

Report for: David & Annette Mardlin

Commissioned by: Tom Donovan

Ecological Impact Assessment



Proposed Development Area

Little Arundel, Bedford Road, Henlow, Hertfordshire SG5 3RX

Report No: 3288

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SUMMARY

On the instructions of Tom Donovan on behalf of David & Annette Mardlin ("the Client") MS Ecology carried out an Ecological Impact Assessment for Little Arundel, Bedford Road, Henlow, Hertfordshire SG5 3RX.

Proposals for the site include the demolition of several modern outbuildings to the south and the rear, adjacent to the southern boundary, and building two new residential dwellings in the rear garden.

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 minimal nature conservation value in a local (parish) context, containing ecological features such as boundary trees (*leylandii*), introduced shrubs and lawn grass which is maintained at a uniform short length.

The site provides negligible potential for roosting bats and there is limited suitable habitat for badgers and herpetofauna, due to the short-mown garden lawn and limited opportunities for foraging and refuge. Should any of these species be unexpectedly found on site, then all works must stop, and an ecologist consulted.

The trees and shrubs provide moderate potential for breeding birds, therefore, any vegetation clearance on site should be undertaken outside of the breeding bird season.

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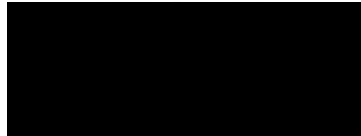
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DOCUMENT CONTROL

Document Title:	Ecological Impact Assessment Little Arundel, Bedford Road, Henlow, Hertfordshire SG5 3RX
The Client:	David & Annette Mardlin

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Report Number 3288	Status FINAL	Date of issue 09/04/2025
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Reviewed by		
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Species identified during this survey, including the date, the location, as well as a brief description of the circumstances of their identification, may be passed on to Biological Records Centre's, local wildlife groups, the Wildlife Trust, Natural England and any other interested parties unless written instructions not to do so are received within 30 days of receipt of this report.

1 INTRODUCTION

1.1 INSTRUCTIONS AND OBJECTIVES

On the instructions of Tom Donovan on behalf of David & Annette Mardlin ("the Client") MS Ecology carried out an Ecological Impact Assessment for Little Arundel, Bedford Road, Henlow, Hertfordshire SG5 3RX.

Proposals for the site include the demolition of several modern outbuildings to the south and the rear, adjacent to the southern boundary, and building two new residential dwellings in the rear garden.

The desk study, field survey (carried out on 14/03/2025) and evaluation are intended to provide information on the general habitat characteristics of the site and its surroundings including the likely presence of legally protected species and habitats encountered within the study area.

2 METHOD

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 Records Centre (HERC) and Bedfordshire & Luton Biodiversity Recording & Monitoring Centre (BRMC) 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 PRELIMINARY (BAT) ROOST ASSESSMENT (PRA)

The PRA assessments were undertaken to view the existing site layout and to inspect the exteriors and interiors of the three buildings within the proposed development footprint to assess their suitability to act as a bat roost site(s) by identifying the presence of any 'potential roost features' that bats could utilise.

These may typically include, but are not limited to, missing or damaged tiles, broken airbricks, ill-fitting soffits, bargeboards or weatherboarding, raised flashings etc., that may act as access routes for bats into the fabric of a building.

Detailed internal and external searches for any direct evidence of past or current bat occupancy, such as droppings, staining on walls, rafters, windows etc., were also conducted at the property.

The assessments were completed on 14/03/2025 when there was full access to all parts of the proposed development footprint and standard 10 x 40 binoculars, together with ladders, torches, mirrors and an endoscope were available, where required, to inspect the exteriors and interiors of each building.

The assessment was conducted according to the current 'best practice' standards as published in the 'Bat Surveys for Professional Ecologists – Good Practice Guidelines' (Bat Conservation Trust, 4th edition, 2023) and with due regard to 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.

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 17167 34202, post code SG5 3RX.

The site is surrounded by arable fields and low-density residential housing.

The main body of the River Purwell is located ~1km east, with several tributaries extending throughout the vicinity of the site. The closest of these is ~100m to the north.

The closest waterbody is located ~450m to the northwest, with a further waterbody located ~500m to the southeast.

