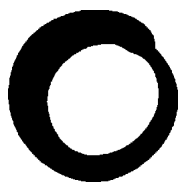


# **How to win**

## **Saving wildlife sites**



**Friends of  
the Earth**

**Written by** Alan Stanley on behalf of Friends of the Earth

**Edited by** Helen Barron

**Cover photo by** Michael Leach/Oxford Scientific Films

ISBN 1857503392

All rights reserved

© Friends of the Earth 2001

No part of this book may be reproduced by any means nor transmitted, nor translated into a machine language, without prior permission.

Friends of the Earth inspires solutions to environmental problems, which makes life better for people.

Friends of the Earth  
26-28 Underwood Street  
London N1 7JQ  
Tel: 020 7490 1555  
Fax: 020 7490 0881  
Email: [infoe@foe.co.uk](mailto:infoe@foe.co.uk)

**website: [www.foe.co.uk](http://www.foe.co.uk)**

**This is an extract**

A full copy of How to win: Saving wildlife sites can be downloaded from Friends of the Earth's website.

[http://www.foe.co.uk/resource/local/saving\\_wildlife\\_sites/](http://www.foe.co.uk/resource/local/saving_wildlife_sites/)

## 4 Species protection

The primary legislation dealing with species protection in the UK is the 1981 Wildlife and Countryside Act (This does not apply in Northern Ireland), the Habitats and Species Directive (see Appendix Two) and the Birds Directive. There are also other specific pieces of legislation, such as the Protection of Badgers Act 1992. A significant element of species protection arises from the UK's commitment to the 1992 Convention on Biological Diversity.

### 1 Biodiversity planning in the UK

More than 150 world leaders signed up to the Biodiversity Convention at the 1992 Earth Summit in Rio de Janeiro. The objective of this agreement was to conserve and enhance biodiversity worldwide. The Convention requires signatory countries to protect and manage their biodiversity sustainably, and calls on rich countries to help poorer nations meet their objectives. Sadly, there were few targets, timetables or binding commitments.

The UK Government published *Biodiversity: The UK Action Plan* in January 1994 as part of its obligations under the Convention. This was followed in 1997 by a set of Biodiversity Action Plans (BAPs) which detailed specific targets and actions for 389 species and 24 habitat types. These plans are implemented by a partnership of conservation organisations and are administered by a 'lead partner' which may be the wildlife agency or an organisation such as the Wildlife Trusts, RSPB or Plantlife.



#### Key point

**Species or habitats which are the subject of BAPs are the UK's stated priorities for action and therefore raise greater concern when they are threatened.**

BAPs do not carry legal status and listed species and habitat types are not necessarily protected (although some are covered by other legislation). The Countryside and Rights of Way Act places a duty on Government departments, however, "to have

regard to the purpose of conserving biological diversity in the exercise of their functions” (DETR, Countryside and Rights of Way Bill, Factsheet 4, Nature Conservation: [www.wildlife-countryside.detr.gov.uk/cl/bill/factsheet/ 4](http://www.wildlife-countryside.detr.gov.uk/cl/bill/factsheet/4)). The process of listing and identifying the priorities has legal backing even though the plans themselves do not.

### **Species protection legislation**

All wild birds, some animals and plants are protected under Part 1 of the 1981 Wildlife and Countryside Act (amended by the CRow Act 2000). It is an offence to take from the wild, kill, injure, intentionally or recklessly disturb or damage the nest or eggs of any wild birds. Additional penalties are incurred if this offence is committed with respect to certain species listed in Schedule 1 of the Act. An exception is made for some game species which may be hunted during defined seasons (listed in Schedule 2).

It is similarly an offence to kill, injure, take from the wild, be in possession of or trade in wild animals listed on Schedule 5. The intentional or reckless disturbance, damage and destruction of those species’ ‘places of shelter and protection’ is also outlawed. There are a number of exceptions to this, however, which allow disturbance where it is ‘unavoidable’ in the pursuit of specific other ‘lawful activities’.

Wild plants are also protected - it is an offence to pick, uproot or damage them. Additionally it is prohibited to sell or possess for the purpose of selling any plants listed on Schedule 8 or their derivatives.

## **2 A guide to particular species**

In addition to the measures covered above some species have specific additional protection. The following list is not comprehensive but covers a few of those species we get asked about the most.

### **Badgers**

Badgers are specifically protected under the provisions of the 1992 Protection of Badgers Act. This Act is designed to prevent the unlawful persecution of badgers for ‘sport’ and makes it a criminal offence to take, kill or injure a badger without a licence (granted by the wildlife agencies). It is also unlawful to interfere with its sett unless to

do so is unavoidable in carrying out a lawful activity. More information is available from the National Federation of Badger Groups at [www.badgers.org.uk/nfbg/](http://www.badgers.org.uk/nfbg/)

### **Bats**

All species of bat are protected in the UK by both the 1981 Wildlife and Countryside Act (Schedule 5) and the Species and Habitats Directive. They are a special case however in that any disturbance to their roosts is strictly controlled by law and anyone wishing to interfere in any way with a bat roost must first seek the advice of their wildlife agency. Additional information is available from the Bat Conservation Trust at [www.bats.org.uk](http://www.bats.org.uk)

### **Bluebells**

Bluebells are protected under Schedule 8 of the Wildlife and Countryside Act 1981 but only under those articles which restrict the sale of plants or bulbs taken from the wild. Apart from this they receive no more protection than that given to any wild plant under the 1981 Act. For more information contact Plantlife at [www.plantlife.org.uk](http://www.plantlife.org.uk)

### **Great crested newts**

The great crested newt is listed as a 'species of community interest' and is given protection by Annexes II and IV of the Habitats and Species Directive and the Wildlife and Countryside Act. It is an offence to kill or capture the species deliberately, to take or destroy its eggs, damage or destroy a breeding site or resting place, or to deliberately to disturb it. Disturbance is not restricted to places of shelter and is therefore prohibited anywhere. It is also on the priority list of the UK Biodiversity Action Plan. The Herpetological Conservation Trust works to protect newts and other reptiles and amphibians, contact it on 01202 391319.

## **3 CITES**

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), is an international system for regulating the trade in animals and plants, and products derived from them. It is based on a system of permits and certificates which are issued in the UK by the DETR. No native UK species are listed under CITES.