The School
The Green
Biddestone
Wiltshire
Garage

Preliminary Roost Assessment

LUS Ecology
On behalf of
David Pearce

Date: 01/03/23
Document Ref: LUS2308 PRA
Revision: Submission
Approved by: Greg Nightingale

Lus

CIEEM
REGISTERED
PRACTICE 2022-2023

Contents

Chapter 1: Summary 2

Chapter 2: Introduction 3

Chapter 3: Method 5

Chapter 4: Results and Assessment 9

Chapter 5: Discussion 17

Appendix A: Legislation and Planning Policy 18

Chapter 1: Summary

1.1 A planning application for the removal and replacement of a garage at The School, The Green, Biddestone, Wiltshire, will be submitted in the near future.

1.2 A Preliminary Roost Assessment of the existing garage and an adjacent shed has been completed by a class two bat licenced ecologist.

1.3 The survey confirmed that the garage and shed have negligible suitability to support bat roosts. There will be no impact on bats or any bat roosts, as a result of the planning application. No further surveys are required.

1.4 Birds could use the garage to nest in the future. Therefore, the dismantlement of the garage should be undertaken outside the nesting bird season (which is generally taken to be March - August inclusive). Should it prove necessary to dismantle the garage during the bird nesting season, the area will be checked in advance for the presence of bird nests by a suitably competent person. If there is no evidence of breeding birds the repair work should be completed within 48 hours of inspection. If any active nests are identified, the repair work must wait, until the young have fledged.

1.5 The applicant has committed to the provision of six internally mounted swift boxes as an ecological enhancement.

1.6 Based on the results of the surveys the context of the Site, and the overall low ecological importance of the Site, this report is valid for a period of 18 months (i.e., the 17/08/2024). This is reasoned in line with good practice guidelines.

Chapter 2: Introduction

Context

2.1 This report sets out a Preliminary Roost Assessment (PRA) of the garage at The School, The Green, Biddestone, Wiltshire, Garage (hereafter referred to as 'the Site'). The aerial image of the Site (**Figure 1**) shows the Site consisted of garage and shed, located on, and surrounded by hardstanding. This Site is located within the village of Biddestone and is surrounded by residential properties, gardens, and farmland.



Figure 1. Location Plan of the Site – red line shows the Site boundary[1];

[1] Image used under licence, ©2022 Google; accessed, 20/02/2023.

Proposed Development

2.2 A planning application will be submitted for the removal and replacement of a garage at The School, The Green, Biddestone, Wiltshire (hereafter referred to as 'the Proposed Development'). The Proposed Development is shown in **Figure 2**. A shed, which lies adjacent to the Garage, will also be removed.