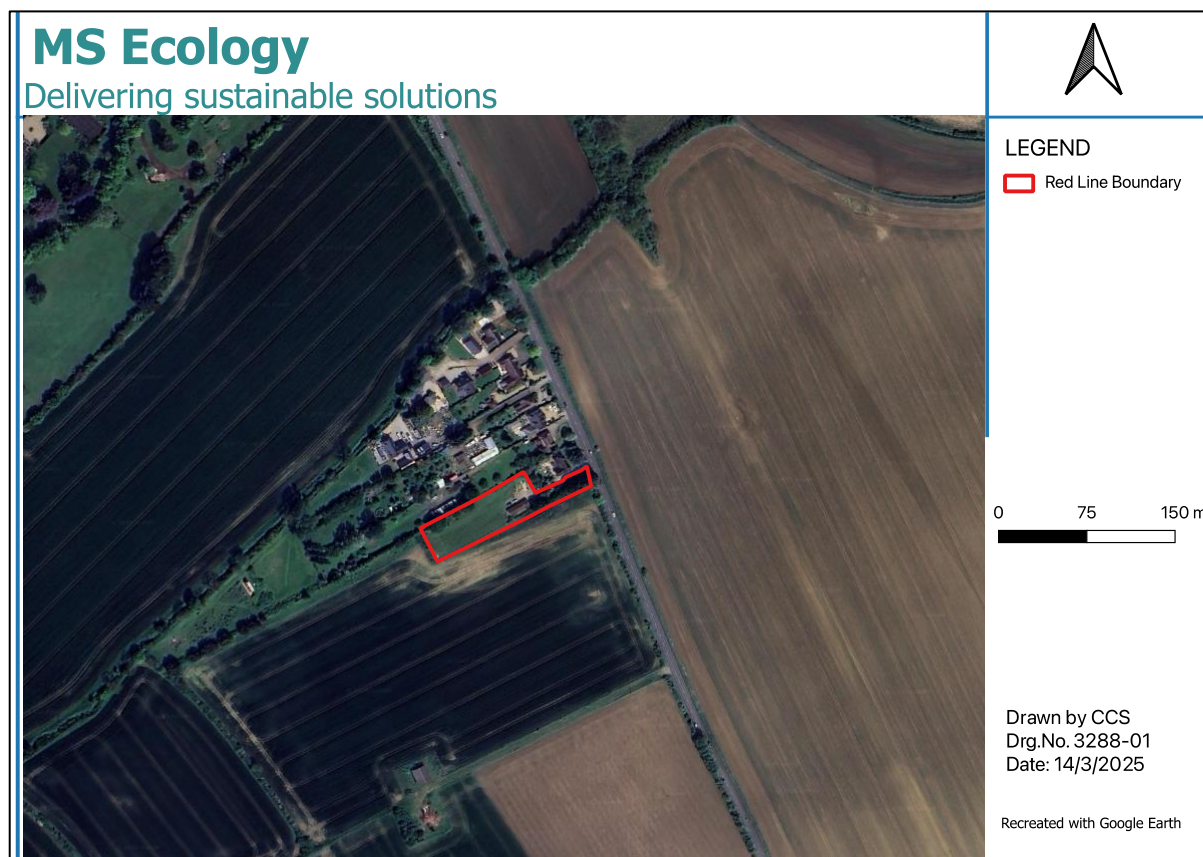


Figure 3-1 Location of proposed development site.

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 Knocking Hoe SSSI ~5.1km south-west, Oughtonhead Lane SSSI ~4.2km south & Southill Lake & Woods SSSI ~8.9km north.

One Natural England Protected Species licences (NEPS) for bats (common pipistrelle) was granted within the search area, License No. EPSM2013-5803, located ~822m south-east.

An area of Coastal and Floodplain Grazing Marsh is located ~1.6km south-east.

An area of good quality semi-improved grassland is located ~1.4km east & south-east.

Deciduous Woodland is found sparsely throughout the search area. The nearest area is located ~615m east.

Four areas of Traditional Orchards were returned within the search area. Located ~80m west, ~1.3km north, ~1.97km & ~1.96km north-west.

