

Preliminary Ecological Appraisal Report

Site: Partridge Way, Wood Green, Haringey, London, N22 8DW

Ref: 21152/E1

Client: London Borough of Haringey



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SUMMARY

On land at Partridge Way in Wood Green Haringey, London, planning permission is being sought for the re-development of the site, along with re-landscaping works in the wider area.

In January 2021, Indigo Surveys Ltd was instructed to carry out a Preliminary Ecological Appraisal of the site. This was undertaken to determine the presence of any important habitats or species which might be impacted on by the proposed development.

Given the very small size of the site, its current use, and its location in an extensive residential area with no connectivity to any significant semi-natural habitats, an ecological data search was not considered necessary in this case.

The Phase 1 visit took place on 4th February 2021, in cool, overcast conditions, with no wind.

The application site comprised an area of paved hardstanding and a row of single storey garages with asphalt hardstanding along the front. The only vegetation consisted of amenity grass species within a small, circular raised bed to the rear of the garages.

Soft landscaping in the wider area, outside the curtilage of the site, comprised areas of amenity grass, scattered trees and shrubs.

No rare vascular plants were found, and all species recorded were common and widespread. There were no invasive or notifiable species.

No birds were observed on site, although Woodpigeon *Columba palumbus*, Blackbird *Turdus merula* and Magpie *Pica pica* were noted on surrounding land. There were no old or in use birds' nests on the application site, although there was some potential for nesting birds within the trees and shrubs in the wider area.

Since all in-use bird's nests and their contents are protected from damage or destruction, any tree or shrub removal or works which may affect a nest should be undertaken outside the period 1st March to 31st August inclusive. If this time frame cannot be avoided, a close inspection of the trees, shrubs or structures to be removed will be undertaken prior to clearance. Work will not be carried out within a minimum of 5.0 metres of any in-use nest, although this distance could be more depending on the sensitivity of the species. Any in-use nest will be allowed to fledge before it is disturbed.

The garages were not suitable for bat use, and were not identified as a bat roost or hibernation site. None of the trees in the surrounding area contained features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation.

The site itself was of no value to foraging bats, as it was so small with little vegetation.

Unsurprisingly no evidence of Badgers *Meles meles* was found, and the site was unsuitable for Otters *Lutra lutra* and Water Voles *Arvicola amphibius*.

There was no standing water on the site for breeding amphibians, and with very limited foraging opportunities and no suitable refugia or hibernacula, the land was considered unsuitable for them.

The site was also considered to be unsuitable for reptiles for the same reason, and they are considered to be absent.

Despite the presumed absence of reptiles and amphibians, at all times care will be taken when carrying out earthworks, as small mammals could be present. Any small mammals disturbed or uncovered will either be caught by hand and relocated to a safe area, or left to vacate the work site in their own time.

Since the site consisted almost entirely of hardstanding and building, it was concluded that there was low potential for significant invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan.

If excavations are to be undertaken, it should be noted that open trenches could potentially trap wildlife, especially if these fill up with water. Escape routes will therefore be provided if trenches cannot be infilled immediately. These can be in the form of branches or boards placed on the bottom of the trench, with their upper ends above ground level and touching the sides, or sloping ends left in trenches.

1. INTRODUCTION

1.1 Background and survey objectives

On land at Partridge Way in Wood Green Haringey, London, planning permission is being sought for the re-development of the site, along with re-landscaping works in the wider area.

In January 2021, Indigo Surveys Ltd was instructed to carry out a Preliminary Ecological Appraisal of the site. This was undertaken to determine the presence of any important habitats or species which might be impacted on by the proposed development.

Given the very small size of the site, its current use, and its location in an extensive residential area with no connectivity to any significant semi-natural habitats, an ecological data search was not considered necessary in this case.

1.2 Site description

The survey site comprised a row of single storey brick garages, with a corrugated fibre cement roof.

The garage bays were surrounded by asphalt and paved hardstanding. Within the paved area to the rear there was a small circular raised bed of amenity grass species.

Soft landscaping in the wider area, outside the curtilage of the site, comprised areas of amenity grass, scattered trees and shrubs.

The Ordnance Survey Grid Reference is TQ 30425 90904 centred on the middle of the site.

1.3 Proposed works

The proposed works are for the re-development of the site along with re-landscaping works in the wider area.

