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LAND AT 16 LUNDY DRIVE, CRACKINGTON HAVEN, CORNWALL

Ecological Impact Assessment

APRIL 2021

A REPORT TO:

Mr I Audus
16 Lundy Drive
Crackington Haven
Cornwall

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Executive Summary

Penpont Ecology Services Ltd was commissioned to undertake an Ecological Impact Assessment of an extended garden at 16 Lundy Drive, Crackington Haven, Cornwall. This was carried out to support an outline planning application to develop the land for residential housing.

The surveyed land at 16 Lundy View comprises garden habitats with many non-native species. The site is assessed as being of low conservation value.

The ecological impacts of the proposed development are considered to be low and relate only to disturbance of species including birds and hedgehog.

Mitigation to reduce the impact on these species is given, and if adhered to, will reduce the impact to a negligible level.

Enhancements are given to increase biodiversity of the site.

16 Lundy Drive – Ecological Impact Assessment

1 Introduction

Penpont Ecology Services Ltd was commissioned to undertake an Ecological Impact Assessment of an extended garden at 16 Lundy Drive, Crackington Haven, Cornwall. This was carried out to support an outline planning application to develop the land for residential housing. The assessment was carried out to determine presence/likely absence of important habitats and protected species, and to assess the impact the proposed works may have on any found to be present.

2 Site description

The surveyed land comprises extended gardens and measures 0.1ha. The site occupies an estate location, and is surrounded by residential development, in Middle Crackington, at OS Grid Reference: SX 1545 9592 (Fig 1). The wider surrounding land is in agricultural production of permanent pasture, grass leys and arable. The extensive woodlands of East Wood are present to the west, with an un-named wood to the east (Fig 2).

3 Survey methodology

3.1 Desk study

Due to the small size of the surveyed area (≤ 1 ha) an electronic search of local records was deemed sufficient to inform the survey. The desk study researched all designated nature conservation sites and records of important habitats and species within a 1km radius of the site (post 1970). Additional information was sought for dormice (a 2km radius around the site boundary) and highly mobile bats and birds (a 4km radius).

3.2 Site survey

The Extended Phase 1 Habitat Survey was carried out in accordance with the standardised system developed by the Nature Conservancy Council (Joint Nature Conservation Committee, 2010) and the Chartered Institute of Environmental Assessment (2016).

The site survey was undertaken on 16 April 2021 in clear weather conditions. The site was easily accessible on foot and a walkover survey was undertaken to record habitats present.

Habitats

Habitats were classified according to the standard JNCC Phase 1 categories.