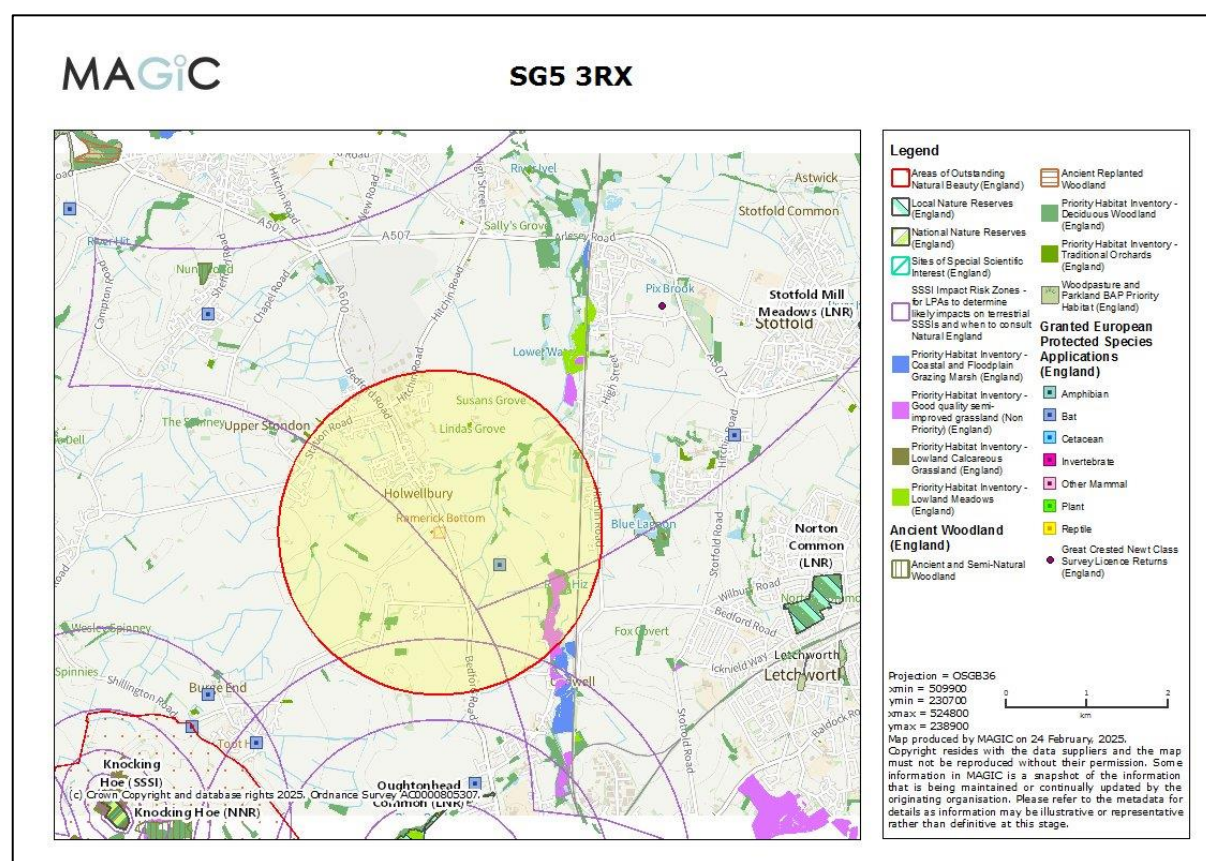


Figure 3-2 MAGIC Map

3.2.2 GCN RISK ZONE

The site falls into a Green Impact Risk Zone. These zones contain sparsely distributed GCN and are less likely to contain important connecting habitat. Developers can use district level licensing in these zones.

