



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Appendix 9.19.1 - Species Legislation and Conservation Status

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APPENDIX 9.19.1 SPECIES LEGISLATION AND CONSERVATION STATUS

1.1 Invertebrates

1. A number of UK invertebrates, including white clawed crayfish (*Austropotamobius pallipes*) are protected under UK legislation, including the Wildlife and Countryside Act 1981 (as amended). In addition, numerous species are Priority Species.

1.2 Plants

2. All wild plants are protected against unauthorised removal or uprooting under Section 13 of the Wildlife and Countryside Act 1981 (as amended). Plants listed on Schedule 8 of the Act (e.g. stinking goosefoot, red helleborine, monkey orchid) are afforded additional protection against picking, uprooting, destruction and sale. Bluebell (*Hyacinthoides non-scripta*) is protected against sale only. Further species are also protected under the Conservation of Habitats and Species Regulations 2017 (as amended).
3. Notable plant species include those that are listed as:
 - Nationally vulnerable – A taxon is Vulnerable when the best available evidence indicates that it meets any of the criteria A-E for Vulnerable and is therefore considered to be facing a high risk of extinction in the wild (Cheffings C M & Farrell L (Eds) (2005) Species Status No. 7 – The Vascular Plant Red Data List for Great Britain, JNCC (online)).
 - Nationally scarce – species recorded in 16-100 hectads in Great Britain.
 - Nationally rare – species occurring in 15 or fewer hectads in Great Britain.
4. Section 14 of the Wildlife and Countryside Act 1981 (as amended) prohibits the planting of certain invasive plant species in the wild, or otherwise causing them to grow there. Prohibited plants are listed on Part 2 of Schedule 9 and include Japanese knotweed, Himalayan balsam and giant hogweed.

1.3 Amphibians

5. There are seven native amphibian species present in Britain. These are afforded varying degrees of protection under UK legislation. Great crested newts (*Triturus cristatus*) and their habitat are afforded full protection under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to:
 - Deliberately capture, injure or kill a great crested newt.
 - Damage or destroy any place used for shelter or protection by great crested newts, including resting or breeding places; or intentionally or recklessly obstruct access to such a place.
 - Deliberately, intentionally or recklessly disturb great crested newts.
6. Great crested newt and common toad (*Bufo bufo*) are Priority Species.

1.4 Reptiles

7. Slow-worm (*Anguis fragilis*), viviparous/common lizard (*Zootoca vivipara*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) are protected under the Wildlife and Countryside Act 1981 (as amended) against intentional killing and injuring. These species are also Priority Species.

1.5 Birds

8. The bird breeding season generally lasts from March to early September for most species. All birds are protected under the Wildlife and Countryside Act 1981 (as amended) and the Countryside & Rights of Way Act 2000. This legislation makes it illegal, both intentionally and recklessly, to:

- kill, injure or take any wild bird.
- take, damage or destroy the nest of any wild bird while it is being built or in use.
- take or destroy the eggs of any wild bird.

9. Furthermore, birds listed on Schedule 1 of the Wildlife & Countryside Act 1981 (as amended) are protected against intentional or reckless disturbance whilst nest building and when at or near a nest containing eggs or young. Dependent young of Schedule 1 species are also protected against disturbance.

10. In addition to this legal protection, the leading governmental and non-governmental conservation organisations in the UK have reviewed the population status of the birds regularly found here and produced a list of birds of conservation concern. Of the 244 species assessed, 67 were placed on the Red List of high conservation concern, 96 on the Amber List of medium conservation concern and 81 on the Green List of low conservation concern:

- Red list species are those that are Globally Threatened according to IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and not shown a substantial recent recovery.
- Amber list species are those with an unfavourable conservation status in Europe; those whose population or range has declined moderately in recent years; and those with internationally important or localised populations.

1.6 Badgers

11. Badger (*Meles meles*) is a widespread and common species. However, they are legally protected under the Protection of Badgers Act 1992, primarily for animal welfare reasons. Under this legislation it is illegal to:

- Willfully kill, injure, take, or cruelly ill-treat a badger, or attempt to do so.
- Intentionally or recklessly interfere with a sett by disturbing badgers whilst they are occupying a sett, damaging or destroying a sett, or obstructing access to it.

12. A badger sett is defined in the legislation as “any structure or place, which displays signs indicating current use by a badger”.

1.7 Bats

13. There are 18 species of bats found in the UK, 17 of which are known to breed here. The conservation status of these species is summarised in the [Table 1](#)
Reference source not found.:

Table 1: Bat Species found in the UK

Common name	Scientific name	IUCN Red List*	Priority Species
Greater horseshoe	<i>Rhinolophus ferrumequinum</i>	LC	Yes
Lesser horseshoe	<i>Rhinolophus hipposideros</i>	LC	Yes
Daubenton's	<i>Myotis daubentonii</i>	LC	No
Brandt's	<i>Myotis brandtii</i>	LC	No
Whiskered	<i>Myotis mystacinus</i>	LC	No
Natterer's	<i>Myotis nattereri</i>	LC	No
Bechstein's	<i>Myotis bechsteinii</i>	NT	Yes
Alcathoe bat	<i>Myotis alcathoe</i>	DD	No
Greater mouse-eared	<i>Myotis myotis</i>	LC	No
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	LC	No
Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	LC	Yes
Nathusius' pipistrelle	<i>Pipistrellus nathusii</i>	LC	No
Serotine	<i>Eptesicus serotinus</i>	LC	No
Noctule	<i>Nyctalus noctula</i>	LC	Yes
Leisler's	<i>Nyctalus leisleri</i>	LC	No
Barbastelle	<i>Barbastella barbastellus</i>	NT	Yes
Brown long-eared	<i>Plecotus auritus</i>	LC	Yes
Grey long-eared	<i>Plecotus austriacus</i>	LC	No

*IUCN categories: LC Least Concern, NT Near Threatened, DD Data Deficient

14. All bat species are afforded full protection under UK legislation, including the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).
15. Together, this legislation makes it illegal to:
- Deliberately capture, injure or kill a bat.
 - Damage or destroy a bat roost; or intentionally or recklessly obstruct access to bat roosts.
 - Deliberately, intentionally or recklessly disturb a bat, including in particular any disturbance which is likely:
 - to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - to affect significantly the local distribution or abundance of the species to which they belong.

16. A bat roost is defined in the legislation as “any structure or place which a bat uses for shelter or protection”. Roosts are protected whether or not bats are present at the time.

1.8 Otter

17. Otters (*Lutra lutra*) are fully protected under UK legislation, including the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to:

- Deliberately capture, injure or kill an otter.
- Damage or destroy any structure or place used for shelter or protection by an otter; or
- intentionally or recklessly obstruct access to such a place.
- Deliberately, intentionally or recklessly disturb an otter whilst it is occupying a structure or place which it uses for shelter or protection.

18. Otter is a Priority Species.

1.9 Water vole

19. Water vole (*Arvicola amphibious*) are afforded full protection under the Wildlife and Countryside Act 1981 (as amended), which make it illegal to:

- Kill, injure or take a water vole.
- intentionally or recklessly destroy, damage or obstruct access to any structure or place that is used by a water vole for shelter or protection.
- intentionally or recklessly disturb a water vole whilst it is in a place used for shelter or protection.

20. Water vole is a Priority Species.