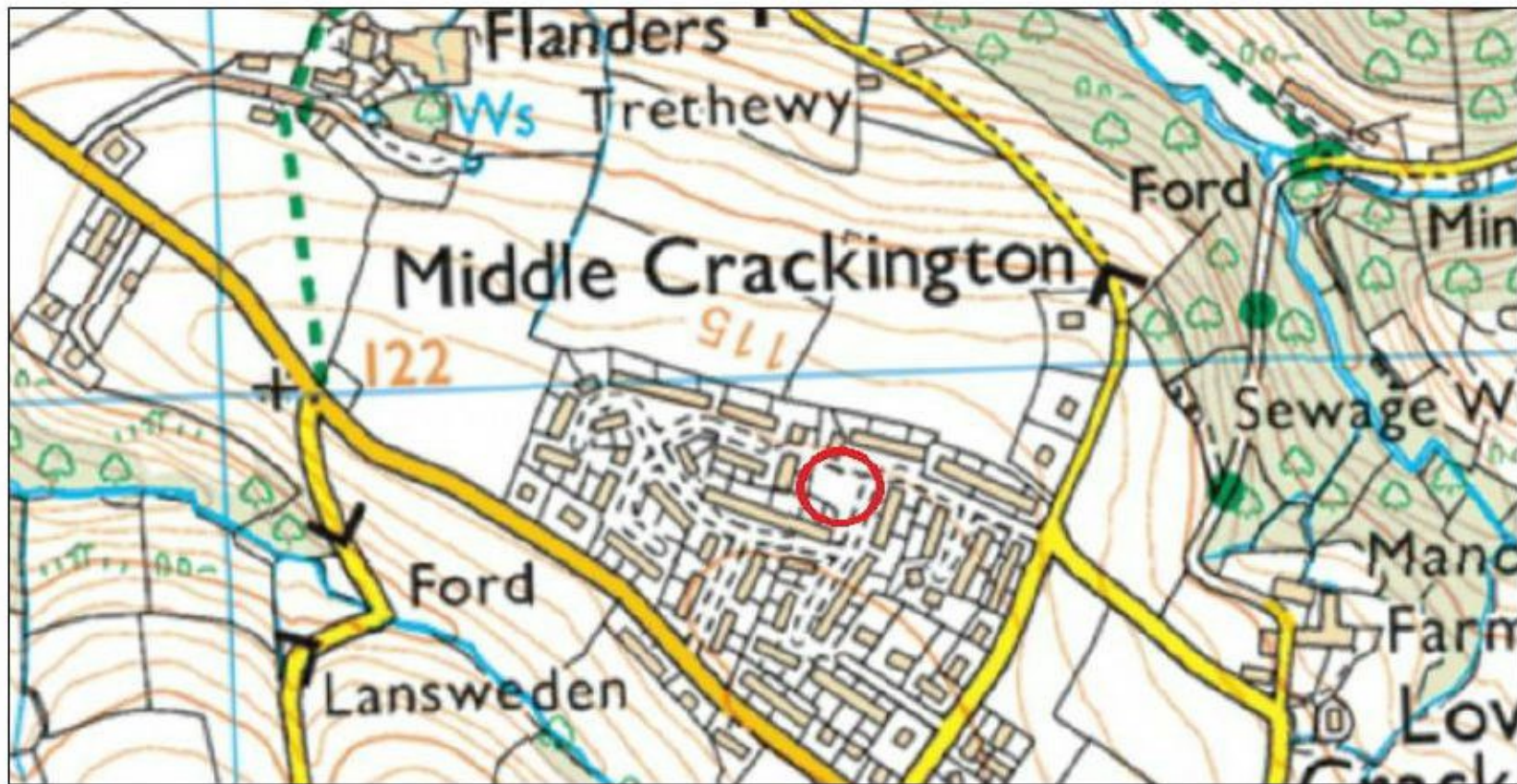


Fig 1 – Location Map (OS Scale: 1: 50 000)



Fig 2 – Aerial photograph showing surveyed site and surrounding land use.

Flora

A list of higher plants was recorded and the abundance of each species was estimated for each habitat using the standard 'DAFOR' scale (D = Dominant; A = Abundant; F = Frequent; O = Occasional; R = Rare). The survey also searched for notable plants which may be present, and any evidence of non-native, invasive species.

Fauna

Bats

The survey searched for habitats which could be used by bats for roosting, foraging and commuting.

- Mature trees with cracks, crevices, holes and/or dense Ivy cover which may provide roost sites
- Buildings with weather boarding, hanging tiles or cladding tiles, gaps above soffits and behind fascia and barge boarding and gaps between window frames and wall brickwork which may provide roost sites and access to roof spaces for roosting
- Hedgerows, streams, ponds and woodlands which may provide feeding habitat
- Linear features such as hedgerows and stream corridors that may be used as commuting routes.

The potential of these features to support bats was assessed according to the results of the desk study, any field evidence of bats, the quality of bat habitats and the context and connectivity of the site within the local landscape.

Dormouse

Habitats capable of supporting Dormouse, such as broad-leaved woodland, scrub and species-rich hedgerows, were searched for evidence of characteristically gnawed Hazel nuts and nests. Where no evidence was found, the potential of habitats to support Dormouse was assessed, according to the results of the desk study, habitat quality and connectivity of the site.

