

Report for: James Northern, D Northern & Sons

Commissioned by: Tom Donovan

Preliminary Ecological Appraisal Report (PEAR)



Panoramic View of the site

Slip End Farm, Slip End, Ashwell, SG7 6SL

Report No: 3172/4

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SUMMARY

On the instructions of Tom Donovan on behalf of James Northern, D Northern & Sons, MS Ecology undertook a Preliminary Ecological Appraisal (PEA) for the site at Slip End, Ashwell, SG7 6SG.

Proposals for the site include nine houses comprising a combination of conversion and new build.

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 little nature conservation value in a local (parish) context, with few ecological features. The grassland offered few opportunities.

The buildings on site are deemed to hold negligible potential for roosting bats. B2 was previously found to hold low potential in 2023, with a follow up emergence survey concluding a likely absence of roosting bats. The building has since suffered further damage and is no longer considered suitable.

The site provides negligible potential for badgers and herpetofauna due to a lack of suitable habitat and a lack of nearby waterbodies.

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

The barns on site provide low potential for breeding birds such as sparrows, swallows and house martins and it is recommended that demolition works be undertaken outside of the breeding bird season.

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DOCUMENT CONTROL

Document Title:	Preliminary Ecological Appraisal Report Site Slip End Farm, Slip End, Ashwell, SG7 6SG
The Client:	James Northern, D Northern & Sons

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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 Tom Donovan on behalf of James Northern, D Northern & Sons, MS Ecology undertook a Preliminary Ecological Appraisal (PEA) for the site at Slip End, Ashwell, SG7 6SG.

Proposals for the site include nine houses comprising a combination of conversion and new build.

The desk study, field survey (carried out on 09/01/2026) 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.

1.2 SITE BACKGROUND

An initial Preliminary Ecological Appraisal (PEA) was conducted for the site in May 2023 (MS Ecology). This found the site to consist of a farmyard with an amalgamation of agricultural buildings (B1 – B4) in various states of use, with an area of grassland in poor condition.

The site was found to have negligible potential for badgers and herpetofauna, and low potential for breeding birds.

Of the buildings, B1, B3 and B4 were found to hold negligible potential for roosting bats. B2 (the old pigsties) provided low potential for roosting bats and a follow up Bat Emergence Survey was conducted in June 2023 which concluded a likely absence of roosting bats, with very little bat activity recorded in the surrounds.

An updated site walkover to check for any material changes on site since the initial PEA was conducted in January 2025 (MS Ecology). No material changes were noted to the habitats on site and the potential for protected species presence remained the same.

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 Herts Environmental Record Centre (HERC) was asked to provide records of legally protected species, Biodiversity Action Plan species and locally rare and notable species within 2,000m of the study area. Details of any designated sites of importance for nature conservation (both statutory and non-statutory) within 2,000m of the boundary of the study area were also requested.

Hertfordshire County Council planning department was asked to provide details of Tree Preservation Orders and Conservation Areas that may impact on the proposed development.

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 features (PRF's) 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 PRELIMINARY (BAT) ROOST ASSESSMENT (PRA)

Where appropriate, PRA assessments were conducted according to the current 'best practice' in 'Bat Surveys for Professional Ecologists – Good Practice Guidelines' (Bat Conservation Trust, 4th edition, 2023).

The Standing Advice to LPAs (Bats: advice for making planning decisions) published by Natural England on 28th March 2015 and updated on 14th January 2022 has since been amended. Natural England removed the specific "Bat Survey Guidelines" from its standing advice for protected species and development. This was announced in May 2025 by the Bat Conservation Trust (BCT).

2.2.2 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.

2.2.3 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 28306 36697, post code SG7 6SG, in Ashwell, Hertfordshire.

The site is surrounded by agricultural land and arable fields on all sides, with the A505 road running close to the south-eastern boundary of the proposed development site.

Small copses and larger areas of woodland are found throughout the vicinity of the site, with the closest approx. 120m SW from the development area.

A ditch runs approx. 150m S from the site, otherwise there are no known water bodies within 2km of the site.

