



A Greater Spotted Woodpecker on a Scots Pine tree, Beechhurst Park

Wildlife and trees

The purpose of this leaflet is to advise you of your responsibilities under the Wildlife and Countryside Act 1981 as amended, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats) Regulations 1994 if you are planning to carry out tree work. These Acts and Regulations protect ALL wild birds, their nests (whether in use or being built) and eggs and other wild animals including bats and their roosts in or adjacent to trees.

In simple terms, you should make sure that there are no wild birds nesting in or bats roosting in or adjacent to the tree(s) that you are proposing to work on. It is a criminal offence to recklessly or intentionally destroy any bird, its nest or its eggs or any bat or its roost (even if the roost is not occupied at the time). Please note that if your trees are protected (either subject to a tree preservation

order or by virtue of growing in a conservation area), obtaining consent from the council will not override your responsibilities under the above wildlife acts.

There are many ecological considerations on sites with and without trees and the main focus of this brief guidance relates to sites with trees and species that may be found living in trees and woodlands.



Brown Long-eared Bat

Bats

All native species of bat in the UK are afforded full legal protection via Schedules 5 and 6 of the Wildlife & Countryside Act, 1981 (as amended) and the Conservation (Natural Habitats, &c) Regulations, 1994 (The Habitats Regulations), which implements the EC Directive 92/43/EEC. In summary, these legislative instruments make it an offence, with certain exceptions, to carry out the following:

- Intentionally or deliberately kill, injure or capture bats
- Deliberately disturb bats (whether in a roost or not)
- Intentionally or recklessly disturb bats while occupying a bat roost
- Intentionally or recklessly damage, destroy or obstruct access to a bat roost
- Therefore it is advised that prior to any tree works being carried out that a bat survey is carried out to identify if bats may be roosting within the tree(s).



Badger

Badgers

Under the Protection of Badgers Act, 1992 it is currently illegal to:

- Wilfully kill, injure or take any Badger or attempt to do any of these things
- Cruelly ill-treat Badgers, or to dig for them
- Have in your possession any dead Badger or part of one, or an object derived from one
- Have in your possession or control a living, healthy Badger or sell one or offer one for sale
- Intentionally or recklessly damage, destroy or obstruct access to any part of a Badger sett, to cause a dog to enter a sett or to disturb a Badger while it is in a sett. Badgers are also protected under Schedule 6 of the Wildlife & Countryside Act, 1981 (as amended), which prohibits them being killed or taken by certain methods. Therefore it is advised that all works are carried out in compliance with the legislation that protects Badgers if they are present on or adjacent to the site.



Wren at Rooksbury Mill



Oakley Oak at Mottisfont

Birds

The Wildlife and Countryside Act, 1981 (as amended) provides protection to birds, from intentional killing, injuring or taking of any wild bird or taking, damaging or destroying the nest or eggs of any wild bird. All bird species, their nests and eggs are protected. Under Section 1 it is an offence to intentionally:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird whilst it is in use or being built
- Take or destroy the eggs of any wild bird
- Therefore it is advised that all trees, vegetation and buildings to be cleared outside the breeding bird season, which is March to August, but can continue into September.

Great Crested Newt

Great Crested Newt are protected under Schedules 5 and 6 of the Wildlife and Countryside Act, 1981 (as amended) and within the Conservation (Natural Habitats etc) Regulations, 1994, which protects Great Crested Newts from harm, injury and deliberate capture, killing, disturbance, damage and destruction of eggs, breeding sites or resting places. This includes deliberate or reckless damage or disturbance.

Reptiles

All of the reptile species native to Britain are protected by the Wildlife & Countryside Act, 1981 (as amended). This means that it is illegal to deliberately kill or injure a reptile, although their habitat is not protected. Therefore, there is a legal obligation to make a reasonable effort in removing reptiles from a site where there is considered a risk of causing harm to them.

Dormice

Dormice are protected by inclusion on Schedules 5 and 6 of the Wildlife and Countryside Act, 1981 (as amended) and the Conservation (Natural Habitats etc.) Regulations, 1994.

Veteran trees

These are trees of interest biologically, aesthetically or culturally because of their age, size and condition. Trees in the ancient stage of their lives or that are old relative to others of the same species. They are particularly important wildlife habitats and support many species that cannot live anywhere else. They are often a home to small fascinating species of fungi, beetles and mosses too. For more information visit www.woodland-trust.org.uk or www.naturalengland.org.uk or the Ancient Tree Forum www.ancienttreeforum.co.uk

If you require further information on any of the information within this leaflet, it is advised that specialist advice is sought from the relevant bodies and specialists with regard to preservation of each of the species outlined. In addition, to having the relevant surveys undertaken at the appropriate timings in order to carry out accurate assessments of the species present or habitat that may be affected.

For additional advice on trees:

Tree Health Diagnostic and Advisory Service Forest Research
Alice Holt Lodge, Farnham, Surrey GU10 4LH
Telephone 01420 23000
e-mail ddas.ah@forestry.gsi.gov.uk
www.forestry.gov.uk/fr/INFD-5UWEY6

The Arboricultural Association
The Malthouse, Stroud Green, Standish, Stonehouse, Gloucestershire GL10 3DL
Telephone 01242 522152
e-mail: admin@trees.org.uk
www.trees.org.uk/Directory-of-Tree-Surgeons

Bat Conservation Trust
5th floor, Quadrant House, 250 Kennington Lane, London, SE11 5RD
Bat helpline: 0345 1300 228
www.bats.org.uk
e-mail: enquiries@bats.org.uk

Natural England enquiry service
Telephone (local rate): 0300 060 3900
email: enquiries@naturalengland.org.uk
www.naturalengland.org.uk

English Heritage website: www.english-heritage.org.uk
Ancient tree forum via Woodland trust website: www.woodland-trust.org.uk
Tree Register website: www.treeregister.org

Useful contacts and references:

If you have any concerns regarding trees managed by Test Valley Borough Council - often land in public open spaces and parks - please contact Customer Services who will firstly confirm whether the land is indeed managed by the council.

Telephone 01264 368000 or 01794 527700 / Minicom 01264 368052

Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ

www.testvalley.gov.uk

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