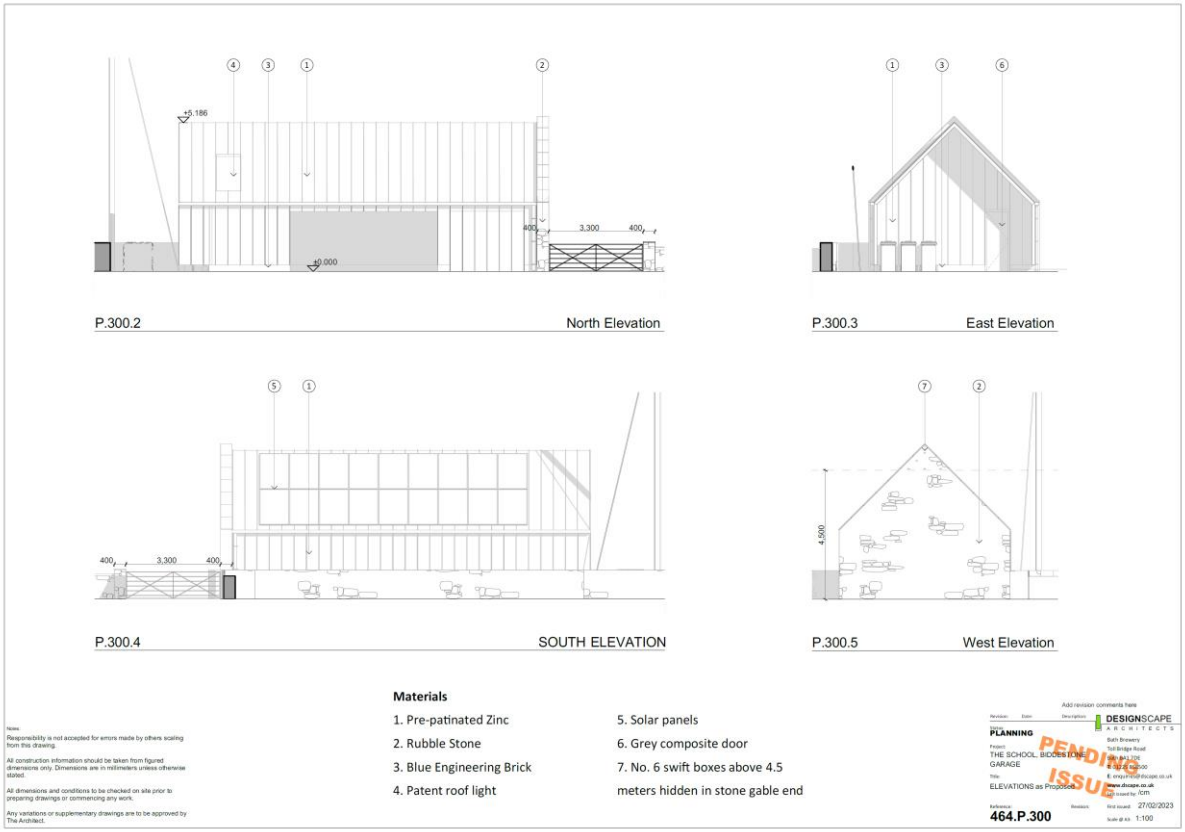


Figure 2. Proposed Elevations

Chapter 3: Method

Data Search

3.1 The data search involved researching existing ecological knowledge of the Site and its surrounding area. A data search was carried out of a 1km radius around the Site for statutory designated nature conservation sites designated for bats and granted European Protected Species Applications for bats. A 1km review of the local landscape, in relation to its suitability to support roosting, commuting, and foraging bats, was undertaken. The following data sources/organisations were accessed:

- The Multi-Agency Geographic Information for the Countryside (MAGIC) website[2] for statutory designated nature conservation sites designated for bats and granted European Protected Species Applications for bats.
- Aerial Imagery from Google Earth[3].

Preliminary Roost Assessment

3.2 The garage and shed were subject to a PRA following good practice guidelines[4] on the 17/02/23. This is an external and internal inspection survey, the purpose of which is to search for bats/evidence of bats and assess the likelihood of bats being present and the need for further survey and/or mitigation.

3.3 Prior to the external inspection, each building's age, design, location, construction materials, state of repair and current use were assessed. These were then related to the likelihood of a bat roost being present, along with consideration of which species of bat are most likely to use the building. The external inspection included searching for the following features to determine if suitable exit/entry points were present:

- Holes, gaps, cracks, and damage to masonry/walls.
- Lifted, missing, slipped, and damaged tiles, including tiles at the ridge, hip and across the roof.
- Lifted, slipped and missing areas of hanging tiles, weatherboarding, and cladding.
- Gaps/holes/damage to soffits and facias.
- Lifted flashing around air vents, chimneys, roof joints.
- Interfaces of different materials and roof designs, where construction and/or damage can cause gaps.

3.4 If suitable exit/entry points were observed during the external inspection, the following evidence of roosting bats was carefully searched for on the exterior of the building:

- Droppings (down the wall, on the floor, caught in spiderwebs, and on windowsills).
- Staining and/or clean/smoothed areas, indicative of exit/entry.
- Feeding remains, including moth/butterfly wings and beetle wing casings.

