



## Planning: European Protected Species

The Government website Gov UK gives advice on the [Protected Species most affected by development](#), as well as information on relevant legislation, case law and policy.

For a full list of protected species under the relevant legislation, please see Natural England's [protected species lists](#). An explanation of legislation and policy on protected species can be found on [Natural England's](#) website.

European Protected Species are animals and plants that receive protection under the Conservation of Habitats and Species Regulations in addition to the Wildlife and Countryside Act 1981. Under the Wildlife and Countryside Act 1981 it is an offence to take eggs from the active nest of wild birds or to intentionally or recklessly remove, damage or destroy nests while they are in use or being built. Birds listed under [Schedule 1](#) are protected from disturbance while nesting. For more information see our planning leaflet on birds. [Section 9](#) outlines the protection given to the wild animals in [Schedule 5](#). There are varying levels of protection depending upon the species. Animals which may not be killed or taken by the methods outlined in [Section 11](#) are listed under [Schedule 6](#).

It is illegal to intentionally uproot **any** wild plant without the permission of the landowner. However, even with the landowner's permission, it is still an offence to pick, uproot or destroy the plants listed under [Schedule 8](#).

The Conservation of Habitats and Species Regulations provide stringent protection for animals and plants. It is an offence to capture, kill or disturb; deliberately to take or destroy the eggs; or to damage or destroy a breeding site or resting place of a European Protected Species



Ofters - Carl Watts



Avocet - Gary Cox

listed in [Schedule 2](#). It is also an offence to deliberately pick, collect, cut, uproot or destroy the wild plants listed in [Schedule 5](#) or for any purpose to possess, sell or exchange such a plant.

[The Protection of Badgers Act 1992](#) makes it a serious offence to kill, injure or take a badger, or to damage



Great crested newt - Mike Richardson



or interfere with a sett unless a licence is obtained from a statutory authority. The 1992 Act specifically defines a sett as “any structure or place which displays signs indicating current use by a badger”. [Guidance on interpretation of this definition](#). Interference with a sett includes blocking tunnels or damaging the sett in any way. Please note the amendments to the above legislation as a result of the [Hunting Act 2004](#).

## Other Planning Guidance and Legislation

The protection of such important species is assisted by various British and EU planning mechanisms. The

[National Planning Policy Framework](#) [NPPF] states that the planning system should contribute to and enhance natural environments by minimising impacts on biodiversity, and providing net biodiversity gains where possible. [NERC 2006](#) includes the ‘duty to conserve biodiversity’ which includes ‘restoring or enhancing a population or habitat’ (S.40(3)). The EU [Habitats Directive](#) and [Birds Directive](#) give legal backing to Special Areas of Conservation and Special Protection Areas which form a network of protected nature sites across Britain called Natura 2000.

## What to do if concerned about possible threats to protected species

- If you believe a protected species to be under direct threat, contact your local [Wildlife Crime Officer](#) (scroll down to the bottom of the page)
- If the threat is as a result of a proposed development, contact the planning officer dealing with the application at [your local authority](#) to ensure adequate procedures have been followed
- You may also wish to contact Natural England who are the statutory authority for protected species
- Some species have [local action groups](#) such as, Local Badger Groups and Local Bat Groups, who may also be able to provide you with advice.