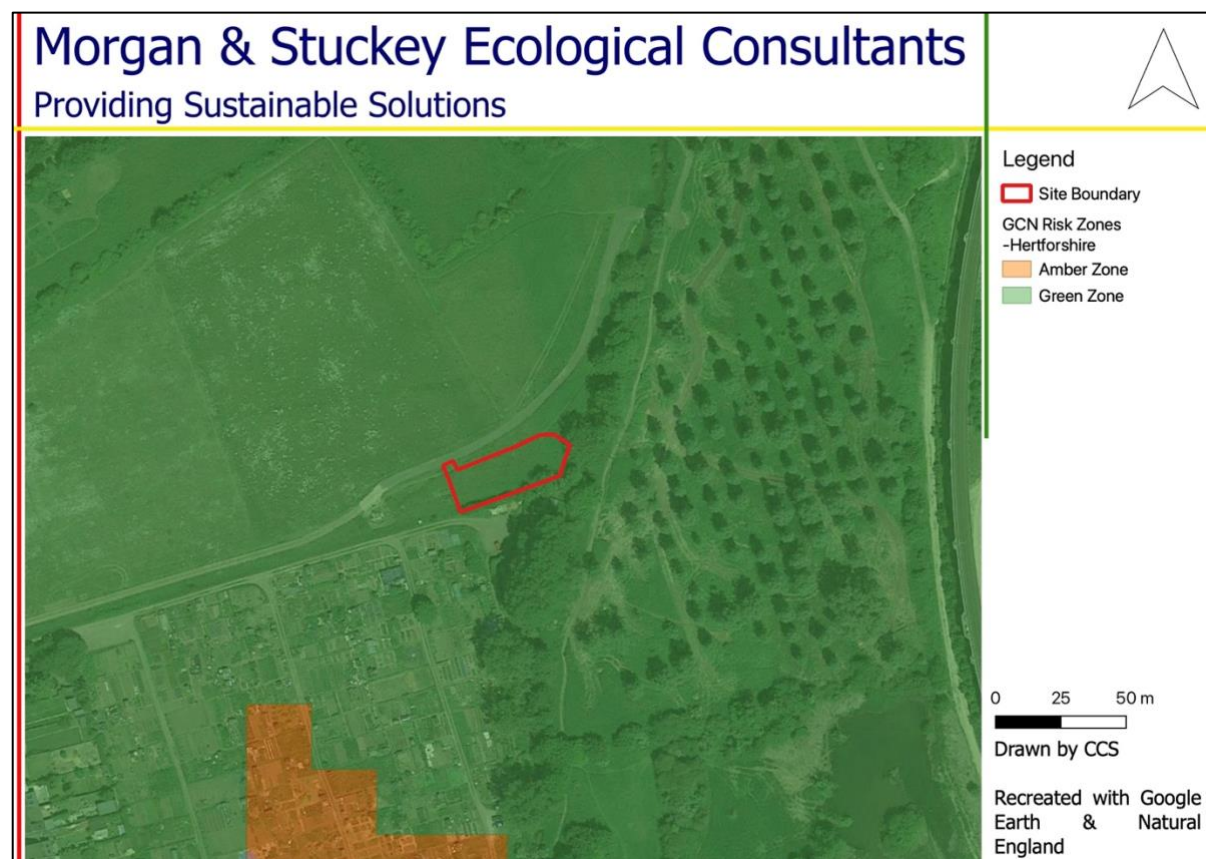


Figure 3-3 Site within a green risk zone for GCN

3.2.3 BIOLOGICAL RECORDS

There are eighteen 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)	Oughton Head
LWS	Ickleford Common North
LWS	Lower Green Ickleford
LWS	River Hiz, Ickleford North
LWS	Cadwell Grove Meadows
LWS	Cadwell Crossing
LWS	Icknield Way, Wilbury
LWS	Cadwell Marsh & Burymead Springs
LWS	River Purwell, Walsworth Common
LWS	Cadwell Lane Gasworks Meadow
LWS	Westmill Lane, Ickleford
LWS	River Hiz, Cadwell
LWS	Stotfold Road Verges
LWS	Hitchin Railway Banks
LWS	Wilbury Hill

LWS	Windmill Hill
LWS	Hitchin Railway Cutting
LWS	Purwell Meadows

The species records provided by the HERC hold 8 records of GCN dated from 1934 – 1988.