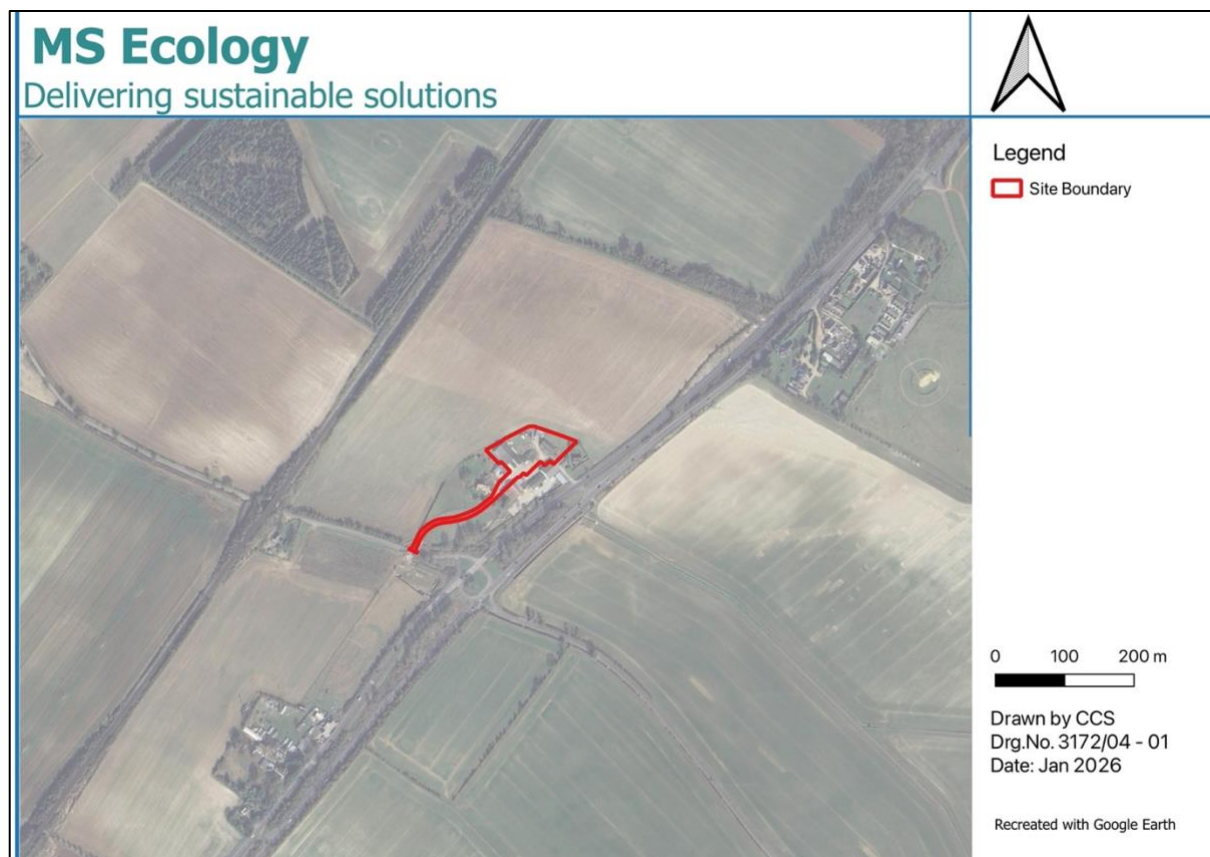


Figure 3.1 Site Location.

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 three SSSI's around the site:

- Ashwell Springs
- Therfield Heath
- Blagrove Common

Small pockets of priority deciduous woodland are located throughout the search area, with the closest being ~350m to the northeast.

