

# Protected Species and the Law

## Protected species in Cheshire

### Schedule 1 Birds

Avocet, Barn owl,  
Bearded tit, Bittern,  
Black-necked grebe,  
Black tailed godwit,  
Firecrest, Garganey,  
Goshawk, Hen harrier,  
Kingfisher, Little  
ringed plover, Marsh  
harrier, Merlin,  
Peregrine, Woodlark,  
Whooper Swan

### Amphibians

Great crested newt\*,  
Natterjack toad\*,

### Fish

Barbel\*, Grayling\*,  
Powan\*, River  
Lamprey\*, Salmon\*,  
Sturgeon\*, Vendace\*,

### Invertebrates

Field cricket, Large  
blue, Large copper,  
Lesser silver water  
beetle, Marsh  
fritillary, White  
clawed crayfish,  
Southern damselfly,  
Swallowtail,

\*European Protected Species

## Wildlife & Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the primary legislation in Great Britain for the protection of wildlife and nature. The Wildlife and Countryside Act includes the UK's domestic implementation of the species protection of the European Directive on the Conservation of Wild Birds (79/409).

For further information see [jncc.defra.gov.uk/page-1377](http://jncc.defra.gov.uk/page-1377)

## WCA Schedule 1 - Wild birds

All naturally occurring wild birds in Great Britain are protected from persecution by the Wildlife and Countryside Act 1981. It is illegal to kill, injure or 'take' any wild bird (with the exception of species listed on Schedule 2), take or damage the nest of any wild bird whilst in use or being built. The eggs of all wild birds are also protected. The Act also prohibits certain methods of killing, injuring, or taking birds.

Special penalties are available for birds listed on **Schedule 1**. The Act provides further protection for additional disturbance of these birds or their dependent young at, or near their nests.

## WCA Schedule 5 & 6 - Other wild animals

Any wild animal in Great Britain that is listed on **Schedule 5** of the Wildlife and Countryside Act is protected from the following offences:-

- the intentional or reckless killing, injuring or taking
- the possession, or possession of part of any animal on the list
- disturbance or obstruction/destruction of places they use for shelter
- selling or advertising for sale

Animals listed on **Schedule 6** are protected from being killed or taken by certain methods under Section 11(1) of the Wildlife and Countryside Act 1981.

## WCA Schedule 8 - Plants

It is illegal to intentionally uproot any naturally occurring wild plant in Great Britain without the permission of the landowner. Any plant listed on **Schedule 8** is further protected. With or without landowner permission it is an offence to:-

- intentionally pick, uproot or destroy
- sell, offer for sale, possess or transport for the purpose of sale (live or dead, part or derivative)
- advertise any plant listed for buying or selling



# Protected Species and the Law

## Protected species in Cheshire

### Mammals

Bats\* (12 of the 14 species found in Britain occur in Cheshire), Badger, Hazel dormouse\*, Otter\*, Water vole, Whales/Dolphins & porpoises\* (11 of the 28 cetaceans found in Britain have been recorded off the Cheshire Coast)

### Reptiles

Adder, Common lizard, Grass snake, Slow worm

### Plants

Bluebell (sale only), Early gentian\*, Floating-leaved water plantain, Pennyroyal

\*European Protected Species

### Cheshire Wildlife Trust

Bickley Hall Farm  
SY14 8EF

01948 820728

info@cheshirewt.org.uk

Registered Charity no. 214927  
A company Limited by Guarantee  
Registered in England No. 738693  
December 2014

## WCA Schedule 9

Certain species of plants and animals that do not naturally occur in Great Britain have become established in the wild and represent a threat to our native plants and animals. Section 14 of the Wildlife & Countryside Act prohibits the release of any animal species in Great Britain that are listed on Schedule 9. The establishment of non- native plant species is also prohibited. It is not mandatory to remove or treat invasive plants, but it is an offence to:-

- allow invasive plants to spread onto adjacent land
- plant or encourage the spread of invasive plants outside of your property

This includes moving contaminated soil from one place to another or incorrectly handling and transporting contaminated material and plant cuttings. This is of particular relevance during development on sites where non-native invasive species are present.

*N.B. the list of non-native plants and animals included on Schedule 9 is extensive, for a full list see [www.fera.defra.gov.uk/plants/documents/schedule9Dec10.pdf](http://www.fera.defra.gov.uk/plants/documents/schedule9Dec10.pdf)*

## European Legislation

The European Union (EU) plays a crucial role in developing policy and legislation to protect the environment and meet its objective for sustainable development. The EU has specific targets for biodiversity conservation with legislative protection for key habitats and species. As a member state the UK Government is responsible for helping to develop, agreeing and implementing EU legislation.

There are two key EU Directives that provide for the protection of wildlife and their habitats that are of European Importance.

1. **European Commission Birds Directive:** Directive 2009/147/EC on the Conservation of Wild Birds
2. **European Commission Habitats Directive:** Directive 92/43/EEC on the conservation of natural habitats and wild plants and animals

Protection of plants and animals in the EC Habitats Directive whose natural range falls anywhere within Great Britain (European Protected Species) is implemented under **The Conservation of Habitats & Species Regulation 2010**.

Other important EU Directives for Nature Conservation include **The Water Framework and The Marine Strategy Framework**

**For further information see [jncc.defra.gov.uk/page-1373](http://jncc.defra.gov.uk/page-1373)**