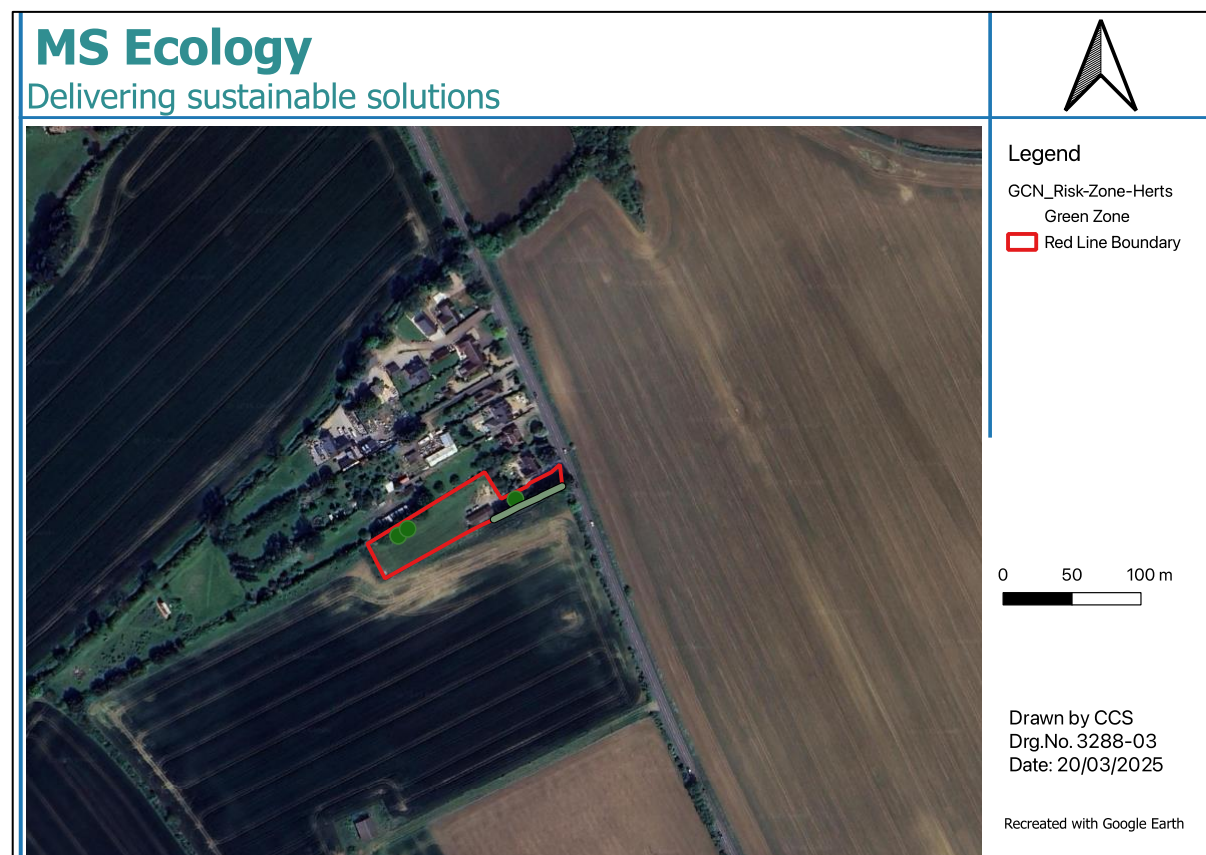


Figure 3-3 Site within a green risk zone for GCN

3.2.3 BIOLOGICAL RECORDS

The species records provided by HERC returned no records of reptiles in the area, and the only amphibian records returned were three records of common toad.

Three records of European water vole were returned, the most recent of which was from 1979, and several records of otter, as recent as 2022, from along the River Purwell.

Five records of badger were returned, none from within the site boundaries and no records of a sett were returned.

Field sightings of common and soprano pipistrelles were returned, the most recent of which was from 2013, and one record each of natterer's bat and brown long-eared from 2005. The nearest record of a potential roost is over 1km away to the northwest.

The species records provided by BMERC showed numerous records of common frog and occasional records of common toad and smooth newt, all within the Stondon area. No records of reptiles were returned.

Three records of otter were returned from within the River Ivel and Hiz CWS.

Eleven records of badger were returned, none from within the site boundaries.

Field sightings of common and soprano pipistrelles were returned, the most recent of which was from 2018 and one record each of natterer's bat from 2004 and brown long-eared from 2014.

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

Type	Name
County Wildlife Site (CWS)	Rivers Ivel and Hiz CWS
Local Wildlife Site (LWS)	Ickleford Common North