3.5 Prior to the internal inspection, the design, likely levels of disturbance, and any likely recent changes to the building were assessed. These were then related to the likelihood of a bat roost being present, along with consideration of which species of bat are most likely to use

[2] Multi-Agency Geographic Information for the Countryside (MAGIC) maps For England and Wales. Available online at: https://magic.defra.gov.uk/home.htm
[3] Google Earth. Available online at: https://earth.google.com/web/
[4] Collins, J. (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).* The Bat Conservation Trust, London.

the building. The roof space of the residential building had been converted and therefore an internal inspection was not undertaken.

3.6 The internal inspection included searching for the following evidence of roosting bats within the garage:

- Roosting bats within crevices or free hanging.
- Bat corpses (on the floor, in uncovered water tanks or other containers).
- Bat droppings, including beneath likely roosting areas.
- Feeding remains, including moth/butterfly wings and beetle wing casings.
- Scratch marks, staining and/or clean/smoothed areas, indicative of regular use.
- Bat-fly Nycteribiid spp. pupal cases.
- Gaps within the structure of the building, including:
  - Light ingress in the roof indicating access points to the outside.
  - Between the roof lining and roof covering.
  - Within the structure of walls and suitable access points to cavity or rubble-filled walls.
  - Around the structure of chimneys or within disused chimney.
  - Around lintels.
- Evidence beneath roof insulation/areas of carpet, which indicates use by bats before the insulation was installed.
- Clean swept floors, which may indicate evidence has been removed.

3.7 The following equipment was used for the Preliminary Roost Assessment:

- Elevation and baseline drawings of the building or structure.
- Close focusing Binoculars.
- Powerful torch to illuminate dark corners from the ground.
- A ladder.
- Camera to record evidence.

Assessing the suitability of the structures to support roosting bats

3.8 The assessment of the suitability of the buildings within the Site was assessed against Table 4.1 of the Bat Survey Guidelines[4]. A redacted version of the table is set out in **Table 1** below, with additional information as noted.

Suitability	Description of roosting habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions, and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e., unlikely to be suitable for maternity or hibernation).
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions, and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions, and surrounding habitat.
Confirmed*	Evidence of bats has been confirmed within the structure. A temporal scale of recent use can also be applied based upon the type of evidence found and its condition. If a roost is found it may be assigned to the following: • Confirmed, active. • Confirmed, likely active. • Confirmed, unknown if active.
Unknown**	The survey was unable to determine the suitability of the structure based on standard methods and further survey(s) is required to determine the suitability.
*This is an addition to Table 4.1 within the Bat Survey Guidelines but is based upon assertions and reasoning within the Bat Survey Guidelines. ** This is an addition to Table 4.1 within the Bat Survey Guidelines but is based upon assertions and reasoning within the Bat Survey Guidelines at 6.3.1, where the suitability of roosting features may be re-classified based on additional survey work.	

Table 1. Guidelines for assessing the potential suitability of development sites for bats, based on the presence of habitat features within the landscape, to be applied using professional judgement – redacted with additions

Reporting

3.9 The PRA has been written up within a Preliminary Roost Assessment Report, which closely follows the Preliminary Ecological Appraisal Guidelines[5], Ecological Impact Assessment Guidelines[6], and the Guidelines for Ecological Report Writing[7].

Contributor information

3.10 The PRA and associated reporting were completed by Greg Nightingale. **Table 2** outlines the relevant experience of the assessment contributor.

[5] CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal. 2nd Edition*. Chartered Institute for Ecology and Environmental Management, Winchester.
[6] CIEEM (2018). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal and Marine*. Chartered Institute for Ecology and Environmental Management, Winchester.
[7] CIEEM (2015). *Guidelines on Ecological Report Writing*. Chartered Institute for Ecology and Environmental Management, Winchester.

