

# **Environmental Statement Chapter 7**

## **Technical Appendix 7.1: Wildlife Legislation and Conservation Status**

### **Land East of Blackmore Farm, Melksham**

**Gleeson Land Ltd**

**March 2026**

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# 1 Wildlife legislation

## 1.1 *Environment Act 2021*

1.1.1 The Environment Act 2021 includes various provisions for improving the natural environment, including:

- The requirement that planning permission in England will be granted subject to a pre-works commencement condition that requires approval of a Biodiversity Net Gain (BNG) plan with a minimum 10% gain;
- The requirement for preparation and publication of Local Nature Recovery Strategies (LNRSs), which will include a statement of biodiversity priorities and a local habitat map that covers the whole strategy area;
- The requirement for Natural England to produce Species Conservation Strategies (SCSs) and Protected Site Strategies (PSSs);
- Extension of the general biodiversity duty placed on public authorities by Section 40 of the NERC Act from being 'a duty to conserve biodiversity' to being 'a duty to enhance biodiversity' and introduction of a requirement that, in so doing, they must have particular regard to any relevant LNRS and any relevant SCSs and PSSs.

## 1.2 *Conservation of Habitats and Species Regulations 2017 (as amended)*

1.2.1 These Regulations, also referred to as the 'Habitats Regulations', provide for the designation and protection of 'European Sites' (the National Site Network). They convey a statutory requirement for local planning authorities to undertake a 'Habitats Regulations Assessment' of the potential impacts of plans and projects, including development proposals, on European Sites. The provisions also include protection of 'European Protected Species' (EPS). Under the Regulations, local planning authorities have to consider three 'derogation tests' when deciding whether to grant permission for a development that affects an EPS, which are as follows:

- the development must be for over-riding public interest or for public health and safety;
- there are no satisfactory alternatives to the proposed development; and
- the favourable conservation status of the EPS concerned must be maintained.

## 1.3 *Wildlife and Countryside Act 1981 (as amended)*

1.3.1 This Act is the principal wildlife legislation in Great Britain. It includes provisions for important habitats to be designated and protected as Sites of Special Scientific Interest (SSSIs). Numerous plant and animal species, and the places that they use for shelter and protection, are also protected under the Act, including all birds, their nests and eggs.

## 1.4 *Countryside and Rights of Way Act 2000*

1.4.1 Referred to as the CROW Act, this legislation increases the protection of SSSIs and strengthens wildlife enforcement action. The Act also strengthens the protection of protected species under the Wildlife and Countryside Act 1981 (as amended) through the introduction of a new offence of 'reckless disturbance'.

## 1.5 *Natural Environment and Rural Communities Act 2006*

1.5.1 This Act places a duty on all public bodies and statutory undertakers to have due regard to the conservation of biodiversity in all their functions. It also requires the publication of a list of habitats and species of principal importance for the conservation of the biodiversity. This list,

known as the Section 41 list, includes all Priority Habitats and Species of Principal Importance for the Conservation of Biodiversity in England.

**1.6     *Protection of Badgers Act 1992***

- 1.6.1 This Act was introduced primarily for animal welfare reasons, as opposed to species conservation. It provides protection of badgers and their setts.

**1.7     *Hedgerow Regulations 1997 (as amended)***

- 1.7.1 These Regulations include provisions for the protection of hedgerows and make it an offence to remove 'important' hedgerows without consent from the local planning authority. Where planning permission is granted for a development proposal, the removal of 'important' hedgerows is deemed to be permitted.

## 2 Species legislation and conservation status

### 2.1 Invertebrates

- 2.1.1 A number of UK invertebrates are protected under UK legislation, including the Wildlife and Countryside Act 1981 (as amended). In addition, numerous species are Priority Species.

### 2.2 Plants

- 2.2.1 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.

- 2.2.2 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.

- 2.2.3 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.

### 2.3 Amphibians

- 2.3.1 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 (CROW) 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.

- 2.3.2 Great crested newt and common toad (*Bufo bufo*) are Priority Species.

### 2.4 Reptiles

- 2.4.1 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.

## 2.5 Birds

2.5.1 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 (CROW) 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.

2.5.2 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.

2.5.3 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 (Stanbury et al., 2021). Of the 245 species assessed, 70 were placed on the Red List of high conservation concern, 103 on the Amber List of medium conservation concern and 72 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.

## 2.6 Badgers

2.6.1 Badger (*Meles meles*) is a widespread and common species. However, they are legally protected under The Protection of Badgers Act 1992, due to animal welfare concerns. Under this legislation it is illegal to:

- Wilfully 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.

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

## 2.7 Bats

2.7.1 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 below:

| 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               |

| Common name            | Scientific name                  | IUCN Red List* | Priority Species |
|------------------------|----------------------------------|----------------|------------------|
| 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

2.7.2 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). 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.

2.7.3 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.

## 2.8 Otter

2.8.1 Otters (*Lutra lutra*) are fully protected under UK legislation, including the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way (CROW) 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.

2.8.2 Otter is a Priority Species.

## 2.9 Water vole

2.9.1 Water voles (*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.

2.9.2 Water vole is a Priority Species.

## **2.10 Common/Hazel dormouse**

2.10.1 The hazel dormouse (*Muscardinus avellanarius*) is fully protected under UK legislation, including the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way (CROW) 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 dormouse.
- Damage or destroy any structure or place used for shelter or protection by a dormouse; or intentionally or recklessly obstruct access to such a place.
- Deliberately, intentionally or recklessly disturb a dormouse whilst it is occupying a structure or place which it uses for shelter or protection.

2.10.2 Hazel dormouse is a Priority Species.

### 3 References

- 3.1.1 Stanbury A, Eaton M, Aebischer N, Balmer D, Brown A, Douse A, Lindley P, McCulloch N, Noble D and Win I (2021) The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *Brit. Birds* 114: 723–747.



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