Otters

The potential of the site to support Otters was assessed according the desk study records, proximity to running water and wetland habitats and the connectivity of the site to areas of favourable Otter habitat.

Badgers

Field signs of Badger were recorded and mapped, such as setts, latrines, hairs, paths and tracks. The potential of the site to support Badger was assessed according to the desk study records, habitats present and connectivity to woodlands and other favourable Badger habitats.

Birds

All birds observed during the field survey were recorded. Features such as trees, scrub and hedges, which potentially support nesting and feeding birds were also noted. The potential of the site to support bird species of special conservation importance was assessed, taking into account the bird species assemblage observed during the

survey, the habitats present, the context of the site in the wider landscape and the results of the desk study.

Reptiles

The potential of the site to support reptiles was assessed according to the findings of the desk study, the suitability of habitats on site (e.g. rough grassland or refuges such as wood piles, rubble or compost heaps) and the context of the site.

3.3 Ecological evaluation

The legal and nature conservation value of the site, and the habitats and species it supports, was evaluated within geographical context according to guidance given by Chartered Institute of Ecology and Environmental Management (CIEEM, 2016). The criteria used for the ecological evaluation are given in Appendices 1 and 2.

3.4 Impact assessment

An assessment of the impacts of the proposed project on the ecology of the site was undertaken, based on the findings of the Extended Phase 1 Habitat Survey. The assessment methodology is based on the guidelines given by CIEEM (2018).

4 Limitations of the survey

- The report is based on the findings of a single survey and represents a 'snapshot' of the biodiversity of the site.
- The time of year/behaviour may mean that certain species and habitats are not properly identified
- the recommendations relate to plans/proposals as provided by the client at the time of the survey; any subsequent changes may alter those recommendations and the proposed mitigation/enhancement measures.

5 Survey Results

5.1 Desk Study

The survey area lies within the Bristol Approaches Special Area of Conservation (SAC). This site is designated for its important coastal habitats, inland water bodies, heath, steppes, broad-leaved woodland and mixed woodland.

5.2 Habitats

The site comprises a level parcel measuring 0.1ha of garden habitats including non-native trees and shrubs, and mown lawns (Figs 3 – 5). The site is bordered by ornamental hedges including Privet, Hawthorn, Elm, Holly, Laurel and Field Maple.

Other species on the site include Spanish bluebell, variegated Holly, Buddliea, Hydrangea, Leylandii, Cherry and other fruit trees, a young Monkey Puzzle tree, Yellow archangel and Daffodil.



Fig 3 – The surveyed site comprises an extended garden.



Fig 4 – Non-native shrubs in ornamental hedge.



Fig 5 – Sycamore tree and garden shed.

5.3 Species

Flora

Several botanical species of ecological note have been recorded within the locality, including non-native invasive species. The site was inspected carefully for evidence of these; none was identified. However, many non-native species are present.

A Sycamore tree was identified to the north west corner (Fig 5). This tree has a trunk diameter of 300mm, is 8m in height with a crown spread of 8m, and crown clearance of 2m. The tree is in good structural and physiological condition. The final layout design may consider potential retention of this tree.

Fauna

Bats

The Desk Study has identified Natterer's, Pipistrelle, Long-eared, Greater and Lesser Horseshoe bat within 4km of the survey area.

All species of bat are legally protected under the Conservation of Habitats and Species Regulations (amended 2017), Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and the Countryside and Rights of Way (CROW) Act 2000, making it an offence to kill, injure, capture or disturb bats, obstruct access to bat roosts or damage/destroy bat roosts.

The garden shed and trees were carefully inspected for potential roost features, and evidence of roosting bats. None was identified and it is considered unlikely bats are roosting on the site.

Dormouse

The desk study did not find records of Dormouse within a 2km radius of the site.

