

A303 Sparkford to Ilchester Dualling Scheme
TR010036
6.3 Environmental Statement
Appendix 8.1 Protected Species Legislation and
Policy

APFP Regulation 5(2)(a)
Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009
July 2018



Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms
and Procedure) Regulations
2009**

**A303 Sparkford to Ilchester Dualling
Scheme**

Development Consent Order 201[X]

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1 Protected Species Legislation

1.1.1 An overview of protected species legislation is provided in Table 1.1 below, and has been used to inform Chapter 8 Biodiversity, Volume 6.1.

Table 1.1: Protected species legislation

Species	Legislation
Bats <i>Chiroptera</i>	All bat species are protected under the Conservation of Habitat and Species Regulations 2010 and Wildlife and Countryside Act (WCA) 1981. This means it is illegal to: <ul style="list-style-type: none"> • Deliberately capture, injure or kill a bat. • Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats. • Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time). • Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat. • Intentionally or recklessly obstruct access to a bat roost.
Badgers <i>Meles meles</i>	Badgers and their setts are afforded protection under the Protection of Badgers Act 1992. This Act is in relation to welfare legislation for badgers, due to history persecution, rather than their distribution which is widespread and abundant throughout the countryside. Under this act it is an offence to: <ul style="list-style-type: none"> • Capture, kill, injure and cruelly or ill-treat a badger. • Damage, obstruct or destroy a sett. • Disturb a badger when within a sett.
Dormice <i>Muscardinus avellanarius</i>	Dormice are protected under the Conservation of Habitat and Species Regulations 2012 and by the Wildlife and Countryside Act 1981. This makes it illegal to: <ul style="list-style-type: none"> • Intentionally or deliberately injure, kill, or take any wild dormouse. • Intentionally or deliberately damage, destroy or obstruct any access to any structure or place used for shelter, breeding, or protection by a dormouse. • Or to intentionally or recklessly disturb a dormouse whilst it is using such a structure or place. • Possess or advertise/sell/exchange a dormouse (dead or alive) or any part of a dormouse.
Great crested newts (GCN) <i>Triturus cristatus</i>	GCN are fully protected by the Conservation of Habitats and Species Regulations 2010 and under the WCA 1981. This makes it illegal to: <ul style="list-style-type: none"> • Intentionally or deliberately kill, injure or take any GCN. • Possess or control any live or dead specimen, or anything derived from a GCN. • Intentionally or deliberately damage, destroy or obstruct any access to any structure or place used for shelter, breeding, or protection by a GCN. • Or to intentionally or recklessly disturb a great crested newt whilst it is using such a structure or place.
Widespread reptile species (Slow worm <i>Anguis fragilis</i> , Grass snake <i>Natrix natrix</i> , Common lizard <i>Zootoca vivipara</i> , and Adder <i>Vipera berus</i>).	All UK reptile species are protected under the WCA 1981 making it illegal to: <ul style="list-style-type: none"> • Intentionally or deliberately injure, kill, or take any wild reptile. • Possess or advertise/sell/exchange a reptile (dead or alive) or any part of a reptile.

Species	Legislation
Breeding Birds	<p>All wild birds in the UK are protected under the WCA 1981 making it illegal to: Kill, injure or take any wild bird;</p> <ul style="list-style-type: none"> • 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. • Possess or control (e.g. for exhibition or sale any wild bird or egg unless obtained legally). <p>In addition to the above, Schedule 1 birds species are also protected from disturbance, both to their nesting areas and wintering habitats.</p>
<i>Water voles Arvicola amphibius</i>	<p>Water voles are protected under the WCA 1981 (as amended by the Countryside and Rights of Way Act 2000). This legislation makes it an offence to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure, disturb or take a wild water vole. • Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by this species. • Sell, offer for sale or advertise for live or dead water voles; and • Possess or control a live or dead water vole, or any part of a water vole.
Otters <i>Lutra lutra</i>	<p>Otters are afforded protection under Schedule 5 and 6 of the WCA and the Conservation Habitats and Species Regulations 2010. This makes it illegal to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure, disturb or take an otter. • Intentionally or recklessly damage, destroy or obstruct access to any place that an otter uses for shelter or protection.
Invertebrates / Macroinvertebrates	<p>Invertebrates can be listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and is afforded limited protection under Section 9 of this Act (for sale only) and as a UK BAP priority species.</p> <p>Under Schedule 5 of the Wildlife and Countryside Act 1981 it is illegal to:</p> <ul style="list-style-type: none"> • Sell, offer for sale, possess or transport such species for the purpose of selling. • Advertise the buying or selling of them.