Contributor	Experience
Greg Nightingale BSc (Hons) MCIEEM	Greg is the Director of LUS Ecology with over nine years of ecology and environmental management in the private sector. Greg has worked extensively within the planning system, undertaking protected species surveys, habitat surveys and Ecological Impact Assessments as well as providing advice on habitat management and mitigation and enhancement design. He has designed, undertaken, and reported on numerous habitat and protected species surveys, including bespoke survey design and the implementation of numerous protected species mitigation strategies. Through his diverse experience, Greg has gained a comprehensive understanding of the planning system, ecological decision making, and the management of ecological challenges within the planning sector. Greg is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM). He has held a level two Bat Licence since 2017.

Table 2. Contributor experience

Limitations and assumptions

3.11 The shed was not accessed during the survey. The structure was well sealed with no access points for bats, the materials and design were of Negligible Suitability for roosting bats and was in active use and subject to regular disturbance.

3.12 The use of close focussing binoculars and a ladder, combined with the low height of the structures, meant that the surveyor could readily view and assess the structures in relation to their suitability to support roosting bats.

Chapter 4: Results and Assessment

Data Search

4.1 This Site was located within the village of Biddestone and was surrounded by residential properties, gardens, and farmland. The gardens of these properties, along with the surrounding pasture and woodland, formed a rural location. The surrounding landscape included mature tree lines and hedgerows, which led to areas of isolated areas of woodland within the local landscape. It was assessed that the surrounding landscape supports moderate levels of bat activity from a reasonably diverse bat assemblage.

4.2 There were no statutorily protected sites designated for bats or granted European Protected Species Applications for bats within 1km of the Site. It was anticipated that there would at least be a number of bat roosts of common and widespread bat species associated with the properties and mature trees within Biddestone.

PRA

4.3 The garage was a single-story wooden framed structure with a west facing gable and an east facing hip (**Photographs 1 and 2**). The southern elevation was open-fronted. The structure had a concrete base, with the walls built on brickwork foundations. The walls were formed of horizontal wooden boarding. The roof was dressed in slate tiles, with a lead flashing ridge. Internally, the roof was lined with ply boarding. There were no soffits, fascias, cavity walls or loft spaces/voids. A small internal room had been built into the hip end of the structure and this was used for storage (**Photograph 3**).



Photograph 1: Garage, eastern and southern elevations



Photograph 2: Garage, western and northern elevations



Photograph 3: Garage, internal small room, used for storage (accessed and assessed)

4.4 **The garage was of Negligible Suitability to support a bat roost**. The following sets out a detailed assessment of the structure:

- The building appeared to be regularly used and disturbed.
- No evidence of roosting bats was observed internally, within any cavities, within the small building or on the exterior of the garage.

- The slate tiling was in a good condition (**Photograph 4**). A single tile was lifted on the eastern elevation (**Photograph 5**). This was closely inspected with binoculars and a torch, the back of the feature could be seen and due to the angle of the lifted tile, no suitable cavity was present.
- The lead flashing was tight and well-sealed (**Photograph 4**). A few areas were slightly lifted (**Photograph 6**), and these were closely inspected and either found to be webbed, not leading to a cavity, or inaccessible for a bat.
- The wooden boarding of the walls overlapped one another slightly but did not form a cavity and any gaps within the wooden boarding led directly into the internal space of the structure (**Photograph 7**).
- The edge of the tiling was lifted along the eave of the western facing gable end. This led into a dusty and webbed area, with old debris caught in the webs (**Photograph 8**).



Photograph 4: Residential property, southeast elevation



Photograph 5: Garage, lifted tile, not leading to a cavity



Photograph 6: Garage, lifted lead flashing, cleared of debris during inspection



Photograph 7: Garage, overlapping boarding, not leading to cavities and gaps simply leading into the structure



Photograph 8: Garage, edge of the tiling with gap, entrance cleared to allow inspection but led into a dusty and webbed area, with old debris caught in the webs

4.5 The shed was a single-story wooden framed structure with a flat felt roof and singled pane window on the western elevation (**Photograph 9**). There were no soffits, fascias, cavity walls or loft spaces/voids. The structure was sealed externally, with no access points for bats to enter the structure. **The garage was of Negligible Suitability to support a bat roost**. The building is regularly used and disturbed. No evidence of roosting bats was observed externally and there are no access points for bats to enter the structure.