Dormouse is classed as a European Protected Species under the EC Habitats Directive 1992 and in the UK it is legally protected under the Conservation of Habitats and Species Regulations 2010, Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way (CROW) Act 2000. Together this legislation makes it an offence for any person to kill, injure, capture or disturb a Dormouse, or to damage, destroy or obstruct access to any place used by Dormouse for shelter or protection. Dormouse is also UK Biodiversity Action Plan (BAP) priority species and protected under the NERC Act 2006.

Dormouse is considered likely to be absent, and further surveys are not required due to:

- lack of woodland (Dormouse primary habitat)
- lack of woodland edges and suitable hedges (Dormouse secondary habitat)
- lack of Hazel and other fruiting plants (food and nest material resource)
- human disturbance (presence, traffic, lighting, domestic pets).

Otter

Otter has been recorded within 2km of the site.

The European otter is the only native UK otter species. It's a European protected species (EPS amended after Brexit) and is also fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 making it an offence to:

- capture, kill, disturb or injure otters
- damage or destroy a breeding or resting place
- obstruct access to their resting or sheltering places
- possess, sell, control or transport live or dead otters, or parts of otters.

The site has no suitable habitat for Otter and it is considered this species is absent.

Badger

The desk study found that badger has not been recorded within 1km of the site.

Badgers and their setts are legally protected under the Protection of Badgers Act 1992, making it an offence to kill, injure or take a Badger or to damage a sett.

The Extended Phase 1 Habitat Survey searched for any evidence that badgers are present on the site, looking for any signs of setts, tracks, latrines, paths and hairs. None was found, and it is considered unlikely badger is present.

Birds

Several bird species of nature conservation importance have been recorded from the local area including Bullfinch, Song thrush, Skylark, Yellowhammer and Barn Owl.

These are UK BAP Priority species and have some protection under the NERC Act 2006.

Dunnock and Great Tit were identified during the walkover survey.

The nests and eggs of all wild birds are legally protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence to intentionally or recklessly take, damage or destroy eggs or any nest while it is in use or being built.

It is considered unlikely suitable habitat for Skylark and Barn Owl is present. The hedges and trees may provide limited suitable habitat for smaller, garden species.

Reptiles

The desk study found that reptiles have not been recorded within 1km of the site.

All species of reptiles are legally protected from killing and injury under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Reptiles are also UK BAP Priority species and under the CRow Act 2000 and the NERC Act 2000, Local Authorities have a legal duty to further the conservation these species.

Suitable habitat to support reptiles is present at log piles, beneath the garden shed and at the compost heap station. Planting trays, sheet plastic and carpet tiles on the site were lifted and inspected carefully. No reptiles were identified. It is considered that the presence of surrounding residential development and domestic pets (cats) is likely to negate any suitability of the site to support reptiles.

6 Site Evaluation

Sites, habitats & species are evaluated in a geographical context according to IEEM guidance: international, national, regional, county, district, local, site level.

Whilst the site lies within the impact zone of the Bristol Channel Approaches SAC, Natural England guidance states that a Habitats Regulations Assessment is not required for developments of less than 50 units.

The site is assessed as being of low conservation value at site level.

7 Potential impacts

In the absence of mitigation potential impacts include:

- Disturbance of nesting birds
- Injury or fatality of hedgehog.

8 Recommendations

The surveyed site includes garden habitats, with many non-native species, and has been assessed as being of low ecological value. Recommendations are made to reduce the risk of disturbing nesting birds and hedgehog.

- Ground clearance shall not commence during the bird nesting season which occurs between March and August. If this time period cannot be observed, vegetation will be checked by an ecologist immediately prior to removal.
- Remove compost heaps, garden shed, wood piles and other features carefully by hand to avoid injury or fatality to any hedgehog that might be sheltering beneath.
- If the Sycamore tree is to be retained a Root Protection Area of at least the equivalent of the crown spread shall be observed.

9 Enhancement

It is understood the proposal will include one or two residential units with gardens. Biodiversity of the site may be enhanced by:

- Replace non-native hedging with native species
- Install one integrated bat box to each unit
- Install one integrated bird box to each unit
- Install hedgehog gates within dividing fencing.