There were several records of bats returned including Noctule (Noc), Natterer's Bat (Natt), Pipistrelle (Pip), Common Pipistrelle (CP), Soprano Pipistrelle (SP), Daubenton's (Daub), Western Barbastelle (WB) and Brown Long Eared (BLE). The most recent records for each species are as follows:

- BLE – 30/07/2008 ~1310m (1km)
- SP – 30/07/2008 ~1310m (1km)
- CP – 30/07/2008 ~1310m (1km)
- Pip – 25/03/2020 ~1660m (10m)
- Noc – 30/07/2008 ~1310m (1km)
- Natt – 24/02/2006 ~1170m (10km)
- Daub – 28/01/2006 ~1170m (10km)
- WB – 09/2020 ~1410m (10km)

Two records were returned for slow worms in 2020 ~1960m (10km)

There are several records of badgers dated between 1964 and 2020 none of which fall within or close to the proposed development site.

3.3 SURVEY - PEA

3.3.1 SITE DESCRIPTION

The site consists of a gravelled yard with a small silo and container, located adjacent to the River Purwell.

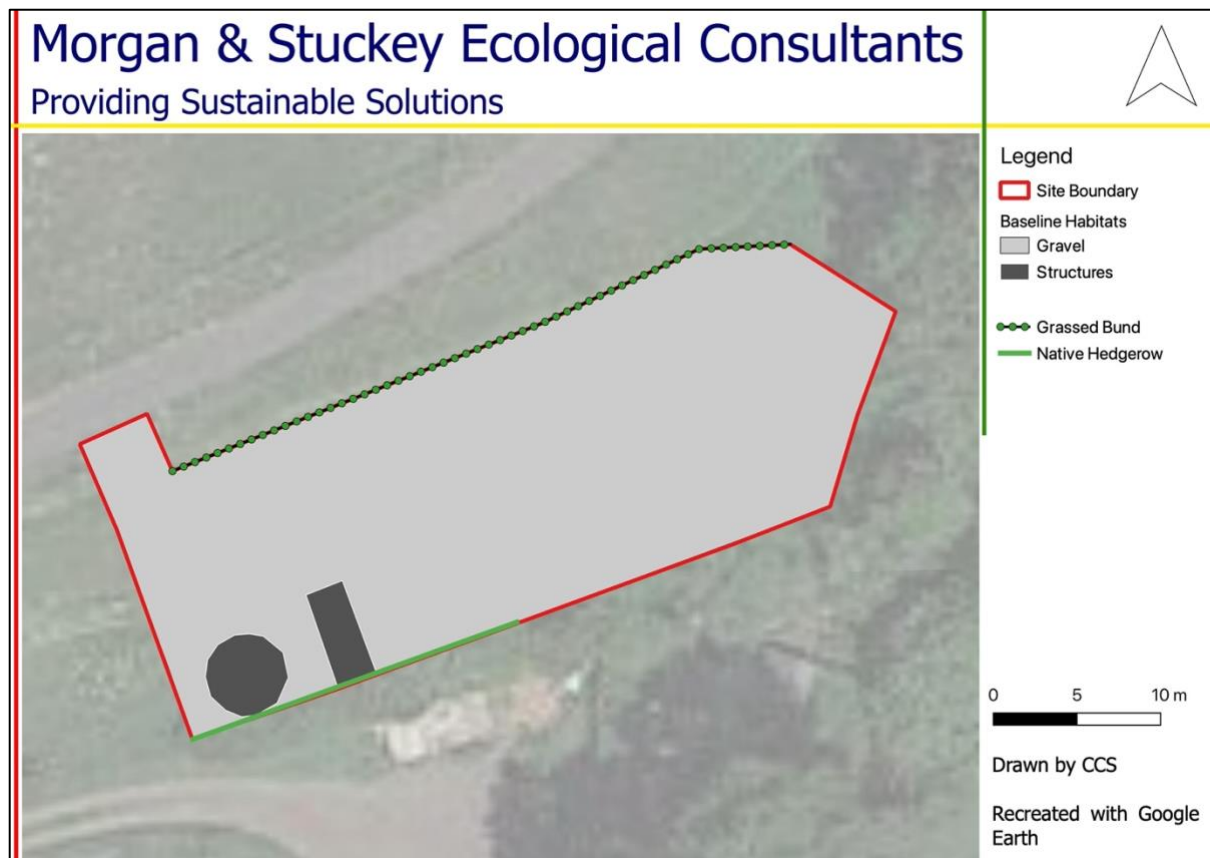


Figure 3-4 Site Plan

3.3.2 HABITATS

3.3.2.1 DEVELOPED LAND, SEALED SURFACE

A small silo and a container are located on site.

