Morgan & Stuckey

Ecological Consultants – providing sustainable solutions.

Report for: Mr & Mrs D Chater

Commissioned by: Ian Abrams Architect Ltd.

Ecological Impact Assessment



View of the outbuilding on site

Barcroft, Carmen St, Gt Chesterford, Saffron Walden, Uttlesford, Essex CB10 1NR.

Report No: J3208

© Morgan & Stuckey 2023

SUMMARY

On the instructions of Ian Abrams Architect Ltd on behalf of Mr & Mrs D Chater, Morgan & Stuckey Ecological Consultants carried out an Ecological Impact Assessment for the site of Barcroft, Carmen St, Gt Chesterford, Saffron Walden, Uttlesford, Essex CB10 1NR.

Proposals for the site include for a double-storey rear extension linking the main house with the proposed renovated out-building to provide a family room, utility room, cloak room and external store on the ground floor and an additional bedroom on the first floor.

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, as the mown lawn offers few opportunities and there is very little other vegetation on site.

The site provides negligible potential for bats, badgers and herpetofauna due to the lack of suitable habitat and roosting opportunities. Should any of these species be unexpectedly found on site then all works must stop, and an ecologist consulted.

The chimney on the main house (B1) provides some opportunities for corvid species, but otherwise the limited vegetation on site offers little suitability for breeding birds. It is recommended that the works are undertaken outside of the breeding bird season.

Further recommendations for the site can be found in Section 6.

CONTENT

1	INTE	RODUCTION	6
	1.1	Instructions and Objectives	6
2	Met	hod	7
	2.1	Desk Study	7
	2.2 2.2.1	Field Survey Evaluation and Significance of Impact	
	2.3	Limitations	8
3	Resu	ults	10
	3.1	Site Location and Settings	10
	3.2 3.2.1 3.2.2 3.2.3	Desk Study MAGIC GCN Risk Zones Biological Records	11 12
	3.3 3.3.1 3.3.2 3.3.3	Survey - PEA Site Description Habitats Evidence of Protected Species	13 13
4	Disc	ussion	17
	4.1 4.1.1	Habitats Bap Priority Habitats and Legally Protected Sites of Conservation Value	
	4.2 4.2.1 4.2.2 4.2.3 4.2.4	Protected Species Mammals Birds Herpetofauna Invertebrates	17 17 17
5	Cond	clusion	18
6	Reco	ommendations	19
	6.1 6.1.1 6.1.2 6.1.3		19 19
	6.2 6.2.1 6.2.2 6.2.3	Enhancements Bats Breeding Birds Small Mammals & Herpetofauna	19 20
7	Legi	slation	21
	7.1	Animals (Except Badgers)	21
	7.2	Badgers	23
	7.3	Birds	25

_				
	Λ		 _	\sim
	Δ	\mathbf{H}	 -	`
	$\boldsymbol{-}$.)

TADLES	
Table 3.1 Non-Statutory Sites falling within the 2,000m search area	12
FIGURES	
Figure 3-1 Proposed development area with red boundary	10
Figure 3-2 MAGIC Map	11
Figure 3-3 Site within a green zone	12
Figure 3.4 Site Dlan	12

Morgan & Stuckey

Ecological Consultants – providing sustainable solutions.

DOCUMENT CONTROL

Document Title:	Ecological Impact Assessment Barcroft, Carmen St, Gt Chesterford, Saffron Walden, Uttlesford, Essex CB10 1NR
The Client:	Mr & Mrs D Chater

Morgan & Stuckey – Ecological Consultants, have prepared this report in accordance with the instructions of Ian Abrams Architect Ltd., on behalf of Mr & Mrs D Chater ("the Client") in accordance with their Email instruction dated Monday 20th November 2023 at 11.10 am. This report is confidential and non-assignable by the Client and **Morgan & Stuckey** shall not be responsible for any use of the report or its contents for any purpose other than that for which it was prepared and provided. Should the Client require to pass copies of the report to other parties for information, the whole of the report should be so copied, but no professional liability or warranty shall be extended to other parties by **Morgan & Stuckey** in this connection without the explicit written agreement thereto by **Morgan & Stuckey**.

