

# Understanding the law and protections for wildlife



**Cheshire**  
Wildlife Trust

[cheshirewildlifetrust.org.uk](http://cheshirewildlifetrust.org.uk)



# In Cheshire

## Priority birds

### Section 41 Birds

- Skylark
- Tree pipit
- Greater scaup
- Bittern
- Brent goose
- Nightjar
- Lesser redpoll
- Linnet
- Twite
- Hen harrier
- Hawfinch
- Common cuckoo
- Bewick's swan (Tundra Swan)
- Lesser spotted woodpecker
- Corn bunting
- Yellowhammer
- Reed bunting
- Red grouse
- Herring gull
- Black-tailed godwit
- Savi's warbler
- Grasshopper warbler
- Common scoter
- Yellow wagtail
- Spotted flycatcher
- Curlew
- House sparrow
- Tree sparrow
- Grey partridge
- Wood warbler
- Willow tit
- Marsh tit
- Dunnock (Hedge accentor)
- Balearic shearwater
- Bullfinch
- Roseate tern
- Turtle dove
- Starling
- Song thrush
- Ring ouzel
- Lapwing
- Black-necked grebe\*
- Barn owl\*

**\*Local priority birds**

## Priority habitat

### Section 41 Habitats

- Rivers
- Oligotrophic and Dystrophic lakes
- Ponds
- Mesotrophic lakes
- Eutrophic standing water
- Arable field margins
- Hedgerows
- Traditional Orchard
- Woodpasture and Parkland
- Upland Oakwood
- Lowland Beech and Yew Woodland
- Upland Mixed Ashwood
- Wet Woodland
- Lowland Mixed Deciduous Woodland
- Upland Birchwoods
- Lowland Dry Acid Grassland
- Lowland Calcareous Grassland
- Upland Calcareous Grassland
- Lowland Meadows
- Upland Hay Meadows
- Coastal and Floodplain Grazing Marsh
- Lowland Heathland
- Upland Heathland
- Upland Flushes, Fens and Swamps
- Purple Moor Grass and Rush Pastures
- Lowland Fens
- Reedbeds
- Lowland Raised Bog
- Blanket Bog
- Inland Rock Outcrop and Scree Habitats
- Calaminarian Grasslands
- Open Mosaic Habitats on Previously Developed Land
- Maritime Cliff and Slopes
- Coastal Sand Dunes
- Coastal Saltmarsh
- Intertidal Mudflats
- Estuarine Rocky Habitats
- Sabellaria spinulosa Reefs
- Saline Lagoons
- Ancient Semi-Natural Broadleaved Woodland\*
- Dry Stone Walls\*
- Gardens and Allotments\*
- Waxcap Grasslands\*
- Limebeds\*
- Meres\*
- Peatland\*
- Ponds\*
- Roadside Verges\*
- Unimproved Grassland\*

**\* Local Priority Habitats /Irreplaceable Habitats**

## Priority species

### Schedule 41 Mammals

- Whales/Dolphins & Porpoises\* (11 of the 28 cetaceans found in Britain have been recorded off the Cheshire Coast)
- Common seal
- Scottish wildcat\*
- Hedgehog
- Polecat
- Brown hare
- Mountain hare
- Hazel dormouse\*
- Harvest mouse
- Otter\*
- Red squirrel
- Water vole
- Hedgehog
- Pine marten
- Bats\* (12 of the 14 species found in Britain occur in Cheshire)

### Schedule 41 Herptiles

- Common toad
- Natterjack toad\*
- Pool frog
- Great crested newt\*
- Slow worm
- Adder
- Grass snake
- Smooth snake
- Sand lizard\*
- Common lizard

**\*European Protected Species**



# Guidance for protected species

**Certain species have particular protections under the law. Depending on the species and the nature of the impacts, additional surveys and licenses may be required of developers.**

