

For additional advice on wildlife and veteran trees:

Natural England enquiry service

Telephone (local rate): **0845 600 3078**

email: enquiries@naturalengland.org.uk website: www.naturalengland.org.uk

Bat Conservation Trust

Unit 2, 15 Cloisters House, 8 Battersea Park Road, London SW8 4BG

Tel: **020 7627 2629** Bat helpline: **0845 1300 228** (local rate but does not include calls from a mobile) Fax: **020 7627 2628**

email: enquiries@bats.org.uk website: www.bats.org.uk

English Heritage website:

www.english-heritage.org.uk

Ancient tree forum via Woodland trust website:

www.woodland-trust.org.uk

Tree Register website:

www.treeregister.org

Useful contacts and references:

Contact the Tree Team by e-mail at trees@westberks.gov.uk

or phone on **01635 551111** for Council owned trees and general queries.

Contact the Tree Officers for tree works applications, trees and planning applications and trees in Conservation Areas.

The Tree Officer for the Eastern Area is Jon Thomas

Contact Jon at jon.thomas@westberks.gov.uk

or on Tel: **01635 519611** ext 2611

The Tree Officer for the Western Area is Andrew Giles

Contact Andrew at andrew.giles@westberks.gov.uk

or on Tel: **01635 519349** ext 2349

West Berkshire Council

Environment

Market Street

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RG14 5LD

www.westberks.gov.uk

If you require this information in an alternative format or translation, please call 01635 5191111

Environment

Wildlife and trees



The purpose of this leaflet is to advise you of your responsibilities under the Wildlife and Countryside Act 1981 as amended, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats) Regulations 1994 if you are planning to carry out tree work. These Acts and Regulations protect ALL wild birds, their nests (whether in use or being built) and eggs and other wild animals including bats and their roosts in or adjacent to trees.

In simple terms, you should make sure that there are no wild birds nesting in or bats roosting in or adjacent to the tree[s] that you are proposing to work on. It is a criminal offence to recklessly or intentionally destroy any bird, its nest or its eggs or any bat or its roost (even if the roost is not occupied at the time). Please note that if your trees are protected (either subject to a tree preservation order or by virtue of growing in a conservation area), obtaining consent from the council will not override your responsibilities under the above wildlife acts.

There are many ecological considerations on sites with and without trees and the main focus of this brief guidance relates to sites with trees and species that may be found living in trees and woodlands.

Bats

All native species of bat in the UK are afforded full legal protection via Schedules 5 and 6 of the Wildlife & Countryside Act, 1981 (as amended) and the Conservation (Natural Habitats, &c) Regulations, 1994 (The Habitats Regulations), which implements the EC Directive 92/43/EEC. In summary, these legislative instruments make it an offence, with certain exceptions, to carry out the following:

- Intentionally or deliberately kill, injure or capture bats
- Deliberately disturb bats (whether in a roost or not)
- Intentionally or recklessly disturb bats while occupying a bat roost;
- Intentionally or recklessly damage, destroy or obstruct access to a bat roost.

Therefore it is advised that prior to any tree works being carried out that a bat survey is carried out to identify if bats may be roosting within the tree(s).

Badgers

Under the Protection of Badgers Act, 1992 it is currently illegal to:

- Wilfully kill, injure or take any Badger or attempt to do any of these things
- Cruelly ill-treat Badgers, or to dig for them
- Have in your possession any dead Badger or part of one, or an object derived from one
- Have in your possession or control a living, healthy Badger or sell one or offer one for sale
- Intentionally or recklessly damage, destroy or obstruct access to any part of a Badger sett, to cause a dog to enter a sett or to disturb a Badger while it is in a sett.

Badgers are also protected under Schedule 6 of the Wildlife & Countryside Act, 1981 (as amended), which prohibits them being killed or taken by certain methods. Therefore it is advised that all works are carried out in compliance with the legislation that protects Badgers if they are present on or adjacent to the site.

Birds

The Wildlife and Countryside Act, 1981 (as amended) provides protection to birds, from intentional killing, injuring or taking of any wild bird or taking, damaging or destroying the nest or eggs of any wild bird. All bird species, their nests and eggs are protected. Under Section 1 it is an offence to intentionally:

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

Therefore it is advised that all trees, vegetation and buildings to be cleared outside the breeding bird season, which is March to August.

Great Crested Newt

Great Crested Newts are protected under Schedules 5 and 6 of the Wildlife and Countryside Act, 1981 (as amended) and within the Conservation (Natural Habitats etc) Regulations, 1994, which protects Great Crested Newts from harm, injury and deliberate capture, killing, disturbance, damage and destruction of eggs, breeding sites or resting places. This includes deliberate or reckless damage or disturbance.

Reptiles

All of the reptile species native to Britain are protected by the Wildlife & Countryside Act, 1981 (as amended). This means that it is illegal to deliberately kill or injure a reptile, although their habitat is not protected. Therefore, there is a legal obligation to make a reasonable effort in removing reptiles from a site where there is considered a risk of causing harm to them.

Dormice

Dormice are protected by inclusion on Schedules 5 and 6 of the Wildlife and Countryside Act, 1981 (as amended) and the Conservation (Natural Habitats etc.) Regulations, 1994.

Veteran trees

These are trees of interest biologically, aesthetically or culturally because of their age, size and condition. Trees in the ancient stage of their lives or that are old relative to others of the same species. They are particularly important wildlife habitats and support many species that cannot live anywhere else. They are often a home to small fascinating species of fungi, beetles and mosses too.

For more information visit www.woodland-trust.org.uk or www.naturalengland.org.uk