



Badgers - badgers are given special legal status by the Protection of Badgers Act 1992, which makes it an offence to kill or injure the animals or to disturb, damage or destroy their setts.

PROTECTED



Water Voles* - shorter tail, blunt nose and no obvious ears distinguish the water vole from rats. Although once common, water voles have declined dramatically in recent years. They are partially protected under the WCA Section 9, making obstructing or damaging a water vole burrow or disturbing an animal in its burrow an offence.

PROTECTED



Otters - otters and their dens (called 'holts') are fully protected under the WCA and the Habitats Regulations. Otters are closely associated with watercourses of all sizes; they breed and rest on adjacent land (up to 500m from water). They require plenty of vegetation cover such as scrub, reeds and herbs; 'holts' are formed in holes in river banks, hollow trees etc.

PROTECTED



Dormice - small rodents that spend much of their time in the branches of trees and shrubs, that is when they are not asleep. Restricted distribution in old woodland, dense scrub, thick hedges and some newly planted areas. Fully protected by the WCA and the Habitats Regulations.

PROTECTED



Great crested newts (GCN) - Found across mainland Britain, in ponds and on surrounding land (mostly within 500m). GCN are much larger than **smooth** and **palmed newts**, almost black in colour with a bright spotted belly and a distinctive crest in the male. Fully protected under WCA Section 9 and the Habitat Regulations. Note: **Smooth newt*** and **palmed newt***, along with common **frog*** and **common toad*** are protected against sale only under the WCA. The rare **natterjack toad**, encountered on some coastal and heathland sites, is fully protected.

PROTECTED



Reptiles - includes **adder***, **smooth snake**, **grass snake***, **common lizard***, **sand lizard** and **slow worm***. **Smooth snakes** and **sand lizards** are rare and fully protected by the WCA and Habitats Regulations. The other reptile species are more common and occur across the UK in a wide range of sites, including derelict land, grassland/scrub mosaics and railway embankments; they are protected against killing and injury under the WCA, Section 9.

PROTECTED



Nesting birds - **all** nesting birds, including pest species, are protected under Section 1 of the WCA. To avoid destroying or disturbing a bird nest and thereby breaking the law, scrub, hedgerows and trees should not be cleared or felled between March to July inclusive, which is considered to be the main bird nesting period. However, some species may nest outside this period - so take care. Also be aware that some species nest on the ground in the open, on quarry and cliff faces, and on or in buildings. Some species such as **barn owl**, **kingfisher** etc. are also protected against disturbance when nesting (e.g. from machine noise). These birds are included in Schedule 1 of the WCA 1981.

PROTECTED



Japanese knotweed - a highly invasive but not dangerous plant. It will grow from the tiniest fragment of root and can be very difficult and expensive to eradicate. It is an offence to cause the spread of this plant and therefore disposal is strictly regulated.

NOXIOUS



Giant hogweed - resembles the common **hogweed** or **cow parsley** but is much larger - often over six feet high. The sap can cause nasty blistering if it comes into contact with skin. The plant is very difficult to eradicate. It is an offence to cause the spread of this plant and therefore disposal is strictly regulated.

NOXIOUS

GO CAREFULLY!

There are many pieces of legislation that offer protection to wildlife in the UK but the four most important are:

- (1) **The Wildlife & Countryside Act 1981 (as amended) (WCA)**
- (2) **The Countryside and Rights of Way Act 2000 (CRoW)**
- (3) **Nature Conservation (Scotland) Act 2004**
- (4) **The Conservation (Natural Habitats &c.) Regulations 1994 (the 'Habitats Regulations')**

For full details of the legal status of these and other other plants and animals seek expert help.

The Wildlife and Countryside Act 1981 (as amended)

Sections 1 to 8 of the Act relate to the protection of birds.

Section 9 gives protection to certain wild animals, including insects, which are listed in Schedule 5.

Section 14 defines certain 'pest' plants and animals that may not be released into or grown in the wild. Two of the most widespread of these species - both of them plants - are illustrated.

Principal offences under Section 9 of the WCA are:

- to intentionally kill, injure or take (capture) any wild creature on Schedule 5;
- to have in your possession or control any live or dead Schedule 5 wild animal;
- to intentionally or recklessly damage, destroy or obstruct access to any structure or place which any wild animal on Schedule 5 uses for shelter or protection;
- to intentionally or recklessly disturb any wild animal included on Schedule 5 while it is occupying a structure or place it uses for shelter or protection.

N.B. The last two points do not apply to all animals on Schedule 5. Species protected against all of Section 9 are termed "fully protected". For those pictured to the left, an * indicates that a species receives only partial protection, e.g. against killing and injury, or sale.

The CRoW Act 2000 applies in England and Wales. Amongst other things, it amends the wording of the WCA, adding the term 'recklessly' to the protection of breeding birds and to sub sections 3 and 4 of Section 9 for other protected species, as detailed above. The Act also strengthens the protection given to important wildlife sites.

Nature Conservation (Scotland) Act 2004 introduces new nature conservation measures for Scotland, including those similar to those in the CRoW Act. Importantly for the construction industry in Schedule 6 it adds the term 'recklessly' to the protection of breeding birds and other animals protected by the WCA.

The Conservation (Natural Habitats etc.) Regulations 1994 (the

Habitat Regulations) implement the EU Habitats Directive in the UK. The Regulations give greater protection to a variety of native animals including bats, dormice, great crested newts, otters and the large blue butterfly and also identify protected European plants (all these plants and animals are termed European Protected Species). Habitats of European Community importance must be designated as Special Areas of Conservation (SACs).

To disturb/re-locate species protected by the Habitats Regulations, a licence must be obtained from the Department of the Environment, Food and Rural Affairs, the Scottish Executive's Environment and Rural Affairs Department, or the National Assembly of Wales.

For full details of the legal status of these and other other plants and animals seek expert help.

Reference: Working With Wildlife - a resource and training pack for the construction industry. CIRIA 2004



Bats - 16 species in the UK. Bats and their roosts are fully protected by Section 9 of the WCA and the Habitat Regulations.

Typical roosting sites include buildings (old or new), trees, tunnels, culverts, caves and bridges.

PROTECTED

* indicates species which receive limited protection under Section 9, principally against deliberate killing or injury, or sale).



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