10 Conclusions

The surveyed land at 16 Lundy View comprises garden habitats with many non-native species. The site is assessed as being of low conservation value.

The ecological impacts of the proposed development are considered to be low and relate only to disturbance of species including birds and hedgehog.

Mitigation to reduce the impact on these species is given, and if adhered to, will reduce the impact to a negligible level.

Enhancements can be incorporated to increase biodiversity of the site.

This report has been produced in good faith, with all reasonable skill, care and diligence based on the information provided and accessible at the time of its preparation and within the scope of the work agreed with the client.

We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above.

This report is provided for the sole use of the named client and is confidential to them and their professional advisors.

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Appendix 1. Criteria for ecological assessment**1. SITES**

Geographical Scale at which Feature is Important	Example of Feature
International	<ul style="list-style-type: none"> • Special Areas of Conservation (SACs) • Special Protection Areas (SPAs) • Ramsar sites • World Heritage Site (if designated for its biodiversity)
National	<ul style="list-style-type: none"> • Sites of Special Scientific Interest (SSSIs) • National Nature Reserves (NNRs).
Regional	<ul style="list-style-type: none"> • Designated wildlife sites supporting a regionally significant area of a UK priority habitat; or large population of species in the UKBAP or of national nature conservation concern protected species level.
County	<ul style="list-style-type: none"> • Non-statutory sites designated at county level – County Wildlife site or County Geology Site. • Ancient woodlands, large areas of priority BAP habitat offering a significant wildlife resource at county level. • Large populations of a legally protected species or species included in the UK or Local BAP or other species considered to be threatened at a national level.
District	<ul style="list-style-type: none"> • Non-statutory sites designated at district level, • Local Nature Reserves (LNRs) • Moderately sized examples of priority BAP habitats.
Local	<ul style="list-style-type: none"> • Old hedges, woodlands, ponds, significant areas of species rich grassland or other habitat, small scale examples of priority BAP habitat • areas supporting small populations of protected species, species included in the UK or Local BAP or other species considered to be threatened at a national level.
Of value within the context of the Site or zone of influence of the scheme	<ul style="list-style-type: none"> • Woodland plantations, structure planting, small areas of species rich grassland • Other species rich habitat that is not included in the UK or Local BAP

2. HABITATS

Geographical Scale at which Feature is Important	Example of Feature
International	<ul style="list-style-type: none"> • EC Habitats Directive – habitat type is listed on Annex 1 • Habitat meets selection criteria for the designation of an internationally important site
National	<ul style="list-style-type: none"> • UK Biodiversity Action Plan - Priority Habitat • Habitat meets selection criteria for the designation of a nationally important site
Regional	<ul style="list-style-type: none"> • Regional Biodiversity Action Plan – Priority Habitat • Habitat meets selection criteria for the designation of a nationally important site
County	<ul style="list-style-type: none"> • County Biodiversity Action Plan – Priority Habitat • Habitat meets selection criteria for the designation of a site of county importance
District	<ul style="list-style-type: none"> • Moderately sized examples of priority BAP habitats.
Local	<ul style="list-style-type: none"> • Old hedges, woodlands, ponds, significant areas of species rich grassland or other habitat, small scale examples of priority BAP habitat

Of value within the context of the Site or zone of influence of the scheme	<ul style="list-style-type: none"> • Woodland plantations, structure planting, small areas of species rich grassland or other species rich habitat that is not included in the UK or Local BAP.
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3. SPECIES