2. METHODOLOGY

2.1 Desk study

Given the very small size of the site, its current use, and its location in an extensive residential area with no connectivity to any significant semi-natural habitats, an ecological data search was not considered necessary in this case.

2.2 Habitat survey

A Phase 1 Habitat Survey was carried out across the whole of the survey site. It was conducted using standard JNCC (2003) techniques and methodologies.

The Phase 1 visit took place on 4th February 2021, in cool, overcast conditions, with no wind.

2.3 Badgers

Badgers are generally nocturnal and evidence of their presence in an area often comes from field signs rather than sightings of the animals.

Useful field signs include:

- ❑ Setts (main, outlying, annex or subsidiary)
- ❑ Tufts of hair caught on barbed wire fences;
- ❑ Conspicuous Badger paths;
- ❑ Footprints;
- ❑ Latrines – small excavated pits in which droppings are deposited;
- ❑ 'Snuffle holes' – small scrapes where Badgers have searched for insects and plant tubers;
- ❑ Day nests – bundles of grass and other vegetation where Badgers may sleep above ground;
- ❑ Scratch marks on trees (usually near the sett).

Daytime surveys looking for field signs can be carried out at any time of the year, and should be non-intrusive, but nocturnal surveys of setts (if required), are only likely to be effective from April to November, when Badgers are most active, and any cubs present will have emerged.

A search for Badger presence and the field signs listed above was carried out as part of the ecological appraisal on 4th February 2021. The search area included the application site and a 30 m buffer around the boundaries (where this could be accessed or viewed).

2.4 Bats

In order to fully assess bat occupation of a particular site, the Bat Conservation Trust (2016) recommends that information gathered from a desk study of known bat records, and a daytime site walkover, is used to inform the type and extent of future bat survey work, potentially including nocturnal surveys.

The diurnal walkover provides an opportunity to check for signs of occupancy, such as droppings, scratch marks, feeding remains, carcasses, or even animals in residence, whilst nocturnal surveys (if required) allow numbers and species of bats to be confirmed.

The latter are also used to determine the presence or absence of bats, where signs of bat activity are indeterminate or absent but the suitability for bat roosting is considered to be low, medium or high.

Roosting places vary depending on the species. Pipistrelles *Pipistrellus sp* usually inhabit narrow cracks or cavities around the outside of buildings, but they will roost in similar niches inside larger barns. Typical sites include soffit spaces, gaps behind fascia boards and end rafters, crevices around the ends of projecting purlins, under warped or lifted roof and ridge tiles, or in gaps in stone and brickwork where mortar has dropped out.

Larger species such as Brown Long-eared Bats *Plecotus auritus*, Myotis bats (Natterer's *Myotis nattereri* and Whiskered/Brandt's *M. mystacinus/M. brandtii*), and Lesser Horseshoes *Rhinolophus hipposideros*, like to roost in the roof voids of buildings, and can often be found hanging singly or in small groups from ridge boards or roof timbers, especially where these butt up against gable walls or chimney breasts. They especially favour older structures with timber frames. Here they squeeze into tight crevices making them difficult to observe.

Diurnal walkovers can be carried out at any time of the year, but nocturnal surveys should only be undertaken when bats are out of hibernation and in their summer roosts. The recommended period is from May to September inclusive, with May to August optimum and September sub-optimum. The season can be extended into October, although particularly cold weather will render this inadvisable. Indeed, the air temperature at the start of each survey must be at least 10°C or above.

Visits will be a minimum of two weeks apart, and the number of surveys is dependent on the evidence found or the suitability of the site to bats.

Where bats are found, or there is evidence of bat occupation or activity, i.e. that bat use is confirmed, the number and timing of visits will be decided by the ecologist, and will be appropriate for the type of roost. In general at least two nocturnal surveys will be carried out, both of which can be emergence surveys, or one emergence and one dawn re-entry.

Where there is no evidence of bat presence, and no or negligible suitability for roosting, no nocturnal surveys will be needed.

For a site with no evidence but low suitability, just one nocturnal emergence survey is required, this to be in the optimum period.

For medium suitability a minimum of two visits are needed, of which one must be in the optimum period, and one must be a dawn re-entry survey. With high suitability, three visits will be necessary, of which two must be in the optimum period.

At least one of these must be a dawn re-entry survey, with the third visit either an emergence or a dawn re-entry.

For sites < 5 ha in size, and/or regularly shaped structures, at least two surveyors must be present, with more surveyors at larger sites and more complex buildings, e.g. those with multiple elevations and/or roof structures.