Report Number J3208	Status <mark>FINAL</mark>	Date of issue 27/12/23
Prepared by	Clifford Stuckey BSc (Hon's) PhD MCIEEM CEnv Ecologist	
Reviewed by		
Page no	Page 5 of 25	

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 Ian Abrams Architect Ltd., on behalf of Mr & Mrs D Chater, Morgan & Stuckey Ecological Consultants carried out an Ecological Impact Assessment for the site of Barcroft, Carmen St, Gt Chesterford, Saffron Walden, Uttlesford, Essex CB10 1NR.

Proposals for the site include for a double-storey rear extension linking the main house with the proposed renovated out-building to provide a family room, utility room, cloak room and external store on the ground floor and an additional bedroom on the first floor.

The desk study, field survey (carried out on the 12/12/2023) 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 Essex Field Club 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.

Natural England was checked to see whether the proposed development site falls within a GCN Risk Zone.

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).

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 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

- o Habitat management
- o 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 50650 42966 post code CB10 1NR, in Saffron Walden, Uttlesford, Essex.

The site is surrounded by moderate density residential housing and agricultural land.

A large waterbody is found approx. 500m to the northwest, on the other side of the agricultural fields and located immediately adjacent to the M11 which runs north to south approx. 700m west of the site. Two smaller waterbodies are located approx. 350m to the southeast, on the other side of the residential housing.

The River Cam is located, at its nearest point, 367m to the southwest, and runs northwest to southeast past the site.

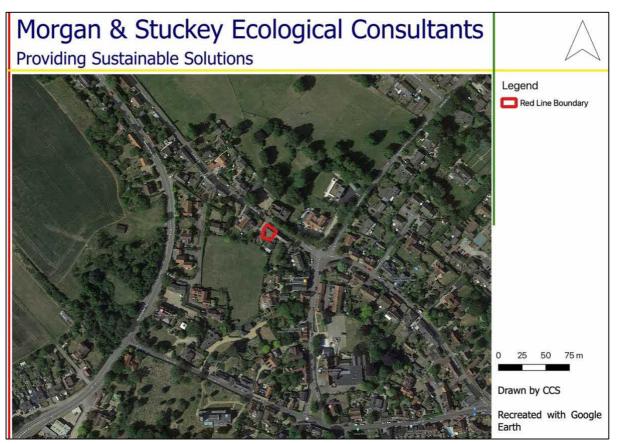


Figure 3-1 Proposed development area with red boundary.

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 Zones for the nearby SSSI's, predominantly the Hildersham Wood SSSI.

No Natural England Protected Species licences (NEPS) have been granted within the search area.

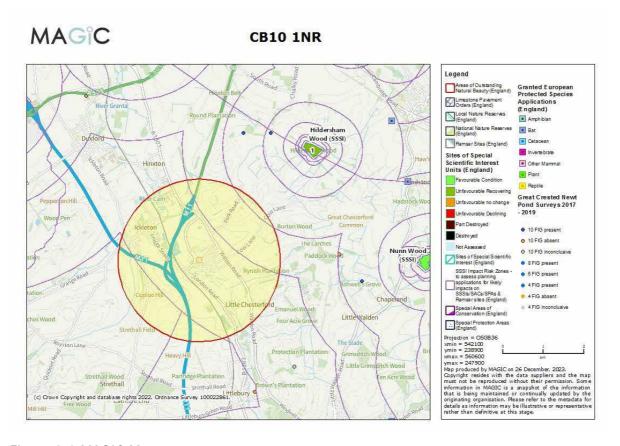


Figure 3-2 MAGIC Map

3.2.2 GCN RISK ZONES

The site is located within green zone on Natural England's Impact Risk Zones Map for GCN, indicating that the site is in an area that contains sparsely distributed GCN and is less likely to contain important pathways of connecting habitat for GCN.