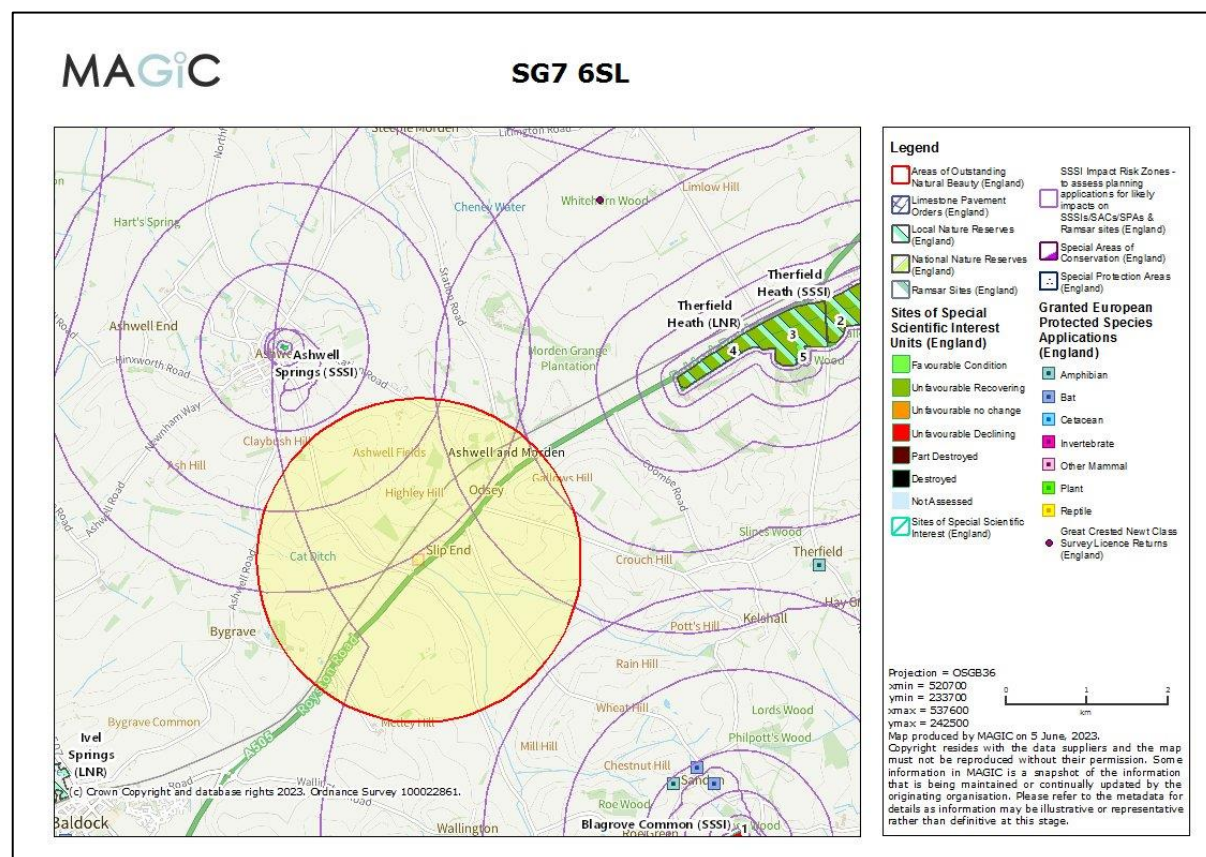


Figure 3.2 MAGIC Map

3.2.2 GCN RISK ZONE

The site falls into a Natural England green risk zone for GCN.

3.2.3 BIOLOGICAL RECORDS

Table 3.1 lists the non-statutory sites present within the search area. The site falls largely under the jurisdiction of the Herts Environmental Records Centre (HERC) with a small area north and east of the site under the Cambridgeshire and Peterborough Environmental Records Centre (CPERC). There are no statutory sites of conservation concern falling within the 2,000m search area. There is one Ancient Woodland site located 1,840m to the southwest of the proposed development site. There are eight non-statutory Local Wildlife Sites (LWS) falling within the study area, seven of which are associated with roadside verges, the closest of which lies 210m from the proposed development site on the A505. All are designated as 'Grassland indicators', these are detailed in Table 3.1.

Table 3.1 HERC Wildlife Sites falling within the 2,000m search area

Designation	Site	Distance (m) from Development Site
LWS	Bygrave Lane by A505	1600
LWS	Slip Inn Hill A505	210
LWS	Road verge near Gallows Hill	1020
LWS	Deadman's Hill Road Verge	740

LWS	Park Wood Meadow and Ponds	1960
LWS	Icknield Way, SW of Slip End A55	210
LWS	Crouch Hill Road Verge	1530
LWS	Icknield Way, A505 North of Gallows Hill	380

