

## APPENDIX 2: Protected Species Legislation

Species	Key legal protection
Birds	<p>All wild birds, their nests and eggs are, with few exceptions, fully protected by law. In addition, over eighty species or groups of species, are listed under Schedule 1 of the <i>Wildlife and Countryside Act</i>. These species are specially protected by increased penalties and cannot be intentionally disturbed when nesting, with additional protection also provided to species listed in Annex IV of the <i>Habitats Directive</i>.</p>
Badgers ( <i>Meles meles</i> )	<p>Badgers are protected under separate legislation, the <i>Protection of Badgers Act 1992</i>. This means that it is unlawful to knowingly kill, capture, disturb or injure any individual or intentionally damage, destroy or obstruct an area used for breeding, resting or sheltering badgers. An English Nature licence is required for heavy machinery work within 30m, light machinery within 20m and hand digging within 10m of a badger sett.</p>
Bats	<p>All bat species are protected in accordance with Schedule 5 of the <i>Wildlife and Countryside Act (1981, as amended)</i>. This protection extends to both species and roost sites. Bat roosts are protected at all times of the year regardless of whether bats are present at the time. In addition, all bats are listed under Annex II of the European Unions <i>Habitats Directive</i>. Bat species have been identified as Biodiversity Action Plan species.</p>

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Otter ( <i>Lutra lutra</i> )	The otter is fully protected under the <i>Wildlife and Countryside Act</i> making it an offence to damage, destroy or obstruct access to any structure or place which is used by otters. Otter is also listed under Annexes II and IV (a) of the European Union <i>Habitats Directive</i> .
Reptiles	All native reptiles are listed on Schedule 5 of the <i>Wildlife and Countryside Act</i> and are afforded different levels of protection. For the four most commonly occurring species (adder <i>Vipera berus</i> , grass snake <i>Natrix natrix</i> , slow worm <i>Anguis fragilis</i> and common lizard <i>Lacerta vivipera</i> ), the protection extends to killing and injury although does not include habitat protection.
White Clawed Crayfish ( <i>Austropotamobius pallipes</i> )	Protected under the <i>Wildlife and Countryside Act</i> , Annexes II and V of the European Unions <i>Habitats Directive</i> and Appendix III of the <i>Berne Convention</i> . In addition, it has been identified as a Biodiversity Action Plan species by the UK Biodiversity Group and is classed as globally threatened by the International Union for Conservation of Nature.
Great Crested Newts ( <i>Triturus cristatus</i> )	Protected under the <i>Wildlife and Countryside Act</i> and under Annex II and IV (a) of the European Union's <i>Habitat Directive</i> . Under these pieces of legislation, it is an offence to knowingly kill, harm, injure or disturb a great crested newt or its habitat. It is also an offence to damage, destroy or obstruct access to any structure or place used for shelter

Species	Key legal protection
	<p>protection or breeding by these species; or to disturb it while it is occupying such a structure or place. Where a project has been identified as impacting on great crested newt, the appropriate authority (in England, DEFRA) can issue licenses which make otherwise illegal actions lawful. Such licenses can, however, only be issued for “ preserving public health or public safety of other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.” Likewise, licenses for species such as great crested newt can only be issued if there is no alternative solution.</p>
<p>Water vole (<i>Arvicola terrestris</i>)</p>	<p>The water vole is listed on Schedule 5 of the Wildlife and Country Act 1981 (as amended) in respect of Section 9(4) only. The legal protection makes it an offence to intentionally damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection, or to disturb water voles whilst they are using such a place. This section of the Act does not protect the water voles themselves. The extent of legal protection of the water vole is currently under review; it has been proposed to fully protect water voles, as well as their habitats.*</p>

\*Consultation finished in April 2005 but as yet the Department for Environment Farming and Rural Affairs (DEFRA) in conjunction with the statutory scientific advisors Joint Nature Conservation Committee (JNCC) have yet to announce any official change to the current legislation