On 4th February 2021, Andy Warren (Natural England bat licence No. 2015-16489-CLS-CLS) made a thorough inspection (from the ground) of the trees on site, including any gaps in the bark, patches of exfoliating bark, fissures, splits, cracks and cavities, including woodpecker holes.

The garage units were also checked, including the roof coverings, external and internal walls, and door frames. A Fenix TK75 torch was used to check the structures.

2.5 Birds

Most resident and migrant birds breed in the spring and summer, although Woodpigeons and Collared Doves *Streptopelia decaocto* nest throughout the year, and as a result could be on eggs in almost any month.

In season, signs of breeding include singing males, display and copulation, birds gathering nesting materials, adults carrying food, calling chicks, etc.

In winter none of these activities may be occurring, so a survey for old nests and/or nest holes is the most reliable method of determining the presence or absence of breeding birds.

A search for signs of nesting birds was carried out as part of the ecological appraisal on 4th February 2021. This included the various trees and other vegetation.

2.6 Reptiles

Commoner reptiles which may be encountered in urban areas include Grass Snake *Natrix natrix*, Slow-worm *Anguis fragilis*, and Common Lizard *Zootoca vivipara*.

During the winter months, from mid-October to late February or early March, they are in hibernation, usually deep in underground hibernacula, such as holes and cracks in the ground, among rocks or the roots of large trees, down animal burrows, or in piles of rubble or stone.

In the spring and summer they live above ground in well-vegetated places, with Grass Snakes often near or in water. Being cold-blooded all reptiles like to bask, and can often be found in open places. There are very few signs of reptile presence, but these include:

- ❑ Shedded skin (snakes);
- ❑ Eggs (but not Common Lizard which gives birth to live young).

A search for signs of reptile presence was carried out during the ecological appraisal, along with a check for basking animals.

A survey for Great Crested Newts *Triturus cristatus* may be indicated when background information on distribution suggests that they may be present. More detailed indicators are:

- ❑ *Any historical records of Great Crested Newts on the site or in the general area;*
- ❑ *A pond on or near the site (within around 500 m), even if it holds water only seasonally;*
- ❑ *Sites with refuges (such as piles of logs or rubble), grassland, scrub, woodland or hedgerows within 500 m of a pond.*

There are several field survey methods which can be employed depending on the time of year:

- ❑ *Bottle or funnel trapping – adults ideally February to May, with June and July sub-optimal, and August to September for detection of larvae (i.e. young);*
- ❑ *Egg search – April to June ideally, with March and July sub-optimal;*
- ❑ *Torch survey – March to May for adults, with February and June to July sub-optimal, and August to September for larvae;*
- ❑ *Netting – March to May for adults, with February and June to July sub-optimal, and August to September for larvae;*
- ❑ *Pitfall trapping – March to May and September for adults, with February, June to August and October sub-optimal;*
- ❑ *Refuge search – April to September ideally, with March and October sub-optimal.*

The latter two methods involve terrestrial habitats, the others aquatic habitats, for which a minimum of 4 visits per year are recommended, with at least 2 visits between mid-April and mid-May to record peak numbers (English Nature, 2001).

Outside the optimum survey period, a Habitat Suitability Index (HSI) for a particular water body can be calculated.

This is a scoring system developed as a means of evaluating habitat quality and quantity. The HSI for Great Crested Newts incorporates ten indices, all of which are thought to affect the species.

None of these techniques was carried out, as there was nothing to suggest that Great Crested Newts, or other amphibians, would be present.

2.7 Otter

Otters are nocturnal and are active all year round. They are large with an adult male reaching up to 1.2 m from nose to tail, and weighing about 10 kg.

Feeding mainly on fish and amphibians, Otters live by undisturbed waters where there is plenty of cover, mostly by freshwater lakes, rivers and quiet small streams as well as some coasts.

An Otter may use over 40 km of river and needs many resting places throughout this range. A female otter will give birth to 1 to 3 cubs in a natal holt, which is often away from the main river and must be completely undisturbed.

Field signs include:

- ☐ Prints in soft mud;
- ☐ Spraints (faeces);
- ☐ Holts.

A search for evidence of Otter presence on site was undertaken as part of the Ecological Appraisal.

2.8 Water Vole

The Water Vole is the largest of the British voles. It lives in a series of holes or burrows at the water's edge and can be found along the banks of ditches, streams, rivers, lakes and canals. Although Water Voles live in colonies, the breeding females are territorial, each defining their contiguous territory with latrines during the breeding season. This lasts from March to October.