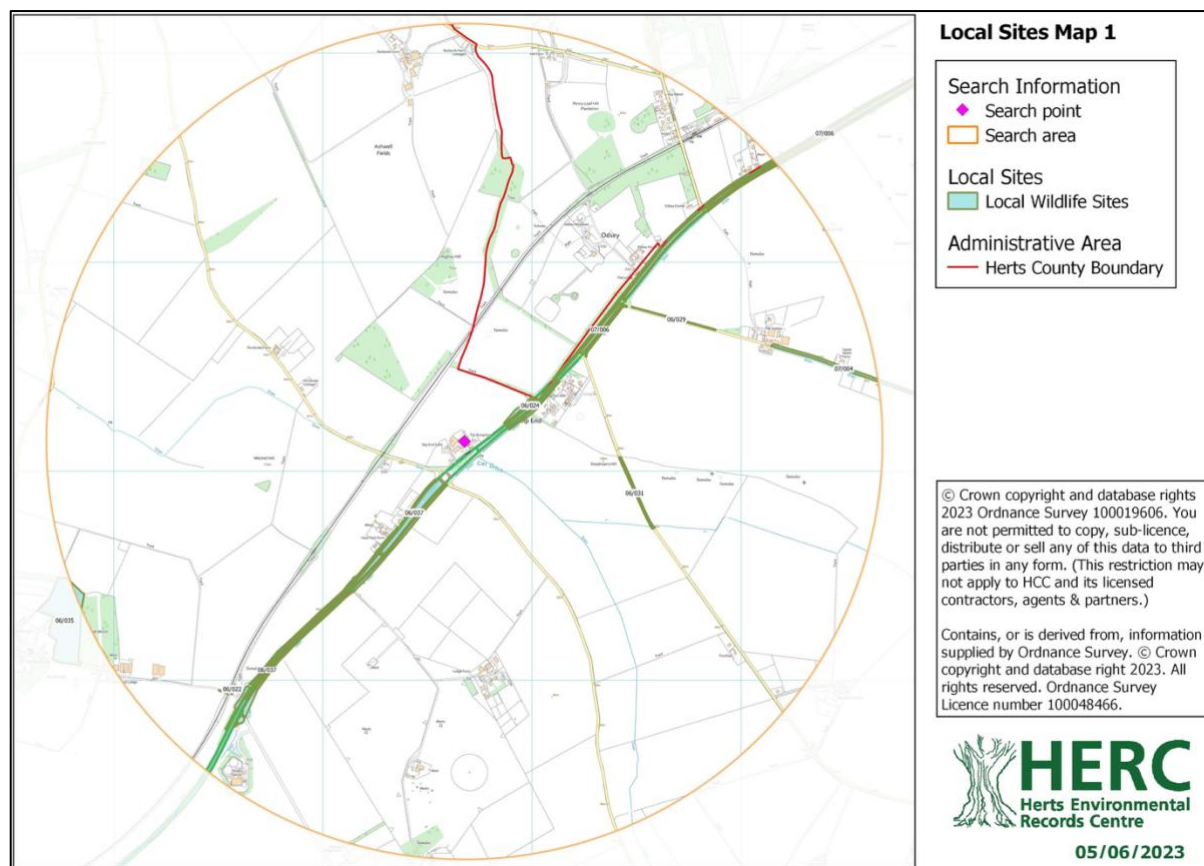


Figure 3.3 Local Wildlife Sites

The species records provided by HERC give no information to indicate bats, badgers or herpetofauna are using the proposed development site.

3.3 SURVEY – PEA INCLUDING A PRA AND HCA

3.3.1 SITE DESCRIPTION

The site is situated within a farmyard, with a large modern grain store which is currently disused (B1), disused pigsties (B2), disused cattle shed (B3) and an open pole barn (B4). The site also contains hardstanding, regularly mown, and parked upon, grassland and occasional areas of tall ruderal.

No material change to the buildings or habitats were noted from the initial PEA conducted in 2023 and the subsequent update in 2025.

