

Protected Wildlife

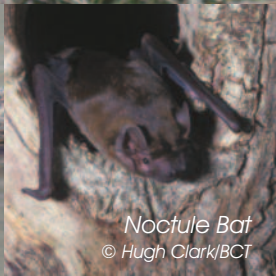
Information for Contractors



Badger



Water Vole



Noctule Bat
© Hugh Clark/BCT



Swallows' Nest



Otter

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INTRODUCTION

Certain animals, birds and plants are protected by law and legislation applies to both individuals and organisations. The Local Authority also has an additional legal duty to conserve wildlife and habitats (biodiversity) when carrying out its functions and must also ensure that this obligation is fulfilled by those who do work on its behalf.¹

As far as possible protected species will have been considered in the planning stages of your work and the specification may have clauses or restrictions to take account of this. However, there is still a risk that you may come across signs of protected species that could have been missed at the planning stage. The purpose of this leaflet is to give you information to make sure you are aware of some of the protected species you are most likely to come across in order to reduce the risk of committing an offence and causing harm to those species.

If you see signs of protected species, please contact your manager/contract manager or the relevant contact given at the end of this leaflet.

Avoiding the spread of diseases and invasive species

Harmful diseases and invasive species that threaten our native wildlife can be spread by accidentally transferring plant material, soil or water from site to site. See also page 11.

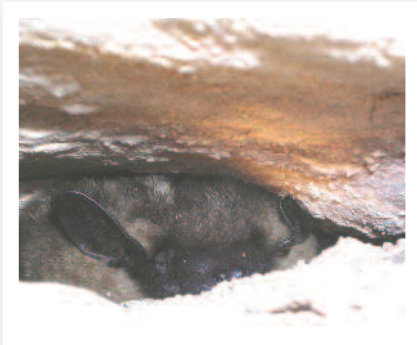
What to do:

Make sure your clothing, footwear, equipment and vehicles are clean before entering any site.

¹ The Natural Environment and Rural Communities Act (2006)

BRIDGES, BUILDINGS AND OTHER STRUCTURES

Bats in bridges, buildings, and other structures



Serotine bat roosting © Roger Havard



Daubenton's bat roosting

Bats may be found in buildings, bridges and other structures. Anywhere that a bat lives is called a roost. They do not construct roosts like birds build nests, but use existing structures or trees as their roosting sites. Some species of bat hang free but most creep into crevices or cracks as narrow as 12mm wide. Re-pointing and pressure grouting can crush or entomb bats. Even painting or timber treatment may affect bats if the roost is close by.

Protection: All species of bat and their roosts are protected by law. A bat roost is protected even when the bats are not present.²

Where you may find bats: Buildings, bridges, culverts, roof spaces, cracks between stones/bricks, expansion joints, cellars and mines (see also the section on Bats in trees). Bats may also be found in vegetation such as ivy that may be on buildings and structures.

² Conservation of Habitats and Species Regulations 2010 and Wildlife and Countryside Act 1981 (as amended)

Signs of bats in structures: Where bats are present, the most obvious sign is their droppings. Bat droppings contain insect remains and will crumble readily to a powder when rubbed between your fingers, unlike mouse droppings.



Bat droppings

What to do:

Check if the contract specifies a particular methodology or has other restrictions because bats are known or suspected to be present.

- If you come across signs of bats, or see bats, you should stop work **immediately** and seek advice (see p.12).

Birds in buildings and other structures



Swallows' nest © Caroline Wilson

Certain species of birds such as swallows, swifts, house martins, house sparrows, wrens, robins and barn owls often nest in buildings if opportunities exist. Other species such as dippers and grey wagtails will use bridge structures to nest in. The **bird nesting season** varies according to the weather and species of bird but is generally considered to be between the **beginning of March and the end of August** (or the end of September for species such as swallows).

Protection: It is unlawful to kill or injure a wild bird or to damage any nest whilst in use or being built. Some rarer species of bird such as barn owls are protected against intentional or reckless disturbance when nesting.³

Signs of nesting birds include; droppings, pellets, nests or the birds themselves.

What to do:

If required to undertake work in the bird nesting season (see above):

- Check for signs of actively nesting birds
- If you see signs of nesting birds stop work and seek advice immediately (see p.12). You may need to delay your work until after the birds have finished nesting.



Owl pellet

³ Wildlife and Countryside Act 1981

TREES

Bats in trees

Bats will roost in holes in old or decaying trees or under bark or ivy on trees.

Protection: All species of bat and their roosts are protected by law. A bat roost is legally protected even when the bats are not present.⁴



Noctule bat in tree
© Hugh Clark/Bat Conservation Trust

What to do:

If lopping or felling a mature tree is unavoidable for safety reasons, document the checks below on paper before work goes ahead.

1. Look for suitable roosting places in the trees

Using a powerful torch and binoculars, check for:

- woodpecker holes,
- cracks and splits,
- loose bark
- thick-stemmed ivy

2. Look for signs of bats:

- Tiny scratches around entry point
- Dark staining below entry point
- Flies around entry point
- Smoothing of surfaces around cavity
- Bat droppings in/around/below entrance
- Audible squeaking at dusk or in warm weather.
- **Where signs of bats are found, no further action should be taken without taking advice.**

⁴ Conservation of Habitats and Species Regulations 2010 and Wildlife and Countryside Act 1981 (as amended)

3 Where no signs are found but suitable roosting places are present, trees must be lopped of felled using reasonable avoidance measures.