Photograph 9: Shed, northern and western elevations

Incidental observations

4.6 A number of old bird nests were observed along the eaves of the garage (**Photographs 10 and 11**). No other protected species or signs of protected species were observed within the vicinity of the two structures. Given the habitats present, is it not expected that other protected species were present within the Site.



Photograph 10: Garage, old bird nest, at eave



Photograph 11: Garage, old bird nest, at gable end

Chapter 5: Discussion

5.1 The garage and shed are of Negligible Suitability for roosting bats. No further survey work or mitigation is required in relation to bats. This assessment and associated survey of the garage and shed was considered robust given the lack of limitations, ease of internal survey, and the overall lack of suitable roosting features present on the structures.

5.2 No further survey work is required.

5.3 The applicant has arranged for the garage structure to be carefully dismantled by hand. In the highly unlikely event that a bat is found during the dismantlement of the structure, then works will stop, the bat will not be handled, sheltering material will be placed around the bat (if possible), and the advice of an ecologist will be sought[8].

5.4 During the PRA, a small number of old bird's nest were identified. These nests were not active at the time of survey. However, birds could use the structure to nest in the future. Therefore, the dismantlement of the garage should be undertaken outside the nesting bird season (which is generally taken to be March - August inclusive). Should it prove necessary to dismantle the garage during the bird nesting season, the area will be checked in advance for the presence of bird nests by a suitably competent person. If there is no evidence of breeding birds the repair work should be completed within 48 hours of inspection. If any active nests are identified, the repair work must wait, until the young have fledged.

5.5 The applicant has committed to the provision of six internally mounted swift boxes as an ecological enhancement. These boxes will be internally mounted on the west facing elevation, set back from the exterior wall to provide additional protection from summer heat, located at 4.5 m, and positioned with a clear flight line.

5.6 The legislation and planning context in relation to bats and birds is set out in **Appendix B**.

5.7 Based on the results from the survey, context of the Site, and overall low ecological importance of the Site, this report is valid for a period of 18 months (i.e., the 17/08/2024). This is reasoned in line with good practice guidelines[9].

[8] This is included as a precaution to ensure the applicant is aware of the correct course of action should a bat be found. The inclusion of this statement should not detract from the overall assessment outcome.
[9] CIEEM (2019). *Advice Note: On the Lifespan of Ecological Reports and Surveys*. Chartered Institute for Ecology and Environmental Management, Winchester.

Appendix A: Legislation and Planning Policy

The following local policy, national planning policy and legislation relating to nature conservation and biodiversity status, are considered of relevance to the current proposal.

Planning and biodiversity

Local Authorities have a requirement to consider biodiversity and conservation issues when determining planning applications. Core Policy 50: Biodiversity and Geodiversity is the main policy of relevance to the Site and this report. The policy reads:

*"**Core Policy 50***

Biodiversity and geodiversity

Protection

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services.

All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraphs 6.75-6.77 above where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no adverse effect upon the Natura 2000 network. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy.

Biodiversity enhancement

All development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. Such enhancement measures will contribute to the objectives and targets of the Biodiversity Action Plan (BAP) or River Basin/ Catchment Management Plan, particularly through landscape scale projects, and be relevant to the local landscape character.

Local sites

Sustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances where it has been demonstrated that such impacts:

i. cannot reasonably be avoided
ii. are reduced as far as possible
iii. are outweighed by other planning considerations in the public interest
iv. where appropriate compensation measures can be secured through planning obligations or agreements.

Development proposals affecting local sites must make a reasonable contribution to their favourable management in the long-term."