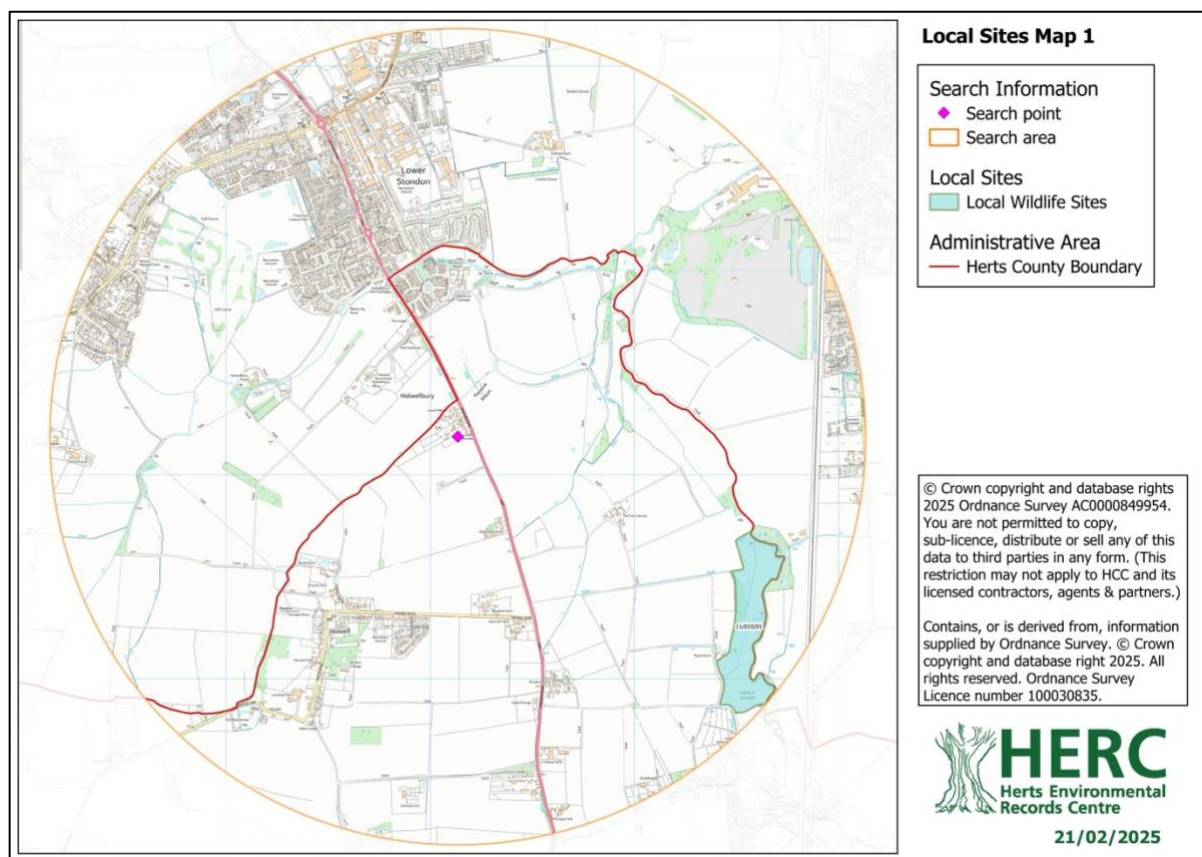


Figure 3-4 Non-Statutory Sites

3.3 SURVEY - PEA

3.3.1 SITE DESCRIPTION

The site is accessed from the Bedford Road via a gravel track, running between the garage and the main dwelling. Immediately beyond the garage is a parking area and an area of introduced shrub before a log cabin, greenhouses and a single storey bungalow. Beyond the bungalow the garden consists of closely cropped lawn. There is a concrete garage in the far northwest corner with two small trees within the site boundary. Beyond the boundary is an agricultural field to the north with residential buildings to the east leading to Henlow Village.