**Natural England has guidance on measures for the following species:**

**Wild birds**

**Great crested newts**

**Natterjack toads**

**Bats**

**Water voles**

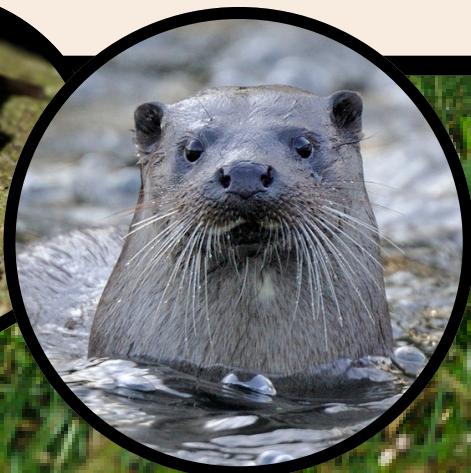
**Badgers**

**Otters**

**Hazel dormice**

**Protected plants, fungi, lichens**

*Click the links to see Natural England's guidance!*



# Policy and legislation

## Wildlife and Countryside Act (WCA) 1981

The Wildlife and Countryside Act 1981 (as amended) is the main law in Great Britain for the protection of wildlife and nature. The Wildlife and Countryside Act includes the UK's version of the species protection of the European Directive on the Conservation of Wild Birds (79/409). For further information see [jncc.defra.gov.uk/page1377](http://jncc.defra.gov.uk/page1377)

### Schedule 1 Wild birds

It is an offence to:

- kill, injure or 'take' any wild bird
- take or damage the nest of any wild bird whilst in use or being built

### Schedule 5 & 6 Other wild animals

It is an offence to:

- intentionally or recklessly kill, injure or take
- possess or possess part of any animal on the list
- disturb or obstruct/destroy places they use for shelter
- sell or advertise for sale

### Schedule 8 Plants

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

### Schedule 9 Invasive Species

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



# Policy and legislation

A close-up photograph of a brown vole with long whiskers, sitting in a field of green grass and eating a piece of grass. The vole is the central focus of the image, with its hands holding the grass. The background is a soft-focus green field.

## 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. This includes legislative protection for key habitats and species.

Two key EU Directives provide for the protection of wildlife and their habitats that are of European Importance:

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

While the UK is no longer a member state, the Government maintains responsibility in protecting European designated sites and species in our territory. This is done through the **Conservation of Habitats & Species Regulation 2017 (as amended)**.

## Site Designations

### International Designations

- Ramsar sites

### European Designations

- Special Areas of Conservation (SAC)
- Special Protection Areas (SPA)

### National Designations

- Sites of Special Scientific Interest (SSSI)
- National Nature Reserves (NNR)

### Local Designations

- Local Nature Reserves (LNR)
- Non-statutory Local Wildlife Sites (LWS)

# Policy and legislation

## **National Planning Policy Framework (NPPF)**

To “promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity” - section 192b

Includes policy related to protected species and habitats (192b, 195), locally designated sites (187a, 187d, 188, 192), BNG (8c, 187d, 192b, 193d), statutory sites (193b).

## **Natural Environment and Rural Communities Act (NERC) 2006**

The importance of biodiversity conservation is given a legal basis, requiring government departments to have regard for biodiversity in carrying out their functions, and to take positive steps to further the conservation of listed species and habitats. Local government is given a statutory duty to further the conservation and enhancement of Sites of Special Scientific Interest (SSSIs), both in carrying out operations, and in exercising decision-making functions.