Chapter 15, Conserving and enhancing the natural enplanement of the National Planning Policy Framework (NPPF) includes the following:

"174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

179. To protect and enhance biodiversity and geodiversity, plans should:

a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity61; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
b) *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.*

180. When determining planning applications, local planning authorities should apply the following principles:

a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons63 and a suitable compensation strategy exists; and*
d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

Legislation and biodiversity

Certain species of animals and plants found in the wild in the UK are legally protected from being harmed or disturbed. These species are listed in the Wildlife and Countryside Act 1981 (as amended) or are named as European Protected Species (EPS) in The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (as amended). These two main pieces of legislation have been consulted when writing this report and are therefore described in detail within this section.

Other relevant legislation and policy documents that have been consulted include:

- Protection of Badgers Act (1992)
- The Countryside and Rights of Way Act 2000
- The Hedgerow Regulations 1997
- Biodiversity Action Plans, both UK-wide (UKBAP), Local plans (LBAPs) and similar nature partnership plans.

Wildlife & Countryside Act 1981 (as amended)

The Wildlife & Countryside Act 1981 (as amended; WCA) is the primary legislation for England and Wales for the protection of flora, fauna, and the countryside. Part I within the Act outlines the protection of wildlife.

Most offences are now covered under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (as amended), but some 'intentional' acts are still covered under the WCA, such as obstructing access to a bat roost.

The provisions relating to animals in the WCA only apply to 'wild animals'; these are defined as those that are living wild or were living wild before being captured or killed. It does not apply to captive bred animals being held in captivity.

There are 'defences' provided by the WCA. These are cases where acts that would otherwise be prohibited by the legislation are permitted, such as the incidental result of a lawful operation which could not be reasonable avoided, or actions within the living areas of a dwelling house.

Certain prohibited actions under the WCA may be undertaken under licence by the proper authority. For example, scientific study that requires capturing or disturbing protected animals can be allowed by obtaining a licence.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (as amended)

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (as amended; The Regulations), which are the principal means by which the EC Habitats Directive is transposed in England and Wales update the legislation and consolidate all the many amendments which have been made since they were first made in 1994.

The Regulations provide for the:

- Protection of European Protected Species (EPS; animals and plants listed in Annex IV Habitats Directive which are resident in the wild in Great Britain), including: bats, hazel dormice, great crested newts, otters, sand lizard, and smooth snake.
- Designation and protection of domestic and European Sites (e.g., Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protected Areas (SPA).
- adaptation of planning controls for the protection of such sites and species.

Public bodies (including the Local Planning Authority) have a duty to have regard to the requirements of the Habitats Directive in exercising their function (e.g., when determining a planning application).

There is no defence that an act was the incidental and unavoidable result of a lawful activity.

It is possible for actions which would otherwise be an offence under The Regulations to be undertaken under licence issued by the proper authority. For example, where an EPS has been identified and the development risks deliberately affecting an EPS, then a 'development licence' may be required.

Species Protection

The following protected species information is relevant to this report. Legislation is only discussed in relation to planning and development; other offences may exist.

Bats

All British bats are classed as EPS and therefore receive protection under The Regulations, making it an offence to:

- Deliberately kill, injure, or capture a bat.
- Deliberately disturb bats.
- Damage or destroy a breeding site or resting place of a bat.

In addition, all British bats are also listed under Schedule 5 of the WCA, which contains further provisions making it an offence to intentionally or recklessly:

- Obstruct access to any structure or place which any bat uses for shelter or protection.
- Disturb any bat while occupying a structure or place which it uses for that purpose.

If proposed development work is likely to destroy or disturb bats or their roosts, then a licence will need to be obtained from Natural England, which would be subject to appropriate measures to safeguard bats.

Birds

In the UK, the provisions of the Birds Directive are implemented through the WCA and The Regulations. All wild birds, their nests and eggs are protected, and it is an offence to:

- Kill, injure, or take any wild bird.
- Take, damage or destroy the nest of any such bird whilst it is in use or being built.
- Take or destroying an egg of any such wild bird.

The law covers all species of wild birds including common, pest or opportunistic species. Special protection against disturbance during the breeding season is also afforded to those species listed on Schedule 1 of the Act.