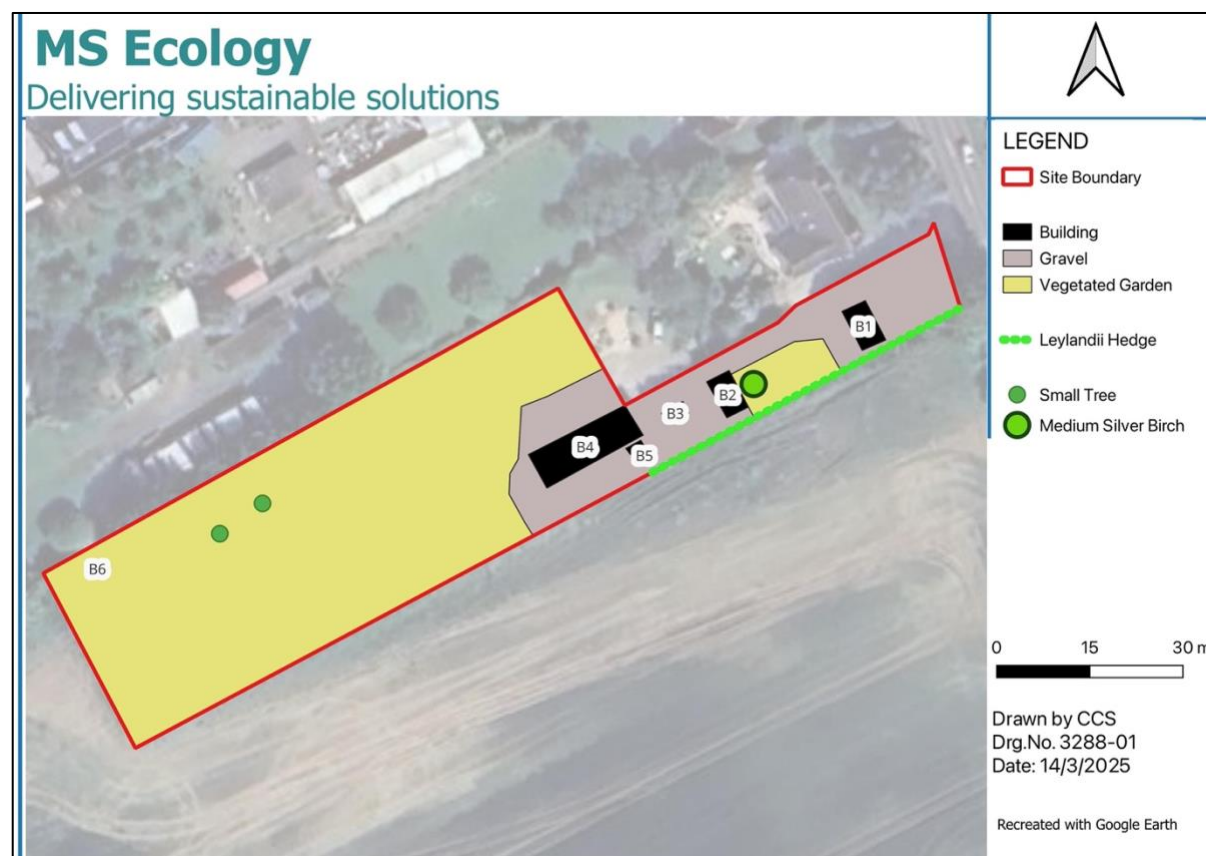


Figure 3-5 Site Plan

3.3.2 HABITATS

3.3.2.1 BUILDINGS

B1 – a modern garage located at the front entrance to the site, is of a standard brick construction with cavity walls. It has a pitched and tiled roof with double Roman concrete tiles in excellent condition. Internally the walls are constructed with breeze blocks and the roof is insulated with Kingspan insulation. The roof rafters are of modern sawn timber, commensurate with the recent age of the property.



Figure 3-6 Building B1 - modern garage

B2 - a timber log cabin with a pitched roof covered in roofing felt. Internally it has original log cabin timbers in good condition. Used predominantly for storage, this will be demolished.



Figure 3-7 Building B2 - Log Cabin

B3 – two no. greenhouses in disrepair and B5 -partially demolished wooden shed provide no potential for roosting bats.

B4 - is a modern brick built, single storey bungalow. It has a pitched and tiled roof with double roman concrete tiles in excellent condition. At the gutter the roof tiles are fitted with bird comb restricting access to both birds and bats. Internally, the ceiling has fallen through due to water damage, exposing the loft void. The roof is felt-lined throughout. The roof comprises rafters that are of modern sawn timber, commensurate with the recent age of the property. The central ridge beams are also of a very narrow, modern construction. Soffits and weatherboard are all sealed.



Figure 3-8 Building B4 - Bungalow

B6 – an open, prefabricated concrete shed devoid of window glass and shutter at the northwest corner of the development area, with asbestos sheet roof. The structure is used for storing garden items.



Figure 3-9 Building B6 Concrete Shed

3.3.2.2 HARDSTANDING

The whole driveway is compressed gravel and extends to the end of the bungalow. Mouse ear chickweed and shining cranesbill are growing through the central area of the driveway where vehicle wheels do not impact.



Figure 3-10 Gravel Drive

3.3.2.3 VEGETATED GARDEN

Secondary code: 200 - Tree

A line of leylandii forms the southern boundary to the proposed development site ending where the bungalow starts.

To the south of the driveway there is an area of introduced shrub located between the front garage and the timber shed, consisting mostly of introduced shrubs, variegated holly, yew, mahonia, pieris, viburnum, choisya, japonica, cherry and a medium silver birch tree with 30cm DBH.

80% of the proposed development site is laid to closely cropped lawn. Forb species include selfheal, common daisy, cut leaf geranium, spear thistle and ground elder. Images below show a typical quadrat assemblage.