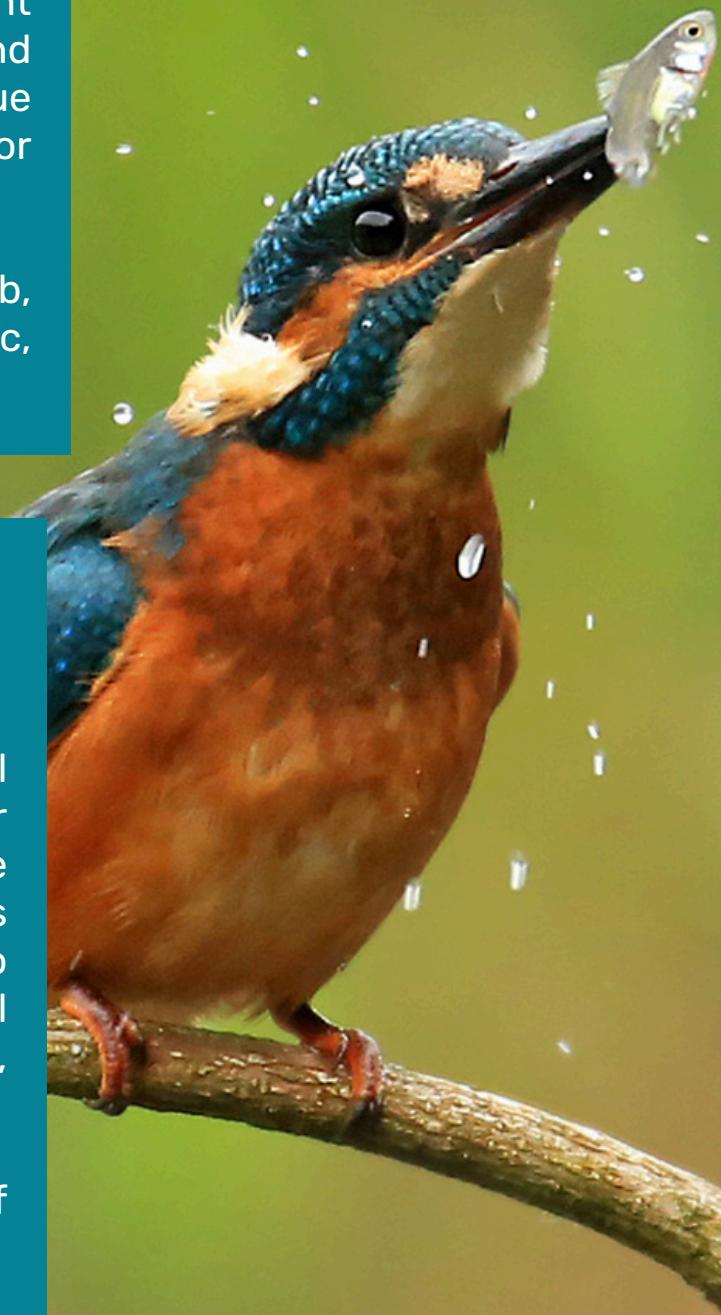
Includes policy that sets up the list of Habitats and Species of Principle Importance under Section 41.

## **Environment Act 2021**

Sets out targets for improvement of the natural environment in 4 priority areas: air, water, biodiversity, and resource efficiency and waste reduction.

It sets up Biodiversity Net Gain (BNG) to improve nature through the planning system where new developments must leave nature in a better state than before.

It also sets out the Local Nature Recovery Strategies to be developed by each county by 2025.



# Keep us updated

Keep in touch



We hope this guide has helped you better understand national legislation and protected wildlife.

We know legislation can be a bit of a head scratcher, so if you have any questions, we're happy to help - just reach out via email:  
[planning@cheshirewt.org.uk](mailto:planning@cheshirewt.org.uk)

We'd love to hear about the work you're doing for nature - feel free to share photos and stories with us!

For more information on our campaigns, visit our website:  
<https://www.cheshirewildlifetrust.org.uk/take-action/campaign-for-nature>

Cheshire Wildlife Trust, Bickley Hall Farm  
Malpas, Cheshire, SY14 8EF  
Tel: 01948 820728  
Web: [cheshirewildlifetrust.org.uk](http://cheshirewildlifetrust.org.uk)

Registered charity no: 214927  
A company limited by guarantee in  
England no: 736693



Photo credits: Russell Savory, Chris Lawrence, Luke Massey/2020VISION, Mark Hamblin/2020VISION, Tom Hibbert, Jon Hawkins - Surrey Hills Photography, Terry Whittaker/2020VISION, Andy Rouse/2020VISION, Chris Damant