The Water Vole is herbivorous, feeding primarily on the lush aerial stems and leaves of waterside plants.

Its activity is normally confined to the area within two metres of the watercourse, the bankside vegetation in this area not only essential for food, but also for cover from predators.

Water Vole activity can be assessed by looking for the following signs:

- ☐ Burrows;
- ☐ Faeces and latrines;
- ☐ Feeding stations;
- ☐ Runs;
- ☐ Paw prints in areas of soft mud;
- ☐ Feeding 'lawns';
- ☐ Predator field signs.

A search for evidence of Water Vole presence on site was undertaken as part of the Ecological Appraisal.

The results of the species and habitat survey are detailed in Section 3.

2.9 Constraints

Although the survey was undertaken outside the optimum period (considered to be April to August inclusive), the limited habitats on site meant timing was not considered to be a constraint to identifying the wildlife interest on the application site.

3. RESULTS

3.1 Habitat survey

3.1.1 Habitat descriptions

The following habitats were recorded across the site:

- ❑ Hardstanding and buildings;
- ❑ Amenity grassland;
- ❑ Scattered trees and shrubs.

These are shown on the Phase 1 Habitat Survey map in Appendix 1.

Hardstanding and building

Almost the entirety of the site comprised hardstanding and building.

The row of single storey garages were built from bricks with a corrugated fibre cement roof and metal garage doors (Figs. 1, 2, 3 and 4).



Figs. 1 & 2 Front of garages



Figs. 3 & 4 Rear of garages

To the front of the garages there was asphalt hardstanding, whilst the rear was paved.

Amenity grassland

To the rear of the garages there was a small circular raised bed of amenity grass species, including Perennial Ryegrass *Lolium perenne* and meadow-grasses *Poa spp* (Fig. 5).



Fig. 5 Raised circular bed of amenity grass species

Surrounding landscaping also comprised amenity grassland, this in the form of blocks of mown grass alongside the roads and footpaths (Figs. 6 and 7).



Figs. 6 & 7 Blocks of mown amenity grass

Scattered trees and shrubs

Within the blocks of amenity grass there were several mature broadleaved trees (Ref. Fig. 6), whilst to the northeast of the survey area, there was a circular feature of introduced shrubs, these low cut and side trimmed (Ref. Fig. 7).

3.1.2 Flora

The botanical composition of each habitat was typical, and all species recorded were common and widespread.

No rare vascular plants were found, and there were no invasive species or notifiable weeds.

3.2 Protected species survey

3.2.1 Bats

There were no trees on site, and none of those within close vicinity that contained any bat roosting features.

The garage units were considered to have negligible suitability for roosting bats. There were some small cracks in the brickwork, but these were too narrow for bat roosting (Fig. 8). The roof also had gaps under the corrugations. However, these were considered too open and exposed for a roosting bat, as wind and debris would easily be blow through (Fig. 9).



Fig. 8 Cracks in brickwork



Fig. 9 Corrugated roof

The site itself was of little value to foraging bats, as it was very small with virtually no vegetation.

3.2.2 Badgers

There were no signs of Badger activity.

3.2.3 Otters

There were no signs of Otter activity.

3.2.4 Water Voles

No evidence of Water Vole presence was found.

3.2.5 Birds

No birds were observed on site, although Woodpigeon, Blackbird and Magpie were noted on surrounding land. There were no old or in use birds' nests on the application site, although there was some potential for nesting birds within the trees and shrubs in the wider area.

3.2.6 *Reptiles*

Given that the site consisted almost entirely of building and hardstanding, with very limited foraging opportunities and no suitable refugia and/or hibernacula, it was unsuitable for reptiles, and they are considered to be absent.

3.2.7 *Great Crested Newts*

The site was also considered unsuitable for Great Crested Newts or any other amphibians due to its lack of standing water, or any refugia and/or hibernacula.

3.2.8 *Invertebrates*

Since the site was almost entirely hard standing it was concluded that there was low potential for significant invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan.

3.2.9 *Other species*

No other protected or LBAP species were observed during the site visit.

4. CONCLUSIONS AND RECOMMENDATIONS

4.1 Site evaluation

The site was concluded to be of negligible value to wildlife, as it consisted largely of hardstanding and building, with only a small section of grass in a raised bed. Soft landscaping in the wider area included blocks of mown amenity grass, scattered broadleaved trees, and circular arrangement of trimmed introduced shrubs.