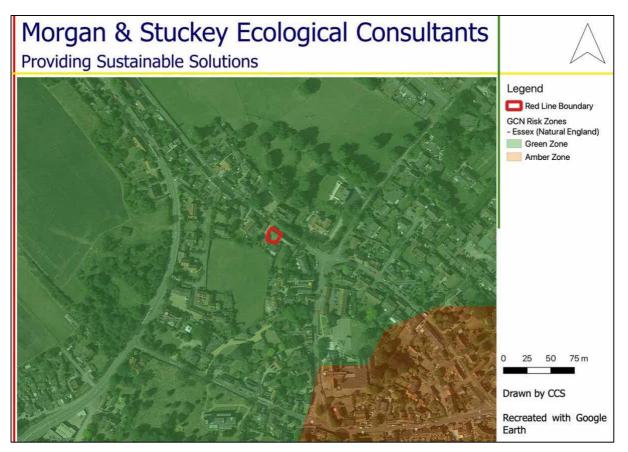


Figure 3-3 Site within a green zone

3.2.3 BIOLOGICAL RECORDS

The following table details the non-statutory sites falling within the search area. None of which are within the immediate vicinity of the site.

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

Local Wildlife Site (LWS)	Great Chesterford Road Verge
LWS	Strethall Field Special Roadside Verge
LWS	Little Chesterford Verges

The species records provided by Essex Field Club returned three records for hedgehog, the closest of which was recorded in 2016 at approx. 300m from the site.

Bat records for the area include records for serotine, pipistrelle species and brown long-eared bat. The closest of these is a pipistrelle species, recorded in 2015 approx. 250m to the south of the site.

No records for badger or herpetofauna were returned.

Page 13 of 25

3.3 SURVEY - PEA

3.3.1 SITE DESCRIPTION

The site consists of a Grade II listed property which fronts the street and an outbuilding to the rear within the associated garden.

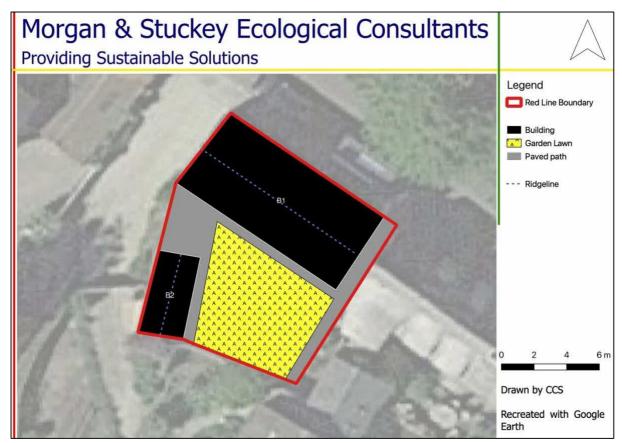


Figure 3-4 Site Plan

3.3.2 Habitats

3.3.2.1 BUILDINGS

The main house, (B1), is a Grade II listed building fronting the street. This is a two-storey, timber framed, detached property, with a steeply pitched gable-ended roof covered in slate roof tiles with one chimney positioned central to the roof. There is one loft void present, which is unlined and is insulated at floor level with minimal boarding.

The outbuilding to the rear, (B2), is a single-storey, brick-built building, with a pitched, gable-ended roof with no loft void. The ridge tiles are clay, and the western facing roof tiles are clay pan tiles, lined with bitumen felt. The east facing roof is covered in unlined slate roof tiles.



Figure 3-5 View of front elevation of B1



Figure 3-6 Internal loft void of B1



Figure 3-7 Western and eastern elevation of B2



Figure 3-8 View of internal ridgeline of B2

3.3.2.2 VEGETATED GARDEN

The rear garden includes a mown lawn bounded by a paved path. Forb species across the lawn included white clover, smooth hawkweed, bristly oxtongue, common and spiny sowthistle, spear thistle and dandelion. All other planting is limited to that which is growing in pots.



