

<p><b>Will DWT intervene?</b></p>	<p>DWT is a wildlife charity and has no legal powers to stop crimes against wildlife.</p> <p>If you believe a legally protected species or habitat is under threat, please contact your local police by telephoning the Police at 101 (in non-emergency cases) and ask to speak to the Wildlife Crimes Officer.</p>
<p><b>What is wildlife crime?</b></p>	<p>Generally speaking, wildlife crime includes the killing, harming, disturbance, buying and selling, of wild animals and plants that are protected by law.</p> <p>Wildlife crime can include -</p> <ul style="list-style-type: none"> <li>▪ poaching</li> <li>▪ coursing</li> <li>▪ persecution of badgers, birds and bats</li> <li>▪ egg theft and collection</li> <li>▪ collection of or trade in protected species and animal products</li> <li>▪ not registering animals which require a licence</li> <li>▪ taking protected plants</li> <li>▪ use of poisons, snares or explosives to kill or injure animals</li> <li>▪ animal cruelty</li> <li>▪ hunting with dogs</li> <li>▪ introducing invasive species</li> <li>▪ killing or capturing, damaging or destroying the habitat of any protected animal</li> </ul> <p>In the context of planning proposals, there is the potential for contraventions of wildlife laws relating to damage or destruction of habitat of protected species.</p>
<p><b>Will clearance of a site, or construction works, cause a criminal offence to be committed?</b></p>	<p>Site clearance and development construction work has the potential to cause a breach of protected species legislation and can therefore give rise to a criminal offence. This will depend on the particular construction operations involved in relation to the legislation below.</p> <p>The main pieces of legislation protecting wild species are –</p> <ol style="list-style-type: none"> <li>1. Conservation of Habitats and Species Regulations</li> <li>2. Wildlife and Countryside Act</li> <li>3. animals protected under their own legislation (e.g. badgers)</li> </ol> <p><u>1. Species protected under the Conservation of Habitats and Species Regulations</u></p> <p>For the following species –</p> <ul style="list-style-type: none"> <li>▪ bats (all species)</li> <li>▪ dormouse</li> </ul>

- great crested newt
- otter

it is an offence, under the Regulations to –

- deliberately kill, disturb, capture, (or take or destroy eggs of) a protected animal or damage/destroy its breeding site or resting place.

This protection, however, is not absolute, because it is sometimes possible to obtain a License from Natural England which would permit these damaging activities (in effect legalising activities which would otherwise be illegal).

## 2. Species protected under the Wildlife and Countryside Act 1981 (W&C Act)

It is an offence under section 1(1) of the W&C Act to -

- intentionally kill, injure, or take any wild bird or destroy, damage, or take its nest (while in use or being built) or destroy or take its eggs

For the following birds (listed in **Schedule 1** of the W&C Act)

- barn owl
- cirl bunting
- heron (purple)
- kingfisher
- peregrine

it is, in addition to the offences above, also an offence, under section 1(5), to -

- intentionally or recklessly disturb a bird while in, on or near a nest containing eggs or young, or while it is building its nest, or disturb their dependent young

For the animals listed in **Schedule 5** of the W&C Act

- bats (all species)
- dormouse
- great crested newt
- otter
- water vole

it is an offence under **section 9** to -

- intentionally kill, injure or take the animal
- intentionally or recklessly disturb the animal while it is occupying a structure or place it uses for shelter or protection or obstruct access to it

For the reptiles below -

- adder
- grass snake
- slow worm
- common lizard

it is an offence under section 9(1) of the W&C Act to -

	<ul style="list-style-type: none"><li>intentionally kill or injure the reptile</li></ul> <p>It is not an offence to disturb the reptile or to damage its place of shelter, but where there is potential for killing or injuring offences to arise, the developer should show what measures will be taken to avoid them.</p> <p>There are other birds listed in Schedule 1 and other animals listed in Schedule 5 but since they are not usually affected by planning applications they are not mentioned here. There is no provision for licences to be issued for the purposes of development, under the W&amp;C Act.</p> <p><u>3. Protection of Badgers Act 1992</u></p> <p>The badger is a commonly occurring species and is not of conservation concern. Animal welfare concerns, however, have resulted in legal protection being given under the Protection of Badgers Act, under which it is an offence to -</p> <ul style="list-style-type: none"><li>kill (or attempt to kill), injure or take a badger</li><li>interfere with a badger sett (including intentionally or recklessly destroying, damaging or obstructing access to, a badger sett, or disturbing a badger while it is occupying a sett)</li></ul> <p>A badger sett is defined as any structure or place which displays signs indicating current use by a badger.</p> <p>A licence from Natural England is required to undertake development works which would otherwise result in an offence listed above, but the developer must provide justification and show what mitigation measures will be put in place.</p>
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