3.3.2.2 ARTIFICIAL UNVEGETATED, UNSEALED LAND

A gravelled access track leads to the site and a gravelled yard makes up most of the site.



Figure 3-5 Example of gravelled land on site

3.3.2.3 OTHER NEUTRAL GRASSLAND
Secondary Code 16: Tall Forb

A grassed bund runs along the northern boundary, which at the time of the survey was dominated by tall ruderal species including stinging nettles, geranium, brome species, narrow leaved dock, meadow buttercup, lambs tongue plantain, horsetail, spear thistle, forget-me-not, cock's foot, bristly oxtongue, field poppy, welted thistle and broomrape.



Figure 3-6 Grassed bund on site

3.3.2.4 NATIVE HEDGEROW

A short length of native hedgerow, dominated by dogwood, with occasional hawthorn and elder runs along the western end of the southern boundary.

The eastern end of the southern boundary is marked by a wire fence, with three small willow trees on the far side (off-site).



Figure 3-7 Native hedgerow along western end of southern boundary



Figure 3-8 Occasional trees outside eastern end of southern boundary

3.3.2.5 RIVER

The River Purwell runs 10m east of the eastern boundary, this was shallow and fast moving, with steep banks covered in tall ruderal vegetation including stinging nettle, figwort, creeping and spear thistle, hedge bindweed, green alkanet, mugwort, hogweed, cow parsley, meadow grass, false oat grass, cock's foot, Yorkshire fog, water parsley in the stream, great willow herb, brambles, ash sapling.

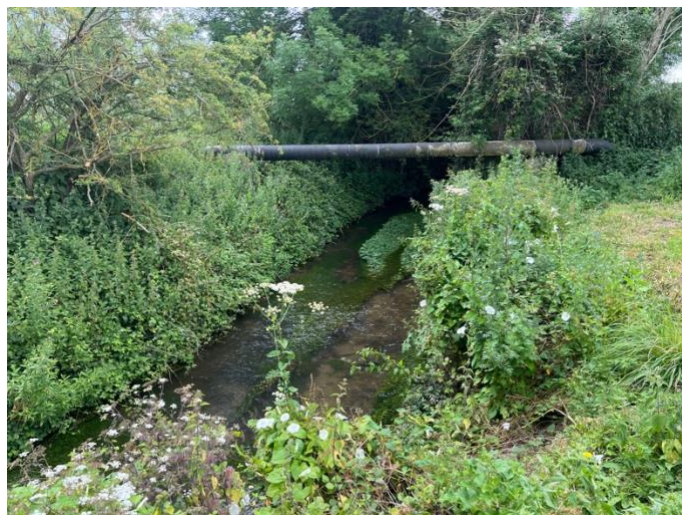


Figure 3-9 River Purwell along eastern boundary

3.3.3 HABITAT CONDITION ASSESSMENT

The below table 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 spreadsheets.

Table 3.2 Habitat Condition Assessments

Habitat	Condition
Developed Land; Sealed Surface	N/A
Artificial Unvegetated, Unsealed Surface	N/A
Other Neutral Grassland (Grassed Bund)	Moderate
Native Hedgerow	Moderate
Other Rivers & Streams (River Purwell)	Fairly Poor

3.3.4 EVIDENCE OF PROTECTED SPECIES

3.3.4.1 MAMMALS

No evidence of bats or any terrestrial mammals was found on site. Anecdotal evidence suggests a sighting of an otter along the river.

3.3.4.2 BIRDS

No active or disused nests were found on site.

3.3.4.3 HERPETOFAUNA

No herpetofauna were found during the survey.

3.3.4.4 INVERTEBRATES

No invertebrate surveys were undertaken.

4 DISCUSSION

4.1 HABITATS

4.1.1 BAP PRIORITY HABITATS AND LEGALLY PROTECTED SITES OF CONSERVATION VALUE

There will be no impact on any designated sites of conservation value resulting from the proposed development.

The proposed development site contains priority native hedgerow, which will be retained and unimpacted by the development.

4.2 PROTECTED SPECIES

4.2.1 MAMMALS

There were no trees mature enough on site to support roosting bats.

There is access to the site for terrestrial mammals, with suitable connectivity to other suitable habitat, however, no evidence of mammal use was found and as the site consists primarily of gravel, there is little suitable habitat on site. No mammal holes were noted in either side of the grassed bund.

The banks of the adjacent River Purwell were examined, and no mammal holes were noted, however, the vegetation along the banks provides some suitable cover for water vole. Otter may commute along the river, though no evidence of a holt was found.