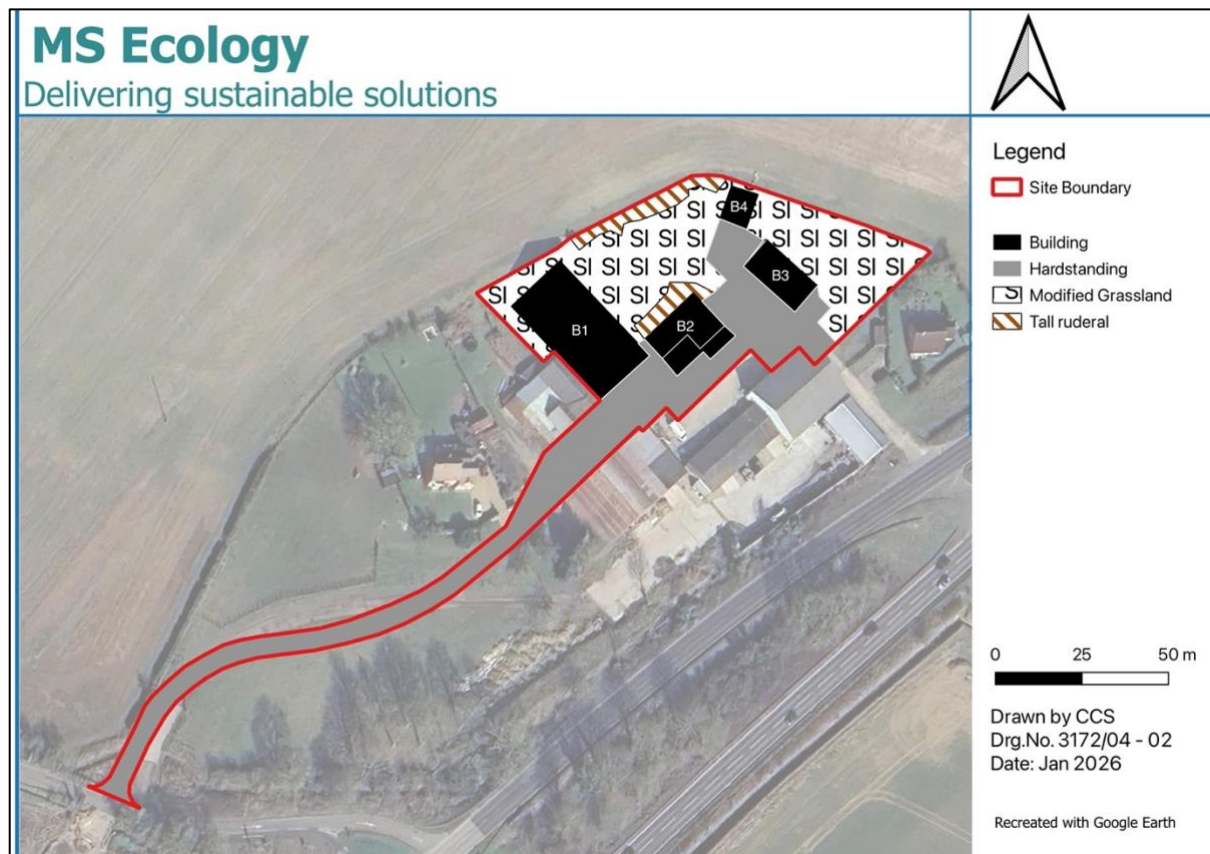


Figure 3.4 Baseline Habitats

3.3.2 HABITATS

3.3.2.1 BUILDINGS

The first barn (B1) is a large modern barn with a pitched roof, built from a mixture of corrugated metal and asbestos type sheets and a large mechanically operated shutter which is closed. The barn is no longer in use.

The interior of the barn could not be accessed at the time of the 2026 survey, however, based on the findings of the 2023 PEA, the interior is unlined and has large metal roof beams.



Figure 3.5 Exterior & Interior of B1 (images from 2023)

B2 is a collection of old pigsties that have fallen into disrepair, built from brick with a pitched roof comprised of asbestos type sheets. Inside the lining was in poor condition. Since the initial PEA and follow up Bat Emergence Survey on this building, the condition of the building has further deteriorated and the interior has suffered significant water damage.



Figure 3.6 Images of B2

B3 is disused cattle shed with a large open front and partially open rear and side elevations. It is built from breeze block walls with a pitched roof comprised of asbestos type roofing sheets and is unlined inside.



Figure 3.7 B3- former cattle shed currently used for storage.

Lastly, B4 is an open pole barn, with partial brick walls, vertical timber slats and a shallow pitched roof comprised of asbestos type sheets.