Figure 3-11 Quadrats are limited to two species of grass and mostly one forb species

The lawn is heavily predated by rabbits, with rabbit scratchings along the boundary and scattered within the lawn area along with stinging nettles at the edge of the development site.



Figure 3-12 Boundary nettles and rabbit activity

Together with the silver birch along the driveway, at the northwestern end there are two small trees, a cherry plum and a field maple (approx. 25cm DBH).



Figure 3-13 Cherry Plum and Field Maple

3.3.2.4 WATER

There are no waterbodies within the site but there is a recently dug drainage ditch just outside of the western and the full length of the southern boundary, ending at the soakaway on the farmer's land. The top of the bank falls within 5m of the site boundary, however, for BNG purposes this is considered to be a post development habitat as opposed to a baseline habitat.

3.3.3 HABITAT CONDITION ASSESSMENT

The table below provides a summary of the results of the baseline habitat condition assessments carried out on the above habitats. For full details please see the separate excel spreadsheet.

Table 3.2 Baseline Habitat Condition Assessment

Habitat	Condition
Vegetated Garden	N/A
Developed Land: Sealed Surface	N/A
Medium Tree (Silver Birch)	Good
Non-Native & Ornamental Hedgerow	Poor (set score)

3.3.4 EVIDENCE OF PROTECTED SPECIES

3.3.4.1 MAMMALS

No evidence of bats or terrestrial mammals was found within site area.

3.3.4.2 BIRDS

No active or inactive bird nests were found.

3.3.4.3 HERPETOFAUNA

No herpetofauna were found during the survey.

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

The roofing tiles across B1 and B4 are tight fitting with no potential access points under the tiles noted. The eaves and soffit boxes were also tight fitting. No potential roosting features were noted within any of the buildings on site.

The trees on site were checked from ground level and no suitable roosting features were noted.

The site is located at the end of a row of houses with gardens to the north and open to agricultural fields to the west and south. Fencing is widely spaced concrete posts and single strands of wire providing no barrier to the garden. Despite this no evidence of terrestrial mammals was found on site other than rabbits.

4.2.2 BIRDS

The area of introduced shrub and the line of leylandii beyond provide suitable nesting and foraging habitat for birds.

4.2.3 HERPETOFAUNA

The garden lawn on site is short mown which provides no shelter and limited foraging opportunities for this group. Areas of possible refuge, such as the introduced shrub and hedgerow base, are limited.

The ditch along the western and southern boundary is newly dug and as such is currently unvegetated, as is the new soakaway just off the southeast corner, therefore, it is unlikely that amphibians will have colonised this area.

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 minimal nature conservation value in a local (parish) context, containing ecological features such as boundary trees (*leylandii*), introduced shrubs and lawn grass which is maintained at a uniform short length.

The site provides negligible potential for roosting bats and there is limited suitable habitat for badgers and herpetofauna, due to the short-mown garden lawn and limited opportunities for foraging and refuge.

The trees and shrubs provide moderate 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 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

It is recommended that two integrated bat boxes be installed within the new buildings. 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 buildings do not allow for integrated bat boxes, then external boxes can be installed instead. These should be hung on the building or suitable trees 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

A bird box could be installed on the silver birch tree. It is recommended that either an open fronted or songbird boxes be used to provide nesting opportunities for common garden birds. One box type can be installed, 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

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

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

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

7 LEGISLATION

7.1 ANIMALS (EXCEPT BADGERS)

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

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

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

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

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

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

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

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

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

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

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

7.2 BADGERS

Species	Sections of the Act applicable
Badgers & their Setts	All

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

Under the Protection of Badger Act 1992:

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

Cruelty.

1. A person is guilty of an offence if—
 - a. he cruelly ill-treats a badger.
 - b. he uses any badger tongs in the course of killing or taking, or attempting to kill or take, a badger.
 - c. except as permitted by or under this Act, he digs for a badger; or
 - d. he uses for the purpose of killing or taking a badger any firearm other than a smooth bore weapon of not less than 20 bore or a rifle using ammunition

having a muzzle energy not less than 160 foot-pounds and a bullet weighing not less than 38 grains.

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

Interfering with badger setts.

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

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

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

Selling and possession of live badgers.

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

Marking and ringing.

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

7.3 BIRDS

Species
All species of wild birds

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

It is an offence for any person to:

Intentionally kill, injure, or take any wild bird.

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

Intentionally take or destroy the egg of any wild bird.

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

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

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

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