No birds were observed on site, nor any old or in-use birds' nests, although common species were observed in the wider area.

The garages were not suitable for bat use, and were not identified as a bat roost or hibernation site. None of the trees in the surrounding area contained features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation.

The site itself was of no value to foraging bats, as it was very small with little vegetation.

No evidence of Badgers was found, and the site was unsuitable for Otters and Water Voles.

There was no standing water on the site for breeding amphibians, and with very limited foraging opportunities and no suitable refugia or hibernacula, the land was considered unsuitable for them.

The site was also considered to be unsuitable for reptiles for the same reason, and they are considered to be absent.

It was concluded that there was low potential for significant invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan.

4.2 Possible impacts of proposed work and recommendations

Since all in-use bird's nests and their contents are protected from damage or destruction, any tree or shrub removal or works which may affect a nest should be undertaken outside the period 1st March to 31st August inclusive. If this time frame cannot be avoided, a close inspection of the trees, shrubs or structures to be removed will be undertaken prior to clearance.

Work will not be carried out within a minimum of 5.0 metres of any in-use nest, although this distance could be more depending on the sensitivity of the species. Any in-use nest will be allowed to fledge before it is disturbed.

Despite the presumed absence of breeding amphibians and reptiles on the site, at all times care will be taken when carrying out earthworks, as small mammals could be present. Any small mammals disturbed or uncovered will either be caught by hand and relocated to a safe area, or left to vacate the work site in their own time.

If excavations are to be undertaken, it should be noted that open trenches could potentially trap wildlife, especially if these fill up with water. Escape routes will therefore be provided if trenches cannot be infilled immediately. These can be in the form of branches or boards placed on the bottom of the trench, with their upper ends above ground level and touching the sides, or sloping ends left in trenches.

The proposed works will not have a lasting or significant impact on wildlife.

4.3 Further surveys

If any tree or shrub removal or works which may affect a nest cannot be timed appropriately to avoid the bird nesting period (considered to be March to August inclusive), then further surveys for nesting birds will be required.

No other surveys were considered necessary.

5. REFERENCES

Collins, J. (ed.), 2016. *Bat Surveys for Professional Ecologists: Good Practice Guidelines.* (3rd edn). Bat Conservation Trust, London.

English Nature, 2004. *Bat mitigation guidelines.* English Nature, Peterborough.

Fitter R., Fitter A. & Blamey, M., 1983. *The Wildflowers of Britain and Northern Europe.* Collins, London.

Fitter R. & Fitter A., 1984. *Grasses, Sedges, Rushes & Ferns of Britain and Northern Europe.* Collins, London.

JNCC, 2003. *Handbook for Phase 1 habitat survey – a technique for environmental audit (revised reprint).* Joint Nature Conservation Committee, Peterborough.

Langton, T., Beckett, C. And Foster, J., 2001. *Great Crested Newt: Conservation Handbook.* Froglife, Suffolk.

Mitchell-Jones A. J. & McLeish, 2004. *Bat Workers' Manual.* Joint Nature Conservation Committee, Peterborough.

Natural England, 2007. *Badgers and Development.* Natural England, Peterborough.

Scottish Natural Heritage, 2007. *Badgers and Development.* Scottish Natural Heritage, Edinburgh.

Stebbing R.E., 1986. *Which bat is it?* The Mammal Society and The Vincent Wildlife Trust, London.