International	<ul style="list-style-type: none"> • Berne Convention – Appendices 1 and 2 • Bonne Convention – Appendices 1 and 2 • EC Birds Directive – Annex 1 • EC Habitats Directive – Annex 2 • International Union for the Conservation of Nature - Red list of threatened species • A species which regularly occurs in internationally or nationally important numbers.
National	<ul style="list-style-type: none"> • UK Biodiversity Action Plan Priority species • British Red Data Books • Nationally rare, notable and scarce species • Wildlife and Countryside Act 1991 – Schedules 1, 5 and 8 • Conservation Regulations 2010 – Schedules 2 and 4 • Royal Society for the Protection of Birds - Red and Amber lists • Species which regularly occurs in nationally or regionally important numbers • A nationally important assemblage of species.
Regional	<ul style="list-style-type: none"> • South West Biodiversity Action Plan Priority species • Species which regularly occur in regionally important numbers. • Sustainable populations of species that are rare or scarce within a region.
County	<ul style="list-style-type: none"> • Local Biodiversity Action Plan Priority species • Species which regularly occurs in county important numbers. • Sustainable populations of species that are rare or scarce within a county, or listed in a county BAP.
District	<ul style="list-style-type: none"> • Species listed as priority in the UK BAP, which are not covered above, and are rare in the locality or in the relevant Natural Area profile. • Species present in numbers just short of county importance • Sustainable populations of species that are rare or scarce within the locality.
Local	<ul style="list-style-type: none"> • Other species of conservation interest (which are not covered above) regularly occurring in locally sustainable populations
Of value within the context of the Site or zone of influence of the scheme	<ul style="list-style-type: none"> • All other common and widespread species.

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Appendix 2. Wildlife legislation in England and Wales

Conservation of Habitats and Species Regulations 2010

This Act transposes the EC Habitats Directive into British law. The Regulations cover the designation and protection of 'European sites', the protection of 'European Protected Species', and the adaptation of planning and other controls for the protection of European Sites. The Regulations make it an offence to deliberately kill, disturb or trade in animals listed in Schedule 2 or to pick, collect, uproot, destroy or trade in any plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses from the appropriate authorities.

Wildlife and Countryside Act 1981 (as amended)

This Act consolidates and amends existing national legislation to implement the Bern Convention and the EC Birds Directive in Great Britain. The Act covers the protection of wildlife (all wild birds and some plants and animals), the countryside, National Parks, and the designation of protected areas, and public rights of way. The Act makes it an offence to intentionally kill, injure or take any wild bird or their eggs or nests (with exception to species listed in Schedule 2) and birds listed on Schedule 1 are specially protected. The Act also makes it an offence to intentionally kill, injure, or take, possess or trade in any animals listed on Schedule 5 and any to pick, uproot, trade in or possess any wild plant listed in Schedule 8. The Act also makes it an offence to plant or cause to grow in the wild injurious weeds, such as Japanese knotweed and Giant hogweed.

The Countryside and Rights of Way Act 2000

The CRoW Act, which applies to England and Wales only, provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases protection for Sites of Special Scientific Interest (SSSI) and strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB).

Natural Environment and Rural Communities Act 2006

The NERC Act makes provision for bodies concerned with the natural environment and rural communities, amends protection for some designated wildlife areas and amends the law relating to rights of way. Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. This list includes habitats and species which have been identified as requiring action in the UK Biodiversity Action Plan. Section 40 of the Act requires local authorities and other decision makers use the list to guide them in their duty to have regard to the conservation of biodiversity in England.

Protection of Badgers Act 1992

Under this Act, it is an offence to wilfully kill, injure, take, trade or cruelly treat a badger, and to destroy, damage or obstruct access to a badger sett. However, licenses can be granted for certain activities which would otherwise be illegal, such as development, forestry and drainage works.

Wild Mammals (Protection) Act 1996

An Act to make provision for the protection of wild mammals from certain cruel acts; and for connected purposes.

Hedgerow Regulations 1997

These Regulations are intended to protect important countryside hedges from destruction or damage. Any landowner who wishes to remove a hedge must serve a Hedgerow Removal Notice in writing to their local planning authority and this must be approved before the hedge can be taken out.

Weeds Act 1959

This Act allows the Secretary of State to enforce occupiers to control injurious weeds on their land. The five species identified in the Act are common ragwort, creeping thistle, spear thistle, broad-leaved dock and curled dock.