4.2.2 BIRDS

The hedgerow on site provides suitable habitat for nesting birds.

4.2.3 HERPETOFAUNA

The site largely consists of gravel, therefore, suitable habitat for this species is limited to the boundaries. There is suitable connectivity to other more suitable habitats, particularly the adjacent allotments which provide high potential for reptiles.

The nearest water body is over 250m from the site and is located on the far side of the river, with no other known waterbodies within 1km of the site. Therefore, it is less likely for GCN to be present.

4.2.4 INVERTEBRATES

The boundary habitats provide foraging opportunities and shelter for invertebrates.

5 CONCLUSION

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, with the only ecological features of note being the boundary hedgerow and grassed bund, with the adjacent River Purwell.

The proposals include the erection of a new dwelling, to be located on the existing gravel, therefore, no vegetated habitat will be impacted.

The site provides negligible potential for bats due to a lack of suitable roosting features, however, bats likely use the site for foraging and commuting.

No evidence of badger or any other terrestrial mammal, including water vole and otter was found on site, though given the connectivity to surrounding habitats there is low potential for their presence.

The site provides low potential for GCN due to a lack of nearby waterbodies and though there is high potential for reptiles in the surrounds, the gravelled site provides limited opportunities.

The hedgerow provides high potential for breeding birds.

6 RECOMMENDATIONS

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 HERPETOFAUNA

There is suitable terrestrial habitat in the boundary vegetation and the surrounds of the site for this group, however, as the area to be impacted by the development consists purely of gravel hardstanding and no vegetated habitat is to be impacted, full reptile surveys are not considered proportionate to the site, and it is not considered necessary to enter into the district licencing scheme for GCN.

Instead, it is recommended that a working method statement be drawn up and followed for the construction phase of the development, to ensure that the adjacent habitat is not impacted.

6.1.3 GENERAL

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.

6.1.4 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.

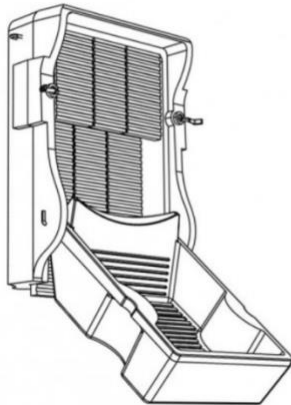
6.2 ENHANCEMENTS

There are no suitable trees on site that could support bat or bird boxes, and the proposed building will be constructed from re-purposed agricultural materials which are unlikely to allow for the inclusion of an integrated bat box, however, an external box could be mounted to the building.

This should 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. 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 consulted.



3FF without additional inspection hatch



In order to satisfy current practical requirements (self-cleaning, universal use, easy inspection) and even greater adaptation to the genera and regional needs of the individual species, the new self-cleaning SCHWEGLER Flat Bat Colony Box 3FF (with and without inspection hatch) has been developed on the basis of the tried and tested SCHWEGLER Flat Bat Box 1FF.

NEW!

Flat Bat Colony Box 3FF

without additional inspection hatch | DBP (patented)

Soprano Pipistrelle Bats with an additional, larger hanging space for species that tend to roost in caves, such as Noctule Bats. At the same time, it is possible to move between the hanging zones internally, for example, to adjust to weather-induced changes. Depending on the temperature the animals can vary the level at which they hang, or in cold weather they can move more closely together in the roost and on hot days there is sufficient space for them to spread themselves or move apart accordingly within the 3FF to achieve an interior climate that is favourable for them. The 3FF also provides sufficient space for larger groups of female Bats, which convene in so-called nursery roosts. If inspections are necessary, for example, for functional or scientific reasons, we recommend Version 3FF with inspection hatch.

In the late summer the enlarged interior volume is an advantage, especially as a transition and mating roost. In Central Europe the 3FF is an excellent all-purpose roost for a large number of species, which takes into account the changing needs of the animals during the Bat year (except for hibernation; special overwintering boxes are used for this, e.g. SCHWEGLER 1FW, 1WQ, etc.).

The 3FF is self-cleaning, i.e. the Bat droppings can fall out freely from the underside without blocking the entrance if the box is densely occupied. On the one hand, the special design of the entrance slot prevents excessive incident light and draughts, and on the other it also enables pregnant animals to access the box safely.

Installation: 3 m and higher on trees, posts, hunting hides and walls.

Material: SCHWEGLER Wood-Concrete. Hanger: steel, galvanised.

Colour: black.

Dimensions: W 27 x H 43 x D 20 cm.

Weight: approx. 9.5 kg.

Includes: Box, hanger and aluminium nail.

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.