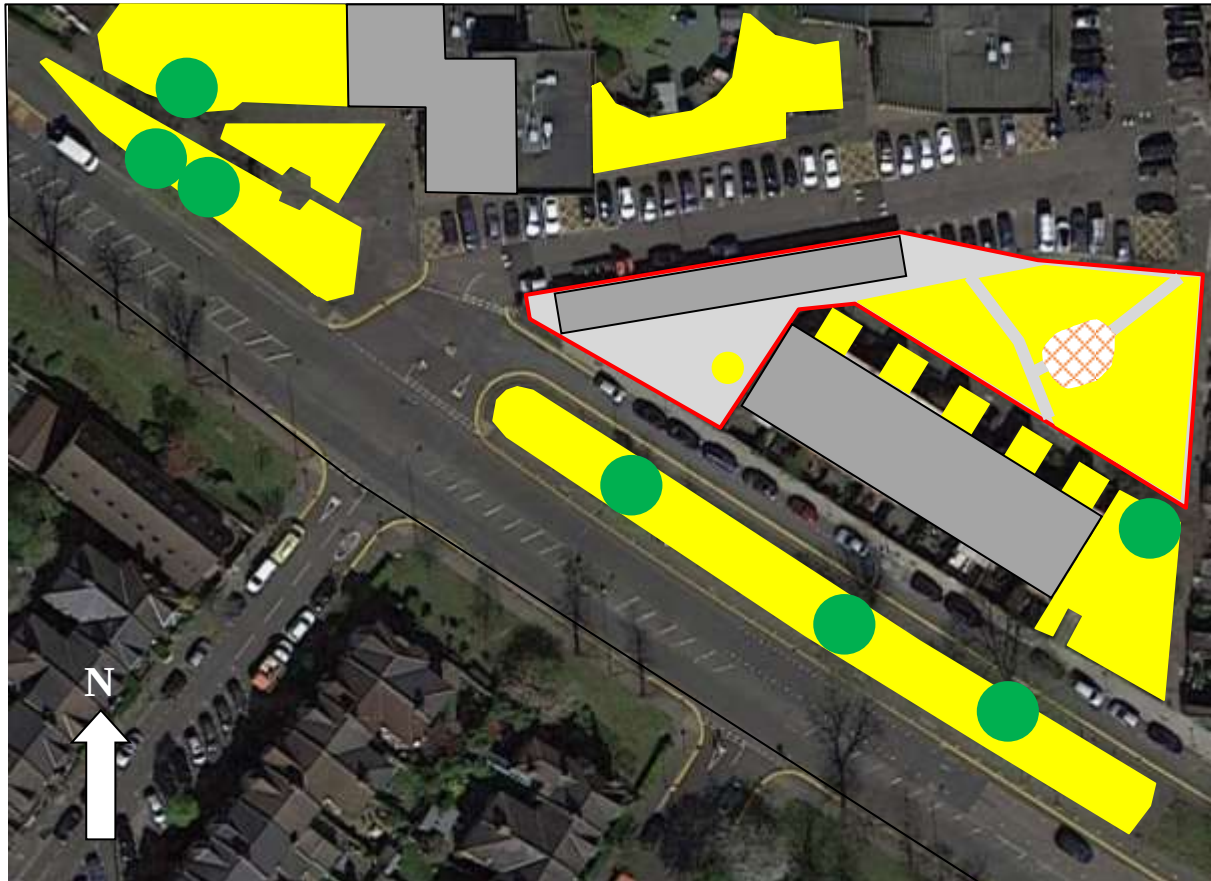
The Vincent Wildlife Trust, 2003. *The Bats of Britain and Ireland.* The Vincent Wildlife Trust, Ledbury.

APPENDICES

Appendix 1: Phase 1 Habitat Survey

Appendix 2: Relevant legislation

Appendix 1: Phase 1 Habitat Survey Map



Not to scale

Legend			
	Survey boundary		Amenity grass
	Introduced shrubs		Building
	Scattered trees		Hardstanding

Appendix 2: Relevant legislation

2.1 *Badgers*

Badgers are protected in Britain by the Protection of Badgers Act 1992. The purpose of this Act is to protect the animals from deliberate cruelty and from the incidental effects of lawful activities which could cause them harm. Under this legislation it is an offence to:

- ❑ Wilfully kill, injure, take, possess or cruelly ill-treat a Badger, or attempt to do so;
- ❑ Interfere with a sett by damaging or destroying it;
- ❑ Obstruct access to, or any entrance of, a Badger sett;
- ❑ Disturb a Badger when it is occupying a sett.

Note that if any of the above resulted from a person being reckless, even if they had no intention of committing the offence, their action would still be considered an offence.

A person is not guilty of an offence if it can be shown that the act was 'the incidental result of a lawful operation and could not have been reasonably avoided'; only a court can decide what is 'reasonable' in any set of circumstances. Penalties for offences under this legislation can be up to six months in prison and a fine of up to £5,000 for each offence.

A Badger sett is defined in the Act as 'any structure or place which displays signs indicating current use by a Badger'. This can include culverts, pipes and holes under sheds, piles of boulders, old mines and quarries, etc.

'Current use' does not simply mean 'current occupation' and for licensing purposes it is defined as 'any sett within an occupied Badger territory regardless of when it may have last been used'.