To protect yourself legally, a record should be kept of the avoidance action you took. Follow these measures:

- carry out further investigation while climbing the tree
- do not cut into any cavities
- section-fell all limbs with possible roosts and lower to the ground gently, carefully positioning them so that any bats present can fly away at nightfall



Staining below a bat roost
© Jules Agate/Bat Conservation Trust

Birds in trees

Protection: It is unlawful to kill or injure any wild bird or to damage any nest whilst in use or being built. Some rarer species of bird are protected against intentional or reckless disturbance when nesting.⁵

What to do:

- Tree lopping or felling should **not** take place in the bird nesting season between **the beginning of March and the end of August**.
- If work between these times is **unavoidable** for safety reasons, before carrying out any work **check for nests**. If a nest is found or you are unable to rule out the presence of a nest, seek advice (see p.12).

⁵ Wildlife and Countryside Act 1981

BADGERS IN WOODLAND OR SCRUB

Badgers make their setts in woodland or scrub, often in a bank or on sloping ground. There will be large amounts of earth piled up outside the sett, and usually more than one hole in the area.

Protection: Badgers and their setts are protected by law⁶. Work within 30m of a sett could be illegal without a licence.



Badgers' sett



Badgers' sett

What to do:

Seek advice immediately if your work is within 30m of a suspected badger sett to establish whether your work requires a licence (see p.12).

⁶ The Protection of Badger Act 1992

HEDGE TRIMMING

Hedgerows form corridors for wildlife to move along and provide food and shelter for a range of species.

Protection: Whereas hedgerows themselves may well be protected, it is the protected species within the hedge that are the main concern when undertaking hedge trimming.

Birds in hedges: It is unlawful to kill or injure any wild bird or to damage any nest whilst in use or being built⁷.

Dormice in hedges: Dormice can occur in hedgerows in specific areas of North Wales. Both dormice and their resting places are protected⁸.

What to do:

- Hedge trimming should **not** take place **between the beginning of March and the end of August**. Where possible, cut hedgerows later in the winter months (Jan/Feb). This ensures that birds have been able to feed from the hedgerows throughout the winter months when food is limited.
- If trimming during the bird nesting period is **unavoidable** for safety reasons, **check for bird nests**. If a nest is found or suspected stop work and seek advice.
- Only proceed if no nests are found, and trim **the minimum** amount necessary.
- If dormice are present, or thought to be present, seek advice (see p.12).

⁷ Wildlife and Countryside Act 1981

⁸ Conservation of Habitats and Species Regulations 2010 and Wildlife and Countryside Act 1981 (as amended)

WATERCOURSES, DITCHES AND PONDS

e.g. rivers, streams, ditches and wet areas

Protection: Watercourses are important habitats, but it is the protected species within the watercourse that are the main concern when undertaking work. **Protected species found in watercourses** and wet areas include: water voles, otters, breeding birds and great crested newts. You risk committing an offence by killing them or damaging their breeding or resting place⁸. Your contract may also take account of timing of work to avoid impacts on fish spawning.

What to do:

- If you see
 - an active bird nest
 - mammal droppings, particularly otter faeces (spraint) or water vole droppings, along river banks or ditch-sides
 - burrows or holes in banks or
 - runs in vegetation

seek advice (see p.12).



Otter spraint showing fish bone content



Remains of otter spraint showing tarry/oily residue

⁸ Conservation of Habitats and Species Regulations 2010 and Wildlife and Countryside Act 1981 (as amended)



Water vole burrow



Water vole latrine © Roger Jones



Water vole feeding remains



Water vole droppings approx 8-12mm (right) compared to smaller bank vole droppings (left)

INVASIVE NON-NATIVE SPECIES

Invasive non-native species are those that would not naturally occur here and have serious negative impacts.

They are often present within or beside watercourses and ditches, or along roads and other transport corridors. There is a risk of spread particularly through road verge management or works to watercourses or any earth-moving activity.

Invasive non-native species include: Japanese knotweed, Himalayan balsam, giant hogweed, Australian swamp stonecrop. See www.nonnativespecies.org or www.naturalresourceswales.gov.uk

Legal status: It is an offence to cause some invasive non-native species to spread to the wild⁹ or to dispose of them incorrectly¹⁰.

What to do:

- Your contract may contain clauses to control and/or avoid the spread of invasive non native species.
- If you become aware of invasive non native species on site please report this immediately to your manager /contract manager and seek advice.



- 1 Japanese Knotweed Crown copyright 2009 GBNNSS
- 2 Himalayan Balsam Crown copyright 2009 GBNNSS
- 3 Giant Hogweed Crown copyright 2009 GBNNSS
- 4 New Zealand stonecrop Crown copyright 2009 GBNNSS

⁹ Wildlife and Countryside Act 1981

¹⁰ Environmental Protection Act 1990

WHO TO CONTACT FOR ADVICE

Ask your contract manager/supervisor or the Ecologist or Biodiversity Officer in each of these Authorities:



Isle of Anglesey County Council

01248 752470 biodiversity@anglesey.gov.uk



Conwy County Borough Council

01492 575337 erf@conwy.gov.uk



Gwynedd Council

01286 679381 biodiversity@gwynedd.gov.uk



Denbighshire County Council

01824 708263 biodiversity@denbighshire.gov.uk



Flintshire County Council

01352 703268



Wrexham County Borough Council

01978 298762



Snowdonia National Park Authority

01766 770274 parc@eryri-npa.gov.uk

Protected species advice, protected species licences and advice on invasive non-native species:

Natural Resources Wales

0300 065 3000 or enquiries@naturalresourceswales.gov.uk

www.naturalresourceswales.gov.uk



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WALES BIODIVERSITY PARTNERSHIP

This leaflet is intended as information only and does not constitute legal advice. It was believed to be correct at the time of going to press. No responsibility can be accepted for errors or omissions.

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