Figure 3.8 B4- open pole barn

3.3.2.2 DEVELOPED LAND, SEALED SURFACE

Large areas of the site are comprised of concrete.

3.3.2.3 MODIFIED GRASSLAND

Secondary Code 16 – Tall Forb

The north and north-eastern areas of the site are comprised of grassland. In 2023 this was regularly mown and used as a parking and storage area, resulting in patches of bare ground.

The grassland is still used for the storage of machinery and materials (though to a lesser extent) however, rabbit predation has significantly increased, resulting in a very short sward height and large poached areas.

Species present within the grassland included dove's-foot crane's-bill, red dead nettle and dandelion with occasional meadow buttercup.

Pockets of tall ruderal are found around the pigsties (B2) and along the rear boundary of the site adjacent to the arable field. At the time of the field survey, vegetation cover was low due to the time of year, however based on the 2023 field data, this area is dominated by hemlock with stinging nettle, white dead nettle creeping thistle, spear thistle and burdock.



Figure 3.9 Tall ruderal Sp. to the rear of B2 (Images 2023)

3.3.2.4 SUPPLEMENTARY OBSERVATIONS

Debris piles remain present around the site. Much of this sits on hardstanding, with some falling within the areas of tall ruderal around B2.



Figure 3.10 Asbestos roofing sheets adjacent to B2

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 Assessment

Habitat	Condition
Developed Land; Sealed Surface (including buildings)	N/A
Modified Grassland	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.

A rabbit warren is present on site, adjacent to B2, and the grassland is subject to significant rabbit predation, with rabbit droppings and scrapes evident across the site. No evidence of any other terrestrial mammal was present on site.

3.3.4.2 BIRDS

No active or disused nests were found on site, including within the barns.

3.3.4.3 HERPETOFAUNA

Suitable refugia found within the debris pile was lifted and checked and no evidence of herpetofauna was found.

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. 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

Buildings B1, B3 and B4 are largely constructed from metal and asbestos type sheeting and are unlined, providing no suitable roosting features for bats.

In 2023, B2 was found to have low potential for roosting bats due to cavities within the brick walls and in areas where the ceiling/lining was still intact. Additionally, as the interior was in a state of disrepair, not all areas were accessible and therefore could not be surveyed fully, therefore, a follow up survey was recommended as a precaution. This found a likely absence of roosting bats.

Since 2023, the building has suffered further degradation and water damage and is now considered to hold negligible potential for roosting bats.

There is limited suitable habitat on site for a badger sett and limited foraging opportunities. The site is surrounded by arable land, which provides connectivity for terrestrial mammals, and rabbits are utilising the site. There was no evidence to suggest that any other terrestrial mammals, including badger, are accessing the site.

4.2.2 BREEDING BIRDS

There are no trees or hedgerows on site which could provide suitable nesting habitat. The barns are largely open access and so could be suitable for sparrows, swallows or house martins, though no evidence of this was found.

4.2.3 HERPETOFAUNA

Though there are potential areas of refugia on site, with areas of tall ruderal, these are isolated, with the surrounding habitat consisting of short grassland and hardstanding.

Additionally, there are no known water bodies within 2km of the site and habitat in the vicinity of the site is largely unsuitable.

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 little nature conservation value in a local (parish) context, with few ecological features. The grassland offered few opportunities.

The buildings on site are deemed to hold negligible potential for roosting bats. B2 was previously found to hold low potential in 2023, with a follow up emergence survey concluding a likely absence of roosting bats. The building has since suffered further damage and is no longer considered suitable.

The site provides negligible potential for badgers and herpetofauna due to a lack of suitable habitat and a lack of nearby waterbodies.

The barns on site provide low potential for breeding birds such as sparrows, swallows and house martins. There is no other vegetation on site suitable 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 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 demolition 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 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

Integrated bat boxes can be installed within the new buildings. 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 a building does not allow for integrated bat boxes, then external boxes can be installed instead. These should be hung on the building or suitable trees within the grounds, 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

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 on garden walls/fences and suitable trees as appropriate. 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.

SWIFTS:

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 as these can be used by swifts or by any other small bird such as house sparrows. 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](#))

6.2.3 SMALL MAMMALS & HERPETOFAUNA

'Hedgehog highways' can be installed within any 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)

Species	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.