Figure 3-9 Small area of garden lawn to the rear of B1

3.3.3 EVIDENCE OF PROTECTED SPECIES

3.3.3.1 MAMMALS

No evidence of bats was found within either of the buildings on site and no evidence of any other mammals was found within the garden. Anecdotal evidence suggests hedgehogs enter the garden via a hole in the wooden fence to the rear of the garden.

3.3.3.2 BIRDS

No active or disused nests were found on site. Anecdotal evidence suggests Jackdaws have roosted in the loft void of B1. No evidence of this was found at the time of the survey, however, jackdaws were observed perched on the chimney stack.

3.3.3.3 HERPETOFAUNA

No herpetofauna were found during the survey.

3.3.3.4 INVERTEBRATES

No invertebrate surveys were undertaken, and few common garden insects were observed 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.

The only habitat that will be affected by the development is hard standing and a small amount of short mown garden lawn.

4.2 PROTECTED SPECIES

4.2.1 MAMMALS

Though some tiles across B1 have moved slightly, there were no significant gaps observed and no access points observed from within the loft void.

Both the slate and clay roof tiles across B2 were also tight fitting. Both buildings had a layer of moss growing over the tiles, particularly along the ridges, and the eaves across both buildings were tight.

Hedgehogs and other small mammals may access the garden, there is no suitable habitat on site for any larger terrestrial mammals.

4.2.2 BIRDS

There is very little opportunity for birds on site, however, corvids may utilise the chimney stack for roosting (this will be retained). Neighbouring vegetation provides more opportunities.

4.2.3 HERPETOFAUNA

There is no suitable habitat for this group on site, consisting of short mown garden lawn, paving and gravel driveway. The site falls into a green zone for GCN with Natural England and there are no water bodies within 250m of the site and little access to those water bodies that are further afield.

4.2.4 INVERTEBRATES

The potted plants provide some foraging opportunities and shelter for invertebrates.

5 CONCLUSION

On the instructions of Ian Abrams Architect Ltd., on behalf of Mr & Mrs D Chater, Morgan & Stuckey Ecological Consultants carried out an Ecological Impact Assessment for the site of Barcroft, Carmen St, Gt Chesterford, Saffron Walden, Uttlesford, Essex CB10 1NR.

Proposals for the site include for a double-storey rear extension linking the main house with the proposed renovated out-building to provide a family room, utility room, cloak room and external store on the ground floor and an additional bedroom on the first floor.

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, as the mown lawn offers few opportunities and there is very little other vegetation on site.

The site provides negligible potential for bats, badgers and herpetofauna due to the lack of suitable habitat and roosting opportunities.

The chimney on the main house (B1) provides some opportunities for corvid species, but otherwise the limited vegetation on site offers little suitability for breeding birds.

6 RECOMMENDATIONS

6.1 MITIGATION

6.1.1 BIRDS

There is some limited suitability for breeding birds within B1 and neighbouring vegetation means breeding birds could be in the vicinity of the site.

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, it is recommended that works 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 or works to the roof of B1 cannot be undertaken outside of the breeding season, 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

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 <u>BCT lighting guidelines</u> (Bats and Lighting in the UK (Bat Conservation Trust, 2018) to ensure that any commuting routes or foraging areas are unimpacted.

6.2 ENHANCEMENTS

6.2.1 BATS

It is recommended that an integrated bat box be installed within the new area of the building.

Ideally, this should face north or south and be no less than 3m above ground level. Built in bat boxes require no maintenance and can be faced in any material for aesthetic purposes.

If the building does not allow for an integrated bat box, then an external box can be installed instead. This should be hung on the building, 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

As elements of the gardens will be remaining, bird boxes could be installed on the boundary walls. It is recommended that a combination of open fronted and songbird boxes be used to provide nesting opportunities for common garden birds. One of each box type can be installed, these should be 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

As anecdotal evidence suggests that hedgehogs already utilise a small hole in the fence to the rear of the garden, this hole should be maintained, and a second hole should be installed on the other side of the garden to provide a continuous passageway through the garden.

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, injurer 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.