A sett therefore, in an occupied territory, is classified as in current use even if it is only used seasonally or occasionally by Badgers, and is afforded the same protection in law.

2.2 *Bats*

In England, Scotland and Wales, all bat species are fully protected under the Wildlife and Countryside Act 1981 (WCA) (as amended), through inclusion in Schedule 5. In England and Wales this Act has been amended by the Countryside and Rights of Way Act 2000 (CRoW), which adds an extra offence, makes species offences arrestable, increases the time limits for some prosecutions, and increases penalties.

All bats are also included in Schedule 2 of the Conservation (Natural Habitats, & c.) Regulations 1994, (or Northern Ireland 1995) (the Habitats Regulations), which defines 'European protected species of animals'.

The above legislation can be summarised thus (Mitchell-Jones and McLeish, 2004):

- ❑ *Intentionally or deliberately kill, injure or capture (or take) bats;*
- ❑ *Deliberately disturb bats (whether in a roost or not);*
- ❑ *Recklessly disturb roosting bats or obstruct access to their roosts;*
- ❑ *Damage or destroy roosts;*
- ❑ *Possess or transport a bat or any part of a part of a bat, unless acquired legally;*
- ❑ *Sell (or offer for sale) or exchange bats, or parts of bats.*

The word 'roost' is not used in the legislation, but is used here for simplicity. The actual wording is 'any structure or place which any wild animal...uses for shelter or protection' (WCA), or 'breeding site or resting place' (Habitats Regulations).

As bats generally have both a winter and a summer roost, the legislation is clear that all roosts are protected whether bats are in residence at the time or not.

2.3 Birds

In Britain, all wild birds, their nests and eggs are protected under the Wildlife & Countryside Act 1981. There are penalties for:

- ❑ *Killing, injuring or capturing them, or attempting any of these;*
- ❑ *Taking or damaging the nest whilst in use;*
- ❑ *Taking or destroying the eggs.*

2.4 Great Crested Newts

Great Crested Newts are protected under Schedule 5 of the Wildlife & Countryside Act (1981) as amended, and Schedule 2 of the Conservation of Habitats and Species Regulations 2010. As a result of their rarity across Europe, they are also protected under Annexes IIa and IVa of the Habitats and Species Directive, and under the Berne Convention (the Convention on the Conservation of European Wildlife and Natural Habitats).

The above legislation can be summarised thus (Langton *et al*, 2001):

- ❑ *Intentionally or deliberately capture or kill, or intentionally injure Great Crested Newts;*
- ❑ *Deliberately disturb Great Crested Newts or intentionally or recklessly disturb them in a place used for shelter or protection;*
- ❑ *Damage or destroy a breeding or resting place;*
- ❑ *Intentionally or recklessly damage, destroy or obstruct access to a place used for shelter or protection;*
- ❑ *Possess a Great Crested Newt, or any part of it, unless acquired lawfully;*
- ❑ *Sell, barter, exchange or offer for sale Great Crested Newts or parts of them.*

2.5 **Reptiles**

All common reptiles (Common Lizard, Grass Snake, Slow-worm and Adder *Vipera berus*) are afforded legal protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) largely as a consequence of a national decline in numbers associated with persecution and habitat loss.

Under the terms of the Act it is illegal to intentionally kill or injure a reptile.

2.6 **Otters**

Otters are protected under Sections 9.1 and 9.4, Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), Annex 2 and 4 of the Conservation (Natural Habitats &c.) Regulations 1994 as amended, and are a priority species under the UK BAP. Actions that are prohibited include intentional killing, injuring or taking; and intentional or reckless damage, destruction or obstruction of any structure or place used for shelter or protection.

2.7 **Water Voles**

As of 12 August 2008, Water Voles have been given full protection under Section 9 of the Wildlife and Countryside Act 1981.

Offences under Section 9 carry a maximum penalty of a fine up to £5000, imprisonment for up to six months, or both, for each animal in respect of which an offence is committed. It is now an offence to:

- ❑ Intentionally kill, injure or take (capture) a Water Vole;
- ❑ Possess or control a live or dead Water Vole, or any part of a Water Vole or anything derived from a Water Vole;
- ❑ Intentionally or recklessly damage, destroy or obstruct access to any structure or place which a Water Vole uses for shelter or protection;
- ❑ Intentionally or recklessly disturb a Water Vole while it is occupying a structure or place which it uses for shelter or protection.